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Wednesday
February 9, 1983

Selected Subjects

Administrative Practice and Procedure
Energy Department

Agricultural Commodities
Environmental Protection Agency

Air Carriers
Civil Aeronautics Board

Banks, Banking
Federal Reserve System

Claims
General Services Administration

Classified Information
International Trade Commission
National Aeronautics and Space Administration

Coal Mining
Surface Mining Reclamation and Enforcement Office

Communications Common Carriers
Federal Communications Commission

Endangered and Threatened Wildlife
National Oceanic and Atmospheric Administration

Exports
International Trade Administration

Health Insurance
Defense Department

Immigration
Immigration and Naturalization Service

CONTINUED INSIDE

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

Selected Subjects

Indian—Lands
Indian Affairs Bureau

Investment Companies
Securities and Exchange Commission

Natural Gas
Federal Energy Regulatory Commission

Panama Canal
The President

Pesticides and Pests
Environmental Protection Agency

Radio
Federal Communications Commission

Radio Broadcasting
Federal Communications Commission

Reporting and Recordkeeping Requirements
Nuclear Regulatory Commission

Surety Bonds
Small Business Administration

Television Broadcasting
Federal Communications Commission

Tobacco
Agricultural Marketing Service

Water Pollution Control
Environmental Protection Agency

Wine
Alcohol, Tobacco and Firearms Bureau

Contents

Federal Register
Vol. 48, No. 28
Wednesday, February 9, 1983

The President
PROCLAMATIONS
5881 Bible, Year of the; correction (Proc. 5018)
RULES
Panama Canal; shipping and navigation:
5879 Tolls for use of canal; rate increase

Executive Agencies

Agricultural Marketing Service
RULES
Tobacco inspection:
5883 Tobacco publications; fees and charges
PROPOSED RULES
5950 Lemons grown in Ariz. and Calif.; correction

Agriculture Department
See also Agricultural Marketing Service.
NOTICES
5985 Agency forms submitted to OMB for review

Alcohol, Tobacco and Firearms Bureau
PROPOSED RULES
Alcohol; viticultural area designations:
5958 Catoctin, Md.
5961 Knights Valley, Calif.
5955 Potter Valley, Calif.
5956 York Mountain, Calif.
NOTICES
Meetings:
6066 Winegrape Varietal Names Advisory Committee

Civil Aeronautics Board
PROPOSED RULES
5950 Interlocking relationships; exemption and approval

Commerce Department
See International Trade Administration; National Oceanic and Atmospheric Administration.

Conservation and Renewable Energy Office
NOTICES
5989 Power marketing administrations; interest rate formula

Defense Department
See also Engineers Corps.
RULES
Civilian health and medical program of uniformed services (CHAMPUS):
5916 Medical benefits for former spouses of uniformed services members and former members
NOTICES
Meetings:
5988, 5989 Science Board task forces (3 documents)

Drug Enforcement Administration
NOTICES
Registration applications, etc.; controlled substances:
6059 Ciba-Geigy Corp.
6059 Ciba-Geigy Corp.; correction

Energy Department
See also Conservation and Renewable Energy Office; Federal Energy Regulatory Commission.
RULES
Administrative procedures and sanctions:
6082 Energy conservation programs regulations; applicability to petroleum violation escrow funds; questions and answers
NOTICES
International atomic energy agreements; civil uses; subsequent arrangements:
5989 European Atomic Energy Community
5989 Indonesia and European Atomic Energy Community

Engineers Corps
NOTICES
Environmental statements; availability, etc.:
5988 Little Calumet River, Ill.; silt removal

Environmental Protection Agency
RULES
Pesticide chemicals in or on raw agricultural commodities; tolerances and exemptions, etc.:
5920 Alachlor
5900 1-(4-Chlorophenoxy)-3, 3-dimethyl-1(1H-1, 2, 4-triazol-1-yl)-2-butanone
5921 Oryzalin
Pesticides; tolerances in food:
5899 Oryzalin
Pesticides; tolerances in food and animal feeds:
5919 1-(4-Chlorophenoxy)-3,3-dimethly-1-(1H-1,2,4-triazol-1-yl)-2-butanone
Water pollution control; national pollutant discharge elimination system; applications:
5918 Ohio
PROPOSED RULES
Hazardous waste management system:
5965 Regulatory reform actions; extension of time
Pesticide chemicals in or on raw agricultural commodities; tolerances and exemptions, etc.:
5965 Carbaryl
5966 N,N-Diethly-2-(1-naphthalenyloxy) propionamide
5967 O,O-Diethyl O-(2-isopropyl-6-methyl-4-pyrimidinyl) phosphorothioate
5968 Paraquat
NOTICES
Air quality; prevention of significant deterioration (PSD):
6023 Texas; authority delegations
Meetings:
6022 Science Advisory Board
6021 State FIFRA Issues Research and Evaluation Group
Pesticide, food, and feed additive petitions:
6018 American Cyanamid Co. et al.
6023 Union Carbide Agricultural Products Co., Inc.
Pesticide registration, cancellation, etc.:
6020 Hess & Clark, Inc., et al.

37

6019 Pesticides; emergency exemptions granted during December 1982 through January 1984
Pesticides; experimental use permit applications:
6018 Dow Chemical Co. et al.
6024 Pesticides; receipts of State registration
Pesticides; temporary tolerances:
6022 Dow Chemical Co.
Water pollution control; safe drinking water, public systems designations:
6023 Idaho

Federal Communications Commission
RULES
Common carrier services:
5939 Federal-State Joint Board; Jurisdictional Separations Manual; letters regarding interpretations
Common carrier services; telephone companies:
5928 Annual Report Form M, changes in depreciation techniques
Frequency allocations and radio treaty matters:
5922 Electric utilities; recognition of power line carrier operations
Radio broadcasting:
5943 Minority ownership in broadcasting, advancement; policy statement
Radio frequency devices:
5928 Cordless telephones; American Telecommunications Corporation and Electronics Industries Association; conditional waiver granted; correction
Radio stations; table of assignments:
5940 Alaska (2 documents)
5941 Michigan
Television broadcasting:
5941 Illinois
5947 Virginia
PROPOSED RULES
Radio broadcasting:
5976 Minority ownership in broadcasting, advancement; Commission policy
5978 Toroidal transformers as method of deriving current samples in directional (AM) Antenna Systems, expanded use, and radio frequency relays
Radio services, special:
5982 Radio control and citizens band services; elimination of individual station licenses; correction
Radio stations; table of assignments:
5970 Florida
5971 Hawaii
5972 Idaho
5974 Mississippi
5975 New Mexico
NOTICES
Hearings, etc.:
6030 Advanced Mobile Phone Service, Inc., et al.
6033 American Mobile Communications of Washington & Oregon et al.
6034 Carson Valley Broadcasters, Inc., et al.
6033 Ortiz, Carlos, et al.
6029 Travel reimbursement experiment; quarterly report

Federal Deposit Insurance Corporation
NOTICES
6067, 6068 Meetings, Sunshine Act (3 documents)

Federal Energy Regulatory Commission
RULES
Natural Gas Policy Act; ceiling prices for high cost natural gas produced from tight formations; various States:
5896 Colorado; correction
5897 New York
5898 Texas
PROPOSED RULES
Natural Gas Policy Act; ceiling prices for high cost natural gas produced from tight formations; various States:
5953 New Mexico
5954 Texas; correction
NOTICES
Hearings, etc.:
5991 American Electric Power Service Corp.
5991 Arizona Public Service Co.
5991 Columbia Gas Transmission Corp.
5992 Connecticut Light & Power Co. (2 documents)
5993 Consolidated Gas Supply Corp.
5993 Iowa Electric Light & Power Co.
5994 Kentucky Utilities Co.
5994 Kentucky West Virginia Gas Co.
5994 Locust Ridge Gas Co.
5995 Mississippi Power & Light Co.
5995 Mississippi River Transmission Corp.
5995 Montana-Dakota Utilities Co.
5996 Northern Indiana Public Service Co.
5996 Pacific Power & Light Co. (2 documents)
5996 Tennessee Gas Pipeline Co.
5996 Tennessee Natural Gas Lines, Inc.
5997 Texas Eastern Transmission Corp.
5997 Union Electric Co.
6068 Meetings; Sunshine Act (2 documents)
Natural Gas Policy Act:
5998-6010 Jurisdictional agency determinations (3 documents)

Federal Maritime Commission
NOTICES
Energy and environmental statements; availability, etc.:
6035 Johnson Scanstar service agreement

Federal Reserve System
RULES
Interest on deposits (Regulation Q); early withdrawal penalty; temporary suspensions:
5888 Missouri
NOTICES
6068 Meetings; Sunshine Act

General Services Administration
PROPOSED RULES
Property management:
5969 Transportation documentation and audit; supplemental billings (claims), supporting documentation

Health and Human Services Department
See Public Health Service; Social Security Administration.

Historic Preservation, Advisory Council
NOTICES
Programmatic memorandums of agreement:
5985 Archeological and sociocultural resources in national parks

Immigration and Naturalization Service
RULES
5885 Aliens and nationality; refugee and asylum procedures

Indian Affairs Bureau
RULES
Irrigation projects; operation and maintenance charges:
5901 Salt River Indian Irrigation Project, Ariz.; interim rule and request for comments

Interior Department
See Indian Affairs Bureau; Land Management Bureau; Minerals Management Service; National Park Service; Surface Mining Reclamation and Enforcement Office.

International Trade Administration
RULES
Export licensing:
5893 Commodity control list; graphic display systems implemented with raster scan techniques; interim rule and request for comments
NOTICES
Countervailing duties:
5985 Roses, fresh cut, from Israel

International Trade Commission
RULES
5898 National security information program
NOTICES
6047 Commissioner statements, opinions, advice, etc.; full text publication in **Federal Register**; cessation
6048 Harmonized commodity description and coding system; inquiry
Import investigations:
6039 Carton-closing staples and nonautomatic carton-closing staple machines from Sweden
6042 Flat-rolled carbon steel products from Brazil
6043 Heavyweight motorcycles, and engines and power train subassemblies
6047 Hot-rolled carbon steel plate from Brazil
6046 Marine hardware and accessories
6044 Prestressed concrete steel wire strand from United Kingdom
6049 Rail passenger cars and parts from Canada
6047 Textile spinning frames and automatic doffers
6068 Meetings; Sunshine Act

Interstate Commerce Commission
NOTICES
Motor carriers:
6050, 6052 Finance applications (2 documents)
6052, 6054, 6056 Permanent authority applications (3 documents)
6054 Permanent authority applications; restriction removals
Railroad operation, acquisition, construction, etc.:
6058 Iowa Railroad Co.
6058 National Railroad Passenger Corp.
Railroad services abandonment:
6058 Norfolk & Western Railway Co.

Justice Department
See Drug Enforcement Administration; Immigration and Naturalization Service.

Land Management Bureau
RULES
Coal mining operating regulations:
5902 Reporting recoverable coal reserves from Federal leaseholds; revocation of general mining order
NOTICES
Classification of public lands:
6037 Utah; correction (2 documents)
Environmental statements; availability, etc.:
6036 Bisti, De-Na-Zin, and Ah-Shi-Sle-Pah wilderness area, N. Mex., et al.; additional hearings and correction
Multiple-use management of public lands:
6037 Wyoming
Opening of public lands:
6037 Utah

Minerals Management Service
NOTICES
Meetings:
6038 Gulf of Mexico and Atlantic Regional Outer Continental Shelf (OCS) offices

National Aeronautics and Space Administration
RULES
5889 National security information program; implementation

National Oceanic and Atmospheric Administration
PROPOSED RULES
Marine mammals:
5982 Endangered or threatened marine mammals, sea turtles, and marine fishes; review of status

National Park Service
NOTICES
Management and development plans:
6038 Biscayne National Park, Fla.; environmental assessment and hearing
Meetings:
6039 Upper Delaware Citizens Advisory Council
Oil and gas plans of operation; availability, etc.:
6038 Big Cypress National Preserve, Fla.

Nuclear Regulatory Commission
RULES
Production and utilization facilities, domestic licensing, etc.:
5886 Regional licensing reviews
NOTICES
Abnormal occurrence reports:
6059 Quarterly reports to Congress
Applications, etc.:
6060 Arizona Public Service Co. et al.
6061 Baltimore Gas & Electric Co. (2 documents)
6061 Sacramento Municipal Utility District
6062 State of South Carolina Patriots Point Development Authority, et al.
6062 Virginia Electric & Power Co.
Meetings:
6059 Reactor Safeguards Advisory Committee

Panama Canal Commission
RULES
Shipping and navigation:
5918 Tolls for use of canal; rate increase; cross reference

Public Health Service
NOTICES
Meetings:
6036 Vital and Health Statistics National Committee

Securities and Exchange Commission
RULES
Investment companies:
5894 Securities trading practices of registered investment companies
NOTICES
Self-regulatory organizations; unlisted trading privileges:
6064 Cincinnati Stock Exchange
6064 Philadelphia Stock Exchange, Inc.

