

1-27-83
Vol. 48 No. 19
Pages 3711-3930

Federal Register

Thursday
January 27, 1983

Selected Subjects

Administrative Practice and Procedure
Postal Rate Commission

Air Pollution Control
Environmental Protection Agency

Air Transportation
Civil Aeronautics Board

Authority Delegations (Government Agencies)
Agriculture Department
Civil Aeronautics Board

Aviation Safety
Federal Aviation Administration

Bridges
Coast Guard

Coal Mining
Surface Mining Reclamation and Enforcement Office

Endangered and Threatened Wildlife
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Exports
International Trade Administration

Freight
Civil Aeronautics Board

Marine Safety
Coast Guard

Marketing Agreements
Agricultural Marketing Service

Medicaid and Medicare
Health Care Financing Administration

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Natural Gas

Federal Energy Regulatory Commission

Organization and Functions (Government Agencies)

Animal and Plant Health Inspection Service

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Pension Benefit Guaranty Corporation

Price Support Programs

Commodity Credit Corporation

Radio Broadcasting

Federal Communications Commission

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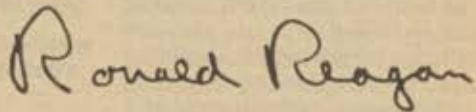
Presidential Determination No. 82-17 of June 2, 1982

The President

Determination under subsection 402 (d)(5) and (d)(5)(C) of the Trade Act of 1974—Continuation of Waiver Authority**Memorandum for the Secretary of State**

Pursuant to the authority vested in me under the Trade Act of 1974, (Public Law 93-618, January 3, 1975; 88 Stat. 1978) (hereinafter "the Act"), I determine, pursuant to subsection 402 (d)(5) and (d)(5)(C) of the Act, that the further extension of the waiver authority granted by subsection 402(c) of the Act will substantially promote the objectives of Section 402 of the Act. I further determine the continuation of the waivers applicable to the Socialist Republic of Romania, the Hungarian People's Republic and the People's Republic of China will substantially promote the objectives of Section 402 of the Act.

This determination shall be published in the Federal Register.



THE WHITE HOUSE,
Washington, June 2, 1982.

Rules and Regulations

Federal Register

Vol. 48, No. 19

Thursday, January 27, 1983

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

DEPARTMENT OF AGRICULTURE

Office of the Secretary

7 CFR Part 2

Revision of Delegations of Authority

AGENCY: Office of the Secretary, USDA.

ACTION: Final rule.

SUMMARY: This document revises the delegations of authority from the Secretary of Agriculture and general officers of the Department to reflect the abolishment of the Marketing and Inspection Management Staff, and the transfer of the functions of that Staff to the Administrator, Agricultural Marketing Service.

EFFECTIVE DATE: January 27, 1983.

FOR FURTHER INFORMATION CONTACT: Richard Hooper, Administrative Services Division, Agricultural Marketing Service, Department of Agriculture, Washington, D.C., (202) 447-4906.

SUPPLEMENTARY INFORMATION: This document removes the delegations of authority to the Director, Marketing and Inspection Management Staff. The function of providing management support services for the Federal Grain Inspection Service, the Office of Transportation, the Agricultural Cooperative Service, and the Packers and Stockyards Administration, will be provided by the Administrator, Agricultural Marketing Service.

This rule relates to internal agency management. 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 Executive Order 12291. Finally, this action is not a rule as defined by the Regulatory Flexibility Act, and thus is exempt from the provisions of that Act.

List of Subjects in 7 CFR Part 2

Authority delegations—Government agencies.

PART 2—DELEGATIONS OF AUTHORITY BY THE SECRETARY OF AGRICULTURE AND GENERAL OFFICERS OF THE DEPARTMENT

Accordingly, 7 CFR Part 2 is amended as follows:

1. The authority citation for Part 2 reads as follows:

Authority: 5 U.S.C. 301 and Reorganization Plan No. 2 of 1953, except as otherwise noted.

2. Section 2.50 is amended by adding a new paragraph (a)(8) to read as follows:

§ 2.50 Administrator, Agricultural Marketing Service.

(a) * * *

(8) Provide management support services for the Federal Grain Inspection Service, the Office of Transportation, the Agricultural Cooperative Service, and the Packers and Stockyards Administration as agreed upon by the agencies with authority to take actions required by law or regulation. As used herein, the term management support services includes budget, finance, personnel, procurement, property management, communications, paperwork management, ADP support, and related administrative services.

* * *

§ 2.57 [Reserved]

3. Section 2.57 is removed and reserved.

Dated: January 19, 1983.

C. W. McMillan,

Assistant Secretary for Marketing and Inspection Services.

Dated: January 19, 1983.

Concurred:

John R. Block,

Secretary of Agriculture.

[FR Doc. 83-2106 Filed 1-26-83; 8:45 am]

BILLING CODE 3410-01-M

Animal and Plant Health Inspection Service

7 CFR Part 371

Organization, Functions, and Delegations of Authority

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: This document revises the statement of organization of the Animal and Plant Health Inspection Service by expanding the functions of the Deputy Administrator for Veterinary Services to include responsibility for the administration of international programs as well as national programs to protect the health of the Nation's livestock and poultry resources; to make certain editorial changes in functions of the National Brucellosis Eradication Program; and to include responsibility for EEO and Civil Rights activities in the functional statement for the Deputy Administrator for Management.

EFFECTIVE DATE: January 27, 1983.

FOR FURTHER INFORMATION CONTACT: John C. Frey, Animal and Plant Health Inspection Service, USDA, 6505 Belcrest Rd., Hyattsville, MD 20782 (301-436-6468).

SUPPLEMENTARY INFORMATION: The changes included in this document are basically editorial. The Deputy Administrator for Veterinary Services (VS) has traditionally had the responsibility for all VS programs and related activities. This document clarifies the responsibility of the Deputy Administrator to include international programs to protect the health of the Nation's livestock and poultry as well as the more traditional national animal disease programs. The responsibility for developing objectives, policies and procedures for the National Brucellosis Eradication Program is not seen as a separate functional element but as part of the overall planning and formulation of policies, programs and activities as they affect the national effort to eradicate Brucellosis. By removing § 371.4(d)(4), the entire function is fully described by § 371.4(d)(1). Finally, the responsibility for EEO and Civil Rights activities, transferred from the Office of the Administrator to the Human Resources Division (47 FR 19961, May 10, 1982), is included in the functional

responsibilities of the Deputy Administrator for Management, who provides administrative direction to the Human Resources Division.

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 Pub. L. 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 317—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 the introductory text of paragraph (d)(2) and by revising paragraph (e)(2) to read as follows:

§ 371.2 The Office of the Administrator.

(d) * * *

(2) Planning, providing leadership, formulating and coordinating policies, issuing regulations (including quarantines) pursuant to laws, and directing the administration of the national and international programs to protect the health of the Nation's livestock and poultry resources, assuring quality and safety of veterinary biologics, and providing for the welfare and humane treatment of certain animals, and related activities involving:

(e) * * *

(2) Planning, providing leadership, formulating and coordinating policies, and directing administrative management support functions of the Agency, including EEO and Civil Rights, budget and finance, personnel, administrative services, and automated data processing activities.

3. Section 371.4 is amended by removing and reserving paragraph (d)(4).

§ 371.4 Veterinary services.

(d) * * *

(4) [Reserved]

Issued at Washington, D.C., this 12th day of January 1983.

Harry C. Mussman,
Administrator.

[FR Doc. 83-2305 Filed 1-26-83; 8:45 am]

BILLING CODE 3410-34-M

Agricultural Marketing Service

7 CFR Part 907

[Navel Orange Reg. 563]

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

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation establishes the quantity of fresh California-Arizona navel oranges that may be shipped to market during the period January 28, 1983—February 3, 1983. Such action is needed to provide for orderly marketing of fresh navel oranges for this period due to the marketing situation confronting the orange industry.

EFFECTIVE DATE: January 28, 1983.

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

SUPPLEMENTARY INFORMATION:

Findings

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

This regulation is issued under the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of navel oranges grown in Arizona and designated part of California. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The action is based upon the recommendation and information submitted by the Navel Orange

Administrative Committee and upon other available information. It is hereby found that this action will tend to effectuate the declared policy of the Act.

This action is consistent with the marketing policy for 1982-83. The marketing policy was recommended by the committee following discussion at a public meeting on September 21, 1982. The committee met again publicly on January 25, 1983 at Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended a quantity of navel oranges deemed advisable to be handled during the specified weeks. The committee reports the demand for navel oranges is good.

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

List of Subjects in 7 CFR Part 907

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

1. Section 907.863 is added as follows:

§ 907.863 Navel Orange Regulation 563.

The quantities of navel oranges grown in California and Arizona which may be handled during the period January 28, 1983 through February 3, 1983, are established as follows:

- (1) District 1: 1,550,000 cartons;
- (2) District 2: Unlimited cartons;
- (3) District 3: Unlimited cartons;
- (4) District 4: Unlimited cartons.

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

Dated: January 26, 1983.

D. S. Kuryloski,
Deputy Director, Fruit and Vegetable
Division, Agricultural Marketing Service.

[FR Doc. 83-1719 Filed 1-26-83; 12:52 pm]

BILLING CODE 3410-02-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 82-CEF-13-AD; Amendment 39-4551]

DeHavilland Model DHC-3 (Military U-1A) Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new Airworthiness Directive (AD) applicable to DeHavilland Model DHC-3 (Military U-1A) airplanes which requires inspection and, if necessary, rework and replacement of the wing strut to fuselage tie-bar lugs. One case of internal corrosion in the tie-bar and several cases of corrosion in the external lug area of the tie-bar have been reported. The inspections will detect corrosion damage, allowing rework and replacement before this damage reduces the structural integrity of the tie-bar assembly sufficiently to cause failure.

EFFECTIVE DATE: February 3, 1983.

Compliance: As prescribed in the body of the AD.

ADDRESSES: DeHavilland Service Bulletin S/B No. 3/37 Revision "A" dated May 14, 1982, applicable to this AD may be obtained from DeHavilland Aircraft of Canada, Limited, Downsview, Ontario, Canada M3Y 1A5. A copy of this information is also contained in the Rules Docket, FAA, Office of the Regional Counsel, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT: Charles Birkenholz, FAA, New England Region, New York Aircraft Certification Office, ANE-172, 181 South Franklin Avenue, Valley Stream, New York 11581 (516) 791-6220.

SUPPLEMENTARY INFORMATION: Several DeHavilland Model DHC-3 airplanes were found in service with corrosion on the wing strut to fuselage attachment tie-bar assembly. The corrosion is predominantly in the external lug area with one instance of corrosion within the tie-bar in the internal channel section under the cabin floor. The corrosion was determined to be aggravated by a saltwater environment. DeHavilland issued Service Bulletin S/B No. 3/37 in January 1982 with a revision (Revision "A") in May 1982 to provide for annual inspection of these areas. This service bulletin provides for inspection and rework of both the tie-

bar and the tie-bar lugs and requires replacement if the rework results in removal of material beyond established limits. This special annual inspection has been incorporated into the DHC-3 maintenance manual. DOT, Transport Canada issued AD-CF-82-26 effective September 30, 1982, requiring these inspections, rework and replacement.

Since the FAA has determined that the unsafe condition described herein is likely to exist or develop in other airplanes of the same type design, an AD is being issued requiring inspection and rework and replacement, as necessary, of the tie-bar and tie-bar lugs on DeHavilland Model DHC-3 (Military U-1A) airplanes. Because an emergency condition exists that requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impractical and contrary to the public interest, and good cause exists for making this amendment effective in less than 30 days.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

Adoption of the Amendment

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

DeHavilland: Applies to Model DHC-3 (Military U-1A) airplanes certificated in any category.

Compliance: Required within 30 days after the effective date of this AD unless already accomplished in the last 11 months, and at intervals not to exceed each 12 months thereafter, unless already accomplished.

To prevent corrosive deterioration of the wing strut to fuselage attachment structure, accomplish the following:

(a) Visually inspect each wing strut tie-bar for internal corrosion in accordance with paragraph 5 in the Inspection Section of Service Bulletin S/B No. 3/37 Rev. "A" dated May 14, 1982 (hereinafter referred to as the Service Bulletin).

(1) If no corrosion is found, proceed to the inspection specified in paragraph (b) of this AD.

(2) If evidence of corrosion is found, prior to further flight, remove corrosion, check for depth of corrosion and inspect for cracks using dye penetrant methods as prescribed in paragraph 6 of the Replacement Section of the Service Bulletin.

i. If corrosion is within limits and no cracks are evident, proceed to the inspection in paragraph (b) of this AD.

ii. If corrosion exceeds limits, or cracks are evident, replace the tie-bar

with an airworthy part in accordance with the Replacement Section of the Service Bulletin.

(b) Visually inspect all tie-bar lugs for corrosion in accordance with paragraph 9 of the Inspection Section of the Service Bulletin.

(1) If no corrosion is found and paragraph (a) of this AD has been complied with, the airplane may be returned to service.

(2) If evidence of corrosion is found, prior to further flight, remove corrosion, check lug minimum thickness and, using a dye penetrant, check lug for cracks in accordance with paragraphs 9 through 11 of the Inspection Section of the Service Bulletin.

i. If lug minimum thickness is within limits and no cracks were found and paragraph (a) of this AD above has been complied with, the airplane may be returned to service.

ii. If lug minimum thickness does not meet minimum specified thickness or, if cracks are found, prior to further flight, replace the tie-bar in accordance with the Replacement Section of the Service Bulletin.

(c) The airplane may be flown in accordance with FAR 21.197 to a location where the requirements of this AD may be accomplished.

(d) An equivalent method of compliance with this AD may be used if approved by the Manager, New York Aircraft Certification Office, ANE-170, 181 South Franklin Avenue, Room 202, Valley Stream, New York 11581.

This amendment becomes effective on February 3, 1983.

(Secs. 313(a), 601 and 603 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421 and 1423); Sec. 6(c) Department of Transportation Act (49 U.S.C. 1855(c)); Sec. 11.89 of the Federal Aviation Regulations (14 CFR Sec. 11.89))

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

Issued in Kansas City, Missouri, on January 18, 1983.

Murray E. Smith,
Director, Central Region.

[FR Doc. 83-2034 Filed 1-26-83; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 82-ASW-73]

Designation of Federal Airways, Area Low Routes, Controlled Airspace, and Reporting Points; Alteration of Transition Area and Control Zone: Hot Springs, AR

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment will alter the transition area and control zone at Hot Springs, AR. The intended effect of the amendment is to provide adequate controlled airspace for aircraft executing standard instrument approach procedures (SIAP's) to Memorial Field. This amendment is necessary since a review of the designated airspace revealed that it is improperly described and in some cases excessive for the protection of aircraft.

EFFECTIVE DATE: April 14, 1983.

FOR FURTHER INFORMATION CONTACT: Kenneth L. Stephenson, Airspace and Procedures Branch (ASW-535), Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, TX 76101, telephone (817) 624-4911, extension 302.

SUPPLEMENTARY INFORMATION:

History

On November 22, 1982, a notice of proposed rulemaking was published in the *Federal Register* (47 FR 52487) stating that the Federal Aviation Administration proposed to alter the Hot Springs, AR, transition area and control zone. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the Federal Aviation Administration. Comments were received without objections. Except for editorial changes, this amendment is that proposed in the notice.

List of Subjects in 14 CFR Part 71

Control zones, transition areas.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, by the Administrator, Subpart G of Part 71, § 71.181, and Subpart F of Part 71, § 71.171, of the Federal Aviation Regulations (14 CFR

Part 71) as republished in Advisory Circular AC 70-3 dated January 29, 1982, is amended, effective 0901 GMT, April 14, 1983, as follows:

Subpart G 71.181:

Hot Springs, AR, Revised

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Memorial Field (latitude 34°28'41" N., longitude 93°05'46" W.) and within 5 miles each side of the 235° bearing of the LOM extending from the 8.5-mile radius area to 16 miles southwest of the LOM.

Subpart F 71.171:

Hot Springs, AR, Revised

Within a 5-mile radius of Memorial Field (latitude 34°28'41" N., longitude 93°05'46" W.) and within 2.5 miles each side of the Hot Springs VOR 242° radial extending from the 5-mile radius area to 7 miles southwest of the VOR. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective dates and times will thereafter be continuously published in the Airport/Facility Directory.

(Sec. 307(a), Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.61(c))

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

Issued in Fort Worth, TX, on January 19, 1983.

F. E. Whitfield,

Acting Director, Southwest Region.

[FR Doc. 83-2162 Filed 1-26-83; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 82-ASO-56]

Designation of Federal Airways, Area Low Routes, Controlled Airspace, and Reporting Points; Alteration of Control Zone, Anderson, South Carolina; Correction

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Correction of final rule.

SUMMARY: This action corrects the description of the amended Anderson, South Carolina, control zone. The final rule published in the *Federal Register* (47 FR 57486) on Monday, December 27, 1982, altered the Anderson, South Carolina, control zone by correcting the geographical coordinates of the Anderson County Airport. When the control zone was redefined, the geographical coordinates of the airport were erroneously listed. The purpose of this amendment is to correct the defectively written description. Since this action is editorial in nature, further notice and public procedure are not necessary. The effective date of this correction coincides with the effectivity of the original amendment. To avoid confusion, the complete description, as corrected, is presented in the text of this corrective amendment.

EFFECTIVE DATE: 0901 G.m.t., February 17, 1983.

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

List of Subjects in 14 CFR Part 71

Aviation safety, Airspace, Control zone.

SUPPLEMENTARY INFORMATION:

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, § 71.171 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) (as amended) is further amended, effective 0901 G.m.t., February 17, 1983, as follows:

Anderson County Airport, SC—Amended

By deleting the words, "... (latitude 34°29'40" N., longitude 82°42'30" W.) ... " and "... 171° ... ", and substituting for them the words, "... (Lat. 34°29'42" N., Long. 82°42'33" W.) ... " and "... 176° ... ".

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

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

substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in East Point, Georgia, on January 14, 1983.

George R. LaCaille,
Acting Director, Southern Region.

[FR Doc. 83-2037 Filed 1-26-83; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 82-ANM-7]

Revise Control Zone; Salem, Oregon

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule revises the control zone to provide controlled airspace for aircraft executing instrument approaches to McNary Field, Salem, Oregon. The intended effect of this action is to ensure segregation of aircraft using approach procedures in instrument weather conditions and other aircraft operating in visual weather conditions.

EFFECTIVE DATE: April 14, 1983.

FOR FURTHER INFORMATION CONTACT: Robert L. Brown, Airspace & Procedures Specialist, ANM-534, FAA Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168. The telephone number is (206) 433-1640.

SUPPLEMENTARY INFORMATION:

Additional control zone airspace is required to accommodate the current ILS Runway 31 and NDB Runway 31 standard instrument approach procedures at McNary Field, Salem, Oregon. The area will be shown on aeronautical charts which will enable other aircraft to circumnavigate the area in order to comply with applicable visual flight rule conditions.

History

On page 50502 of the Federal Register dated November 8, 1982, the FAA proposed to amend § 71.171 of the Federal Aviation Regulations (14 CFR Part 71) so as to revise the control zone at McNary Field, Salem, Oregon.

Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No objections were received as a result of the Notice of Proposed Rulemaking.

List of Subjects in 14 CFR Part 71

Control zone, Aviation safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, § 71.171 of Part 71 of

the Federal Aviation Regulations (14 CFR Part 71) is amended effective 0901 G.m.t., April 14, 1983, as follows:

"Within a 5 mile radius of McNary Field, Salem, Oregon. Latitude 44°54'36" N., Longitude 123°00'05" W.; and within 3 miles each side of the Salem ILS localizer SE course, extending from the 5 mile radius zone to 8.5 miles SE of the LOM; within 4 miles each side of the Salem ILS localizer NW course, extending from the 5 mile radius zone to 15 miles NW of the airport."

(Sec. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); (Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); (Sec. 11.65 of the Federal Aviation Regulations (14 CFR 11.69))

Note.—The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (14 FR 11034, February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Seattle, Washington on January 14, 1983.

Charles R. Foster,
Director, Northwest Mountain Region.

[FR Doc. 83-2032 Filed 1-26-83; 8:45 am]

BILLING CODE 4910-13-M

CIVIL AERONAUTICS BOARD

14 CFR Part 291

[Economic Reg. Amdt. No. 11, Reg. ER-1317]

Domestic Cargo Transportation

AGENCY: Civil Aeronautics Board.

ACTION: Final rule; editorial amendment.

SUMMARY: This rule makes an editorial correction in the CAB's rules for filing applications for all-cargo certificates. The correction conforms the filing fee amount in those rules to the CAB's recently revised filing fee schedule.

DATES: Effective: January 21, 1983.

Adopted: January 21, 1983.

FOR FURTHER INFORMATION CONTACT: Joseph A. Brooks, Office of the General Counsel, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428; (202) 673-5442.

SUPPLEMENTARY INFORMATION:

On December 16, 1982, the Board adopted a revised filing fee schedule (OR-204), 48 FR 635, January 6, 1983).

That schedule set forth fees to be charged for services performed by the Board primarily for the benefit of private persons. The schedule was effective January 10, 1983.

The filing fee for certificate applications is listed as \$250 in 14 CFR Part 291. In the revised schedule, the fee has been changed to \$670.

This rule changes 14 CFR Part 291 to conform to the revised fee schedule.

List of Subjects in 14 CFR Part 291

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

PART 291—[AMENDED]

Accordingly, the Civil Aeronautics Board amends 14 CFR Part 291, *Domestic Cargo Transportation*, as follows:

1. The authority for Part 291 is:

Authority: Secs. 102, 204, 401, 407, 408, 416, and 418, Pub. L. 85-726, as amended; 72 Stat. 740, 743, 754, 766, 767, 771, 91 Stat. 1284; 49 U.S.C. 1302, 1324, 1371, 1377, 1378, 1386, and 1388.

2. The opening language to § 291.11 is revised to read:

§ 291.11 Form and content of application.

An original and six copies, typed on 8½ x 11-inch paper, shall be filed with the Docket Section, Office of the Secretary, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428. The application may be mailed or delivered to Room 714, 1825 Connecticut Avenue, N.W., Washington, D.C. The application shall be conspicuously titled "Section 418 Application," and shall be accompanied by a check or money order payable to the Civil Aeronautics Board, in the amount of \$670. The original of the application shall be manually signed and dated by the applicant, or by an authorized officer, partner, trustee, etc., of the applicant. The application shall contain all of the following information:

By the Civil Aeronautics Board.

Ivars V. Mellups,
Acting General Counsel.

[FR Doc. 83-2144 Filed 1-26-83; 8:45 am]

BILLING CODE 6320-01-M

14 CFR Part 298

[Economic Reg. Amdt. No. 24, Reg. ER-1318]

Exemption for Air Taxi Operations

AGENCY: Civil Aeronautics Board.

ACTION: Final rule; editorial amendment.

SUMMARY: This rule makes an editorial correction in the CAB's rules for filing air taxi registrations with respect to the fee required for filing. The correction conforms the stated fee in this part of the rules to the CAB's revised filing fee schedule.

DATES: Effective: January 21, 1983.
Adopted: January 21, 1983.

FOR FURTHER INFORMATION CONTACT:
Joseph A. Brooks, Office of the General Counsel, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428; (202) 673-5442.

SUPPLEMENTARY INFORMATION:

On December 16, 1982, the Board adopted a revised filing fee schedule (OR-204, 48 FR 635, January 6, 1983). That schedule set forth fees to be charged for services performed by the Board primarily for the benefit of private persons. The schedule was effective January 10, 1983.

The registration filing fee for noncommuter registration in the revised schedule is \$8, while the fee for commuter registration is \$670. The fee is listed in 14 CFR Part 298 as \$15.

This rule changes 14 CFR Part 298 to conform to the revised fee schedule.

List of Subjects in 14 CFR Part 298

Air taxis, Alaska, Antitrust, Consumer protection, Insurance, Reporting requirements.

PART 298—[AMENDED]

Accordingly, the Civil Aeronautics Board amends 14 CFR Part 298, *Exemptions for Air Taxi Operators*, as follows:

1. The authority for Part 298 is:

Authority: Secs. 204, 401, 407, 418, 419, Pub. L. 85-726, as amended, 72 Stat. 743, 754, 766, 771; 91 Stat. 1284; 49 U.S.C. 1324, 1371, 1377, 1386, 1388.

2. Section 298.21(c)(3) is revised to read:

§ 298.21 Filing for registration by air taxi operators.

(c) * * *

(3) An 8 (in the case of commuters, 670) dollar registration filing fee in the form of a check, draft, or postal money order payable to the Civil Aeronautics Board.

By the Civil Aeronautics Board.

Ivars V. Mellups,
Acting General Counsel.

[FR Doc. 83-2145 Filed 1-26-83; 8:45 am]
BILLING CODE 6320-01-M

14 CFR Part 385

[Organization Reg. Amdt. No. 131, Reg. OR-207]

Delegations and Review of Action Under Delegation: Nonhearing Matters; Amendment of Delegations of Authority to the Chief, Information Management Division, Office of the Comptroller

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: In ER-1319, issued simultaneously, the CAB established a limited period of confidential treatment for individual carrier fuel data reported on CAB Form 41 Schedule P-12(a). The CAB is delegating to the Chief, Information Management Division, Office of the Comptroller, the authority to grant or deny requests for these restricted fuel data in accordance with the guidelines contained in ER-1319.

DATES:

Adopted: January 12, 1983.

Effective: April 1, 1983.

FOR FURTHER INFORMATION CONTACT:
Jack M. Calloway or M. Clay Moritz, Jr., Data Requirements Section, Information Management Division, Office of Comptroller, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428, (202) 673-6042.

SUPPLEMENTARY INFORMATION: In ER-1319, also adopted today, the CAB established a new procedure to withhold from public disclosure, for a limited period of time, fuel data reported by certificated air carriers on a revised CAB Form 41 Schedule P-12(a) "Fuel Consumption by Type of Service and Entity." In the same rule, the Board also established certain guidelines under which individual air carrier fuel data may be released before the end of the confidential treatment period. For the reasons stated in ER-1319, the CAB delegates authority to the Chief, Information Management Division, Office of the Comptroller, to grant or deny requests for data reported by certificated air carriers on Schedule P-12(a).

Since this amendment is administrative in nature, affecting rules of agency organization and procedure, we find that notice and public procedure are unnecessary.

List of Subjects in 14 CFR Part 385

Administrative practice and procedure, Authority delegations.

PART 385—[AMENDED]

Accordingly, the Board amends 14 CFR Part 385, *Delegation and Review of*

Action Under Delegation; Nonhearing Matters, as follows:

1. The authority for Part 385 is:

Authority: Secs. 102, 204, 401, 402, 403, 407, 416, Pub. L. 85-726, as amended, 72 Stat. 740, 743, 754, 757, 758, 766, 771, 49 U.S.C. 1302, 1324, 1371, 1372, 1373, 1377, 1386; Reorganization Plan No. 3 of 1961, 26 FR 5989.

2. A new paragraph (i) is added to § 385.28, to read:

§ 385.28 Delegation to the Chief, Information Management Division, Office of the Comptroller.

The Board delegates to the Chief, Information Management Division, Office of the Comptroller, the authority to:

(i) Grant or deny requests for individual air carrier fuel data in accordance with the limitations on the availability of these data contained in paragraph (k) of the reporting instructions for Schedule P-12(a), which are contained in Section 24 of Part 241 of this chapter.

By the Civil Aeronautics Board:

Phyllis T. Kaylor,

Secretary.

[FR Doc. 83-2313 Filed 1-26-83; 8:45 am]

BILLING CODE 6320-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

15 CFR Part 399

[Docket No. 30120-13]

Amendments to the Commodity Control List

AGENCY: Office of Export Administration, International Trade Administration, Commerce.

ACTION: Final Rule.

SUMMARY: This rule, which neither expands nor limits the provisions of the Export Administration Regulations, amends the Commodity Control List (Supplement No. 1 to § 399.1) by amending two entries to conform their provisions with the rest of the Regulations regarding the export of medicines and medical supplies to Libya. Another entry is removed because its provisions are covered elsewhere in the CCL.

EFFECTIVE DATE: This rule is effective January 27, 1983. Although there is no formal comment period, public comments on this rule are welcome.

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: This rule amends the following entries of the Commodity Control List:

a.) Entry 6799G is amended by revising the "Validated License Required" provisions concerning the export of medicines and medical supplies to Libya.

b.) Entry 5994G is removed because its provisions are covered elsewhere in the Commodity Control List.

c.) Entry 6999G is amended by revising the "Validated License Required" provisions concerning exports to Libya under General License G-DEST.

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.

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."

Therefore, this regulation is issued in final form. Although there is no formal comment period, public comments on this regulation are welcome on a continuing basis.

List of Subjects in 15 CFR Part 399

Exports.

PART 399—[AMENDED]

Accordingly, Supplement No. 1 to § 399.1 of 15 CFR Part 399 of the Export Administration Regulations are amended as follows:

1. The "Validated License Required" paragraph of CCL Entry 6799G is revised to read as follows:

6799G * * *

Controls for ECCN 6799G: * * *

Unit: * * *

Validated License Required: Country Groups SZ, except that a validated license is not required for exports to Libya (Country Group S) of medicines and medical products.

* * *

5994G [Removed]

2. CCL Entry 5994G is removed.

3. CCL Entry 6999G is amended by revising the "Validated License Required" paragraph to read as follows:

6999G * * *

Controls for ECCN 6999G * * *

Unit: * * *

Validated License Required: Country Groups SZ. Food, agricultural commodities, and medical supplies may be exported to Country Group S under General License G-DEST.

* * *

(Secs. 6, 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 8, 1980))

Dated: January 5, 1983.

John K. Boidock,

Director, Office of Export Administration
International Trade Administration.

[FR Doc. 83-2165 Filed 1-26-83; 8:45 am]

BILLING CODE 3510-25-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 271

[Docket No. RM80-53]

Ceiling Prices; Maximum Lawful Prices and Inflation Adjustment Factors

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Order of the Director, OPFR.

SUMMARY: Pursuant to the authority delegated by 18 CFR 357.307(l), the Director of the Office of Pipeline and Producer Regulation revises and publishes the maximum lawful prices prescribed under Title I of the Natural Gas Policy Act (NGPA) for the months of February, March and April 1983. Section 101(b)(6) of the NGPA requires that the Commission compute and

publish the maximum lawful prices before the beginning of each month for which the figures apply.

EFFECTIVE DATE: February 1, 1983.

FOR FURTHER INFORMATION CONTACT: Kenneth A. Williams, Director, OPR, (202) 357-8500.

SUPPLEMENTARY INFORMATION:

In the matter of publication of prescribed maximum lawful prices under the Natural Gas Policy Act of 1978.

Issued: January 20, 1983.

Section 101(b)(6) of the Natural Gas Policy Act of 1978 (NGPA) requires that the Commission compute and make available maximum lawful prices and inflation adjustments prescribed in Title I of the NGPA before the beginning of any month for which such figures apply.

Pursuant to this requirement and § 375.307(l) of the Commission's regulations, which delegates the publication of such prices and inflation adjustments to the Director of the Office of Pipeline and Producer Regulation, the maximum lawful prices for the months of February, March and April 1983 are issued by the publication of the price tables for the applicable quarter. Pricing tables are found in § 271.101(a) of the Commission's regulations. Table I of § 271.101(a) specifies the maximum lawful prices for gas subject to NGPA sections 102, 103, 106(b)(1)(B), 107(c)(5), 108 and 109. Table II of § 271.101(a) specifies the maximum lawful prices for sections 104 and 106(a) of the NGPA. Table III of § 271.102(c) contains the inflation adjustment factors. The maximum lawful prices and the inflation adjustment factors for the periods prior

to February 1983 are found in the tables in §§ 271.101 and 271.102.

List of Subjects in 18 CFR Part 271

Natural gas.
Kenneth A. Williams,
Director, Office of Pipeline and Producer Regulation.

§ 271.101 [Amended]

1. Section 271.101(a) is amended by inserting the maximum lawful prices for February, March and April 1983 in Tables I and II.

§ 271.102 [Amended]

2. Section 271.102(c) is amended by inserting the inflation adjustment for the months of February, March and April 1983 in Table III.

TABLE I.—NATURAL GAS CEILING PRICES (OTHER THAN NGPA §§ 104 AND 106(a))

Subpart of part 271	NGPA section	Category of gas	Maximum lawful price per MMBtu for deliveries in		
			February 1983	March 1983	April 1983
B	102	New natural gas, certain OCS gas	\$3.321	\$3.344	\$3.367
C	103	New, onshore production wells	2.732	2.742	2.752
F	106(b)(1)(B)	Alternative maximum lawful price for certain intrastate rollover gas.	1.559	1.565	1.571
G	107(c)(5)	Gas produced from tight formations	5.464	5.484	5.504
H	108	Stripper gas	3.559	3.583	3.607
I	109	Not otherwise covered	2.262	2.270	2.278

TABLE II.—NATURAL GAS CEILING PRICES: NGPA §§ 104 AND 106(a) (SUBPART D, PART 271)

Category of natural gas	Type of sale or contract	Maximum lawful price per MMBtu for deliveries made in		
		February 1983	March 1983	April 1983
Post-1974 gas	All producers	\$2.262	\$2.270	\$2.278
1973-74 biennium gas	Small producer	1.915	1.922	1.929
	Large producer	1.464	1.469	1.474
Interstate rollover gas	All producers	.840	.843	.846
Replacement contract gas or re-completion gas	Small producer	1.076	1.080	1.084
	Large producer	.822	.825	.828
Flowing gas	Small producer	.541	.543	.545
	Large producer	.459	.461	.463
Certain Permian Basin gas	Small producer	.642	.644	.646
	Large producer	.564	.566	.568
Certain Rocky Mountain gas	Small producer	.642	.644	.646
	Large producer	.541	.543	.545
Certain Appalachian Basin gas	North subarea contracts dated after October 7, 1969.	.510	.512	.514
	Other contracts	.477	.479	.481
Minimum rate gas ¹	All producers	.281	.282	.283

¹ Prices for minimum rate gas are expressed in terms of dollars per Mcf, rather than MMBtu.

TABLE III.—INFLATION ADJUSTMENT

Month of delivery 1983	Factor by which price in preceding month is multiplied
February	1.00367
March	1.00367
April	1.00367

[FR Doc. 83-2064 Filed 1-26-83; 8:45 am]

BILLING CODE 6717-01-M

18 CFR Part 282**[Docket No. RM79-14]****Incremental Pricing Regulations
Implementing the Incremental Pricing
Provision of the Natural Gas Policy Act
of 1978****AGENCY:** Federal Energy Regulatory
Commission, DOE.**ACTION:** Order Prescribing Incremental
Pricing Thresholds.

SUMMARY: The Director of the Office of Pipeline and Producer Regulation is issuing the incremental pricing acquisition cost thresholds prescribed by Title II of the Natural Gas Policy Act and 18 CFR 282.304. The Act requires the Commission to compute and publish the

threshold prices before the beginning of each month for which the figures apply. Any cost of natural gas above the applicable threshold is considered to be an incremental gas cost subject to incremental pricing surcharging.

EFFECTIVE DATE: February 1, 1983.

FOR FURTHER INFORMATION CONTACT:
Kenneth A. Williams, Federal Energy
Regulatory Commission, 825 N. Capitol
Street, NE., Washington, D.C. 20426,
(202) 357-8500.

SUPPLEMENTARY INFORMATION:

Issued: January 21, 1983

Section 203 of the NGPA requires that the Commission compute and make available incremental pricing acquisition cost threshold prices prescribed in Title II before the

beginning of any month for which such figures apply.

Pursuant to that mandate and pursuant to § 375.307(l) of the Commission's regulations, delegating the publication of such prices to the Director of the Office of Pipeline and Producer Regulation, the incremental pricing acquisition cost threshold prices for the month of February 1983 is issued by the publication of a price table for the applicable month.

List of Subjects in 18 CFR Part 282

Natural gas.

Kenneth A. Williams,
Director, Office of Pipeline and Producer
Regulation.

TABLE I.—INCREMENTAL PRICING ACQUISITION COST THRESHOLD PRICES

	January	February	March	April	May	June	July	August	September	October	November	December
Calendar Year 1980												
Incremental pricing threshold	\$1.702	\$1.738	\$1.750	\$1.762	\$1.776	\$1.790	\$1.804	\$1.819	\$1.834	\$1.849	\$1.863	\$1.877
NGPA section 102 threshold	2.358	2.381	2.404	2.428	2.453	2.478	2.504	2.532	2.560	2.588	2.614	2.640
NGPA section 109 threshold	1.786	1.799	1.812	1.825	1.839	1.853	1.867	1.883	1.899	1.915	1.929	1.943
130 pct of No. 2 fuel oil in New York City threshold	7.170	7.260	7.410	7.110	7.380	8.040	7.840	7.380	7.400	7.400	7.450	7.580
Calendar Year 1981												
Incremental pricing threshold	\$1.891	\$1.908	\$1.925	\$1.942	\$1.954	\$1.967	\$1.980	\$1.990	\$2.000	\$2.010	\$2.025	\$2.041
NGPA section 102 threshold	2.667	2.668	2.729	2.781	2.787	2.813	2.840	2.863	2.886	2.909	2.940	2.971
NGPA section 109 threshold	1.957	1.975	1.993	2.011	2.024	2.037	2.050	2.060	2.070	2.080	2.096	2.112
130 pct of No. 2 fuel oil in New York City threshold	7.610	7.760	8.260	9.010	9.510	9.430	9.360	9.260	8.860	8.700	8.930	8.990
Calendar Year 1982												
Incremental pricing threshold	\$2.057	\$2.071	\$2.085	\$2.099	\$2.106	\$2.113	\$2.120	\$2.129	\$2.139	\$2.148	\$2.159	\$2.169
NGPA section 102 threshold	3.003	3.003	3.063	3.093	3.112	3.132	3.152	3.176	3.200	3.224	3.249	3.274
NGPA section 109 threshold	2.126	2.143	2.158	2.173	2.180	2.187	2.194	2.204	2.214	2.224	2.234	2.244
130 pct of No. 2 fuel oil in New York City threshold	9.180	9.340	9.470	9.340	9.280	8.000	8.170	8.670	8.660	8.950	8.640	8.890
Calendar Year 1983												
Incremental pricing threshold	\$2.179	\$2.187										
NGPA section 102 threshold	3.299	3.321										
NGPA section 109	2.254	2.262										
130 pct of No. 2 fuel oil in New York City threshold	9.420	9.320										

[FR Doc. 83-2065 Filed 1-26-83; 8:45 am]

BILLING CODE 6717-01-M

PENSION BENEFIT GUARANTY CORPORATION**29 CFR Part 2616****Notice of Intent To Terminate for Non-Multiemployer Pension Plans**

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Final rule.

SUMMARY: This is a revision of the Notice of Intent to Terminate regulation. It prescribes a new method of filing the statutory Notice of Intent to Terminate for non-multiemployer pension plans covered under the plan termination insurance program of Title IV of the Employee Retirement Income Security Act of 1974 ("ERISA"). This amendment is necessary because the Pension Benefit Guaranty Corporation ("PBGC") and the Internal Revenue Service ("IRS") have developed a joint form and a simplified procedure for a plan administrator to follow when terminating a nonmultiemployer pension plan that is covered under Title IV of ERISA and when seeking a determination of qualification from the IRS. It is expected that the use of this form will simplify and lessen the filing obligations of non-multiemployer defined benefit pension plans covered under Title IV of ERISA. In conjunction with the issuance of this rule, the Internal Revenue Service is issuing a Revenue Procedure further explaining the new coordinated filing requirements.

EFFECTIVE DATE: February 28, 1983.

FOR FURTHER INFORMATION CONTACT: William E. Seals, Deputy Assistant General Counsel, Office of the General Counsel, Pension Benefit Guaranty Corporation, 2020 K Street, N.W., Washington, D.C. 20006, 202-254-4895. (This is not a toll free number.)

SUPPLEMENTARY INFORMATION:**Background**

On July 24, 1979, the Pension Benefit Guaranty Corporation ("PBGC") published for comment in the *Federal Register*, 44 FR 43405, a proposal to revise its regulation governing the filing of the statutory Notice of Intent to Terminate required by section 4041(a) of the Employee Retirement Income Security Act of 1974 ("ERISA"), 29 U.S.C. 1341(a), as amended. This regulation finalizes the proposal and implements the use of the revised Form 5310 for terminating non-multiemployer plans. The rule and form have been approved by the Office of Management and Budget pursuant to the Paperwork

Reduction Act, 44 U.S.C. Chapter 35, OMB No. 1212-0012.

The proposal published in 1979 introduced a concept known as "one-stop service", a procedure devised by PBGC and the Internal Revenue Service ("IRS") to reduce the filing requirements imposed by ERISA upon plan administrators. Central to this concept was the introduction of a revised Form 5310, "Application for Determination upon Termination; Notice of Merger, Consolidation, or Transfer of Plan Assets or Liabilities; Notice of Intent to Terminate", developed jointly by the PBGC and the IRS for use by plan administrators of covered pension plans that wish to file a Notice of Intent to Terminate with the PBGC and to obtain a determination from the IRS regarding the qualification of the plan. The proposal did not preclude separate filings with the two agencies, and the final rule continues that option.

As the preamble to the proposal noted, the form must be used by plan administrators or plan sponsors to report to the IRS the occurrence of mergers, consolidations, or transfers of plan assets or liabilities to another plan at least thirty days in advance of the occurrence of the event. The proposal was issued with the expectation that, if notification of mergers, consolidations or transfers of plan assets or liabilities were made to the IRS on the revised form, separate notification to the PBGC pursuant to section 4043(b)(8) of ERISA would not be required. Since the proposal was issued, the PBGC's Reportable Events regulation, 29 CFR Part 2615, has been amended to waive that thirty day reporting requirement. Thus, Form 5310 is not to be used to notify PBGC of the occurrence of a plan merger, consolidation or transfer of assets or liabilities to another plan.

The final rule does not apply to multiemployer pension plans covered under Title IV of ERISA and the title of this part has been amended accordingly. The Multiemployer Pension Plan Amendments Act of 1980, Pub. L. No. 96-264 (Sept. 26, 1980), 94 Stat. 1208 (amending 29 U.S.C. 1001 *et seq.*) (1976) established a new insurance program for multiemployer pension plans subject to Title IV. Thus, all references to multiemployer pension plans contained in the July 24, 1979 proposal have been omitted from the final rule. Those plans are governed by a separate reporting requirement under section 4231 of ERISA which was added by the Multiemployer Act. Form 5310 will not satisfy the requirement to report to PBGC pursuant to section 4231 of ERISA.

Several comments were received relating to the proposal; each has been considered during the promulgation of this final rule, and a number of changes were made in response to the comments received. The final regulation also contains some non-substantive clarifying, correcting and editorial changes initiated by PBGC staff.

Substantive public comments on the proposal and significant differences between the proposed rule and the final rule are discussed below. In the discussion that follows, citations are to sections in the final regulation unless otherwise noted. On June 24, 1981, the PBGC redesignated its regulations; in that process, this rule has been redesignated as 29 CFR Part 2616.

One-Stop Service

The "one-stop service" proposal was generally well received by the public. However, several respondents indicated some concern regarding the concept and those comments are discussed below.

One comment objected to the proposal on the grounds that the rule appeared to preclude separate filing with each agency. The respondent noted that all PBGC filings must be made with the PBGC in Washington, D.C., whereas persons filing with the IRS on pension matters generally must file with the District Director for the key District in which the plan is located. The respondent stated that a processing delay is inevitable for a West Coast plan administrator who files with the PBGC and whose filing is then returned by PBGC to the IRS key District in which the Plan is located. Because of this potential for delay, he urged that separate filings be allowed.

The rule, as proposed, did not preclude separate filings. PBGC recognizes the utility of separate filings in the situation described by the respondent. To remove any uncertainty that exists on this point, Form 5310 and its instructions have been changed to clarify that separate filings with the two agencies are allowed.

Another respondent suggested that confusion exists among some plan administrators regarding the possible public disclosure of information that will be filed with the PBGC pursuant to one-stop service. That respondent correctly noted that information submitted to the PBGC is not subject to the safeguarding restrictions mandated by the Internal Revenue Code. Thus, if filed with the PBGC, the information contained on proposed Form 5310 would be subject to public disclosure by PBGC, consistent with the applicable Privacy Act and Freedom of Information Act provisions.

Filings made directly with the IRS are subject to applicable IRS disclosure rules.

IRS/PBGC Form 5310; IRS Form 6088

Form 5310 generated substantially favorable comment. However, certain changes were made to the form in response to comments as discussed below.

One comment noted that line 1(e), "Business code number" of proposed Form 5310 refers to line (e) of Annual Report Form 5500. The comment stated that such cross referencing of specific line items on other forms may be confusing to the public. This reference has been deleted and Form 5310 no longer refers to specific line items of other forms.

One comment stated that line 4, "plan entity types" of proposed Form 5310 should list the same types of plan entities as line 4 of Form 5500. Line 4 of Form 5310 has been revised so that it now refers to the same pension plan types as line 4 of Form 5500, except that "multiemployer plan" has been deleted because multiemployer plans covered under Title IV of ERISA will not use this form for filing.

Another comment stated that the "other plans" contained on line 6 (that line has been renumbered as line 7) of proposed Form 5310 is confusing and should be deleted in favor of "successor plans." That comment has not been adopted because information is sought regarding all plans involved with the merger, consolidation or transfer of assets or liabilities, and not just successor plans. To avoid confusion, however, that term has been replaced with the phrase "other plans involved in transaction".

One comment suggested that in order to avoid penalizing employers in industries with a high turnover of employees, the term "active employee participants" contained on line 14 of proposed Form 5310 should be redefined to permit a plan administrator to use his judgment to exclude those persons who quit or were discharged in anticipation or termination of the plan. Such an approach would make the participant count too subjective and the definition of participant would differ from plan to plan. Therefore, the suggestion was not adopted. However, Form 5310 no longer uses the term "active employee participants", requesting instead (line 15(d)) "the number of participants employed".

One respondent stated that line 16(k), "accumulated funding deficiency" is unclear as it does not state the time at which any accumulated funding deficiency is to be determined. The

respondent suggested that the funding deficiency be measured as of the close of the prior plan year, since the plan administrator will have the information readily available. In the alternative, it could be determined as of the date of plan termination and plan administrator should be allowed to estimate any such accumulated funding deficiency. It is recognized that proposed line 16(k) requires an updating of information from the end of the prior plan year. However, using information related to the prior plan year would be inadequate because it is essential that the agencies know the amount of any funding deficiency as of the date of termination. To meet the concerns of the comment, line 16(k) (that line has been renumbered as line 17(e)) has been modified to require the plan administrator to estimate whether there will be an accumulated funding deficiency as of the end of the plan year during which the proposed termination occurs. Thus, any additional information beyond the close of the prior plan year need only be in the form of an estimate.

Another respondent suggested that the heading for Part IV of proposed Form 5310 should specifically point out that Part IV is to be completed only by those plans that are certain of coverage status, or are uncertain but wish to complete Part IV in order to avoid making a subsequent filing if PBGC rules that the plan is covered. The final form and the instructions have been changed to reflect this comment.

One comment objected to the requirement that a plan administrator file, with its Notice of Intent to Terminate, all amendments to the plan within the 5-year period preceding termination. The respondent suggested that PBGC should request only those amendments which increased plan benefits. After careful consideration, PBGC is not adopting this suggestion. PBGC's experience has been that the processing of a plan termination is unduly impeded if only a portion of the total plan document is available and there is the chance that the amendments will be read out of context. If a plan administrator estimates that the plan is sufficient to pay all vested benefits and the plan has been restated within the last five years, the plan administrator may satisfy the requirement by submitting the restated plan document in effect on the proposed date of plan termination rather than the original plan with copies of all amendments. In addition, a plan administrator may request a waiver of the requirement based on the individual circumstances of a specific termination.

Another respondent suggested that a more accurate statement of plan assets

(line 19 of the proposed Form 5310) will be obtained if a plan administrator is permitted to value plan assets as of any date occurring within the 120 day period ending on the date of filing of the notice of intent to terminate, but not earlier than the close of the preceding plan year. The suggested change has been considered but not adopted. ERISA requires that for purposes of determining employer liability, unfunded guaranteed benefits be determined as of the date of plan termination and not as of a date within 120 days prior to the date of plan termination. However, estimated asset values are acceptable at the time of the filing of the notice. PBGC uses the estimated values to determine which plans must be taken into trusteeship and which plans are required to demonstrate sufficiency. In the alternative, the plan administrator has the option of deferring the filing of the asset information under § 2616.5(c)(3) of the final rule. Plan administrators should note, however, that section 7476(b) of the Internal Revenue Code provides that a taxpayer may not seek court review of IRS action prior to a date 270 days from the filing of information by the taxpayer with the Service. Thus, while § 2616.5(c)(3) of the final rule provides the option of filing an incomplete notice, the filing of an incomplete notice does not begin the 270-day period referred to in section 7476(b) of the Internal Revenue Code, ("Code") 26 U.S.C. 7476(b). That period is not triggered until all of the information required by the IRS is filed.

Two respondents pointed out an ambiguity in the designation "allocated monthly benefit" appearing as a heading for column (q) of the schedule of benefits for participants and beneficiaries. They noted that allocation could refer to an ERISA section 4044 allocation or an allocation under the terms of the plan. This problem has been corrected so that all requested benefit amounts are specifically related to the allocation under section 4044 of ERISA.

Two respondents objected to the requirement that the proposed Form 5310 be certified by the plan administrator or his duly authorized representative, since in many cases the actuarial work will be completed by an actuary who is not required to certify the accuracy of his work. The comment stated that since many plan administrators and their representatives are not actuaries, the plan administrator will be certifying to the accuracy of work with which he is not familiar. The respondents suggested that an enrolled actuary certification is needed to relieve the plan administrator of this responsibility. Many plan

administrators, when contemplating the filing of a Notice of Intent to Terminate, do obtain the services of actuaries to calculate and value plan benefits. Some plan administrators instead choose to use the services of other qualified professionals. A plan administrator who has chosen to use an actuary can and should require a certification as to the accuracy of the work product. However, to require a certification only when a plan administrator uses an actuary would be unfair. In addition, the certification only requires that the plan administrator certify to the best of his knowledge. Thus, that suggestion has not been adopted.

One comment indicated that the filing instructions for Form 6088, "Distributable Benefits From Employee Pension Benefit Plans," appear to conflict with the filing instructions for proposed Form 5310. The instructions for Form 6088 stated that it must be filed when requesting an IRS determination upon termination, whereas the instructions for proposed Form 5310 stated that for one-stop filings, a plan administrator may satisfy the Service's requirement by filing either Form 6088 or a duplicate copy of the schedules under line 23 of proposed Form 5310. To correct this problem, the instructions for Form 6088 have been changed to make them consistent with the instructions for Form 5310.

Another comment suggested that the ending date for calculation of the current 12 month compensation required by column (j) of Form 6088 should be any date within the 120-day period prior to the filing date of proposed Form 5310, but not prior to the last day of the last plan year. The instructions for Form 6088 have been modified to allow a plan administrator to choose the compensation for either the last calendar year or plan year ending before the proposed date of plan termination, or the 12 month period ending on the proposed date of plan termination as current 12 month compensation. (Column (j) has been relettered and is now column (i).)

Finally, one respondent questions the suitability of the schedules required by line 23 of proposed Form 5310 (renumbered as line 24) as a substitute for IRS Form 6088 and stated that a blanket waiver of individual participant information should be granted for plans that do not cover participants described in Section 401(a)(4) of the Code. After careful consideration, this suggestion has not been adopted. The informational requirements of each form have been carefully developed by each agency and are necessary to complete the required

processing. Although no blanket waiver of the requirement to file participant data with the Service can be made, the instructions to Form 6088 exempt certain collectively bargained plans from the filing requirements.

Notice of Intent to Terminate

Several comments related to the revision of the Notice of Intent to Terminate regulation.

One comment stated that it was not clear whether the regulation allows a plan administrator to notify participants of his or her intention to terminate the plan prior to the filing of a Notice of Intent to Terminate. In response to that comment § 2616.4 of the final rule makes it clear that the required notification to employees may be given within a reasonable time prior to the date a notice is filed.

One respondent stated that although the preamble to the proposed rule stated that the notice required under section 7476(b) of the Code will satisfy PBGC's notification requirement to interested employees, the proposed rule did not provide that option. The final rule has been changed to make it clear that if the notice to interested parties required by section 7476(b) of the Code contains the information required by § 2616.4(b) of this Part and is given within a reasonable time prior to the date a Notice of Intent to Terminate is filed, no further notification need be sent to participants and beneficiaries.

Specifically, the information required by § 2616.4(b), which might not otherwise be included in a notice under 26 U.S.C. 7476(b), are statements regarding the adequacy of plan assets to pay vested benefits and the possibility that benefits being received or expected may be reduced to levels payable under Title IV and overpayments may be recouped by the PBGC. The PBGC has determined that fairness to plan participants requires full disclosure of the possible effect on them of the proposed termination. The final rule also requires that former employees with vested benefits and participants in pay status covered by the plan are to be notified as well as present employees.

Several respondents objected to the proposal's requirement that a Notice of Intent to Terminate submitted by a plan administrator must contain asset amounts, participant data and/or benefit values, and that the notice must be submitted at least ten days prior to the proposed termination date, or PBGC could deem the Notice of Intent to Terminate incomplete and therefore void. Furthermore, several respondents expressed concern that the amount of information required for the initial filing

might delay the filing to the detriment of the plan administrator and/or sponsor. All of these comments suggested that an extension of time to complete the filing should be granted automatically because it would be requested so frequently.

The Notice of Intent to Terminate must contain enough information to enable the PBGC to make a preliminary determination as to whether or not the plan has sufficient assets, when allocated in accordance with section 4044 of ERISA, to pay benefits guaranteed under Title IV of ERISA. In response to these comments, the PBGC has revised § 2616.5 to allow for several types of filings. Under new § 2616.5, a plan administrator may initially file (1) all the information required by the form, (2) all the information required by the form except a proposed allocation of assets to plan participants, (3) all the information required by the form except plan asset information and participant data schedules which will be filed within 90 days under an automatic extension of time, or (4) a notice requesting an extension of time to file information other than the information referred to in (3) above, or requesting that the filing requirement for certain information be waived.

A plan administrator who files a complete form including the proposed allocation of assets to insure the most expeditious processing will be providing enough information to demonstrate whether the plan's assets are sufficient to pay guaranteed benefits pursuant to PBGC's regulation on Determination of Plan Sufficiency, 29 CFR Part 2617. If the plan administrator chooses this option, he or she should check line 25(a) of Form 5310.

A plan administrator may file a complete Notice of Intent to Terminate that does not state each participant's allocable benefit under section 4044 of ERISA, but that does show each participant's vested benefit. If the plan administrator chooses this option, he or she should check line 25(b) of Form 5310. Information regarding the participant's allocable benefits under a sufficient plan must be submitted within the time limits prescribed in PBGC's regulation on Determination of Plan Sufficiency and Termination of Sufficient Plans, 29 CFR 2617.12. However, under one-stop the filing of a Form 5310 that does not contain all the information required by the IRS does not begin the 270 day period referred to in section 7476(b) of the Code.

A plan administrator who chooses to file an incomplete notice requesting an automatic extension of time to complete

the filing may exclude from the initial filing all or part of the plan asset information and/or the participant data schedules. However, this information must be submitted within 90 days of the filing of the incomplete notice. A plan administrator electing this option need not make an individual request for an extension of time to complete the filing, because he or she will be deemed to have agreed to an extension of the 90-day period set forth in Section 4041(a) of ERISA. However, if the plan administrator does not receive a Notice of Sufficiency from PBGC, the plan administrator may not make any distributions pursuant to the proposed termination of the plan until a date 90 days after the date on which the plan administrator submits the omitted information.

Finally, a plan administrator who files a notice which requests an extension of time to file information other than information referred to in § 2616.5(c)(3) must include with the filing two signed copies of an agreement, pursuant to which the plan administrator agrees that if the PBGC grants the request, the 90-day period set forth in section 4041(a) of ERISA (during which the plan administrator shall pay no amount pursuant to the plan termination) shall be automatically extended by a period of time equal to the extension of time granted by the PBGC.

One comment suggested that § 2604.5 of the proposal relating to the date on which a notice is filed with PBGC be changed to state that the date of filing is the date of mailing rather than the date of receipt. PBGC has changed this section to state that the date of filing is the date of mailing as evidenced by a valid United States Postal Service postmark. (This section has been renumbered and is now § 2616.6.)

Section 2604.4(d) of the proposal contained a special note for plans for which Title IV coverage had not been determined. A plan administrator of such a plan could elect to file Form 5310 without completing Part IV. PBGC would not deem the notice incomplete and void under these circumstances. Upon a determination by PBGC that the plan was covered, the plan administrator would be required to submit a completed Part IV. While this procedure is advantageous to a plan because it allows the plan administrator to preserve the proposed termination date, it may mislead a plan administrator who is not certain that his or her plan is covered, but who wishes to make a commitment to make his or her plan sufficient. The general rule is that a plan administrator wishing to make a

commitment to make a plan sufficient can do so only prior to the proposed date of plan termination. (See Determination of Plan Sufficiency and Termination of Sufficient Plans, 29 CFR Part 2617.) Thus, in a situation where coverage is not determined until after the proposed termination date, the plan sponsor will have lost the opportunity to make a commitment to make the plan sufficient if he or she has not done so prior to the proposed date of termination. Therefore, PBGC has changed this section to alert a plan administrator that if the plan sponsor wishes to make a commitment to make a plan sufficient, and coverage has not been determined, the plan sponsor must make the commitment prior to the proposed date of plan termination. (This section has been renumbered and is now § 2616.5.)

Finally, because the final rule refers extensively to the term "vested benefits", PBGC has added a definition of "vested benefits" to § 2616.2 of the regulation.

It should be noted in connection with this regulation that on December 8, 1980, the PBGC issued a notice in the Federal Register, 45 FR 80941, setting forth the PBGC's policy regarding requests for retroactive plan termination. That notice continues in effect and remains the policy of the agency.

The PBGC has determined that this rule is not a "major rule" within the meaning of Executive Order 12291 because it will not have an annual effect on the economy of \$100 million or more; nor will it create a major increase in costs or prices for consumers, individual industries, or geographic regions; nor will it have significant adverse effects on competition, employment, investment, innovation or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

List of Subjects in 29 CFR Part 2616

Employee benefit plans, Pension insurance, Pensions, Reporting requirements.

In consideration of the foregoing, Part 2616 of Chapter XXVI of Title 29, Code of Federal Regulations is hereby revised to read as follows:

PART 2616—NOTICE OF INTENT TO TERMINATE FOR NON-MULTIEMPLOYER PENSION PLANS

Sec.

- 2616.1 Purpose and scope.
- 2616.2 Definitions.
- 2616.3 Requirement of notice.
- 2616.4 Notice to participants and retirees.
- 2616.5 Effect of failure to file; Filing options.
- 2616.6 Date of filing.

Sec.

2616.7 Computation of time.

Authority: Secs. 4002, 4041, Pub. L. 93-406, 88 Stat. 1004, 1020 (29 U.S.C. 1302, 1341) (as amended).

§ 2616.1 Purpose and scope.

(a) *Purpose.* The purpose of this part is to prescribe for non-multiemployer defined benefit pension plans the contents of and the procedures for filing the Notice of Intent to Terminate required by section 4041(a) of the Act.

(b) *Scope.* This part applies to all Notices of Intent to Terminate non-multiemployer defined benefit pension plans covered by Title IV of the Act that are required to be filed after the effective date of this Part.

§ 2616.2 Definitions.

As used in this part—

(a) "Act" means the Employee Retirement Income Security Act of 1974, as amended.

(b) "PBGC" means the Pension Benefit Guaranty Corporation.

(c) "IRS" means the Internal Revenue Service.

(d) "Vested Benefits" means nonforfeitable benefits payable with respect to a participant in a plan, other than benefits derived from voluntary employee contributions assigned to priority category 1.

§ 2616.3 Requirement of notice.

(a) *General.* A Notice of Intent to Terminate a plan shall be filed with the PBGC. Each Notice of Intent to Terminate required under this part shall be filed on IRS/PBGC Form 5310, in accordance with the instructions contained therein.

(b) *Who shall file.* The plan administrator, as defined in section 3(16) of the Act, or a duly authorized representative acting on behalf of the plan administrator, shall sign and file the Notice. When the Notice is submitted only to the PBGC by a duly authorized representative other than an attorney-at-law, it shall be accompanied by a notarized power of attorney, signed by the plan administrator, which authorizes the representative to submit the Notice, and, if desired, also authorizes the representative to act on behalf of the plan administrator in connection with the termination. When the Form 5310 is being submitted to both the PBGC and the IRS by a duly authorized representative, it shall be accompanied by a power of attorney specifically authorizing such representation in this matter or by a written declaration that the representative is currently qualified as an attorney-at-law, a certified public accountant or as an enrolled actuary or

is currently enrolled to practice before the Internal Revenue Service and that such person is authorized to represent the employer or plan administrator.

(c) *When to file.* The Notice of Intent to Terminate shall be filed with the PBGC at least 10 days prior to the proposed date of termination of the plan.

(d) *How and where to file.* The Notice of Intent to Terminate may be sent by mail or submitted by hand during normal working hours to the Office of Program Operations, Pension Benefit Guaranty Corporation, Room 5300A, CC 542, 2020 K Street, N.W., Washington, D.C. 20006.

§ 2616.4 Notice to participants and retirees.

(a) *General.* The plan administrator shall, in accordance with this section, notify participants and retirees covered by the Plan of the proposed termination no later than the date the Notice of Intent to Terminate is filed pursuant to this part.

(b) *Contents of notification.* The notification required by this section shall be in writing and shall contain (1) a statement that the plan is being terminated; (2) the date on which the Notice of Intent to Terminate is being filed with PBGC; (3) the date of plan termination proposed in the Notice of Intent to Terminate; (4) a statement regarding whether the plan administrator believes that plan assets will be adequate to provide vested benefits; and (5) if the plan administrator believes that plan assets may not be adequate to provide vested benefits, a statement that benefits being received or expected may be reduced after the date of plan termination, and overpayments may be recouped by the PBGC.

(c) *Manner of giving notice.* The notification shall be given to participants and retirees in accordance with paragraphs (1) and (2) or in accordance with subsection (d).

(1) *Notification to presently employed participants and union representative.* The notification shall be given either in person to each presently employed participant or by mail, or posted in the location or locations normally used by the employer for posting notices to employees. If the employees are represented by a union, the notification shall also be delivered to the union representative.

(2) *Notification to former employees with vested benefits or persons in pay status.* The notification shall be given in person or by mail to the last known address of the former employee, retiree or beneficiary who is receiving or is

entitled to receive a monthly benefit from the plan. However, a plan administrator may notify retirees and beneficiaries in pay status (on the date of plan termination), with the monthly benefit payment next succeeding the proposed date of plan termination.

(d) *Alternative Notification.* If the notice to interested parties required under section 7476(b) of the Internal Revenue Code includes the information in paragraph (b) above, and is given within a reasonable time prior to the date a notice is filed, it will satisfy the notification requirement of this section.

§ 2616.5 Effect of failure to file; Filing options.

(a) *Effect of failure to file.* Failure to file the Notice of Intent to Terminate at least 10 days prior to the termination of a pension plan constitutes a violation of the provisions of Title IV of the Act. Filing Form 5310 marked "Reason for filing—B" (Application for an Internal Revenue Service (IRS) determination letter regarding a plan termination) is not a filing of a Notice of Intent to Terminate.

(b) *Effect of failure to file all required information.* Failure to file all of the information required by this part, as set forth in IRS/PBGC Form 5310, shall render the Notice incomplete and voidable by PBGC unless the Notice is filed under the filing options contained in paragraphs (c)(3), (c)(4), or (c)(5) of this section. If the plan administrator fails to complete a filing within the time limits prescribed within any extension period specified in subsection (c) of this section, the incomplete notice will be voidable by PBGC.

(c) *Filing options.* The plan administrator shall file under one of the methods of this paragraph and indicate the method on Form 5310. However, the filing with PBGC of a Form 5310 designated as a Notice of Intent to Terminate that does not contain all the information required by the IRS does not begin the 270 day period referred to in section 7476(b) of the Internal Revenue Code.

(1) *Filing a complete notice with proposed allocation of assets.* A plan administrator may file a Notice of Intent to Terminate that includes all information required by Form 5310 necessary to complete the termination process including a proposed allocation of assets. By filing under this method, a plan administrator may shorten the amount of time necessary to process the termination.

(2) *Filing a complete notice without a proposed allocation of assets.* A plan administrator may file a complete notice that includes all the information

required by Form 5310 except a proposed allocation of assets. The participant data schedules required by Form 5310 must provide the basic data and intermediate calculations that demonstrate the plan administrator's determination of each participant's accrued and vested monthly benefits. If it appears that any required estimates are based on inadequate or outdated information, the PBGC may require an exact determination.

(3) *Filing for an automatic extension of time.* A plan administrator may file a Notice of Intent to Terminate that includes all the information required by Form 5310 except for plan asset information and/or participant data schedules. A plan administrator submitting a Notice of Intent to Terminate under this alternative will be deemed to have agreed to an extension of the 90-day period set forth in section 4041(a) of the Act, during which (absent a Notice of Sufficiency from PBGC) the plan administrator may not make any distributions pursuant to the proposed termination of the plan, until a date 90 days after the date on which the plan administrator submits the omitted information. However, the plan administrator must submit the information within 90 days of the filing of the Notice of Intent to Terminate, or apply for an extension of time pursuant to § 2616.5(c)(4).

(4) *Request for an extension of time or waiver of obligation to file information.* At the time of filing the Notice of Intent to Terminate or prior thereto, the plan administrator may request an extension of time to complete the filing or a waiver of the obligation to file any information required to be filed by this part. The request shall be in writing and state the reasons for the relief sought. A request for an extension of time shall also be accompanied by two signed copies of an agreement, pursuant to which the plan administrator agrees that if the PBGC grants the request, the 90-day period set forth in section 4041(a) of the Act shall be automatically extended by a period of time equal to the extension of time granted by the PBGC. When the PBGC grants an extension of time, an executed copy of the agreement submitted with the request for extension will be returned to the plan administrator. When the PBGC grants or denies a request to waive the filing of any information required to be filed by this part, the plan administrator will be so notified in writing.

(5) *Special rules for plans where Title IV coverage has not been determined.* If a plan administrator of a terminating pension plan is not certain whether the

plan is covered under Title IV of the Act and has not received a determination of coverage for the plan from the PBGC, he or she may submit IRS/PBGC Form 5310 without completing Part IV of the Form, as provided in the Form Instructions. However, if the plan administrator submits Form 5310 without completing Part IV thereof, and the PBGC determines that the plan is covered by Title IV of the Act, the plan administrator will be deemed to have agreed to an extension of the 90-day period set forth in section 4041(a) of the Act until a date 90 days after the date on which the plan administrator files with the PBGC a Form 5310 with Part IV completed. If the plan administrator wishes to make a commitment to make his or her plan sufficient to pay benefits guaranteed by Title IV of the Act, he or she must make a written commitment and provide it to the PBGC prior to the proposed date of plan termination.

(6) *Additional extensions.* Nothing in paragraphs (c)(3), (c)(4) and (c)(5) of this section shall in any way alter or limit the authority contained in section 4041(d) of the Act of the PBGC and a plan administrator or the duly authorized representative to agree to further extensions of the 90-day period set forth in section 4041 or of the PBGC to apply to a court for an order extending that 90-day period.

§ 2616.6 Date of filing.

(a) Any notice or document required to be filed under the provisions of this part shall be deemed filed on the date of the United States postmark stamped on the cover, in which the document is mailed, provided that—

(1) The postmark was made by the United States Postal Service; and

(2) The document was mailed postage prepaid, properly packaged and addressed to the PBGC.

(b) If the conditions stated in both paragraphs (1) and (2) are not met, the document is considered filed on the date it is received by the PBGC. Documents received after regular business hours are considered filed on the next regular business day.

§ 2616.7 Computation of time.

In computing any period of time prescribed or allowed by the rules of this part, the day of the act, event, or default from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included, unless it is a Saturday, Sunday, or Federal holiday in which event the period runs until the end of the next day which is not a Saturday, Sunday, or Federal holiday.

Effective Date. This part is effective on February 28, 1983.

Raymond J. Donovan,
Chairman, Board of Directors, Pension
Benefit Guaranty Corporation.

Issued on the date set forth above,
pursuant to a resolution of the Board of
Directors approving this regulation and
authorizing its Chairman to issue same.

Henry Rose,
Secretary, Pension Benefit Guaranty
Corporation.

[FR Doc. 83-2103 Filed 1-26-83; 8:45 am]

BILLING CODE 7708-01-M

DEPARTMENT OF THE TREASURY

Office of the Secretary

31 CFR Part 128

Transactions in Foreign Exchange; Transfer of Credit and Export of Coin and Currency

AGENCY: Treasury Department.

ACTION: Final rule.

SUMMARY: The Department of the Treasury amends 31 CFR Part 128 regarding transactions in foreign exchanges and the transfer of credit and export of coin and currency to delete references to obsolete statutes and Executive orders and to permit Treasury to furnish to the Federal Reserve District Banks certain data reported on the forms prescribed under the Part. These amendments do not make any substantive changes in the reporting requirements nor impose any additional burden upon the public. For this reason, it is determined that notice and public procedure thereon are unnecessary.

EFFECTIVE DATE: January 27, 1983

FOR FURTHER INFORMATION CONTACT: John G. Murphy, Jr., Attorney-Advisor, Office of the General Counsel, Department of the Treasury, Room 2013, 1500 Pennsylvania Avenue, N.W., Washington, D.C. 20220 (202) 566-8401.

SUPPLEMENTARY INFORMATION: The amendments made herein are intended to update Treasury's reporting requirements concerning international capital and foreign currency transactions and holdings. These amendments consist primarily of deletions of references to obsolete statutes and Executive orders and represent a continuation of the efforts taken in 47 FR 56351 to bring other portions of 31 CFR into conformity with current law. References in Part 128 to sections within Title 31 of the United States Code are amended to reflect the recodification of that Title. The amendments also reflect the

reorganization of data collection authority within the Office of the Secretary by removing the Office of Data Management from the Office of the Assistant Secretary (Economic Policy) and placing it within the Office of the Assistant Secretary (International Affairs). The amendments also provide that Treasury Foreign Currency reports may be made available to the Federal Reserve District Banks. The regulations currently provide that the reports may be made available to other Federal agencies. Since the status of District Banks as "Federal agencies" is unclear, an explicit reference should be made in the regulations to the District Banks. The reasons for these changes are explained in greater detail as follows:

Title

The current title of Part 128, "Transactions in Foreign Exchange, Transfers of Credit, and Export of Coin and Currency," is misleading in that it refers to the general license granted in Sec. 128.1 authorizing transactions in foreign exchange, transfers of credit and exports of currency and coin. Since Sec. 128.1 is being removed as obsolete, the Title of Part 128 is amended to reflect the actual scope of the remaining regulations, which pertain exclusively to data collection with respect to international capital and foreign currency transactions and holdings.

Section 128.1 General license.

This section grants a general license to undertake transactions in foreign exchange, transfers of credit and exports of currency and coin insofar as such transactions are permitted by Executive Order 6560, January 15, 1934 (31 CFR Part 127). The authority to impose restrictions on transactions in foreign exchange, transfers of credit and exports of currency and coin is derived from the Trading With the Enemy Act, 12 U.S.C. 95a and various enactments issued pursuant to that Act.

Prior to the 1977 amendments, the Trading With the Enemy Act empowered the President to declare national emergencies in periods other than wartime. The 1977 amendments to the Act provided that the President can declare national emergencies under the Trading With the Enemy Act only in time of war. (The International Emergency Economic Powers Act, 50 U.S.C. App. 1701-1706, provides that the President can declare national emergencies with respect to threats which have their sources in whole or substantial part outside the United States). The 1977 amendments also provided that all declared national

emergencies in effect on the date of enactment (1977) terminated in two years, unless extended. Because these declared emergencies were not extended, they lapsed in 1979.

Since the authority to impose peacetime restrictions in the absence of a new declaration of an emergency has lapsed, there is no longer any need to provide for licenses which would exempt license-holders from such restrictions. For this reason, § 128.1 is removed.

Section 128.2 Reports.

As presently drafted, this section cites the Trading With the Enemy Act, as amended by the Emergency Banking Act of 1933 (12 U.S.C. 95a) and Executive Order 6560 as authority for the collection of data under Subparts B and C of Part 128. As discussed above, these authorities are no longer applicable, as the result of the 1977 amendments to the Trading With the Enemy Act. The other statutory bases for collection of the Treasury International Capital reports are the International Investment Survey Act of 1976, 22 U.S.C. 3101 *et seq.*, Section 8(a) of the Bretton Woods Agreements Act, 22 U.S.C. 286f and Executive Order 10033. Treasury Foreign Currency reports are collected pursuant to Pub. L. 93-110, 31 U.S.C. 5315.

Section 128.3 Use of Information reported.

This section is amended to delete reference to the Federal Reports Act, which has been superseded by the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.* The section also is amended to permit disclosure of TFC data to Federal Reserve District Banks as well as to other Federal agencies.

Section 128.4 Penalties.

This section is revised to delete the penalties provided under the Emergency Banking Act of 1933 and substitute therefor the penalties provided under the International Investment Survey Act and Pub. L. 93-110, as applicable.

Section 128.5 Modification or revocation.

This section is revised to delete reference to the "general license" since § 128.1 is being revoked.

Section 128.10 and 128.30 Copies.

These sections are amended to reflect the transfer of the Office of Data Management from the Office of the Assistant Secretary (Economic Policy) to the Office of the Assistant Secretary (International Affairs).

Executive Order 12291

The Department of the Treasury has determined that this regulation is not a "major rule" for purposes of E.O. 12291, and a regulatory impact analysis is therefore not required.

Regulatory Flexibility Act

For the reason set forth below, a notice of proposed rulemaking is not required for this rule. Accordingly, the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) do not apply to this rule and a regulatory flexibility analysis is not required.

Final Rule

These amendments are presented as final rules pursuant to 5 U.S.C. 553(a) because the changes are not substantive. Notice and public procedure thereon are unnecessary.

Drafting Information

The principal author of this document was: John G. Murphy, Jr., Attorney-Adviser, Office of the General Counsel, Department of the Treasury, Room 2013, 1500 Pennsylvania Avenue, N.W., Washington, D.C. 20220, (202) 566-8401. However, personnel from other Treasury offices participated in its development.

List of Subjects in 31 CFR Part 128

Banks, banking, Foreign banking, finance, Credit, Foreign claims, Foreign currencies, Foreign exchange, Money, Currency, Reporting and recordkeeping requirements.

PART 128—REPORTING OF INTERNATIONAL CAPITAL AND FOREIGN CURRENCY TRANSACTIONS AND HOLDINGS, TRANSFERS OF CREDIT, AND EXPORT OF COIN AND CURRENCY

Part 128 is amended by:

1. Revising Subpart A to read as follows:

Subpart A—Regulations

Sec.

128.2 Reports.

128.3 Use of information reported.

128.4 Penalties.

128.5 Modification or revocation.

Authority: Sec. 8(a), Pub. L. 79-171, 59 Stat. 515 (22 U.S.C. 286f; Pub. L. 93-110, 87 Stat. 352 (31 U.S.C. 5315), Pub. L. 94-472, 90 Stat. 2059 (22 U.S.C. 3103), unless otherwise noted.

Subpart A—Regulations

§ 128.2 Reports.

(a) In order to effectuate the purposes of the International Investment Survey Act of 1976 (90 Stat. 2059, 22 U.S.C. 3101 *et seq.*), and in order that information requested by the International Monetary

Fund under the articles of agreement of the Fund may be obtained in accordance with section 8(a) of the Bretton Woods Agreements Act (sec. 8(a) 59 Stat. 515; 22 U.S.C. 286f and Executive Order No. 10033, 14 FR 561; 3 CFR, 1949 Supp.), every person subject to the jurisdiction of the United States engaging (1) in any transaction in foreign exchange; (2) in any transfer of credit between any person within the United States and any person outside of the United States; or (3) in the export or withdrawal from the United States of any currency or coin which is legal tender in the United States, shall furnish information relative thereto to such extent and in such manner and at such intervals as is required by report forms and instructions prescribed in Subpart B of this Part.

(b) In order to provide additional data on the nature and source of flows of mobile capital, including transactions by large United States business enterprises and their foreign affiliates, as required by Title II of Pub. L. 93-110 (87 Stat. 352, 31 U.S.C. 5315), every United States person engaging (1) in any transaction in foreign exchange; (2) in any transfer of credit between any person within the United States and any person outside the United States; or (3) in the export or withdrawal from the United States of any currency or coin which is legal tender in the United States, shall furnish information relative thereto to such extent and in such manner and at such intervals as is required by report forms and instructions prescribed in Subpart C of this Part. Information shall also be furnished by every United States person or persons with regard to any foreign person controlled by such United States person or persons as provided in Subpart C of this Part.

(c) All persons required to report, other than banks and banking institutions, shall furnish the reports required under Subparts B and C of this Part to the Federal Reserve Bank of New York. Each bank or banking institution shall furnish the required reports to the Federal Reserve Bank of the District in which such bank or banking institution has its principal place of business in the United States. In the event that any person required to report has no principal place of business within a Federal Reserve district, the information shall be furnished directly to the Office of the Assistant Secretary (International Affairs), Department of the Treasury, Washington, D.C. 20220 or to such agency as the Department of the Treasury may designate.

(Pub. L. 79-171, 59 Stat. 515 (22 U.S.C. 286f); Title II, Pub. L. 93-110, 87 Stat. 352 (31 U.S.C.

5315); Pub. L. 94-472, 90 Stat. 2059 (22 U.S.C. 3103))

§ 128.3 Use of information reported.

The information reported on the forms required under Subparts B and C will not be disclosed publicly by the Department of the Treasury or by any other Federal agency or Federal Reserve District Bank having access to the information as provided herein. Data reported on these forms may be published or released in the aggregate in a manner which will not reveal the amounts reported by any individual reporting bank or nonbanking firm. The Department may furnish to other Federal agencies data reported on these forms to the extent permitted by applicable law. In addition, the Department may furnish other Federal agencies data reported on the forms required under Subpart B to the extent permitted by the International Investment Survey Act of 1976, 22 U.S.C. 3101, *et seq.* and may furnish to the Federal Reserve District Banks data reported on the forms required under Subpart C.

§ 128.4 Penalties.

(a) Whoever willfully fails to submit a report required under Subpart B may be criminally prosecuted and upon conviction fined not more than \$10,000 or, if an individual, may be imprisoned for not more than one year, or both. Any officer, director, employee or agent of any corporation who knowingly participates in such violation may be punished by a like fine, imprisonment, or both.

(b) Whoever fails to submit a report required under Subpart C of this Part may be assessed a civil penalty not exceeding \$10,000.

(Pub. L. 93-110, 87 Stat. 352 (31 U.S.C. 5321), Pub. L. 94-472, 90 Stat. 2063 (22 U.S.C. 3105))

§ 128.5 Modification or revocation.

The regulations in this Part may be modified or revoked at any time.

2. Revising § 128.10 and restating the authority for Subpart B to read as follows:

Subpart B—Description of Forms Prescribed Under This Subpart

Authority: Sec. 8, Pub. L. 79-171, 59 Stat. 515, 22 U.S.C. 286f; Sec. 4, Pub. L. 94-472, 90 Stat. 2059, 22 U.S.C. 3103; EO 10053, 14 FR 561, 3 CFR, 1949-1953, Comp: EO 11961, January 9, 1977, 42 FR 4321, as amended, unless otherwise noted.

§ 128.10 Copies.

Copies of the forms described in this Subpart with instructions may be obtained from any Federal Reserve bank or from the Office of the Assistant

Secretary (International Affairs), Treasury Department, Washington, D.C. 20220.

3. Revising § 128.30 and restating the authority for Subpart C to read as follows:

Subpart C—Description of Forms Prescribed Under This Subpart

Authority: Title II, Pub. L. 93-110, 87 Stat. 352 (31 U.S.C. 5315), unless otherwise noted.

§ 128.30 Copies.

Copies of the forms described in this Subpart with instructions may be obtained from any Federal Reserve bank or from the Office of the Assistant Secretary (International Affairs), Department of the Treasury, Washington, D.C. 20220.

Dated: January 10, 1983.

Peter J. Wallison,

General Counsel.

[FR Doc. 83-2106 Filed 1-26-83; 9:45 am]

BILLING CODE 4810-25-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 165

Safety Zone—Strait of Juan de Fuca and Puget Sound, Washington

AGENCY: United States Coast Guard, Transportation.

ACTION: Temporary rule.

SUMMARY: This amendment to the Coast Guard's Safety Zone Regulations establishes two safety zones within the waters of Northwestern Washington during the port call of Her Majesty's Yacht (HMY) Britannia. These safety zones are established to safeguard the Britannia and the many onlookers and well-wishers who may wish to view her at close quarters as she transits to and from her mooring place at Pier 48 through the Strait of Juan de Fuca and Puget Sound. The effect of this rule will limit the approach of vessels and maritime traffic to and near the Britannia while she is within the waters of Northwestern Washington.

DATES: This amendment is effective on 1 March 1983 or when HMY Britannia enters the waters of Northwestern Washington, whichever occurs last and will remain in effect until the vessel's departure from the navigable waters of Northwestern Washington, but in no case will its provisions extend beyond 1 April 1983.

FOR FURTHER INFORMATION CONTACT: LCDR Timothy G. M. Balunis, c/o Captain of the Port, 1519 Alaskan Way

South, Seattle, Washington 98134; Tel: (206) 442-1858.

Discussion: During March 1983, HMY Britannia will arrive within the waters of Northwestern Washington. As this arrival may reasonably result in a large number of vessels congregating near the vessel or in its path, concern is justified for both the arriving vessel and the many mariners wishing to get close for a view of that vessel. These safety zones will be enforced by representatives of the Captain of the Port, Seattle, Washington.

The Captain of the Port may be assisted in the enforcement of these safety zones by civil law enforcement authorities.

Prohibited Acts: As provided in the General Regulations for safety zones (33 CFR 165.20) no person may enter a safety zone unless authorized by the Captain of the Port or the District Commander. Each person in a safety zone who has notice of a lawful order or direction of the Captain of the Port, District Commander or his authorized representative issued to enforce that zone shall obey that order or direction.

Penalties: Violation of a safety zone will result in prosecution under the authority of 33 U.S.C. 1232.

Drafting Information: The principal person involved in the drafting of the rulemaking is LCDR Timothy G. M. Balunis, Project Officer. The project attorney is Lt. James R. Woepel c/o Commander, Thirteenth Coast Guard District (d1), 915 Second Ave., Seattle, Washington 98174; Tel: (206) 442-7953.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Security measures, Waterways.

Part 165 of Title 33 of Code of Federal Regulations is amended by adding § 165.1320 to read as follows:

§ 165.1320 Vicinity Strait of Juan de Fuca and Puget Sound, Washington.

Safety Zone A: All land, water, and structures within the area enclosed by a circle whose radius is 500 yards from HMY Britannia while she is underway in the waters of Northwestern Washington. Safety Zone A moves with the vessel whenever it is underway in the waters of Northwestern Washington.

Safety Zone B: All land, water, and structures within the area enclosed by a circle whose radius is 250 yards from the northwestern corner of Pier 48 in Seattle, Washington.

These safety zones become effective upon announcement by Captain of the Port, Seattle via radio broadcast.

Termination of these zones will be automatic as follows:

(a) Safety Zone A—When HMY Britannia departs the waters of Northwestern Washington.

(b) Safety Zone B—When HMY Britannia casts off her last line from Pier 48 in Seattle, Washington.

Dated: January 17, 1983.

J. F. Eckman,

Captain of the Port, U.S. Coast Guard.

[FR Doc. 83-2266 Filed 1-26-83; 8:45 am]

BILLING CODE 4910-14-M

POSTAL SERVICE

39 CFR Parts 221, 222, 223, 224, 225, and 265

Miscellaneous Organizational Changes and an Interpretative Rule; Correction

AGENCY: Postal Service.

ACTION: Final rule; correction.

SUMMARY: This document corrects an erroneous description of the first of the responsibilities of the Office of Data Management contained in final regulations which were published January 17, 1983 (48 FR 1968).

FOR FURTHER INFORMATION CONTACT: Paul J. Kemp, (202) 245-4638.

PART 224—GROUPS AND DEPARTMENTS

Accordingly, the Postal Service is correcting 39 CFR 224.6(b)(2)(i) to read as follows:

§ 224.6 Information Resource Management.

(b) * * *

(2) *Office of Data Management.* The Office of Data Management is responsible for:

(i) The USPS data policy;

(39 U.S.C. 401(2))

W. Allen Sanders,

Associate General Counsel, Office of General Law and Administration.

[FR Doc. 83-2267 Filed 1-26-83; 8:45 am]

BILLING CODE 7710-12-M

POSTAL RATE COMMISSION

39 CFR Part 3001

[Docket No. RM83-2; Order No. 478]

Order Amending Rules of Practice and Procedure

Issued January 21, 1983.

AGENCY: Postal Rate Commission.

ACTION: Final rule.

SUMMARY: This final rule adopts the amendments to Rule 54 of the Commission's rules of practice that were proposed in the Notice of Proposed Rulemaking that the Commission issued on October 25, 1982 [47 FR 49667 (November 2, 1982)], pursuant to 39 U.S.C. 3603, 3622, and 3623. They clarify and make more specific the content and level of detail required in the cost presentation of a formal Postal Service request for changes in rates or classifications of mail. The only amendment proposed in the original Notice that is not adopted in this final rule is proposed section 54(h)(10), which pertains to supplemental cost segment presentations that are consistent with analytical methods previously recommended by the Commission. That proposal is severed from this docket and, in a companion order, made the subject of further comment.

EFFECTIVE DATE: This rule is effective on January 27, 1983.

FOR FURTHER INFORMATION CONTACT: David F. Stover, General Counsel, 2000 L Street, NW., Washington, D.C. 20268 (telephone: [202] 254-3824).

SUPPLEMENTARY INFORMATION: On October 25, 1982, the Commission issued a Notice of Proposed Rulemaking proposing a set of amendments to Rule 54 of its rules of practice clarifying the content and level of detail that the Postal Service must include in the cost presentation that accompanies its formal requests for changes in postal rates and fees. Certain cost information can be identified in advance of formal Postal Service requests for changes in rates or classes of mail as essential to reaching an informed recommended decision. In the past, however, such information often has not been included in the Postal Service's request, in part because current Rule 54 is not sufficiently specific or comprehensive in identifying the cost information that such requests should include. As a result, substantial time and resources have, in the past, been consumed unnecessarily eliciting such information from the Postal Service piecemeal over the course of the hearing, through discovery and attendant motion practice.

The objective of the amendments to Rule 54 that we proposed in our October 25 Notice is to avoid this needless expense and delay by requiring categories of foreseeably necessary cost information that in the past have been obtained through discovery or Commission information requests, to be included, instead, in the Postal Service's initial filing.

Eleven parties filed comments or reply comments responding to the Commission's October 25 Notice. Having considered these comments, we adopt the amendments proposed in our initial Notice with some minor modifications. Paragraph 54(h)(10) proposed in that Notice is the only proposal that we are not adopting in this final rule. That proposed rule would require the Postal Service, where it proposed to analyze cost causality in a particular segment by a method not previously recommended by the Commission, to include a supplemental presentation with its request treating that cost segment by a method consistent with the method previously recommended by the Commission. This is the only amendment proposed in our October 25 Notice that has generated substantial controversy involving assertions of fact. For that reason it is being severed from this docket and made the subject of further rulemaking activity.

In addition to proposing specific amendments to Rule 54, the October 25 Notice solicited comment on whether it is desirable for the Commission, at the request of the Postal Service or other parties, to use informal rulemaking procedures to examine proposed methods for analyzing postal costs that have not previously been recommended by the Commission. If, as a result of such an informal rulemaking, the Commission were convinced that the party advocating the new method is likely to demonstrate, in a subsequent section 3624 proceeding, that its proposed method would be preferable to the previously recommended method, the Commission would then serve notice of its intent not to attach the customary weight of precedent to the established methodology in a subsequent section 3624 proceeding. One of the primary benefits of this proposed procedure would be the opportunity it would afford the Postal Service to secure a waiver of the requirements of proposed section 54(h)(10), if that proposal should be adopted. Because of its close relationship to proposed 54(h)(10), the Commission will defer this proposal until it reaches a decision on proposed 54(h)(10).

Several commenters advanced their own proposals for amending Rule 54. Most of them are not incorporated in our amendments adopted here, for reasons explained below.

In its Notice of Proposed Rulemaking, the Commission proposed amending section 54(h)(4). That section currently requires the Postal Service to attribute and assign segment costs to the various

mail classes and services. We proposed the following amendment to that subsection to make explicit what had formerly been an implicit standard for the costing evidence required by Rule 54:

The submission shall be sufficiently comprehensive and detailed to allow it to be independently evaluated, verified, and replicated from primary data sources.

Dow Jones, Inc. commented that placing this language in subsection 54(h)(4) inappropriately limits its applicability to the Postal Service's functional cost presentation. Dow Jones recommends incorporating this language instead, in subsection 54(p), which establishes requirements for workpapers generally. (Comments of Dow Jones, Inc., November 24, 1982, pp. 1-2.) We concur that the standard which this recommended language embodies should apply to workpapers in general. Accordingly, we amend the language of subsection 54(p)(4) to read as follows:

(4) Workpapers shall be sufficiently comprehensive and detailed to allow quantitative data in the testimony to be independently evaluated and verified. They shall be sufficient to enable a reviewer to trace the derivation of numbers in the testimony back to published documents or, if necessary, primary data sources. Citations shall be sufficiently detailed to enable a reviewer to identify and locate the specific data used, e.g., by reference to document, page, line, column, etc.

United Parcel Service proposed that the Postal Service be required to provide primary data sources with its request, asserting that this would eliminate delay during the hearing. (Comments of United Parcel Service, November 24, 1982, p. 1). While a need for the production of selected primary data sources has occasionally been demonstrated in past hearings, a routine need for the production of primary data sources in general has not been demonstrated. Moreover, it would be a substantial burden upon the Postal Service to provide certain categories of primary data, such as raw In Office Cost System (IOCS) tallies. Therefore, we think that a blanket requirement that primary data sources be provided at the outset of a hearing, such as UPS proposes, is not warranted.

In our Notice of Proposed Rulemaking, we proposed new sections 54(h) (5) through (9), dealing with the cost forecasting model, attributable cost final adjustments, "other services" adjustments, a summary cost table, and base year amounts for accounts included in cost segments. We proposed them on the ground that they represent categories of cost information that we have consistently relied upon to reach

recommended decisions in past omnibus rate cases, but often have had to obtain through discovery or information requests rather than the Postal Service's initial filing, which has resulted in unnecessary delay in the hearing process.

Newsweek asked in its comments that we not adopt these amendments. It recommended that we wait and see whether recent amendments to section 54(p)(4), which require that numbers in Postal Service testimony be supported by workpapers that show their derivation from public documents or primary data sources, won't elicit the additional detail in costing data that they perceive to be the goal of these amendments. (Comments of Newsweek, Inc., November 24, 1982, pp. 5-8).

Newsweek misperceives the principal goal of these amendments as well as their principal effect, which is not to obtain additional detail from the Postal Service, but to obtain the detail that we have obtained in past cases at an earlier point in the proceeding, in the Postal Service's initial filing. For that reason we consider Newsweek's concern about additional data requirements to be misplaced.

The balance of the comments pertinent to our proposed new sections 54(5) through (9) were generally favorable. Significant controversy was voiced only with respect to our reference to Service Related Costs in proposed new section 54(h)(8). As proposed, this paragraph required a summary cost table that included assignable costs. We included in that paragraph some illustrative categories of assignable costs, among them Service Related Costs. The sole purpose of this list was to illustrate the point that the summary table should break out assignable costs into its constituent categories. The Notice of Proposed Rulemaking made it clear that proposed sections 54(h)(5) through (9), including 54(h)(8), were applicable only to the costing presentation advocated by the Postal Service. Therefore, any category of assignable costs, including Service Related Costs, would be included in the summary table required by proposed section 54(h)(8) only if the Postal Service chose to include them in its advocated costing analysis.

There were numerous comments both supporting and opposing the reference to Service Related Costs in proposed subsection 54(h)(8), based upon the incorrect inference that our reference to Service Related Costs in subsection (8) denoted a substantive requirement for the Postal Service's advocated costing presentation. As we have explained, that was not our intent. Because it is not

strictly necessary, and has given rise to unintended inferences, we have decided to delete the list of illustrations of categories of assignable costs from subsection 54(h)(8).

United Parcel Service recommended that proposed sections 54(h)(5) and (8) be applied not only to the costing presentation advocated by the Postal Service, but to the supplemental cost segment presentations that would be required if section 54(h)(10) proposed in our Notice were ultimately adopted. (Comments of United Parcel Service, November 24, 1982, p. 2). We do not adopt this recommendation because, in our view, it is not likely to be useful. This recommendation appears to rest upon a misperception of what our proposed new section 54(h)(10) would require in terms of supplemental costing data.

Proposed section 54(h)(10), if it is ultimately adopted as proposed, will require the Postal Service to provide the data necessary to treat individual cost segments and components by analytical methods previously recommended by the Commission. This would enable the Commission to preserve the option of accepting or rejecting methods of analyzing cost causality in individual cost segments that depart from precedent, an option that the Commission must have if it is to fulfill its statutory duty. *Time, Inc. v. USPS*, 685 F.2d 760, 774-75 (2d Cir. 1982).

Proposed section 54(h)(10) rests on the premise that what has been true in past rate cases would be true in future ones, that is, the Commission would accept the majority of the methodological departures proposed by the Postal Service for particular cost segments, rejecting them in favor of established methods in relatively few cost segments. Consistent with this premise, proposed section 54(h)(10) would not require the Postal Service to prepare a comprehensive, integrated, supplemental cost presentation that conforms to methodological precedent, with all ripple effects worked through, and base-year costs rolled forward to the test year, as sections 54(h)(5) and (8) would require if they were applied to the supplemental cost segment treatments that proposed section 54(h)(10) contemplates.

To apply sections 54(h)(5) and (8) to the Postal Service's supplemental cost presentation, in our view, would not be appropriate because it approaches the point of requiring the Postal Service to become an advocate of a litigating position against its will.

To require the Postal Service to update cost segment data in a format

that conforms to an analytical method previously sanctioned in formal section 3624 proceedings, as proposed section 54(h)(10) is intended to do, would require it essentially to provide updates of numerical data previously provided, based upon methodological assumptions that it is asked to treat as given. It does not require the Postal Service to exercise a significant degree of judgmental discretion. And, because it allows the Postal Service to disclaim the underlying method, it does not require it to adopt a litigating position against its will.

This would be less true, however, if the Postal Service were required to present a comprehensive and fully developed supplemental cost presentation, which sections 54(h)(5) and (8) entail. The integrating and forecasting decisions required by sections 54(h)(5) and (8) would require the Postal Service to exercise significant judgmental discretion. Difficult due process questions might be presented if the Postal Service were required involuntarily to adopt such judgments under oath. In addition, the need for such integration and elaboration of cost segment data as paragraphs (5) and (8) require is less critical than is the need for the basic cost segment data itself, which is in the exclusive possession of the Postal Service. For these reasons we are not adopting United Parcel Service's suggestion with respect to sections 54(h)(5) and (8).

One of the remaining aspects of proposed sections 54(h)(5) through (9) that received significant comment is the proper interpretation of the requirement that the information to be provided under those paragraphs be broken out by rate category as well as subclass. Whereas current section 54(h)(4) requires that costs be attributed and assigned to rate categories "to the extent practical," the amendments proposed in our October 25 Notice, where they propose that cost data be broken out by rate category, do not include a similar qualification.

Direct Marketing Association, Inc., construed our proposed amendments to impose an unqualified requirement that cost data be broken out by rate category, and urged that current section 54(h)(4) be brought into conformity with its construction of our proposed amendments. (Comments of Direct Marketing Association, Inc., November 24, 1982, pp. 3-4). The Postal Service interprets our proposed amendments as incorporating the limitation in current section 54(h)(4) that cost data be broken out by rate category "to the extent practical." (Reply Comments of United

State Postal Service, December 22, 1982, pp. 6-10). The Council of Public Utility Mailers, in their comments and reply comments, recommends that the Postal Service's obligation to break out cost data by rate category be limited in Rule 54 to data that is already being collected.

The Postal Service's interpretation of our proposed amendments in this respect is correct. It has cited valid reasons for preserving this limitation, specifically, that there are great practical difficulties in identifying certain rate categories for sampling purposes, and sample sizes, and the attendant expense of sampling, might have to be increased considerably if separate data for all rate categories were to be collected. Accordingly, section 54(h)(5) through (9), as we adopt them here, shall be understood to incorporate the qualification on the Postal Service's obligation to break out cost data by rate category that is set forth in current subsection 54(h)(4).

We are adopting section 54(h)(5) through (9) as proposed in our October 25 Notice, with the modifications described above, and certain additional changes in language made to bring them into stylistic conformity with the balance of Rule 54.

Proposed section 54(h)(11) established as a minimum level of disaggregation of cost segment data, that which was employed with respect to a particular segment in the most recent formal proceeding. It would apply not only to the supplemental cost segment presentations that would be required if proposed 54(h)(10) were adopted, but to the Postal Service's advocated cost presentation as well. Accordingly, an exception to this requirement was provided for that situation where the Postal Service's advocated treatment of a particular cost segment was based upon a method for determining cost causality that differed conceptually from that recommended by the Commission in the most recently completed formal hearing. To qualify for the exception, the Postal Service would have to be able to demonstrate that its proposed methodological departure would make the level of disaggregation achieved in the established treatment of a particular cost segment inappropriate.

Notwithstanding the inclusion of this exception, Dow Jones comments that it is not appropriate to tie required levels of detail in cost segment data to the established methods for analyzing cost causality in that segment. It argues that if such data must be disaggregated at established levels, it might artificially inhibit the Postal Service from reflecting

"changing postal conditions and circumstances." (Comments of Dow Jones, Inc., November 24, 1982, pp. 4-5). In view of the exception for changed methodology already incorporated in proposed subsection 54(h)(11), Dow Jones, presumably, is arguing that even where the basic methodological concept for analyzing cost causality remains unchanged, operational changes might make levels of disaggregation previously achieved for a cost segment inappropriate. We conceded this possibility, and agree that paragraph (11) should provide for this additional contingency. Accordingly, we are modifying the language of paragraph (11) originally proposed in our October 25 Notice to make an exception to its requirements for changes in mail operations as well as methodological changes that the Postal Service can demonstrate make the established level of disaggregation for a particular cost segment inappropriate.

In our Notice of Proposed Rulemaking of October 25, 1982, we included an "Appendix C" that illustrated the level of disaggregation of cost segment data that paragraph (11) would require. [47 FR 49667, 71-73 (November 2, 1982)]. Appendix C did not, however, specifically illustrate the requirement that the cost amounts shown there are required to be distributed to mail classes, subclasses, rate categories for which pertinent data is collected, and special services. We wish to clarify that proposed section 54(h)(11), as we adopt it here, includes that requirement. We also note that because we are severing proposed section 54(h)(10) dealing with supplemental cost segment presentations from this docket, what was designated section 54(h)(11) in our Notice of Proposed Rulemaking must be redesignated 54(h)(10), as we adopt it here.

The American Newspaper Publishers Association recommended that we amend section 54(d) to require that the Postal Service include in its request a complete set of both volume and non-volume distribution keys. (Comments of American Newspaper Association, November 26, 1982, p. 1). This information is clearly basic to understanding the manner in which the Postal Service has derived its recommended rates, and clearly must accompany any formal Postal Service request for new rates. But because it is so clearly basic to any Postal Service testimony supporting changed rates for a particular mail class, it is clearly required to be provided in the Postal Service's workpapers under current section 54(p)(2)(i). Accordingly, it is

unnecessary, in our view, to add a specific requirement with respect to distribution keys elsewhere in Rule 54.

Direct Marketing Association, Inc., has recommended a number of amendments to Rule 54. It recommends that where the Postal Service bases its rate discounts for presorted mail on cost-avoidance estimates, that it be required to update those estimates for the base year and the test year, with explanations of the differences between base- and test-year figures. (Comments of Direct Marketing Association, Inc., November 24, 1982, pp. 4-5). We agree with DMA that staleness of data upon which cost avoidance estimates have been based has been a notable deficiency in past Postal Service requests, and that updates are overdue for certain rate categories. We do not, however, think it is feasible to prescribe by a blanket rule the specific frequency with which cost avoidance studies must be updated. Passage of time is only one of several factors that determines the obsolescence of cost avoidance studies. Operational changes, for example, can also affect their continued relevance and validity. The expense of, as well as the need for updating such studies is better determined according to the individual circumstance. Accordingly, we do not adopt this solution to an admittedly significant problem with past Postal Service filings.

DMA also recommends that current section 54(h)(4)(viii) be amended to make specific reference to "cost avoidance resulting from deferred mail handling and delivery." (Comments of Direct Marketing Association, November 24, 1982, p. 5). This factor is, in our view, already subsumed under current section 54(h)(4)(iii), "[p]riority of handling", and therefore is unnecessary.

DMA recommends that Rule 54 be amended to require that the Postal Service's request identify and distribute "below the line" revenue requirement items, as well as cost items. (Comments of Direct Marketing Association, November 24, 1982, pp. 5-6). The purpose of the amendments that we adopt here is to identify information obtained in past proceedings that was necessary to illuminate otherwise obscure areas of cost allocation, and to advance the point in the proceeding at which such information is made available. The identification and distribution of "below the line" revenue requirement items has been presented in past Postal Service requests in a straight-forward and readily ascertainable fashion. We therefore see no need for additional rules on this subject.

DMA has recommended numerous amendments to current Sections 54 (i), (j), and (k). As we have noted, our Notice of Proposed Rulemaking was intended to advance the point in our formal proceedings at which the Postal Service provides essential cost information. While some of DMA's proposed amendments to subsections (i), (j), and (k) appear to have merit, they address areas other than costs, and therefore are better dealt with in a separate rulemaking.

List of Subjects in 39 CFR Part 3001

Rules of practice and procedure, content of formal requests.

PART 3001—[AMENDED]

We hereby amend § 3001.54 paragraph (h) by redesignating current paragraphs (5) and (6) as paragraphs (11) and (12) respectively, and adding new paragraphs (5) through (10) to read as follows:

§ 3001.54h Contents of formal requests.

(h)

(5) The cost forecasting or "roll-forward" model shall be provided. It shall include the following items:

(i) For each cost segment component, a listing of all forecasting factors used in the cost level, mail volume, nonvolume workload, additional workday, productivity and other programs effects.

(ii) For each "ripple-affected" cost segment component, a listing of those segments and components that determine its level of attribution or its distribution to mail class, subclass, rate category and service.

(iii) For each longer-run cost segment component:

(a) A listing of all factors used in determining its overall level of attribution, and

(b) A listing of the specific cost segment components used in determining its level of attribution, and its distribution to mail class, subclass, rate category and service.

(iv) Workpapers showing the application of the forecasting factors and procedures to each cost segment component for each time period used in the forecasting process. Such workpapers shall include the quantification, and distribution to mail class, subclass, rate category and service, of each cost segment component, separating the short-run from the longer-run portions.

(6) Attributable cost final adjustments by mail class, subclass, rate category and service, details of the development of those adjustments, and an

explanation of each adjustment shall be provided.

(7) "Other services" adjustments by mail class, subclass, rate category and service, details of the development of those adjustments, and an explanation of each adjustment shall be provided.

(8) An overall summary cost table shall be provided. It shall show by mail class, subclass, rate category and service, short-run attributable costs, longer-run attributable costs, assignable costs by category, and all adjustments made to each of the foregoing.

(9) For each cost segment, base-year amounts for each included account and subaccount shall be provided.

(10) The minimum level of disaggregation required for presenting evidence on a cost segment or component is that employed by the Commission in its most recently completed section 3624 proceeding establishing a methodological precedent for that segment or component. This requirement shall not apply.

(i) To presentations that propose to define, attribute, assign, or distribute to mail classes segment or component costs by a method not employed or recommended by the Commission in such proceeding, and the Postal Service has demonstrated that the proposed methodological departure makes the level of disaggregation most recently employed or recommended by the Commission inappropriate.

(ii) Where the Postal Service has demonstrated that changes in mail operations make the level of disaggregation most recently employed or recommended by the Commission inappropriate.

By the Commission.

David F. Harris,
Secretary.

[FR Doc. 83-2256 Filed 1-26-83; 8:45 am]
BILLING CODE 7715-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-3-FRL 2261-8]

Approval and Promulgation of Implementation Plans, Approval of Revision of the Maryland State Implementation Plan

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: EPA approves the State of Maryland's submitted revisions to its

enabling legislation pertaining to air pollution control and its request that these changes be incorporated into the approved Maryland State Implementation Plan (SIP). The revisions meet all of the applicable requirements of the Clean Air Act and fulfill the stated purpose of streamlining the language in the State statute.

EFFECTIVE DATE: This notice will be effective March 28, 1983, unless notice is received within 30 days that someone wishes to submit adverse or critical comments.

All comments should be submitted to: Henry J. Sokolowski, P.E., Chief, MD-DE-DC Metro Section, U.S. Environmental Protection Agency, Region III, 6th & Walnut Sts., Philadelphia, PA 19106, Ref: AH041MD.

ADDRESSES: Copies of the revision and accompanying documents are available for inspection during normal business hours at the following offices:

U.S. Environmental Protection Agency, Region III, Air Media & Energy Branch, Curtis Building, Tenth Floor, Sixth & Walnut Streets, Philadelphia, PA 19106, ATTN: Patricia Gaughan
Maryland Department of Health & Mental Hygiene, Air Management Administration, 201 W. Preston Street, Baltimore, Maryland 21201, ATTN: George P. Ferreri

Public Information Reference Unit, Room 2922, EPA Library, U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460

The Office of the Federal Register, 1100 L Street, N.W., Room 8401, Washington, D.C. 20408

FOR FURTHER INFORMATION CONTACT: Harold A. Frankford (3AW12), U.S. Environmental Protection Agency, Region III, 6th & Walnut Sts., Philadelphia, PA 19106, Phone: 215/597-8392, Ref: AH041MD.

SUPPLEMENTARY INFORMATION: On July 2, 1982, the State of Maryland submitted to EPA, revisions to its Annotated Code pertaining to air quality control. The revised Code replaces Article 43 of the Annotated Code of Maryland. In general, the changes were made for the following purposes:

(1) Clarify wording to avoid differing interpretations of the meaning of a given definition or term;

(2) Renumber existing provisions under the new code without making substantive wording changes;

(3) Delete wording that the State has considered to be unnecessary;

(4) Change the wording of certain provisions so that it conforms with the wording of other provisions;

(5) Change the language of Old Article 43 to conform with the language of the new Health-Environmental Annotated Code of Maryland;

(6) Add language to a provision to state explicitly that the State Department of Health and Mental Hygiene has the power to refuse to grant a temporary fuel variance. Previously, such power had only been implied; and

(7) Revise Section 2-610 to allow the State up to 36 months to rebate a civil penalty, upon the finding that a violation has been eliminated or that the conditions of a Secretarial Order have been satisfied. Under the old provisions, the State was allowed one year to rebate such penalty.

EPA Evaluation

EPA has reviewed these changes and concludes that the revised Health-Environmental Article of the Annotated Code of Maryland still contains the necessary legal authority for the State of Maryland to carry out its SIP, including all of the elements listed under 40 CFR 51.11 (Legal Authority) of Subpart B (Plan Content and Requirements). Therefore, EPA approves the State's revised Health-Environmental Article as a revision of the Maryland SIP. Accordingly, this rulemaking action revises 40 CFR 52.1070 (Identification of Plan) of Subpart V (Maryland) to incorporate these statutory changes into the approved Maryland SIP.

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

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

Under 5 U.S.C. 605(b), I have certified that SIP approvals do not have a significant economic impact on a substantial number of small entities. (See 46 FR 9709.)

Under Section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by (insert 60 days from today). This action may not be challenged later in proceedings to enforce its requirements. (See 307(b)(2).)

List of Subjects in 40 CFR Part 52

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

Dated: January 12, 1983.

Anne M. Gorsuch,
Administrator.

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

PART 52—[AMENDED]

Title 40, Part 52, Subpart V of the Code of Federal Regulations is amended as follows:

Subpart V—Maryland

Section 52.1070 is amended by adding paragraph (c)(68) as follows:

§ 52.1070 Identification of plan.

• • • • •

(c) • • •

(68) The revised Health-Environmental Article of the Annotated Code of Maryland, submitted on July 2, 1982 by the Director, Maryland Air Management Administration, Department of Health and Mental Hygiene.

(FR Doc. 83-2188 Filed 1-26-83; 8:45 am)

BILLING CODE 6560-50-M

40 CFR Parts 60 and 61

[AD-FRL-2244-8]

Standards of Performance for New Stationary Sources and National Emission Standards for Hazardous Air Pollutants: Incorporation by Reference

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This is a technical amendment incorporating certain materials by reference into existing new source performance standards (NSPS) and national emission standards for hazardous air pollutants (NESHAP) promulgated under Sections 111 and 112, respectively, of the Clean Air Act. These materials are already cited in those standards, but they have not until now been incorporated by reference under the applicable regulations of the Office of the Federal Register. The intent of this action is to comply with those regulations.

EFFECTIVE DATE: January 27, 1983. The incorporation by reference of certain

publications listed in the regulation is approved by the Director of the Federal Register as of January 27, 1983.

FOR FURTHER INFORMATION CONTACT: Ms. Shirley Tabler, Standards Development Branch (MD-13), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, telephone number (919) 541-5624.

SUPPLEMENTARY INFORMATION: In the Freedom of Information Act, 5 U.S.C. 552, Congress authorized incorporation of materials into regulations by reference in an effort to reduce the volume of material published in the Federal Register and Code of Federal Regulations. Incorporation by reference allows federal agencies to comply with the requirement to publish regulations in the Federal Register simply by referring to material already published elsewhere, rather than reprinting such material in the published regulations. The legal effect of incorporation by reference is that the material is treated as if it were published in the Federal Register. This material, like any other properly issued regulation, has the force and effect of law.

In this action, EPA is incorporating by reference into several of its existing new source performance standards (NSPS) and national emission standards for hazardous air pollutants (NESHAP) promulgated under Clean Air Act Sections 111 and 112 (at 40 CFR Parts 60 and 61), respectively, materials that are already cited in those standards. This is because these materials have not previously been incorporated by reference pursuant to the formal procedures established in 1 CFR Part 51. The amendment sets forth the sections affected by this action and the material being incorporated into each section. All of the materials are available for inspection at the Office of the Federal Register, Room 8401, 1100 L Street, N.W., Washington, D.C. as well as at the Library (MD-35), U.S. EPA, Research Triangle Park, North Carolina. These incorporations by reference were approved by the Director of the Federal Register on January 27, 1983.

This amendment incorporates by reference two sets of materials: (a) Materials identical in form (i.e., same edition and publication date) to the materials currently cited in NSPS and NESHAP; and (b) later editions of materials currently cited in these regulations. Regardless of the category particular materials fall within, however, all the materials that this amendment incorporates by reference are substantively the same as those currently cited in the regulations.

This amendment informs the public that the Director of the Federal Register has approved incorporation of these materials by reference. It imposes no requirements beyond those already cited in the affected NSPS and NESHAP. Therefore, additional notice and comment are "unnecessary," and the Agency has "good cause," under 42 U.S.C. 7607(d)(1) and 5 U.S.C. § 553(b), subparagraph (B), to promulgate these incorporations without further notice and comment.

For the same reason, the Agency finds that good cause exists for making these incorporations effective immediately, under 5 U.S.C. 553(d)(3).

Miscellaneous

Under Section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by March 28, 1983. This action may not be challenged later in proceedings to enforce the NSPS and NESHAP into which the materials discussed above are incorporated by reference [see § 307(b)(2)].

This rulemaking is issued under the authority of Sections 111, 112, and 301(a) of the Clean Air Act as amended [42 U.S.C. 7411, 7412, and 7601(a)].

Pursuant to the provisions of 5 U.S.C. 605(b), I hereby certify that this rule, if promulgated, will not have a significant economic impact on a substantial number of small entities because it imposes no new requirements.

List of Subjects

40 CFR Part 60

Air pollution control, Aluminum, Ammonium sulfate plants, Asphalt, Cement industry, Coal, Copper, Electric power plants, Glass and glass products, Grains, Intergovernmental relations, Iron, Lead, Metals, Metallic minerals, Motor vehicles, Nitric acid plants, Paper and paper products industry, Petroleum, Phosphate, Sewage disposal, Steel, Sulfuric acid plants, Waste treatment and disposal, Zinc, Tires, Incorporation by reference.

40 CFR Part 61

Air pollution control, Asbestos, Beryllium, Hazardous materials, Mercury, Vinyl chloride, Incorporation by reference.

Dated: December 20, 1982.

Anne M. Gorsuch,
Administrator.

PART 60—[AMENDED]

40 CFR Part 60 is amended as follows:

1. A new § 60.17 is added to read as follows:

§ 60.17 Incorporations by reference.

The materials listed below are incorporated by reference in the corresponding sections noted. These incorporations by reference were approved by the Director of the Federal Register on the date listed. These materials are incorporated as they exist on the date of the approval, and a notice of any change in these materials will be published in the Federal Register. The materials are available for purchase at the corresponding address noted below, and all are available for inspection at the Office of the Federal Register, Room 8401, 1100 L Street, N.W., Washington, D.C. and at the Library (MD-35), U.S. EPA, Research Triangle Park, North Carolina.

(a) The following materials are available for purchase from at least one of the following addresses: American Society for Testing and Materials (ASTM), 1916 Race Street, Philadelphia, Pennsylvania 19103; or the University Microfilms International, 300 North Zeeb Road, Ann Arbor, Michigan 48106.

(1) ASTM D388-77, Standard Specification for Classification of Coals by Rank, incorporation by reference (IBR) approved January 27, 1983 for §§ 60.41(f), 60.45(f)(4)(i), (ii), (vi), 60.41a, 60.251(b), (c).

(2) ASTM D3178-73, Standard Test Methods for Carbon and Hydrogen in the Analysis Sample of Coal and Coke, IBR approved January 27, 1983 for § 60.45(f)(5)(i).

(3) ASTM D3176-74, Standard Method for Ultimate Analysis of Coal and Coke, IBR approved January 27, 1983 for § 60.45(f)(5)(i).

(4) ASTM D1137-53 (Reapproved 1975), Standard Method for Analysis of Natural Gases and Related Types of Gaseous Mixtures by the Mass Spectrometer, IBR approved January 27, 1983 for § 60.45(f)(5)(i).

(5) ASTM D1945-64 (Reapproved 1976), Standard Method for Analysis of Natural Gas by Gas Chromatography, IBR approved January 27, 1983 for § 60.45(f)(5)(i).

(6) ASTM D1946-77, Standard Method for Analysis of Reformed Gas by Gas Chromatography, IBR approved January 27, 1983 for § 60.45(f)(5)(i).

(7) ASTM D2015-77, Standard Test Method for Gross Calorific Value of Solid Fuel by the Adiabatic Bomb Calorimeter, IBR approved January 27, 1983 for §§ 60.45(f)(5)(ii), 60.46(g), Method 19, par. 5.2.2.

(8) ASTM D1826-77, Standard Test Method for Calorific Value of Gases in

Natural Gas Range by Continuous Recording Calorimeter, IBR approved January 27, 1983 for §§ 60.45(f)(5)(ii), 60.46(g), in Appendix A to Part 60, Method 19, par. 5.2.2.

(9) ASTM D240-78, Standard Test Method for Heat of Combustion of Liquid Hydrocarbon Fuels by Bomb Calorimeter, IBR approved January 27, 1983 for §§ 60.46(g), 60.296(f), in Appendix A to Part 60, Method 19, pars. 2.2.3 and 5.2.2.

(10) ASTM D398-78, Standard Specification for Fuel Oils, IBR approved January 27, 1983 for §§ 60.111(b), 60.111a(b).

(11) ASTM D2880-78, Standard Specification for Gas Turbine Fuel Oils, IBR approved January 27, 1983 for §§ 60.111(b), 60.111a(b), 60.335(b)(2).

(12) ASTM D975-78, Standard Specification for Diesel Fuel Oils, IBR approved January 27, 1983 for §§ 60.111(b), 60.111a(b).

(13) ASTM D233-72 (Reapproved 1977), Standard Test Method for Vapor Pressure of Petroleum Products (Reid Method), IBR approved January 27, 1983 for §§ 60.111(l), 60.111a(g).

(14) ASTM A99-78, Standard Specification for Ferromanganese, IBR approved January 27, 1983 for § 60.261.

(15) ASTM A483-64 (Reapproved 1974), Standard Specification for Silicomanganese, IBR approved January 27, 1983 for § 60.261.

(16) ASTM A101-73, Standard Specification for Ferrochromium, IBR approved January 27, 1983 for § 60.261.

(17) ASTM A100-69 (Reapproved 1974), Standard Specification for Ferrosilicon, IBR approved January 27, 1983 for § 60.261.

(18) ASTM A482-76, Standard Specification for Ferrochromesilicon, IBR approved January 27, 1983 for § 60.261.

(19) ASTM A495-76, Standard Specification for Calcium-Silicon and Calcium Manganese-Silicon, IBR approved January 27, 1983 for § 60.261.

(20) ASTM D1072-56 (Reapproved 1975), Standard Test Method for Total Sulfur in Fuel Gases, IBR approved January 27, 1983 for § 60.335(b)(2).

(21) ASTM D2986-71 (Reapproved 1978), Standard Method for Evaluation of Air, Assay Media by the Monodisperse DOP (Diethyl Phthalate) Smoke Test, IBR approved January 27, 1983 for Appendix A to Part 60, Method 5, par. 3.1.1; Method 12, par. 4.1.1; Method 17, par. 3.1.1.

(22) ASTM D1193-77, Standard Specification for Reagent Water, IBR approved January 27, 1983 for Appendix A to Part 60, Method 6, par. 3.1.1; Method 7, par. 3.2.2; Method 8, par. 3.1.3; Method 12, par. 4.1.3.

(23) [Reserved]

(24) ASTM D2234-76, Standard Methods for Collection of a Gross Sample of Coal, IBR approved January 27, 1983 for Appendix A to Part 60, Method 19, par. 2.1.1.

(25) ASTM D3173-73, Standard Test Method for Moisture in the Analysis Sample of Coal and Coke, IBR approved January 27, 1983 for Appendix A to Part 60, Method 19, par. 2.1.3.

(26) ASTM D3177-75, Standard Test Methods for Total Sulfur in the Analysis Sample of Coal and Coke, IBR approved January 27, 1983 for Appendix A to Part 60, Method 19, par. 2.1.3.

(27) ASTM D2013-72, Standard Method of Preparing Coal Samples for Analysis, IBR approved January 27, 1983 for Appendix A to Part 60, Method 19, par. 2.1.3.

(28) ASTM D270-65 (Reapproved 1975), Standard Method of Sampling Petroleum and Petroleum Products, IBR approved January 27, 1983 for Appendix A to Part 60, Method 19, par. 2.2.1.

(29) ASTM D737-85, Standard Test Method for Air Permeability of Textile Fabrics, IBR approved January 27, 1983 for § 61.23(a).

(30) ASTM D1475-60 (Reapproved 1980), Standard Test Method for Density of Paint, Varnish, Lacquer, and Related Products, IBR approved January 27, 1983 for § 60.435(d)(1), Appendix A to Part 60, Method 24, par. 2.1, and Method 24A, par. 2.2.

(31) ASTM D2369-81, Standard Test Method for Volatile Content of Coatings, IBR approved January 27, 1983 for Appendix A to Part 60, Method 24, par. 2.2.

(32) ASTM D3792-79, Standard Method for Water Content of Water-Reducible Paints by Direct Injection Into a Gas Chromatograph, IBR approved January 27, 1983 for Appendix A to Part 60, Method 24, par. 2.3.

(33) ASTM D4017-81, Standard Test Method for Water in Paints and Paint Materials by the Karl Fischer Titration Method, IBR approved January 27, 1983 for Appendix A to Part 60, Method 24, par. 2.4.

(b) The following material is available for purchase from the Association of Official Analytical Chemists, 1111 North 19th Street, Suite 210, Arlington, Virginia 22209.

(1) AOAC Method 9, Official Methods of Analysis of the Association of Official Analytical Chemists, 11th edition, 1970, pp. 11-12, IBR approved January 27, 1983 for §§ 60.204(d)(2), 60.214(d)(2), 60.224(d)(2), 60.234(d)(2), 60.244(f)(2).

(c) The following material is available for purchase from the American

Petroleum Institute, 2101 L Street, N.W., Washington, D.C. 20037.

(1) API Publication 2517, Evaporation Loss from External Floating-Roof Tanks, Second Edition, February 1980, IBR approved January 27, 1983 for §§ 60.111, 60.111a.

(d) The following material is available for purchase from the Technical Association of the Pulp and Paper Industry (TAPPI), Dunwoody Park, Atlanta, Georgia 30341.

(1) TAPPI Method T624 os-68, IBR approved January 27, 1983 for § 60.285(d)(4).

2. In § 60.41, paragraph (f) is revised to read as follows:

§ 60.41 Definitions.

(f) "Coal" means all solid fuels classified as anthracite, bituminous, subbituminous, or lignite by the American Society and Testing and Materials, Designation D388-77 (incorporated by reference—see § 60.17).

3. In § 60.45, paragraphs (f)(4)(i), (f)(4)(ii), (f)(4)(vi), (f)(5)(i), and (f)(5)(ii) are amended to read as follows:

§ 60.45 Emission and fuel monitoring.

(f) * * *

(i) For anthracite coal as classified according to ASTM D388-77 (incorporated by reference—see § 60.17), $F = 2.723 \times 10^{-17} \text{ dscm/J}$ (10,140 dscf/million Btu) and $F_c = 0.532 \times 10^{-17} \text{ scm CO}_2/\text{J}$ (1,980 scf CO₂/million Btu).

(ii) For subbituminous and bituminous coal as classified according to ASTM D388-77 (incorporated by reference—see § 60.17), $F = 2.637 \times 10^{-17} \text{ dscm/J}$ (9,820 dscf/million Btu) and $F_c = 0.486 \times 10^{-17} \text{ scm CO}_2/\text{J}$ (1,810 scf CO₂/million Btu).

(vi) For lignite coal as classified according to ASTM D388-77 (incorporated by reference—see § 60.17), $F = 2.659 \times 10^{-17} \text{ dscm/J}$ (9,900 dscf/million Btu) and $F_c = 0.516 \times 10^{-17} \text{ scm CO}_2/\text{J}$ (1,920 scf CO₂/million Btu).

(5) * * *

(i) H, C, S, N, and O are content by weight of hydrogen, carbon, sulfur, nitrogen, and oxygen (expressed as percent), respectively, as determined on the same basis as GCV by ultimate analysis of the fuel fired, using ASTM method D3178-74 or D3176 (solid fuels) or computed from results using ASTM method D1137-53(75), D1945-64(76), or D1946-77 (gaseous fuels) as applicable. (These five methods are incorporated by reference—see § 60.17.)

(ii) GVC is the gross calorific value (kJ/kg, Btu/lb) of the fuel combusted determined by the ASTM test methods D2015-77 for solid fuels and D1826-77 for gaseous fuels as applicable. (These two methods are incorporated by reference—see § 60.17.)

4. In § 60.46, paragraph (g) is revised to read as follows:

§ 60.46 Test methods and procedures.

(g) When combinations of fossil fuels or fossil fuel and wood residue are fired, the heat input, expressed in watts (Btu/hr), is determined during each testing period by multiplying the gross calorific value of each fuel fired (in J/kg or Btu/lb) by the rate of each fuel burned (in kg/sec or lb/hr). Gross calorific values are determined in accordance with ASTM methods D2015-77 (solid fuels), D240-76 (liquid fuels), or D1826-77 (gaseous fuels) as applicable. (These three methods are incorporated by reference—see § 60.17.) The method used to determine calorific value of wood residue must be approved by the Administrator. The owner or operator shall determine the rate of fuels burned during each testing period by suitable methods and shall confirm the rate by a material balance over the steam generation system.

5. In § 60.41a, the definitions of "subbituminous coal," "lignite," and "anthracite" are amended to read as follows:

§ 60.41a Definitions.

"Subbituminous coal" means coal that is classified as subbituminous A, B, or C according to the American Society of Testing and Materials (ASTM) Standard Specification for Classification of Coals by Rank D388-77 (incorporated by reference—see § 60.17).

"Lignite" means coal that is classified as lignite A or B according to the American Society of Testing and Materials' (ASTM) Standard Specification for Classification of Coals by Rank D388-77 (incorporated by reference—see § 60.17).

"Anthracite" means coal that is classified as anthracite according to the American Society of Testing and Materials' (ASTM) Standard Specification for Classification of Coals by Rank D388-77 (incorporated by reference—see § 60.17).

6. In § 60.111, paragraphs (b), (f), and (l) are revised to read as follows:

§ 60.111 Definitions.

(b) "Petroleum liquids" means petroleum, condensate, and any finished or intermediate products manufactured in a petroleum refinery but does not mean Nos. 2 through 6 fuel oils as specified in ASTM D396-78, gas turbine fuel oils Nos. 2-GT through 4-GT as specified in ASTM D2880-78, or diesel fuel oils Nos. 2-D and 4-D as specified in ASTM D975-78. (These three methods are incorporated by reference—see § 60.17.)

(i) "True vapor pressure" means the equilibrium partial pressure exerted by a petroleum liquid as determined in accordance with methods described in American Petroleum Institute Bulletin 2517, Evaporation Loss from External Floating-Roof Tanks, Second Edition, February 1980 (incorporated by reference—see § 60.17).

(l) "Reid vapor pressure" is the absolute vapor pressure of volatile crude oil and volatile nonviscous petroleum liquids, except liquified petroleum gases, as determined by ASTM D323-72 (incorporated by reference—see § 60.17).

7. In § 60.111a, paragraphs (b), (f), and (g) are revised to read as follows:

§ 60.111a Definitions.

(b) "Petroleum liquids" means petroleum, condensate, and any finished or intermediate products manufactured in a petroleum refinery but does not mean Nos. 2 through 6 fuel oils as specified in ASTM D396-78, gas turbine fuel oils Nos. 2-GT through 4-GT as specified in ASTM D2880-78, gas turbine fuel oils Nos. 2-GT through 4-GT as specified in ASTM D2880-78, or diesel fuel oils Nos. 2-D and 4-D as specified in ASTM D975-78. (These three methods are incorporated by reference—see § 60.17.)

(f) "True vapor pressure" means the equilibrium partial pressure exerted by a petroleum liquid such as determined in accordance with methods described in American Petroleum Institute Bulletin 2517, Evaporation Loss from External Floating-Roof Tanks, Second Edition, February 1980 (incorporated by reference—see § 60.17).

(g) "Reid vapor pressure" is the absolute vapor pressure of volatile crude oil and volatile nonviscous petroleum liquids, except liquified petroleum gases, as determined by

ASTM D323-72 (incorporated by reference—see § 60.17).

8. In § 60.204, paragraph (d)(2) is revised to read as follows:

§ 60.204 Test methods and procedures.

(d) * * *

(1) * * *

(2) Calculate the equivalent P_2O_5 feed by multiplying the percentage P_2O_5 content, as measured by the spectrophotometric molybdovanadophosphate method (AOAC Method 9), times the total mass rate of phosphorus-bearing feed. AOAC Method 9 (incorporated by reference—see § 60.17) is published in the Official Methods of Analysis of the Association of Official Analytical Chemists, 11th edition, 1970, pp. 11-12. Other methods may be approved by the Administrator.

9. In § 60.214, paragraph (d)(2) is revised to read as follows:

§ 60.214 Test methods and procedures.

(d) * * *

(1) * * *

(2) Calculate the equivalent P_2O_5 feed by multiplying the percentage P_2O_5 content, as measured by the spectrophotometric molybdovanadophosphate method (AOAC Method 9), times the total mass rate of phosphorus-bearing feed. AOAC Method 9 (incorporated by reference—see § 60.17) is published in the Official Methods of Analysis of the Association of Official Analytical Chemists, 11th edition, 1970, pp. 11-12. Other methods may be approved by the Administrator.

10. In § 60.224, paragraph (d)(2) is revised to read as follows:

§ 60.224 Test methods and procedures.

(d) * * *

(1) * * *

(2) Calculate the equivalent P_2O_5 feed by multiplying the percentage P_2O_5 content, as measured by the spectrophotometric molybdovanadophosphate method (AOAC Method 9), times the total mass rate of phosphorus-bearing feed. AOAC Method 9 (incorporated by reference—see § 60.17) is published in the Official Methods of Analysis of the Association of Official Analytical Chemists, 11th edition, 1970, pp. 11-12. Other methods may be approved by the Administrator.

11. In § 60.234, paragraph (d)(2) is revised to read as follows:

§ 60.234 Test methods and procedures.

(d) * * *

(1) * * *

(2) Calculate the equivalent P_2O_5 feed by multiplying the percentage P_2O_5 content, as measured by the spectrophotometric molybdovanadophosphate method (AOAC Method 9), times the total mass rate of phosphorus-bearing feed. AOAC Method 9 (incorporated by reference—see § 60.17) is published in the Official Methods of Analysis of the Association of Official Analytical Chemists, 11th edition, 1970, pp. 11-12. Other methods may be approved by the Administrator.

12. In § 60.244, paragraph (f)(2) is revised to read as follows:

§ 60.244 Test methods and procedures.

(f) * * *

(1) * * *

(2) Calculate the equivalent P_2O_5 feed by multiplying the percentage P_2O_5 content, as measured by the spectrophotometric molybdovanadophosphate method (AOAC Method 9), times the total mass rate of phosphorus-bearing feed. AOAC Method 9 (incorporated by reference—see § 60.17) is published in the Official Methods of Analysis of the Association of Official Analytical Chemists, 11th edition, 1970, pp. 11-12. Other methods may be approved by the Administrator.

13. In § 60.251, paragraphs (b) and (c) are revised to read as follows:

§ 60.251 Definitions.

(b) "Bituminous coal" means solid fossil fuel classified as bituminous coal by ASTM Designation D388-77 (incorporated by reference—see § 60.17).

(c) "Coal" means all solid fossil fuels classified as anthracite, bituminous, subbituminous, or lignite by ASTM Designation D388-77 (incorporated by reference—see § 60.17).

14. In § 60.261, paragraphs (n), (o), (q), (s), (t), (v), and (w) are revised to read as follows:

§ 60.261 Definitions.

(n) "Standard ferromanganese" means that alloy as defined by ASTM Designation A99-76 (incorporated by reference—see § 60.17).

(o) "Silicomanganese" means that alloy as defined by ASTM Designation A483-64 (Reapproved 1974) (incorporated by reference—see § 60.17).

(q) "High-carbon ferrochrome" means that alloy as defined by ASTM Designation A101-73 (incorporated by reference—see § 60.17) grades HC1 through HC6.

(s) "Silvery iron" means any ferrosilicon, as defined by ASTM Designation A100-69 (Reapproved 1974) (incorporated by reference—see § 60.17), which contains less than 30 percent silicon.

(t) "Ferrochrome silicon" means that alloy as defined by ASTM Designation A482-76 (incorporated by reference—see § 60.17).

(v) "Calcium silicon" means that alloy as defined by ASTM Designation A495-76 (incorporated by reference—see § 60.17).

(w) "Ferrosilicon" means that alloy as defined by ASTM Designation A100-69 (Reapproved 1974) (incorporated by reference—see § 60.17) grades A, B, C, D, and E, which contains 50 or more percent by weight silicon.

15. In § 60.285, paragraph (d)(4) is revised to read as follows:

§ 60.285 Test methods and procedures.

(d) * * *

(4) When determining whether a furnace is a straight kraft recovery furnace or a cross recovery furnace, TAPPI Method T.624 (incorporated by reference—see § 60.17) shall be used to determine sodium sulfide, sodium hydroxide, and sodium carbonate. These determinations shall be made three times daily from the green liquor and the daily average values shall be converted to sodium oxide (Na_2O) and substituted into the following equation to determine the green liquor sulfidity:

$$GLS = 100 C_{Na_2S} / (C_{Na_2} + C_{NaOH} + C_{Na_2CO_3})$$

where:

GLS = percent green liquor sulfidity

C_{Na_2S} = average concentration of Na_2O expressed as Na_2O (mg/l)

C_{NaOH} = average concentration of $NaOH$ expressed as Na_2O (mg/l)

$C_{Na_2CO_3}$ = average concentration of Na_2CO_3 expressed as Na_2 (mg/l)

16. In § 60.296, paragraph (f) is revised to read as follows:

§ 60.296 Test methods and procedures.

(f) When gaseous and liquid fuels are fired simultaneously in a glass melting furnace, the heat input of each fuel, expressed in joules, is determined during each testing period by

multiplying the gross calorific value of each fuel fired (in joules/kilogram) by the rate of each fuel fired (in kilograms/second) to the glass melting furnaces. The decimal percent of liquid fuel heating value to total fuel heating value is determined by dividing the heat input of the liquid fuels by the sum of the heat input for the liquid fuels and the gaseous fuels. Gross calorific values are determined in accordance with American Society of Testing and Materials (ASTM) Method D240-76 (liquid fuels) and D1826-77 (gaseous fuels), as applicable. (These two methods are incorporated by reference—see § 60.17.) The owner or operator shall determine the rate of fuels burned during each testing period by suitable methods and shall confirm the rate by a material balance over the glass melting system.

17. In § 60.335, paragraph (b)(2) is revised to read as follows:

§ 60.335 Test methods and procedures.

(b) * * *

(1) * * *

(2) ASTM D2880-78 for the sulfur content of liquid fuels and ASTM D1072-56 (Reapproved 1975) for the sulfur content of gaseous fuels. (These two methods are incorporated by reference—see § 60.17.) These methods shall also be used to comply with § 60.334(b).

18. In Appendix A to Part 60, Method 5, paragraph 3.1.1 is revised to read as follows:

Method 5—Determination of Particulate Emissions From Stationary Sources**3. Reagents****3.1**

3.1.1 Filters. Glass fiber filters, without organic binder, exhibiting at least 99.95 percent efficiency (<0.05 percent penetration) on 0.3-micron dioctyl phthalate smoke particles. The filter efficiency test shall be conducted in accordance with ASTM standard method D2966-71 (Reapproved 1978) (incorporated by reference—see § 60.17). Test data from the supplier's quality control program are sufficient for this purpose. In sources containing SO_2 or SO_3 , the filter material must be of a type that is unreactive to SO_2 or SO_3 . Citation 10 in Section 7 Bibliography, may be used to select the appropriate filter.

19. In Appendix A to Part 60, Method 6, paragraph 3.1.1 is revised to read as follows:

Method 6—Determination of Sulfur Dioxide Emissions From Stationary Sources

3. Reagents

3.1

3.1.1 Water. Deionized distilled to conform to ASTM specification D1193-77, Type 3 (incorporated by reference—see § 60.17). At the option of the analyst, the KMnO_4 test for oxidizable organic matter may be omitted when high concentrations of organic matter are not expected to be present.