Small Business Administration
RULES
5888 Surety bond guarantee; transactions with agents, brokers and other surities
NOTICES
6065 Agency forms submitted to OMB for review
Applications, etc.:
6064 American Commercial Capital Corp.
6064 Mercantile Dallas Corp.
Disaster loan areas:
6065 Washington
Meetings; regional advisory councils:
6065 Missouri
6065 North Dakota
6065 South Dakota

Social Security Administration
NOTICES
6086 Low income home energy assistance program; use of petroleum violation escrow funds
Organization, functions, and authority delegations:
6036 Hearings and Appeals Associate Commissioner; representative project

Surface Mining Reclamation and Enforcement Office
RULES
Permanent program submission; various States:
5902 North Dakota
PROPOSED RULES
Coal exploration on non-Federal and non-Indian lands; Federal program regulations, various States:
5964 Nebraska; withdrawal

Trade Representative, Office of United States
NOTICES
Generalized System of Preferences:
6062 Proposed program renewal; request for comments and hearings

Treasury Department
See Alcohol, Tobacco and Firearms Bureau.

Veterans Administration
NOTICES
6066 Agency forms submitted to OMB for review

Separate Parts in This Issue

Part II
6082 Department of Energy and Department of Health and Human Services, Social Security Administration

CFR PARTS AFFECTED IN THIS ISSUE

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

3 CFR
Proclamations:
5018 5881
Rules:
35 CFR Part 133 5879

7 CFR
29 5883
Proposed Rules:
910 5950

8 CFR
208 5885

10 CFR
Ch. II 6082
50 5886
70 5886
205 6082

12 CFR
217 5888

13 CFR
115 5888

14 CFR
1203 5889
Proposed Rules:
251 5950
287 5950

15 CFR
399 5893

17 CFR
271 5894

18 CFR
271 (3 documents) 5896–5898
Proposed Rules:
271 (2 documents) 5953, 5954

19 CFR
201 5898

21 CFR
193 (2 documents) 5899, 5900
561 5900

25 CFR
174 5901

27 CFR
Proposed Rules:
9 (4 documents) 5955–5961

30 CFR
211 5902
934 5902
Proposed Rules:
927 5964

32 CFR
199 5916

35 CFR
133 5918

40 CFR
123 5918
180 (3 documents) 5919–5921
Proposed Rules:
Ch. I 5965
180 (4 documents) 5965–5968

41 CFR
Proposed Rules:
101–41 5969

47 CFR
2 5922
15 (2 documents) 5922, 5928
31 5928
43 5928
67 5939
73 (6 documents) 5940–5947
90 5922
Proposed Rules:
73 (7 documents) 5970–5978
95 5982

50 CFR
Proposed Rules:
222 5982

Federal Register
Vol. 48, No. 28
Wednesday, February 9, 1983

Presidential Documents

THE PRESIDENT

Panama Canal

35 CFR Part 133

Tolls for Use of Canal; Increase in Rates

AGENCY: Panama Canal Commission.

ACTION: Final rule.

SUMMARY: This rule announces an increase of approximately 9.8% in the rates of tolls for use of the Panama Canal. The increase is necessary to comply with the requirements of law that tolls be set to produce revenues sufficient to cover all costs of maintenance and operation of the Panama Canal, including capital for plant replacement and improvements. The effect of this action is to increase the rates of tolls for: (a) merchant vessels, yachts, army and navy transports, colliers, hospital ships, and supply ships, when carrying passengers or cargo, from $1.67 to $1.83 per net Panama Canal ton, (b) vessels in ballast without passengers or cargo, from $1.33 to $1.46 per net Panama Canal ton and (c) other floating craft including warships, other than transports, colliers, hospital ships, and supply ships, from $0.93 to $1.02 per ton of displacement.

EFFECTIVE DATE: March 12, 1983.

FOR FURTHER INFORMATION CONTACT: Michael Rhode, Jr., Secretary, Panama Canal Commission, Room 312, Pennsylvania Building, 425 13th Street, N.W., Washington, D.C. 20004. Telephone (202) 724–0104.

SUPPLEMENTARY INFORMATION: 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. The analysis stated that the increase was necessary because the Canal Commission, beginning in November 1982, would experience a significant loss of tolls revenue resulting from the diversion of Alaskan North Slope oil traffic from the Canal route to a trans-Panama oil pipeline. Written comments were solicited and received from interested parties and a public hearing was held in New York on June 2, 1982. The views presented by the interested parties, as well as other relevant information, were considered by the Supervisory Board of the Commission 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. The notice of proposed increase in rates of tolls recommended by the Board to the President was published in the **Federal Register** (48 FR 3764) on January 27, 1983. A complete record of the proceedings since initiation of the tolls proposal, including the data, views and arguments submitted by interested parties, was included with the Canal Commission's final recommendation and was forwarded also to the President.

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. From a review of the information submitted by the Canal Commission, it is evident that for the Canal to remain self-sufficient a toll rate increase of 9.8% is required.

Accordingly, 35 CFR 133.1, which denotes those rates of tolls in effect since October 1, 1979, is 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: February 7, 1983.

Ronald Reagan

[FR Doc. 83-3712 Filed 2-8-83; 11:08 am]
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Federal Register
Vol. 48, No. 28
Wednesday, February 9, 1983

Presidential Documents

Title 3—

The President

Proclamation 5018

Year of the Bible, 1983

Correction

The file line for Proclamation 5018, appearing at page 5528 in the **Federal Register** issue of Monday, February 7, 1983, was incorrect. The correct file line is [FR Doc. 83-3381 Filed 2-4-83; 10:10 am].

Billing code 1505-01-M

Rules and Regulations

Federal Register
Vol. 48, No. 28
Wednesday, February 9, 1983

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

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 29

Tobacco Publications; Establishment of Fees and Charges

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: The Agricultural Marketing Service (AMS), issued a notice of proposed rulemaking on November 17, 1982, to amend the interim final rule originally published on June 16, 1982, which established the collection of fees for the distribution upon request of copies of tobacco publications to the general public. The Department proposed to require all media, whether trade publication or general news media, to pay for mailed publications thereby eliminating the exemption for news media presently contained in the interim final rule. The Department also proposed to add the publications "Annual Report of Tobacco Statistics" and "Tobacco Stocks" to the list of available tobacco publications and to amend the interim final rule to provide for only one annual application period instead of two. These proposals were made in order to streamline the collection process and to bring the regulations covering user fees on tobacco publications in line with regulations covering user fees for publications on other agricultural commodities. The period for public comment having passed with no responses filed, the Agricultural Marketing Service now issues a final rule adopting the interim final rule and proposed amendments.

EFFECTIVE DATE: February 9, 1983.

FOR FURTHER INFORMATION CONTACT: Larry L. Crabtree, Assistant Chief, Marketing Programs Branch, Tobacco Division, Agricultural Marketing Service, United States Department of Agriculture, Washington, D.C. 20250; (202) 447-3489.

SUPPLEMENTARY INFORMATION: Notice was given (47 FR 25933, June 16, 1982) that the Department was implementing, effective July 1, 1982, as an interim final rule, regulations providing for the collection of fees for the printing and mailing of tobacco publications distributed by the Department under the Tobacco Inspection Act of 1935 (7 U.S.C. 511-511(q)) and the Agriculture and Food Act of 1981 (7 U.S.C. 2242a). Such fees and charges were set at a level which would cover as nearly as practicable the costs of printing, postage, and handling of tobacco publications requested by the general public except growers, news media, and certain government agencies who cooperated in the collection of data. The Department then issued a proposal to amend the interim final rule to require all news media, whether trade publications or general news media, to pay for tobacco publications delivered by mail. The Department also proposed to include the statistical publications "Annual Report of Tobacco Statistics" and "Tobacco Stocks" in the list of publications covered by user fees and reduce the application periods from two to one. This proposal was published November 17, 1982 at 47 FR 51762-51764. No comments were received to the proposed rule and the Department is amending the regulations to incorporate the interim final rule and the proposed rulemaking.

The Tobacco Inspection Act authorizes the Secretary to collect and distribute tobacco market data "without cost to growers." Since passage of the Act in 1935, the Department has distributed tobacco publications through the mail, without cost to anyone requesting them. The Agriculture and Food Act of 1981, establishes authority for the Department to promulgate regulations to establish and collect fees and charges to cover the Department's cost for the printing, handling, and mailing of tobacco publications reporting economic research and statistical data.

The Department's decision to collect fees for tobacco publications is consistent with both the Department's goal of reducing its cost of distributing publications and the Congressional policies which placed the tobacco inspection program under user fees. A limited distribution list will be established with other bureaus within USDA for copies of publications under the principle of data exchange to complement the various responsibilities of those organizations.

In the interim final rule, the Department provided that no fee would be charged for the distribution of tobacco publications to wire services, newspapers, news magazines, and broadcast news outlets. The interim final rule did provide for fees for the large number of trade journals and trade association publications aimed at organizational memberships for the reason that the Department had determined that it would not be appropriate to provide publications free of charge to these numerous organizations which service limited audiences. However, based upon written comments received from trade associations and trade publications covering a wide variety of agricultural commodities, the Department acknowledged that many publications in direct competition with each other for subscribers cannot be easily categorized as news media or trade publications. Therefore, it was proposed that the interim final rule be amended to eliminate the exemption for the news media. The Department will, however, continue to provide current information by wire service and automatic telephone answering devices.

The Annual Report on Tobacco Statistics and the Quarterly Tobacco Stocks publications were not included in the interim final rule because their status as to user fees had not been determined at that time. The Department later made a determination that a fee should also be charged for these publications and, therefore, proposed to amend the interim final rule to include them.

The interim final rule divided the publications between two application periods. Based on comments received from applicants and experience gained from processing the initial applications, the Department proposed a single application period and price list as more efficient, less costly, and to reduce confusion.

Fees for the publications will vary according to the number of pages, frequency of issues, number of subscribers, cost of equipment, personnel, and other factors affecting printing and distribution. With the expected fluctuating costs of printing, handling, and postage, it has been determined that it would be inappropriate for the fees to be specified in the regulations where any changes would require time consuming and expensive rulemaking procedures. Therefore, the fees will be computed and announced annually by the Director of the Tobacco Division. Any modification in the fees will simply reflect changing costs incurred by USDA for the duplication, handling, and distribution of the two additional publications. Based on estimates of current costs and activity level, fees during the initial subscription period for surface mail, for the United States, Canada, and Mexico are as follows:

(1) Annual Report of Tobacco Statistics—first copy $2.00, with additional copies $1.00 each.

(2) Tobacco Stocks Report, published quarterly—annual rate $4.00 with additional copies $0.50 (50¢) each.

(3) Flue-cured type 11—$8.00—consisting of weekly and season issues.

(4) Flue-cured type 12—$8.00—consisting of weekly and season issues.

(5) Flue-cured type 11 and 12—$14.00—combined mailing of these types.

(6) Flue-cured type 13—$8.00—consisting of weekly and seaon issues.

(7) Flue-cured type 14—$6.00—consisting of weekly and season issues.

(8) Flue-cured type 11–14—$25.00—consisting of weekly and season issues for each type.

(9) Annual Flue-cured Market Review—first copy $2.00, with additional copies $1.00 each.

(10) Virginia fire-cured type 21—$6.00—consisting of weekly and season issues.

(11) Virginia sun-cured type 37—$4.00—consisting of weekly and season issues.

(12) Virginia fire and sun-cured types 21 and 37—$8.00—combined mailing of these types.

(13) Kentucky-Tennessee fire-cured types 22 and 23—$6.00—consisting of weekly and season issues.

(14) One-Sucker—type 35—$4.00—consisting of weekly and season issues.

(15) Green River—type 36—$4.00—consisting of weekly and season issues.

(16) Kentucky-Tennessee fire-cured, One-sucker and Green River dark air-cured types 22, 23, 35, and 36—$10.00—combined mailing of these types.

(17) Annual Fire and Dark air-cured Market Review—first copy $2.00, with additional copies $1.00 each.

(18) Burley type 31—$10.00—consisting of weekly and season issues.

(19) Annual Burley Tobacco Market Review—first copy $2.00, with additional copies $1.00 each.

An additional fee of $2.00 will be charged for requests for surface mailing of the two additional publications outside of the United States, Canada, or Mexico. Charges for air mail service outside of the United States, Canada, and Mexico will vary depending on the type of service requested.

Also, special requests for file copies, large volumes of issues, or requests which require special handling, will be assessed fees sufficient to cover the actual cost of the requested service.

Subscription fees will be prorated for requests arriving after the end of the application period, but will be subject to an additional fee to cover the Department's handling costs.

The authority for these regulations is contained in the Tobacco Inspection Act (49 Stat. 7 U.S.C. 511–511(q)) and the Agriculture and Food Act of 1981 (Pub L. 97–98).

This final rule has been reviewed under USDA procedures established to implement Executive Order 12291 and the Secretary's Memorandum 1512–1 and has been determined to be a "non-major" rule because it does not meet any of the criteria established for major rules under the executive order. Additionally, in conformance with the provisions of the Regulatory Flexibility Act, Pub. L. 96–354 (5 U.S.C. 601) full consideration has been given to the potential economic impact upon small businesses. All tobacco warehousemen and producers and some tobacco buyers fall within the confines of "small business" as defined in the Regulatory Flexibility Act. A substantial number of buyers on auction markets who use the publications do not meet the definition of small businesses either because of their individual size or because of their dominant position in one or more marketing areas. The Department had informally advised all segments of the tobacco industry of the anticipated implementation of charges for publications and that these publications and information would remain available. It has been determined that the economic impact upon all entities, small and large, will not be adverse and will in no way affect normal competition in the market place.

List of Subjects in 7 CFR Part 29

Tobacco publications, Subscription fees, Tobacco.

PART 29—[AMENDED]

Accordingly, the Department adopts the aforesaid proposals to the Interim Final Rule and amends 7 CFR Part 29 by revising § 29.131 to read as follows:

§ 29.131 Tobacco publications.

The regulations in this section are issued to implement a subscription fee system for publications issued by the Tobacco Division, Agricultural Marketing Service. All other means of dissemination of market data currently in use, such as commercial and public wire service, telephone answering devices, radio and television will continue without charge to the recipient. Publications under the Act and this section shall be distributed in whatever manner and form and for whatever purpose the Director may choose, and will be available for distribution as follows:

(a) Publications consisting of timely information on the market supply and demand, location, disposition, quality, condition, and market prices for tobacco shall be available on an annual subscription through the mail upon written application and payment of a fee, except that no fee will be charged to other government agencies who cooperate in the collection of market data for the respective publication and growers. There shall be an annual application period during the months of February, March, and April.

(b) Subscription fees for publications shall be calculated by the Director annually to recover costs of printing (including machinery, paper, ink, and miscellaneous supplies) postage, and handling (including the accounting system, fee collection, and personnel with necessary supervision), and released prior to the application period. In order to keep subscription fees to a minimum level, the Director may choose to combine the data of two or more types of tobacco into a single publication.

(c) Requests involving research of records, file copies, large volumes of issues, or requests which require additional handling, shall be assessed fees sufficient to cover the actual cost of the requested service to the Department.

(d) Subscription fees will be prorated for requests arriving after the end of the application period, but may be subject to an additional handling charge to cover additional costs incurred by the Department.

(e) Information concerning tobacco publications and subscription fees may be obtained from the Director, Tobacco Division, Agricultural Marketing

Service, Room 502, Annex Building, United States Department of Agriculture, Washington, D.C. 20250.

Dated: February 2, 1983.

C. W. McMillan,

Assistant Secretary, Marketing and Inspection Services.

[FR Doc. 83-3229 Filed 2-8-83; 8:45 am]

BILLING CODE 3410-02-M

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Part 208

Aliens and Nationality; Asylum Procedures

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Final rule.

SUMMARY: This final rule amends the Service's interim regulations relating to jurisdiction over applications for asylum which were published in conjunction with other interim and related regulations in the **Federal Register** on June 2, 1980 and effective June 1, 1980. After considering public comments and after evaluating Service experience with implemention of asylum procedures during the interim period, the Service is publishing this final rule which further implements the provisions of the Refugee Act of 1980.

EFFECTIVE DATE: February 8, 1983.

FOR FURTHER INFORMATION CONTACT:

For General Information: Stanley J. Kieszkiel, Acting Instructions Officer, Immigration and Naturalization Service, 425 Eye Street, NW., Washington, D.C. 20536, Telephone: (202) 633-3048

For Specific Information: John L. Rebsamen, Director, Refugee and Parole Staff, Immigration and Naturalization Service, 425 Eye Street, NW., Washington, D.C. 20536, Telephone: (202) 633-2361

SUPPLEMENTARY INFORMATION:

General

On June 2, 1980, at 45 FR 37393, the Service published interim regulations, effective June 1, 1980, to implement Title II of the Refugee Act of 1980, Pub. L. 96-212, 94 Stat. 102. The Act establishes a permanent and systematic procedure for meeting the humanitarian needs of refugees seeking asylum in the United States.

Section Analysis

The following section analysis is based upon the public comments received during 60 day comment period following publication of the interim regulations on June 2, 1980, and on the Service's experience during this period.

Part 208—Asylum Procedures

A number of commenters suggested that all applications for asylum, whether filed before or after the institution of exclusion or explusion proceedings, should be decided by the district director. Proceedings before the district directors were viewed as less adversarial in nature and were providing the applicants with a freer atmosphere within which to present their claims. It was pointed out that many applicants have fled from countries where the judicial process is suspect and feared by them and, they would not feel free to present their claims with the same candor that they could in a proceeding before a district director.

The comments have been carefully considered. While we consider the commenters' concerns to be understandable, we do not believe that in practice an application for asylum is given less consideration by an immigration judge than by a district director. In practice, it is not any more difficult for an applicant to properly present and support an asylum application during the course of exclusion or deportation proceedings than it is during the course of an interview before a district director.

This position is wholly consistent with recent decisions of the Board of Immigration Appeals. *See, Matter of Dea,* I.D. 2912 (BIA 1982); *Matter of Matelot,* A26 007 558 (Nov. 1, 1982). In addition, the final rule clarifies the intent of the statute and the purpose of the interim rule. Once an order to show cause or a notice of referral to exclusion proceedings is issued, sole authority to consider the individual's asylum application will lie with the immigration judge. An application pending with the district director at that point must be resubmitted to the immigration judge.

This final rule is not a major rule within the definition of subsection 1(b) of E.O. 12291. The order makes technical revisions to interim regulations which have been in effect since June 1, 1980.

In accordance with 5 U.S.C. 605(b), the Commissioner of Immigration and Naturalization Service certifies that promulgation of this final rule will not have a significant economic impact on a substantial number of small entities because the rule is substantially a technical revision of existing interim regulations and does not add an additional burden upon the public.

List of Subjects in 8 CFR Part 208

Administrative practice and procedure, Aliens, Asylum, Immigration, Jurisdiction.

Accordingly, Chapter I of Title 8 of the Code of Federal Regulations is amended as follows:

PART 208—ASYLUM PROCEDURES

1. Section 208.1 is revised to read as follows:

§ 208.1 Jurisdiction.

(a) Jurisdiction over any application for asylum made by an applicant for adminission at a port of entry lies with the district director having jurisdiction over that port of entry. Initial jurisdiction over any application for asylum made by an alien in the United States lies with the district director having jurisdiction over the application's place of residence.

(b) Exclusive jurisdiction over an asylum application filed but an alien who has been served a notice of referral to exclusion proceedings under § 236.3 of this chapter, or served an order to show cause under § 242.1 of this chapter, lies with the immigration judge. Except upon the motion of the district director, an immigration judge shall not remand an application or terminate a proceeding on the ground that the district director has failed to adjudicate an asylum application filed, or allegedly filed, prior to the issuance of the order to show cause or the notice to appear for exclusion proceedings. Any previously filed but unadjudicated asylum application must be resubmitted by the alien to the immigration judge.

2. In § 208.3, paragraph (a)(2) is revised to read as follows:

§ 208.3 Filing Application.

(a) * * *

(1) * * *

(2) Is in the United States, regardless of status, and has not been served either with a notice to applicant for admission detained for hearing before an immigration judge or with an order to show cause.

* * * * *

(Secs. 101, 103, 208 of the Immigration and Nationality Act, as amended; (8 U.S.C. 1101, 1103, 1158; 5 U.S.C. 552))

Dated: January 20, 1983.

Andrew J. Carmichael, Jr.,

Associate Commissioner for Examinations, Immigration and Naturalization Service.

[FR Doc. 83-3393 Filed 2-8-83; 8:45 am]

BILLING CODE 4410-10-M

NUCLEAR REGULATORY COMMISSION

10 CFR Parts 50 and 70

Regional Licensing Reviews

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The NRC is amending its regulations to require licensees to submit reports of plan changes which do not decrease safeguards effectiveness to NRC regional offices. This action is being taken as part of the implementation of the NRC regional licensing program under which responsibility for certain categories of action has been delegated to Regional Administrators. The amendments are necessary to inform curent or prospective licensees of current NRC practice and organization.

EFFECTIVE DATE: February 9, 1983.

FOR FURTHER INFORMATION CONTACT: Martin Levy, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC, Telephone: (301) 427–4024.

SUPPLEMENTARY INFORMATION: The Nuclear Regulatory Commission is amending its regulations concerning the reviews of reactor security and contingency plan changes, transportation physical protection plan changes, and special nuclear material facility security, contingency and material control and accounting program changes where the plan or program changes do not decrease effectiveness. These amendments are being made to reflect current NRC practices and assigned responsibilities under the NRC regional licensing program. The revised provisions, 10 CFR 50.54(p), and 70.32 (c), (d), (e), and (g), specify that notification as to changes to certain security and contingency plans and material control and accounting programs in Regions I and II be sent to the cognizant regional office commencing February 9, 1983. As of October 1, 1983, notification as to changes in certain security and contingency plans and material control and accounting programs in all regions will be sent to the cognizant regional offices. With respect to the specific actions delegated to the Regional Administrators, the revisions to the regulations are intended to state exactly which functions are now assigned to the Regional Administrators as their total responsibility under the Commission's regionalization program and when these responsibilities will become effective.

The basic delegation of authority for the Regional Administrators is contained in NRC Manual Chapter 0128. The general delegation requires supplementation, however, as specific functions are transferred to the Regional Offices. The amendments contained herein meet the requirement for such supplementation.

The changes to 10 CFR 50.54(p) and 70.32 (c), (d), (e), and (g) are nonsubstantive amendments. They simply change the entity to which certain notices are sent and the dates that the change becomes effective.

Since the amendments relate to minor matters of agency organization and procedure, notice of proposed rulemaking and public procedure thereon are unnecessary under 5 U.S.C. 553. For the same reason good cause exists for making the amendments effective upon publication in the **Federal Register** without the customary thirty day notice.

Paperwork Reduction Act Statement

The information collection requirements contained in this regulation have been approved under OMB clearance numbers 3150–0011, 3150–0009.

List of Subjects

10 CFR Part 50

Antitrust, Classified information, Fire prevention, Intergovernmental relations, Nuclear power plants and reactors, Penalty, Radiation protection, Reactor siting criteria, Reporting and recordkeeping requirements.

10 CFR Part 70

Hazardous materials—Transportation, Nuclear materials, Packaging and containers, Penalty, Radiation protection, Reporting and recordkeeping requirements, Scientific equipment, Security measures, Special nuclear material.

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and 5 U.S.C. 552 and 553, the following amendments to 10 CFR Parts 50 and 70, are published as a document subject to codification.

The authority for this document is sec. 161, Pub. L 83–703, 68 Stat. 948, as amended, (42 U.S.C. 2201).

PART 50—DOMESTIC LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

1. Section 50.54(p) is revised to read as follows:

§ 50.54 Conditions of licenses.

Whether stated therein or not, the following shall be deemed conditions in every license issued:

* * * * *

(p) The licensee shall prepare and maintain safeguards contingency plan procedures in accordance with Appendix C of 10 CFR Part 73 for effecting the actions and decisions contained in the Responsibility Matrix of the safeguards contingency plan. The licensee may make no change which would decrease the effectiveness of a security plan prepared pursuant to § 50.34(c) or Part 73 of this chapter, or of the first four categories of information (Background, Generic Planning Base, Licensee Planning Base, Responsibility Matrix) contained in a licensee safeguards contingency plan prepared pursuant to § 50.34(d) or Part 73, as applicable, without prior approval of the Commission. A licensee desiring to make such a change shall submit an application for an amendment to his license pursuant to § 50.90. The licensee may make changes to the security plan or to the safeguards contingency plan without prior Commission approval if the changes do not decrease the safeguards effectiveness of the plan. The licensee shall maintain records of changes to the plans made without prior Commission approval for a period of two years from the date of the change, and shall furnish to the Director of Nuclear Material Safety and Safeguards (f or enrichment and reprocessing facilities) or to the Director of Nuclear Reactor Regulation (for nuclear reactors), U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, with a copy to the appropriate NRC Regional Office specified in Appendix A of Part 73 of this chapter, a report containing a description of each change within two months after the change is made. Commencing on February 9, 1983, licensees in Regions I and II, and commencing on October 1, 1983 licensees in all regions shall furnish the report required by this paragraph to the Regional Administrator of the appropriate NRC Regional Office specified in Appendix A of Part 73 of this chapter, with a copy to the Director of Nuclear Material Safety and Safeguards (for enrichment and reprocessing facilities) or to the Director of Nuclear Reactor Regulation (for nuclear reactors). Prior to the safeguards contingency plan being put into effect, the licensee shall have:

(1) All safeguards capabilities specified in the safeguards contingency plan available and functional,

(2) Detailed procedures developed according to Appendix C to Part 73 available at the licensee's site, and

(3) All appropriate personnel trained to respond to safeguards incidents as outlined in the plan and specified in the detailed procedures.

The licensee shall provide for the development, revision, implementation, and maintenance of his safeguards contingency plan. To this end, the licensee shall provide for a review at least every 12 months of the safeguards contingency plan by individuals independent of both security program management and personnel who have direct responsibility for implementation of the security program. The review shall include a review and audit of safeguards contingency procedures and practices, an audit of the security system testing and maintenance program, and a test of the safeguards system along with commitments established for responses by local law enforcement authorities. The results of the review and audit, along with recommendations for improvements, shall be documented, reported to the licensee's corporate and plant management, and kept available at the plant for inspection for a period of two years.

PART 70—DOMESTIC LICENSING OF SPECIAL NUCLEAR MATERIAL

2. In § 70.32, paragraphs (c), (d), (e) and (g) are revised to read as follows:

§ 70.32 Conditions of Licenses.