20. In Appendix A to Part 60, Method 7, paragraph 3.2.2 is revised to read as follows:

Method 7—Determination of Nitrogen Oxide Emissions From Stationary Sources

3. Reagents

3.2

3.2.1

3.2.2 Water. Deionized, distilled to conform to ASTM specification D1193-77, Type 3 (incorporated by reference—see § 60.17). At the option of the analyst, the KMnO_4 test for oxidizable organic matter may be omitted when high concentrations of organic matter are not expected to be present.

21. In Appendix A to Part 60, Method 8, paragraph 3.1.3 is revised to read as follows:

Method 8—Determination of Sulfuric Acid Mist and Sulfur Dioxide Emissions From Stationary Sources

3. Reagents

3.1

3.1.3 Water. Deionized, distilled to conform to ASTM specification D1193-77, Type 3 (incorporated by reference—see § 60.17). At the option of the analyst, the KMnO_4 test for oxidizable organic matter may be omitted when high concentrations of organic matter are not expected to be present.

22. In Appendix A to Part 60, Method 12, paragraphs 4.1.1 and 4.1.3 are revised to read as follows:

Method 12—Determination of Inorganic Lead Emissions From Stationary Sources

4. Reagents.

4.1

4.1.1 Filter. Gelman Spectro Grade, Reeve Angel 934 AH, MSA 1106 BH, all with lot assay for Pb, or other high-purity glass fiber filters, without organic binder, exhibiting at least 99.95 percent efficiency (<0.05 percent

penetration) on 0.3 micron dioctyl phthalate smoke particles. Conduct the filter efficiency test using ASTM Standard Method D2986-71 (incorporated by reference—see § 60.17) or use test data from the supplier's quality control program.

4.1.2

4.1.3 Water. Deionized distilled, to conform to ASTM Specification D1193-77 (incorporated by reference—see § 60.17), Type 3. If high concentrations of organic matter are not expected to be present, the analyst may delete the potassium permanganate test for oxidizable organic matter.

23. In Appendix A to Part 60, Method 17, paragraph 3.1.1 is revised to read as follows:

Method 17—Determination of Particulate Emissions From Stationary Sources (In-Stack Filtration Method)

3. Reagents.

3.1

3.1.1 Filters. The in-stack filters shall be glass mats or thimble fiber filters, without organic binders, and shall exhibit at least 99.95 percent efficiency (0.05 percent penetration) on 0.3 micron dioctyl phthalate smoke particles. The filter efficiency tests shall be conducted in accordance with ASTM Standard Method D2986-71 (Reapproved 1978) (incorporated by reference—see § 60.17). Test data from the supplier's quality control program are sufficient for this purpose.

24. In Appendix A to Part 60, Method 19, paragraphs 2.1.1, 2.1.3, 2.2.1, 2.2.3, and 5.2.2 are revised to read as follows:

Method 19—Determination of Sulfur Dioxide Removal Efficiency and Particulate, Sulfur Dioxide and Nitrogen Oxides Emission Rates From Electric Utility Steam Generators

2. Determination of Sulfur Dioxide Removal Efficiency of Fuel Pretreatment Systems.

2.1

2.1.1 Sample Increment Collection. Use ASTM D2234-76 (incorporated by reference—see § 60.17), Type I, Conditions A, B, or C, and systematic spacing. Determine the number and weight of increments required per gross sample representing each coal lot according to Table 2 or paragraph 7.1.5.2 of ASTM D2234-76. Collect one gross sample for each new coal lot and one gross sample for each product coal lot.

2.1.2

2.1.3 Gross Sample Analysis. Determine the percent sulfur content (% S) and gross calorific value (GCV) of the solid fuel on a dry basis for each gross sample. Use ASTM

D2013-72 (incorporated by reference—see § 60.17) for sample preparation, ASTM D3177-75 (incorporated by reference—see § 60.17) for sulfur analysis, and ASTM D3173-73 (incorporated by reference—see § 60.17) for moisture analysis. Use ASTM D2015-77 (incorporated by reference—see § 60.17) for gross calorific value determination.

2.2

2.2.1 Sample Collection. Use ASTM D270-65 (Reapproved 1975) (incorporated by reference—see § 60.17) following the practices outlined for continuous sampling for each gross sample representing each fuel lot.

2.2.2

2.2.3 Sample Analysis. Determine the percent sulfur content (% S) and gross calorific value (GCV). Use ASTM D240-76 (incorporated by reference—see § 60.17) for the sample analysis. This value can be assumed to be on a dry basis.

5. Calculation of Particulate, Sulfur Dioxide, and Nitrogen Oxides Emission Rates.

5.2

5.2.1

5.2.2 Calculating an F Factor. If the fuel burned is not listed in Table 1 or if the owner or operator chooses to determine an F factor rather than use the tabulated data, F factors are calculated using the equations below. The sampling and analysis procedures followed in obtaining data for these calculations are subject to the approval of the Administrator, and the Administrator should be consulted prior to data collection.

For SI Units:

$$F_d = \frac{227.0(\%H) + 95.7(\%C) + 35.4(\%S) + 8.6(\%N) - 28.5(\%O)}{GVC}$$

$$F_w = \frac{347.4(\%H) + 95.7(\%C) + 35.4(\%S) + 8.6(\%N) - 28.5(\%O) + 13.0(\%H_2O)^2}{GCV_w}$$

For English Units:

$$F_c = \frac{20.0(\%C)}{GCV}$$

$$F_d = \frac{10603.64(\%H) + 1.53(\%C) + 0.57(\%S) + 0.14(\%N) - 0.46(\%O)}{GVC}$$

$$F_w = \frac{10605.57(\%H) + 1.53(\%C) + 0.57(\%S) + 0.14(\%N) - 0.46(\%O) + 0.21(\%H_2O)^2}{GCV_w}$$

$$F_c = \frac{10600.321(\%C)_0}{GCV}$$

² The %H₂O term may be omitted if %H and %O include the unavailable hydrogen and oxygen in the form of H₂O.

Where:

F_c , F_w , and F_s have the units of scm/l, or scf/million Btu; %H, %C, %S, %N, %O, and %H₂O are the concentrations by weight (expressed in percent) of hydrogen, carbon, sulfur, nitrogen, oxygen, and water from an ultimate analysis of the fuel; and GCV is the gross calorific value of the fuel in kJ/kg or Btu/lb and consistent with the ultimate analysis. Follows ASTM D2015-77 (incorporated by reference—see § 60.17) for solid fuels, D240-76 (incorporated by reference—see § 60.17) for liquid fuels, and D1826-77 (incorporated by reference—see § 60.17) for gaseous fuels as applicable in determining GCV.

25. In Appendix A to Part 60, Method 24 is amended by revising paragraphs 2.1, 2.2, 2.3, 2.4, 3.1, 3.2, 3.3, and by removing paragraph 6 as follows:

Method 24—Determination of Volatile Matter Content, Water Content, Density, Volume Solids, and Weight Solids of Surface Coatings

2. Applicable Standards Methods.

2.1 ASTM D1475-60 (Reapproved 1980), Standard Test Method for Density of Paint, Varnish, Lacquer, and Related Products (incorporated by reference—see § 60.17).

2.2 ASTM D2369-81, Standard Test Method for Volatile Content of Coatings (incorporated by reference—see § 60.17).

2.3 ASTM D3792-79, Standard Test Method for Water Content of Water-Reducible Paints by Direct Injection into a Gas Chromatograph (incorporated by reference—see § 60.17).

2.4 ASTM D4017-81, Standard Test Method for Water in Paints and Paint Materials by the Karl Fischer Titration Method (incorporated by reference—see § 60.17).

3. Procedure.

3.1 Volatile Matter Content. Use the procedure in ASTM D2369-81 (incorporated by reference—see § 60.17) to determine the volatile matter content (may include water) of the coating. Record the following information:

W_1 = Weight of dish and sample before heating, g.

W_2 = Weight of dish and sample after heating, g.

W_s = Sample weight, g.

Run analyses in pairs (duplicate sets) for each coating until the criterion in section 4.3 is met. Calculate the weight fraction of the volatile matter (W_v) for each analysis as follows:

$$W_v = \frac{W_1 - W_2}{W_s}$$

Eq. 24-1

Record the arithmetic average (W_v).

3.2 Water Content. For waterborne (water reducible) coatings only, determine the weight fraction of water (w) using either "Standard Content Method Test for Water of Water-Reducible Paints by Direct Injection into a Gas Chromatograph" or "Standard Test Method for Water in Paint and Paint Materials by Karl Fischer Method." (These two methods are incorporated by reference—see § 60.17.) A waterborne coating is any coating which contains more than 5 percent water by weight in its volatile fraction. Run duplicate sets of determinations until the criterion in section 4.3 is met. Record the arithmetic average (W_w).

3.3 Coating Density. Determine the density (D_c , kg/liter) of the surface coating using the procedure in ASTM D1475-60 (Reapproved 1980) (incorporated by reference—see § 60.17).

Run duplicate sets of determinations for each coating until the criterion in section 4.3 is met. Record the arithmetic average (D_c).

PART 61—[AMENDED]

40 CFR Part 61 is amended as follows:
1. A new § 61.18 is added to read as follows:

§ 61.18 Incorporations by reference.

The materials listed below are incorporated by reference in the corresponding sections noted. These incorporations by reference were approved by the Director of the Federal Register on the date listed. These materials are incorporated as they exist on the date of the approval, and a notice of any change in these materials will be published in the Federal Register. The materials are available for purchase at the corresponding address noted below, and all are available for inspection at the Office of the Federal Register, Room 8401, 1100 L Street, N.W., Washington, D.C. and the Library (MD-35), U.S. EPA, Research Triangle Park, North Carolina.

(a) The following material is available for purchase from at least one of the following addresses: American Society for Testing and Materials (ASTM), 1916 Race Street, Philadelphia, Pennsylvania 19103; or University Microfilms International, 300 North Zeeb Road, Ann Arbor, Michigan 48106.

(1) ASTM D737-75, Standard Test Method for Air Permeability of Textile Fabrics, incorporation by reference (IBR) approved January 27, 1983 for § 61.23(a).

(2) ASTM D1193-77, Standard Specification for Reagent Water, IBR approved January 27, 1983 for Appendix B of Part 61, Method 101, par. 6.1.1; Method 101A, par. 6.1.1.

2. In § 61.23, paragraph (a) is revised to read as follows:

§ 61.23 Air-cleaning.

(a) Fabric filter collection devices must be used, except as noted in paragraphs (b) and (c) of this section. Such devices must be operated at a pressure drop of no more than 4 inches water gage, as measured across the filter fabric. The airflow permeability, as determined by ASTM Method D737-75 (incorporated by reference—see § 61.18), must not exceed 30 ft³/min/ft² for woven fabrics or 35 ft³/min/ft² for felted fabrics, except that 40 ft³/min/ft² for woven and 45 ft³/min/ft² for felted fabrics is allowed for filtering air from asbestos ore dryers. Each square yard of felted fabric must weigh at least 14 ounces and be at least 1/8 inch thick throughout. Synthetic fabrics must not contain fill yarn other than that which is spun.

3. In Appendix B of Part 61, Method 101, paragraph 6.1.1 is revised to read as follows:

Method 101—Determination of Particulate and Gaseous Mercury Emissions from Chlor-Alkali Plants—Air Streams

6.1.1 Water. Deionized distilled, meeting ASTM Specifications for Type I Reagent Water—ASTM Test Method D1193-77 (incorporated by reference—see § 61.18). If high concentrations of organic matter are not expected to be present, the analyst may eliminate the KMnO₄ test for oxidizable organic matter. Use this water in all dilutions and solution preparations.

4. In Appendix B to Part 61, Method 101A, paragraph 6.1.1 is revised to read as follows:

Method 101A—Determination of Particulate and Gaseous Mercury Emissions From Sewage Sludge Incinerators

6.1.1 Water. Deionized distilled, meeting ASTM Specifications for Type I Reagent Water—ASTM Test Method D1193-77 (incorporated by reference—see § 61.18). If high concentrations of organic matter are not expected to be present, the analyst may eliminate the KMnO₄ test for oxidizable

organic matter. Use this water in all dilutions and solution preparations.

[FR Doc. 83-2018 Filed 1-26-83; 8:45 am]

BILLING CODE 6560-60-M

40 CFR Part 81

[A-5-FRL 2279-6]

Designations of Areas for Air Quality Planning Purposes; Attainment Status Designations: Ohio

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: EPA is approving a revision to the sulfur dioxide (SO₂) attainment status designation for a portion of Lorain County, Ohio, from nonattainment to attainment of the National Ambient Air Quality Standard (NAAQS). This revision is in response to a request from the State of Ohio to redesignate this area and is based on the supporting certifications of compliance and ambient air monitoring data submitted by the State. Under the Clean Air Act, designations can be changed if sufficient data are available to warrant such change.

EFFECTIVE DATE: This final rulemaking becomes effective on February 28, 1983.

ADDRESSES: Copies of the redesignation request and the supporting air quality data are available at the following addresses:

Environmental Protection Agency,
Region V, Air Programs Branch, 230 S.
Dearborn Street, Chicago, Illinois
60604

Environmental Protection Agency,
Public Information Reference Unit, 401
M Street, S.W., Washington, D.C.
20460

Ohio Environmental Protection Agency,
Office of Air Pollution Control, 361
East Broad Street, Columbus, Ohio
43216

FOR FURTHER INFORMATION CONTACT:

Debra Marcantonio, Air Programs
Branch, Region V, Environmental
Protection Agency, 230 South Dearborn
Street, Chicago, Illinois 60604, (312) 886-
6034.

SUPPLEMENTARY INFORMATION: Under Section 107(d) of the Act, the Administrator of EPA has promulgated the NAAQS attainment status for each area of every State. See 43 FR 8962 (March 3, 1978) and 43 FR 45993 (October 5, 1978). These area designations may be revised whenever the data warrant. On October 5, 1978, (43 FR 46014; 40 CFR 81.336), EPA designated the portion of Lorain County

north of Route 80 and the City of Elyria as nonattainment for the primary SO₂ NAAQS.

At the time that this designation was made, a number of sources in the nonattainment portion of Lorain County, Ohio, were not complying with the Federally promulgated SO₂ emission limits. These limits were developed using reference modeling techniques and have been demonstrated to ensure attainment and maintenance of the NAAQS. Certification of compliance with these limits, thus, is an acceptable basis for redesignation to attainment.

On June 14, 1982, the State of Ohio requested that EPA revise the area of SO₂ primary nonattainment in Lorain County from the entire area north of U.S. Route 80 and the City of Elyria to the area surrounding the U.S. Steel Corporation (USS) facility in northern Lorain County.

To support the redesignation request from nonattainment to attainment, the Ohio EPA submitted recent, quality assured ambient SO₂ reference monitoring data collected by the State and two utility companies in the existing nonattainment area. All of the SO₂ monitoring data support the designation of attainment for the area.

In addition to the SO₂ monitoring data, EPA considered modeling data and compliance certifications in its review of the State's request. According to reference modeling analyses, the existing SO₂ emission limitations, which have been promulgated for sources in Lorain County, are adequate to protect the ambient air quality standards. Certifications of compliance with these limits are also an acceptable basis for a redesignation of Lorain County. All major sources of SO₂ emissions in the County have submitted data to EPA and Ohio EPA showing compliance with their Federally-approved emission limitations, except for U.S. Steel.

Therefore, on September 23, 1982 (47 FR 42001), EPA proposed to revise the SO₂ designation for that portion of Lorain County previously designated nonattainment to attainment, except for an area surrounding the U.S. Steel Lorain plant.

Public Comment

During the public comment period, U.S. Steel submitted a certification of compliance with the existing Federal SO₂ emission limitation for their Lorain plant. U.S. Steel commented that, based on their certification, all of Lorain County should be redesignated to attainment.

EPA Response

The current Federal SO₂ regulations for the Lorain plant (November 4, 1980, 45 FR 73043) limit the concentration of hydrogen sulfide in the coke oven gas to 368 gr/100 dscf. This limitation was established with the implicit understanding that the amount of coke oven gas burned in the soaking pits (process sources P006-P018) and the No. 4 Seamless Mill Rotary Furnace (process source P039) would be reduced from current levels and redistributed to other units within the plant. The attainment demonstration for the plant was based on this reduction in coke oven gas consumption in these process sources. Thus, attainment of the ambient standards depends not only on U.S. Steel meeting the hydrogen sulfide limit, but also on the lower coke oven gas consumption levels.

To accomplish the reduction in coke oven gas in P006-P018 and P039 and the subsequent redistribution to other units, some physical changes at the plant are necessary (e.g., additional pipework). To date, U.S. Steel has not made these changes.

Furthermore, proposed State rules for the Lorain plant limit both the hydrogen sulfide concentration in the coke oven gas and the total SO₂ lbs/hr for P006-P018 and P039. The lbs/hr restriction reflects the necessary reduction in coke oven gas consumption. U.S. Steel has not demonstrated that the Lorain plant is currently meeting all the requirements of these State rules (i.e., that they have reduced the amount of coke oven gas burned in P006-P018 and P039). Since this reduction is necessary to ensure attainment of the NAAQS, EPA cannot redesignate the area around the U.S. Steel Lorain plant to attainment at this time.

Therefore, based on all available relevant modeling data, compliance certifications, and monitoring data, EPA is redesignating Lorain County as follows:

Primary nonattainment—Area bounded on the north by the Norfolk and Western Railroad Tracks, on the east by State Route 301 (Abbe Road), on the south by State Route 254, and on the west by Oberlin Road.

Attainment—Remainder of the County.

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

Under Section 307(b)(1), of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate

circuit by (60 days from today). This action may not be challenged later in proceedings to enforce its requirements. (See 307(b)(2)).

List of Subjects of 40 CFR Part 81

Air pollution control, National parks, Wilderness areas.

(Sec. 107(d) of the Act, as amended (42 U.S.C. 7407))

§ 81.336 [Amended]

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
Ohio—Sulfur Dioxide				
Lorain: Area bounded on the north by the Norfolk and Western Railroad Tracks, on the east by State Route 301 (Abbe Road), on the south by State Route 254, and on the west by Oberlin Road. The remainder of Lorain County				X

[FR Doc. 83-3137 Filed 1-26-83; 8:45 am]

BILLING CODE 6560-50-M

GENERAL SERVICES ADMINISTRATION

41 CFR Part 1-30

[FPR Amdt. 227]

Federal Procurement Regulations; Revisions to Audit Thresholds and Progress Payment Provisions

Correction

In FR Doc. 82-34453, beginning on page 57023 in the issue of Wednesday, December 22, 1982, the following changes should be made:

1. On page 57023, second column, the figure in the first line of § 1-30.512-3(a)(2)(i) should read, "\$1,100,000".
2. Also on page 57035, second column, the figure in the first line of § 1-30.512-3(a)(2)(ii) should read, "\$1,100,000".

BILLING CODE 1505-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration 42 CFR Parts 420, 455, and 489

Medicare and Medicaid Programs; Suspension of Health Care Professionals for Conviction of Program-Related Crimes; Exclusion of Medicaid Providers for Fraud and Abuse

AGENCY: Health Care Financing

Dated: January 19, 1983.

Anne M. Gorsuch,
Administrator.

PART 81—DESIGNATION OF AREAS FOR AIR QUALITY PLANNING PURPOSES

Subpart C of Part 81 of Chapter 1, Title 40, Code of Federal Regulations is amended as follows:

Section 81.336 is amended by revising Lorain County as follows:

prevent or discourage abusive or fraudulent practices that increase the cost of the Medicare and Medicaid programs without benefiting beneficiaries or recipients. The suspension provisions implement Section 913 of the Omnibus Reconciliation Act of 1980. The exclusion provisions are intended to make the Medicaid policy consistent with Medicare policy. The revision of the provisions on detection and investigation of fraud and abuse will further clarify State agency responsibilities and strengthen regulatory requirements.

DATES: The regulations under Parts 420 and 489 are effective February 28, 1983, and will apply to convictions for program-related crimes made on or after October 25, 1977.

The regulations in Part 455, which contain State plan requirements, are effective on April 27, 1983. The procedures on suspension of health care professionals will apply to convictions for program-related crimes made on or after October 25, 1977.

Even though these regulations are published as final, we welcome comments on the provisions. To assure consideration, comments should be received by February 28, 1983.

ADDRESSES: Address comments to: Administrator, Health Care Financing Administration, Department of Health and Human Services, P.O. Box 17076, Baltimore, Md. 21235.

If you prefer, you may deliver comments to Room 309-G, Hubert H. Humphrey Building, 200 Independence Avenue SW., Washington, D.C., or to Room 789, East High Rise Building, 6325 Security Boulevard, Baltimore, Md. In commenting, refer to file code BQC-15-FC. Agencies and organizations are requested to submit comments in duplicate. Comments will be available for public inspection approximately two weeks from today in Room 309-G of the Department's offices at 200

Independence Avenue SW., Washington, D.C., on Monday through Friday of each week from 8:30 a.m. to 5:00 p.m. (202-245-7890).

FOR FURTHER INFORMATION CONTACT: James Patton, (301) 594-8000.

Administration (HCFA), HHS.

ACTION: Final regulations with comment period.

SUMMARY: These regulations expand existing policy relating to suspension of individuals from participation in Medicare and Medicaid if they are convicted of program-related crimes. The suspension provisions will now apply to operators and administrators of health care facilities, pharmacists, and other individuals receiving reimbursement for services, as well as to physicians and other individual practitioners who were previously covered. The regulations provide for

suspensions from participation in Medicare and Medicaid if the individual is convicted of a program-related crime relating to the delivery of medical care or services under the Medicare, Medicaid, or title XX Social Services programs.

These regulations also require State Medicaid agencies to have the ability to exclude from Medicaid program reimbursement providers who otherwise defraud or abuse the Medicaid program, and revise State Medicaid requirements for the detection and investigation of Medicaid fraud and abuse.

All of the provisions are intended to

SUPPLEMENTARY INFORMATION:

I. Suspensions From Medicare and Medicaid Programs

A. Previous Policy

Before enactment of the Omnibus Reconciliation Act of 1980 (Pub. L. 96-499) on December 5, 1980, section 1862(e) of the Social Security Act (the Act) provided that any physician or other individual practitioner who had been convicted on or after October 25, 1977, of a criminal offense related to his or her involvement in the Medicaid or Medicare program must be suspended from participation in Medicare. Section 1862(e) of the Act also required HCFA to notify State Medicaid agencies of this suspension. Under section 1902(a)(39) of the Act, the State agency was required to suspend the individual from the Medicaid program for at least the same length of time as the Medicare suspension. Payment under Medicare and Medicaid for services furnished by these individuals during the suspension was prohibited. However, the Act did not provide for similar action to be taken against other health care professionals such as pharmacists and operators or administrators of health care facilities.

B. Legislative Changes

Section 913 Pub. L. 96-499 amended the Social Security Act by establishing a new section 1128. Section 1128:

- Provides for suspension under Medicare of any physician or other individual who participates in the delivery of health care services if he or she is convicted of a criminal offense related to his or her participation in the delivery of medical care or services under the Medicare, Medicaid, or title XX Social Services programs. The suspension must be for a period that the Secretary considers appropriate. (Previously, the suspension provisions under section 1862(e) of the Act applied only to "physicians and other individual practitioners," and covered only Medicare and Medicaid violations.) The amendment specifies that the new requirement applies to convictions made on or after October 25, 1977, or within a period before that date as the Secretary may specify in regulations.

- Requires the Secretary to promptly notify each State agency administering or supervising the administration of a State plan approved under title XIX (Medicaid) of the facts and circumstances of a conviction and

subsequent suspension under Medicare. The appropriate State agency must then suspend from the Medicaid program all physicians and other individuals who are convicted of Medicare, Medicaid, or Social Services program criminal offenses for the same period of time as the Medicare suspension. The Secretary may waive suspensions under the Medicaid program in certain circumstances if the appropriate State agency requests such waiver.

Section 913 of Pub. L. 96-499 also expanded and modified the prior suspension provisions in sections 1862(e) and 1902(a)(39) of the Act:

- Section 1862(e) of the Act was amended to provide that payments may not be made to any of the expanded categories of individuals who must be suspended from participation in Medicare under section 1128.

- Previously, under section 1902(a)(39) of the Act, the State agency could impose a suspension only in those cases in which the individual was suspended from the Medicare program. Section 1902(a)(39), as amended by section 913 of Pub. L. 96-499, now provides for suspension of any physician and other individual from Medicaid who is convicted of a Medicare, Medicaid, or Social Services program criminal offense. The effect of this change is that convicted physicians or other individuals who are not eligible to participate in the Medicare program are still subject to suspension from Medicaid. The suspension from participation under Medicaid will be for a period that the Secretary shall specify.

- The suspension requirements under Medicare and Medicaid are expanded to cover individuals who are convicted of a criminal offense related to participation in the Social Services program. The prior authorities for suspensions required suspensions only in cases where an individual practitioner was convicted of a criminal offense related to participation in the Medicare or Medicaid program.

- If the convicted individual is eligible to participate in the Medicare program, suspension under the Medicaid program must be for the same period as the Medicare program suspension. Prior requirements permitted State agencies to extend the Medicaid suspension beyond the period of the Medicare suspension. Under the new amendment, the State agency must reinstate the suspended individual's program participation effective on the same date that the individual's Medicare program participation is reinstated unless it imposes additional sanctions based on

other sanction authorities provided for under its State plan.

Section 2353 of the Omnibus Budget Reconciliation Act of 1981 (Pub. L. 97-35) amended section 1128 of the Act by deleting the requirement that State agencies must suspend from the Social Services programs individuals who were suspended from the Medicare or Medicaid program. However, individuals who are convicted of offenses related to their participation in the Social Service program will be suspended from the Medicare and Medicaid programs.

C. Provisions of the Regulations

The Medicare regulations under 42 CFR Part 420 are being revised to reflect the legislative changes made by the Omnibus Reconciliation Acts of 1980 and 1981. Specifically, the regulations provide for the suspension of any individual convicted on or after October 25, 1977, if the conviction relates to:

- Participation in the delivery of medical care or services under the Medicare, Medicaid, or Social Services program; or
- Participation in the performance of management or administrative services related to delivery of medical care or services under the Medicare, Medicaid, or Social Services program.

The regulations expand the scope of the suspension sanction to include all individuals who participate in the delivery of health care services. Categories of health care professionals now subject to the suspension who were not covered by prior regulations include, but are not limited to:

- Suppliers of services that are wholly owned and operated by an individual who was convicted of a program-related criminal offense;
- Individuals who are involved in furnishing laboratory or durable medical equipment, supplies, and services;
- Owners or operators of providers of health care services; and
- Other individuals who, in any capacity, are receiving payment for providing services under the Medicare, Medicaid, or Social Services programs and who do not fall within the definition of "practitioner." (Under the existing regulations, 42 CFR 420.2, "practitioner" is defined as "a physician or other health care professional, licensed under State law to practice his or her profession, who may be eligible to receive reimbursement under the Medicare program".)

Under Medicare, a supplier or supplier of services is defined as an individual or entity other than a provider or practitioner, that furnishes health care

services under Medicare and is usually reimbursed on a reasonable charge basis. A provider of services is defined as a hospital, a skilled nursing facility, a comprehensive outpatient rehabilitation facility, or a home health agency that has in effect an agreement to participate in Medicare and be reimbursed on a reasonable cost basis, or a clinic, a rehabilitation agency, or a public health agency that has a similar agreement but only to furnish outpatient physical therapy or speech pathology services.

Under Medicaid, a provider means any individual or entity furnishing Medicaid services under a provider agreement with the Medicaid agency.

We are adopting the same requirements and procedures for the suspension of health care professionals under the legislative amendments that we have used for the past 4 years in the suspension of physicians and other individual practitioners.

Although the Act requires a suspension following a conviction for a Medicare, Medicaid, or Social Services related offense, the individual will continue to be provided with an opportunity for an administrative hearing concerning the length of the suspension; whether he or she was, in fact, convicted; and whether the conviction was related to involvement in the Medicare, Medicaid, or Social Services program. The individual is also entitled to a judicial review of the Secretary's final decision after the administrative hearing. We have clarified the language concerning the issues which will be considered at the administrative hearing on the suspension. Prior regulations stated that the individual could request a hearing to determine whether the length of the suspension is "justified." We have changed the word "justified" to "reasonable." The word "justified" has been construed by some Administrative Law Judges to mean that HCFA must prove at the hearing that the specific length of suspension was proper. The length of suspension will continue to be determined based on the criteria set forth at § 420.112 (now § 420.125). This section states that HCFA will consider, in establishing the length of suspension, whether there were any mitigating circumstances. In addition, HCFA considers other facts bearing on the nature and seriousness of the program violations. These criteria cause the determination of the length of suspension to be somewhat subjective. We believe the word "reasonable" conveys the meaning that HCFA is required at the hearing only to show that the length of suspension determined on

the basis of these criteria was not extreme or excessive.

As stated above, HCFA's determination on the length of suspension and exclusion will continue to be based on the criteria set forth in § 420.103 and § 420.112 (now §§ 420.114 and 420.125). The criteria also apply to Medicaid state agency determinations of the length of exclusions under § 455.232(d). However, we have added, as an additional criterion, that HCFA may consider the previous sanction record of the excluded party under the Medicare or Medicaid program in determining the length of suspension or exclusion.

Also, questions have arisen concerning what information HCFA will consider as "any other facts bearing on the nature and seriousness of the violation or related offenses" (§ 420.114(b)(5), § 420.125(b)(6), and § 455.232(d)). Under this criterion, HCFA may consider information contained in the indictment, investigative reports, presentencing reports, prior convictions, reports from fiscal agents regarding previous problems arising from the subject's practice and relating to Federal reimbursement or any other credible evidence which will assist HCFA in determining the degree of risk the subject poses to the integrity of the Medicare and Medicaid programs.

Payment for services will not be made under Medicare to a suspended party who has accepted assignment or to a supplier that is wholly owned by a suspended party, if the supplier has accepted assignment. (Under an assignment, the supplier of services agrees to accept the Medicare reasonable charge as payment in full.) In addition, payment will not be made to a provider for services performed after the effective date of the suspension, including services performed under contract, by a suspended party or by an entity that is wholly owned by a suspended party.

Also, if unassigned claims are received from or on behalf of a beneficiary for services furnished by a suspended party on or after the effective date of the suspension, HCFA will pay the first claim submitted by or on behalf of the beneficiary and immediately give notice of the suspension. HCFA will not pay the beneficiary for services furnished by a suspended party more than 15 days after the date on the notice to the beneficiary. However, in the case of inpatient hospital services or posthospital skilled nursing facility care furnished to a beneficiary who was admitted to a hospital or skilled nursing facility before the effective date of the

suspension, payment for services furnished by the suspended party will be available for up to 30 days after that date. In the case of home health services furnished under a plan established before the effective date of the suspension, payment will be available for services furnished through the end of the calendar year in which the suspension became effective.

The Medicaid regulations under 42 CFR Part 455 are also being amended to reflect the legislative changes made by section 913 of the Omnibus Reconciliation Act of 1980. Specifically, the regulations provide for the suspension of individuals under Medicaid (1) if the individual is suspended under Medicare; and (2) in the case of an individual who is not eligible to participate in Medicare, if he or she is convicted of a Medicaid- or Social Services program-related criminal offense. Current regulations at § 455.212(b) require that Medicaid agencies report to HCFA whenever an individual has been convicted of a Medicaid-related offense. These reporting requirements will remain unchanged. They provide that, if the State is involved in the investigation or prosecution of the case, it must send notice to HCFA within 15 days after the conviction. If the State is not so involved, it must send notice to HCFA within 15 days after it learns of the conviction. HCFA will determine the length of the suspension based on the criteria contained in § 420.112(a) (now redesignated as § 420.125(b)). HCFA will then notify the appropriate Medicaid State agency that it must suspend the individual from program participation, effective on the date and for the period determined by HCFA. However, the agency may impose a sanction under its own sanction authorities which is effective before, or extends beyond, the mandated suspension period.

Under the Medicaid regulations, the agency may not make payment under the program for any services furnished directly by or under the supervision of the suspended individual during the period of the suspension. However, in the case of inpatient services furnished in a hospital, skilled nursing facility, or intermediate care facility to a recipient who was admitted before the effective date of the suspension, FFP will be available in payment for services furnished by the suspended party up to 30 days after that date. In the case of home health services furnished under a plan established before the effective date of the suspension, FFP will be available in payments for services furnished through the end of the

calendar year in which the suspension became effective. Payment may be made for services otherwise reimbursable under a State plan that are ordered by a suspended individual but furnished and billed for by a practitioner or provider in good standing.

II. Fraud and Abuse Provisions

A. Previous Notice of Proposed Rulemaking

On December 19, 1980, we published in the Federal Register (45 FR 83772) a notice of proposed rulemaking (NPRM) on administrative sanctions under Medicaid. The NPRM proposed to:

- Require State Medicaid agencies to exclude from Medicaid Program reimbursement providers that falsify claims for services; furnish services that are unnecessary or of inferior quality; or bill for excessive costs or charges;
- Establish requirements for suspending from Medicaid practitioners convicted of a Medicaid-only related program offense who are not eligible to participate in Medicare; and
- Revise State Medicaid requirements for the detection and investigation of Medicaid fraud and abuse. This revision was intended to further clarify State Medicaid agency responsibilities for the control of Medicaid fraud and abuse and to strengthen the regulatory requirements so that States could adequately meet their responsibilities.

The exclusion and suspension requirements of the NPRM were proposed as administrative sanctions under title XIX of the Social Security Act. As a result of enactment of the Omnibus Reconciliation Act of 1980, the suspension provisions of the NPRM are now statutory requirements. Those requirements have been discussed earlier. The proposed requirements to exclude from Medicaid program reimbursement those providers who defraud or abuse the Medicaid program are being retained as administrative sanctions. These administrative sanction mechanisms will enable the States to take effective action to deter fraud and abuse in the Medicaid program. The provisions of the regulations are minimum requirements which the State must meet. At its option and within its legal limits, a State may add further sanctions to these minimum requirements.

All of the requirements of the NPRM are being published in this document as final regulations. Changes made in the provisions on exclusions for fraud and abuse and on the detection and investigation of fraud and abuse as a result of comments received on the

NPRM are discussed under section II.F. of this preamble.

B. Exclusion of Medicaid Providers

These regulations require a State Medicaid agency to have administrative procedures to enable the agency to exclude from Medicaid program reimbursement any provider that the agency determines has:

- Knowingly and willfully made or caused to be made any false statement or representation of a material fact in a request for payment under Medicaid;
- Furnished or ordered items or services under Medicaid that are substantially in excess of the recipient's needs or of a quality that does not meet professionally recognized standards of health care; or
- Submitted or caused to be submitted Medicaid bills or requests for payment containing charges or costs that are substantially in excess of customary charges or costs. This provision refers to charges that are substantially in excess of those made for the same services furnished to patients who are not program recipients.

These provisions are the same as those Medicare uses when considering an exclusion for fraud and abuse under section 1862(d)(1) of the Social Security Act, and are intended to more closely align the exclusion processes in the two programs. The exclusion will be effective only after the State Medicaid agency gives the provider a written notice of its intent to exclude and the opportunity for a hearing in accordance with procedures established by the State.

C. Medicaid Fraud Detection and Investigation Program

Amendments to the regulations under 42 CFR Part 455, Subpart A on State plan requirements for the identification, investigation, and resolution of instances of Medicaid fraud and abuse have a two-fold purpose:

- To incorporate changes that we proposed in the December 1980 notice of proposed rulemaking; and
- To make changes that are a result of our review of regulations to determine areas in which we can give States more flexibility in administering programs and reduce burdens associated with Federal requirements.

The regulations provisions associated with the December 1980 notice of proposed rulemaking are:

- *Preliminary Investigation of Fraud and Abuse.* Current regulations (§ 455.14) require that when a Medicaid agency receives a complaint of potential Medicaid fraud or abuse from any source, it must conduct a preliminary

investigation to determine if the complaint warrants a full investigation. These regulations revise this section to make it clear that the agency must also act on any questionable practices it identifies through its own detection mechanisms. This is essentially a technical revision.

- *Full Investigation of Fraud and Abuse.* Section 17 of Pub. L. 95-142, the Medicare/Medicaid Anti-Fraud and Abuse Amendments, provided for the creation of separate and distinct State Medicaid Fraud Control Units to investigate and prosecute all violations of applicable State laws pertaining to Medicaid fraud committed by providers. In a State with a certified fraud control unit, the responsibility for investigation of suspected fraud rests with that unit (see § 455.300(f)(1)). There is an apparent contradiction between § 455.15, which requires that "the [State] agency must conduct a full investigation" and § 455.21(b), which requires referral to the State fraud control unit and absolves the State agency of certain responsibilities that are imposed on that unit. In order to avoid possible confusion, we have added to § 455.15 a paragraph that clarifies State agency responsibility to refer cases of suspected provider fraud to the fraud control unit for full investigation.

- *Statements of Acknowledgement.* Current regulations (§§ 455.18 and 455.19) allow States to print statements which notify providers, either on Medicaid claims forms or on the checks that reimburse the provider for its services, that they can be prosecuted for fraudulent acts. We proposed in our 1980 NPRM a requirement that these statements be placed on both claims forms and checks. However, based on our desire to increase State flexibility in complying with Federal regulations, we have decided to drop this proposed change.

In addition, we are making the following changes:

- § 455.13 Methods for identification, investigation, and referral. We have deleted the provision that the Medicaid agency must designate an agency position with responsibility for making referrals. We believe that this requirement imposes an unnecessary burden on States.

- § 455.16 Resolution of full investigation. This section contains requirements that States must satisfy before an investigation can be considered resolved. We have amended this section to include reference to resolution of cases of recipient abuse in addition to cases of provider abuse. We have also indicated that States may take

other actions provided for in their State plans that are not specifically required by statute to resolve these matters (e.g., withholding of payments to providers), and made an editorial change combining two provisions for simplicity and brevity.

• **§ 455.17 Reporting to HCFA.** We have revised this section to provide for the reporting of fraud data to any responsible component of the Department. HCFA as well as the Office of the Inspector General in the Department has certain responsibilities for the acquisition of fraud and abuse data. We have also clarified the provision that reporting in cases warranting full investigation applies only to provider cases and is not required for suspected recipient fraud and abuse cases. In addition, we have deleted the requirement that States must submit summary reports. We now consider this an unnecessary and burdensome reporting requirement.

• **§ 455.20 Recipient verification procedures.** This section contains requirements that a State must have a method for verifying with recipients that they received the services that are billed by providers. We have corrected an outdated cross-reference. In addition, we believe that some of the provisions for sample selection of recipients to receive a written notice are too prescriptive. We have, therefore, limited the requirements to those required in the statute.

• **§ 455.22 Notification of penalties.** This section requires the agency to notify providers and recipients of the provisions of section 1909 of the Act that provides Federal penalties for fraudulent acts and false reporting. We believe that the retention of this requirement is an unnecessary burden on States, since provisions for informing providers and recipients of penalties are already included through statements on claims forms and checks that are required under §§ 455.18 and 455.19.

F. Comments Received on NPRM and Our Responses

In response to the 1980 NPRM, we received 28 comments. Many of the commenters supported the administrative sanctions and additional requirements that were proposed, but had questions or suggestions on specific areas. The commenters' specific concerns and our responses follow:

1. Definitions (§ 455.2).

Comment.—Several commenters believed that the definition of "abuse" was too vague or too broad and did not clarify what practices are to be considered abuse.

Response.—The term "abuse" refers to administrative violations of the agency's rules or regulations. Typically, these violations result in losses to the Medicaid program, but do not involve prosecutable fraud. We believe that our definition conveys that meaning and should not be changed.

Comment.—One health association requested the inclusion of a definition of "provider" to clarify whether the requirements of the regulations were limited to institutional health care providers or included practitioners.

Response.—42 CFR 430.1 of the Medicaid regulations already defines "provider" as an "individual or entity furnishing Medicaid services under a provider agreement with the Medicaid agency." This definition applies to all Medicaid regulations in Subchapter C of 42 CFR Chapter IV.

Comment.—One State agency suggested that we change the definitions of "exclusion" and "suspension" to include the statement that the provider is denied or terminated from participation in the program, in addition to the fact that reimbursement will not be made for services.

Response.—The definitions of "exclusion" and "suspension" state that items or services will not be reimbursed under Medicaid. We believe that this definition is clear with respect to the effect of a suspension or exclusion.

Comment.—Two commenters also suggested that we add a provision that allows for exclusion in the case of a provider who "orders" but does not actually furnish unnecessary services.

Response.—We agree with this comment and have added the phrase "or ordered" to the criteria for imposing an exclusion specified in § 455.203.

2. Preliminary Investigation for Fraud and Abuse (§ 455.14).

Comment.—Several commenters believed that the provision requiring a preliminary investigation on a complaint of fraud or abuse would be interpreted to mean that a full investigation must be conducted on every complaint of fraud and abuse. Two commenters suggested that "investigation" be changed to "evaluation" or an initial review of allegation or questionable practice before a full investigation.

Response.—Section 455.14 states that when an agency receives a complaint of Medicaid fraud or abuse, it must conduct a "preliminary investigation to determine whether there is sufficient basis to warrant a full investigation." We believe that this requirement is valid and have retained it in the regulations.

Comment.—One commenter recommended that a provider be notified when an investigation is to be

conducted so that it would have an opportunity to address the complaint during the investigation.

Response.—We do not believe it is appropriate for HCFA to require agencies to notify a provider when an investigation concerning fraud or abuse is to be conducted. In certain circumstances, notification of a provider would compromise the investigation and prevent adjudication.

3. Full Investigation for Fraud and Abuse (§ 455.15).

Comment.—Several commenters objected to the provision that suspected "abuse" cases be referred to the fraud control unit for action or be fully investigated by the State or referred to an appropriate law enforcement agency. They felt referral was inappropriate except perhaps in gross abuse cases.

Response.—In States with a State fraud control unit, cases must be referred to the unit in accordance with the terms of the agency's agreement with the fraud control unit (see § 455.300(e)). Many of these agreements provide for the referral in instances of abuse. Section 455.15 requires that abuse cases be referred to the unit only if such a referral is required under the terms of the State's agreement with the unit.

Comment.—One commenter recommended that, in a State with no certified Medicaid fraud control unit the State refer cases to the prosecutory authority in addition to an appropriate law enforcement agency (§ 455.15(a)(2)).

Response.—The statement in § 455.15(a)(2) regarding referral of cases to the appropriate law enforcement agency means that the agency is required to refer cases of suspected Medicaid fraud to the entity which is responsible for prosecuting Medicaid violations. We believe that our use of the term "law enforcement" is sufficiently clear to convey the meaning.

Comment.—Section 455.15(a) of the regulations require that, if a provider is suspected of fraud and abuse after a preliminary investigation, the agency must refer the case to the fraud control unit if the State has a unit, or, if the State does not have a unit, to the appropriate law enforcement agency, or must conduct a full investigation itself.

Section 455.15(c) of the proposed regulations requires that the Medicaid agency must conduct a full investigation of abuse in cases of provider or recipient abuse that are not required to be referred to a fraud control unit or appropriate law enforcement agency. One commenter suggested that since paragraph (a) of § 455.15 explicitly refers to provider abuse, further

reference to provider abuse in paragraph (c) is redundant.

Response.—We accept this comment and have deleted the reference to provider in section 455.15(c).

4. Provider's Statements on Claims Forms (§ 455.18) and Checks (§ 455.19)

Comment.—Six commenters objected to the requirement that a provider's signature would be required on the claims form. They believed it would be an unnecessarily redundant requirement, burdensome on States, and not cost effective, in part due to the universal claims form being used by many States. They pointed out that many forms are completed by a person other than the provider, and that the provision would have little evidentiary value in the prosecution of fraud cases and would have no impact on the incidence of fraud.

One commenter questioned the time frame for implementation of the requirement; one requested a clarification of "comparable certifications"; and one questioned the implications when Medicaid payments are made on the basis of Medicare Part B claims.

Several commenters specifically supported the inclusion of the statement on the claims form, but suggested revised wording for the statements. Two, however, pointed out that this requirement would be difficult for hospital billing offices, for example, where the services may be performed by a number of individuals.

One commenter believed that the regulation should be more flexible in the wording required on the reverse of checks or warrants; and that the regulations should allow choices regarding the placement since in some States the Medicaid agency does not control the issuance of checks or warrants.

Response.—Current regulations (§§ 455.18 and 455.19) allow States to print penalty statements that notify providers that they may be prosecuted for fraudulent acts either on Medicaid claims forms or on the checks which reimburse the providers for their services. We were concerned that the lack of a provider signature on a form which contains these penalty statements may serve as an effective barrier to prosecuting some Medicaid fraud cases. We, therefore, proposed that this requirement be changed to require that these statements be printed on both claims forms and checks. Upon further review, we believe that the cost of implementing the expanded requirement at this time would outweigh the benefits. Consequently, we have decided not to change the existing regulation

requirement at this time. We urge States to make sure through discussions with prosecuting authorities in their States that existing penalty statements are adequate to ensure that Medicaid fraud cases can be prosecuted.

5. Denial of Federal financial participation (FFP): Parties excluded under Medicare (§ 455.202, now § 455.208). This section specifies that FFP is not available in payments for services furnished by a Medicaid provider while that party is excluded from the Medicare program for fraud and abuse.

Comment.—One State agency, recognizing that this section was already a final rule and was reprinted in the NPRM for the convenience of the reader, recommended that a 15-day notice be provided before denial of FFP, as allowed under other provisions of the regulations in the NPRM.

Response.—FFP will be available in payments made by States until the effective date of the exclusion or suspension. States will be given a 15-day notice before the imposition of any exclusion or suspension sanction.

Comment.—Two State agencies suggested that the exclusion provision cover services that are not only furnished directly by the excluded party, but also "ordered" by that party (§ 455.202 (b) and (c)).

Response.—Some State agencies provide for the denial of reimbursement to participating providers for services that are ordered by a sanctioned provider. We will not require the denial of FFP for these services at this time. The requirements contained in our regulation are minimum requirements. However, at its option and within its legal limits, a State may impose additional or broadened sanctions.

Comment.—Several State agencies believed that FFP should not be available for home health services through the end of the calendar year in which the exclusion (or suspension under § 455.216, now § 455.213) becomes effective. Two suggested a shorter period of 30 days.

Response.—We have retained the provision which allows for the availability of FFP through the end of the calendar year in which the exclusion becomes effective to allow maximum State flexibility under existing State agreements. States may elect to cut off Medicaid reimbursement to home health agencies on the effective date of the exclusion or at any time thereafter. However, FFP will be available if they choose to pay the agency through the end of the year.

6. Exclusion of Medicaid Providers (§ 455.203)

Comment.—Several commenters believed that the exclusion provisions exceeded statutory authority and were inconsistent with the law. Two other commenters stated that exclusion based on a single infraction of any of the three defined rules was an unrealistic requirement and would cause undue hardship. Two commenters recommended that States should be given the discretion to impose the exclusion sanction, in some cases only after other corrective action had failed. One felt that the basis for exclusion of "knowingly making a false statement in claiming a Medicaid payment" constitutes fraud and should be referred to the fraud control unit—that a determination of fraud is not a function of the State Medicaid agency.

Response.—Based on these comments and the Administration's desire to provide flexibility to States, we have decided to change the proposed requirement. As proposed, we would have required that States must impose an administrative sanction whenever the State agency determines that certain acts of fraud or abuse were committed by a provider. The final regulation requires that State agencies have the ability to impose administrative sanctions on providers who commit these same fraudulent or abusive acts. Our change is intended to provide the agencies with greater flexibility to pursue the remedy that they believe is appropriate to resolve the fraud or abuse situation.

Comment.—One commenter stated there was no provisions to cover beneficiaries who unknowingly obtain benefits from an excluded provider, and recommended that we prohibit providers from collecting costs of services from beneficiaries in this case.

Response.—We have not included a specific provision that would prohibit providers from collecting costs of services from a recipient in cases where a recipient obtained services from a provider who was excluded or suspended from the Medicaid program because we have no legal authority to do so. In cases where a sanctioned provider leads the recipient to believe services would be reimbursed under the Medicaid program, HCFA may use this as the basis for not reinstating the provider in the program.

Comment.—One commenter recommended defining in § 455.210 what constitutes an offense related to involvement in the Medicaid program.

Response.—The term "offense related to involvement" in the Medicaid program refers to a conviction of an offense under a Federal, State, or local

statute related to performing services or obtaining reimbursement under the Medicaid program. We believe this meaning is conveyed by common use of the phrase and therefore need not be more specifically defined.

Comment.—One commenter recommended that the provisions be identical with Medicare regulations under § 420.101(c)(2). Another recommended that the Medicaid exclusions not be based on Medicare fraud and abuse provisions—that each program is separate and should be recognized as such.

Response.—The exclusion requirements contained at § 455.203 are similar to the Medicare exclusion provisions contained at § 420.101. Since the programs are both subject to the same types of fraud and abuse, they are just as appropriate in Medicaid as in Medicare. We believe that, as a minimum, agencies should have the capability to impose a sanction based on an administrative determination that a provider committed one of the acts of fraud or abuse specified in § 455.203.

Comment.—Two associations objected to exclusions without benefit of a hearing, since the determination is an administrative determination as opposed to a judicial determination.

Response.—The amended regulations under §§ 455.204 and 455.205 now provide that, before an exclusion sanction is imposed, agencies must give the provider an opportunity to submit documents and written arguments against an exclusion. The provider must also be given any additional appeal rights under procedures established by the State.

Comment.—A number of commenters stated that one of the bases for exclusion, "Furnished services under Medicaid that are substantially in excess of the recipient's needs or that fail to meet professionally recognized standards for health care", was too vague and should be clarified. One suggested adding "knowingly and willfully."

Response.—The phrase means furnishing excessive or harmful services, which we believe can be judged appropriately in each case without requiring a detailed definition. We believe that it would be inappropriate to restrict the imposition of sanctions to factual situations that meet the legal definition of "knowingly and willfully". We believe that in certain cases of provider negligence or incompetence that causes harm to recipients, a provider should be subject to exclusion from the program even though the provider did not willfully harm the

recipient. For this reason, we have not made any change in the provision.

Comment.—Several State agencies objected to the language at the end of § 455.203(a)(3) which states: "The agency must not deny Medicaid payment for bills or requests for payment that are substantially in excess of customary charges or costs, if it finds the excess charges are justified by unusual circumstances or medical complications requiring additional time, effort, or expense in localities in which it is accepted medical practice to make an extra charge in such case." They believed the language sets payment requirements for States, rather than stating a basis for exclusion, and is inappropriately placed in these regulations.

Response.—We have modified the language of § 455.203(a)(3) to make it clear that the provision applies to the agency's exclusion determination and does not set new payment requirements.

Comment.—One State agency suggested the addition of a fourth provision as a basis for exclusion to cover "other reasons specified in State agency regulations or laws."

Response.—The regulations are intended to establish minimum sanction requirements. The State may continue to impose any other sanctions that are provided for in State regulations or laws.

Comment.—Several State agencies objected to the language in § 455.203(b), which specifies the sources to be used by the agency in determining if services were excessive or of unacceptable quality. They objected to HCFA's being able to mandate additional sources of information that the agency will consult. Two commenters suggested that we make it clear that any one of the listed sources could be used.

Response.—The list of sources to be used in determining whether a Medicaid provider has furnished excessive or unnecessary services is needed because this is a medical determination that should be based on the opinions of health care professionals. We have changed § 455.203(b) to indicate that this medical opinion may be obtained from any of the listed sources.

7. Notice of Proposed Exclusion and Opportunity for Review (§ 455.204)

Comment.—Several commenters specifically supported the proposed provisions regarding notice and opportunity for review. A number of commenters objected to the time limits for notifying providers, for scheduling of hearing, and for notifying a provider of final determination as being inadequate. One recommended clarification of the provision that requires consideration of

evidence presented at a hearing, as well as documentary evidence and written argument submitted within the 30 days of the date of the notice (§ 455.204(c)(2)(i)). One requested clarification of whether Medicaid payments will be withheld before the final determination by the agency. Two recommended including a provision regarding the right to judicial review if a provider is dissatisfied with the administrative determination.

Response.—We have deleted the time requirements under § 455.204 (b) and (c) to allow greater State flexibility. Most States have appropriate time limits under their appeal procedures, and we, therefore, now believe the proposed time frames are unnecessary.

We have added a provision that the agency must give the provider an opportunity to submit documents and written arguments against an exclusion before the exclusion sanction is imposed. The provider must also be given any additional appeal rights under procedures established by the State. (§§ 455.205 and 455.206.)

We are not requiring that Medicaid payments be withheld before the final determination by the agency. However, at its option, the agency may withhold payment.

8. Notice of Exclusion (§ 455.205, now § 455.206)

Comment.—One commenter stated that paragraphs (a) and (b) of this section on the provision of and content of the notice to provider were redundant of § 455.204(c)(2)(ii) and should be deleted. One commenter recommended that providers of long-term care services be given a 30-day advance notice before the exclusion became effective, to permit orderly transfer of patients to other appropriate facilities, and that the 30 days would be consistent with time limits for nursing home patients in other HCFA regulations.

Response.—Section 455.204(c)(2)(ii) has been deleted in the final rule in order to make the regulation less burdensome on the States. Section 455.208(c) provides that FFP will be available for 30 days after the effective date of the exclusion in payments for services furnished to a recipient who was admitted to a hospital, skilled nursing facility, or intermediate care facility before the effective date of the exclusion. We believe the provision removes the need for a 30-day advance notice to institutional providers concerning the sanction.

Comment.—One commenter objected to the provision of reinstatement rights for excluded providers. The commenter stated that the provision did not allow

for States that do not permit reinstatement under any circumstances.

Response.—Section 455.206 requires that the agency send a notice of exclusion to the provider which states "the earliest date on which the agency will accept a request for reinstatement." If the agency has imposed a permanent exclusion, the provider will be informed in the notice that he or she may not file for reinstatement.

Comment.—Several State agencies indicated that requiring notification of the exclusion of a provider to all beneficiaries and the public under § 455.206(c) was impractical and extremely costly. They believed the regulations were not specific as to whether all beneficiaries or only those serviced by the excluded provider were to be notified. One State agency requested clarification of what "organizations" are to be notified, and one questioned notification to carriers and intermediaries as well.

Response.—The notification procedure contained in § 455.206 requires the agency to notify HCFA and the public (through appropriate public notice) of the exclusion which it imposes. The agency has the flexibility to determine which recipients or other entities listed in the regulations should be notified of the action.

9. Practitioners Convicted of Crimes Against Medicaid (§ 455.212)

Comment.—One agency recommended revising the section to specify what notification to HCFA is required in cases in which there is a fraud control unit and in those cases in which there is not. It recommended that in cases in which there is a certified state fraud control unit, the fraud control unit be responsible for sending the notice of conviction and sentencing to the HHS Office of the Inspector General with a copy to the State agency. If there is no fraud control unit, the State agency would be responsible.

Response.—The existing regulations provide that the State agency must notify HCFA whenever a State or local court has entered a judgment of conviction against an individual related to his or her involvement in the Medicaid program, including those convictions involving the fraud control unit. These procedures have worked well and we find no basis to change them.

Comment.—One commenter stated that, in reference to convictions relating only to a provider's participation in the Medicare program, the Medicaid agency should have the right to suspend the provider under Medicaid without having to wait for the Medicaid suspension (§ 455.210(b)).

Response.—Section 455.211 provides that, if the convicted individual is eligible to participate in Medicare, the agency must suspend the provider effective on the date established by HCFA and for the same length of time as the Medicare suspension. If the individual is not eligible to participate in the Medicare program, the agency must suspend for the period determined by the Secretary. The agency may impose a sanction under its own sanction authorities which is effective either before or after the Medicare suspension period.

Comment.—One commenter pointed out that the regulations did not require an additional hearing before the Medicaid agency for cases of suspension, and therefore conflict with Pub. L. 96-499, the Omnibus Reconciliation Act of 1980, which specified that an opportunity for a hearing must be granted in cases of suspension. The commenter also stated that the regulations do not use the terms in the statute and therefore a different meaning appears to be projected. The regulations use the term "suspension" instead of "barred" and "physicians and other individuals" instead of "practitioners". Another pointed out that in some sections we refer to "convictions" when mentioning "exclusions".

Several commenters stated that the regulations appeared to preclude an agency from suspending a provider before a hearing except if that provider had been suspended from participation in Medicare or convicted of a criminal offense related to involvement in Medicaid. They believed that States that impose suspensions before a hearing under circumstances not covered in the regulations should be permitted to continue to do so. In addition, one commenter stated that making the suspension effective 15 days after the notice conflicts with State laws which mandate termination of payment upon conviction.

Response.—Section 1128 of the Act, which was added by Public Law 96-499, provides that the Secretary must give the convicted individual the opportunity for a hearing. This provision is specified in § 420.128 of these regulations. The hearing will be conducted at the Federal level and no separate State hearing is necessary. The hearing will take place after the imposition of the program suspension. We have continued to use the terms "suspended" and "suspension", defined in the regulations to mean that an individual may not receive reimbursement under Medicare or Medicaid if he or she is convicted of a program related crime. The intent of the

law was not to change the meaning of the action by the use of the term "bar". Pub. L. 96-499 also specifies the suspension of any "physician or other individual." Previously, only "physicians and other individual practitioners" were covered. As discussed earlier, we have defined the individuals to whom these regulations will apply.

Whenever the Secretary imposes a Medicare suspension, the State must impose a Medicaid suspension for the same period of time. However, the agency may withhold payments or impose a sanction under its own sanction authorities which is effective before, or extends beyond, the mandatory suspension period.

10. Practitioners Suspended From Medicare Under § 420.111 (§ 455.212 now §§ 455.210-455.214)

Comment.—One commenter agreed with the provision allowing the Medicaid agency the choice of suspending for a longer period, with due notice and right to hearing, but questioned the appropriateness of always offering a hearing. The commenter believed that such a hearing may be perfunctory if the agency is following a court order.

Response.—This provision was deleted due to the enactment of Section 1128 of the Act which provides that the Medicaid suspension must be for the same period as the Medicare suspension. The State may impose additional sanctions under its own authority. These additional sanctions may require a hearing to be held by the State depending on normal State practice. Even though the suspension action is required whenever an individual is convicted of a Medicare or Medicaid program violation, a hearing at the Federal level is appropriate to consider the issues of whether the individual was, in fact, convicted, whether the conviction is related to program participation, and whether the length of the suspension is reasonable.

Comment.—One commenter suggested including a time limit for the effectiveness of the suspension of no later than 30 days from the date of the notice, because there will be a time lag from the Medicare effective date of suspension to the date the State agency is notified, and States cannot terminate a Medicaid provider retroactively.

Response.—The 15-day notice to the agency provided in § 420.111(a)(1) (now § 420.123) has been in effect under the prior suspension regulation. We have found that States are able to impose suspensions within this time frame. We will, therefore, retain the 15-day notice.

Comment.—One commenter stated the criteria for waiver of suspensions were not sufficient and did not take into consideration agencies that are not in designated manpower shortage areas and that may not be able to compete with monetary inducements of the private sector in attracting adequate personnel (§ 455.212(b)).

Response.—The regulatory provision contained in § 455.212(f) concerning waivers granted on the basis of designated manpower shortage areas has been deleted based on the provisions of Section 1128 of the Act. HCFA will consider an application for a waiver whenever the agency believes that the suspension would result in denial of adequate access to health care for eligible recipients.

11. Duration and Effect of Exclusion or Suspension (§ 455.216)

Comment.—One commenter stated that it was impossible to be "reasonably certain" that a violation would not be repeated. The commenter recommended that reinstatements should be based on past and present actions, not on future predictions.

Response.—When the agency considers the provider's application for reinstatement in the Medicaid program, it should evaluate all of the facts and circumstances bearing on the provider's suitability for reinstatement into the Medicaid program. The agency should attempt to be reasonably certain, to the best of its ability before granting reinstatement, that the violations will not recur.

Comment.—One commenter suggested deleting the provisions under § 455.216(a) on the duration of a suspension and the criteria that HCFA will use to determine the earliest date of reinstatement.

Response.—We have deleted § 455.216(a) from the final regulations. In accordance with Section 1902(a)(39) of the Act, as amended by Pub. L. 96-499, the agency must automatically reinstate the party under Medicaid effective on the date of reinstatement under Medicare, unless a longer period of suspension was established in accordance with a State's own authorities and procedures. The Medicare regulations at § 420.124 specify criteria for determining the earliest date that the party may seek reinstatement.

Comment.—Several commenters requested clarification of why the exclusion provision only applied to services "furnished" by or under the direct supervision of the provider. They believed there is no justification to exclude a provider and still pay for services that he or she orders (§§ 455.202, 455.203, and 455.216(b)(2)).

Response.—The provisions of these regulations are minimum requirements. The exclusion sanction provided under these authorities will ensure that providers who defraud or abuse the Medicaid program will not continue to be reimbursed for services which they furnish. The agency may impose broader sanctions if it has the authority to do so.

12. Procedures for Reinstatement After Exclusion or Suspension (§ 455.220, now §§ 455.230-455.234)

Comment.—Several commenters recommended making the time limit for issuing a decision granting or denying reinstatement more flexible to allow providers to begin services in a more timely fashion or to allow State agencies to give adequate consideration to the circumstances in a particular situation without being burdened by the time constraints imposed by the regulation.

Response.—We agree with the recommendation and have deleted from the final regulations the time limit for issuing a decision.

Comment.—One commenter pointed out the difficulty of obtaining attestations for institutional providers as a basis for granting reinstatement, stating that the acts will not be repeated. The commenter believed that the regulation provision should apply only to practitioners and other noninstitutional providers.

Response.—The reinstatement procedures contained within § 455.234 provide that the agency may not grant reinstatement until it is reasonably certain that the violations will not be repeated. There is no requirement that the State obtain attestations; it may make these determinations on any suitable basis.

13. Effective Date of Regulations

Comment.—One agency requested clarification on whether the regulations would be effective prospectively or retrospectively and whether fraud and abuse and suspensions cases would be treated alike.

Response.—The regulations in Part 455 are effective 90 days from the date of publication. However, after the effective date, the State may impose sanctions under these regulations based on acts of fraud or abuse that were committed before the effective date of the regulation.

14. Payments

Comment.—One commenter requested clarification of whether exclusion or suspension on the basis of a conviction for fraud precludes Medicaid payment in relation to work involving other State programs?

Response.—A party who is excluded or suspended under the Medicaid program may not receive reimbursement

under the Medicaid program for services the party performs after the effective date of the exclusion. This exclusion has no effect on the provider's participation in other State programs unless the State has a provision to the contrary.

15. Reference to Withholding of Payment Regulations

Comment.—In the preamble to the NPRM, we stated that in the future we would propose regulations requiring States to establish mechanisms for withholding payments to providers who are suspected of fraud and to recover Medicaid program overpayments. One commenter stated that these would be cumbersome.

Response.—We have decided not to propose regulations that would require States to establish mechanisms for withholding payments to providers at this time.

Technical Changes

We have reorganized Part 420, Subpart B, to separate the provisions for exclusions of practitioners and providers for fraud and abuse from the provisions on suspensions of physicians and other health care professionals for program-related crimes to clearly differentiate the requirements for the two actions. We have followed the same organization pattern in the Medicaid regulations that are being amended under Part 455, Subpart C. We have also changed a cross-reference in § 489.53 to conform to changes in Part 420.

Waiver of Proposed Rulemaking

We have determined that good cause exists for publication of the requirements on suspension of health care professionals who are convicted of program-related crimes without a prior notice and public comment period. The changes are necessary to conform the regulations to the requirements of the Social Security Act as amended by the Omnibus Reconciliation Acts of 1980 and 1981. We are adopting the same requirements and procedures for these suspensions that have been used for the past 4 years in the suspension of physicians and other practitioners. In addition, we believe that it would be contrary to the public interest to allow individuals who were convicted of defrauding the Medicare, Medicaid, or Social Services program to continue program participation during the time that would be needed to obtain and analyze public comments. Since program suspension is required by the statute upon conviction, very few options are, in fact, open to comment.

Most of the provisions on exclusion on basis of fraud and abuse and

detection and investigation of Medicaid fraud and abuse were issued as an NPRM, as discussed earlier. The remaining changes are intended to relieve States of unnecessary reporting burdens and give them more flexibility in the administration of the Medicaid program. We believe that it is impracticable, unnecessary, and contrary to public interest to delay the effective date of these changes to obtain public comments, since most of the changes are of a technical nature.

Although we are issuing these regulations as final regulations, we will consider comments received by the date specified under "Comment Date." Because of the large number of comments we receive, we cannot acknowledge or respond to them individually. However, if as a result of comments, we believe that changes are needed in these regulations, we will publish the changes in the *Federal Register* and respond to public comments in that document.

Impact Analyses

Executive Order 12291

We have determined that these regulations do not meet the criteria for a major rule as defined by section 1(b) of Executive Order 12291 because they will not have an annual effect on the economy of \$100 million or more; cause a major increase in costs or prices for consumers, government agencies, industry, or a geographic region; or cause significant adverse effects on business or employment. We expect these regulations to save program costs. The amount of any costs or savings will depend on the number of convictions made and on the amount of program reimbursement that is involved in each case. Over the past 4 years, there have been an estimated 518 convictions involving reimbursement of approximately \$10 million per year.

Regulatory Flexibility Analysis

The Regulatory Flexibility Act of 1980 (Pub. L. 96-354), 5 U.S.C. 604(a), requires that each Federal agency prepare, and make available for public comment, a regulatory flexibility analysis when the agency issues regulations which would have a significant economic impact on a substantial number of small businesses. The analysis is intended to explain what effect the regulatory action by the agency would have on small businesses and other small entities and to develop lower cost or burden alternatives. The law on which these regulations are based is specific and there is little leeway in implementing the requirements. Some of the sanctions that

States and the Federal Government will impose as a result of these regulations will impact on small entities such as physicians, laboratories and other medical care providers. However, we do not anticipate that a substantial number of these small entities will be significantly impacted by the regulations. Therefore, the Secretary certifies that a regulatory flexibility analysis is not required for these regulations.

Paperwork Reduction Act

These regulations contain reporting and recordkeeping requirements that are subject to the Paperwork Reduction Act of 1980 (Pub. L. 96-511). Specifically, States will continue to report to HCFA when sanctions have been imposed. However, we do not expect any significantly increased burden due to the requirements. The reporting required was reapproved by the Office of Management and Budget, effective on October 20, 1981 (OMB No. 0938-0076).

REDESIGNATION TABLE— 42 CFR PART 420, SUBPART B

Old section	New section
420.100	420.100
420.101	420.101
420.102(a)	420.105
420.102(b) (1)-(3)	420.107
420.102(b) (4)	420.109
420.103(a)	420.114
420.103 (b) and (c)	420.115
420.103(d)	420.114
420.110	420.122
420.111(a)	420.123
420.111(b)	420.124
420.112(a)	420.125
420.112 (b), (c), & (d)	420.126
420.113	420.128
420.120(a)	420.130
420.120(b)	420.132
420.120 (c), (d), & (e)	420.134
420.120(f)	420.136

¹ Revised heading.

List of Subjects

42 CFR Part 420

Abuse, Contracts (Agreements), Conviction, Convicted, Courts, Exclusion, Fraud, Health care, Health facilities, Health professions, Health suppliers, Medicaid, Medicare, Penalties, Suspensions.

42 CFR Part 455

Abuse, Claim, Conviction, Convicted, Exclusion, Fraud, Health professions, Investigations, Medicaid, Medicaid fraud control units, Medical personnel, Penalties, Suspensions.

42 CFR Part 489

Clinics, Health care, Health facilities, Medicare, Provider agreements, Rural health clinics, Termination procedures.

PART 420—PROGRAM INTEGRITY

A. 42 CFR Part 420 is amended as set forth below:

1. The table of contents for Subpart B and the authority statement are revised to read as follows:

Subpart B—Exclusion or Suspension of Practitioners, Providers, Suppliers of Services, and Other Individuals

Sec.

420.100 Basis and scope.

Exclusions or Terminations on Basis of Fraud or Abuse

420.101 Bases for exclusion for fraud or abuse; exceptions.

420.105 Notice of proposed exclusion or termination for fraud or abuse.

420.107 Notice of exclusion or termination to affected party.

420.109 Notice to others regarding exclusion or termination.

420.114 Duration of exclusion.

420.115 Effect of exclusion.

Suspensions on Basis of Conviction of Program-Related Crime

420.122 Bases for suspension for conviction of program-related crime and individuals affected.

420.123 Notice to affected party of suspension for conviction of program-related crime.

420.124 Notice to others regarding suspension for conviction of program-related crime.

420.125 Duration of suspension.

420.126 Effect of suspension.

420.128 Appeal procedures.

Reinstatement Procedures

420.130 Timing and method of request for reinstatement.

420.132 Criteria for action on request for reinstatement.

420.133 Notice of action on request for reinstatement.

420.136 Reversed or vacated convictions of program-related crime.

* * *

Authority: Secs. 1102, 1128, 1862(d), 1862(e), 1866(b)(2)(D), (E), and (F), 1871, 1902(a)(39), and 1903(i)(2) of the Social Security Act (42 U.S.C. 1302, 1320a-7, 1395y(d), 1395y(e), 1395cc(b)(2)(D), (E), and (F), 1395hh, 1396a(a)(39), and 1396b(i)(2)).

2. Section 420.2 is amended by revising the definitions of "furnished" and "provided" and adding definitions of "social services program" and "supplier" or "supplier of services" in alphabetical order, to read as follows:

§ 420.2 Definitions.

* * *

"Furnished" refers to items and services provided directly by, or under the direct supervision of, or ordered by, a practitioner or other individual (either as an employee or in his or her own

capacity), a provider, or other supplier of services. (For purposes of denial of reimbursement within this part, it does not refer to services ordered by one party but billed for and provided by or under the supervision of another.)

"Provider" means a hospital, a skilled nursing facility, a comprehensive outpatient rehabilitation facility, or a home health agency that has in effect an agreement to participate in Medicare, or a clinic, a rehabilitation agency, or a public health agency that has a similar agreement, but only to furnish outpatient physical therapy or speech pathology services.

"Social services program" means the block grants to States program authorized under Title XX of the Social Security Act.

"Supplier" or "supplier of services" means an individual or entity, other than a provider or practitioner, that furnishes health care services under Medicare.

3. Section 420.3 is revised to read as follows:

§ 420.3 Applicability of other regulations.

Part 405, Subpart O of this chapter, contains detailed procedures for hearings and reviews that are made available under this part for exclusions and terminations on the basis of fraud and abuse. Appeal procedures applicable to suspension based on a conviction for a program-related crime are specified in § 420.128.

4. The title of Subpart B and § 420.100 are revised to read as follows:

Subpart B—Exclusion or Suspension of Practitioners, Providers, Suppliers of Services, and Other Individuals

§ 420.100 Basis and scope.

This subpart implements Sections 1128 and 1862 (d) and (e) of the act. It sets forth criteria and procedures for excluding practitioners, providers, and suppliers of services who have defrauded or abused the Medicare program and for suspending practitioners and other individuals convicted of crimes related to their participation in the delivery of medical care or services under the Medicare, Medicaid, or the social services programs. It also specifies the appeal rights of a suspended individual and the procedures for reinstatement of excluded and suspended individuals. The procedures set forth in § 420.101–420.115 also apply to terminations of provider agreements under § 489.53(a) (6), (7), or (8) of this chapter.

5. A new center heading is added after § 420.100 and before § 420.101, and the heading for § 420.101 is revised to read as follows:

Exclusions or Terminations on Basis of Fraud or Abuse

§ 420.101 Bases for exclusions for fraud or abuse; exceptions.

6. Section 420.102 is amended by redesignating it as § 420.105, and revising the section heading and paragraph (a), and redesignating paragraph (b) and as §§ 420.107 and 420.109 and revising them to read as follows:

§ 420.105 Notice of proposed exclusion or termination for fraud or abuse.

(a) If HCFA proposes to deny reimbursement in accordance with § 420.101, or to terminate a provider agreement in accordance with § 489.53(a) (6), (7), or (8) of this chapter, it will send written notice of its intent and the reasons for the proposed exclusion or termination to the practitioner, provider or other supplier of services.

(b) Within 30 days of the date on the notice, the party may submit: (1) Documentary evidence and written argument against the proposed action; or (2) A written request to present evidence or argument orally to a HCFA official.

(c) For good cause shown by the party, HCFA may extend the 30-day period.

§ 420.107 Notice of exclusion or termination to affected party.

(a) If, after a party has exhausted the procedures specified in § 420.105, HCFA decides to exclude the party under § 420.101 or to terminate a provider agreement under § 489.53(a) (6), (7), or (8), it will send written notice of its decision to the affected party at least 15 days before the decision becomes effective.

(b) The notice will state (1) the reasons for the decision; (2) the effective date; (3) the extent of its applicability to participation in the Medicare program; (4) the earliest date on which HCFA will accept a request for reinstatement; (5) the requirements and procedures for reinstatement; and (6) the appeal rights available to the excluded party.

(c) This decision and notice constitute an "initial determination" and a "notice of initial determination" for purposes of the administrative appeals procedures specified in Part 405, Subpart O of this chapter.

§ 420.109 Notice to others regarding exclusion or termination.

HCFA will also give notice of exclusion or termination and the effective date to the public, to

beneficiaries (in accordance with § 420.115(b)), and, as appropriate, to:

(a) State Medicaid and title V agencies, State Medicaid Fraud Control Units, and PSROs;

(b) Hospitals, skilled nursing facilities, home health agencies and health maintenance organizations (HMOs);

(c) Medical societies and other professional organizations;

(d) Contractors, health care prepayment plans and other affected agencies and organizations; and

(e) The State or local authority responsible for licensing or certifying the excluded party.

7. Paragraphs (a) and (d) of § 420.103 are redesignated and revised as § 420.114, and paragraphs (b) and (c) are redesignated and revised as § 420.115, to read as follows:

§ 420.114 Duration of exclusion.

(a) The exclusion of a practitioner, provider, or other supplier of services will continue until the party is reinstated in accordance with § 420.130–420.136.

(b) The exclusion notice will specify the earliest date on which the excluded party may seek reinstatement. In setting that date, HCFA will consider:

(1) The number and nature of the program violations and other related offenses;

(2) The nature and extent of any adverse impact the violations have had on beneficiaries;

(3) The amount of any damages incurred by the Medicare program;

(4) Whether there are any mitigating circumstances;

(5) Any other facts bearing on the nature and seriousness of the violations or related offenses; and

(6) The previous sanction record of the excluded party under the Medicare or Medicaid program.

(c) For the effective date of termination of a provider's agreement under § 489.53(a) (6), (7), or (8), see § 489.53(b) of this chapter.

§ 420.115 Effect of exclusion.

(a) *Denial of payments during exclusion.* (1) Except as provided in paragraph (c) of this section, payment will not be made to an excluded practitioner, provider, or other supplier of services (that has accepted assignment of beneficiary claims), for items or services furnished on or after the effective date of exclusion specified in the exclusion notice.

(2) An assignment of a beneficiary's claim that is made on or after the effective date of exclusion will not be valid.

(b) *Denial of payment to beneficiaries.* If a beneficiary submits claims for items or services furnished by an excluded practitioner, provider, or other supplier of services after the effective date of the exclusion:

(1) HCFA will pay the first claim submitted by the beneficiary and immediately give notice of the exclusion.

(2) HCFA will not pay the beneficiary for items or services furnished by an excluded party more than 15 days after the date on the notice to the beneficiary or after the effective date of the exclusion, whichever is later.

(c) *Circumstances under which payment will be made.* (1) In the case of inpatient hospital services or posthospital skilled nursing facility care services furnished to a beneficiary who was admitted to a hospital or skilled nursing facility before the effective date of exclusion, payment will be available for up to 30 days after that date.

(2) In the case of home health services furnished under a plan established before the effective date of exclusion, payment will be available for services furnished through the end of the calendar year in which exclusion became effective.

8. Sections 420.110 through 420.113 are redesignated and revised as § 420.122 through 420.128, and a new center heading is added after § 420.115 as redesignated and before § 420.122, to read as follows:

Supensions on Basis of Conviction of Program-Related Crime

§ 420.122 Bases for suspension for conviction of program-related crime and individuals affected.

(a) HCFA will suspend from participation in Medicare any party specified in paragraph (b) of this section who is convicted on or after October 25, 1977, of a criminal offense related to—

(1) Participation in the delivery of medical care or services under the Medicare, Medicaid, or the social services program; or

(2) Participation in the performance of management or administrative services relating to delivery of medical care or services under the Medicare, Medicaid, or the social services program.

(b) The suspension from participation in Medicare for conviction of a program-related crime, specified in paragraph (a) of this section, will apply to—

(1) Practitioners;

(2) Suppliers that are wholly owned by a convicted individual;

(3) Individuals who are employees, administrators, or operators of providers; and

(4) Any other individuals who, in any capacity, are receiving payment for providing services under Medicare.

(c) HCFA will also require the State Medicaid agency to suspend any convicted party specified in paragraph (a) and (b) of this section whether or not that party is eligible to participate in the Medicare program.

§ 420.123 Notice to affected party of suspension for conviction of program-related crime.

(a) Whenever HCFA has conclusive information that a practitioner or other individual has been convicted of a crime related to his or her participation in the delivery of medical care or services under the Medicare, Medicaid, or the social services program, it will give the party written notice that he or she is suspended from participation in Medicare beginning 15 days from the date on the notice. In the case of a party who is not eligible to participate in Medicare, HCFA will provide written notice that the State Medicaid agency will be required to suspend the party from Medicaid participation.

(b) The written notice will set forth:

(1) The basis for the suspension;

(2) The duration of the suspension and the factors considered in setting the duration;

(3) The requirements and procedure for reinstatement;

(4) The appeal rights;

(5) The fact that the State Medicaid agency is required to suspend the person from participation in the Medicaid program for the same period as he or she is suspended from Medicare participation.

§ 420.124 Notice to others regarding suspension for conviction of program-related crime.

(a) HCFA will also notify the following groups of the suspension concurrently with its notification to the suspended party:

(1) Any provider or supplier in which the suspended party is known to be serving as an employee, administrator, operator, or in which the party is serving in any other capacity and is receiving payment for providing services. The purpose of the notice is to inform the provider or supplier that Medicare payment will be denied for any services performed by the suspended party on or after the effective date of the suspension. However, the lack of this notice will not affect HCFA's ability to deny payment for these services;

(2) The State Medicaid agencies, in order that they can promptly suspend the party from participation in the Medicaid program (see § 455.210 of the chapter);

(3) The State or local authority responsible for the licensing or certification of the suspended party;

(4) Beneficiaries (in accordance with § 420.115(b));

(5) The public; and

(6) As appropriate—

(i) Title V agencies, State Medicaid Fraud Control Units, and PSROs;

(ii) Hospitals, skilled nursing facilities, home health agencies, and health maintenance organizations (HMOs);

(iii) Medical societies and other professional organizations; and

(iv) Contractors, health care prepayment plans, and other affected agencies and organizations.

(b) The notice to the licensing or certifying authority will be accompanied by a request that the authority:

(1) Make appropriate investigations;

(2) Invoke any sanctions available under State law and the authority's policies; and

(3) Keep HCFA and the Inspector General of the Department fully and currently informed of any action it takes.

§ 420.125 Duration of suspension.

(a) Suspension on the basis of a conviction of a program-related crime will continue until the suspended party is reinstated in accordance with §§ 420.130 through 420.136.

(b) The suspension notice will specify the earliest date on which the suspended individual may seek reinstatement. In setting that date, HCFA will consider:

(1) The number and nature of the program violations and other related offenses;

(2) The nature and extent of any adverse impact the violations have had on beneficiaries;

(3) The amount of the damages incurred by the Medicare, Medicaid, and the social services programs;

(4) Whether there are any mitigating circumstances;

(5) The length of the sentence imposed by the court;

(6) Any other facts bearing on the nature and seriousness of the program violations; and

(7) The previous sanction record of the suspended party under the Medicare or Medicaid program.

§ 420.126 Effect of suspension.

(a) *Denial of payments to a suspended party.* (1) Payment will not be made to a suspended party (who has accepted assignment for the beneficiary's claims) for items and services furnished on or after the effective date of the

suspension, except as provided in paragraph (e) of this section.

(2) An assignment of a beneficiary's claim that is made to an individual or supplier on or after the effective date of the suspension is not valid.

(b) *Denial of payments to a supplier that is wholly owned by a suspended party.* (1) Payment will not be made to a supplier (e.g., durable medical equipment supplier or laboratory) that is wholly owned by a suspended party for items or services furnished on or after the effective date of the suspension if the supplier has accepted assignment for the beneficiary's claim.

(2) An assignment of a beneficiary's claim that is made on or after the effective date of the suspension to a supplier that is wholly owned by a suspended party is not valid.

(c) *Denial of payments to a provider for services performed by a suspended party.* Payment will not be made to a provider for services performed, including services performed under contract, by a suspended party or by a supplier which is wholly owned by a suspended party, on or after the effective date of the suspension.

(d) *Denial of payment to beneficiaries.* If a beneficiary submits claims for items or services furnished by a suspended party or by a supplier which is wholly owned by a suspended party, on or after the effective date of the suspension—

(1) HCFA will pay the first claim submitted by the beneficiary and immediately give the beneficiary notice of the suspension.

(2) HCFA will not pay the beneficiary for items or services furnished more than 15 days after the date on the notice to the beneficiary.

(e) *Circumstances under which payment may be made after a suspension.* (1) In the case of inpatient hospital services or posthospital skilled nursing facility care furnished to a beneficiary who was admitted to a hospital or skilled nursing facility before the effective date of the suspension, payment for services furnished by the suspended party will be available for up to 30 days after that date.

(2) In the case of home health services furnished under a plan established before the effective date of the suspension, payment will be available for services furnished through the end of the calendar year in which the suspension became effective.

§ 420.128 Appeal procedures.

(a) A person suspended for conviction of a program-related crime, as specified in § 420.122, may request a hearing

before an Administrative Law Judge on the following issues:

(1) Whether he or she was, in fact, convicted;

(2) Whether the conviction was related to his or her participation in the delivery of medical care or services under the Medicare, Medicaid, or social services program; and

(3) Whether the length of the suspension is reasonable.

(b) A hearing under this section will be conducted in accordance with the procedures set forth in §§ 405.1531, 405.1533, 405.1534, 405.1540, 405.1541, 405.1543, and 405.1544 through 405.1558 of this chapter.

(c) If any party to the hearing is dissatisfied with the hearing decision, that party is entitled to request Appeals Council review of the decision as specified in §§ 405.1559 through 405.1595 of this chapter. A suspended party may also seek judicial review of the final administrative decision.

9. Section 420.120 is redesignated and revised as §§ 420.130 through 420.136 and a new center heading is added after § 420.128 and before § 420.130 to read as follows:

Reinstatement Procedures

§ 420.130 Timing and method of request for reinstatement.

(a) A practitioner, provider, or supplier of services excluded from participation for fraud and abuse under § 420.101 and a party suspended from participation for program-related crimes under § 420.122 may request reinstatement at any time after the date specified in the notice of exclusion or suspension by submitting to HCFA or authorizing HCFA to obtain:

(1) Statements from private health insurers, indicating whether there have been any questionable claims submitted during the period of exclusion or suspension;

(2) Statements from peer review bodies, probation officers, where appropriate, or professional associates, as required by HCFA, attesting to their belief, supported by facts, that the violations that led to exclusion or conviction will not be repeated; and

(3) A statement from the affected party setting forth the reasons why he should be reinstated.

§ 420.132 Criteria for action on request for reinstatement.

HCFA will not grant reinstatement unless it is reasonably certain that the violations that led to exclusion or conviction will not be repeated. In making this determination, HCFA will consider, among other factors:

(a) Whether the applicant has been convicted in Federal, State or local court for activities related to his program participation; and

(b) Whether the State or local licensing authority has taken any adverse action against the party since the date of exclusion or suspension.

§ 420.134 Notice of action on request for reinstatement.

(a) *Notice of approval of request.* If HCFA approves the request for reinstatement, it will:

(1) Give written notice to the excluded or suspended party specifying the date when program participation may resume; and

(2) Give notice to the public and, as appropriate, to title V State agencies, State Medicaid agencies and Medicaid Fraud Control Units, hospitals, skilled nursing facilities, home health agencies, medical societies, other professional societies or associations, contractors, health care prepayment plans, health maintenance organizations (HMOs), PSROs, the State or local licensing or certifying authority, and other affected organizations.

(b) *Notice of denial of request.* (1) If HCFA does not approve the request for reinstatement, it will give written notice to the party.

(2) Within 30 days of the date on the notice, the excluded or suspended party may submit:

(i) Documentary evidence and written argument against the continued exclusion or suspension; or

(ii) A written request to present evidence or argument orally to a HCFA official. (The decision to continue the exclusion or suspension is not an initial determination under the provisions of Part 405, subpart O of this chapter.)

(c) *Action following consideration of additional evidence.* After evaluating any additional evidence submitted by the excluded or suspended party (or at the end of the 30 day period, if none is submitted), HCFA will send written notice:

(1) Confirming the denial, and indicating that a subsequent request for reinstatement will not be accepted until 6 months after the date of confirmation; or

(2) Approving reinstatement and specifying the date when program participation may be resumed. If HCFA approves reinstatement, it will notify the public and, as appropriate, the agencies and institutions as specified in paragraph (a)(2) of this section.

§ 420.136 Reversed or vacated convictions of program-related crime.

(a) HCFA will reinstate a suspended party whose conviction has been reversed or vacated.

(b) If a reinstatement is made under paragraph (a) of this section, HCFA will make payment, either to the party or the beneficiary, if the claim was not assigned, for services covered under Medicare that are furnished or performed during the period of suspension.

PART 455—PROGRAM INTEGRITY

B. 42 CFR Part 455 is amended as set forth below:

1. The table of contents is amended by adding new §§ 455.1 and 455.2, removing §§ 455.10, 455.11 and 455.22, revising the title of § 455.17, and revising Subpart C and the authority statement to read as follows:

Sec.
455.1 Basis and purpose.
455.2 Definitions.

Subpart A—Medicaid Agency Fraud Detection and Investigation Program

455.10–455.11 [Removed]

455.17 Reporting requirements.

455.22 [Removed]

Subpart C—Exclusion of Providers and Suspension of Practitioners and Other Individuals

455.200 State plan requirement.

Exclusions on Basis of Fraud and Abuse

455.203 Exclusion of Medicaid providers for fraud and abuse.
455.204 Notice of proposed exclusion for fraud and abuse.
455.205 Right to review.
455.206 Notice of exclusion for fraud and abuse.
455.207 Denial of payment and FFP: Parties excluded under Medicaid.
455.208 Denial of FFP: Parties excluded under Medicare for fraud and abuse.

Suspensions on Basis of Conviction of Program-Related Crimes

455.210 Bases for suspension for conviction of program-related crimes.
455.211 Duration of suspension.
455.212 Notification of State or local convictions of crimes against Medicaid.
455.213 Effect of suspension.
455.214 Waiver of suspension of parties.

Reinstatement Procedures

455.230 Reinstatement of parties suspended under Medicare.
455.232 Basis for reinstatement after exclusion.
455.234 Action on request for reinstatement.

Authority: Secs. 1102, 1124, 1126, 1128, 1902(a)(4)(A), 1902(a)(30), 1902(a)(36),

1902(a)(39), 1903(a)(6), 1903(b)(3), 1903(i)(2), 1903(n), 1903(q), and 1909 of the Social Security Act; 42 U.S.C. 1302, 1320a–3, 1302a–5, 1302a–7, 1396a(a)(4)(A), 1396a(a)(30), 1396a(a)(36), 1396a(a)(39), 1396b(a)(6), 1396b(b)(3), 1396b(i)(2), 1396b(n), 1396b(q), and 1396h.

Note.—The reporting requirements under §§ 455.17 and 455.212 were approved by the Office of Management and Budget under control number OMB No. 0938–0076.

2. Sections 455.1 and 455.2 are added to read as follows:

§ 455.1 Basis and purpose.

This part sets forth requirements for the prevention of fraud and abuse in the Medicaid program and implements specific statutory provisions aimed at protecting the integrity of the program. This part is subdivided into four subparts.

(a) Under the authority of sections 1902(a)(4), 1903(i)(2), and 1909 of the Social Security Act, Subpart A provides State plan requirements for the identification, investigation, and referral of suspected fraud and abuse cases. In addition, the subpart requires the reporting of fraud and abuse information to Department and requires that States have a method to verify whether services reimbursed by Medicaid were actually furnished to recipients.

(b) Subpart B implements Sections 1124, 1126, 1902(a)(36), 1903(i)(2), and 1903(n) of the Act. It requires that providers and fiscal agents must agree to disclose ownership and control information to the Medicaid State agency.

(c) Subpart C is based on Sections 1128, 1902(a)(4)(A), 1902(a)(30), and 1902(a)(39) of the Act. It requires Medicaid agencies to—

(1) Have the ability to exclude from program reimbursement any provider that defrauds or abuses the Medicaid or Medicare program; and

(2) Suspend any individual receiving reimbursement under the Medicaid program who has been convicted of a crime related to delivery of medical care or services under the Medicare, Medicaid, or social services programs.

(d) Subpart D implements sections 1903(a)(6), 1903(b)(3), and 1903(q) of the Act, and prescribes requirements for the establishment and operation of State Medicaid fraud control units. It also details conditions that must be met in order for the units to receive 90 percent Federal financial participation (FFP).

§ 455.2 Definitions.

As used in Subparts A, B, C, and D of this part unless the context indicates otherwise—

“Abuse” means provider practices that are inconsistent with sound fiscal,

business, or medical practices, and result in an unnecessary cost to the Medicaid program, or in reimbursement for services that are not medically necessary or that fail to meet professionally recognized standards for health care. It also includes recipient practices that result in unnecessary cost to the Medicaid program.

“Conviction” or “Convicted” means that a judgment of conviction has been entered by a Federal, State, or local court, regardless of whether an appeal from that judgment is pending.

“Exclusion” means that items or services furnished by a specific provider who has defrauded or abused the Medicaid program will not be reimbursed under Medicaid.

“Fraud” means an intentional deception or misrepresentation made by a person with the knowledge that the deception could result in some unauthorized benefit to himself or some other person. It includes any act that constitutes fraud under applicable Federal or State law.

“Practitioner” means a physician or other individual licensed under State law to practice his or her profession.

“PSRO” stands for Professional Standards Review Organization.

“Suspension” means that items or services furnished by a specified provider who has been convicted of a program related offense in a Federal State, or local court will not be reimbursed under Medicaid.

Subpart A—Medicaid Agency Fraud Detection and Investigation Program

3. Subpart A is amended as follows:
a. Sections 455.10 and 455.11 are removed, and § 455.12 is revised to read as follows:

§§ 455.10 and 455.11 [Removed]

§ 455.12 State plan requirement.

A State plan must meet the requirements of §§ 455.13–455.21.

b. In section 455.13, the introductory paragraph is reprinted and paragraph (c) is revised to read as follows:

§ 455.13 Methods for identification, investigation and referral.

The Medicaid agency must have—

(c) Procedures, developed in cooperation with State legal authorities, for referring suspected fraud cases to law enforcement officials.

c. Section 455.14 is revised to read as follows:

§ 455.14 Preliminary investigation

If the agency receives a complaint of Medicaid fraud or abuse from any source or identifies any questionable practices, it must conduct a preliminary investigation to determine whether there is sufficient basis to warrant a full investigation.

d. Section 455.15 is revised to read as follows:

§ 455.15 Full investigation.

If the findings of a preliminary investigation give the agency reason to believe that an incident of fraud or abuse has occurred in the Medicaid program, the agency must take the following action, as appropriate:

(a) If a provider is suspected of fraud or abuse, the agency must—

(1) In States with a State Medicaid fraud control unit certified under Subpart D of this part, refer the case to the unit under the terms of its agreement with the unit entered into under § 455.300(e); or

(2) In States with no certified Medicaid fraud control unit, or in cases where no referral to the State Medicaid fraud control unit is required under paragraph (a)(1) of this section, conduct a full investigation or refer the case to the appropriate law enforcement agency.

(b) If there is reason to believe that a recipient has defrauded the Medicaid program, the agency must refer the case to an appropriate law enforcement agency.

(c) If there is reason to believe that a recipient has abused the Medicaid program, the agency must conduct a full investigation of the abuse.

e. In section 455.16, the introductory paragraph is reprinted and paragraph (c) is revised to read as follows:

§ 455.16 Resolution of full investigation.

A full investigation must continue until—

(c) The matter is resolved between the agency and the provider or recipient. This resolution may include but is not limited to—

(1) Sending a warning letter to the provider or recipient, giving notice that continuation of the activity in question will result in further action;

(2) Suspending or terminating the provider from participation in the Medicaid program;

(3) Seeking recovery of payments made to the provider; or

(4) Imposing other sanctions provided under the State plan.

f. Section 455.17 is amended by revising the section title, the introductory paragraph and paragraph

(b), and removing paragraph (c) to read as follows:

§ 455.17 Reporting requirements.

The agency must report the following fraud or abuse information to the appropriate Department officials at intervals prescribed in instructions.

(b) For each case of suspected provider fraud and abuse that warrants a full investigation—

- (1) The provider's name and number;
- (2) The source of the complaint;
- (3) The type of provider;
- (4) The nature of the complaint;
- (5) The approximate range of dollars involved; and

(6) The legal and administrative disposition of the case, including actions taken by law enforcement officials to whom the case has been referred.

g. In section 455.20, paragraph (a) is reprinted, paragraph (b) is revised, and paragraph (c) is removed, to read as follows:

§ 455.20 Recipient verification procedure.

(a) The agency must have a method for verifying with recipients whether services billed by providers were received.

(b) In States receiving Federal matching funds for a mechanized claims processing and information retrieval system under Part 433, Subpart C, of this subchapter, the agency must provide prompt written notice as required by § 433.113(e) and (f).

§ 455.22 [Removed]

h. Section 455.22 is removed.

4. Subpart C is amended by adding a new § 455.200, redesignating § 455.202 as § 455.208 and revising it, revising 455.212, and adding new §§ 455.203 through 455.207, 455.210 through 455.214, 455.230, 455.232, and 455.234 to read as set forth below. In addition, new center headings are added after § 455.200 and before § 455.203, after § 455.208 and before § 455.210, and after § 455.214 and before § 455.230.

§ 455.200 State plan requirement.

The plan must provide that the requirements of this subpart are met. However, the provisions of these regulations are minimum requirements. The agency may impose broader sanctions if it has the authority to do so under State law.

Exclusions on Basis of Fraud and Abuse**§ 455.203 Exclusion of Medicaid providers for fraud and abuse.**

(a) *Basis for exclusion.* The agency must have administrative procedures which enable the agency to exclude

from Medicaid reimbursement a provider who it determines has:

(1) Knowingly and willfully made or caused to be made any false statement or misrepresentation of material fact in claiming, or use in determining the right to, payment under Medicaid;

(2) Furnished or ordered services under Medicaid that are substantially in excess of the recipient's needs or that fail to meet professionally recognized standards for health care; or

(3) Submitted or caused to be submitted to the Medicaid program bills or requests for payment containing charges or costs that are substantially in excess of customary charges or costs. However, the agency must not impose an exclusion under this section if it finds the excess charges are justified by unusual circumstances or medical complications requiring additional time, effort, or expense in localities in which it is accepted medical practice to make an extra charge in such case.

(b) *Reports to be considered.* The agency may base its determination that services were excessive or of unacceptable quality on reports, including sanction reports, from any of the following sources:

(1) The PSRO for the area served by the provider;

(2) State or local licensing or certification authorities;

(3) Peer review committees of fiscal agents or contractors;

(4) State or local professional societies; or

(5) Other sources deemed appropriate by the Medicaid agency or HCFA.

§ 455.204 Notice of proposed exclusion for fraud and abuse.

If the agency proposes to exclude a provider under § 455.203 it must send the provider written notice stating the reasons for the proposed exclusion and the right to review.

§ 455.205 Right to review.

Before imposing an exclusion, the agency must give the provider the opportunity to submit documents and written argument against the exclusion. However, the provider must be given any additional appeals rights under procedures established by the State.

§ 455.206 Notice of exclusion for fraud and abuse.

After the review, if the agency makes a final decision to exclude—

(a) The agency must send the provider written notice 15 days before the exclusion becomes effective;

(b) The notice must state—

- (1) The reasons for the decision;
- (2) The effective date;

(3) The effect of the exclusion on the party's participation in the Medicaid program;

(4) The earliest date in which the agency will accept a request for reinstatement (see §§ 455.232 and 455.234 for reinstatement procedures); and

(5) The requirements and procedures for reinstatement.

(c) The agency must also give notice of the exclusion and the effective date to HCFA, the public, and, as appropriate, to—

(1) Recipients;

(2) PSROs;

(3) Providers and organizations;

(4) Medical societies and other professional organizations;

(5) State licensing boards and affected State and local agencies and organizations; and

(6) Medicare carriers and intermediaries.

§ 455.207 Denial of payment and FFP: Parties excluded under Medicaid.

(a) *Denial of payment.* The agency must not make payment under Medicaid for items or services furnished by a provider who has been excluded from the Medicaid program in accordance with § 455.203.

(b) *Denial of FFP.* FFP is not available in payments under any State plan for services furnished by a provider who has been excluded from the Medicaid program.

(c) *Duration of exclusion.* The exclusion will continue until the provider is reinstated in accordance with §§ 455.230 through 455.236.

(d) *When FFP will be reinstated.* FFP will be available for services furnished by a Medicaid provider after reinstatement in the Medicaid program.

§ 455.208 Denial of FFP: Parties excluded or terminated under Medicare for fraud and abuse.

(a) *Denial of FFP.* FFP is not available in payments for services furnished by a Medicaid provider while that provider is excluded or terminated from participation, or otherwise sanctioned, because of fraud and abuse under the Medicare program under § 420.101 or § 474.10 of this chapter.

(b) *Effective date of denial.* Except as specified in paragraph (c) of this section, the denial of FFP will apply to services furnished on or after the effective date of the exclusion from Medicare.

(c) *Exception: FFP available in payment made during exclusion.* (1) In the case of inpatient services furnished in a hospital, skilled nursing facility, or intermediate care facility to a recipient who was admitted before the effective

date of the Medicare exclusion, FFP will be available in payments made for services furnished for up to 30 days after the exclusion date.

(2) In the case of home health services furnished under a plan established before the effective date of exclusion, FFP will be available in payments for services furnished through the end of the calendar year in which exclusion became effective.

(d) *When FFP will be reinstated.* FFP will be available for services furnished by a Medicaid provider after reinstatement in the Medicare program.

Suspensions on Basis of Conviction of Program-Related Crimes

§ 455.210 Bases for suspension for conviction of program-related crimes.

The agency must suspend from the Medicaid program any party who has been suspended from participation in Medicare under § 420.122 of this chapter for conviction of a program-related crime. The agency must also suspend any convicted party who is not eligible to participate in Medicare whenever HCFA directs such action.

§ 455.211 Duration of suspension.

(a) The suspension under Medicaid must be effective on the date established by HCFA for suspension under Medicare, and must be for the same period as the Medicare suspension. In the case of a convicted party who is not eligible to participate in Medicare, the suspension will be effective on the date and for the period established by HCFA.

(b) The agency may impose a sanction under its own sanction authorities which is effective before, or extends beyond, the mandatory suspension period under paragraph (a) of this section.

§ 455.212 Notification of State or local convictions of crimes against Medicaid.

(a) The agency must notify HCFA whenever a State or local court has entered a judgment of conviction against an individual who is receiving reimbursement under Medicaid, for a criminal offense related to participation in the delivery of medical care or services under the Medicaid program.

(b) If the agency was involved in the investigation or prosecution of the case, it must send notice within 15 days after the conviction.

(c) If the agency was not so involved, it must give notice within 15 days after it learns of the conviction.

§ 455.213 Effect of suspension.

(a) *Denial of payment.* Except as specified in paragraph (b) of this

section, the agency must not make any payment under the plan for services furnished directly by, or under the supervision of, a suspended party during the period of the suspension.

(b) *Circumstances under which payment may be made after a suspension.* (1) In the case of inpatient hospital services or posthospital skilled nursing facility care furnished to a recipient who was admitted to a hospital or skilled nursing facility before the effective date of the suspension, payment for services furnished by the suspended party may be made and FFP will be available for up to 30 days after that date.

(2) In the case of home health services furnished under a plan established before the effective date of the suspension, payment may be made and FFP will be available for services furnished through the end of the calendar year in which the suspension became effective.

§ 455.214 Waiver of suspension of parties.

(a) *Request.* The agency may request HCFA to waive suspension of a party under § 455.210 if it concludes that, because of the shortage of providers or other health care personnel in the area, individuals eligible to receive Medicaid benefits would be denied adequate access to medical care.

(b) *Notice of waiver of suspension.* HCFA will notify the agency if and when it waives suspension in response to the agency's request.

Reinstatement Procedures

§ 455.230 Reinstatement of parties suspended under Medicare.

(a) The agency may not reinstate in the Medicaid program a party that has been suspended from Medicare or suspended at the direction of HCFA until HCFA notifies the agency that the party may be reinstated.

(b) If HCFA notifies the agency that it has reinstated a party under Medicare, the agency must automatically reinstate the party under Medicaid effective on the date of reinstatement under Medicare, unless a longer period of suspension was established in accordance with the State's own authorities and procedures.

§ 455.232 Basis for reinstatement after exclusion.

(a) The provisions of this section and § 455.234 apply to the reinstatement in the Medicaid program of all parties excluded in accordance with § 455.203, if a State affords reinstatement opportunity to those parties.

(b) A party who has been excluded from Medicaid may be reinstated only by the Medicaid agency that imposed the exclusion.

(c) A party may submit to the agency a request for reinstatement at any time after the date specified in the notice of exclusion.

(d) In setting the earliest date on which it will consider a request for reinstatement, the agency must consider—

(1) The number and nature of the program violations and other related offenses;

(2) The nature and extent of any adverse impact the violations have had on recipients;

(3) The amount of any damages;

(4) Whether there are any mitigating circumstances; and

(5) Any other facts bearing on the nature and seriousness of the program violations or related offenses.

§ 455.234 Action on request for reinstatement.

(a) *Criteria for approving reinstatement request.* The agency may grant reinstatement only if it is reasonably certain that the violation(s) that led to exclusion will not be repeated. In making this determination, the agency will consider, among other factors—

(1) Whether the party has been convicted in a Federal, State, or local court of other offenses related to participation in the Medicare or Medicaid program which were not considered during the development of the exclusion; and

(2) Whether the State or local licensing authorities have taken any adverse action against the party for offenses related to participation in the Medicare or Medicaid program which were not considered during the development of the exclusion.

(b) *Notice of action on request.* (1) If the agency approves the request for reinstatement, it must give written notice to the excluded party, and to all others who were informed of the exclusion in accordance with § 455.206, specifying the date on which Medicaid program participation may resume.

(2) If the agency does not approve the request for reinstatement, it will notify the excluded party of its decision.

PART 489—PROVIDER AGREEMENTS UNDER MEDICARE

The authority statement for Part 489 reads as follows:

Authority: Sec. 1102 of the Social Security Act (42 U.S.C. 1302).

C. In Part 489, Section 489.53 is amended by revising paragraph (c) to read as follows:

§ 489.53 Termination by HCFA.

(c) *Appeal by the provider.* A provider may appeal a termination of its agreement by HCFA, in accordance with Subpart O of Part 405 of this chapter. The termination of a provider agreement on grounds specified in paragraph (a)(6), (a)(7), or (a)(8) of this section is subject to the additional procedures specified in §§ 420.105-420.109 of this chapter.

(Catalog of Federal Domestic Assistance Program No. 13.714, Medical Assistance Program No. 13.773, Medicare—Hospital Insurance Program; and No. 13.774, Medicare—Supplementary Medical Insurance Program)

December 3, 1982.

Carolynne K. Davis,
Administrator, Health Care Financing
Administration.

Approved: January 4, 1983.

Richard S. Schweiker,
Secretary.

[FR Doc. 83-2216 Filed 1-26-83; 8:45 am]

BILLING CODE 4120-03-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 90

Private Land Mobile Radio Services; Amendment of the Commission's Rules to Relax Adjacent Channel Minimum Distance Reuse Standards in the 150-170 MHz Band

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission has adopted rules to permit licensing of private land mobile radio stations on adjacent channels in the 150-170 MHz band with reduced mileage separations. Applications must include a statement of concurrence from all existing licensees on the adjacent channels within the prescribed mileage limits. Operation will be on a secondary, non-interference basis. Up to now, many such operations have been authorized on a waiver basis, with reports of interference being minimal. This action was taken to reduce the burden on both the Commission and the public by dispensing with certain regulatory requirements no longer deemed necessary in the frequency coordination process.

EFFECTIVE DATE: December 17, 1982.

FOR FURTHER INFORMATION CONTACT: Arthur C. King, Private Radio Bureau, (202) 634-2443.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 90

Administrative practice and procedure.

Adopted: December 15, 1982.

Released: December 17, 1982.

In the matter of amendment of Part 90 of the Commission's Rules and Regulations to Relax Adjacent Channel minimum distance reuse standards in the 150-170 MHz band.

1. Section 90.173(f) prohibits the granting of applications for frequencies in the 150-170 MHz band when the proposed base station is to be located less than 10 miles from an existing base station operating on a frequency 15 kHz removed (adjacent channel). In the Taxicab Radio Service, the minimum separation is seven miles. Any requests for frequency authorizations in conflict with this provision must be supported by a waiver request in accordance with Section 90.151, setting forth the reasons for the exception, showing the unique and unusual circumstances involved, submitting test results when applicable, and explaining the alternatives explored.

2. With few exceptions, applicants normally substantiate waiver requests for adjacent channel frequencies with satisfactory field test results and/or evidence of agreement with licensees located within the prescribed mileage limits. Waivers are frequently approved, granting the applicants authority to operate on adjacent channels at variance with the rule on a secondary, non-interference basis to the primary user(s). Reports of interference caused by these types of operations have been negligible.

3. In view of its continuing actions to relax the rules when it is deemed to be in the public interest, the Commission is amending § 90.173(f) to allow operation on adjacent channels on a secondary, non-interference basis at less than the prescribed mileage limits when applications include a statement of concurrence from all existing licensees operating on adjacent channels within the prescribed mileage limits. The requirement for such statements is included in this amendment.

4. This amendment reduces the burden on the public by dispensing with the need for waiver requests, field tests (other than field study reports, as necessary, to satisfy frequency coordination requirements under § 90.175), and various other showings. Therefore, the notice and comment

requirements set forth in Section 553 of the Administrative Procedures Act are not required.

5. Accordingly, it is ordered, pursuant to § 0.231(d) of the Commission's Rules and Sections 4(i) and 303 of the Communications Act, as amended, that effective December 17, 1982, Part 90 of the Commission's Rules is amended as set forth in the attached Appendix.

6. For further information on this Rule change, contact Arthur C. King at (202) 634-2443.

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

Federal Communications Commission.

Alan R. McKie,

Deputy Managing Director.

Appendix

PART 90—[AMENDED]

Part 90 of the Commission's Rules and Regulations is amended as follows:

Section 90.173 is amended by revising paragraph (f) to read:

§ 90.173 Policies governing the assignments of frequencies.

(f) In the 150-170 MHz band, except in the Taxicab Radio Service, applications will not ordinarily be granted in situations in which the proposed base station is located less than 16 km (10 miles) from an existing base station on a frequency 15 kHz removed, unless the adjacent channel licensee(s) has consented to the proposed facility. In the Taxicab Radio Service applications will not ordinarily be granted in situations in which the proposed base station is located less than 12 km (7 miles) from an existing base station on a frequency 15 kHz removed, unless the adjacent channel licensee(s) has consented to the proposed facility.

2. Section 90.175 is amended by removing the final sentence of paragraph (a)(1) and inserting a new sentence in its place as follows:

§ 90.175 Frequency coordination requirements.

(a) For frequencies below 470 MHz:
(1) A report based on a field study indicating the degree of probable interference to all existing co-channel stations within 120 km (75 mi) of the proposed stations, together with a statement that all such co-channel licensees have been notified of the applicant's intention to apply. In addition, for frequencies in the range 150-170 MHz, a report based on a field

study indicating the degree of probable interference to existing stations located between 16 and 56 km (10 and 35 mi) (12 and 56 km for taxicabs) from the proposed station, operating on a frequency 15 kHz removed, and a statement that the licensees of such stations have been notified of the applicant's intention to apply. In situations in which adjacent channels licensees in the 150-170 MHz band consent to spacing less than 16 km (12 km in the Taxicab Radio Service) it is unnecessary to submit with the application a report based on a field study indicating the degree of probable interference to existing stations.

(FR Doc. 83-2259 Filed 1-26-83; 8:45 am)

BILLING CODE 6712-01-M

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

49 CFR Part 25

Relocation Assistance and Land Acquisition for Federal and Federally Assisted Programs; Schedule of Moving Expense Allowances; Individuals and Families

AGENCY: Department of Transportation, (DOT).

ACTION: Final rule.

SUMMARY: The purpose of this amendment is to reflect changes in the moving expense schedules for displaced persons in the States of Maine, Virginia, and West Virginia. These schedules are required by the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 and they are required to be updated semiannually.

EFFECTIVE DATE: January 27, 1983.

FOR FURTHER INFORMATION CONTACT: Peter Nyberg, Relocation Division, Office of Right-of-Way (202-426-0117); or Reid Alsop, Office of the Chief Counsel (202-426-0800), Federal Highway Administration, 400 Seventh Street, S.W., Washington, D.C. 20590. Office hours: Monday-Friday from 7:45 a.m. to 4:15 p.m. ET.

SUPPLEMENTARY INFORMATION: Section 202(b) of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, Pub. L. 91-646, 84 Stat. 1894, provides that a displaced individual or family may elect to be paid for moving expenses on the basis of a moving expense schedule. To ensure statewide uniformity among all agencies operating under the Act,

General Services Administration regulations governing agency implementation of the Act, 41 CFR Part 101-6, provide in § 101-6.105-1 that moving expense schedules maintained by the respective State highway departments shall be used, and that the schedules will be approved on a current basis and disseminated by the Federal Highway Administration (FHWA).

The regulations of the Office of the Secretary, 49 CFR 25.153, implementing the Uniform Act, direct the FHWA to establish and maintain the moving expense schedule in Appendix A to Part 25 of Title 49 and to update it semiannually. The purpose of this amendment is to revise the current schedule, which was published on August 2, 1982 (47 FR 33270) to reflect changes in the moving expense schedules that have been made by the following State:

Table I—Personalty—Maine, Virginia, West Virginia.

Table II—Mobile Homes—West Virginia.

The FHWA has determined that this document contains neither a major rule under Executive Order 12291 nor a significant regulation under DOT regulatory procedures. The FHWA has also determined that the changes reflected in this action will have only minimal impact on the affected States and public. Accordingly, a full regulatory evaluation is not required and, for the foregoing reasons and under the criteria of the Regulatory Flexibility Act, it is certified that this action will not have a significant economic impact on a substantial number of small entities.

Notice and opportunity for comment are not required under DOT regulatory policies and procedures because it is not anticipated that such action would result in the receipt of useful information. Because the moving expense schedules are maintained by the respective State highway departments, the FHWA finds good cause to make these amendments effective on the date of issuance. Accordingly, these amendments are effective on January 27, 1983.

Neither a general notice of proposed rulemaking nor a 30-day delay in effective date is required under the Administrative Procedures Act because the matters affected relate to grants, benefits, or contracts pursuant to 5 U.S.C. 553(a)(2).

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research, Planning, and Construction. The provisions of

OMB Circular No. A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects apply to this program.) (42 U.S.C. 4601 et seq; 41 CFR 101-6.105-1; 49 CFR 25.153)

List of Subjects in 49 CFR Part 25

Highways and roads, Land acquisition, Relocation assistance.

Issued on: January 17, 1983.

L. P. Lamm,

Deputy Administrator, Federal Highway Administration.

Appendix A

TABLE I.—PERSONALTY

State	Occupant provides furniture										Occupant does not provide furniture	
	Number of rooms of furniture										1st room	Each additional room
	1	2	3	4	5	6	7	8	9	10		
Alabama	90	140	190	240	290	300					15	15
Alaska	75	150	200	250	275	300					25	15
Arizona	50	100	150	200	250	300					50	30
Arkansas	100	160	200	240	290	300					25	15
California	75	100	150	200	250	300					30	20
Colorado	120	180	240	300							15	15
Connecticut	50	90	140	170	230	260	300				25	15
Delaware	60	100	140	180	220	260	300				35	15
District of Columbia	100	135	170	210	250	290	300				25	25
Florida	75	120	165	210	255	300					40	10
Georgia	100	140	180	220	260	300					10	10
Guam	48	85	120	168	205	240	300				45	30
Hawaii	65	100	135	175	215	255	295	300			20	10
Idaho	60	100	140	180	220	260	300				25	15
Illinois	50	100	150	200	250	300					25	15
Indiana	50	100	150	200	250	300					30	12
Iowa	75	140	195	240	275	300					35	25
Kansas	60	120	180	240	300						40	15
Kentucky	65	130	195	260	300						25	15
Louisiana	100	140	180	220	260	300					50	25
Maine	50	100	150	200	250	300					20	10
Maryland	100	150	200	250	300						25	15
Massachusetts	60	130	150	190	225	250	275	300			50	10
Michigan	65	130	180	240	300						30	15
Minnesota	75	150	200	250	300						25	10
Mississippi	100	150	200	250	300						30	10
Missouri	50	100	150	200	250	300					50	25
Montana	100	150	200	250	300						30	10
Nebraska	50	100	150	200	250	300					25	15
Nevada	50	100	150	200	250	300					25	15
New Hampshire	100	150	190	230	270	300					25	15
New Jersey	60	140	195	245	300						25	15
New Mexico	158	235	300								40	30
New York	80	130	175	215	250	275	300				30	15
North Carolina	70	110	160	210	260	300					30	10
North Dakota	75	125	150	200	250	275	300				40	15
Ohio	50	100	150	200	250	300					25	15
Oklahoma	100	150	200	250	300						30	30
Oregon	75	150	225	300							25	15
Pennsylvania	90	140	200	250	300						25	10
Puerto Rico	75	120	165	210	255	300					30	10
Rhode Island	70	140	210	250	275	300					40	10
South Carolina	105	180	220	300							25	15
South Dakota	100	150	200	250	300						50	25
Tennessee	75	100	150	200	250	300					25	15
Texas	95	140	190	245	300						50	25
Utah	75	100	130	155	180	210	240	270	300		25	15
Vermont	100	150	190	230	270	300					40	10
Virginia	60	105	150	195	240	275	300				35	35
Virgin Islands	105	150	195	240	275	300					25	25
Washington	100	150	200	250	300						50	30
West Virginia	100	150	200	250	300						40	20
Wisconsin	60	150	210	260	300						50	30
Wyoming	60	120	180	240	260	300					40	20

¹ Furnished units including sleeping rooms. Occupant does not own furniture: 1st room, \$30; 2d room, \$50; 3d room, \$75; 4th room, \$95; 5th room, \$120; 6th room, \$140; each additional room, \$15, to a maximum of \$300.

² Furnished units including sleeping rooms. Occupant does not own furniture: 1st room, \$68; 2d room, \$129; 3d room, \$160; 4th room, \$193; 5th room, \$224; 6th room, \$256; 7th room, \$288; 8th room, \$300.

³ Furnished units including sleeping rooms. Occupant does not own furniture: 1st room, \$40; 2d room, \$60; 3d room, \$80; 4th room, \$100; 5th room, \$120; 6th room, \$140; 7th room, \$160; 8th room, \$180; each additional room, \$20, to a maximum of \$300.

SUBTITLE A—OFFICE OF THE SECRETARY OF TRANSPORTATION

TABLE II.—MOBILE HOMES

State	Miles (kilometres)		Area—square feet (square metres)		Width—feet (metres)		Allowance dollars
	More than—	But not more than—	More than—	But not more than—	More than—	But not more than—	
Alabama			0 (0)	200 (18.6)			\$165
			200 (18.6)	400 (37.2)			225
			400 (37.2)	600 (55.8)			285
			600 (55.8)				300
Alaska ¹							300
Arizona			0 (0)	300 (27.9)			150

SUBTITLE A—OFFICE OF THE SECRETARY OF TRANSPORTATION—Continued

State	Miles (kilometres)		Area—square feet (square metres)		Width—feet (metres)		Allowance dollars
	More than—	But not more than—	More than—	But not more than—	More than—	But not more than—	
			300 (27.9) 400 (37.2) 500 (46.5)	400 (37.2) 500 (46.5)			200 250 300
Arkansas					0 (0) 12 (3.7)	10 (3)	200 300
California							(1)
Colorado							(1)
Connecticut*					0 (0) 8.5 (2.6) 10.5 (3.2) 12.5 (3.8)	8.5 (2.6) 10.5 (3.2) 12.5 (3.8)	100 150 200 250
Delaware			0 (0) 400 (37.2) 600 (55.8) 800 (74.4) 1,000 (93)	400 (37.2) 600 (55.8) 800 (74.4) 1,000 (93)			100 150 200 250 300
Florida*			0 (0) 400 (37.2) 500 (46.5) 600 (55.8)	400 (37.2) 500 (46.5) 600 (55.8)			125 185 245 300
Georgia			0 (0) 300 (27.9) 400 (37.2) 500 (46.5) 600 (55.8) 700 (65.1)	400 (37.2) 500 (46.5) 600 (55.8) 700 (65.1)			130 180 210 240 270 300
Hawaii			0 (0) 300 (27.9) 400 (37.2) 500 (46.5) 600 (55.8) 700 (65.1)	300 (27.9) 400 (37.2) 500 (46.5) 600 (55.8) 700 (65.1)			130 180 210 240 270 300
Idaho			0 (0) 200 (18.6) 400 (37.2) 600 (55.8) 800 (74.4)	200 (18.6) 400 (37.2) 600 (55.8) 800 (74.4)			100 150 200 250 300
Illinois	0 (0)	24 (38.6)			0 (0) 8.5 (2.6) 10.5 (3.2) 12.5 (3.8)	8.5 (2.6) 10.5 (3.2) 12.5 (3.8)	100 150 200 250
	24 (38.6)	50 (80.5)			0 (0) 8.5 (2.6) 10.5 (3.2) 12.5 (3.8)	8.5 (2.6) 10.5 (3.2) 12.5 (3.8)	150 200 250 300
Indiana					0 (0) 8.5 (2.6) 10.5 (3.2) 12.5 (3.8)	8.5 (2.6) 10.5 (3.2) 12.5 (3.8)	150 185 250 300
Iowa	0 (0)	25 (40.2)			0 (0) 8 (2.4) 10 (3) 12 (3.7)	8 (2.4) 10 (3) 12 (3.7)	130 150 180 230
	25 (10.2)	50 (80.5)			0 (0) 8 (2.4) 10 (3) 12 (3.7)	8 (2.4) 10 (3) 12 (3.7)	140 170 200 300
Kansas			0 (0) 200 (18.6) 400 (37.2) 600 (55.8)	200 (18.6) 400 (37.2) 600 (55.8)			80 160 240 300
Kentucky*					0 (0) 8 (2.4) 10 (3) 12 (3.7)	8 (2.4) 10 (3) 12 (3.7)	285 300 200 250
Louisiana					0 (0) 10 (3) 12 (3.7)	10 (3) 12 (3.7)	200 250 300
Maine					0 (0) 8 (2.4) 10 (3) 12 (3.7)	8 (2.4) 10 (3) 12 (3.7)	150 200 250 300
Maryland			0 (0) 200 (18.6) 400 (37.2) 600 (55.8) 800 (74.4) 1,000 (93) 1,200 (111.6)	200 (18.6) 400 (37.2) 600 (55.8) 800 (74.4) 1,000 (93) 1,200 (111.6)			110 140 165 195 220 250 300
Massachusetts			0 (0) 200 (18.6) 400 (37.2) 600 (55.8)	200 (18.6) 400 (37.2) 600 (55.8)			80 140 200 300
Michigan					0 (0) 8 (2.4) 10 (3) 12 (3.7)	8 (2.4) 10 (3) 12 (3.7)	145 230 290 300
Minnesota*					0 (0) 8 (2.4)	8 (2.4)	200 300

SUBTITLE A—OFFICE OF THE SECRETARY OF TRANSPORTATION—Continued

State	Miles (kilometres)		Area—square feet (square metres)		Width—feet (metres)		Allowance dollars
	More than—	But not more than—	More than—	But not more than—	More than—	But not more than—	
Mississippi			0 (0) 300 (27.9) 400 (37.2)	300 (27.9) 400 (37.2)			200 250 300
Missouri			0 (0) 200 (18.6) 400 (37.2) 600 (55.8) 800 (74.4)	200 (18.6) 400 (37.2) 600 (55.8) 800 (74.4)			100 150 200 250 300
Montana *					0 (0) 10 (3) 12 (3.7) 14 (4.3)	10 (3) 12 (3.7) 14 (4.3)	150 200 225 275
Nebraska			0 (0) 400 (37.2) 600 (55.8) 800 (74.4) 1,000 (93)	400 (37.2) 600 (55.8) 800 (74.4) 1,000 (93)			100 150 200 250 300
Nevada			0 (0) 400 (37.2) 500 (46.5) 600 (55.8)	400 (37.2) 500 (46.5) 600 (55.8)			150 200 250 300
New Hampshire *							300
New Jersey			0 (0) 200 (18.6) 400 (37.2) 600 (55.8) 800 (74.4)	200 (18.6) 400 (37.2) 600 (55.8) 800 (74.4)			100 150 200 250 300
New Mexico **	0 (0)	20 (32.2)			0 (0) 8.5 (2.6) 10.5 (3.2) 12.5 (3.8)	8.5 (2.6) 10.5 (3.2) 12.5 (3.8)	206 279 288 300
	20 (32.2)	50 (80.5)			0 (0) 8.5 (2.6) 10.5 (3.2)	8.5 (2.6) 10.5 (3.2)	243 266 300
New York			0 (0) 300 (27.9) 500 (46.5) 700 (65.1)	300 (27.9) 500 (46.5) 700 (65.1)			150 200 250 300
North Carolina **					0 (0) 12 (3.7)	12 (3.7)	200 300
North Dakota			0 (0) 200 (18.6) 400 (37.2) 600 (55.8) 800 (74.4)	200 (18.6) 400 (37.2) 600 (55.8) 800 (74.4)			125 175 225 275 300
Ohio *	0 (0)	10 (16)	0 (0) 320 (29.8) 500 (46.5) 840 (78.1) 1,120 (104.2)	320 (29.8) 500 (46.5) 840 (78.1) 1,120 (104.2)			130 150 170 205 250
	10 (16)	25 (40.2)	0 (0) 320 (29.8) 500 (46.5) 840 (78.1) 1,120 (104.2)	320 (29.8) 500 (46.5) 840 (78.1) 1,120 (104.2)		1	135 155 190 220 275
	25 (40.2)	50 (80.5)	0 (0) 320 (29.8) 500 (46.5) 840 (78.1) 1,120 (104.2)	320 (29.8) 500 (46.5) 840 (78.1) 1,120 (104.2)			145 165 200 250 300
Oklahoma					0 (0) 10 (3)	10 (3)	250 300
Oregon			0 (0) 200 (18.6) 600 (55.8)	200 (18.6) 600 (55.8)			100 200 300
Pennsylvania *							300
Rhode Island					0 (0) 8 (2.4) 10 (3) 12 (3.7)	8 (2.4) 10 (3) 12 (3.7)	225 250 275 300
South Carolina *					0 (0) 10 (3) 12 (3.7) 14 (4.3)	10 (3) 12 (3.7) 14 (4.3)	175 200 250 300
South Dakota *							300
Tennessee *					0 (0) 10 (3)	10 (3)	100 150
Texas					0 (0) 8.5 (2.6) 10.5 (3.2)	8.5 (2.6) 10.5 (3.2)	175 235 300
Utah *	0 (0)	10 (16)			0 (0) 8 (2.4) 10 (3) 12 (3.7)	8 (2.4) 10 (3) 12 (3.7)	140 145 165 200
	10 (16)	25 (40.2)			0 (0) 8 (2.4) 10 (3) 12 (3.7)	8 (2.4) 10 (3) 12 (3.7)	145 155 175 225

SUBTITLE A—OFFICE OF THE SECRETARY OF TRANSPORTATION—Continued

State	Miles (kilometres)		Area—square feet (square metres)		Width—feet (metres)		Allowance dollars
	More than—	But not more than—	More than—	But not more than—	More than—	But not more than—	
	25 (40.2)	50 (80.5)			0 (0)	8 (2.4)	150
					8 (2.4)	10 (3)	160
					10 (3)	12 (3.7)	190
					12 (3.7)		250
Vermont ^{1,2}							300
Virginia			0 (0)	200 (18.6)			150
			200 (18.6)	400 (37.2)			200
			400 (37.2)	600 (55.8)			250
			600 (55.8)	800 (74.4)			300
Washington *							300
West Virginia			0 (0)	300 (27.9)			100
			300 (27.9)	450 (41.9)			150
			450 (41.9)	550 (51.2)			225
			550 (51.2)				300
Wisconsin					0 (0)	8 (2.4)	150
					8 (2.4)	10 (3)	200
					10 (3)	12 (3.7)	250
					12 (3.7)		300
Wyoming *					0 (0)	8.5 (2.6)	135
					8.5 (2.6)	10.5 (3.2)	165
					10.5 (3.2)	12.5 (3.8)	210
					12.5 (3.8)		300

¹ Width to 8' (2.4m)—Length 40' (12.2m), \$200; length 40' + (12.2m), \$300; width over 8' (2.4m)—length 40' (12.2m), \$300; length 40' + (12.2m), \$300.

² Under 8' (2.4m) x 40' (12.2m)—Unskirted, \$150; Over 8' (2.4m) x 40' (12.2m)—\$300.

³ Plus \$50 for expandable trailer.

⁴ \$300 for double trailer.

⁵ Escort fee included.

⁶ Personality only: Width—Under 10 feet (3m), \$60; 10 feet (3 m), \$70; 12 feet (3.7 m) and over, \$100; doubles, \$175.

⁷ \$50 for extras.

⁸ All trailers.

⁹ All mobile homes.

[FR Doc. 83-1881 Filed 1-26-83; 8:45 am]

BILLING CODE 4910-22-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 611

[Docket No. 21227-260]

Foreign Fishing

Correction

In FR Doc. 83-842 beginning on page 1505 in the issue of Thursday, January 13, 1983 make the following correction:

On page 1505, third column, amendatory language, paragraph designated as "2," "Appendix 11" should read "Appendix II".

BILLING CODE 1505-01-M

Proposed Rules

Federal Register

Vol. 48, No. 19

Thursday, January 27, 1983

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

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

7 CFR Part 1430

1982-83 Milk Price Support Program

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Notice of proposed determination.

SUMMARY: Commodity Credit Corporation proposes, as part of the milk price support program, that \$1.00 per hundredweight be deducted from the proceeds of sale of all milk marketed commercially by producers during the period April 1, 1983, through September 30, 1983, with 50 cents per hundredweight being refunded to producers who reduce their commercial milk marketings by 10.3 percent from marketings during a designated base period. This deduction is authorized by the Agricultural Act of 1949, as amended by section 101 of the Omnibus Budget Reconciliation Act of 1982 (Pub. L. 97-253, 96 Stat. 763, approved September 8, 1982).

DATE: Comments should be received by (30 days from date of publication) to be assured of consideration. Comments submitted pursuant to the notices of September 24, 1982, and December 17, 1982 (47 FR 42112, 56500), will be considered in connection with this proposed determination.

ADDRESS: Written comments should be sent to the Director, Analysis Division, ASCS, U.S. Department of Agriculture, P.O. Box 2415, Washington, D.C. 20013.

FOR FURTHER INFORMATION CONTACT: Charles N. Shaw, Leader, Dairy and Sweeteners Group, Analysis Division, ASCS, U.S. Department of Agriculture, P.O. Box 2415, Washington, D.C. 20013; (202) 447-7601. The Preliminary Regulatory Impact Analysis describing the proposed action and its impact is available from Charles N. Shaw.

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

While the Regulatory Flexibility Act (Pub. L. 96-354) is not applicable to this proposed determination, an Initial Regulatory Flexibility Impact Analysis has been prepared. Since this action may have a significant economic impact on a substantial number of small entities, the impact analysis addresses the issues required in Section 603 of that Act. The analysis is published herein, and copies have been sent to the General Counsel of the Small Business Administration. Additional copies are available to the public from Director, Analysis Division, Agricultural Stabilization and Conservation Service, USDA, P.O. Box 2415, Washington, D.C. 20013.

This action will not have any significant impact on the quality of the human environment, health, and safety. Therefore, neither an Environmental Assessment nor an Environmental Impact Statement is required.

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

Statutory Authority for Proposed Determination

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

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

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

Background

A determination that, effective for the period October 1, 1982, through September 30, 1983, the level of price support shall be \$13.10 per hundredweight for manufacturing grade milk of national average milkfat content, 3.67 percent, was published on September 24, 1982 (47 FR 42128). The same notice stated that estimated net price support purchases of milk or the products of milk during fiscal year 1983 would exceed 5 billion pounds. The notice further stated that a deduction of 50 cents per hundredweight would be made from the proceeds of the sale of all milk marketed commercially by producers, which would be remitted to the Commodity Credit Corporation to offset a portion of the cost of the milk price support program, beginning December 1, 1982.

Proposed regulations establishing procedures for collecting the 50-cent deduction were published on September 24, 1982 (47 FR 42112), and the regulations were published in final form on November 30, 1982 (47 FR 53831). On December 17, 1982 (47 FR 56500), proposed regulations were published to revise the procedures, effective April 1, 1983, to permit the collection of an additional deduction of 50 cents per hundredweight from the proceeds of sale of milk and establish a program under which the additional 50 cents so deducted would be refunded to producers who reduced their marketings.

The collection of the first 50-cent deduction has been barred since December 21, 1982, by court order issued in litigation challenging the deduction on the ground that certain rule making procedures were not correctly followed in determining that the deduction should be implemented.

Price Support Program

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

Summary of Proposed Determination

It is proposed that deductions totaling \$1.00 per hundredweight be made from the proceeds of sale of all milk marketed commercially by producers during the period April 1, 1983, through September 30, 1983. This deduction would operate in conjunction with a program whereby 50 cents per hundredweight would be refunded to producers who reduce their commercial milk marketings by 10.3 percent from such marketings during a designated base period.

The deductions and the refunds would be made in accordance with the proposed rule published on December 17, 1982 (47 FR 56500), as it will be published in final form.

Summary of Preliminary Regulatory Impact Analysis

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

With price support at this level and no deductions implemented for the fiscal year 1983, production is projected to be 138.6 billion pounds, an increase of about 4.3 billion pounds from the fiscal year 1982 level. Relatively low feed prices, resulting from record crop production, will keep milk-feed price relationships favorable for increased production. Commercial consumption is projected to increase 1.8 billion pounds to 123.3 billion pounds, milk equivalent, because of relatively stable retail prices and increased population. CCC removals in 1982-83 would be up about 1.2 billion pounds or about 9 percent more than a year earlier. Despite the upward trend in consumption, purchases continue to exceed dispositions, and CCC stocks continue to build—a condition that has existed since October 1979.

Even with implementation on April 1, 1983, of a 50 cents per hundredweight deduction, milk production in fiscal year 1983 is likely to increase from 1981-82 levels by 3.9 billion pounds. Implementation of a \$1.00 per hundredweight deduction would result in production increasing by 3.5 billion pounds. Neither of the two deduction programs will have a great downward effect upon milk production this fiscal year because they would not become effective until the season of highest milk production (the flush) has begun.

With the support of milk at \$13.10 per hundredweight and implementation of both deductions on April 1, 1983, the net price support purchases during fiscal year 1983 are projected to be \$2,353 million. The net outlay, before accounting for the deductions, is projected to be \$2,352 million. However, during the period April 1 through September 30, 1983, a 50-cent per hundredweight deduction will likely total \$354 million and a \$1.00 per hundredweight deduction will total \$750 million. Therefore, the CCC net outlays for the marketing year, after accounting for the deductions, are projected to be \$1,647 million. These figures compare with an estimated purchase cost of \$2,297 million and a net outlay of \$2,121 million for fiscal year 1982, and an estimated purchase cost of \$2,478 million and a net outlay of \$2,475 million

for fiscal year 1983 with support at \$13.10 per hundredweight and no deductions implemented.

The implementation of the deductions would principally affect farm income in the areas of greatest production. More than 60 percent of the Nation's milk production is concentrated in eight States: Wisconsin, California, New York, Minnesota, Pennsylvania, Michigan, Ohio and Iowa. However, every milk producer in the United States who markets milk commercially will be affected by the program. The 50-cent deduction represents less than 4 percent of producer gross income from milk and the one dollar deduction represents less than 8 percent of producer gross income from milk. Those producers who comply with the specified reduction will receive a refund of 50 cents per hundredweight in conjunction with the \$1.00 per hundredweight deduction.

Under Section 201(d) of the 1949 Act, a refund of 50 cents per hundredweight must be made when a \$1.00 per hundredweight deduction is in effect if the producer reduces commercial marketings a specified level from marketings during the base period. The proposed regulations of December 17, 1982 (47 FR 56500) provide a base period of 24 months from October 1, 1980, through September 30, 1982. The maximum reduction which may be required under the 1949 Act is the estimated surplus as a percent of the estimated total milk production. Assuming that a \$1.00 per hundredweight deduction will be in place on April 1, 1983, the estimated total milk production is 137.8 billion pounds and the estimated surplus (i.e., CCC net purchases) is 14.2 billion pounds. The proposed reduction of 10.3 percent is the maximum permitted on the basis of these estimates.

In deciding whether to propose these deductions, consideration has been given not only to the statutory standards required by section 201(c) of the 1949 Act but also to the Congressional policy statement with respect to dairy production in section 204 of the Agricultural Act of 1954. The general non-binding policy of section 204 is, of course, subject to the specific statutory standards of Section 201(c). The proposal will not affect the promotion of increased use of dairy products. The proposal will assure an adequate supply of milk and dairy products and will encourage efficient production units consisting of high-grade, disease-free cattle and modern sanitary equipment. It also will assure dairy farmers as a whole of a fair return for their labor and investment while assuring an adequate

supply of pure and wholesome milk to meet current needs. The proposal will assure a level of farm income adequate to maintain productive capacity sufficient to meet anticipated future needs. The proposal also reflects the recent reduction in the cost of feed and increased efficiency in production. Some marginal operators may not be able to profit under the proposal but the statute does not guarantee each and every dairy farmer a profit while requiring the accumulation of huge CCC stocks of surplus dairy products.

Initial Regulatory Flexibility Impact Analysis

I. Reasons for Action

Milk production exceeds milk consumption in the United States by about 10 percent. The price of milk is supported by removing surplus milk from the market in the form of butter, cheese and non-fat dry milk through purchases at prices calculated to enable processors to pay farmers the announced support price. Commodity Credit Corporation (CCC) has been, and is expected to continue, purchasing about 10 percent of the annual milk production at a net purchase cost of about \$2 billion per year.

II. Objectives and Legal Basis

A. The objective of this proposal is to defray part of the cost of the milk price support program and to bring milk production into balance with commercial consumption.

B. The Agricultural Act of 1949, as amended by the Omnibus Budget Reconciliation Act of 1982, authorizes the Secretary of Agriculture to defray part of the cost of the support program by:

1. Effective October 1, 1982, deducting 50 cents per hundredweight from the proceeds of sale of all milk marketed commercially. This deduction shall be allowed only when price support purchases are estimated to exceed 5 billion pounds milk equivalent per year, and;

2. Effective April 1, 1983, deducting an additional 50 cents per hundredweight from the proceeds of sale of all milk marketed commercially. This additional deduction is authorized only when price support purchases are estimated to exceed 7.5 billion pounds milk equivalent per year, and a program is in place to refund the additional amounts so deducted to farmers who reduce their commercial milk marketings.

III. Estimated Number of Small Entities To Which the Proposed Determination Applies

The Statistical Reporting Service, United States Department of Agriculture, reports that in 1981 there were more than 323,000 operations with one or more dairy cows. Of the operations with dairy cows, 5.7 percent have 100 or more cows. The Small Business Administration (SBA) has defined the size standard for small farms as those, for which average annual receipts for the preceding three fiscal years do not exceed \$1 million. Using the average production per cow of 12,214 pounds per year and the average price of all milk of \$13.58 per hundredweight, the break point with respect to cow numbers for defining small farms in accordance with the SBA size standard would be over 600 cows. Thus, well over 95 percent of all farms with dairy cows may be classified as small businesses. The total number of "responsible persons," those who will be required to deduct and remit funds to CCC, is estimated to be 2,500. While the Department does not maintain any size data regarding such entities, it is apparent that the vast majority come within the SBA's definition of "small business."

Small organizations and small governmental jurisdictions will not be substantially affected by this proposed determination.

IV. Projected Reporting, Recordkeeping and Other Compliance Requirements

A. *Classes of small entities subject to each requirement.* Those defined as "responsible persons" will have the responsibility of providing documentation upon which deductions will be assessed. As those entities which purchase milk from producers maintain records of individual producer marketings in the normal course of business, the additional paperwork and recordkeeping costs involved with remitting deducted amounts are negligible.

Farmers who wish to reduce their production and apply for a refund would be required to verify at their local ASC county office their milk marketings for the base period, October 1, 1980, through September 30, 1982, in addition to marketings for the months that the additional 50-cent deduction and the refund program are in effect. The records required for verification of marketings should already be in the hands of farmers, since handlers presently provide this information to farmers with their milk checks. In some States, this information is available from State agencies.

B. *Professional skills necessary to prepare reports and records.* No additional professional skills are required in order to comply with the requirements of this proposal.

V. Federal Rules Which Duplicate, Overlap or Conflict With This Proposal

This rule does not duplicate, overlap or conflict with the provisions or requirements of any other rules promulgated by the Federal Government. Any duplication of State or local government rules will be minimal.

VI. Significant Alternatives

A. *Extent to which the alternatives accomplish the stated objectives.* Commodity Credit Corporation has considered three alternative programs. These alternatives are: (1) No deduction; (2) a 50 cents per hundredweight deduction effective April 1, 1983 (without any refund program); and (3) a \$1.00 per hundredweight deduction (two 50-cent deductions) in conjunction with a refund program, effective April 1, 1983.

Failure to implement any deduction would fail to accomplish CCC's stated objectives and would result in a continuation of the present situation where milk production exceeds commercial consumption and Commodity Credit Corporation purchases large amounts of dairy products under the milk price support program at great expense.

Neither of the two deduction programs will have a great downward effect upon milk production during this fiscal year because they would not become effective until the season of highest milk productions (the flush) has begun. The effect upon milk production will begin to be felt after the flush in the summer months as pastures begin to deteriorate, and later in the fall when cows are taken off pastures and moved into barns. However, the effect upon farm incomes will be almost immediate because the deduction will be made on milk marketed on and after April 1, 1983. The 50-cent deduction represents less than 4 percent of producer gross income from milk and the one dollar deduction is less than 8 percent of producer gross income from milk. Either of these levels of deduction could have a significant impact upon individual farmers depending upon any given farmer's financial condition.

The alternative of implementing a \$1.00 per hundredweight deduction effective April 1, 1983, in conjunction with a 50-cent per hundredweight refund program has tentatively been selected because it will: (1) Return the greatest amount of money to CCC and thus

defray the maximum amount of milk price support program costs; and (2) will result in the greatest long-term incentive for producers to reduce output or hold production steady.

B. Extent to which the alternatives minimize the significant economic impact on small entities. 1. Differing compliance or reporting requirements and timetables. The Corporation believes that having "responsible persons," as the first payor, withhold the deducted funds from farmers and remit payments to CCC is the most efficient and practicable method of implementing a deduction plan. Under this method, all dairy farms will be treated similarly without regard to size classification and will be relieved of the burden of keeping the necessary records. Such records are already necessary for handlers to make payments to farmers for their milk.

A refund will only be available if the \$1.00 deduction is in effect. Thus, only those farmers that wish to reduce their production in accordance with the Corporation's proposal will be required to establish their production during the base period, or their production for the months during which the refund program is available. Information necessary to comply with these requirements normally accompanies a farmer's milkcheck and may also be readily available from other sources.

2. Clarification, consolidation or simplification of compliance and reporting requirements for small entities. The Corporation believes that the compliance and reporting requirements are as simple as the purpose of this proposal permits.

3. Use of performance rather than design standards. No performance or design standards are involved in any of the proposals under consideration.

4. Exemptions for small entities. Since more than 95 percent of all dairy farms are small businesses under SBA size standards, all classes of dairy farms must be included under any proposal in order to make a program work.

VII. Effects on Small Entities of the Department's Proposal

A. Direct and indirect costs of compliance. The deduction of \$1.00 per hundredweight will, on the average, result in a cash flow reduction of less than 8 percent for dairy farms which are small businesses.

B. Effect on small entities cash flow and liquidity. Cash flow will be reduced for dairy farmers, but in most cases not to an extent which threatens the continued viability of dairy enterprises. The deductions could have a significant impact upon individual farmers, large or

small, depending upon a given farmer's financial condition.

Dairy farm assets, consisting for the most part of land, buildings, equipment and livestock, do not possess a high degree of liquidity. While any deduction will reduce cash flow for dairy farmers, this should not have a great effect upon a farmer's continued viability unless the farmer is financially unstable to begin with.

C. Effect on competitive position of small and large entities. Large and small businesses will be affected in direct relation to the volume of output, and their competitive positions relative to each other will not be affected as the per unit effect of this proposal will be the same for both small and large enterprises.

Proposed Determinations

It is estimated that net price support purchases by the Commodity Credit Corporation of milk or milk products will exceed 7.5 billion pounds milk equivalent during the 1983 fiscal year. Deductions totaling \$1.00 per hundredweight shall be made from the proceeds of sale of all milk marketed commercially by producers during the period April 1, 1983, through September 30, 1983, which shall be remitted to the Commodity Credit Corporation to offset a portion of the cost of the milk price support program. Refunds of 50 cents per hundredweight shall be made to producers who reduce their commercial marketings by 10.3 percent from marketings during the base period. The collection of the deductions and the making of the refunds shall be done in accordance with the proposed determination published on December 17, 1982 (47 FR 56500) as published in final form. The implementation of the \$1.00 per hundredweight deduction as a part of a program which supports the price for manufacturing grade milk of national average milkfat content, 3.67 percent, at \$13.10 per hundredweight will assure an adequate supply of pure and wholesome milk to meet current needs, reflect changes in the cost of production, and assure a level of farm income adequate to maintain productive capacity sufficient to meet anticipated future needs.

Comments are requested on these proposed determinations and the analyses on which they are based. Comments submitted pursuant to the notices of September 24, 1982 and December 17, 1982 (47 FR 42112, 56500), will be considered in connection with this proposed determination.

List of Subjects in 7 CFR Part 1430

Milk, Agriculture, Price support programs, Dairy products.

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

Signed at Washington, D.C., on January 25, 1983.

John R. Block,

Secretary of Agriculture.

[FR Doc. 83-2468 Filed 1-26-83; 8:45 am]

BILLING CODE 3410-05-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Ch. I

(Summary Notice No. PR-83-1)

Petitions for Rulemaking; Summary of Petitions Received and Dispositions of Petitions Denied or Withdrawn

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for rulemaking and of dispositions of petitions denied or withdrawn.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for rulemaking (14 CFR Part 11), this notice contains a summary of certain petitions requesting the initiation of rulemaking procedures for the amendment of specified provisions of the Federal Aviation Regulations and of denials or withdrawals of certain petitions previously received. The purpose of this notice is to improve the public's awareness of this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

DATE: Comments on petitions received must identify the petition docket number involved and be received on or before, March 28, 1983.

ADDRESSES: Send comments on the petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-204), Petition Docket No. —, 800 Independence Avenue, SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT: The petition, any comments received, and a copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the

Rules Docket (AGC-204), Room 916, FAA Headquarters Building (FOB-10A), Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone (202) 426-3844.

PART 11—[AMENDED]

This notice is published pursuant to

paragraphs (b) and (f) of § 11.27 of Part 11 of the Federal Aviation Regulations (14 CFR Part 11).

Issued in Washington, D.C. on January 19, 1983.

John H. Cassady,

Assistant Chief Counsel, Regulations and Enforcement Division.

PETITIONS FOR RULEMAKING

Docket No.	Petitioner	Description of the petition
23474	AECMA Aviation Lighting Committee	Description of petition: To change the anticollision light color coordinate upper limit requirements for Aviation Red from a "y" value of 0.335 to 0.350 and a "z" value of 0.002 to 0.020 as defined by the Planckian radiator scale. This change will increase the overall perceived collision light intensity for the same electrical power input. Regulations affected: 14 CFR 25.1397, Para. (A) Petitioner's reason for rule: On an international level during the last meeting in Paris on September 19/20, 1982, it was decided to reach a unification of color coordinates for anticollision lights in the civil and military field of aviation.

PETITIONS FOR RULEMAKING: WITHDRAWN OR DENIED

Docket No.	Petitioner	Description and disposition of the rule requested
22774	Karen M. Woodside	Description of petition: To amend § 137.39 to require (1) written approval by an official or a governing body of a political subdivision when operations dispensing economic poisons are planned; (2) that the public be informed of such operations via some effective means (i.e., newspapers, television, etc.); (3) that a plan for each complete operation be approved by the FAA district office having jurisdiction; and (4) that the operations plan specify what registered economic poison is to be used and the time of the intended operations (including rain dates). Denied 11/30/82.

[FR Doc. 83-2036 Filed 1-26-83; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 83-ASO-2]

Alteration of Transition Area, Augusta, Georgia

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to increase the size of the Augusta, Georgia, transition area to accommodate Instrument Flight Rule (IFR) operations at Burke County Airport. This action will lower the base of controlled airspace from 1,200 to 700 feet above the surface. An instrument approach procedure, based on a new nondirectional radio beacon which is to be installed on the airport, is being developed to serve the airport and additional controlled airspace is required to protect IFR operations. In addition, the coordinates of several airports already contained within the transition area, as well as the name of an airport, will be corrected.

DATES: Comments must be received on or before: February 28, 1983.

ADDRESSES: Send comments on the proposal in triplicate to: Federal Aviation Administration, Attn.: Manager, Airspace and Procedures Branch, ASO-530, P.O. Box 20636, Atlanta, Georgia 30320.

The official docket may be examined in the Office of the Regional Counsel, Room 652, 3400 Norman Berry Drive, East Point, Georgia 30344, telephone: (404) 763-7646.

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

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in

developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. _____." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Manager, Airspace and Procedures Branch (ASO-530), Air Traffic Division, P.O. Box 20636, Atlanta, Georgia 30320. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11-2 which describes the application procedure.

Proposal

The FAA is considering an amendment to § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to alter the Augusta, Georgia, 700-foot transition area. This action will provide controlled airspace for aircraft executing a new instrument approach procedure at Burke County Airport. A nondirectional radio beacon is being established on the airport to support the approach procedure. In addition, the coordinates of several airports already contained within the transition area, as well as the name of an airport, will be corrected. Section 71.181 of Part 71 of the Federal Aviation Regulations was republished in Advisory Circular AC 70-3A dated January 3, 1983.

List of Subjects in 14 CFR Part 71

Aviation safety, Airspace, Transition area.

Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as follows:

Augusta Bush Field, GA—Revised

That airspace extending upward from 700 feet above the surface within an 11-mile radius of Bush Field (Lat. 32°22'11" N., Long. 81°57'55" W.); within 9.5 miles west and 4.5 miles east of Augusta ILS localizer south course, extending from the 11-mile radius area to 18.5 miles south of the LOM; within a 9-mile radius of Daniel Field (Lat. 33°28'00" N., Long. 82°02'30" W.); within a 7-mile radius of Thomson-McDuffie County Airport (Lat. 33°1'45" N., Long. 82°31'55" W.); within 9.5 miles north and 4.5 miles south of the 090° bearing from McDuffie RBN (Lat. 33°31'45" N., Long. 82°26'19" W.), extending from the 7-mile radius area to 18.5 miles east of the RBN; within a 6.5-mile radius of Burke County Airport (Lat. 32°02'28" N., Long. 82°00'07" W.); within 3.5 miles each side of the 249° bearing from the Burke County RBN (Lat. 33°02'32" N., Long. 82°00'18" W.), extending from the 6.5-mile radius area to 8.5 miles southwest of the RBN.

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

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

Issued in East Point, Georgia, on January 18, 1983.

George R. LaCaille,
Acting Director, Southern Region.

(FR Doc. 83-2164 Filed 1-26-83; 8:45 am)

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 83-ASW-1]

Designation of Federal Airways, Area Low Routes, Controlled Airspace, and Reporting Points; Proposed Designation of Transition Area: Brackettville, TX

AGENCY: Federal Aviation Administration (FAA), DOT
ACTION: Notice of proposed rulemaking.

SUMMARY: The Federal Aviation Administration proposed designation of a transition area at Brackettville, TX. The intended effect of the proposed action is to provide controlled airspace for aircraft executing new standard instrument approach procedures (SIAP's) to the Los Medanos Ranch Airport. This action is necessary since there are proposed special RNAV SIAP's to Runways 12 and 30 at the Los Medanos Ranch Airport. Coincident with this action, the airport will be changed from visual flight rules (VFR) to instrument flight rules (IFR).

DATE: Comments must be received on or before February 28, 1983.

ADDRESSES: Send comments on the proposal in triplicate to: Manager, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, TX 76101.

The official docket may be examined in the Rules Docket, weekdays, except Federal holidays, between 8 a.m. and 4:20 p.m. The FAA Rules Docket is located in the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, 4400 Blue Mound Road, Fort Worth, TX.

FOR FURTHER INFORMATION CONTACT: Kenneth L. Stephenson, Airspace and Procedures Branch, ASW-535, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, TX 76101; telephone: (817) 624-4911, extension 302.

SUPPLEMENTARY INFORMATION:

History

Federal Aviation regulation Part 71, Subpart G 71.181 as republished in advisory Circular AC 70-3A dated January 1, 1983, contains the description of transition areas designated to provide controlled airspace for the benefit of aircraft conducting instrument flight rules (IFR) activity. Designation of the transition area at Brackettville, TX, will necessitate an amendment to this subpart. This amendment will be required at Brackettville, TX, since there is a proposed change in IFR procedures to the Los Medanos Ranch Airport.

Comments Invited

Interested persons are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. (Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposals.) Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 83-ASW-1." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Manager, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, TX 76101, or by calling (817) 624-4911, extension 302. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should contact the office listed above.

List of Subjects in 14 CFR Part 71

Control zones, Transition areas.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the FAA proposes to amend § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as follows:

Brackettville, TX New

That airspace extending upward from 700 feet above the surface within a 5-mile radius

of the Los Medanos Ranch Airport (latitude 29°23'42" N., longitude 100°28'07" W.) and within 2.5 miles each side of a 128° and 308° bearing from the airport to 9 miles southeast and 8.5 miles northwest.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.61(c)).

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

Issued in Fort Worth, TX, on January 19, 1983.

F. E. Whitfield,

Acting Director, Southwest Region.

[FR Doc. 83-2163 Filed 1-26-83; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 290

[Docket No. RM83-9-000]

Proposed Rulemaking on Exemption From, and Revisions to, Procedures Governing Collection and Reporting of Information Concerning Cost of Providing Retail Electric Service

January 19, 1983.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Federal Energy Regulatory Commission (Commission) is proposing to amend Part 290 of its regulations to exempt electric utilities from the reporting requirements of section 133 of the Public Utility Regulatory Policies Act (PURPA). As an alternative to a blanket exemption, the Commission is also considering revision of the Part 290 requirements in order to significantly reduce the reporting burden on electric utilities.

The proposed exemption from the information gathering requirements of section 133 of PURPA, and the proposed alternative reductions in the reporting

requirements under Part 290, are part of the Commission's ongoing program of reviewing its reporting and recordkeeping requirements and reducing or eliminating unnecessary regulatory burdens on entities subject to the Commission's jurisdiction.

DATES: Comments must be submitted to the Secretary of the Commission on or before March 28, 1983.

ADDRESSES: All filings should refer to Docket No. RM83-9-000 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: Maureen R. Thompson, Office of the General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, (202) 357-8529.

Daniel G. Lewis, Office of Electric Power Regulation, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E. 307-RB, Washington, D.C. 20426, (202) 376-9227.

SUPPLEMENTARY INFORMATION: In the matter of exemption from, and revisions to, procedures governing collection and reporting of information concerning cost of providing retail electric service.

I. Introduction

The Federal Energy Regulatory Commission (Commission) is proposing to amend its regulations to exempt electric utilities from the reporting requirements of section 133 of the Public Utility Regulatory Policies Act (PURPA).¹ The amendment would relieve all electric utilities from compliance with Part 290 of the Commission's regulations which govern the collection of the cost of service data required by section 133 of PURPA. The proposed exemption would be provided pursuant to subsection 133(b) of PURPA upon a showing by the utilities, and a finding by the Commission, that the gathering by any utility of the cost of service information described in section 133(a) is not likely to carry out the purposes of section 133 of PURPA.

As an alternative to full exemption, the Commission is also considering other methods of reducing or eliminating the reporting burdens of section 133 of PURPA in a manner that would significantly reduce the amount of cost of service information required to be collected and submitted under Part 290 of its regulations. Specifically, these alternatives would involve such modifications of Part 290 as eliminating

the requirement that utilities file marginal cost information and calculated costs, reducing the amount of required accounting cost information and load data, reducing duplication between Part 290 and other Federal and state reporting requirements, and providing exemptions from portions of Part 290 for certain classes of utilities.

The proposed exemption from the information gathering requirements of section 133 of PURPA, and the proposed alternative reductions in the reporting requirements under Part 290 discussed in this notice, are part of the Commission's ongoing program of reviewing its reporting and recordkeeping requirements and reducing or eliminating unnecessary regulatory burdens on entities subject to the Commission's jurisdiction.

II. Background

A. The Statute.

Section 133 of PURPA does not itself contain an express statement of its purpose. However, the legislative history of section 133 indicates that, in establishing the extensive reporting requirements in that section, the aim of Congress was to ensure that "good information with regard to costs of providing service . . . be readily available on a timely basis to everyone concerned." The purpose of the section, as stated in the Joint Explanatory Statement of the Committee of Conference, is "to require electric utilities to gather information (under rules prescribed by the Commission) which is necessary to determine the costs associated with providing electric service . . .".²

In subsection 133(a) of PURPA, the Congress established four informational reporting requirements which it deemed "basic to any determination with respect to the cost of providing electric service" and necessary for carrying out its intended purposes. Under that provision, the Commission is required to include in its rules the following cost of service information:

(1) The costs of serving each electric consumer class, including costs of serving different consumption patterns within such class, based on voltage level, time of use, and other appropriate factors;

(2) Daily kilowatt demand load curves for all electric consumer classes combined representative of daily and seasonal differences in demand, and daily kilowatt demand load curves for

¹ House Conference Report No. 95-1750, 95th Cong. 2d Sess. 86 (1978).

² *Id.*

¹ 16 U.S.C. 2601-2645 (1978).

each electric consumer class for which there is a separate rate, representative of daily and seasonal differences in demand;

(3) Annual capital, operating and maintenance costs—

(A) For transmission and distribution services, and

(B) For each type of generating unit; and

(4) Costs of purchased power, including representative daily and seasonal differences in the amount of such costs.

The statute further provides that this information must be filed biennially with the Commission and any state regulatory authority which has ratemaking authority for the utility.

The Commission is provided broad discretion to implement and administer section 133. The Congress left the Commission free to prescribe the method and format to be used for reporting section 133 cost-of-service information and to require additional information not specifically listed in the statute. In addition, the Congress granted the Commission authority to extend the initial filing deadline for a reasonable additional period, for good cause shown. The statute affords the Commission great latitude in the exercise of its authority to exempt. Under section 133(b), the Commission may exempt any electric utility, or class of electric utilities, from gathering any or all of the information required by that section. Such exemptions may be made, however, only upon a showing by the utility or utilities, and a finding by the Commission, after public notice and an opportunity for comment, that gathering such information is not likely to carry out the purposes of the section.

B. The Commission's Regulations.

1. *Procedural history.* When PURPA was enacted, the Congress afforded the Commission 180 days from enactment within which to prescribe, by rule, the form and manner to be used by utilities in gathering the information required by section 133. Pursuant to this mandate, the Commission promulgated a final rule on June 5, 1979,⁴ which established the

Commission's procedures for collection of cost-of-service information in Part 290 of the regulations.

As provided by statute, these regulations apply to all electric utilities that have total sales of electric energy for purposes other than resale exceeding 500 million kilowatt-hours during any calendar year beginning after December 31, 1975. The statute further provides that, not later than two years after the enactment of PURPA, each electric utility must make its first filing of section 133 cost of service information, unless the Commission provides otherwise.

In implementing section 133, the Commission was concerned that immediate imposition of the reporting requirements would adversely affect small utilities. An extension of time to file was therefore provided to utilities having annual retail sales of less than one billion kilowatt hours to make their initial filing not later than June 30, 1982. On May 12, 1982, the Commission again extended the initial filing period for smaller electric utilities until June 30, 1983.⁵ The additional extension was provided in light of a reexamination of whether the reporting requirements under Part 290 can be made more useful and appropriate.

In addition to the extensions afforded small utilities, the Commission provided other means for accommodating the special circumstances of any utility. The regulations contain procedures for obtaining an exemption from filing all or part of the section 133 information on a case-by-case basis (18 CFR 290.601). An application for such an exemption must be submitted to the Commission at least 18 months prior to the applicable filing date and must contain an explanation as to why the gathering of the information is not likely to carry out the purposes of section 133.

Since the promulgation of Part 290, electric utilities with annual retail sales in excess of one billion kilowatt-hours, constituting nearly two-thirds of the affected electric utilities, have made two filings. The initial filing was made in November, 1980, and the second filing was made on June 30, 1982. The next filing is due on or before June 30, 1984.

2. *Substantive requirements.* Part 290 requires the collection of four types of information. The requirements are divided into four categories of data: accounting cost information, marginal cost information, load data, and

calculated costs. These data requirements include the cost-of-service items specifically required under section 133 and much information that is not specifically described in section 133 but that was believed by the Commission to be data relevant to the objectives of the statute.

Subpart B of Part 290 requires the filing of accounting cost information. Accounting cost information is data concerning a utility's rate base, depreciation, fixed operation and maintenance expenses, taxes, and cost of capital. Accounting cost information is required by the regulations because it is necessary to the calculation of a utility's total cost of providing service for a past time period. This total cost, allocated among rate classes, has been, and in most jurisdictions is now, the principal basis for establishing rates. The accounting cost details required by the regulations (§§ 290.201—.204) are those necessary to calculate the total cost for the prescribed time period and are, for the most part, readily available from a utility's books of account.

Subpart C of Part 290 requires the filing of marginal cost data. Marginal cost information is information concerning the expected change in the total cost of production to supply each additional unit of output. Many regulatory economists are of the opinion that electric rates should be based on marginal costs, rather than accounting costs. This opinion is based on the theory that optimal allocation of resources occurs, in the long run, when commodities are priced at their marginal production costs. Because electric service consists of supplying both energy and capacity, both marginal energy cost information and marginal capacity cost information are useful in applying the marginal cost theory to electric rates. Marginal cost information is required by the regulations because the Commission wanted to make available to state regulatory authorities and non-regulated utilities a broad informational base from which they would be able to compare whether marginal or embedded costs are more relevant for utility cost of service calculations. For this reason, the Commission stated in the preamble to the final rule that it would not "interpret section 133 so as to bar the reporting or marginal cost information and thus hinder such an inquiry" by the states and non-regulated utilities.

Subpart D of Part 290 requires the filing on load data. Load data describe the amount of electric power being

⁴Final Regulations, "Collection of Cost of Service Information Under Section 133 of the Public Utility Regulatory Policies Act of 1978" (Docket No. RM79-6), issued June 5, 1979, 44 FR 33847 (June 13, 1979), codified at 18 CFR Part 290 [Final Regulations]. These rules were substantially revised by the following orders: Order No. 48, (Docket No. RM79-6), issued September 28, 1979, 44 FR 58687 (October 11, 1979); Order No. 48-A, (Docket No. RM79-6), issued January 4, 1980, 45 FR 2623 (January 10, 1980); Order No. 48-B, (Docket No. RM79-6), issued August 7, 1980, 45 FR 54033 (August 14, 1980).

⁵Order No. 231, (Docket No. RM82-28), issued May 19, 1982, 47 FR 22947 (May 28, 1982). The Commission believes another, similar extension of the filing deadline is appropriate, pending completion of this proceeding and will consider such a measure in the near future.

⁶Final Regulations, 44 FR. 33847 (June 13, 1979).

supplied in a specific time period either for a utility's entire system or for a part of the system, such as a particular class of consumers. Such data are usually expressed hourly for an entire day, hourly for an entire year, or for particular hours, such as the hour of highest load in a given month. Load data is required by the regulations because subsection 133(a)(2) requires information on daily and seasonal demand for each electric consumer class for which there is a separate rate. The statute does not specify the level of accuracy with which load data must be reported. However, the Commission set forth in the regulations those levels of accuracy which it believed, at the time, were necessary to provide reasonably useful information.

Subpart E of Part 290 requires the filing of calculated costs. Calculated costs, as defined in the regulations (§§ 290.501-290.502), are the overall costs of providing service. These costs are expressed in terms of the cost per kilowatt hour of energy or the cost per kilowatt or demand (capacity costs), according to different customer groups and different voltage levels. They are derived from either the accounting cost information or the marginal cost information required in Subpart B and Subpart C of the regulations. Although the statute does not specifically require the filing of calculated costs, the Commission believed, when it promulgated the final regulations, that this information would make the filings more useful, especially to parties who may not have the technical resources to perform the required calculations from the raw accounting cost or marginal cost data. The Commission believed that the availability of calculated costs would lead to more informed participation by interested parties in retail rate proceedings, minimize confusion about what the raw data really means, avoid unnecessary duplication of effort among intervenors in a proceeding, and enable users of the information to understand more fully the unique circumstances of the particular utility.

C. Reassessment of the Reporting Burdens under Part 290.

The cost to utilities of complying with the regulations under section 133 has been a source of continuing concern to the Commission, the Congress, and the Presidential Task Force on Regulatory Relief.

1. *GAO Report.* On September 14, 1981, the General Accounting Office (GAO) reported to Congress on the Commission's regulations implementing section 133. In its report, the GAO found that use of the section 133 data was

generally very limited and that compliance with section 133 had proved to be expensive and burdensome. It therefore recommended that the Commission "review and, as appropriate, revise its regulation for implementing section 133 in order to reduce the cost and burden on utilities." In conjunction with review of Commission regulations, the GAO suggested that the Commission—

Review the extent to which data collected under section 133 duplicates other data submitted to the Federal Government.

Assess whether the number of utilities required to comply with section 133 should be reduced in terms of size, number of utilities reporting per state, etc., and

Determine whether the data is actually being used by the parties for which it was intended and whether the benefits received from use of the data outweigh the costs.

2. *The Commission's Notice of Inquiry and Responses to It.* In response to the GAO report, the Presidential Task Force, and as part of a general reexamination of the costs and benefits of all its information gathering requirements, the Commission undertook to evaluate both the need of state regulators and the need of the public for information collected under section 133. On January 29, 1982, the Commission issued a Notice of Inquiry (NOI)⁷ in an effort to obtain information about the usefulness of the data submitted under Part 290. Specifically, the Commission requested comments and data in three areas.

First, the Commission inquired about the actual use being made of the data collected and reported under Part 290. The Commission solicited information on how the information contained in the Commission's regulations has been employed in regulatory proceedings, e.g., proceedings implementing sections 111 and 210 of PURPA, retail or wholesale rate cases, and state "Need for Power" proceedings.

Second, the Commission solicited information on the extent to which information requested under Part 290 duplicates other Federal or state reporting requirements, and the added costs of providing such duplicative information.

Third, the Commission sought information on practical alternatives to, or revisions of, the existing regulations which would carry out the purpose of section 133 in a less burdensome manner.

⁷ Docket No. RM82-13, issued January 29, 1982, 47 FR 5437 (February 5, 1982).

The Commission has received approximately 150 comments in response to its NOI. Participants in the inquiry include electric utilities, state regulatory authorities, industrial customers, consumer representatives, and consultants. In general, most utilities and industrial customers suggest that the Congress should rescind section 133 and the Commission should withdraw its regulations implementing that section. On the other hand, consumer representatives, several consultants, and several states urge the Commission to retain the present regulations implementing section 133. Several utilities, consumer representatives, and state regulatory authorities advocate revising the present regulations in order to reduce the reporting burden and eliminate duplication.

In direct response to the Commission's inquiries, commenters focus primarily on three areas of concern. First, they evaluate the usefulness of Part 290 information. Although the comments indicate that section 133 data have been used to varying degrees in state proceedings, they suggest that this usefulness is relatively limited. Many electric utilities contend that the information collected is not used at all. In contrast, an environmental organization reports that 17 state regulatory authorities have used the Part 290 information in more than 25 cases. In addition, one state regulatory authority states that it has made use of the Part 290 information in power plant licensing proceedings, weatherization studies (i.e., analyses of the cost-effectiveness of insulation), and power production cost studies.

Second, commenters discuss duplication between Part 290 and other Federal and state reporting requirements. Electric utilities report that the Part 290 requirements duplicate state, and FERC reporting requirements to an extensive degree. Utilities also point out that the Part 290 reporting requirements duplicate information already available in FERC Forms 1 and 12.⁸ In addition, utilities contend that the

⁸ The comments will be examined more specifically with regard to the changes to Part 290 proposed in this rulemaking.

⁹ Form 1 (18 CFR 141.1) is filed by all class A and B electric utilities and collects information regarding the utility's organization, accounts, and finances. Form 12 (18 CFR 141.5) is filed by public and private entities which operate facilities for the generation, transmission, or distribution of electric energy. It collects information regarding the electric generating and transmission facilities, electric utility systems, and transactions with other electric utility systems.

historic data required in each Part 290 report duplicates information reported in prior Part 290 reports. One state regulatory authority contends that there is extensive duplication between §§ 290.201-204 (accounting cost information), § 290.305 (distribution cost information), and § 290.402 (load data for the total of all customers), and the FERC Forms 1 and 12.

Electric utilities also cite duplication with state reporting requirements. A trade association for investor-owned electric utilities reports that, while the reporting requirements vary from state to state, the state requirements often parallel the Part 290 information. In addition, most comments by state regulatory authorities claim that there is duplication between state reporting requirements and Part 290. In contrast, analysis by one commenter points to the fact that the Part 290 reports do not duplicate the reporting requirements of Colorado, Arizona or Idaho. Another commenter, located in the Pacific Northwest, states that the Part 290 requirements do not duplicate reports filed with the Bonneville Power Administration.

Third, commenters present a variety of proposals for change. Several commenters support the complete elimination of Part 290. One state regulatory authority supports the elimination of Part 290 because the information is not used in that state and, in any event, is otherwise available in regulatory proceedings. With respect to possible amendments to Part 290, commenters divide into two groups. On one hand, several states urge the Commission to retain or expand the Part 290 requirements. One state urges the Commission to retain Part 290 in the present form and contends that utilities have the required data available and the burden of reporting is not too great. Other states recommend retaining the current requirements with only slight additions. These suggested additions include the specification of an accuracy level for individual load data (§§ 290.401-406), requiring an analysis reconciling class sales data and system sales data, and instituting a limited reporting requirement for utilities with annual retail sales less than 500 million kilowatt hours.

On the other hand, several commenters advocate a reduced Part 290. The suggestions for modification include exemption from Part 290 of municipally, and cooperatively-owned utilities, reduction of duplication between Part 290 and other Federal and state reporting requirements, the modification of the load data

requirements, the adoption of flexible filing dates under Part 290, and basing the Part 290 reporting requirements on state reporting requirements.

III. Proposed Changes

A. Blanket Exemption.

As stated above, section 133 authorizes the Commission to exempt "an electric utility or class of electric utilities from gathering all or part of such information, in cases where such utility or utilities show and the Commission finds, after public notice and opportunity for the presentation of written data, views, and arguments, that gathering such information is not likely to carry out the purposes of [the] section." If the Commission is to make any such finding under this provision, it may do so only as a result of the appropriate showing made by utilities subject to the Part 290 requirements. This Notice of Proposed Rulemaking is designed and intended to afford both notice and an opportunity for all interested persons to present written comments with respect to whether the Part 290 requirements continue to carry out the original purposes of section 133. The Commission anticipates that all utilities that wish to be exempted from the requirements of section 133 will make, or attempt to make, the statutory showing required under subsection 133(b), in their comments on this proposal.

The Commission believes that there are several strong indications that the purposes of section 133 have been served and the objectives of that section accomplished, by the promulgation of the Part 290 regulations and the subsequent filings of cost information by utilities in November 1980 and in June 1982. For example, many comments received in response to the NOI indicate that (1) the gathering and filing of section 133 information is no longer necessary as an aid to state regulatory authorities in retail ratemaking; (2) the use of section 133 information is, in any case, very limited; and (3) the costs of gathering section 133 information are a significant burden on companies and ratepayers and far outweigh the benefits that accrue from maintaining the requirements as they exist. It may therefore be unlikely that further gathering of the section 133 information would carry out the purposes of the section. The Commission, therefore, proposes to exempt all utilities that are currently subject to Part 290 from any further gathering of the information outlined in section 133 of PURPA and Part 290 of the regulations. The Commission's tentative bases for a

blanket exemption are discussed below, as focal points for further public comment.

1. *Part 290 Data are Unnecessary as an Aid to State Regulatory Authorities.* Although the purposes of section 133 are not express, it appears that one of the original purposes of section 133 was to aid state regulatory authorities in a thorough reevaluation of retail rate structures as well as aid in the retail ratemaking process. Yet, the responses of state regulators to the Commission's NOI provide very little support for the notion that state agencies rely on the section 133 data, or for the proposition that the continued filing of Part 290 information will improve the process of retail ratemaking.

The two state commissions offering the responses most supportive of Part 290 (Florida and Kansas) appear to base their support for the current data requirements primarily on the value of that data as a way of comparing utilities nationally. While there may be such a value, the Commission does not believe that the Congress wanted section 133 to serve as a means of comparing the cost of electric service in one part of the Nation with that in another. Rather, the purpose of section 133 was to aid in case-by-case analyses of particular utilities' costs. Furthermore, the analyses of particular utilities by state commissions appears to be based, in the great preponderance of states that have offered comments, on cost information supplied by utilities under state, not Federal, laws.

Several state commissions point out that, while section 133 information may have aided them in the past, the continuation of section 133 filings is not necessary as an aid in future retail rate proceedings. The comments of two state commissions are particularly useful on this point. First, the Idaho Public Utilities Commission states:

Historically, PURPA served a valuable catalytic function for states of limited resources such as Idaho. It provided us with our first exposure to solid marginal cost data and jogged our utilities into the expenditures necessary to collect such data and to engage in sophisticated load research program.

There is no longer a valid federal role to be played in requiring that data be reported. The Federal Government is not a logical depository for such data. Moreover, Washington is not well situated to gauge the validity of requests for extensions or to encourage flexibility in accord with each utility's needs.

Second, the Iowa State Commerce Commission points out that:

This Commission [Iowa] has completed its generic proceedings regarding PURPA sections 111 and 210. We believe this Commission has the authority, under Iowa law, to require the submission of the data necessary to fully implement decisions in these proceedings. Section 133 filings have been useful in providing information to parties in these cases. With administrative rules and analytical methods adopted in each case, the necessity of requiring extensive data on a continuing basis is diminished.

Idaho and Iowa appear to be representative of those states that have found the Part 290 regulations to be useful, but have concluded that it would suit their purposes to proceed on the basis of information requirements established at the state level and under state law.

An additional indication that section 133 filings may no longer be necessary to state regulatory authorities stems not from the response to the NOI but from the lack of response. Only twenty states responded to the NOI. It may, therefore, be fair to assume that the thirty states that did not respond have relatively little interest in the continuation of the section 133 data collection.

Of the nine states that tended to support the existing regulations, almost all qualified their support in some way. Some indicated that they believed the data collection should be limited to large utilities. Others indicated that they did not need the information for their own rate proceedings but that it was desirable to have this type of information available on a national basis for comparison purposes. However, almost all of these states indicated that they already have the authority to require the filing of this type of information from utilities whose rates are subject to their jurisdiction. None of the states responding to the NOI indicated that a continuation of the section 133 reporting requirements is a necessity to them. Therefore, it appears that states could, or do, require on their own initiative information which is useful and relevant to state rate proceedings and which replicates information required by Part 290.

To the extent that the section 133 filings are intended to provide a base for a reevaluation of retail rate structures, the Commission believes that this purpose has now been served. The state regulatory authorities have had ample opportunity to engage in a reevaluation using the 1980 and 1982 section 133 filings as a data base. Therefore, it is highly likely that the reevaluation of retail rate structures, which was promoted by section 133, is well underway at this time.

2. Limited Use of Section 133 Information. Several consumer and environmental groups generally support the continuation of the cost information filings. These comments state that the cost information reports filed under Part 290 are used in a number of retail rate proceedings in various states. The comments of state commissions confirm that there has been some use of the information. However, most electric utilities, and several states, indicate that the information is not used extensively in PURPA-related proceedings, retail rate proceedings, wholesale rate proceedings, or "Need for Power" proceedings. In fact, many states have found either that (1) although the section 133 information was somewhat useful in the past, the states are now proceeding primarily on the basis of state information requirements, or (2) the state requirements are similar, and frequently preferable, to section 133 requirements. As the Michigan Public Service Commission states:

The data on section 133 cost of service which utilities are required to report on a regular basis duplicates that which the affected utilities are required to file in connection with requests for rate relief. Michigan already has filing requirements which specify cost-of-service including load data and cost allocation methods. In addition, data filed under section 133 is really not reviewed in any depth . . . if that utility does not have a rate case pending. If the utility does have a rate case pending, the studies submitted with the rate application, which meet the [state] Commission filing requirements, are the studies which will be utilized by the staff of the Commission.

Still other states, such as Georgia and Arizona, have indicated that they have not found the Part 290 reports at all useful.

3. Costs of Gathering Section 133 Information. In the NOI, the Commission requested information on costs incurred to gather and file the information required by Part 290. The responses by the utilities indicate that, as a general proposition, the expense is a considerable one. Utilities report costs incurred in connection with the 1980 filing ranging from \$14,860 to \$1,012,000, and costs incurred in connection with the 1982 filing ranging from \$55,000 to \$400,000.

The significance of these data is not made especially clear. In any case, not all utilities responding to the NOI provided information regarding the cost of compliance, and much of the cost data provided was not presented on a consistent basis. Therefore, the Commission is again requesting utilities to provide data showing, in specific terms, the costs of compliance. The

Commission requests that, to the extent possible, the data be presented according to the following categories:

- (1) Calendar year 1982 internal expense resulting from compliance requirements, excluding class load data requirements, expressed both in dollar expense and full-time staff positions.
- (2) Calendar year 1982 internal expense resulting from load data requirements, excluding capital cost of metering equipment, expressed both in annual dollar expense and full-time staff positions.
- (3) Additional internal expense associated with compilation, reproduction, and filing of the most recent (June 1982) report.
- (4) Capital cost of metering and related equipment acquired for the purpose of compliance with the Part 290 requirements.
- (5) External expenses incurred, such as consultant fees, in connection with both the November 1980 report and the June 1982 report.

The expenses which the Commission is seeking to identify are those incurred solely as a result of the Part 290 requirements, not including similar expenses related to compliance with other Commission regulations or those of any other governmental agency. In cases where new state requirements have been adopted that are essentially the same as those of Part 290, or where a utility has been granted an exemption from the Part 290 requirements and has been allowed, alternatively, to report in the manner of similar state requirements, the Commission would expect the corresponding expenses to be identified and the circumstances explained.

B. Alternatives to a Blanket Exemption.

The Commission recognizes that an exemption for all electric utilities from gathering the cost of service information prescribed by section 133 and Part 290 of the regulations is possible only if electric utilities show that gathering the information required by section 133 is not likely to carry out the purposes of section 133. Therefore, the Commission proposes the following alternatives to a blanket exemption which would apply in the absence of the appropriate showing necessary for complete or partial exemption.

1. Partial Exemptions. Several comments on the NOI point out that particular geographic and operating conditions make a number of the present Part 290 reporting requirements inappropriate for several utilities. The Commission finds merit in these contentions and proposes to exempt

certain types of utilities from various reporting requirements. First, the Commission proposes to exempt utilities that rely primarily on hydroelectric power from gathering and filing marginal energy cost information. The average hourly energy costs and hourly marginal costs for a system relying primarily on hydroelectric generation, are dependent upon factors, such as scheduled coordinated reservoir operation, that do not follow a similar pattern from day to day. There appears to be no generally accepted method of determining these data for typical days. For purposes of this proposed exemption provision, a hydro-based system will be defined as one having 75 percent or more of its system load, at the time of its annual peak, supplied from hydroelectric generation. Such utilities are admittedly few in number.

Second, the Commission proposes to exempt any utility that purchases all the electric power needed to serve its load from gathering and filing marginal cost information on generating facilities and energy cost (§§ 290.301-.302). These data are not relevant to these so-called "full requirements" utilities because their marginal costs are determined by the wholesale rate schedules under which they are served. These rate schedules are available to the public from several sources, including the Commission.

2. Complete Exemption for Smaller Utilities. When the Congress enacted PURPA, it exempted certain small utilities, those with annual retail sales of 500 million kilowatt hours or less, from the Act. Although the statute and the legislative history are silent regarding the reasons for excluding these small utilities, arguably the Congress was recognizing that compliance with PURPA would impose certain financial burdens on utilities and did not believe the burdens on small utilities were warranted.

The Commission has always been concerned about the economic impact the Part 290 filing requirements would have on smaller utilities. Accordingly, the Commission included in the final regulations an extension of the first filing time to June 30, 1982, for covered utilities having annual retail sales less than one billion kilowatt hours. Recently, the Commission extended this filing time for an additional year, to June 30, 1983.

The Commission's concern regarding this issue persists. Comments on the original proposed regulations and on the NOI noted that Part 290 compliance is proportionately more costly for small utilities. This is because many of the costs are fixed and are not a function of size. The number of data elements to be

gathered, the amount of special metering that may be required, and the amount of staff time necessary to prepare the report may be as great, or nearly as great, for a small utility as for a large one. Therefore, small utilities, with small revenues, must allocate a higher percentage of their revenues to gathering and filing the section 133 information than larger utilities. Inasmuch as the expenses related to data collection under section 133 are a necessary cost of regulation, they are ultimately borne by the ratepayers. The Commission believes the point has been reached at which this cost, for the small number of ratepayers of a small utility, is not justified by the benefit that may be derived from the availability of additional information.

It is also the Commission's view that, in light of the purposes of section 133 and the Commission's experience in implementing and administering section 133, the size threshold for reporting under the Part 290 regulations should be revised upward. Therefore, the Commission proposes to exempt all utilities having annual retail sales below two billion kilowatt hours from gathering any of the information required by section 133.¹⁰ Such a change would reflect the same concern, that Part 290 creates an undue economic burden for this group of utilities, as the Commission has previously expressed with respect to utilities with retail sales below one billion kilowatt hours.

3. Eliminate the Requirements for Marginal Cost Information. Since the enactment of PURPA, substantial disagreement has existed concerning the inclusion of marginal cost data in the Part 290 requirements and the nature and extent of the data to be required. Section 133 itself does not specifically require utilities to file marginal cost information, even though it is quite specific in referring to other kinds of information. The Commission included a requirement for marginal cost data in its regulations in order to provide state regulatory authorities and non-regulated utilities with an informational base from which they could "make decisions on the issue of whether marginal or embedded costs are more relevant for utility cost of service calculations."¹¹

¹⁰ There are about 260 utilities covered by Title I of PURPA, that is, having annual retail sales above 500 million kilowatt hours. Of these, 74 have annual retail sales below one billion kilowatt hours and an additional 38 have sales between one billion kilowatt hours and two billion kilowatt hours. Of these 112 covered utilities with annual retail sales under two billion kilowatt hours, 64 are publicly-owned or cooperatively-owned entities. The remaining 28 are investor-owned.

¹¹ 44 FR 33847 (1979).

The use of marginal cost pricing in establishing electric rates has been a matter of controversy in the regulatory community generally since the early 1970's. Most of the debate has occurred at the state level. The Commission has not engaged in that debate for reasons that relate primarily to the types of rate schedules over which it has jurisdiction. In a number of states, regulators have determined the relative merits of using marginal costs in rate proceedings and are using or excluding that information. Elsewhere, the debate continues. It is now unlikely that there is any state regulatory authority that has not had the opportunity to study the issue using the 1980 and 1982 filings as a data base. Accordingly, it appears unnecessary for the Commission to continue to take the initiative in obtaining marginal cost information from utilities in every state, especially in light of the fact that the states may require marginal cost information if they want it, and PURPA does not require the Federal Government to collect it. Therefore, the Commission proposes to eliminate the requirements in Subpart C under which utilities must not file marginal cost information.

4. Reduce the Requirements for Marginal Cost Information. Although there are very compelling reasons for eliminating the marginal cost information requirement altogether, the Commission recognizes that this is a controversial matter. It may be that comments on the proposal will demonstrate to the Commission that there are good reasons for retaining some marginal cost information requirements. In order to estimate, and solicit comment on, the relative importance of a certain limited amount of marginal cost information to various interested persons, the Commission is proposing an option that would substantially reduce this particular reporting burden while retaining requirements for reporting the more significant information.

First, the Commission believes that the marginal cost requirements could be reduced so that utilities would be required to provide marginal cost information on existing generation for one unit in each of several categories of units. The categories would cover each of the common fuel types, the base-load, intermediate, and peaking service categories, as well as several size ranges. The Commission believes that reducing these reporting requirements would lessen the burden on utilities while still providing interested persons with a core of information regarding the marginal cost of existing generation. For

planned additions to generating capacity, the information required would be limited to estimates of overall capacity costs for units actually planned. The requirements to provide more general information on generating capacity expansion would be eliminated because similar information is available for the larger utilities from other sources, such as Form 12.

Second, with respect to marginal energy cost, the requirements would be amended to include estimates of hourly marginal energy costs for the next five years for only four specified months rather than twelve months, reducing the data volume by two-thirds. The four months would be the month of the winter peak, the month of the summer peak, and, the two mid-season months having the lowest system peak. Inasmuch as these estimates are required in order to provide a basis for determining whether, and how much, a utility's marginal costs fluctuate according to the seasons, the significant estimates are those which relate to a utility's extremes of operation. The Commission also proposes to eliminate the requirement that utilities file a calculation of a single marginal energy cost for each defined costing period (§ 290.303(g) and (h)). While this information may provide a basis for comparison among utilities, it does not appear to be useful in a rate analysis of a particular utility's marginal energy costs.

Third, the requirements for marginal transmission costs would be simplified by eliminating the requirement for historical information, system maps, and other minor items. Historical information on transmission facilities appears to be of very limited usefulness. In those cases where it may be of interest, anyone may obtain this information from the Commission's files of Form 1 and Form 12 data. The same is true of system maps. In the rare instances where they are needed, the Commission's files or State commission files can be used. The requirements for distribution and customer cost information would not be changed.

The Commission understands that the compilation of marginal cost information under any reduced Subpart C requirements may not be a sufficient basis for the preparation of a complete marginal cost-of-service study for a given utility. However, the Commission believes that the marginal cost information, reduced as proposed above, is adequate to alert interested parties in retail rate proceedings to the effects and trends that may be of sufficient importance to warrant a more detailed

study of marginal costs. The Commission also believes that state regulators are in a better position than is the Commission to recognize when circumstances deserve such detailed attention.

5. *Elimination of Requirement for Calculated Costs.* Part 290 currently requires utilities to develop and present two summaries of cost information by costing period and by voltage level, according to major customer groups. The first summary is to be based on accounting costs, the second on marginal costs. These costs summaries are, in effect, statements of the results of cost-of-service studies. The data are presented in a form more or less understandable to lay persons, in terms of various uses or users of power. Most retail regulatory authorities require utilities to make such studies in connection with rate change applications. Some jurisdictions require accounting cost-based studies, some require marginal cost-based studies, and some require both. The studies made to support retail rate proceedings are often more comprehensive than those that would be required to provide information for the Part 290 requirement.

Most utilities have sufficient expertise to perform these studies based on accounting costs due to the important role that each study has played in ratemaking for many years. As with other Part 290 provisions, most state regulatory authorities have the authority to require calculated cost information from utilities according to the states' practices and needs. Two facts nevertheless appear certain. First, no portion of Part 290 is more duplicative than this requirement, in those cases where states already require such studies. Second, no portion of Part 290 is more wasteful, if a state has decided not to require such studies. In any case, utilities have twice filed calculated cost data in 1980 and 1982 and the states have had an opportunity to assess the prospective usefulness of this type of information for state proceedings.

The proposed elimination of calculated cost studies is within the province of Commission discretion. Section 133, while specifically identifying certain types of information required to be filed, does not mention calculated costs. The Commission recognized, in the final regulations establishing Part 290, that it was exercising its discretion under PURPA by requiring that raw data be calculated and reported under Subpart C of Part 290 according to costing periods, customer group, and voltage level.¹² The

question which faced the Commission was whether to burden utilities with the cost of those calculations or to require only raw data and thereby burden the potential users of the information. The Commission decided at that time to require the utilities to calculate costs. Since that decision was made, the Commission has had the experience of two section 133 filings. This experience, plus the information available through the NOI on the cost to the utilities in complying with Part 290, suggests that the cost of requiring calculated cost data is a burden disproportionate to the usefulness of the data. The Commission, therefore, proposes to eliminate the requirement of providing information on calculated costs.

6. *Reduction of Accounting Cost Data.* The Commission proposes two modifications of the data required by Part 290 with respect to accounting costs. First, the Commission proposes to simplify § 290.201(d), concerning data related to construction work in progress (CWIP). Since establishing Part 290, the Commission has received a number of indications that the regulations governing the data concerning CWIP are confusing and complicated. In addition, a number of persons have indicated that the required level of detail is greater than that used by most utilities in maintaining their records. The Commission invites specific comment on how these regulations may best be revised.

Second, the Commission proposes to modify § 290.202(a), dealing with operating expense information. The Commission has received numerous inquiries regarding the proper method for eliminating variable operating and maintenance expense. In order to clarify this point, the Commission proposes to revise the regulations on the estimation of variable operating and maintenance expense to indicate that variable operation and maintenance expense is to be estimated by the utility in accord with its current practice in planning studies.

7. *Reduction of Requirements for Load Data.* Section 133 is fairly specific in identifying the load data to be included in utility filings. Subsection 133(a)(2) calls for "daily kilowatt demand load curves", both for a utility's total load and for the load of "each consumer class for which there is a separate rate." These two types of load data have different uses in rate analysis and involve different costs and effort in gathering them. Therefore, they are discussed separately below.

a. *System load data.*

¹² 44 FR 33847 (1979).

The total load, or system load, is necessary for the utility's day to day control of operations as well as for planning and forecasting. Most utilities record this data on an hourly basis as a matter of standard procedure.

In developing the Part 290 regulations, the Commission considered whether system load data should be required in detail for the entire reporting period (*i.e.*, a full calendar year—8,760 hours) or expressed in some other way. The decision was made to require the complete hour-by-hour data, for two reasons. First, certain methods for performing marginal cost analysis require the data in this form. Second, the requirement was perceived as not excessively burdensome because utilities record and retain the data in this form for their own purposes.¹³ While the Commission proposes to leave the basic system load data requirements in § 290.402(c) unchanged, it proposes as an alternative to exemptions, modifications with respect to pool data, historic peak load information, and projected load data. These amendments are proposed as follows:

Section 290.402(b) requires pool load data from all covered utilities that are members of a single integrated power pool. The Commission proposes to change this section to permit each pooling organization to supply this data on behalf of its member utilities, rather than require each member utility to file. This approach would avoid duplicative filings.

Section 290.402(c) requires historic peak load information. Each utility must report the summer and winter peak loads on its system for the previous ten years. The reports filed in November 1980 and in June 1982 are now a matter of record, and include the required historic peak information for the periods 1970-1980, and 1972-1980, respectively. It is unnecessary to continue to require information for each ten year period. The Commission now has this information for each year dating back to 1970 and further such reports are unlikely to yield new information. Therefore, the Commission proposes to require historic data only for the one year preceding the reporting period.

Section 290.402(e) requires projected load data. This projected load data is used principally for marginal cost analysis. If it is determined that marginal cost information is necessary, it would be advisable to retain this

projected load data as well. Even in this case, however, the Commission proposes to reduce the amount of data to be reported to cover only four specified months of each future year instead of every month. These four months would represent the utility's extremes of operation. In addition, the Commission recognizes that the requirement for annual load duration curves in § 290.402(e) may be unnecessarily burdensome. The Commission solicits comments on how this filing requirement might be simplified while providing equally useful information.

b. Class load data. The load data requirements for individual customer classes are by far the most burdensome portion of the Part 290 regulations. The regulations currently require hour-by-hour load data for specified typical and peak days for a number of defined individual classes of customers.

Load data for individual consumer classes is useful for determining allocations of costs among classes and for planning new capacity. Load data for individual customer classes have been gathered by some utilities for a number of years. This "load research," as the activity is called, has provided useful system planning and market development information. Some utilities have considered it, along with studies of population growth, construction practices, appliance saturation, and other factors, as essential in projecting their load growth. Load research is expensive, however. It involves special metering of selected customers (a "sample") and processing of the metered data to derive estimates of hour-by-hour consumption for the class of customers. Investment in special recording meters is required, together with customer surveys, sample design, frequent collection of metered records, and processing and interpretation of the data.

In Subpart D of Part 290, three groups of customer classes are identified for purposes of classifying types of load data to be collected and reported. Those groups are (1) large rate classes, served under a separate rate and accounting for 10% or more of system demand at the time of any monthly peak; (2) small rate classes, served under a separate rate but accounting for less than 10 percent of system demand at the time of every monthly peak, and (3) end use classes, with six such classes identified. The regulations require class load data based on metering for large rate classes. Load data for the other groups of classes may be reported on a "best-estimate" basis, which means that a utility may

use less expensive and, presumably, less reliable means of developing estimates of hour-by-hour loads for these classes.

The requirement for class load data constitutes a heavy reporting burden and is by far the largest element of the total burden of the Part 290 regulations. The utilities responding to the NOI report that the metering required for large rate classes involves investment of about \$100,000 to \$1.5 million, with an average of about \$300,000. Although some utilities indicate that some of the metering expense would have been incurred for reasons other than compliance with Part 290, the annual costs of load research are certain to be a relatively large part of the total Part 290 burden.

As with marginal cost information, a request for a specific body of class load information may not be appropriate to all utilities. Load research is most useful when a specific study is designed to assist in resolving a specific issue.¹⁴ Moreover, there is an inherent inefficiency in requiring many utilities to perform sample metering on groups of customers that have common characteristics of use.

Inasmuch as the statutory language is explicit with respect to load data, reduction of the requirements in Part 290 of the regulations, absent an exemption, is somewhat problematic even if done to ease the burden on utilities. Nonetheless, the Commission is proposing, as an alternative to exemption, to reduce future burdens by modifying the data to be reported. The Commission is aware that the utilities required to engage in load research have already, in most instances, made an investment in metering equipment which is a burden that cannot be removed. However, the Commission hopes the proposed modifications will delay or eliminate additional investment on the part of utilities that are still "phasing in" to full compliance, and on the part of small utilities that have not yet been required to file.

The Commission is proposing the following modifications of the class load data provisions in the regulations. First, separate jurisdictional reporting (§ 290.401(b)) would no longer be required. Electric utilities would be permitted to report data for either the predominant jurisdiction or for the entire system, at their option. The reason for this change is that, as a

¹³ The complete hour-by-hour compilation is lengthy. The problem of sheer bulk is addressed in the present regulations (§ 290.402(d)(2)) by offering utilities the option of supplying system load data for certain typical days and certifying that the complete data would be made available upon request.

¹⁴ In the last few years a number of states have ordered jurisdictional utilities to perform load research studies for specific purposes. A number of exemptions from this section of the Part 290 regulations have been based on accepting a state-imposed report instead.

practical matter, separate jurisdictional reporting has not been needed. A number of instances raising this question have come to the Commission's attention through the exemption process, and in all cases the requirement for separate reporting has been waived, for good reason, and with the concurrence of the retail regulatory authorities involved. There appears to be no reason to continue to include the requirement.

Second, the regulations (§ 290.403(b)) will be modified to make clear that the accuracy specification for sample metering is to be interpreted as a target or guideline to be used in the design of the sampling procedure, and not as a criteria for the acceptability of the data. The reason for this is that sample metering is a statistical procedure in which the accuracy of the results can not be assured in advance. Load research practice in the industry reflects this and it is the Commission's intention to state its requirement in this area so as to be in accord with such practice.

Third, the requirement for a sampling plan (§ 290.403(c)) will be eliminated. To the Commission's knowledge, no use has been made of this information. Now that the regulations have been in place for two reporting periods, it appears superfluous to require a utility to report its sampling plan.

Fourth, the requirement for reporting load data for end-use classes (§ 290.40(d)) will be eliminated. It appears that there has been very little interest in these data, and at the same time, the requirement has been confusing and cumbersome for respondents.

Each of the above-mentioned modifications would reduce the reporting burden on the utilities without significantly impairing the usefulness of the reports. In addition to the above modifications, the Commission is proposing to exempt all utilities from reporting load data for certain rate classes. The exemption would relieve utilities from reporting load data for any rate class that accounts for less than five percent of the utility's demand at the time of the monthly peak for every month. The Commission believes that it is unlikely that any issues in retail rates policy are going to arise out of classes that constitute less than five percent of a utility's demand. If demand data are not available, the exemption would apply to any rate class that accounts for less than five percent of the utility's retail electric energy sales for every month. Again, since this change would involve an exemption, utilities must show in their comments to this proposal why gathering the information covered by the

exemption is not likely to carry out the purposes of section 133.

8. Modification of the Time of Filing. In response to its NOI, the Commission received a number of comments that express concern that, because of the current schedule of filing times, the cost information is not sufficiently current to be useful in retail rate proceedings. The Commission is considering amending Part 290 to include optional filing times that may be used to correct this inefficiency. Specifically, regulated utilities would be given the option of filing the cost information at the time an application is filed with a retail regulatory authority for a general rate increase, or a rate increase affecting two or more large rate classes, as defined in § 290.404(a). The Commission would allow non-regulated utilities a similar option. In those instances, the optional filing time would coincide with the time a general rate increase is proposed to the utility's governing agency.

The reporting period for these optional filing times would be the same period as normally used by a utility to support a proposed rate increase before the retail regulatory authority or governing agency. If the retail regulatory authority or governing agency does not require, and the utility does not use, a specified reporting period, the reporting period under this option would be defined in a similar manner to the present regulation (§ 290.103(b)). In addition, a state regulatory authority would be permitted, with respect to any utility over which it has rate approval authority, to specify a modified filing date and reporting period to correspond to existing state regulations.

The Commission believes that this amendment, together with the optional reporting periods currently available under § 290.103(c), would give utilities the opportunity to avoid duplication between the filings required under Part 290 and similar information filed in support of retail rate increase proposals. Moreover, such an amendment would tend to promote the availability of cost information that is current at the time that retail rates are under active review.

9. Reduce Duplication. The comments to the NOI indicate that there is a good deal of duplication between filings under section 133 of PURPA and various other Commission and state reporting requirements. Among the Commission's reporting requirements, Part 290 and Form 1 seem to be the most duplicative. This duplication is limited to the accounting cost information required in Subpart B of Part 290 and in Form 1. State requirements, on the other hand, tend to be more or less duplicative of the entire section 133 filing. The

Commission is therefore proposing to reduce much of the duplication in both of these areas.

First, the Commission proposes to allow any utility that files Form 1 the option of either supplying the accounting cost information required by Subpart B or filing Form 1 with the appropriate state regulatory authority when the utility submits its section 133 filing. Those utilities that do not file Form 1 would continue to be required to supply the accounting cost information of Subpart B in the section 133 filing.

Second, in order to reduce the amount of duplication between state cost of service filing requirements and filings under Part 290, the Commission proposes to allow a utility to substitute the data filed with a state for the data required by Part 290, to the extent that the state and Part 290 require similar information. For instance, if a state has an existing requirement which is substantially similar to the load data requirement of Part 290, any utility regulated by that state would be allowed to file load data which complies with state regulations in lieu of the load data requirements of Part 290.

IV. Regulatory Flexibility Act Certification

Whenever the Commission publishes a general notice of proposed rulemaking, under section 553 of the Administrative Procedure Act (APA) (5 U.S.C. 553) it is required by the Regulatory Flexibility Act (RFA) (5 U.S.C. 601-612) to determine whether the proposed rule will, if promulgated, have a significant economic impact on a substantial number of small entities.

As elaborated above, the Commission is proposing to exempt all jurisdictional electric utilities from gathering and filing the information required by section 133 of PURPA and Part 290 of the Commission's regulations. The Commission is also proposing, as an alternative, certain modifications of Part 290 which would significantly reduce the reporting burden imposed by Part 290.

This proposal would not apply to any small entities. The entities which are currently subject to Part 290 of the regulations are electric utilities with annual retail sales in excess of 500 million kilowatt hours. See 16 U.S.C. 2612. Generally, this would mean annual revenues of at least \$25 million.¹⁵ The

¹⁵ For purposes of this discussion, the estimate of annual revenues is based on five cents per kilowatt hour. Most electric utilities charge between four and eight cents per kilowatt hour for retail electricity.

entities subject to the rule are not small entities under the RFA or under the SBA Small Business Size Standards. See 13 CFR 121.3-10(d)(1), 121.3-10(d)(11).

In addition, since this proposal would substantially reduce the reporting requirements of Part 290, the amount of money needed to prepare the biennial reports would be substantially reduced. For this reason, there is no significant economic impact on entities subject to the proposed changes.

Other entities which may incidentally make use of the Part 290 reports (such as intervenors and other persons) can obtain cost of service information from state rate filings and also through data requests made during a Commission hearing. The impact of the elimination or reduction of the Part 290 reports on these entities is unlikely to be significant.

Accordingly, pursuant to section 605(b) of the RFA, the Commission certifies that the rule will not, if promulgated, have a significant economic impact on a substantial number of small entities.

V. 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 60 days after publication in the *Federal Register*. Each person submitting a comment should indicate that the comments are being submitted in Docket No. RM83-9-000, 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); Public Utility Regulatory Policies Act, 16 U.S.C. 2601-45 (1978))

List of Subjects in 18 CFR Part 290

Electric utilities, Penalties, Reporting requirements, Uniform system of accounts.

In consideration of the foregoing, the Commission proposes to amend Chapter I, Title 18 Code of Federal Regulations as discussed above.

By direction of the Commission.

Kenneth F. Plumb,
Secretary.

[FR Doc. 83-2241 Filed 1-26-83; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 917

Public Comment and Opportunity for Public Hearing on Modified Portions of the Kentucky Permanent Regulatory Program

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Proposed rule.

SUMMARY: OSM is announcing procedures for the public comment period and for a public hearing on the substantive adequacy of certain program amendments submitted by the State of Kentucky as modifications to the Kentucky Permanent Regulatory Program (hereinafter referred to as the Kentucky program) under the Surface Mining Control and Reclamation Act of 1977 (SMRCA). These amendments are submitted (1) to partially satisfy conditions imposed by the Secretary of the Interior in the approval of the Kentucky program, and (2) as further modifications to the Kentucky program.

This notice sets forth the times and locations that the Kentucky program and proposed amendments are available for public inspection, the comment period during which interested persons may submit written comments on the proposed program elements, and the procedures that will be followed at the public hearing.

DATES: Written comments must be received on or before 4:00 p.m., February 28, 1983 to be considered.

A public hearing on the proposed modifications will be held on request only, on February 9, 1983, from 7:00 p.m. to 9:00 p.m., or until all comments have been heard.

Any person interested in making an oral or written presentation at the hearing should contact W. H. Tipton at the address and phone number listed below by the close of business four working days before the date of the hearing. If no one has contacted Mr. Tipton to express an interest in participating in the hearing by that date, the hearing will not be held. If only one person has so contacted Mr. Tipton, a public meeting, rather than a public hearing, may be held and the results of

the meeting included in the Administrative Record.

ADDRESSES: Written comments should be mailed or hand delivered to: W. H. Tipton, Director, Kentucky Field Office, Office of Surface Mining, 340 Legion Drive, Suite 28, Lexington, Ky. 40504.

The public hearing, if held, will be at the Harley Hotel, 2143 North Broadway, Lexington, Ky. 40505.

Copies of the Kentucky program, the proposed modifications to the program, a listing of any scheduled public meetings and all written comments received in response to this notice will be available for review at the OSM Kentucky Field Office and the Office of the State regulatory authority listed below, Monday through Friday, 8:00 a.m. to 4:00 p.m., excluding holidays.

Kentucky Field Office, Office of Surface Mining, 340 Legion Drive, Suite 28, Lexington, Ky. 40504.

Bureau of Surface Mining Reclamation and Enforcement, Capitol Plaza Tower, Third Floor, Frankfort, Ky. 40601.

FOR FURTHER INFORMATION CONTACT:

W. H. Tipton, Director, Kentucky Field Office, 340 Legion Drive, Suite 28, Lexington, Ky. 40505, Telephone: (606) 233-7320.

SUPPLEMENTARY INFORMATION:

On December 30, 1981, Kentucky resubmitted its proposed regulatory program to OSM. On April 13, 1982, following a review of the proposed program as outlined in 30 CFR Part 732, the Secretary approved the program subject to the correction of twelve minor deficiencies. The approval was effective upon publication of the notice of conditional approval in the May 18, 1982, *Federal Register* (47 FR 21404-21435).

Information pertinent to the general background, revisions, modifications, and amendments to the proposed permanent program submission, as well as the Secretary's findings, the disposition of comments and a detailed explanation of the conditions of approval of the Kentucky program can be found in the May 18, 1982 *Federal Register* notice (47 FR 21404-21435).

Deficiencies (d) and (i) of the Kentucky program for which the Secretary required correction as conditions of approval were as follows:

(d) Kentucky failed to specify what rules of civil procedure shall apply to hearings before the Kentucky Department for Natural Resources and Environmental Protection (DNREP).

(i) Unlike the Federal regulations, the Kentucky rules allow DNREP the discretion to exclude emergency

spillways from the design requirements for sedimentation ponds.

Submission of Material To Satisfy Conditions

In accepting the Secretary's approval, Kentucky agreed to correct deficiency (d) by submitting to the Secretary by December 31, 1982, copies of guidelines of civil procedures which are no less effective than those at 43 CFR 4 for use in administrative hearings. Kentucky further agreed to submit copies of promulgated regulations to provide for such civil procedures by October 31, 1983. Regarding deficiency (i), Kentucky agreed to submit, by October 31, 1983, copies of promulgated regulations or otherwise amend its program to provide standards acceptable to the Secretary for the design of sedimentation ponds without emergency spillways. On December 29, 1982, and January 7, 1983, Kentucky submitted material to OSM to partially satisfy these deficiencies as follows:

(d) Draft procedural regulations as guidelines, covering the areas of service of documents, discovery, and burden of proof in State administrative proceedings.

(i) Technical Reclamation Memorandum #7 of the DNREP, dated January 7, 1983, regarding the design of single spillway ponds with open spillways and no embankment. This document sets forth the design and construction criteria for such spillway ponds, and is intended to partially satisfy condition (i).

The Secretary seeks public comment on whether the material submitted partially satisfies these two conditions. If the program amendments are approved, conditions (d) and (i) in 30 CFR 917.11 will be modified accordingly.

Submission of Additional Program Amendments

On January 11, 1983, OSM received from the Commonwealth of Kentucky, pursuant to the 30 CFR 732.17 procedures, the following proposed revisions to the State program, which became effective by their own terms on January 8, 1983:

1. Revisions to 405 KAR 7:020 Section 1 (13) and (27), changing the names of the Department for Natural Resources and Environmental Protection and the Bureau of Surface Mining Reclamation and Enforcement to the Natural Resources and Environmental Protection Cabinet and the Department for Surface Mining Reclamation and Enforcement, respectively.

2. A revision to 405 KAR 7:020 Section 1(34), modifying the definition of "existing structure" to include only

those structures for which construction began prior to January 18, 1983.

3. The addition of a definition of "incidental boundary revision" at 405 KAR 7:020 Section 1(57) to specify under what circumstances an extension to a permit area would be allowed as a revision rather than as an amendment or new permit.

4. A revision to 405 KAR 12:010 Section 6, allowing any person the opportunity to request an inspection and to participate in enforcement actions of DNREP as provided in 405 KAR 12:030.

5. A revision to 405 KAR 16:060 Section 6(2)(c), allowing the recharge capacity of ground water to be increased or decreased, when warranted by actual conditions, if approved by the cabinet.

6. Revisions to 405 KAR 16:060 Section 9(2) and 18:060 Section 7(3) adding the words, "or settleable solids" (emphasis added), after, "total suspended solids." Kentucky states that these revisions are required because of recent changes to the U.S. Environmental Protection Agency's effluent limitations.

7. Revisions to 405 KAR 16:060 Section 11(1) and 18:060 Section 9(1) so that buffer zone requirements now apply to perennial and intermittent streams. Also, 405 KAR 18:060 Section 1(3) and 18:060 Section 9(3), which define a "biologic community", have been deleted.

8. Revision to 405 KAR 16:090 Section 2 and 18:090 Section 2 to delete the specific numerical design standard for sediment storage volume and to replace it with a site-specific standard.

9. Revisions to 405 KAR 16:090 Section 5(5) and 18:090 Section 5(5) to provide for ponds designed with a single spillway rather than ponds designed with a principal spillway, but no emergency spillway.

10. Revisions to 405 KAR 16:110 Section 2(2) and 18:110 Section 2(2) to delete the requirement that monitoring for water discharges be continued for such period as is necessary to demonstrate achievement of the postmining land use.

11. Revisions to 405 KAR 16:130 Section 2(2) and 18:130 Section 2(2) to include the requirement that alternate materials to be used in underdrains be nondegradable and non-acid or toxic forming.

12. Revisions to 405 KAR 16:140 Section 3(2) and 18:140 Section 3(2) to allow flexibility in the method for water diversion for coal waste banks during construction by means of the approval of designs for temporary diversions utilized during the construction phase.

13. Revisions to 405 KAR 16:220 Section 4 and 18:230 Section 4 to require

bridge and approach fills to pass the 100-year flood event or, where appropriate, the 100-year, 24-hour precipitation event.

14. A revision to 405 KAR 24:030 Section 3, regarding designation of lands unsuitable for surface coal mining, to add the following sentence: "A petition shall be deemed incomplete if the department finds the petition does not contain all information required by 405 KAR 24:020, Sections 3 and 4."

The Secretary seeks public comment on these proposed amendments to the Kentucky program. If these amendments are approved, they will become part of the Kentucky program.

Additional Information

Pursuant to Section 702(d) of SMCRA, 30 U.S.C. 1292(d), no Environmental Impact Statement need be prepared on this proposed rule. On August 28, 1981, the Office of Management and Budget (OMB) granted OSM exemption from Sections 3, 4, 6 and 8 of Executive Order 12291 for all actions taken to approve or conditionally approve State regulatory programs, actions or amendments. Therefore, these proposed program amendments are exempt from the preparation of a Regulatory Impact Analysis and regulatory review by OMB.

Pursuant to the Regulatory Flexibility Act, Pub. L. 96-354, I certify that this rule will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 30 CFR Part 917

Coal mining, Intergovernmental relations, Surface mining, Underground mining.

Dated: January 21, 1983.

J. Steven Griles,
Acting Director, Office of Surface Mining.

[FR Doc. 83-2311 Filed 1-26-83; 8:45 am]

BILLING CODE 4310-05-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 110

[CGD 8-82-09]

Anchorage Regulations—Mississippi River Below Baton Rouge, Louisiana, Including South and Southwest Passes, Size Limitations

AGENCY: Coast Guard, DOT.

ACTION: Withdrawal of advance notice of proposed rulemaking.

SUMMARY: This notice withdraws an advance notice of proposed rulemaking (ANPR) regarding the limitation of vessels by size in the General and Quarantine Anchorages in the Port of New Orleans on the Lower Mississippi River. The Coast Guard is withdrawing ANPR because the comments have indicated that vessels weather vaning into the navigable channel in New Orleans Harbor was not a problem. Establishing a size limitation on vessels would have a negative financial impact on the Port of New Orleans.

FOR FURTHER INFORMATION CONTACT: LCDR R. E. FORD (504) 589-7117, Port Safety Officer, Captain of the Port, New Orleans, LA, U.S. Coast Guard, 4640 Urquhart Street, New Orleans, LA 70117, Tel: (504) 589-7118.

SUPPLEMENTARY INFORMATION: There was concern on the part of the Coast Guard that during periods of slack water on the Lower Mississippi River, the wind would force larger vessels to weather vane into the channel in New Orleans Harbor and cause a hazard to navigation. Because of this the Coast Guard solicited comments and suggestions in an ANPRM published in FR 15145 dated Thursday, April 8, 1982 (CGD 08-82-09). The Coast Guard was interested in whether or not there was a problem, and if a problem did exist, whether or not vessel size limitations were a potential solution.

A total of four comments were received. The comments indicated that vessels weather vaning into the navigable channel was not a problem. The commentators also indicated that a size limitation would have a negative financial impact on the Port of New Orleans. Because of the comments the Coast Guard has determined that a regulation regarding size limitations is not needed and would not be in the public interest at this time. Accordingly the advance notice of proposed rulemaking is withdrawn.

Drafting Information

The principal persons involved in drafting this notice are LT. M. W. BROWN, c/o Commander, Eighth Coast Guard District (mps) and LT J. C. HELFRICH, Project Counsel, c/o Commander, Eighth Coast Guard District (dl), 500 Camp St., New Orleans, Louisiana 70130, (504) 589-6901.

Dated: January 7, 1983.

W. H. Stewart,

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

[FR Doc. 83-1973 Filed 1-26-83; 8:45 am]

BILLING CODE 4910-14-M

33 CFR Part 117

[CGD13 83-03]

Drawbridge Operation Regulations; Cowlitz and Lewis Rivers, Washington

AGENCY: Coast Guard, DOT.

ACTION: Proposed rule.

SUMMARY: At the request of the Burlington Northern Railroad Company, the Coast Guard will consider changing the regulations governing the railroad drawbridge across the Cowlitz River, mile 1.5, at Kelso, Washington, by requiring 24-hour advance notice for openings. Also, with the concurrence of the City of Kelso, the Coast Guard will consider changing the regulations governing the City of Kelso's Allen Street highway bridge across the Cowlitz River, mile 5.5, at Kelso, Washington, by requiring 24-hour advance notice for openings. These proposals are being made because of a decrease in the level of vessel activity on the waterway and to provide consistent operating regulations for bridges across this reach of the Cowlitz River. This action should relieve the Burlington Northern Railroad Company of the burden of having a person constantly available to open the draw. Also, the action should provide for consistency in the advance notice requirements for the Burlington Northern Railroad Company bridge and City of Kelso's Allen Street bridge, while still providing for the reasonable needs of navigation.

DATE: Comments must be received on or before March 14, 1983.

ADDRESS: Comments should be submitted to and are available for examination from 8:00 a.m. to 4:30 p.m., Monday through Friday, except holidays, at the office of the Commander (oan), Thirteenth Coast Guard District, 915 Second Avenue, Seattle, Washington 98174. Comments may also be hand-delivered to this address.

FOR FURTHER INFORMATION CONTACT: John E. Mikesell, Chief, Bridge Section, Aids to Navigation Branch, Thirteenth Coast Guard District, 915 Second Avenue, Seattle, Washington 98174 (Telephone: (206) 442-5864).

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in the proposed rule making by submitting written views, comments, data or arguments. Persons submitting comments should include their name and address, identify the bridge, and give reasons for concurrence with or any recommended change in the proposal. Persons desiring acknowledgment that their comments have been received

should enclose a stamped, self-addressed postcard or envelope.

The Commander, Thirteenth Coast Guard District, will evaluate all communications received and determine a course of final action on the proposal. The proposed regulations may be changed in the light of comments received.

Drafting Information

The principal persons involved in drafting this proposal are: Commander Richard E. Cunningham, Bridge Section, Aids to Navigation Branch, Thirteenth Coast Guard District; and Lieutenant Commander D. Gary Beck, Project Attorney, Thirteenth Coast Guard District.

Discussion of the Proposed Regulations

The Burlington Northern Railroad Company bridge across the Cowlitz River, mile 1.5, at Kelso, Washington, was constructed in 1934 to replace a previous bridge at the same location which had been partially destroyed by a flood. In the past the waterway was used extensively for log towing and for tug and barge operations. On May 18, 1980 the volcanic eruption of nearby Mt. St. Helens resulted in a gigantic mudflow down the Toutle River and into the Cowlitz and Columbia Rivers. The mudflow substantially blocked the navigation channels in the Cowlitz River downstream from the mouth of the Toutle, and the Columbia River at the mouth of the Cowlitz. Subsequent dredging by the U.S. Army Corps of Engineers restored the channel in the Columbia, but only partially restored the channel in the Cowlitz. The Corps of Engineers indicates that because of funding constraints the Cowlitz channel will not be maintained until the Mt. St. Helens situation has stabilized. The Cowlitz is presently only navigated by small craft that do not require bridge openings. Under existing regulations, the Burlington Northern Railroad Company bridge is required to open on signal for the passage of vessels. The proposed change would require that vessels desiring openings of the Burlington Northern Railroad Company bridge provide at least 24 hours advance notice. Existing regulations also require that opening requests for the City of Kelso highway bridge at Allen Street across the Cowlitz River, mile 5.5, at Kelso, be made at least two hours in advance. In order to provide consistency in the operating regulations for bridges across this reach of the Cowlitz River, the proposed change also would require that vessels desiring openings of the City of Kelso highway bridge at Allen

Street provide at least 24 hours advance notice.

The proposal would allow both the City of Kelso and the Burlington Northern Railroad Company, to maintain the bridges in the closed position without a drawtender in attendance unless required by advance notice. This would result in savings of operating costs to the bridge owners and would not unreasonably affect the limited navigation on the waterway.

Other than the City of Kelso and the Burlington Northern Railroad Company, there are no known businesses, including small entities, that would be affected by the proposed change. There are only minimal economic impacts on navigation or other interests. Therefore, an economic evaluation has not been prepared for this action. The bridge owners would benefit because they would be able to reduce drawtender staffing levels for their bridges thereby effecting savings in operating costs.

Existing regulations incorrectly identify the railroad bridge across the Lewis River, mile 2.0, as a "Northern Pacific Railway Company" bridge. This has been corrected in the proposed change to read "Burlington Northern railroad bridge".

These proposed regulations have been reviewed under the provisions of Executive Order 12291 and have been determined not to be a major rule. In addition, these proposed regulations are considered to be nonsignificant in accordance with guidelines set out in the Policies and Procedures for Simplification, Analysis, and Review of Regulations (DOT Order 2100.5 of 5-22-80). As explained above, an economic evaluation has not been conducted. In accordance with § 605(b) of the Regulatory Flexibility act (94 Stat. 1164), it is also certified that these rules, if promulgated, would not have a significant economic impact on a substantial number of small entities.

List of Subjects in 33 CFR Part 117 Bridges.

In consideration of the foregoing, it is proposed that Part 117 of Title 33 of the Code of Federal Regulations be amended by revising § 117.765(b) (1) and (2), to read as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

§ 117.765 Cowlitz and Lewis Rivers,
Wash.; bridges.

(b) *Special regulations.*—(1) *The Burlington Northern railroad bridge across the Lewis River, mile 2.0, near Woodland, Washington.* The draw of

the bridge need not open for the passage of vessels and paragraph (a) of this section shall not apply to this bridge.

(2) *The Burlington Northern railroad bridge across the Cowlitz River, mile 1.5, at Kelso, Washington, and the City of Kelso highway bridge at Allen Street across the Cowlitz River, mile 5.5, at Kelso, Washington.*

(i) The draws of either bridge shall open on signal if at least 24-hours advance notice is given.

(ii) The owners of the bridges shall keep conspicuously posted on both the upstream and downstream sides of each bridge, in a manner that it can be easily read at any time, a summary of these regulations, together with a notice stating exactly how the drawtender or authorized representative of the owner may be reached by telephone or otherwise.

(iii) The operating machinery of the draws shall be maintained in a serviceable condition and the draws opened and closed at intervals frequent enough to make certain that the machinery is in proper order for satisfactory operation.

(33 U.S.C. 499; 49 U.S.C. 1655(g)(2); 49 CFR 1.40(c)(5); 33 CFR 1.05-1(g)(3))

Dated: January 13, 1983.

C. F. DeWolf,

Rear Admiral, U.S. Coast Guard Commander,
13th Coast Guard District.

[FR Doc. 83-2284 Filed 1-26-83; 8:45 am]

BILLING CODE 4910-14-M

33 CFR Part 117

[CGD3 82-016]

Drawbridge Operation Regulations; Oceanport Creek, New Jersey

AGENCY: Coast Guard, DOT.

ACTION: Proposed rule.

SUMMARY: At the request of the New Jersey Transit Corporation and the Consolidated Rail Corporation, the Coast Guard is considering a change to the regulations governing the Oceanport Creek drawbridge at Oceanport, New Jersey by permitting the draw to remain closed from September 15 through May 14 (24 hours per day) and from May 15 through September 14 from 9 p.m. to 5 a.m. It is also proposed that the bridge not be required to open during commuter rush hours. Exceptions shall be made for vessels with tows and federal, state and local agency vessels at all times. This proposal is being made because minimal openings have been requested from May 15 through September 14 between 9 p.m. to 5 a.m., and few if any openings are normally

requested between September 15 and May 14. This action should relieve the bridge owner of the burden of having a person on call for drawbridge openings, and should still provide for the reasonable needs of navigation.

DATE: Comments must be received on or before March 14, 1983.

ADDRESS: Comments should be submitted to and are available for examination from 9 a.m. to 3 p.m. Monday through Friday, except holidays, at the office of the Commander (oan-br), Third Coast Guard District, Bldg. 135A, Governors Island, NY 10004. Comments may also be hand-delivered to this address.

FOR FURTHER INFORMATION CONTACT: William C. Heming, Bridge Administrator, Third Coast Guard District, (212) 668-7994.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this proposed rulemaking by submitting written: Views, comments, data or arguments. Persons submitting comments should include their name and address, identify the bridge, and give reasons for concurrence with or for any recommended change in the proposal. Persons desiring acknowledgment that their comments have been received should enclose a stamped, self-addressed postcard or envelope.

The Commander, Third Coast Guard District, will evaluate all communications received and determine a final course of action on this proposal. The proposed regulations may be changed in light of comments received.

Drafting Information

The drafters of this notice are Richard A. Gomez, project manager and LCDR Frank E. Couper, project attorney.

Discussion of the Proposed Regulations

The Oceanport Creek drawbridge provides access across Oceanport Creek for railroad traffic traveling between Monmouth County, and Newark, New Jersey. This drawbridge provides a vertical clearance of four feet above mean high water while in the closed position. In 1967 the bridge owner was authorized to operate the draw on a four hour advance notice basis throughout the year. Between 1967 and 1976, there was a decrease in requests for openings, and from 1976 to 1980 no openings were provided. Sometime prior to 1976 the railroad owners, without Coast Guard approval, removed the miter rails from the bridge and installed fixed rails, thus removing capability of the bridge to open. To meet the present and future

needs of navigation, New Jersey Transit and Conrail are restoring the bridge to full operation but have requested implementation of the proposed regulations. No economic evaluation has been performed because, based on preliminary meetings with mariners, the proposed regulations will meet the needs of navigation.

Economic Assessment and Certification

These proposed regulations have been reviewed under the provisions of Executive Order 12291 and have been determined not to be a major rule. In addition, these proposed regulations are considered to be nonsignificant in accordance with guidelines set out in the Policies and Procedures for Simplification, Analysis, and Review of Regulations (DOT Order 2100.5 of 5-22-80). As explained above, an economic evaluation has not been conducted since its impact is expected to be minimal. In accordance with section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 605(b)), it is certified that these rules, if promulgated, would not have a significant economic impact on a substantial number of small entities, because waterway users will be accommodated.

List of Subjects in 33 CFR Part 117

Bridges.

Proposed Regulations

In consideration of the foregoing, the Coast Guard proposes to amend Part 117 of Title 33, Code of Federal Regulations, by revising § 117.225(f)(7) to read as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

§ 117.225 Navigable waters in the State of New Jersey; bridges where constant attendance of drawtenders is not required.

• • • • •

(f) • • • • •
(7) Oceanport Creek; the New Jersey Transit Corporation bridge, mile 8.4 near Oceanport. The bridge shall open on signal from May 15 through September 15 from 5 a.m. to 9 p.m., except, from 6:00 a.m. to 7:45 a.m. and 5:30 p.m. to 7:30 p.m. the draw need not open except for the passage of a public vessel of the U.S. or a vessel with a tow. The draw need not open at any time from September 15 through May 14, and between 9 p.m. and 5 a.m. from May 15 through September 14.

(33 U.S.C. 499; 49 U.S.C. 1855(g)(2); 49 CFR 1.46(c)(5); 33 CFR 1.05-1(g)(3))

Dated: January 10, 1983.

W. E. Caldwell,
Vice Admiral, U.S. Coast Guard, Commander
Third Coast Guard District.

[FR Doc. 83-2265 Filed 1-26-83; 8:45 am]

BILLING CODE 4910-14-M

33 CFR Part 165

[COTP Hampton Roads, VA REG 83-01]

Safety Zone Regulations; Elizabeth River, Norfolk, Virginia

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard is considering a proposal to permanently establish a moving safety zone in the Elizabeth River, Norfolk, Virginia to be effective whenever a naval aircraft carrier transits the river either to or from the Norfolk Naval Shipyard, Portsmouth, Virginia. The circumstances creating the need for this action are the restricted nature of the Elizabeth River and the reduced amount of maneuverability of aircraft carriers which, in turn, pose a threat to other watercraft in the area. Excluding vessels moored prior to transit and which remain so moored, waterborne traffic will be prohibited from entering or remaining in the safety zone when in effect.

DATE: Comments must be received on or before March 14, 1983.

ADDRESSES: Comments should be mailed to Commanding Officer, Coast Guard Marine Safety Office, Hampton Roads, Norfolk Federal Building, 200 Granby Mall, Norfolk, Virginia 23510. The comments will be available for inspection and copying at Coast Guard Marine Safety Office, Hampton Roads, Seventh Floor, Norfolk Federal Building, 200 Grandby Mall, Norfolk, Virginia 23510. Normal working hours are between 7:30 a.m. and 4:00 p.m., Monday through Friday, except holidays. Comments may also be hand delivered to this address.

FOR FURTHER INFORMATION CONTACT: Lieutenant Commander W. K. SIX, Chief, Port Operations Department, Coast Guard Marine Safety Office, Hampton Roads, Norfolk, Virginia 23510 (804) 441-3296.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this rule making by submitting written views, data, or arguments. Persons submitting comments should include their names and addresses, identify this notice (COTP Hampton Roads, VA REG 83-01) and the specific section of the proposal to which their comments apply, and give

reasons for each comment. Receipt of comments will be acknowledged if a stamped self-addressed postcard or envelope is enclosed.

The rules may be changed in light of comments received. All comments received before the expiration of the comment period will be considered before final action is taken on this proposal. No public hearing is planned, but one may be held if written requests for a hearing are received and it is determined that the opportunity to make oral presentations will aid the rule making process.

Drafting Information

The drafters of this notice are Lieutenant Commander W. K. SIX, project officer, Coast Guard Marine Safety Office, Hampton Roads, and Commander D. J. Kentor, project attorney, Fifth Coast Guard District Legal Office.

Discussion of Proposed Regulation

To prevent possible damage to watercraft and possible injury to their occupants during the transit, no watercraft will be permitted to remain in, enter, moor in, anchor in, or transit this safety zone unless specifically authorized by the Captain of the Port, Hampton Roads, Virginia. Vessels moored at waterfront facilities within the safety zone shall remain moored until the carrier movement has passed. U.S. Coast Guard patrol vessels will be on scene to enforce the safety zone monitoring VHF-FM channels 13 and 16. This action is necessary due to the hazards involved in moving an aircraft carrier through a restricted waterway such as the Elizabeth River. During movement these vessels will have a reduced amount of maneuverability due to the slow speed at which they must proceed in order to safely transit. This rule is in response to a request by the U.S. Navy for Coast Guard assistance in providing traffic control and vessel escorts for the movement of these vessels. This action is designed to prevent damage to watercraft and injury to their occupants in the event of a collision with these vessels and will accomplish this end by preventing all such traffic from closing within 500 yards of the transiting vessel.

Economic Assessment and Certification

This proposed regulation is considered to be nonsignificant in accordance with DOT Policies and procedures for Simplification, Analysis, and Review of Regulations (DOT Order 2100.5). Its economic impact is expected to be minimal since the safety zone will

be implemented on an average of only ten to twelve times per year and will generally only be in effect for a few hours each time. Further, the safety zone is a moving zone around the transiting vessel, and will not significantly impede the movement of other vessels. Based upon this assessment it is certified in accordance with section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 605(b)) that this regulation, if promulgated, will not have a significant economic impact on a substantial number of small entities. Also, the regulation has been reviewed in accordance with Executive Order 12291 of February 17, 1981, on Federal Regulations and has been determined not to be a major rule under the terms of that order.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety navigation—water, Security measures, Vessels, Waterways.

Proposed Regulation

PART 165—[AMENDED]

In consideration of the foregoing, the Coast Guard proposes to amend Part 165 of Title 33, Code of Federal Regulations, by adding § 165.511 to read as follows:

§ 165.511 Elizabeth River, Norfolk, Virginia.

(a) The water and waterfront facilities located within the following boundaries are a safety zone when a naval aircraft carrier is transiting the Elizabeth River to or from the Norfolk Naval Shipyard, Portsmouth, Virginia: a circle with a radius of 500 yards with the transiting vessel as its center.

(b) The Coast Guard Marine Safety Office will notify the maritime community of periods which this safety zone will be effective through Notice to Mariners and other normal means of notification.

(33 U.S.C. 1225 and 1231; 49 CFR 1.46(n)(4); and 33 CFR 165.3)

Dated: January 13, 1983.

J. D. Webb,

Captain, U.S. Coast Guard, Captain of the Port, Hampton Roads, U.S. Coast Guard.

[FR Doc. 83-2282 Filed 1-26-83; 8:45 am]

BILLING CODE 4910-14-M

PANAMA CANAL COMMISSION

35 CFR Part 133

Tolls for Use of Canal; Proposed Revision

AGENCY: Panama Canal Commission.

ACTION: Proposed Rule; recommendation to the President.

SUMMARY: The Panama Canal Commission proposes that the rates of tolls for use of the Panama Canal be increased by approximately 9.8%. The Commission recommends that the President approve the 9.8% increase, to become effective as soon as practicable after March 1, 1983. Since November 1982, the Panama Canal has experienced a significant loss of tolls revenue as a result of the diversion of Alaskan North Slope oil traffic from the Canal route to a trans-Panama oil pipeline. The recommended increase is necessary to comply with the requirements of law that tolls be set to produce revenues to cover as nearly as practicable all costs of maintaining and operating the Panama Canal, including capital for plant replacement and improvements.

Proposed Effective Date: As soon as practicable after March 1, 1983.

FOR FURTHER INFORMATION CONTACT: Michael Rhode, Jr., Secretary, Panama Canal Commission, Room 312, Pennsylvania Building, 425 13th Street, NW., Washington, D.C. 20004. Telephone (202) 724-0104.

SUPPLEMENTARY INFORMATION: Section 1602(b) of the Panama Canal Act of 1979, Pub. L. 96-70, 93 Stat. 489, requires that Canal tolls be prescribed at rates calculated to produce revenues to cover, as nearly as practicable, all costs of maintaining and operating the Panama Canal and the facilities and appurtenances related thereto, and capital for plant replacement, expansion and improvements. The rates of tolls for use of the Panama Canal were last increased on October 1, 1979. That increase, which averaged 29.3%, was required in order to compensate for the added cost imposed on Canal operations by the new treaty with the Republic of Panama. The rates placed in effect at that time have proven adequate to provide, in the aggregate, sufficient revenues to cover all operating and capital costs of the Canal for fiscal years 1980 through 1982.

In fiscal year 1983, however, the canal began experiencing a substantial loss in toll revenues resulting from the diversion of Alaskan North Slope oil shipments from the Canal to a trans-Panama oil pipeline. In anticipation of the pending loss of this important segment of Canal revenues, the Commission management has taken action over the past thirty months to minimize costs and increase productivity. These efforts have resulted in revised cost estimates for fiscal year 1983 which are significantly less than originally anticipated. Despite this

continuing and successful effort to reduce costs and increase efficiency, the loss of the North Slope oil trade revenues is so significant that, for the Canal to remain self-sufficient, a 9.8% toll rate increase is required beginning March 1, 1983.

Section 1604 of the Panama Canal Act of 1979, Pub. L. 96-70, 93 Stat. 490, establishes the procedures that the Panama Canal Commission must follow in proposing a toll rate increase. Those procedures have been supplemented by regulations codified in 35 CFR Part 70. The statute and regulation require that advance notice of the proposed change in rates of tolls be published in the Federal Register. A written analysis is also made available to the public showing the basis and justification for the change. Interested parties are then afforded the opportunity to submit written data, views or arguments and to participate in a public hearing. After consideration of all relevant information, the Canal Commission's final recommendation is published in the Federal Register and is forwarded, along with a complete record of the proceedings, to the President for his consideration. In considering the proposal, the President may approve, disapprove or modify the recommendation of the Commission. The final rule, approved and published by the President, will be effective no earlier than 30 days from the date of publication in the Federal Register.

On April 16, 1982, an advance notice of proposed rulemaking was published in the Federal Register (47 FR 16360) recommending a 9.8% increase in the rates of Canal tolls, to become effective at the beginning of Fiscal Year 1983. At that time a written analysis showing the basis and justification for the proposed toll increase was made available to interested parties. Written comments were solicited and received from the public and a hearing was held in New York on June 2, 1982. The views presented by interested parties, as well as other relevant information, were considered by the nine-member Commission Board at its quarterly meeting of July 1982. The Board decided to defer the toll increase while awaiting more definite information on the completion and impact of the trans-Panama oil pipeline, as well as information on other matters affecting costs and revenues during 1983. On January 26, 1983, after considering the actual impact of the trans-Panama pipeline on Canal revenues and reviewing other pertinent data, the Board voted to recommend to the President that the proposed 9.8%

increase be implemented as soon as practicable after March 1, 1983. A complete record of the proceedings since initiation of the tolls proposal, including the data, views and arguments submitted by interested parties, has been forwarded to the President with the Commission's recommendation. The President is authorized to issue the final rule concerning this proposal.

This proposed rule does not constitute a "major rule" as defined in Section 1(b) of Executive Order 12291, dated February 17, 1981. Analysis of the proposed toll increase indicates that it will not (1) have an annual effect on the economy of \$100 million or more; (2) cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions, or (3) have a significant adverse effect 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.

An assessment of the environmental effect of the proposed increase in the rates of tolls concludes that the proposed increase will not have a significant effect on the quality of the human environment. An environmental impact statement is not required under the National Environmental Policy Act of 1969. Furthermore, the Regulatory Flexibility Act is inapplicable since this regulation is one relating to "rates" or "practices relating" thereto [5 U.S.C. 601(2)].

List of Subjects in 35 CFR Part 133

Panama Canal, Vessels.

Accordingly, it is proposed that 35 CFR 133.1 be amended to read as follows:

§ 133.1 Rates of toll.

The following rates of toll shall be paid by vessels using the Panama Canal:

(a) On merchant vessels, yachts, army and navy transports, colliers hospital ships, and supply ships, when carrying passengers or cargo, \$1.83 per net vessel ton of 100 cubic feet each of actual earning capacity—that is, the net tonnage determined in accordance with Part 135 of this chapter.

(b) On vessels in ballast without passengers or cargo, \$1.46 per net vessel ton.

(c) On other floating craft including warships, other than transports, colliers, hospital ships, and supply ships, \$1.02 per ton of displacement.

Dated: January 26, 1983.

Michael Rhode, Jr.,

Secretary.

[FR Doc. 83-2329 Filed 1-26-83; 8:45 am]

BILLING CODE 3640-01-M

POSTAL RATE COMMISSION

39 CFR Part 3001

[Docket No. RM83-6; Order No. 479]

Order Granting Postal Service Motion for Hearing and Establishing a Service List

Issued January 21, 1983

AGENCY: Postal Rate Commission.

ACTION: Order Establishing Service List and Conditionally Granting Postal Service Motion for Hearing.

SUMMARY: The Commission proposed amendments to section 54 of our rules of practice in its October 25, 1982, Notice of Proposed Rulemaking (47 FR 49667, November 2, 1982). In a companion order in Docket No. RM83-2, we have adopted those proposed amendments, with the exception of proposed section 54(h)(10). That proposed rule would require the Postal Service to include in its formal requests for changes in rates, supplemental cost segment presentations consistent with methodological precedent, if the Postal Service advocates departing from precedent. In this Order, the Commission conditionally grants, in a separate docket, the Postal Service's motion for a "legislative-type" hearing on the costs and benefits of proposed section 54(h)(10).

DATE: Direct testimony must be filed on or before February 8, 1983.

ADDRESS: Responses to this Order should be sent to David F. Harris, Secretary of the Commission, 2000 L St., NW., Washington, D.C. 20268 (telephone: [202] 254-3880).

FOR FURTHER INFORMATION CONTACT: David F. Stover, General Counsel, 2000 L Street, NW., Washington, D.C. 20268 (telephone: [202] 254-3824).

SUPPLEMENTARY INFORMATION: On October 25, 1982, the Commission issued a Notice of Proposed Rulemaking, proposing to amend section 54 of its rules of practice. Section 54 describes the data the Postal Service must submit with a requested change in postal rates or classifications. The principal effect of these proposed amendments would be to advance the point in the hearing process at which certain cost data must be provided by the Postal Service.

Among those proposed amendments was proposed section 54(h)(10). If the

Postal Service proposes to apply a method of analyzing cost causality to a particular cost segment that departs from the method recommended by the Commission in its most recent section 3624 proceeding, proposed section 54(h)(10) would require the Postal Service to include with its formal request, supplemental cost segment data that is consistent with the method that was recommended by the Commission. In its supplemental cost segment presentations, the Postal Service would be required to provide updated numerical data for the particular cost segments affected, in a format that is consistent with the analytical method most recently recommended by the Commission. Because it would be applying the same method, and employ the same discretionary judgments that were previously approved by the Commission, it would not be required to exercise a significant degree of judgmental discretion in preparing its supplemental cost segment presentations. Because it would remain free to disclaim those methods and judgments, it would not be required to adopt a litigating position that it does not advocate.

In Docket No. RM83-2 the Postal Service alleged that proposed section 54(h)(10) would result in additional expenses for maintaining parallel data collection systems of \$60 to \$120 million. The Postal Service declined to substantiate this allegation in its initial comments, reply comments, and in its response to the Commission's Notice of Inquiry, which specifically requested such substantiation. Instead it requested that a "legislative-type hearing" be held for this purpose,¹ as well as to demonstrate "that the Postal Service's systems and procedures for data collection and costing must reflect the changing nature of the Postal Service and the environment in which it operates."²

The Commission had hoped to avoid a time-consuming hearing process by issuing the Notice of Inquiry. But the Postal Service's comments in response to the Notice of Inquiry do not provide a basis for evaluating the Service's claims of undue burden with respect to the proposed section 54(h)(10). They do not contain an analysis of the specific language of the proposed requirement, nor do they provide concrete

¹ Motion for a Hearing and Preliminary Comments of the United States Postal Service, November 29, 1982, p. 5; Reply Comments of United States Postal Service, December 22, 1982, p. 11; Initial Comments of the United States Postal Service on the Notice of Inquiry, December 16, 1982, p. 11.

² November 29 Comments at 5.

substantiation of the claim that complying with it could cost the Postal Service \$60 million or more per year.

The Postal Service does not indicate what it has in mind when it requests "legislative-type hearings." If the Postal Service has extensive and detailed claims with respect to the burden of complying with proposed section 54(h)(10), we would have been pleased to receive them in a written showing in its response to our Notice of Inquiry, or any of its other pleadings requesting a hearing. Then, if it had appeared from such showing that the Postal Service's burden estimate were based in substantial measure upon specific, controvertible allegations of fact, we would be in a position to decide whether "live" hearings, that is, hearings in which evidence is taken and responded to orally, are needed.

Since a showing sufficient to evaluate the need for live hearings has not yet been made, we will conditionally grant the Postal Service's motion, provide the Postal Service with an opportunity to file the equivalent of direct testimony supporting its estimate of the burden of complying with proposed section 54(h)(10), and then determine what, and what form, of additional inquiry might be necessary to fully evaluate the Postal Service's evidence. If oral proceedings prove warranted, the Commission, at present, anticipates conducting them as a House or Senate committee would—that is, participants would present prepared testimony and Commissioners or staff would ask oral or written questions.

The Postal Service's testimony need not be sworn, initially, but should be capable of being affirmed under oath if that should later be deemed necessary. It should be complete, both as to the facts and the arguments upon which the Postal Service wishes to rely. It should analyze the specific language of proposed section 54(h)(10), and the desirability of making it subject to current section 54(a)(2). It should set forth explicitly all the assumptions underlying its estimated burden of complying with the proposed rule. It should also identify the categories of data which, in the Postal Service's understanding, it would have to provide under the proposed rule that it has not provided in past formal proceedings, or would not be obligated to provide in future formal proceedings absent the proposed rule. It should, in addition, comment on the desirability of allowing a waiver of the requirements of the rule to be sought through informal rulemaking proceedings, as described in

the Commission's Notice of Proposed Rulemaking in Docket RM83-2.

The main purpose of these further proceedings involving proposed section 54(h)(10) is to evaluate the Postal Service's allegation that it would have to maintain dual collection systems in order to comply with it. Accordingly, if the Postal Service alleges that a basic data-collection form that provided a basis for the Commission's findings of fact with respect to a particular cost segment in Docket No. R80-1 has since changed in a way that would require data to be collected by both the current form, and the superseded form, in order to comply with proposed section 54(h)(10), the Postal Service's presentation should include a copy of that form. The superseded, as well as the current form should be provided, unless the Postal Service cites the record of prior Commission dockets where the superseded form has already been supplied. The Postal Service's presentation should analyze the specific language in proposed section 54(h)(10) that it alleges requires this dual effort, and it should particularize the cost of that effort.

In addition to the Postal Service, other interested parties are invited to submit presentations addressing the issues described above. Such presentations shall be due on or before February 8, 1983.

It does not appear to us necessary that every intermediate document likely to issue in this docket need be published in the *Federal Register*, though any further or amended Notice, or Final Rule, would be. Rather, the Commission is establishing a service list for this docket consisting of parties who have previously filed comments in Docket No. RM83-2. Any other person desiring to be placed on the service list should file a request or petition pursuant to sections 19a, 19b, or 20 of the rules of practice [39 CFR sections 3001.19a, .19b, or .20]. Further filings in this docket by any party shall conform with sections 9-12 of the rules of practice [39 CFR 3001.9-.12].

The Commission orders:

(A) The motion of the Postal Service for a hearing, dated November 29, 1982, and renewed December 18 and 22, 1982, is conditionally granted.

(B) Prepared testimony shall be filed by the Postal Service and any other interested party, on or before February 8, 1983.

(C) Attachment A constitutes the service list for this proceeding. The Secretary shall maintain it pursuant to section 12(d) of the rules of practice [39 CFR 3001.12(d)].

List of Subjects in 39 CFR Part 3001

Rules of practice and procedure,
Content of formal requests.

By the Commission.

David F. Harris,
Secretary.

Attachment A—Service List

Docket No. RM83-2, Supplemental Cost
Segment, Presentations

Name and Representative

United States Postal Service—Frances G. Beck, Associate General Counsel, Office of Rate & Classification Law (Rate Division), U.S. Postal Service, 475 L'Enfant Plaza West SW., Room 9127, Washington, D.C. 20260-1100

American Newspaper Publishers Association—Jerry W. Friedhelm, Executive Vice President, American Newspaper Publishers Association, The Newspaper Center, Box 17407, Dulles International Airport, Washington, D.C. 20041

Council of Public Utility Mailers—Eugene E. Threadgill, Esquire, Connole and O'Connell, One Farragut Square South, Washington, D.C. 20006

Direct Mail/Marketing Association, Inc.—Dana T. Ackerly, Esquire, Covington & Burling, 1201 Pennsylvania Avenue NW., P.O. Box 7566, Washington, D.C. 20044

Dow Jones & Company, Inc.—George L. Mahoney, Esquire, Dow Jones & Company, Inc., P.O. Box 300, Princeton, New Jersey 08540

Meredith Corporation—William J. Potts, Jr., Esquire, Haley, Bader & Potts, Suite 600, 2000 M Street NW., Washington, D.C. 20036

Magazine Publishers Association—David Minton, Esquire, Loomis, Owen, Fellman & Howe, 2020 K Street NW., Washington, D.C. 20006

Newsweek, Inc.—Edward Berlin, Esquire, Swidler, Berlin & Strelow, Chartered, 1000 Thomas Jefferson Street NW., Suite 500, Washington, D.C. 20006 and Diana Daniels, Vice President, Newsweek, Inc., 444 Madison Avenue, New York, New York 10022

Third Class Mail Association—J. Edward Day, Esquire, Ann J. LaFrance, Esquire, Squire, Sanders & Dempsey, 1201 Pennsylvania Avenue NW., Washington, D.C. 20004

Time Incorporated—John M. Burzio, Esquire, Hydeman, Mason, Burzio & Lloyd, 1220-19th Street NW., Washington, D.C. 20036

United Parcel Service—Robert L. Kendall, Jr., Esquire, John E. McKeever, Esquire, Schnader, Harrison, Segal & Lewis, 1719 Packard Building, Philadelphia, Pennsylvania 19102

Officer of the Commission, Postal Rate Commission—Stephen A. Gold, Esquire, Officer of the Commission, Postal Rate Commission, 2000 L Street NW., Suite 500, Washington, D.C. 20268.

[FR Doc. 83-2257 Filed 1-26-83; 8:45 am]

BILLING CODE 7715-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-10-FRL 2243-5]

Approval and Promulgation of State Implementation Plan; Alaska

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rulemaking.

SUMMARY: The purpose of this notice is to invite public comment on EPA's proposal to approve revisions to the Alaska State Implementation Plan (SIP) submitted on January 18, 1980; February 29, 1980; and September 29, 1982. These revisions were submitted to satisfy the requirements of Sections 110 (Implementation Plans) and 123 (Stack Heights), Part C (Prevention of Significant Deterioration of Air Quality and Visibility Protection for Federal Class I Areas), and Part D (Plan Requirements for Nonattainment Areas) of the Clean Air Act (hereinafter the Act). This proposal covers all portions of these submittals except the attainment plans for Anchorage and Fairbanks. The 1982 revisions to the previously approved attainment plans for Anchorage and Fairbanks are being addressed in separate rulemakings. Approval of these revisions, together with the previously approved ambient monitoring plan and emergency episode plan, will result in an entirely new Alaska SIP which will allow the State to operate the Prevention of Significant Deterioration (PSD) program and will remove the Act's construction moratorium in the nonattainment areas.

DATE: Comments will be accepted until February 28, 1983.

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

Air Programs Branch, Environmental Protection Agency, Region 10, 1200 Sixth Avenue, Seattle, Washington 98101

State of Alaska, Department of Environmental Conservation, 3220 Hospital Drive, Juneau, Alaska 99811.

Comments should be addressed to: Laurie M. Kral, Air Programs Branch, M/S 532, Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101.

FOR FURTHER INFORMATION CONTACT: David C. Bray, Air Programs Branch, M/S 532, Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101, Telephone: (206) 442-1980, FTS: 399-1980.

SUPPLEMENTARY INFORMATION: EPA is today proposing to approve a number of revisions to the Alaska SIP which were submitted on January 18, 1980; February 29, 1980; and September 29, 1982. The primary effects of these proposed revisions are to add a PSD program, a nonattainment area permit program, a visibility protection program for Federal Class I areas, and provisions restricting the use of stack heights and dispersion techniques, and to revise the emission limitations for many existing, new, and modified sources. The following sections describe each of the three submittals and discuss the proposed revisions to the existing SIP.

I. Description of Submittal

The 1977 Amendments to the Clean Air Act required States to revise their SIPs to include, among other things, plans to attain the National Ambient Air Quality Standards (NAAQS) in areas which exceeded them. In conjunction with the development of these plans, the Alaska Department of Environmental Conservation (ADEC) took the opportunity to completely revise and restructure the Alaska SIP. On January 18, 1980, the Governor of Alaska submitted an entirely new SIP as a revision to the existing, EPA-approved SIP. This State Air Quality Control Plan contained all of the State and local control actions as well as all of the supporting material. The contents of the submittal are as follows:

Volume II. Analysis of Problems, Control Actions

Section I. Introduction

- A. Summary
- B. Air Quality Control Regions
- C. Attainment/Nonattainment Designations

Section II. Alaskan Air Quality Control Programs

- A. State Program
- B. Local Programs
- C. Resource Needs

Section III. Areawide Pollutant Control Efforts

- A. Carbon Monoxide
- B. Total Suspended Particulate Matter
- C. Ice Fog
- D. Open Burning-Forest Practices

Section IV. Point Source Control Efforts

- A. Summary
- B. Description of Source Categories and Pollutants
- C. Summary of Major Emitting Sources
- D. History of Alaskan Point Source Program
- E. Status of Non-Compliant Sources
- F. Local Program Enforcement
- G. New Source Review and Approval
- H. Compliance Assurance
- I. State Air Quality Control Regulations

Section V. Ambient Air Monitoring

- A. Purpose
- B. Description of Previous Air Monitoring Network

- C. Air Monitoring Network
- D. Episode Monitoring
- E. Annual Review

Volume III. Appendices

- I-1 Summary of Public Hearings, Written Testimony, etc.
- I-2 Recommendations for attainment/nonattainment designations
- II-1 Alaska Statutes
- II-2 Regulations of the Fairbanks North Star Borough
- II-3 Fairbanks North Star Borough/Alaska Department of Environmental Conservation Agreement
- II-4 Municipality of Anchorage/Alaska Department of Environmental Conservation Agreement
- II-5 Alaska State Department of Law Legal Opinion
- III-1 A Review of Carbon Monoxide Emissions from Motor Vehicles during Cold Temperature Operation
- III-2 Cold Weather Related Strategy Support Development
- III-3 Preliminary Assessment of Meteorological Conditions during Days of Ambient Air Quality Violations in Anchorage
- III-4 Summary of the 1978 Fairbanks Voluntary Vehicle Emissions Inspection Program
- III-5 Approach to Evaluating an Alaska I/M Program
- III-6 Appendices to the Anchorage Air Quality Plan
- III-7 Appendices to the Fairbanks Air Quality Plan
- IV-1 Summaries of Emission Inventories
- IV-2 Air Quality Control Permits to Operate, Variances for Non-compliant Sources and Supporting Documents
- IV-3 Testing Procedures
- V-1 Air Quality Data

(Note: Volume I is a public information document which has not been submitted for inclusion in the SIP.)

On February 29, 1980, the State submitted a revised Appendix II-5, "Alaska State Department of Law Legal Opinion," to update their revised statutory authority.

On December 30, 1980 (45 FR 85744), EPA approved those portions of the January 18, 1980 submittal dealing with the attainment plans for the Anchorage and Fairbanks carbon monoxide (CO) nonattainment areas, specifically Volume II, Section III, Subsection A, except subparts 1.c (Other areas) and 5.h (Fairbanks Emergency Avoidance Plan), and Volume III, Appendices III-1 through III-7. On April 15, 1981 (46 FR 21994), EPA approved those portions of the January 18, 1980 submittal dealing with the state and local ambient monitoring programs, specifically Volume II, Section V, Subsections A, C, and E.

On March 10, 1982 ADEC withdrew the variances which had been submitted

with the January 18, 1980 submittal, specifically Volume III, Appendix IV-2, Sections A through C and E through J.

On September 29, 1982 ADEC submitted a number of revisions to the January 18, 1980 submittal. These revisions made changes or additions to the following sections:

Volume II. Analysis of Problems, Control Actions

Section I. Introduction

C. Attainment/Nonattainment Designations

Section III. Areawide Pollutant Control Efforts

A. Carbon Monoxide

D. Open Burning—Forest Practices

Section IV. Point Source Control Efforts

C. Summary of Major Emitting Sources

D. History of Alaskan Point Source Program

E. Status of Non-Compliant Sources

F. Local Program Enforcement

G. New Source Review and Approval

H. Compliance Assurance

I. State Air Quality Control Regulations

Section V. Ambient Air Monitoring

C. Air Monitoring Network

E. Annual Review

Volume III. Appendices

III-6 Appendices to the Anchorage Air Quality Plan

III-7 Appendices to the Fairbanks Air Quality Plan

These revisions also added one new item to the previously submitted SIP: Volume III: Appendices—IV-4 ADE Ambient Analysis Procedures.

The revisions which relate to the previously approved attainment plans for the Anchorage and Fairbanks nonattainment areas, specifically Volume II Section III Subsection A, and Volume III Appendices III-6 and III-7, are being addressed in separate rulemakings. As discussed below, this action addresses those portions of the January 18, 1980 submittal, as amended by the February 29, 1980 and September 29, 1982 submittals and the March 10, 1982 withdrawal of variances, which do not relate to the transportation plans for Anchorage and Fairbanks.

II. Discussion of SIP Revisions

In addition to restructuring the SIP and making numerous "housekeeping" type revisions, these submittals revise the emission limitations for many existing, new and modified sources; add provisions for restricting the use of stack heights and dispersion techniques (Section 123 of the Act); add a PDS program (Part C of the Act); add a visibility protection program for mandatory Federal Class I areas (Section 169A of the Act); and add a permit program for new and modified major stationary sources in nonattainment areas (Section 173 of the

Act). Because the Alaska Air Quality Control Plan is designed along functional lines rather than programmatic lines, the various components of an individual Clean Air Act program are found in various locations throughout the plan. In order to clearly identify the components of the Act's required programs and the revisions, additions, and deletions which are proposed for approval, each section of the submitted revisions is briefly discussed below.

Volume II: Analysis of Problems, Control Actions

Section I: Introduction. This section summarizes the plan; describes each Air Quality Control Region; lists the attainment and nonattainment areas; identifies the PSD Class I, II, and III areas; and contains the provisions for reclassifying PSD areas. The attainment, nonattainment, and PSD language was added to carry out the requirements of Parts C and D of the Act.

Section II: Alaskan Air Quality Control Programs. This section describes the State and local agency programs, including their organization, legal authority, regulations, and projected program and resource needs.

Section III: Areawide Pollutant Control Efforts. Subsection IIIA.1.c. *Other Areas* describes the program for evaluating the potential carbon monoxide problem in cities which are currently designated as attainment. This section also describes the program for the control of Total Suspended Particulate Matter, Ice Fog, and Open Burning—Forest Practices in all areas of the State.

Section IV: Point Source Control Program. This section describes the program for the control of stationary sources. Subsection IV.A summarizes the program; Subsection IV.B describes the types of sources in Alaska; Subsection IV.C presents a summary emissions inventory for major point sources; Subsection IV.D is a brief history of the permit program and describes its point source control activities; Subsection IV.F discusses the role of the local air program in the point source compliance program; Subsection IV.G describes the permit program which includes preconstruction review, certain of the New Source Performance Standards, Prevention of Significant Deterioration and Nonattainment Area permit requirements, provisions for the protection of visibility in mandatory Class I Federal areas, provisions restricting the use of stack heights and dispersion techniques, a program for operating permits, and procedures for the annual review of the permit

program. Subsection IV.H describes the compliance assurance program, including its procedures for inspection and surveillance. Subsection IV.I presents the ADEC Air Quality Control Regulations.

The Alaska permit program uses the concept of "net emissions increase," but does not include a specific provision per EPA regulations (40 CFR 51.24(b)(3)(vi)(c)) that a decrease in emissions must have approximately the same qualitative significance for public health and welfare as the increase in emissions. However, the State has indicated that it will add such a program within one year of EPA approval. EPA is, therefore, proposing to approve the Alaska permit program with the understanding that the State will amend its program within a year and submit the new provision to EPA as a revision to the SIP.

ADEC has opted to utilize the "emissions allowance" approach, per Section 173(1)(B) of the Act, in their nonattainment area permit program. ADEC's regulations (18 AAC 50.900(18)) require that this emissions allowance be defined in each applicable local air quality control plan. Since the submitted plans for the Anchorage and Fairbanks CO nonattainment areas do not contain a defined emissions allowance, the effect of the regulations is to prohibit the permitting of new or modified major sources of CO in these two areas. The nonattainment area permit program also fails to include provisions for alternatives analyses, as required by Section 172(b)(11)(A) of the Act. However, as long as the approved SIP regulations prohibit the permitting of new or modified major sources of CO, provisions for alternative analyses are not needed. Before new or modified major sources of CO can be permitted in either the Anchorage or Fairbanks CO nonattainment areas, the SIP will have to be revised to define the applicable emissions allowance and provide for alternatives analyses.

The Alaska permit program is designed to regulate existing nonattainment areas, existing Class I areas, and areas presently identified for visibility protection. If additional nonattainment, Class I, or visibility protection areas are designated by the State or responsible Federal agencies in the future, the Alaska program will have to be revised to expand program coverage to include protection of such newly designated areas. Until relevant revisions to the Alaska program are approved by EPA, the Alaska SIP will be deficient with respect to any newly designated areas.

ADEC's Air Quality Control Regulations, 18 AAC Chapter 50, as in effect on November 1, 1982, are extensively revised from previous versions. The following is a discussion of the differences between the current SIP regulations and those proposed today for approval:

Section 18 AAC 50.020 Ambient Air Quality Standards has been revised to include an ambient standard for lead, to change the photochemical oxidant standard to an ozone standard, and to include the Class I, II, and III PSD increments.

Section 18 AAC 50.021 State Air Quality Classifications has been added to identify the nonattainment areas, Class I, II, and III PSD areas, and the areas to receive visibility protection (mandatory Class I Federal areas and integral vistas identified by the National Park Service).

Section 18 AAC 50.030 Open Burning has been revised to further restrict the practice.

Section 18 AAC 50.040 Incinerators has been revised to relax the grain loading emission limits for small incinerators while tightening the emission limits for large incinerators (2000 pounds per hour rated capacity or larger). Emission limitations for municipal wastewater treatment plant sludge incinerators are added whereas separate limits for teepee (woodwaste) burners and air curtain incinerators are deleted.

Section 18 AAC 50.050 Industrial Processes and Fuel Burning Equipment has been revised to add specific opacity limits for power boilers which burn more than 20 percent woodwaste, existing urea prilling towers, new or modified asphalt plants, new or modified coal preparation facilities, and new or modified portland cement plants. Although the revisions to the first two source categories are relaxations of the previous limits from 20 percent to 30 percent opacity, the revisions would not allow an increase in actual emissions since the affected sources currently exceed 30 percent opacity. Specific emission limitations, equivalent to New Source Performance Standards (NSPS), were added for new and modified asphalt plants, petroleum refineries, coal preparation facilities, and portland cement plants. Finally, a provision which prohibits the release of other materials other than air pollutants through a stack was added.

Section 18 AAC 50.060 was revised by deleting the emission limitations for kraft pulp mills since there are no such mills in the State of Alaska.

Section 18 AAC 50.070 Motor Vehicle Emissions was revised to include a five

second exemption for visible emissions from motor vehicles.

Section 18 AAC 50.080 Carbon Monoxide Limitations was deleted as it was superseded by the Anchorage and Fairbanks attainment strategies.

Section 18 AAC 50.085 Wood-Fired Residential Heating Devices was added to restrict the use of such devices during an air quality alert and to prevent the emission of black smoke.

Section 18 AAC 50.100 Marine Vessels was revised to provide for greater opacity during initial startup of diesel-driven vessels.

Sections 18 AAC 50.120 Permit To Operate, 50.130 Revocation or Suspension of Permit, 50.140 Air Episodes, 50.150 Source Testing, 50.160 Circumvention, 50.170 Air Quality Control Plan, and 50.190 Definitions were revoked as they were replaced in their entirety by new sections.

Section 18 AAC 50.180 Penalties was revoked as it was superseded by revised statutes regarding penalties (AS 46.03.760).

A new section 18 AAC 50.300 Permit to Operate was added which contains some of the provisions of the old 18 AAC 50.120, adds permit requirements for certain NSPS source categories, PSD sources and major sources of CO in the Anchorage and Fairbanks nonattainment areas, and describes the requirements for a permit application.

A new section 18 AAC 50.310 was added which contains the provisions of the old 18 AAC 50.130.

A new section 18 AAC 50.400 Review and Issuance of Permit To Operate was added which contains the remaining provisions of the old 18 AAC 50.120, adds public participation procedures, requirements which must be met to receive a permit, and conditions which may be included in the permit to operate.

A new section 18 AAC 50.500 Source Testing was added which contains the provisions of old 18 AAC 50.150 and adds new procedures for testing NSPS sources.

A new section 18 AAC 50.510 Ambient Analysis Methods was added which includes the ambient monitoring and modeling requirements for sources subject to PSD permits.

A new section 18 AAC 50.520 Emission and Ambient Monitoring was added to include the monitoring requirements of the PSD and NSPS programs.

A new section 18 AAC 50.530 Circumvention was added which contains the provisions of the old section 18 AAC 50.160 and adds provisions restricting the use of stack heights and dispersion techniques.

A new section 18 AAC 50.600 Reclassification Procedures and Criteria was added which includes the procedures for revising the PSD area classifications.

A new section 18 AAC 50.610 Air Episodes was added which contains the provisions of old 18 AAC 50.140 and revises the alert, warning, and emergency levels for Total Suspended Particulates by deleting the coefficient of haze units.

A new section 18 AAC 50.620 Air Quality Control Plan was added which updates the provisions of the original 18 AAC 50.170. With respect to this provision, EPA is proposing only to approve the State's incorporation of the air quality control plan into their regulations. The provisions of the plan itself must be specifically approved by EPA before the SIP is revised.

A new section 18 AAC 50.900 Definitions was added which includes the provisions of the old 18 AAC 50.190 and adds definitions of the terms: actual emissions, allowable emissions, asphalt plant, baseline concentration, baseline date, best available control technology, coal preparation facility, construct, deputy commissioner, dispersion technique, elevated terrain, emission allowance, excessive concentrations, good engineering practice, impairment of visibility, lowest achievable emission rate, maximum combustion efficiency, modify, nearby, petroleum refinery, practical means available, reconstruct, regulated air pollutant, and smolder. The definitions of the terms "ambient air," "commissioner," "department," "facility," "incinerator," "opacity," "reduction of visibility," and "source" have been revised. The definitions of the terms "ppm" and "person" have been deleted.

EPA has reviewed the revised regulations, especially the relaxation of emission standards and the deletion of current provisions, and has determined that they satisfy the applicable requirements of the Act.

Section V: Ambient Air Monitoring

As discussed above, Subsections A, C, and E have previously been approved. Subsection B contains a description of the historical air monitoring network. The September 29, 1982 revision to Subsection C Air Monitoring Network update the network description, station designations, and air quality monitoring procedures. The revisions to Subsection C and Subsection E Annual Review update the timetables for review and implementation of the monitoring program.

Volume III: Appendices

Appendix I-1 contains public hearing information and information on the changes made to the air quality control regulations. Appendix I-2 contains recommendations for attainment/nonattainment designations. Appendix II-1 contains the Alaska statutes, as amended in 1976, 1977, and 1978, relating to air pollution control. Appendix II-2 contains the regulations of the Fairbanks North Star Borough in effect as of April 15, 1975. Appendices II-3 and II-4 contain agreements between the Alaska Department of Environmental Conservation and Fairbanks North Star Borough and the Municipality of Anchorage, respectively. Appendix II-5 contains an Alaska State Department of Law legal opinion on the authority for implementing and enforcing air quality controls. Appendix IV-1 contains summaries of the emissions inventories for each air quality control region. Appendix IV-2.D contains the permit to operate for the Fairbanks Municipal Utilities System. Appendix IV-3 contains ADEC's source testing procedures. Appendix IV-4 contains ADEC's ambient analysis procedures, including ambient monitoring, modeling and stack height plume impact procedures. Appendix V-1 contains a summary of ambient air quality data for the State.

In addition to the nonattainment plans for Anchorage and Fairbanks which are being addressed in separate actions, there are four portions of the submittals which are not proposed for approval herein. Subsection IV.E Status of Non-Compliant Sources discusses the sources which are currently under State variances. Since these variances are not submitted for EPA approval, EPA will take no action on the subsection which discusses them. Subsection V.D. Episode Monitoring refers to the local agencies' CO control plans for the episode monitoring programs. However, no episode provisions have been submitted to date. Therefore, EPA will take no action on this subsection at this time. Appendix II-1: Alaska Statutes, Section 46.03.170 Variances, and Appendix II-2:

Fairbanks North Star Borough Air Pollution Control Ordinance, Section 8.04.070 VARIANCES, are provisions which provide discretion to the directors of ADEC and the Fairbanks North Star Borough regarding source compliance. However, since these provisions are not consistent with the EPA requirements on variances (40 CFR 51.34) and need not be included in the EPA-approved SIP in order to implement 40 CFR 51.34, EPA will take no action on these sections.

Finally, as previously mentioned, the provision included in these submittals are intended to replace the existing EPA-approved SIP (37 FR 10848 and 38 FR 22737). Through this proposed approval EPA intends to replace or delete the provisions of the existing SIP where there are new provisions which supersede the old or where deletion has been justified. However, there is one section of the existing SIP which has not been superseded nor can deletion be justified. This is the old SECTION V: AIR EPISODE PLAN. Since the submittals do not contain a replacement for this section and the Clean Air Act requires the SIP to contain an emergency episode plan, EPA is not proposing to remove this section from the existing SIP.

In summary, EPA proposes to approve the following submittals as revisions to the Alaska SIP:

January 18, 1980—VOLUME II: Section I; Section II; Section III, subsections A.1.c, B and C; Section IV, subsections A, B, C, D, F, G and H; Section V, subsection B; VOLUME III: Appendices I-1, I-2, II-1, II-2, II-3, II-4, IV-1, IV-2.D, IV-3, and V-1;

February 29, 1980—VOLUME III: Appendix II-5;

September 29, 1982 amendments to previous submittals—VOLUME II: Section I subsection C; Section III subsection D; Section IV subsections C, D, F, G, H, and I; Section V subsections C and E; VOLUME III: Appendix IV-4.

EPA is taking no action on VOLUME II: Section IV.E and Section V.D, and VOLUME III: Appendix II-1, Section 46.03.170 and Appendix II-2, Section 8.04.070.

Interested parties are invited to comment on all aspects of these proposed revisions to the Alaska SIP. Comments should be submitted, preferably in triplicate, to the address listed in the front of this Notice. Public comments postmarked by February 28, 1983 will be considered in any final action EPA takes on this proposal.

Under Executive Order 12291, today's action is not "Major". It has been submitted to the Office of Management and Budget (OMB) for review. Any comments from OMB to EPA, and any EPA response, are available for public inspection at the locations listed in the ADDRESSES section above.

Portions of this action constitute SIP approvals under Section 110, 161, and 172. Under 5 U.S.C. Section 605(b), the Administrator has certified that SIP approvals under Section 110, 161 and 172 of the Act do not have a significant economic impact on a substantial number of small entities (See 46 FR 8709

and 47 FR 35192). The remaining portions of this action constitute SIP approvals under Sections 123 and 169A of the Act. Pursuant to the provisions of 5 U.S.C. 605(b), the Administrator will, if approved, certify that SIP approvals under Sections 123 and 169A will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 40 CFR Part 52

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

(Sections 110(a), 123, 160 to 169, 169A, 171 to 173, 301(a) of the Clean Air Act (42 U.S.C. 7410(a), 7423, 7470 to 7479, 7491, 7501 to 7503 and 7601(a)))

Dated: October 28, 1982.

John R. Spencer,
Regional Administrator.

[FR Doc. 83-2270 Filed 1-26-83; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 2

[Gen. Docket No. 80-739; FCC 82-508]

Implementation of the Final Acts of the World Administrative Radio Conference, Geneva, 1979

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Federal Communications Commission proposes to amend Part 2 of its Rules to implement domestically the Final Acts of the 1979 World Administrative Radio Conference. This action will bring the Commission's Rules into conformity with international regulations. This will provide domestic radio spectrum users with international recognition and rights to protection from harmful interference as provided for by international regulations.

DATE: Comments are due by March 10, 1983 and replies by April 11, 1983.

ADDRESS: Federal Communications Commission, 2025 M Street, NW., Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mr. Fred Thomas/Mr. William Torak, Office of Science and Technology, 2025 M Street, NW., Washington, D.C. 20554 (202) 653-8171/(202) 632-7025

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 2

Frequency allocations, Treaties.

Action in Docket Case

In the matter of Report No. 17265; comments sought on rulemaking to implement final acts of 1979 WARC, November 19, 1982-G; (Gen. Docket 80-739).

The Commission has issued a notice of proposed rulemaking in the matter of amending Part 2 of its rules (Frequency Allocations and Radio Treaty Matters, General Rules and Regulations) to implement the Final Acts of the 1979 World Administrative Radio Conference (WARC).

The Commission began the rulemaking in anticipation of the U.S. Congress ratification of the Final Acts; the Acts became effective internationally last January for administrations that have ratified the treaty. The 1979 WARC, sponsored by the International Telecommunication Union, was the broadest attempt since 1959 to modify international radio regulations in light of changes by individual nations and technical advances. The conference considered more than 15,000 proposals dealing with numerous aspects of world telecommunications. The U.S. presented some 900 proposals, most of which were attained entirely or in substantial part. Those proposals are reflected in this rulemaking.

Due to the broad scope of this proceeding, the Commission previously issued five notices of inquiry soliciting comment on proposed modifications to Part 2. The notices presented proposals intended to make Part 2 allocations as consistent as possible with international allocations in light of foreseen domestic needs and U.S. proposals to accommodate those needs going into the WARC. This rulemaking notice will be limited in scope to the issues of the first four notices, but will exclude the emission designators discussed in the fourth notice. Further rulemaking notices will be issued to cover implementation of the remaining issues.

Generally, the proposals involve a change in format for the Table of Frequency Allocations, § 2.106, and a "clean-up" of Part 2 to eliminate redundancy, remove obsolete rules and update others to make them current and consistent with other parts of the rules.

For reference, the four notices that form the basis of this rulemaking are:

First Notice (FCC 80-895), released December 30 1980 (January 13, 1981; 46 FR 3060). Proposed modifications to §§ 2.100-2.105, 2.106 (Table of Frequency Allocations) up through 28 MHz, and the addition of § 2.107.

Second Notice (FCC 81-247), released June 15, 1981 (June 17, 1981; 46 FR 31693).

Proposed modifications to § 2.106 from 28 MHz through 1215 MHz.

Third Notice (FCC 81-323), released August 7, 1981 (August 10, 1981; 46 FR 40536). Proposed modifications to § 2.1 (Definitions) and to § 2.106 from 1215 MHz through 40.5 GHz.

Fourth Notice (FCC 81-457), released October 16, 1981 (December 9, 1981; 46 FR 80221). Proposed modifications to § 2.106 from 40.5 GHz, through 400 GHz, and to Subpart C of Part 2, Emission Designators. (Emission designators will not be covered in this phase of the rulemaking.)

Action by the Commission November 18, 1982, by Notice of Proposed Rulemaking (FCC 82-508). Commissioners Fowler (Chairman), Jones, Dawson and Sharp; with Commissioners Quello and Rivera dissenting in part and issuing statements, and Commissioner Fogarty dissenting.

For more information contact Fred Thomas at 202-653-8171.

William J. Tricarico,
Secretary, Federal Communications
Commission.

Note.—Because of the continuing effort to minimize publishing costs, the Notice of Proposed Rule Making will not be printed herein. However, copies are available from any of the distribution centers listed in the FCC Office of Public Affairs, Room 202, 1919 M St., NW., Washington, D.C. (202) 254-7674. Also, a copy is available for public inspection in the FCC Dockets Branch, Room 239, and the FCC Library, Room 639, both located at 1919 M St., NW., Washington, D.C.

Statement of FCC Commissioner James H. Quello Dissenting in Part

In re: Notice of Proposed Rulemaking,
General Docket 80-739

November 18, 1982.

The United States proposed that the 1979 World Administrative Radio Conference (WARC) add fixed and mobile radio allocations to the band now occupied domestically by the UHF television service. The rationale for the U.S. position was that flexibility was desirable in this band, insofar as the international tables are concerned, so that we would have an additional option to be considered at some future date should a need be demonstrated for additional fixed and land mobile radio spectrum. The WARC adopted the U.S. proposal, and we now have the flexibility that we sought.

In the Notice of Proposed Rulemaking adopted by the Commission today, the majority seeks to go a step further and actually provide for fixed and land mobile use of this band (1) without having established a need, (2) without due consideration of alternatives in the event a need is established, and (3) without having established that sharing the band by UHF television and fixed and land mobile radio is feasible. This action is being taken while thousands of Low Power Television (LPTV)

applications are pending before this Commission, many of which are likely to remain in pending status for some time to come.

Much has been made of the proposal that fixed and land mobile radio would be given "secondary" status in the band. It must be noted, however, that LPTV is also a secondary service. Thus, under the majority proposal, both LPTV and fixed and mobile radio services would have co-equal status and would be assigned according to a first-come, first-served rationale.

It goes without saying that, once the spectrum in the UHF television band is made available, establishment of a "need" by fixed and land mobile radio interests will not be far behind. I submit, however, that this approach to "spectrum management" is hardly the reasoned process which the American people have a right to expect. It has all of the sophistication of an Oklahoma land rush where the fastest horses often determined the outcome. The plodding comparative hearing "horse" which the broadcast services are forced to ride is clearly no match for the high-speed assignment processes of the Private Radio Services. Even given the problematical implementation of the Commission's new-found lottery authority, the process is likely to still suffer from protracted delays.