* * * * *

(c)(1) Each license authorizing the possession at any one time and location of special nuclear material in a quantity exceeding one effective kilogram of special nuclear material and the use of such special nuclear material except those uses involved in the operation of a nuclear reactor licensed pursuant to Part 50 of this chapter and those involved in a waste disposal operation and in sealed sources, shall contain and be subject to a condition requiring the licensee to maintain and follow (i) the program for control and accounting for special nuclear material and fundamental material controls described pursuant to § 70.22(b) or 70.58, (ii) the measurement control program for special nuclear materials control and accounting discribed pursuant to § 70.57(c), and (iii) such other material control procedures as the Commission determines to be essential for the safeguarding of special nuclear material and providing that the licensee shall make no change which would decrease the effectiveness of the material control and accounting program prepared pursuant to § 70.22(b), 70.58 or 70.51(g), and the measurement control program prepared pursuant to § 70.57(c) without the prior approval of the Commission. A licensee desiring to make such changes shall submit an application for amendment to his license pursuant to § 70.34.

(2) The licensee shall maintain records of changes to the material control and accounting program made without prior Commission approval, for a period of five years from the date of the change, and shall furnish to the Director of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, with a copy to the appropriate NRC Regional Office shown in Appendix A of Part 73 of this chapter, a report containing a description of each change within:

(i) Two months of the change if it pertains to uranium-233, uranium-235 contained in uranium enriched 20 percent or more in the uranium-235 isotope, or plutonium, except plutonium containing 80 percent or more by weight of the isotope Pu-238, and (ii) Six months of the change if it pertains to uranium enriched less than 20 percent in the uranium-235 isotope, or plutonium containing 80 percent or more by weight of the isotope Pu-238.

(3) Commencing February 9, 1983, licensees in Regions I and II, and commencing on October 1, 1983 licensees in all regions shall furnish the report required by this paragraph to the Regional Administrator of the appropriate NRC Regional Office specified in Appendix A of Part 73 of this chapter, with a copy to the Director of Nuclear Material Safety and Safeguards.

(d) The licensee shall make no change which would decrease the effectiveness of the plan for physical protection of special nuclear material in transit prepared pursuant to § 80.22(g) or § 73.20(c) of this chapter without the prior approval of the Commission. A licensee desiring to make such changes shall submit an application for a change in the technical specifications incorporated in his license, if any, or for an amendment to his license pursuant to § 50.90 or 70.34 of this chapter, as appropriate. The licensee may make changes to the plan for physical protection of special nuclear material without prior Commission approval if these changes do not decrease the effectiveness of the plan. A report containing a description of each change shall be furnished the Director of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, with a copy to the appropriate NRC Regional Office shown in Appendix A of Part 73 of this chapter within two months after the change. Commencing on February 9, 1983, licensees in Regions I and II, and commencing on October 1, 1983 licensees in all regions shall furnish the report required by this paragraph to the Regional Administrator of the appropriate NRC Regional Office specified in Appendix A of Part 73 of this chapter, with a copy to the Director of Nuclear Material Safety and Safeguards.

(e) The licensee shall make no change which would decrease the effectiveness of a security plan prepared pursuant to § 70.22(h) or 73.20(c) without the prior approval of the Commission. A licensee desiring to make such a change shall submit an application for an amendment to his license pursuant to § 70.34. The licensee shall maintain records of changes to the plan made without prior Commission approval, for a period of two years from the date of the change, and shall furnish to the Director of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, with a copy to Regional Office shown in Appendix A of Part 73 of this chapter, a report containing a description of each change within two months after the change is made. Commencing February 9, 1983 licensees in Regions I and II, and commencing on October 1, 1983 licensees in all regions shall furnish the report required by this paragraph to the Regional Administrator of the appropriate NRC Regional Office specified in Appendix A of Part 73 of this chapter, with a copy to the Director of Nuclear Material Safety and Safeguards.

* * * * *

(g) The licensee shall prepare and maintain safeguards contingency plan procedures in accordance with Appendix C of 10 CFR Part 73 for effecting the actions and decisions contained in the Responsibility Matrix of his safeguards contingency plan. The licensees shall make no change that would decrease the safeguards effectiveness of the first four categories of information (Background, Generic Planning Base, Licensee Planning Base, and Responsibility Matrix) contained in any licensee safeguards contingency plan prepared pursuant to § 70.22(g), 70.22(j), 70.30(g), or 73.40 of this chapter without the prior approval of the Commission. A licensee desiring to make such a change shall submit an application for an amendment to his license pursuant to § 70.34 of this

chapter. The licensee may make changes to the licensee safeguards contingency plan without prior Commission approval if the changes do not decrease the safeguards effectiveness of the plan. The licensee shall maintain records of changes to any such plan made without prior approval for a period of 2 years from the date of the change, and shall furnish to the Director of Nuclear Material Safety and Safeguard, U.S. Regulatory Commission, Washington, D.C. 20555, with a copy to the appropriate NRC Regional Office specified in Appendix A of Part 73 of this chapter, a report containing a description of each change within 2 months after the change is made. Commencing on February 9, 1983 licensees in Regions I and II, and commencing on October 1, 1983 licensees in all regions shall furnish the report required by this paragraph to the Regional Administrator of the appropriate NRC Regional Office specified in Appendix A of Part 73 of this chapter, with a copy to the Director of Nuclear Material Safety and Safeguards.

Dated at Bethesda, Md., this 20th day of January 1983.

For the Nuclear Regulatory Commission.

William J. Dircks,

Executive Director for Operations.

[FR Doc. 83-3326 Filed 2-8-83; 8:45 am]

BILLING CODE 7590-01-M

FEDERAL RESERVE SYSTEM

12 CFR Part 217

[Docket No. R-0454]

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

AGENCY: Federal Reserve System.

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

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

EFFECTIVE DATE: December 10, 1982.

FOR FURTHER INFORMATION CONTACT: Daniel L. Rhoads, Attorney (202/452-3711).

SUPPLEMENTARY INFORMATION: On December 10, 1982, pursuant to section 301 of the Disaster Relief Act of 1974 (42 U.S.C. 5141) and Executive Order 12148 of July 15, 1979, the President, acting through the Director of the Federal Emergency Management Agency, designated the Missouri counties of Bollinger, Cape Girardeau, Carter, Franklin, Iron, Jefferson, Lincoln, Perry, Phelps, Pulaski, Ripley, St. Charles, Ste. Genevieve, St. Louis, and Wayne major disaster areas. The declaration was subsequently amended on January 3, 1983, to add the city of Thayer. The Board regards the President's action as recognition by the Federal government that a disaster of major proportions had occurred. The President's designation enables victims of the disaster to qualify for special emergency financial assistance. The Board believes it appropriate to provide an additional measure of assistance to victims by temporarily suspending the Regulation Q early withdrawal penalty (12 CFR 217.4(d)). The Board's action permits a member bank, wherever located, to pay a time deposit before maturity without imposing this penalty upon a showing that the depositor has suffered property or other financial loss in the disaster areas as a result of the severe storms, tornadoes, and flooding beginning on or about December 1, 1982. A member bank should obtain from a depositor seeking to withdraw a time deposit pursuant to this action a signed statement describing fully the disaster-related loss. This statement should be approved and certified by an officer of the bank. This action will be retroactive to December 10, 1982, and will remain in effect until 12 midnight, June 15, 1983.

List of Subjects in 12 CFR Part 217

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

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

By order of the Board of Governors, acting through its Secretary, pursuant to delegated authority, February 2, 1983.

William W. Wiles,

Secretary of the Board.

[FR Doc. 83-3413 Filed 2-8-83; 8:45 am]

BILLING CODE 6210-01-M

SMALL BUSINESS ADMINISTRATION

13 CFR Part 115

[Rev. 1, Amdt 1]

Surety Bond Guarantee Regulations

AGENCY: Small Business Administration.

ACTION: Final rule.

SUMMARY: This final rule provides procedures to protect sureties and SBA in transactions with agents, brokers and other sureties when the conduct of such a person, as identified by the regulation demonstrates a lack of business integrity. The final rule extends existing regulation Sec. 115.13, which provides only for SBA adverse sanctions where a surety's operation under the SBA Surety Bond Guarantee program has demonstrated wrongdoing, improper practices or performance below standards established in that Section.

SBA's proposed rule was published on October 20, 1982, (47 CFR 46706), and provided for a 30 day comment period. The final rule is unchanged from the proposed rule.

EFFECTIVE DATE: February 9, 1983.

FOR FURTHER INFORMATION CONTACT: Howard F. Huegel, Chief, Surety Bond Guarantee Branch, Office of Special Guarantees, Small Business Administration, 4040 N. Fairfax Drive, Suite 500, Arlington, Va. 22203; (703) 235-2900.

SUPPLEMENTARY INFORMATION: SBA received only two comments. One of these was from a trade association and was supportive of the proposal. The other comment was from an interested individual. That commentator suggested that the coverage of the rule should not be limited to persons presenting applications for SBA guarantee of surety bonds but should include persons acting as "claims attorneys." SBA believes no further change is necessary. If an attorney is empowered to act on behalf of a surety, or its agent, the person will be subject to the rule.

For the purposes of Executive Order 12291, SBA hereby determines that this rule will not constitute a major rule. In addition, it hereby is certified pursuant to section 605 of the Regulatory Flexibility Act, 5 U.S.C. 605, that this rule will not have a significant economic impact on a substantial number of small entities. In this regard this rule will not affect any small business except where the small concern's request for surety bond assistance is made to a person determined through operation of the rule to be ineligible, because of a lack of good character, to present a surety's

application for SBA guarantee. In such an instance the effect upon the small concern will be in terms of the time needed for its request to be accepted by a person possessing good character. Therefore, SBA determines that the rule does not have the type of impact upon small entities which is contemplated by the Regulatory Flexibility Act.

Pursuant to authority contained in section 411(d) Title IV, Part B, Small Business Investment Act of 1958, as amended [15 U.S.C. 694(b)(d)], the following provision of Part 115 is adopted:

List of Subjects in 13 CFR Part 115

Surety bond guarantee.

PART 115—[AMENDED]

Present § 115.13 is designated as paragraph (a) and captioned "Improper SBG practices", and a new paragraph (b) is added, as follows:

§ 115.13 Refusal to issue further guarantees.

(a) *Improper SBG practices.* * * *

(b) *Business integrity.*—(1) Any person qualifying as a surety under §§ 115.3(a)(4) and 115.3(b)(2), or any agent, independent agent, underwriter or individual empowered to act on behalf of such person shall be presumed to have good character and reputation for business integrity and shall, until one of the following events occur, be entitled to present applications for guarantees of bonds:

(i) A state or other authority regulating insurance (including the surety business) has denied, revoked, cancelled or suspended the license of such person;

(ii) Such person has been indicted or otherwise formally charged with, or convicted of, a misdemeanor or crime, or suffered an adverse final civil judgment in a case involving a breach of trust or the violation of a law or regulation protecting the integrity of business transactions or relationships;

(iii) Such person has made material misrepresentations or willful false statements in the presentation of oral or written information to SBA in connection with applications for surety bond guarantees or the presentation of claims thereon.

(2) Upon the occurrence of an indictment or formal charge of a misdemeanor or crime against such person, SBA may suspend the privilege of such person to present applications for guarantees of bonds, in a proceeding pursuant to §§ 104.2 through 104.12 of this Chapter. Upon the occurrence of any of the other events specified in subsection (b)(1) hereof, SBA may suspend or revoke the privilege of such person to present applications for guarantees of bonds, in a proceeding pursuant to §§ 104.2 through 104.12 of this Chapter.

(Catalog of Federal Domestic Assistance Program No. 59.016, Bond Guarantee Assistance for Surety Companies).

Dated: January 31, 1983.

James C. Sanders,

Administrator.

[FR Doc. 83-3536 Filed 2-8-83; 8:45 am]

BILLING CODE 8025-01-M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

14 CFR Part 1203

Information Security Program

AGENCY: National Aeronautics and Space Administration.

ACTION: Final rule.

SUMMARY: This amendment is necessary to comply with the provisions of Executive Order 12356, "National Security Information." This amendment sets forth guides and guidelines for classifying, declassifying, and downgrading national security information and material under the NASA Information Security Program. This amendment also assigns responsibilities for the management and direction of the Program.

EFFECTIVE DATE: August 1, 1982.

ADDRESS: Chief, NASA Security Office, National Aeronautics and Space Administration, Washington, DC 20546.

FOR FURTHER INFORMATION CONTACT: Ben B. Pagac, telephone (202) 755-3400.

List of Subjects in 14 CFR Part 1203

Classified information, Foreign relations.

PART 1203—INFORMATION SECURITY PROGRAM

For reasons set out in the Preamble, 14 CFR Part 1203 is amended by revising the authority citation; the Table of Contents for Subparts D and F; § 1203.100(a); § 1203.200 (b), (b)(5), and (c); § 1203.202 (a)(2), (a)(6), (f) and (g); § 1203.203 (a), (b) and (b)(3); § 1203.400 (b) and (j); § 1203.407; § 1203.410 (f) and (g); § 1203.411; § 1203.412(a) (3) and (4) § 1203.500; § 1203.501 (a) and (c); § 1203.600; § 1203.602; § 1203.603; § 1203.604 (a), (b)(1) and (2), (e)(5), (f) and g(3)(ii); § 1203.701(b); § 1203.702; § 1203.703 (a) and (b) to read as follows:

1. The authority citation for 14 CFR Part 1203 is revised to read as follows:

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

2. The Table of Contents for Subpart D is revised to read as follows:

Subpart D—Guides for Original Classification

Sec.
1203.400 Specific classifying guidance.
1203.401 Effect of open publication.
1203.402 Classifying material other than documentation.
1203.403 State-of-the-art and intelligence.
1203.404 Handling of unprocessed data.
1203.405 Proprietary information.
1203.406 Additional classification factors.
1203.407 Duration of classification.
1203.408 Assistance by installation security classification officers.
1203.409 Exceptional cases.
1203.410 Limitations.
1203.411 Restrictions.
1203.412 Classification guides.