Samuel Taylor Coleridge once wrote: The juggle of sophistry consists, for the most part, in using a word in one sense in the premises, and in another sense in the conclusion.

I'm concerned that the word, in this instance, is "need."

Therefore, to that portion of the Notice of Proposed Rulemaking which refers to adding fixed and mobile radio assignments to the UHF television band, I most emphatically dissent.

[FR Doc. 83-3025 Filed 1-20-83; 8:46 am]
BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 83-17; RM-4208]

FM Broadcast Station in Key West, Florida; Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes the assignment of FM Channel 228A to Key West, Florida, in response to a petition filed by Paul L. Crogan. The proposal could provide a fifth FM service to that community.

DATES: Comments must be filed on or before March 4, 1983, and reply comments must be received on or before March 21, 1983.

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

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

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Adopted: January 12, 1983.

Released: January 18, 1983.

In the matter of: Amendment of
§ 73.202(b), Table of Assignments, FM
Broadcast Stations; (Key West, Florida);
MM Docket No. 83-17; RM-4208.

1. A petition for rule making was filed September 24, 1982, by Paul L. Crogan ("petitioner") seeking the assignment of Channel 228A to Key West, Florida, as its fifth FM assignment. Petitioner expressed an interest in applying for the channel, if assigned. The channel can be assigned in compliance with the minimum distance separation requirements.

2. In a recent action, Station WWUS in Big Pine Key, Florida, had its license modified to change from Channel 228A to Channel 284 (BC Docket No. 81-777). That change must take place before Channel 228A can be assigned to Key West. Thus it appears that Channel 228A should be available to Key West in the near future.

3. In view of the fact that the assignment could provide a fifth FM service to Key West, Florida, the Commission believes it is appropriate to propose amending the FM Table of Assignments (73.202(b) of the Commission's Rules) with respect to the following community:

City	Present	Proposed
Key West, Florida	223, 254, 256, 296A	223, 228A, 254, 256, 296A

4. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

5. Interested parties may file comments on or before March 4, 1983, and reply comments on or before March 21, 1983, and advised to read the Appendix for the proper procedures.

6. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules.

See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

7. It is requested that the Secretary send a copy of this *Notice of Proposed Rule Making* by Certified Mail, Return Receipt Requested, to Station WWUS, Lower Keys Broadcasting Corporation, Rt. 3 Box 183E, Big Pine Key, Florida 33043.

8. For further information concerning this proceeding, contact Mark N. Lipp, Mass Media Bureau, (202) 634-6530. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment to which the reply is directed constitutes an *ex parte* presentation and shall not be considered in the proceeding.

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

Federal Communications Commission

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.281(b)(6) and 0.204(b) of the Commission's Rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the Notice of Proposed Rule Making to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former

pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See Section 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in the Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the Notice of Proposed Rule Making to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420(a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference

Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 83-2290 Filed 1-26-83; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

(MM Docket No. 83-18; RM-4210)

FM Broadcast Station in Marathon, Florida; Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: Action taken herein proposes the assignment of Channel 292A to Marathon, Florida, in response to a petition filed by Paul L. Crogan. The proposed assignment could provide a second FM service to Marathon.

DATES: Comments must be filed on or before March 4, 1983, and reply comments must be filed on or before March 21, 1983.

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

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Mass Media Bureau, (202) 634-8530.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Adopted: January 12, 1983.

Released: January 18, 1983.

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations (Marathon, Florida); MM Docket No. 83-18; RM-4210.

1. A petition for rule making was filed October 4, 1982, by Paul L. Crogan ("petitioner") proposing the assignment of Channel 292A to Marathon, Florida, as its second FM assignment. Petitioner expressed an interest in applying for the channel, if assigned. The channel can be assigned in compliance with the minimum distance separation requirements.

2. In view of the provision of a second local FM service to Marathon, the Commission proposes to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules, as follows:

City	Channel No.	
	Present	Proposed
Marathon, Florida	232A	232A, 292A

3. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures,

and filing requirements are contained in the attached Appendix and are incorporated by reference herein. **NOTE:** A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

4. Interested parties may file comments on or before March 4, 1983, and reply comments on or before March 21, 1983, and are advised to read the Appendix for the proper procedures.

5. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 48 FR 11549, published February 9, 1981.

6. For further information concerning this proceeding, contact Mark N. Lipp, Mass Media Bureau, (202) 634-8530. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment to which the reply is directed constitutes an *ex parte* presentation and shall not be considered in the proceeding.

(Secs. 4, 303, 48 stat., as amended, 1068, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.281(b)(6) and 0.204(b) of the Commission's Rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the Notice of Proposed Rule Making to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the Notice of Proposed Rule Making to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments,

reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. Public Inspection of Filings. All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 83-2261 Filed 1-26-83; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Proposed Endangered Status for *Bufo hemiophrys baxteri* (Wyoming Toad)

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: The Service proposes to determine *Bufo hemiophrys baxteri* (Wyoming toad), to be an Endangered species. This toad is presently known from only one 40-acre area in Albany County, Wyoming. Formerly abundant in the Laramie Basin, the toad had apparently disappeared from all but one breeding site. The cause of its precipitous decline is not known although habitat alteration and the use of various biocides may be contributing to the decline. The Service is requesting biological information on the species. This proposal, if made final, would implement Federal protection provided by the Endangered Species Act of 1973, as amended.

DATES: Comments must be received by March 28, 1983. Public hearing requests must be received by March 14, 1983.

ADDRESSES: Comments and materials concerning this proposal should be sent to the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 25486, Denver Federal Center, Denver, Colorado 80225. Comments and materials received will be available for public inspection by appointment during normal business hours at the Service's Endangered Species Office, 134 Union, 5th Floor, Lakewood, Colorado.

FOR FURTHER INFORMATION CONTACT: Mr. Olin Bray, Endangered Species Office, U.S. Fish and Wildlife Service, P.O. Box 25486, Denver Federal Center, Denver, Colorado 80225 (303/234-2496).

SUPPLEMENTARY INFORMATION: *Bufo hemiophrys baxteri* (Wyoming toad) was discovered by Dr. George T. Baxter

in 1946 (Porter, 1968). A related toad, *Bufo hemiophrys hemiophrys* (Canadian toad) still occurs in Manitoba, Minnesota, and North and South Dakota. The Wyoming toad is thought to be a relict population left behind as glaciers retreated. Some (i.e., Packard, 1971) argue that the Wyoming toad is a valid species, but Porter (1968) recommended subspecific status and most subsequent workers have followed his designation (Baxter and Stone, 1980). The toad is small (2-inches) with cranial crests fused into a medial "boss" (Baxter and Stone, 1980). It is the only toad in the Laramie Basin. Since its discovery, Dr. George Baxter has taken students in summer from the University of Wyoming to observe the Wyoming toad. Known breeding places have been visited regularly for over 30 years. Baxter's field notes indicate that the toad was common in the Laramie Basin from the 1950's through the early 1970's. However, Baxter and Stromberg (1980) noted that since 1975 populations have declined. Toads became extremely rare between 1976 and 1978; field work in 1979 did not reveal any toads (Stromberg, 1981).

An intensive survey was conducted throughout the Laramie Basin in 1980 (Vankirk, 1980). A reward for information on the toad was advertised in the local newspaper and it resulted in one population being located on private land in Albany County, Wyoming. Only a few males were heard calling, and no females were found nor were any tadpoles or egg masses found when the area was checked later in the summer. The population exists within a 40-acre area and has an estimated size of no more than 25 individuals. Surveys in 1981 revealed only one male and one female calling at this site (Baxter and Meyer, 1982); in 1982, no toads were located. The reasons for the basin-wide disappearance of the Wyoming toad are unknown. The leopard frog (*Rana pipiens*) has also been found to be suddenly absent from the Laramie Basin; however, the northern chorus frog (*Pseudacris triseriata*) remains abundant. Baxter et al. (in press) have reviewed possible causes for the species' disappearance.

Summary of Factors Affecting the Species

Section 4(a)(1) of the Endangered Species Act (16 U.S.C. 1531 et seq.) and regulations promulgated to implement the listing provisions of the Act (codified at 50 CFR Part 424; under revision to accommodate 1982 amendments) states that the Secretary of the Interior shall determine whether any species is an Endangered Species or a Threatened

Species due to one or more of the five factors described in Section 4(a)(1) of the Act. This authority has been delegated to the Assistant Secretary for Fish and Wildlife and Parks. These factors and their application to *Bufo hemiophrys baxteri* (Wyoming toad) are as follows:

A. The present or threatened destruction, modification, or curtailment of its habitat or range. Historic ranching practices involved flooding the plains adjacent to the Little Laramie River. Changes in irrigation practices due to current increased demand for irrigation water may have resulted in the drying of former habitat before tadpole development was complete. The specific use and timing of irrigation waters is largely left up to landowners. Local irrigation districts control regional water use.

Drainage of habitat for non-irrigated uses may have contributed to the decline of the toad.

The use of the herbicide Atrazine is known to decimate *Bufo* populations (Beebe, 1973) and can be introduced into watersheds in sufficient levels to kill *Bufo* eggs or tadpoles. Atrazine is widely available throughout the Laramie Basin. Other herbicides, such as Tordon, are more commonly used than Atrazine, but the effects of these chemicals on amphibians are largely unknown. Herbicides are often used by the Weed and Pest Districts, Wyoming Department of Agriculture, for "noxious" weed control in roadside ponds and along field edges typically used by the Wyoming toad. Basinwide aerial application of Baytex (Fenthion) with diesel fuel began in 1975. This mosquito control technique, applied with little control on drift of the spray, may be highly toxic to bufonids. Some evidence shows that diesel alone is toxic to amphibians.

B. Overutilization for Commercial, recreational, scientific, or educational purposes. Not applicable for this species.

C. Disease or predation. Disease in *Bufo hemiophrys baxteri* has not been studied. Because the extremely small population exists in a very small area, a disease outbreak could be catastrophic. Predation, however, may be a threat to the Wyoming toad. The California gull (*Larus Californicus*) population has increased dramatically in recent years. Local ranchers report that the fields are literally white with gulls in early spring. Raccoons, foxes, and skunks have all shown population increases. All these factors combined could be a serious threat to the Wyoming toad, especially due to the small population size.

D. *The inadequacy of existing regulatory mechanisms.* The use of herbicides and other chemicals in Wyoming is regulated with regard to effect on fish, but not amphibians. In fact, bioassay data are lacking on the effects that widely applied chemicals have on amphibians. This perceived inadequacy in regulations is probably due to the lack of recognition of a problem with amphibians. The only protection provided by the State is that a scientific collecting permit is required before it can be collected for commercial uses.

E. *Other natural or manmade factors affecting its continued existence.* None are known.

Critical Habitat

Section 4(a)(3) of the Act requires the Secretary to designate Critical Habitat for a species, to the maximum extent prudent and determinable, concurrent with the determination that such species is an Endangered or Threatened species. Critical Habitat is presently considered neither prudent nor determinable for the Wyoming toad for the following reasons:

1. The Wyoming toad was last reported in 1981 from two individuals located in the Laramie Basin; surveys in 1982 did not reveal any toads. The Service therefore believes that Critical Habitat is not determinable. The Service notes, however, that only a relatively small amount of the potential habitat in the Laramie Basin has been surveyed. The Wyoming Game and Fish Department has also noted the need for thorough surveys. Should future surveys discover significant breeding populations, these areas could then be considered as Critical Habitat.

2. The Wyoming toad is considered an extremely rare amphibian. The publication of the exact area where the toads last bred could lead to jeopardy to any remaining individuals through collection. The best available biological data indicate that, due to apparent low population size, removal of any individuals from the population other than for purposes directly related to conservation could be detrimental to the species' survival.

Effects of this Proposal

In addition to the effects discussed above, the effects of this proposal if published as a final rule would include, but would not necessarily be limited to, those mentioned below.

The Act and implementing regulations published in the June 24, 1977, *Federal Register* (42 FR 32372-32381) set forth a series of general prohibitions and

exceptions which apply to all Endangered wildlife. These regulations are found at § 17.21 of 50 CFR and are summarized below.

With respect to the Wyoming toad, all prohibitions of Section 9(a)(1) of the Act, as implemented by § 17.21, would apply. These prohibitions, in part, would make it illegal for any person subject to the jurisdiction of the United States to take, import or export, ship in interstate commerce in the course of a commercial activity, or sell or offer for sale this species in interstate or foreign commerce. It would also be illegal to possess, sell, deliver, carry, transport, or ship any such wildlife which was illegally taken. Certain exceptions would apply to agents of the Service and State conservation agencies.

Permits may be issued to carry out otherwise prohibited activities involving Endangered species under certain circumstances. Regulations governing permits are codified at 50 CFR 17.22 and 17.23. Such permits are available for scientific purposes, the enhancement or propagation or survival of the species, and economic hardship.

Subsection 7(a) of the Act, as amended, requires Federal agencies to evaluate their actions with respect to any species which is proposed or listed as Endangered or Threatened. Agencies are required under Section 7(a)(3) to confer informally with the Service on any action that is likely to jeopardize the species. If published as a final rule, this action would require Federal agencies to consult with the Service concerning any action that may affect the species, to insure that activities they authorize, fund, or carry out, are not likely to jeopardize the continued existence of the Wyoming toad. Provisions for Interagency Cooperation are codified at 50 CFR Part 402.

National Environmental Policy Act

A draft Environmental Assessment has been prepared in conjunction with this proposal. It is on file in the Service's Regional Endangered Species Office, 134 Union, Lakewood, Colorado, and may be examined during regular business hours (7:45-4:15pm). A determination will be made at the time of a final rule as to whether this is a major Federal action which would significantly affect the quality of the human environment within the meaning of Section 102(2)(C) of the National Environmental Policy Act of 1969 (implemented at 40 CFR Parts 1500-1508).

Public Comments Solicited

The Service intends that the rules

finally adopted will be as accurate and effective as possible in the conservation of any Endangered or Threatened species. Therefore, any comments or suggestions from the public, other concerned governmental agencies, the scientific community, industry, private interests, or any other interested party concerning any aspect of this proposed rule are hereby solicited. Comments particularly are sought concerning:

1. Biological or other relevant data concerning any threat (or the lack thereof) to the Wyoming toad;
2. The location of any habitat of this species and the reasons why it should or should not be determined to be Critical Habitat;
3. Additional information concerning the range and distribution of this species; and

4. Current or planned activities in the subject area and the probable impact of such activities on the Wyoming toad.

The Endangered Species Act provides for a public hearing on this proposal, if requested. Requests must be filed within 45 days of the date of the proposal. Such request should be made in writing to the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 25486, Denver Federal Center, Denver, Colorado 80225.

Final promulgation of the regulations on *Bufo hemiophrys baxteri* will take into consideration the comments and any additional information received by the Service, and such communications may lead it to adopt a final rule that differs from this proposal.

Author

The primary author of this proposed rule is Mr. Olin E. Bray, U.S. Fish and Wildlife Service, P.O. Box 25486, Denver Federal Center, Denver, Colorado 80225, with technical assistance from Dr. Mark R. Stromberg, The Nature Conservancy, Denver, Colorado. Dr. C. Kenneth Dodd, Jr., Office of Endangered Species, Washington, D.C., served as editor.

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- Vankirk, E.A. 1980. Report on population of *Bufo hemiophrys* on Laramie Plain, Albany County, Wyoming. Rept. to Wyoming Natural Heritage Program. The Nature Conservancy, Cheyenne, Wyo., 6 pp.

List of Subjects in 50 CFR Part 17

Endangered and threatened wildlife, Fish, Marine mammals, Plants (agriculture).

Proposed Regulation Promulgation

PART 17—[AMENDED]

Accordingly, it is hereby proposed to amend Part 17, Subpart B of Chapter I, Title 50 of the U.S. Code of Federal Regulations, as set forth below.

1. The authority citation for Part 17 reads as follows:

Authority: Pub. L. 93-205, 87 Stat. 884; Pub. L. 95-632, 92 Stat. 3751; Pub. L. 96-159, 93 Stat. 1225; and Pub. L. 97-304, 96 Stat. 1411 (16 U.S.C. 1531, *et seq.*)

2. It is proposed to amend § 17.11(h) by adding, in alphabetical order, the following to the list under amphibians:

§ 17.11 Endangered and threatened wildlife.

* * * * *

Species		Historic range	Vertebrate population where endangered or threatened	Status	When listed	Critical habitat	Special rules
Common name	Scientific name						
Toad, Wyoming	<i>Bufo hemiophrys baxteri</i>	U.S.A. (WY)	Entire	E	NA	NA	NA

Dated: December 28, 1982.

J. Craig Potter,

Acting Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 83-2248 Filed 1-26-83; 8:45 am]

BILLING CODE 4310-65-M

Notices

Federal Register

Vol. 48, No. 19

Thursday, January 27, 1983

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

CIVIL AERONAUTICS BOARD

[Docket 41071]

Akron/Canton Airlines, Inc., Fitness Investigation; Assignment of Proceeding

This proceeding has been assigned to Administrative Law Judge William A. Kane, Jr. Future communications should be addressed to him.

Dated at Washington, D.C., January 21, 1982.

Elias C. Rodriguez,

Chief Administrative Law Judge.

[FR Doc. 83-2300 Filed 1-26-83; 8:45 am]

BILLING CODE 6320-01-M

[Docket 41221]

California-Alberta Service Case; Postponement of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter scheduled to be held on February 16, 1983, is hereby postponed until February 17, 1983, at 10:00 a.m. (local time), in Room 540, 2120 L Street, NW., Washington, D. C., before the undersigned administrative law judge.

Dated at Washington, D.C., January 24, 1983.

John M. Vittone,

Administrative Law Judge.

[FR Doc. 83-2302 Filed 1-26-83; 8:45 am]

BILLING CODE 6320-01-M

[Order 83-1-83]

Fitness Determination of Mesa Aviation Service, Inc., d.b.a. Mesa Air Shuttle

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Commuter Air Carrier Fitness Determination—Order 83-1-83, Order to Show Cause.

SUMMARY: The Board is proposing to find that Mesa Aviation Services, Inc. d/b/a Mesa Air Shuttle is fit, willing, and able to provide commuter air carrier service under section 419(c)(2) of the Federal Aviation Act, as amended, and that the aircraft used in this service conform to applicable safety standards. The complete text of this order is available, as noted below.

DATES: Responses: All interested persons wishing to respond to the Board's tentative fitness determination shall serve their responses on all persons listed below no later than February 10, 1983, together with a summary of the testimony, statistical data, and other material relied upon to support the allegations.

ADDRESSES: Responses or additional data should be filed with the Special Authorities Division, Room 915, Civil Aeronautics Board, Washington, D.C. 20428, and with all persons listed in Attachment A to the order.

FOR FURTHER INFORMATION CONTACT: Ms. Carolyn S. Kramp, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428 (202) 673-5919.

SUPPLEMENTARY INFORMATION: The complete text of Order 83-1-83 is available from the Distribution Section, Room 100, 1825 Connecticut Avenue, NW., Washington, D.C. 20428. Persons outside the metropolitan area may send a postcard request for Order 83-1-83 to that address.

By the Civil Aeronautics Board: January 21, 1983.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 83-2301 Filed 1-26-83; 8:45 am]

BILLING CODE 6320-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

Bicycle Tires and Tubes From Taiwan; Extension of Period for Final Antidumping Determination

AGENCY: International Trade Administration, Commerce.

ACTION: Extension of Period for Final Antidumping Determination.

SUMMARY: The Department of Commerce hereby extends the period for determination with respect to its

antidumping investigation of bicycle tires and tubes from Taiwan. The final determination will be made no later than April 21, 1983.

EFFECTIVE DATE: January 27, 1983.

FOR FURTHER INFORMATION CONTACT: Paul Nichols, Office of Investigations, International Trade Administration, Department of Commerce, Washington, D.C. 20230. (202) 377-1768.

SUPPLEMENTARY INFORMATION: On November 26, 1982, the Department of Commerce ("the Department") determined preliminarily that bicycle tires and tubes from Taiwan were being, or were likely to be, sold at less than fair value within the meaning of section 731, Tariff Act of 1930, as amended (19 U.S.C. 1673) ("the Act"). Our affirmative preliminary determination notice which was published in the Federal Register of December 7, 1982 (47 FR 54996), indicated that, if this investigation proceeds normally, we would make our final determination on February 8, 1983. On January 19, 1983, counsel for the respondents requested that the Department extend the period for the final determination until not later than 135 days after the date of the preliminary determination, in accordance with section 735(a)(2)(B) of the Act.

We have determined that the additional time is needed in order that a proper analysis may be completed with regard to this investigation. Accordingly, the period for determination in this case is hereby extended. A final determination will be made not later than April 21, 1983.

Judith Hippler Bello,

Acting Deputy Assistant Secretary for Import Administration.

January 21, 1983.

[FR Doc. 83-2247 Filed 1-26-83; 8:45 am]

BILLING CODE 3510-25-M

Lightweight Polyester Filament Fabric From Japan and Korea; Initiation of Antidumping Investigations

AGENCY: International Trade Administration, Commerce.

ACTION: Initiation of antidumping duty investigations.

SUMMARY: On the basis of a petition filed in proper form with the United States Department of Commerce, we are initiating antidumping investigations to

determine whether lightweight polyester filament fabric from Japan and Korea is being, or is likely to be, sold in the United States at less than fair value. We are notifying the United States International Trade Commission (ITC) of these actions so that it may determine whether there is a reasonable indication that imports of this merchandise are materially injuring, or are threatening to materially injure, a United States industry. If these investigations proceed normally, the ITC will make its determinations on or before February 18, 1983, and we will make our preliminary determinations on or before June 13, 1983.

EFFECTIVE DATE: January 27, 1983.

FOR FURTHER INFORMATION CONTACT: Charles Wilson, Office of Investigations, Import Administration, International Trade Administration, United States Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230; telephone (202) 377-5288.

SUPPLEMENTARY INFORMATION:

Petition

On January 4, 1983, we received an antidumping petition in proper form from counsel for Burlington Industries, Inc., Milliken & Co., J.P. Stevens & Co., Inc., Dan River, Inc., Texfi Industries, Frank Ix & Sons, Inc., and Bloomsburg Mills, Inc. on behalf of the U.S. industry producing lightweight polyester filament fabric. In compliance with the filing requirements of § 353.36 of the Commerce Regulations (19 CFR 353.36), the petition alleges that imports of the subject merchandise from Japan and Korea are being, or are likely to be, sold in the United States at less than fair value within the meaning of section 731 of the Tariff Act of 1930, as amended (19 U.S.C. 1673) (the Act), and that these imports are materially injuring, or are threatening to materially injure, a United States industry. The allegations of sales at less than fair value include an allegation that home market sales are being made at less than cost of production in Japan and in Korea.

The allegations are supported by comparisons of the petitioner's calculation of the constructed value of the subject merchandise in Japan and in Korea with prices (based on price quotes or actual sales) for sales of the subject merchandise in the United States.

Initiation of the Investigations

Under section 732(c) of the Act, we must determine, within 20 days after the petition is filed, whether it sets forth the

allegations necessary for the initiation of an antidumping investigation and whether it contains information reasonably available to the petitioner supporting the allegations. We have examined the petition on the subject merchandise and we have found that it meets the requirements of section 732(b) of the Act. Therefore, we are initiating antidumping investigations to determine whether lightweight polyester filament fabric from Japan and Korea is being, or is likely to be, sold at less than fair value in the United States. Additionally, we will investigate whether sales in the Japanese and Korean home markets are made at less than the cost of production. If our investigations proceed normally, we will make our preliminary determinations by June 13, 1983.

Scope of the Investigations

The merchandise covered by these investigations is lightweight polyester filament fabric currently provided for in items 338.5009, 383.5011, 338.5012, 338.5013, and 338.5015, of the *Tariff Schedules of the United States Annotated*.

Notification to ITC

Section 732(d) of the Act requires us to notify the ITC of these actions and to provide it with the information we used to arrive at these determinations. We will notify the ITC and make available to it all nonprivileged and nonconfidential information. We will also allow the ITC access to all privileged and confidential information in our files, provided it confirms that it will not disclose such information either publicly or under an administrative protective order without the written consent of the Deputy Assistant Secretary for Import Administration.

Preliminary Determinations by ITC

The ITC will determine by February 18, 1983, whether there is a reasonable indication that imports of lightweight polyester filament fabric from Japan and Korea are materially injuring, or are likely to materially injure, a United States industry. If its determinations are negative, these investigations will terminate; otherwise, they will continue according to the statutory procedures.

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

January 24, 1983.

[FR Doc. 83-2304 Filed 1-26-83; 8:45 am]

BILLING CODE 3510-25-M

National Oceanic and Atmospheric Administration

North Pacific Fishery Management Council; Herring Working Committee; Public Meeting

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

SUMMARY: The North Pacific Fishery Management Council, established by Section 302 of the Magnuson Fishery Conservation and Management Act (Pub. L. 94-265, as amended), has appointed a Herring Working Committee to propose modifications to the draft Bering/Chukchi Sea Herring Fishery Management Plan (FMP). This Committee will hold an open meeting to discuss issues relating to establishment of the FMP.

DATES: The Committee will meet on Wednesday, February 16, 1983, from approximately 9 a.m. until 5 p.m., in the Third Floor Conference Room at 605 West Fourth Avenue (the old Federal Court Building), Anchorage, Alaska.

PROPOSED AGENDA: The Committee will review and discuss the current and previous drafts of the Bering/Chukchi Sea Herring FMP, along with comments expressed by the Scientific and Statistical Committee regarding the management scheme. The Committee will also propose modifications to the FMP to integrate the management procedures voted upon by the Council in July 1982. The Committee will focus its attention on developing proposals to the Council on how the agreed upon management scheme may be integrated into the FMP and, in the process, may address any management options it feels appropriate for inclusion into the FMP. Public testimony will be accepted if time permits. Limited seating is available on a first come, first serve basis.

BACKGROUND: The Council began preparation of the Herring FMP in 1978 for management of stocks of Pacific Herring (*Clupea harengus pallasi*) in the eastern Bering Sea. A great deal of controversy has surrounded this FMP, and extended public hearings and comment periods have been provided over the past four years. In July 1982, the Council proposed a new management approach which restricts the potential offshore harvest to levels below those which would have been allowed by earlier drafts. The Committee, established by the Council in December 1982, will review this proposed management scheme and determine how it can be incorporated into the FMP. If the Committee determines that an alternative management approach is

more appropriate, the Committee will present those recommendations to the Council at the March 1982, Council meeting. It is the intent of the Council to approve the FMP at that meeting and to submit it to the Secretary of Commerce for implementation.

FURTHER INFORMATION: North Pacific Fishery Management Council, P.O. Box 3136DT, Anchorage, Alaska 99510, Telephone: (907) 274-4563.

Dated: January 24, 1983.

Joe P. Clem,
Acting Chief, Operations Coordination Group,
National Marine Fisheries Service.

[FR Doc. 83-2315 Filed 1-26-83; 8:45 am]

BILLING CODE 3510-22-M

COMMODITY FUTURES TRADING COMMISSION

Chicago Mercantile Exchange No. 2 Fuel Oil Futures Contract

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice of availability of the terms and conditions of proposed commodity futures contract.

SUMMARY: The Chicago Mercantile Exchange ("CME") has applied for designation as a contract market in No. 2 fuel oil. The Commission has determined that the terms and conditions of the proposed futures contract are of major economic significance and that, accordingly, making available the proposed contract for public inspection and comment is in the public interest, will assist the Commission in considering the views of interested persons, and is consistent with the purposes of the Commodity Exchange Act.

DATE: Comments must be received on or before March 28, 1983.

ADDRESS: Interested persons should submit their views and comments to Jane K. Stuckey, Secretary, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581. Reference should be made to the CME No. 2 fuel oil futures contract.

FOR FURTHER INFORMATION CONTACT: Richard Shilts, Division of Economics and Education, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C., (202) 254-7303.

A copy of the terms and conditions of the CME proposed No. 2 fuel oil futures contract will be available for inspection at the Office of the Secretariat, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581. Copies of the terms and conditions can be obtained

through the Office of the Secretariat by mail at the above address or by phone at (202) 254-6314.

Other materials submitted by the CME in support of its application for contract market designation may be available upon request pursuant to the Freedom of Information Act (5 U.S.C. 552) and the Commission's regulations thereunder (17 CFR Part 145 (1981)). Requests for copies of such materials should be made to the FOIA, Privacy and Sunshine Acts Compliance Staff of the Office of the Secretariat at the Commission's headquarters in accordance with 17 CFR 145.7 and 145.8.

Any person interested in submitting written data, views or arguments on the terms and conditions of the proposed futures contract, or with respect to other materials submitted by the CME in support of its application, should send such comments to Jane K. Stuckey, Secretary, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581, by March 28, 1983. Such comment letters will be publicly available except to the extent that they are entitled to confidential treatment as set forth in 17 CFR 145.5 and 145.9.

Issued in Washington, D.C., on January 21, 1983.

Jane K. Stuckey,
Secretary of the Commission.

[FR Doc. 83-2205 Filed 1-26-83; 8:45 am]

BILLING CODE 6371-01-M

MidAmerica Commodity Exchange Long-Term U.S. Treasury Note Futures Contract

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice of availability of the terms and conditions of proposed commodity futures contract.

SUMMARY: The MidAmerica Commodity Exchange ("MCE") has applied for designation as a contract market in long-term U.S. Treasury notes. The Commission has determined that the terms and conditions of the proposed futures contract are of major economic significance and that, accordingly, making available the proposed contract for public inspection and comment is in the public interest, will assist the Commission in considering the views of interested persons, and is consistent with the purposes of the Commodity Exchange Act.

DATE: Comments must be received on or before March 28, 1983.

ADDRESS: Interested persons should submit their views and comments to Jane K. Stuckey, Secretary, Commodity

Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581. Reference should be made to the MCE long-term U.S. Treasury note futures contract.

FOR FURTHER INFORMATION CONTACT: Ronald Hobson, Division of Economics and Education, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C., (202) 254-7303.

A copy of the terms and conditions of the MCE proposed long-term U.S. Treasury note futures contract will be available for inspection at the Office of the Secretariat, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581. Copies of the terms and conditions can be obtained through the Office of the Secretariat by mail at the above address or by phone at (202) 254-6314.

Other materials submitted by the MCE in support of its application for contract market designation may be available upon request pursuant to the Freedom of Information Act (5 U.S.C. 552) and the Commission's regulations thereunder (17 CFR Part 145 (1982)). Requests for copies of such materials should be made to the FOIA, Privacy and Sunshine Acts Compliance Staff of the Office of the Secretariat at the Commission's headquarters in accordance with 17 CFR 145.7 and 145.8.

Any person interested in submitting written data, views or arguments on the terms and conditions of the proposed futures contract, or with respect to other materials submitted by the MCE in support of its application, should send such comments to Jane K. Stuckey, Secretary, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581, by March 28, 1983. Such comment letters will be publicly available except to the extent that they are entitled to confidential treatment as set forth in 17 CFR 145.5 and 145.9.

Issued in Washington, D.C. on January 21, 1983.

Jane K. Stuckey,
Secretary of the Commission.

[FR Doc. 83-2206 Filed 1-26-83; 8:45 am]

BILLING CODE 6351-01-M

DEPARTMENT OF DEFENSE

Department of the Army

Modification of CH-47 Helicopters; Finding of No Significant Impact

FOR FURTHER INFORMATION CONTACT: Robert L. Thompson, DRCPM-CH-47M-L, AVRADCOM, 4300 Goodfellow

Boulevard, St. Louis, MO 63120; telephone (314) 263-1415.

NOTICE: An Environmental Assessment for the modification of CH-47 helicopters to the CH-47D configuration and the fielding of these CH-47D helicopters has been prepared. This assessment is available for public review at the office of the Project Manager for the CH-47 Modernization program (address above).

This project involves the modification of CH-47 helicopters incorporating seven major changes. These include, fiberglass rotor blades, a modernized drive system, a modularized hydraulic system, an improved electrical system, a three hook cargo suspension system, an improved Auxiliary Power Unit and an advanced flight control system.

The Environmental Assessment indicates that this project is a major Army action which will have little impact on the environment. It has therefore been determined that an Environmental Impact Statement is not required. This determination was based upon consideration of the following factors which are discussed in detail in the Environmental Assessment:

(a) There are no significant environmental impacts identified in the assessment;

(b) There are no serious impacts on physical resources.

The Department of the Army will receive comments on this action for a thirty day period from the date this notice appears in the *Federal Register*. Comments should be directed to Robert L. Thompson at the address shown above.

Lewis D. Walker,

Deputy for Environment, Safety and Occupational Health OASA(IL&FM).

January 20, 1983.

[FR Doc. 83-2398 Filed 1-26-83; 8:45 am]

BILLING CODE 3710-08-M

Office of the Secretary

Department of Defense Wage Committee; Closed Meetings

Pursuant to the provisions of section 10 of Pub. L. 92-463, the Federal Advisory Committee Act, notice is hereby given that a meeting of the Department of Defense Wage Committee will be held on Tuesday, March 1, 1983; Tuesday, March 8, 1983; Tuesday, March 15, 1983; Tuesday, March 22, 1983; Tuesday, March 29, 1983 at 10:00 a.m. in Room 3D265, the Pentagon, Washington, D.C.

The Committee's primary responsibility is to consider and submit recommendations to the Assistant

Secretary of Defense (Manpower, Reserve Affairs, and Logistics) concerning all matters involved in the development and authorization of wage schedules for federal prevailing rate employees pursuant to Pub. L. 92-392. At this meeting, the Committee will consider wage survey specifications, wage survey data, local wage survey committee reports and recommendations, and wage schedules derived therefrom.

Under the provisions of section 10(d) of Pub. L. 92-463, meetings may be closed to the public when they are "concerned with matters listed in 5 U.S.C. 552b." Two of the matters so listed are those "related solely to the internal personnel rules and practices of an agency," (5 U.S.C. 552b(c)(2)), and those involving "trade secrets and commercial or financial information obtained from a person and privileged or confidential" (5 U.S.C. 552b(c)(4)).

Accordingly, the Deputy Assistant Secretary of Defense (Civilian Personnel Policy & Requirements) hereby determines that all portions of the meeting will be closed to the public because the matters considered are related to the internal rules and practices of the Department of Defense (5 U.S.C. 552b(c)(2)), and the detailed wage data considered by the Committee during its meetings have been obtained from officials of private establishments with a guarantee that the data will be held in confidence (5 U.S.C. 552b(c)(4)).

However, members of the public who may wish to do so are invited to submit material in writing to the chairman concerning matters believed to be deserving of the Committee's attention. Additional information concerning this meeting may be obtained by writing the Chairman, Department of Defense Wage Committee, Room 3D264, the Pentagon, Washington, D.C. 20301.

M. S. Healy,

OSD Federal Register Liaison Officer, Department of Defense.

January 24, 1983.

[FR Doc. 83-2306 Filed 1-26-83; 8:45 am]

BILLING CODE 3810-01-M

Public Information Collection Requirement Submitted to OMB for Review

The Department of Defense has submitted to OMB for review the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Each entry contains the following information: (1) Type of Submission; (2) Title of Information Collection and Form Number if

applicable; (3) Abstract statement of the need for and the uses to be made of the information collected; (4) Type of Respondent; (5) An estimate of the number of responses; (6) An estimate of the total numbers of hours needed to provide the information; (7) To whom comments regarding the information collection are to be forwarded; (8) The point of contact from whom a copy of the information proposal may be obtained.

New

Survey of Implementation of Cost/Schedule Control Systems Criteria within DoD/Industry.

DoD instituted the Cost/Schedule Control Systems Criteria (C/SCSC) to ensure that DoD contractors use effective management control systems and procedures, and can provide valid contract cost/schedule status performance to DoD program managers. The survey investigates the effectiveness of the implementation of the C/SCSC and related contract performance reporting.

The survey respondents include both DoD and Defense contractor program managers and business managers. The public information requirement relates only to Defense contractor respondents.

The Phase I survey questionnaire will be mailed to approximately 320 Defense contractor program managers and 320 Defense contractor business managers. The Phase II interview effort will include approximately 64 Defense contractor program managers and 64 Defense contractor business managers.

The total number of burden hours required to complete the Phase I survey questionnaire (336 hours) plus the Phase II interview effort (320 hours) is 656 burden hours.

Forward comments to Edward Springer, OMB Desk Officer, Room 3235, NEOB, Washington, D.C. 20503, and John V. Wenderoth, DoD Clearance Officer, OASD(C), DIRMS, IRAD, Room 1A658, Pentagon, Washington, D.C. 20301, telephone (202) 697-1195.

A copy of the information collection proposal may be obtained from Edward J. Haese, OASD(C)C&A/ACM, Room 4B915, Pentagon, Washington, D.C. 20301, telephone (202) 695-5166.

M. S. Healy,

OSD Federal Register Liaison Officer, Department of Defense.

January 24, 1983.

[FR Doc. 83-2309 Filed 1-26-83; 8:45 am]

BILLING CODE 3810-01-M

Foreign Assistance; Determination

Pursuant to section 515(c)(1) of the Foreign Assistance Act of 1961 relating to overseas management of assistance and sales programs, and in accordance with the authority delegated by Executive Order 12163 and redelegated on February 12 and February 24, 1972, to the Director, Defense Security Assistance Agency, Philip C. Gast, Lieutenant General, USAF, Director, Defense Security Assistance Agency, has determined that United States national interests require that more than six members of the Armed Forces be assigned under section 515 of that Act to carry out international security assistance programs in Tunisia, and therefore waives the limitation that the number of members of the Armed Forces assigned to a foreign country under section 515 of that Act may not exceed six unless specifically authorized by the Congress.

The increase from six to seven in the total number of military personnel authorized for the United States Liaison Office, Tunisia (USLOT), shall be effective 30 days after the date on which this determination is reported to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

Dated: January 20, 1983.

M. S. Healy,

*OSD Federal Register Liaison Officer,
Department of Defense.*

[FR Doc. 83-2223 Filed 1-26-83; 8:45 am]

BILLING CODE 3810-01-M

President's Commission on Strategic Forces; Advisory Committee Meeting

The President's Commission on Strategic Forces will meet in closed session on January 27 and 28, 1983 at the Pentagon, Washington, D.C.

The mission of the Commission is to review the strategic modernization program for United States forces, with particular reference to the intercontinental ballistic missile system and basing alternatives for that system, and provide appropriate advice to the President, the National Security Council, and the Department of Defense.

Because of the significance of the project to national security and the urgent need for the Commission's recommendation, the President has directed that the Commission submit its report to him by February 18, 1983. Because of the stringent deadline imposed by the President, timely notice of the meeting cannot be provided.

Discussions during the meeting will involve classified matters of national

security concern throughout. Such discussion cannot reasonably be segregated into separate classified and unclassified categories without defeating the effectiveness and purpose of the overall meetings.

Accordingly, consistent with section 10(d) of Pub. L. 92-463, the "Federal Advisory Committee Act," and Section 552b(c)(1) of Title 5, United States Code, this meeting will be closed to the public.

M. S. Healy,

*OSD Federal Register Liaison Officer,
Department of Defense.*

January 24, 1983.

[FR Doc. 83-2223 Filed 1-26-83; 8:45 am]

BILLING CODE 3810-01-M

DEPARTMENT OF EDUCATION**Advisory Council on Education Statistics; Meeting**

AGENCY: Advisory Council on Education Statistics.

ACTION: Notice of Meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of a forthcoming meeting of the Advisory Council on Education Statistics. This notice also describes the functions of the Council. Notice of this meeting is required under Section 10(a)(2) of the Federal Advisory Committee Act. This document is intended to notify the general public of their opportunity to attend.

DATE: February 14 and 15, 1983.

TIME: Beginning at 9:00 a.m. each day.

ADDRESS: Room 823, 1200 19th St., NW, Washington, D.C. 20036.

FOR FURTHER INFORMATION CONTACT: Theodore H. Drews, Executive Director, 400 Maryland Avenue SW, (Presidential Bldg., Room 205), Washington, D.C. 20202. Telephone—(301) 436-7876.

SUPPLEMENTARY INFORMATION: The Advisory Council on Education Statistics is established under Section 406 (c)(1) of the Education Amendments of 1974, Pub. L. 93-380. The Council is established to review general policies for the operation of the National Center for Education Statistics and is responsible for establishing standards to insure that statistics and analyses disseminated by the Center are of high quality and are not subject to political influence.

The meeting of the Council is open to the public. The proposed agenda includes:

A review of the draft of the Council's Eighth Annual Report.

A presentation and discussion of the National Center's policies on the

enhancement of the National Center's data bases and their utility.

A progress report and discussion of the National Center's program of cooperative surveys and joint ventures.

A progress report and discussion of the National Center's research project on teacher supply and demand.

A report by the Administrator, National Center for Education Statistics, on recent activities of the National Center.

Such new business as the chairman or the membership may put before the Council.

Records are kept of all Council proceedings, and are available for public inspection at the office of the Executive Director, Advisory Council on Education Statistics, 6525 Belcrest Rd., (Presidential Bldg., Room 205), Hyattsville, Maryland.

Dated: January 11, 1983.

Donald J. Senese,

Assistant Secretary for Educational Research and Improvement.

[FR Doc. 83-2193 Filed 1-26-83; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY**Energy Information Administration****Agency Forms Under Review by the Office of Management and Budget**

AGENCY: Energy Information Administration, DOE.

ACTION: Notice of submission of request for clearance to the Office of Management and Budget.

SUMMARY: Under provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35), Department of Energy (DOE) notices of proposed collections under review will be published in the Federal Register on the Thursday of the week following their submission to the Office of Management and Budget (OMB). Following this notice is a list of the DOE proposals sent to OMB for approval since Thursday, January 13, 1983.

Each entry contains the following information and is listed by the DOE sponsoring office: (1) The form number; (2) Form title; (3) Type of request, e.g., new, revision, or extension; (4) Frequency of collection; (5) Response obligation, i.e., mandatory, voluntary, or required to obtain or retain benefit; (6) Type of respondent; (7) An estimate of the number of respondents; (8) Annual respondent burden, i.e., an estimate of the total number of hours needed to fill

out the form; and (9) A brief abstract describing the proposed collection.

DATES: Last Notice published Thursday, January 13, 1983 (48 FR 1533).

FOR FURTHER INFORMATION CONTACT: John Gross, Director, Forms Clearance and Burden Control Division, Energy Information Administration, M. S. 1H-023, Forrestal Building, 1000 Independence Ave., NW., Washington, D.C. 20585, (202) 252-2308.

Jefferson B. Hill, Department of Energy Desk Officer, Office of Management

and Budget, 726 Jackson Place, NW., Washington, D.C. 20503, (202) 395-7340.

Vartkes Broussalian, Federal Energy Regulatory Commission Desk Officer, Office of Management and Budget, 726 Jackson Place, NW., Washington, D.C. 20503, (202) 395-3087.

SUPPLEMENTARY INFORMATION: Copies of proposed collections and supporting documents may be obtained from Mr. Gross. Comments and questions about the items on this list should be directed to the OMB reviewer; comments should

also be provided Mr. Gross. If you anticipate commenting on a form, but find that time to prepare these comments will prevent you from submitting comments promptly, you should advise the OMB reviewer of your intent as early as possible.

Issued in Washington, D.C., January 21, 1983.

Yvonne M. Bishop,
Director, Statistical Standards, Energy Information Administration.

DOE FORMS UNDER REVIEW BY OMB

Form No.	Form title	Type of request	Response frequency	Response obligation	Respondent description	Estimated number of respondents	Annual respondent burden	Abstract
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
EIA-175	Annual Report of Natural and Supplemental Gas Supply and Disposition.	New	Annual	Mandatory	Natural gas pipelines and distributors.	1802	33,347	Data will be used to produce the "Natural Gas Annual," to provide input to the State Energy Data Report, and as input to natural gas energy supply, demand and price forecasting models. Data are needed to determine quantities of natural gas available by State.
EIA-759	Monthly Power Plant Report.	Revision	Monthly	Mandatory	Electric Utilities	814	46,476	EIA-759 is designed to collect data on generation, consumption, and stocks of fuel at electric generating plants. The data are published in the Electric Power Monthly, the Electric Power Annual, the Monthly Energy Review, and reports to Congress. The data are also used in Energy Information Administration models.

[FR Doc. 83-2192 Filed 1-26-83; 8:45 am]

BILLING CODE 6450-01-M

Office of Energy Research

DOE/NSF Nuclear Science Advisory Committee; Open Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770), notice is hereby given of the following meeting:

Name: DOE/NSF Nuclear Science Advisory Committee.

Date and Time: Wednesday, February 16, 1983, 9:00 a.m. to 6:00 p.m.

Place: U.S. Department of Energy, Room 8E-089, Forrestal Building, 1000 Independence Ave., SW., Washington, D.C.

Contact: John R. Erskine, Division of Nuclear Physics, ER-23 GTN, U.S. Department of Energy, Washington, D.C. 20545. Telephone: 301-353-3613, FTS 233-3613.

Purpose of Committee: To provide advice to the Department of Energy and the National Science Foundation on the management of and long range planning for basic nuclear research programs.

Tentative Agenda:

- Discussion of DOE and NSF budgets,
- Presentation of future plans at BNL, LBL, and LANL,

- Planning for revision of the Long Range Plan.

- Reports of Subcommittees,
- Discussion of availability of stable isotopic target materials.

Public Participation: The meeting is open to the public. The Chairperson of the Committee is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Committee will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements pertaining to agenda items should contact Gloria Decker at 202-252-5187. Requests must be received at least five days prior to the meeting and reasonable provisions will be made to include the presentation on the agenda.

Transcripts: Available for public review and copying at the Public Reading Room, Room 1E-190, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C., between 8:00 a.m. and 4:30 p.m., Monday through Friday, except for Federal holidays.

Issued at Washington, D.C., on January 24, 1983.

Howard H. Raiken,
Deputy Advisory Committee Management Officer.

[FR Doc. 83-2191 Filed 1-26-83; 8:45 am]

BILLING CODE 6450-01-M

Office of Fossil Energy

Advisory Committee on Federal Assistance for Alternative Fuel Demonstration Facilities; Open Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92-463, 86 Stat. 770), notice is hereby given of the following advisory committee meeting:

Name: Advisory Committee on Federal Assistance for Alternative Fuel Demonstration Facilities.

Date and Time: Friday, February 25, 1983, 1:45 p.m. to 5:00 p.m.

Place: The Capitol Hill Club, 300 First Street, SE., Washington, D.C. 20003.

Contact: Patricia Dickinson, Office of Oil, Gas, Shale and Coal Liquids, U.S. Department of Energy, Germantown, Maryland 20545, Room D-119, Mail Stop D-107. Telephone: (301) 353-2700.

Purpose: To provide advice, information, and recommendations to the Secretary of Energy on matters relating to the development of alternative fuels.

Tentative Agenda:

- Welcome,
- Great Plains Coal Gasification Project (GPCGP) Status Review Presentation,
- Advisory Committee Deliberations,

- Synthetic Fuels Corporation (SFC)

Presentation,

- Public Commentary and Discussion,
- Closing Remarks.

Public Participation: The meeting is open to the public. Written statements may be filed with the Committee either before or after the meeting. Members of the public who wish to make oral statements pertaining to agenda items should contact Mr. Keith N. Frye at the address or telephone number listed above. Requests must be received 5 days prior to the meeting and reasonable provisions will be made to include the presentation on the agenda. The Chairperson of the Committee is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business.

Transcripts: Available for public review and copying at the Freedom of Information Public Reading Room, 1E-190, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. between 8:30 a.m. and 4 p.m., Monday through Friday, except federal holidays.

Issued at Washington, D.C. on January 24, 1983.

Howard H. Raiken,

Deputy Advisory Committee Management Officer.

[FR Doc. 83-2190 Filed 1-26-83; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Volume 815]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued January 21, 1983

JD NO JA DKT AFI NO D SEC(1) SEC(2) WELL NAME

KANSAS CORPORATION COMMISSION

-ALADDIN PETROLEUM CORP	1503521767	103	RECEIVED:	12/27/82	J A: KS				
8314992 K-82-0771				LEHERT #3					
-AMERICAN PETROFINA COMPANY OF TEXAS	1505320723	103	RECEIVED:	12/27/82	J A: KS				
8314993 K-82-0839				MARIE WAMHOFF #1					
-AMADARKO PRODUCTION COMPANY			RECEIVED:	12/27/82	J A: KS				
8314984 K-82-0770	1518920218	108		BANE G #1					
8315018 K-82-1048	1506700000	108		BROLLIER C-2					
8315023 K-82-1053	1512920636	102-4		EAGLEY "O" #1					
8315015 K-82-1186	1515520517	108		MAXWELL A-1					
8314986 K-82-0481	1517520410	108		NIX D-1					
8315016 K-82-1185	1506700000	108		TOWLER P-1					
-ASSOCIATED PETROLEUM CONSULTANTS			IN RECEIVED:	12/27/82	J A: KS				
8315070 K-82-1114	1500721412	102-4		HAAS BROTHERS #1	1-15-007-21412				
8315068 K-82-1110	1500721141	102-4		MOTT RANCH #1	1-15-007-141				
8315069 K-82-1111	1500721304	102-4		MOTT RANCH #2	1-15-007-21304				
8315067 K-82-1113	1500721469	102-4		MOTT RANCH #6	1-15-007-21469				
-BENSON MINERAL GROUP			RECEIVED:	12/27/82	J A: KS				
8314971 K-82-1128	1514520798	102-2		SALES #2-14					
8314972 K-82-1127	1514520786	102-2		THOMPSON E #1-17					
8315004 K-81-0447	1500922051	108		UMHEN A 1-14					
-CENTENNIAL ENERGY CO			RECEIVED:	12/27/82	J A: KS				
8314999 K-82-1081	1518126043	108		LOVELACE #2-5					
-CITIES SERVICE COMPANY			RECEIVED:	12/27/82	J A: KS				
8314991 K-82-1001	1505520483	103		GARDEN CITY E #2					
8314990 K-82-1026	1509320744	103		GARDEN CITY P #1					
8314989 K-82-1045	1517520587	103		HITCH M #1					
8314988 K-82-1139	1503320499	103		RICH "A" #1					
-COASTAL OIL & GAS CORP			RECEIVED:	12/27/82	J A: KS				
8315000 K-82-0875	1505720255	102-2		ASKEW #1					
-DAKOTA RESOURCES INC			RECEIVED:	12/27/82	J A: KS				
8315065 K-82-1216	1515520853	102-4		PAINE #1					
-DERNICK RESOURCES INC			RECEIVED:	12/27/82	J A: KS				
8315050 K-82-0911	1507520370	103		KERR #1					
-DORCHESTER EXPLORATION INC			RECEIVED:	12/27/82	J A: KS				
8315001 K-82-0967	1507120096	108		ETW #1					
-E S ENERGY SOURCES INC			RECEIVED:	12/27/82	J A: KS				
8314955 K-82-1059	1512524416	102-2		ALDERMAN #1	API NO 15-125-24 416				
-EAGLE EXPLORATIONS INC			RECEIVED:	12/27/82	J A: KS				
8315025 K-82-0840	1515121601	102-4		BLACKBURN #1					
-EDMISTON OIL CO INC			RECEIVED:	12/27/82	J A: KS				
8315031 K-82-1130	1500721234	103		ALBERDING #1					

FIELD NAME

BROD PURCHASER

WALNUT BEND

21.6 COLONIAL CORP

GREEN GARDENS

100.0

PANOMA
PANOMA
DUNKLE
LANGDON
SHUCK
PANOMA

18.0 PANHANDLE EASTERN
18.3 PANHANDLE EASTERN
82.0 PANHANDLE EASTERN
20.0 PANHANDLE EASTERN
1.0 CIMARRON-QUINQUE
19.1 PANHANDLE EASTERN

AMBERMILLS SOUTH (NEW
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1.1 DELHI GAS PIPELIN
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BRYANT SE
BRYANT SE
OTIS ALBERT

8.4 INTER NORTH INC
14.7 INTER NORTH INC
21.2 NORTHERN GAS PROD

GOODLAND

1.8 KANSAS-NEBRASKA M

PANOMA

41.3 COLORADO INTERSTA

PANOMA

36.5 COLORADO INTERSTA

SHUCK

45.9 PANHANDLE EASTERN

J B COLDWATER

17.5

MINNEOLA

91.0 KANSAS POWER & LI

HUNTSVILLE

0.0 PEOPLES NATURAL G

BRADSHAW

43.0 NATURAL GAS SALES

BRADSHAW

17.7 SUNFLOWER ELECTRI

DEARING

14.4 PELICAN PIPELINE

WILLOCAT

80.3 PANHANDLE EASTERN

STRANAHAN

11.0 KANSAS GAS SUPPLY

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JD NO	JA DNT	API NO	D SEC(1) SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8315010	K-82-1002	1509521231	102-2	ZRUBEK #1	WILDCAT	60.0	CENTRAL STATES GA
-LAURIE	RESOURCES (U S) INC		RECEIVED:	12/27/82	JA: KS		
8314995	K-82-1220	1514520921	103	FLESKE #1	SWEENEY SW	182.0	KANSAS -NEBRASKA
-LEACH & ASSOCIATES INC			RECEIVED:	12/27/82	JA: KS		
8314957	K-82-1208	1515520868	102-2	CANTWELL 1-B		108.0	PEOPLE'S NATURAL
-MANNA PRODUCTION CO INC			RECEIVED:	12/27/82	JA: KS		
8314965	K-82-1179	1509921171	102-2	FRED COOPER "A" WELL #1	EDNA	91.3	M E WACKERLE CO I
8314960	K-82-1178	1509921172	102-2	KNEWTSON #1	EDNA	82.5	M E WACKERLE CO I
-MARCO PRODUCTION CO			RECEIVED:	12/27/82	JA: KS		
8315006	K-82-1203	1511520703	103	POWERS #1	LOST SPRINGS	3.1	CLOVER PIPELINE C
8315005	K-82-1204	1511520704	103	POWERS #2	LOST SPRINGS	3.1	CLOVER PIPELINE C
8315007	K-82-1202	1511520704	103	KJELLIN #1	LOST SPRINGS	5.4	CLOVER PIPELINE C
8315008	K-82-1201	1511520889	103	KJELLIN #5	LOST SPRINGS	5.4	CLOVER PIPELINE C
-MARION DALE			RECEIVED:	12/27/82	JA: KS		
8315003	K-82-0083	1509380800	108	KLEEMAN #1 (27-22-36 KEARNY CO KS)	HUGOTON (CHASE)	15.0	CITIES SERVICE GA
-MCNEILSH OIL OPERATIONS			RECEIVED:	12/27/82	JA: KS		
8314970	K-82-1106	1501922570	102-2	HADEN "A" #1	CLOVERDALE NW	54.0	BUCKEYE GAS SERVI
8314967	K-82-1105	1501922571	102-2	HADEN "B" #1	CLOVERDALE NW	36.5	BUCKEYE GAS SERVI
8314969	K-82-1107	1501923885	102-2	NEAL #1	CLOVERDALE NORTHWEST	54.8	BUCKEYE GAS SERVI
8314973	K-82-0493	1503522971	102-2	STEWART "A" #1	CLOVERDALE NORTHWEST	55.0	BUCKEYE GAS SERVI
-MIDWESTERN EXPLORATION CO			RECEIVED:	12/27/82	JA: KS		
8314997	K-82-1217	1518920599	103	DE CAMP #1-10	WILDCAT	69.0	INTER NORTH INC
-MOLZ OIL CO			RECEIVED:	12/27/82	JA: KS		
8315060	K-82-1027	1500721415	103	ANTRIM #1	MCQUIRE-GOEMANN	72.0	PANHANDLE EASTERN
8315043	K-82-1150	1500721487	103	ANTRIM #2	MCQUIRE-GOEMANN	80.0	PANHANDLE EASTERN
-MILSON ENTERPRISES INC			RECEIVED:	12/27/82	JA: KS		
8314985	K-82-0764	1502320070	108	HENDRICKS #1	SO ST FRANCIS GAS ARE	5.0	PEOPLE'S NATURAL
-NORTHMAN NATURAL GAS PRODUCING CO			RECEIVED:	12/27/82	JA: KS		
8315047	K-82-1211	1518920582	103	CHAFFIN #2 UNIT #3	PANOMA COUNCIL GROVE	32.4	INTERNORTH INC
-OSWEGO OIL & GAS CO INC			RECEIVED:	12/27/82	JA: KS		
8314978	K-82-0883	1509920848	108	LIPPS #5	SO BARTLETT	0.0	CITIES SERVICE GA
8314979	K-82-0882	1509920849	108	LIPPS #8	SO BARTLETT	0.0	CITIES SERVICE GA
8314981	K-82-0880	1509920977	108	MARIE OLSON #4	SO BARTLETT	0.0	CITIES SERVICE GA
8314980	K-82-0881	1509920843	108	MOBLE #1	SO BARTLETT	0.0	CITIES SERVICE GA
8314982	K-82-0879	1509920993	108	OLSON #5	SO BARTLETT	0.0	CITIES SERVICE GA
8314983	K-82-0878	1509920917	108	PATTERSON #2	SO BARTLETT	0.0	CITIES SERVICE GA
8314977	K-82-0884	1509920508	108	ROBINSON #2	SO BARTLETT	0.0	CITIES SERVICE GA
8315002	K-82-0886	1509920925	108	SCHREPPLE #5	SO BARTLETT	7.0	CITIES SERVICE GA
-PETRO-DYNAMICS CORP			RECEIVED:	12/27/82	JA: KS		
8314956	K-82-1216	1519121403	102-2	CURRY #1	ERSKINE	130.0	DELHI GAS PIPELIN
-R J PATRICK OPERATING CO			RECEIVED:	12/27/82	JA: KS		
8315045	K-82-1148	1512920551	103	ORA BAKER #2	COLLIER FLATS SOUTH	27.4	INTER NORTH INC
8315044	K-82-1149	1512920551	103	ORA BAKER #3	COLLIER FLATS SOUTH	88.7	INTER NORTH INC
-ROBINSON OIL CO			RECEIVED:	12/27/82	JA: KS		
8314974	K-82-1147	1519121293	102-2	SMITH "A" #1	LATTA N	109.5	GETTY OIL CO
-SAGE DRILLING CO INC			RECEIVED:	12/27/82	JA: KS		
8314964	K-82-1108	1517520620	103	BLACK #3-1	SOUTH KISMET	100.0	PANHANDLE EASTERN
-SHAWAR OIL CO INC			RECEIVED:	12/27/82	JA: KS		
8314966	K-82-1005	1511520760	108	OPDENHOFF-BUETHE 00173-000003	ANTELOPE POOL	4.0	CITIES SERVICE GA
8315020	K-82-1004	1511520760	108	OPDENHOFF-BUETHE 00173-000003	ANTELOPE POOL	4.0	CITIES SERVICE GA
-STRATA TECH OIL CO INC			RECEIVED:	12/27/82	JA: KS		
8314959	K-82-1188	1510320167	102-2	PERQUE #1	WILDCAT	360.0	CITIES SERVICE CO
-TEMPLETON ENERGY INC			RECEIVED:	12/27/82	JA: KS		

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API NO D SEC(1) SEC(2) WELL NAME

JO NO JA DKT

8315021	K-82-1047	1511920543	102-4	RECEIVED: 12/27/82	JA: KS	PROD PURCHASER	1300.0 PANHANDLE EASTERN
8314968	K-82-1054	1519121064	102-2	RECEIVED: 12/27/82	JA: KS	PROD PURCHASER	0.0 GETTY OIL CO
8315024	K-82-1054A	1519121064	103	RECEIVED: 12/27/82	JA: KS	PROD PURCHASER	65.7 GETTY OIL CO
8314962	K-82-0483	1512921946	102-2	RECEIVED: 12/27/82	JA: KS	PROD PURCHASER	12.7 HENRY OIL & GAS I
8315027	K-82-1174	1507220831	102-4	RECEIVED: 12/27/82	JA: KS	PROD PURCHASER	150.0 DELHI CORP
8315071	K-82-1126	1511920579	102-4	RECEIVED: 12/27/82	JA: KS	PROD PURCHASER	180.0
8315028	K-82-1104	1507220585	102-4	RECEIVED: 12/27/82	JA: KS	PROD PURCHASER	140.0 NORTHERN GAS PROD
8314958	K-82-1206	1509921582	102-2	RECEIVED: 12/27/82	JA: KS	PROD PURCHASER	91.3 H E WACKERLE CO I
8314961	K-82-1207	1509921618	102-2	RECEIVED: 12/27/82	JA: KS	PROD PURCHASER	79.9 H E WACKERLE CO I
8315049	K-82-1180	1509720866	103	RECEIVED: 12/27/82	JA: KS	PROD PURCHASER	90.0 PANHANDLE EASTERN
8315026	K-82-1144	1514520927	102-4	RECEIVED: 12/27/82	JA: KS	PROD PURCHASER	72.0 KANSAS - NEBRASKA
8315066	K-82-1143	1514520927	102-4	RECEIVED: 12/27/82	JA: KS	PROD PURCHASER	72.0 KANSAS - NEBRASKA
NEW YORK DEPARTMENT OF ENVIRONMENTAL CONSERVATION							
8314888	2885	3101321596	107-TF	RECEIVED: 12/27/82	JA: NY	PROD PURCHASER	30.0 COLUMBIA GAS TRAN
8314871	2932	3101314399	108	RECEIVED: 12/27/82	JA: NY	PROD PURCHASER	6.0 NATIONAL FUEL GAS
8314939	4401	3101314161	108	RECEIVED: 12/27/82	JA: NY	PROD PURCHASER	8.0 NATIONAL FUEL GAS
8314914	4426	3101314353	108	RECEIVED: 12/27/82	JA: NY	PROD PURCHASER	11.0 NATIONAL FUEL GAS
8314901	4373	3101313867	108	RECEIVED: 12/27/82	JA: NY	PROD PURCHASER	4.0 NATIONAL FUEL GAS
8314891	4383	3101315269	108	RECEIVED: 12/27/82	JA: NY	PROD PURCHASER	4.0 NATIONAL FUEL GAS
8314946	4394	3101314859	108	RECEIVED: 12/27/82	JA: NY	PROD PURCHASER	13.0 NATIONAL FUEL GAS
8314926	4414	3101314860	108	RECEIVED: 12/27/82	JA: NY	PROD PURCHASER	11.0 NATIONAL FUEL GAS
8314925	4415	3101314861	108	RECEIVED: 12/27/82	JA: NY	PROD PURCHASER	17.0 NATIONAL FUEL GAS
8314932	4408	3101314428	108	RECEIVED: 12/27/82	JA: NY	PROD PURCHASER	12.0 NATIONAL FUEL GAS
8314930	4410	3101314634	108	RECEIVED: 12/27/82	JA: NY	PROD PURCHASER	20.0 NATIONAL FUEL GAS
8314938	4402	3101314365	108	RECEIVED: 12/27/82	JA: NY	PROD PURCHASER	15.0 NATIONAL FUEL GAS
8314931	4409	3101314366	108	RECEIVED: 12/27/82	JA: NY	PROD PURCHASER	7.0 NATIONAL FUEL GAS
8314913	4202	3101312542	108	RECEIVED: 12/27/82	JA: NY	PROD PURCHASER	3.0 NATIONAL FUEL GAS
8314943	4397	3101314589	108	RECEIVED: 12/27/82	JA: NY	PROD PURCHASER	0.8 NATIONAL FUEL GAS
8314944	4396	3101314451	108	RECEIVED: 12/27/82	JA: NY	PROD PURCHASER	1.0 NATIONAL FUEL GAS
8314945	4395	3101314452	108	RECEIVED: 12/27/82	JA: NY	PROD PURCHASER	2.0 NATIONAL FUEL GAS
8314940	4400	3101314453	108	RECEIVED: 12/27/82	JA: NY	PROD PURCHASER	6.0 NATIONAL FUEL GAS
8314949	4391	3101314454	108	RECEIVED: 12/27/82	JA: NY	PROD PURCHASER	8.0 NATIONAL FUEL GAS
8314950	4390	3101314618	108	RECEIVED: 12/27/82	JA: NY	PROD PURCHASER	1.0 NATIONAL FUEL GAS
8314921	4419	3101314291	108	RECEIVED: 12/27/82	JA: NY	PROD PURCHASER	12.0 NATIONAL FUEL GAS
8314920	4420	3101314357	108	RECEIVED: 12/27/82	JA: NY	PROD PURCHASER	4.0 NATIONAL FUEL GAS
8314917	4423	3101313558	108	RECEIVED: 12/27/82	JA: NY	PROD PURCHASER	1.0 NATIONAL FUEL GAS
8314951	4389	3101314359	108	RECEIVED: 12/27/82	JA: NY	PROD PURCHASER	8.0 NATIONAL FUEL GAS
8314952	4388	3101314365	108	RECEIVED: 12/27/82	JA: NY	PROD PURCHASER	4.0 NATIONAL FUEL GAS
8314928	4412	3101314179	108	RECEIVED: 12/27/82	JA: NY	PROD PURCHASER	3.0 NATIONAL FUEL GAS
8314894	4380	3101314152	108	RECEIVED: 12/27/82	JA: NY	PROD PURCHASER	5.0 NATIONAL FUEL GAS
8314910	4201	3101314292	108	RECEIVED: 12/27/82	JA: NY	PROD PURCHASER	1.0 NATIONAL FUEL GAS
		3101312871	108	RECEIVED: 12/27/82	JA: NY	PROD PURCHASER	6.0 NATIONAL FUEL GAS

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8314215	4425	3101314352	108		G LAPORTE #2	LAKESHORE	13.0	NATIONAL FUEL GAS
8314329	4411	3101314633	108		G NUTBROWN #1	LAKESHORE	4.0	NATIONAL FUEL GAS
8314896	4378	3101314313	108		GLASSER	LAKESHORE	2.0	NATIONAL FUEL GAS
8314912	4203	3101312872	108		HEPPNER #2	LAKESHORE	4.0	NATIONAL FUEL GAS
8314935	4465	3101314361	108		I COCHRANE #3	LAKESHORE	11.0	NATIONAL FUEL GAS
8314919	4421	3101314368	108		J HITZ #1	LAKESHORE	7.0	NATIONAL FUEL GAS
8314933	4497	3101314587	108		J LARSON #1	WILDCAT	9.0	NATIONAL FUEL GAS
8314903	4371	3101314159	108		J MERATKO #1	LAKESHORE	0.2	NATIONAL FUEL GAS
8314924	4416	3101314795	108		J MERATKO #2	LAKESHORE	8.0	NATIONAL FUEL GAS
8314899	4375	3101314250	108		KELSO #1	LAKESHORE	6.0	NATIONAL FUEL GAS
8314900	4374	3101314251	108		KELSO #2	LAKESHORE	4.0	NATIONAL FUEL GAS
8314890	4384	3101314180	108		LANE #1	PANAMA	1.0	NATIONAL FUEL GAS
8314936	4404	3101314431	108		LEFEVER #1	LAKESHORE	17.0	NATIONAL FUEL GAS
8314941	4399	3101314432	108		LEFEVER #2	LAKESHORE	7.0	NATIONAL FUEL GAS
8314923	4417	3101314319	108		M WHITE #1	LAKESHORE	1.0	NATIONAL FUEL GAS
8314953	4387	3101313977	108		MCCONNON #1	PANAMA	2.0	NATIONAL FUEL GAS
8314918	4422	3101314836	108		MONROE #1	LAKESHORE	7.0	NATIONAL FUEL GAS
8314937	4403	3101314591	108		MOONBROOK COUNTRY CLUB #1	WILDCAT	5.0	NATIONAL FUEL GAS
8314898	4376	3101314249	108		PALERMO #1	LAKESHORE	2.0	NATIONAL FUEL GAS
8314893	4381	3101314316	108		PENWELL #2	LAKESHORE	9.0	NATIONAL FUEL GAS
8314895	4379	3101314153	108		R JOHNSON #2	PANAMA	8.0	NATIONAL FUEL GAS
8314902	4372	3101314433	108		R MILLER #1	WILDCAT	7.0	NATIONAL FUEL GAS
8314934	4406	3101315321	108		SCHUSTER #2	LAKESHORE	18.0	NATIONAL FUEL GAS
8314948	4392	3101313200	108		SEBLINK #2	LAKESHORE	8.0	NATIONAL FUEL GAS
8314947	4393	3101313201	108		SEBLINK #3	LAKESHORE	3.0	NATIONAL FUEL GAS
8314889	4386	3101313976	108		SHERMAN #1	PANAMA	3.0	NATIONAL FUEL GAS
8314911	4204	3101312855	108		SPODEN FARMS #1	LAKESHORE	3.0	NATIONAL FUEL GAS
8314927	4413	3101313516	108		SULLIVAN #1	PANAMA	2.0	NATIONAL FUEL GAS
8314922	4418	3101314294	108		SULLIVAN #2	PANAMA	3.0	NATIONAL FUEL GAS
8314892	4382	3101313202	108		T SMITH #1	LAKESHORE	6.0	NATIONAL FUEL GAS
8314897	4377	3101314361	108		WATERS #1	LAKESHORE	5.0	NATIONAL FUEL GAS
8314916	4424	3101313755	108		WHITTINGTON #1	WILDCAT	1.0	NATIONAL FUEL GAS
-JOYCE MANAGEMENT CORP			RECEIVED:	12/27/82	JA: NY		4.0	NATIONAL FUEL GAS
8314870	4477	3100317108	103		PUTNAM LEASE WELL #1 LOT #52	RICHBURG		
-KEYSTONE ENERGY OIL & GAS PRODUCTION			RECEIVED:	12/27/82	JA: NY		18.0	NATIONAL FUEL GAS
8314874	4197	3100916524	103		DOROTHY BEZELVAK #1	SKINNER HOLLOW		
-LEMAPE RESOURCES CORP			RECEIVED:	12/27/82	JA: NY		20.0	ELIZABETHTOWN GAS
8314885	4211	3112117613	103		A J DRIES #1 LRC #136	LEICESTER	20.0	ELIZABETHTOWN GAS
8314886	4210	3112117047	103		A J DRIES UNIT #1 LRC #135	WILDCAT	20.0	ELIZABETHTOWN GAS
8314875	4208	3112117237	103		A S ELIGH UNIT #1 LRC #127	LEICESTER	20.0	ELIZABETHTOWN GAS
8314881	4215	3112117079	103		D G BUTLER #1 LRC #111	PERRY	20.0	ELIZABETHTOWN GAS
8314887	4209	3112117612	103		D H SHEARING #1 LRC #134	WILDCAT	20.0	ELIZABETHTOWN GAS
8314880	4216	3112117200	103		EMERLING FARMS UNIT #1 LRC #112	LEICESTER	20.0	ELIZABETHTOWN GAS
8314879	4217	3112117618	103		H B GOOD UNIT #1 LRC #113	WILDCAT	20.0	ELIZABETHTOWN GAS
8314883	4213	3112114289	103		HALMA #2 LRC #30	LEICESTER	20.0	ELIZABETHTOWN GAS
8314884	4212	3112115996	103		R NEIL #1 LRC #29	LEICESTER	20.0	ELIZABETHTOWN GAS
8314882	4214	3112117047	103		R L HALMA #3 LRC #107	PERRY	20.0	ELIZABETHTOWN GAS
8314878	4205	3112117295	103		TAYLOR FARMS UNIT #1 LRC #117	LEICESTER	20.0	ELIZABETHTOWN GAS
8314877	4206	3112117231	103		TAYLOR FARMS UNIT #2 LRC #118	LEICESTER	20.0	ELIZABETHTOWN GAS
8314876	4207	3112117232	103		TAYLOR FARMS UNIT #3 LRC #119	LEICESTER	20.0	ELIZABETHTOWN GAS
-NYS NATURAL GAS COMPANY			RECEIVED:	12/27/82	JA: NY			
8314869	4475	3101317865	103		BEST #3	RIPLEY	20.0	NATIONAL FUEL GAS
-RELIAGAS & CO			RECEIVED:	12/27/82	JA: NY			

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API NO

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FIELD NAME

PROD

PURCHASER

JO NO	JA DKT	API NO	O SEC(1)	SEC(2)	WELL NAME	API NO	FIELD NAME	PROD	PURCHASER
8314954	18	310311512	108	RECEIVED: 12/27/82	MANLY I #3	JA: NY	LAKESHORE	6.6	NATIONAL FUEL GAS
-RICHARDSON PETROLEUM CORP									
8314905	4191	3100317658	103	RECEIVED: 12/27/82	HESELTON #16	JA: NY	INDEPENDENCE	8.0	NATIONAL FUEL GAS
8314907	4195	3100317659	103	RECEIVED: 12/27/82	HESELTON #17	JA: NY	INDEPENDENCE	7.0	NATIONAL FUEL GAS
8314906	4194	3100317668	103	RECEIVED: 12/27/82	HESELTON #18	JA: NY	INDEPENDENCE	10.0	NATIONAL FUEL GAS
8314909	4192	3100317787	103	RECEIVED: 12/27/82	HESELTON #19	JA: NY	INDEPENDENCE	8.0	NATIONAL FUEL GAS
8314908	4196	3100317786	103	RECEIVED: 12/27/82	HESELTON #20	JA: NY	INDEPENDENCE	7.0	NATIONAL FUEL GAS
8314904	4199	3100317785	103	RECEIVED: 12/27/82	HESELTON #21	JA: NY	INDEPENDENCE	8.0	NATIONAL FUEL GAS
8314873	4193	3100317784	103	RECEIVED: 12/27/82	HESELTON #22	JA: NY	INDEPENDENCE	9.0	NATIONAL FUEL GAS
-UNIVERSAL RESOURCES HOLDINGS INC									
8314872	4512	310315410	103	RECEIVED: 12/27/82	O OLSON #1	JA: NY	GERRY	20.0	COLUMBIA GAS TRAM
-21 WEST GREEN ST ASSOCIATES									
8314868	4370	310313064	108	RECEIVED: 12/27/82	CASILE II 27	JA: NY	LAKESHORE	8.6	NATIONAL FUEL GAS
OKLAHOMA CORPORATION COMMISSION									
-ALTMAN OPERATING CO									
8314783	18594	3508300000	103	RECEIVED: 12/22/82	POLLARD 1-A	JA: OK	CRESCENT-LOVELL	19.0	EASON OIL CO
8314786	18597	3508320933	103	RECEIVED: 12/22/82	JONES 1	JA: OK	CRESCENT-LOVELL	13.0	EASON OIL CO
8314785	18596	3508320979	103	RECEIVED: 12/22/82	SCHAEFER 1-30	JA: OK	MARSHALL	15.0	EASON OIL CO
8314784	18595	3508320245	103	RECEIVED: 12/22/82	WOOLF 2-A	JA: OK	CUSHING	25.0	ARCO OIL & GAS CO
-AMES OIL AND GAS CORP									
8314850	18629	3511700000	102-4	RECEIVED: 12/23/82	EDWARDS RAPI #A 117-00016	JA: OK	PAWNEE LAKE	0.0	COLORADO GAS COMP
8314851	18630	3511700000	102-4	RECEIVED: 12/23/82	WILLS #1 API #11721558	JA: OK	PAWNEE LAKE	0.0	COLORADO GAS COMP
-AMOCO PRODUCTION CO									
8314860	18720	3513921140	103	RECEIVED: 12/23/82	ANDERSON GAS UNIT C #2	JA: OK	GUYMON-HUGOTON (COUNC	80.0	PHILLIPS PETROLEU
8314844	16473	3504535258	108	RECEIVED: 12/23/82	PITTMAN UNIT #A #1 (2ND)	JA: OK	HOCANE-LAYERNE (MORRO	11.0	INTER NORTH INC
-AMSTAR OIL INC									
8314859	18669	3510920606	102-4	RECEIVED: 12/23/82	SHILOH #1	JA: OK	75.0	WESTWIND GAS CO	
-ANDOVER OIL COMPANY									
8314835	18619	3501722140	103	RECEIVED: 12/23/82	ADAMS PARK #7-2	JA: OK	180.0	DELHI GAS PIPELIN	
8314861	18726	3507323209	103	RECEIVED: 12/23/82	CATRON #13-1	JA: OK	70.0	CONOCO INC	
8314823	18760	3503920522	103	RECEIVED: 12/23/82	PENNER #1-1	JA: OK	180.0	DELHI GAS PIPELIN	
-APOLLO PRODUCTION LTD									
8314805	18709	3507322597	102-4	RECEIVED: 12/23/82	TUTTY #25-2	JA: OK	9.1	PHILLIPS PETROLEU	
-BARBOUR ENERGY CORP									
8314845	15309	3508320498	102-4	RECEIVED: 12/23/82	FRIENDT #A #1-31	JA: OK	0.0	NATURAL GAS ENTER	
-BART SMITH									
8314841	18020	3511100000	103	RECEIVED: 12/23/82	LARNEY #2	JA: OK	36.0	PHILLIPS PETROLEU	
-BEEDE & STEPHENS OIL CO									
8314863	18737	3510121232	103	RECEIVED: 12/23/82	WILKINS #4	JA: OK	36.5	PHILLIPS PETROLEU	
-BLUE GUAIL ENERGY INC									
8314839	18797	3510920614	103	RECEIVED: 12/23/82	ROGERS #1	JA: OK	985.0	CONOCO INC	
-CANADIAN EXPLORATION CORP									
8314862	18728	3501722336	103	RECEIVED: 12/23/82	BRINDLEY #19-2	JA: OK	25.0	DELHI GAS PIPELIN	
-CANANCO RESOURCES CORP									
8314798	18626	3508121680	103	RECEIVED: 12/23/82	KINNAMON #2-26	JA: OK	127.8	KERR MCGEE CORP	
-CARL E GUNSGILL									
8314836	18602	3504723041	103	RECEIVED: 12/23/82	INEZ #1	JA: OK	350.0	EASON OIL CO	
-CHAMPLIN EXPLORATION INC									
8314818	18708	3504723071	103	RECEIVED: 12/23/82	JOHNS #B	JA: OK	50.0	PANHANDLE EASTERN	
-CHAMPLIN PETROLEUM COMPANY									
8314843	16483	3507320746	108	RECEIVED: 12/23/82	M PETERSEN #1	JA: OK	8.0	PHILLIPS PETROLEU	

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8314826	18534	3503721987	103 RECEIVED: 12/23/82	KELLY/EAST #1	MOSQUITO CREEK		75.0 ARCO OIL & GAS CO
-LOBAR OIL CO INC			102-4	GOLSEN-BROWN #1			0.0 PHILLIPS PETROLEUM
8314808	10948	3510920291	102-4	NELLIE BLY #1			0.0 EASON OIL CO
8314809	12225	3508320876	102-4	TRI66 #1			0.0 EASON OIL CO
8314807	10551	3508321334	102-4	LOTT #3			120.0 UNION TEXAS PETRO
-MACK OIL CO			103	FUGUA #1-7			365.0
8314827	18544	3508320972	103	HIRSCH #1			0.0 PHILLIPS PETROLEUM
-NICHISAN WISCONSIN PIPE LINE CO			103	S G D U #12-2A			28.0 MOBIL OIL CORP
8314858	18798	3504321445	103	WAHL #1 (MISSISSIPPI)			0.0 AMINOIL USA INC
-MORAN EXPLORATION INC			103	UPCHURCH #1-20			31.0 EASON OIL CO
8314855	18753	3501722199	103	FRANK #2			0.0 CITIES SERVICE GA
-MULTISTATE OIL PROPERTIES NV			103	PERIGO #2			0.0 CITIES SERVICE GA
8314793	18569	3501922435	103	CRIOER A #1			11.5 TRANSOK PIPELINE
-NATIONAL OIL COMPANY			103	HEDGES A #1			12.7 TRANSOK PIPELINE
8314787	16259	3509321688	103	MAXEY B #1			9.8 TRANSOK PIPELINE
-PETRO-LEWIS CORPORATION			103	12/23/82			100.0 ENICO PIPELINE CO
8314767	17384	3508321983	103	GLASS ESTATE #3			109.5 WELLHEAD ENTERPRI
-PETRO-LEWIS CORPORATION			103	ROBINSON #5-A			182.5 WELLHEAD ENTERPRI
8314832	18577	3507300000	103	ROBINSON #7			109.5 WELLHEAD ENTERPRI
8314833	18578	3507323587	103	PENICK #6-1			0.0 MOBIL OIL CORP
-PHILLIPS PETROLEUM COMPANY			103	ADELLA #1			259.0 EXXON CO USA
8314811	18238	3504721421	103	TULLIUS 15B			67.0 SUN EXPLORATION &
8314813	18242	3504721241	103	TULLIUS 15C			9.0 SUN EXPLORATION &
8314812	18242	3504721234	103	WARD 31C			89.0 SUN EXPLORATION &
8314812	18239	3504721234	103	12/23/82			28.0 DELHI GAS PIPELIN
-PLAINS PRODUCTION INC			103	NILE 1A			511.0
8314842	17611	3510524910	103	PALMER #4-1			0.0 SUN GAS TRANSMISS
-PUBLIC ENERGY CORP			103	EDWARDS A #5			180.0 PHILLIPS PETROLEUM
8314829	18564	3514722969	103	BOLLINGER #1			84.0 PHILLIPS PETROLEUM
8314830	18565	3514722208	103	BEULAH #1-32			21.9 PHILLIPS PETROLEUM
8314828	18563	3514722970	103	107-OP			433.3
-RAILIFF EXPLORATION CO			103	RECEIVED: 12/23/82			73.0 DELHI GAS PIPELIN
8314822	18756	3502700000	103	RECEIVED: 12/23/82			
-RED RESOURCES			103	RECEIVED: 12/23/82			
8314848	18299	3504723046	103	RECEIVED: 12/23/82			
-RICKS EXPLORATION CO			103	RECEIVED: 12/23/82			
8314779	18567	3502720545	103	RECEIVED: 12/23/82			
8314797	18625	3502720568	103	RECEIVED: 12/23/82			
8314796	18624	3502720655	103	RECEIVED: 12/23/82			
-RICKS EXPLORATION CO			103	RECEIVED: 12/23/82			
8314864	18738	3509322345	103	RECEIVED: 12/23/82			
-ROBINSON GROS DRILLING CO INC			103	RECEIVED: 12/23/82			
8314806	22343	3514920271	103	RECEIVED: 12/23/82			
-ROY EDWARDS & CO INC			103	RECEIVED: 12/23/82			
8314820	18744	3511928411	103	RECEIVED: 12/23/82			
-SECO INC			103	RECEIVED: 12/23/82			
8314772	18266	3501722231	103	RECEIVED: 12/23/82			
-SENECA OIL COMPANY			103	RECEIVED: 12/23/82			
8314794	18617	3501722097	103	RECEIVED: 12/23/82			
8314795	18618	3501722121	103	RECEIVED: 12/23/82			
-SENECA OIL COMPANY			103	RECEIVED: 12/23/82			
8314854	18750	3508322475	103	RECEIVED: 12/23/82			
-SERVICE DRILLING CO			103	RECEIVED: 12/23/82			
8314849	18540	3506100000	103	RECEIVED: 12/23/82			

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-SINCOE OIL CO								
8314769	18016	3507323611	103	RECEIVED:	12/22/82	JA: OK		30.0 EASON OIL CO
-STONE MOUNTAIN CORP								
8314790	18517	3511100000	103	RECEIVED:	12/22/82	JA: OK		27.4 PHILLIPS PETROLEUM
-STONE MOUNTAIN CORP								
8314814	18518	3510721266	103	RECEIVED:	12/23/82	JA: OK		47.1 PHILLIPS PETROLEUM
-TEXACO INC								
8314817	18659	3507323617	103	RECEIVED:	12/23/82	JA: OK		0.0 CONOCO INC
-TEXASGULF INC								
8314782	18592	3511721010	103	RECEIVED:	12/22/82	JA: OK		35.0 EMPIRE PIPELINE C
-TRANSCO OIL CO								
8314777	18643	3511123402	103	RECEIVED:	12/22/82	JA: OK		0.0 PHILLIPS PETROLEUM
8314778	18644	3511123809	103	RECEIVED:	12/23/82	JA: OK		49.3 PHILLIPS PETROLEUM
-TRANSCO OIL CO								
8314857	18645	3511123644	103	RECEIVED:	12/23/82	JA: OK		401.5 PHILLIPS PETROLEUM
-TRIGG DRILLING								
8314773	18454	3508720757	103	RECEIVED:	12/22/82	JA: OK		250.0
-TRIGG DRILLING								
8314846	15168	3500920360	102-4	RECEIVED:	12/23/82	JA: OK		547.0 EL PASO NATURAL G
-TXO PRODUCTION CORP								
8314856	18754	3501722274	103	RECEIVED:	12/23/82	JA: OK		764.0 DELHI GAS PIPELIN
8314831	18571	3509322504	103	RECEIVED:	12/22/82	JA: OK		322.0 DELHI GAS PIPELIN
-UNIT DRILLING & EXPLORATION CO								
8314800	18636	3504521085	103	RECEIVED:	12/23/82	JA: OK		50.0 PANHANDLE EASTERN
-WARD PETROLEUM CORP								
8314810	16467	3502720598	103	RECEIVED:	12/22/82	JA: OK		3.7 SUN GAS CO
-WOODS PETROLEUM CORPORATION								
8314791	18524	3504930015	103	RECEIVED:	12/22/82	JA: OK		113.0
8314788	16614	3503920468	102-4	RECEIVED:	103	NEWCOMB #8-1		689.0 ARKANSAS LOUISIAN

SOURCE DATA FOR THIS NOTICE IS AVAILABLE ON MAGNETIC TAPE FROM THE NATIONAL TECHNICAL INFORMATION SERVICE (NTIS). FOR INFORMATION, CONTACT STUART WEISMAN (NTIS) AT (4703) 487-4808, 5285 PORT ROYAL RD, SPRINGFIELD, VA 22161, OR SANDRA SPEAR (FERC) (202) 357-8601.

CORRECTIONS TO PREVIOUS NOTICES / REVISIONS TO PRIOR DETERMINATIONS

JD No.	JA	Applicant	Well Name	Orig. Date FERC Pub. in Vol. Federal Register No.	C:	Correction to prior Fed. Register notice
82-18313	OE	Page B. Blakemore	Corbett #1	604	C:	Well Name
82-33149	TX	Dorchester Gas Produ Co	Bell #2	664	C:	Applicant Name
82-51102	OE	Doran & Associates Inc	John V. Bolton #1	733	C:	107-DV Approved; not 107-TF
82-54012	TX	W W West	James A. Neal #4	743	C:	Well Name
82-54018	TX	Dan Lankford	Cora McMurry(19107) #1	743	C:	Well Name
82-54141	TX	Gulf Oil Corporation	C. A. Goldsmith #1296	743	C:	Well Name
82-54268	OE	HOPCO Resources Inc	Edwards #2	744	C:	107-TF Denied by JA
82-54553	TN	Continental Energy	Onaida Wood #2	745	C:	Well Name
82-54565	TN	Mid South Oil Inc	Charles Whithead #3	745	C:	Applicant Name
82-54566	TN	Mid South Oil Co	Howe #2	745	C:	Applicant Name
82-54701	OE	Astro Energy Corp	Earlsboro #4	746	C:	Well Name
82-55032	PA	Robert E. Iseman	Iseman Well #2	748	C:	Well Name
82-55033	PA	Robert E. Iseman	Iseman Well #3	748	C:	Well Name
82-55034	PA	Robert E. Iseman	Iseman Well #1	748	C:	Well Name
82-55884	WV	Cabot Oil & Gas Corp	Siler Coal A-13	751	C:	Well Name
82-55946	OE	Collins-McGregor Op Co	Brinkley #4	752	C:	103 Approved; 107-TF Denied
82-56098	PA	Cardinal Oil Co	E. Ertman #2 81-71	753	C:	103 & 107-TF Approved
82-56165	PA	MDM Account	S. J. Duke No. 1	753	C:	107-TF Approved; not 107-TF
82-56735	LA	QXY Petroleum Inc	Lee Hollowell #1	755	C:	107-TF Approved; not 107-TF
82-56773	LA	Sum Expl & Prod. Co	BIN VUA #1-47	755	C:	108-ER Approved; not 107-TF
82-57763	LA	Shell Offshore Inc	MP 37 OCS-G-4125 No. JK-2	759	C:	Well Name
82-57769	LA	Shell Offshore Inc	MP 37 OCS-G-4125 #JA-6	759	C:	Well Name
82-57770	LA	Union Oil Co. of Calif	OCS-G-2869 #2 ST-1	759	C:	Well Name
82-57786	NM	Mobil Prods. Tx & NM Inc	Brinard Gas Com #2	759	C:	108 Approved; not 108-SA
82-57824	NM	Tates Petroleum Corp	Shadden "TS" #1	760	C:	102-2 & 107-TF Approved
82-58100	MT	Shell Oil Co	Pennell Unit 33-31C	760	C:	Well Name
83-00067	TX	T.W. Phillips Gas & Oil	J.A. Lambing #1	763	C:	Well Name
83-00189	TX	The Long Trusts	Rebecca Wright Heves #1	763	C:	Well Name
83-01654	OE	Borten & Huffman	Dallas & Mary Lint #3	766	C:	107-TF Denied
83-01687	OE	Mustang Petroleum Inc	Richard & Gordon Tuel #1	766	C:	107-DV Denied by JA
83-01695	OE	North East Natural Gas	Beer #1	766	C:	108 Denied
83-01701	OE	North East Natural Gas	Cotton Land Co. #2	766	C:	108 Denied
83-02853	OK	Arspeho Petroleum Inc	West Hennessy #1-19	770	C:	Well Name
83-08817	TX	KK Petroleum Corp	Dixieland "10" #1	790	C:	107-DP Approved; not 107-TF

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-TP: 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. 83-2273 Filed 1-26-83; 8:45 am]

BILLING CODE 6717-01-M

[Volume 816]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: January 21, 1983.

JD NO	JA DKT	API NO	D SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
MICHIGAN DEPARTMENT OF NATURAL RESOURCES								
-MACK OIL CORP								
8315165		2105500000	102-4	RECEIVED: 12/29/82	JA: MI	NEW FIELD	135.0	MICHIGAN CONSOLID
OKLAHOMA CORPORATION COMMISSION								
-ALPHA ENERGY CORP								
8315234	18843	3507323241	103	RECEIVED: 12/30/82	JA: OK	SOONER TREND	0.0	CITIES SERVICE GA
8315249	18842	3507323374	103	RECEIVED: 12/30/82	JA: OK	SOONER TREND	0.0	CITIES SERVICE GA
-ALTMAN OPERATING CO								
8315220	18593	3508320460	108	RECEIVED: 12/30/82	JA: OK	MARSHALL	21.0	EASON OIL CO
-ARCANIA OIL CORP								
8315179	18863	3504921816	103	RECEIVED: 12/30/82	JA: OK	GOLDEN TREND	0.0	WARREN PETROLEUM
-AMOCO PRODUCTION CO								
8315204	22511	3501521468	107-DP	RECEIVED: 12/30/82	JA: OK	WILDCAT	1650.0	SOUTHERN NATURAL
-AM-SOM CORPORATION								
8315256	22200	3503120823	107-DP	RECEIVED: 12/30/82	JA: OK	M STERLING	255.5	
8315254	22436	3512920780	107-DP	RECEIVED: 12/30/82	JA: OK		1314.0	
-ANADARKO PRODUCTION COMPANY								
8315192	18924	3513900000	108	RECEIVED: 12/30/82	JA: OK	NORTH RICHLAND CENTER	1.2	PANHANDLE EASTERN
8315185	18888	3513921539	103	RECEIVED: 12/30/82	JA: OK	HUGOTON	37.0	PANHANDLE EASTERN
-ANDOVER OIL COMPANY								
8315100	18818	3505121198	103	RECEIVED: 12/27/82	JA: OK		15.0	PHILLIPS PETROLEUM
-ARCO OIL AND GAS COMPANY								
8315227	18510	3500735337	108	RECEIVED: 12/30/82	JA: OK	MOCANE - LAVERNE	9.1	MICHIGAN WISCONSIN
8315229	18532	3504730051	108	RECEIVED: 12/30/82	JA: OK	SOONER TREND	14.6	EXXON CO U S A
-B R POLK INC								
8315236	18926	3508321963	103	RECEIVED: 12/27/82	JA: OK	S ORLANDO	50.0	EASON OIL CO
-BARON EXPLORATION CO								
8315084	18792	3510300000	103	RECEIVED: 12/27/82	JA: OK		36.5	H-M GAS CO
8315085	18791	3510300000	103	RECEIVED: 12/27/82	JA: OK		36.5	H-M GAS CO
-BAYTIDE PETROLEUM INC								
8315073	18705	3511921483	102-4	RECEIVED: 12/27/82	JA: OK	UNNAMED	89.0	COLORADO GAS COMP
-BEARD OIL COMPANY								
8315080	18763	3507323437	103	RECEIVED: 12/30/82	JA: OK	SOONER TREND-DOVER EA	241.0	EXXON CO U S A
8315088	18782	3507323536	103	RECEIVED: 12/30/82	JA: OK	SOONER TREND-SOUTHWES	63.0	CITIES SERVICE GA
-BILL O ANDRESS								
8315237	18947	3512120920	103	RECEIVED: 12/27/82	JA: OK	ENTERPRISE	146.0	ARKANSAS LOUISIAN
-BLAOK OIL COMPANY								
8315098	18835	3504722967	103	RECEIVED: 12/27/82	JA: OK	SOONER TREND	27.0	EXXON CO U S A
8315097	18836	3504723002	103	RECEIVED: 12/27/82	JA: OK	SOONER TREND	27.0	EXXON CO U S A
-BLUE QUAIL ENERGY INC								

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JD NO	JA DKT	API NO	0 SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8315101	18808	3507323583	103		DINKLER 1-23	SOONER TREND	47.5	CONOCO INC
8315099	18833	3504722620	103		FLORIAN 1-17	N W KREMLIN	36.5	C R A INC
-F C D OIL CORP			RECEIVED:	12/30/82	JA: OK			
8315176	18832	3504722340	103		VOTH 1-16	N W KREMLIN	36.5	CRA INC
-FORUM RESOURCES			RECEIVED:	12/30/82	JA: OK			
8315168	18141	3505900000	108		FORUM RESOURCES MILLER #1-3	NORTH MADILL	6.0	DELHI GAS PIPELIN
-GOOFREY OIL PROPERTIES			RECEIVED:	12/29/82	JA: OK			
8315145	15561	3509500000	108		TALIAFERRO 1-23	LAVERNE	314.0	COLORADO INTERSTA
-GULF OIL CORPORATION			RECEIVED:	12/29/82	JA: OK			
8315147	18579	3505921101	103		LOUIS BARBY #2-5	NORTH RUSH SPRING	365.0	PANHANDLE EASTERN
-HAOSON PETROLEUM CORP			RECEIVED:	12/27/82	JA: OK			
8315093	21999	3505121260	107-OP		BURNETT 1-4	W CARPENTER	770.0	
8315089	22000	3512920789	107-OP		ROBERT #1-4	SOUTH WASHITA	730.0	
8315091	22372	3501521288	107-OP		SALVER #1-10	SOUTH LUCIEN	182.5	EASON OIL CO
-HAZELWOOD PRODUCTION & EXPLORATION			RECEIVED:	12/30/82	JA: OK			
8315258	18901	3508322068	103		J BULLING #2-5	NORTH CHANDLER	91.0	TRIOK INC
-HILLSHAFFER-GOODWAY CORP			RECEIVED:	12/30/82	JA: OK			
8315178	18860	3508121304	103		FEUGUAY #1	SOUTH HAYWARD	0.0	ARMOIL USA INC
-JACK BOWLES			RECEIVED:	12/30/82	JA: OK			
8315209	14584	3504722695	103		NOWA JOHNSON D-1	IRON POST	0.0	KERR MCGEE CORP
8315210	14922	3504722493	102-4		SNYDER #1	WEST CHANDLER	17.5	TRIOK INC
-JAMES G MAGUIRE INC			RECEIVED:	12/30/82	JA: OK			
8315167	15398	3503723504	103		JACK CARMAN #8* #2	CERES SOUTH	0.0	ARCO OIL & GAS CO
-JAY PETROLEUM INC			RECEIVED:	12/30/82	JA: OK			
8315259	18897	3508120948	103		RILEY #1	CERES SOUTH	0.0	ARCO OIL & GAS CO
-JEFFERSON-WILLIAMS ENERGY CORP			RECEIVED:	12/30/82	JA: OK			
8315243	18256	3510321583	103		K A SPAULDING #1	ANTIOCH	365.0	WARREN PETROLEUM
8315206	18257	3510321694	103		K A SPAULDING #2	KINTA	103.0	DELHI GAS PIPELIN
-JIM L HANNA O&A HANNA OIL AND GAS			RECEIVED:	12/29/82	JA: OK			
8315140	18662	3506120523	102-4		CURLY B #1	SOUTHEAST ALINE	11.0	UNION TEXAS PETRO
-JIMMY W GRAY			RECEIVED:	12/27/82	JA: OK			
8315077	18742	3504921488	103		WESSLEY #1	S BRIDGEPORT	300.0	EL PASO NATURAL G
-KAISER-FRANCIS OIL COMPANY			RECEIVED:	12/27/82	JA: OK			
8315102	18799	3506120522	103		KERR-MCGEE #3	S W SEILING	150.0	DELHI GAS PIPELIN
-KAISER-FRANCIS OIL COMPANY			RECEIVED:	12/30/82	JA: OK			
8315221	18634	3500300000	108		C A KERNS #A #1	SOUTH PEEK	16.0	PANHANDLE EASTERN
8315225	18505	3501521185	102-4	103	FOSSETT #1	WATONGA TREND	293.8	TRANSOK PIPELINE
8315169	18504	3504321293	102-4	103	GAMMON #1	HOOKER SOUTHWEST	100.0	NATURAL GAS PIPEL
8315219	18503	3504500000	108		JEROME BERRYMAN E #1	WATONGA TREND	100.0	TRANSOK PIPELINE
8315186	18895	3501722275	103		LARSON #1		201.0	KANSAS-MEBRASKA N
8315216	18621	3513921561	103		WHITE #2	UNDESIGNATED SE/4 SEC	500.0	INTER NORTH INC
8315226	18506	3504321309	102-4	103	WION #1	FLETCHER - SEC 30 - T	2000.0	PANHANDLE EASTERN
-KELLOIL INC			RECEIVED:	12/27/82	JA: OK			
8315096	18837	3500722256	103		YOUNG #1	WEST WHITEHEAD	24.6	BUCKEYE NATURAL G
-KENNEDY & MITCHELL INC			RECEIVED:	12/27/82	JA: OK			
8315074	18716	3504520956	102-4		ENLOW #35-431	8.5	EL PASO NATURAL G	
-KIRBY EXPLORATION CO			RECEIVED:	12/27/82	JA: OK			
8315092	22410	3503100000	107-OP		SULLIVAN #1-30			
-LARIO OIL & GAS COMPANY			RECEIVED:	12/30/82	JA: OK			
8315251	18150	3504921835	103		THOMPSON #4			
-LEAR PETROLEUM EXPLORATION INC			RECEIVED:	12/30/82	JA: OK			
8315255	22370	3512920735	107-OP		BAKER #1-1			
-LLOYD H BRACKSIECK			RECEIVED:	12/30/82	JA: OK			

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JD NO	JA DXT	API NO	O SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8315228	18521	3503700000	108	RECEIVED:	JONES #1 NE NE SEC 20-17N-7E	OLD DRUMRIGHT FIELD	4.0	ARCO OIL & GAS CO
8315184	18883	3508320940	103	RECEIVED:	SOUTHLAND #1		0.0	EASON OIL CO
8315235	18923	3509375175	103	RECEIVED:	HEIN #1		251.1	PHILLIPS PETROLEUM
8315191	18922	3503723664	103	RECEIVED:	WALTER WHITE #1		73.0	ENTERPRISE DEVELO
8315187	18864	3504921844	103	RECEIVED:	SEARCY #2		140.0	WARREN PETROLEUM
8315193	18933	3502720527	103	RECEIVED:	TUBBS #1		750.0	SUN GAS CO
8315160	17566	3500721280	108	RECEIVED:	BEDELL #1		13.0	MICHIGAN WISCONSIN
8315157	16076	3500721997	103	RECEIVED:	HARVEY #1		73.0	INTER NORTH INC
8315090	22081	3503120880	107-OP	RECEIVED:	HAYES #1		0.0	PANHANDLE EASTERN
8315171	18927	3511122349	108	RECEIVED:	CLARK #1		36.0	PHILLIPS PETROLEUM
8315201	22464	3500920508	107-OP	RECEIVED:	BENTON #1-21		1880.0	NORTHEAST MAYFIELD
8315083	18794	3503920596	103	RECEIVED:	8-LINE FARMS #1-9		26.0	S W THOMAS
8315246	18893	3508121668	103	RECEIVED:	EAGLE #1		0.0	TRIONK INC
8315154	18823	3511100000	103	RECEIVED:	KING #1		127.8	PHILLIPS PETROLEUM
8315153	18822	3511100000	103	RECEIVED:	KING #2		98.5	PHILLIPS PETROLEUM
8315172	18929	3501900000	108	RECEIVED:	GEORGE FISH #10		14.0	LONE STAR GAS CO
8315203	22476	3501521317	107-OP	RECEIVED:	JENSEN #1		0.0	EL PASO NATURAL G
8315202	22475	3501521397	107-OP	RECEIVED:	TROGEM #1		0.0	EL PASO NATURAL G
8315156	7343	3515120330	108-ER	RECEIVED:	RAWSON-OLSON #1-14		0.0	PANHANDLE EASTERN
8315252	17085	3505100000	108	RECEIVED:	BURRIS #1		14.4	ARKANSAS LOUISIAN
8315218	18545	3504700000	108	RECEIVED:	JONES 29-1		0.0	PARTNERSHIP PROPE
8315222	18655	3504721128	108	RECEIVED:	LILLIAN 29 #1		0.0	UNION TEXAS PETRO
8315253	16936	3505100000	108	RECEIVED:	T J BURRIS #1		14.6	ARKANSAS-LOUISIAN
8315175	18827	3508322055	103	RECEIVED:	WESTMAN 9-1		11.0	EASON OIL CO
8315158	16226	3505121232	103	RECEIVED:	THEODOSIA #2		0.0	BRADLEY
8315241	17803	3501121491	108	RECEIVED:	DETWEILER A #1		1.8	ONG WESTERN INC
8315217	18537	3509300000	108	RECEIVED:	REDMAN #1		5.5	AYLESWORTH
8315233	18793	3515100000	103	RECEIVED:	BUCKLAND E2302		300.0	PANHANDLE EASTERN
8315094	18849	3515321172	103	RECEIVED:	SEBHART #1		128.0	S TANGIER
8315095	18848	3515321243	103	RECEIVED:	STRICKER 6-1		1004.0	INTER NORTH INC
8315247	18851	3510321245	103	RECEIVED:	LEWIS DOLEZAL 20-1		0.0	ARCO OIL & GAS CO
8315248	18850	3510321626	103	RECEIVED:	LEWIS DOLEZAL 20-2		18.3	FOURDEE
8315249	18851	3510321626	103	RECEIVED:	LEWIS DOLEZAL 20-2		18.3	FOURDEE

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JD NO	JA DKT	API NO	D SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8315082	18796	3508121574	103	RECEIVED:	MILLER #1	SOUTHEAST MT VERNON	100.0	TRIOX INC
-RATLIFF EXPLORATION CO								
8315232	18755	3515300000	103	RECEIVED:	MATTESON #1	WEST FAIRVIEW	37.0	PHILLIPS PETROLEUM
-RED EAGLE OIL CO								
8315081	18767	3509322517	103	RECEIVED:	JOHN #1	SOUTH CLINTON	1642.5	
-ROBINSON BROS DRILLING CO INC								
8315200	22400	3514920285	107-OP	RECEIVED:	STEHR #16-1			
-ROLLYSON CORP								
8315197	22052	3506321709	103	RECEIVED:	THORNTON 2-25	SOUTH CALVIN	11.3	ARKANSAS LOUISIAN
8315198	22853	3506321709	103	RECEIVED:	THORNTON 2-25	SOUTH CALVIN	40.2	ARKANSAS LOUISIAN
-ROYAL OIL & GAS CORPORATION								
8315072	18700	3511921640	102-4	RECEIVED:	BILL WORTHY #1	SOONERVILLE WEST	4.0	SUN GAS CO
-ROYAL OIL & GAS CORPORATION								
8315141	18596	3511921244	102-4	RECEIVED:	DOYLE COMBS #1	SOONERVILLE WEST	3.0	SUN GAS CO
8315144	18598	3511921638	102-4	RECEIVED:	LEON SILKWOOD #1	SOONERVILLE WEST	4.0	SUN GAS CO
8315142	18597	3511921506	102-4	RECEIVED:	MILLS-SANDERS #1	SOONERVILLE WEST	3.0	SUN GAS CO
8315143	18599	3511921639	102-4	RECEIVED:	SAHUEL STEPHENS #1	SOONERVILLE WEST	4.0	SUN GAS CO
-SAKET PETROLEUM CORP								
8315164	18535	3511100000	103	RECEIVED:	BADGER TRUST #1		0.0	PHILLIPS PETROLEUM
-SAMSON RESOURCES COMPANY								
8315199	22344	3514920263	107-OP	RECEIVED:	GUNTER NO 1-14	N E BURNS FLAT	400.6	EL PASO NATURAL G
-SEMCA OIL COMPANY								
8315257	18508	3501121689	103	RECEIVED:	J R CAMPBELL #1-14		338.4	
-SILVAN SUPPLY CO								
8315146	17936	3503722369	103	RECEIVED:	DAILEY B #2		5.0	ARCO OIL & GAS CO
-SILVER LAKE EXPLORATION								
8315163	18532	3507122372	103	RECEIVED:	JOHN SMITH #1	S BRAMAN	7.3	CHESNUTT OIL PROP
-STANTON ENERGY INC								
8315182	18877	3511921976	103	RECEIVED:	RAY JESKE #1		63.0	ENTERPRISE DEVELO
-STAR RESOURCES INC								
8315195	18945	3510721355	103	RECEIVED:	HOLT #2-24	N E WELLETKA	110.0	PUBLIC SERVICE CO
-SUN EXPLORATION & PRODUCTION CO								
8315190	18918	3512321725	103	RECEIVED:	MOUNT GILCREASE #1-11	ALLEN	37.0	ARKANSAS-LOUISIAN
8315189	18917	3512321545	103	RECEIVED:	MOUNT GILCREASE #2-14	ALLEN	4.0	ARKANSAS-LOUISIAN
8315224	18919	3512321671	103	RECEIVED:	MOUNT GILCREASE UNIT #8-12	ALLEN	4.0	ARKANSAS-LOUISIAN
-TEXACO INC								
8315152	18561	3507323608	103	RECEIVED:	SOUTHWEST TITLE & TRUST UNIT #2	OKARCHE N R	0.0	CONOCO INC
-TEXOMA NATURAL GAS & OIL CORP								
8315238	18948	3503723927	103	RECEIVED:	BROWN #5 037-73396	NORTH KELLYVILLE	12.0	COLORADO GAS COMP
-THE ANSCHUTZ CORPORATION								
8315240	18572	3501922173	103	RECEIVED:	ELLIS #9-18	PIKE	25.0	AMINOIL USA INC
-THETIS ENERGY CORP								
8315244	18430	3504722877	108	RECEIVED:	GREGORY 31-1	SOONER TREND	7.0	WELLHEAD ENTERPRI
-TRISUN ENERGY CORP								
8315242	18093	3514321260	108	RECEIVED:	BURTON T BROWN #1	SPENCER	7.2	PHILLIPS PETROLEUM
-UNION OIL COMPANY OF CALIF								
8315205	22518	3500920479	107-OP	RECEIVED:	ELLIS #3-33	S W MAYFIELD	16.0	OKLAHOMA NATURAL
-UNION TEXAS PETROLEUM								
8315161	17898	3504723001	103	RECEIVED:	JOHN FUKSA #2	HODGE II AREA	44.2	PANHANDLE EASTERN
-VAN NOAN OIL & GAS INC								
8315177	18856	3509322480	103	RECEIVED:	FRATZKE 34-1	RINGWOOD	110.0	PANHANDLE EASTERN
-V R COOK								
8315149	18824	3503120490	103	RECEIVED:	PALMER #A WELL #11	EAST LAWTON	20.0	MANN INDUSTRIES I

JOB NO	JA DKT	API NO	D SEC(1) SEC(2) WELL NAME	VOLUME	816	PAGE	006
WESSELY ENERGY CORPORATION			RECEIVED: 12/30/82	SE LOGAN	3.0	INTER NORTH INC	
8315215 18384		3500721913	108 KERNS UNIT #1	EAST AMES	365.0	CITIES SERVICE GA	
WESTERN PACIFIC PETROLEUM INC.			RECEIVED: 12/29/82	CEDARDALE	146.0	PHILLIPS PETROLEU	
8315159 17357		3504722521	103 HILL #1-3	NORTH FAIRVIEW	113.2	PIONEER GAS PRODU	
WHEATLAND OIL CO			RECEIVED: 12/30/82	S PEEK	116.8	PANHANDLE EASTERN	
8315194 18935		3509320798	103 MATCHMAKER #1	S PEEK	58.4	PANHANDLE EASTERN	
8315180 18869		3509322253	103 SCHROEDER #2				
8315181 18870		3504512084	103 SHAHAN #2				
8315188 18871		3504521088	103 SHAHAN #4				
WEST VIRGINIA DEPARTMENT OF MINES							
SENECA-UPSHUR PETROLEUM CO			RECEIVED: 12/27/82	MIDDLE FORK	35.0	COLUMBIA GAS TRAN	
8315130		4708300415	102-4 DEPOY #1A	MIDDLE FORK	35.0	COLUMBIA GAS TRAN	
8315132		4708300417	102-4 EVANS #1	MIDDLE FORK	35.0	COLUMBIA GAS TRAN	
8315135		4708300436	102-4 EVANS #2	MIDDLE FORK	0.0	EQUITABLE GAS CO	
8315138		4708300513	102-4 F A DAETWYLER #2	MIDDLE FORK	35.0	COLUMBIA GAS TRAN	
8315137		4708300482	102-4 GIMPEL #1	MIDDLE FORK	35.0	COLUMBIA GAS TRAN	
8315133		4708300418	102-4 MARTI #1	MIDDLE FORK	35.0	COLUMBIA GAS TRAN	
8315134		4708300433	102-4 MCNEAL #1	MIDDLE FORK	35.0	COLUMBIA GAS TRAN	
8315136		4708300480	102-4 MONTI #1-C	MIDDLE FORK	35.0	COLUMBIA GAS TRAN	
8315131		4708300416	102-4 MORGAN #1A	MIDDLE FORK	35.0	COLUMBIA GAS TRAN	
8315139		4708300567	102-4 SMITH-ROBERTS #1-A	MIDDLE FORK	35.0	COLUMBIA GAS TRAN	
STERLING DRILLING & PROD CO INC			RECEIVED: 12/27/82	OTHER DISTRICT	1.5		
8315121		4701501846	103 BOGGS #304	DEKALB DISTRICT	52.8		
8315169		4702183723	103 DAVIDSON #415	DEKALB DISTRICT	36.0		
8315110		4702183724	103 DAVIDSON #416	DEKALB DISTRICT	14.0		
8315111		4702183725	103 DAVIDSON #417	OTHER DISTRICT	1.3	EQUITABLE GAS CO	
8315116		4701501800	103 DAVIS #259	SMITHFIELD DISTRICT	2.1		
8315112		4708703308	103 HALL #278	CENTER DISTRICT	5.0		
8315128		4701383316	103 HAMILTON #487	GEARY DISTRICT	19.0		
8315127		4701383315	103 HAMILTON #488	OTHER DISTRICT	4.0		
8315120		4708703227	103 HAROLD #193	OTHER DISTRICT	5.0		
8315117		4701501961	103 HIVELEY #504	GEARY DISTRICT	16.0		
8315118		4701501962	103 HIVELEY #505	GEARY DISTRICT	83.0		
8315108		4708703386	103 JARVIS #438	OTHER DISTRICT	60.0	EQUITABLE GAS CO	
8315106		4701501898	103 KING #414	OTHER DISTRICT	14.0	EQUITABLE GAS CO	
8315122		4701501973	103 MCCracken #515	OTHER DISTRICT	3.0		
8315125		4701502007	103 MCCracken #531	OTHER DISTRICT	6.0	EQUITABLE GAS CO	
8315104		4701383213	103 MINNEY #247	LEE DISTRICT	1.0		
8315126		4701502008	103 MORRIS #532	OTHER DISTRICT	4.0		
8315119		4708703214	103 PALMER #165	GEARY DISTRICT	1.5	EQUITABLE GAS CO	
8315105		4701501865	103 RHODES #335	OTHER DISTRICT	14.3	EQUITABLE GAS CO	
8315114		47087031573	103 SHAVER #341	GEARY DISTRICT	2.2		
8315123		4701501974	103 SIKK #516	OTHER DISTRICT	45.0	COLUMBIA GAS TRAN	
8315113		4708703482	103 SMITH #467	OTHER DISTRICT	63.0	EQUITABLE GAS CO	
8315124		4708703443	103 SMITH #511	SMITHFIELD DISTRICT	3.1		
8315129		4701502003	103 SPINKS #502	OTHER DISTRICT	3.0	EQUITABLE GAS CO	
8315107		4708703379	103 SUTTLE #422	OTHER DISTRICT	0.0	COLUMBIA GAS TRAN	
8315115		4708701581	103 WOOLFORD #353				
UNION DRILLING INC			RECEIVED: 12/27/82				
8315103		4708300512	107-DV HARRY McMULLAN JR EST #21 1666	MIDDLE FORK DISTRICT			

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 FORT ROYAL RD, SPRINGFIELD, VA 22161, OR SANDRA SPEAR (FERC) (202) 357-8681.

Kenneth F. Plumb, JFR Doc. 83-3280 Filed 1-28-83; 8:45 AM]

BILLING CODE 8717-01-M

Secretary.

[Volume 817]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: January 24, 1983.

JD NO	JA DKT	API NO	D SEC(1) SEC(2) WELL NAME	FIELD NAME	PROD	PURCHASER
KANSAS CORPORATION COMMISSION						

-ANADARKO PRODUCTION COMPANY						
8315329	K-82-1176	1512920472	RECEIVED: 12/27/82 JA: KS	INTERSTATE RED CAVE	7.5	PANHANDLE EASTERN
8315330	K-82-1177	1512920469	108 INTERSTATE #13	INTERSTATE RED CAVE	7.3	PANHANDLE EASTERN
8315328	K-82-1175	1506720109	108 STAINBROOK A-1	PANOMA	5.0	PEOPLES NATURAL G
-ASSOCIATED PETROLEUM CONSULTANTS						
8315267	K-82-1112	1500721351	IN RECEIVED: 12/27/82 JA: KS	AMBERMILLS SOUTH (NEW	1050.0	DELMI GAS PIPELIN
8315292	K-82-1058	1507720781	102-4 MOTT RANCH #3 1-15-007-21351	WILDCAT	54.0	PEOPLES NATURAL G
-BENSON MINERAL GROUP						
8315355	K-82-1032	1505720013	103 FRANCIS #1	WILLCATS	12.6	CITIES SERVICE GA
8315306	K-82-1093	1504720907	RECEIVED: 12/27/82 JA: KS	KIRK	29.2	PANHANDLE EASTERN
8315307	K-82-1092	1504720738	108 BARN GROVER #1	WILDCAT	6.5	PANHANDLE EASTERN
8315305	K-82-1094	1504720739	103 LAMB A 1-26	WILDCAT	4.0	PANHANDLE EASTERN
-CENTENNIAL ENERGY CO						
8315334	K-82-1070	1518120051	RECEIVED: 12/27/82 JA: KS	GOODLAND	1.8	KANSAS-NEBRASKA N
8315338	K-82-1075	1518120075	108 BOLLIG #1-8	GOODLAND	1.8	KANSAS-NEBRASKA N
8315336	K-82-1068	1518120040	108 CRESS #1-5	GOODLAND	4.8	KANSAS-NEBRASKA N
8315337	K-82-1074	1518120133	108 GLASCO #1-6	GOODLAND	5.5	KANSAS-NEBRASKA N
8315297	K-82-1077	1518120041	108 GLASCO #2-6	GOODLAND	3.7	KANSAS-NEBRASKA N
8315335	K-82-1072	1518120050	108 LOVE LAKE #1-5	GOODLAND	2.9	KANSAS-NEBRASKA N
8315339	K-82-1076	1518120091	108 PINKNEY #2-32	GOODLAND	7.3	KANSAS-NEBRASKA N
-CHAMPLIN PETROLEUM COMPANY						
8315324	K-82-1066	1509500000	RECEIVED: 12/27/82 JA: KS	E SPIVEY	3.0	CITIES SERVICE 01
8315325	K-82-1091	1509300000	108 STEVENS #1	HUGOTON	16.4	COLORADO INTERSTA
8315327	K-82-1140	1509300000	RECEIVED: 12/27/82 JA: KS	HUGOTON	19.5	COLORADO INTERSTA
-DORCHESTER EXPLORATION INC						
8315351	K-82-0969	1507120846	RECEIVED: 12/27/82 JA: KS	TRIBUNE	0.0	SUNFLOWER ELECTRI
8315349	K-82-0963	1507120083	108 CHEEK #1	N BRADSHAW	9.0	SUNFLOWER ELECTRI
8315348	K-82-0962	1507120021	108 FECHT B-1	TRUBUNE	14.9	SUNFLOWER ELECTRI
8315350	K-82-0966	1507120110	108 HARRIS #1	N BRADSHAW (CHASE)	17.7	SUNFLOWER ELECTRI
-EAGLE EXPLORATIONS INC						
8315300	K-82-0874	1503320522	RECEIVED: 12/27/82 JA: KS	WILDCAT	75.0	KANSAS GAS SUPPLY
-EDMISTON OIL CO INC						
8315312	K-82-1193	1507720776	RECEIVED: 12/27/82 JA: KS	SHARON EAST	20.0	KANSAS GAS SUPPLY
8315313	K-82-1192	1507720777	103 DAVIS "A" #2	WILCAT	12.0	KANSAS GAS SUPPLY
8315277	K-82-1168	1500721398	103 EASTERBY #1	HARDTNER	7.3	KANSAS GAS SUPPLY
8315289	K-82-1007	1500720644	103 GRAVES "B" #3	SPIVEY-GRABS	12.0	KANSAS GAS SUPPLY
8315278	K-82-1167	1500720674	103 GREEN #2	HARDTNER	6.6	KANSAS GAS SUPPLY
8315279	K-82-1166	1500720681	103 HASKARD "C" #1	HARDTNER	6.6	KANSAS GAS SUPPLY
8315281	K-82-1165	1500720729	103 HASKARD "C" #2	HARDTNER	6.6	KANSAS GAS SUPPLY
8315281	K-82-1165	1500720729	103 HASKARD "C" #3	HARDTNER	6.6	KANSAS GAS SUPPLY

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JD NO	JA DKT	API NO	D SEC(1) SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8315280	K-82-1164	1500721235	103	MORTON #2	STRANAHAN	7.6	KANSAS GAS SUPPLY
8315340	K-82-1163	1500721236	103	MORTON #3	STRANAHAN	7.6	KANSAS GAS SUPPLY
8315282	K-82-1162	1500721237	103	MORTON #4	STRANAHAN	7.6	KANSAS GAS SUPPLY
8315284	K-82-1160	1500721339	103	MORTON #5	STRANAHAN	7.6	KANSAS GAS SUPPLY
8315285	K-82-1161	1500721340	103	MORTON #6	STRANAHAN	7.6	KANSAS GAS SUPPLY
8315283	K-82-1159	1507720611	103	MUIR "C" #1	SPIVEY-GRABS-BASIL	3.0	KANSAS GAS SUPPLY
8315286	K-82-1158	1507720643	103	MUIR "C" #2	SPIVEY-GRABS	1.2	KANSAS GAS SUPPLY
8315288	K-82-1156	1507720673	103	MUIR "C" #3	SPIVEY-GRABS-BASIL	2.0	KANSAS GAS SUPPLY
8315287	K-82-1157	1507720729	103	MUIR "C" #4	SPIVEY-GRABS-BASIL	1.8	KANSAS GAS SUPPLY
-ENERGY RESERVES GROUP INC							
8315343	K-82-0907	1512900000	108	RECEIVED: 12/27/82	GREENWOOD	21.3	COLORADO INTERSTA
-F 6 MOLL							
8315347	K-82-0953	1504720817	108	RECEIVED: 12/27/82	WAYNE NORTHWEST	7.0	REPUBLIC NATURAL
-FLYNN ENERGY CORP							
8315309	K-82-1182	1517520633	103	W 8 CROSS "B" #2-17	NORTH ARCHER	9.9	INTERNORTH INC
8315308	K-82-1181	1517520634	103	CLARK 8-2	ARCHER	16.5	INTER NORTH INC
-GEAR PETROLEUM CO INC							
8315290	K-82-0973	1500721440	103	RECEIVED: 12/27/82	ILS	73.0	PEOPLES NATURAL G
-GEORGE A REED							
8315332	K-82-1190	1511520541	108	RECEIVED: 12/27/82	BITIKOFER NORTH	10.0	CLOVER PIPELINE C
8315331	K-82-1189	1511520545	108	RECEIVED: 12/27/82	OURHAM CENTER	15.0	CLOVER PIPELINE C
-GEORGE R JONES							
8315357	K-82-1046	1509520528	108	RECEIVED: 12/27/82	REIDA EAST	13.0	KANSAS GAS SUPPLY
-GETTY OIL COMPANY							
8315276	K-82-1036	1511920565	103	RECEIVED: 12/27/82	MCKINNEY	125.0	KANSAS POWER & LI
-GRANLY RICHARD E							
8315310	K-82-1141	1512522367	103	RECEIVED: 12/27/82	JEFFERSON-SYCAMORE	14.5	UNION GAS SYSTEM
-GRANT OIL INC.							
8315345	K-82-0924	1512523135	108	RECEIVED: 12/27/82	JEFFERSON-SYCAMORE	0.3	UNION GAS SYSTEMS
8315344	K-82-0923	1512523545	108	JABEN #1-8	JEFFERSON-SYCAMORE	0.3	UNION GAS SYSTEMS
8315346	K-82-0926	1512523139	108	JABEN #3-8	JEFFERSON-SYCAMORE	9.6	UNION GAS SYSTEMS
-GRAVES DRILLING CO INC							
8315294	K-82-1209	1507720836	103	RECEIVED: 12/27/82	UNKNOWN	180.0	GETTY OIL CO
8315311	K-82-1210	1507720648	103	GRIGSBY #1	WC 47/8 E OF LITTLE S	90.0	GETTY OIL CO
-GULF OIL CORPORATION							
8315352	K-82-0931	1501920924	108	HOYT #1	HEWINS	12.0	CITIES SERVICE GA
8315358	K-82-1056	1517500000	108	RECEIVED: 12/27/82	HUGOTOM	5.0	INTER NORTH INC
-IMPERIAL OIL COMPANY							
8315317	K-82-0189	1515121007	102-4	RECEIVED: 12/27/82	CARVER ROBBINS WEST	15.0	PANHANDLE EASTERN
8315316	K-82-0188	1515121022	102-4	LEMON #2-7	CARVER ROBBINS WEST	73.0	PANHANDLE EASTERN
8315319	K-82-0709	1515121144	102-4	LEMON #4-7	CARVER ROBBINS WEST	36.5	PANHANDLE EASTERN
8315318	K-82-0703A	1509720882	102-4	LEMON #5-7	CARVER ROBBINS WEST	18.3	PANHANDLE EASTERN
-INTERMOUNT INC							
8315326	K-82-1129	1514520365	108	RECEIVED: 12/27/82	CARVER ROBBINS WEST	2.7	INTERMOUNT INC
-KAISER-FRANCIS OIL COMPANY							
8315360	K-82-1061	1507700000	108	RECEIVED: 12/27/82	SPIVEY-GRABS	6.0	MOBIL OIL CORP
8315296	K-82-1079	1507700000	108	DARNES A #1	SPIVEY-GRABS	6.0	MOBIL OIL CORP
8315359	K-82-1060	1507700000	108	GRABS B #2	SPIVEY-GRABS	20.0	MOBIL OIL CORP
8315323	K-82-1065	1507700000	108	RECEIVED: 12/27/82	SPIVEY-GRABS	10.0	MOBIL OIL CORP
8315322	K-82-1062	1507700000	108	RECEIVED: 12/27/82	SPIVEY-GRABS	10.0	CITIES SERVICE OI
-KAM-EX INC							
8315302	K-82-1021	1500721410	103	RECEIVED: 12/27/82	STRANATHAN	70.0	PANHANDLE EASTERN
-KANSAS-NEBRASKA NATURAL GAS CO INC							

JD NO	JA DKT	API NO	0 SEC(1) SEC(2) WELL NAME	FIELD NAME	VOLUME	PAGE	PROD PURCHASER
8315356	K-82-1043	1505500000	108	PARR #1	12/27/82	003	12.0 KANSAS NEBRASKA M
-KENNEDY & MITCHELL INC			RECEIVED:				
8315291	K-82-1052	1517520422	103	AMIGO #31-399	12/27/82		300.0 INTER NORTH INC
8315293	K-82-1040	1517520600	103	JACQUART #45-760	12/27/82		360.0 INTER NORTH INC
-LADD PETROLEUM CORPORATION			RECEIVED:				
8315296	K-82-1042	1507500000	108	HCU 1411-B	12/27/82		96.3 KANSAS NEBRASKA M
-MARCO PRODUCTION CO			RECEIVED:				
8315315	K-82-1199	1511520776	103	KIELLIN #3	12/27/82		5.4 CLOVER PIPELINE C
8315314	K-82-1200	1511520785	103	KIELLIN #4	12/27/82		5.4 CLOVER PIPELINE C
8315333	K-82-1205	1511520711	108	VINDUSKA #1	12/27/82		8.3 CLOVER PIPELINE C
-MCCOY PETROLEUM CORP			RECEIVED:				
8315320	K-82-1006	1507720819	102-4	BAKER #1	12/27/82		91.0 PEOPLES NATURAL G
-OSWEGO OIL & GAS CO INC			RECEIVED:				
8315341	K-82-0885	1509920975	108	SCHREFFEL #6	12/27/82		0.0 CITIES SERVICE GA
-RAINS & WILLIAMSON OIL CO INC			RECEIVED:				
8315295	K-82-1221	1511520576	103	SCHRIODE #1	12/27/82		95.0 PANHANDLE EASTERN
-RINE DRILLING CO			RECEIVED:				
8315261	K-82-1085	1502520477	102-4	BARBY #1-27	12/27/82		60.0 INTER NORTH INC
8315264	K-82-1088	1502520544	102-4	BARBY #4-27	12/27/82		60.0 INTER NORTH INC
8315262	K-82-1084	1502520483	102-4	BARBY #5-21	12/27/82		60.0 INTER NORTH INC
8315263	K-82-1086	1502520564	102-4	BARBY #6-21	12/27/82		60.0 INTER NORTH INC
8315265	K-82-1089	1517320418	102-4	BARBY-HARPER #5-22	12/27/82		60.0 INTER NORTH INC
8315266	K-82-1090	1502520334	102-4	GUENDA LEA #1-22	12/27/82		60.0 INTER NORTH INC
8315304	K-82-1082	1502520396	103	TUTTLE #1-7	12/27/82		73.0 INTER NORTH INC
-RUPE OIL CO INC			RECEIVED:				
8315342	K-82-0901	1509520032	108	GIBBENS #1	12/27/82		10.9 CENTRAL STATES GA
-SAGE DRILLING CO INC			RECEIVED:				
8315299	K-82-1024	1507120257	103	SAGE-TAYLOR-ROELFS 1-16	12/27/82		110.0 NATURAL GAS SALES
-SHAWMAR OIL CO INC			RECEIVED:				
8315353	K-82-1015	1511520553	108	BUETHE 00173-000009	12/27/82		12.0 CITIES SERVICE GA
8315354	K-82-1016	1511520231	108	BUETHE 00173-000009	12/27/82		12.0 CITIES SERVICE GA
-THE MAURICE L BROWN COMPANY			RECEIVED:				
8315303	K-82-1037	150720876	103	EMERSON "A" #2	12/27/82		15.0 KANSAS GAS SUPPLY
8315301	K-82-1044	1509720804	103	VIEUX #2	12/27/82		11.0 KANSAS GAS SUPPLY
-TXO PRODUCTION CORP			RECEIVED:				
8315268	K-82-1095	1507720591	102-4	ANTHONY #1	12/27/82		300.0 NORTHERN GAS PROD
8315269	K-82-1096	1507720572	102-4	GILL "A" #1	12/27/82		915.0 NORTHERN GAS PROD
8315272	K-82-1100	1507710539	102-4	MCKAIG #1	12/27/82		575.0 NORTHERN GAS PROD
8315270	K-82-1098	1507720647	102-4	MCKAIG "A" #1	12/27/82		450.0 DELHI CORP
8315271	K-82-1099	1507720684	102-4	MCKAIG "A" #2	12/27/82		50.0 DELHI CORP
8315273	K-82-1101	1507720554	102-4	ROBINSON "C" #1	12/27/82		500.0 NORTHERN GAS PROD
8315274	K-82-1102	1507720703	102-4	ROBINSON "G" #1	12/27/82		300.0 DELHI CORP
8315275	K-82-1103	1507720518	102-4	SANDERS "E" #1	12/27/82		150.0 NORTHERN GAS PROD
8315321	K-82-1049	1503320567	102-4	WILLEMS "A" #5	12/27/82		25.0 INTER NORTH INC
8315260	K-82-1050	1503320541	102-4	WILLEMS "A" #6	12/27/82		10.0 INTER NORTH INC
-LORCAN OIL & GAS CORP			RECEIVED:				
8315268		2102500000	102-4	WILLIAMS #1-26	12/30/82		36.6 MICHIGAN GAS UTIL
-OHIO DEPARTMENT OF NATURAL RESOURCES			RECEIVED:				
-ALTEX INC			RECEIVED:				

JD NO	JA DKT	API NO	D SEC(1)	SEC(2)	WELL NAME	VOLUME 817	FIELD NAME	PROCD	PURCHASER	PAGE 004
8315469		3404528190	103		PICKERING ETALS #1A		RICHLAND TOWNSHIP		1.5 NATIONAL GAS & OI	
-ATLAS ENERGY GROUP INC				RECEIVED: 12/30/82	JA: OH					
8315474		3415522197	102-2	107-TF B MILLER #1			HARTFORD		6.0 COLUMBIA GAS TRAN	
8315471		3415522134	102-2	107-TF K RUST #2			BROOKFIELD		49.0 COLUMBIA GAS TRAN	
8315472		3415522185	102-2	107-TF P K MILLER #3			KINSMAN		5.0 COLUMBIA GAS TRAN	
8315473		3415522188	102-2	107-TF SANCHEZ #1			HARTFORD		14.0 COLUMBIA GAS TRAN	
8315478		3415522039	102-2	107-TF WAGNER #1			GUSTAVUS		12.0 COLUMBIA GAS TRAN	
-BERNESFORD ENTERPRISES INC				RECEIVED: 12/30/82	JA: OH					
8315478		3416725245	108	D ZIMMERMAN #1					1.6	
8315477		3416725130	108	LELAND BALL #1					2.0	
8315480		3416727266	103	LOUIS SCHILLING #12			WATERFORD		0.0	
8315475		3403124561	103	RJ & ARTHUR BURPUS #3			TIVERTON		0.0	
8315476		3416724983	108	TON DAVIS #1					7.0	
8315479		3416725281	108	WILBUR WECKBACHER #1					1.4	
-BUCKEYE CRUDE EXPLORATION INC				RECEIVED: 12/30/82	JA: OH					
8315481		3416923293	103	107-TF SCHLABACH #1			CLINTON		13.5 COLUMBIA GAS TRAN	
-CAMERON ASSOCIATES				RECEIVED: 12/30/82	JA: OH					
8315482		3402920794	0	107-TF HUMENIUK #1			KNOX		0.0	
-ENTERPRISE ENERGY CORP				RECEIVED: 12/30/82	JA: OH					
8315484		3415123672	103	OUTTON #3					36.5	
8315485		3415123678	103	OUTTON #4			BETHLEHEM		27.3	
8315483		3415123673	103	OUTTON #5			BETHLEHEM		18.2	
-ERIE OIL & GAS CO				RECEIVED: 12/30/82	JA: OH					
8315486		3404320080	103	M-HUNTER #2			FLORENCE		36.0 COLUMBIA GAS TRAN	
8315487		3404320081	103	M-HUNTER #3			FLORENCE		18.0 COLUMBIA GAS TRAN	
-HAY NATURAL ENERGY INC				RECEIVED: 12/30/82	JA: OH					
8315488		3416723765	0	THOMAS #1			LAWRENCE		30.0 RIVER GAS CO	
-JEFFERSON OIL & GAS CO				RECEIVED: 12/30/82	JA: OH					
8315489		3412725664	103	SAMSON #2			FULTONHAM WEST		10.0 COLUMBIA GAS TRAN	
-JONSU OIL CORP				RECEIVED: 12/30/82	JA: OH					
8315490		3408924523	103	NENT #2			PERRY		5.0 NATIONAL GAS & OI	
-L & M EXPLORATION INC				RECEIVED: 12/30/82	JA: OH					
8315491		3412724234	108	LEWIS/PEARBODY #1					9.1 FORAKER GAS CO IN	
-L & M OPERATING INC				RECEIVED: 12/30/82	JA: OH					
8315496		3416725652	103	GLEN BIEHL #2			LAWRENCE		10.0 COLUMBIA GAS TRAN	
8315492		3412724886	108	NEIL ADCOCK #3					10.0 COLUMBIA GAS TRAN	
8315497		3416725741	103	MOLAND/MCCAIN #3			FEARING		10.0 COLUMBIA GAS TRAN	
8315493		3412724895	108	RUSSELL FOLK #3					2.0 FORAKER GAS CO IN	
-L & M PETROLEUM INC				RECEIVED: 12/30/82	JA: OH					
8315494		3412725170	108	FOLK/LOWES #1					3.5 FORAKER GAS CO IN	
8315495		3416724644	108	FRANK BALL #1					12.8 COLUMBIA GAS TRAN	
-LESATIE OIL AND GAS CO INC				RECEIVED: 12/30/82	JA: OH					
8315499		3410322301	103	GIBSON UNIT #1			SPENCER		20.0 COLUMBIA GAS TRAN	
8315498		3410322321	103	GIBSON UNIT #2			SPENCER		20.0 COLUMBIA GAS TRAN	
8315501		3410322695	103	LEONARD WELL #5			SPENCER		20.0 COLUMBIA GAS TRAN	
8315502		3410322770	103	LEONARD WELL #6			SPENCER		20.0 COLUMBIA GAS TRAN	
8315503		3410322922	103	LEONARD WELL #7			SPENCER		20.0 COLUMBIA GAS TRAN	
8315504		3410322923	103	LEONARD WELL #8			SPENCER		20.0 COLUMBIA GAS TRAN	
8315500		3410322485	103	SPENCER VILLAGE UNIT #1			SPENCER		20.0 COLUMBIA GAS TRAN	
8315505		3410322926	103	VLACK WELL #1			SPENCER		29.0 COLUMBIA GAS TRAN	
-LONAK PETROLEUM INC				RECEIVED: 12/30/82	JA: OH					
8315508		3411926417	103	A MATTOX #1-B			HARRISON		12.0 COLUMBIA GAS TRAN	
8315507		3411926330	103	PETTET UNIT #1			HARRISON		12.0 COLUMBIA GAS TRAN	

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JD NO	JA DKT	API NO	D SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8315506		3411522860	103		SIGRIST-HIVNOR #8-8			
-OXFORD OIL CO			RECEIVED:	12/30/82	JA: OH	YORK	12.0	COLUMBIA GAS TRAN
8315513		3411122836	103		BERNARD BLACKSTONE #1			
-RELIANCE ENERGY			RECEIVED:	12/30/82	JA: OH	SUMMIT	10.0	
8315510		3404520520	108		FRED LOMER #1			
8315509		3404520519	108		ROY LYNN #1			
-RIVER CITY DRILLING INC			RECEIVED:	12/30/82	JA: OH	WARREN TWP	6.0	COLUMBIA GAS TRAN
8315514		3416327098	103		CHARLES & LUCINE WRIGHT #1			
-RONALD F MORAN			RECEIVED:	12/30/82	JA: OH	MARY ANN	0.0	NATIONAL GAS & OI
8315512		3408924471	103		WILLIAM & JANET JONES #2			
-SANTA FE DRILLING CO INC			RECEIVED:	12/30/82	JA: OH	FEARING	50.0	
8315515		3416740150	103		ROBERT BIEHL #1			
-SHARENET OIL & GAS CO			RECEIVED:	12/30/82	JA: OH	JAMES MCCAMMON	40.0	TEXAS EASTERN GAS
8315516		3411122572	0	107-DV	JAMES MCCAMMON 3411122572 14			
-VALENTINE & MILLER			RECEIVED:	12/30/82	JA: OH	NEW MATAMORAS QUAD GR	2.0	RIVER GAS CO
8315536		3416220877	108		AUDREY PATTERSON #1			
8315535		3416720797	108		CHARLES REESE #1			
8315538		3416724046	108		CHARLES REESE #4			
8315532		3416700804	108		DAVID BURNETT #2			
8315530		3416700802	108		DAVID BURNETT #4			
8315534		3416720724	108		GILES E OLIVER NO 1			
8315531		3416700803	108		MARY WEBER #1			
8315537		3416720879	108		RAYMOND FELTON #1			
8315533		3416700805	108		SANFORD HANLON #1			
-VICTOR MCKENZIE			RECEIVED:	12/30/82	JA: OH	HOPEWELL	0.0	COLUMBIA GAS TRAN
8315511		3412725744	103		RUBIN WHEATHERHOLT #1			
-WILLIAM N TIPKA			RECEIVED:	12/30/82	JA: OH	9.0	EAST OHIO GAS CO	
8315517		3415722660	108		ANDERSON #1			
8315518		3415722780	108		ANDERSON #2			
8315529		3415723213	108		B COOKSON #1 (EUGENE)			
8315520		3415722890	108		BOITNOTT-LUTE #1			
8315525		3415723027	108		DIEMUTH #1			
8315522		3415723007	108		HOOVER UNIT #1			
8315519		3415722809	108		KAISER #3A			
8315521		3415722956	108		KAISER #4A			
8315527		3415723044	108		KAISER #5A			
8315528		3415723142	108		KOTTE #1			
8315526		3415723028	108		RICKLIC #1			
8315524		3415723023	108		SCHWARTZ-COOKSON #1			
8315523		3415723022	108		SCHWARTZ-COOKSON #2			

JD NO	JA DKT	API NO	D SEC(1) SEC(2) WELL NAME	VOLUME 817	FIELD NAME	PROD PURCHASER	PAGE 006
8315381	18218	3751203040	D 102-3 J HAROLD ARNOLD #3		WALTERSBURG	44.9 U61 DEVELOPMENT C	
-ATLAS RESOURCES INC			RECEIVED: 12/28/82 JA: PA				
8315416	18449	3706327158	102-4 CLYMER CITIZENS WATER CO #1		CHERRYHILL	245.0 COLUMBIA GAS TRAN	
8315415	18448	3706327161	102-2 RUSSELLVILLE GIBSON #1		CHERRYHILL	84.0 COLUMBIA GAS TRAN	
8315414	18447	3706327162	102-2 RUSSELLVILLE-GRIFFITH #1		CHERRYHILL	200.0 COLUMBIA GAS TRAN	
8315412	18442	3706327154	103 SCHROTH 29A		GREEN	87.0 COLUMBIA GAS TRAN	
8315413	18446	3706327151	102-2 TATE #2		GREEN	237.0 COLUMBIA GAS TRAN	
-CAROT OIL & GAS CORP			RECEIVED: 12/28/82 JA: PA				
8315385	18259	3708520452	102-2 WILLIAM GUNTER #1		FRENCH CREEK	50.0 TENNESSEE GAS PIP	
-CONSOLIDATED GAS SUPPLY CORPORATION			RECEIVED: 12/28/82 JA: PA				
8315444	18511	3706326875	102-2 B MOYER #1 WN-1884		MONTGOMERY	4.0 GENERAL SYSTEM PU	
8315452	18519	3703321236	102-4 D SPENCER UNIT WN-1937		PENN	115.0 GENERAL SYSTEM PU	
8315451	18518	3706327153	102-2 DEAN J LEARN WN-1946		GREEN	4.0 GENERAL SYSTEM PU	
8315447	18514	3706327018	102-2 IONA F HUDSON WN-1918		GREEN	8.0 GENERAL SYSTEM PU	
8315445	18512	3703321344	102-2 IRMA FORNEY #1 WN-1903		BURNSIDE	96.0 GENERAL SYSTEM PU	
8315450	18517	3706327016	102-2 JAMES B WISSINGER #1 WN-1923		GREEN	9.0 GENERAL SYSTEM PU	
8315449	18516	3706327014	102-2 JOHN MCCOY WN-1922		GREEN	8.0 GENERAL SYSTEM PU	
8315443	18509	3706521620	102-2 MAGDALENE M SENIOR WN-1680		WASHINGTON	7.0 GENERAL SYSTEM PU	
8315365	12071	3703321015	108 REED REITER WN 1824		BRADY TOWNSHIP	2.2 GENERAL SYSTEM PU	
8315446	18513	3706327126	102-2 RHEUL STIFFLER #2 WN-1909		GREEN	27.0 GENERAL SYSTEM PU	
8315442	18507	3706521441	102-2 THOMAS J WAYNE #1 WN-1587		WINSLOW	2.0 GENERAL SYSTEM PU	
8315448	18515	3706327020	102-2 TWO LICK VALLEY ROD & GUN C WN-1920		GREEN	9.0 GENERAL SYSTEM PU	
-DELTA 80 S T JOINT VENTURE			RECEIVED: 12/28/82 JA: PA				
8315361	13305	3706321028	108 GRIMMINGER #1		PENN	7.0 CONSOLIDATED GAS	
-DORAN & ASSOCIATES INC			RECEIVED: 12/28/82 JA: PA				
8315378	17755	3706326934	103 LAWRENCE ELLIOTT #1 KA-133		UPPER DEVONIAN SANDS	30.0 COLUMBIA GAS TRAN	
-EASTERN STATES EXPLORATION CO			RECEIVED: 12/28/82 JA: PA				
8315441	18502	3706522495	103 JAMES E PIERCE #3		RATHNEL	35.0 NATIONAL FUEL GAS	
-ENVIROGAS INC			RECEIVED: 12/28/82 JA: PA				
8315465	18532	3704929630	108 BUCHERAL #1		NORTH EAST DEEP	3.0 NATIONAL FUEL GAS	
8315466	18533	3704920573	108 D WILLATS #1		NORTH EAST DEEP	0.5 NATIONAL FUEL GAS	
8315455	18522	3704929649	108 ELIASON #1		ERIC DEEP	5.0 NATIONAL FUEL GAS	
8315464	18531	3704920558	108 EVANS #1		NORTH EAST DEEP	0.4 NATIONAL FUEL GAS	
8315454	18521	3704920642	108 G ORTON #1		NORTH EAST	6.0 NATIONAL FUEL GAS	
8315463	18530	3704920577	108 GARFIELD #1		HARBORCREEK	1.0 NATIONAL FUEL GAS	
8315461	18528	3704920679	108 KEARNY #1		ERIC DEEP	1.0 NATIONAL FUEL GAS	
8315467	18534	3704920589	108 KOEHLER #1		NORTH EAST DEEP	4.0 NATIONAL FUEL GAS	
8315453	18520	3704920687	108 KOZLOWSKI #1		ERIC DEEP	0.2 NATIONAL FUEL GAS	
8315462	18529	3704920720	108 MORTON #2		WILLOCAT	0.2 NATIONAL FUEL GAS	
8315458	18525	3704920556	108 NORTH EAST TOWNSHIP #1		NORTH EAST	18.0 NATIONAL FUEL GAS	
8315459	18526	3704920702	108 OCHS #1		ERIC DEEP	17.0 NATIONAL FUEL GAS	
8315457	18524	3704920636	108 R WEEHL #1		NORTH EAST	17.0 NATIONAL FUEL GAS	
8315456	18523	3704920657	108 SHUNK #1		ERIC DEEP	1.0 NATIONAL FUEL GAS	
8315460	18527	3704920680	108 TUTTLE #2		ERIC DEEP	8.0 NATIONAL FUEL GAS	
-EPSILON 1980 S T JOINT VENTURE			RECEIVED: 12/28/82 JA: PA				
8315363	11626	3703321014	108 DELARME #1		BRADY	25.0 CONSOLIDATED GAS	
8315362	11625	3703321019	108 DELARME #2		BRADY	25.0 CONSOLIDATED GAS	
-J & J ENTERPRISES INC			RECEIVED: 12/28/82 JA: PA				
8315417	18457	3703321448	103 LEVI A LEARNER #1		BURNSIDE	0.0 CONSOLIDATED GAS	
-KEYSTONE ENERGY OIL & GAS PRODUCTION			RECEIVED: 12/28/82 JA: PA				
8315398	18370	3706327027	103 BRUNER #4		BLACKLICK	39.9 COLUMBIA GAS TRAN	
-KRIEBEL WELLS 1981			RECEIVED: 12/28/82 JA: PA				
8315388	18358	3706522428	103 EBERHART #2		BELLS MILLS	19.0	

JD NO JA DKT API NO SEC(1) SEC(2) WELL NAME RECEIVED: 12/28/82 JA: PA
 8315389 18359 3706522658 103 LASKA #1
 -KRIEDEL WELLS 82
 -PHILLIPS PRODUCTION CO
 8315368 17375 3706522183 108 FRED ROBERTS #1 JA: PA
 8315369 17374 3706522184 108 FRED ROBERTS #2
 8315370 17376 3706525503 108 JOHN VALKOSKY #1
 -PNB PETROLEUM CORP
 8315386 18280 3708520382 103 H MILLER UNIT #1 JA: PA
 8315387 18281 3708520382 107-TF H MILLER UNIT #1
 -RINDFUSS ROBERT P & BARBARA J
 8315366 15996 3704921189 107-TF RINDFUSS #1 ERI-21189 JA: PA
 8315367 15997 3749211890 102-2 RINDFUSS #1 ERI-21189
 -T W PHILLIPS GAS & OIL CO
 8315425 18486 3702100080 108 A B WESTOVER #1
 8315397 18425 3712900000 108 AMANDA J LUTZ #1
 8315435 18496 3700500000 108 B COHEN #1
 8315410 18439 3712900000 108 CYRUS BEATTY #1
 8315439 18500 3700500000 108 D K SRADER #1
 8315440 18501 3700500000 108 D K SRADER #3
 8315405 18433 3712900000 108 E H NEWELL #1
 8315423 18484 3702100000 108 ELIJAH BAKER #1
 8315393 18421 3712900000 108 FRANK M WATT #3
 8315432 18493 3703300000 108 G S & G P TOZER #1
 8315409 18437 3712900000 108 GEORGE RIDENOUR #1
 8315436 18497 3700500000 108 H P HUDSON #1
 8315433 18494 3700500000 108 J A BEAL #3
 8315434 18495 3700500000 108 J A BEAL #6
 8315394 18422 3712900000 108 J C COLE #1
 8315395 18423 3712900000 108 J M ELLIOTT #3
 8315429 18490 3703300000 108 J M GALLAGHER #1
 8315401 18429 3712900000 108 J S CROOKS #1
 8315406 18434 3712900000 108 J S CROOKS #2
 8315398 18426 3712902094 108 J S MCLAUGHLIN #1
 8315399 18427 3712900000 108 JOHN HAMILTON #1
 8315391 18419 3717120468 108 JONATHAN REMALEY #1
 8315408 18436 3712900000 108 LORENZ BRUNECKE #2
 8315430 18491 3703300000 108 M E LUDWICK #2
 8315431 18492 3703300000 108 M J & R D TONKIN EXRS #1
 8315424 18485 3702100000 108 M J & R D TONKIN EXRS #2
 8315400 18428 3712900000 108 NATHALIA G GIBSON #1
 8315411 18438 3712900000 108 PETER BEIGHLEY #2
 8315438 18498 3700500000 108 PHILIP RIDENOUR #1
 8315437 18499 3700500000 108 ROBISON KENNEDY #1
 8315404 18432 3712900000 108 ROBISON KENNEDY #2
 8315403 18431 3712900000 108 VICTOR L ANDERSON #1
 8315392 18420 3712900000 108 VICTOR L ANDERSON #2
 8315396 18424 3712900000 108 W A YOUNG #3
 8315402 18430 3712900000 108 W G KANE #2
 8315407 18435 3712900000 108 W H & G F CROOKS #1
 8315426 18489 3703320439 108 W H & M A CUPPS #1
 8315427 18487 3703300000 108 W P CLARK #5
 -VINEYARD OIL & GAS CO
 8315427 18484 3703320431 108 WINIFRED P CLARK #2
 RECEIVED: 12/28/82 JA: PA

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FIELD NAME PROD PURCHASER

BELLS MILLS 19.0

BELL 12.0 CONSOLIDATED GAS

BELL 12.0 CONSOLIDATED GAS

CANOE 18.0 CONSOLIDATED GAS

FRENCH CREEK 27.0 TENNESSEE GAS PIP

FRENCH CREEK 27.0 TENNESSEE GAS PIP

WATERFORD 0.0 COLUMBIA GAS TRAM

WATERFORD 0.0 COLUMBIA GAS TRAM

SUSQUEHANNA 3.0 T W PHILLIPS GAS

FRANKLIN 1.8 T W PHILLIPS GAS

SOUTH BUFFALO 1.0 T W PHILLIPS GAS

FRANKLIN 2.5 T W PHILLIPS GAS

SOUTH BUFFALO 2.2 T W PHILLIPS GAS

SOUTH BUFFALO 1.8 T W PHILLIPS GAS

ALLEGHENY 0.9 T W PHILLIPS GAS

SUSQUEHANNA 1.8 T W PHILLIPS GAS

FRANKLIN 2.0 T W PHILLIPS GAS

BURNSIDE 1.2 T W PHILLIPS GAS

WASHINGTON 2.3 T W PHILLIPS GAS

SOUTH BUFFALO 6.5 T W PHILLIPS GAS

SOUTH BUFFALO 0.3 T W PHILLIPS GAS

SOUTH BUFFALO 1.5 T W PHILLIPS GAS

FRANKLIN 3.1 T W PHILLIPS GAS

FRANKLIN 2.3 T W PHILLIPS GAS

BURNSIDE 3.1 T W PHILLIPS GAS

WASHINGTON 9.4 T W PHILLIPS GAS

ALLEGHENY 0.4 T W PHILLIPS GAS

FRANKLIN 2.7 T W PHILLIPS GAS

FRANKLIN 2.4 T W PHILLIPS GAS

FRANKLIN 2.2 T W PHILLIPS GAS

WASHINGTON 1.9 T W PHILLIPS GAS

BURNSIDE 0.8 T W PHILLIPS GAS

BURNSIDE 0.6 T W PHILLIPS GAS

SUSQUEHANNA 0.6 T W PHILLIPS GAS

WASHINGTON 1.2 T W PHILLIPS GAS

WASHINGTON 3.4 T W PHILLIPS GAS

SOUTH BUFFALO 1.0 T W PHILLIPS GAS

SOUTH BUFFALO 2.1 T W PHILLIPS GAS

ALLEGHENY 2.2 T W PHILLIPS GAS

WASHINGTON 2.1 T W PHILLIPS GAS

FRANKLIN 2.6 T W PHILLIPS GAS

FRANKLIN 1.1 T W PHILLIPS GAS

WASHINGTON 2.8 T W PHILLIPS GAS

ALLEGHENY 3.4 T W PHILLIPS GAS

BURNSIDE 2.1 T W PHILLIPS GAS

BURNSIDE 0.2 T W PHILLIPS GAS

BURNSIDE 2.0 T W PHILLIPS GAS

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JO NO	JA DKT	API NO	D SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8315419	18470	3704920890	108		MARTEN #1 E-795	LEBOEUF	5.0	NATIONAL FUEL GAS
8315418	18469	3704920941	108		MARTENS #2 E-807	LEBOEUF	20.8	NATIONAL FUEL GAS
8315420	18471	3704920867	108		MAZZA #1 E-795	NORTH EAST	14.4	NATIONAL FUEL GAS
8315421	18472	3704920798	108		MCINTOSH #1 E-711	NORTH EAST	5.3	NATIONAL FUEL GAS
8315422	18473	3704920646	108		WAGNER #1 E-637	NORTH EAST	12.0	NATIONAL FUEL GAS
-WAINOCO OIL & GAS CO								
8315377	1743	3703921744	107-TF		M KUNZ #1 (W-131A)	ATHENS FIELD	35.4	COLUMBIA GAS TRAN
8315375	1727	3703921650	107-TF		ROBERT C JOHNSON #1 (W-139A)	ATHENS	35.4	COLUMBIA GAS TRAN
8315376	1728	3703921650	102-3		ROBERT C JOHNSON #1 (W-139A)	ATHENS	35.4	COLUMBIA GAS TRAN
8315373	1728	3703921742	102-3		RUSSELL E HUMMER #1 (W-168A)	ATHENS	35.4	COLUMBIA GAS TRAN
8315374	1721	3703921742	107-TF		RUSSELL E HUMMER #1 (W-168A)	ATHENS	35.4	COLUMBIA GAS TRAN
-ZETA S T JOINT VENTURE 80								
8315364	11627	3706522188	108		RECEIVED: 12/28/82 JA: PA	REYNOLDSVILLE	25.0	NATIONAL FUEL GAS
					GEORGE DAY #1			

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, 5205 PORT ROYAL RD, SPRINGFIELD, VA 22161, OR SANDRA SPEAR (FERC) (202) 357-8681.

BILLING CODE 5717-01-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 (2.3 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. 83-2281 Filed 1-26-83; 8:45 am]

BILLING CODE 6717-01-M

[Volume 818]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: January 24, 1983.

JUD NO	JAT	API NO	0 SEC(1)	SEC(2)	WELL NAME	RECEIVED:	JA: TX	FIELD NAME	PROD	PURCHASER
TEXAS RAILROAD COMMISSION										
-ADOBE OIL & GAS CORPORATION					12/15/82	102-4	103	NORTH DELAWARE BEND	373.0	LONE STAR GAS CO
8315608	F-09-60053	4209731889			102-2	103	103	GIDDINGS (AUSTIN CHAL	730.0	PHILLIPS PETROLEUM
8315547	F-03-48296	4247730444			108	103	103	SAVIER (CANYON)	16.3	LONE STAR GAS CO
-AMCO PRODUCTION CO					12/15/82	108	103	WHITEHEAD (STRAWN)	18.3	VALERO TRANSMISSI
8315643	F-7C-60824	4243531266			108	103	103	E SEVEN SISTERS (MOVE	5000.0	TEXAS EASTERN TRA
8315644	F-7C-60829	4210530686			107-DP	103	103	BELEVUE N (CONGL OIL	0.0	LONE STAR GAS CO
-ARCO OIL AND GAS COMPANY					12/15/82	102-4	103	CREDO E (CISCO UP)	219.0	INTRATEX GAS CO
8315600	F-04-59591	4213135846			107-DP	103	103	J Y F	0.0	J L DAVIS
-BENNETT & GUINN INC					12/15/82	102-4	103	CARTHAGE (COTTON VALL	0.0	TENNESSEE GAS PIP
8315620	F-09-60290	4207732606			102-4	103	103	STRATTON (H-37 RES 2)	0.0	TENNESSEE GAS PIP
-BLANKS ENERGY CORP					12/15/82	103	103	GIDDINGS (AUSTIN CHAL	188.0	PHILLIPS PETROLEUM
8315627	F-08-60513	4243131163			103	103	103	WEST CHOATE FIELD	200.0	VALERO TRANSMISSI
-BLUCO PRODUCTION CO INC					12/15/82	102-2	103	SULPHUR DRAW (8790 DE	18.0	GETTY OIL CO
8315619	F-01-60279	4249331046			102-2	103	103	GERALDINE/DELANARE 34	20.7	EL PASO NATURAL G
-CHAMPLIN PETROLEUM COMPANY					12/15/82	103	103	SULLIVAN/CHERRY CANYO	40.2	EL PASO NATURAL G
8315558	F-06-54266	4236500000			103	103	103	POLLAN CANYON	0.0	EL PASO NATURAL G
8315542	F-04-043602	4235531844			102-4	103	103	BLOODWORTH	0.0	EL PASO NATURAL G
-COBRA OIL AND GAS CORPORATION					12/15/82	102-2	103	POLLAN (STRAWN *C*)	0.0	EL PASO NATURAL G
8315556	F-03-53111	4214930099			102-2	103	103	ANAKER - TIPPETT (WOL	0.0	EL PASO NATURAL G
-COCKRELL OIL CORP					12/15/82	102-4	103	CROMERA (MORAN)	2.5	WARREN PETROLEUM
8315555	F-02-52591	4225530904			102-4	103	103	CROMERA (MORAN)	720.0	WARREN PETROLEUM
-COLLIER DIAMOND OILS INC					12/15/82	103	103	RODESSA N W (HILL)	219.0	BRECKENRIDGE GASO
8315571	F-08-55701	4231732518			103	103	103	SLOCUM W (WOODBINE-B-	300.0	LONE STAR GAS CO
-CONOCO INC					12/15/82	103	103	N PORT NECHES	180.0	UNITED TEXAS TRAM
8315605	F-08-59982	4210931644			103	103	103			
8315611	F-08-60152	4238931301			103	103	103			
-CONVEST ENERGY CORP					12/15/82	102-2	103			
8315613	F-8A-60175	4226330899			102-2	103	103			
8315576	F-7C-56954	4243532355			103	103	103			
8315590	F-8A-59054	4226300000			102-2	103	103			
-COTTON PETROLEUM CORPORATION					12/15/82	103	103			
8315598	F-7C-59382	4246131294			103	103	103			
-CROMERA OIL & GAS CO					12/15/82	102-4	103			
8315641	F-7B-60808	4241734735			102-4	103	103			
8315603	F-7B-59650	4241734693			102-4	103	103			
-CRYSTAL OIL AND LAND COMPANY					12/15/82	102-4	103			
8315746	F-06-61045	4206730374			102-4	103	103			
-D MARTIN OIL CO					12/15/82	103	103			
8315616	F-06-60219	4200131338			103	103	103			
-DANSON OIL CORPORATION					12/15/82	103	103			
8315562	F-03-54926	4236130362			103	103	103			

JD NO	JA DKT	API NO	D SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8315561	F-03-54925	4236130363	103	RECEIVED:	12/15/82	1000 ROYALTY SYNDICATE #4	180.0	UNITED TEXAS TRAM
-DAVIS OIL COMPANY					JA: TX			
83155618	F-7C-60229	4209530616	102-4	RECEIVED:	12/15/82	SMITH LAND & CATTLE CO #2	400.0	LONE STAR GAS CO
-DORCHESTER EXPLORATION INC					JA: TX			
8315630	F-08-60547	4217331259	102-3	RECEIVED:	12/15/82	BERRY 20-1	157.0	
-OYCO PETROLEUM CORPORATION					JA: TX			
8315654	F-10-60882	4248330655	102-4	RECEIVED:	12/15/82	MAXWELL #1-23	0.0	PIONEER NATURAL G
-EADS OPERATING CO					JA: TX			
8315595	F-04-59202	4242731585	102-4	RECEIVED:	12/15/82	LYDIA HINOJOSA #1	65.7	INTRASTATE GATHER
-EOWIN L COX					JA: TX			
8315594	F-04-59201	4242731663	102-4	RECEIVED:	12/15/82	MILLER FLORES #1	65.7	INTRASTATE GATHER
-EOWIN L COX					JA: TX			
8315599	F-03-59475	4216750741	102-4	RECEIVED:	12/15/82	CRESTON KING #6	12.0	GULFTIDE GAS CORP
-ESENJAY PETROLEUM CORP					JA: TX			
8315617	F-02-60223	4229732994	102-4	RECEIVED:	12/15/82	H F MEYER #1	0.0	
-EXPERT PETROLEUM CORP					JA: TX			
8315566	F-7C-55297	4239900000	102-4	RECEIVED:	12/15/82	EUBANKS #1	29.0	LONE STAR GAS CO
8315564	F-09-55289	4223734454	102-4	RECEIVED:	12/15/82	HAMMON #1	55.0	
-EXXON CORPORATION					JA: TX			
8315607	F-08-60042	4222732728	103	RECEIVED:	12/15/82	DOUTHIT UNIT #212	1.0	PHILLIPS PETROLEU
8315592	F-08-59071	4210332848	103	RECEIVED:	12/15/82	J B TUBB -C- #31U	15.0	EL PASO NATURAL G
8315604	F-08-59975	4210332980	103	RECEIVED:	12/15/82	J B TUBB B26L	15.0	EL PASO NATURAL G
-FELDERHOFF PRODUCTION CO					JA: TX			
8315747	F-09-61064	4207732626	103	RECEIVED:	12/15/82	BRENNELIS #1 (22410)	1.0	FAGADAU ENERGY CO
-FIRST CALGARY USA INC					JA: TX			
8315596	F-7B-59275	4236331255	108	RECEIVED:	12/15/82	WARREN-JENKINS #1	6.0	SOUTHWESTERN GAS
-GENERAL PRODUCTION CORP					JA: TX			
8315664	F-03-60904	4247730544	102-2	RECEIVED:	12/15/82	SCOTT-LEWIS #1	0.0	CLAJON GAS CO
-GETTY OIL COMPANY					JA: TX			
8315544	F-03-46174	4205100000	102-2	RECEIVED:	12/15/82	W H GIESENSCHLAG -C- #1	275.0	FERGUSON CROSSING
-GOLDKING PRODUCTION COMPANY					JA: TX			
8315577	F-03-56973	4224130373	102-4	RECEIVED:	12/15/82	LANIER #2	0.0	HOUSTON PIPE LINE
-GORDON OIL CO INC					JA: TX			
8315626	F-09-60586	4218100000	108	RECEIVED:	12/15/82	M J TURNER 1-T 08783	1.9	LONE STAR GAS CO
-GULF ENERGY PRODUCING COMPANY					JA: TX			
8315579	F-7B-57361	4236332926	103	RECEIVED:	12/15/82	HART RANCH #8762 (101841)	0.0	TEXAS UTILITIES F
-GULF OIL CORPORATION					JA: TX			
8315551	F-06-51772	4236531343	103	RECEIVED:	12/15/82	107-IF CARTHAGE UNIT 111 #3	0.0	UNITED GAS PIPE L
8315659	F-09-60897	4249732395	103	RECEIVED:	12/15/82	I G YATES #11	2.8	NATURAL GAS PIPEL
8315660	F-09-60898	4223734434	103	RECEIVED:	12/15/82	I G YATES WELL #10	17.0	NATURAL GAS PIPEL
8315661	F-09-60899	4249732394	103	RECEIVED:	12/15/82	L O FANCHER #3	37.2	NATURAL GAS PIPEL
-HAILEY ENERGY					JA: TX			
8315650	F-7B-60854	4209330746	103	RECEIVED:	12/15/82	VAUGHN M C #3-B (16690)	6.0	ENERGY PIPELINE C
-HANLEY PETROLEUM INC					JA: TX			
8315642	F-7B-60816	4241331059	103	RECEIVED:	12/15/82	107-IF UNIVERSITY 54-21 #1	182.5	PRODUCER'S GAS CO
-HAMSON MINERALS CO					JA: TX			
8315601	F-04-59594	4247933302	102-4	RECEIVED:	12/15/82	AVIATORS GAS UNIT #1	1277.5	VALERO TRANSMISSI
-HORIZON OIL & GAS CO OF TEXAS					JA: TX			
8315645	F-10-60838	4219530767	103	RECEIVED:	12/15/82	MC CLELLAN #2-12	14.6	PHILLIPS PETROLEU
-HOUSTON OIL & MINERALS CORPORATION					JA: TX			
8315540	F-03-59747	4207130945	102-3	RECEIVED:	12/15/82	STATE TRACT 305 #1	0.0	UNITED TEXAS TRAM
-HUMBLE EXPLORATION CO INC					JA: TX			
8315546	F-03-048276	4228700000	102-2	RECEIVED:	12/15/82	FRANK M TYE JR #1	0.0	PHILLIPS PETROLEU
8315541	F-03-41955	4214900000	103	RECEIVED:	12/15/82	LETHA EHLE #1 -	0.0	PHILLIPS PETROLEU

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JD NO	JA DRT	API NO	D SEC(1) SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8315539	F-03-32826	4214900000	103	MARY OLLE #1	GIDDINGS	0.0	PHILLIPS PETROLEUM
-INTERNATIONAL OIL & GAS CORP.							
8315570	F-7C-55467	4210533596	102-4	PERNER #31 #1	DUDLEY EAST (DEVONIAN)	68.0	INTRASTATE GATHER
8315569	F-7C-55459	4210533597	102-4	UNIVERSITY #2 #2	INGHAM (QUEEN)	25.0	DELHI GAS PIPELIN
8315621	F-7C-60303	4210533980	102-4	VERNON B COX #A #5	DUDLEY EAST (DEVONIAN)	47.0	INTRASTATE GATHER
-J R HAMILTON							
8315623	F-04-60397	4213100000	102-4	CUELLAR #8-3	J R (5618)	100.0	VALERO TRANSMISSI
-JOHN G MIDDLETON							
8315635	F-04-60730	4247932033	103	MIDDLETON #20-1 80266	LAS TIENDAS (OLMOS)	144.0	LONE STAR GAS CO
8315634	F-04-60728	4247932023	103	MIDDLETON #22-1 80267	LAS TIENDAS (OLMOS)	360.0	LONE STAR GAS CO
8315636	F-04-60732	4247932265	103	MIDDLETON FEE #14-1 80430	LAS TIENDAS (OLMOS)	132.0	LONE STAR GAS CO
-JOHN L COX							
8315580	F-08-57370	4231700000	103	HOLLOWAY #3 (RRC #21899)	SPRABERRY (TREND AREA)	10.0	NORTHERN GAS PROD
8315549	F-7C-50991	4238300000	103	ROCKER B #W #8-X RRC #04855	SPRABERRY (TREND AREA)	10.0	EL PASO NATURAL G
8315550	F-7C-51034	4238332216	103	ROCKER B #W #9-X RRC #04855	SPRABERRY (TREND AREA)	10.0	EL PASO NATURAL G
8315584	F-7C-58262	4238332323	103	ROCKER B #W #14-X RRC #05289	SPRABERRY (TREND AREA)	10.0	EL PASO NATURAL G
8315585	F-7C-58263	4238332325	103	ROCKER B #W #9-X	SPRABERRY (TREND AREA)	10.0	EL PASO NATURAL G
-KEITH-STEVENS RESOURCES INC							
8315563	F-09-55038	4250300000	103	BENSON #1 18506	W & H MISSISSIPPI	18.0	GAS ASSOCIATED SY
-LYRIC ENERGY INC							
8315612	F-10-60170	4217931023	103	CITY OF MCLEAN #2	PANHANDLE WEST	0.0	EL PASO NATURAL G
-MAGNUM RESOURCES INC							
8315631	F-09-60550	4250300000	103	TAYLOR #A #1-21018	YOUNG COUNTY REGULAR	2.5	SUN GAS GATHERING
-MAY PETROLEUM INC							
8315647	F-7C-60845	4238332205	103	ROCKER #B #42-1	SPRABERRY (TREND AREA)	11.0	INTER NORTH INC
-MCR OIL CORP OF TEXAS							
8315622	F-10-60324	4221100000	108	STUDER #5	CANADIAN S E - DOUGLA	4.0	ARKANSAS LOUISIAN
-MIDWAY OIL CORP							
8315606	F-03-60006	4205131024	102-4	KAZMIR #2	CALDWELL (AUSTIN CHAL	183.0	CLAJON GAS CO
-MITCHELL ENERGY CORPORATION							
8315565	F-05-55292	4229300000	103	107-TF ALICE COX #1	POKEY (COTTON VALLEY	274.0	TEXAS UTILITIES F
8315633	F-09-50675	4249700000	108	BERTHA FLOWERS - CONT-#1 #028643	BOOKSVILLE (BEND CONG	1.6	NATURAL GAS PIPEL
8315574	F-09-56621	4249700000	108	BILBERRY-MCCLOURE #1 #028568	BOOKSVILLE (BEND CONG	13.2	NATURAL GAS PIPEL
8315587	F-09-58556	4223700000	108	EUGENE MOSER #2 #051098	CRAFTON WEST (CONEL)	0.0	CITIES SERVICE CO
8315632	F-09-50673	4249700000	108	L L BURRESS #1 #032286	BOOKSVILLE (BEND CONG	5.6	NATURAL GAS PIPEL
8315602	F-09-59647	4223700000	108	W R RICHARDS #1 #042316	CARY-MAG (SOUTH CONGL	12.2	SOUTHWESTERN GAS
-MOBIL PROD TEXAS & NEW MEXICO INC							
8315748	F-04-61065	4224900000	108	BOERJAN UNIT #2	SHARP RANCH	21.6	TRANSCONTINENTAL
8315749	F-06-61066	4220330488	108	C M ARNEY GAS UNIT #1 #4	WASKOM/COTTON VALLEY	21.2	TEJAS GAS CORP
8315581	F-08-57384	4237133589	107-OP	FRED SCHLOSSER ESTATE B #3	ROJO CABALLOS SOUTH	264.6	EL PASO NATURAL G
-MORRISON DRILLING & PRODUCING CO							
8315628	F-7C-60520	4239900000	102-4	O D REED #1 #09791	MORRISON (FRY)	34.0	LONE STAR GAS CO
-NATURAL RESOURCES CORP							
8315625	F-03-60484	4208900000	107-PE	NRC PRIESMEYER #1	EAST RAMSEY	0.0	AMOCO PRODUCTION
-PALO PETROLEUM INC							
8315557	F-08-54027	4217331256	103	AUDIE MCANIEL #1	SPRABERRY (TREND AREA)	0.0	EL PASO NATURAL G
8315553	F-7C-51950	4238332185	103	UNIVERSITY 2-BLOCK 12 #1	SPRABERRY (TREND AREA)	0.0	
8315548	F-7C-48971	4238332101	103	UNIVERSITY 24 BLK 1 #1	SPRABERRY (TREND AREA)	0.0	
-PCNNZOIL PRODUCING COMPANY							
8315545	F-04-647259	4235504825	108-ER	W W WALTON #2	AGUA DULCE (5,000*)	15.0	UNITED GAS PIPE L
-PEPPER OIL & GAS INC							
8315655	F-7B-60888	4208333085	102-2	HEMPHILL 84 #3 101997	LAKE COLEMAN (CROSS P	301.9	CALLACOLE PIPELIN
-PHILLIPS PETROLEUM COMPANY							

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JD NO	JA DKT	API NO	D SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8315572	F-10-57560	4223300000	108		BIVENS LEE #3	PANHANDLE HUTCHINSON	0.0	EL PASO NATURAL G
8315583	F-10-57941	4217931221	103		HUSTED #5	PANHANDLE GRAY	0.0	
8315575	F-10-56782	4223331434	102-4		IVY A #5	HUTCHINSON N MISSISSI	0.0	INTER NORTH INC
8315559	F-10-56768	4223300000	108		OTIS P #1	PANHANDLE WEST	0.0	EL PASO NATURAL G
8315629	F-10-60529	4217900000	108		PHIL-PAMPA 13-7	PANHANDLE GRAY	0.0	GETTY OIL CO
8315552	F-10-51926	4234130790	103		REUTER #2	WEST PANHANDLE	0.0	EL PASO NATURAL G
8315684	F-08-60936	4237130778	108		ROSA L MITCHELL #1	PUCKETT (DEVONIAN)	19.0	INTER NORTH INC
8315543	F-10-45842	4229531025	103		SUESS B #3	BRADFORD CLEVELAND	0.0	
8315609	F-10-60081	4235700000	108		SWINK B #4	HORIZON - CLEVELAND	0.0	
8315683	F-08-60935	4200384603	108		UNIVERSITY ANDREWS #33 (01270)	EMBAR (PERMIAN)	13.0	EL PASO NATURAL G
8315610	F-10-60084	4235700000	108		UNRUH B #2	HORIZON - CLEVELAND	0.0	MICHIGAN WISCONS
8315614	F-10-60181	4223300000	108		WHITTENBURG #103	PANHANDLE HUTCHINSON	0.0	EL PASO NATURAL G
8315615	F-10-60182	4223300000	108		WHITTENBURG 62 #8	PANHANDLE HUTCHINSON	0.0	GETTY OIL CO
	-PLANTATION GAS CO			RECEIVED:	12/15/82	JA: TX		
8315578	F-7C-57016	4210500000	108		AMOCO - UNIVERSITY #1	MAHOCO (YATES)	0.0	EL PASO NATURAL G
	-R A W ENERGY CORP			RECEIVED:	12/15/82	JA: TX		
8315582	F-09-57705	4223734349	102-4		WIMBERLY #1-X	LENORA (D-ZONE CONGL)	100.0	TEXAS UTILITIES P
	-RIODE OIL CO			RECEIVED:	12/15/82	JA: TX		
8315586	F-7B-58417	4213333890	102-4	103	BOND #1	RANGER NW (MARBLE FAL	36.0	COMPRESSOR RENTAL
	-ROCKWOOD RESOURCES INC			RECEIVED:	12/15/82	JA: TX		
8315568	F-03-55438	4248132106	102-4		KOUNTZE & COUCH #1-A	LOUISE (5500) J P	0.0	LONE STAR GAS CO
	-RYDER SCOTT OIL CO			RECEIVED:	12/15/82	JA: TX		
8315646	F-7B-60841	4244751733	102-4		DAVIS #6* #12 RRC 085024	THROCKMORTON SW (STOC	26.0	HST GATHERING CO
	-SANCHEZ-OBRIEN OIL & GAS CORP			RECEIVED:	12/15/82	JA: TX		
8315573	F-02-56073	4229733018	102-4		BODDEN FROST GAS UNIT 1 #2	GEORGE WEST WEST (10*	0.0	UNITED TEXAS TRAN
	-SANTA FE-ANDOVER OIL CO			RECEIVED:	12/15/82	JA: TX		
8315637	F-06-60759	4220330800	103		107-IF MATTIE DIXON ESTATE GAS UNIT #1	(COTTON VALLEY) SABIN	0.0	ESPERANZA PIPELIN
	-SCAMORILL INC			RECEIVED:	12/15/82	JA: TX		
8315560	F-09-54822	4223734436	102-4	103	SANDERS #5	SHAR-PAT (CONGL)	81.0	LONE STAR GAS CO
	-SECURE TRUSTS			RECEIVED:	12/15/82	JA: TX		
8315687	F-7B-60957	4208333163	103		A R NEFF #3	GAYLE	80.0	SOUTHWESTERN GAS
	-SHAWNEE PETROLEUM CORP			RECEIVED:	12/15/82	JA: TX		
8315686	F-7B-60956	4208333170	103		A R NEFF #4	GAYLE	44.0	SOUTHWESTERN GAS
	-SHELL OIL CO			RECEIVED:	12/15/82	JA: TX		
8315624	F-03-60482	4205132193	102-2		WHITMER "N" #1	GIDDINGS "AUSTIN CHAL	0.0	CLAJON GAS CO
	-SNOW OIL CO			RECEIVED:	12/15/82	JA: TX		
8315667	F-08-60811	4213500000	108		E HARPER UNIT #312	HARPER	0.3	PHILLIPS PETROLEU
	-SUNBELT OIL CO			RECEIVED:	12/15/82	JA: TX		
8315665	F-8A-60906	4216500000	108		GAINES WASSON CLEARFORK UNIT #66056	WASSON 72	6.1	SHELL OIL CO
	-SUNBELT OIL CO			RECEIVED:	12/15/82	JA: TX		
8315674	F-09-60918	4218100000	108		GOODSEY O #1	HUDGINS SW (FLT BLK O	1.9	UNION TEXAS PETRO
	-SUNBELT OIL CO			RECEIVED:	12/15/82	JA: TX		
8315668	F-08-60912	4208300000	108		LOGSDON C W "E" #2	FULLERTON (SAN ANDRES	1.7	PHILLIPS PETROLEU
	-SUNBELT OIL CO			RECEIVED:	12/15/82	JA: TX		
8315669	F-08-60913	4208300000	108		LOGSDON-C- #13	FULLERTON (SAN ANDRES	1.2	PHILLIPS PETROLEU
	-SUNBELT OIL CO			RECEIVED:	12/15/82	JA: TX		
8315666	F-8A-60910	4216500000	108		S WASSON CLEARFORK UNIT #6403S	WASSON 72	1.5	SHELL OIL CO
	-SUNBELT OIL CO			RECEIVED:	12/15/82	JA: TX		
8315670	F-08-60914	4247500000	108		SEALY SMITH FOUNDATION #158	MONAHANS (CLEAR FORK)	3.1	EL PASO NATURAL G
	-SUNBELT OIL CO			RECEIVED:	12/15/82	JA: TX		
8315671	F-08-60915	4213500000	108		THOMAS-C- #2	TXL (DEVONIAN)	0.8	SHELL OIL ET AL
	-SUNBELT OIL CO			RECEIVED:	12/15/82	JA: TX		
8315672	F-08-60916	4213500000	108		TXL-L-A/C III #6	TXL (DEVONIAN)	20.4	SHELL OIL ET AL
	-SUNBELT OIL CO			RECEIVED:	12/15/82	JA: TX		
8315677	F-08-60921	4213500000	108		UNIVERSITY-D- #12	JORDAN (TUBB)	4.8	SHELL OIL ET AL
	-SUNBELT OIL CO			RECEIVED:	12/15/82	JA: TX		
8315676	F-08-60920	4208300000	108		UNIVERSITY-N- #1	ANDREWS SOUTH (WOLFC	1.0	PHILLIPS PETROLEU
	-SUNBELT OIL CO			RECEIVED:	12/15/82	JA: TX		
8315675	F-08-60919	4208300000	108		UNIVERSITY-O- #1	ANDREWS SOUTH (WOLFC	5.1	EL PASO NATURAL G
	-SUNBELT OIL CO			RECEIVED:	12/15/82	JA: TX		
8315648	F-7B-60850	4213332540	102-4		BOND #1 (18461)	REB (MARBLE FALLS)	2.0	LONE STAR GAS CO
	-SUNBELT OIL CO			RECEIVED:	12/15/82	JA: TX		
8315640	F-7B-60804	4213333959	102-4		CLINTON KELLAR #2 (18768)	REB (MARBLE FALLS)	33.0	LONE STAR GAS CO
	-SUNBELT OIL CO			RECEIVED:	12/15/82	JA: TX		
8315638	F-7B-60802	4213334127	102-4		TEAFEL-CASTLEBERRY #2 (18462)	REB (MARBLE FALLS)	96.0	LONE STAR GAS CO
	-SUNBELT OIL CO			RECEIVED:	12/15/82	JA: TX		
8315639	F-7B-60803	4213334141	102-4		TEAFEL-CASTLEBERRY #3 (18462)	REB (MARBLE FALLS)	88.0	LONE STAR GAS CO

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JD NO	JA DNT	API NO	E SEC(1) SEC(2) WELL NAME	FIELD NAME	PROD	PURCHASER
8315649	F-78-60851	4213332018	102-4 THOMPSON #1 (18459)	REB (MARBLE FALLS)	24.0	LONE STAR GAS CO
8315653	F-7C-60869	4246131752	108 RECEIVED: 12/15/82 JA: TX			
8315654	F-06-52571	4200131032	108 WOOLEY #7 #4	SPRABERRY (TEND AREA)	3.4	PHILLIPS PETROLEUM
8315764	F-04-61084	4224700000	102-4 103 J M MILLS #1	PURT WEST (RODESSA 10)	146.0	ESPERANZA ENERGY
8315750	F-04-61069	4221500000	108 RECEIVED: 12/15/82 JA: TX			
8315758	F-04-58683	4222731653	108 A C JONES #64	JONES (6000)	21.0	
8315755	F-08-61075	4222700000	108 A M BEURLINE #3	BEAURLINE (VICKSBURG)	20.0	TENNESSEE GAS PIPE
8315756	F-08-61076	4222700000	108 CAFFARELLI #12	LOCKHART	5.0	TENNESSEE GAS PIPE
8315757	F-08-61077	4222700000	108 DORA ROBERTS #2-42	HOWARD GLASSCOCK	0.4	PHILLIPS PETROLEUM
8315758	F-04-61078	4224900000	108 DORA ROBERTS #3-10	HOWARD GLASSCOCK	0.1	PHILLIPS PETROLEUM
8315759	F-04-61079	4224700000	108 DORA ROBERTS #4-50	HOWARD GLASSCOCK	0.4	PHILLIPS PETROLEUM
8315754	F-6E-61073	4218300000	108 E G CANALES #21	T-C-8 (9550 STRAY)	16.0	FLORIDA GAS TRANS
8315752	F-6E-61071	4218300000	108 GEO H COATES #11	RINCON NORTH (6-84)	15.0	
8315763	F-08-61083	4222700000	108 I V MONTALVO -C-#36	SUN NORTH (F-2-1)	10.0	
8315751	F-08-61070	4222700000	108 J C MCINLEY #1	EAST TEXAS	0.9	UNITED GAS PIPELI
8315766	F-08-61085	4246100000	108 M & B BOR #13	EAST TEXAS	1.0	UNITED GAS PIPELI
8315768	F-08-61086	4246100000	108 M & B BOR #3	HOWARD GLASSCOCK	0.6	PHILLIPS PETROLEUM
8315769	F-08-61089	4246100000	108 MCELROY S W UNIT #31	HOWARD GLASSCOCK	0.3	PHILLIPS PETROLEUM
8315767	F-08-61087	4213500000	108 MCELROY S W UNIT #36	MCELROY	0.3	PHILLIPS PETROLEUM
8315753	F-08-61072	4231700000	108 MCELROY S W UNIT #40	MCELROY	0.3	PHILLIPS PETROLEUM
8315593	F-78-59162	4242932467	108 MCELROY S W UNIT #41	MCELROY	0.2	PHILLIPS PETROLEUM
8315770	F-08-61090	4246100000	108 PAUL MOSS UNIT #71	CONDEN SOUTH	0.3	PHILLIPS PETROLEUM
8315761	F-8A-61081	4250100000	108 ROBERTSON-CROWLEY #1	SPRABERRY TEND AREA	4.0	PHILLIPS PETROLEUM
8315762	F-8A-61082	4250100000	108 STANOLIND-HENDERSON #1	BRECKENRIDGE E (CONGL	24.0	SUN GAS TRANSMISS
8315567	F-7C-55360	4243532686	108 WASSON N CLEARFORK UNIT #32	CONDEN SOUTH	0.1	EPX CO
8315685	F-7C-60942	4232730390	108 WASSON N CLEARFORK UNIT #55	WASSON N E (CLEARFORK	0.4	SHELL OIL CO
8315727	F-10-61014	4206500000	108 RECEIVED: 12/15/82 JA: TX	WASSON N E (CLEARFORK	0.0	SHELL OIL CO
8315722	F-10-61007	4206500000	108 107-IF JOHN D FIELDS #1-59	SAUVER (CANYON)	100.0	EL PASO NATURAL G
8315704	F-10-60989	4206500000	108 RECEIVED: 12/15/82 JA: TX			
8315703	F-10-60988	4206500000	108 MADLYN PFLUGER #2	CELERY (STRAVM 2975)	9.1	
8315705	F-10-60990	4206500000	108 RECEIVED: 12/15/82 JA: TX			
8315708	F-10-60993	4206500000	108 C R GARNER #C NCT-2 #3	PANHANDLE CARSON COUN	0.7	GETTY OIL CO
8315707	F-10-60992	4206500000	108 C R GARNER #C NCT-2 #4	PANHANDLE CARSON COUN	0.7	GETTY OIL CO
8315706	F-10-60991	4206500000	108 C R GARNER #C NCT-2 #5	PANHANDLE CARSON COUN	0.7	GETTY OIL CO
8315724	F-10-61011	4206500000	108 C R GARNER #C NCT-2 #6	PANHANDLE CARSON COUN	0.7	GETTY OIL CO
8315725	F-10-61012	4206500000	108 C R GARNER #C NCT-2 #7	PANHANDLE CARSON COUN	0.9	GETTY OIL CO
8315723	F-10-61008	4206500000	108 C R GARNER #C NCT-2 #8	PANHANDLE CARSON COUN	2.1	GETTY OIL CO
8315726	F-10-61013	4206500000	108 C R GARNER #C NCT-2 #9	PANHANDLE CARSON COUN	2.1	GETTY OIL CO
8315688	F-10-60959	4206500000	108 E J MOORE NCT-1 #1	PANHANDLE CARSON COUN	3.2	GETTY OIL CO
8315689	F-10-60960	4206500000	108 E J MOORE NCT-1 #12	PANHANDLE CARSON COUN	4.3	GETTY OIL CO
8315690	F-10-60961	4206500000	108 E J MOORE NCT-2 #16	PANHANDLE CARSON COUN	2.1	GETTY OIL CO
8315691	F-10-60962	4206500000	108 E J MOORE NCT-2 #17	PANHANDLE CARSON COUN	1.0	GETTY OIL CO
8315692	F-10-60963	4206500000	108 E J MOORE NCT-2 #23	PANHANDLE CARSON COUN	0.9	GETTY OIL CO
8315719	F-10-61004	4206500000	108 E J MOORE NCT-2 #25	PANHANDLE CARSON COUN	0.9	GETTY OIL CO
8315720	F-10-61005	4206500000	108 E J MOORE NCT-2 #26	PANHANDLE CARSON COUN	0.9	GETTY OIL CO
8315720	F-10-61005	4206500000	108 E J MOORE NCT-2 #27	PANHANDLE CARSON COUN	0.9	GETTY OIL CO

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JD NO	JA DKT	API NO	D SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8315718	F-10-61003	4286500000	108	E J MOORE NCT-2824	PANHANDLE CARSON COUN	PANHANDLE CARSON COUN	0.9	GETTY OIL CO
8315712	F-10-60997	4286500000	108	E J MOORE NCT-288	PANHANDLE CARSON COUN	PANHANDLE CARSON COUN	0.9	GETTY OIL CO
8315714	F-08-60999	4230100000	108	EL MAR (DELAWARE)	EL MAR (DELAWARE)	EL MAR (DELAWARE)	0.2	PHILLIPS PETROLEUM
8315740	F-08-61035	4230100000	108	EL MAR (DELAWARE)	EL MAR (DELAWARE)	EL MAR (DELAWARE)	0.4	PHILLIPS PETROLEUM
8315739	F-08-61034	4230100000	108	EL MAR (DELAWARE)	EL MAR (DELAWARE)	EL MAR (DELAWARE)	0.2	PHILLIPS PETROLEUM
8315694	F-08-60365	4230100000	108	EL MAR (DELAWARE)	EL MAR (DELAWARE)	EL MAR (DELAWARE)	0.8	PHILLIPS PETROLEUM
8315745	F-08-61040	4230100000	108	EL MAR (DELAWARE)	EL MAR (DELAWARE)	EL MAR (DELAWARE)	0.9	PHILLIPS PETROLEUM
8315728	F-08-61023	4230100000	108	EL MAR (DELAWARE)	EL MAR (DELAWARE)	EL MAR (DELAWARE)	0.4	PHILLIPS PETROLEUM
8315701	F-08-60976	4230100000	108	EL MAR (DELAWARE)	EL MAR (DELAWARE)	EL MAR (DELAWARE)	0.2	PHILLIPS PETROLEUM
8315700	F-08-60975	4230100000	108	EL MAR (DELAWARE)	EL MAR (DELAWARE)	EL MAR (DELAWARE)	0.4	PHILLIPS PETROLEUM
8315699	F-08-60974	4230100000	108	EL MAR (DELAWARE)	EL MAR (DELAWARE)	EL MAR (DELAWARE)	0.2	PHILLIPS PETROLEUM
8315698	F-08-60973	4230100000	108	EL MAR (DELAWARE)	EL MAR (DELAWARE)	EL MAR (DELAWARE)	0.2	PHILLIPS PETROLEUM
8315736	F-08-61031	4230100000	108	EL MAR (DELAWARE)	EL MAR (DELAWARE)	EL MAR (DELAWARE)	0.2	PHILLIPS PETROLEUM
8315737	F-08-61032	4230100000	108	EL MAR (DELAWARE)	EL MAR (DELAWARE)	EL MAR (DELAWARE)	0.2	PHILLIPS PETROLEUM
8315738	F-08-61033	4230100000	108	EL MAR (DELAWARE)	EL MAR (DELAWARE)	EL MAR (DELAWARE)	1.0	PHILLIPS PETROLEUM
8315742	F-08-61037	4230100000	108	EL MAR (DELAWARE)	EL MAR (DELAWARE)	EL MAR (DELAWARE)	0.2	PHILLIPS PETROLEUM
8315710	F-08-60995	4230100000	108	EL MAR (DELAWARE)	EL MAR (DELAWARE)	EL MAR (DELAWARE)	0.6	PHILLIPS PETROLEUM
8315741	F-08-61036	4230100000	108	EL MAR (DELAWARE)	EL MAR (DELAWARE)	EL MAR (DELAWARE)	0.4	PHILLIPS PETROLEUM
8315743	F-08-61038	4230100000	108	EL MAR (DELAWARE)	EL MAR (DELAWARE)	EL MAR (DELAWARE)	2.2	PHILLIPS PETROLEUM
8315744	F-08-61039	4230100000	108	EL MAR (DELAWARE)	EL MAR (DELAWARE)	EL MAR (DELAWARE)	0.2	PHILLIPS PETROLEUM
8315715	F-08-61000	4230100000	108	EL MAR (DELAWARE)	EL MAR (DELAWARE)	EL MAR (DELAWARE)	0.8	PHILLIPS PETROLEUM
8315716	F-08-61001	4230100000	108	EL MAR (DELAWARE)	EL MAR (DELAWARE)	EL MAR (DELAWARE)	0.5	PHILLIPS PETROLEUM
8315729	F-08-61024	4230100000	108	EL MAR (DELAWARE)	EL MAR (DELAWARE)	EL MAR (DELAWARE)	1.2	PHILLIPS PETROLEUM
8315732	F-08-61027	4230100000	108	EL MAR (DELAWARE)	EL MAR (DELAWARE)	EL MAR (DELAWARE)	0.6	PHILLIPS PETROLEUM
8315730	F-08-61025	4230100000	108	EL MAR (DELAWARE)	EL MAR (DELAWARE)	EL MAR (DELAWARE)	0.6	PHILLIPS PETROLEUM
8315697	F-08-60968	4230100000	108	EL MAR (DELAWARE)	EL MAR (DELAWARE)	EL MAR (DELAWARE)	1.7	PHILLIPS PETROLEUM
8315721	F-08-61006	4230100000	108	EL MAR (DELAWARE)	EL MAR (DELAWARE)	EL MAR (DELAWARE)	8.4	PHILLIPS PETROLEUM
8315713	F-08-60998	4230100000	108	EL MAR (DELAWARE)	EL MAR (DELAWARE)	EL MAR (DELAWARE)	5.3	PHILLIPS PETROLEUM
8315693	F-08-60964	4230100000	108	EL MAR (DELAWARE)	EL MAR (DELAWARE)	EL MAR (DELAWARE)	1.8	PHILLIPS PETROLEUM
8315717	F-08-61002	4230100000	108	EL MAR (DELAWARE)	EL MAR (DELAWARE)	EL MAR (DELAWARE)	3.2	PHILLIPS PETROLEUM
8315695	F-08-60966	4230100000	108	EL MAR (DELAWARE)	EL MAR (DELAWARE)	EL MAR (DELAWARE)	2.2	PHILLIPS PETROLEUM
8315711	F-08-60996	4230100000	108	EL MAR (DELAWARE)	EL MAR (DELAWARE)	EL MAR (DELAWARE)	1.8	PHILLIPS PETROLEUM
8315735	F-08-61030	4230100000	108	EL MAR (DELAWARE)	EL MAR (DELAWARE)	EL MAR (DELAWARE)	1.8	PHILLIPS PETROLEUM
8315734	F-08-61029	4230100000	108	EL MAR (DELAWARE)	EL MAR (DELAWARE)	EL MAR (DELAWARE)	6.5	PHILLIPS PETROLEUM
8315696	F-08-60967	4230100000	108	EL MAR (DELAWARE)	EL MAR (DELAWARE)	EL MAR (DELAWARE)	5.3	PHILLIPS PETROLEUM
8315733	F-08-61028	4230100000	108	EL MAR (DELAWARE)	EL MAR (DELAWARE)	EL MAR (DELAWARE)	2.5	PHILLIPS PETROLEUM
8315731	F-08-61026	4230100000	108	EL MAR (DELAWARE)	EL MAR (DELAWARE)	EL MAR (DELAWARE)	0.2	PHILLIPS PETROLEUM
8315702	F-08-60977	4236900000	108	EL MAR (DELAWARE)	EL MAR (DELAWARE)	EL MAR (DELAWARE)	0.2	PHILLIPS PETROLEUM
8315589	F-08-60994	4250132073	103	REEVES "AC" FEE #5	EAST FORD (DELAWARE) S	EAST FORD (DELAWARE) S	1.9	CONOCO INC
-U S OPERATING INC				ROBERTS UNIT #2139	WASSON	WASSON	30.1	SHELL OIL CO
8315656	F-03-60890	4228731216	103	LOEWE #2 RRC ID #11870	GIODINGS (AUSTIN CHAL	GIODINGS (AUSTIN CHAL	0.0	PERRY PIPELINE CO
-UNITED CO				12/15/82 JA: TX				
8315591	F-08-59035	4207931070	103	WRIGHT ESTATE #8 085854	LEVELLAND (SAN ANDRES	LEVELLAND (SAN ANDRES	71.9	EL PASO NATURAL G
-VOIGHT OIL CO				12/15/82 JA: TX				
8315597	F-03-59340	4248100000	102-4	R S VINEYARD #4	HOLLYWOOD SOUTH (FRIO	HOLLYWOOD SOUTH (FRIO	22.3	LONE STAR GAS CO
-WARREN PETR CO A DIV				12/15/82 JA: TX				
8315662	F-08-60900	4210332980	103	H E ADAMS "A" #10	DUNE	DUNE	3.1	EL PASO NATURAL G
8315658	F-08-60893	4210332973	103	H E ADAMS "A" #9	DUNE	DUNE	1.6	EL PASO NATURAL G
8315657	F-08-60892	4210332958	103	P J LEA AL #139	LEA (SAN ANDRES)	LEA (SAN ANDRES)	3.1	EL PASO NATURAL G
-WAYNE HARPER				12/15/82 JA: TX				
8315678	F-09-60922	4209732065	103	J E ROSE #1	SIVELLS BEND FIELD	SIVELLS BEND FIELD	8.0	SIVELLS GAS LTD
-WES-TEX DRILLING COMPANY				12/15/82 JA: TX				

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JD NO	JA DKT	API NO	D SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8315651	F-78-60867	4235331318	103		COMPTON "A" #4	JMM (CANYON)	0.0	SUN GAS CO
8315652	F-78-60868	4235331319	103		MCLAUGHLIN #6	ADAIR CREEK (COOK SAN	0.0	SUN GAS CO
-WILLIAM M SIEGEL					RECEIVED: 12/15/82			
8315663	F-89-60902	4207732721	102-4		ARMSTRONG #22544	DEER CREEK "ISRAEL 50	5.0	FAGADAU ENERGY CO
-WILLIAMS OIL CO					RECEIVED: 12/15/82			
8315771	F-88-61094	4249531503	103		COWDEN "A" 2	HENDRICK	18.0	PHILLIPS PETROLEU
-WILMAR OIL INC					RECEIVED: 12/15/82			
8315662	F-78-60931	4236300000	108		ASH #1	GRAFORD	12.9	CITIES SERVICE GA
8315681	F-78-60930	4236300000	108		ASH #2	PALO PINTO COUNTY REG	4.3	CITIES SERVICE GA
8315680	F-78-60929	4236300000	108		BARNETT #1	ORAN M	3.2	CITIES SERVICE GA
8315679	F-78-60928	4236300000	108		HALL-ROGERS #1	PALO PINTO COUNTY REG	2.7	CITIES SERVICE GA

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 10 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 275.204, 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-CB: Geopressured brine
- 107-CB: Coal seame
- 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. 83-2280 Filed 1-26-83; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. EL 79-32; Project No. 1490]

Brazos River Authority; Petition for Modification of Order

January 24, 1983.

On November 23, 1982, the Brazos River Authority (BRA) filed a petition for modification of an order issued by the Commission on February 13, 1981, for the Morris Sheppard Project No. 1490 located in Palo Pinto County, Texas. This Order on Recommendation For Minimum Flows required the BRA to conduct a special advance study of the need for downstream minimum flow releases and to include the results of the study as part of BRA's application for a new license for the Morris Sheppard Project. The basis for the petition is the U.S. Fish and Wildlife Service's (FWS) September 21, 1982, letter stating that

FWS now feels that its response to the Commission order would be contrary to current state management plans since the Texas Park and Wildlife Department has withdrawn its support and now has stated its opposition to the FWS's proposal for minimum downstream flows. BRA feels that the February 13, 1981, order should be modified since FWS, the original source of the proposal for downstream minimum flows, no longer supports the proposal and has asked to be relieved from participation in the study.

Anyone desiring to be heard or to make any protests about this application should file a motion to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 385.211 or 385.214. Comments not in the nature of a protest may also be filed by conforming to the procedures specified in 18 CFR 385.211. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party or to participate in any hearings, a person must file a motion to intervene in accordance with the Commission's Rules. Any comments, protest, or motion to intervene must be received on or before March 7, 1983. The Commission's address is: 825 North Capitol Street, N.E., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 83-2275 Filed 1-26-83; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. QF83-87-000]

Central Plants Inc., Chula Vista; Application for Commission Certification of Qualifying Status of a Small Power Production Facility

January 21, 1983.

On December 10, 1982, Central Plants, Inc., (Chula Vista) of 6140 Bristol Parkway, Culver City, California 90203, filed with the Federal Energy Regulatory Commission (Commission) an application for certification of a facility as a qualifying small power production facility pursuant to § 292.207 of the Commission's rules.

The facility is located in Chula Vista, California. The generating capacity of the facility will be 1,800 kilowatts. The primary energy source of the facility will be landfill gas recovered and processed from a municipal landfill and burned in

turbines or internal combustion engines. Applicants state that no other facilities owned by the applicant located within one mile of the site. No electric utility, electric utility holding company or any combination thereof has any ownership interest in the facility.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed within 30 days after the date of publication of this notice and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 83-2100 Filed 1-26-83; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. QF83-86-000]

Central Plants, Inc., San Diego; Application for Commission Certification of Qualifying Status of a Small Power Production Facility

January 21, 1983.

On December 10, 1982, Central Plants, Inc., (San Diego), of 6140 Bristol Parkway, Culver City, California 90203, filed with the Federal Energy Regulatory Commission (Commission) an application for certification of a facility as a qualifying small power production facility pursuant to § 292.207 of the Commission's rules.

The facility is located in San Diego, California. The generating capacity of the facility will be 2,600 kilowatts. The primary energy source is landfill gas generated from the anaerobic digestion by methanogenic bacteria of refuse and other solid wastes deposited in a sanitary municipal landfill. Applicants state that no other facilities owned by the applicant located within one mile of the site. No electric utility, electric utility holding company or any combination thereof has any ownership interest in the facility.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy

Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed within 30 days after the date of publication of this notice and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 83-2170 Filed 1-26-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-255-000]

Consumers Power Co.;

January 21, 1983.

Take notice that on January 17, 1983, Consumer Power Company (Consumers) tendered for filing a Notice of Termination of FERC Rate Schedule No. 42, between Hillsdale, Michigan and Consumers.

Consumers states that the termination date of this contract is December 3, 1982.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before February 9, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 83-2171 Filed 1-26-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ES83-22-000]

Gulf States Utilities Co., Application

January 21, 1983.

Take notice that on January 17, 1983, Gulf States Utilities Company (Applicant) filed an application seeking an order under Section 204(a) of the

Federal Power Act authorizing the Applicant to issue not more than \$100 million of First Mortgage Bonds, via negotiated placement. Such securities are proposed to be issued in one or more series over a two-year period pursuant to Commission policy announced in Release FE-1228 dated November 24, 1982.

Any person desiring to be heard or to make any protest with reference to said application should be on or before February 11, 1983, file with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, petitions or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 or 385.214). The application is on file with the Commission and available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 83-2172 Filed 1-26-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. QF83-104-000]

Richard Hotaling Jr.; Application for Commission Certification of Qualifying Status of a Small Power Production Facility

January 21, 1983

On December 20, 1982, Richard Hotaling Jr., of Rt. 66 Box 113-H Cullowhee, North Carolina 28723, filed with the Federal Energy Regulatory Commission (Commission) an application for certification of a facility as a qualifying small power production facility pursuant to § 292.207 of the Commission's rules.

The facility is 10 kilowatts Hydroelectric facility located in Jackson County, North Carolina. Applicant states no other facilities owned by the applicant located within one mile of the site. No electric utility, electric utility holding company or any combination thereof has any ownership interest in the facility.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, Washington, D.C. 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed within 30 days after the date of publication of this notice and must be served on the applicant. Protests will be considered by the Commission in determining the

appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 83-2174 Filed 1-26-83; 8:45 am]

BILLING CODE 6717-01-M

[Project Nos. 6976-000, et al.]

Kansas Electric Power Coop., Inc., et al.; Applications Filed With the Commission

Take notice that the following hydroelectric applications have been filed with the Federal Energy Regulatory Commission and are available for public inspection:

1 a. Type of Application: Preliminary Permit.

b. Project No: 6976-000.

c. Date Filed: January 3, 1983.

d. Applicant: Kansas Electric Power Cooperative, Inc.

e. Name of Project: Tuttle Creek Hydro Project.

f. Location: Manhattan, Riley County, Kansas on the Big Blue River.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)—825(r).

h. Contact Person: Charles Ross, Executive Vice President, KEPCO, 5315 S.W. 21st Street, P.O. Box 4877, Gage Center Station, Topeka, Kans. 66604.

i. Comment Date: March 28, 1983.

j. Description of Project: The proposed project would utilize the U.S. Army Corps of Engineers' Tuttle Creek Dam and Reservoir, and would consist of: (1) A new steel penstock 800 feet long and 18 feet in diameter; (2) a new 75 feet long by 60 feet wide powerhouse; (3) a 34.5 kV transmission line approximately 1 mile long; and (4) appurtenant facilities. Applicant estimates the total capacity of the project to be 14,750 kW and the average annual generation is estimated to be 56,690 MWh. All energy produced would be utilized primarily within KEPCO's system to displace power which would otherwise be purchased from other member cooperatives.

k. This notice also consists of the following standard paragraphs: A4a, A4c, B, C and D2.

2 a. Type of Application: Preliminary Permit.

b. Project No: P-6807-000.

c. Date Filed: October 29, 1982.

d. Applicant: Metropolitan District Commission.

e. Name of Project: Walter Baker Dam.

f. Location: on the Neponset River in Suffolk County, Massachusetts.

g. Filed Pursuant to: the Federal Power Act, 16 U.S.C. 791(a)—825(r).

h. Contact Person: Alfred J. Ferullo, Director of Environmental Quality, 20 Somerset Street, Boston, Massachusetts 02108.

i. Comment Date: March 28, 1983.

j. Description of Project: The proposed run-of-the-river project would consist of: (1) The existing Walter Baker Dam owned by Walter Baker Realty Trust; (2) an existing powerhouse containing one or more proposed generating units having a total rated capacity of 600 kW; (3) 100 feet of new 4.16-kV transmission line; and (4) appurtenant facilities. The Applicant estimates that the average annual energy output would be 2,000,000 kWh.

k. Purpose of Project: The most likely market for the energy derived at the proposed project would be the Boston Edison Company.

l. This notice also consists of the following standard paragraphs: A4a, A4c, B, C and D2.

m. Proposed Scope of Studies under Permit: A preliminary permit, if issued, does not authorize construction. The term of the proposed preliminary permit is 18 months. The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on results of these studies Applicant would decide whether to proceed with more detailed studies, and the preparation of an application for license to construct and operate the project. Applicant estimates that the cost to the work to be performed under the preliminary permit would be \$20,000.

4 a. Type of Application: Preliminary Permit.

b. Project No: 6935-000.

c. Date Filed: December 14, 1982.

d. Applicant: Town of Jackson, Wyoming.

e. Name of Project: South Park Ditch.

f. Location: South Park Water Supply Pipeline between Gros Ventre River and Flat Creek, in Teton County, Wyoming.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)—825(r).

h. Contact Person: Melvin Webb, Town Administrator, P.O. Box 1687, Jackson, Wyoming 83001.

i. Comment Date: April 1, 1983.

j. Description of Project: The proposed project would be located entirely within the Nation Elk Refuge which is owned by the United States and is operated by the U.S. Fish and Wildlife Service.

Project structures include: (1) An existing diversion structure on the Gros Ventre River which is maintained by the South Park Irrigation District; (2) and existing 2.8-mile long channel; (3) modifications to an existing concrete intake structure; (4) replacement of portions of and existing 4,251-foot long, 36 to 54-inch diameter concrete pipeline; (5) a proposed powerhouse containing one turbine/generator unit with a rated capacity of 1425 kW, operating under a design head of 137 feet; (6) and existing concrete outlet structure; (7) a proposed 30,800-foot long, 15.5-kV underground transmission line; and (8) appurtenant facilities. The estimated average annual generation would be 6,293 MWh.

k. Purpose of Project: Project energy would be used by the Town of Jackson and the U.S. Fish and Wildlife Service.

l. This notice also consists of the following standard paragraphs: A4a, A4c, B, C and D2.

m. Proposed Scope of Studies under Permit: A preliminary permit, if issued, does authorize construction. Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time Applicant and the U.S. Fish and Wildlife Service would jointly investigate project design alternatives, financial feasibility, environmental effects of project construction and operation, and project power potential. Depending upon the outcome of the studies, the Applicant would decide whether to proceed with an application for FERC license. Applicant estimates that the cost of the studies under permit would be \$10,000.

4 a. Type of Application: Preliminary Permit.

b. Project No: P-6875-000.

c. Date Filed: November 23, 1982.

d. Applicant: Hydro Power Development, Inc.

e. Name of Project: Eagle Creek Project.

f. Location: on Eagle Creek, near Bissell, in Clackamas County, Oregon.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)—825(r).

h. Contact Person: Mr. Bill Sundin, Hydro Power Development, Inc., P.O. Box 511, 16840 Hoffman Lane, Sandy, Oregon 97055.

i. Comment Date: March 28, 1983.

j. Description of Project: The proposed run-of-the-river project would consist of: (1) A 6-foot-high, 30-foot-long concrete diversion structure; (2) a 23,500-foot-long, 48-inch-diameter steel pipeline; (3) a powerhouse containing a single 8,100-kW generating unit with an estimated annual generation of 46.1 GWh; and (4) appurtenant facilities. The project would affect Mt. Hood National Forest lands.

Project power would be sold to Pacific Power & Light Company or the Bonneville Power Administration.

A preliminary permit, if issued, does not authorize construction. The Applicant seeks a 36-month permit to study the feasibility of constructing and operating the project and estimates the cost of the studies at \$83,000.

k. This notice also consists of the following standard paragraphs: A4b, A4c, A4d, B, C and D2.

5a. Type of Application: 5MW Exemption.

b. Project No: 2951-003.

c. Date Filed: December 3, 1982.

d. Applicant: Central Hudson Gas & Electric Corporation.

e. Name of Project: High Falls.

f. Location: On Rondout Creek in the Village of High Falls, Town of Marletown, Ulster County, New York.

g. Filed Pursuant to: Section 408 of the Energy Security Act of 1980 (Act), (16 U.S.C. 2705 and 2708 as amended), and Part I of the Federal Power Act.

h. Contact Person: Mr. Charles A. Bolz, Central Hudson Gas & Electric Corporation, 284 South Avenue, Poughkeepsie, New York 12602.

i. Comment Date: March 7, 1983.

j. Description of Project: The proposed project would consist of: (1) A restored 6-foot high 350-foot long concrete weir having spillway crest elevation 172.7 feet NGVD datum and located at the head of a 20-foot high natural falls; (2) a forebay formed by a rehabilitated 30-foot high 120-foot long masonry dam having spillway crest elevation 173.0 feet NGVD datum and having a gated intake and sluice; (3) a reservoir having a surface area of 34 acres and a storage capacity of 180 acre-feet at surface elevation 175.4 feet NGVD datum; (4) a new 9.5-foot diameter 365-foot long penstock; (5) a new powerhouse containing a generating unit having a rated capacity of 2,950 kW operated under a 48 foot head and at a flow of 900 cfs; (6) a tailrace; (7) a new 200-foot long 13.8-kV transmission line; and (8) appurtenant facilities. Applicant estimates that average annual generation would be 10,330,000 kWh.

k. This notice also consists of the following standard paragraphs: A1, B, C and D3a.

l. Purpose of Exemption: An exemption, if issued, gives the Exemptee priority of control, development, and operation of the project under the terms of the exemption from licensing, and protects the Exemptee from permit or license applicants that would seek to take or develop the project.

6a. Type of Application: Case—specific exemption from licensing for hydroelectric power projects of 5 MW or less capacity.

b. Project No: 6444-000.

c. Date Filed: June 17, 1982.

d. Applicant: Ringo Resources Inc.

e. Name of Project: Cedar Creek Hydroelectric Project.

f. Location: Cedar Creek in Lincoln County, Montana.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 2705, and 2708 as amended.

h. Contact Person: Mr. Bob Dennis, Route 2, Box 717, Libby, Montana 59923.

i. Comment Date: March 7, 1983.

j. Description of Project: The proposed project will be located entirely on Federal land within the Koofenai National Forest and will consist of: (1) A proposed 22-foot-high and 34-foot-long diversion structure, to be built below the existing stream bed and to divert groundwater instead of surface water; (2) a 15,000-foot-long penstock with a 14 inch diameter to be buried along an existing U.S. Forest Service trail adjacent to the stream; (3) a proposed powerhouse structure containing two turbine/generator units with a total installed capacity of 1300 kW; (4) a proposed energy dissipator located between the powerhouse and the stream to prevent stream erosion; (5) a proposed 4160 volt underground power line approximately 2 miles in length and inter-connecting with the Pacific Power and Light Company; and (6) appurtenant facilities. The Applicant estimates the average annual energy production to be 11.4 MWh.

k. This notice also consists of the following standard paragraphs: A3, B, and C.

l. Agency Comment—The U.S. Fish and Wildlife Service, The National Marine Fisheries Service, and the State of Montana Department of Fish and Game are requested, for the purposes set forth in Section 408 of the Act, to submit within 60 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or to otherwise carry out the provisions of the Fish and Wildlife Coordination Act. General comments concerning the project and its resources are requested; however, specific terms and conditions to be included as a condition of exemption must be clearly identified in the agency letter. If an agency does not file terms and conditions within this time period, that agency will be presumed to have none. Other Federal, State, and local agencies are requested to provide any comments they may have in accordance with their duties and responsibilities. No

other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within 60 days from the date of issuance of this notice, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

7a. Type of Application: Preliminary Permit.

b. Project No: 6974-000.

c. Date Filed: January 3, 1983.

d. Applicant: Kansas Electric Power Cooperative, Inc.

e. Name of Project: Perry Hydro Project.

f. Location: Topeka, Jefferson County, Kansas on the Delaware River.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. Contact Person: Charles Ross, Executive Vice President, KEPCO, 5315 S.W. 21st Street, P.O. Box 4877, Gage Center Station, Topeka, Kansas 66604.

i. Comment Date: March 28, 1983.

j. Description of Project: The proposed project would utilize the U.S. Army Corps of Engineers' Perry Dam and Lake and would consist of: (1) A new steel penstock 325 feet long and 21.5 feet in diameter; (2) a new powerhouse located on the southwest side of an existing stilling basin with an installed capacity of 5,000 kW; (3) a transmission line approximately 4.5 miles long; and (4) appurtenant facilities. Applicant estimates the average annual generation to be approximately 14.5 GWh. All energy produced would be utilized primarily within KEPCO's system to displace power which would otherwise be purchased from other member cooperatives.

k. This notice also consists of the following standard paragraphs: A4a, A4c, B, C and D2.

8a. Type of Application: Preliminary Permit.

b. Project No: 6893-000.

c. Date Filed: November 29, 1982.

d. Applicant: Village of Rockdale, Illinois.

e. Name of Project: Mississippi River Lock and Dam No. 20 Hydroelectric Project.

f. Location: Mississippi River in Adams County, Illinois.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. Contact Person: Donald Gould, Village President, Village of Rockdale, Otis & Midland Avenue, Rockdale, Illinois 60436.

i. Comment Date: March 28, 1983.

j. Competing Application: Project No. 6610-000. Date Filed: August 18, 1982. Notice Issued: September 21, 1982.

k. Description of Project: The proposed project would utilize an existing U.S. Army Corps of Engineers' dam and reservoir. Project No. 6893 would consist of: (1) A proposed powerhouse at the left side of the dam in the non-overflow section of the earth dike; (2) the installation of 18 turbine/generator units, each unit rated at 1.0 MW for a total installed capacity of 18.0 MW; (3) a proposed transmission line less than 1 mile long to be interconnected with Central Illinois Public Service Company; (4) a proposed tailrace; and (5) appurtenant facilities. The Applicant estimates the average annual energy production to be 75.0 GWh.

l. This notice also consists of the following standard paragraphs: A3, B, C, and D2.

9a. Type of Application: Amendment of License—Revised Exhibits G and R.

b. Project No: 1984-009.

c. Dated Filed: December 10, 1982.

d. Applicant: Wisconsin River Power Company.

e. Name of Project: Castle Rock—Petenwell Project.

f. Location: Adams, Juneau, and Wood Counties, Wisconsin on the Wisconsin and Yellow Rivers.

g. Filed Pursuant to: Provisions of Article 24 of the license for Project No. 1984.

h. Contact Person: Mr. Max O. Andrae, President, Wisconsin River Power Company, P.O. Box 50, Wisconsin Rapids, Wisconsin 54494.

i. Comment Date: April 1, 1983.

j. Description of Proposed Action: Wisconsin River Power Company has filed revised Exhibits G and R in compliance with Article 24 of the license. The Licensee has conducted a survey and an analysis of the project lands and, also, adjacent non-project lands to determine their suitability and need for project operations, public recreational uses, and for the protection of environmentally sensitive shoreline, wetland and critical wildlife habitat uses. As a result of the analysis, the Licensee proposes, in the revised Exhibits G and R, to add 377 acres of land to the project and then remove another 2,136 acres, for a net reduction to the project of 1,759 acres.

k. This notice also consists of the following standard paragraphs: B and C.

l. Agency Comments: Federal, State, and local agencies are invited to file comments on the described application. (A copy of the application may be

obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set, it will be presumed to have no comments.

10a. Type of Application: Preliminary Permit.

- b. Project No: 8774-000.
- c. Dated Filed: October 18, 1982.
- d. Applicant: South Dakota Conservancy District.
- e. Name of Project: Gregory County Pumped Storage Hydroelectric Facility.
- f. Location: Missouri River in Gregory County, South Dakota.
- g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)-825(r).
- h. Contact Person: Warren R. Neufeld, Secretary, South Dakota Department of Water and Natural Resources, Joe Foss Building, Pierre, South Dakota 57501.
- i. Comment Date: April 1, 1983.
- j. Description of Project: The proposed project will be a pumped storage facility with a proposed reservoir to be located above Lake Francis Case, a reservoir formed by the Fort Randall Dam which is owned and operated by the U.S. Army Corps of Engineers. The proposed project will consist of: (1) A proposed forebay located 700 feet above Lake Francis Case and consisting of an 80-foot-high and 50,000-foot-long embankment impounding a reservoir with a total surface area of 1870 acres and a total storage capacity of 80,000 acre-feet; (2) a proposed powerhouse containing 6 generator/turbine units rated at 393 MW each for a total installed capacity of 2360 MW; (3) two proposed forebay intake structures, each approximately 90 feet in diameter and 123 feet in height; (4) a proposed water conveyance system between the powerhouse and the two forebay intake structures consisting of two proposed 9600-foot-long tunnels, each tunnel connected to an intake structure by a 700-foot-long vertical shaft and each tunnel connected to the powerhouse by trifurcating into three 200-foot-long penstocks; (5) a proposed deflector dike to mitigate environmental disruptions during construction and operation of the facility which will extend from the shoreline to a point 3000 feet into Lake Francis Case and from that point 7000 feet downstream; (6) a proposed 2000-foot-long discharge channel between the proposed powerhouse and the lake which will include a trashrack structure and a fish barrier; (7) proposed transmission lines from the powerhouse to a new Fort Randall West Substation 40 miles from the project where proposed power sales will be made to various utility companies in South Dakota and adjoining states; and (8) appurtenant facilities. The Applicant

estimates the average annual energy generation to be 2,460,000 MWh.

k. This notice also consists of the following standard paragraphs: A4a, A4c, B, C and D2.

11a. Type of Application: Preliminary Permit.

- b. Project No: 6975-000.
 - c. Dated Filed: January 3, 1983.
 - d. Applicant: Kansas Electric Power Cooperative, Inc.
 - e. Name of Project: Milford Hydro Project.
 - f. Location: Junction, City, Geary County, Kansas on the Republican River.
 - g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)-825(r).
 - h. Contact Person: Charles Ross, Executive Vice President, KEPCO, 5315 S.W. 21st Street, P.O. Box 4877, Gage Center Station, Topeka, Kansas 66604.
 - i. Comment Date: April 4, 1983.
 - j. Description of Project: The proposed project would utilize the U.S. Army Corps of Engineers' Milford Dam and Reservoir, and would consist of: (1) A new steel penstock 320 feet long and 14.5 feet in diameter; (2) a new powerhouse located on the south side of an existing stilling basin with an installed capacity of 10 MW; (3) a transmission line approximately 4 miles long; and (4) appurtenant facilities. Applicant estimates the total capacity of the project to be 14.9 GWh. All energy produced would be utilized primarily within KEPCO's system to displace power which would otherwise be purchased from other member cooperatives.
 - k. This notice also consists of the following standard paragraphs: A4a, A4c, B, C and D2.
- 12a. Type of Application: Minor Water Power Project (5 MW or Less).**
- b. Project No: P-6632-000.
 - c. Date Filed: August 23, 1982.
 - d. Applicant: John N. Webster.
 - e. Name of Project: Wiswall Dam Project.
 - f. Location: Town of Durham, Stafford County, New Hampshire, Lamprey River.
 - g. Filed Pursuant to: Federal Power Act 16 U.S.C. 791(a)-825(r).
 - h. Contact Person: John N. Webster, P.O. Box 1073, 29 Grove Street, Dover, New Hampshire 03820.
 - i. Comment Date: March 25, 1983.
 - j. Description of Project: The proposed project would consist of: (1) An existing concrete gravity dam approximately 200 feet long and 17.8 feet high; (2) a rehabilitated gate structure at the left abutment with three gate openings; (3) an existing mill race canal 10 feet deep, 27 feet wide and 150 feet long; (4) a new powerhouse structure approximately 25

feet square housing two 200-kw Francis turbine/generator units operating at a head of 18 feet; (5) a small reservoir, 7,000 feet long and covering 30 acres at an elevation of 80.5 feet NGVD; (6) a low voltage transmission line 400 feet long; and (7) appurtenant facilities.

k. Purpose of Project: The average annual generation of 2.1 million kWh would be sold to the Public Service Company of New Hampshire.

l. This notice also consists of the following standard paragraphs: A2, B, C and D1.

13a. Type of Application: Preliminary Permit.

- b. Project No: 6867-000.
 - c. Date Filed: November 22, 1982.
 - d. Applicant: Mr. Daniel J. Horrall.
 - e. Name of Project: Williams Dam Water Power Project.
 - f. Location: East Fork White River in Lawrence County, Indiana.
 - g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)-825(r).
 - h. Contact Person: Mr. Daniel J. Horrall, R. R. 2, Washington, Indiana 47501.
 - i. Comment Date: March 31, 1983.
 - j. Description of Project: The proposed project would consist of: (1) An existing concrete dam structure 18 feet high and 294 feet long; (2) an insignificant impoundment; (3) the renovation of an existing penstock, tailrace, and powerhouse with the installation of four 750 kW turbine/generator units for a total installed capacity of 3 MW; (4) a proposed 2-mile-long transmission line interconnecting with the Public Service Company of Indiana; and (5) appurtenant facilities. The Applicant estimates the average annual energy production to be 15.3 GWh.
 - k. This notice also consists of the following standard paragraphs: A4a, A4c, B, C and D2.
- 14a. Type of Application: Preliminary Permit.**
- b. Project No: 6892-000.
 - c. Date Filed: November 29, 1982.
 - d. Applicant: Village of Channahon, Illinois.
 - e. Name of Project: Mississippi River Lock and Dam No. 22.
 - f. Location: Pike County, Illinois.
 - g. Filed Pursuant to: Federal Power Act 16 U.S.C. 791(a)-825(r).
 - h. Contact Person: Mayor Steve Rittorf, Village of Channahon, P.O. Box 226, U.S. Route 6, Channahon, Illinois 60410.
 - i. Comment Date: February 17, 1983.
 - j. Competing Application: Project No. 6513-000. Date Filed: July 12, 1982. Public Notice Issued: October 1, 1982. Due Date: January 10, 1982.

k. Description of Project: The proposed project would utilize the existing Army Corps of Engineers' Mississippi Lock and Dam No. 22 and consist of: (1) A proposed powerhouse which will contain 18 generating units, each rated at 1 MW; for a total installed capacity of 18 MW; (2) a proposed 4-mile-long, 69-kV transmission line; (3) approximately 2,600 feet of new access road; and (4) appurtenant facilities. The Applicant estimates the average annual energy generation to be 96 GWh. The Applicant also estimates that the project would utilize approximately 12 acres of Federal land.

l. Purpose of Project: The Village of Channahon intends to sell the power to the local investor-owned utility company in accordance with F.E.R.C. and Illinois Commerce Commission regulations, and utilize the excess revenues to encourage industrial redevelopment of the Village, increase and improve public services delivered to the residents and provide new job opportunities. If proven feasible, the Village may, in the alternative, choose to deliver power directly to customers within the corporate limits of the Village and through the resulting lower energy cost, achieve directly the results enumerated above.

m. This notice also consists of the following standard paragraphs: A3, B, C and D2.

15a. Type of Application: Preliminary Permit.

b. Project No: 6763-000.

c. Date Filed: October 12, 1982, and revised December 27, 1982.

d. Applicant: The Phoenix Hydro Corporation.

e. Name of Project: Sullivan Island.

f. Location: The Oswegatchie River in the Towns of Fowler and Edwards, St. Lawrence County, New York.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. Contact Person: Gary R. Schoonmaker, 2701 Howlett Hill Road, Marcellus, New York 13108.

i. Comment Date: March 25, 1983.

j. Description of Project: The proposed project would consist of: (1) A New 12-foot high 200-foot long concrete overflow-type dam across the North (right) channel; (2) a new 15-foot high 100-foot long concrete dam across the South Channel; (3) a reservoir with a surface area of 103 acres and a negligible storage capacity at normal pool elevation 612 feet m.s.l.; (4) a 12-foot diameter and 200-foot long penstock; (5) a powerhouse containing two generating units having a total rated capacity of 2,300 kW operated under a 25-foot head and at a flow of 1,300 cfs;

(6) a tailrace; (7) a 700-foot long 23-kV transmission line; and (8) appurtenant facilities.

Applicant estimates that the average annual energy output would be 11,435,000 kWh. Project energy would be sold to Niagara Mohawk Power Corporation.

k. This notice also consists of the following standard paragraphs: A4b, A4c, A4d, B, C and D2.

l. Proposed Scope of Studies under Permit: A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time it would prepare engineering, economic/financial, and environmental studies, and would prepare an application for an FERC license. Applicant estimates the cost of the work under the permit to be \$125,000.

16a. Type of Application: Preliminary Permit.

b. Project No: 6741-000.

c. Date Filed: October 4, 1982.

d. Applicant: City of Blackfoot, Idaho.

e. Name of Project: Blackfoot Dam.

f. Location: Blackfoot River in Caribou County, Idaho.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. Contact Person: Delwin C. Daniels, Mayor, City of Blackfoot, 157 North Broadway, Blackfoot, Idaho 83221.

i. Comment Date: March 28, 1983.

j. Description of Project: The proposed project would utilize the existing U.S. Army Corps of Engineers' Blackfoot Dam and Reservoir and would consist of: (1) An existing intake structure; (2) a proposed 250-foot long penstock extending from the intake through an existing tunnel to; (3) a proposed powerhouse, located on the northern bank of the Blackfoot River, containing two turbine/generator units with a total capacity of from 1.0 MW to 3.0 MW; a proposed 4-mile long transmission line; and (5) appurtenant facilities. Applicant estimates that the average annual energy output would be from 6,000 to 20,000 MWh.

k. Purpose of Project: Project energy would be sold to Utah Power & Light Company.

l. This notice also consists of the following standard paragraphs: A4a, A4c, B, C, and D2.

m. Proposed Scope of Studies under Permit: A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 24 months during which time Applicant would investigate project design alternatives, financial feasibility,

environmental effects of project construction and operation, and project power potential. Depending upon the outcome of the studies, the Applicant would decide whether to proceed with an application for FERC license. Applicant estimates that the cost of the studies under permit would be \$90,000.

17a. type of Application: Preliminary Permit.

b. Project No: 6894-000.

c. Date Filed: November 29, 1982.

d. Applicant: Village of Rockdale, Illinois.

e. Name of Project: Mississippi River Lock and Dam No. 21.

f. Location: Marion County, Illinois.

g. Filed Pursuant to: Federal Power Act 16 U.S.C. 791(a)-825(r).

h. Contact Person: Donald Gould, village President, Village of Rockdale, Otis and Midland Avenue, Rockdale, Illinois 60436.

i. Comment Date: February 17, 1983.

j. Competing Application: Project No. 6512-000. Date Filed: July 12, 1982.

Public Notice Issued: October 1, 1982.

Due Date: January 10, 1982.

k. Description of Project: The proposed project would utilize the existing Army Corps of Engineers' Mississippi Lock and Dam No. 21 and consist of: (1) A proposed powerhouse which will contain 18 generating units, each rated at 1 MW, for a total installed capacity of 18 MW; (2) a proposed 1.5-mile-long, 69-kV transmission line; (3) approximately 1,000 feet of new access road; and (4) appurtenant facilities. The Applicant estimates the average annual energy generation to be 75.7 GWh. The Applicant also estimates that the project would utilize approximately 14 acres of Federal land.

l. Purpose of Project: The Village of Rockdale intends to sell the power to the local investor-owned utility company in accordance with F.E.R.C. and Illinois Commerce Commission regulations, and utilize the excess revenues to encourage industrial redevelopment of the Village, increase and improve public services delivered to the residents and provide new job opportunities. If proven feasible, the Village may, in the alternative, choose to deliver power directly to customers within the corporate limits of the Village and through the resulting lower energy cost, achieve directly the results enumerated above.

m. This notice also consists of the following standard paragraphs: A3, B, C and D2.

18a. Type of Application: Application for License (5MW or Less).

b. Project No: 3512-001.

c. Date Filed: November 19, 1982.
 d. Applicant: David Goodman and George R. Olinger.
 e. Name of Project: Braendly Hydro Project.
 f. Location: on Fishkill Creek, Dutchess County, New York.
 g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)-825(r).
 h. Contact Person: David Goodman and George R. Olinger, 80 Eighth Avenue, Suite 711, New York, New York 10011.
 i. Comment Date: March 25, 1983.
 j. Description of Project: The proposed project would be run-of-the-river and would consist of: (1) An existing dam, approximately 130 feet long and 18 feet high, constructed of cut stone with a concrete cap and having a spillway section and two-foot high flashboards to an elevation of 121.5 feet m.s.l.; (2) a reservoir having minimal pondage; (3) a new intake structure, at the right river bank, with gates and trashracks; (4) a new steel penstock, 7 feet in diameter and approximately 410 feet long, with a trifurcation leading to (5) an existing powerhouse to be renovated and to contain three new turbine-generator units with rated capacities of 140 kW, 265 kW and 535 kW for a total rated capacity of 940 kW; (6) a tailrace, to be reconstructed, returning flow to Fishkill Creek approximately 350 feet downstream of the dam; (7) a new 13.8-kV transmission line, approximately 200 feet long, connecting to existing lines; and (8) appurtenant facilities. The Applicant estimates that the average annual energy output would be 3,365,000 kWh. Project energy would be sold to the Central Hudson Gas and Electric Corporation. This application was filed during the term of the Applicant's preliminary permit for Project No. 3512-000. The project dam is owned by the Braendly Dye Works, Inc.
 k. This notice also consists of the following standard paragraphs: A2, B, C and D1.
 19a. Type of Application: Preliminary Permit.
 b. Project No: 6945-000.
 c. Date Filed: December 20, 1982.
 d. Applicant: Town of Telluride.
 e. Name of Project: San Miguel.
 f. Location: San Miguel River, town of Telluride, San Miguel County, Colorado, Uncompahgre National Forest.
 g. Filed Pursuant to: Federal Power Act 16 U.S.C. 791(a)-825(r).
 h. Contact Person: Mr. Mark Silversher, 456 West Pacific Street, Box 1027, Telluride, Colorado 81435.
 i. Comment Date: February 18, 1983.
 j. Competing Application: Project No. 6606-000. Date Filed: August 18, 1982. Due Date: January 12, 1983.

k. Description of Project: The proposed project would consist of 2 new diversion systems and powerhouses described as follows:

(A) Development No.1 would consist of: (1) A diversion dam; (2) a 6,000-foot long canal; (3) a 1.5-foot diameter, 1,500-foot long penstock; (4) a powerhouse located on the north bank of the San Miguel River containing a 1.2 MW turbine-generator; (5) a 50-foot long tailrace channel; and (6) appurtenant facilities;

(B) Development No. 2 would consist of: (1) A diversion dam; (2) a 22,000-foot long canal system; (3) a 0.9-foot diameter, 2,600-foot long penstock; (4) a powerhouse located on the south river bank containing a 1.0 MW turbine-generator; (5) a 50-foot long tailrace channel; and (6) appurtenant facilities. The project would generate up to 11,600,000 kWh annually.

l. Purpose of Project: Energy produced at the project would be sold to the local electric cooperative.

m. This notice also consists of the following standard paragraphs: A4a, A4c, B, C and D2.

n. Proposed Scope of Studies under Permit: A preliminary permit, if issued, does not authorize construction. The work to be performed under this preliminary permit would consist of gathering necessary data, completing surveys and environmental studies, obtaining necessary Federal, State and local permits in consultation with the U.S. Forest Service and preparing necessary documentation for the Commission's licensing requirements. Applicant estimates that the cost of works to be performed under the permit would not exceed \$100,000.

20a. Type of Application: Preliminary Permit.

b. Project No: P-6936-000.

c. Date Filed: December 16, 1982.

d. Applicant: G. Stetson Heiser.

e. Name of Project: Buck Street Project.

f. Location: on the Suncook River, town of Pembroke, Merrimack County, New Hampshire.

g. Filed Pursuant to: 16 U.S.C. 791(a)-825(r).

h. Contact Person: Mr. G. Stetson Heiser, RR1, Box 59, Academy Road, Suncook, New Hampshire 03275.

i. Comment Date: March 25, 1983.

j. Description of Project: The proposed project would consist of: (1) An existing 11.72-foot-high, 127.4-foot-long concrete and masonry dam in two sections separated by an island; (2) an existing 70 acre reservoir with a maximum storage capacity of 400 acre-feet at elevation 291.0 feet M.S.L.; (3) a new

powerhouse located at either dam section containing turbine-generators with a total rated capacity of 80 kW with a tailwater elevation of 279.22 feet M.S.L.; (4) a new 100-foot-long transmission line; and (5) appurtenant facilities. The dam is owned by the New Hampshire Water Resources Board. The project would generate up to 500,000 kWh annually.

k. Purpose of Project: Energy produced at the project would be sold to New Hampshire Public Service Company.

l. This notice also consists of the following standard paragraphs: A4a, A4c, B, C and D2.

m. Proposed Scope of Studies under Permit: A preliminary permit, if issued, does not authorize construction. The work proposed under this preliminary permit would include economic evaluation, engineering plans, and an environmental assessment. Based on results of these studies, Applicant would decide whether to proceed with more detailed studies and the preparation of an application for license to construct and operate the project. Applicant estimates that the work to be performed under this preliminary permit would cost up to \$5,000.

21a. Type of Application: Amendment of License—Revised Exhibit S.

b. Project No: 2628-006 and 2628-008.

c. Date Filed: March 27, 1980 and supplemented April 30, 1982.

d. Applicant: Alabama Power Company.

e. Name of Project: R. L. Harris Dam Project.

f. Location: Randolph County, Alabama on the Tallapoosa River.

g. Filed Pursuant to: Provisions of Article 52 of the license for Project No. 2628 and Section 4.41 of the Commission's Regulation.

h. Contact Person: Mr. F. L. Clayton, Senior Vice President, Alabama Power Company, P. O. Box 2641, Birmingham, Alabama 35291.

i. Comment Date: March 25, 1983.

j. Description of Project: The R. L. Harris Project is located on the Tallapoosa River in Randolph County, Alabama. The revised Exhibit S provides for a program of study of the potential fishery resources of the reservoir and describes measures that will be taken to maintain or enhance water quality of the Tallapoosa River downstream of the project.

k. This notice also consists of the following standard paragraphs: B and C.

l. Agency Comments: Federal, State, and local agencies are invited to file comments on the described application. (A copy of the application may be

obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set, it will be presumed to have no comments.

22a. Type of Application: Preliminary Permit.

- b. Project No: 6972-000.
- c. Date Filed: December 29, 1982.
- d. Applicant: Power Resources Development Corporation.
- e. Name of Project: Hollow Dam Project.
- f. Location: West Branch of the Oswegatchie River in St. Lawrence County, New York.
- g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)-825(r).
- h. Contact Person: Roger P. Swanson, 49 Onondaga Street, Skaneateles, New York 13152.
- i. Comment Date: March 25, 1983.

j. Description of Project: The proposed run-of-the-river project would consist of: (1) The reconstruction of the breached Hollow Dam, 100 feet long and 21 feet high; (2) a restored reservoir having 5.7 acre-feet of storage; (3) an existing powerhouse at the southern embankment of the dam with a new turbine-generator unit having an installed capacity of 1,067 kW; (4) an existing tailrace; and (5) other appurtenances. Existing facilities are owned by Robert and Barb Sullivan and Ezra and Richard Sullivan. Applicant estimates an average annual generation of 5,560,000 kWh.

k. Purpose of Project: Project energy would be sold to Niagara Mohawk Power Corporation.

l. This notice also consists of the following standard paragraphs: A4a, A4c, B, C and D2.

m. Proposed Scope of Studies under Permit: A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of three years during which time Applicant would investigate project design alternatives, financial feasibility, environmental effects of project construction and operation, and project power potential. Depending upon the outcome of the studies, Applicant would decide whether to proceed with an application for FERC license. Applicant estimates the cost of the studies under permit would be \$27,000.

23a. Type of Application: Conduit Exemption.

- b. Project No: 6868-000.
- c. Date Filed: November 22, 1982.
- d. Applicant: Calleguas Municipal Water District.
- e. Name of Project: East Portal of the Santa Susana Tunnel Project.

f. Location: On Santa Susana Tunnel, near Chatsworth, in Los Angeles County, California.

g. Filed Pursuant to: Section 30 of the Federal Power Act, 16 U.S.C. 823(a).

h. Contact Person: Mrs. Frances B. Kimball, Manager, Calleguas Municipal Water District, 2100 Olsen Road, Thousand Oaks, California 91360.

i. Comment Date: March 7, 1983.

j. Description of Project: The proposed project would consist of: (1) A 50-foot-long, 60-inch-diameter steel pipeline connecting the Water District's West Valley Feeder No. 2 to the East Portal of the Santa Susana Water Supply Tunnel; (2) a powerhouse at the East Portal containing a single 1,000-kW generating unit with an estimated annual generation of 6.0 GWh; (3) an electrical substation; and (4) purtenant facilities. Project power would be sold to Southern California Edison Company. Applicant estimates construction cost at \$1,200,000.

k. This notice also consists of the following standard paragraphs: B, C, and D3b.

24a. Type of Application: Exemption from Licensing.

- b. Project No: 6477-001.
- c. Date Filed: August 2, 1982.
- d. Applicant: Western Hydro Electric, Inc.
- e. Name of Project: Kilborn Creek Water Power Project.
- f. Location: On Kilborn Creek, a tributary of Cowlitz River, within the Gifford National Forest, in Lewis County, Washington.
- g. Filed Pursuant to: Section 408 of the Energy Security Act, 16 U.S.C. 2705 and 2708 as amended.
- h. Contact Person: Mr. J. Kirk Rector, Corporate Counsel, Western Hydro Electric, Inc., 4832 Colony Circle, Salt Lake City, Utah 84117.
- i. Comment Date: March 7, 1983.

j. Competing Application: Project No. 5680-000, Date Filed: November 24, 1981, Notice Issued: December 30, 1981.

k. Description of Project: The proposed project would consist of: (1) A 37-foot-long, 7-foot-high concrete diversion structure; (2) a 5,000-foot-long, 30-inch-diameter pipeline; (3) a 3,800-foot-long, 28-inch-diameter penstock; (4) a powerhouse to contain one generating unit with a rated capacity of 861 kW; and (5) a 0.25-mile-long, 25-kV transmission line from the powerhouse to an existing Lewis County Public Utility District No. 1 (District) transmission line. The estimated average annual energy generation of 5.7 GWh would be sold to the District or to the Bonneville Power Administration.

l. This notice also consists of the following standard paragraphs: A1, B, C and D3a

25a. Type of Application: Preliminary Permit.

- b. Project No: 6863-000.
- c. Date Filed: November 18, 1982.
- d. Applicant: The Grisdale Hill Company.
- e. Name of Project: Gibson Dam Hydroelectric Project.
- f. Location: Gibson Reservoir on the North Fork Sun River in Teton, Lewis, and Clark Counties, Montana.
- g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a) 825(r).
- h. Contact Person: The Grisdale Hill Company, c/o Joy Leong Morrison & Foerster, 1920 N Street, N.W., Washington, D.C. 20036.
- i. Comment Date: March 28, 1983.

j. Description of Project: The proposed project would utilize an existing Bureau of Reclamation dam and reservoir. Project No. 6863 would consist of: (1) Existing outlet works for the dam consisting of two 72 inch diameter conduits passing through the lower central portion of the dam; (2) the proposed installation of two 50-foot-long and 72-inch-diameter penstocks to run from the two existing outlet conduits to the proposed powerhouse; (3) a proposed powerhouse to be built just below the dam on the north bank of the Sun River; (4) the installation of two turbine/generator units rated at 5.5 MW each for a total installed capacity of 11 MW; (5) a proposed 30-foot-long tailrace; (6) a proposed 20-mile-long transmission line interconnecting with the Sun River Electric Cooperative; and (7) appurtenant facilities. The Applicant estimates the average annual energy production to be 41 GWh.

k. This notice also consists of the following standard paragraphs: A4a, A4c, B, C and D2.

26a. Type of Application: Exemption for Small Conduit Hydroelectric Facility.

- b. Project No: 6639-000.
- c. Date Filed: August 26, 1982.
- d. Applicant: Edelman Enterprise, Inc.
- e. Name of Project: Philipsburg Water Power Project.
- f. Location: Granite County, Montana.
- g. Filed Pursuant to: Section 30 of the Federal Power Act [16 U.S.C. 823(a)].
- h. Contact Person: Mr. W. H. Edelman, President, Edelman Enterprises, Inc., Route 1, Box 169, Ronan, Montana 59864.
- i. Comment Date: March 28, 1983.

j. Description of Project: The proposed project would consist of: (1) Utilizing an existing 8 inch diameter and 13, 929 foot-long penstock, which transports water for municipal purposes; (2) proposed and existing transmission lines; (3) two proposed powerhouses containing

generating units rated at 100 kW each; and (4) appurtenant facilities.

k. Purpose of Project: Project power would be sold to any company contracted to purchase power.

l. This notice also consists of the following standard paragraphs: B and C.

m. Agency Comments—The U.S. Fish and Wildlife Service, The National Marine Fisheries Service, and the Montana Department of Fish and Wildlife Service are requested, for the purposes set forth in Section 408 of the Act, to submit within 60 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or to otherwise carry out the provisions of the Fish and Wildlife Coordination Act. General comments concerning the project and its resources are requested; however, specific terms and conditions to be included as a condition of exemption must be clearly identified in the agency letter. If an agency does not file terms and conditions within this time period, that agency will be presumed to have none. Other Federal, State, and local agencies are requested to provide any comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within 60 days from the date of issuance of this notice, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives. A copy of the application may be obtained directly from the Applicant.

n. Purpose of Exemption—An exemption, if issued, gives the Exemptee priority of control, development, and operation of the project under the terms of the exemption from licensing, and protects the Exemptee from permit or license applicants that would seek to take or develop the project.

27a. Type of Application: Amendment of License.

b. Project No: 2310-015.

c. Date Filed: July 19, 1982.

d. Applicant: Pacific Gas and Electric Company (PG&E).

e. Name of Project: Drum-Spaulding Project.

f. Location: South Yuba, American, and Bear Rivers, in Placer and Nevada Counties, California.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)-825(r) and Article 57 of the license for Project No. 2310.

h. Contact Person: Mr. W. M. Gallavan, Vice President, Rates and

Valuation, Pacific Gas and Electric Company, 77 Beale Street, Room 1087 A, San Francisco, California 94106, with a copy to: Mr. Louis E. Vincent, Attorney, Pacific Gas and Electric Company, Law Department, P.O. Box 7442, San Francisco, California 94106.

i. Comment Date: February 28, 1983.

j. Description of Project: The proposed addition to the Drum-Spaulding Project would consist of 3 developments.

The Emigrant Gap Development would make use of approximately 590 feet of head between the end of PG&E's Lake Valley Canal and Drum Canal and would comprise: (1) A new intake structure including a slide gate and a trashrack; (2) approximately 4,417 feet of steel penstock with varying diameter from 36 inches to 21 inches; (3) the Emigrant Gap Powerhouse to contain a 1,650-kW impulse-type, turbine-generating unit; (4) a tailrace; (5) a switchyard; and (6) a 300-foot-long, 12-kV tap line to an existing PG&E distribution line. The Emigrant Gap Development will produce an average annual energy output of 9.3 million kWh.

The Christian Valley Development would make use of approximately 26 feet of head where PG&E's existing Bear River Canal drops into Halsey Forebay and would comprise: (1) A new 130-foot-long diversion canal about 6 feet deep and 20 feet wide at the top; (2) a new intake structure including a regulating radial gate and a trashrack; (3) approximately 170 feet of penstock with varying diameter; (4) the Christian Valley Powerhouse to contain a 930-kW tube-type, turbine-generating unit; (5) a tailrace; (6) a switchyard; and (7) a 200-foot-long, 12-kV tap line to an existing PG&E distribution line. The Christian Valley Development will produce an average annual energy output of 6.2 million kWh.

The Fiddler Green Development would make use of approximately 28 feet of head at PG&E's existing Wise Canal drop into Rock Creek Reservoir and would comprise: (1) A new 600-foot-long diversion canal about 6.5 feet deep and 13 feet wide at the bottom; (2) a new intake structure including a regulating radial gate and a trashrack; (3) a 115-foot-long penstock with varying diameter; (4) the Fiddler Green Powerhouse to contain a 1,000-kW tube-type, turbine-generating unit; (5) an 800-foot-long tailrace channel; (6) a switchyard; and (7) a 600-foot-long, 12-kV tap line to an existing PG&E distribution line. The Fiddler Green Development will produce an average annual energy of 5.9 million kWh. No recreational facilities are proposed by the Applicant. Total cost of the

developments is estimated by the Applicant to be about \$12.7 million.

k. Purpose of Project: PG&E plans to use the entire output of the proposed developments for serving the electric needs of its service area.

l. This notice also consists of the following standard paragraphs: B and C.

m. Agency Comments: Federal, State, and local agencies that receive this notice through direct mailing from the Commission are requested to provide comments pursuant to the Federal Power Act, the Fish and Wildlife Coordination Act, the Endangered Species Act, the National Historic Preservation Act, the Historical and Archeological Preservation Act, the National Environmental Policy Act, Pub. L. No. 88-29, and other applicable statutes. No other formal requests for comments will be made.

Comments should be confined to substantive issues relevant to the issuance of an amendment of a license. A copy of the application may be obtained directly from the Applicant. If an agency does not file comments within the time set below, it will be presumed to have no comments.

28a. Type of Application: Preliminary Permit.

b. Project No: 6943-000.

c. Date Filed: December 20, 1982.

d. Applicant: Santiam Water Control District.

e. Name of Project: Water Street Hydroelectric Project.

f. Location: On the Stayton Power Canal, a diversion from the North Santiam River in Marion County, Oregon.

g. Filed Pursuant to: Federal Power Act (16 U.S.C. 791(a)-825(r)).

h. Contact Person: Mr. Rex Brenton, P.E., Haner, Ross & Spoorseen, Inc., 15 S.E. 82nd Drive, Gladstone, Oregon 97027.

i. Comment Date: March 21, 1983.

j. Description of Project: The proposed project would utilize an existing diversion at elevation 440 feet on the Stayton Power Canal and would consist of: (1) A 72-inch-diameter, 50-foot-long corrugated metal intake pipe; (2) a powerhouse containing a turbine-generating unit with a rated capacity of 140 kW and an average annual output of 920,000 kWh; and (3) a 50-foot-long transmission line connecting to an existing Pacific Power and Light Company transmission facility.

A preliminary permit, if issued, does not authorize construction. The Applicant seeks a 24-month preliminary permit during which engineering, economic and environmental studies

would be conducted to ascertain project feasibility and to support an application for a license to construct and operate the project. The estimated cost of permit activities is \$2,500.

k. Purpose of Project: The Applicant proposes to utilize excess canal flows for hydroelectric power generation, and to sell power generated to the Pacific Power and Light Company.

l. This notice also consists of the following standard paragraphs: A4a, A4c, B, C and D2.

29a. Type of Application: Exemption from Licensing.

b. Project No: 6322-002.

c. Date Filed: December 13, 1982.

d. Applicant: Blue Ridge Electric Membership Corporation.

e. Name of Project: Sharp Falls Project.

f. Location: North Fork of New River in Ashe County, North Carolina.

g. Filed Pursuant to: Section 408 of the Energy Security Act of 1980, 16 U.S.C. 2705 and 2708 as amended.

h. Contact Person: John W. Dawson, Caller Service 112, Lenoir, North Carolina 28645.

i. Comment Date: March 4, 1983.

j. Description of Project: The project would consist of: (1) The concrete Sharp Falls Dam about 140 feet long and 14 feet high; (2) a reservoir with negligible storage capacity; (3) a powerhouse at the right (southern) abutment of the dam with an installed capacity of 200 kW; (4) a tailrace; and (5) other appurtenances. All facilities are existing but the project has not been operated since 1970. Applicant estimates an average annual generation of 1,000,000 kWh.

k. Purpose of Project: Project energy would be used for distribution to local customers.

l. This notice also consists of the following standard paragraphs: A1, B and C.

m. Agency Comments: D3a.

n. Purpose of Exemption: An exemption, if issued, gives the Exemptee priority of control, development, and operation of the project under the terms of the exemption from licensing, and protects the Exemptee from permit or license applicants that would seek to take or develop the project.

Competing Applications

A1. Exemptions for Small Hydroelectric Power Project under 5MW Capacity—Any qualified license applicant desiring to file a competing application must submit to the Commission, on or before the specified comment date for the particular application, either a competing license application that proposes to develop at

least 7.5 megawatts in that project, or a notice of intent to file such a license application. Submission of a timely notice of intent allows an interested person to file the competing license application no later than 120 days after the specified comment date for the particular application. Applications for preliminary permit will not be accepted.

A notice of intent must conform with the requirements of 18 CFR 4.33(b) and (c) (1982). A competing license application must conform with the requirements of 18 CFR 4.33(a) and (d).

A2. Applications for License—Anyone desiring to file a competing application must submit to the Commission, on or before the specified comment date for the particular application, either the competing application itself (see 18 CFR 4.33(a) and (d), and Part 16, where applicable) or a notice of intent (see 18 CFR 4.33(b) and (c)) to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c) or §§ 4.101 to 4.104 (1982).

A3. Public notice of the filing of the initial application, which has already been given, established the due date for filing competing applications or notices of intent. In accordance with the Commission's regulations, no competing application for license, exemption or preliminary permit, or notices of intent to file competing applications, will be accepted for filing in response to this notice (see 18 CFR 4.30 to 4.33 or §§ 4.101 to 4.104 (1982), as appropriate). Any application for license or exemption from licensing, or notice of intent to file a license or an exemption application, must be filed in accordance with the Commission's regulations (see 18 CFR 4.30 to 4.33 or 4.101 to 4.104 (1982), as appropriate).

Preliminary Permits

A4a. Existing Dam or Natural Water Feature Project—Anyone desiring to file a competing application for preliminary permit for a proposed project at an existing dam or natural water feature project, must submit the competing application to the Commission on or before 30-days after the specified comment date for the particular application (see 18 CFR 4.30 to 4.33 (1982)). A notice of intent to file a competing application for preliminary permit will not be accepted for filing.

A4b. No Existing Dam—Anyone desiring to file a competing application for preliminary permit for a proposed project where no dam exists or there are proposed to be major modifications, must submit to the Commission on or

before the specified comment date for the particular application, the competing application itself, or a notice of intent to file such an application (see 18 CFR 4.30 to 4.33 (1982)).

A4c. The Commission will accept applications for license or exemption from licensing, or a notice of intent to submit such an application in response to this notice. A notice of intent to file an application for license or exemption must be submitted to the Commission on or before the specified comment date for the particular application. Any application for license or exemption from licensing must be filed in accordance with the Commission's regulations (see 18 CFR 4.30 to 4.33 or 4.101 to 4.104 (1982), as appropriate).

A4d. Submission of a timely notice of intent to file an application for preliminary permit allows an interested person to file an acceptable competing application for preliminary permit no later than 60 days after the specified comment date for the particular application.

B. Comments, Protests, or Motions To Intervene—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 385.210, .211, .214 (1982). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

C. Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE A COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "MOTION TO INTERVENE", as applicable, and the Project Number of the particular application to which the filing is in response. Any of the above named documents must be filed by providing the original and the number of copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing

application or motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

Agency Comments

D1. License applications (5 MW or less capacity)—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are requested to provide comments pursuant to the Federal Power Act, the Fish and Wildlife Coordination Act, the Endangered Species Act, the National Historic Preservation Act, the Historical and Archeological Preservation Act, the National Environmental Policy Act, Pub. L. No. 88-29, and other applicable statutes. No other formal requests for comments will be made.

Comments should be confined to substantive issues relevant to the issuance of a license. A copy of the application may be obtained directly from the Applicant. If an agency does not file comments with the Commission within the time set for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

D2. Preliminary permit applications—Federal, State, and local agencies are invited to file comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

D3a. Exemption applications (5 MW or less capacity)—The U.S. Fish and Wildlife Service, The National Marine Fisheries Service, and the State Fish and Game agency(ies) are requested, for the purposes set forth in Section 408 of the Act, to file within 60 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or to otherwise carry out the provisions of the Fish and Wildlife Coordination Act. General comments concerning the project and its resources are requested; however, specific terms and conditions to be included as a condition of exemption must be clearly identified in the agency letter. If an agency does not file terms and conditions within this time period, that agency will be presumed to have none. Other Federal, State, and local agencies are requested to provide any comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will

be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within 60 days from the date of issuance of this notice, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

D3b. Exemption applications (Conduit)—The U.S. Fish and Wildlife Service, The National Marine Fisheries Service, and the State Fish and Game agency(ies) are requested, for the purposes set forth in Section 30 of the Act, to file within 45 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or otherwise carry out the provisions of the Fish and Wildlife Coordination Act. General comments concerning the project and its resources are requested; however, specific terms and conditions to be included as a condition of exemption must be clearly identified in the agency letter. If an agency does not file terms and conditions within this time period, that agency will be presumed to have none. Other Federal, State, and local agencies are requested to provide comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within 45 days from the date of issuance of this notice, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Dated: January 24, 1983.

Kenneth F. Plumb,
Secretary.

[FR Doc. 83-2276 Filed 1-26-83; 8:45 am]
BILLING CODE 6717-01-M

[Docket. No. EC83-7-000]

Oklahoma Gas and Electric Co.; Application

January 21, 1983.

Take notice that on January 4, 1983, Oklahoma Gas and Electric Company (Applicant), an Oklahoma Corporation with its principal office at 321 No. Harvey, P.O. Box 321, Oklahoma 73101, filed an application pursuant to Section 203 of the Federal Power Act and Part 33 of the Commission's Regulations thereunder, for authorization to sell a 69/12.5 kV (Tecumseh Town) substation to the City of Tecumseh, Oklahoma.

The Company states it is engaged

primary in the generation, transmission, distribution and sale of electric energy in Oklahoma and west Arkansas. The Tecumseh Town substation is devoted to supplying service to the City of Tecumseh only, a wholesale customer served under the Company's FERC Electric Tariff.

Any person desiring to be heard or to protest said application should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before February 18, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 83-2173 Filed 1-26-83; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. ST83-114-000]

Seagull Shoreline System; Application For Approval of Rate

January 21, 1983.

Take notice that on December 2, 1982, Seagull Shoreline System ("Seagull Shoreline" or "Applicant") Interfirst Plaza, 1100 Louisiana, Houston, Texas 77002, filed in Docket No. ST83-114 an Application for Approval of Rate pursuant to Section 284.123(b)(2) of the Commission's Regulations implementing the Natural Gas Policy Act of 1978 (NGPA) for approval of a transportation tariff to be charged to Northern Natural Gas Company (Northern Natural) for services rendered under Section 311(a)(2) of the NGPA, as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that it is a General Partnership comprised of three parties: Seagull Transmission Company (Seagull), HNG Offshore Company (HNG); and Northern Intrastate Pipeline Company (Northern Intrastate). Applicant states that it intends to build a 24-inch diameter intrastate pipeline wholly within the three league limit off the shore of Texas approximately 53 miles from its origin in State Tract 624 to

the onshore intrastate facilities of Houston Pipe Line Company near the Oyster Lake facilities of HNG Petrochemical Company. Applicant states that this line was conceived of and planned as an intrastate gas pipeline that will be subject to the jurisdiction of the Railroad Commission of Texas. Applicant states that it intends to transport gas produced within Texas state waters for Valley Pipe Lines Offshore Division, a Division of Valley Pipeline Lines, Inc. (Valley) and intends to transport gas for other natural gas purchasers who are or may be acquiring natural gas reserves within the three league limit offshore Texas if such gas becomes available. Applicant and Valley have entered into a Transportation Agreement with an eight year primary term for this purpose, dated November 15, 1982, whereby Applicant has agreed to transport initially an estimated 5,000 Mcf of natural gas per day for Valley.

Applicant further states that, on November 15, 1983, it entered into a Transportation Agreement with Northern Natural to transport up to 35,000 Mcf of natural gas a day for Northern Natural pursuant to Section 311(a)(2) of the NGPA. This agreement is conditioned upon Applicant's filing an application for approval of the transportation rate in the subject matter. Applicant states that this transportation will not commence until after intrastate transportation services have begun. The proposed transportation rate for the Section 311 service of \$.30 per MMBtu will be the same as that for the intrastate transportation service and said rate will apply only when natural gas is actually flowing to Northern Natural. Applicant submits that said rate is fair and equitable as required by the NGPA and the Commission's regulations thereunder.

Any person desiring to be heard or to make any protest with reference to said Application should on or before February 9, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure. All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a

motion to intervene in accordance with the Commission's rules.

Kenneth F. Plumb,
Secretary.

[FR Doc. 83-2175 Filed 1-26-83; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. ER82-579-000]

**Southern Company Services, Inc.;
Order Accepting Rates for Filing,
Noting and Denying in Part
Interventions, Denying Requests for
Rejection, Granting Waiver, and
Establishing Hearing Procedures**

Issued: January 21, 1983.

On June 7, 1982, Southern Company Services, Inc. (SCSI), on behalf of its affiliates Alabama Power Company, Georgia Power Company, Gulf Power Company, and Mississippi Power Company (MPC) (collectively, the Southern Companies) tendered for filing an Interchange Contract and a Unit Power Sales Agreement between Gulf States Utilities Company (GSU) and the Southern Companies and a Transmission Facilities Use Agreement between MPC and GSU.¹ The Unit Power Sales Agreement provides for sales to GSU of specified capacity and energy from coal-fired generating units owned by the Southern Companies from June, 1984, through May, 1992. That Agreement also provides for sales of supplemental and alternate energy from all of the Southern Companies. Because the facilities of GSU and the Southern Companies are not currently interconnected, the Interchange and Transmission Facilities Use Agreements were executed. The former establishes the rates, terms, and conditions for interchange services between GSU and the Southern Companies over a 40-year term; the latter provides for construction by MPC of 500 kV transmission facilities to effect the interconnection with GSU.

The Southern Company charges under the proposed Agreements are based on formula rates similar to those on file with the Commission for similar services. GSU's rates for interchange services would consist of specified unit charges identical to rates on file for similar services to other interconnected utilities. SCSI requests waiver of the 120-day advance filing proscription (18 CFR 35.3), and an effective date of June 1, 1984.

Notice of the filing was published in the Federal Register, with responses due by June 30, 1982. In response to motions of Middle South Services, Inc. (Middle South), the date for filing comments was

¹ See Attachment A for rate schedule designations.

subsequently extended through October 5, 1982. A timely notice of intervention was filed by the Louisiana Public Service Commission.

On July 6, 1982, a group of individuals and organizations represented by the Southern Wetlands Project of the National Wildlife Federation (NWF) filed a letter protesting the routing of the 500 kV transmission line on environmental grounds. NWF contends that acceptance of SCSI's submittal would require preparation of an Environmental Impact Statement (EIS).²

On July 14, 1982, GSU filed a motion to intervene in support of the submittals. GSU states that it is a party to the Agreements under consideration and that it may be required to respond to any allegations made by Middle South or others.

On September 28, 1982, the City of Lafayette, Louisiana (Lafayette) filed a motion to intervene and request for conditioning. Lafayette requests that approval of the Agreements by the Commission be conditioned upon (1) GSU and MPC providing "reasonable and non-discriminatory" transmission and interchange service to other utilities, and (2) GSU providing Lafayette with transmission service to enable Lafayette to sell excess power to customers in Mississippi. Lafayette's pleading indicates that it wishes to wheel power through GSU's system to Mississippi Power and Light Company (MP&L) and then to the Municipal Energy Agency of Mississippi (MEAM).

On August 2, 1982, GSU filed a motion for expedited granting of party status to enable it to respond to Lafayette's pleading. On October 12 and 13, respectively, GSU and SCSI filed answers in opposition to Lafayette's motion to intervene and request for conditioning. GSU states that no harm will be done to Lafayette by the Agreements, that GSU and Lafayette already have an interconnection agreement which defines their relative rights with respect to wheeling, and that GSU has no statutory or contractual obligation to provide the requested transmission service. SCSI alleges that Lafayette's motion was untimely filed

² While NWF requests an opportunity to submit additional materials at a later date, we note that under the Commission's Rules of Practice and Procedure (18 CFR 385.211), and as indicated in our public notice of SCSI's filing, a protest does not serve to make the protestants a party to the proceeding. In order for NWF to further participate in this case, it will be necessary to file a motion to intervene showing adequate grounds for intervention, and a motion for leave to intervene out of time demonstrating good cause for its failure to initially intervene in a timely manner (see 18 CFR 385.214).

and fails to state an interest that would be directly affected by the Agreements. It also states that the Commission's authority to compel wheeling is circumscribed by the provisions of sections 211 and 212 of the Federal Power Act and that these sections have not been invoked by Lafayette.

On October 4, 1982, Arkansas Power and Light Company, Louisiana Power and Light Company, and New Orleans Public Service Company (Middle South Companies) filed a protest, motion to intervene, and request for hearing. The Middle South Companies expressed concern that the single 500 kV transmission line proposed is not adequate in that the proposed unit and other sales will result in additional power flowing on a sustained basis over one or more of their facilities. They contended that this would require compensation and may adversely affect their ability to serve their customers.

On October 19, 1982, SCSi and GSU filed answers opposing the Middle South Companies' motion to intervene and request for a hearing asserting that this is not an appropriate forum in which to raise such issues. On December 27, 1982, the Middle South Companies filed a notice of withdrawal of their filing, pursuant to an agreement³ among themselves, the Southern Companies and GSU, which agreement resolves the signatories' differences in this matter according to Middle South.

Discussion

Under Rule 214(c)(1) of the Commission's Rules of Practice and Procedure (18 CFR 385.214), the timely notice and unopposed motion serve to make the Louisiana Commission and GSU parties to this proceeding. In the absence of opposition within 15 days from the filing date, the Middle South Companies' notice of withdrawal is effective, rendering moot answers of GSU and SCSi (18 CFR 385.216).

We shall deny Lafayette's request for intervention and conditional acceptance of the Agreements. However, we need not address all of the arguments raised by GSU and SCSi. In substance, Lafayette's contentions in this proceeding are no different than those asserted in *Middle South Services, Inc.*, Docket No. ER82-483-000, where Lafayette effectively sought to attach a compulsory wheeling condition to certain unrelated proposed revisions to

the Middle South pooling agreement.⁴ The Commission ultimately permitted Lafayette to intervene in the earlier proceeding only when, on rehearing, Lafayette for the first time alleged that the agreements at issue could potentially have an adverse effect on rates charged to Lafayette if it were to purchase transmission services from the companies involved. Lafayette has raised no such rate issues in its current intervention. As we informed Lafayette in *Middle South Services, Inc.*, *supra*, appropriate procedures and standards exist pursuant to the Federal Power Act, particularly sections 211 and 212, to pursue a compulsory wheeling request if Lafayette finds it appropriate to do so. Because the facts alleged in Lafayette's pleading are not germane to the proposed Agreements, we find that intervention is unnecessary and may unduly delay this proceeding. Accordingly, the motion to intervene will be denied.

We believe it appropriate to briefly address the matters presented by NFW. As noted, NFW suggests that the contemplated transmission line should be considered a major Federal action and that the Commission should withhold acceptance of the filing pending preparation of an EIS. We disagree that SCSi's filing requires the preparation of an EIS by this Commission. While acceptance of the proposed rates for filing permits the parties to charge those rates, such acceptance does not constitute approval of the rate schedules or any part thereof (see 18 CFR 35.4). More significantly, however, this Commission's authority with respect to the filed rate schedules does not extend to the transmission facility siting concerns addressed by NFW inasmuch as we have no jurisdiction to certificate or license the construction of these facilities. Absent a Commission order compelling interconnection or wheeling which would effectively require the construction of transmission facilities, we believe that NFW's contentions are misplaced.

Our preliminary review of SCSi's filing indicates that the proposed rates, terms, and conditions have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful. Accordingly, we shall accept the rates for filing and initiate an investigation as ordered below. Given the nature of the filing and in order to enable prompt initiation of a

hearing, we shall also waive the 120-day advance filing proscription.

As a final matter we note that in its submittal, SCSi acknowledges that the Commission has imposed a filing and review requirement as to similar Interchange Contracts and Unit Power Sales Agreements consistent with the filing and review requirements established in a settlement agreement in Docket No. ER80-58-000.⁵ SCSi does not object to a similar review requirement with respect to the proposed Interchange Contract and we believe that such a review mechanism is appropriate. However, SCSi requests that no such review requirement be imposed as to the Unit Power Sales Agreement. In support of its request, SCSi cites Opinion No. 124, *Middle South Utilities Company* (July 30, 1981), where the Commission determined that formulas constituting fuel cost of service tariffs for unit sales should be accepted as the rate, without any attached review conditions.

We agree with SCSi's position with respect to review procedures for the proposed Unit Power Sales Agreement. The formulary rates reflect increases and decreases in all cost of service components, except capital structure and the cost of capital components, which are stated and can be changed only by a rate change filing with the Commission. Furthermore, the formulary methodologies reflect treatment of the cost of service components in a manner substantially consistent with Commission precedent. Accordingly, the formulary rates for determining charges under the Unit Power Sales Agreement will not be subject to periodic review procedures.

The Commission orders

(A) Lafayette's request to make approval of the Agreements conditioned upon GSU making available transmission and interchange service is hereby denied without prejudice to Lafayette's right to seek Commission action in accordance with sections 211 and 212 of the Federal Power Act. Lafayette's motion to intervene is hereby denied for the reasons discussed above.

³ We note that, while this agreement itself may not be jurisdictional, it should be filed, under section 205 of the Federal Power Act, to the extent that it affects or relates to jurisdictional rates, charges, classifications and services.

⁴ *Middle South Services, Inc.*, Docket No. ER82-483-000, 20 FERC ¶10,119.

⁵ By letter order dated September 14, 1981, in Docket No. ER80-58-000, the Commission accepted for filing a formulary costing methodology for emergency and short-term power services and, *inter alia*, required SCSi to (1) file annual cost projections which would be subject to review under section 205 of the Federal Power Act with increases in charges resulting from the updating of costs subject to refund pending the Commission's review, and (2) consent to a section 205 review of SCSi's cost allocation methodology under the formulary rates to be held in 1984.

(B) SCSI's request for waiver of the 120-day advance filing limitation of 18 CFR 35.3 is hereby granted.

(C) The Interchange Agreement, Unit Power Sales Agreement, and Transmission Service Agreement are hereby accepted for filing to become effective on June 1, 1984.

(D) SCSI's proposed Interchange Agreement is hereby made subject to the same filing and review requirements established by the Commission's letter order of September 14, 1981, in Docket No. ER80-58-000.

(E) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by section 402(a) of the Department of Energy Organization Act and by the Federal Power Act, particularly section 208 thereof, and pursuant to the Commission's Rules of Practice and Procedure and the regulations under the Federal Power Act [18 CFR Chapter I], a public hearing shall be held concerning the justness and reasonableness of the Interconnection, Unit Power Sales, and Transmission Agreements.

(F) A presiding administrative law judge, to be designated by the Chief Administrative Law Judge, shall convene a conference in this proceeding to be held within approximately fifteen (15) days the date of this order in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, for the purpose of establishing a procedural schedule, including the submittal of testimony and exhibits by SCSI. The presiding judge is authorized to establish procedural dates and to rule on all motions (except motions to dismiss) as provided by the Commission's Rules of Practice and Procedure.

(G) The Secretary shall promptly publish this order in the Federal Register.

By the Commission,
Kenneth F. Plumb,
Secretary.

ATTACHMENT A—SOUTHERN COMPANY SERVICES, INC., DOCKET NO. ER82-579-000, RATE SCHEDULE DESIGNATIONS

Designation	Description
SOUTHERN COMPANY SERVICES, INC.	
(1) Rate Schedule FERC No. 59	Interchange Contract.
(2) Supplement No. 1 to Rate Schedule FERC No. 59.	Service Schedule A—Emergency Assistance.
(3) Supplement No. 2 to Rate Schedule FERC No. 59.	Service Schedule B—Short-Term Power.
(4) Supplement No. 3 to Rate Schedule FERC No. 59.	Service Schedule C—Economy Energy.
(5) Supplement No. 4 to Rate Schedule FERC No. 59.	Manual for Emergency & ST Power.

ATTACHMENT A—SOUTHERN COMPANY SERVICES, INC., DOCKET NO. ER82-579-000, RATE SCHEDULE DESIGNATIONS—Continued

Designation	Description
(6) Rate Schedule FERC No. 60.	Unit Power Sales Agreement.
(7) Supplement No. 1 to Rate Schedule FERC No. 60.	Amendment No. 1 to Unit Power Sales Agreement.
(8) Exhibit A to Rate Schedule FERC No. 60.	Capacity Entitlements.
(9) Supplement No. 2 to Rate Schedule FERC No. 60.	Manual.

MISSISSIPPI POWER COMPANY

(10) Rate Schedule FERC No. 135.	Transmission Facilities Use Agreement.
(11) Exhibit A to Rate Schedule FERC No. 135.	Exhibit—Map.
(12) Supplement No. 1 to Rate Schedule FERC No. 135.	Amendment No. 1.
(13) Supplement No. 2 to Rate Schedule FERC No. 135.	Manual.
(14) Rate Schedule FERC No. 136 (Concurs in (1)-(5) above).	Certificate of Concurrence.
(15) Rate Schedule FERC No. 137 (Concurs in (6)-(9) above).	Do.

GULF STATES UTILITIES COMPANY

(16) Rate Schedule FERC No. 135 (Concurs in (1)-(5) above).	Certificate of Concurrence.
(17) Supplement No. 1 to Rate Schedule FERC No. 135.	Service Schedule G—GEN-GSU General Provision.
(18) Supplement No. 2 to Rate Schedule FERC No. 135.	Service Schedule GES—Emergency Service.
(19) Supplement No. 3 to Rate Schedule FERC No. 135.	Service Schedule GRE—Rapidly Available Energy.
(20) Supplement No. 4 to Rate Schedule FERC No. 135.	Service Schedule G—ECON Economy Energy.
(21) Supplement No. 5 to Rate Schedule FERC No. 135.	Service Schedule GITS—Interconnected Transmission Service.
(22) Supplement No. 6 to Rate Schedule FERC No. 135.	Rate Schedule GITS.

GEORGIA POWER COMPANY

(23) Rate Schedule FERC No. 812 (Concurs in (1)-(5) above).	Certificate of Concurrence.
(24) Rate Schedule FERC No. 813 (Concurs in (6)-(9) above).	Do.

GULF POWER COMPANY

(25) Rate Schedule FERC No. 76 (Concurs in (1)-(5) above).	Do.
(26) Rate Schedule FERC No. 77 (Concurs in (6)-(9) above).	Do.