3. The Table of Contents for Subpart F is revised to read as follows:

Subpart F—Declassification and Downgrading

Sec.
1203.600 Policy.
1203.601 Responsibilities.
1203.602 Authorization.
1203.603 Systematic review for declassification.
1203.604 Mandatory review for declassification.

4. Section 1203.100 is amended by revising paragraph (a) to read as follows:

§ 1203.100 Legal basis.

(a) *Executive Order 12356 (hereinafter referred to as "the Order").* The responsibilities and authority of the Administrator of NASA with respect to the original classification of official information or material requiring protection against unauthorized disclosure in the interest of national defense or foreign relations of the United States (hereinafter collectively termed "national security"), and the standards for such classification, are established by the "the Order" (47 FR 14874) and the Information Security Oversight Office Directive No. 1, June 25, 1982.

* * * * *

Subpart B—NASA Information Security Program

5. Section 1203.200, the introductory text of paragraphs (b), (b)(5), and (c) are revised to read as follows:

§ 1203.200 Background and discussion.

* * * * *

(b) In recognition of the essential requirement for an informed public

concerning the activities of its Government, as well as the need to protect certain national security information from unauthorized disclosure, "the Order" was promulgated. It designates the National Aeronautics and Space Administration certain responsibility for matters pertaining to national security and confers on the Administrator of NASA, or such responsible officers or employees as the Administrator may designate, the authority for original classification of official information or material which requires protection in the interest of national security. It also provides for:

* * * * *

(5) Classification limitations and restrictions as discussed in § 1203.410 and § 1203.411.

(c) "The Order" requires the timely identification and protection of that NASA information the disclosure of which would be contrary to the best interest of national security. Accordingly, the determination in each case must be based on a judgment as to whether disclosure of information could reasonably be expected to result in damage to the national security.

6. Section 1203.202 is amended by revising paragraphs (a)(2), (a)(6), (f), and (g) to read as follows:

§ 1203.202 Responsibilities.

(a) The Chairperson, NASA Information Security Program Committee (Subpart I of this Part), is responsible for: * * *

(2) Ensuring effective compliance with and implementation of "the Order" and the Information Security Oversight Office Directive No. 1 relating to security classification matters.

* * * * *

(6) Developing, maintaining and recommending to the Administrator guidelines for the systematic review covering 30-year-old classified information under NASA's jurisdiction.

* * * * *

(f) The NASA Security Classification Manager, NASA Security Office, NASA Headquarters, who serves as a member and Executive Secretary of the NASA Information Security Program Committee, is responsible for the NASA-wide coordination of security classification matters.

(g) The Chief, NASA Security Office, is responsible for establishing procedures for the safeguarding of classified information or material (e.g., accountability, control, access, storage, transmission, and marking) and for ensuring that such procedures are systematically reviewed; and those which are duplicative or unnecessary are eliminated.

7. Section 1203.203 is amended by revising paragraphs (a), (b), and (b)(3) to read as follows:

§ 1203.203 Degree of protection.

(a) *General.* Upon determination that information or material must be classsified, the degree of protection commensurate with the sensitivity of the information must be determined. If there is reasonable doubt about the need to classify information, it shall be safeguarded as if it were classified pending a determination by an original classification authority, who shall make this determination within 30 days. If there is reasonable doubt about the appropriate level of classification, it shall be safeguarded at the higher level of classification pending a determination by an original classification authority, who shall make this determination within 30 days.

(b) *Authorized Categories of Classification.* The three categories of classification, as authorized and defined in "the Order," are set out below. No other restrictive markings are authorized to be placed on NASA classified documents or materials except as expressly provided by statute or by NASA Directives.

* * * * *

(3) *Confidential.* Confidential is the designation applied to that information or material for which the unauthorized disclosure could reasonably be expected to cause damage to the national security.

* * * * *

Subpart D—Guides for Original Classification

8. Section 1203.400 is amended by revising the introductory text and paragraphs (b) and (j) to read as follows:

§ 1203.400 Specific classifying guidance.

Technological and operational information and material, and in some exceptional cases scientific information falling within any one or more of the following categories, must be classified if its unauthorized disclosure could reasonably be expected to cause damage to the national security. In cases where it is believed that a contrary course of action would better serve the national interests, the matter should be referred to the Chairperson, NASA Information Security Program Committee, for a determination. It is not intended that this list be exclusive; original classifiers are responsible for initially classifying any other type of information which, in their judgment, requires protection under "the Order."

* * * * *

(b) Information which, if disclosed, would significantly diminish the technological lead of the United States in any military system, subsystem or component, and would result in damage to such a system, subsystem or component.

* * * * *

(j) Operational information pertaining to the command and control of space vehicles, the possession of which would facilitate malicious interference with any U.S. space mission, that might result in damage to the national security.

9. Section 1203.407 is revised to read as follows:

§ 1203.407 Duration of classification.

(a) Information shall be classified as long as required by national security considerations. When it can be determined, a specific date or event for declassification shall be set by the original classification authority at the time the information is originally classified.

(b) Information classified under predecessor orders and marked for declassification review shall remain classified until reviewed for declassification under the provisions of the "the Order."

10. Section 1203.410 is amended by revising the section heading and paragraphs (f) and (g), to read as follows:

§ 1203.410 Limitations.

* * * * *

(f) Information may be classified or reclassified after receipt of a request for it under the Freedom of Information Act (5 U.S.C. 552) or the Privacy Act of 1974 (5 U.S.C. 552a), or the mandatory review provisions of "the Order" if such classification meets the requirements of "the Order" and is accomplished personally on a document-by-document basis by an official with original Top Secret classification authority.

(g) The Administrator, the Chairperson, NASA Information Security Program Committee, or an official with original Top Secret classification authority may reclassify information previously declassified and disclosed if it is determined in writing that (1) The information requires protection in the interest of national security; and (2) the information may reasonably be recovered. These reclassification actions shall be reported promptly to the Director of the Information Security Oversight Office, GSA.

11. Subpart D is amended by adding a new § 1203.411, reading as follows:

§ 1203.411 Restrictions.

(a) Except as provided by directives issued by the President through the National Security Council, classified information originating in one agency may not be disseminated outside any other agency to which it has been made available without the consent of the originating agency. For purposes of this section, the Department of Defense shall be considered one agency.

(b) Classified information shall not be disseminated outside the Executive Branch except under conditions that ensure the information will be given protection equivalent to that afforded within the Executive Branch.

12. Section 1203.412 is amended by revising paragraphs (a)(3) and (a)(4) to read as follows:

§ 1203.412 Classification guides.

(a) * * *

(3) State the duration of each specified classification in terms of a period of time or future event. Whenever a specific time or future event for declassification cannot be predetermined, the following notation will be used: DECLASSIFY ON: Originating Agency's Determination Required or "OADR."

(4) Indicate specifically that the designations, time limits, markings and other requirements of "the Order" are to be applied to information classified pursuant to the guide.

* * * * *

Subpart E—Derivative Classification

13. Section 1203.500 is revised to read as follows:

§ 1203.500 Use of derivative classification.

The application of derivative classification markings is a responsibility of those who incorporate, paraphrase, restate, or generate in new form information that is already classified, and of those who apply markings in accordance with instructions from an authorized original classifier or in accordance with an authorized classification guide. If a person who applied derivative classification markings believes that the paraphrasing, restating, or summarizing of classified information has changed the level of or removed the basis for classification, that person must consult for a determination with an appropriate official of the originating agency or office of origin who has the authority to upgrade, downgrade, or declassify the information.

14. Section 1203.501 is amended by revising the introductory text and paragraphs (a) and (c) to read as follows:

§ 1203.501 Applying derivative classification markings.

Persons who apply derivative classification markings shall:

(a) Observe and respect original classification decisions;

* * * * *

(c) Carry forward to newly created documents any assigned authorized markings. The declassification date or event that provides the longest period of classification shall be used for documents classified on the basis of multiple sources.

Subpart F—Declassification and Downgrading

15. Section 1203.600 is revised to read as follows:

§ 1203.600 Policy.

Information shall be declassified or downgraded as soon as national security considerations permit. NASA reviews of classified information shall be coordinated with other agencies that have a direct interest in the subject matter. Information that continues to meet the classification requirements prescribed by § 1203.400 despite the passage of time will continue to be protected in accordance with "the Order."

16. Section 1203.602 is amended by revising the section heading and text to read as follows:

§ 1203.602 Authorization.

Information shall be declassified or downgraded by the official who authorized the original classification, if that official is still serving in the same position, the originator's successor, a supervisory official of either, or officials delegated such authority in writing by the Administrator or the Chairperson, NASA Information Security Program Committee.

17. Section 1203.603 is revised to read as follows:

§ 1203.603 Systematic review for declassification.

(a) *General.* (1) Except for foreign government information as provided in Subpart G of this Part, classified information constituting permanently valuable records of the government as defined by 44 U.S.C. 2103, and information in the possession and control of the Administrator of General Services Administration pursuant to 44 U.S.C. 2107 or 2107 note, shall be reviewed for declassification as it becomes 30 years old.

(2) Systematic review for declassification of classified cryptologic information will be coordinated through the National Security Agency.

(3) Systematic review for declassification of classified information pertaining to intelligence activities (including special activities) or intelligence sources or methods will be coordinated through the Central Intelligence Agency.

(4) The Chairperson, NASA Information Security Program Committee, shall designate experienced personnel to assist the Archivist of the United States in the systematic review of 30-year old U.S. originated information and 30-year old foreign information. Such personnel shall:

(i) Provide guidance and assistance to National Archives and Records Service employees in identifying and separating documents and specific categories of information within documents which are deemed to require continued classification; and

(ii) Develop reports of information or document categories so separated, with recommendations concerning continued classification.

(b) *Systematic Review Guidelines.* The Chairperson, NASA Information Security Program Committee, shall develop, in coordination with NASA organizational elements, guidelines for the systematic review for declassification of 30-year old classified information under NASA's jurisdiction. (See Subpart G of this part, Foreign Government Information.) The guidelines shall state specific limited categories of information which, because of their national security sensitivity, should not be declassified automatically but should be reviewed item-by-item to determine whether continued protection beyond 30 years is needed. These guidelines are authorized for use by the Archivist of the United States and, with the approval of the Administrator, by an agency having custody of the information covered by the guidelines. All information, except foreign government information, cryptologic information, and information pertaining to intelligence sources or methods, not identified in these guidelines as requiring review and for which a prior automatic declassification date has not been established shall be declassified automatically at the end of 30 years from the date of original classification. These guidelines shall be reviewed at least every 5 years and revised as necessary unless an earlier review for revision is requested by the

Archivist of the United States. Copies of the declassification guidelines promulgated by NASA will be provided to the Information Security Oversight Office, GSA.

(c) *Systematic Review Procedures.* (1) All security classified records 30 years old or older, whether held in storage areas under installation control or in Federal Records Centers, will be surveyed to identify those that require scheduling for future disposition.

(2) All NASA information or material in the custody of the National Archives and Records Service that is permanently valuable and more than 30 years old is to be systematically reviewed for declassification by the Archivist of the United States with the assistance of the personnel designated for the purpose pursuant to paragraph (a)(4)(i) of this section. The Archivist shall refer to NASA that information or material which NASA has indicated requires further review. In the case of 30-year old information or material in the custody of NASA installations, such review will be accomplished by the custodians of the information or material. The installation having primary jurisdication over the information or material received from the Archivist or in its custody, shall proceed as follows:

(i) Classified information or material over which NASA exercises exclusive or final original classification authority and which is to be declassified in accordance with the systematic review guidelines developed under paragraph (b) of this section shall be so marked.

(ii) Classified information or material over which NASA exercises exclusive or final original classification authority and which, in accordance with the systematic review guidelines developed under paragraph (b) of this section, is to be kept protected, shall be listed by category by the responsible custodian and referred to the Chairperson, NASA Information Security Program Committee. This listing shall:

(A) Identify the information or material involved.

(B) Recommend classification beyond 30 years to a specific event scheduled to happen or a specific period of time or, the alternative, recommend: DECLASSIFY ON: Originating Agency's Determination Required or "OADR."

(iii) The Administrator shall consider and determine which category shall be kept classified and the dates or event for declassification. Whenever a specific time or future event for declassification cannot be predetermined, the following notation will be applied: DECLASSIFY ON: Originating Agency's Determination Required or "OADR." The Archivist of the United States will be notified in writing of this decision.

(d) *Declassification by the Director of the Information Security Oversight Office, GSA.* If the Director of the Information Security Oversight Office, GSA, determines that NASA information is classified in violation of "the Order," the Director may require the information to be declassified. Any such decision by the Director may be appealed through the NASA Information Security Program Committee to the National Security Council. The information shall remain classified pending a prompt decision on the appeal.

18. Section 1203.604 is amended by revising paragraph (a), (b) (1), and (2), (e)(5), (f), and (g)(3)(ii) to read as follows:

§ 1203.604 Mandatory review for declassification.