ALABAMA POWER COMPANY

(27) Rate Schedule FERC No. 158 (Concurs in (1)-(5) above).	Do.
(28) Rate Schedule FERC No. 159 (Concurs in (6)-(9) above).	Do.

[FR Doc. 83-2278 Filed 1-26-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-257-000]

Southern California Edison Co.; Filing
January 21, 1983.

Trade notice that on January 17, 1983, Southern California Edison Company

(SCE) tendered for filing an agreement entitled "Edison-Azusa Interruptible Transmission Service Agreement" which has been executed by Edison and the City of Azusa, California (Azusa).

SCE states that under the terms and conditions of the agreement, SCE will make available to Azusa interruptible transmission service from several points of receipt to the point of delivery at Azusa, California.

The agreement is proposed to become effective when executed by the parties and accepted for filing by the Commission.

Copies of this filing were served upon the Public Utilities Commission of the State of California and the City of Azusa, California.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before February 9, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 83-2176 Filed 1-26-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-256-000]

Southwestern Electric Power Co.; Filing

January 21, 1983.

Take notice that on January 17, 1983, Southwestern Electric Power Company (SWEPCO), tendered for filing a Letter Agreement between SWEPCO and Gulf States Utilities Company (GSU), dated December 28, 1982, which provides for SWEPCO to furnish transmission service through its system for capacity and associated energy GSU purchases from Oklahoma Gas and Electric Company (OGE) in the amount of 150 MW for the period January 1, 1983 through December 31, 1983.

SWEPCO requests an effective date of January 1, 1983, and therefore requests waiver of the Commission's notice requirements.

Copies of this filing were served upon the Louisiana Public Service

Commission, the Public Utility Commission of Texas, Oklahoma Gas and Electric Company, and Gulf States Utilities Company.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before February 9, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 83-2177 Filed 1-26-83; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. QF83-118 000]

Trans Energy-Oregon, Inc.; Application for Commission Certification of Qualifying Status of a Small Power Production Facility

January 21, 1983.

On December 27, 1982, Trans Energy-Oregon, Inc. of 14711 N.E. 29th Place, Suite 101, Bellevue, Washington 98007, filed with the Federal Energy Regulatory Commission (Commission) an application for certification of a facility as a qualifying small power production facility pursuant to § 292.207 of the Commission's rules.

The facility will be located in Salem, Oregon. The generating capacity of the facility will be 15 megawatts. The primary energy source will be municipal solid waste. Applicant states that no other facilities owned by the applicant located within one mile of the site. No electric utility, electric utility holding company or any combination thereof has any ownership interest in the facility.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed within 30 days after the date of publication of

this notice and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 83-2178 Filed 1-26-83; 8:45 am]
BILLING CODE 6717-01-M

[Project No. 3691-001]

Richard V. Williamson; Order Cancelling Preliminary Permit

Issued: January 25, 1983.

On June 19, 1981, a preliminary permit for a period of 24 months was issued to Richard V. Williamson (Williamson), 15 FERC § 62,363. The permit took effect on June 1, 1981, for a period of 24 months. The permit requires Williamson to study the feasibility of the proposed Holton C. Kearny Project, FERC No. 3691, to be located on the Trinity River, Trinity County, California. Williamson has failed to comply with several conditions of the permit. The permit will therefore be cancelled.

Article 8 of the permit required Williamson to file with the Commission, by December 1, 1981, a report on the progress of its investigations over the preceding six months and on the work it contemplated undertaking under the permit for the following six months. Williamson failed to timely file the report. Williamson has therefore failed to comply with Article 8 of his permit.

Because the Commission has received no information from Williamson since grant of the permit, it appears that Williamson has also not complied with four other articles of the permit. They are, Article 1 (which requires commencement of investigations within 60 days of acceptance of the permit); Article 7 (which requires consultation with appropriate Federal, State and local agencies concerning natural resources and environmental values); Article 9 (which requires designation of a liaison officer); and Article 10 (which requires consultation and arrangement for studies with specified fish and wildlife agencies during the initial period of the permit).

The Commission's San Francisco Regional Engineer (the Commission's authorized representative for the purposes of the permit) has

unsuccessfully attempted to give Williamson notice of possible cancellation of the permit for violation of those articles.¹

Because Section 5 of the Federal Power Act requires notice and an opportunity for a hearing before the Commission may cancel a permit, the permit will be cancelled for violation of Articles 1, 7, 8, 9 and 10, but the effective date of the order will be postponed until thirty days after it has been published in the *Federal Register*. If, before the 30-day period has expired, Williamson in writing seeks to demonstrate that he is in compliance with the conditions of the permit, or requests a hearing on why his permit should not be cancelled, this order shall be null and void.²

Pursuant to Article 3 of the permit, cancellation of the permit will result in loss of Williamson's priority of application for a license for this project.³

It is ordered that:

(A) Pursuant to Section 5 of the Federal Power Act and Article 6 of the permit issued to Richard V. Williamson For Project No. 3691, the permit is cancelled.

(B) This order shall not be effective until thirty days after it has been published in the *Federal Register*. If, within the thirty day period, Williamson in writing seeks to demonstrate that he is in compliance with the conditions of the permit or requests a hearing on why his permit should not be cancelled, this order shall be null and void.

Lawrence R. Anderson,
Director, Office of Electric Power Regulation.

[FR Doc. 83-2277 Filed 1-26-83; 8:45 am]
BILLING CODE 6717-01-M

¹ The Regional Engineer wrote to Williamson on July 7, 1982, by certified mail, return receipt requested. The letter was returned on July 28, 1982, marked "Unclaimed-Return to Sender."

² Authority to act on this matter is delegated to the Director, Office of Electric Power Regulation, under § 375.308 of the Commission's regulations, 18 CFR 375.308 (1982), as amended by 47 FR 17810 (1982). This order may be appealed to the Commission by any party within 30 days of its issuance pursuant to Rule 1902, 18 CFR 385.1902, 47 FR 19047 (1982). Filing an appeal and final Commission action on that appeal are prerequisites for filing an application for rehearing as provided in Section 313(a) of the Act. Filing an appeal does not operate as a stay of the effective date of this order or of any other date specified in this order, except as specifically directed by the Commission.

³ A preliminary permit is not a prerequisite to a license application. Cancellation of the preliminary permit does not, therefore, preclude Williamson from continuing the geological, engineering and environmental studies necessary for a license application for the project at his own pace, and eventually filing an application for license.

[Docket No. EC83-8-000]

**Wisconsin Electric Power Co.;
Application**

January 21, 1983.

Take notice that on January 5, 1983, Wisconsin Electric Power Company (Wisconsin Electric) filed an application for an order of the Federal Energy Regulatory Commission pursuant to Section 203 of the Federal Power Act authorizing Wisconsin Electric to sell and dispose of to the City of Kaukauna, a Wisconsin municipality, certain electric substation and switching station facilities installed to provide electric service to the City of Kaukauna and also to the lease of space to the City of Kaukauna in stations of Applicant as presently occupied by these facilities. The sale and lease become effective upon approval by the Federal Energy Regulatory Commission.

Any person desiring to be heard or to protest said application should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 214 and 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.214, 385.211). All such motions or protests should be filed on or before February 18, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-2179 Filed 1-26-83; 8:45 am]

BILLING CODE 6717-01-M

Office of Hearings and Appeals**Issuance of Decisions and Orders;
Week of December 27 Through
December 31, 1982**

During the week of December 27 through December 31, 1982, the decisions and orders summarized below were issued with respect to appeals and applications for exception or other relief filed with the Office of Hearings and Appeals of the Department of Energy. The following summary also contains a list of submissions that were dismissed by the Office of Hearings and Appeals.

**Request for Modification and/or Rescission
Earl E. Wall, 12/30/82, HRR-0043**

In a Decision and Order issued on September 20, 1982, the DOE determined that Earl E. Wall (Wall) had violated the crude oil producer price regulations. *Earl E. Wall*, 10 DOE ¶ 83,010 (1982). On October 21, 1982, the DOE issued a Supplemental Order clarifying certain statements in the September 20 Decision which suggested that 10 CFR 212.75 applied retroactively to unitized properties which had commenced enhanced recovery operations prior to February 1, 1976. *ERA/Earl E. Wall*, 10 DOE ¶ 82,522 (1982). The Supplemental Order modified the language of the September 20 Decision to make it clear that it is only the policy statement in the preamble to Section 212.75 that has retroactive effect. In its Motion for Modification, Wall requested that the Supplemental Order be rescinded and that the September 20 Decision be reinstated, except that the amount of overcharges be reduced to reflect the application of the definition of unit base production control level in Section 212.75 to Wall's unitized properties. In rejecting Wall's request, the DOE noted that the position articulated in the October 21 Decision is consistent not only with DOE precedent, but also with a recent U.S. District Court Decision, *O. B. Mobley v. DOE*, 3 Fed. Energy Guidelines ¶ 26,406 (W.D. La. 1982). Accordingly, Wall's Motion for Modification was denied.

Supplemental Order

Atlantic Richfield Company, HRX-0060; Gulf Oil Corporation, HRX-0061; Marathon Oil Company, HRX-0062; Texaco, Inc., HRX-0063; Louisiana Land & Exploration Co., 12-29-82, HRX-0064

Pursuant to the decision in *Atlantic Richfield Co.*, 10 DOE ¶ 84,017 (1982), the Office of Special Counsel for Compliance submitted two documents to the Office of Hearings and Appeals for *in camera* review. The purpose of that review was to determine whether the OSC's claim of privilege with respect to the two documents should be upheld. After examining the documents, the OHA held that the documents were in fact privileged.

Dismissals

The following submissions were dismissed:

Name and Case

Bassett Oil and Equipment Co., DRA-0277
C. H. Sprague and Son Company, BRA-0455
Hamilton Brothers Petroleum Corp., HRO-0008, HRD-0040, HRR-0008

Copies of the full text of these decisions and orders are available in the Public Docket Room of the Office of Hearings and Appeals, Room 1111, New Post Office Building, 12th and Pennsylvania Ave., NW., Washington, D.C. 20461, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., except federal holidays. They are also available in *Energy Management: Federal Energy Guidelines*, a commercially published loose leaf reporter system.

Dated: January 20, 1983.

George B. Breznay,
Director, Office of Hearings and Appeals.

[FR Doc. 83-2189 Filed 1-26-83; 8:45 am]

BILLING CODE 6450-01-M

**ENVIRONMENTAL PROTECTION
AGENCY**

[OPTS-140030; TSH-FRL 2291-8]

**Battelle Columbus Division of Battelle
Memorial Institute and Westat, Inc.;
Transfer of Data to Contractors**

AGENCY: Environmental Protection
Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has contracted with the Battelle Columbus Division of the Battelle Memorial Institute (Battelle), in Columbus, Ohio, and Washington, D.C., and Westat, Incorporated (Westat), in Rockville, Maryland, to help the Agency develop statistical methodologies and to provide analytic support for certain data gathered or generated under the Toxic Substances Control Act (TSCA) section 8 (a) Asbestos Reporting Requirements rule. Battelle and Westat will require access at EPA, as well as on their own premises, to materials including TSCA confidential business information (CBI).

DATE: Access to confidential business information will occur no sooner than 10 days after publication of this notice in the Federal Register.

FOR FURTHER INFORMATION CONTACT: Chris Tirpak, 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: EPA has contracted with Battelle in Columbus, Ohio, and Washington, D.C., and Westat, in Rockville, Maryland, to help the Agency develop statistical methodologies and provide computer software support for aggregating information located in certain Office of Toxic Substances (OTS) data bases for release to the public (Contract No. 68-01-7621). The first reporting phase of the TSCA section 8 (a) Asbestos Reporting Requirements rule published in the Federal Register of July 30, 1982 (47 FR 33198), is complete. OTS is developing a procedure to increase the response rate and to identify biases that may exist in the reported data. OTS is also developing a procedure to select a sample of the submitters for the second

reporting phase. The information obtained from the statistical sample would meet OTS' data requirements at a reduced public burden. In order to design the sample it will be necessary for Battelle and Westat to review data submitted in response to the first reporting phase. These data are considered confidential business information.

Pursuant to 40 CFR 2.306(j), EPA has determined that access to confidential business information by Battelle and Westat is necessary for the satisfactory completion of this contract. EPA is publishing this notice to inform submitters of data under the TSCA section 8(a) Asbestos Reporting Requirements rule that Battelle and Westat will have access to this information.

In accordance with the EPA security manual, "Contractor Requirements for the Control and Security of TSCA Confidential Business Information," Battelle and Westat are legally required to safeguard confidential business information from any unauthorized disclosure. EPA has conducted the required security inspections of the contractors' facilities and has found them to be in compliance with the requirements of the manual. Battelle and Westat employees will sign nondisclosure agreements and will be briefed on appropriate security procedures which must be followed before they will be allowed access to any CBI.

Dated: January 19, 1983.

Don R. Clay,
Director, Office of Toxic Substances.

[FR Doc. 83-2273 Filed 1-26-83; 8:45 am]

BILLING CODE 6560-50-M

[SWH-FRL 2291-7]

RCRA Permit Advisory Committee; Open Meeting

Notice is hereby given of the first meeting of the RCRA Permit Advisory Committee. The Committee was established in accordance with the requirements of the Federal Advisory Committee Act, 5 U.S.C. (App. I), *et seq.* Establishment of the Committee was announced in the Federal Register on September 23, 1982, [SWH-FRL-2215-2].

The meeting will be held on February 15, 1983, at the Department of Agriculture South Building, Thomas Jefferson Auditorium, Independence Avenue and 14th Streets, SW., Washington, D.C. at 9:30 a.m. Task Forces as organized will meet February 15, 1983, at 2:00 p.m. and on February 16, 1983, at 9:00 a.m. at the U.S.

Environmental Protection Agency, 401 M Street, SW., Washington, D.C. in rooms 3906, 3908, 2128, and S247. Estimated time of adjournment is 4:00 p.m.

The primary function of the Committee is to advise and make recommendations to the Assistant Administrator, Office of Solid Waste and Emergency Response, on policy, technical and procedural matters related to the environmental, economic and social impact of RCRA permits.

Major purposes of this first meeting are to develop an Agenda for the Committee and organize Task Forces as needed to enable the Committee to address specific issues relating to storage and treatment, class permits, incineration, mobile treatment units and land disposal. The Committee will adopt rules of procedure at this time as well as define the issues to which they will give their attention.

Members who have been appointed to the Committee are:

Ms. Mary A. Bishop
Ms. Jane L. Bloom
Dr. Joseph P. Chu
Mr. L. Jack Davis
Hon. Frank De Filippo
Dr. Ralph R. Di Sibio
Mr. Paul Duff
Mr. Michael L. Esarey
Mr. Gregg P. Franklin
Ms. Susan Reid Greene
Ms. Linda E. Greer
Mr. Gerald D. Healy, Jr.
Dr. Charles A. Johnson
Mr. George S. Kush
Mr. Robert E. Liquori
Mr. Albert F. Vickers
Mr. Barney Wander
Hon. H.C. Wessman
Mr. Jerry B. Martin
Ms. Anita Martinez
Mr. Ronald Nelson
Mr. Ralph A. Odom
Mr. Philip A. Palmer
Hon. Linley D. Pearson
Mr. Delbert Rector
Mr. Peter A. Rogers
Mr. J. Eldon Rucker, Jr.
Mr. John T. Schofield
Mr. Burl J. Snow III
Mr. Robert A. Stadelmeier
Dr. Russell H. Susag
Mr. Stephen R. Thompson
Mr. Peter Vardy
Ms. Eleanor W. Winsor
Mr. Thomas J. Wittmann

Mr. Peter N. Bibko will represent the EPA Regional Administrators.

An additional group of persons has been asked to serve as alternates. They are:

Mr. William W. Beck, Jr.
Mr. David Burstein
Mr. H. Hudson Buzbee

Mr. Lecil Colburn
Mr. Charles K. Dayton
Ms. Victoria A. Douglass
Mr. David R. Fetter
Dr. William F. Gilley
Dr. Robert Ginsburg
Mr. R. Kinnan Goleman
Mr. H. Lanier Hickman, Jr.
Mr. John T. Hoeft
Mr. Emory G. Hukill
Mr. Kenneth B. Kazarian
Hon. Roger A. Madigan
Mr. Hugh Mullen
Mr. Louis J. Perona
Mr. John Quarles
Mr. Richard P. Reiter
Ms. Aileen Schumacher
Mr. Martin Seltzer

The meeting is open to the public. Any member of the public wishing to submit a written statement to the Committee should submit copies to the Executive Secretary at the meeting. Time will also be allowed for oral comment. Anyone wishing to make a brief oral statement must indicate this to the Executive Secretary at the opening of the meeting.

FOR FURTHER INFORMATION CONTACT:
Jacqueline Harker, Permits Branch,
Office of Solid Waste, 202-382-5993.

Dated: January 20, 1983.

Rita M. Lavelle,
Assistant Administrator.

[FR Doc. 83-2274 Filed 1-26-83; 8:45 am]

BILLING CODE 6560-50-M

[OPTS-53045 TSH-FRL 2289-4]

Premanufacture Notices; Monthly Status Report for December 1982

AGENCY: Environmental Protection Agency (EPA)

ACTION: Notice.

SUMMARY: Section 5(d)(3) of the Toxic Substances Control Act (TSCA) requires EPA to issue a list in the Federal Register at the beginning of each month reporting the premanufacture notices (PMNs) pending before the Agency and the PMNs for which the review period has expired since publication of the last monthly summary. This is the report for December 1982.

DATE: Written comments are due no later than 30 days before the applicable notice review period ends on the specific chemical substance. Nonconfidential portions of the PMNs may be seen in Rm. E-106 at the address below between 8:00 a.m. and 4:00 p.m., Monday through Friday, excluding legal holidays.

ADDRESS: Written comments are to be identified with the document control number "[OPTS-53045]" and the specific

PMN number should be sent to:
Document Control Officer (TS-793),
Management Support Division, Office of
Pesticides and Toxic Substances,
Environmental Protection Agency, Rm.
E-409, 401 M Street, SW., Washington,
DC 20460, (202-382-3532).

FOR FURTHER INFORMATION CONTACT:
Kirk Macconaughey, Chemical Control
Division (TS-794), Office of Toxic
Substances, Environmental Protection

Agency, Rm. E-208, 401 M Street, SW.,
Washington, DC 20460, (202-382-3746).

SUPPLEMENTARY INFORMATION: The
monthly status report published in the
Federal Register as required under
section 5(d)(3) of TSCA (90 stat. 2012 [15
U.S.C. 2504]), will identify: (a) PMNs
received during December; (b) PMNs
received previously and still under
review at the end of December; (c)
PMNs for which the notice review
period has ended during December; (d)

chemical substances for which EPA has
received a notice of commencement to
manufacture during December; and (e)
PMNs for which the review period has
been suspended. Therefore, the
December 1982 PMN Status Report is
being published.

Dated: January 17, 1983.

Woodson W. Bercaw,
Acting Director, Management Support
Division.

Premanufacture Notices Monthly Status Report, December 1982

I. 92 PREMANUFACTURE NOTICES RECEIVED DURING THE MONTH

PMN No.	Identity and generic name	FR citation	Expiration date
83-264	Condensation polymer of ethyl acrylate and ethanol amine	47 FR 55423 (12/9/82)	Mar. 1, 1983
83-265	Generic name: Substituted alkyl polyalkylene oxy quaternary ammonium chloride compound	47 FR 55423 (12/9/82)	Do.
83-266	Generic name: Poly(oxyalkylene disubstituted silane) alkyl, alkoxy-terminated, polymer with titanium alkoxide	47 FR 57333 (12/23/82)	Mar. 2, 1983.
83-267	Generic name: Polyester from carbomonocyclic anhydrides and substituted alkanediols	47 FR 57333 (12/23/82)	Do.
83-268	Generic name: Azobis(nitrosulfonylphenyl-alkyl-substituted benzene) compound with oxyalkylamine	47 FR 57333 (12/23/82)	Do.
83-269	Generic name: Substituted naphthalenylazo naphthalenedisulfonic acid salt	47 FR 57333 (12/23/82)	Do.
83-270	Generic name: Tetra (substituted sulfonic acid) derivative of transition metal-arycyanine complex	47 FR 57333 (12/23/82)	Do.
83-271	Generic name: Hydrocarbon complex with platinum halide	47 FR 57333 (12/23/82)	Do.
83-272	Generic name: Substituted pyridine	47 FR 57333 (12/23/82)	Do.
83-273	Generic name: Blocked isocyanate	47 FR 57333 (12/23/82)	Mar. 5, 1983.
83-274	Generic name: Polymer of alkane polyols, alkanediolic acids and aromatic polyacid	47 FR 57333 (12/23/82)	Do.
83-275	Generic name: Modified polyisocyanate	47 FR 57333 (12/23/82)	Do.
83-276	Generic name: Modified polyisocyanate	47 FR 57333 (12/23/82)	Do.
83-277	2-Oxepanone, polymer with 2,2'-(1,3-bis(hydroxymethyl)-4,4'-oxybis(methylene)) bis[2-(hydroxymethyl)-1,3-propanediol]	47 FR 57333 (12/23/82)	Do.
83-278	2-Oxepanone, polymer with 2,2-bis[3-hydroxy-2,2-bis(hydroxymethyl) propoxy] methyl-1,3-propanediol	47 FR 57333 (12/23/82)	Do.
83-279	Generic name: Chlorinated, oleated, hydrocarbon polymer	47 FR 57334 (12/23/82)	Do.
83-280	Generic name: 2-Antifluorescent sulfonic acid, 1-amino-9, 10-dihydro-9, 10-dioxo-4-[(substituted phenyl) amino]	47 FR 57334 (12/23/82)	Mar. 6, 1983.
83-281	Generic name: Benzenesulfonamide salt	47 FR 57334 (12/23/82)	Do.
83-282	Generic name: Polyester based complex alkanediol	47 FR 57334 (12/23/82)	Do.
83-283	Generic name: Substituted cyclohexane	47 FR 57334 (12/23/82)	Do.
83-284	Generic name: Polyester polyol	47 FR 57334 (12/23/82)	Do.
83-285	Generic name: Phosphate ester	47 FR 57334 (12/23/82)	Do.
83-286	Generic name: 1,1-dimethyl ethyl peroxyester	47 FR 57334 (12/23/82)	Do.
83-287	Generic name: 1,1-dimethylpropyl peroxyester	47 FR 57334 (12/23/82)	Do.
83-288	Generic name: 1-methyl-1-phenyl ethyl peroxy-ester	47 FR 57334 (12/23/82)	Do.
83-289	Copolymer from acrylonitrile, styrene and isopropenylphenol	47 FR 57334 (12/23/82)	Do.
83-290	Generic name: Asphalt styrenated resin	47 FR 57334 (12/23/82)	Do.
83-291	Generic name: Vinyl copolymer	47 FR 57334 (12/23/82)	Do.
83-292	Generic name: N-substituted-N-mixed alkoxy-propylamine acid derivatives	47 FR 57334 (12/23/82)	Do.
83-293	Hydrogenated acrylonitrile-butadiene copolymer (H-NBR)	47 FR 57335 (12/23/82)	Mar. 7, 1983.
83-294	Generic name: Organophosphorus compound	47 FR 57335 (12/23/82)	Do.
83-295	Generic name: Organosulfur compound	47 FR 57335 (12/23/82)	Do.
83-296	Generic name: Rosin metallic salt	47 FR 57335 (12/23/82)	Mar. 8, 1983.
83-297	Generic name: (Substituted) anthracenylimino-(substituted) carbomonocyclic acid alkylamine salt	47 FR 57335 (12/23/82)	Do.
83-298	Generic name: Toluene alkylate	47 FR 57336 (12/23/82)	Mar. 9, 1983.
83-299	Generic name: Toluene alkylate	47 FR 57336 (12/23/82)	Do.
83-300	Generic name: Dialkyl benzene	47 FR 57336 (12/23/82)	Do.
83-301	Generic name: Dialkyl benzene	47 FR 57336 (12/23/82)	Do.
83-302	Generic name: Alkyl benzene	47 FR 57336 (12/23/82)	Do.
83-303	Polymer of: Trimethyl pentane diol, adipic acid and phthalic anhydride	47 FR 57336 (12/23/82)	Do.
83-304	Bis (benzyl-thioureidoethyl)-dithio carbamic acid-a-propoxyester-w-sulfonic acid sodium	47 FR 57336 (12/23/82)	Do.
83-305	Generic name: Urethane polyester prepolymer acrylate capped	47 FR 57337 (12/23/82)	Do.
83-306	Generic name: Poly alkyl benzene sulfonate	47 FR 57337 (12/23/82)	Do.
83-307	Generic name: Poly alkyl benzene sulfonate	47 FR 57337 (12/23/82)	Do.
83-308	Generic name: Poly alkyl benzene sulfonate	47 FR 57337 (12/23/82)	Do.
83-309	Generic name: Poly alkyl benzene sulfonate	47 FR 57337 (12/23/82)	Do.
83-310	Generic name: Benzene alkyl sulfonate	47 FR 57337 (12/23/82)	Do.
83-311	3-dimethylureidymethyl-3,5,5-trimethylcyclo-hexyl dimethyl urea	47 FR 57337 (12/23/82)	Mar. 12, 1983.
83-312	Generic name: Aromatic aliphatic branched polyester resin	47 FR 57337 (12/23/82)	Mar. 13, 1983.
83-313	Generic name: Polymer of alkane polyols, alkane diolic acid and aromatic acid	47 FR 57337 (12/23/82)	Do.
83-314	Generic name: Ester of aromatic acids and aliphatic polyols	47 FR 57337 (12/23/82)	Do.
83-315	Generic name: 2-substituted propanoic acid	47 FR 57337 (12/23/82)	Do.
83-316	Generic name: Modified ethylene-chlorotrifluoro-ethylene polymer	47 FR 57337 (12/23/82)	Do.
83-317	Generic name: Modified polyester polyurethane from substituted alkanediols, alkanediolic acid and a diisocyanate	47 FR 57338 (12/23/82)	Mar. 14, 1983.
83-318	Generic name: Acrylic copolymer of styrene and methacrylate monomers	47 FR 57338 (12/23/82)	Mar. 15, 1983.
83-319	Generic name: Modified alkyl polymer from mixed fatty oils, carbomonocyclic anhydride, carbomonocyclic acid and a substituted alkane diol	47 FR 57338 (12/23/82)	Do.
83-320	Generic name: Polymeric acrylate	47 FR 57338 (12/23/82)	Do.
83-321	Generic name: Mixed glycol oligoesters of mixed dicarboxylic acids	48 FR 72 (1/3/83)	Mar. 16, 1983.
83-322	Generic name: Polyester of aliphatic polyol, mono basic acids and aromatic diacids	48 FR 72 (1/3/83)	Do.
83-323	Generic name: Polyester of aliphatic polyols, vegetable oil, and aromatic dibasic acid	48 FR 72 (1/3/83)	Do.
83-324	Generic name: Modified bisphenol A, epichloro-hydrin polymer	48 FR 72 (1/3/83)	Do.
83-325	Generic name: Polyester polyurethane from carbomonocyclic anhydride, alkanediols and diisocyanates	48 FR 72 (1/3/83)	Do.
83-326	Generic name: Functionalized acrylic polymer	48 FR 72 (1/3/83)	Do.

I. 92 PREMANUFACTURE NOTICES RECEIVED DURING THE MONTH—Continued

PMN No.	Identity and generic name	FR citation	Expiration date
83-327	Generic name: Blocked isocyanate	48 FR 72 (1/3/83)	Do.
83-328	Generic name: Modified copolymer of alkenic esters and substituted alkenic esters with styrene	48 FR 72 (1/3/83)	Mar. 18, 1983.
83-329	Generic name: Substituted phenyl, azo substituted naphthalenedisulfonic acid, sodium salt	48 FR 72 (1/3/83)	Do.
83-330	Generic name: Substituted phenol	48 FR 73 (1/3/83)	Do.
83-331	Generic name: Bis-alkylated phenol	48 FR 73 (1/3/83)	Do.
83-332	Generic name: Aromatic alkyl-silicone modified	48 FR 73 (1/3/83)	Mar. 19, 1983
83-333	Generic name: Reaction product of polycyclic-sulfonic acid salt with phosphorus halide/halogen, subsequent reaction with an amine, subsequent reaction with an aldehyde/sodium bisulfite alkali	48 FR 73 (1/3/83)	Do.
83-334	Generic name: Polymer of alkane polyols, alkanedioic acid, and aromatic diacid	48 FR 73 (1/3/83)	Do.
83-335	Generic name: ((Substituted phenyl)azo)naphthalenedisulfonic acid, sodium salt	48 FR 73 (1/3/83)	Do.
83-336	Methanesulfonic acid, tin (2+) salt	48 FR 73 (1/3/83)	Do.
83-337	Methanesulfonic acid, lead (2+) salt	48 FR 73 (1/3/83)	Do.
83-338	Generic name: Substituted 1,8-triphenyldioxazine-disulfonic acid, sodium salt	48 FR 862 (1/7/83)	Mar. 26, 1983.
83-339	Generic name: 5-[4-chloro-6-[3-[2-(hydroxysulfonyloxy)ethylsulfonyl]anilino]-1,3,5-triazin-2-ylamino]-3-[1,5-disulfo-2-naphthylazo]-4-hydroxy-2,7-naphthalenedisulfonic acid, pentasodium salt	48 FR 862 (1/7/83)	Do.
83-340	Generic name: 3-[5-[4-chloro-6-[3-[2-(hydroxysulfonyloxy)ethylsulfonyl]anilino]-1,3,5-triazin-2-ylamino]-5-sulfonaphthylazo]-6-sulfonaphthylazo]-1,5-naphthalenedisulfonic acid pentasodium salt	48 FR 862 (1/7/83)	Do.
83-341	Generic name: 7-[4-[4-chloro-6-[3-[2-(hydroxysulfonyloxy)ethylsulfonyl]anilino]-1,3,5-triazin-2-ylamino]-2-ureidophenylazo]-1,3,5-naphthalenedisulfonic acid, tetrasodium salt	48 FR 862 (1/7/83)	Do.
83-342	Generic name: 3-[5-[4-chloro-6-[3-[2-(hydroxysulfonyloxy)ethylsulfonyl]anilino]-1,3,5-triazin-2-ylamino]-2-sulfophenylazo]-4-hydroxy-5-propionylamino-2,7-naphthalenedisulfonic acid, tetrasodium salt	48 FR 862 (1/7/83)	Do.
83-343	Generic name: 4-amino-6-[5-[4-chloro-6-[3-[2-(hydroxysulfonyloxy)ethylsulfonyl]anilino]-1,3,5-triazin-2-ylamino]-2-sulfophenylazo]-5-hydroxy-3-(4-sulfophenylazo)-2,7-naphthalenedisulfonic acid, pentasodium salt	48 FR 862 (1/7/83)	Do.
83-344	Generic name: Mercapto-substituted, heterocyclic nitrogen compound	48 FR 862 (1/7/83)	Do.
83-345	Generic name: Alkyl thiocyanate	48 FR 862 (1/7/83)	Do.
83-346	Polymer of 2-propenoic acid, 2-methyl-, methyl ester and 1,3-buteneglycol diacrylate	48 FR 862 (1/7/83)	Do.
83-347	Partially hydrogenated polybenzylated toluene	48 FR 862 (1/7/83)	Mar. 27, 1983.
83-348	Polybenzylated toluene	48 FR 862 (1/7/83)	Do.
83-349	Generic name: Poly polymethacrylate	48 FR 862 (1/7/83)	Do.
83-350	2-propoxyethyl acetate	48 FR 862 (1/7/83)	Mar. 28, 1983.
83-351	Polymer of trimethylol propane, ethylene glycol, adipic acid, phthalic anhydride	48 FR 1819 (1/14/83)	Mar. 29, 1983.
83-352	Generic name: Aliphatic secondary naphthalene	48 FR 1819 (1/14/83)	Do.
83-353	Generic name: Aliphatic secondary naphthalene	48 FR 1819 (1/14/83)	Do.
83-354	Generic name: Aliphatic bis(secondary naphthalene amine)	48 FR 1819 (1/14/83)	Do.
83-355	Generic name: Substituted aromatic secondary naphthalene amine	48 FR 1820 (1/14/83)	Do.

II. 175 PREMANUFACTURE NOTICES RECEIVED PREVIOUSLY AND STILL UNDER REVIEW AT THE END OF THE MONTH

PMN No.	Identity and generic name	FR citation	Expiration date
83-88	Generic name: Dimer fatty acids, monocarboxylic acids, and diamines polymer	47 FR 52221 (11/19/82)	Jan. 29, 1983.
83-89	Generic name: Dimer fatty acids, monocarboxylic acid, polycarboxylic acid, diamines polymer, modified with an acrylic acid copolymer	47 FR 52221 (11/19/82)	Do.
83-90	Generic name: Polymer of polysubstituted alkyl acrylates	47 FR 52221 (11/19/82)	Do.
83-91	Polymer of tall oil rosin, gum rosin, parosomide, calcium hydroxide, and phenol	47 FR 52222 (11/19/82)	Do.
83-92	Generic name: Reaction product of a polyhalogenated anhydride, maleic anhydride and alkylene glycols	47 FR 52222 (11/19/82)	Jan. 30, 1983.
83-93	Generic name: Polyester polycarboxylate salt	47 FR 52222 (11/19/82)	Do.
83-94	Generic name: Alkyl substituted salicylaldehyde	47 FR 52222 (11/19/82)	Do.
83-95	Generic name: Trisubstituted benzothiazole salt	47 FR 52222 (11/19/82)	Do.
83-96	Generic name: ((Substituted phenyl)azo) benzenesulfonic acid, aminium salt	47 FR 52222 (11/19/82)	Do.
83-97	Generic name: Thermoplastic polyurethane resin	47 FR 52222 (11/19/82)	Jan. 31, 1983.
83-98	Generic name: N-(trimethylcarbamoyl) isopentanol	47 FR 52222 (11/19/82)	Do.
83-99	Generic name: Sulfonated phenol formaldehyde condensation polymer	47 FR 52222 (11/19/82)	Do.
83-100	Generic name: Copolymer of styrene with substituted alkanolic derivatives	47 FR 52222 (11/19/82)	Feb. 1, 1983.
83-101	Generic name: Polymer of diphenylmethane diisocyanate, hydroxy alkyl ethers, and substituted alkanediols	47 FR 52223 (11/19/82)	Feb. 2, 1983.
83-102	Generic name: Polyacrylate	47 FR 52223 (11/19/82)	Feb. 5, 1983.
83-103	Generic name: Polyamine urea formaldehyde condensate	47 FR 52223 (11/19/82)	Do.
83-104	Generic name: Polyamine urea formaldehyde condensate	47 FR 52223 (11/19/82)	Do.
83-105	1,2-benzenediamine, 4-ethoxy, sulfate (1:1)	47 FR 52223 (11/19/82)	Do.
83-106	Generic name: Polymer of aliphatic and aromatic diacids and an aliphatic diol	47 FR 52223 (11/19/82)	Do.
83-107	Generic name: Modified polyester from carbomonoacyclic anhydrides, an alkanediol and an alkanedioic acid	47 FR 52223 (11/19/82)	Do.
83-108	Generic name: Polymer of fatty acids with a substituted alkanolic acid, carbomonoacyclic acids, polyols and a carbomonoacyclic anhydride	47 FR 52223 (11/19/82)	Do.
83-109	Generic name: Substituted alkyl methacrylate	47 FR 52223 (11/19/82)	Do.
83-110	Generic name: Saturated acid diester	47 FR 52223 (11/19/82)	Feb. 6, 1983
83-111	Generic name: Aromatic acid diester	47 FR 52223 (11/19/82)	Do.
83-112	Generic name: Hydroxy naphthalenedisulfonic acid, disodium salt, ((2-((sodium sulfoxyethyl)sulfonyl)phenyl)azo, and dichlorotriazinylamino substituted	47 FR 52223 (11/19/82)	Do.
83-113	Generic name: Benzenesulfonic acid, 4-(4-((4-substituted 2-sulfonyl)azo)-3-carboxy-5-hydroxy-1H-pyrazol-1-yl)-, x sodium salt	47 FR 52224 (11/19/82)	Do.
83-114	Generic name: Naphthalenedisulfonic acid, disodium salt, ((2-((sodium sulfoxyethyl)sulfonyl)aryloxy)azo, and monochlorotriazinylamino, substituted, copper complex	47 FR 52224 (11/19/82)	Do.
83-115	Generic name: Naphthalenedisulfonic acid, disodium salt, ((2-((sodium sulfoxyethyl)sulfonyl)aryloxy)azo, and monochlorotriazinylamino, substituted, copper complex	47 FR 52224 (11/19/82)	Do.
83-116	Generic name: Ethanol, 2-arylsulfonyl, hydrogen sulfate ester	47 FR 52224 (11/19/82)	Do.
83-117	Oxo alcohols (high boilers)-nonyl glycol adipate ester	47 FR 52224 (11/19/82)	Do.
83-118	Generic name: Polymeric polyamidoamine	47 FR 52224 (11/19/82)	Do.
83-119	Generic name: Polyester from a carbomonoacyclic anhydride and substituted alkanediols	47 FR 52224 (11/19/82)	Do.
83-120	Generic name: Reaction product of isomeric mixture of dioxocarbopolycyclic amine with sulfur	47 FR 52224 (11/19/82)	Feb. 7, 1983.
83-121	Polymer of diethyleneglycol, polyethyleneglycol, dimethylterephthalate, isophthalic acid, 5-sulfoisophthalic acid, dimethyl ester sodium salt	47 FR 52224 (11/19/82)	Do.
83-122	Generic name: Organic sulfur compound	47 FR 52224 (11/19/82)	Do.

II. 175 PREMANUFACTURE NOTICES RECEIVED PREVIOUSLY AND STILL UNDER REVIEW AT THE END OF THE MONTH—Continued

PMN No.	Identity and generic name	FR citation	Expiration date
83-212	Solvent dewaxed heavy paraffinic distillate (shale oil)	47 FR 54357 (12/2/82)	Do.
83-213	Solvent dewaxed residual oil (shale oil)	47 FR 54357 (12/2/82)	Do.
83-214	Slack wax (shale oil)	47 FR 54357 (12/2/82)	Do.
83-215	Petrolatum (shale oil)	47 FR 54357 (12/2/82)	Do.
83-216	Foots oil (shale oil)	47 FR 54357 (12/2/82)	Do.
83-217	Paraffin wax (shale oil)	47 FR 54357 (12/2/82)	Do.
83-218	Microcrystalline wax (shale oil)	47 FR 54357 (12/2/82)	Do.
83-219	Catalytic dewaxed naphtha (shale oil)	47 FR 54358 (12/2/82)	Do.
83-220	Catalytic dewaxed middle distillate (shale oil)	47 FR 54358 (12/2/82)	Do.
83-221	Catalytic dewaxed light paraffinic oil (shale oil)	47 FR 54358 (12/2/82)	Do.
83-222	Catalytic dewaxed heavy paraffinic oil (shale oil)	47 FR 54358 (12/2/82)	Do.
83-223	Hydrosulfurized light naphtha (shale oil)	47 FR 54358 (12/2/82)	Do.
83-224	Hydrosulfurized kerosene (shale oil)	47 FR 54358 (12/2/82)	Do.
83-225	Hydrosulfurized gas oil (shale oil)	47 FR 54358 (12/2/82)	Do.
83-226	Hydrosulfurized atmospheric tower residuum (shale oil)	47 FR 54358 (12/2/82)	Do.
83-227	Hydrosulfurized heavy vacuum gas oil (shale oil)	47 FR 54358 (12/2/82)	Do.
83-228	Hydrosulfurized heavy vacuum gas oil (shale oil)	47 FR 54358 (12/2/82)	Do.
83-229	Steam cracked residuum (shale oil)	47 FR 54358 (12/2/82)	Do.
83-230	Light aliphatic solvent naphtha (shale oil)	47 FR 54358 (12/2/82)	Do.
83-231	Medium aliphatic solvent naphtha (shale oil)	47 FR 54358 (12/2/82)	Do.
83-232	Heavy aliphatic solvent naphtha (shale oil)	47 FR 54358 (12/2/82)	Do.
83-233	Light aromatic solvent naphtha (shale oil)	47 FR 54358 (12/2/82)	Do.
83-234	Heavy aromatic solvent naphtha (shale oil)	47 FR 54358 (12/2/82)	Do.
83-235	Calcined coke (shale oil)	47 FR 54358 (12/2/82)	Do.
83-236	Generic name: Alkyl-substituted imidazole derivative of methyl-pyrimidinone-azomethyl-phenyl benzothiazole.	47 FR 53782 (11/29/82)	Do.
83-237	Generic name: Substituted pyridine.	47 FR 53782 (11/29/82)	Do.
83-238	Generic name: Polyamide.	47 FR 53782 (11/29/82)	Feb. 15, 1983.
83-239	Generic name: Polyester polyurethane from a diisocyanate and an alkanediol with alkanic acid and anhydride.	47 FR 53783 (11/29/82)	Do.
83-240	Generic name: Reaction product of inorganic acid with the reaction product of carboxylic acid and alkanolamine.	47 FR 53783 (11/29/82)	Do.
83-241	Generic name: Polyester polycarbonate salt.	47 FR 53783 (11/29/82)	Do.
83-242	Generic name: Polymer of aliphatic polyols, aliphatic and aromatic dicarboxylic acids.	47 FR 53783 (11/29/82)	Do.
83-243	Generic name: Methyl-oxethyl-methylene imidazolium deriv. of copper phthalocyanine methoxyacetate.	47 FR 53783 (11/29/82)	Do.
83-244	Polymer of tetrahydronaphthalic anhydride, tall oil fatty acid, bisphenol A-oxirane polymer, phenol-epichlorohydrin-formaldehyde polymer, paraformaldehyde, diethylamine, diethylaminopropylamine, diisopropylamine.	47 FR 53783 (11/29/82)	Do.
83-245	Polymer of tetrahydronaphthalic anhydride, phthalic anhydride, acrylic acid, 2-ethylhexyl ester, bisphenol A-oxirane polymer, phenol-epichlorohydrin-formaldehyde polymer, paraformaldehyde, aminoethyloxypropanediol, butanol, diethanolamine, diethylamine, diethylaminopropylamine.	47 FR 53783 (11/29/82)	Do.
83-246	Polymer of tetrahydronaphthalic anhydride, acrylic acid, 2-hydroxyethyl ester, methacrylic acid, 2-hydroxyethyl ester, bisphenol A-oxirane polymer, neodecanoic acid, 2,3-epoxypropyl ester, toluenediisocyanate, N,N-diethanolamine, diethanolamine.	47 FR 53783 (11/29/82)	Do.
83-247	Polymer of tetrahydronaphthalic maleic anhydride, phthalic anhydride, tall oil fatty acid, acrylic acid, 2-hydroxyethyl ester, methacrylic acid, 2-hydroxyethyl ester, methacrylic acid, 2,3-epoxypropyl ester, bisphenol A-oxirane polymer, neodecanoic acid, 2,3-epoxypropyl ester, toluenediisocyanate, N,N-diethanolamine, diethanolamine, 1,6-hexanediol, butanol.	47 FR 53783 (11/29/82)	Do.
83-248	Polymer of bisphenol A-oxirane polymer, diisocyanate, diethanolamine, diethylamine, diethylaminopropylamine.	47 FR 53783 (11/29/82)	Do.
83-249	Polymer of malonic acid, diethyl ester, diethylolpropane.	47 FR 53783 (11/29/82)	Do.
83-250	Polymer of malonic acid, diethyl ester, trimethylolpropane, 1,6-hexanediol.	47 FR 53783 (11/29/82)	Do.
83-251	Generic name: Phenoxymethyl alkylidene.	47 FR 54537 (12/3/82)	Feb. 16, 1983.
83-252	Generic name: Alkyl amino-amide salt.	47 FR 54537 (12/3/82)	Feb. 19, 1983.
83-253	Generic name: Maleated rosin monobasic acids glycerol ester.	47 FR 54537 (12/3/82)	Feb. 20, 1983.
83-254	Generic name: Maleated rosin monobasic acids glycerol ester.	47 FR 54537 (12/3/82)	Do.
83-255	Generic name: Dicarboxylic acid monoester.	47 FR 54537 (12/3/82)	Do.
83-256	Generic name: Polymer of acrylic acid and mixed alkyl acrylates.	47 FR 54522 (12/9/82)	Feb. 23, 1983.
83-257	Generic name: Copolymer of ethenyl heterocycle and substituted, ethenyl benzene.	47 FR 54523 (12/9/82)	Do.
83-258	Generic name: Polymer of styrene; methacrylate ester, acrylic ester, and acrylic acid.	47 FR 54522 (12/9/82)	Do.
83-259	Generic name: Polyester resin.	47 FR 54522 (12/9/82)	Do.
83-260	Generic name: Modified maleated rosin pentaerythritol ester alkylphenol formaldehyde resin.	47 FR 54522 (12/9/82)	Feb. 27, 1983.
83-261	2,2-bis [4-(4-aminophenoxy)phenyl] hexafluoropropane.	47 FR 54522 (12/9/82)	Do.
83-262	Generic name: Halogenated dinitro ether compound.	47 FR 54523 (12/9/82)	Do.
83-263	Generic name: Substituted thiocyclic compound.	47 FR 54523 (12/9/82)	Do.

III. 69 PREMANUFACTURE NOTICES FOR WHICH THE NOTICE REVIEW PERIOD HAS ENDED DURING THE MONTH. (EXPIRATION OF THE NOTICE REVIEW PERIOD DOES NOT SIGNIFY THAT THE CHEMICAL HAD BEEN ADDED TO THE INVENTORY)

PMN No.	Identity and generic name	FR citation	Expiration date
82-642	Generic name: Organophosphorus compound.	47 FR 41165 (9/17/82)	Dec. 1, 1982.
82-643	Generic name: Organophosphorus compound.	47 FR 41166 (9/17/82)	Do.
82-644	Generic name: Alkyne ether diol.	47 FR 41166 (9/17/82)	Do.
82-645	Generic name: Condensate of formaldehyde and an organic base.	47 FR 41166 (9/17/82)	Do.
82-646	Generic name: Cobalt complex-[hydroxymethylphenyl-azo]-[substitutedphenyl pyrazolones], sodium salt.	47 FR 41166 (9/17/82)	Do.
82-647	Generic name: [(Benzoxazolinyl)-(imidazolymethylene)]-indenedione derivative, mixed salt.	47 FR 41166 (9/17/82)	Do.
82-648	Generic name: [(Benzoxazolinyl)-(imidazolymethylene)]-indenedione derivative, mixed salt.	47 FR 41166 (9/17/82)	Do.
82-649	Generic name: Benzene dicarboxylic acid polyester.	47 FR 41166 (9/17/82)	Do.
82-650	Generic name: Pentasubstituted pentanamide.	47 FR 41166 (9/17/82)	Do.
82-651	Generic name: Metal complexed substituted aromatic salt.	47 FR 41166 (9/17/82)	Do.
82-652	Generic name: Metal complexed substituted aromatic salt.	47 FR 41166 (9/17/82)	Do.
82-653	Generic name: Metal complexed substituted aromatic salt.	47 FR 41166 (9/17/82)	Do.
82-654	Generic name: Metal complexed substituted aromatic salt.	47 FR 41166 (9/17/82)	Do.
82-655	Generic name: Substituted acrylamide copolymer.	47 FR 41166 (9/17/82)	Do.
82-656	Generic name: Polymer of disubstituted benzenes and disubstituted alkane.	47 FR 41167 (9/17/82)	Dec. 7, 1982.

III. 69 PREMANUFACTURE NOTICES FOR WHICH THE NOTICE REVIEW PERIOD HAS ENDED DURING THE MONTH. (EXPIRATION OF THE NOTICE REVIEW PERIOD DOES NOT SIGNIFY THAT THE CHEMICAL HAD BEEN ADDED TO THE INVENTORY)—Continued

PMN No.	Identity and generic name	FR citation	Expiration date
82-657	Generic name: Sulfonated vinyl polymer	47 FR 41167 (9/17/82)	Do.
82-658	Generic name: Substituted pyrazine salt	47 FR 42152 (9/24/82)	Dec. 8, 1982.
82-659	Generic name: Substituted succinic anhydride	47 FR 42152 (9/24/82)	Dec. 11, 1982.
82-660	Generic name: Polycarboxylic anhydride polymer	47 FR 42152 (9/24/82)	Do.
82-661	Generic name: Modified polyurethane	47 FR 42152 (9/24/82)	Do.
82-662	Generic name: Modified polyurethane	47 FR 42152 (9/24/82)	Do.
82-663	Generic name: Modified diol	47 FR 42152 (9/24/82)	Do.
82-664	Generic name: 4-hydroxy-N-substituted-3-nitrobenzenesulfonamide	47 FR 42152 (9/24/82)	Do.
82-665	Generic name: 3-amino-4-hydroxy-N-substituted benzenesulfonamide	47 FR 42152 (9/24/82)	Do.
82-666	Oleic, linoleic and palmitic acids	47 FR 42152 (9/24/82)	Dec. 12, 1982.
82-667	Generic name: Cyclic aldehydes	47 FR 42152 (9/24/82)	Do.
82-668	Poly(oxy-1,2-ethenediyl) alpha-C ₁₂ -C ₁₈ alkoxymethoxy	47 FR 42152 (9/24/82)	Do.
82-669	Generic name: Unsaturated polyester of a halogenated glycol	47 FR 42153 (9/24/82)	Dec. 13, 1982.
82-670	Generic name: Oxirane polymer of isocyanic acid ester	47 FR 41153 (9/24/82)	Do.
82-671	Generic name: Vinyl chloride-ethylene copolymer	47 FR 42153 (9/24/82)	Dec. 14, 1982.
82-672	Generic name: Substituted polyethylenimine polyisobutyrylsuccinimide	47 FR 42153 (9/24/82)	Do.
82-673	Generic name: Substituted polyethylenimine polyisobutyrylsuccinimide	47 FR 42153 (9/24/82)	Do.
82-674	Hexa aquamagnesium (II) bis(2-carboxylatomonoperoxy-benzoic acid)	47 FR 42153 (9/24/82)	Do.
82-675	Generic name: Isocyanate laminated polyester-ether polyurethane prepolymer	47 FR 43160 (9/30/82)	Dec. 15, 1982.
82-677	Generic name: Chromium complex of a substituted phenolazophenylpyrazolone	47 FR 43161 (9/30/82)	Do.
82-680	2-propenoic acid, 2-hydroxyethyl ester, polymer with 2-ethyl-2-(hydroxymethyl)-1,3-propanediol, -hydroxy-1,2-ethanediyl, 5-isocyanato-1-(isocyanatomethyl)-1,3,3-trimethylcyclohexane and 2 oxaplanone	47 FR 43161 (9/30/82)	Dec. 18, 1982.
82-681	Generic name: Chromium complex of a sulfonaphthylazophenylpyrazolone	47 FR 43161 (9/30/82)	Dec. 19, 1982.
82-682	Generic name: Polyester from an alkanedioic acid, carbomono-cyclic anhydride and substituted alkane diols	47 FR 43161 (9/30/82)	Do.
82-683	Generic name: Halogenated ketone	47 FR 43161 (9/30/82)	Do.
82-685	Generic name: Diethylene glycol ether	47 FR 43161 (9/30/82)	Do.
82-686	Generic name: Disubstituted-1-naphthol	47 FR 43161 (9/30/82)	Do.
82-687	Generic name: Methacrylate copolymer	47 FR 43161 (9/30/82)	Do.
82-688	Generic name: Acrylate copolymer solution	47 FR 43162 (9/30/82)	Do.
82-689	Generic name: Alkyl amino ethoxy ethanol	47 FR 43162 (9/30/82)	Dec. 20, 1982.
82-690	Generic name: [Hydroxy(methylsulfonyl)phenyl] azo substituted heteromonocycle, metal complex (2:1), compd. alkanamine (1:1).	47 FR 44608 (10/8/82)	Dec. 21, 1982.
82-691	Generic name: Ethylene interpolymer	47 FR 44608 (10/8/82)	Dec. 22, 1982.
82-692	Generic name: Substituted glycine complex	47 FR 44608 (10/8/82)	Do.
82-693	Generic name: 1,1-dimethylethyl peroxystere	47 FR 44608 (10/8/82)	Do.
82-694	Generic name: Trialkyl dioxane	47 FR 44608 (10/8/82)	Dec. 25, 1982.
82-695	Generic name: Alkyl bicyclononane	47 FR 44608 (10/8/82)	Do.
82-696	Generic name: Alkyl spirononane	47 FR 44608 (10/8/82)	Do.
82-697	Generic name: Alkyl spirodecane	47 FR 44609 (10/8/82)	Do.
82-698	Generic name: Aminosulfur compound	47 FR 44609 (10/8/82)	Do.
82-699	Generic name: Unsaturated polyester	47 FR 44609 (10/8/82)	Do.
82-700	Generic name: Alkyd resin	47 FR 44609 (10/8/82)	Do.
82-702	Generic name: Metal complexed, substituted aromatic azo compound	47 FR 44609 (10/8/82)	Dec. 26, 1982.
82-703	Generic name: Reaction product of coco glycerides, sulfur, and polyalkylene-substituted phenol condensation product with aldehyde and mixed amines	47 FR 44609 (10/8/82)	Do.
82-704	Generic name: Reaction product of carboxylic acid, sulfur, and polyalkylene-substituted phenol condensation product with aldehyde and mixed amines	47 FR 44609 (10/8/82)	Do.
82-705	Generic name: Epoxy urethane	47 FR 44609 (10/8/82)	Do.
82-706	Generic name: Sulfophenylazophenyl dye	47 FR 44609 (10/8/82)	Do.
82-707	Generic name: Neutralized reaction product of an alkanedioic acid and substituted alkanes	47 FR 44609 (10/8/82)	Do.
82-708	Generic name: Ester of diazo-naphthoquinone	47 FR 44609 (10/8/82)	Dec. 27, 1982.
82-709	Generic name: Dibasic acid esters of monohydric alcohols	47 FR 44609 (10/8/82)	Do.
83-2	Generic name: Polymer of styrene, substituted styrene, and substituted methacrylate salt	47 FR 46371 (10/18/82)	Dec. 29, 1982.
83-3	Generic name: Disubstituted propane	47 FR 46371 (10/18/82)	Do.
83-4	Generic name: Substituted propene	47 FR 46371 (10/18/82)	Do.
83-5	Generic name: Substituted alkanedioic acid ester	47 FR 46371 (10/18/82)	Do.
83-6	Generic name: Substituted lactam	47 FR 46371 (10/18/82)	Do.
83-7	Generic name: Substituted lactam	47 FR 46372 (10/18/82)	Do.

IV. 25 CHEMICAL SUBSTANCES FOR WHICH EPA HAS RECEIVED NOTICES OF COMMENCEMENT TO MANUFACTURE

PMN No.	Chemical identification	FR citation	Date of commencement
80-177	Oxirane, polymer with methyl oxirane, 1,3-disocyanatomethylbenzene, and (2-hydroxyethyl)-2-propenoate	45 FR 54422 (8/15/80)	Dec. 23, 1982.
82-21	Generic name: Hydroxy naphthoic acid metal complex	47 FR 3594 (1/26/82)	Mid-Dec. 1982.
82-176	Generic name: Epoxy functional polysiloxane/silica resin	47 FR 11957 (3/19/82)	Nov. 24, 1982.
82-206	Reaction product of [8,12octadecadienoic acid, dimer, polymer with 2,5furandione] with tallow diamine	47 FR 13038 (3/26/82)	Dec. 7, 1982.
82-231	Generic name: Lauryl sulfate salt of substituted p-diazo-diphenylamine, polymer with formaldehyde	47 FR 14219 (4/2/82)	Nov. 15, 1982.
82-283	Generic name: t-butylated triphenyl phosphate	47 FR 17667 (4/23/82)	Dec. 10, 1982.
82-314	Generic name: Copolymer of alkyl acrylates and methacrylates	47 FR 19782 (5/7/82)	Dec. 1, 1982.
82-318	Generic name: Mixture of naphthalene sulfonic acid, -(substituted amino)-hydroxy-(substituted phenyl)azo and naphthalene sulfonic acid, (substituted amino) hydroxy-(substituted phenyl)azo, compounded with organic acids	47 FR 19782 (5/7/82)	Nov. 29, 1982.
82-372	Generic name: ((Substituted phenyl)azo)-dihydro-hydroxy-alkyl-oxo-pyridinecarboxitrile	47 FR 23554 (5/28/82)	Aug. 25, 1982.
82-394	Generic name: Modified polyurethane from a disocyanate, substituted alkanol and a substituted alkane diol	47 FR 25401 (6/11/82)	Nov. 29, 1982.
82-398	Generic name: A mixture of benzamide, N-((substituted naphthyl)azo)phenyl-(substituted amino)-hydroxy-sulfonaphthylazo and benzamide N-((substituted naphthyl)azo)phenyl-(substituted amino)-hydroxy-sulfonaphthylazo, compounded with organic acids	47 FR 25402 (6/11/82)	Sept. 24, 1982.
82-410	Generic name: Substituted heterocycle, amine salt	47 FR 25403 (6/11/82)	Nov. 15, 1982.
82-446	Generic name: Substituted imidazolidinone	47 FR 26994 (7/2/82)	Dec. 20, 1982.
82-448	Generic name: A reaction product of phenylbis (((butane derivative)-substituted)-phenyl)azo compounded with organic acids	47 FR 26995 (7/2/82)	Oct. 18, 1982.

IV. 25 CHEMICAL SUBSTANCES FOR WHICH EPA HAS RECEIVED NOTICES OF COMMENCEMENT TO MANUFACTURE—Continued

PMN No.	Chemical identification	FR citation	Date of commencement
82-529	Generic name: Aliphatic acid ester salt	47 FR 34186 (8/6/82)	Dec. 1, 1982.
82-530	Generic name: Acidic aliphatic ester	47 FR 34186 (8/6/82)	Dec. 1, 1982.
82-558	Generic name: Acetamidodimethylsiloxane	47 FR 35334 (8/13/82)	Nov. 12, 1982.
82-561	Generic name: Substituted unsaturated polycyclic alcohol	47 FR 35334 (8/13/82)	Jan. 7, 1983.
82-565	Generic name: Alkenyl alkanoate ester	47 FR 36469 (8/20/82)	Dec. 15, 1982.
82-629	Generic name: Dimethyl hydantoin-formaldehyde-toluene sulfonamide condensation product	47 FR 39885 (9/10/82)	Dec. 3, 1982.
82-641	Generic name: Substituted ammonium sulfonate	47 FR 39885 (9/10/82)	Jan. 4, 1983.
82-657	Generic name: Sulfonated vinyl polymer	47 FR 41167 (9/17/82)	Dec. 10, 1982.
82-667	Generic name: Cyclic aldehyde	47 FR 42152 (9/24/82)	Dec. 13, 1982.
82-670	Generic name: Oxirane polymer of isocyanic acid ester	47 FR 42153 (9/24/82)	Dec. 14, 1982.
83-21	Generic name: Trisubstituted azo naphthol disulfonic acid	47 FR 48373 (10/18/82)	Dec. 4, 1982.

V. 24 PREMANUFACTURE NOTICES FOR WHICH THE REVIEW PERIOD HAS BEEN SUSPENDED

PMN No.	Identity and generic name	FR citation	Date suspended
80-137	Benzeneamine, 4,4'-methylene bis [N-(1-methylbutylidene)]	45 FR 48243 (7/18/80)	Sept. 22, 1980.
80-138	Benzeneamine, 4,4'-methylene bis [N-(1-methylbutylidene)]	45 FR 48243 (7/18/80)	Do.
80-146	Phosphordithioic acid O,O'-di (isohexyl, isohexyl, isooctyl, isononyl, isodecyl) mixed esters zinc salt	45 FR 49153 (7/23/80)	Sept. 17, 1980.
80-147	Phosphordithioic acid O,O'-di (isohexyl, isohexyl, isooctyl, isononyl, isodecyl) mixed esters	45 FR 49153 (7/23/80)	Do.
80-264	Generic name: Benzeneamine, [N-(1-methylhexylidene)-N-(1-methyl butylidene)-4,4'-methylene bis]	45 FR 73127 (11/4/80)	Dec. 24, 1980.
81-558	4-hydroxy-3-(5-(2-hydroxysulfonyloxy) ethylsulfonyl)-2-methoxyphenylazo-7-succinylamino-2-naphthalenesulfonic acid disodium salt	46 FR 55146 (11/6/81)	Jan. 27, 1982.
81-561	4-[4-(2-hydroxysulfonyloxy) ethylsulfonyl]-5-methyl-2-methoxyphenylazo]-3-methyl-1-(3-sulfo-phenyl)-5-pyrazolone disodium salt	46 FR 55146 (11/6/81)	Do.
81-660	4-hydroxy-3-(2-methoxy-5-methyl-4-(2-(hydroxysulfonyloxy) ethylsulfonyl) phenylazo)-1-naphthalene sulfonic acid disodium salt	47 FR 1021 (1/8/82)	Mar. 28, 1982.
81-661	4-hydroxy-3-(2-methoxy-5-methyl-4-(2-(hydroxysulfonyloxy) ethylsulfonyl) phenylazo)-6-3-sulfo-phenyl amino-2-naphthalenesulfonic acid trisodium salt	47 FR 1021 (1/8/82)	Do.
82-60	Generic name: Zinc, O,O'-bis alkylphosphoro dithioate	47 FR 5932 (2/9/82)	Apr. 15, 1982.
82-387	Phosphordithioic acid, O,O', secondary butyl and isooctyl mixed esters	47 FR 25401 (6/11/82)	July 30, 1982.
82-388	Phosphordithioic acid, O,O', secondary butyl and isooctyl mixed esters, zinc salt	47 FR 25401 (6/11/82)	Do.
82-586	Withdrawn as of December 3, 1982.		
82-678	Generic name: Chlorinated aromatic azo anthraquinone pigment	47 FR 43161 (9/30/82)	Nov. 22, 1982.
82-679	Generic name: Chlorinated aromatic azo pigment	47 FR 43161 (9/30/82)	Do.
82-684	Generic name: Halogenated hydrocarbon	47 FR 43161 (9/30/82)	Dec. 16, 1982.
82-701	Generic name: Aromatic disazo dye	47 FR 44609 (10/8/82)	Dec. 20, 1982.
83-1	Generic name: Polyhalogenated aromatic alkylated Hydrocarbon	47 FR 46371 (10/18/82)	Oct. 22, 1982.
83-11	Oxirane [(phenyl methoxy) methyl-	47 FR 46372 (10/18/82)	Dec. 26, 1982.
83-23	Generic name: Substituted phenol	47 FR 46373 (10/18/82)	Dec. 21, 1982.
83-24	Generic name: Substituted pyridine	47 FR 46373 (10/18/82)	Dec. 24, 1982.
83-25	Generic name: Substituted pyridine	47 FR 46373 (10/18/82)	Do.
83-36	Generic name: Acrylated alkoxylated aliphatic glycol	47 FR 47068 (10/22/82)	Dec. 27, 1982.
83-37	Generic name: Acrylated alkoxylated aliphatic glycol	47 FR 47068 (10/22/82)	Dec. 27, 1982.
83-49	Generic name: Substituted pyridine	47 FR 49073 (10/29/82)	Dec. 21, 1982.

[FR Doc. 83-1986 Filed 1-26-83; 8:48 am]

BILLING CODE 6560-50-M

[OLEC-FRL 2294-2]

2,4,5-T, Agent Orange, and TCDD;
Release of Information Claimed To Be
Trade Secret or Confidential; Judicial
HearingAGENCY: Environmental Protection
Agency.ACTION: Notice of Intent to Release Data
Concerning the Pesticide 2,4,5-T, Agent
Orange, and TCDD.

SUMMARY: In connection with litigation in the United States District Court for the Eastern District of New York, *In re: Agent Orange Product Liability Litigation*, MDL No. 381, certain defendants in that litigation have served the United States with a discovery request for the production of documents in the possession of the Environmental Protection Agency concerning the following chemicals: 2,4,5-

trichlorophenoxyacetic acid (2,4,5-T), all isomers of tetrachlorodibenzo-p-dioxin (TCDD), and Agent Orange. Some of the documents which are responsive to the discovery request may contain information which is or is alleged to be trade secret, confidential or otherwise privileged. The government proposed that EPA documents be made available to the parties in the case without prior review, pursuant to a stringent protective order, for the sole purpose of conducting discovery in this litigation. The Protective Order provides that release to the parties on this basis shall not be regarded as a public disclosure. Many of the documents which would be responsive to the discovery request were submitted to the Agency by persons who are not parties to the litigation. The Protective Order provides for a hearing at which data submitters who are not parties to the litigation and who object to the release of their data

pursuant to the Protective Order may appear before the Court to comment on the adequacy of the Protective Order. Information submitted to EPA by non-parties who have not requested an opportunity to be heard by February 28, 1983 will be released by EPA pursuant to the terms of the Protective Order after that date. Information submitted by non-party data submitters who have made a timely request to participate in or present evidence at the hearing will not be released until the hearing has been held and the Special Master has so ordered. On January 13, 1983, Judge Pratt issued the Protective Order as Pretrial Order #42. The Protective Order is set forth in full at the end of this notice.

DATES: The hearing at which non-parties may object to the adequacy of this Protective Order will be held before Special Master Sol Schreiber at 10:00 a.m. March 4, 1983. Any non-party data

submitter wishing to participate in or present evidence at the hearing must notify Special Master Sol Schreiber at Suite 4915, 1 Penn Plaza, New York, New York 10119, (212) 594-5300 no later than February 28, 1983.

ADDRESS: The hearing will be held at United States District Court for the Eastern District of New York, Uniondale and Hempstead Turnpikes, Uniondale, New York 11513.

FOR FURTHER INFORMATION CONTACT: Judith Wheeler, Office of General Counsel, Pesticides/Toxic Substances Division (A-132), U.S. Environmental Protection Agency, 401 M Street, S.W.—Room 530WT, Washington, D.C. 20460, (202) 382-7510.

SUPPLEMENTARY INFORMATION: The Agent Orange case was brought by veterans of the Vietnam War who are seeking damages for adverse health effects allegedly caused by exposure to Agent Orange, a defoliant used during that conflict. Agent Orange, a mixture of 2,4,5-T and 2,4-D (2,4-dichlorophenoxyacetic acid), contained TCDD as a contaminant. The Agency is currently subject to a discovery request from the defendants for records in its files relating to 2,4,5-T, TCDD, and Agent Orange.

The defendant parties in the litigation who requested this discovery are Dow Chemical Company, Diamond Shamrock Corporation, Hercules, Incorporated, Monsanto Company, Thompson-Hayward Chemical Company, Hooker Chemical Company, Uniroyal, Incorporated, Thompson Chemical Corporation, and Hoffman-Taff, Incorporated. Although the request came from the defendants, it should be noted that the plaintiffs will also be given access to any information made available by the Agency in response to defendants' discovery request, subject to the same conditions and restrictions as the defendants.

The defendant parties have mutually agreed to permit release of records in Agency files consisting of or relating to the data defendants have submitted on 2,4,5-T, TCDD, and Agent Orange, subject to the provisions of a very stringent Protective Order governing access to and utility of the records. However, also among the documents in the Agency's files which are responsive to the discovery request are records consisting of or relating to data submitted by sources who are not parties to the litigation. This information includes, but is not limited to, information submitted to the Agency by companies in connection with the registration of pesticide products

containing 2,4,5-T. In addition, Agency files currently contain information on 2,4,5-T, TCDD, and Agent Orange, which was not submitted in connection with the registration process. The requested information may include trade secrets, product formulae, and manufacturing process data, or other data for which claims of confidentiality have been or might be made. Information responsive to the discovery request may have been submitted to EPA pursuant to the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), the Toxic Substances Control Act (TSCA), the Resource Conservation and Recovery Act (RCRA), The Food, Drug and Cosmetic Act (FDCA), the Clean Air Act, the Federal Water Pollution Control Act or other statutes.

The Agency proposed that the provisions of the Protective Order should govern the release of both party and non-party information contained in Agency records. On January 13, 1983, the Court approved the Protective Order, making it applicable to both party and non-party data.

The Protective Order provides, in part, that release by EPA of the information on the subject chemicals pursuant to the Protective Order "... shall not be considered public disclosure under the applicable statutes and regulations governing disclosure of the responsive documents." Accordingly, with respect to information on the subject chemicals released pursuant to the Protective Order, EPA's statutory and regulatory obligations regarding the public disclosure of trade secrets and/or confidential information (e.g., FIFRA § 10(d)) are inapplicable. The Protective Order provides restrictions on who may examine documents and on the use of the documents.

The Agency believes that the Protective Order will adequately protect any information which will be released to the parties. However, the Agency has requested that the Court hold a hearing to allow non-parties and opportunity to be heard on the question of whether the Protective Order provides adequate protection. The terms and conditions of the Protective Order are fully set out below.

Any non-party wishing to participate in or present evidence at the hearing must notify special Master Sol Schreiber in writing by February 28, 1983.

Dated: January 25, 1983.

Robert M. Perry,
Associate Administrator for Legal and
Enforcement Counsel and General Counsel.

U.S. District Court Eastern District of New York

In re "Agent Orange" Product Liability Litigation, MDL #381 (all cases), pretrial Order No. 42.

On December 21, 1983, special master Sol Schreiber submitted a "Recommended Protective Order Governing Documents Obtained From the Environmental Protection Agency." See Appendix. No party has objected to the terms of the order, and the court approves and adopts it in full.

So ordered.

Dated: Uniondale, New York, January 13, 1983.

George C. Pratt

U.S. Circuit Judge*

U.S. District Court Eastern District of New York

In re "Agent Orange" Product Liability Litigation, MDL #381 (all cases), Special Master's Recommended Protective Order Governing Documents Obtained From the Environmental Protection Agency.

This Protective Order is entered pursuant to Rule 26(c) of the Federal Rules of Civil Procedure. Based upon information furnished to the Court by the Environmental Protection Agency ("EPA", "Agency") and after hearing from counsel for all parties, the Court finds that:

1. Pursuant to several of its authorizing statutes and regulations, EPA requires that various kinds of information be submitted to it for various purposes associated with its regulatory responsibilities. In addition, other information is generated or collected by EPA. Some of this information which is currently contained in EPA's files is relevant to this proceeding and is responsive to the defendants' discovery requests for documents served on the United States Government.

2. The information described in Paragraph 1 was submitted to the agency by, or related to, both parties and nonparties in this proceeding.

3. Much of this information, whether it relates to parties ("party information") or non-parties ("non-party information"), is subject to claims of confidentiality under applicable federal statutes and regulations, and may be entitled to confidential treatment, including non-disclosure, limited disclosure or restricted disclosure.

4. The responsive documents which are subject to claims of confidentiality or privilege are intermingled and not easily separable from all other responsive documents not subject to such claims. Moreover, many individual responsive documents contain both confidential/privileged information and non-confidential/non-privileged information.

5. Due to the large total number of responsive documents in the Agency's files (estimated to be in excess of one million

*Of the United States Court of Appeals, Second Circuit, Sitting by designation.

pages). EPA would need a great deal of time to separate confidential/privileged documents from all other documents, and to separate confidential/privileged information from non-confidential/non-privileged information within the body of certain individual documents.

6. Prior review by EPA of all responsive documents in order to segregate or delete confidential/privileged information would substantially delay the discovery process and make it unlikely that the scheduled June 27, 1983 trial date would be met. In addition, such segregation would be at considerable expense of Agency's resources.

It is therefore ordered, adjudged, and decreed:

7. That EPA release to any party requesting such release, any responsive documents, or information contained therein, to be used exclusively for purposes associated with litigation of this case pursuant to Paragraphs 10 and 15, and for no other purpose.

8. That such release by EPA pursuant to this Protective Order shall not be considered public disclosure under the applicable statutes and regulations governing disclosure of the responsive documents.

9. By agreement among the party-defendants, in order to expedite the discovery process, all responsive documents submitted by or collected from party-defendants, including those subject to claims of confidentiality, shall be released by EPA pursuant to the terms of this Protective Order.

10. Before EPA makes available to the parties for use in this litigation any responsive documents containing non-party information, notice to non-parties will be given as follows: To the extent EPA is able to identify non-party data submitters, personal notice by mail will be provided. In addition EPA will give notice by publication in the Federal Register. Within 10 days of entry of this Order, EPA will submit to this Court and serve on all parties a proposed form of notice. Such notice shall state the facts giving rise to this Protective Order in addition to informing such non-parties that release of any responsive documents or information contained therein, which are subject to claims of confidentiality by non-parties, will commence 30 days after this notice has been mailed or published unless, within that time, an affected non-party requests an opportunity to be heard before this Court. In the event of such a request, EPA will continue the discovery by producing other non-party data to the extent it can be readily segregated from non-party data subject to the request for hearing. The documents of the requesting non-party will not be released to the parties in this case pending further order of this Court. Any objection from non-parties will be directed to the Special Master for his review and recommendation to this Court.

11. That pursuant to the exemption in section (b)(11) of the Privacy Act, 5 U.S.C. § 552a, providing for disclosure of information subject to that Act pursuant to an order of a court of competent jurisdiction, it is hereby ordered that responsive documents or information contained therein, which are subject to claims of privilege based on privacy considerations, are to be released by

EPA in response to appropriate discovery requests in this proceeding and subject to the terms of this Protective Order.

12. That nothing in this Order shall be construed to constitute a waiver of a right to claim confidential treatment for any document entitled to it under all applicable federal statutes and regulations in any circumstances other than those addressed in this Protective Order except as provided by the Protective Order.

13. That the provisions of Section 12(a)(2)(D) of the Federal Insecticide, Fungicide and Rodenticide Act ("FIFRA"), and all of the penalties attached thereto, regarding unlawful use of information acquired by authority of FIFRA which is confidential thereunder, apply to information released pursuant to this Order but used in a manner inconsistent with this Order.

14. That federal statutes mentioned in paragraphs 3 and 12 of this Order shall include, but are not limited to, sections 10(b), 10(f) and 10(g) of FIFRA, the Trade Secrets Act, 18 U.S.C. § 1905, (Supp. IV, 1980) and the Privacy Act, 5 U.S.C. § 552(a) (1976).

15. That the term "used exclusively for purposes associated with litigation of this case" as used in Paragraph 7 of this Order is defined as follows:

a. Responsive documents, and information contained therein, will be used exclusively for the purpose of discovery and trial preparation in the subject litigation as contemplated by the Federal Rules of Civil Procedure, and will be kept confidential and will not be exhibited, described to, or discussed with anyone not a Designated Person (as defined in paragraph c, *infra*), or a Qualified Person (as defined in paragraph d, *infra*), or counsel for the United States. No use will be made of these documents or information contained therein, for any purpose other than such discovery and trial preparation in this litigation.

b. Responsive documents may be copied only to the extent necessary to permit their use in accordance with the terms of this Order and no further. Any Designated Person who requests and receives a copy of any responsive document will be held responsible and accountable for that copy of the document and all copies made of that copy for any purpose.

c. A Designated Person is one who, in advance of seeing any of these documents, (i) is designated by counsel of record for any party to this litigation, and (ii) signs a formal consent (Exhibit A) to be bound by all the terms of this Order. Each counsel of record will be responsible for forwarding copies of the designation and signed consent forms to this Court, where they will be filed under seal.

(i) Plaintiffs' Designees may include a reasonable number of: each plaintiff's counsel of record, their paralegals and/or their professional consultants or expert witnesses, and no others.

(ii) Defendants' Designees may include a reasonable number of: each defendant's counsel of record, their paralegals, their professional consultants or expert witnesses, and no others.

(iii) The professional consultants or expert

witnesses referred to in sub-paragraphs (i) and (ii) *supra*, may not be employees, corporate representatives or corporate consultants of chemical companies; however, they may include independent consultants or expert witnesses paid by the companies.

d. A Qualified Person is a witness to a deposition noticed by any party to this litigation, provided that:

(i) all persons in attendance at the deposition, except for the Court Reporter, and counsel for the United States, are Designated or Qualified Persons;

(ii) the witness is advised in writing or on the record of the deposition of this Order and the witness agrees in writing or on the record to be bound by all its terms;

(iii) copies of documents covered by this Protective Order, through identified and numbered as exhibits to the deposition, will not be made a physical attachment to the transcript of the deposition to be filed with the Court (unless filed under seal).

(iv) any reference at the deposition to documents of non-parties will cause that portion of the deposition testimony to be sealed.

e. No copy of these documents will be made a part of the Court record of this multi-district litigation for any purpose whatsoever except under seal.

f. Upon the termination (by District Court order or verdict or settlement) of all the actions consolidated in this multi-district litigation, all designees of all parties will provide to the counsel of record for the United States either (i) all copies of these documents retained by them, or (ii) a statement to the effect that all such copies have been destroyed.

g. At any point in time prior to the termination of these actions that any party's counsel no longer needs these documents for the purposes outlined herein, that party's designees will provide the counsel of record for the United States either (i) all copies of these documents retained by them, or (ii) a statement to the effect that all such copies have been destroyed.

h. No modification of this Order will be made, nor any additional use of the documents authorized, except by order of the District Court for the Eastern District of New York upon written application to the Court and after an opportunity for all parties and the United States Government to be heard.

i. This Order shall be binding upon all persons, including parties, Designated Persons and Qualified Persons. It is enforceable by the contempt powers of the United States District Court and any other applicable or appropriate sanction imposed in the discretion of a District Judge of competent jurisdiction.

j. If any Designated or Qualified Person becomes the subject of any court's subpoena for the production of any of these documents, or information contained therein, that person will promptly notify the Government and all parties to this litigation of the pending subpoena, and notify the issuing court of this Protective Order.

k. If at any time any party wishes a waiver relative to a certain document or documents

from the restrictions imposed by the conditions in this Paragraph, the party may request such a waiver from this Court in writing, with notice to all other parties and the Government, specifically identifying the document or documents in question and the purpose for which the waiver is requested.

16. That documents, information or testimony submitted to EPA in connection with the 1974 proceeding involving the Dow Chemical Company ("Dow") and Hercules Incorporated and the 1979 proceeding involving Dow but filed under seal, as well as materials submitted to or developed by EPA in connection with settlement discussions (including documents reflecting the substance of those discussions) arising from the 1979 2,4,5-T/silvex cancellation proceeding shall not be produced in response to discovery requests in this litigation.

17. By agreement of EPA and the Monsanto Company, nothing in this Order shall be construed to supersede or affect in any way the status of the litigation between Monsanto and EPA in *Monsanto Company v. Gorsuch*, No. 79-0366-C, presently pending in the U.S. District Court for the Eastern District of Missouri. In particular, nothing in this Order is in conflict with or is intended to supersede or affect paragraph 8 of the April 7, 1981 order entered by the Court in that case. Monsanto Company is bound by this Protective Order to the same extent as the other party-defendants.

Dated: December 21, 1982.

Sol Schreiber,
Special Master.

Exhibit "A"

Agreement Concerning Environmental Protection Agency Documents Subject to Protective Order Entered in the United States District Court for the Eastern District of New York on , 1982.

The undersigned hereby acknowledges that he has read the Protective Order, date , 1982, and entered in the United States District Court for the Eastern District of New York , 1982, in the action entitled *In Re Agent Orange Product Liability Litigation*, MDL No. 381 (All Cases), understands the terms thereof and agrees to be bound by such terms as if he were signatory thereto.

(Date)

Signature

Business Address.

Designating Counsel.

[FR Doc. 83-2529 Filed 1-26-83; 10:29 am]

BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

[File No. 26010-CL-P-(13)-82, etc.]

Advanced Mobile Phone Service, Inc., et al., Designating Applications for Consolidated Hearing on Stated Issues

Memorandum Opinion and Order Granting Authorization and Designating Applications for Hearing

Adopted: January 18, 1983.

Released: January 21, 1983.

In re Applications of Advanced Mobile Phone Service, Inc., File No. 26010-CL-P-(13)-82, for a construction permit to establish a new cellular system operating on frequency block B in the Domestic Public Cellular Radio Telecommunications Service to serve the Philadelphia, Pennsylvania, Standard Metropolitan Statistical Area. Unity Telecommunications Systems, Inc., CC Docket No. 83-25, File No. 26124-CL-P-(13)-82; Celcom Communications Corporation of Pennsylvania, File No. 26164-CL-P-(16)-82; Automatic Wide-Area Cellular Systems, Inc., File No. 26084-CL-P-(18)-82; Cellular Mobile Systems of Pennsylvania, Inc., File No. 26188-CL-P-(16)-82; MCI Cellular Telephone Company, File No. 26113-CL-P-(13)-82; For a construction permit to establish a new cellular system operating on frequency block A in the Domestic Public Cellular Radio Telecommunications Service to serve the Philadelphia, Pennsylvania, Standard Metropolitan Statistical Area. Designating applications for consolidated hearing on stated issues.

By the Common Carrier Bureau:

1. Presently before the Chief, Common Carrier Bureau, under delegated authority are (a) the captioned applications of Unity Telecommunications Systems, Inc. (Unity), Celcom Communications Corporation of Pennsylvania (Celcom), Automatic Wide-Area Cellular Systems, Inc. (AWACS), Cellular Mobile Systems of Pennsylvania, Inc. (CMS), MCI Cellular Telephone Company (MCI), and Advanced Mobile Phone Service, Inc. (AMPS) to construct cellular radio systems to serve the Philadelphia, Pennsylvania, Standard Metropolitan Statistical Area (SMSA);¹ and (b)

¹ In its decision in Cellular Communications Systems, CC Docket No. 79-318, 86 FCC 2d 469 (1981) (hereinafter referred to as Report and Order), modified in Memorandum Opinion and Order on Reconsideration, 89 FCC 2d 58 (1982), and further modified in Memorandum Opinion and Order on Further Reconsideration, 90 FCC 2d 571 (1982), the Commission adopted rules for the cellular radio service.

various motions, petitions, and pleadings related to the applications.² AMPS proposes use of the wireline allocation (frequency block B) and Unity, Celcom, AWACS, CMS, and MCI propose use of the nonwireline allocation (frequency block A).

2. As discussed below, after carefully reviewing the applications and related pleadings, we find all applicants except Unity to be fully qualified to construct and operate a cellular system in Philadelphia. Because we find that the public interest would be served thereby, we will grant the AMPS application. Since the proposals of Unity, Celcom, AWACS, CMS, and MCI to use the same frequencies in the same geographical area are mutually exclusive, a comparative hearing will be held to determine which of the applicants would best serve the public interest. We are also requiring that AWACS, Unity, and MCI modify their applications as set forth below. Finally, for the reasons discussed below, we are designating qualifying issues concerning the Unity application.

Unity Application

3. *Financial qualifications.* Petitioners AWACS, Celcom, and CMS contend that Unity has failed to demonstrate that it is financially qualified to construct and operate its proposed facilities. The arguments raised relate to the same financial showing which Unity submitted for all five markets in which it applied (Philadelphia, Miami, Tampa, Detroit, and Atlanta). Our discussion of the financial qualifications in this order will take into account the financial showing for each of these markets and will dispose of arguments raised by petitioners in each of the respective applications.

4. Unity submitted a June 3, 1982, letter from Faneuil Hall Associates (Faneuil) stating that it " * * * is prepared to act as lead investor in arranging a financing in the range of \$50,000,000 for Unity * * *." The petitioners contend that Faneuil has not sufficiently identified itself; described its prior experience in arranging financing; or stated its required terms of equity ownership. The petitioners conclude that Unity has failed to provide reasonable assurance that \$50 million in equity financing is available.

5. The Commission, when it adopted its cellular rules, contemplated applicants might need or want to obtain

² Petitions to defer Commission action on the AMPS application pending a grant of a construction permit for the non-wireline block of frequencies have also been filed by Rogers and CMS. See paragraph 38 below.

equity financing. Section 22.917(e) of the Rules requires applicants using such financing to furnish the identity of the investor, letters of commitment, and the terms of the transaction. In its letter, Faneuil identifies itself as " * * a Massachusetts venture capital limited partnership [which] has participated in a large number of venture financing for start-up companies in several industries." In its reply, Unity further identifies Faneuil by stating that Faneuil is " * * another financing institution with whom principals in UTS have had a long and successful relationship." While this information, although minimal, may be sufficient to identify Faneuil, the June 3 letter indicates that Faneuil is not the sole investor; rather Faneuil states that it will be the "lead investor" in the equity financing package. We conclude, therefore, that the equity arrangement will involve additional investors who are not identified in the application as required by the rules. Nor are any terms of the \$50 million equity participation specified either in the financial section of the application or in the pleadings.

8. The Faneuil Hall equity financing arrangement is distinguishable from that which the Commission accepted in *Advanced Mobile Phone Service, Inc.*, et al. (*Chicago Order*), FCC 82-452, released November 1, 1982, at para. 10-12. In that case, one of first impression, the equity financing agreement involved a publicly offered stock purchase plan. The plan was described in great detail. The applicant submitted letters expressing the expert opinion of a large and experienced banking firm that funds were available to the applicant through a public offering. The letters explained in detail how the firm had reached its decision, stating that it had previously managed three successful financings for the applicant and thus was familiar with the marketplace's reaction to the applicant's offerings. The letters further stated that the equity commitment was made only after the firm had carefully analyzed the applicant's financial position, its current capitalization, and its future business plans, and, moreover, the firm agreed to act as managing underwriter with respect to the issue. The letter from Faneuil, on the other hand, contemplates a privately offered stock purchase plan. When there is a privately offered plan, the Commission has long required the applicant to identify the prospective shareholders and to show that they are able to meet their commitments. See, e.g., *Merrimack Valley Broadcasting, Inc.*, 82 FCC 2d 166, 174-5 (1980), and *Peoples Broadcasting Corporation, et al.*, 68 FCC

2d 1569, 1575 (1978). No subscribers other than Faneuil are identified, and no details of the stock purchase plan are furnished. We are not told whether Faneuil has any experience soliciting investors in the telecommunications industry, whether it has obtained commitments or expressions of interest, or whether it has even identified a potential pool of cellular investors. Accordingly, we are unable to conclude that Unity has provided reasonable assurance that the \$50 million equity financing is available.

7. Unity also submitted a \$50 million letter of credit from Freedom National Bank of New York. The petitioners argue that the bank has not committed its own funds to Unity but simply agreed to assist Unity in seeking financing. Rules Section 22.917(e) requires applicants relying on credit arrangements to furnish such information as the identity of the creditor (or creditors), letters of commitment, and terms of the transaction. Although exact details such as interest rates need not be specified, the applicant must submit sufficient information as to provide reasonable assurance that the funds are available. See *Multi-State Communications, Inc. v. FCC*, 590 F.2d 1117 (D.C. Cir. 1978), cert. denied, 440 U.S. 959 (1979). After reviewing the letter of credit from Freedom National Bank, we conclude that the applicant has failed to demonstrate reasonable assurance that the funds are available. The letter states that the bank's principals " * * shall be pleased to participate in the total financing opportunity associated with [the 5 Unity applications] * * ." The letter specifies an upper credit limit of \$50 million. No mention is made of payment schedules, amount of payments, interest rates, commitment fees, or any other terms of the transaction. The letter goes on to state: "It is our intention to syndicate any application that may be forthcoming in the form of a consortium of [various financial and lending] institutions with whom we have had successful participations in the past." The letter provides no information to identify the other institutions which will comprise the consortium, and no commitment letters are furnished from such institutions. Under the circumstances, we cannot find that the \$50 million in credit will be available from the Freedom National Bank.

8. For the reasons discussed above, we conclude that Unity has failed to demonstrate the availability of funds necessary to construct and operate its proposed cellular systems. We will therefore designate an issue as to

whether Unity is financially qualified in Philadelphia and in the four other markets where Unity applied. We have chosen to designate in this order a financial issue as to Unity's entire financing arrangement because we believe this approach is the most efficient way to consider the various Unity applications, i.e., it can be determined whether Unity has financing for one market, or all five markets, or some number in between. Unity will at that point have greater discretion for deciding how many (and which) applications to prosecute. The alternative is to examine each Unity application in hearing on a case-by-case basis. This approach duplicates the efforts of all parties and (in the event that Unity can demonstrate the availability of some but not all of its financial arrangement) depends not on which applications Unity prefers to prosecute but on the luck-of-the-draw as to which markets are examined (and in what order) by the Commission. We will therefore examine in hearing the overall financial package of Unity and, depending on how much funding is available, permit Unity to modify or dismiss other applications accordingly.³

9. *Technical qualifications.* The petitioners have raised objections to various aspects of the applicant's technical proposal. The staff has, upon review of the application, identified a number of inconsistencies or defects in the technical portions of the application. These defects are briefly described below.

10. *Digital transmission.* CMS contends that the digital transmission rate specified in Unity's technical proposal will render Unity's cellular system incompatible with cellular systems in other markets, in violation of the Commission's cellular rules. In reply, Unity explains that CMS' technical objection was based on a confusion as to the purposes of the digital transmission and that the Unity system in fact complies fully with the Commission's rules and will be compatible with other cellular systems. It appears that the particular equipment proposed by Unity has previously been type-accepted by the Commission. Furthermore, the cellular rules require compatibility with other cellular systems. We find that Unity has adequately responded to the petitioner's

³ In addition to Philadelphia, Unity has filed cellular applications for Miami, Tampa, Detroit, and Atlanta. In those markets, any applicant whose proposal is electrically mutually exclusive with Unity's application may file a motion for limited intervention on the financial issue in this proceeding.

allegations on this matter. In any event, a system operated by Unity or any other licensee will be subject to the rules' compatibility requirement.

11. *Site availability.* Petitioners CMS, MCI, and AWACS contend that Unity has not demonstrated that its proposed sites are available and that Unity has merely designed a hypothetical system with no specific sites. Unity replies that it has reasonable assurance of site availability and meets the Commission's standards in this regard. The Commission does not require that actual copies of site leases be submitted but does require that an applicant demonstrate reasonable assurance that proposed sites are available. *Sampson Broadcasting Co., Inc.*, 52 FCC 2d 954, 959, (1975). We agree with petitioners based on both internal inconsistencies and the lack of any sort of documentation regarding sites. First, in its engineering data (Section 4, Exhibit E-1), Unity specifies the locations and coordinates of the 13 proposed cell sites. While Exhibit E-1 shows Sites B, D and, apparently, F to be existing structures, Exhibit E-34 (FAA notification Form 7460-1) shows all 13 antennas to be free-standing monopoles. Furthermore, in Section 3, at p. 23, Unity states that "[m]ost of the cell sites are to be installed on existing structures (towers located on antenna farms and/or high rise buildings)," yet at least 10 of the antennas are described as *new* structures in Exhibit E-1, and *all* are listed as new monopoles⁴ in Exhibit E-34. It is not possible to cross-check and verify the antenna structure information in the Form 401 submission because Unity included only three representative sketches of types of antenna mountings (Exhibit E-14) rather than a sketch for each site.⁵ Second, there is no documentary evidence of any kind to show that any of the sites is on an antenna farm, as represented by Unity. To establish reasonable assurance, an applicant must, at the very least, show that the site has been used as an antenna site in the past and will continue to be used as such. The burden only involves obtaining a brief letter from the owner of the property or his agent attesting to the existence and future availability of the site. Even a copy of a public record showing the use

of the land as an antenna farm would suffice. Unity has failed to provide anything other than unsworn statements which, as shown above, are not internally consistent. Based on the foregoing, we shall designate a site availability issue for each of the 13 sites against Unity. The Administrative Law Judge may use our summary procedures to resolve this issue if Unity submits amendments showing reasonable assurance and correcting the inconsistencies mentioned above.

12. *Vertical profile sketches.* In its petition to deny, AWACS points out that the Unity application does not include vertical profile sketches of the various proposed antenna structures. Such profile sketches are a requirement of § 22.15(c). We are unable to find them. We therefore instruct Unity to submit conforming amendments with the Administrative Law Judge (ALJ) providing the required vertical profile antenna sketches and to bring its application in compliance with the rules.

13. *Effective radiated power.* In reviewing the Unity applications, the staff has found that the figures given for effective radiated power (ERP) (Exhibit E-17) are inconsistent with the calculated ERP or transmission line loss figures given in Exhibit E-13. We will therefore require the applicant to submit an amendment with the ALJ which provides the correct figures for losses between the transmitter and the antenna for each location in order to clarify the apparent discrepancies in ERP.

14. *Major environmental action.* AWACS argues that portions of the Unity application constitute a major environmental action and must therefore include an environmental impact statement pursuant to § 1.1305 of the Rules. The Unity application includes three cell sites the construction of which, under § 1.1305, may constitute a major action. (Unity states that construction of the other sites constitutes minor actions. The petitioner does not contest this representation.) Unity has submitted a statement (Section 4, Exhibit E-35) describing the facilities to be constructed at the three sites, including height and special design features, and also describing the site, the surrounding area and its uses. In discussing the considerations which led to selection of the three sites, Unity further states that to its knowledge, there are no zoning prohibitions in effect and no adverse environmental effect would result from the proposed construction. We conclude that Unity has fully complied with the requirements of §§ 1.1305, 1.1311, and 22.913(a), concerning the National

Environmental Policy Act and related Commission Rules. Based on the materials submitted by Unity, we have determined, pursuant to § 1.1313(b), that grant of the application will not have a significant environmental effect.

15. *CGSA.* AWACS contends that the Unity application is defective for failing to define its proposed CGSA. In its response (Exhibit 1), Unity states that the CGSA is defined by and is depicted in the application by the 39 dBu contour coverage. Although the CGSA is not drawn on the contour map submitted by the applicant and no explanatory statement appears in the application as to the exact area which the applicant considers as constituting the CGSA, we will nevertheless accept the response submitted by Unity as clarification on this issue. In order to make it easier for the ALJ to compare proposals, we will require Unity to submit an amendment with the ALJ consisting of a new map which includes the following information: a) All cell sites plotted; b) 39 dBu contours for each site; c) CGSA boundary; and d) SMSA boundary. Also, the map must indicate pertinent border information to determine proper station plotting of all cell sites.

16. The defects discussed above, when taken individually, appear for the most part to be minor, and some of them will be resolved by amendments which we have instructed Unity to file. We will designate a site availability issue and permit the other technical matters discussed above to be resolved through the normal comparative process. Under our cellular rules and policies, if the ALJ should determine that technical deficiencies remain, the ALJ will be able to award comparative demerits where appropriate.⁶

CMS Application

17. *Financial qualifications.* Petitioners AWACS and Celcom allege that CMS is not financially qualified. The Commission has already concluded that the Graphic Scanning Corporation, CMS' parent, is financially qualified to construct and operate cellular systems in all thirty markets, including Philadelphia, for which CMS has applied. See *Chicago Order*, *supra* note 3, at paras. 6-12. Additionally, the Philadelphia application includes a letter dated June 2, 1982 from the parent company to CMS committing \$6,000,000 for the CMS Philadelphia Cellular System. The letter specifically states

⁶ See para. 41, *infra*. Because we are adding qualifying issues, we will suspend the procedural deadline in Section 22.916(b)(4) and allow the Administrative Law Judge to require such additional evidence as may be necessary. See para. 47.

⁴ This terminology indicates that the applicant intends to construct a new monopole structure on the ground rather than attach an antenna to a previously-constructed rooftop antenna site.

⁵ In contrast, each of the other applicants has included a sketch of each antenna structure which corresponds to the description of the site in the Form 401. See, e.g., MCI Application, Vol. 1, pp. 1-23a through 1-45, and AWACS Application, Vol. 1, Exhibit E-6 for each site.

that none of these funds have been committed to other cellular system applications or to other projects. We find that this satisfies the requirement of § 22.917(b) that resources used to demonstrate financial ability regarding one cellular system may not include funds committed elsewhere, and we find CMS financially qualified to construct and operate the proposed cellular system in the Philadelphia market.

18. *Technical issues.* AWACS raised certain objections as to whether CMS has adequately demonstrated site availability and whether the CMS facilities will be capable of handling off calls from cell to cell as a mobile unit moves across the Philadelphia area. The responses submitted by CMS are sufficient to demonstrate with reasonable assurance that the proposed sites are available and that the proposed facilities are fully capable of providing the requisite automated service. We conclude that the CMS proposal fully complies with the technical standards set forth in the appendix to the *Report and Order, supra*.

19. *Market study.* AWACS questions the validity of CMS' market study, claiming its forecasts of demand to be unrealistically low. AWACS contends that, since the CMS forecasts of demand are erroneous, the applicant cannot possibly design a cellular system which will meet the demand which will in fact materialize. AWACS concludes that the application is therefore defective. In response, CMS submitted a detailed analysis which supports the validity of its market study, points to alleged misstatements in the petitioner's arguments, and finally contends that the issue of the ability to meet anticipated demand is a comparative rather than a qualifying issue. After reviewing the materials submitted by both parties, we conclude that CMS has adequately responded to the questions raised on this issue. The applicant's ability to meet anticipated demand is, as suggested by CMS, a comparative issue which will be examined as such in hearing. We therefore decline to designate a qualifying issue on this basis.

Celcom Application

20. *Financial qualifications.* Petitioners CMS and AWACS argue that Celcom has failed to demonstrate it is financially qualified to construct and operate the proposed cellular system. The petitioners also question the adequacy of the applicant's income and expenses statement and the availability of the debt financing included in the Celcom financial showing. Celcom has submitted a balance sheet dated June 4,

1982, and a 4-year statement of projected income and operating expenses to cover the three-year construction period and the first year of operation. Projected expenses, which are itemized in detail, total approximately \$15.6 million. Celcom has submitted a letter of credit to cover this amount from the Michigan National Bank. The letter specifies interest rates ($\frac{1}{4}$ of 1% above the Prime Rate in effect at the time the loan is advanced) and describes the bank's contemplated payment schedule. We conclude that Celcom has provided reasonable assurance of the availability of funds and has fully demonstrated its financial qualifications in terms of the requirements of § 22.917.

21. *Site availability.* Petitioners CMS and AWACS contend that Celcom has not demonstrated the availability of its proposed sites. Celcom has proposed 16 sites in the Philadelphia area and has furnished the coordinates and exact address of each cell site (Table A, Engineering statement). In the application (Exhibit No. 4), Celcom stated that it owns each of the proposed sites or will enter into leases for their use, and offered to furnish documentation as to site availability if necessary. This information provides reasonable assurance that the proposed cell sites are available for the applicant's use. The cellular rules do not require that copies of lease agreements or deeds of ownership be furnished. See also *Sampson Broadcasting, supra*, and *Silver Beehive Telephone Company*, 35 FCC 2d 333, 336 (Rev. Bd. 1972).

22. *Market study.* AWACS questions the validity of the Celcom market study and argues that, since the study itself is defective, the application is also defective. This contention is essentially the same objection which AWACS raised against the CMS application. See our discussion of this issue in para. 19 above. For the same reasons stated above, we decline to designate a qualifying issue on this basis. The market study and its validity can be examined as part of the comparative proceeding.

AWACS Application

23. *Financial.* CMS contends that AWACS has not adequately justified its capital cost projections of \$17.5 million. CMS refers to the testimony (Exhibit 8, Attachment B) by one of the applicant's investors, Mr. Stuart Subotnick, principal of Metromedia, which estimates that Metromedia's commitment for the AWACS system may run as high as \$20 million. The petitioner argues that the testimony draws into question the validity of the \$17.5 million projection. We have

examined the statement by the investor and conclude that it does not undermine the validity of the applicant's cost estimates. Many applicants have, out of prudence, arranged financial backing in excess of estimated costs. The fact that an investor contemplated such a financial "cushion" does not, without more, indicate that the applicant's cost estimates are not valid. We therefore reject this contention.

24. CMS further contends that AWACS has failed to establish the availability of funds necessary to construct and operate the system. The AWACS financial plan (Application, Exhibit 8) is based on three separate commitments, one from Metromedia, Inc., one from Radio Broadcasting Company (RBC), and a third from LIN Cellular (a subsidiary of LIN Broadcasting Corporation). The three commitments are discussed individually below.

25. *The Metromedia commitment.* The petitioner alleges that Metromedia has not demonstrated its ability to meet its share of the Philadelphia AWACS proposal. Metromedia has committed itself to furnish \$13.75 million of the \$17.5 million estimated cost.⁷ The arguments made as to Metromedia's financial qualifications are similar to those raised in the Boston cellular market. The Commission has already examined these matters and found Metromedia financially qualified in all markets where it applied. See *Advanced Mobile Phone Service, Inc., et al. (Boston Order)*, Mimeo CC 896, released November 19, 1982. Accordingly, we conclude that AWACS has demonstrated that \$13.75 million is available from Metromedia for the Philadelphia AWACS proposal.

26. *RBC.* Of the \$17.5 million estimated cost for the Philadelphia AWACS proposal, RBC has committed itself to provide \$1.25 million. CMS alleges that AWACS has not demonstrated the availability of these funds. AWACS relies on a \$10 million letter of credit to RBC from the Continental Bank, Norristown, Pennsylvania. The letter refers to "a joint venture with Lin Broadcasting to seek authority from the Federal Communications Commission to serve the Philadelphia Metropolitan Area with a Cellular Mobile Telecommunication System." The petitioner contends that the actual venture contemplates a third party, Metromedia, with RBC's interest consequently diluted to less than one

⁷ Metromedia has committed itself to furnish \$12.5 million for capital costs, and \$1.25 million for noncapital items and first year operating expenses.

quarter of the venture. This subsequent material change, the petitioner argues, raises a question as to the availability to RBC of the funds from the bank. AWACS responds that the bank is in fact aware of the revised arrangement and has indicated to the applicant that the credit letter remains valid.

27. We conclude that the letter of credit reasonably demonstrates that the funds are available. The letter of credit makes no mention of what the bank contemplated would be the RBC's share in the AWACS proposal. Nor does the reference to a joint venture which includes RBC and LIN necessarily preclude additional parties to such an agreement. The petitioner has presented no factual material to support its allegations that, when the letter of credit was written (June 3, 1982, which was less than a week prior to the filing of the application), only two parties (RBC and LIN) participated in the AWACS proposal. This assertion also seems highly unlikely in view of the fact that the third party, Metromedia, is the major investor with \$12.5 million of the total \$17.5 million proposal. The petitioner has submitted no factual material to support the view that Metromedia arrived late as a part of the AWACS proposal. We therefore find that AWACS has reasonably demonstrated that \$10 million is available from RBC and that RBC is thus financially qualified to provide its \$1.25 million share of the Philadelphia AWACS proposal.

28. LIN. LIN's share as an investor in the AWACS proposal is \$2.5 million. LIN has also filed applications under its own name in four other markets (Los Angeles, Houston, Dallas-Forth Worth, and New York). In order to meet its commitment to AWACS, LIN relies on the same financing package which it arranged for its own four applications. LIN contends that the excess of funds available over its estimated costs in these four markets is sufficient to cover the commitment to AWACS in Philadelphia. CMS disputes the availability of the funds, arguing that \$44 million of the financial showing consists of projected revenue from first year cellular operation, which LIN has not adequately demonstrated to be available.

29. The arguments raised against the LIN financial showing are similar to those raised against LIN in the four markets where LIN is an applicant. These matters will be examined fully when the Commission reaches the applications in those markets for which LIN is the applicant, rather than a joint venturer. However, it is unnecessary to

resolve this question in the context of the Philadelphia AWACS application, because funds to cover the LIN commitment are available from Metromedia. The application shows (Exhibit 8, Attachment C) that Metromedia has demonstrated the availability of \$17 million, and its share is only \$13.75 million. The applicant states (Exhibit 8, page 3) that Metromedia is prepared to finance the entire AWACS proposal if necessary. Hence, we conclude that the applicant has sufficient surplus to cover the \$2.5 million even without the LIN contribution.

30. For the reasons discussed above, we find AWACS is financially qualified to construct and operate the proposed system in Philadelphia.

31. *Cell-splitting plan.* CMS contends that AWACS has failed to comply with Section 22.913(a)(5), which requires applicants to indicate the basis for determining whether sufficient congestion exists to warrant cell-splitting. In its application (Exhibit E-12, § 22.913(a)(5) showing), AWACS states that its computerized system will monitor actual use, compile a data base of such use, and that AWACS will use these compiled statistics to make future decisions regarding cell-splitting. AWACS specifies the quantitative channel loading standards (AWACS proposes a Grade of Service of P.05 as the standard of congestion to warrant cell-splitting; see engineering Exhibit E-12), which will be used to determine when the cell-splitting will take place. We conclude that AWACS has fully complied with the cell-splitting requirements of Rule Section 22.913(a)(5).

32. *CGSA.* Celcom contends that the AWACS application violates § 22.903(a) by proposing to extend its service area beyond the borders of the Philadelphia SMSA and into the adjacent SMSA of Wilmington, Delaware. AWACS replies that the overlap is *de minimis* (approximately 9% of the Wilmington SMSA, by the calculations of AWACS) and is necessary to permit adequate coverage of that portion of the Philadelphia SMSA which lies next to the Wilmington area.

33. This type of extension, if it is *de minimis*, is permitted because Wilmington is a "secondary" SMSA. See § 22.903(a) and 89 FCC 2d at 87. However, after reviewing the maps submitted with the application, we have concluded that the overlap proposed by AWACS is more than *de minimis*. Under the AWACS proposal, approximately 24% of the cell site in question (the Oxford site) extends into the adjacent

SMSA. Moreover, the service contour covers a populous area within the Wilmington market and extends to the area which includes Interstate Highway 95, a potential source of a substantial number of roamer subscribers. Based on our analysis, it appears that the extension into the Wilmington market was not solely based on the applicant's effort to serve the Philadelphia market. Under these circumstances, we cannot conclude that this is the type of *de minimis* extension contemplated by the Commission. We will therefore require AWACS to submit a conforming amendment to the ALJ within 15 days of the release date of this order, modifying the proposed 39 dBu contour of the Oxford cell site and the CGSA so that they both comply with the cellular rules.* The amended cell site application shall not cover any area not previously covered by the 39 dBu contour of this cell. The amendment should consider the effects, if any, that this change may have on other parts of the applications. Due to this circumstance, a brief extension of time may be granted at the discretion of the ALJ if a number of other exhibits must be conformed.

34. *Tariff rates.* CMS contends that, in violation of the Commission's rules, AWACS has included charges for customer equipment (mobile units) as part of its proposed tariffs. In its opposition, however, AWACS responds that the allegations were based on a misunderstanding of certain portions of the AWACS application and that AWACS will in no way "bundle" equipment charges with its tariffed service charges. We find that AWACS has fully responded to all questions raised on this matter. See *Buffalo Order*, *supra* note 7, at para. 23.

MCI Application

35. *Site availability.* AWACS contends that MCI has not demonstrated the availability of the sites proposed in its application. MCI has submitted (Exhibit 12) copies of leases or letters of intent with respect to each cell site proposed in the application. This showing complies with the cellular rules and demonstrates reasonable assurance that the proposed sites are available.

36. *Financial qualifications.* AWACS and CMS question whether MCI has demonstrated its ability to finance the construction and operation of its proposed system. The objections raised

*We note that other applicants which propose to serve the same portion of the Philadelphia SMSA have engineered systems, using directionalized antennas, which do not result in the rules violation discussed above.

by the petitioners are similar to those disposed of in the *Pittsburgh Order*, in which the Bureau found MCI financially qualified to construct and operate in the eleven markets, including Philadelphia, in which MCI filed. See *Advanced Mobile Phone Service, Inc., et al.* (*Pittsburgh Order*), Mimeo CC 1169, released December 6, 1982, at paras. 3-5. We therefore find it unnecessary to designate an issue in this regard.

37. *CGSA (de minimis)*. The petitioners argue that several of the proposed 39 dBu contours extend beyond the Philadelphia SMSA to a degree which is more than *de minimis*, in violation of the cellular rules. As in the AWACS case, the extensions here are permissible under the cellular rules and policies. We have examined the proposed cell sites which extend beyond the SMSA and have come to the following conclusions. Approximately 22% of the Williamstown site contour extends beyond the SMSA. The overlap area includes a potentially significant level of traffic going between Philadelphia and Atlantic City but located in another SMSA. From our examination, it appears that the contour was designed to cover an adjacent market area rather than engineered to the Philadelphia SMSA. This overlap is thus more than *de minimis*. Approximately 21% of the Cochranville site contour extends beyond the Philadelphia SMSA. The overlap area includes potential traffic going to and from Philadelphia but located in another SMSA. We conclude that this extension is also more than *de minimis*.

Approximately 45% of the Welsh Mountain site contour extends beyond the SMSA and includes potentially extensive traffic going between Philadelphia and the Lancaster-Reading area but travelling within the latter. We conclude that this extended portion is also more than *de minimis*. There are other cell contours proposed by the applicant which also extend beyond the SMSA. After examining the amount of overlap and the market area at issue, however, we have concluded that these areas of extension are *de minimis*. Concerning the site contours specifically discussed above, in which more than a *de minimis* extension is proposed, we will require MCI to submit a conforming amendment to the ALJ within 15 days of the release date of this order, bringing these four sites and the CGSA into compliance with the rules. MCI may reduce power, use directionalized antennas, relocate the transmitter, eliminate the cell site, or any combination of these. The amended cell site application shall not cover any area

not previously covered by the 39 dBu contours of the respective cells. The amendment should consider the effects, if any, that this change may have on other parts of this application. Due to this circumstance, a brief extension of time may be granted at the discretion of the ALJ.

AMPS Application

38. Petitions to deny were filed by MCI and AWACS.¹⁰ For the most part, the petitions challenge policies adopted and reaffirmed by the Commission in the cellular *Report and Order*. These arguments constitute an untimely petition for reconsideration and are rejected. The remaining objections are likewise unsubstantial. The petitions argue that AMPS (a wholly owned subsidiary of AT&T) is not financially qualified. This allegation is totally unsupported. The petitioners further assert that AMPS has failed to indicate with specificity its plan to insure adequate interconnection of the nonwireline's cellular system with the landline telephone network. To the contrary, AT&T has submitted an interconnection proposal,¹¹ and both AT&T and AMPS are presently participating with the nonwireline applicants and other parties, in Commission sponsored meetings to establish reasonably interconnection standards.¹² We therefore find that AMPS has satisfied the requirements of the cellular rules.

Conclusions

39. Based on our analysis of the applications and our resolution of the contested issues in this order, we find the applicants to be legally, technically, financially and otherwise qualified¹³ to

¹⁰ CMS filed a Petition to Defer Agency Action on the AMPS application pending grant of a construction permit to a nonwireline applicant for Philadelphia. We find it is premature to rule on this petition at this time for the reasons stated by the Commission in deferring action on such petitions in the Chicago market. See *Chicago Order*, *supra* note 3, at para. 16.

¹¹ The interconnection proposal is described in two documents submitted by AT&T: Bell System Technical Reference, PUB 43303, December 1981 and AT&T Technical Advisory No. 76, April 14, 1982.

¹² We decline to assume, as petitioners apparently do, that the local wireline carrier will not provide reasonable interconnection. In any event, if reasonable interconnection arrangements have not been formulated by the time AMPS files an application for license to operate its cellular system, we will condition the license grant on AMPS providing reasonable interconnection. See 89 FCC 2d at 81-82.

¹³ Although no party has raised the issue here, we recognize that the basic qualifications of Graphic, CMS' parent, may be in issue in CC Docket 82-587, *et al.* See note 15, *infra*, for our disposition of this issue.

construct and operate their proposed cellular systems except to the extent discussed here. As indicated in our previous discussions, the captioned AWACS, MCI and Unity applications do not comply with one or more of the cellular rules. In the *Chicago Order*, at para. 17, the Commission determined that inflexible application of the rules to applications in the 30 largest markets would not be in the public interest. Accordingly, we are requiring AWACS, MCI and Unity to bring their applications into conformance with the rules as specified in this order. We emphasize that the amendments ordered here may not be used to give AWACS, MCI or Unity a comparative advantage in the hearing proceeding. As the Commission stated in the *Chicago Order* in markets for which applications have not yet been filed, strict conformance with the rules will be required, and absent unusual circumstances, the applicants will not be allowed to amend nonconforming applications. We further find that the grant of the AMPS application as conditioned below, will serve the public interest, convenience and necessity.

40. Accordingly, it is ordered that the application of Advanced Mobile Phone Service, Inc., File No. 26010-CL-P-(13)-82, IS GRANTED, conditioned upon the Commission's action on the AT&T Cellular Capitalization Plan submitted by May 25, 1982, as provided by Section 22.901(d)(3) of the Commission's Rules.¹⁴

41. It is further ordered, pursuant to Section 309 of the Communications Act of 1934, as amended, that the applications of Unity Telecommunications Systems, Inc., File No. 26124-CL-P-(13)-82, Celcom Communications Corporation of Pennsylvania, File No. 26184-CL-P-(16)-82, Automatic Wide Area Cellular Systems, Inc., File No. 26084-CL-P-(18)-82, Cellular Mobile Systems of Pennsylvania, Inc., File No. 26188-CL-P-(16)-82, and MCI Cellular Telephone Company, File No. 26113-CL-P-(13)-82, are designated for hearing in a consolidated proceeding upon the following issues:¹⁵

¹⁴ The authorization also will be conditioned upon AMPS obtaining the appropriate antenna structure clearances.

¹⁵ There are two issues that are not to be considered in the comparative hearing. The first is the financial qualifications of the applicants except Unity. Financial ability is a basic rather than a comparative qualification for cellular licensing. Cellular Communications Systems, 89 FCC 2d 469, 501-02 (1981). Except for Unity Telecommunications Systems, we have found all of the applicants included in the comparative hearing to be financially qualified. The second issue not to be considered is the qualifications of Cellular Mobile Systems of Pennsylvania, Inc. or its parent Graphic,

(a) To determine whether Unity Telecommunications Systems, Inc., is financially qualified to construct and operate for one year its five proposed cellular systems;

(b) To determine whether each cell site proposed by Unity Telecommunications Systems, Inc., is available as set forth in the application;

(c) To determine on a comparative basis the geographic area and population that each applicant proposes to serve;¹⁶ to determine and compare the relative demand for the services proposed in said areas; and to determine and compare the ability of each applicant's cellular system to accommodate the anticipated demand for both local and roamer service;¹⁷

(d) To determine on a comparative basis each applicant's proposal for expanding its system capacity in a coordinated manner within its proposed CGSA in order to meet anticipated increasing demand for local and roamer service;

(e) To determine on a comparative basis the nature and extent of the service proposed by each applicant, including each applicant's proposed rates, charges, maintenance, personnel, practices, classifications, regulations and facilities (including switching capabilities);¹⁸ and

(f) To determine, in light of the evidence adduced under the foregoing issues, what disposition of the referenced applications would best

serve the public interest, convenience and necessity.

42. It is further ordered that the burden of proceeding with the introduction of evidence upon the financial and technical qualification issues, and the burden of proof, shall be upon Unity Telecommunications Systems, Inc.

43. It is further ordered that the Separated Trial Staff (the Hearing Division and other individuals specifically designated) of the Common Carrier Bureau is made a party to the proceeding.¹⁹

44. It is further ordered that the applicants shall file written notices of appearances under § 22.916(b)(3) of the Commission's Rules within 10 days after publication of this order in the Federal Register.

45. It is further ordered that the hearing shall be held according to the procedures specified in § 22.916 of the Rules, except as otherwise noted here, at a time and place and before an Administrative Law Judge to be specified in a later order.

46. It is further ordered that exceptions to the initial decision of the Administrative Law Judge under § 1.276 of the Commission's rules shall be taken directly to the Commission.

47. It is further ordered that Unity, AWACS and MCI are directed to file the conforming amendments specified in this order within 15 days after publication of this order in the Federal Register and that the date for filing rebuttal cases under § 22.916(b)(4) of the Rules is deferred pending establishment of procedural dates by the Administrative Law Judge. Procedures for deciding the issues designated against Unity shall be determined by the Judge in the Judge's discretion.

48. It is further ordered that, except to the extent granted here, the Petitions to Deny filed by the parties against the captioned applications ARE DENIED.

49. It is further ordered that any authorization granted to CMS as a result

of the comparative hearing shall be conditioned on, and without prejudice to, reexamination and reconsideration of that company's qualifications to hold a cellular license following a decision in the hearing designated in *A.S.D. Answering Service, Inc., et al.*, FCC 82-391, released August 24, 1982, and shall be specifically conditioned upon the outcome of that proceeding.

50. It is further ordered, that any authorization granted as a result of this proceeding shall be conditioned upon obtaining the appropriate antenna structure clearances.

51. This order is issued under Section 0.291 of the Commission's Rules and Order Delegating Authority, FCC 82-435, released October 6, 1982, and is effective on its release date. Petitions for reconsideration under § 1.106 or applications for review under § 1.115 of the Rules of this order, insofar as it grants the AMPS application, may be filed within 30 days of the date of public notice of this order (see Rule 1.4(b)(2)).

52. The Secretary shall cause a copy of this order to be published in the Federal Register.

Gary M. Epstein,
Chief, Common Carrier Bureau.

[FR Doc. 83-2186 Filed 1-26-83; 8:45 am]

BILLING CODE 6712-01-M

Public Information Collection Requirement Submitted to Office of Management and Budget for Review

January 21, 1983

On January 19, 1983 the Federal Communications Commission submitted the following information collection requirement to OMB for review and clearance under the Paperwork Reduction Act of 1980, Pub. L. 96-511.

Copies of this submission are available from Richard D. Goodfriend, Agency Clearance Officer, (202) 632-7513. Comments should be sent to Edward H. Clarke, Office of Management and Budget, OIRA, Room 3201 NEOB, 726 Jackson Place, NW., Washington, D.C. 20503.

Title: Common Carrier and Satellite Radio Licensee Qualification Report
Form No.: FCC 430
Action: Extension (No Change)
Respondents: Corporations and partnerships providing telecommunications services to the general public.

to the extent that such qualifications may be affected by the issues included in the Commission's order designating certain 35 and 43 MHz paging applications for hearing. *A.S.D. Answering Service, Inc., et al. (ASD)*, FCC 82-391, released August 24, 1982. Those issues will be thoroughly reviewed in that separate proceeding and should not be reargued in the context of a cellular hearing. As set forth in para. 49, *infra*, the Commission reserves the right to reexamine and reconsider the qualifications of Cellular Mobile Systems of Pennsylvania to hold a cellular license should ASD be resolved adversely to any of CMS' affiliate or parent companies or to any of their principals. See *Chicago Order*, at n. 19.

¹⁶For purposes of comparison, the geographic area that an applicant proposes to serve includes that area within the proposed 39 dBu contours which, in turn, falls within the proposed Cellular Geographic Service Area and the relevant Standard Metropolitan Statistical Area. Consideration should be given to the presence of densely populated regions, highways and areas likely to have high mobile usage characteristics as well as indications of a substantial public need for the services proposed. See 86 FCC 2d at 502.

¹⁷In making this comparison, preference should be given to designs entailing efficient frequency use, including not only the applicant's plans with regard to cell-splitting and additional channels, but also the degree of frequency reuse the system will be capable of, and the applicant's ability to coordinate the use of channels with adjacent or nearby cellular systems. See 86 FCC 2d at 502-03.

¹⁸See 86 FCC 2d at 503 for a discussion of the relative importance of the evidence submitted under this issue.

¹⁹Members of the Separated Trial Staff are non-decision making personnel and they will not participate in decision making or agency review on an *ex parte* basis in this case, either directly or through contact with other Common Carrier Bureau personnel. Any investigative or prosecuting functions will be performed by the Separated Trial Staff in connection with its role as a party to the adjudication of these cellular radio applications. All other personnel of the Common Carrier Bureau, unless identified in a subsequent order as required to be separated, are designated as decision-making and they may advise the Commission as to the ultimate disposition of any appeal of an Initial Decision in this proceeding. See Communications Act of 1934 as amended section 409(c) (47 U.S.C. section 409(c)); Administrative Procedure Act section 554(d) (5 U.S.C. 554) (d); § 1.1221 of the Commission's Rules.

Estimated Annual Burden: 2,300

Responses: 4,600 Hours.

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 83-2188 Filed 1-26-83; 8:45 am]

BILLING CODE 6712-01-M

Telecommunications Industry Advisory Group; Change in Meeting

The meeting of the Definitions and Rules Subcommittee scheduled for February 4, 1983, has been changed to a two day meeting to be held on February 3, and 4, 1983. The meetings on both days will begin at 9:30 a.m. in the offices of MCI Telecommunications Corporation (1st Floor Meeting Room) at 1133 19th Street, NW., Washington and will be open to the public. The agenda remains the same as previously announced.

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 83-2186 Filed 1-26-83; 8:45 am]

BILLING CODE 6712-01-M

Telecommunications Industry Advisory Group Expense Accounts Subcommittee Meetings

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of two meetings of the Telecommunications Industry Advisory Group's (TIAG) Expense Accounts Subcommittee scheduled to meet on Wednesday, February 9, 1983, and Thursday through Friday, February 24-25, 1983. Each meeting will begin at 9:00 a.m. and will be open to the public. The meeting locations are as follow:

Wednesday, February 9, 1983

USITA Conference Room, 1801 K Street NW., Suite 1201, Washington, D.C.

Thursday, Friday, February 24-25, 1983

Federal Communications Commission, Room #7317, 2025 M Street NW., Washington, D.C.

The agenda are as follow:

- I. General Administrative Matters.
- II. Discussion of Assignments.
- III. Other Business.
- IV. Presentation of Oral Statements.
- V. Adjournment.

With prior approval of Subcommittee Chairman John Howes, oral statements, while not favored or encouraged, may be allowed at the meeting if time permits and if the Chairman determines that an oral presentation is conducive to the effective attainment of Subcommittee objectives. Anyone not a

member of the Subcommittee and wishing to make an oral presentation should contact Mr. Howes (212/393-4029) at least five days prior to the meeting date.

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 83-2187 Filed 1-26-83; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL RESERVE SYSTEM

Broadway Financial Corp.; Formation of Bank Holding Company

Broadway Financial Corporation, New York, New York, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 percent or more of the outstanding shares of Broadway Bank & Trust Company, Paterson, New Jersey. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Broadway Financial Corporation, New York, New York, has also applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to acquire voting shares of Broadway Premium Computer Service Center, New York, New York.

Applicant states that the proposed subsidiary would engage in the activities of extending credit for financing the purchase of casualty insurance. These activities would be performed from offices of Applicant's subsidiary in Paterson, New Jersey and Boca Raton, Florida, and the geographic areas to be served are New York, Connecticut, and Florida. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation

would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of New York.

Any views or requests for hearing should be submitted in writing and received by the Reserve Bank not later than February 18, 1983.

Board of Governors of the Federal Reserve System, January 21, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-2181 Filed 1-26-83; 8:45 am]

BILLING CODE 6210-01-M

Federal Reserve Bank of Atlanta, et al.; 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, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

A. Federal Reserve Bank of Atlanta (Robert E. Heck, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303:

1. *Citizens Holding Company*, Lexington, Georgia; to become a bank holding company by acquiring 80 percent of the voting shares of Citizens Banking Company, Lexington, Georgia. Comments on this application must be received not later than February 18, 1983.

2. *Sunset Financial Corporation*, Miami, Florida; to become a bank holding company by acquiring at least 80 percent of the voting shares of Sunset Commercial Bank, Miami, Florida.

Comments on this application must be received not later than February 18, 1983.

B. Federal Reserve Bank of Chicago (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *Terre Haute First Corporation*, Terre Haute, 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 Terre Haute First National Bank, Terre Haute, Indiana. Comments on this application must be received not later than February 18, 1983.

C. Federal Reserve Bank of St. Louis (Delmer P. Weisz, Vice President) 411 Locust Street, St. Louis, Missouri 63106:

1. *Fulton Bancshares, Inc.*, Fulton, Kentucky; to become a bank holding company by acquiring 80 percent or more of the voting shares of Fulton Bank, Fulton, Kentucky. Comments on this application must be received not later than February 18, 1983.

D. Federal Reserve Bank of Kansas City (Thomas M. Hoenig, Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *Custer Bancorp*, Westcliffe, Colorado; to become a bank holding company by acquiring 80 percent or more of the voting shares of Liberty State Bank, Colorado Springs, Colorado and Custer County Bank, Westcliffe, Colorado. Comments on this application must be received not later than February 18, 1983.

2. *Fairview Bancshares, Inc.*, Fairview, Oklahoma; to become a bank holding company by acquiring 80 percent of the voting shares of The Farmers and Merchants National Bank of Fairview, Fairview, Oklahoma. Comments on this application must be received not later than February 18, 1983.

E. Federal Reserve Bank of Dallas (Anthony J. Montelaro, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. *Gaines Bancshares, Inc.*, Seminole, Texas; to become a bank holding company by acquiring at least 80 percent of the voting shares of First National Bank, Seminole, Texas. Comments on this application must be received not later than February 18, 1983.

Board of Governors of the Federal Reserve System, January 21, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-2182 Filed 1-26-83; 8:45 am]

BILLING CODE 6210-01-M

Federal Reserve Bank of Minneapolis, et al.; Acquisition of Bank Shares by a Bank Holding Company

The company listed in this notice has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire voting shares or assets of a bank. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors, or at the Federal Reserve Bank indicated. With respect to the application, interested persons may express their views in writing to the address indicated. Any comment on the application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

A. Federal Reserve Bank of Minneapolis (Bruce J. Hedblom, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. *Guaranty Development Company*, Livingston, Montana; to acquire 99 percent of the voting shares or assets of Western State Bank, Billings, Montana. Comments on this application must be received not later than February 10, 1983.

Board of Governors of the Federal Reserve System, January 21, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-2182 Filed 1-26-83; 8:45 am]

BILLING CODE 6210-01-M

Federal Reserve Bank of New York, et al., Bank Holding Companies; 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 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to these applications, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or

gains in efficiency, that outweigh possible adverse effects, such as undue concentration or resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any comment that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

The applications may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated. Comments and requests for hearing should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than the date indicated.

A. Federal Reserve Bank of New York (A. Marshall Puckett, Vice President) 33 Liberty Street, New York, New York 10045:

1. *Citicorp*, New York, New York (consumer finance and credit-related insurance activities; New Jersey): To establish a *de novo* office of Citicorp Homeowners, Inc. and a *de novo* office of Citicorp Person-to-Person Financial Center, Inc. at a shared location in Paramus, New Jersey. The activities in which the *de novo* offices of Citicorp Homeowners, Inc. and Citicorp Person-to-Person Financial Center, Inc. each propose to engage at the shared office location are: the making or acquiring of loans and other extensions of credit, secured or unsecured, for consumer and other purposes; the sale of credit related life and accident and health 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, or extensions of credit to individuals secured by liens on residential or non-residential real estate; and the sale of mortgage life and mortgage disability insurance directly related to extensions of mortgage loans. The proposed service area for the *de novo* office of Citicorp Homeowners, Inc. and the *de novo* office of Citicorp Person-to-Person Financial Center, Inc. shall be comprised of the entire State of New Jersey for all the aforementioned proposed activities. 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. Comments on this application must be received not later than February 18, 1983.

B. Federal Reserve Bank of Richmond (Lloyd W. Bostian, Jr., Vice President) 701 East Byrd Street, Richmond, Virginia 23261:

1. *First Maryland Bancorp.*, Baltimore, Maryland (underwriting credit life and disability insurance; Phoenix, Arizona): To expand, through its subsidiary, First Maryland Life Insurance Company, its approved activity of underwriting, as reinsurer, credit life and credit disability insurance which is directly related to extensions of credit in Maryland, to include the underwriting of such credit insurance directly related to credit extensions in Delaware by the credit extending affiliates of First Maryland Bancorp in Delaware. This activity would be conducted at offices in Phoenix, Arizona, serving Maryland and Delaware. Comments on this application must be received not later than February 18, 1983.

Board of Governors of the Federal Reserve System, January 21, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-2184 Filed 1-26-83; 8:45 am]

BILLING CODE 6210-01-M

FEDERAL TRADE COMMISSION

Consumer Credit; Information Collection Requirements

AGENCY: Federal Trade Commission.

ACTION: Notice of application to OMB under the Paperwork Reduction Act (44 U.S.C. 3501 et seq.) for clearance of an information collection by public use survey report.

SUMMARY: OMB clearance is being sought for the 1983 Survey of Consumer Finances (FR 3025).

The 1983 Survey of Consumer Finances is an interagency effort designed, among other purposes, to assist in the evaluation of proposals in the consumer protection area. The FTC is participating in this national survey with other agencies concerned with the administration and enforcement of federal laws affecting financial institutions.

DATE: Comments on this clearance application must be submitted on or before February 28, 1983.

ADDRESS: Send comments to Ms. Nell Minow, Office of Information and Regulatory Affairs, Office of Management and Budget, New

Executive Office Building, Room 3228, Washington, D.C. 20503. Copies of the applications may be obtained from Public Reference Branch, Room 130, Federal Trade Commission, Washington, D.C. 20580.

FOR FURTHER INFORMATION CONTACT:

Carl D. Hevener, OMB Liaison Officer, Federal Trade Commission, Washington, D.C. 20580, (202) 523-3373.

John H. Carley,

General Counsel.

[FR Doc. 83-2262 Filed 1-26-83; 8:45 am]

BILLING CODE 67550-01-M

GENERAL SERVICES ADMINISTRATION

Federal Property Resources Service; Agreement of Transfer and Land Transfer Order

Tennessee Valley Authority Agreement of Transfer and Land Transfer Order. The Tennessee Valley Authority (TVA) and the Department of the Army, Corps of Engineers (COE), have executed an Agreement of Transfer and an order transferring to TVA, the use, possession, and control of certain lands and interests and rights in land from COE. The text of the Agreement of Transfer and the Order is published below.

Dated: January 18, 1983.

Carroll Jones,

Commissioner, Federal Property Resources Service.

Agreement of Transfer Between Tennessee Valley Authority and Department of the Army, Corps of Engineers

[Contract No. TV-45872A]

This agreement of transfer, made and entered into this 14th day of July, 1982 by and between the Tennessee Valley Authority, a corporation organized and existing under and by virtue of an act of Congress known as the Tennessee Valley Authority Act of 1933, as amended (hereinafter called "TVA"), and the Department of the Army for the use and benefit of the Corps of Engineers of the Department of the Army (hereinafter called "Corps");

Witnesseth

Whereas TVA, as agent of the United States of America, has acquired in the name of the United States, for the purposes of TVA's recreation and environmental education project, Land Between The Lakes, fee simple title to certain areas in which the Corps had theretofore acquired flowage easements, also in the name of the United States; and

Whereas certain of such lands, subject to a reservation in TVA of rights necessary for the operation of Land Between The Lakes, will be beneficial to the maintenance and operation by the Corps of the Barkley Dam and Lake Barkley Project, particularly for recreational purposes; and

Whereas TVA and the Corps have heretofore entered into a Memorandum of Understanding dated September 24, 1964 [TVA Contract No. TV-25635A], subsequently amended by Modification No. 1 thereof on November 20, 1967, providing for the exchange of certain lands along and within the west shoreline of Lake Barkley, which Memorandum, as amended, is hereinafter referred to as "the Memorandum" and is hereby incorporated herein by reference and made a part hereof; and

Whereas the parties have agreed on the submission of a proposed Transfer Order to the General Services Administration for approval under Section 7(b) of the Tennessee Valley Authority Act of 1933 (16 U.S.C. 831(b) (1976)) and Section 1(17) of Executive Order No. 11609 to carry out the transfer from the Corps to TVA contemplated by the Memorandum;

Now, therefore, pursuant to Section 4(k) of the Tennessee Valley Authority Act of 1933, as amended (16 U.S.C. 831(c)(k) (1976)), and in consideration of the premises and of the mutual covenants herein contained, TVA and the Corps, subject to the approval of the Commissioner, Federal Property Resources Service, General Services Administration, under the authority delegated to him as stated in the approval form at the end of this instrument, covenant and agree as follows:

1. TVA, subject to the conditions, covenants, exceptions, and reservations hereinafter set forth, hereby assigns and transfers to the Department, for the use and benefit of the Corps, and for inclusion in the Barkley Dam and Lake Barkley Project, the right of possession and control of and all other right, title, and interest which TVA may have in and to certain lands in Lyon and Trigg Counties, Kentucky, and Stewart County, Tennessee, more particularly described as follows:

All that land acquired by TVA lying within the watershed of the Cumberland River below elevation 378 m.s.l. and within the boundaries of Land Between The Lakes as described in the Memorandum. Such land includes 5,117 acres, more or less.

Such transfer is subject to existing easements for public roads and highways, for public utilities, and for pipelines and to any other existing and outstanding rights of third parties. The Corps shall be responsible for the protection and preservation of any archaeological resources identified on the above-described land.

2. TVA reserves to itself, as appurtenances to the lands it holds for Land Between The Lakes, the right and privilege to enter upon the land described in Article 1 above, as may be necessary in connection with the development, administration, and operation of Land Between The Lakes for its intended purposes, including, but not limited to, the construction, operation, and maintenance of boat launching ramps, boat moorage facilities, swimming beaches, picnic and camping facilities, shelters, boat harbors, docks and related secondary channels and subimpoundments, the management of forest resources in connection with the proposed recreational developments, performing work essential to vector control,

carrying on vector control work and controlling and managing wildlife, all of which shall be subject to the rights of the Corps to operate and maintain the Barkley Dam and Lake Barkley Project for its intended purposes, including, but not limited to, the flooding of the area, making improvement in aid of navigation, performing vector control work, controlling and managing the shoreline and water areas of Lake Barkley in accordance with applicable laws and the rules and regulations prescribed by the Secretary of the Army, it being understood that all plans relating to improvements of whatever nature to be placed by TVA below elevation 378 m.s.l. shall be submitted to the District Engineer for review and approval prior to construction, and all operations conducted by TVA within said area shall be in accordance with the operating agreements entered into under Article 5 below.

3. None of the conditions or provisions of this Agreement shall be construed as abrogating the responsibilities of the Secretary of the Army with respect to the enforcement of Section 4 of the Act of Congress approved December 22, 1944, as amended (76 Stat. 1195; 16 U.S.C. 460d (1976)); Section 10 of the River and Harbor Act approved March 3, 1899, as amended (30 Stat. 1151; 33 U.S.C. 403 (1976)); and Section 404 of the Federal Water Pollution Control Act (Pub. L. No. 92-500, 86 Stat. 816 as amended; 33 U.S.C. 1344 (1976; Supp. III, 1979)).

4. If at any time in the future TVA shall determine that commercial boat dock facilities are needed along the Land Between The Lakes portion of the westerly shoreline of Lake Barkley in connection with the development of the full recreational potential of Land Between The Lakes, such facilities shall be established solely by agreement between TVA and the concessionaire, but in full accordance with the procedures, practices, and policies of the Corps in effect at such time with reference to the establishment of commercial boat dock concessions on Lake Barkley land in the custody and control of the Corps. TVA does not presently intend to establish any such concessions.

5. It is the parties' desire and intention to maintain and operate their respective projects, Land Between The Lakes and Barkley Dam and Lake Barkley, so as to complement each other in realizing their full recreational potential. Accordingly, the District Engineer, Nashville District, Corps of Engineers, and the Manager of Land Between The Lakes will from time to time discuss the related phases of the operation and maintenance of the two projects and will, when appropriate and insofar as their respective authorities extend, incorporate understandings reached as to their respective responsibilities and obligations in a written operating agreement or agreements.

6. TVA in no way warrants the extent of its interest in the lands described in Article 1 thereof, but any interest which may hereafter be acquired by TVA in and to the lands described in said Article 1 shall automatically pass to the Corps subject to the terms and conditions of this agreement without the necessity of any new and separate transfers thereof.