(a) *Information covered.* All information classified under "the Order" or predecessor orders, except as provided at § 1203.604(b) shall be subject to a review for declassification by the originating agency, if:

(1) The request is made by a United States citizen or permanent resident alien, a Federal agency, or a State or local government; and

(2) The request describes the document or material containing the information with sufficient specificity to enable the agency to locate it with a reasonable amount of effort. After review, the information or any reasonable segregable portion thereof that no longer requires protection shall be declassified and released unless withholding is otherwise warranted under applicable law.

(b) *Presidential Papers.* (1) Information originated by a President, the White House Staff, by committees, commissions, or boards appointed by the President, or others specifically providing advice and counsel to a President or acting on behalf of a President is exempted from the provisions of § 1203.604(a).

(2) The Archivist of the United States shall have the authority to review, downgrade and declassify information under the control of the Administrator of General Services Administration or the Archivist pursuant to sections 2107, 2107 note, or 2203 of Title 44, United States Code. Review procedures developed by the Archivist shall provide for consultation with NASA in matters of primary subject interest to NASA.

* * * * *

(e) * * *

(5) When a NASA installation receives any request for declassification of information in documents in its custody that was classified by another NASA installation or Government agency, it shall refer copies of the request and the requested documents to the originating installation or agency for processing, and may, after consultation with the originating installation or agency, inform the requester of the referral. In cases in which the originating NASA installation determines in writing that a response under § 1203.604(f) is indicated, such cases will be promptly forwarded to the Chairperson, NASA Information Security Program Committee, for final resolution and appropriate response.

(f) *Neutral Response.* In response to a request for information under the Freedom of Information Act, the Privacy Act of 1974, or the mandatory review provisions of "the Order," NASA shall refuse to confirm or deny the existence or non-existence of requested information whenever the fact of its existence or non-existence is itself classifiable under "the Order."

(g) * * *

(3) * * *

(ii) Classified information transferred to the General Services Administration for accession into the Archives of the United States shall be downgraded or declassified by the Archivist of the United States in accordance with "the Order," the directives of the Information Security Oversight Office, GSA, and NASA guidelines.

* * * * *

Subpart G—Foreign Government Information

19. Section 1203.701 is amended by revising paragraph (b) to read as follows:

§ 1203.701 Classification.

* * * * *

(b) Foreign government information that was not classified by a foreign entity but was provided to NASA with the expressed or implied obligation that it be held in confidence must be classified. "The Order" states that unauthorized disclosure of foreign government information, the identity of a confidential foreign source, or intelligence sources or methods is presumed to cause damage to the national security. Therefore, such foreign government information shall be classified at least Confidential. However, at the time of classification, judicious consideration shall be given to the sensitivity of the subject matter and the impact of its unauthorized disclosure upon both the United States and the originating foreign government or

organization of governments in order to determine the most appropriate level of classification. Levels above Confidential must be assigned by an original classification authority.

20. Section 1203.702 is revised to read as follows:

§ 1203.702 Duration of classification.

Unless the guidelines for the systematic review of 30-year old foreign government information developed pursuant to § 1203.603(b) prescribe dates or events for declassification:

(a) Foreign government information shall not be assigned a date or event for declassification unless such is specified or agreed to by the foreign entity.

(b) Foreign government information classified after December 1, 1978, shall be annotated: DECLASSIFY ON: Originating Agency's Determination Required or "OADR."

21. Section 1203.703 is amended by revising paragraphs (a) and (b) to read as follows:

§ 1203.703 Declassification.

(a) Information classified in accordance with § 1203.400 shall not be declassified automatically as a result of any unofficial publication or inadvertent or unauthorized disclosure in the United States or abroad of identical or similar information.

(b) Following consultation with the Archivist of the United States and where appropriate, with the foreign government or international organization concerned and with the assistance of the Department of State, NASA will issue guidelines for the systematic review of 30-year old foreign government information that will apply to foreign government information of primary concern to NASA. These guidelines are authorized for use by the Archivist of the United States and, with the approval of NASA, by an agency having custody of such information. The Chairperson, NASA Information Security Program Committee, will initiate administrative functions necessary to effect review of these guidelines at least once every 5 years and submit recommendations to the Administrator based on these reviews. If, after applying the guidelines to 30-year old foreign government information, a determination is made by the reviewer that classification is necessary, a date for declassification or DECLASSIFY ON: Originating Agency's Determination Required or "OADR" shall be shown on the face of the document.

* * * * *

James M. Beggs,

Administrator.

[FR Doc. 83-3376 Filed 2-8-83; 8:45 am]

BILLING CODE 7510-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

15 CFR Part 399

[Docket No. 30124-16]

Exports to the People's Republic of China of Certain Graphic Display Systems Implemented With Raster Scan Techniques

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

ACTION: Interim rule with request for comments.

SUMMARY: This rule amends the Export Administration Regulations by adding an Advisory Note to entry 1565A of the Commodity Control List (Supplement No. 1 to § 399.1) which controls electronic computers and related equipment. The Advisory Notes indicate which of various specified commodities are likely to be approved for export to certain countries. This rule adds an Advisory Note regarding the export to the People's Republic of China of certain graphic display (non-image processing) systems implemented with raster scan techniques.

DATES: This rule is effective February 9, 1983. Comments must be received by the Department April 11, 1983.

ADDRESS: Written comments (six copies) should be sent to: Richard J. Isadore, Director, Operations Division, Office of Export Administration, U.S. Department of Commerce, P.O. Box 273, Washington, D.C. 20044.

FOR FURTHER INFORMATION CONTACT: Archie Andrews, Director, Exporters' Service Staff, Office of Export Administration, Department of Commerce, Washington, D.C. 20230 (Telephone: (202) 377-4811).

Rulemaking Requirements and Invitation to Comment

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.

However, because of the importance of the issues raised by these regulations and the intent of Congress set forth in section 13(b) of the Act, these regulations are issued in interim form and comments will be considered in developing final regulations. These regulations may be revised before the end of the comment period. Accordingly, interested persons who desire to comment are encouraged to do so at the earliest possible time to permit the fullest consideration of their views.

2. This rule does not impose a burden under the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.*

3. This rule is not subject to the requirements of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*

4. This rule is not a major rule within the meaning of section 1(b) of Executive Order 12291 (46 FR 13193, February 19, 1981), "Federal Regulation."

The period for submission of comments will close April 11, 1983. All comments received before the close of the comment period will be considered by the Department in the development of final regulations. While comments received after the end of the comment period will be considered if possible, their consideration cannot be assured. Public comments that are accompanied by a request that part or all of the material be treated confidentially because of its business proprietary nature or for any other reason will not be accepted. Such comments and materials will be returned to the submitter and will not be considered in the development of final regulations.

All public comments on these regulations will be a matter of public record and will be available for public inspection and copying. In the interest of accuracy and completeness, comments in written form are preferred. If oral comments are received, they must be followed by written memoranda which will also be a matter of public record and will be available for public review and copying. Communications from agencies of the United States Government or foreign governments will not be made available for public inspection.

The public record concerning these regulations will be maintained in the International Trade Administration Freedom of Information Records Inspection Facility, Room 4001-B, U.S. Department of Commerce, 14th Street and Pennsylvania Avenue, N.W., Washington, D.C. 20230. Records in this facility, including written public

comments and memoranda summarizing the substance of oral communications, may be inspected and copied in accordance with regulations published in Part 4 of Title 15 of the Code of Federal Regulations. Information about the inspection and copying of records at the facility may be obtained from Patricia L. Mann, the International Trade Administration Freedom of Information Officer, at the above address or by calling (202) 377-3031.

List of Subjects in 15 CFR Part 399

Exports.

Accordingly, the Export Administration Regulations (15 CFR Parts 368-399) are amended as follows:

PART 399—[AMENDED]

Entry 1565A of the Commodity Control List (Supplement No. 1 to § 399.1) is amended by adding a NOTE 12 under the Advisory Notes, reading as follows:

§ 399.1 [Amended]

* * * * *

§ 1565A * * *

Controls for ECCN 1565A:

* * * * *

List of electronic computers and related equipment controlled by ECCN 1565A:

* * * * *

Advisory Notes

* * * * *

12. Licenses are likely to be approved for export to satisfactory end-users in Country Group P (People's Republic of China) of graphic display (non-image processing) systems implemented with raster scan techniques, provided they have the following characteristics:

(a) Display sizes of not greater than 19 inches (measured on a diagonal).

(b) Display database storage (refresh memory) up to 4.2 Mbits (1024 by 1024 by 4 or 512 by 512 by 16).

(c) Shadow mask techniques for color displays.

(d) Pixel fill rate/calculation time of 2 microseconds or greater.

(e) No image processing software.

(f) No parallel processing or pipeline processing function capabilities for image processing.

(g) No more than 1024 resolvable points along any axis.

(h) Maximum bit transfer rate between a host computer and the display of 19,200 bits per second. (This restriction does not apply to television receivers used with graphic display systems covered by this Note.)

(Sections 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 6, 1980))

Dated: January 20, 1983.

John K. Boidock,

Director, Office of Export Administration, International Trade Administration.

[FR Doc. 83-3375 Filed 2-7-83; 8:45 am]

BILLING CODE 3510-25-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 271

[Release No. IC-13005]

Securities Trading Practices of Registered Investment Companies

AGENCY: Securities and Exchange Commission.

ACTION: Statement of staff position.

SUMMARY: The Securities and Exchange Commission announces a revision of the position of the Division of Investment Management (the "Division") taken in Investment Company Act Release No. 10666 (April 18, 1979) regarding registered investment companies entering into fully collateralized repurchase agreements with a broker or dealer. The announcement states that the Division is imposing an additional condition to its "no-action" position that will require investment company boards of directors to evaluate the creditworthiness of the brokers or dealers with which they propose to enter into repurchase transactions. Further, the Commission hereby announces the view of the Division that the directors of money market funds using the amortized cost or penny rounding method of portfolio valuation, pursuant to a Commission exemptive order or proposed Rule 2a-7 (if adopted), are required to evaluate the creditworthiness of all entities, including banks and broker-dealers, with which they propose to enter into repurchase agreements. The Division believes that this action is appropriate in order to help ensure that investment companies will avoid entering into repurchase transactions with parties that present a serious risk of becoming involved in bankruptcy proceedings.

EFFECTIVE DATE: February 2, 1983.

FOR FURTHER INFORMATION CONTACT: W. Randolph Thompson, Special Counsel (202) 272-3016 or Brion R. Thompson, Esq. (202) 272-3026 Division of Investment Management, Securities and Exchange Commission, Washington, D.C. 20549.

SUPPLEMENTARY INFORMATION: The Securities and Exchange Commission ("Commission") today announces a revision of the position of the Division of Investment Management ("the Division") taken in Investment Company Act Release No. 10666 (April 18, 1979) ("Release 10666") (44 FR 25128, April 27, 1979). That release stated that the Division would not recommend to the Commission that any enforcement action be taken under Section 12(d)(3) of the Investment Company Act of 1940 (15 U.S.C. 80a *et seq.*) ("Act") against an investment company with respect to repurchase agreements entered into with brokers or dealers, provided each agreement was fully collateralized during the entire term of the agreement. The staff's revised no-action position imposes an additional requirement that investment company boards of directors evaluate the creditworthiness of the brokers or dealers with which they propose to engage in repurchase agreements by setting guidelines and standards of review for their investment advisers and monitoring the advisers' actions with regard to repurchase agreements for the funds. In addition, the Commission is publishing the position of the Division that the condition in Commission exemptive orders permitting money market funds to use the amortized cost or penny rounding methods of portfolio valuation, limiting permissible portfolio investments of such funds to "high quality" instruments which present minimal credit risks, requires that the directors of money market funds operating under such exemptive orders evaluate the creditworthiness of all entities, including banks and broker-dealers, with which they propose to engage in repurchase agreements. A similar condition is contained in proposed Rule 2a-7 [Investment Company Act Release No. 12206, February 1, 1982; 47 FR 5428, February 5, 1982], which would codify the exemptive orders, and the Division believes that that condition (if it is contained in any final version of the rule which might be adopted) would similarly require a creditworthiness evaluation.

Background

In a typical mutual fund repurchase transaction ("repo"), the fund purchases securities from a bank or a broker-dealer and agrees to resell those securities to the same party at a stated higher price on an agreed-upon date, often as soon as the next day. If the repo transaction, in economic reality, is considered to be a loan, the securities which the mutual fund "purchases" are considered to be collateral for that loan. Mutual funds, particularly money

market funds, often invest in repos on a short-term basis (in many cases, overnight) to assist in managing their portfolios. Mutual funds also invest in repos in order to maintain a degree of liquidity in their portfolios, which is particularly important to the orderly operation of money market funds using the amortized cost or penny rounding methods of portfolio valuation.[1] The securities most frequently used in connection with repurchase agreements are Treasury bills and other United States Government securities. Upon resale, the investment company receives the principal of the agreement plus an amount which represents interest on the principal.