In witness whereof the parties hereto have caused this instrument to be executed by their respective representatives thereunto duly authorized, as of the day and year first above written.

Dated: November 10, 1981.

Attest:

Helen S. Drummer,

Assistant Secretary.

Tennessee Valley Authority.

W. F. Willis,

General Manager.

Department of the Army, Corps of Engineers.

Dated: July 14, 1982.

J. K. Bratton,

Chief of Engineers.

Approved: By virtue of the authority vested in the President of the United States by Section 4(k) of the Tennessee Valley Authority Act of 1933, as amended by the Act of July 18, 1941, 55 Stat. 599, and delegated to the Administrator of General Services by section 1(16) of Executive Order No. 11609 of July 22, 1971, and further delegated to the Commissioner, Federal Property Resources Service, General Services Administration by Chap. 11 of GSA Handbook ADM P 5450.39B, dated October 20, 1980, the foregoing transfer agreement dated July 14, 1982, is hereby approved.

Carroll Jones,

Commissioner, Federal Property Resources Service, General Services Administration.

Date: December 20, 1982.

Washington, D.C.

Order Transferring to the Tennessee Valley Authority the Use, Possession, and Control of Certain Lands and Interests and Rights in Land From the Department of the Army, Corps of Engineers

By virtue of the authority vested in the President of the United States by Section 7 (b) of the Tennessee Valley Authority Act of 1933 (16 U.S.C. 831f(b) (1976)), and delegated to the Administrator of General Services by section 1(17) of Executive Order No. 11609 of July 22, 1971, and further delegated to the Commissioner, Federal Property Resources Service, by Chap. 11 of GSA Handbook ADM P 5450.39B, dated October 20, 1980, it is hereby ordered that the use, possession, and control of the lands and interests and rights in land hereinafter described be, and they are hereby, transferred from the Department of the Army, Corps of Engineers (hereinafter called "Corps"), to the Tennessee Valley Authority (hereinafter called "TVA"), such transfer being deemed necessary and proper for the purposes of TVA as stated in the Tennessee Valley Authority Act of 1933, as amended:

1. Those certain lands acquired in fee simple by the Corps for the Barkley Dam and Lake Barkley Project lying above elevation 3278 m.s.l. and within the boundaries of TVA's recreation and environmental education project known as Land Between The Lakes, such boundaries being more particularly described in the Memorandum of Understanding between the Corps and TVA, dated September 24, 1964 (TVA Contract No.

TV-25635A), as amended by Modification No. 1 to such Memorandum of Understanding, dated November 20, 1967, and outside of the areas heretofore transferred by the Corps to the Bureau of Sport Fisheries and Wildlife in connection with the Kentucky Woodlands National Wildlife Refuge then located within the Land Between The Lakes Project as evidenced by an exchange of property rights reflected in Public Land Order 4560 dated December 27, 1968. The description of the boundaries of Land Between The Lakes in the said Memorandum of Understanding of September 24, 1965, as amended, is incorporated herein by reference and made a part hereof. The lands of which use, possession, and control are hereby transferred contain 2,864 acres, more or less. The Corps in no way warrants the extent of its interest in said lands. Such transfer is subject to existing easements for public roads and highways, for public utilities, and for pipelines and to any other existing and outstanding rights of third parties. TVA shall be responsible for the protection and preservation of any archaeological resources identified on the above-described land.

2. Custody and control, as appurtenances to the lands that TVA holds for Land Between The Lakes, of the right and privilege, in, on, and over lands heretofore acquired in fee simple by the Corps lying riverward below elevation 378 m.s.l. outside of the areas heretofore transferred to the Bureau of Sport Fisheries and Wildlife, to enter upon said land as may be necessary in connection with the development, administration, and operation of Land Between The Lakes for its intended purposes, including, but not limited to, the construction, operation, and maintenance of boat launching ramps, boat moorage facilities, swimming beaches, picnic and camping facilities, shelters, boat harbors, docks and related secondary channels and subimpoundments, the management of forest resources in connection with the proposed recreational developments, performing work essential to vector control, carrying on vector control work and controlling and managing wildlife, all of which shall be subject to the rights of the Corps to operate and maintain the Barkley Dam and Lake Barkley Project for its intended purposes, including, but not limited to, the flooding of the area, making improvements in aid of navigation, performing vector control work, controlling and managing the shoreline and water areas of Lake Barkley in accordance with applicable laws and the rules and regulations prescribed by the Secretary of the Army. All plans relating to improvements of whatever nature to be placed by TVA below elevation 378 m.s.l. shall be submitted to the District Engineer for review and approval prior to construction, and all operations conducted by TVA within said area shall be in accordance with such operating agreements as may be entered into by TVA and the Corps of Engineers under Article 6 of the Memorandum of Understanding of September 24, 1964.

None of the conditions and provisions of this Order shall be construed as abrogating the responsibilities of the Secretary of the Army with respect to the enforcement of

Section 4 of the Act of Congress approved December 22, 1944, as amended (76 Stat. 1195; 16 U.S.C. 460d (1976)); Section 10 of the River and Harbor Act approved March 3, 1899, as amended (30 Stat. 1151; 33 U.S.C. 403 (1976)); and Section 404 of the Federal Water Pollution Control Act (Pub. L. No. 92-500, 86 Stat. 816, as amended; 33 U.S.C. 1344 (1976; Supp. III, 1979)).

Any commercial boat dock facilities hereafter deemed by TVA to be needed along the Land Between The Lakes portion of the westerly shoreline of Lake Barkley shall be established solely by agreement between TVA and the concessionaire, but in full accordance with the procedures, practices, and policies of the Corps then in effect for commercial boat dock concessions on land and water areas of Lake Barkley in the custody and control of the Corps. TVA does not presently intend to establish any such concessions.

Copies of the Memorandum of Understanding of September 24, 1964, between TVA and the Corps and the modification thereof dated November 20, 1967, are available for inspection in the offices of the District Engineer, Corps of Engineers, Department of the Army, Nashville District, Room A645, Estes Kefauver Federal Building, Nashville, Tennessee 37202, and of the Manager, Land Between The Lakes, Golden Pond, Kentucky 42231.

This the 20 day of December 1982.

Carroll Jones,

Commissioner, Federal Property Resources Service, General Services Administration.

John O. Marsh, Jr.,

Secretary of the Army.

[FR Doc. 83-2220 Filed 1-26-83; 8:45 am]

BILLING CODE 6820-96-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

Agency Forms Submitted to the Office of Management and Budget for Clearance

Each Friday the Department of Health and Human Services (HHS) publishes a list of information collection packages it has submitted to the Office of Management and Budget (OMB) for clearance in compliance with the Paperwork Reduction Act (44 U.S.C. Chapter 35). The following are those packages submitted to OMB since the last list was last published on January 21.

Public Health Service

Food and Drug Administration

Subject: Bureau of Medical Devices Standards Survey (0910-0115)—Extension/no Change.

Respondents: Voluntary standards organizations.

OMB Desk Officer: Fay S. Iudicello.

Social Security Administration

Subject: Report by Former Representative Payee (SSA-625)—Revision.

Respondents: State mental institutions.

Subject: Student's Statement Regarding Resumption of School Attendance (SSA-1386)—Revision.

Respondents: Students receiving Social Security benefits.

Subject: Medical Report (Individual with Childhood Impairment (SSA-3827))—Revision.

Respondents: Physicians.

OMB Desk Officer: Milo Sunderhauf.

Health Care Financing Administration

Subject: Paperwork Associated with the Certification of Intermediate Care Facilities (HCFA-3070)—Revision.

Respondents: Intermediate care facilities participating in Medicare and Medicaid.

Subject: Annual Survey of Independent and Prepaid Health Insurance Plans (HCFA-1807)—Extension/no Change.

Respondents: A sample of independent and prepaid health insurers.

Subject: Paperwork Associated with the Certification of End Stage Renal Disease Treatment Facilities (HCFA-3427)—Extension/no Change.

Respondents: End Stage Renal Disease treatment facilities participating in Medicare.

Subject: Paperwork Associated with the Certification of Psychiatric Hospitals (HCFA-1514 and R13)—Extension/no Change.

Respondents: Psychiatric hospitals participating in Medicare and Medicaid.

Subject: Revision to Medicaid State Plan Preprint: Listing of Income and Resource Requirements for Medicaid Eligibility (HCFA-179)—Revision.

Respondents: State Medicaid agencies.

OMB Desk Officer: Fay S. Iudicello.

Copies of the above information collection clearance packages can be obtained by calling the HHS Reports Clearance Officer on 202-245-6511.

Written comments and recommendations for the proposed information collections should be sent directly to both the HHS Reports Clearance Officer and the appropriate OMB Desk Officer designated above at the following addresses:

J. J. Strnad, HHS Reports Clearance Officer, Hubert H. Humphrey Building, Room 524-F, Washington, D.C. 20201
OMB Reports Management Branch, New Executive Office Building, Room 3208,

Washington, D.C. 20503. Attn: (name of OMB Desk Officer).

Dated: January 21, 1983.

Dale W. Sopper,

Assistant Secretary for Management and Budget.

[FR Doc. 83-2207 Filed 1-26-83; 8:45 am]

BILLING CODE 4150-04-M

Public Health Service

National Institutes of Health; Statement of Organization, Functions, and Delegations of Authority

Part H, Chapter HN (National Institutes of Health) of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health and Human Services (40 FR 22864, May 27, 1975, as amended most recently at 47 FR 23024, May 28, 1982), is amended to reflect the following changes: (1) Abolish the National Medical Audiovisual Center (NMAC), National Library of Medicine and transfer its functions and staff to the Lister Hill National Center for Biomedical Communications (LHNCBC), National Library of Medicine, and (2) revise the functional statement for the Lister Hill National Center for Biomedical Communications (LHNCBC), National Library of Medicine to incorporate the new functions from the National Medical Audiovisual Center.

The merger of the National Medical Audiovisual Center functions and staff into the Lister Hill National Center for Biomedical Communications will result in optimal performance and efficient sharing of administrative and technical resources.

Sec. HN-B Organization and Functions is amended as follows: (1) Under the heading *National Library of Medicine (HNL)*, delete the statement for the *Lister Hill National Center for Biomedical Communications (HNL3)*, in its entirety and substitute the following:

Lister Hill National Center for Biomedical Communications. (1) Performs research and development to create and improve biomedical communication systems, methods, and networks and to enhance information dissemination and utilization among health professionals; (2) collaborates with members of the health professions community, and studies, defines, and develops needed information technology materials and services; (3) develops audiovisual and other information systems to improve health professions education, research, and the delivery of health services; (4) applies technology to the improvement of biomedical

communications; (5) encourages and performs research and development in the production, dissemination, use and evaluation of audiovisual, computer-based, and other educational materials and systems; (6) trains health educators in methods and technologies supporting biomedical communications; (7) plans and administers a rational program to improve the quality and the use of biomedical audiovisual materials in schools of the health professions and throughout the biomedical community; and (8) participates in interdisciplinary, cross-divisional collaborations and projects where appropriate.

(2) Under the heading *National Library of Medicine (HNL)*, delete the statement for the *National Medical Audiovisual Center (HNL4)* in its entirety.

Dated: January 19, 1983.

Richard S. Schweiker,
Secretary.

[FR Doc. 83-2296 Filed 1-26-83; 8:45 am]
BILLING CODE 4140-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Information Collection Submitted for Review

January 6, 1983.

The proposal for the collection of information listed below has been submitted to the Office of Management and Budget for approval under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Copies of the proposed information collection requirement and related forms and explanatory material may be obtained by contacting the Bureau's clearance officer at the phone number listed below. Comments and suggestions on the requirement should be made directly to the Bureau clearance officer and the Office of Management and Budget reviewing official, Mr. Rick Otis, at (202) 395-7340.

Title: Budget Preparation Forms
Bureau Form Numbers: BIA-4256, BIA-4257, BIA-4259

Frequency: Annually

Description of Respondents: Indian Tribes

Annual Responses: 238

Annual Burden Hours: 1,820

Bureau Clearance Office: Diana Loper
(202) 343-3574

John W. Fritz,

Assistant Secretary—Indian Affairs.

[FR Doc. 83-2299 Filed 1-26-83; 8:45 am]
BILLING CODE 4310-02-M

Bureau of Land Management

Bureau Forms Submitted to OMB for Review

AGENCY: Bureau of Land Management, Interior.

ACTION: Bureau forms submitted for review to Office of Management and Budget.

SUMMARY:

The proposal for the collection of information listed below has been submitted to the Office of Management and Budget for approval under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Copies of the proposed information collection requirement and related forms and explanatory material may be obtained by contacting the Bureau's clearance officer at the phone number listed below. Comments and suggestions on the requirement should be made directly to the Bureau clearance officer and the Office of Management and Budget reviewing official, Mr. Jefferson Hill, at 202-395-7340.

Title: 43 CFR 3000 3100, Minerals Management

Bureau Form Numbers: 3040-1, 3045-2, 3045-3, 3104-1, 3104-2, 3104-8, 3106-4, and 3110-3

Frequency: On occasion

Description of Respondents: General public, small businesses and oil companies

Annual Responses: 33,500

Annual Burden Hours: 14,775

Bureau clearance officer (alternate):
Linda Gibbs 202-653-8853

James M. Parker,
Acting Director.

[FR Doc. 83-2240 Filed 1-26-83; 8:45 am]
BILLING CODE 4310-84-M

[Group 637]

Arizona; Filing of Plat of Survey

January 18, 1983.

1. Plat of survey of the land described below will be officially filed in the Arizona State Office, Phoenix, Arizona effective at 7:45 a.m. on March 3, 1983.

Gila and Salt River Meridian, Arizona

Uns. T. 2 N., R. 28 E., Tract 37.

The area described contains 100.00 acres of land.

2. The land described above is located about 33 miles SW of Alpine, Arizona. The elevation varies from 5500 to 6200 feet above sea level. The terrain is mountainous and drains southerly into Eagle Creek. Vegetation consists of pinyon pine, juniper, oak and scattered

ponderosa pine. The soil varies from sandy loam in the lower elevations, to rocky loam in the higher elevations.

3. Access to Tract 37 is by way of Forest Service Road No. 217, which is improved dirt.

4. All rights of the State of Arizona to section 32 in Unsurveyed T. 2 N., R. 28 E., have been conveyed to the United States.

5. The above described land in Unsurveyed T. 2 N., R. 28 E., was included within the Apache National Forest by Proclamation 19 of August 17, 1898.

6. The land described in paragraph 1 is included in an offer for Forest Exchange pursuant to the Act of March 20, 1922 (16 U.S.C. 485), as amended, and is segregated from appropriation, location or entry under the General Mining Laws.

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

Midred C. Kozlow,

Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc. 83-2237 Filed 1-26-83; 8:45 am]
BILLING CODE 4310-84-M

[A-5321; A-7730]

Arizona; Realty Action Competitive Sale of Public Land in Graham County

The following described land has been identified as suitable for disposal by sale under Section 203 of the Federal Land Policy and Management Act of 1976 (90 Stat. 2750; 43 U.S.C. 1713), at no less than the appraised fair market value.

GILA AND SALT RIVER MERIDIAN, ARIZONA

Parcel	Legal description	Acreage	Dollar value
(A-5321)			
T. 8 S., R. 28 E.,			
Section 18: E $\frac{1}{2}$ NW $\frac{1}{4}$ (parcels within)			
A	NW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$	10	12,700
B	SW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$	10	12,500
C	NW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$	10	12,600
D	SW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$	10	12,800
E	NE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$	10	12,500
F	SE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$	10	12,400
G	NE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$	10	12,500
H	SE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$	10	13,000
(A-7730)			
Section 22: S $\frac{1}{2}$ SW $\frac{1}{4}$ (parcels within)			
J	N $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$	20	17,500
K	NW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$	10	12,000
L	NE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$	10	12,200
M	S $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$	20	17,300
O	SW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$	10	12,400
P	SE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$	10	12,500

The land will be sold at public auction by competitive bidding. The sale will be held at the Safford District Office, 425 East Fourth Street, Safford, Arizona, on Thursday, March 31, 1983, at 1:00 p.m.

Bidding Information and Instructions: The Federal Land Policy and Management Act requires that bidders must be citizens of the United States, 18 years of age or over, or, in the case of a corporation, be subject to the laws of any state of the United States. Bids may be made by a principal (the one desiring to purchase the land) or his duly qualified agent. Agents will be required to submit proof of power of attorney.

Method of Bidding: Each bid must be for all the land in a specified parcel. Bids may be made either by submitting sealed bids until three days before the sale date or by bidding orally at the sale. Bids sent by mail will only be considered if received by the Bureau of Land Management, Safford District Office, 425 East Fourth Street, Safford, Arizona 85546, prior to 1:00 p.m., Monday, March 28, 1983. Sealed bids, accompanied by a certified check, postal money order, bank draft, or cashier's check made payable to the Bureau of Land Management for not less than one-fifth of the amount of the bid must be in a separate sealed envelope, within the transmittal envelope. The sealed envelopes must be marked in the lower lefthand corner, "Sealed Bid, Parcel—, Public Land Sale A-5321 or A-7730, Sale to be held March 31, 1983." All sealed bids will be opened at 1:00 p.m. on the day of sale.

Oral bids will be received immediately after all sealed bids have been opened and the highest sealed bid is announced. The highest sealed bid will be the base for oral bids. If the highest bid is an oral bid, the successful bidder will be required to pay immediately one-fifth of the high bid price by cash, personal check, money order, bank draft, or any combination of these.

The successful high bidder whether by sealed or oral bid, will be required to submit the remainder of the land payment by cash, certified check, bank draft, money order, or combination at the time of the sale or within thirty (30) days after receipt of the decision accepting the highest bid. If final payment is not received within the specified 30 days, the high bid is rejected, the deposit is forfeited, and the parcel will be offered to the second highest bidder. All unsuccessful sealed bids will be returned within 30 days of the sale.

A patent for the land, when issued, will contain the following reservations:

1. A right-of-way thereon for ditches and canals constructed by the authority of the United States Act of August 30, 1890 (26 Stat. 391; 43 U.S.C. 945).

2. All minerals shall be reserved to the United States. Such minerals shall be subject to the right to explore, prospect for, mine, and remove under applicable law and such regulations as prescribed by the Secretary of the Interior.

3. A non-exclusive right-of-way thirty-three (33) feet in width for roadway and public utilities purposes to be located along the parcel boundary lines.

4. A restriction which constitutes a covenant running with the land, that the land in Parcel (J) and (M) located within the base (100-year) floodplain as identified in the Federal Emergency Management Agency (FEMA) flood hazard boundary map for the area (040032 0017 A) may be used only for farming, but not for farm dwellings or buildings, or for nonintensive open space purposes.

This restriction is included pursuant to the authority contained in section 3(d) of Executive Order 11988 of May 24, 1977, and section 203 of the Federal Land Policy and Management Act of 1976 (90 Stat. 2750; 43 U.S.C. 1713).

and will be subject to:

1. A right-of-way described under Serial No. A-5312 for a flood control channel under the Act of February 15, 1901 (31 Stat. 790; 43 U.S.C. 959) on parcels (E), (F), (G), and (H).

Upon the expiration of the right-of-way, the holder of the right-of-way must negotiate new terms with the landowner.

2. Those rights granted by oil and gas lease A-16361, made under Section 29 of the Act of February 25, 1920, (41 Stat. 473; 30 U.S.C. 186). This patent is issued subject to the right of the prior permittee or lessee to use so much of the surface of said land as is required for oil and gas exploration and development operations without compensation resulting from proper oil and gas operations, for the duration of the lease A-16361, and any authorized extension of the lease. Upon termination or relinquishment of said oil and gas lease, this reservation shall terminate.

Publication of this Notice will segregate the subject lands from all appropriations under public land laws, including the mining laws, but not the mineral leasing laws. This segregation will terminate upon the issuance of a patent or two years from the date of this Notice, or upon publication of a notice of termination.

Detailed information concerning the sale can be obtained from the Safford District Office. For a period of 45 days

from the date of this Notice, interested parties may submit comments to the District Manager, Safford District, Bureau of Land Management, 425 East Fourth Street, Safford, Arizona 85546. Any adverse comments will be evaluated by the district Manager who may vacate or modify this realty action and issue a final determination. In the absence of any action by the District Manager, this realty action will become the final determination of the Department of the Interior.

Dated: January 22, 1983.

Vernon L. Saline,

Acting District Manager.

[FR Doc. 83-2236 Filed 1-26-83; 8:45 am]

BILLING CODE 4310-84-M

[Group 635]

California; Filing of Plat of Survey

January 21, 1983.

1. These plats of survey of the following described land will be officially filed in the California State Office, Sacramento, California, immediately:

Mount Diablo Meridian, California

T. 17 N., R. 9 E.

2. These plats, representing the dependent resurvey of the east boundary, a portion of the north, south, and west boundaries, a portion of the subdivisional lines, and certain boundaries of mineral surveys and the survey of the subdivision of section 1, 3, 4, 6, 7, 8, 9, 19, 13 through 20, 22, 24, 28, 29, 30, 34, and 36, Township 17 North, Range 9 East, Mount Diablo Meridian, under Group No. 635, California, were accepted December 15, 1982.

3. These plats will immediately become the basic record for describing the land for all authorized purposes. These plats have been placed in the open files and are available to the public for information only.

4. This survey was executed to meet certain administrative needs of this Bureau.

5. All inquiries relating to this land should be sent to the California State Office, Bureau of Land Management, Federal Office Building, 2800 Cottage Way, Room E-2841, Sacramento, California 95825.

Herman J. Lytgo,

Chief, Records & Information Section.

[FR Doc. 83-2233 Filed 1-26-83; 9:45 am]

BILLING CODE 4310-84-M

[Group 689]**California; Filing of Plat of Survey**

January 21, 1983.

1. This plat of survey of the following described land will be officially filed in the California State Office, Sacramento, California immediately:

San Bernardino Meridian, California
T. 5 S., R. 8 E.

2. This plat, representing the dependent resurvey of portions of the south and west boundaries, a portion of the subdivisional lines, and the subdivision of sections 30 and 32, and the survey of the subdivision of section 19 and 32, and certain Indian allotments in section 30, Township 5 South, Range 8 East, San Bernardino Meridian, under Group No. 689, California, was accepted December 20, 1982.

3. The plat will immediately become the basic record for describing the land for all authorized purposes. The plat has been placed in the open files and is available to the public for information only.

4. This survey was executed to meet certain administrative needs of this Bureau and the Bureau of Indian Affairs.

5. All inquiries relating to this land should be sent to the California State Office, Bureau of Land Management, Federal Office Building, 2800 Cottage Way, Room E-2841, Sacramento, California, 95825.

Herman J. Lyttge,

Chief, Records & Information Section.

[FR Doc. 83-2234 Filed 1-26-83; 8:45 am]

BILLING CODE 4310-84-M

[Group 816]**California; Filing of Plat of Survey**

January 21, 1983.

1. This plat of survey of the following described land will be officially filed in the California State Office, Sacramento, California, immediately:

Mount Diablo Meridian, California
T. 32 N., R. 7 E.

2. This plat, representing the dependent resurvey of the south one-half mile between section 8 and 9, Township 32 North, Range 7 East, Mount Diablo Meridian, under Group No. 816, California, was accepted December 17, 1982.

3. The plat will immediately become the basic record for describing the land for all authorized purposes. The plat has been placed in the open files and is available to the public for information only.

4. This survey was executed to meet certain administrative needs of this Bureau.

5. All inquiries relating to this land should be sent to the California State Office, Bureau of Land Management, Federal Office Building, 2800 Cottage Way, Room E-2841, Sacramento, California, 95825.

Herman J. Lyttge,

Chief, Records & Information Section.

[FR Doc. 83-2235 Filed 1-26-83; 8:45 am]

BILLING CODE 4310-84-M

[Group 826]**California; Filing of Plat of Survey**

January 21, 1983.

1. This plat of survey of the following described land will be officially filed in the California State Office, Sacramento, California immediately:

Mount Diablo Meridian, California
T. 46 N., R. 15 E.

2. This plat, representing the dependent resurvey of the west boundary of section 1, Township 46 North, Range 15 East, Mount Diablo Meridian, under Group No. 826, California, was accepted December 17, 1982.

3. The plat will immediately become the basic record for describing the land for all authorized purposes. The plat has been placed in the open files and is available to the public for information only.

4. This survey was executed to meet certain administrative needs of Bureau and the Bureau of Indian Affairs.

5. All inquiries relating to this land should be sent to the California State Office, Bureau of Land Management, Federal Office Building, 2800 Cottage Way, Room E-2841, Sacramento, California 95825.

Herman J. Lyttge,

Chief, Records & Information Section.

[FR Doc. 83-2236 Filed 1-26-83; 8:45 am]

BILLING CODE 4310-84-M

Lakeview Grazing District Advisory Board; Meeting

Notice is hereby given, in accordance with Pub. L. 94-579 and 43 CFR 4120.8-1(e) that a meeting of the Lakeview District Grazing Advisory Board will be held on February 22, 1983 at 10:00 A.M. in the Lakeview District Office Conference Room at 1000 S. 9th Street, Lakeview, Oregon 97630.

The agenda will include the following topics:

1. Grazing Decisions,
2. Grazing Fee Study,

3. Wild Horses Update,

4. Water Use Inventory.

The meeting will be open to the public parties who desire to attend. Interested persons may make oral statements to the Board of file a written statement for the Board's consideration.

Summary minutes of the Board Meeting will be maintained in the District Office and will be available for public inspection during regular business hours within 30 days following the meeting.

Richard A. Gerity,

District Manager.

[FR Doc. 83-2230 Filed 1-26-83; 8:49 am]

BILLING CODE 4310-84-M

Lewistown District Grazing Advisory Board; Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of meeting.

SUMMARY: The Lewistown District Grazing Advisory Board will meet February 22 and February 23, 1983. The agenda will be:

February 22

1:00 p.m.—Livestock Management in Ervin Ridge Area
5:00 p.m.—Recess

February 23

8:00 a.m.—Range Improvement Funds
10:00 a.m.—Allotment Management Plan Status
12:00 p.m.—Adjournment

Opportunity for public comment will be provided throughout the meeting.

DATES: February 22, 1983, 1:00 p.m. to 5:00 p.m.; February 23, 1983, 8:00 a.m. to 12:00 noon.

ADDRESS: The LeHavre Inn, 629 West 1st, Havre, Montana.

FOR FURTHER INFORMATION CONTACT: Glenn W. Freeman, District Manager, Bureau of Land Management, Airport Road, Lewistown, Montana 59457.

SUPPLEMENTARY INFORMATION: The Lewistown District Grazing Advisory Board is authorized under Section 403 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1753). The Board advises the District Manager concerning the District's Rangeland Management Program.

Dated: January 18, 1983.

David E. Little,

Associate District Manager.

[FR Doc. 83-2232 Filed 1-26-83; 8:45 am]

BILLING CODE 4310-84-M

Prineville District Grazing Advisory Board; Meeting

Notice is hereby given in accordance with Pub. L. 92-463 of a meeting of the Prineville District Grazing Advisory Board to be held February 25, 1983.

The meeting will take place at 10:00 A.M. in the conference room of the Bureau of Land Management office located at 185 East 4th Street, P.O. Box 550, Prineville, OR 97754.

The agenda will center on the following items:

1. Final Brothers EIS.
2. Proposed Rangeland Program Summary decisions including allotment categorization and ranking.
3. Range Improvement and Maintenance Policy.

The meeting is open to the public. Anyone wishing to make written or oral statements to the board is requested to contact the District Manager at the above address prior to the meeting date.

Summary minutes of the meeting will be available for review and reproduction within 30 days following the meeting.

Gerald E. Magnuson,
District Manager.

January 18, 1983.

[FR Doc. 83-2231 Filed 1-26-83; 8:45 am]

BILLING CODE 4310-84-M

Surprise Resource Area, Susanville District Office, Calif.; Intent To Amend Land Use Plan

The Department of the Interior, Bureau of Land Management, Susanville District, California is beginning an amendment of the land use plans for 1.5 million acres of public land in the Surprise Resource Area.

The Surprise Resource Area is located in northeastern California in Lassen and Modoc Counties and in northwestern Nevada in Washoe and Humboldt Counties. The majority of the lands are well blocked and occur primarily around the communities of Cedarville, Eagleville, Lake City, and Fort Bidwell.

The anticipated major issues currently identified to be addressed in the amendment process are the impacts of modified livestock grazing decisions on other resources, Area of Critical Environmental Concern, the retention and/or disposal of certain public lands, fire management, and management of fuelwood on public lands within the area.

An environmental analysis will be part of the planning process. Possible alternatives in the EA will be proposed action and no action (i.e., the Management Framework Plans will not be amended).

The interdisciplinary team which will prepare the amendment includes representatives from the following disciplines: range, wildlife, lands, soil, water resources, minerals, recreation, cultural resources, wild horses, threatened and endangered plants, fire, socioeconomics, and forestry.

Public participation activities during the amendment process include consultation with affected users and other agencies. Meetings with interested groups and individuals, mailouts, media notices, public meetings, and distribution of the draft and final amendments and EA for comment will also occur.

One public meeting will be held to identify and clarify significant issues to be addressed in the amendment process. The meeting will be on February 15, 1983 at 7:00 p.m., at the Bureau of Land Management Office, 602 Cressler Street, Cedarville, California.

Further information as well as relevant planning documents will be available from 7:45 a.m. to 4:30 p.m., weekdays, from Lee Delaney, Area Manager, Surprise Resource Area, Bureau of Land Management, P.O. Box 460, Cedarville, California 96104; telephone (916) 279-6101.

Dated: January 20, 1983.

Ben F. Collins,

Acting District Manager.

[FR Doc. 83-2283 Filed 1-26-83; 8:45 am]

BILLING CODE 4310-84-M

[M 56554]

Montana; Realty Action—Exchange; Correction

AGENCY: BLM-Butte District Office, Interior.

ACTION: Notice of Realty Action, Exchange of public lands in Silver Bow and Beaverhead counties, Montana.

Correction

In Federal Register Vol. 47, No. 219/ Friday, November 12, 1982, on page 51232, condition number 6 pertaining to public lands, which reserved a right-of-way to the U.S., is to be omitted from the notice. Condition number 2 on pages 51232 and 51233, pertaining to the privately owned lands and reserving a right-of-way to Stauffer Chemical Company, is to be omitted also.

Dated: January 18, 1983.

Jack A. McIntosh,
District Manager.

[FR Doc. 83-2284 Filed 1-26-83; 8:45 am]

BILLING CODE 4310-84-M

[CA-12534]

Conveyance of Public Land; Kern County, California

January 17, 1983.

Notice is hereby given that pursuant to the Act of October 21, 1976 (90 Stat. 2743; 43 U.S.C. 1713), the Heirs of Hubert F. Lucas; Ben F. and Ines Short; Edward J. and Deborah A. Grelle; Francis H. and Wilma R. Belt; Lloyd A. and Agnes Williams; Virgil W., Jr. and Gwynn A. Hansen; and Elmer H. and Jeanette Norman, have purchased by noncompetitive sale public land in Kern County, California, described as:

Mount Diablo Meridian, California

T. 28 S., R. 33 E.,

Sec. 18, lots 5 to 11, respectively.

Containing 0.48 acre.

The purpose of this notice is to inform the public and interested state and local governmental officials of the issuance of the conveyance documents to the above named.

Eleanor K. Wilkinson,

Chief, Lands and Locatable Minerals Section,
Branch of Lands and Minerals Operations.

[FR Doc. 83-2287 Filed 1-26-83; 8:45 am]

BILLING CODE 4310-84-M

Ely District, Nevada; Egan Resource Management Plan

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Comment Period for the Management Alternatives of the Egan Resource Management Plan.

SUMMARY: The Ely District, Bureau of Land Management, is preparing a Resource Management Plan for the 3.8 million acres of public land in the Egan Resource Area. The Egan Resource Management Plan will be addressing three issues: Range Management, Realty Actions, and Wilderness. A fourth issue, Sensitive Resources was dropped as it was no longer deemed to be a critical issue. The majority of the elements associated with this issue have been included in the Range Management issue.

The public is invited to participate in reviewing and commenting on the four management alternatives which have been developed to resolve the three issues. The four management alternatives are: A. No Action, B. Resource Protection, C. Mid-Range, and D. Resource Development. The purpose of these four alternatives is to suggest the range of possible management

options from which the proposed management action will be developed. The draft Egan Resource Management Plan is scheduled for release in September of 1983.

It should be noted that the resource management planning system incorporates the environmental analysis process. As a result, the Egan Resource Management Plan will be combined land use plan and environmental impact statement. The text of the Bureau's Planning Regulations can be found in the Code of Federal Regulations, Title 43, Part 1601. The Egan Resource Management Plan is being written to comply with the Federal Land Policy and Management Act of 1976 and the National Environmental Policy Act of 1969.

DATES AND ADDRESSES: The public comment period for the four management alternatives starts on January 31, 1983, and will end on March 25, 1983. Copies of the Egan Resource Management Plan Alternatives may be obtained by writing to the address listed below. Meetings open to the public will be held in Ely on February 15, 1983, at the Bristlecone Convention Center located at 150 Sixth Avenue, Ely, Nevada, and in Reno on February 16, 1983, at the Eldorado Hotel located at 345 North Virginia Avenue, Reno, Nevada, to review these alternatives. Both meetings will be held from 7:00 p.m. to 9:00 p.m. Notices of this public comment period will also be placed in the local news media and radio station.

FOR FURTHER INFORMATION CONTACT: Howard F. Hedrick, Egan Resource Area Manager, Ely District Office, Star Route 5, Box 1, Ely, Nevada 89301, Telephone (702) 289-4865.

Dated: January 18, 1983.

Edward F. Spang,

State Director, Nevada.

[FR Doc. 83-2288 Filed 1-26-83; 8:45 am]

BILLING CODE 4310-84-M

[U-050]

Richfield District, Richfield, Utah; Henry Mountain Final Grazing Environmental Impact Statement (EIS)

Notice is hereby given that the Henry Mountain Final Grazing EIS completion date as published in the Federal Register has been extended from March 31, 1983 to June 1, 1983 to allow for the analysis of additional comments received after the comment period was extended 60 days.

Dated: January 21, 1983.

Donald L. Pendleton,

District Manager.

[FR Doc. 83-2286 Filed 1-26-83; 8:45 am]

BILLING CODE 4310-84-M

Utah; Off-Road Vehicle Designations

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

DECISION: Notice is hereby given relating to the use of off-road vehicles on public lands in accordance with the authority and requirements of Executive Order 11644 and 11989, and regulations contained in 43 CFR 8340. The following described lands under administration by the Bureau of Land Management are designated as limited to off-road motorized vehicle use.

The 49,300 acres designated are a result of land use decisions made in the Ashley-Duchesne (1982) and Brown's Park (1977) Management Framework Plans. The areas are in Daggett and Uintah Counties, Utah. Comments received from public meetings and contacts with County Commissioners influenced these designation decisions. These designations are published as final today. Under 43 CFR 4.21, an appeal may be filed within 30 days with the Interior Board of Land Appeals.

Use Limited to Designated Roads and Trails

1. Pariette Wetlands—9,000 acres. The area is located southwest of Ouray and vehicle use in this area is permitted on designated roads and trails. Snowmobile use is permitted in the area.

2. Green River Scenic Corridor—17,300 acres.

3. Red Creek Watershed—23,000 acres.

The above two areas are located in the northeast corner of Utah. Vehicle use in these areas is permitted on designated roads and trails. Snowmobile use is permitted in the areas.

These designations become effective upon publication in the Federal Register and will remain in effect until rescinded or modified by the authorized officer. An environmental assessment describing the impact of these designations is available for inspection at the office listed below:

Area Manager, Diamond Mountain Resource Area, 170 South 500 East, Vernal, Utah 84078

Lloyd N. Ferguson,

District Manager.

[FR Doc. 83-2289 Filed 1-26-83; 8:45 am]

BILLING CODE 4310-84-M

Warm Springs Resource Management Plan (RMP)/Environmental Impact Statement (EIS) Schedule Acceleration, RMP Intent and Scoping Meeting

Notice is hereby given that completion of the Warm Springs RMP/EIS has been accelerated one year from September 30, 1987 to September 30, 1986.

The Warm Springs planning will be completed under the RMP process. The first issue scoping meeting will be held on February 15, 1983 at the Fillmore Elementary School, 555 West 400 South, Fillmore, Utah at 7 p.m.

For further information contact Mark Bailey, Area Manager, Warm Springs Resource Area, Bureau of Land Management, P.O. Box 778, Fillmore, Utah 84631.

Dated: January 21, 1983.

Donald L. Pendleton,

District Manager.

[FR Doc. 83-2285 Filed 1-26-83; 8:45 am]

BILLING CODE 4310-84-M

[I-15375]

Idaho; Rescission of Orders Providing for the Opening of Public Lands

January 20, 1983.

This notice rescinds an order which provided for the opening of public lands in the State of Idaho. The order had no force and effect. It is identified as follows:

Appearing at page 31755 of the Federal Register of Thursday, July 22, 1982 (FR Doc. 82-19779).

Clair M. Whitlock,

State Director.

[FR Doc. 83-2289 Filed 1-26-83; 8:45 am]

BILLING CODE 4310-84-M

[NM 55234]

New Mexico; Proposed Withdrawal and Reservation of Lands

Dated: January 21, 1983.

The Department of Energy, on January 17, 1983, filed application NM 55234 for the withdrawal of the following described lands from settlement, sale, location, or entry under all of the general land laws, including but not limited to the general mining and leasing laws and the Geothermal Steam Act of 1970, subject to valid existing rights:

New Mexico Principal Meridian

T. 22 S., R. 31 E.,

Sec. 15;

Sec. 16;

Sec. 17;

Sec. 18, lots 1, 2, 3, 4, inclusive, E½, and E½W½;
 Sec. 19, lots 1, 2, 3, 4, inclusive, E½, and E½W½;
 Sec. 20;
 Sec. 21;
 Sec. 22;
 Sec. 27;
 Sec. 28;
 Sec. 29;
 Sec. 30, lots 1, 2, 3, 4, inclusive, E½, and E½W½;
 Sec. 31, lots 1, 2, 3, 4, inclusive, E½, and E½W½;
 Sec. 32;
 Sec. 33;
 Sec. 34.

The area described comprises approximately 8,960 acres of public lands and 1,280 acres of State owned land for a total of 10,240 acres, more or less, in Eddy County, New Mexico.

The following two State sections are included in the withdrawal so that if they pass to Federal ownership, they will be subject to the withdrawal:

New Mexico Principal Meridian

T. 22 S., R. 31 E.,
 Sec. 18;
 Sec. 32.

The applicant agency desires that the land be withdrawn and reserved for use of the Department of Energy for the purpose of constructing a research and development facility (the Waste Isolation Pilot Plant—WIPP) to demonstrate the safe disposal of radioactive wastes resulting from the defense activities and programs of the United States; however, no radioactive waste will be stored or disposed of under the terms of this withdrawal.

All persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned authorized officer of the Bureau of Land Management on or before May 2, 1983.

Pursuant to section 204(h) of the Federal Land Policy and Management Act of 1976, notice is hereby given that an opportunity for a public hearing is afforded in connection with the proposed withdrawal. All interested persons who desire to be heard on the proposed withdrawal must submit a written request for a hearing to the State Director, Bureau of Land Management, New Mexico State Office, P.O. Box 1449, Santa Fe, NM 87501, on or before May 2, 1983. Upon determination by the State Director that a public hearing will be held, a notice will be published in the Federal Register giving the time and place of such hearing. The public hearing will be scheduled and conducted in accordance with BLM Manual, Sec. 2351.16B.

The Department of the Interior's regulations provide that the authorized officer of the BLM will undertake such investigations as are necessary to determine the existing and potential demands for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of assuring that the area sought is the minimum essential to meet the applicant's needs, providing for the maximum concurrent utilization of the lands for purposes other than the applicant's, and reaching agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn and reserved as requested by the applicant agency. The determination of the Secretary of the application will be published in the Federal Register. The Secretary's determination shall, in a proper case, be subject to the provisions of section 204(c) of the Federal Land Policy and Management Act of 1976, 90 Stat. 2752.

Effective on the date of publication of this notice, the above-described lands shall be segregated from the operation of the public land laws, including the mining laws, to the extent that the withdrawal applied for, if and when effected, would prevent any form of disposal or appropriation under such laws. The segregative effect of this proposed withdrawal shall continue for a period of 2 years, unless sooner terminated by action of the Secretary of the Interior. Current administrative jurisdiction over the segregated lands will not be affected by the temporary segregation. If the withdrawal is approved, the segregation will continue for the duration of the withdrawal.

All communications (except for public hearing requests) in connection with this proposed withdrawal should be addressed to the Chief, Division of Operations, Bureau of Land Management, New Mexico State Office, P.O. Box 1449, Santa Fe, NM 87501.

Leroy C. Montoya,

Chief, Division of Operations.

[FR Doc. 83-2242 Filed 1-26-83; 8:45 am]

BILLING CODE 4310-84-M

New Mexico; Wilderness Study Areas

AGENCY: Bureau of Land Management, Interior.

ACTION: Wilderness Consideration of the Bisti Area.

SUMMARY: Federal Register Notice (47 FR 58372) of Thursday, December 30,

1982 announced that seven New Mexico Wilderness Study Area (WSA's) of less than 5,000 acres each were dropped from further wilderness consideration. One of these seven was the Bisti area.

The New Mexico State Director asked, and was granted, special permission to continue to study the Bisti for wilderness. This was done under the authority of Section 202 of the Federal Land Policy and Management Act (FLPMA) and in accordance with guidance contained in Washington Office Instruction Memo No. 83-188. Management of the Bisti will continue to prevent impairment of the area's wilderness values while it is being considered for wilderness.

Consideration of wilderness for the Bisti is included in the Draft Environmental Impact Statement (EIS) for the Bisti, Denazin and Ah-shi-sle-pah WSA's which was released on November 30, 1982. The public comment period for this draft EIS extends to April 8, 1983.

FOR FURTHER INFORMATION CONTACT: Dan Wood, Wilderness Coordinator, Bureau of Land Management, P.O. Box 1449, Santa Fe, NM 87501, telephone number (505) 988-6227.

Charles W. Luscher,
State Director.

[FR Doc. 83-2244 Filed 1-26-83; 8:45 am]

BILLING CODE 4310-84-M

Ukiah District, Eureka Resource Area; Availability of Red Mountain Management Framework Plan Amendment Preplan Analysis and Planning Criteria

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Availability.

SUMMARY: Notice is hereby given that the draft preplan analysis, including planning criteria, for the Red Mountain Management Framework Plan Amendment is available for public review and comment.

DATES: Comments will be accepted from the public for 30 days after publication of this notice.

FOR FURTHER INFORMATION CONTACT: Stanley R. Whitmarsh, Wilderness Coordinator, Ukiah District Office, Bureau of Land Management, P. O. Box 940, 555 Leslie Street, Ukiah, California 95482. Telephone (707) 462-3873.

SUPPLEMENTARY INFORMATION: A planning amendment is being prepared to study the 6,173 acre Red Mountain Wilderness Study Area, located northeast of the town of Leggett in northern Mendocino County, California.

The preplan analysis briefly describes issues, types and levels of decisions, inventory needs, planning criteria, state and national guidance, time schedules and public participation. Because this amendment involves only analysis of wilderness suitability, the planning criteria are the criteria and quality standards as described in the *Wilderness Study Policy; Policies, Criteria and Guidelines for Conducting Wilderness Studies on Public Lands* (47 FR 5098-5122).

Dated: January 19, 1983.

Edwin G. Katlas,
Acting District Manager.

[FR Doc. 83-2243 Filed 1-26-83; 8:45 am]

BILLING CODE 4310-84-M

Minerals Management Service

Oil and Gas and Sulphur Operations in the Outer Continental Shelf; Tenneco Oil Exploration and Production

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the Receipt of a Proposed Development and Production Plan.

SUMMARY: Notice is hereby given that Tenneco Oil Exploration and Production has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS-G 4321, Block 181, Ship Shoal Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the Plan and that it is available for public review at the Office of the Regional Manager, Gulf of Mexico OCS Region, Minerals Management Service, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: Minerals Management Service, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837-4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979 (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: January 19, 1983.

John L. Rankin,
Acting Regional Manager, Gulf of Mexico OCS Region.

[FR Doc. 83-2303 Filed 1-26-83; 8:45 am]

BILLING CODE 4310-31-M

Oil and Gas and Sulphur Operations in the Outer Continental Shelf

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the receipt of a proposed development and production plan.

SUMMARY: Notice is hereby given that Texaco U.S.A. has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS 0310, Block 217, South Marsh Island Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the Plan and that it is available for public review at the Office of the Regional Manager, Gulf of Mexico OCS Region, Minerals Management Service, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: Minerals Management Service, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837-4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: January 19, 1983.

John L. Rankin,
Acting Regional Manager, Gulf of Mexico OCS Region.

[FR Doc. 83-2294 Filed 1-26-83; 8:45 am]

BILLING CODE 4310-31-M

Oil and Gas and Sulphur Operations in the Outer Continental Shelf

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the receipt of a proposed development and production plan.

SUMMARY: Notice is hereby given that Pennzoil Exploration and Production Company has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS-G 2416, Block A-325, High Island Area, offshore Texas.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the Plan and that it is available for public review at the Office of the Regional Manager, Gulf of Mexico OCS Region, Minerals Management Service, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: Minerals Management Service, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837-4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: January 19, 1983.

John L. Rankin,
Acting Regional Manager, Gulf of Mexico OCS Region.

[FR Doc. 83-2295 Filed 1-26-83; 8:45 am]

BILLING CODE 4310-31-M

National Park Service

Grizzly Bear Management Program for Yellowstone National Park

AGENCY: National Park Service, Interior.

ACTION: Availability of final environmental impact statement.

SUMMARY: Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969, the National Park Service, U.S. Department of the Interior, has prepared a final environmental impact statement (EIS) for the proposed grizzly bear management program at Yellowstone National Park in Idaho, Montana and Wyoming.

The proposal involves some positive management actions which emphasize the perpetuation of a wild, free-ranging grizzly bear population. Among these actions are the closing or restricting some 452,995 acres of the park to public use, closer coordination with the U.S. Fish and Wildlife Service in controlling problem bears, and provision for supplemental feeding of carrion as necessary if natural food supplies for the bears fall critically short. These actions are a departure from past practices because research has shown the grizzly bear, a threatened species, to possibly be declining in population in the greater Yellowstone area.

The three alternatives considered in the final EIS are (A) implement a modified management program (the proposed action); (B) status quo, continue the present management program with its past practices (no action); and (C) further restrict visitor use by fencing at strategic locations such as Fishing Bridge Campground.

A limited number of copies of the final EIS are available upon request to:

Mr. Bob Kasperek
Environmental Protection Specialist
Rocky Mountain Regional Office
National Park Service
P.O. Box 25287
Denver, Colorado 80225
Telephone: (303) 234-4942, or
Superintendent, Yellowstone National Park
Yellowstone National Park, Wyoming 82190
Telephone: (307) 344-7381

The above offices may be contacted for further information. Public reading copies of the final EIS will also be available at those offices and at: Office of Public Affairs, National Park Service, Department of the Interior, 18th and C Streets, NW., Washington, D.C. 20240, Telephone: (202) 343-6843.

Dated: January 4, 1983.

Lorraine Mintzmyer,
Regional Director, Rocky Mountain Region.

[FR Doc. 83-2310 Filed 1-26-83; 9:45 am]

BILLING CODE 4310-70-M

INTERSTATE COMMERCE COMMISSION

[Ex Parte No. 387]

Exemptions for Contract Tariffs

AGENCY: Interstate Commerce Commission.

ACTION: Notices of provisional exemptions.

SUMMARY: Provisional exemptions are granted under 49 U.S.C. 10505 from the notice requirements of 49 U.S.C.

10713(e), and the below-listed contract tariffs may become effective on one day's notice. These exemptions may be revoked if protests are filed.

DATES: Protests are due within 15 days of publication in the Federal Register.

ADDRESS: An original and 6 copies should be mailed to: Office of the Secretary, Interstate Commerce Commission, Washington, DC 20423.

FOR FURTHER INFORMATION CONTACT: Douglas Galloway, (202) 275-7278; or Tom Smerdon, (202) 275-7277.

SUPPLEMENTARY INFORMATION: The 30-day notice requirement is not necessary in these instances to carry out the transportation policy of 49 U.S.C. 10101a or to protect shippers from abuse of market power; moreover, the transaction is of limited scope. Therefore, we find that the exemption requests meet the requirements of 49 U.S.C. 10505(a) and are granted subject to the following conditions:

These grants neither shall be construed to mean that the Commission has approved the contracts for purposes of 49 U.S.C. 10713(e) nor that the Commission is deprived of jurisdiction to institute a proceeding on its own initiative or on complaint, to review these contracts and to determine their lawfulness.

Sub-No.	Name of railroad, contract No. and specifics	Review board	Decided date
661	Denver and Rio Grande Western Railroad Co., ICC-DRGW-C-0016-A, 0026-A, 0039-B, 0050-A, 0060-A and 1172-A (Canned goods).....	1	1-20-83
663	Seaboard System Railroad ICC-SSD-C-0007 (Methanol).....	3	1-20-83
666	Burlington Northern Railroad Co., ICC-BN-C-0153, Supplement 5 (Grain and grain products).....	3	1-20-83
669	Chicago, Milwaukee, St. Paul and Pacific Railroad Co., ICC-MILW-C-0168-J (Bituminous coal).....	3	1-20-83
670	Southern Pacific Transportation Co., ICC-SP-C-0131, Supplement 2 (Cement clinker and petroleum coke).....	1	1-20-83
673	Southern Pacific Transportation Co., ICC-SP-C-0359 (Sulphur).....	3	1-20-83
674	Southern Pacific Transportation Co., ICC-SP-C-0038, Supplement 1 (Cement).....	1	1-20-83
676	Chicago and North Western Transportation Co., ICC-CNWC-0425 (Roofing granules).....	3	1-20-83

¹ Review Board No. 1, Members Parker, Chandler, and Fortier. Review Board No. 3, Members Krock, Joyce, and Dowell.

This action will not significantly affect the quality of the human environment or conservation of energy resources.

(49 U.S.C. 10505)

Agatha L. Mergenovich,
Secretary.

[FR Doc. 83-2063 Filed 1-26-83; 6:45 am]

BILLING CODE 7035-01-M

[Volume No. OP3MCFC-28]

Motor Carriers; Finance Applications

Decided: January 21, 1983.

As indicated by the findings below, the Commission has approved the following applications filed under 49 U.S.C. 10924, 10926, 10931 and 10932.

We find: Each transaction is exempt from section 11343 of the Interstate Commerce Act, and complies with the appropriate transfer rules.

This decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

Petitions seeking reconsideration must be filed within 20 days from the date of this publication. Replies must be filed within 20 days after the final date for filing petitions for reconsideration; any interested person may file and serve a reply upon the parties to the proceeding. Petitions which do not comply with the relevant transfer rules at 49 CFR 1181.4 may be rejected.

If petitions for reconsideration are not timely filed, and applicants satisfy the conditions, if any, which have been imposed, the application is granted and they will receive an effective notice. The notice will recite the compliance requirements which must be met before the transferee may commence operations.

Applicants must comply with any conditions set forth in the following decision-notices within 20 days after publication, or within any approved extension period. Otherwise, the decision-notice shall have no further effect.

It is ordered: The following applications are approved, subject to the conditions stated in the publication, and further subject to the administrative requirements stated in the effective notice to be issued hereafter.

By the Commission, Review Board Number 2, Members Carleton, Williams, and Ewing. Board Member Ewing not participating.

Agatha L. Mergenovich,
Secretary.

Please Direct status inquiries to Team 3, (202) 275-5223.

MC-FC-81079. By decision of January 20, 1983, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1181, Review Board Number approved the transfer to ASTRO SERVICES, INC., Springfield, MA, of Certificates Nos. MC 149324, (Sub-No. 1), issued August 8, 1981, and MC 149324 (Sub-No. C4) X, issued March 23, 1982, and Permits Nos. MC 149324 (Sub-No. 3), issued March 18,

1982, and MC 149324 (Sub-No. P4) X, issued March 23, 1982, to BLACK ARROW TRANSPORT, INC., Springfield, MA, authorizing the transportation of (1) *machinery*, between points in CT, on the one hand, and, on the other, points in the U.S., (2) *pulp, paper, and related products*, between points in CT, MA, ME, NH, NJ, NY, RI, and VT, on the one hand, and, on the other, points in the U.S. (except AK and HI), (3) *general commodities* (except classes A and B explosives), (a) between points in IL, MN, ND, and WI; and (b) between points in IL, MN, ND, and WI, on the one hand, and, on the other, points in MA, MT, NY, PA, and WA; (4) *general commodities* (except classes A and B explosives, commodities in bulk, and household goods), between points in the U.S. (except AK and HI), under continuing contract(s) with General Electric Company, Distribution Equipment Division, of Plainville, CT; and (5) *boats and parts and accessories for boats and materials, equipment, and supplies* used in the manufacture of boats, between points in the U.S., under continuing contract(s) with AMF-ALCORT/PACESHIP, Division of Waterbury, CT. Condition: Upon consummation of this transaction, transferor's authority in Certificates Nos. MC 149324 and MC 149324 (Sub-No. 2) X, and Permit No. MC 144022 (Sub-No. 2) are cancelled pursuant to transferor's request. Representative: James M. Burns, 1365 Main St., Suite 403, Springfield, MA 01103.

[FR Doc. 83-2211 Filed 1-26-83; 8:45 am]

BILLING CODE 7035-01-M

[No. MC-F-15047]

Dutra Trucking, Inc.—Purchase Exemption—Shoemaker Trucking Company (Loren Wetzel, Trustee in Bankruptcy)

AGENCY: Interstate Commerce Commission.

ACTION: Notice of proposed exemption.

SUMMARY: Pursuant of 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), Dutra Trucking, Inc., seeks an exemption from the requirement under section 11343 of prior regulatory approval for its purchase of portions of the operating rights of Shoemaker Trucking Company (Loren Wetzel, Trustee in Bankruptcy), No. MC-138875 (Sub-No. 312X), 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, Room 2139, Interstate Commerce Commission, Washington, D.C. 20423, and

(2) Petitioner's representative: Eugene Q. Carmody, 15523 Sedgeman Street, San Leandro, CA 94579.

Comments should refer to No. MC-F-15047.

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.

By the Commission, Hebert P. Hardy, Director, Office of Proceedings.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-2215 Filed 1-26-83; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

In the matter of Motor Common and Contract Carriers of Property (fitness-only); Motor Common Carriers of Passengers (fitness-only); Motor Contract Carriers of Passengers; Property Brokers (other than household goods).

The following applications for motor common or contract carriage of property and for a broker of property (other than household goods) are governed by Subpart A of Part 1160 of the Commission's General Rules of Practice. See 49 CFR Part 1160, Subpart A, published in the Federal Register on November 1, 1982, at 47 FR 49583, which redesignated the regulations at 49 CFR 1100.251, published in the Federal Register on December 31, 1980. For compliance procedures, see 49 CFR 1160.19. Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart B.

The following applications for motor common or contract carriage of passengers filed on or after November 19, 1982, are governed by Subpart D of the Commission's Rules of Practice. See 49 CFR Part 1160, Subpart D, published in the Federal Register on November 24, 1982, at 49 FR 53271. For compliance procedures, see 49 CFR 1160.86. Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart E.

These applications may be protested only on the grounds that applicant is not

fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations.

Applicant's representative is required to mail a copy of an application, including all supporting evidence, within three days of a request and upon payment to applicant's representative of \$10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except here 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." Please direct status inquiries to Team 2, (202) 275-7030.

Volume No. OP2-031

Decided: January 17, 1983.

By the Commission, Review Board No. 2, members Carleton, Williams, and Ewing. (Member Ewing not participating.)

MC 8842 (Sub-6), filed January 3, 1983. Applicant: DAWSON BUS SERVICE, INC., 405 East Camden-Wyoming Ave., Camden, DE 19834. Representative: Dixie C. Newhouse, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, MD 21740, 301-797-6060. 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 111662 (Sub-3), filed December 22, 1982. Applicant: LUND COACHES, INC., P.O. Box 158, Wilmington, IL 60481. Representative: Jeffrey Strange, 3330 Dundee Rd., Northbrook, IL 60062, 312-272-9063. Transporting *passengers*, in charter and special operations, beginning and ending at points in IL and extending to points in the U.S. (except AK and HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 161422, filed December 28, 1982. Applicant: APPALACHIAN TRAVEL SERVICE, INC., 13 Clarksville St., Cornelia, GA 30531. Representative: Imogene Hamric, Rt. 2, Box 217, Cornelia, GA 30531 (404-778-5600 and 5777). Transporting *passengers*, in charter and special operations, beginning and ending at points in GA and extending to points in the U.S.

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 164882, filed November 29, 1982. Applicant: CHARLES DERRICK, JR. d.b.a. DERRICKS CHARTER SERVICE, 1003 W. Main St., P.O. Box 604, LEXINGTON, SC 29072. Representative: Charles D. Derrick, Jr. (same as applicant) (803) 359-7809. Transporting *passengers*, in charter and special operations, beginning and ending at points in the U.S.

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 165422, filed December 28, 1982. Applicant: MITCHELL MOTORCOACH LTD., 2143 Fourth St., Bay City, MI 48706. Representative: Karl L. Gotting, 1200 Bank of Lansing Bldg., Lansing, MI 48933, 517-482-2400. Transporting *passengers*, in charter and special

operations, between points in MI, IN, OH, KY, TN, GA, FL, and NJ.

Note.—Applicant seeks to provide privately-funded charter and special transportation.

Volume No. OP2-034

Decided: January 18, 1983.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing.

MC 152113 (Sub-2), filed January 10, 1983. Applicant: ARROW COURIER, INC., 3142 Fairfield Ave., Bridgeport, CT 06605. Representative: Harold L. Reckson, 33-28 Halsey Rd., Fair Lawn, NJ 07410 (201) 791-2270. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 158433 (Sub-1), filed January 7, 1983. Applicant: BURKE INTERNATIONAL TOURS, INC., P.O. Box 880, Newton, NC 28658. Representative: J. G. Dail, Jr., P.O. Box LL, McLean, VA 22101 (703) 893-3050. Transporting *passengers*, in charter operations, between points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded charter operations.

MC 159863 (Sub-2), filed January 6, 1983. Applicant: DAVIDSON TRANSPORTATION AGENCY, INC., P.O. Box 716, Beverly Shores, IN 46301. Representative: Themis N. Anastos, 120 West Madison St., Chicago, IL 60602 (312) 782-8668. Transporting for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S. (except AK and HI).

MC 165483, filed January 4, 1983. Applicant: ODELL APPLE, INC. 5433 Sunshine Drive St. Louis, MO 63109. Representative: Mark Perry, 236 Massachusetts Ave., NE, Suite 409, Washington, DC 20002 (202) 546-2299. 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).

For the following, please direct status inquiries to Team 4 at 202-275-7669.

Volume No. OP4-028

Decided: January 20, 1983.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing.

MC 165347, filed December 23, 1982, previously noticed in the FR issue of January 12, 1983, and republished this issue. Applicant: BOBBIE W. THOMPSON, d.b.a. THOMPSON'S VIP TOURS, I-35 E. Outer Rd., P.O. Box 109, Bethany, MO 64424. Representative: Robert J. Brooks, 1828 L St. NW, Suite 1111, Washington, DC 20036 (202) 466-3892. Transporting *passengers*, in special and charter operations, between points in the U.S. The purpose of this republication is to include Alaska and Hawaii service, which was erroneously excluded in the previous notice.

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 165646, filed January 11, 1983. Applicant: EXECUTIVE LIMOUSINE SERVICE, LTD., 320 Industrial Ave., Vancouver, BC Canada V6A 2P5. Representative: John G. McLaughlin, 1600 One Maine Pl., 101 SW Main St., Portland, OR 97204 (503) 224-5525. Transporting *passengers*, in charter and special operations, beginning and ending at ports of entry on the International Boundary line between the United States and Canada in WA and ID, and extending to points in the U.S. (except AK and HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

Volume No. OP4-031

Decided: January 17, 1983.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 165376, filed December 27, 1982. Applicant: SKYLANE TRANSPORTATION COMPANY, 28477 Bradley Rd., Lake Forest, IL 60045. Representative: Patrick H. Smyth, 105 W Madison St., Suite 1008, Chicago, IL 60602, (312) 263-2397. Transporting (1) *passengers*, in charter and special operations, between points in the U.S. (except HI), (2) *shipments weighing 100 pounds or less*, if transported in a vehicle in which no one package exceeds 100 pounds, between points in the U.S. (except AK and HI), and (3) as a *broker of general commodities* (except household goods), between points in the U.S. (except AK and HI).

Note.—Applicant in (1) seeks to provide privately funded charter and special transportation. This application is directly related to MC-F-15050, published elsewhere in the same Federal Register issue.

Volume No. OP4-033

Decided: January 20, 1983.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 78296 (Sub-4), filed January 7, 1983. Applicant: MID-AMERICA CHARTER LINES, INC., 2513 Higgins Rd., Elk Grove Village, IL 60007. Representative: Andrew J. Carraway, 1600 Wilson Blvd., Suite 1301, Arlington, VA 22209, (703) 522-0900. Transporting *passengers*, in special and charter operations, between points in the U.S. (except HI). Condition: The person or persons who appear to be engaged in common control of applicant and another regulated carrier must either file an application under 49 U.S.C. 11343(A) or a petition for exemption under 49 U.S.C. 11343(e) or submit an affidavit indicating why such approval is unnecessary to the Secretary's Office. In order to expedite any issuance of authority please submit a copy of the affidavit or proof of filing the application(s) for common control to Team 4, Room 2410.

Note.—Applicant seeks to provide privately funded special and charter transportation.

MC 110616 (Sub-6), filed January 10, 1983. Applicant: CHARTER COACHES, INC., 144 32nd St. Dr., SE, Cedar Rapids, IA 52403. Representative: Steven C. Schoenebaum, 1100 Carriers Bldg., 601 Locust, Des Moines, IA 50309, (515) 283-2076. 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 165687 filed January 14, 1983. Applicant: RGT, INC., 6726 Tara Blvd., 6C, Jonesboro, GA 30236. Representative: David L. Capps, P.O. Box 924, Douglasville, GA 30133, (404) 949-7756. 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 165697 filed January 14, 1983. Applicant: GIANNINI TRUCKING CO., INC., 87 Page Ave., Yonkers, NY 10704. Representative: Leo Giannini (same address as applicant), (914) 965-0147. 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 165706, filed January 14, 1983. Applicant: UNITED STATES SHIPPERS, INC., 220 W. Mercer St., Suite 202,

Seattle, WA 98119. Representative: Russell A. Evans, 410 Maynard Bldg., 119 First Ave. S., Seattle, WA 98104, (206) 622-1417. As a *broker of general commodities* (except household goods), between points in the U.S.

MC 165716, filed January 17, 1983. Applicant: JAMES W. JACKSON, d.b.a. J & J TRUCKING, P.O. Box 28 (County Rd. #17), Oglethorpe, GA 31068. Representative: James W. Jackson (same address as applicant), (912) 472-6716. 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).

For the following, please direct status inquiries to Team 5 at 202-275-7289.

Volume No. OP5-020

Decided: January 18, 1983.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier. (Member Fortier not participating.)

MC 150309 (Sub-2), filed January 7, 1983. Applicant: MIDWEST TRANSPORTATION, INC., 1501 East Lincoln Way, Ames, IA 50010. Representative: William L. Fairbank, 2400 Financial Center, Des Moines, IA 50309, 515-282-3525. Transporting *passengers*, in charter and special operations, beginning and ending at points in IA, and extending to points in the U.S. (except HI).

Note.—Applicant seeks to provide privately funded charter and special transportation.

MC 153249 (Sub-1), filed January 7, 1983. Applicant: TRANS-SERVICE, INC., 1306 East Webb Avenue, Burlington, NC 27215. Representative: J. G. Dail, Jr., P.O. Box LL, McLean, VA 22101, 703-893-3050. Transporting *passengers*, in charter and special operations, beginning and ending at points in Chatham, Durham, Guilford, Orange and Randolph Counties, NC, and extending to points in the U.S. (except HI).

Note.—Applicant seeks to provide privately funded charter and special operations.

MC 163089, filed January 6, 1983. Applicant: EXECUTIVE TRANSPORT, INCORPORATED, d.b.a. THE PARTY LINER, 4512 87th Avenue West, Tacoma, WA 98466. Representative: John J. Nance (same address as applicant), 206-565-2900. Transporting *passengers*, in charter operations, beginning and ending at points in WA, and extending to points in the U.S. (except AK and HI).

Note.—Applicant seeks to provide privately funded charter transportation.

MC 165419, filed December 27, 1982. Applicant: COM-BRO, INC., Box 347, Filer, ID 83328. Representative: Jim Carpenter (same address as applicant), 208-326-3100. To operate as a *broker of general commodities*, (except household goods), between points in the U.S. (except AK and HI).

MC 165448, filed December 30, 1982. Applicant: GARY COTHAM TRUCKING, 777 North 70th Street, Thayer, MO 65791. Representative: Gary D. Cotham (same address as applicant), 417-264-7005. 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 165598, filed January 3, 1983. Applicant: LOUIS A. FUOCO BUS LINE, INC., 645 South Country Road, East Patchogue, NY 11772. 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.

MC 165599, filed January 10, 1983. Applicant: TIM & ROGER SAVAGE, d.b.a. CROSSROADS TRAVEL ENTERPRISES, Rt. 3, Box 884, Joplin, MO 64801. Representative: Tim and Roger Savage (same address as applicant), 417-781-9222. Transporting *passengers*, in charter and special operations, beginning and ending at points in Jasper, Newton, McDonald, Lawrence, Greene, Barry, Stone, Christian, Taney, Barton, Vernon, Bates, Cass, Jackson, Clay, Platte and Buchanan Counties, MO, Ottawa County, OK, Cherokee, Crawford, Johnson, Wyandotte and Leavenworth Counties, KA, and Washington and Benton Counties, AR, and extending to points in the U.S. (except AK and HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 165609, filed January 10, 1983. Applicant: INDEPENDENT TRANSPORT, INC., 4025 Route 8, Allison Park, PA 15101. Representative: Carl Gainor, 620 Frick Building Pittsburgh, PA 15219, 412-391-2101. To operate as a *broker of general*

commodities (except household goods), between points in the U.S. (except HI).
 Agatha L. Mergenovich,
 Secretary.

[FR Doc. 83-2213 Filed 1-26-83; 8:45 am]
 BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

In the matter of Motor Common and Contract Carriers of Property (except fitness-only); Motor Common Carriers of Passengers (public interest); Freight Forwarders; Water Carriers; Household Goods Brokers.

The following applications for motor common or contract carriers of property, water carriage, freight forwarders, and household goods brokers are governed by Subpart A of Part 1160 of the Commission's General Rules of Practice. See 49 CFR Part 1160, Subpart A, published in the Federal Register on November 1, 1982, at 47 FR 49583, which redesignated the regulations at 49 CFR 1100.251, published in the Federal Register December 31, 1980. For compliance procedures, see 49 CFR 1160.19. Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart B.

The following applications for motor common carriage of passengers filed on or after November 19, 1982, are governed by Subpart D of 49 CFR Part 1160, published in the Federal Register on November 24, 1982 at 47 FR 53271. For compliance procedures, see 49 CFR 1160.86. Carriers operating pursuant to an intrastate certificate also must comply with 49 U.S.C. 10922(c)(2)(E). Persons wishing to oppose an application must follow the rule 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.

Agatha L. Mergenovich,
 Secretary.

Note.—All applications are for authority to operator as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract." Applications filed under 49 U.S.C. 10922(c)(2)(B) to operate in intrastate

commerce over regular routes as a motor common carrier of passengers are duly. Please direct status inquiries to Team One at (202) 275-7992.

Volume No. OPI-30

Decided: January 20, 1983.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing.

MC 82841 (Sub-328) filed January 10, 1983. Applicant: HUNT TRANSPORTATION, INC., d.b.a. HUNT BROKERAGE, 10770 "T" St. Omaha, NE 68127. Representatives: Marshall D. Becker, Suite 610, 7171 Mercy Road, Omaha, NE 68106, (402) 392-1220. As a broker of general commodities (except household goods), between points in the U.S. (except AK and HI).

MC 165571, filed January 7, 1983. Applicant: FIELDS' BUS RENTAL, INC., d.b.a. FIELDS' BUS SERVICE, 6099 Duckett Lane, Elkridge, MD 21227. Representative: William M. Fields (same address as applicant), (301) 796-5264. 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 operations.

MC 165600, filed January 10, 1983. Applicant: HOWARD G. BAROUDI, 225 Belaire Terrace, Mt. Laurel, NJ 08054. Representative: Howard G. Baroudi, (same address as applicant), (609) 235-5286. As a broker of general commodities (except household goods), between points in the U.S. (except AK and HI).

MC 165611, filed January 10, 1983. Applicant: IRVIN RAPHAEL, INC., 550 Old Stage Rd., Spotswood, NJ 0. Representative: Robert E. Goldstein, 370 Lexington Ave., New York, NY 10017, (212) 532-5181. Transporting passengers, in charter and special operations, between points in the U.S. (including AK and HI).

Note.—Applicant intends to provide privately-funded charter and special transportation.

MC 165671, filed January 13, 1983. Applicant: GO TOURS, INC., 481 Eighth Ave., New York, NY 10001. Representative: Larsh B. Mewhinney, 555 Madison Ave., New York, NY 10022, (212) 838-0600. Transporting passengers, in charter and special operations, between points in the U.S. (except AK and HI).

Note.—Applicant intends to provide privately-funded charter and special transportation.

Volume No. OPI-31

Decided: January 20, 1983.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing.

MC 30650 (Sub-9), filed January 13, 1983. Applicant: C. HARRELL, INC., Garrison Road, R.D. 3, Elmer, NJ 08381. Representative: William P. Jackson, Jr., 3426 N. Washington Blvd., P.O. Box 1240, Arlington, VA 22210, (703) 525-4050. Transporting *such commodities* as are dealt in or used by a manufacturer of chemicals, between points in the U.S. (except AK and HI), under continuing contract(s) with The PQ Corporation, of Valley Forge, PA.

MC 124711 (Sub-114), filed January 13, 1983. Applicant: BECKER CORPORATION, P.O. Box 1050, El Dorado, KS 67042. Representative: T. M. Brown, 2024 Glen Eagle, Edmond, OK 73034, (405) 840-7579. Transporting *chemicals and related products and petroleum products*, between points in the U.S. (except AK and HI).

MC 136391 (Sub-8), filed January 7, 1983. Applicant: BILL'S MOVING, INC., d.b.a. A-1 MOVING & STORAGE, 471 W. 5th S., Salt Lake City, UT 84111. Representative: Irene Warr, 311 S. State St., Ste. 280, Salt Lake City, UT 84111, (801) 531-1300. Transporting *general commodities* (except classes A and B explosives and commodities in bulk), between points in UT.

MC 142000 (Sub-5), filed January 10, 1983. Applicant: LOWELL SAMPSON, INC., 400 Lundy Lane, Leland, IL 60531. Representative: Philip A. Lee, 120 W. Madison St., Chicago, IL 60602, (312) 236-8225. Transporting *food and related products*, between points in the U.S. (except AK and HI), under continuing contract(s) with Swift & Company, of Chicago, IL.

MC 145890 (Sub-5), filed January 4, 1983. Applicant: BELL TRUCKING COMPANY, INC., 1047 Shoemaker Ave., Shoemakersville, PA 19555. Representative: Milton W. Flack, 8484 Wilshire Blvd., No. 840, Beverly Hills, CA 90211, (213) 655-3573. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except HI).

MC 151091 (Sub-1), filed January 10, 1983. Applicant: MAK'S WOOD PRODUCTS CO., P.O. Box 2940, Eugene, OR 97402. Representative: Thomas R. Maks (same address as applicant), (503) 461-0600. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in AZ, CA, CO, ID, MT, NE, NM, NV, OR, TX, SD, UT, WA, and WY.

MC 157140 (Sub-2), filed December 16, 1982, previously published in the *Federal*

Register on January 5, 1983. Applicant: TRICO EQUIPMENT, INC., P.O. Box 669, Ahoski, NC 27910. Representative: Carroll B. Jackson, 1810 Vincennes Rd., Richland, VA 23229, (809) 282-3809. Transporting (1) *metal and metal products*, and (2) *lumber and wood products*, between Baltimore, MD, Philadelphia, PA, points in NC, SC and VA, and points in Chester County, PA, on the one hand, and, on the other, those points in and east of MN, IA, MO, AR and LA.

Note.—This republication corrects the territorial description.

MC 159611 (Sub-1), filed January 10, 1983. Applicant: INTERCITY LINES, INC., Petersham Road, Hardwick, MA 01037. Representative: James M. Burns, 1383 Main St., Suite 413, Springfield, MA 01103, (413) 781-8205. Transporting *transportation equipment*, between points in the U.S. (except AK and HI).

MC 165290 (Sub-1), filed January 10, 1983. Applicant: GRIFFIN TRUCKING, INC., R.R. 3, Box 424, Greencastle, IN 46135. Representative: Michael D. McCormick, 1301 Merchants Plaza, Indianapolis, IN 46204, (317) 638-1301. Transporting *such commodities* as are dealt in or used by food services distributors, between points in the U.S., under continuing contract(s) with B & B Food Distributors, Inc., of Terre Haute, IN.

MC 165500, filed January 4, 1983. Applicant: LEHIGH TRANSPORT, INC., 3745 Aramingo Ave., Philadelphia, PA 19137. Representative: Alan R. Squires, 818 Widener Bldg., 1339 Chestnut St., Philadelphia, PA 19107, (215) 564-3880. Transporting *general commodities* (except classes A and B explosives and household goods), between points in CT, DE, IL, IN, MI, OH, MD, NJ, NY, PA, VA, WV, WI, and DC.

MC 165511, filed January 3, 1983. Applicant: CAUDLE TRUCKING COMPANY, 4225 Sinton Rd., P.O. Box 7206, Colorado Springs, CO 80933. Representative: Jack M. Caudle, 820 Sirius Dr., Colorado Springs, CO 80906, (303) 633-3107. Transporting (1) *furniture and fixtures*, between Colorado Springs and Denver, CO, on the one hand, and, on the other, points in NM, TX, OK, AR, TN, and VA, and (2) *lumber*, between Denver and Colorado Springs, CO, on the one hand, and, on the other, points in WY, SD, ID, and CA.

MC 165591, filed January 10, 1983. Applicant: G.V.T. TRANSPORTATION, INC., 400 Central Park West, New York, NY 10022. Representative: Larsh B. Mewhinney, 555 Madison Ave., New York, NY 10022, (212) 838-0600. Transporting *passengers*, in charter

and special operations, between points in the U.S. (except AK and HI).

Note.—Applicant intends to provide privately-funded charter and special transportation.

MC 165621, filed January 10, 1983. Applicant: TRANSPORT NORMAND LAROCQUE, INC., 4200 St. Patrick St., Montreal, Quebec H4E 1A5, Canada. Representative: W. Norman Charles, P.O. Box 724, Glen Falls, NY 12801, (518) 792-0957. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between ports of entry on the international boundary line between the U.S. and Canada in ME, MI, NY, NY, VT and WI, on the one hand, and, on the other, points in AL, CT, DE, FL, GA, IL, IN, KY, ME, MD, MA, MI, MS, NC, NH, NJ, NY, OH, PA, RI, SC, TN, VT, VA, WI, WV, and DC.

For the following, please direct status calls to Team 2 (202) 275-7030.

Volume No. OP2-030

Decided: January 17, 1983.

By the Commission, Review Board No. 2, members Carleton, Williams, and Ewing. (Member Ewing not participating.)

MC 5823 (Sub-61), filed January 7, 1983. Applicant: ARROW TRUCKING CO., P.O. Box 7280, Tulsa, OK 74105. Representative: J. G. Dail, Jr., P.O. Box LL, McLean, VA 22101, 703-893-3050. Transporting *Mercer commodities and chemicals*, between points in the U.S. (including AK, but excluding HI), under continuing contract(s) with IMCO Services, Division of Halliburton Co., of Houston, TX.

MC 45813 (Sub-14), filed December 28, 1982. Applicant: THE DUMFORD TRUCKING CO., 6437 Germantown Rd., Box 506, Middletown, OH 45042. Representative: John L. Alden, 1396 W. Fifth Ave., Columbus, OH 43212, (614) 481-8821. Transporting *pulp, paper and related products, paper mill machinery, and component parts*, between points in KY, IL, IN, MI, OH, PA, TN, WI, and WV.

MC 70832 (Sub-37), filed January 4, 1983. Applicant: NEW PENN MOTOR EXPRESS, INC., P.O. Box 630, Lebanon, PA 17042. Representative: Jeremy Kahn, Suite 733, Investment Bldg., 1511 K St. N.W., Washington, DC 20005, (202) 783-3525. As a *broker of general commodities* (except household goods), between points in the U.S. (except AK and HI).

MC 107012 (Sub-782), filed December 30, 1982. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy. 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David

D. Bishop (same address as applicant), (219) 429-2110. Transporting *general commodities* (except classes A and B explosives and commodities in bulk), between points in the U.S., under continuing contract(s) with The Bendix Corporation, of Southfield, MI.

MC 135003 (Sub-6), filed January 3, 1983. Applicant: C.R.X. CORPORATION, 5018 7th Pl., Winona, MN 55987. Representative: Gary Huntbatch (same address as applicant); (507) 454-6960. Transporting *chemicals and related products*, between points in MN, IA, IL, and WI.

MC 144893 (Sub-8), filed January 3, 1983. Applicant: NORMAN HOWARD, d.b.a. HOWARD TRUCKING OF UTAH, 1755 E. 800 North, St. George, UT 84770. Representative: J. Ralph Atkin, 60 N. 300 East, P.O. Box 339, St. George, UT 84770, (801) 628-2612. Transporting (1) *petroleum and petroleum products*, (2) *vehicle body sealer, sound deadening compounds, and related products*, and (3) *containers*, between points in the U.S. (except AK and HI).

MC 144922 (Sub-9), filed January 4, 1983. Applicant: A.T.F. TRUCKING CO., INC., Route 11, Box 507-B, Birmingham, AL 35210. Representative: John R. Frawley, Jr., Suite 200, 120 Summit Parkway, Birmingham, AL 35209-4786, (205) 942-9116. 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 146753 (Sub-26), filed December 30, 1982. Applicant: SAM YOUNG, INC., P.O. Box 337, Wolcott, IN 47995. Representative: E. Stephen Heisley, 1919 Pennsylvania Ave., NW., Suite 500, Washington, DC 20006, (202) 828-5015. 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 147232 (Sub-7), filed December 30, 1982. Applicant: A. L. SMITH TRUCKING, INC., 8984 Murphy Rd., Versailles, OH 45380. Representative: James Duvall, 220 W. Bridge St., P.O. Box 97, Dublin, OH 43017, (614) 889-2531. Transporting *meat, meat products and meat byproducts*, between points in Greene County, IN, and Stark County, OH, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 14833 (Sub-11), filed January 4, 1983. Applicant: REBEL EXPRESS, INC., Box 98, Dawson IA 50066. Representative: Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, IA 50309, (515) 245-4300. Transporting (1) *chemicals*, between points in IA, MI,

WI, IL, NM, NE and OH, on the one hand, and, on the other, points in the U.S. (except AK and HI), (2) *furniture and fixtures*, between points in IA, on the one hand, and, on the other, points in the U.S. (except AK and HI), (3) *automotive products*, between points in IL and OH, on the one hand, and, on the other, points in the U.S. (except AK and HI), (4) *glass and ceramics*, between points in IA, IL, MN, and NE, on the one hand, and, on the other, points in the U.S. (except AK and HI), and (5) *lumber, wood and metal products*, between points in the U.S. (except AK and HI).

MC 151193 (Sub-35), filed December 29, 1982. Applicant: PAULS TRUCKING CORPORATION, 286 Homestead Ave., Avenel, NJ 07001. Representative: Michael A. Beam, (same address as applicant), 201-499-3869. Transporting *such commodities* as are dealt in or used by supermarkets, between points in the U.S. (except AK and HI), under continuing contract(s) with Schorr Pickled Products, of Paterson, NJ.

MC 160562, filed January 6, 1983. Applicant: VENTURE TRUCKING CO., INC., P.O. Box 813, Hwy. 64-70 West, Hickory, NC 28601. Representative: William P. Farthing, Jr., 1100 Cameron-Brown Bldg., Charlotte, NC 28204, (704) 372-6730. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Bassett Furniture Industries of North Carolina, Inc., of Newton, NC.

MC 165363, filed December 27, 1982. Applicant: MASON COUNTY FRUIT PACKERS COOPERATIVE, INC., 3958 West Chavez Rd., Ludington, MI 49431. Representative: Martin J. Leavitt, 22375 Haggerty Rd., P.O. Box 400, Northville, MI 48167, (313) 349-3980. Transporting *general commodities* (except classes A and B explosives, household goods), between points in the U.S. (except AK and HI), under continuing contract(s) with Cherry Central Cooperative, Inc., of Traverse City, MI.

MC 165482, filed December 30, 1982. Applicant: JACK'S DELIVERY SERVICE, INC., 117 Van Molan, Houston, TX 77002. Representative: James O. Houchins, P.O. Box 6366, Austin, TX 78762, (512) 479-0777. Transporting *truck parts, diesel engine parts, small machine seals and packing, and valves*, between points in TX and LA, under continuing contract(s) with (1) Texstream-TXT, (2) Stewart and Stevenson Services, Inc., (3) Diesel Engine & Fabricating Company, Inc., and (4) Crane Packing Company, all of Houston, TX.

Volume No. OP2-033

Decided: January 18, 1983.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing.

MC 75593 (Sub-4), filed January 3, 1983. Applicant: A & A TRANSPORT, INC., Rte. 87, Franklin, CT 06254. Representative: Edward M. Taber, 64 Nottingham Terr., Waterbury, CT 06704, 203-753-0939. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in CT and MA.

MC 107012 (Sub-783), filed January 4, 1983. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: Gerald A. Burns (same as applicant), (219) 429-2234. 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 W. W. Grainger, Inc., of Chicago, IL.

MC 121372 (Sub-13), filed January 10, 1983. Applicant: EXPRESS TRANSPORT COMPANY, 1217 Dalton St., Cincinnati, OH 45203. Representative: Norbert B. Flick, 2250 Beechmont Ave., Cincinnati, OH 45230, (513) 231-4831. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in GA, IL, IN, KY, MI, NY, OH, PA, TN, and WV.

MC 146853 (Sub-17), filed December 27, 1982. Applicant: HAWKEYE WOODSHAVINGS, Route 1, Runnells, IA 50327. Representative: Richard D. Howe, 600 Hubbell Bldg., Des Moines, IA 50309, 515-244-2329. Transporting *food and related products*, between points in CA, IA, OR, and WA, on the one hand, and, on the other, points in IL, IA, MN, MO, ND, NE, TN, and WI.

MC 151422 (Sub-11), filed January 7, 1983. Applicant: MINN-DAK TRANSPORT, INC., 40-1st Ave., NW., P.O. Box N, Pelican Rapids, MN 55472. Representative: Thomas J. Van Osdel, 15 Broadway—Suite 502, Fargo, ND 58102, (701) 235-4487. 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 162812, filed January 5, 1983. Applicant: EASTERN CARTAGE COMPANY, 275 Fairway Dr., Asheville, NC 28805. Representative: Henry E. Seaton, 1024 Pennsylvania Bldg., 425 13th St., NW., Washington, DC 20004, (202) 347-8862. Transporting *general commodities* (except classes A and B

explosives, household goods and commodities in bulk), between those points in NC on and west of Interstate Hwy 77, on the one hand, and, on the other, points in NC, SC and TN.

MC 164372, filed January 3, 1983. Applicant: TAKOMA TRANSFER AND STORAGE COMPANY, INC., 4011 Penn Belt Place, Forestville, MD 20747. Representative: Thomas R. Kingsley, 10614 Amherst Ave., Silver Spring, MD 20902, 301-649-5074. Transporting *household goods*, between those points in the U.S. in and east of MN, IA, NE, CO, OK, and TX.

MC 164713, filed December 28, 1982. Applicant: LEASEWAY DELIVERIES, INC., 85 Stanton St., Rochester, NY 14611. Representative: J. A. Kundtz, 1100 National City Bank Bldg., Cleveland, OH 44114, 216-566-5639. Transporting *machinery*, between points in the U.S., under contract(s) with Fretters Appliance Corp., of Indianapolis, IN. Condition: Issuance of this authority is subject to approval of the petition in MC-F-15071.

Note.—A petition for exemption pursuant to U.S.C. 11343(e) has been filed, docketed MC-F-15071.

MC 165492, filed January 4, 1983. Applicant: TRANS AMERICAN EXPRESS, INC., P.O. Box 145, Summit, IL 60501. Representative: Stephen H. Loeb, Suite 4, 2777 Finley Rd., Downers Grove, IL 60515, 312-953-0330. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI).

For the following, please direct status calls to Team 3 at (202) 275-5223.

Volume No. OP3-14

Decided: January 19, 1983.

By the Commission, Review Board No. 3, members Krock, Joyce, and Dowell.

MC 144285 (Sub-1), filed January 4, 1983. Applicant: BAY HAVEN MARINA, INC., 1882 Ottawa Beach Rd., Holland, MI 49423. Representative: Robert R. Linn, Jr., (same address as applicant) (616) 399-9440. Transporting *boats*, between points in MI, IN, IL, TN, GA, and FL.

MC 134064 (Sub-56), filed December 29, 1982. Applicant: INTERSTATE TRANSPORT, INC., 1600 Hwy. 129 So., Gainesville, GA 30505. Representative: Charles M. Williams, 1600 Sherman St., 665, Denver, CO 80203, (303) 839-5856. 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 151734 (Sub-2), filed January 3, 1983. Applicant: C & B TRUCKING, INC., 2121 S. Pantano No. 105, Tucson, AZ 85710. Representative: Andrew V. Baylor, 337 E. Elm St., Phoenix, AZ 85012, (602) 274-5146. Transporting *malt beverages*, between points in Jefferson County, CO, on the one hand, and, on the other, points in AZ, CA, NV, and UT.

MC 165305, filed January 4, 1983. Applicant: FREEMAN McCLEARY and SHERWELL CHRISTIE, d.b.a. McCLEARY-CHRISTIE TRUCKING, 1099 East Main St., Clarion, PA 16214. Representative: John A. Pillar, 1500 Bank Tower, 307 Fourth Ave., Pittsburgh, PA 15222, (412) 471-3300. Transporting *coal and coal products*, between points in PA, on the one hand, and, on the other, points in NY and OH.

MC 165374, filed December 27, 1982. Applicant: P & F TRANSPORT, INC., 4223 Pines Rd., Paducah, KY 42001. Representative: George M. Catlett, 700-702 McClure Bldg., Frankfort, KY 40601, (502) 227-7384. 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), on the one hand, and on the other, points in KY, MO, IL, TN and AR.

MC 165474, filed January 3, 1983. Applicant: J&D TRUCKING, INC., P.O. Box 306, Jamestown, TN 38556. Representative: Steven T. Blomberg, Suite 200, 444 N. Frederick Ave., Gaithersburg, MD 20877, (301) 840-8565. Transporting *food and related products*, between New York, NY, Cincinnati, OH, Oakland, CA, Dallas, TX, and points in Grayson County, KY, on the one hand, and, on the other points in the U.S. (except AK and HI).

MC 165494, filed January 4, 1983. Applicant: CHEMICAL EXCHANGE INDUSTRIES, INC., 3813 Buffalo Speedway, Houston, TX 77013. Representative: Harold O. Orlofske, P.O. Box 368, Neenah, WI 54956, (414) 722-2848. Transporting (1) *chemicals and related products*, between (a) Houston, TX, and points in Galveston and Liberty Counties, TX, on the one hand, and, on the other, points in the U.S. (except AK and HI), and (b) Fort Worth, TX and points in Calcasieu Parish, LA, (2) *food and related products*, between points in Pinal County, AZ, on the one hand and, on the other, Houston TX, and (3) *petroleum, natural gas and their products*, between Houston, TX and points in Galveston County, TX, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 165534, filed January 3, 1983. Applicant: HILLENBRAND BROS., INC., 204 N. Jefferson St., Burlington, KY

41005. Representative: Michael T. McKinney, 546 Florence Pike, P.O. Box 588 Burlington, KY 41005 (606) 588-9955. Transporting *building materials*, between points in the U.S., under continuing contract(s) with 84 Lumber Co., of 84, PA; (2) *general commodities* (except classes A and B explosives and household goods), between points in the U.S., under continuing contract(s) with Bi-County Farm Bureau Co-op, of Florence, KY, and (3) *tractors and trailers*, between points in the U.S., under continuing contract(s) with Urb's complete Repair Service, of Burlington, KY.

MC 165555, filed January 4, 1983. Applicant: GREEN ENTERPRISES, 1059 Clubhouse Dr., Independence, KY 41051. Representative: Mark Perry, 236 Massachusetts Ave., NE Washington, DC 20002, (202) 546-2298. Transporting (1) *iron and steel articles*, between points in the U.S., under continuing contract(s) with Stewart-Decatur Security Systems, Inc., of Houston, TX; and (2) *battery casings and battery covers*, between points in the U.S., under continuing contract(s) with Globe Battery, division of Johnson Controls, Inc., of Milwaukee, WI.

For the following, please direct status calls to Team 4 (202) 275-7669.

Volume No. OP4-032

Decided: January 20, 1983.

By the Commission, Review Board No. 3, members Krock, Joyce, and Dowell.

MC 2226 (Sub-119), filed January 17, 1983. Applicant: RED ARROW FREIGHT LINES, INC., P.O. Box 1897, San Antonio, TX 78297. Representative: James M. Doherty, 500 W. Sixteenth St., P.O. Box 1945, Austin, TX 78767, (512) 478-9808. Transporting *general commodities* (except household goods and commodities in bulk), between points in AR, LA, NM, OK and TX. Condition: To the extent the certificate granted in this proceeding authorizes the transportation of classes A and B explosives, it shall be limited in point of time to a period expiring 5 years from its date of issue.

MC 61396 (Sub-411), filed January 11, 1983. Applicant: HERMAN BROS., INC., P.O. Box 189, Omaha, NE 68101. Representative: Jack L. Shultz, P.O. Box 82028, Lincoln, NE 68501 (402) 475-6761. Transporting *petroleum products*, between points in MN and WI, on the one hand, and, on the other, points in WI, MN, ND, SD, and IA.

MC 87546 (Sub-5), filed January 14, 1983. Applicant: KRAMER'S MOTOR SERVICE AND STORAGE, INC., 402 N. Queen St., York, PA 17403.

Representative: Gerald K. Gimmel, Suite 200, 444 N. Frederick Ave., Gaithersburg, MD 20877 (301) 840-8565. Transporting *furniture, fixtures, appliances and equipment*, between points in PA, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 99117 (Sub-7), filed January 14, 1983. Applicant: T. H. RYAN CARTAGE CO., 111 S. Seventh Ave., Maywood, IL 60153. Representative: Thomas M. O'Brien, 180 N. Michigan Ave., Chicago, IL 60601 (312) 263-1600. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI).

MC 112076 (Sub-11), filed January 10, 1983. Applicant: THOMAS J. PECK & SONS, INC., 415 S. 600 E. RFD 4A, Lehi, UT 84043. Representative: Harry D. Pugsley, 940 Donner Way #370, Salt Lake City, UT 84108 (801) 581-0322. Transporting *fly-ash*, (1) between points in Lincoln County, WY, on the one hand, and, on the other, points in UT, ID and NV, and (2) between points in Emery County, UT, on the one hand, and, on the other, points in NV, under continuing contract(s) with Pozzolan Products Company, of Salt Lake City, UT.

MC 134806 (Sub-85), filed January 10, 1983. Applicant: B-D-R TRANSPORT, INC., P.O. Box 1277, Vernon Dr., Brattleboro, VT 05301. Representative: Edward T. Love, 4401 East West Hwy., Suite 404, Bethesda, MD 20814 (301) 986-9030. Transporting (1) *general commodities* (except classes A and B explosives, household goods and commodities in bulk), under continuing contract(s) with Farley Terminal Co., Inc., of Fullerton, CA; (2) *maple syrup and foodstuffs*, under continuing contract(s) with Spring Tree Corporation, of Brattle, VT; (3) *paper products*, under continuing contract(s) with Parsons Paper, Div. of N.V.F. Company, of Holyoke, MA; and (4) *rubber sheeting and elastic webbing*, between points in the U.S. (except AK and HI) under continuing contract(s) with Fulflex, of Vermont, Inc., of Brattleboro, VT.

MC 136816 (Sub-18), filed January 13, 1983. Applicant: THE UNIVERSE COMPANY, INC., 3523 "L" St., Omaha, NE 68107. Representative: Arlyn L. Westergren, Suite 201, 9202 W. Dodge Rd., Omaha, NE 68114 (402) 397-7033. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI).

MC 139006 (Sub-41), filed January 10, 1983. Applicant: RAPIER SMITH, Rural

Rt. 5, Loretto Rd., Bardstown, KY 40004. Representative: Robert H. Kinder, 314 W. Main St., P.O. Box 464, Frankfort, KY 40602 (502) 223-8244. Transporting *food and related products*, between points in the U.S. (except AK and HI), under continuing contract(s) with Brown-Forman Distillers Corp., and its subsidiaries, of Louisville, KY.

MC 146336 (Sub-33), filed January 11, 1983. Applicant: WESTERN TRANSPORTATION SYSTEMS, INC., 1609 109th St., Grand Prairie, TX 75050. Representative: D. Paul Stafford, P.O. Box 45538, Dallas, TX 75245 (214) 358-3341. Transporting *personal computer systems*, between points in the U.S. (except AK and HI), under continuing contract(s) with Apple Computer, Inc., of Cupertino, CA.

MC 150267 (Sub-16), filed January 14, 1983. Applicant: McARDLE TRANSPORTATION, INC., Rt. 1, Hazel Green, WI 53811. Representative: Richard A. Westley, 4506 Regent St., Suite 100, P.O. Box 5086, Madison, WI 53705-0086 (608) 238-3119. 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 Whippet, Inc., of Kieler, WI.

MC 151948 (Sub-5), filed January 11, 1983. Applicant: BIG LAKE TRANSPORT, INC., P.O. Box 98, Charleston, MO 63834. Representative: Edward P. Bocko, P.O. Box 496, Mineral Ridge, OH 44440 (216) 652-2789. 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 AMCA International/Consumer Products Division of Bowling Green, KY.

MC 157416 (Sub-2), filed January 14, 1983. Applicant: BURGESS TRANSPORTATION COMPANY, INC., Rt. 2, Box 336, Ashford, AL 36312. Representative: Stephen T. Etheredge, P.O. Box 1193, Dathan, AL 36302 (205) 793-3377. Transporting *such commodities as are dealt in or used by food and grocery houses*, between points in KY, IN, WI, MN, and TX, on the one hand, and, on the other, points in AL and GA.

MC 163377, filed January 14, 1983. Applicant: INDEPENDENT DRESSED BEEF COMPANY, INC., Fairmont Pike, Route 19 South, P.O. Box 2276, Morgantown, WV 26505. Representative: Michael Smith, 226 Monongahela Bldg., Morgantown, WV 26505 (304) 296-3644. Transporting *meat, meat products, meat*

byproducts, dairy products, and articles distributed by meat-packing houses, between points in Monongalia County, WV, on the one hand, and, on the other, points in WV, under continuing contract(s) with John Morrell & Co., of Chicago, IL.

MC 165597, filed January 10, 1983. Applicant: YORK COUNTY COMMUNITY ACTION CORPORATION, P.O. Box 72, Sanford, ME 04073. Representative: Constance A. Garber (same address as applicant), (207) 324-5782. Transporting *passengers*, in special operations, beginning and ending at points in York County, ME, and extending to points in Strafford and Rockingham Counties, NH.

Note.—Applicant receives governmental financial assistance for the purchase or operation of buses, or is an operator for such a recipient.

MC 165677, filed January 13, 1983. Applicant: SAM'S GENERAL TRUCKING LTD., P.O. Box 93, Swift Current, Saskatchewan, Canada S9H 3V5. Representative: Robert N. Maxwell, P.O. Box 2471, Fargo, ND 58108, (701) 237-4223. Transporting *machinery and metal products*, in foreign commerce between the ports of entry on the International Boundary line between the U.S. and Canada in MN, MT, and ND, on the one hand, and, on the other, points in the U.S. (except AK and HI).

For the following, please direct status calls to Team 5 at 202-275-7289.

Volume No. OP5-019

Decided: December 20, 1982.

By the Commission, Review Board No. 3. Members Krock, Joyce, and Dowell.

MC 79658 (Sub-41), filed December 10, 1982. Applicant: ATLAS VAN LINES, INC., 1212 St. George Rd., P.O. Box 509, Evansville, IN 47711. Representative: Robert C. Mills (same address as applicant), 812-424-2222. Transporting *household goods, computers, displays and exhibits, energy avionic, aeronautical, medical, building control, communication, and analog/digital text systems*, between points in the U.S. under continuing contract(s) with Honeywell Inc., of Minneapolis, MN.

Volume No. OP5-021

Decided: January 18, 1983.

By the Commission, Review Board No. 1. Members Parker, Chendler, and Fortier. (Member Fortier not participating.)

FF-849, filed January 10, 1983. Applicant: SAFE-PAK SERVICE, 85-36 Kingston Place, Jamaica, NY 11432. Representative: Mr. Jerry Liu (Same address as applicant), (212) 526-6784. To operate as a *freight forwarder of used*

household goods, unaccompanied baggage, and used automobiles, between points in the U.S.

MC 37049 (Sub-3), filed January 10, 1983. Applicant: ARROW BUS CO., INC., 88 Main St., Garfield, NJ, 07026. Representative: Edward F. Bowes, 7 Becker Farm Rd., P.O. Box Y, Roseland, NJ 07068, (201) 992-2200. Over regular routes, transporting *passengers* between points in Secaucus, NJ, (1) between junction NJ Hwy 3 and NJ Hwy 3 service road and junction NJ Hwy 3 service road and Harmon Meadows Boulevard, at Secaucus, NJ, over NJ Hwy 3 service road, and (2) between junction Paterson Plank Road and Harmon Meadows service road, and junction Plaza Drive and Harmon Meadows Boulevard, at Secaucus, NJ, over Harmon Meadows service road to junction Harmon Meadows Boulevard, then over Harmon Meadows Boulevard to junction Plaza Drive, then over Plaza Drive to junction Harmon Meadows Boulevard, and return over the same routes, serving all intermediate points in routes (1) and (2) above.

Note.—Applicant seeks to provide regular-route service in interstate or foreign commerce, and applicant intends to tack these routes with its existing authority in MC-37049 Sub 2 between Lyndhurst, NJ, and New York, NY, so as to provide service between Harmon Meadows in Secaucus, NJ, and New York, NY.

MC 59098 (Sub-14), filed January 4, 1983. Applicant: KNAPP'S EXPRESS, INC., 37 Emerson Street, Ridgefield Park, NJ 07660. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934, (201) 435-7140. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in MA, RI, CT, NY, NJ, PA, DE and MD.

MC 106798 (Sub-11), filed January 6, 1983. Applicant: GARDEN STATE COACHWAYS, CORPORATION, 690 N. Pearl Street, Bridgeton, NJ 08302. Representative: Leonard D. Dahlberg, Jr. (Same address as applicant), 609-451-2084. Transporting *passengers*, in charter and special operations, between points in the U.S.

Note.—Applicant receives governmental financial assistance for the purchase or operation of buses, or is an operator for such a recipient.

MC 120999 (Sub-10), filed January 6, 1983. Applicant: CALIFORNIA AND WESTERN STATES AMMONIA TRANSPORT, INC., d.b.a. CALIFORNIA AMMONIA TRANSPORT, INC., 415 Lemon Avenue, Walnut, CA 91789. Representative: William J. Monheim, P.O. Box 1756, Whittier, CA 90609, 213-945-2745. Transporting *commodities in bulk*, between points in AZ, CA, CO, ID,

NV, NM, MT, OR, TX, UT, WA, and WY.

MC 140268 (Sub-7), filed January 10, 1983. Applicant: J-GEM TRANSPORTATION, INC., 1418 17th St., Long Beach, CA 90813. Representative: Ensley Weimer (same address as applicant), 213-437-5558. 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 National Carriers Service, Inc., of Anaheim, CA.

MC 140829 (Sub-374), filed January 4, 1983. Applicant: CARGO, INC., P.O. Box 206, U.S. Hwy 20, Sioux City, IA 51102. Representative: Charles G. Peterson (same address as applicant), 402-494-5141. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S., under continuing contract(s) with National Piggyback Services, Inc., of Indianapolis, IN and Intermodal Brokerage Services, Inc., of Norcross, GA.

MC 147189 (Sub-5), filed January 10, 1983. Applicant: J & M CARTAGE, INC., 3300 North Santa Fe, Oklahoma City, OK 73105. Representative: William P. Parker, P.O. Box 54657, Oklahoma City, OK 73154, 405-424-3301. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in OK.

MC 149059 (Sub-3), filed January 10, 1983. Applicant: E. W. GRENON & SON, INC., 42 Tosca Drive, Stoughton, MA 02072. Representative: Robert J. Gallagher, 1000 Connecticut Ave., NW., Suite 1200, Washington, DC 20036, (202) 785-0024. Transporting *household goods*, between points in the U.S. (except AK and HI).

MC 149309 (Sub-3), filed January 10, 1983. Applicant: MID-ISLAND DELIVERY SYSTEMS, INC., 1044 Northern Blvd., Roslyn, NY 11576. Representative: Arthur J. Piken, Queens Office Tower, 95-25 Queens Blvd., Rego Park, NY 11374, 212-275-1000. 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 Publishers Shipping Cooperative Association, Inc., of Westwood, NJ.

MC 154768 (Sub-4), filed January 3, 1983. Applicant: IOWA EXPRESS DISTRIBUTION, INC., 2165 N. W. 108th, Des Moines, IA 50322. Representative: Harold W. Sternberg, (Same address as applicant), (515) 278-5864. Transporting

such commodities as are dealt in by department and variety stores, (1) between points in IA, (2) between Omaha, NE, on the one hand, and, on the other, points in IA and SD, and (3) between points in Rock Island County, IL, under continuing contract(s) with Western Publishing Company, Inc., of Racine, WI.

MC 155118 (Sub-13), filed January 16, 1983. Applicant: T.D.S. TRANSPORTATION, INC., 1700 S. Wolf Road, Des Plaines, IL 60018. Representative: Julie L. Roper, (same address as applicant), (312) 298-8800. 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 Red Owl Stores, Inc., and Snyders Drug Stores, Inc., both of Hopkins, MN, OTASCO, Inc., of Tulsa, OK, Ralston Purina Company, of St. Louis, MO, Huffy Corporation, of Ponca City, OK, The Danielson Co., of Kent, WA, and Bunte Candies, Inc., of Oklahoma City, OK.

MC 165588, filed January 10, 1983. Applicant: PANDA TRADING INC., 7014 8th Ct., N.E., Salem, OR 97303. Representative: Dale L. Moore, (Same address as applicant), 503-390-6040. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in WA, OR, CA, NV, AZ and ID.

MC 165608, filed January 10, 1983. Applicant: GREEN RIVER LUMBER, INC., 80616 Davisson Rd., Creswell, OR 97426. Representative: Jerry Dean Arney, (Same address as applicant), (503) 942-0542. Transporting *such commodities* as are dealt in or distributed by manufacturers of building materials, metal products, chemicals, stone, clay, or glass products, and irrigation supplies, between points in AZ, CA, CO, ID, KS, MO, MT, NE, NV, NM, ND, OK, OR, SD, TX, UT, WA, and WY, under continuing contract(s) with Willamette Industries, Duraflake Division, of Albany, OR, Pumulte Building Products-West Salem, of Salem, OR, American Steel Industries, of Kent, WA, Collins Wholesale Supply, of Roseburg, OR, and Timber Products Transport, Inc., of Creswell, OR.

Volume No. OP5-022

Decided: January 18, 1983.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 117878 (Sub-23), filed December 28, 1982. Applicant: DWIGHT CREEK TRUCKING CO., INC., 4831 E. 25th (P.O.

Box 31538), Amarillo, TX 79120. Representative: Steven R. Swicegood, (Same address as applicant), 806-374-5217. Transporting *such merchandise* as are dealt in by grocery and food business houses, between Shreveport, LA, Little Rock, AR, and Points in TX, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 121608 (Sub-7), filed December 10, 1982. Applicant: ACME DELIVERY SERVICE, INC., 4250 Oneida Street, Denver, CO 80238. Representative: Joseph F. Nigro, 1600 Lincoln Center, 1660 Lincoln St., Denver, CO 80264, (303) 861-4028. Transporting *general commodities* (except household goods), between points in Morgan, Adams, Arapahoe, Jefferson (except Broomfield), Denver and Boulder Counties, CO, on the one hand, and on the other, points in CO.

Note.—The purpose of this application is to convert applicant's Certificate of Registration in MC-121608 (Subs 3 and 4) to a Certificate of Public Convenience and Necessity.

Condition: Issuance of a Certificate of Public Convenience and Necessity is subject to the coincidental cancellation, at applicant's written request, of its Certificates of Registration in MC-121608 (Subs 3 and 4).

MC 161468 (Sub-1), filed December 13, 1983. Applicant: H & W ASSOCIATES, INC., 2307 Bristol Pike, P.O. Box 326, Croydon, PA 19020. Representative: William C. Hewish, Jr., (same address as applicant), (215) 785-5545. 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).

[FR Doc. 83-2214 Filed 1-26-83; 8:45 am]

BILLING CODE 7035-01-M

[Volume No. OP4-029]

Motor Carriers; Permanent Authority Decisions; Restriction Removals Decision-Notice

Decided: January 21, 1983.

The following restriction removal applications are governed by 49 CFR 1165. Part 1165 was published in the Federal Register of December 31, 1980, at 45 FR 86747 and redesignated at 47 FR 49590, November 1, 1982.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1165.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of \$10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to

conform to the special provision applicable to restriction removal.

Findings

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with the criteria set forth in 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

By the Commission, Review Board No. 2, Members Carleton, Williams and Ewing.

Agatha L. Mergenovich,
Secretary.

Please direct status inquiries to Team 4, at (202) 275-7669.

MC 128486 (Sub-7)X, filed January 13, 1983. Applicant: LILY TRANSPORT LINES, INC., 1280 Soldiers Field Rd., Brighton, MA 02135. Representative: Frank J. Weiner 15 Court Square, Boston, MA 02108, (617) 742-3530. Lead and Sub-Nos. 1, 2, 3, and 6 permits: (1) broaden (a) ice cream toppings, preserves, jellies, fruit juices, fruit drinks, flavoring syrups, maple syrup, fruits, juices, apple juice, vinegar, canned and preserved foods, and canned foods, to "food and related products" in the lead and Subs 1, 2, 3, and 6, (b) glass bottles, to "clay concrete, glass or stone products" in the lead and Subs 2, 3, and (6), and (c) tin cans and cans and lids, to "metal products" in the lead and Subs 3 and 6; (2) remove the bulk and tank vehicle restrictions in the lead and Subs 1, 3, and 6; (3) expand the territorial description to between points in the U.S. (except AK and HI), under continuing contract(s) with named shippers in the lead and Subs 1, 2, 3, and 6.

MC 148557 (Sub-3)X, filed January 14, 1983. Applicant: GEEM TRANSPORT (CANADA), LTD., 7701 W. Jefferson, Detroit, MI 48209. Representative: Martin J. Leavitt, 22375 Haggerty Rd., P.O. Box 400, Northville, MI 48167, (313) 349-3980. Lead Permit: (1) broaden territorial description to between points in the U.S. (except AK and HI), under continuing contract(s) with General Motors of Canada Limited, of Oshawa, Ontario, Canada; (2) delete the ports of

entry restrictions; and (3) delete the foreign commerce restrictions.

[FR Doc. 83-2212 Filed 1-26-83; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 30093]

Missouri Pacific Railroad Company—Abandonment Exemption—at Tulsa, OK

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: The Commission exempts from the requirement of prior approval under 49 U.S.C. 10903 et seq. the abandonment by the Missouri Pacific Railroad Company of (1) 0.7 miles of rail line consisting of Missouri Pacific track between milepost 151.0 and milepost 151.7 at Tulsa, OK, and (2) contiguous trackage rights over The Atchison, Topeka and Santa Fe Railway Company track between milepost 515.7 and milepost 151.9, at Tulsa, OK, subject to the standard labor protective conditions.

DATES: This exemption will be effective on February 28, 1983. Petitions to stay the effectiveness of the decision must be filed by February 7, 1983, and petitions for reconsideration must be filed by February 16, 1983.

ADDRESSES: Send pleadings to:

- (1) Rail Section, Room 5349, Interstate Commerce Commission, Washington, DC 20423
- (2) Petitioners' representative: Michael Thompson, Missouri Pacific Railroad Company, 210 North 13th St., St. Louis, MO 63103

Pleadings should refer to Finance Docket No. 30093.

FOR FURTHER INFORMATION CONTACT: Louis E. Gitomer, (202) 275-7245.

SUPPLEMENTARY INFORMATION:

Additional information is contained in the Commission's decision. To purchase a copy of the full decision contact: TS Infosystems, Inc., Room 2227, 12th & Constitution Ave., NW., Washington, DC 20423, (202) 289-4357—DC metropolitan area, (800) 424-5403—Toll free for outside the DC area.

Decided: January 20, 1983.

By the Commission, Chairman Taylor, Vice Chairman Gilliam, Commissioners Gilliam, Andre, Simmons, and Gradison. Commissioner Gilliam did not participate.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 83-2210 Filed 1-26-83; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte No. 311 (Sub-4)]**Modification of the Motor Carrier Fuel Surcharge Program**

AGENCY: Interstate Commerce Commission.

ACTION: Change in owner-operator fuel reimbursement figure.

SUMMARY: Due to a change in the nationwide average cost of diesel fuel, owner-operator reimbursement has changed from 13 to 12.5 cents per mile.

EFFECTIVE DATE: This decision will be effective on February 10, 1983.

FOR FURTHER INFORMATION CONTACT:

Lee Alexander (202) 275-7723.

Ted Kalick (202) 275-6446.

Alan Rothenberg (202) 275-7597.

Boston, MA (603) 223-2372.

Philadelphia, PA (215) 597-4460.

Atlanta, GA (404) 881-2167.

Chicago, IL (312) 353-6204.

Ft. Worth, TX (817) 334-2794.

San Francisco, CA (415) 974-7125.

SUPPLEMENTARY INFORMATION: In a decision served January 18, 1983 (47 FR 2603, January 21, 1983), the Commission established owner-operator reimbursement at 13 cents per mile for all carrier-related business miles. This change will become effective February 4, 1983. As noted in the October 8, 1981 decision (46 FR 50070, October 9, 1981), the mileage payment will change when the price of fuel in conjunction with the reimbursement formula causes the figure to rise or decline by .5 cents per mile.

As of January 17, 1983, the current price of diesel fuel was 122.1 cents per gallon. The reimbursement figure is 12.4. Ten working days after publication of the notice in the *Federal Register* (effective February 10, 1983), carriers shall reimburse owner-operators at a minimum of 12.5 cents per mile.

During this 10-day period or after, if they choose, carriers may adjust their rates to reflect the change in owner-operator reimbursement by using the 10-day notice provisions of Special Permission No. 81-2500 (see Part 2 of Appendix B and Appendix C to the October 8 decision). All other normal rate-making avenues are also available.

Notice shall be given to the general public by mailing a copy of this decision to the Governor of each State having jurisdiction over transportation by depositing a copy in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection and by depositing a copy with the Director, Office of the Federal Register, for publication.

Decided: January 19, 1983.

By the Commission, Chairman Taylor, Vice Chairman Sterrett, Commissioners Gilliam,

Andre, Simmons, and Gradison. Commissioner Gilliam did not participate. James H. Bayne, Acting Secretary.

[FR Doc. 83-2208 Filed 1-26-83; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte No. 388; Ex Parte No. 388 (Sub-No. 7)]**State Intrastate Rail Rate Authority—Pub. L. 96-448; Intrastate Rail Rate Authority—Illinois**

AGENCY: Interstate Commerce Commission.

ACTION: Notice of Certification Decision and Filing Schedule For New Plans.

SUMMARY: The Commission has ordered that the Illinois Commerce Commission (Illinois) be certified to assert intrastate rate jurisdiction pursuant to 49 U.S.C. 11501, subject to certain amendments. Certification is effective for the 5-year statutory period beginning on February 25, 1983.

DATES: Other States seeking certification must submit their revised standards and procedures by March 14, 1983. Comments on these standards are due April 12, 1983. States which have already submitted revised standards in response to the Commission's decision of January 25, 1982 may supplement their filings under the time frames noted above.

ADDRESS: Send an original and 15 copies of all documents to: Secretary, Interstate Commerce Commission, Washington, DC 20423.

FOR FURTHER INFORMATION CONTACT: Martin Zell (202) 275-7138 or Douglas Galloway (202) 375-7278.

SUPPLEMENTARY INFORMATION:

Additional information is contained in the complete decision. Copies may be purchased by writing to: T.S. InfoSystems, Inc., Room 2227, 12th & Constitution Ave., NW., Washington, DC 20423, (202) 289-4357—DC Metropolitan area, (800) 424-5403—Toll free for outside the DC area.

Decided: January 14, 1983.

By the Commission, Chairman Taylor, Vice Chairman Sterrett, Commissioners Gilliam, Andre, Simmons, and Gradison. Commissioner Simmons, joined by Chairman Taylor, dissented in part with a separate expression. Commissioner Gilliam did not participate.

Agatha L. Mergenovich, Secretary.

Commissioner Simmons, joined by Chairman Taylor, dissenting in part: I strongly support the decision here to certify the State of Illinois to exercise jurisdiction over intrastate rail

transportation. This certification comes after extensive efforts by Illinois to conform its standards and procedures to those established by Congress in the Staggers Act for regulation of interstate transportation. Nonetheless, I dissent from the majority's conclusion that a state cannot be certified unless it adopts all exemptions which have been or will be granted by this Commission. I believe this requirement is inconsistent with the intent of Congress in establishing the certification process.

Section 11501 requires this Commission to certify a state to exercise jurisdiction over intrastate rail transportation if the state's "standards and procedures are in accordance with the standards and procedures applicable" under the Staggers Act to interstate transportation. The majority concludes that exemption of a category of interstate traffic by this Commission becomes a "standard" for intrastate traffic. The appropriate standard for an exemption is, however, found in section 10505, the provisions of which Illinois has already adopted for purposes of intrastate regulation. The exemption of any particular category of interstate traffic by this Commission is the result of application of that standard to the facts before us in a particular proceeding. Moreover, the exemptions already granted by this Commission, which under the majority's determination must be applied to intrastate movements, were considered and decided only as they applied to interstate movements.

Our exemption authority under section 10505 is limited to rail transportation subject to our jurisdiction. This jurisdiction includes interstate transportation and, under section 11501 (b)(4)(B), intrastate transportation within a state which has been denied certification. Thus, a reading of sections 10505 and 11501 indicates that when a state is granted certification, it obtains primary jurisdiction over intrastate exemptions.

I also see no logical necessity for automatic extension of an exemption found appropriate for interstate movements to the same category of intrastate traffic. The transportation considerations solely within an individual state can be significantly different than those of the nation as a whole with respect to a particular traffic segment.

The majority's conclusion in this matter appears grounded in part on a fear that states presented with exemption petitions may reach the wrong result. By establishing the state certification process, however, Congress

indicated its intention that the states be allowed to apply their own expertise to intrastate rail issues so long as they acted in accordance with federal standards and procedures. If the states fail to apply these criteria properly, carriers may seek relief from this Commission under section 11501(c). The decision here would reverse this procedure by forcing Illinois to seek after-the-fact revocation under section 10505(d) of federally-imposed exemptions, if the individual transportation circumstances of that state made the exemption unwarranted. This result frustrates Illinois' legitimate interest in initially determining the appropriateness of an exemption for a category of rail traffic moving solely within its borders.

The majority relies heavily on the practical problems which could result from a situation where individual states retained jurisdiction over classes of intrastate traffic and similar interstate traffic had been exempted by this Commission. Given the Congressional determination that states could continue to regulate intrastate traffic under appropriate standards, I cannot conclude that the operational problems noted in the decision justify the majority's action. The potential for such problems is inherent in our federal system and already exists in those states which have ceased intrastate rail regulation. In these states, an intrastate shipment is exempt from all regulation while a similar interstate movement only a few miles further is subject to regulation by this Commission. If the potential for such results was a primary concern of Congress in enacting the Staggers Act, it would surely have mandated exclusive federal jurisdiction over intrastate rail movements.

Whether the states should be required to adopt all federal exemptions has been one of many questions faced by this Commission in the area of state certification. It is my hope that the majority's resolution of this issue does not signal an intention to preclude any meaningful role for the states in regulation of intrastate rail traffic.

[FR Doc. 83-2249 Filed 1-26-83; 8:45 am]

BILLING CODE 7035-01

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. 82-29]

Judith E. Kline, D.O., St. Petersburg, Florida; Hearing

Notice is hereby given that on October 29, 1982, the Drug Enforcement

Administration, Department of Justice, issued to Judith E. Kline, D.O., an Order To Show Cause as to why the Drug Enforcement Administration should not revoke her DEA Certificate of Registration, AKO154396.

Thirty days having elapsed since the said Order To Show Cause was received by Respondent and written request for a hearing having been filed with the Drug Enforcement Administration, notice is hereby given that a hearing in this matter will be held commencing at 9:30 a.m. on Tuesday, February 15, 1983 in Courtroom No. 2, Hillsborough County Courthouse, 419 Pierce Street, Tampa, Florida.

Dated: January 21, 1983.

Francis M. Mullen, Jr.,

Acting Administrator, Drug Enforcement Administration.

[FR Doc. 83-2249 Filed 1-26-83; 8:45 am]

BILLING CODE 4410-09-M

Marshall D. Nickerson, Jr., M.D.; Denial of Application

On November 9, 1982, the Deputy Assistant Administrator, Office of Diversion Control, directed an Order to Show Cause to Marshall D. Nickerson, Jr., M.D., 2001 37th Street, SW., No. 101, Washington, D.C. 20020 (Applicant). The Order sought to deny an application for a DEA Certificate of Registration under 21 U.S.C. 824(f) executed August 10, 1982. The statutory grounds under 21 U.S.C. 823(a)(2) for the Order were the convictions of the Applicant in the United States District Court for the District of Columbia on December 11, 1979 and February 3, 1981, for unlawful distribution of controlled substances in violation of 21 U.S.C. 841(a)(1), felony offenses related to controlled substances. Thirty days having elapsed since the receipt of the Order and no response having been received, the Acting Administrator finds pursuant to 21 CFR 1301.54(f) and 1301.54(e) that the Applicant has waived his opportunity for a hearing. The Acting Administrator hereby enters his final order on the record as it appears.

The Acting Administrator has examined the record, including correspondence sent by the Applicant when he submitted his application for registration. The Acting Administrator finds that on October 31, 1980, the former Administrator entered a final order revoking DEA Certificate of Registration AN6341717 previously issued to Dr. Nickerson. 45 FR 72310 (October 31, 1980). The Acting Administrator hereby adopts the findings of the former Administrator as set out in the 1980 final order. Dr.

Nickerson sold thousands of prescriptions for Dilaudid (hydromorphone) between June 1976 and December 1979. He sold prescriptions to one individual in 1977 for \$300 per prescription of 100 tablets of Dilaudid 4 mg. This individual would either fill the prescriptions himself, or give them to other persons to fill, at pharmacies in the District of Columbia and suburban Maryland and Virginia.

The Acting Administrator finds that these facts alone would warrant denial of the application. Additional events that have occurred since October 1980 make it manifestly clear that registration of this applicant is not consistent with the public health and safety. The Acting Administrator finds that the applicant's second conviction for a controlled substance related felony involved facts and circumstances as egregious as his first conviction. The Acting Administrator finds that in a two-day period in November 1979 Dr. Nickerson sold prescriptions for Dilaudid, Ritalin, Preludin and cocaine to a cooperating individual for a total of \$2,200. The prescriptions were in four different names, none of them the name of the cooperating individual. Dr. Nickerson described a prescription for 90 Preludin that he wrote as a "gift." The cooperating individual filled the cocaine prescription at St. Jude Apothecary in Washington, D.C. Martin A. Bramson, the managing pharmacist at St. Jude Apothecary, was convicted January 23, 1981, in the United States District Court for the District of Columbia of four counts of distribution of controlled substances in violation of 21 U.S.C. 841(a)(1) and two counts of conspiracy to distribute controlled substances in violation of 21 U.S.C. 846 stemming from his activities at St. Jude Apothecary. This activity by Dr. Nickerson is simply not consistent with any kind of legitimate medical practice.

In addition to these convictions, the Acting Administrator finds that the Applicant was involved in an automobile insurance fraud scheme and, on December 11, 1979, was convicted of mail fraud in violation of 18 U.S.C. 1341 and 1342. The Applicant, in collusion with a Washington, D.C. attorney, would falsely bill insurance carriers for medical services allegedly provided their claimants. The agreement between Dr. Nickerson and the attorney was that each would pocket half the proceeds of the fraudulent billing. While this conviction is not a controlled substance related felony under 21 U.S.C. 824(a)(2) and therefore cannot provide the statutory predicate for the denial of the application, the Acting Administrator

finds it relevant in determining whether Dr. Nickerson is able to responsibly handle controlled substances.

The Acting Administrator further finds that Dr. Nickerson was working at the Upper Cardozo Clinic in Washington, D.C. during the summer of 1981. Had the hearing in this matter been held, an Assistant United States Attorney who was assigned to Dr. Nickerson's probation review would have testified that Dr. Nickerson told the United States District Court Judge who sentenced him that he was discharged from the Upper Cardozo Clinic due to a severe alcoholism problem. An officer from the Metropolitan Police Department would have testified that he discovered prescriptions written by Applicant for Valium (diazepam), a controlled substance, at the Upper Cardozo Clinic. Neither the Upper Cardozo Clinic nor the Applicant possessed a DEA Certificate of Registration. The Acting Administrator finds that the Applicant wrote prescriptions for controlled substances with DEA registration, a felony offense if prosecuted criminally and an extremely serious breach of professional responsibility.

The Acting Administrator has considered the correspondence Dr. Nickerson sent with his application in which he stated that several institutions were interested in hiring him if he possessed DEA registration. He also stated that as "it is incumbent that my controlled substance (sic) be returned so that I can remove this stigma . . ." Dr. Nickerson also discussed financial hardships attendant upon loss of DEA registration. In conversations with DEA personnel Dr. Nickerson indicated he was very desirous of a hearing on the issues raised by the Order.

Nothing in the correspondence can explain or mitigate Dr. Nickerson's repeated violations of the law. It is patently clear that Dr. Nickerson is totally unqualified to handle controlled substances. Any personal hardship Dr. Nickerson may suffer without a DEA registration is far, far outweighed by the certain misery he will inflict again if he is permitted DEA registration. His convictions were too recent, and violations too flagrant, to permit the Acting Administrator to issue him a registration. The Acting Administrator has considered all the facts and circumstances in this case and arrives at the inescapable conclusion that this application should be denied.

It is the decision of the Acting Administrator to deny the application executed August 10, 1982, by Marshall D. Nickerson, Jr., M.D. for a DEA Certificate of Registration as a practitioner. Accordingly, pursuant to

the authority vested in the Attorney General and redelegated to the Administrator of the Drug Enforcement Administration, the Acting Administrator hereby denies the application executed August 10, 1982, effectively immediately.

Francis M. Mullen, Jr.,

Acting Administrator.

[FR Doc. 83-2250 Filed 1-26-83; 8:45 am]

BILLING CODE 4410-09-M

[Docket No. 82-32]

Raymond H. Wood, Jr., D.D.S.; Ocala, Florida; Hearing

Notice is hereby given that on October 14, 1982, the Drug Enforcement Administration, Department of Justice, issued to Raymond H. Wood, Jr., D.D.S., an Order To Show Cause as to why the Drug Enforcement Administration should not revoke his DEA Certificate of Registration, AW0106535, and deny his pending application for renewal of such registration.

Thirty days having elapsed since the said Order To Show Cause was received by Respondent and written request for a hearing having been filed with the Drug Enforcement Administration, notice is hereby given that a hearing in this matter will be held commencing at 9:30 a.m. on Wednesday, February 16, 1983 in Courtroom No. 2, Hillsborough County Courthouse, 419 Pierce Street, Tampa, Florida.

Dated: January 21, 1983.

Francis M. Mullen, Jr.,

Acting Administrator, Drug Enforcement Administration.

[FR Doc. 83-2251 Filed 1-26-83; 8:45 am]

BILLING CODE 4410-09-M

[Docket No. 82-39]

Vincent A. Sundry, D.O.; Tarpon Springs, Florida; Hearing

Notice is hereby given that on November 24, 1982, the Drug Enforcement Administration, Department of Justice, issued to Vincent A. Sundry, D.O., an Order To Show Cause as to why the Drug Enforcement Administration should not deny his application, executed August 18, 1982, for registration as a practitioner.

Thirty days having elapsed since the said Order To Show Cause was received by Respondent and written request for a hearing having been filed with the Drug Enforcement Administration, notice is hereby given that a hearing in this matter will be held commencing at 9:30 a.m. on Thursday, February 17, 1983 in Courtroom No. 2, Hillsborough County

Courthouse, 419 Pierce Street, Tampa, Florida.

Dated: January 21, 1983.

Francis M. Mullen, Jr.,

Acting Administrator, Drug Enforcement Administration.

[FR Doc. 83-2252 Filed 1-26-83; 8:45 am]

BILLING CODE 4410-09-M

NATIONAL SCIENCE FOUNDATION

National Science Board; Nominations for Membership January 24, 1983

The National Science Board (NSB) is the policymaking body of the National Science Foundation (NSF). The Board consists of 24 members appointed by the President, with the advice and consent of the Senate, for six-year terms, in addition to the NSF Director *ex officio*, as follows:

Terms Expire May 10, 1984

- Dr. Lewis M. Branscomb (Chairman, National Science Board), Vice President and Chief Scientist, International Business Machines Corp., Armonk, New York
- Dr. Eugene H. Cota-Robles, Provost, Crown College, and Professor of Biology, University of California at Santa Cruz
- Dr. Ernestine Friedl, Dean of Arts and Sciences and Trinity College, and professor of Anthropology, Duke University
- Dr. Michael Kasha, Distinguished Professor of Physical Chemistry, Institute of Molecular Biophysics, Florida State University
- Dr. Walter E. Massey, Director, Argonne National Laboratory and Vice President for Research, University of Chicago
- Dr. David V. Ragone, President, Case Western Reserve University
- Dr. Edwin E. Salpeter, J. G. White, Professor of Physical Sciences, Cornell University
- Dr. Charles P. Slichter, Professor of Physics, University of Illinois at Urbana

Terms Expire May 10, 1986

- Dr. Jay V. Beck, Professor Emeritus of Microbiology, Brigham Young University
- Dr. Peter T. Flawn, President, University of Texas at Austin
- Dr. Mary L. Good (Vice Chairman, National Science Board), Vice President and Director of Research, UOP, Inc., Des Plaines, Illinois
- Dr. Dr. Peter D. Lax, Professor of Mathematics, Courant Institute of

Mathematical Sciences, New York University
 Dr. Homer A. Neal, Provost, State University of New York at Stony Brook
 Dr. Mary Jane Osborn, Professor and Head, Department of Microbiology, University of Connecticut School of Medicine
 Dr. Donald B. Rice, President, The Rand Corporation, Santa Monica, California
 Dr. Stuart A. Rice, Dean of the Division of Physical Sciences, The James Franck Institute, University of Chicago

Terms Expire May 10, 1988

Mr. Robert F. Gilkeson, Chairman of the Executive Committee, Philadelphia Electric Company
 Dr. Charles E. Hess, Dean, College of Agricultural and Environmental Sciences, University of California at Davis
 Dr. William F. Miller, President and Chief Executive Officer, SRI International, Menlo Park, California
 Dr. John H. Moore, Associate Director and Senior Fellow, The Hoover Institution, Stanford University
 Professor William A. Nierenberg, Director, Scripps Institution of Oceanography, University of California at San Diego
 Dr. Norman C. Rasmussen, Professor of Nuclear Engineering, Massachusetts Institute of Technology
 Dr. Roland W. Schmitt, Senior Vice President, Corporate Research and Development, General Electric Company, Schenectady, New York (One vacancy)

Member Ex Officio

Dr. Edward A. Knapp (Chairman, NSB Executive Committee), Director, National Science Foundation

Section 4(c) of the National Science Foundation Act of 1950, as amended, states that: "The persons nominated for appointment as members of the Board (1) shall be eminent in the fields of the basic, medical, or social sciences, engineering, agriculture, education, research management, or public affairs; (2) shall be selected solely on the basis of established records of distinguished service; and (3) shall be so selected as to provide representation of the views of scientific leaders in all areas of the Nation."

The terms of eight members of the National Science Board will expire on May 10, 1984. All members of the 1984 class are eligible for reappointment.

The Board solicits and evaluates nominations for submission to the President. Nominations accompanied by

biographical information may be forwarded to the Chairman, National Science Board, Washington, D.C. 20550, no later than April 1, 1983.

Any questions should be directed to Mrs. Joyce Hamaty, Staff Assistant, National Science Board (202/357-9582).
 Lewis M. Branscomb,
 Chairman, National Science Board.

[FR Doc. 83-2224 Filed 1-26-83; 8:45 am]

BILLING CODE 7555-01-M

NATIONAL TRANSPORTATION SAFETY BOARD

Accident Reports, Recommendations, Responses; Availability

Reports, Recommendations, Responses; Availability

Reports Issued:

Railroad/Highway Accident Report: Collision of a Southeastern Pennsylvania Transportation Authority Commuter Train with a Gasoline Truck, Southampton, Pennsylvania, January 2, 1982 (NTSB-TSR-RHR-82-3).

Marine Accident Report: Fire On Board the Training Ship BAY STATE at the Massachusetts Maritime Academy, Buzzards Bay, Bourne, Massachusetts, December 22, 1981 (NTSB-MAR-82-7).

Aircraft Accident Report: Sun West Airlines Flight 104, Piper PA-31-350 (T-1020), N41070, Durango-LaPlata County Airport, Durango, Colorado, December 31, 1981 (NTSB-AAR-82-13).

Aircraft Accident Reports: Brief Format, U.S. Civil Aviation, Issue Number 10 of 1981 Accidents (NTSB-BA-82-12).

Aircraft Accident Reports: Brief Format, U.S. Civil Aviation, Issue Number 8 of 1981 Accidents (NTSB-BA-82-10).

Recommendations to:

Delta Steamship Lines, Inc.: Jan. 5: M-82-57: Issue instructions to masters which encourage the use of VHF radiotelephones by the bridge watch to assist in establishing meeting arrangements on waters not covered by the U.S. Vessel Bridge-to-Bridge Radiotelephone Act. M-82-58: Issue instructions to masters which emphasize the necessity of complying with the International Regulations for Preventing Collisions At Sea, 1972, with particular regard to the requirements for effective radar plotting and for proceeding at a safe speed in areas of restricted visibility.

Recommendation Responses From:

Highway—Federal Highway Administration: Nov. 17: H-81-39: Views the Pennsylvania Department of Transportation's program for the placement of "Slippery When Wet" signs and the detection and correction of potential wet pavement problem locations as an example of how the FHWA's Technical Advisory 5040.17 can be implemented by the States according to their goals and needs. Nov. 23: H-82-22: The Louisiana Department of Transportation and Development has submitted to the FHWA a plan to install a

television surveillance system for the section of Interstate 10 which crosses the I-10 Calcasieu River Bridge. H-82-23: Will review the Louisiana Department of Transportation and Development capabilities in the area of bridge maintenance. H-82-24: Distributed copies of NTSB Highway Accident Report—"Truck Engine Fuel Tank Puncture by Bridge Repair Plate, Diesel Spill, and Multiple-Vehicle Skidding Collisions, Interstate Route 10, Lake Charles, Louisiana, August 27, 1981" (NTSB-HAR-82-4) to each FHWA region with instructions that it be made available to all State highway agencies. H-82-25: Issuance of an On-Guard Bulletin regarding truckdriver use of citizens band radios would be premature pending results of an FHWA-National Academy of Sciences study of the safety relationship between bus operation and citizen band radio use. Jan. 12: H-81-15: The Bureau of Motor Carrier Safety's Management Information System has been expanded to include additional data elements, and is now used to assist in identifying motor carrier candidates for safety management audits.

Urban Mass Transportation Administration: Nov. 22: R-81-1: Regarding legislation to authorize the Secretary of Transportation to regulate the safety of rail rapid transit systems which receive Federal financial assistance: Agrees with NTSB decision that detailed regulations for rapid rail transit safety should not lie with the Federal Government. R-81-2: Will continue to assist rapid rail transit systems through the development of voluntary guidelines in areas of rail safety, such as material selection for rail transit cars and emergency preparedness and fire safety.

State of New York Department of Motor Vehicles: Nov. 17: H-82-49: Will include information of driver responsibility at railroad grade crossings in the next edition of the New York State Driver's Manual and will consider the development of a written examination question of this material. H-82-50: Information explaining drivers' responsibilities at automatic railroad crossing gates and flashing lights may be included with original license application forms mailed to new licensees.

State of New York Department of Transportation: Dec. 7: H-82-45: Is developing plans for a grade separation structure at the Herricks Road crossing of the Long Island Rail Road mainline and other nearby crossings, and is seeking funds for construction. H-82-46: An analysis of the operational aspects of all grade crossings on the Long Island Rail Road system to determine necessary short-term improvements regarding safety is presently beyond the capabilities and jurisdictional responsibilities of the Department. H-82-47: The subject of appropriate standards concerning a distance gap between the ends of crossing gates and the middle of the road or median has already been addressed in the new State Manual of Uniform Traffic Control Devices which will be issued shortly. H-82-48: New York's Highway Design Manual and the American Association of State Highway and Transportation Official design books both contain guidelines and detailed design

information for traffic islands, although their specific application as a deterrent for motorists circumventing a lowered crossing gate has not generally been considered. Future consideration may be given to the feasibility of using traffic divisional islands to improve crossing safety.

International Bridge, Tunnel & Turnpike Association: Jan. 6: H-82-6: The association's authorized representative on the Manual on Uniform Traffic Control Devices committee will continue to stress full use of MUTCD practices, particularly in construction zone applications.

Association of American Railroads: Dec. 21: H-82-56: Will cooperate with the Federal Highway Administration and the National Committee on Uniform Traffic Control Devices in studying the problem presented by the lack of a standard distance gap between the end of crossing gates and the middle of the road or median.

National Safety Council: Nov. 24: H-82-36: Will cooperate with the International Chiefs of Police in serving as a clearinghouse for information on REDDI-type programs for citizen reporting of drunk drivers, and will provide information and assistance to interested States and local communities.