Broker-Dealers

Section 12(d)(3) of the Act, in part, prohibits an investment company from purchasing or otherwise acquiring "any security issued by or any other interest in the business of any person who is a broker, a dealer, [or] is engaged in the business of underwriting." In Investment Company Act Release No. 10666, the Commission stated that the Division was taking the no-action position summarized above concerning investment company repo transactions. The Division's no-action position was based upon the premise that an investment company, in determining whether to enter into a repo with a particular broker-dealer "would look to the intrinsic value of the collateral * * * rather than the creditworthiness or other risks associated solely with the business operations of the broker-dealer." The Division further believed that, so long as an investor acquired actual or constructive [2] possession of the collateral underlying a repo at the time the repo was executed, the investor would be able to liquidate the collateral securities for its benefit immediately upon any default or insolvency of the repo issuer. Thus, the Division concluded that investment companies were not exposed to the entrepreneurial risks of an investment banking business by engaging in a repo transaction with a broker or dealer, provided the agreement were fully collateralized.[3]

Recent developments have caused the Division to reconsider its prior conclusion that fully collateralized repos involve no more risk to fund investors than would ownership of the collateral securities. Pending bankruptcy proceedings involving Lombard-Wall Inc.,[4] and the recent insolvency of other large issuers of repos have prompted inquiries about the legal status and safety of repos. It now appears to the staff that the uncertain status of repos under the Bankruptcy Code ("Code") [5] creates certain risks for mutual funds that invest in such instruments issued by a party that subsequently initiates bankruptcy proceedings. Specifically, the staff found that an entity that enters into a repo may be exposed, in varying degrees, to the risk that it will be unable to liquidate the collateral securities immediately upon the insolvency of the other party, depending in part on whether a bankruptcy court views the repo as a consummated purchase and sale of the underlying securities with an accompanying executory contract to repurchase the securities, or as a collateralized loan.

In view of the possible adverse effect on a mutual fund repo investor, and, particularly, on the liquidity, or valuation calculations of a money market fund if it were unable to liquidate the collateral securities immediately in the event of insolvency of the issuer of a repo, the Division has determined that the above no-action position under Section 12(d)(3) of the Act should be revised by adding a further condition that investment company boards of directors evaluate the creditworthiness of the brokers or dealers with which they propose to enter into repos. The Division believes this action is appropriate in order to help ensure that an investment company will not be exposed to undue risks of the type against which Section 12(d)(3) is meant to guard when the company engages in a repurchase agreement with a broker or dealer. The Division recognizes that the evaluation of the creditworthiness [6] of repo issuers is a difficult task that may involve subjective judgments as well as consideration of available financial information. Moreover, since repo transactions typically are entered into frequently (as often as daily), the Division recognizes that it would normally not be feasible for fund directors themselves to evaluate the creditworthiness of each issuer. Rather, the Division anticipates that fund directors will discharge their responsibilities for supervising repo purchases primarily by way of setting guidelines and standards of review for the fund's investment adviser, and monitoring the adviser's actions in engaging in repos for the fund.

Modification of Interpretive Position

Accordingly, the no-action position taken in Release 10666 is hereby modified as follows. Henceforth, the staff will not recommend to the Commission that enforcement action be brought under Section 12(d)(3) of the Act against investment companies with respect to repurchase agreements with brokers or dealers, provided (1) the repo is structured in a manner reasonably designed to ensure that it is fully collateralized (including accrued interest earned thereon) and (2) as set forth above, the investment company's board of directors, has evaluated the creditworthiness of the broker or dealer issuing the repo.

Amortized Cost and Penny Rounding

Most money market funds have filed applications requesting, and the Division pursuant to delegated authority

[1] As of January 5, 1983, money market funds held repos totalling approximately $17.9 billion.

[2] Consecutive possession could include the transfer of United States Government securities by notation in the Federal Book Entry System.

[3] "Fully collateralized" means that the value of the collateral security is, and during the entire term of the agreement remains, at least equal to the amount of the "loan" including accrued interest.

[4] *In re Lombard-Wall, Inc.*, Reorganization Case No. 82 B 11558 (EJR) (Bankr. S.D.N.Y., petition filed August 12, 1982).

[5] 11 U.S.C. 101, et seq. (Supp. V 1981) (amended by Pub. L. No. 97-222, 96 Stat. 235) (July 27, 1982).

[6] "Creditworthiness" is used here broadly to mean financial responsibility. The determination should be that the proposed issuer of a repo presents no serious risk of becoming involved in bankruptcy proceedings within the time frame contemplated by that repo. The Division's position enunciated herein recognizes that an investment company's board of directors and its investment adviser may not be able to make a judgment concerning the creditworthiness of particular issuers based solely on objective financial data, but may have to consider some additional factors such as the issuers' reputation for, and history of, sound management, and past experience in dealing with the particular issuers. Among the more objective data that should be available with regard to registered broker-dealers are their semi-annual customer financial statements, their statements of financial condition (balance sheets) contained in their annual audited reports of financial statements and (for publicly-owned broker-dealers) their reports filed with the Commission under the Securities Exchange Act of 1934 [15 U.S.C. 78a et seq.]. A broker-dealer is also required to file monthly and/or quarterly reports ("FOCUS reports") with its appropriate self-regulatory organization (stock exchange or National Association of Securities Dealers, Inc.). Although FOCUS reports are not made available to the public, funds may be able to obtain (and should request) useful information (including net capital statements) from those reports on an informal basis from broker-dealers with which they engage in repos. Similarly, information contained in broker-dealers' annual audited reports of financial statements for which confidential treatment has been granted may be available on an informal basis and should be requested. For unregulated government securities dealers, less information is likely to be available, but audited annual financial statements should be obtainable. Those dealers which are on the Federal Reserve Bank of New York's ("Fed") list of primary dealers report certain information regularly to the Fed. Funds may be able to obtain informally (and should request) information from those reports from the reporting dealers, and comparable information should be requested from non-reporting dealers.

has granted, exemptive orders [7] permitting the use of the amortized cost or penny rounding methods of portfolio valuation and pricing of shares subject to conditions stated in the orders.[8] Proposed Rule 2a–7, in general, would codify those previous orders of exemption from the pricing and valuation provisions of the Act by permitting money market funds, subject to the same conditions, to use amortized cost or penny rounding without the necessity of filing an application.[9]

One condition, present both in the Commission's exemptive orders permitting money market funds to value their portfolios and price their shares using amortized cost or penny rounding and in proposed Rule 2a-7, requires the boards of directors of such funds to limit the funds' investments, including repos, to "high quality" debt instruments which present "minimal credit risks." The directors of money market funds using the amortized cost or penny rounding methods pursuant to Commission exemptive orders, thus, are required to consider the creditworthiness of issuers of all money market instruments eligible for inclusion in their funds' portfolios. In view of the uncertainty regarding the rights of repo investors under the Code, the Division believes it is necessary to emphasize in this release that the directors of funds using the amortized cost or penny rounding valuation and pricing methods, whether pursuant to existing Commission exemptive orders, or proposed Rule 2a–7 (when and if that rule is adopted with the condition described), are required to give consideration to the creditworthiness of those entities with which they propose to enter into repos, in addition to that given to the issuers of all other money market instruments in which their funds invest.

Staff Interpretive Position

Accordingly, the Commission announces the Division's position that proposed Rule 2a–7 (when and if adopted), and the Commission exemptive orders permitting money market funds to use the amortized cost or penny rounding methods of portfolio valuation and pricing of shares which the rule would codify, require that the boards of directors of money market funds operating under the rule or exemptive orders evaluate the creditworthiness of all entities, including bands,[10] broker-dealers, and government securities dealers with which they propose to enter into repos, when assessing whether the proposed transaction presents more than "minimal credit risks." [11] The actual role of the directors vis a vis that of the investment adviser would be identical with that discussed, *supra*, in connection with Section 12 (d) (3) and the evaluation of broker-dealer repo issuers.

The Commission is announcing the above administrative measures because it appears they are advisable to help protect the shareholders of mutual funds against the risk that their funds may invest in repos with entities that present a serious risk of becoming insolvent.[12] If subsequent legislative or judicial developments appear to eliminate the need for funds to be concerned about the creditworthiness of repo issuers, then the Commission will consider whether the procedures discussed in this release should be revised.

List of Subjects in 17 CFR Part 271

Investment companies, Securities.

Accordingly, 17 CFR Part 271 is hereby amended to incorporate therein this statement of staff position.

By the Commission.

George A. Fitzsimmons,

Secretary.

February 2, 1983.

[FR Doc. 83-3476 Filed 2-8-83; 8:45 am]

BILLING CODE 8010-01-M

[7] These exemptive applications were necessary because of the Commission's view expressed in Investment Company Act Release No. 9786 (May 31, 1977) [42 FR 28999, June 7, 1977], that it was inconsistent, generally, with the pricing and valuation provisions of the Act for a money market fund to value its portfolio securities using the amortized cost or penny rounding method of valuation.

[8] Those conditions were the result of the settlement of an administrative proceeding at which the issue of the appropriateness of use of the penny rounding and amortized cost valuation and pricing methods by money market funds was considered. *See* Investment Company Act Release No. 10451 (October 16, 1978) [43 FR 51485, November 3, 1978] and 10824 (August 8, 1979).

[9] For a description of the amortized cost and penny rounding valuation methods and the provisions of proposed Rule 2a-7, see Investment Company Act Release No. 12206 (Feb. 1, 1982).

[10] In addition to published financial statements of banks, there may be other sources of information on banks' creditworthiness, including annual and quarterly reports filed with the Commission by bank holding companies and reports filed by bank holding companies with stock exchanges on which they are listed. Moreover, many large banks and bank holding companies are rated and reviewed by a number of services and publications, including credit reporting services. *See* note 8 *supra* for suggestions regarding information that may be available concerning the creditworthiness of broker-dealers and government securities dealers.

[11] The position of the Division announced herein does not alter the requirement that, in all cases, the underlying securities subject to a repo must be of high quality and present minimal credit risks.

[12] The Division also believes that, in fulfilling their fiduciary duties to fund shareholders, the directors of mutual funds not operating either under Commission exemptive orders or the proposed rule should likewise give consideration to the creditworthiness of all entities with which their funds propose to engage in repos before authorizing that type of investment.

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 271

High-Cost Gas Produced From Tight Formations; Correction

February 3, 1983.

AGENCY: Federal Energy Regulatory Commission; DOE.

ACTION: Final rule: correction.

SUMMARY: This document corrects a final rule that concerned high-cost gas produced from tight formations, Docket No. RM79–76–102 (Colorado-24). The final rule appeared in the **Federal Register** on June 10, 1982 (47 FR 25132), and contained an incorrect acreage description.

FOR FURTHER INFORMATION CONTACT: Steven Ross, Office of General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20436, (202) 357–8571.

SUPPLEMENTARY INFORMATION:

PART 271—[CORRECTED]

The following restates the acreage description in FR Doc. 82–15757, appearing on page 25132. On page 25132, § 271.703(d)(86)(i) and (d)(87)(i) should read as follows:

§ 271.703 Tight formations.

* * * * *

(d) *Designated tight formations.*

* * * * *

(86) *Mesaverde Formation in Colorado.* RM79–76–102 (Colorado-24).

(i) *Delineation of formation.* The Mesaverde Formation is found in the southwestern portion of Rio Blanco County, Colorado, about 70 miles northwest of the town of Grand Junction. The Mesaverde Formation is located in Township 1 South, Ranges 98 and 99 West, 6th P.M., all; Township 1 South, Range 100 West, 6th P.M., Sections 1 through 3, 10 through 15, 22 through 27, and 34 through 36; Township 2 South, Range 98 West, 6th P.M., Sections 4 through 8; Township 2 South, Range 99 West, 6th P.M., Sections 1 through 12, 15 through 22, and 27 through 34; and Township 2 South, Range 100 West, 6th P.M., Section 1 through 3, 10

through 15, 22 through 27, and 34 through 36.

(ii) *Depth.* The Mesaverde Formation varies in thickness from 2,900 to 3,600 feet. The average depth to the top of the Mesaverde Formation is 6,693 feet.

(87) *Mancos Formation in Colorado.* RM79–76–102 (Colorado-24).

(i) *Delineation of formation.* The Mancos Formation is found in the southwestern portion of Rio Blanco County, Colorado, about 70 miles northwest of the town of Grand Junction. The Mancos Formation is located in Township 1 South, Ranges 98 and 99 West, 6th P.M., all; Township 1 South, Range 100 West, 6th P.M., Sections 1 through 3, 10 through 15, 22 through 27, and 34 through 36; Township 2 South, Range 98 West, 6th P.M., Sections 4 through 8; Township 2 South, Range 99 West, 6th P.M., Sections 1 through 12, 15 through 22, and 27 through 34; and Township 2 South, Range 100 West, 6th P.M., Section 1 through 3, 10 through 15, 22 through 27, and 34 through 36.

(ii) *Depth.* The Mancos Formation is approximately 5,000 feet thick. The average depth to the top of the Mancos Formation is 9,495 feet.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-3410 Filed 2-8-83; 8:45 am]

BILLING CODE 6717-01-M

18 CFR Part 271

[Docket No. RM79–76–118 (New York-2); Order No. 280]

High-Cost Gas Produced From Tight Formations; New York-2

Issued: February 3, 1983.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Final rule.

SUMMARY: The Federal Energy Regulatory Commission (Commission) is authorized by section 107(c)(5) of the Natural Gas Policy Act of 1978 to designate certain types of natural gas as high-cost gas where the Commission determines that the gas is produced under conditions which present extraordinary risks or costs. Under section 107(c)(5), the Commission issued a final regulation designating natural gas produced from tight formations as high-cost gas which may receive an incentive price (18 CFR 271.703). This rule established procedures for jurisdictional agencies to submit to the Commission recommendations of areas to be designated as tight formations. This final order adopts the recommendation of the State of New York, Department of Environmental Conservation that the Medina Group and Queenston Shale be designated as a tight formation under § 271.703(d).