Replies to H-82-59 and -60, which recommended that 31 States and the District of Columbia consider legislation to require use of child safety seats in motor vehicles, have been received from *Alaska* (Dec. 28), *Arizona* (Dec. 13), *Colorado* (Dec. 15), *District of Columbia* (Dec. 29), *Hawaii* (Jan. 7), *Idaho* (Dec. 21), *Mississippi* (Dec. 30), *Nevada* (Dec. 28), *Louisiana* (Dec. 16 and 20), *Pennsylvania* (Dec. 29), and *Washington* (Jan. 5).

Marine—U.S. Coast Guard: Dec. 8: M-81-8: Is preparing a Memorandum of Agreement with the Federal Communications Commission to coordinate the use of available resources in a concerted effort to effectively enforce the vessel bridge-to-bridge radiotelephone regulations in the lower Mississippi River. **M-81-33:** The Memorandum of Agreement with the FCC will clarify enforcement responsibilities between the two agencies and establish a Coast Guard program to reduce the improper use of the bridge-to-bridge radiotelephone frequency on the lower Mississippi River. **Dec. 20: M-81-1:** The Boat Crew Seamanship Manual will emphasize coxswain training in the importance of using towing bridges, the effect on the directional stability on a towing vessel of wind and seas acting on the vessel's hull and superstructure, the need to supervise less experienced seamen assisting in towing operations, and the situations where the towline should be immediately cut. **M-81-2:** The importance of persons aboard towed vessels wearing personal flotation devices is emphasized in the Boat Crew Qualification, Training and Certification program, which includes the Boat Crew Seamanship Manual. The teaching of this doctrine will be reinforced in the basic Boatswain Mate training course at Yorktown, Virginia, and the National Motor Lifeboat School at Ilwaco, Washington. **M-81-3:** Published an article in a recent issue of *On Scene* discussing the merits of controlling motion sickness during search and rescue operations. **M-81-4:** Published Navigation and Vessel Inspection

Circular 4-82, "Uninspected Commercial Vessel Safety," on Mar. 9, 1982, which does not specifically address carriage of spare parts on fishing vessels but does emphasize increased training of personnel in subjects such as "use and maintenance of auxiliary equipment." **Jan. 3: M-81-21:** The Notice of Proposed Rulemaking (NPRM) to codify the Berwick Bay (Louisiana) Vessel Traffic Service operating procedures was published on Aug. 16, 1982. **M-82-41:** Has proposed, in the above NPRM, horsepower to overall length ratios for all towing vessels having less than 3,000 horsepower when towing during periods of high water. **M-80-18:** The above NPRM would require the Coast Guard to issue precautionary notices and high water notices when the river stage reaches a certain point. Because the currents in the Berwick Bay area vary in direction and speed from point to point, and because current velocity is closely related to the river stage, the Coast Guard feels it is only necessary to provide the river stage information. **M-80-19:** Has improved navigational aids for vessels transiting the Berwick Bay bridges.

Maritime Administration: Dec. 29: M-82-50 and -51: Is studying the installation of fixed Halon 1301 firefighting systems in the engineroom spaces aboard all MARAD training vessels. **M-82-52:** Is studying the installation of diesel fire pumps in locations outside the engineroom spaces. **M-82-53 through -55:** Is studying improving egress from engineroom spaces. **M-82-56:** Is studying locating fuel oil strainers away from high-temperature piping and installing spray shields and steel petcocks.

National Cargo Bureau, Inc.: Dec. 13: M-81-41: Believes that the loss of containers overside in inland and coastal waters is a rare occurrence and that centerline stowage is impractical.

U.S. Army Corps of Engineers: Dec. 15: M-80-22: Upon request, Coast Guard provides mariners with updated information on river stage and current velocity to vessels transiting the Berwick Bay bridges.

Federal Communications Commission: Dec. 22: M-82-10: Section 83.251(c) of FCC Rules limits the power of bridge-to-bridge communications to 1 watt or less. For violation of that Section, FCC imposes monetary forfeitures under Section 503(b) of the Communications Act. **M-82-11:** FCC's Field Operations Bureau is studying the enforcement of bridge-to-bridge radiotelephone regulations in the lower Mississippi River.

Note.—Reports may be ordered from the National Technical Information Service, 5285 Port Royal Road, Springfield, Virginia 22161, for a fee covering the cost of printing, mailing, handling, and maintenance. For information on reports call 703-487-4650 and to order subscriptions to report call 703-487-4630. Single copies of recommendation letters (identified by recommendation number) and response letters are free on written request to: Public Inquiries Section, National Transportation Safety Board, Washington, D.C. 20594.

Dated: January 21, 1983.

H. Ray Smith, Jr.,
Federal Register Liaison Officer.

[FR Doc. 83-2135 Filed 1-26-83; 8:45 am]

BILLING CODE 4910-58-M

SECURITIES AND EXCHANGE COMMISSION

Midwest Stock Exchange, Inc.; Application for Unlisted Trading Privileges and of Opportunity for Hearing

January 19, 1983.

The above named national securities exchange has filed an application 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 common stock of: Amfesco Industries, Inc., Common Stock, \$10 Par Value (File No. 7-8421).

This security is listed and registered on one or more other national securities exchange and is reported on the consolidated transaction reporting system.

Interested persons are invited to submit on or before February 11, 1983 written data, views and arguments concerning the above-referenced application. 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 application if it finds, based upon all the information available to it, that the extension of unlisted trading privileges pursuant to such application is 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. 83-2200 Filed 1-26-83; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. 22823; 70-6837, 31-741, 31-742]

Suburban Propane Gas Corp. and Vangas, Inc.; Application

January 19, 1983.

Suburban Propane Gas Corporation ("Suburban") 334 Madison Avenue, CN 1915, Morristown, New Jersey 07960, a New Jersey corporation, and its wholly-owned subsidiary Vangas, Inc. ("Vangas") P.O. Box 12647, Fresno,

California 93778, a California corporation, have filed with this Commission an application and amendments thereto pursuant to the Public Utility Holding Company Act of 1935 ("Act") requesting (1) approval under Sections 9(a)(2) and 10 to acquire the common shares of Siskiyou Vangas, Inc. ("Siskiyou"), a California corporation and a gas utility company as defined in Section 2(a)(4), and (2) an order of exemption under Section 3(a)(3) concerning their ownership of the common shares of Siskiyou and Jackson Vangas, Inc. ("Jackson"), a Wyoming corporation and a gas utility company. All interested persons are referred to the amended application, which is summarized below, for a description of the acquisition transaction and a statement of the bases upon which the exemptive order is sought.

Suburban is directly engaged in the marketing of propane in enclosed portable containers. Through subsidiaries it is also engaged in petroleum refining and marketing, oil exploration and development and the manufacture of heating equipment. At September 30, 1982, it had total assets of \$424 million and for its fiscal year then ended reported consolidated revenues of \$828 million and net income of \$24 million. Vangas is principally engaged in the marketing of propane in enclosed portable containers in California and eight other western states. At September 30, 1982, it had total assets of \$100 million and for its fiscal year then ended reported consolidated revenues of \$161 million and net income of \$6 million.

Vangas owns all of outstanding shares of Jackson and Siskiyou. Jackson distributes propane at retail through underground mains in Jackson, Wyoming and environs, and is regulated by the Public Service Commission of Wyoming. The revenues and net loss of Jackson for its fiscal year ended September 30, 1982, were \$504,474 and \$32,730, respectively. Siskiyou similarly distributes at retail in the towns of Dunsmuir and Yreka, California. As a result of a 1980 change in California law, these propane operations are not subject to regulation by the Public Utilities Commission of the State of California. The revenues and net income of Siskiyou for its fiscal year ended September 30, 1982, were \$966,801 and \$6,941, respectively. Both Jackson and Siskiyou purchase their entire propane supplies from Vangas.

Siskiyou was incorporated December 7, 1972, for the purpose of acquiring the gas utility assets and operating rights in Dunsmuir and Yreka then owned by California-Pacific Utilities Company

("CPU"), which had agreed to sell the same to Vangas. Vangas assigned its rights under its agreement with CPU to Siskiyou, which joined with CPU in an application to the Public Utilities Commission of the State of California for approval of the sale. In a decision of April 10, 1973 (Decision No. 81272) that commission approved the transaction. Vangas and Suburban, which are affiliates of Jackson, have applied for approval of their acquisition of Siskiyou under Sections 9(a)(2) and 10. In a separate proceeding (File No. 70-8835), notice of which has been duly published (HCAR No. 22817), National Distillers and Chemical Corporation and its wholly-owned subsidiary DR Acquisition Corporation have applied under Sections 9(a)(2) and 10 for approval to acquire the common stock of Suburban.

Vangas and Suburban also request an exemptive order under Section 3(a)(3) on the ground that they are only incidentally holding companies, being primarily engaged in non-utility businesses.

The Public Utilities Commission of the State of California has authorized the acquisition of Siskiyou; no other state commission and no federal commission, other than this Commission, has jurisdiction thereover.

The application 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 February 7, 1983, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the applicants at the addresses specified above. Proof of service (by affidavit or, in 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 application, as amended or as it may be further amended, may be granted.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[PR Doc. 83-2203 Filed 1-26-83; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. 12977; 812-5187]

The Special Fund for Timers, Inc.; Filing of Application

January 18, 1983.

The Special Fund for Timers, Inc. ("Applicant"), the General Washington Office Bldg., 216 Goddard Boulevard, Suite 213, King of Prussia, Pennsylvania 19406, an open-end, diversified, management investment company registered under the Investment Company Act of 1940 ("Act"), filed an application and amendments thereto for an order of the Commission pursuant to Sections 11(a) and 6(c) of the Act, exempting Applicant from the provisions of sections 2(a)(41), and 22(d) of the Act and Rules 2a-4 and 22c-1 thereunder to the extent necessary to permit Applicant to value the assets of its "Money Market Series" according to the amortized cost method of valuation and to effect its proposed offer of exchange. 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, and are referred to the act and the rules thereunder for further information as to the provisions to which the exemptions apply.

Applicant states that it is a Pennsylvania corporation structured as a series company with two series of shares, an equity series and a money market series. Applicant's Money Market Series is designed as an investment vehicle for investors who seek both to conserve their capital and to earn a high level of current income consistent with liquidity. Applicant has itself been specially designed as an investment vehicle for "Market Timers", individuals or entities that recommend that investments be made in equity securities or in cash-equivalent income-producing securities or alternated between the two depending upon the Market Timer's analysis of market and other financial trends and developments. Applicant states that the Money Market Series will invest in U.S. Government securities, securities issued by agencies and instrumentalities of the U.S. Government, bank certificates of deposit, and repurchase agreements secured by obligations of the U.S. Government.

Section 6(c) of the Act provides, in pertinent part, that the Commission, by order upon application, may conditionally or unconditionally exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions, from any provision of the Act or of any rule or

regulation under the Act, 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.

In support of the relief requested, Applicant submits that it would be desirable for its shareholders to have the conveniences and advantages of the stable purchase and redemption prices resulting from a steady \$1.00 per share net asset value which the amortized cost method of valuing portfolio securities would provide. Applicant's management represents that it has determined in good faith that, absent unusual or extraordinary circumstances, the amortized cost method of valuing Applicant's portfolio securities is appropriate and will reflect the fair value of its securities. Applicant further represents that it believes that the granting of the requested exemption is appropriate in the public interest and consistent with the policy and provisions of the Act.

Applicant expressly agrees to adhere to the following conditions in any order of the Commission granting the exemptive relief requested:

1. In supervising Applicant's operations and delegating special responsibilities involving management of the Money Market Series to Applicant's investment adviser, Applicant's management undertakes—as a particular responsibility within the overall duty of care owed to its shareholders—to establish procedures reasonably designed, taking into account current market conditions and Applicant's investment objectives, to stabilize Applicant's net asset value per share, as computed for the purpose of distribution, redemption and repurchase, at \$1.00 per share.

2. Included within the procedures to be adopted by the board of directors shall be the following:

(a) Review by the board of directors, as it deems appropriate and at such intervals as are reasonable in light of current market conditions, to determine the extent of deviation, if any, of the net asset value per share as determined by using available market quotations from Applicant's \$1.00 amortized cost net asset value per share, and the maintenance of records of such review;¹

(b) In the event such deviation from the \$1.00 amortized cost price per share exceeds $\frac{1}{2}$ of 1 percent, a requirement that the directors will promptly consider what action, if any, should be initiated; and

(c) Where the board of directors believes the extent of any deviation from the \$1.00 amortized cost price per share may result in material dilution or other unfair results to investors or existing shareholders, it shall take such action as it deems appropriate to eliminate or to reduce to the extent reasonably practicable such dilution or unfair results, which may include: redeeming shares in kind; selling portfolio instruments prior to maturity to realize capital gains or losses or to shorten the average maturity of portfolio instruments; withholding dividends; or utilizing a net asset value per share as determined by using available market quotations.

3. Applicant will cause its Money Market Series to maintain a dollar-weighted average portfolio maturity appropriate to its objective of maintaining a stable net asset value per share for the series; provided, however, that Applicant will not (a) purchase any instrument with a remaining maturity of greater than one year, or (b) maintain a dollar-weighted average portfolio maturity which exceeds 120 days.²

4. Applicant will record, maintain, and preserve permanently in an easily accessible place a written copy of the procedures (and any modifications thereto) described in condition 1 above, and will record, maintain, and preserve for a period of not less than six years (the first two years in an easily accessible place) a written record of the board of directors' considerations and actions taken in connection with the discharge of its responsibilities, as set forth above, to be included in the minutes of the board of directors' meetings. The documents preserved pursuant to this condition shall be subject to inspection by the Commission in accordance with Section 31(b) of the Act, as if such documents were records required to be maintained pursuant to rules adopted under Section 31(a) of the Act.

5. Applicant will limit the portfolio investments of the Money Market Series, including repurchase agreements,

classes of money market instruments published by reputable sources.

¹ In fulfilling this condition, Applicant agrees that if the disposition of a portfolio security results in a dollar-weighted average portfolio maturity in excess of 120 days, Applicant will invest available cash in the Money Market Series in such a manner as to reduce its dollar-weighted average portfolio maturity to 120 days or less, as soon as reasonably practicable.

to those United States dollar-denominated instruments which its board of directors determines present minimal credit risks, and which are of "high quality" as determined by any major rating service, or in the case of any instrument that is not rated, of comparable quality as determined by Applicant's directors.

6. Applicant will include in each of its quarterly reports, as an attachment to Form N-1Q, a statement indicating whether any action pursuant to paragraph 2(c) above was taken during the preceding fiscal quarter and, if any such action was taken, will describe the nature and circumstances of such action.

Applicant also proposes to offer and sell its shares without a sales charge (at a price other than that stated in the prospectus) to those investors who have redeemed securities or interests in securities issued by other investment companies or unit investment trusts in order to invest in Applicant. To prevent prospective investors from circumventing its sales load by investing, initially, in a no-load unit investment trust or open-end, management investment company and then redeeming and reinvesting their redemption proceeds at no-load in Applicant, Applicant will not accept the proceeds of redemption of investment company or unit investment trust securities for investment in shares of Applicant at no-load unless: (1) A sales charge has been paid upon such prior investment or the value of such prior investment has been at some previous time subject to a sales charge, or (2) in the event the prior investment has not been subject to a sales charge, and the value of such prior investment has not been at some previous time subject to a sales charge, the prior investment has been held for a period of not less than six months prior to the date upon which the proceeds of redemption are tendered for investment in Applicant. Applicant represents that it would continue to levy a sales charge upon "original purchases" of its shares; that is, Applicant would levy a sales charge upon amounts invested by or on behalf of an investor in Applicant in excess of the amount of the gross proceeds the investor realized upon the redemption of the securities or interests in securities of one or more other investment companies.

Applicant asserts that sales efforts associated with the redemption of an investor's funds in one or more other investment companies in order to reinvest those funds in Applicant will be minimal. The investor whose funds are being moved will either be moving them himself in response to a Market Timer's

¹ To fulfill this condition, Applicant intends to use actual quotations or estimates of market value reflecting current market conditions chosen by its board of directors in the exercise of its discretion to be appropriate indicators of value which may include, *inter alia*, (1) quotations or estimates of market value for individual portfolio instruments, or (2) values obtained from yield data relating to

recommendation, or the funds will be moved for the investor's account by a Market Timer who has discretionary authority over the investor's account. In the latter instance, the investor will typically be advised of the movement of his investment funds and permission to make such a move will be obtained. Because little or no sales effort will be required in connection with the movement of investors' funds to Applicant from one or more other investment companies, Applicant contends that it would be unfair to levy a sales charge upon the issuance of its shares under those circumstances. Since Applicant will not charge a sales commission on these exchanges, it has no incentive to recommend the switching of investments merely to generate sales commissions.

Notice is hereby given that any interested person wishing to request a hearing on the application may, not later than February 14, 1983, at 5:30 p.m., do so by submitting a written request setting forth the nature of his/her interest, the reasons for his/her request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon Applicant at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. Persons who request a hearing will receive any notices and orders issued in this matter. After said date an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,
Secretary

[FR Doc. 83-2204 Filed 1-26-83; 8:45 am]
BILLING CODE 8010-01-M

[Rel. No. 19439; SR-Amex-82-11]

American Stock Exchange, Inc.; Order Approving Proposed Rule Change

January 19, 1983.

The American Stock Exchange, Inc. ("Amex") 86 Trinity Place, New York, NY 10006, submitted on August 3, 1982, copies of a proposed rule change pursuant to Section 19(b)(2) of the Securities Exchange Act of 1934 (the "Act") and Rule 19b-4 thereunder, to: (1) Rescind Rule 319, which requires specified minimum compensation for ABC seatholders; (2) amend Rule 342(b)

to add the requirement of written requests for member organization approval of outside business activities of persons associated with member organizations; (3) rescind Article IV, Section 3(a) of the Amex Constitution which provides for the designation of "salaried market employees"; and (4) amend Article IX, Section 6 of the Amex Constitution, which governs the Exchange Gratuity Fund, to substitute the phrase "surviving spouse" wherever reference is made to the term "widow."

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by the issuance of a Commission Release (Securities Exchange Act Release No. 19317, December 9, 1982) and by publication in the *Federal Register* (47 FR 56590, December 17, 1982).¹ No comments were received with respect to the proposed rule change.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange and, in particular, the requirements of Section 6, and the rules and the regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and hereby is, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[FR Doc. 83-2202 Filed 1-26-83; 8:45 am]
BILLING CODE 8010-01-M

[Release No. 34-19443; File No. SR-MCC-82-21]

Midwest Clearing Corp.; Self-Regulatory Organizations; Proposed Rule Change Relating to MCC's Proposed Price Revision Schedule

Effective January 3, 1983.

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 December 29, 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-

¹ Although the filing was submitted on August 3, 1982, the requisite membership vote on the proposed constitutional amendments had not occurred at that time. By Amendment No. 1 to this filing, submitted to the Commission on December 6, 1982, the Amex indicated that the constitutional amendments were approved by the Exchange membership on November 18, 1982.

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 on the Terms of Substance of the Proposed Rule Change

The Proposed Price Revision Schedule for the Midwest Clearing Corporation, effective January 3, 1983, was submitted with the filing as Exhibit A.

II. Self-Regulatory Organization's Statement on 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 on the Purpose of, and Statutory Basis for, the Proposed Rule Change

The proposed price revisions, effective January 3, 1983, reflect increases in monthly fixed service fees and several transaction fees, primarily those related to labor intensive functions. Because of cost savings experienced through automation over the past year, along with a projected growth in activity MCC has been able to retain the majority of existing fees during 1983 despite the impact of inflation on its overall operations and those of participants. In addition, several services will continue to be subject to variable rates or maximum rate fees, to reflect economies of scale and to encourage growth. Any fees for services not reflected in the proposed schedule are not being revised.

The proposed fee schedule is consistent with Section 17A of the Act in that it provides for the equitable allocation of reasonable dues, fees and other charges among MCC's participants.

(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 solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3) of the Securities Exchange Act of 1934 and subparagraph (e) of Securities Exchange Act Rule 19b-4. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors or otherwise in furtherance of the Securities Exchange Act of 1934.

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: January 19, 1983.

George A. Fitzsimmons,
Secretary.

[FR Doc. 83-2199 Filed 1-26-83; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. 19440; File No. SR-NYSE-80-16]

New York Stock Exchange, Inc.; Filing of Amendment To Proposed Rule Change

January 19, 1983.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on January 5, 1983, the New York Stock Exchange, Inc. ("NYSE") filed with the Securities and Exchange Commission an amendment to a proposed rule change as described herein. The NYSE filing in 1980 proposed certain changes to NYSE Rules 109, 110 and 112 as they apply to Competitive Traders.¹ The proposed amendment would modify NYSE Rules 110 and 116. The Commission is publishing this notice to solicit comments on the proposed rule change as it would be amended from interested persons.

The exchange had originally proposed to remove Section (2) of Rule 110 which states that Competitive Traders shall not effect purchases or sales for their own accounts except in a reasonable and orderly manner and shall not be conspicuous in the market. According to the exchange, the proposed removal of this proscriptive language was designed to eliminate vague and duplicative language in light of Section (1) of the Rule and .10 of the Supplementary Material which contain specific restrictions against a Competitive Trader dominating the market. The exchange is now proposing to retain this section for the following two reasons: (i) The repeal of Section (2) might have been construed as an easing of a Competitive Traders' obligation to effect transactions in an orderly manner; and (ii) the proscription in Section (2) against being conspicuous in the market is not entirely duplicative of the "dominating" prohibition contained in other parts of Rule 110.

Rule 116.30 prohibits a specialist from stopping stock against the book or for his own account at a price at which he holds an order capable of execution, unless one of four specified exceptions applies. The exchange is now proposing to remove 116.30(3), the exception which permits a specialist to stop stock "when the specialist does not have an executable order at the stop price", since, according to the exchange, this exception is clearly implied within the

language in paragraph 116.30. The NYSE also is proposing to amend 116.30(4), the exception which applied in certain situations when a broker makes an unsolicited request for a stop, to update the text of the rule and reflect the removal of Rule 109, by expanding the term "broker" to include a member acting on behalf of a proprietary account as well as a member acting on behalf of a public customer's account.

The exchange has stated in its filing that the proposed amendments would be consistent with Section 6(b)(5) of the Act which requires that exchange rules be designed to remove impediments to a free and open market; Section 6(b)(8) which prohibits exchange rules from imposing any burden on competition not necessary or appropriate under the Act; and Section 11A(a)(1)(C)(ii) which states that it is in the public interest and appropriate for the protection of investors and the maintenance of fair and orderly markets to assure fair competition among brokers and dealers.

In order to assist the Commission in determining whether to approve the proposed amended rule change or institute proceedings to determine whether the proposed amended rule change should be disapproved, interested persons are invited to submit written data, views and arguments concerning the submission within 21 days after the date of publication in the Federal Register. Persons desiring to make written comments should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 450 5th Street, NW., Washington, D.C. 20549. Reference should be made to File No. SR-NYSE-80-16.

Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change which are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those which may be withheld from the public in accordance with the provisions of 5 U.S.C. § 552, will be available for inspection and copying at the Commission's Public Reference Room, 450 5th Street, NW., Washington, D.C. Copies of the filing and of any subsequent amendments also will be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization.

¹ The proposed rule change was published for notice in Securities Exchange Act Release No. 16800 (May 12, 1980); 45 FR 32463 (May 16, 1980). No public comments were received.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[FR Doc. 83-2201 Filed 1-26-83; 8:45 am]
BILLING CODE 8010-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD 82-068]

Omega Radionavigation System Operational Declaration

This notice officially declares the Omega navigation system operational in the North Atlantic and North Pacific Oceans.

The position-fixing coverage provided by the Omega navigation system, which has been operational for several years, is based upon theoretical predictions. The Coast Guard conducted an extensive data collection and validation effort and determined, that the Omega navigation system meets the safety of navigation accuracy requirements of 2-4 nautical miles, with 95% confidence in the oceanic environment. This requirement is stated in the Federal Radio-navigation Plan (March 1982). The two regions are bounded by approximately 0-70 N latitude, 15E-100W longitude, and 10S-70N latitude and 100W-165E longitude.

On this basis the Coast Guard hereby declares the Omega navigation system officially operational in the North Atlantic and North Pacific Oceans. Future validation results will be announced as data collection and analysis is completed during the next five years.

FOR FURTHER INFORMATION CONTACT: LT D.J. HOUGHTON, U.S. Coast Guard Headquarters, RM 1413 (G-NRN-2), 2100 2nd St., SW., Washington, D.C. 20593, Phone: (202) 426-0990.

Dated: January 19, 1983.

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

[FR Doc. 83-2254 Filed 1-26-83; 8:45 am]
BILLING CODE 4910-14-M

Federal Aviation Administration

National Airspace Review; Meeting

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of Meeting.

SUMMARY: Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act

(Pub. L. 92-463; 5 U.S.C. App. 1) notice is hereby given of a meeting of Task Group 1-3 of the Federal Aviation Administration (FAA) National Airspace Review Advisory Committee. The agenda for this meeting is as follows: review standard instrument departure (SID) procedures/routes of flight and preferential routes to ensure their utility in the current system. The Task Group will also examine the low altitude route system to determine the extent of the need, if any, for structural changes to the system. In addition, the Task Group will continue its development and refinement of an overall model of the future system in both the low and high altitude structures.

DATE: Beginning February 22, 1983, at 1:00 P.M., continuing daily, except Saturdays, Sundays and holidays, not to exceed three weeks.

ADDRESS: The meeting will be held at the Federal Aviation Administration, Rooms 8A and 8B, 800 Independence Ave., SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT: National Airspace Review Program Management Staff, Room 1005, Federal Aviation Administration, 800 Independence Avenue, SW., AAT-30, Washington, D.C. 20591, (202) 426-3560. Attendance is open to the interested public, but limited to the space available. To ensure consideration, persons desiring to make statements at the meeting should submit them in writing to the Executive Director, National Airspace Review Advisory Committee, Air Traffic Service, AAT-1, 800 Independence Avenue, SW., Washington, D.C. 20591, by February 15, 1983. Time permitting and subject to the approval of the chairman, these individuals may make oral presentations of their previously submitted statements.

Issued in Washington, D.C. on January 19, 1983.

Karl D. Trautmann,
Program Manager, NARAC.

[FR Doc. 83-2035 Filed 1-26-83; 8:45 am]
BILLING CODE 4910-13-M

Federal Highway Administration

Environmental Impact Statement; Riley County, Kansas

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of Intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement will be

prepared for a proposed street project in Manhattan, Riley County, Kansas.

FOR FURTHER INFORMATION CONTACT: Robert Crow, District Engineer, Federal Highway Administration, Federal Building, 444 S. E. Quincy, Room 240, Topeka, Kansas 66683, Telephone: (913) 295-2558. R. E. Olson, Chief of Rural and Urban Development, Kansas Department of Transportation, State Office Building, Topeka, Kansas 66612, Telephone: (913) 296-3861. Bruce McCallum, Director of Public Services, City of Manhattan, City Hall, Manhattan, Kansas, Telephone: (913) 537-0056.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the Kansas Department of Transportation (KDOT) and the City of Manhattan, will prepare an environmental impact statement for a proposed project to construct the Southern Arterial from K-18 Highway east of US-177 and US-24 Highways in the City of Manhattan, Riley County, Kansas. These 2.05 miles of street improvements are considered necessary to relieve traffic from the Central Business District, Poyntz Avenue.

Alternates under consideration include (1) no action; and (2) the construction of a four-lane urban street with channelization at the major intersections. This alternate would be constructed on abandoned railroad right of way.

Public Meetings were held by the City of Manhattan on October 23, 1980 and October 30, 1980 to present the alternates and to discuss the concerns of the immediate community and general public. No formal scoping meeting is planned at this time. A public hearing will be held after the Environmental Impact Statement has been made available for public and agency review and comment. Public notice will be given at the time and place of the public hearing.

To ensure that the full range of issues related to this proposed action are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments or questions concerning the proposed action should be directed to the FHWA or the KDOT at the addresses provided above.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research, Planning and Construction. The provisions of OMB Circular No. A-95 regarding state and local clearinghouse review of Federal and federally assisted programs and projects apply to this program.)

Issued on: January 17, 1983.

Robert W. Morrissey,

Division Administrator, Kansas Division,
Federal Highway Administration, Topeka,
Kansas.

[FR Doc. 83-1984 Filed 1-26-83; 8:45 am]

BILLING CODE 4910-22-M

Maritime Administration

Change of Name of Approved Trustee

Notice is hereby given that effective June 30, 1982, First National Bank in Dallas, Texas, changed its name to InterFirst Bank Dallas, National Association.

Dated: January 19, 1983.

By Order of the Maritime Administrator.

Georgia P. Stamas,
Assistant Secretary.

[FR Doc. 83-1995 Filed 1-26-83; 8:45 am]

BILLING CODE 4910-81-M

Approval of Request for Removal From Roster of Approved Trustees

Notice is hereby given that, pursuant to statutory merger under California law, on December 31, 1982, the Vessel or Shipyard Financing Trusts of Title Insurance & Trust Co. were assumed by Trust Services of America, Inc., with offices at 700 Wilshire Boulevard, Los Angeles, California 90017.

Trust Services of America, Inc. is an approved Trustee pursuant to Pub. L. 89-346 and 46 CFR 221.21-221.30.

Therefore, pursuant to Pub. L. 89-346 and 46 CFR 221.21-221.30, Title Insurance & Trust Co. is removed from the Roster of Approved Trustees.

This notice is effective as of December 31, 1982.

Dated: January 24, 1983.

By Order of the Maritime Administrator.

Georgia P. Stamas,
Assistant Secretary.

[FR Doc. 83-2246 Filed 1-26-83; 8:45 am]

BILLING CODE 4910-81-M

[Docket No. S-729]

Ocean Carriers, Inc., Application for Section 805(a) Permission Concerning Operations by an Affiliate for up to Five T-5 Tanker

Ocean Carriers presently operates four subsidized vessels under bareboat charter: COURIER, PATRIOT, RANGER, and ROVER. The four vessels are engaged in service in the foreign trades pursuant to ODS Contract No. MA/MSB-167.

The applicant advised that it was recently awarded a contract to construct and charter to MSC two T-5

replacement tankers, with options for the construction and charter of three more tankers. The tankers will be constructed by Ocean Product Tankers, Inc., which is a subsidiary of Ocean Carriers' parent company, Ocean Shipholders, Inc. The tankers will be delivered in 1984 and then will be bareboat chartered to other Ocean Shipholders, Inc. subsidiaries, which will time charter the vessels to MSC. Thus, the T-5 replacement tankers will be operated by affiliates of Ocean Carriers, Inc. The MSC charter agreement specifies that the tankers are to have "worldwide trading privileges." Consequently it is possible that MSC may utilize the tankers occasionally in the domestic intercoastal and coastwise trade.

Because Ocean Carriers currently operates subsidized vessels, it is necessary to obtain written permission under section 805(a) to enable Ocean Carriers' affiliates to operate up to five T-5 replacement tankers in the domestic intercoastal and coastwise trades, should MSC choose to employ them in these trades.

The written permission is requested only because of the applicant's affiliation with the bareboat charterers, of the tankers. Ocean Carriers, Inc. does not propose to operate its chartered vessels in the domestic trades. The applicant avers that its affiliates will remain separate companies, and there will be no intermingling of the respective companies' subsidized and unsubsidized operations, nor will any subsidy funds be made available directly or indirectly to the affiliates.

Any person, firm, or corporation having any interest in such application (within the meaning of section 805(a) of the Act) and desiring to submit comments concerning the application must file written comments in triplicate with the Secretary, Maritime Administration, Room 7300, Nassif Building, 400 Seventh Street, SW., Washington, D.C. 20590, by close of business on February 10, 1983, together with petition for leave to intervene. The petition shall state clearly and concisely the grounds of interest, and the alleged facts relied on for relief.

In the event petitions regarding the relevant section 805(a) issues are received from parties with standing to be heard, a hearing will be held, the purpose of which will be to receive evidence under section 805(a) relative to whether the proposed operations (a) could result in unfair competition to any person, firm, or corporation operating exclusively in the coastwise or intercoastal service, or (b) would be prejudicial to the objects and policy of

the Act relative to domestic trade operations.

If no petitions for leave to intervene are received within the specified time or if it is determined that petitions filed do not demonstrate sufficient interest to warrant a hearing, the Maritime Administration will take such action as may be deemed appropriate.

(Catalog of Federal Domestic Assistant Program No. 20.804 Operating-Differential Subsidies (ODS))

By Order of the Maritime Administrator
Dated: January 24, 1983.

Georgia P. Stamas
Assistant Secretary.

[FR Doc. 83-2245 Filed 1-26-83; 8:45 am]

BILLING CODE 4910-81-M

Office of the Secretary

Reports, Forms, and Recordkeeping Requirements: Submittals to OMB, December 23-January 15, 1983

AGENCY: Transportation Department.

ACTION: Notice.

SUMMARY: This notice lists those forms, reports, and recordkeeping requirements, transmitted by the Department of Transportation, between Dec. 23, 1982, and Jan. 15, 1983, to the Office of Management and Budget (OMB) for its approval. This notice is published in accordance with the requirements of the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35).

FOR FURTHER INFORMATION CONTACT: John Windsor, John Chandler, or Annette Wilson, Information Requirements Division, M-34, Office of the Secretary of Transportation, 400 7th Street, SW., Washington, D.C. 20590, (202) 426-1887 or

Sandy Fisher, Bob Seigel or Wayne Leiss, Office of Management and Budget, New Executive Office Building, Room 3001, Washington, D.C. 20503, (202) 395-7313.

SUPPLEMENTARY INFORMATION:

Background

Section 3507 of Title 44 of the United States Code, as adopted by the Paperwork Reduction Act of 1980, requires that agencies prepare a notice for publication in the Federal Register, listing those information collection requests submitted to the Office of Management and Budget (OMB) for approval under that Act. OMB reviews and approves agency submittals in accordance with criteria set forth in that Act. In carrying out its responsibilities, OMB also considers public comments on the proposed forms, reporting and recordkeeping requirements.

On Mondays and Thursdays, as needed, the Department of Transportation will publish in the **Federal Register** a list of those forms, reporting and recordkeeping requirements that it has submitted to OMB for review and approval under the Paperwork Reduction Act. The list will include new items imposing paperwork burdens on the public as well as revisions, renewals and reinstatements of already existing requirements. OMB approval of an information collection requirement must be renewed at least once every three years. The published list also will include the following information for each item submitted to OMB.

- (1) A DOT control number.
- (2) An OMB approval number if the submittal involves the renewal, reinstatement or revision of a previously approved item.
- (3) The name of the DOT Operating Administration or Secretarial Office involved.
- (4) The title of the information collection request.
- (5) The form numbers used, if any.
- (6) The frequency of required responses.
- (7) The persons required to respond.
- (8) A brief statement of the need for and uses to be made of the information collection.

Information Availability and Comments

Copies of the DOT information collection requests submitted to OMB may be obtained from the DOT officials listed in the "For Further Information Contact" paragraph set forth above.

Comments on the requests should be forwarded, as quickly as possible, directly to the OMB officials listed in the "For Further Information Contact" paragraph set forth above. If you anticipate submitting substantive comments, but find that more than 5 days from the date of publication is needed to prepare them, please notify the OMB officials of your intent immediately.

Items Submitted for Review by OMB

The following information collection requests were submitted to OMB between Dec. 23, 1982, and Jan. 15, 1983.

- DOT No: 2010.
OMB No: None.
By: Urban Mass Transportation Administration.
Title: Transportation Improvement Program and Transportation Plan.
Forms: None.
Frequency: Annually/Biennially/
Other.
Respondents: States.

Need/Use: Mandated by 49 U.S.C 1607 and 23 U.S.C. 134; the transportation improvement program is a staged, multi-year program of transportation improvement projects. It includes an annual element consistent with the transportation plan which lists projects proposed for federal funding during the next one or two years.

DOT No: 2109.
OMB No: None.
By: Office of the Secretary.
Title: Motor Carrier Regulatory Reform Upon Shippers and Receivers in Rural and Small Urban Areas: Florida.
Forms: Questionnaire.
Frequency: One time.
Respondents: Retailers, wholesalers and manufacturers.

Need/Use: Information is needed to evaluate current public policy and develop future policies to support motor freight regulatory reforms.

DOT No: 2110.
OMB No.: None.
By: Federal Railroad Administration.
Title: New England Railroad Drug Survey.
Forms: None.
Frequency: One time.
Respondents: Employees of five New England Railroads.

Need/Use: The survey will determine the extent of work-related drug abuse and be used in the development of possible solutions for the problem.

DOT No: 2111.
OMB No: 2133-0005, 2133-0009, 2133-0022.

By: Maritime Administration.
Title: Uniform Financial Reporting Requirements.
Forms: MA-172 (2133-0005).
Frequency: Semiannually.
Respondents: Contractors with MARAD.

Need/Use: MARAD requires uniform financial reporting in order to assure compliance with certain legal and regulatory requirements and to assure uniformity in analyses of the industry, subsegments, and individual company performance.

DOT No: 2112.
OMB No: 2127-0038.
By: National Highway Traffic Safety Administration.

Title: Glazing Manufacturer Identification Standard 205.
Forms: None.
Frequency: On occasion.
Respondents: Businesses, institutions.
Need/Use: The purpose of this requirement is to ensure traceability to the manufacturer of glass in automobiles for enforcement of safety requirements.

DOT No: 2113.
OMB No: 2127-0005.

By: National Highway Traffic Safety Administration.

Title: Motor Vehicle Recall Campaign Audit (Formerly Vehicle Information Request (Audits)).

Forms: HS-161.
Frequency: On occasion.
Respondents: Individuals or households/businesses.
Need/Use: To study and evaluate performance of motor vehicle and equipment manufacturer recall campaigns. To verify corrective engineering action, uncover shortcomings in procedures and related/unrelated vehicle problems leading to additional recalls.

DOT No: 2114.
OMB No: 2132-0031.
By: Urban Mass Transportation Administration.

Title: Unified Planning Working Program (UPWP).
Forms: None.
Frequency: Annually.
Respondents: Metropolitan Planning Organizations and State Transportation Departments.

Need/Use: The UPWP describes all transportation planning activities to be funded during the next two year period using FHWA and UMTA planning funds. This information is used for grant approval purposes.

DOT No: 2115.
OMB No: 2120-0021.
By: Federal Aviation Administration.
Title: Certification: Pilots and Flight Instructors—FAR Part 61.
Forms: FAA Form 8410-2 and FAA Form 8710-1.

Frequency: On occasion.
Respondents: Individuals, pilots and ground and flight instructors.
Need/Use: Necessary to ensure proper qualifications of individuals operating within the National Airspace System.

Issued in Washington, D.C. on January 20, 1983.

Karen S. Lee,
Deputy Assistant Secretary for Administration.

[FR Doc. 83-2153 Filed 1-26-83; 8:45 am]
BILLING CODE 4910-62-M

DEPARTMENT OF THE TREASURY

Public Information Collection Requirements Submitted to OMB for Review

During the period January 14 through January 20, 1983 the Department of Treasury submitted the following public information collection requirement(s) to OMB (listed by submitting bureaus), for

review and clearance under the Paperwork Reduction Act of 1980, Pub. L. 96-511. Copies of these submissions may be obtained from the Treasury Department Clearance Officer, by calling (202) 634-2179. Comments regarding these information collections should be addressed to the OMB reviewer listed at the end of each bureau's listing and to the Treasury Department Clearance Officer, Room 309, 1625 "I" Street, NW., Washington, D.C. 20220.

Internal Revenue Service

OMB Number: N/A (Reinstatement)

Form Number: 1099-INT

Title: Statement for Recipient of Interest Income

OMB Number: N/A (Reinstatement)

Form Number: 1099-DIV

Title: Statement for Recipient of Dividends and Distributions

OMB Reviewer: Norman Frumkin (202) 395-6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, D.C. 20503

OMB Number: 1512-0181

Form Number: ATF F 4643 (5200.121)

Title: Contractor's Accounting of Tax-exempt Cigarettes/Cigars

OMB Number: 1515-0164

Form Number: ATF F 3069 (5200.7)

Title: Schedule of Cigars, Cigarettes, Cigarette Papers or Tubes Withdrawal from the Market

OMB Number: 1512-0154

Form Number: ATF F 2975 (5140.2)

Title: Application by Proprietor of Taxpaid Wine Bottling House

OMB Number: 1512-0200

Form Number: ATF F 5110.31

Title: Application and Permit to Ship Puerto Rican Spirits to U.S. without Payment of Tax

OMB Number: 1512-0214

Form Number: ATF F 5110.74 and 5110.74a

Title: Application and Permit for Alcohol Fuel Producer Permit under 26 USC 5181

OMB Number: 1512-0183

Form Number: ATF F 4707 (5400.13)

Title: Application for Permit under 18 USC Chapter 40

OMB Number: 1512-0182

Form Number: ATF F 4707 (5400.16)

Title: Application for License under 18 USC Chapter 40

OMB Number: 1512-0089

Form Number: ATF F 1637

Title: Application for Basic Permit under Federal Alcohol Administrative Act

OMB Number: 1512-0090

Form Number: ATF F 1643 (5100.18)

Title: Application for Amended Basic Permit Under the Federal Alcohol Administrative Act

OMB Number: 1512-0044

Form Number: ATF F 26 (5110.19)

Title: Registration of Still

OMB Number: 1512-0187

Form Number: ATF F 5030.5

Title: Report of Violations

OMB Number: 1512-0084

Form Number: ATF F 1609 (5110.24)

Title: Application and Permit to Set up Distilling Apparatus

OMB Reviewer: Arnold Strasser (202) 395-6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, D.C. 20503

Joy Tucker,

Department Reports Management Office.

January 21, 1983.

[FR Doc. 83-2221 Filed 1-26-83; 8:45 am]

BILLING CODE 4810-25-M

Sunshine Act Meetings

Federal Register

Vol. 48, No. 19

Thursday, January 27, 1983

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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1

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: S-104.

TIME AND DATE: 9:30 a.m. (eastern time), Tuesday, January 25, 1983.

CHANGE IN THE MEETING: The following item was added to the closed agenda:

Briefing on a Litigation Matter to which EEOC is Party.

A majority of the entire membership of the Commission determined by recorded vote that the business of the Commission required this change and that no earlier announcement was possible.

The vote was as follows: In favor of change:

Clarence Thomas, Chairman
Cathie A. Shattuck, Vice Chairman
Armando M. Rodriguez, Commissioner
Tony E. Gallegos, Commissioner
William A. Webb, Commissioner

CONTACT PERSON FOR MORE

INFORMATION: Treva McCall, Executive Officer, Executive Secretariat, at (202) 634-6748.

Issued: January 21, 1983.

[S-119-83- Filed 1-25-83; 11:16 am]

BILLING CODE 6570-06-M

2

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that

at 6:50 p.m. on Friday, January 21, 1983, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session, by telephone conference call, to: (1) Receive bids for the purchase of certain assets of and the assumption of the liability to pay deposits made in The Madison County Bank, Fredericktown, Missouri, which was closed by the Commissioner of Finance of the State of Missouri on January 21, 1983; (2) accept the bid for the transaction submitted by Madison Exchange Bank, Fredericktown, Missouri, a newly-chartered State nonmember bank subsidiary of First Exchange Corporation, Jackson, Missouri; (3) approve the applications of Madison Exchange Bank, Fredericktown, Missouri, for Federal deposit insurance, for consent to purchase the assets of an assume the liability to pay deposits made in The Madison County Bank, Fredericktown, Missouri, and for consent to establish the sole branch of The Madison County Bank as a branch of the resultant bank; and (4) provide such financial assistance, pursuant to section 13(c)(2) of the Federal Deposit Insurance Act (12 U.S.C. 1823(c)(2)), as was necessary to effect the purchase and assumption transaction.

At that same meeting, the Board of Directors considered certain personnel matters.

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)(6), (c)(8), (c)(9)(A)(ii), and (c)(9)(B) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(2), (c)(6), (c)(8), (c)(9)(A)(ii), and (c)(9)(B)).

Dated: January 24, 1983.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,
Executive Secretary.

[S-120-83 Filed 1-25-83; 11:46 am]

BILLING CODE 6714-01-M

3

FEDERAL DEPOSIT INSURANCE CORPORATION

Changes in Subject Matter of Agency Meeting

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that at its open meeting held by telephone conference call at 11:00 a.m. on Monday, January 24, 1983, the Corporation's Board of Directors determined, on motion of Director Irvine H. Sprague (Appointive), seconded by Director C. T. Conover (Comptroller of the Currency), that Corporation business required the addition to the agenda for consideration at the meeting, on less than seven days' notice to the public, of the following matters:

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:

Memorandum and Resolution re: The Hamilton National Bank of Chattanooga, Chattanooga, Tennessee

Recommendation regarding the Corporation's assistance agreement with an insured bank pursuant to section 13(c) of the Federal Deposit Insurance Act.

By the same majority vote, the Board further determined that no earlier notice of these changes in the subject matter of the meeting was practicable.

Dated: January 24, 1983.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,
Executive Secretary.

[S-121-83 Filed 1-25-83; 11:46 am]

BILLING CODE 6714-01-M

4

FEDERAL ELECTION COMMISSION

DATE AND TIME: Tuesday, February 1, 1983 at 10 a.m.

PLACE: 1325 K Street, N.W., Washington, D.C.

STATUS: This meeting will be closed to the public.

MATTERS TO BE CONSIDERED:

Compliance. Personnel. Litigation. Audits.

* * * * *

DATE AND TIME: Thursday, February 3, 1983 at 10 a.m.

PLACE: 1325 K Street, N.W., Washington, D.C., (fifth floor).

STATUS: This meeting will be open to the public.

MATTERS TO BE CONSIDERED:

Setting of dates for future meetings
Correction and approval of minutes
Guidelines for presentation in good order for matching funds

Certification

Advisory opinions:

Draft AO 1982-62—Thomas S. Johnson, on behalf of John B. Anderson

Draft AO 1982-63—Terry D. Garcia, on behalf of Manatt, Phelps, Rothenberg & Tunney Political Action Committee

Draft AO 1982-65—Paul H. Suhr, on behalf of Union Carbide Corporation and Union Carbide Corporation Political Action Committee

Draft AO 1982-66—Stephen G. Silverman, President, Response Marketing, Inc.
Routine administrative matters

PERSON TO CONTACT FOR INFORMATION: Mr. Fred S. Eiland, Information Officer; telephone 202-523-4065.

Marjorie W. Emmons,
Secretary of the Commission.

[S-127-83 Filed 1-25-83; 3:56 pm]

BILLING CODE 6715-01-M

5

FEDERAL MARITIME COMMISSION

TIME AND DATE: 9:00 a.m., February 2, 1983.

PLACE: Hearing Room One, 1100 L Street, NW., Washington, D.C. 20573.

STATUS: Parts of the meeting will be given to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Portions open to the public.

1. Agreement No. 10438: The Florida/Venezuela Rate Agreement between Nopal Lines and Pan Atlantic Lines.

2. The Movers' & Warehousemen's Association of America Rate Agreements and the Household Goods Forwarders Association of America Rate Agreement: Petition for exemption from the independent policing authority requirement of General Order 7.

3. Docket No. 82-42: Green Hide Weighing Practices; and Publishing and Filing Tariffs by Common Carriers in the Foreign Commerce of the United States—Consideration of comments and proposed final rule.

Portion closed to the public:

1. Docket No. 82-43: In the Matter of Board of Commissioners of the Port of New Orleans

Docket Department Tariff FMC T-No. 1, Item 145-0—Consideration of the record.

CONTACT PERSON FOR MORE

INFORMATION: Francis C. Hurney, Secretary (202) 523-5725.

[S-126-83 Filed 1-25-83; 3:44 pm]

BILLING CODE 6730-01-M

6

FEDERAL RESERVE SYSTEM

Board of Governors.

TIME AND DATE: 3:00 p.m., Tuesday, February 1, 1983.

PLACE: 20th Street and Constitution Avenue, NW., Washington, D.C. 20551.

STATUS: Closed.

MATTER TO BE CONSIDERED:

Proposed changes to the employee benefits program to implement the Omnibus Reconciliation Act of 1982.

Note.—Vice Chairman Martin and Governor Teeters, a subquorum of the Board with delegated authority to act on matters relating to this subject.

CONTACT PERSON FOR MORE

INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board (202) 452-3204.

Dated: January 25, 1983.

James McAfee,

Associate Secretary of the Board.

[S-122-83 Filed 1-25-83; 12:13 pm]

BILLING CODE 6210-01-M

7

FEDERAL RESERVE SYSTEM

Board of Governors

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 48 FR, 2494, Wednesday, January 19, 1983.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 10:00 a.m., Monday, January 24, 1983.

CHANGES IN THE MEETING: One of the items announced for inclusion at this meeting was consideration of any agenda items carried forward from a previous meeting; the following such closed item(s) was added:

Proposed changes to the employee benefits program to implement the Omnibus Reconciliation Act of 1982. (This item was originally announced for a meeting on January 12, 1983.)

CONTACT PERSON FOR MORE

INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board (202) 452-3204.

Dated: January 24, 1983.

James McAfee,

Associate Secretary of the Board.

[S-123-83 Filed 1-25-83; 12:19 pm]

BILLING CODE 6210-01-M

8

FEDERAL RESERVE SYSTEM

(Board of Governors)

TIME AND DATE: 10 a.m., Wednesday, February 2, 1983.

PLACE: 20th Street and Constitution Avenue, N.W., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.

2. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE

INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board (202) 452-3204.

Dated: January 25, 1983.

James McAfee,

Associate Secretary of the Board.

[S-125-83 Filed 1-25-83; 3:43 pm]

BILLING CODE 6210-01-M

9

INTERNATIONAL TRADE COMMISSION

[USITC SE-83-03A]

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: 48 FR 1858, January 14, 1983.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 2:30 p.m., Tuesday, January 25, 1983.

CHANGES IN THE MEETING: Emergency notice of change in location of the meeting.

By action jacket SE-83-02, approved January 25, 1983, the United States International Trade Commission voted to change the location of the meeting for Tuesday, January 25, 1983, from room 117 to the Hearing Room due to public interest in Item No. 5 (Investigation TA-201-47 (Motorcycles and Motorcycle Power Train Subassemblies)—briefing and vote on remedy). There are no other changes to the agenda.

Commissioners Eckes, Stern, and Haggart determined by recorded vote that Commission business requires the change in location, affirmed that no earlier announcement of this change was possible, and directed the issuance of this notice at the earliest practicable time.

CONTACT PERSON FOR MORE

INFORMATION: Kenneth R. Mason, Secretary (202) 523-0161.

[S-118-83 Filed 1-25-83; 10:41 am]

BILLING CODE 7020-02-M

10

NATIONAL LABOR RELATIONS BOARD

TIME AND DATE: 11 a.m., Thursday,
January 27, 1983.

PLACE: Board Conference Room, sixth
floor, 1717 Pennsylvania Avenue, NW.,
Washington, D.C.

STATUS: Closed to public observation
pursuant to 5 U.S.C. Section 552b(c)(2)
(internal personnel rules and practices)
and (c)(6) (personal information where
disclosure would constitute a clearly
unwarranted invasion of personal
privacy).

MATTERS TO BE CONSIDERED: Personnel
matters.

CONTACT PERSON FOR MORE

INFORMATION: John C. Truesdale,
Executive Secretary, Washington, D.C.
20570; telephone (202) 254-9430.

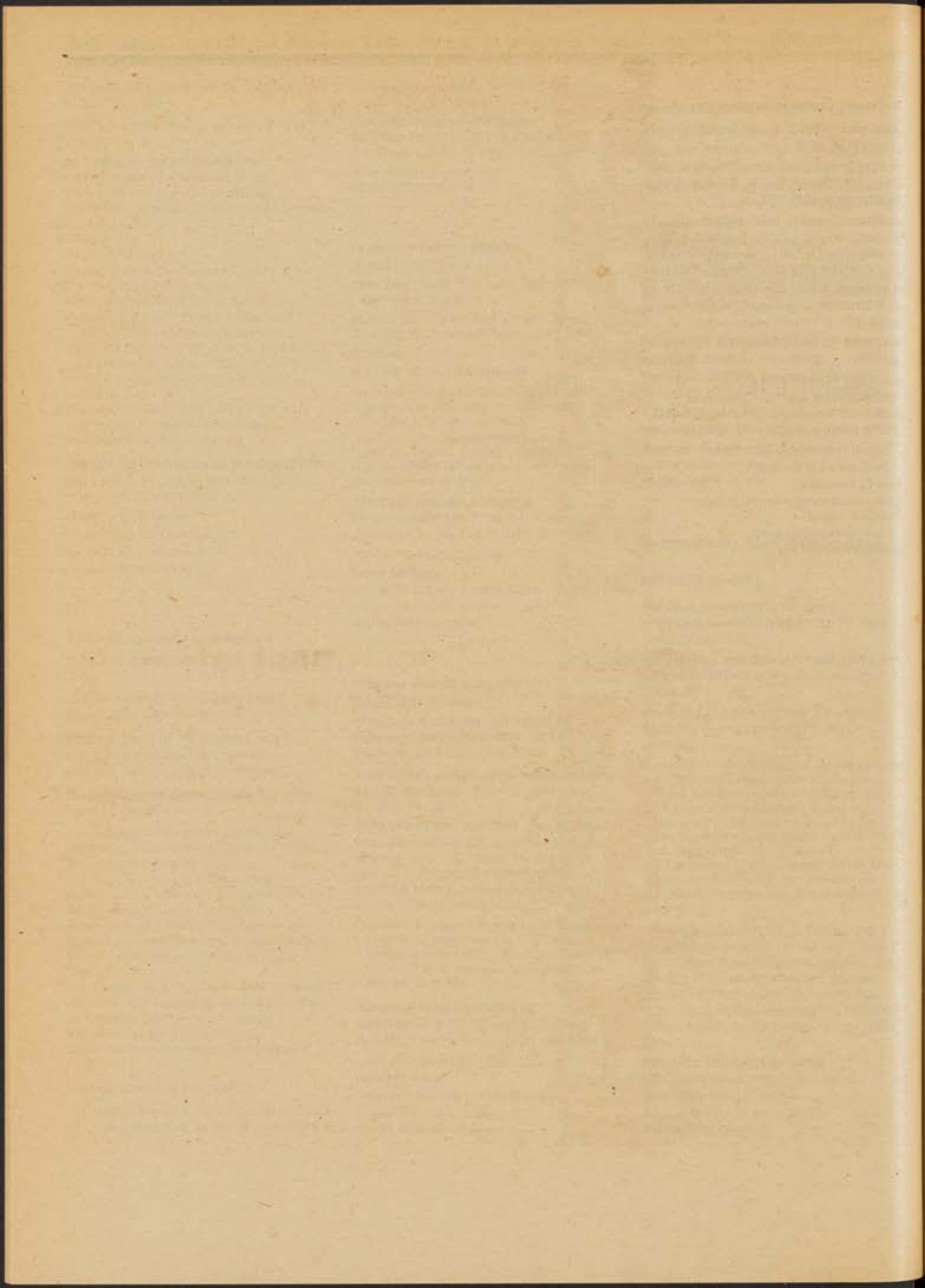
Dated: Washington, D.C., January 25, 1983.

By direction of the Board.

John C. Truesdale,
*Executive Secretary, National Labor
Relations Board.*

[S-124-83 Filed 1-25-83; 12:45 pm]

BILLING CODE 7545-01-M



federal register

Thursday
January 27, 1983

Part II

Department of Transportation

Coast Guard

**Licensing of Pilots; Manning of Vessels—
Pilots; Proposed Rule**

DEPARTMENT OF TRANSPORTATION

Coast Guard

46 CFR Parts 10 and 157

(CGD 77-084)

Licensing of Pilots; Manning of Vessels—Pilots

AGENCY: Coast Guard, DOT.

ACTION: Supplemental notice of proposed rulemaking.

SUMMARY: The Coast Guard is changing its original proposal (45 FR 79258) to amend the regulations concerning the licensing of federal pilots. This proposal would (1) set the minimum age requirement at 21 years, (2) require pilots to have an annual physical examination, (3) change the experience requirement for a tonnage endorsement of "any gross tons", (4) require pilots to maintain knowledge of the routes on their license, and (5) maintain the authority of the Coast Guard to establish limitations on licenses. This action is to implement the Port and Tanker Safety Act's amendment to the statute authorizing the Coast Guard to license pilots. This proposal would conform the pilot licensing regulations with the statute. This Supplemental Proposal has also been expanded by the addition of amendments to the regulations pertaining to pilots on those non-self-propelled vessels of not more than 20,000 gross tons carrying cargoes subject to the provisions of 46 U.S.C. 391a (tank barges).

DATES: Comments must be received on or before April 27, 1983.

ADDRESSES: Comments should be mailed to Commandant (G-CMC/44) (CGD 77-084) U.S. Coast Guard, Washington, D.C. 20593. Between 7:30 a.m. and 3:30 p.m., Monday through Friday, comments may be delivered to and will be available for inspection or copying at the Marine Safety Council (G-CMC/44), Room 4402, U.S. Coast Guard Headquarters, 2100 Second Street SW., Washington, D.C. 20593, (202) 426-1477.

FOR FURTHER INFORMATION CONTACT: Mr. John J. Hartke, Office of Merchant Marine Safety (G-MVP-4/14), Room 1400, U.S. Coast Guard Headquarters, 2100 Second Street, SW., Washington, D.C. 20593 (202) 426-2985.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this rulemaking by submitting written data, views, or arguments. The Coast Guard is particularly interested in receiving comments regarding any increase in

costs that would result from the proposals contained in this supplemental notice. Written comments should include the docket number (CGD 77-084), the name and address of the person submitting the comments, and the specific section of the proposal to which each comment is addressed. Persons desiring acknowledgement that their comment has been received should enclose a stamped, self-addressed postcard or envelope. All comments received will be considered before final action is taken on this proposal. No public hearings are planned, but they may be held if written requests for a hearing are received and it is determined that the opportunity to make oral presentations will aid the rulemaking process.

On November 28, 1980, the Coast Guard published a Notice of Proposed Rulemaking (45 FR 79258). The comment period ended February 26, 1981. Two hundred and eleven written comments were received and public hearings were held at the following locations: Cleveland, Ohio on 1-14-81; Washington, D.C. on 1-27-81; New Orleans, Louisiana on 2-3-81; and in San Francisco, California on 2-10-81. Based on the written and oral comments received, the proposal regarding the licensing of pilots has been modified and is republished as a supplemental notice of proposed rulemaking.

Drafting Information

The principal persons involved in drafting this proposal are: Mr. John J. Hartke, Project Manager, Office of Merchant Marine Safety, and Lieutenant George J. Jordan and Lieutenant Commander William B. Short, Project Attorneys, Office of the Chief Counsel.

Discussion of the Proposed Regulations

1. Licensing of Pilots

As a result of the Port and Tanker Safety Act of 1978 (Pub. L. 95-474), the Coast Guard published a Notice of Proposed Rulemaking on November 28, 1980 (45 FR 79258) containing changes to the pilot licensing regulations. The Act amended 46 U.S.C. 214 (R.S. 4442) which is the authority for the issuance of federal pilots' licenses.

As a result of written comments and comments received at public hearings on the proposal, the Coast Guard has reviewed the proposed rule and is now proposing significant changes to that Notice of Proposed Rulemaking. Most comments received were directed to the following issues: (1) The number of round trips required, (2) the tonnage limitations proposed, (3) the requirements for recent service over the

routes, (4) the desirability of simulator training, and (5) how the requirements for the annual physical would be administered.

In this action, the following changes to the original notice are proposed: (1) The number of round trips required will be determined at the local level within an established range set by regulation, (2) the tonnage categories concept is being dropped and the Coast Guard will rely on its authority to establish limitations on the licenses of pilots who do not have sufficient experience on larger vessels that may transit a route, (3) the recency of service requirements are being altered to require only a re-familiarization round trip, (4) the provision concerning simulator training is being incorporated in a broader and more realistic manner, that is, as a part of an approved school training course, (5) the physical examination reporting requirements are being changed, (6) the OCMI may require chart sketches of only portions of an applicant's route, and (7) to increase the concept of ships' officers serving as pilots on those non-self-propelled vessels carrying cargoes subject to the provisions of 46 U.S.C. 391a, from 1,000 to 20,000 gross tons.

The Port and Tanker Safety Act raised the minimum age for a pilot's license from 19 to 21 years of age. This proposal is unchanged from the prior notice. The only difference between a first and second class pilot was the age at which the license could be obtained. Now there is no reason to continue this distinction and therefore, the terms first class and second class are being eliminated.

It is a statutory requirement that a pilot must agree to have an annual physical examination. In the original proposal the pilot would have been required to have his license endorsed to indicate the successful completion of the physical exam. This proposal requires only that the document indicating successful completion of the physical be filed with the Officer in Charge, Marine Inspection who issued the license. This proposal also requires that the physical meet the requirements of the standard Coast Guard physical exam and that form CG-954 or any equivalent form containing the required information may be used. However, the requirement to file the document indicating successful completion of the physical with the OCMI is waived for those pilots who are required by their pilot association or employer to take an annual physical exam and are required to report the results of that annual physical to their pilot association or employer.

In the original proposal the Coast Guard would have required 25 round trips over the route before a license could be issued. Many commentators addressed this issue. Their comments were basically that this requirement, while it may not have been too unreasonable for harbor pilots, was an impossible requirement for pilots with extended routes such as the Great Lakes, many of the rivers, and some large bays and sounds. The Coast Guard basically agrees with those comments and also partially agrees with the solution suggested by many of the commentators, that the cognizant Officer in Charge, Marine Inspection (OCMI), because of his local knowledge, should continue to determine the number of round trips required for routes, based on the geographic configuration of the route in question. However, this proposal establishes a range of a minimum of 12 round trips to a maximum of 20 round trips for an original license, and, a range of a minimum of 8 round trips to a maximum of 15 round trips for an endorsement. These ranges of minimum and maximum round trips are established in order to permit an OCMI some latitude in the required number of trips based on his assessment of the degree of hazard involved regarding the particular route in question.

The original proposal would have set tonnage limitations on individual pilots based on their experience with vessels of commensurate size. The reason for the proposed tonnage limitations was the concern of Congress that pilots have sufficient experience to handle the larger vessels calling at U.S. ports.

Under present practice the OCMI sets tonnage limitations only on licenses under 1,000 gross tons. Persons with sufficient experience with vessels over 1,000 gross tons are issued licenses for "any gross tons". Under the previous proposal, to obtain a license of "any gross tons", experience on vessels of 120,000 gross tons would have been required. Since vessels of that size are effectively precluded by water depth limitations from the Great Lakes, rivers, and most harbors, the proposal would have effectively ended the "any gross tons" license.

In both the written comments and at the hearings, many persons commented that the gross tonnage of a vessel is not necessarily the controlling factor in determining the difficulty of handling a vessel; that length, draft, vessel loading, powerplant, rudder size and response speed, hull form, windage area, presence or absence of bow and/or stern thrusters, and other characteristics of a vessel have as much or more to do with

the handling of the vessel than does tonnage alone. The Coast Guard agrees that tonnage is not the only factor that contributes to the handling characteristics of a particular vessel. Upon reexamination, the Coast Guard believes that the gradations proposed in the original proposal do not have sufficient validity to be retained. However, tonnage is a general indicator of vessel size, is quantifiable where other characteristics are not, and is therefore useful in the general sense of establishing limits.

The Coast Guard proposes to establish the experience requirement for an "any gross tons" endorsement at 4,000 gross tons. The 4,000 gross ton figure has been used on the Great Lakes for many years and has apparently proven to be a valid cut-off figure for an "any gross tons" endorsement. The Coast Guard believes that increasing this requirement from 1,000 gross tons to 4,000 gross tons represents a more realistic approach to insuring experience on vessels of a relatively substantial size. The Coast Guard further believes that the concern of Congress, as to the type and size of vessels, can be met by the authority of the Coast Guard to place limitations on the licenses it issues. Under current regulations (46 CFR 10.05-39(c)) the Officer in Charge, Marine Inspection, may place limitations on a license based on the experience of an applicant. The procedures for having limitations changed are located at 46 CFR 10.02-15. The Coast Guard is proposing to leave this authority essentially unchanged. It will now be located at 46 CFR 10.07-11. The Coast Guard is now proposing that in order to obtain a tonnage endorsement of "any gross tons" on an original license or endorsement as pilot, the applicant must have experience on vessels of 4,000 gross tons or over for the route authorized. An applicant is considered to have sufficient experience if the applicant has 18 months experience as master, mate, quartermaster, wheelsman, able seaman, apprentice pilot, or equivalent on vessels of 4,000 gross tons or over. In addition, two thirds of the minimum number of round trips required for a particular route must be on vessels of 4,000 gross tons or over. If an applicant for an original license or endorsement as pilot does not meet those requirements he must complete a number of additional round trips, as determined by the OCMI, on vessels of 4,000 gross tons or over. Likewise, unless an applicant for additional routes has sufficient documented service on vessels of over 4,000 gross tons the OCMI establishes a

tonnage limitation on the license or endorsement commensurate with the applicant's experience until the applicant has sufficient round trips to indicate his ability to pilot deeper draft vessels for the added route(s). Also included within the limitations to be imposed will be restrictions to "tug and barge combinations", with a tonnage limitation, if appropriate, where an applicant does not have sufficient experience on larger self-propelled vessels.

Because many applicants for pilot licenses have gained their experience on relatively small vessels such as tugs, the Coast Guard believes that an applicant should have some experience on larger vessels before they receive an "any gross tons" endorsement. This experience would be gained by additional round trips on larger vessels and the number of round trips would depend on the experience of the applicant. Such an applicant would keep a restriction on his license until he gains sufficient experience on large vessels.

For example, if an applicant has less than 18 months experience as master, mate, quartermaster, wheelsman, able seaman, or apprentice pilot, or equivalent, and/or less than two thirds of his round trips on vessels of 4,000 gross tons or over, but does have some experience on vessels up to 20,000 gross tons, the OCMI may issue a limitation of up to 20,000 gross tons on the license. As the applicant gains more experience in handling larger vessels, the OCMI may raise the tonnage endorsement commensurate with the applicant's experience. When the applicant has acquired sufficient experience, as determined by the OCMI, the "any gross tons" endorsement will be issued.

Since current familiarity with a route is a key factor in pilotage, the Coast Guard believes that there should be a requirement to maintain experience. The statute also mandates the Coast Guard to require maintenance of knowledge. In the original proposal, if a pilot had not used his license on a specified route within 36 months, his license would not have been renewed for that route unless he passed an examination. This requirement was considered by many commentators to be too stringent. It could deny an individual renewal of the license which he had obtained in full compliance with the rules that were then in effect. That requirement would create particularly severe problems for pilots who have long routes such as on the Great Lakes and many river systems.

Many pilot associations require their members to take re-familiarization trips

if they have been away from a particular route for a period of time. The Coast Guard believes that such a re-familiarization scheme would be a more appropriate and cost effective means of maintaining local knowledge. The Coast Guard is therefore proposing that if a pilot has not served within 36 months over a particular route, that persons license becomes invalid for that route and the pilot may not operate on that route under the authority of that license until the pilot has made a re-familiarization round trip over that route. This requirement would be self enforcing due to the consequences of acting as a pilot on an invalid license.

In the original proposal, simulator training would have been accepted as a partial substitute for practical experience. The Coast Guard will accept the use of simulators used in conjunction with a training course given at a school approved pursuant to the provisions of section 10.30 of this part. Even though a research project dealing with simulator training is not complete at this time and the few simulators that are available are costly to use, the Coast Guard urges pilots to give consideration to the use of simulators in the pilot training process. The Coast Guard is convinced that simulators are effective as a means of training pilots, and such training can be accepted as part of an approved training program.

This proposal contains a change in the examination requirements from the existing regulations by reducing the requirement for an entire route chart sketch of the pilots' operating area. The Coast Guard has reexamined the need for complete route chart sketches and now considers them to be an unreasonable burden on the applicant. The Coast Guard feels that requiring only sketches of a portion or portions of the route desired will provide an adequate indication of the applicants knowledge of the area.

2. Manning of Vessels—Pilots

The Coast Guard is also proposing to amend its regulations pertaining to pilots on towed non-self-propelled vessels of not more than 20,000 gross tons carrying cargoes subject to the provisions of 46 U.S.C. 391a (tank barges). It is important to understand, that in order for an individual to serve as a pilot under this proposal, the individual must be the regularly employed officer or operator of that vessel while holding the appropriate license for that service. The intent of the proposal is to provide an avenue through which masters, mates, and operators of uninspected towing vessels may comply with the pilotage

requirements of 46 U.S.C. 364 when towing tank barges of not more than an aggregate of 20,000 gross tons. These proposals maintain a reasonable degree of safety and minimize financial impact upon individuals, their employers, and government.

Formerly, 46 USC 404 imposed a general requirement that vessels operating on the navigable waters of the U.S. be under the control of a pilot. In October 1980, Pub. L. 96-378 amended this statute by replacing the word "pilot" with deck "officer." However, 46 U.S.C. 364 still requires all coastwise seagoing steam vessels, not sailing under Register, to be operated under the direction of pilots licensed by the Coast Guard when under way on waters other than the high seas. Recognizing that specially licensed Pilots were not necessary for safety on smaller vessels, the Coast Guard has, under 46 CFR 157.30-40, allowed regularly employed licensed officers to serve as pilots on self-propelled vessel not over 1,000 gross tons.

Although not self-propelled, tank barges are made "steam" vessels by 46 U.S.C. 391a, which states that a "steam" vessel, regardless of propulsion mode, is "any vessel which is constructed or adapted to carry, or carries oil or any hazardous material in bulk as cargo or residue." A combined reading of the two statutes requires a coastwise seagoing tank barge, operating upon the navigable waters of the United States, to be under the direction and control of a federally licensed pilot under certain circumstances.

Inherent in any discussion of pilotage is a supposition that the pilot is highly familiar with certain waters. In historic times this familiarity took the form of word of mouth information passed from the pilot to the apprentice pilot. Later, as cartography was developed, much of the word of mouth information became recorded data. Similarly, knowledge of tidal phenomenon, effects of weather systems, port regulations, etc., were ultimately collected and published in the various Coast Pilots. The charts and Coast Pilot information is readily available to mariners, and enable them to obtain much general information on a particular port without actually having been there. This is considered to provide only part of the requisite knowledge of a pilot. Recognizing that important factor in translating "book knowledge" into practice, the Coast Guard is proposing that each individual discharging the statutory requirement for pilotage, under the provisions of this regulation, must obtain twelve round trips on a particular route prior to exercising pilot authority.

It is believed that this number of transits will adequately familiarize already licensed personnel with a particular route to the degree necessary for the safe transit of certain towing vessels/barges.

Recognizing that Congress has enacted specific legislation dealing with the licensing of pilots (46 U.S.C. 214), the Coast Guard believes that those individuals who will become authorized to act as pilots by virtue of this proposal must comply with this section of the law as must the traditional First Class Pilot. These provisions are contained in proposed § 157.20-40(b), and deal with minimum age, physical qualifications, and currency of knowledge. To avoid unnecessary duplications, reference is made to 46 CFR 10.07-9, and 10.07-13 which apply to the formally licensed Pilots in the areas of physical examinations and currency of knowledge.

An additional service requirement of six month experience in towing service is also being proposed for personnel of towing vessels exercising pilot authority under this proposal. By virtue of longstanding Coast Guard policy, certain licensed persons without actual towing experience may serve as an officer or operator of a towing vessel. Because towing operations present unique ship handling and seamanship considerations, it is considered that this minimum experience period (six months) is necessary to become reasonably acquainted with such operations. This additional experience factor will not greatly affect the coastal towing industry because most licensed deck personnel hold either an Operator of Uninspected Towing Vessels (OUTV) or Master/Mate of Freight and Towing Vessels. The holders of these licenses would have acquired much more than six months towing vessel experience prior to the issuance of the basic license.

Increasing the tonnage limit of those non-self-propelled vessels subject to 46 U.S.C. 391a (permitting regularly employed masters, mates, and operators to fulfill the pilotage requirements of 46 U.S.C. 364) from 1,000 to 20,000 gross tons is proposed in order to relieve the heavy financial and paperwork burden on both the industry and the Coast Guard. In the absence of this proposal, towing industry personnel would have to obtain, and the Coast Guard would have to examine and issue anywhere from 7,000 to 15,000 pilot endorsements, depending on the number of route endorsements desired. Most of the vessels involved here operate over dedicated routes and are relatively small in size. They do not present the

degree of safety hazard that the larger vessels do with respect to draft, channel width, and maneuverability. In computing the tonnage of tug/barge combinations for purposes of this regulation, the tonnage includes only the tonnage of the barge(s).

This proposal is based on a recommendation submitted by the Towing Safety Advisory Committee (TSAC) to the Coast Guard on 25 August 1981. TSAC contended that the masters, mates, and operators of coastwise tows have an excellent safety record and are adequately qualified to act as a pilot when so required by law. To determine the validity of this claim, the Coast Guard has reviewed its casualty records. The salient points of this review are given in the following paragraphs.

(a) There are approximately 460 inspected tank barges that are capable of being subject to the 46 U.S.C. 364 pilotage requirement.

(b) A review of casualty records of the Coast Guard's Merchant Marine Investigation Division for the four year period FY-75 through FY-78 yields a total of 775 casualties involving seagoing tank barges that resulted in collisions, ramblings, groundings or capsizings. Of these, 59 involved instances where the presence of a 46 U.S.C. 364 Federal Pilot was mandated.

(c) The damage cause by these 59 casualties is approximately \$2,800,000 over the four year period, or \$700,000 per year.

(d) No pollution incidents resulted from any of the foregoing casualties.

(e) The following is a breakdown by number of casualties and personnel license type of the individual in operational control of the towing vessel, (and by extension, the tank barges) at the time of casualty occurrence:

(i) Licensed Operator of Uninspected Towing Vessels (OUTV)—32

(ii) Licensed First Class Pilot (FCP)—10

(iii) Licensed Master or Mate serving as pilot—16

(iv) No licensed personnel on board—1

(f)(1) The primary cause of the 59 casualties can be broken into three general categories. The table below lists the number of casualty occurrences associated with each cause:

Cause and Number of casualties

(i) Machinery or equipment failure—7.
(ii) Rules of the Road violation, fault of other vessel, etc.—20.
(iii) Cause associated with pilotage knowledge—32.

(2) In those cases in which the cause was associated with pilotage knowledge the breakdown by licensed individual in control of the vessel was:

(i) Operator of Uninspected Towing Vessels—15.

(ii) First Class Pilot—8.

(iii) Master or Mate serving as Pilot—8.

(iv) No licensed personnel on board—1.

(g) Of the 59 casualties, the presence of a licensed pilot could possibly have prevented the casualties in 21 instances, would probably have not prevented the casualty in 28 instances, and a First Class Pilot was in actual operational control of the tow in ten cases.

(h) Two of the casualties involved tows of more than one barge. In each of these incidents two barge tows were involved.

(i) Average number of casualties per year—14.75 (59 ÷ 4).

(j) Largest barge in any casualty—20, 982 gross tons.

(k) Average size of barge involved—5,508 gross tons.

(l) Largest tug in any casualty—1,360 gross tons.

(m) Average size of tug involved—233 gross tons.

To develop an exposure rate of casualties to barge movements, the American Waterways Operators, Inc. (AWO) was asked to poll their member companies as to the number of barge movements (subject to pilotage) made during the course of a year. The responses indicated a figure of 51, 687

such movements which yields an estimate of 103,374 (51,687 × 2) movements nationwide assuming AWO members constitute approximately 50% of the operators engaged in such activity. The annual exposure rate is therefore one casualty per 7,008 movements (103,374 ÷ 14.75).

Pilotage cost data was also obtained from the same source (AWO). The response indicated the average pilotage fee per barge movement is \$741. Accordingly, without the provisions of this proposal, a projected nationwide pilotage fee for tank barges could reach \$76,600,000 (103,374 × \$741) annually.

A conscious effort to minimize governmental activity in this area has been made. It should be noted that a formal endorsement (as pilot) to an existing license is not called for. Compliance with the provisions of proposed 157.20-40 (b) and (c) is incumbent on the individual mariner (and employer). In case of an accident or other question as to the qualifications to discharge pilotage authority, proof of compliance must be presented to the Coast Guard within 24 hours of a request.

When considering this proposal, the contents of 46 CFR Part 157 were reviewed with an eye to centralizing the regulations pertaining to pilots, and deleting portions no longer applicable. To this end, the following action is indicated:

Section	Action	Reason
157.20-40(b)	Revise	Covered by this proposal.
157.20-40(c)	Remove	Pub. L. 96-378 removed the requirement for a "licensed pilot" per se. Presently "licensed deck officer".
157.20-40(d)	Remove	Same as above.
157.20-40(e)(1)-(3)	Remove	No longer reflects current practice.
157.20-40(f)	Redesignate as 157.20-40(e).	Editorial.
157.30-40	Remove	Covered by this proposal.

Evaluation

The Coast Guard has reviewed this revised proposal under Executive Order 12291 and has determined that it is not a major regulation.

The original proposal was considered a significant regulation under the then existing Departmental of Transportation guidelines because it was likely to be controversial. The comments received have supported that conclusion. Although the proposal has been substantially modified in response to the comments received, some controversy may remain. Accordingly, the proposal remains classified as a significant regulation. As modified, it is not expected to have a significant economic impact. Therefore, a regulatory analysis

is not required, however, a supplemental draft evaluation has been prepared and has been included in the public docket. A copy of the supplemental draft evaluation may be obtained from: Commandant (G-CMC/44), (CGD 77-084), U.S. Coast Guard, Washington, D.C. 20593.

This proposed regulation will not require any major expenditures by the maritime industry, consumers, Federal, state, or local governments. The statutory requirement for an annual physical examination will necessitate an increase in expenditures by the pilots in order to pay for their physical exams. These costs could total as much as \$2,354,000 annually, depending upon the number of individuals who choose to be pilots under 46 CFR 157.20-40. However,

actual costs are likely to be less because many pilots already take annual physical examinations and it is not likely that all of the individuals that could qualify under 46 CFR 157.20-40 will do so. In addition, there will be a relatively small increase in costs to the Coast Guard because of the additional paperwork associated with the pilots' annual physical exams.

The requirement that a pilot make a re-familiarization round trip if the pilot has not had recent service over a route could cause the pilot to incur the expenses of making such a trip. However, this re-familiarization round trip is required only if the pilot has not served within 36 months and the pilot desires to retain or reinstate qualifications for that route. Because of these factors it is impractical to estimate the possible costs.

Additionally, the Coast Guard has reviewed this proposal under the Regulatory Flexibility Act (Pub. L. 96-354) and certifies that this proposal will not have a significant economic impact on a substantial number of small entities. The proposal does not place any additional burdens or requirements on the effected industries, such as, pilot associations, shipping companies, or towboat companies, some of which may qualify as small entities and in fact will relieve some of the present burdens.

Many pilots are employees of shipping or towing companies. Other pilots are generally members of pilot associations and have been considered independent contractors in most circumstances. Usually, membership in a pilot association is similar to a form of partnership in which the pilot fees are collected by the association and, after the expenses of the association have been paid, the balance remaining is distributed among the member pilots. Therefore the Coast Guard is not considering the individual pilot as a small entity. Even if the pilot was considered a small entity, there is no significant impact on the pilot for the reasons given above.

The Coast Guard has reexamined the need for entire route chart sketches as an examination requirement for a pilot's license. The Coast Guard believes that the entire route chart sketch requirement places an unreasonable paperwork burden on the applicant as well as the Coast Guard. When an applicant is examined it takes anywhere from half a day to a full day to sketch an entire route. For more complicated areas it could take more than one day. It takes the Coast Guard anywhere from one to three hours to correct an entire route exam sketch depending on the area involved. It seems reasonable to assume

that if an applicant can sketch a portion or portions of a route correctly, then the applicant possesses adequate knowledge of the entire route.

List of Subjects

46 CFR Part 10

Seamen.

46 CFR Part 157

Seamen, Vessels.

In consideration of the foregoing it is proposed that Part 10 and Part 157 of Title 46 of the Code of Federal Regulations be amended as follows:

PART 10—[AMENDED]

1. By revising § 10.02-5(b) to read as follows:

§ 10.02-5 Requirements for original licenses.

(b) *Minimum age.* Any person who has attained the age of 21 years and is qualified in all other respects, is eligible for a license, except that a license as third mate or third assistant engineer may be granted an applicant who has reached the age of 19 years and who is qualified in all other respects, but no such license may be raised in grade before the holder reaches the age of 21 years.

§ 10.05-39, 10.05-41, 10.05-42, and 10.05-43 [Removed]

2. By removing §§ 10.05-39, 10.05-41, 10.05-42, 10.05-43.

3. By adding a new Subpart 10.07 to read as follows:

Subpart 10.07 Professional Requirements for Pilots Licenses

Sec.

- 10.07-1 Application for original license.
- 10.07-3 Service Requirements.
- 10.07-5 Endorsement to master's or mate's license as pilot or the addition of Route(s) to a pilot's license.
- 10.07-7 Required examinations for pilots.
- 10.07-9 Physical examination requirements for a license or endorsement as pilot.
- 10.07-11 Limitations.
- 10.07-13 Requirements for maintaining current knowledge of waters to be navigated.
- 10.07-15 Evaluation of experience not listed.

Authority: 46 U.S.C. 214, 224, 230, 233; 49 U.S.C. 1655(b)(1); 49 CFR 1.46(b).

Subpart 10.07 Professional Requirements for Pilots Licenses

§ 10.07-1 Application for original license.

(a) An applicant for an original pilot's license must furnish discharges, letters, or other documentary evidence certifying:

- (1) The name and gross tonnage of the vessels the applicant has served aboard;
- (2) The period of service;
- (3) The dates, number, and route description of round trips made; and
- (4) The capacity in which the applicant served.

(b) Photostatic copies of the documents listed in paragraph (a) of this section may be accepted for filing with the application.

§ 10.07-3 Service requirements.

(a) The minimum service required to qualify an applicant for an original license as pilot is predicated upon the nature of the waters for which pilotage is desired as follows:

(1) *General Routes (routes not restricted to rivers, canals and small lakes.)* Thirty-six months' service in the deck department of steam or motor vessels navigating on oceans, coastwise, Great Lakes, or bays, sounds, and lakes other than the Great Lakes, as follows:

(i) Eighteen months of the 36 months' service must be as quartermaster, wheelsman, able seaman, apprentice pilot, or in an equivalent capacity, standing regular watches at the wheel or in the pilothouse as part of routine duties.

(ii) At least 12 months of the 18 month's service required in paragraph (a)(1)(i) of this section must be on vessels operating on the class of waters for which pilotage is desired.

(iii) At least three months of the required 36 months' service must be obtained within the 36 months immediately preceding the date of application.

(2) *River Routes.* At least 36 months' service in the deck department of any vessel including at least 12 months' service on vessels operating on the waters of rivers while the applicant is serving in the capacity of quartermaster, wheelsman, apprentice pilot or deckhand who stands watches at the wheel as part of routine duties. At least three months of the required 36 months' service must be obtained within the 36 months immediately preceding the date of application.

(3) *Canal and Small Lake Routes.* At least 24 months' service in the deck department of any vessel including at least 8 months service on vessels operating on canals or waters of small lakes. At least three months of the required service must be within the 24 months immediately preceding the date of application.

(b) The required service must include a minimum number of round trips while serving as quartermaster, wheelsman, able seaman, apprentice pilot, or in an

equivalent capacity, over the route for which the applicant seeks the license as pilot. The Officer in Charge, Marine Inspection having jurisdiction, determines, within the set range, the number of round trips required considering the geographic configuration of the waterway, the type and size of vessels using the waterway, the known hazards involved, including waterway obstructions or constructions such as bridges, narrow channels or sharp turns, background lighting effects, abundance or absence of aids to navigation, and other similar factors. The range of round trips for an original license is a minimum of 12 round trips and a maximum of 20 round trips.

(c) One of the round trips required in paragraph (b) of this section must be made over the route within six months immediately preceding the date of application.

(d) A graduate of the Great Lakes Maritime Academy in the deck class meets the service requirements for a license as pilot on the Great Lakes.

(e) The period of time spent by an applicant successfully completing a course of pilot's training approved by the Commandant may be accepted as the equivalent of a portion of the service required in paragraphs (a) and (b) of this section, but in no case will an applicant for a pilot license be considered qualified with respect to service without a minimum of nine months of shipboard service. The portion of the service to be accepted as the equivalent of the service required in paragraphs (a) and (b) of this section will be identified at the time the Commandant approves the particular course.

§ 10.07-5 Endorsement to master's or mate's license as pilot or the addition of route(s) to a pilot's license

(a) A master or mate (other than an inland or river mate), or a pilot must furnish evidence of the following service to qualify for examination as a pilot or for the addition of route(s) to an existing pilot's license:

- (1) Three months service under authority of the existing license within the past 36 months; and
- (2) Complete the number of round trips specified by the Officer in Charge, Marine Inspection, with the set range, over the route, for the particular grade of existing license held. The range of round trips for an endorsement is a minimum of 8 round trips and a maximum of 15 round trips.

(3) One of the round trips required in paragraph (a)(2) of this section must be made over the route within six months immediately preceding the date of application.

§ 10.07-7 Required examinations for pilots.

(a) An applicant for an original license as pilot is required to pass an examination that includes:

- (1) Evidencing knowledge of the following subjects:
 - (i) COLREGS and Inland Navigational Rules applicable to the route, including regulations issued thereto.
 - (ii) Pilot rules.
 - (iii) Use of tide and current charts and tables, weather, and winds.
 - (iv) Chart navigation use of Coast Pilot and light lists.
 - (v) Aids to navigation, including local Notice of Mariners systems.
 - (vi) Ship handling.
 - (vii) Pollution prevention and abatement.
 - (viii) The Captain of the Port regulations and the Vessel Traffic Service procedures, if applicable, for the route desired.
 - (ix) Any other subject the Officer in Charge, Marine Inspection considers necessary to establish the applicant's proficiency; and
- (2) Sketching a chart of a portion or portions of the route and waters applied for, evidencing knowledge of:
 - (i) Recommended courses;
 - (ii) Distances;
 - (iii) Prominent aids to navigation;
 - (iv) Depths of water in channels and over hazardous shoals; and
 - (v) Other important features of the route, such as the character of the bottom.

(b) An applicant for extension of a pilot's route or endorsement of a master's or mate's license as pilot is required to pass an examination as prescribed in paragraphs (a)(1) (i), (ii), (viii), (ix), and (2) of this section.

§ 10.07-9 Physical examination requirements for a license or endorsement as pilot.

(a) An applicant for an original license as pilot must meet the physical examination requirements specified in §§ 10.02-5(e)(1)-(3), and (7) of this part.

(b) No person will be issued a license or endorsement as pilot unless that person agrees in writing to have a thorough physical examination each year while holding the license or endorsement.

(c) Holders of a valid license or endorsement as pilot must undergo an annual physical examination.

(1) The examination must meet the requirements specified in paragraph (a) of this section, except that §§ 10.02-9f (3) and (5) shall apply and the pilot must have correctable vision to at least 20/40 in each eye. Anyone whose uncorrected vision exceeds 20/40 in each eye must

wear corrective lenses and carry spare lenses on board a vessel while serving under the authority of the license.

(2) This examination may be completed at any time within 90 days prior to the anniversary date of the issuance of the license.

(3) The examination must be conducted by a licensed physician.

(4) The results of this examination must be recorded on Coast Guard form CG-924 or equivalent. The original or a signed copy shall be sent to the Officer in Charge, Marine Inspection who issued the license, except when the provisions of the waiver procedures in paragraph (e) of this section are exercised.

(d) If the form indicating satisfactory completion of the annual physical examination is not filed with the Officer in Charge, Marine Inspection, pilot association, or employer, within 12 months of the previous physical examination, the pilot license or pilot endorsement held is invalid and the pilot may not operate under the authority of that license or endorsement until a current physical examination has been completed and accepted by the Officer in Charge, Marine Inspection.

(e) The requirement to file the document indicating successful completion of the physical examination with the OCMI is waived for those pilots who are required by their pilot association or employer to take an annual physical exam and are required to report the results of that annual physical exam to their pilot association or employer.

(f) Upon request, a pilot must provide a copy of his most recent physical examination.

(g) An applicant for renewal of a license or endorsement as pilot must satisfactorily complete and file with the OCMI a physical examination meeting the requirements specified in paragraph (c) of this section within 90 days prior to renewal.

§ 10.07-11 Limitations.

(a) The Officer in Charge, Marine Inspection, issuing a license or endorsement as pilot, imposes appropriate limitations commensurate with the experience of the applicant, with respect to class or type of vessels, tonnage, route, and waters.

(b) Applicants involved in towing operations may be given credit for the tonnage of barge(s) experience but any license or endorsement issued will be limited to "tug and barge combinations." To be eligible for a license or endorsement not restricted to "tug and barge combinations," two thirds of the required minimum number of round trips

must have been on vessels other than "tug and barge combinations."

(c) In order to obtain an endorsement of "any gross tons" on a license or endorsement as pilot, the applicant must have sufficient experience on vessels of 4,000 gross tons or over.

(1) An applicant is considered to have sufficient experience if the applicant has 18 months experience as master, mate, quartermaster, wheelsman, able seaman, apprentice pilot, or equivalent capacity, on vessels of 4,000 gross tons or over, and two thirds of the minimum number of round trips required for the route have been on vessels of 4,000 gross tons or over.

(2) If an applicant does not meet the requirements of paragraph (c)(1) of this section the applicant must complete a number of additional round trips, within the set range, as determined by the OCMI, on vessels of 4,000 gross tons or over.

§ 10.07-13 Requirements for Maintaining Current Knowledge of Waters to be Navigated.

(a) If a pilot has not served within 36 months over a particular route, that person's license or endorsement is invalid for that route. The pilot may not operate on that route under the authority of that license or endorsement until the pilot has made one re-familiarization round trip over that route.

(b) Officers in Charge, Marine Inspection, may modify this requirement for river routes and open water routes.

§ 10.07-15 Evaluation of experience not listed.

When an applicant presents evidence of service or experience which does not meet the specific requirements of the regulations in this part, but which in the opinion of the Officer in Charge, Marine Inspection, is a reasonable equivalent thereto, the application for license with supporting data is submitted to the Commandant for evaluation, together with the recommendation of the Officer in Charge, Marine Inspection.

2. By revising 46 CFR 157.20-40 to read as follows:

§ 157.20-40 Pilots.

(a) Every coastwise seagoing steam vessel subject to the navigation laws of the United States, sailing under enrollment, or license and enrollment, must, when underway, except on the high seas, be under the direction and control of pilots licensed by the Coast Guard. (46 U.S.C. 364).

(b) Any individual holding a valid license as master, mate, or operator, employed aboard a vessel, is a pilot, without specific endorsement, within the restrictions of his or her license and the limitations of paragraph (c) of this section, provided, he or she:

(1) Has reached the age of 21 years;
(2) Complies with the physical examination requirements of 46 CFR 10.07-9; and,

(3) Complies with the currency of knowledge provisions of 46 CFR 10.07-13.

(c) The licensed individuals addressed by paragraph (b) of this section must have obtained twelve round trips over the route to be traversed and are limited to service, as pilot, upon:

(1) Self-propelled vessels of not more than 1,000 gross tons; or

(2) Tank barges totaling not more than 20,000 gross tons carrying cargoes subject to the provisions of 46 U.S.C. 391a, provided the individual has six months experience in a licensed capacity on towing vessels engaged in towing operations.

(d) In any instance when the qualifications of a person discharging the statutory requirement for pilotage through the provisions of this subpart are questioned by the Coast Guard, the individual or employer shall provide to the Coast Guard, documentation proving compliance with paragraph (b) and the applicable portion of paragraph (c) within 24 hours.

§ 157.30-40 [Amended]

3. By removing 46 CFR 157.30-40.

(46 U.S.C. 214, 224, 230, 233; 49 U.S.C. 1655(b)(1); 49 CFR 1.46(b); R.S. 4405, as amended, 4462 as amended sec. 6(b)(1) 80 stat. 938; 46 U.S.C. 375, 416, 49 U.S.C. 1655(b); 49 CFR 1.4(a)(2))

Dated: January 19, 1983.

J. S. Gracey,

Admiral, U.S. Coast Guard, Commandant.

[FR Doc. 83-1878 Filed 1-26-83; 8:45 am]

BILLING CODE 4910-14-M

federal register

Thursday
January 27, 1983

Part III

Department of Education

Student Assistance General Provisions

DEPARTMENT OF EDUCATION

34 CFR Part 668

Student Assistance General Provisions

AGENCY: Education Department.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: The Secretary proposes to amend Subpart B of the Student Assistance General Provisions. A recent amendment to the Military Selective Service Act provides that any student who must register with Selective Service and fails to do so is ineligible for student financial assistance provided under title IV of the Higher Education Act. These regulations are being amended to implement this new eligibility criterion for title IV aid.

DATES: Comments must be received on or before February 28, 1983.

ADDRESS: Comments should be addressed to Ms. Andrea Foley, Office of Student Financial Assistance, U.S. Department of Education, 400 Maryland Avenue, S.W., (Room 4318 Regional Office Building 3) Washington, D.C. 20202.

FOR FURTHER INFORMATION CONTACT: Ms. Andrea Foley, (202) 472-4300.

SUPPLEMENTARY INFORMATION: On September 8, 1982, President Reagan signed the Fiscal Year 1983 Defense Department Authorization Act (Pub. L. 97-252) into law. Included in this legislation is an amendment to the Military Selective Service Act. The amendment mandates that, beginning with the 1983-84 award year, any student who is required to be registered with Selective Service and fails to register is ineligible for student financial assistance provided through programs established under title IV of the Higher Education Act. These programs include the Pell Grant, Supplemental Educational Opportunity Grant (SEOG), College Work-Study (CW-S), National Direct Student Loan (NDSL), Guaranteed Student Loan (GSL), PLUS Loan, and State Student Incentive Grant Programs.

During the discussion prior to enactment of this legislation, Congress addressed the subject of individual rights and their relationship with citizen responsibilities. The Congress decided that Federal student aid funds should not be expended on any student if he had not fulfilled his Federal responsibility of registering with Selective Service. Currently, all men who are at least 18 years old and born after December 31, 1959, and who are not in the armed services on active duty must be registered. This group includes

male citizens and noncitizens eligible for title IV aid except permanent residents of the Trust Territory of the Pacific Islands and the Northern Mariana Islands.

The Department has worked closely with representatives of the Selective Service in developing these proposed regulations in order to implement this new title IV eligibility criterion in the most efficient and least burdensome manner consistent with the intent of the law.

Statement of Registration Compliance

The law specifically requires that, in order to receive title IV aid, a student who is required to register with Selective Service must file a statement with the institution he attends certifying that he is in compliance with registration requirements. Therefore, it is being proposed that in addition to the Statement of Educational Purpose, which is already required of all title IV aid recipients by section 484 of the Higher Education Act, the student must file a Statement of Registration Compliance. A new § 668.23 sets out the requirement of a Statement of Educational Purpose now found in individual program regulations. That requirement will be deleted from the program regulations when they are republished. New § 668.24 proposes the requirement that in order to receive title IV aid, a student must file a Statement of Registration Compliance.

New § 668.25 proposes language for both required statements. Essentially, the current Statement of Educational Purpose is simply expanded to include the new Statement of Registration Compliance. For the convenience of the institution and the student, it is anticipated that a combined statement will appear on the 1983-84 Student Aid Report and the 1983-84 Pell Grant Alternate Disbursement System (ADS) Request for Payment (ED Form 304).

Identification of Students Required to Register

A practical problem in implementing the Statement of Registration Compliance requirement is the difficulty in identifying which students are required to be registered, especially since some institutions may not have a record of the student's gender or date of birth. Therefore, to minimize the burden on institutional staff of determining whether a student is exempt for any of a number of reasons from registration, the Secretary proposes to require *all* title IV aid recipients to complete and submit to the institution the Statement of Registration Compliance in which the student certifies either the reason why

he or she is not required to be registered or that he is registered. By reading on the statement the five reasons why a student need not be registered, the student would know immediately if he is required to be registered. If a student certifies that he is not required to register, the institution would be able to rely on that statement unless it has other information inconsistent with the statement.

The Secretary recognizes that there may be some institutions with no students required to be registered with Selective Service, such as institutions with no male students. Therefore, the Secretary is soliciting comment regarding the application of the certification requirement to those institutions.

All students enrolled in an officer procurement program, the curriculum of which has been approved by the Secretary of Defense, at the Citadel, Charleston, South Carolina; North Georgia College, Dahlonega, Georgia; Norwich University, Northfield, Vermont; or Virginia Military Institute, Lexington, Virginia, are not required to be registered under the Military Selective Service Act. Therefore, it is proposed that title IV aid recipients enrolled in an officer procurement program at those institutions be exempt from filing a Statement of Registration Compliance.

Verification of Statements of Registration Compliance

The statute also requires the Secretary, in agreement with the Director of Selective Service, to prescribe procedures for verifying students' Statements of Registration Compliance. In developing these proposed regulations, the Selective Service recommended, and the Department agreed that in order to fully implement the intent of this legislation the verification of *all* student Statements of Registration Compliance must be conducted before the institution disburses any title IV aid.

Verification of registration compliance on either a post-award basis or on a pre-award sample basis would not comply with the intent of the legislation since those students who fail to register as required may either not be required to provide proof of compliance (in the case of a sample verification) or may be identified as nonregistrants after having received assistance. Therefore, these regulations propose that the registration compliance of all students who certify on the Statement of Registration Compliance that they are registered be verified prior to the institutional

disbursement of title IV funds, the institutional certification of the GSL and PLUS application and the institutional certification of the Pell Grant ADS Request for Payment.

A number of pre-award verification methods were explored during the development of these proposed regulations. Logistical and budgetary constraints make a comparison of the Department's title IV applicant records and Selective Service registrant records infeasible, especially in light of the requirement of implementation for the 1983-84 award year. The Department of Education maintains no central record system of all title IV applicants. Only Pell Grant applications are processed centrally by the Department. GSL and PLUS applicant data are maintained by at least 58 separate guarantee agencies and the applicant data are completely decentralized. The Department does not collect information on individual students applying for aid under the Campus-Based (SEOG, CW-S, and NDSL) and State Student Incentive Grant Programs. The very development of a method for matching such data would be extremely costly and time-consuming and could not be accomplished before the 1985-86 award year at the earliest.

A comparison by Selective Service of its registrant data with all title IV applicant data provided by the institutions was also considered. Under this method, the institution would be required to extract and forward to the Selective Service the necessary applicant data to verify the registration status of its students.

This method would not only be extraordinarily burdensome and costly to institutions but would cause extensive delays in the processing of awards until registration compliance could be verified and confirmed to institutions by the Selective Service.

Student Responsibility for Verifying Compliance

Therefore, in order to avoid excessive delays and implement this new criterion in the most effective and expedient manner, the Director of the Selective Service System and the Secretary of Education are proposing that the primary responsibility for verifying registration compliance rest with the student himself. A new proposed § 668.26, "Verification of registration compliance," would require any student who has certified that he is registered on his Statement of Registration Compliance to submit proof of his registration to the institution. The student would have to submit proof that he meets this eligibility criterion to the

institution before it could disburse aid or certify the GSL and PLUS loan applications and the Pell Grant ADS Request for Payment. Because the verification of registration compliance presents special problems at institutions outside the United States who are participating in the GSL and PLUS Programs, separate procedures will be established for students attending those institutions.

Acceptable Proof of Registration

In most cases proof of registration is readily available to a student. All registrants receive from Selective Service a copy of the information they filled out on their registration card (Registration Acknowledgement Letter, SSS Form 3A or 3A-S). Registrants are advised by Selective Service in the Acknowledgement Letter to keep it as proof of registration. The Selective Service plans to add a statement to the Acknowledgement Letter informing registrants that, in order to receive Federal student aid, the letter must be presented as proof of registration.

These regulations also propose that, in lieu of submitting the Acknowledgement Letter, a student may verify his registration compliance by submitting: (1) The financial aid transcript bearing his Selective Service number, or (2) other documentation from Selective Service if approved by the Director of Selective Service and the Secretary of Education. To minimize any delay in the award process, the Selective Service states that it will provide a copy of his Registration Acknowledgement Letter within two weeks of request to any registrant who does not have his original Acknowledgement Letter. Both the Department and the Selective Service will publicize the requirement of proof of registration to both secondary and postsecondary institutions well in advance of any permissible disbursement of 1983-84 student aid. A sample request form will be provided to institutions which will assist students who do not have their original Acknowledgement Letters to secure a copy from Selective Service in ample time before the 1983-84 award year. Like any other eligibility documentation, the institution must make proof of the student's registration compliance a part of the student's record.

Temporary Verification by Affidavit

The Secretary recognizes that in limited circumstances some students may not receive their acknowledgement of registration from Selective Service quickly enough to verify their registration compliance before their first scheduled aid payment. As a

limited exception to the general verification rule, these regulations (new § 668.26(e)) propose a temporary verification alternative for students who submit a notarized affidavit to the institution in which they affirm that they have registered but do not have the appropriate documentation from Selective Service. The Secretary intends this method of temporary verification to be used only in exceptional circumstances. First, the affidavit alternative is proposed for acceptance by institutions for all students who turned 18 within 90 days of the beginning of the award year and have not received their original Acknowledgement Letter from Selective Service.

Second, the Secretary is proposing that, *at the option of the institution*, any student who has registered and who can demonstrate to the institution that he has requested appropriate documentation from Selective Service to confirm his registration but has not yet received it, may file a notarized affidavit with the institution certifying that he is registered and has requested documentation. The Secretary proposes that the student may credibly demonstrate that request *only* by providing the institution with a copy of his written request for a copy of his Acknowledgement Letter. As noted earlier, institutions will be able to provide the student with a form on which to request a copy of his Acknowledgement Letter.

If the institution accepts an affidavit, it is proposed that it may disburse title IV funds (except under the GSL and PLUS Programs) for one payment period and may certify the institutional portion of the Pell Grant ADS Request for Payment (ED Form 304). However, the institution which accepts the affidavit may only certify the institutional portion of a loan application under the GSL and PLUS Programs for those students who have recently turned 18 and have registered.

The student who files an affidavit must submit approved documentation to the institution within 120 days of the date of the affidavit. As proposed, all title IV funds received for that award period by a student who files an affidavit but does not submit the required documentation within 120 days to verify eligibility would be considered an overpayment which the student must repay. The institution would be required to make a reasonable attempt to recover the Federal portion of those funds in the same manner as other overpayments. The Secretary is soliciting public comment particularly on the proposal

that the liability for such an overpayment remain solely on the student rather than on the institution which accepted the affidavit.

The Secretary recognizes that this affidavit alternative may increase administrative burden on institutions. That burden appears unavoidable with respect to those students who recently turned 18 since some alternative to immediate and complete verification seems necessary to fulfill the Congressional intent that delays in the award process be minimized. However, the Secretary wishes to solicit comment on the necessity of the proposed affidavit alternative, the degree of burden imposed on institutions, and its usefulness in alleviating delays in the award process. The Secretary also solicits comments on the proposal that all registrants who recently turned 18 and do not yet have proof of registration be allowed to file an affidavit while other registrants who lack proof may use the affidavit alternative only at the option of the institution.

Special Procedures for 1983-84

Because these regulations are being published as proposed rules, with the requisite period for public comment, it is unlikely that the Department will be able to publish final regulations until late in the spring of this year. The Secretary recognizes that institutions will by that time have completed the institutional portion of loan applications for many students seeking GSLP or PLUS program loans for the 1983-84 academic year. The statute makes any student ineligible for title IV assistance if he was required to register with Selective Service but failed to do so. 50 U.S.C. app. 462(f)(1).

Those applicants who have not demonstrated their compliance with registration requirements at the time their loan applications are processed by the institution in the spring of 1983 are nonetheless required by the statute to file a Statement of Registration Compliance in order to qualify for any title IV assistance. 50 U.S.C. app. 462(f)(2). To facilitate compliance with these statutory provisions, the Secretary is encouraging institutions to use the procedures proposed here before processing the institutional portion of applicants' loan requests, but recognizes that such procedures are not required at this time.

However, to monitor compliance with the statute by those students who have not filed such statements with the institution during the loan application process this spring, the Secretary proposes special requirements for use during the 1983-84 academic year. This

problem should not arise in later years because, pursuant to these regulations, institutions will secure the required statements during the loan application process.

The special procedures proposed for 1983-84 deal particularly with loans under the GSLP and PLUS programs, but apply equally to any assistance disbursed by an institution before July 1, 1983 and intended for periods of instruction beginning on or after that date. Under these procedures, an institution which receives either a loan check or notice from a lender that a loan has been made, or if, before July 1, 1983, it completed a Pell grant ADS Request for Payment, or disbursed any Federal student assistance for the 1983-84 academic year, it must notify students of their duty to file and verify Statements of Registration Compliance. If the institution is notified that the student has received a loan, it must notify the lender and the Secretary if the student does not, after being notified of the duty to submit the statement, comply with the requirement. The student would then have failed to qualify for that Federal assistance, and would lose the right to interest benefits on that loan.

Future Administrative Burden

Although only a limited number of title IV applicants are required to be registered, the Secretary recognized that additional administrative burden would be involved in implementing these proposed methods of verifying their compliance. However, after the initial phase-in award year (1983-84), the burden associated with the submission of registration documentation, at least for four-year institutions, according to these proposed regulations would be substantially reduced. Only in the upcoming initial award year would documentation have to be submitted by all students who certify that they are registered. Once that documentation was part of those students' records, the number of students certifying that they were registered for whom documentation would have to be received in subsequent award years would be drastically reduced, according to proposed § 668.26(b). It would only consist of those students certifying that they were registered who were previously enrolled at the institution but were not title IV aid recipients or were not then required to register, such as those who were not yet 18 years old or were on active duty and some students enrolling at the institution for the first time.

To further decrease any administrative burden associated with the submission of registration

documentation, the Secretary is proposing two additional provisions. First, he proposes an amendment to the financial aid transcript provision (§ 668.14) that the Selective Service number from the documentation submitted to verify the student's registration compliance be made a part of the required information on the financial aid transcript. The Selective Service number on that transcript would suffice to document registration compliance for that institution in further years and for any institution to which the student transfers.

The rule permitting an institution to disburse title IV funds for one payment period if the transcript, or the notice required under 34 CFR 668.14(d) that the financial aid transcript will not be forthcoming is here modified to conform to these new requirements.

Second, to further minimize administrative burden, these regulations propose that the institution may rely on the Statement of Registration Compliance filed before the first disbursement of aid, certification of the GSL and PLUS loan application or Request for Payment for the award year even if the student's status under registration law changes during that award year. Therefore, a student who turns 18 or ceases active duty during the award year after he has certified that he is not required to register would not have to file a new statement or submit documentation of compliance until the subsequent award year's eligibility is determined. This relieves institutions from the burden of having to monitor students who may become subject to registration during an award year and to require their completion of new statement and verification of compliance prior to any additional disbursements. It also makes adjustments to award year aid packages unnecessary in mid-year or mid-payment period.

Notification of Denial of Assistance

The amendment also directs the Secretary of education, in consultation with the Director of the Selective Service, to establish procedures to notify students of the proposed denial of assistance to those who do not prove registration compliance and to permit them a grace period within which to prove that they are registered. Section 668.27 of these regulations proposes that the institution provide a notification, which for ease may be included on the Statement of Registration Compliance as proposed in new § 668.25, warning the student aid applicant that he will not receive title IV aid if he fails to complete

the Statement of Registration Compliance and to prove registration compliance.

Proof of Registration After Notification of Denial of Assistance

Although the statute requires the Secretary to provide the applicant denied aid at least a 30-day period within which to prove that he is in compliance, routine use of a grace period measured by a specific number of days may impose an unnecessary burden on the institution to monitor that deadline. Therefore, rather than providing for a grace period of a set number of days in all cases, the proposed regulations permit the student to establish his compliance at any time before the end of the payment period for which he seeks aid, or the 30-day period after notice of denial, whichever is later. Because the end of the payment period will usually be the later of these two dates, a student who states and verifies his compliance at any time during the payment period, would be eligible for aid for that period. However, if he does not prove compliance until a subsequent payment period, he may not receive aid for the previous payment period(s). This will, in most instances, result in a grace period significantly greater than the 30-day minimum set in the statute.

Moreover, consistent with the statutory intent to encourage registration, under these regulations any nonregistrant who was required to register but did not may still qualify for aid if he registers with Selective Service and complies with the statement and verification requirements during the payment period for which he seeks aid. As noted previously, this provision applies only to a nonregistrant who was required to register but who failed to do so before the award year in question, not to one whose status changed during the award year. As noted in § 668.24(b), a student whose status changed with regard to registration requirements during the award year after he has certified that he is not required to be registered on the Statement of Registration Compliance need not submit a new statement during the year.

Administrative Review of Denials of Assistance

The proposed regulations, as required by statute, provide under certain circumstances for a hearing for those applicants denied title IV aid because they have failed to prove that they have registered (new § 668.27). The opportunity for a hearing is strictly limited to those who assert that they have in fact registered but have not been able to prove that registration. The

Secretary will provide more detailed instructions at a later date on the procedure for requesting a hearing. This limitation on the right to a hearing and the scope of that hearing, is determined by the statutory limits on the Secretary's authority. In such administrative reviews the Secretary has no power to rule on any other basis than whether the applicant has demonstrated compliance. Because he has no authority to act on the basis of challenges to the propriety of the statutory ban on eligibility for nonregistrants, no presentation of such arguments will be received during these reviews. This limitation on the issue to be considered on review is entirely consistent with the legislative history of the statute, and the proposed regulatory language mirrors language used by Conference Committee of the Congress:

The Senate recedes with an amendment to ensure due process to an individual *who has complied* but whose compliance may not be immediately verifiable (emphasis added).

H. Rept. No. 97-749, quoted in Cong. Rec. H 6001, August 16, 1982.

Because the Secretary's statutory authority is limited, and because resolution of the issue of registration will almost invariably depend on documentary proof provided by Selective Service, the Secretary anticipates that there will be few cases in which a hearing will be necessary to resolve the question of compliance. Furthermore, because applicants receive written confirmation of registration in the Registration Acknowledgement Letter and, as noted previously, will be able to promptly secure another copy from Selective Service, these proposed regulations, like the statute itself, place the burden of proof on the applicant to "provide the Secretary with information and materials establishing that he has complied with the registration requirement," 50 U.S.C. app. 462(f)(4), a burden of proof clearly recognized during the Congressional debate over passage of this statute. Cong. Rec. 4945, May 12, 1982.

Lastly, the Secretary stresses that any determination of registration compliance made under these proposed regulations and procedures is made for title IV student assistance eligibility purposes only. Any determination of compliance made here, unless reopened and revised in light of additional evidence, resolves only the issue of the applicant's eligibility for title IV aid and does not determine the applicant's status with the Selective Service, which has its own independent administrative jurisdiction and procedures.

Executive Order 12291: These proposed regulations have been reviewed in accordance with Executive Order 12291. They are classified as nonmajor because they do not meet the criteria for major regulations established in the order.

Regulatory Flexibility Act

Certification: The Secretary certifies that these proposed regulations will not have a significant economic impact on a substantial number of small entities. These regulations implement a new statutory eligibility criterion—registration with Selective Service—for title IV student financial assistance. The small entities affected will be small institutions of postsecondary education. Verification of registration compliance will be based on documentation furnished by students and will therefore not have a significant economic impact on these institutions.

Invitation To Comment: Interested persons are invited to submit comments and recommendations regarding these proposed regulations. Written comments and recommendations may be sent to the address given at the beginning of this document. All comments submitted on or before the February 28, 1983 will be considered before the Secretary issues final regulations.

All comments submitted in response to these proposed regulations will be available for public inspection, during and after the comment period, in Regional Office Building 3, Room 4318, 400 Maryland Avenue, S.W., Washington, D.C. between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday of each week except Federal holidays.

To assist the Department in complying with the specific requirements of Executive Order 12291 and the Paperwork Reduction Act of 1980 and their overall requirement of reducing regulatory burden, public comment is especially invited on whether there may be further opportunities to reduce any regulatory burdens found in these proposed regulations.

Assessment of Education Impact: The Secretary also particularly requests comments on whether the regulations in this document would require transmission of information that is being gathered by or is available from any other agency or authority of the United States.

List of Subjects in 34 CFR Part 668

Administrative practice and procedures, Colleges and universities, Consumer protection, Education, Loan programs—education, Grant programs—education, Student Aid.

Citation of Legal Authority: A citation of statutory or other legal authority is placed in parentheses on the line following each substantive provision of these proposed regulations.

Dated: January 21, 1983.

T. H. Bell,

Secretary of Education.

(Catalogue of Federal Domestic Assistance Numbers: Supplemental Educational Opportunity Grant Program, 84.007; Guaranteed Student Loan Program, 84.032; PLUS Program, 84.032; College Work-Study Program, 84.033; National Direct Student Loan Program, 84.038; Pell Grant Program, 84.063; State Student Incentive Grant Program, 84.069)

PART 668—[AMENDED]

The Secretary proposes to amend Part 668 of Title 34 of the Code of Federal Regulations as follows:

1. The table of contents for Subpart B is amended, by adding five new sections, to read as follows:

Subpart B—[Amended]

- 668.23 Statement of educational purpose.
- 668.24 Statement of registration compliance.
- 668.25 Model statement of educational purpose and registration compliance.
- 668.26 Verification of registration compliance.
- 668.27 Notification and administrative review.

2. A new § 668.23 is added to read as follows:

§ 668.23 Statement of educational purpose.

An institution may not disburse any funds under any of the title IV student financial assistance programs to a student unless the student files with it a Statement of Educational Purpose. In this statement, the student certifies that he or she will use any funds received under these programs solely for educational expenses connected with attendance at the institution at which the student is enrolled or accepted for enrollment. (20 U.S.C. 1091)

3. A new § 668.24 is added to read as follows:

§ 668.24 Statement of registration compliance.

(a)(1) Except as provided in paragraph (d) of this section, unless the student who is applying for title IV aid or, under the PLUS Program, who will benefit from the loan, files a Statement of Registration Compliance with the institution, an institution may not—

- (i) Disburse funds under any title IV student financial aid program,
- (ii) Certify the institutional portion of the application under the Guaranteed Student Loan or PLUS Program, or

(iii) Certify the institutional portion of the Pell Grant Request for Payment (ED Form 304), if the institution is participating in the Pell Grant Program under the Alternate Disbursement System.

(2) In the Statement of Registration Compliance, the student certifies either that he is registered with Selective Service or that, for a specific reason, he or she is not required to be registered.

(b) For academic year 1983-84 only, the following rules apply with regard to those students who before July 1, 1983 either have applied for a loan under the Guaranteed Student Loan or PLUS Program, or received a disbursement of any title IV student assistance funds, for periods of instruction beginning on or after that date.

(1) An institution must notify a student of the duty to file and verify a Statement of Registration Compliance if the institution—

(i) Receives a loan check, or a notice from a lender that the student has received a loan, under the Guaranteed Student Loan or PLUS Program;

(ii) Receives notice that a loan has been made under the PLUS Program for the benefit of the student,

(iii) Released or endorsed such a loan check, or disbursed other title IV student assistance, before July 1, 1983, for a period of instruction beginning on or after that date for that student, or

(iv) Certified the institutional portion of the Pell Grant Request for Payment (ED Form 304) before July 1, 1983 for a period of instruction beginning on or after that date.

(2) An institution which receives a loan check under the Guaranteed Student Loan or PLUS Program may neither endorse that check nor release it to or for the benefit of a student who fails to file and verify a Statement of Registration Compliance in accordance with this section and §§ 668.26 and 668.27.

(3)(i) An institution shall notify the lender and the Secretary if it determines that a student who has already received or benefited from a loan intended for a period of instruction beginning on or after July 1, 1983 fails to file and verify a Statement of Registration Compliance in accordance with this section and §§ 668.26 and 668.27.

(ii) A student who fails to file and verify the required statement forfeits the right to receive or retain the loan check or its benefits, as well as the right to the payment of interest benefits on that loan. The borrower shall, if demanded by the lender, immediately repay that disbursement.

(4) An institution must attempt to recover the amount of any title IV

student assistance it disbursed before July 1, 1983 for periods of instruction beginning on or after that date to a student who fails to file and verify a Statement of Registration Compliance.

(5) An institution which participates in the Pell Grant Program under the Alternate Disbursement System must notify the Secretary if a student notified of the duty to file and verify a Statement of Registration Compliance pursuant to paragraph (b)(1)(iv) of this section fails to do so.

(c) A student shall file a Statement of Registration Compliance once for each award year. If the student's status under registration law changes during the award year after he or she has certified on the Statement of Registration Compliance that he or she is not required to be registered, the student is not required to file a new statement for that award year.

(d) The requirement under paragraph (a) of this section of filing a Statement of Registration Compliance does not apply to students enrolled in an officer procurement program, the curriculum of which has been approved by the Secretary of Defense, at the Citadel, Charleston, South Carolina; North Georgia College, Dahlonega, Georgia; Norwich University, Northfield, Vermont; or Virginia Military Institute, Lexington, Virginia.

(50 U.S.C. App. 462)

4. A new § 668.25 is added to read as follows:

§ 668.25 Model statement of educational purpose and registration compliance.

The Secretary considers the following statement as satisfying the requirements of §§ 668.23 and 668.24(a) and the notification requirement of § 668.27(a):

Statement of Educational Purpose/Registration Compliance

I certify that I will use any money I receive under the title IV student financial aid programs only for expenses related to attendance at (name of school) _____; and (check one)

- ☐ I certify that I am not required to be registered with Selective Service, because—(check one reason)
- ☐ I am a female.
- ☐ I am in the armed services on active duty (Note: Members of the Reserves and National Guard are not considered on active duty).
- ☐ I have not reached my 18th birthday.
- ☐ I was born before 1960.
- ☐ I am a permanent resident of the Trust Territory of the Pacific Islands or the Northern Mariana Islands.
- ☐ I certify that I am registered with Selective Service.

Signature: _____

Date: _____

Notice.—You will not receive title IV financial aid unless you complete this statement and, if required, give proof to your school that you are registered.

(20 U.S.C. 1091 and 50 U.S.C. App. 462)

5. A new § 668.26 is added to read as follows:

§ 668.26 Verification of registration compliance.

(a) A student who has certified that he is registered with Selective Service on the Statement of Registration Compliance shall verify that he is registered by submitting appropriate documentation to the institution.

(b) If the institution determines that the student verified his registration compliance in a previous award year, the student is not required to resubmit documentation to the institution verifying that he is registered.

(c) The documentation that may be used to verify registration compliance is—

(1) A copy of the student's Registration Acknowledgement Letter (SSS Form 3A or 3A-S), or

(2) The financial aid transcript prepared pursuant to § 668.14 bearing the student's Selective Service number, or

(3) Other documentation from the Selective Service, if approved by the Secretary and the Director of the Selective Service.

(d) Except as provided in paragraph (e) of this section, until documentation of the student's registration compliance is received, the institution may not—

(1) Disburse funds under any title IV student financial aid program, or

(2) Certify the institutional portion of the application under the Guaranteed Student Loan or PLUS Programs, or

(3) Certify the institutional portion of the Pell Grant Request for Payment (ED Form 304), if the institution is participating in the Pell Grant Program under the Alternate Disbursement System.

(e)(1) A student who becomes 18 years of age after the March 31st immediately preceding the award year for which he seeks aid and who has registered with Selective Service but has not yet received his original Registration Acknowledgement Letter may temporarily verify his registration by submitting to the institution a notarized affidavit to that effect.

(2) At the option of the institution, a student who has registered with Selective Service and requested but not yet received a copy of his Registration Acknowledgement Letter may temporarily verify his registration by submitting to the institution—

(i) A notarized affidavit in which he affirms that he has registered and has requested but not yet received a duplicate copy of his Registration Acknowledgement Letter, and

(ii) A copy of his request to Selective Service for the acknowledgement of his registration.

(3)(i) An institution which accepts an affidavit under paragraphs (e)(1) or (2) of this section, shall—

(A) Disburse title IV funds (except under the Guaranteed Student Loan or PLUS Programs) for not more than one payment period; and

(B) Certify the institutional portion of the Pell Grant Request for Payment (ED Form 304), if the institution is participating in the Pell Grant Program under the Alternate Disbursement System.

(ii) An institution which accepts an affidavit under paragraph (e) (1) shall, in addition, certify the institutional portion of the application under the Guaranteed Student Loan or PLUS program.

(4) A student may file an affidavit under paragraphs (e) (1) or (2) of this section only once and shall submit documentation to verify his registration to the institution within one hundred twenty (120) days of the date of the affidavit.

(5) (i) If the student does not submit the documentation within one hundred twenty (120) days, the institution shall consider all title IV funds received by the student for the payment period in question to be an overpayment which the student must repay. The institution shall—

(A) Make a reasonable effort to contact the student and recover the overpayment, and, if unsuccessful,

(B) Provide the Secretary with the student's name, amount of overpayment, Social Security number, and other relevant information.

(ii) (A) If the institution certifies the institutional portion of an application under the Guaranteed Student Loan or PLUS program for a student who fails to submit the required documentation within one hundred twenty (120) days, the institution shall notify the lender and the Secretary.

(B) A student who fails to submit the required documentation within one hundred twenty (120) days forfeits the right to receive the benefits of a loan under the Guaranteed Student Loan or PLUS program, as well as the right to payment of interest benefits on the loan. The borrower shall, if demanded by the lender, immediately repay that disbursement.

(6) The Secretary considers the following affidavit as satisfying the requirement of paragraph (e) (1):

Affidavit of registration compliance

I affirm under penalty of perjury that I am registered with Selective Service, that I have not received my Registration Acknowledgement Letter from Selective Service, and that I reached my 18th birthday after March 31 of this year. I understand that if this information is false, I could receive either a \$10,000 fine, a prison sentence, or both. I also understand that if I do not provide proof from Selective Service of my registration to my school within 120 days of the date of this affidavit, I must repay any title IV student financial aid I have received from this school period.

Signature: _____

Date: _____

(7) The Secretary considers the following affidavit as satisfying the requirement of paragraph (e) (2) of this section:

Affidavit of Registration Compliance

I affirm under penalty of perjury that I am registered with Selective Service and that I have requested proof of my registration from Selective Service. I understand that if this information is false, I could receive either a \$10,000 fine, a prison sentence, or both. I also understand that if I do not provide this proof from Selective Service to my school within 120 days of the date of this affidavit, I must repay any title IV student financial aid I have received for this school period.

Signature: _____

Date: _____

(f) The institution shall make the documentation verifying the student's registration compliance a part of the student's record in accordance with the record retention provisions in each of the title IV program regulations.

(20 U.S.C. 1097 and 50 U.S.C. App. 462)

6. A new § 668.27 is added to read as follows:

§ 668.27 Notification and administrative review.

(a) The institution shall provide written notice to any student who has not filed the Statement of Registration Compliance in accordance with § 668.24 and verified that compliance in accordance with § 668.26 that the student is not eligible for assistance under any title IV student assistance program. The institution may provide this notice with the Statement of Registration Compliance in accordance with § 668.25.

(b) (1) A student who is required to register but has not done so may establish his eligibility for title IV aid for the payment period in which he was notified under paragraph (a) of this section by registering, filing a Statement of Registration Compliance, and verifying that he is registered in accordance with §§ 668.24 and 668.26 within thirty days or before the end of

the same payment period whichever is later.

(2) A registered student who fails to state and verify that he is registered with Selective Service in accordance with §§ 668.24 and 26 may establish his eligibility for title IV aid for the payment period in which he was notified under paragraph (a) of this section by filing a Statement of Registration Compliance and verifying that he is registered in accordance with §§ 668.24 and 668.26.

(3) If a student does not file a Statement of Registration Compliance and verify that compliance within thirty days or before the end of that payment period whichever is later, he may not receive aid for that payment period.

(c)(1) A student denied title IV assistance because he has not stated and verified his registration compliance may seek a hearing from the Secretary by filing a request in writing with the Secretary. The student must submit with that request—

(i) A statement that he is in compliance with registration requirements, and

(ii) A concise statement of the reasons why he has not been able to verify that he is in compliance with those requirements, and

(iii) Copies of all material that he has already supplied to the institution to verify his compliance.

(2) The Secretary shall provide an opportunity for a hearing to a student who—

(i) asserts that he is compliance with registration requirements, and

(ii) files a written request in accordance with paragraph (c)(1) of this section within the award year for which he was denied title IV assistance.

(3) An official designated by the Secretary shall conduct any hearing held under paragraph (c)(2) of this section. The sole purpose of this hearing is the determination of compliance with registration requirements. At this hearing, the student retains the burden of proving compliance, by credible evidence, with the requirements of the Military Selective Service Act. The designated official shall receive only such evidence as he or she considers relevant to establishing whether the student is in compliance with Selective Service registration requirements. The designated official shall not consider challenges based on constitutional or other grounds to the requirements that a student state and verify compliance with registration requirements, or to those registration requirements themselves.

(d) Any determination of compliance made under this section shall be final unless reopened and revised on the basis of additional evidence.

(e) Any determination of compliance made under this section shall be binding only for purposes of determining eligibility for title IV student assistance.

(50 U.S.C. App. 462)

7. Section 668.14 is amended by revising paragraphs (a)(2), (e)(5) and (e)(6), and by adding a new paragraph (e)(7) to read as follows:

§ 668.14 Financial Aid Transcript.

(a) * * *

(2) *Limited exception to the general rule.* If the institution does not receive the student's transcript or a written notice pursuant to paragraph (d) of this section that the transcript will not be forthcoming, in a timely manner, it may disburse title IV funds for one payment period *provided* the student has submitted other documentation verifying his Selective Service registration compliance in accordance with § 668.26(c)(1) or (3).

* * * *

(e) * * *

(5) Whether the student is in default on—

(i) A National Direct Student Loan made by the institution, or

(ii) A Guaranteed Student Loan or a PLUS Loan that the student received for attendance at the institution if the institution is aware of the default status,

(6) Whether the student owes a refund on—

(i) A Pell or Supplemental Grant for attendance at the institution, or

(ii) A State Student Incentive Grant received for attendance at the institution, if the institution is aware that the student owes the refund, and

(7) The student's Selective Service number from the documentation used to verify the student's registration compliance in accordance with § 668.26(c).

(20 U.S.C. 1091, 1094; 50 U.S.C. App. 462)

[FR Doc. 83-2148 Filed 1-26-83; 8:45 am]

BILLING CODE 4000-01-M

federal register

Thursday
January 27, 1983

Part IV

Office of Management and Budget

Implementation of Executive Order 12372;
"Intergovernmental Review of Federal
Programs"

Part IV

Office of Management and Budget

Department of Economic Development
Governmental Service of Federal
Public Works

OFFICE OF MANAGEMENT AND BUDGET

Implementation of Executive Order 12372, "Intergovernmental Review of Federal Programs"

AGENCY: Intergovernmental Affairs Division and Associate Director for Management and Budget.

ACTION: Notice of Letter to the Governors.

SUMMARY: Executive Order 12372, "Intergovernmental Review of Federal Programs," was signed by President Reagan on July 14, 1982. Each agency's proposed implementing rule or notice was published in the January 24, 1983 *Federal Register* for public comment. These documents referenced an OMB letter of guidance to the Governors advising them of information states need to submit to the Federal Government in order to participate in the implementation of Executive Order 12372. A sample letter is reproduced below:

Executive Office of the President,
Office of Management and Budget,
Washington, D.C. 20503

Hon. Scott M. Matheson,
Governor of Utah,
Salt Lake City, Utah

Dear Governor Matheson: The purpose of this letter is to advise you of the information the states need to submit to the Federal Government in order to participate in the implementation of Executive Order 12372, "Intergovernmental Review of Federal Programs," about which I wrote the governors previously. Proposed implementing rules, which are simple and regulate only Federal actions, will be published in the January 24th *Federal Register*, with an invitation for comment by March 10, 1983. The information listed in this letter should be considered in the context of the proposed rules.

There are three types of information a state needs to provide OMB in order to initiate the new simplified intergovernmental review procedures:

1. Identify or develop a process for reviewing and commenting on Federal financial assistance and direct development activities; designate it as such by any appropriate official action or constitutionally recognized means (e.g., legislation, executive order); and provide the Office of Management and Budget with an assurance:

- that elected officials have been involved in the designation of the process, and that the process is in full

compliance with all the requirements of the Order.

- that the state's process has been developed in consultation with local general purpose governments, and local special purpose governments the state considers appropriate; and
- that local elected officials have been consulted on the selection of Federal programs and activities to be covered by the state process.

If the assurance submitted on behalf of the state is signed by the governor, the Federal government will make no further verification.

2. Send a list of the Federal programs and activities the state wants covered by its process to OMB.

The Federal programs and activities eligible for coverage by your process can be determined from two sources. First, the Federal agencies have published lists of the programs and activities they propose to *exclude* from coverage as attachments to the proposed rules. Agencies are seeking public comment on these. Second, Federal agencies will provide information on programs and activities *currently eligible* for coverage under the Order. Pending receipt of this information, you may assume, for planning purposes, that all Federal financial assistance and direct development activities not proposed for exclusion are eligible for coverage. From the programs eligible for coverage, a state can specify as many or as few as it wishes to review.

3. Provide OMB with the name and address of the single office or official in the state who is empowered to transmit the comments generated by the designated state process.

Submission of the "state's official views" by a single point of contact will inform the Federal agencies that the Executive Order and its implementing provisions apply to that submission. The existence of the single point of contact does not, of course, preclude the normal day-to-day communication that has always existed among Federal, State, and local officials.

A state is free to designate a process for consultation in accordance with the Executive Order at any time. However, Federal agencies will rescind all regulations implementing OMB Circular A-95 on or about April 30, 1983. Therefore, to avoid a gap in the consultation process with the Federal agencies, states should provide the information specified in this letter to OMB on or before April 30, 1983.

There are no limits on the number of changes a state can make to its process, nor in the time periods in which those changes must occur. Once the initial assurance is provided as outlined above, a state can change its process simply by notifying OMB of changes in the single point of contact and/or informing the affected Federal agencies of changes (additions, deletions, etc.) in the list of programs it wants covered.

Two additional features of the Order should be noted. First, under the Order, the state can delegate its review and comment responsibility "to local elected officials," without any limitation on the kinds of programs or activities to be reviewed (e.g., specific cases, whole programs, etc.). The state does not need to inform the Federal Government if or when such a delegation occurs. As long as the comments are transmitted to the agencies via the single point of contact, the agencies will respond to those comments in the manner called for by the Order and its implementing provisions.

Second, it is not necessary that each official comment or recommendation produced by the state's process have a certification of the involvement of elected officials.

Please send the requested assurance and information to: Mr. Harold I. Steinberg, Associate Director for Management, Office of Management and Budget, Room 238, Old Executive Office Building, Washington, D.C. 20503. Mr. James F. Kelly, Deputy Associate Director for Intergovernmental Affairs, will answer any questions you or your staff may have on the Executive Order or its implementation (202/395-3774).

In closing, let me reiterate the President's strong commitment to strengthening our federal system. With Executive Order 12372, Federal agencies have been directed to utilize *your* processes to solicit your views on their proposed actions and to increase their responsiveness to those views. We look forward to hearing from you as we work together to establish this improved system of intergovernmental cooperation.

Sincerely,

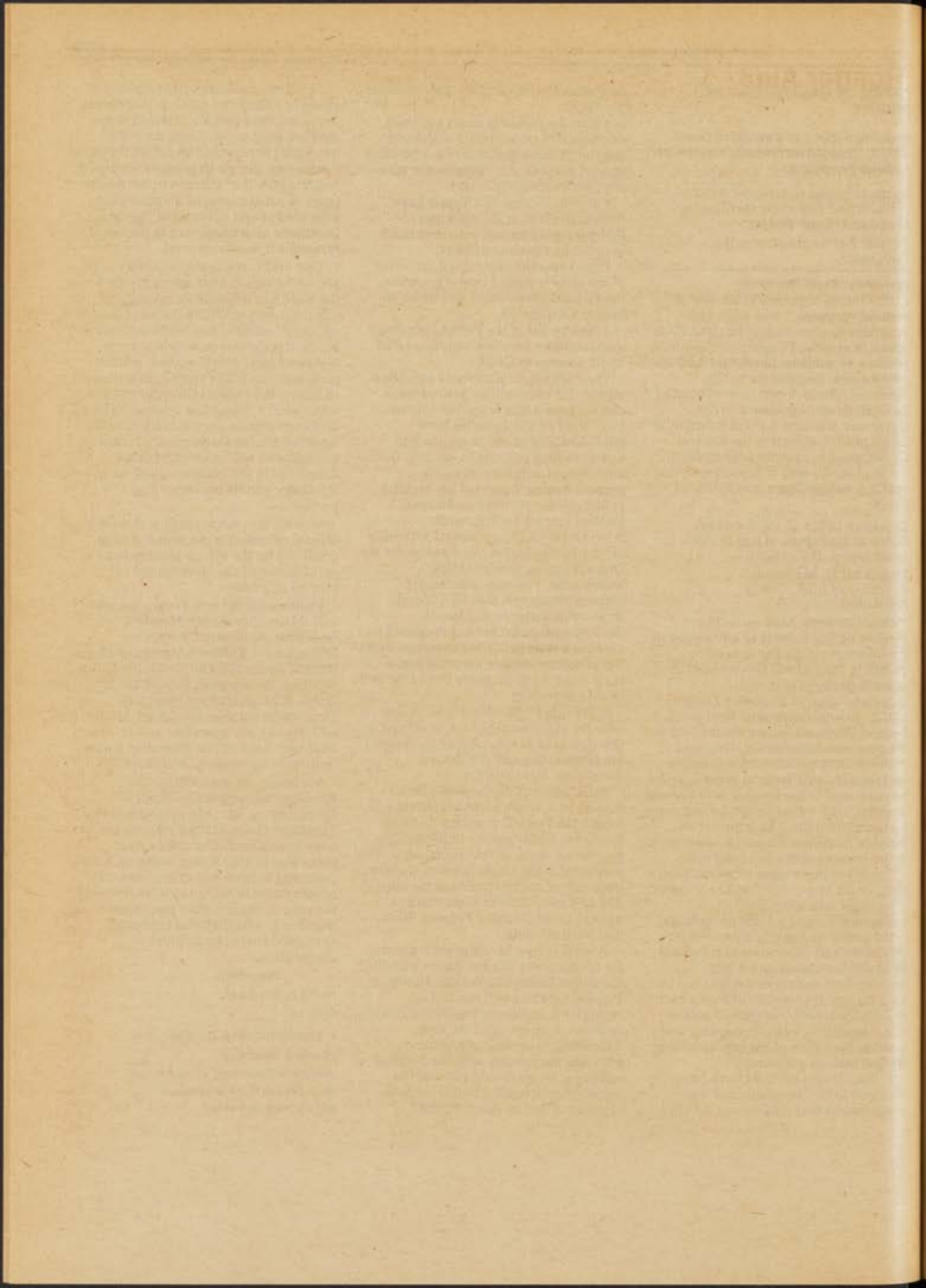
David A. Stockman,
Director.

Dated: January 21, 1983.

Harold I. Steinberg,
Associate Director of Management.

[FR Doc. 83-2258 Filed 1-26-83; 8:45 am]

BILLING CODE 3110-01-M



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