EFFECTIVE DATE: February 3, 1983.

FOR FURTHER INFORMATION CONTACT: Scott E. Koves, (202) 357–8569, or Webster Gray, (202) 357–8731.

SUPPLEMENTARY INFORMATION: The Federal Energy Regulatory Commission (Commission) hereby amends § 271.703(d) of its regulations to include portions of the Medina Group and Queenston Shale, located in Erie, Genesee, Wyoming, Allegany, Livingston, Ontario, Yates, Seneca, Cayuga, and Tompkins Counties, New York, as a tight formation eligible for incentive pricing under § 271.703.

This amendment was proposed in a Notice of Proposed Rulemaking by the Director, Office of Pipeline and Producer Regulation (OPPR), issued June 24, 1982 (47 FR 28425; June 30, 1982), based on a recommendation submitted on May 19, 1982, by the State of New York, Department of Environmental Conservation (New York), in accordance with § 271.703(c)(4), that the Medina Group and Queenston Shale be designated as a tight formation in § 271.703(d). The recommended area does not include any Medina gas storage areas, including buffer zones, or any areas within Medina or Queenston "existing fields." [1] Comments on the proposed rule were invited and none were received. No person requested a public hearing and none was held.

Pursuant to notice issued August 19, 1982, a public technical conference was held at the Commission, attended, *inter alia*, by New York, industry representatives, and the Commission's staff, for the purpose of discussing the sufficiency of evidence submitted by New York in support of its recommendation. Following this conference, and at the request of the Commission's staff, New York submitted additional supporting data including additional well logs.

The Commission finds that the evidence submitted by New York, as supplemented, supports the assertion that the Medina Group and Queenston Shale meet the guidelines contained in § 271.703(c)(2). The Commission hereby adopts the New York recommendation.

This amendment shall become effective immediately. The Commission finds that the public interest dictates that new natural gas supplies be developed on an expedited basis, and, therefore, incentive prices should be made available as soon as possible. The need to make incentive prices immediately available establishes good cause to waive the thirty-day publication period.

[1] Title 6 of the New York Code of Rules and Regulations, § 550.3(q), defines an "existing field" as an area underlain by one or more existing pools which have been discovered, developed, and operated, or were in the process of being developed and operated on or prior to October 1, 1963.

List of Subjects in 18 CFR Part 271

Natural gas, Incentive price, Tight formations.

(Department of Energy Organization Act, 42 U.S.C. 7101 *et seq.*; Natural Gas Policy Act of 1978, 15 U.S.C. 3301–3432; Administrative Procedure Act, 5 U.S.C. 553)

In consideration of the foregoing, Part 271 of Subchapter H, Chapter I, Title 18, Code of Federal Regulations, is amended as set forth below, effective February 3, 1983.

By the Commission.

Kenneth F. Plumb,

Secretary.

PART 271—[AMENDED]

Section 271.703 is amended by adding new paragraph (d)(118) to read as follows:

§ 271.703 Tight formations

* * * * *

(d) *Designated tight formations.*

* * * * *

(118) *Medina Group and Queenston Shale in New York.* RM79–76–118 (New York-2).

(i) *Delineation of formation.* The Medina Group and Queenston Shale are found in Erie, Genesee, Wyoming, Allegany, Livingston, Ontario, Yates, Seneca, Cayuga, and Tompkins Counties, New York. Excluded from the delineated Medina-Queenston interval are any Medina gas storage areas, including buffer zones, or any areas within Medina or Queenston "existing fields" (as defined in Title 6, New York Code of Rules and Regulations, Section 550.3(q)). The Medina Group (also known as the Albion Group) is of Early Silurian age and overlies the Upper Ordovician Queenston Shale (called the "red shale" by some drillers). The Medina Group is bounded above by the base of the Thorold Formation or the time equivalent Kodak Sandstone. The Medina Group consists of (from base to top) the Whirlpool Sandstone (called "white Medina" by drillers), the Power Glen Shale (also known as the Cabot Head Shale), and the Grimsby Sandstone (called "red Medina" by drillers). The Queenston Shale has a gradational contact with the underlying Oswego Sandstone.

(ii) *Depth.* The depth to the top of the Medina Group varies from less than 1,000 feet in the northwestern portion of the designated area to as much as 5,500 feet in the southeastern portion. The Medina Group ranges in thickness from approximately 60 to 120 feet. The thickness of the Queenston Shale is indefinite due to the transitional nature of its contact with the underlying Oswego Sandstone, but the Queenston-Oswego sequence ranges in a thickness from approximately 1,000 feet in Western New York to more than 1,300 feet in southern and central New York.

[FR Doc. 83-3411 Filed 2-8-83; 8:45 am]
BILLING CODE 6717-01-M

18 CFR Part 271

[Docket No. RM79-76-140 Texas-11 Addition III; Order No. 279]

High-Cost Gas Produced From Tight Formations; Texas

Issued February 3, 1983.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Final rule.

SUMMARY: The Federal Energy Regulatory Commission is authorized by section 107(c)(5) of the Natural Gas Policy Act of 1978 to designate certain types of natural gas as high-cost gas where the Commission determines that the gas is produced under conditions which present extraordinary risks or costs. Under section 107(c)(5), the Commission issued a final regulation designating natural gas produced from tight formations as high-cost gas which may receive an incentive price (18 CFR 271.703). This rule established procedures for jurisdictional agencies to submit to the Commission recommendations of areas for designation as tight formations. This final order adopts the recommendation of the Railroad Commission of Texas that an additional area of the Wilcox Formation be designated as a tight formation under § 271.703.

EFFECTIVE DATE: This rule is effective February 3, 1983.

FOR FURTHER INFORMATION CONTACT: Randall S. Rich, (202) 357-8511 or Walter W. Lawson, (202) 357-8556.

SUPPLEMENTARY INFORMATION: The Commission hereby amends § 271.703(d)(63) of its regulations to include an additional area of the Wilcox Formation located in Zapata County, Texas, as a designated tight formation eligible for incentive pricing under § 271.703. The amendment was proposed in a Notice of Proposed Rulemaking by the Director, Office of Pipeline and Producer Regulation, on October 6, 1982 (47 FR 44748, October 12, 1982),[1] based on a recommendation by the Railroad Commission of Texas (Texas) in accordance with § 271.703(c)(2)(ii) that the additional area of the Wilcox Formation be designated as a tight formation.

Evidence submitted by Texas supports the assertion that the additional area of the Wilcox Formation meets the guidelines contained in § 271.703(c)(2). The Commission hereby adopts the Texas recommendation.

This amendment shall become effective immediately. The Commission has found that the public interest dictates that new natural gas supplies be developed on an expedited basis, and, therefore, incentive prices should be made available as soon as possible. The need to make incentive prices available immediately establishes good cause to waive the thirty-day publication period.

List of Subjects in 18 CFR Part 271

Natural gas, Incentive price, Tight formations.

(Department of Energy Organization Act, 42 U.S.C. 7101 *et seq.*; Natural Gas Policy Act of 1978, 15 U.S.C. 3301-3432; Administrative Procedure Act, 5 U.S.C. 553)

In consideration of the foregoing, Part 271 of Subchapter H, Chapter I, Code of Federal Regulations, is amended as set forth below, effective February 3, 1983.

By the Commission.

Kenneth F. Plumb,

Secretary.

PART 271—[AMENDED]

Section 271.703(d)(63) is revised to read as follows:

§ 271.703 Tight formations.

* * * * *

(d) *Designated tight formations.*

* * * * *

(63) *Wilcox Formation in Texas.* RM79-76 (Texas-11)

* * * * *

(iv) *Taquachie Creek Field.*

(A) *Delineation of formation.* The Wilcox Formation found in the area of the Taquachie Creek (Wilcox 11,162) Field, Zapata County, Texas, is located approximately 7 miles south of Mirando City, Texas, and is within a 2.5 mile radius around the Blocker Exploration Company No. 1-252 L. Amour Hinnant well.

[1] Comments on the proposed rule were invited and one comment supporting the recommendation was received. No party requested a public hearing and no hearing was held.

(B) *Depth.* The top of the Wilcox Formation, Taquachie Creek (Wilcox 11,162) Field is log-measured at approximately 11,162 feet and extends to 11,200 feet, resulting in a total thickness of 38 feet.

[FR Doc. 83-3412 Filed 2-8-83; 8:45 am]
BILLING CODE 6717-01-M

INTERNATIONAL TRADE COMMISSION

19 CFR Part 201

Amendment to Rules of General Application Concerning National Security Information

AGENCY: International Trade Commission.

ACTION: Final rule.

SUMMARY: Rule §§ 201.42-201.44, which concern Commission handling and treatment of national security information, are being amended to conform with the requirements of Executive Order 12356, National Security Information, April 2, 1982, and to reflect current Commission practice with respect to such information.

EFFECTIVE DATE: December 30, 1982.

FOR FURTHER INFORMATION CONTACT: William W. Gearhart, Jr., Assistant General Counsel, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, telephone 202-523-0487.

SUPPLEMENTARY INFORMATION: These changes involve no substantive changes in Commission practice or policy in handling national security information. The Commission does not have authority to classify or declassify information. In view of the procedural nature of these rules and their absence of impact on anyone's substantive rights, they are being published in final form without opportunity for public comment.

List of Subjects in 19 CFR Part 201

Classified information.

By order of the Commission.

Issued: January 28, 1983.

Kenneth R. Mason,

Secretary.

In 19 CFR Part 201, Subpart F (§§ 201.42-201.44) is revised to read as follows:

Subpart F—National Security Information

Sec.

201.42 Purpose and scope.
201.43 Program.
201.44 Procedures.

Authority: Sec. 335, 72 Stat. 680, sec. 401, 76 Stat. 902; 19 U.S.C. 1335, 1802; E.O. 12356.

Subpart F—National Security Information

§ 201.42 Purpose and scope.

The following regulation supplements Executive Order No. 12356, National Security Information, April 2, 1982, as it applies to the Commission.

§ 201.43 Program.

The Director of Administration is designated as the official of the Commission who is responsible for implementation and oversight of information security programs and procedures, including ensuring conformity with the provisions of Executive Order No. 12356. He shall chair a committee, composed of himself and representatives of the offices of the Secretary, General Counsel, Executive Liaison and Special Adviser for Trade Agreements, and Operations, that will act on all suggestions and complaints with respect to the Commission's administration of the program. All questions, suggestions, and complaints regarding all elements of the information security program shall be directed to the Director of Administration.

§ 201.44 Procedures.

(a) *Mandatory declassification review.* (1) Requests for declassification and release of national security information in the custody of the Commission shall be directed to the Secretary. Requests must reasonably describe the information that is desired to be declassified. All requests for declassification submitted pursuant to the Freedom of Information Act shall be processed in accordance with the provisions of that act and the applicable regulations of the Commission (19 CFR 201.17 through 201.21).

(2) Because the Commission does not have original classification authority and national security information in its custody has been classified by another Federal agency, the Secretary shall refer all requests for mandatory declassification review of classified information to the originating Federal agency along with his recommendations. Following consultation with the originating agency, the Secretary will notify the requestor of the referral.

(b) *Safeguarding.* All classified materials shall be delivered to the addressee or his designee immediately upon receipt at the Commission. In the event that the addressee or his designee is not available to receive the materials, they shall be delivered to the Secretary and secured, unopened, in a combination safe located in his office until the addressee or his designee is available. Under no circumstances shall classified materials that cannot be delivered to the addressee or his designee be stored other than in a GSA approved safe. Access to classified materials at the Commission shall be limited to officers and employees of the Commission on the basis of a favorable determination of trustworthiness on the basis of appropriate personnel security investigations and a need for access in the performance of official duties.

(c) *Reproduction.* "Top Secret" documents may not be reproduced without the consent of the originating agency unless otherwise marked by that agency. Documents that have been classified "Secret" or "Confidential" with special dissemination orders may not be reproduced without the permission of the Executive Liaison and Special Adviser for Trade Agreements, and are subject to any limitations imposed by the originator. Reproduced copies shall be subject to the same controls as the original document. The Executive Liaison and Special Adviser for Trade Agreements shall establish a system of recording the number and distribution of copies reproduced from the original documents. Reproduction for the purposes of mandatory review shall not be restricted.

(d) *Storage.* All classified material shall be stored in GSA-approved combination safes located at the Commission. The combinations shall be changed as required by § 2001.43(b) of Information Security Oversight Office Directive No. 1. The combinations shall be known only by those employees possessing an appropriate security clearance who have need for access in the performance of official duties.

(e) *Employee education.* The Director of Administration shall establish for all employees who have been granted a security clearance an information security education program that will advise them of the handling, reproduction, and storage procedures for these materials. The education program will also enable employees to familiarize themselves with the Order and applicable directives of the Information Security Oversight Office. New employees will be instructed in these procedures as they enter employment with the Commission.

(f) *Agency terminology.* The use of the terms "Top Secret," "Secret," and "Confidential" shall be limited to material classified for national security purposes.

[FR Doc. 83-3585 Filed 2-8-83; 8:45 am]

BILLING CODE 7020-02-M

ENVIRONMENTAL PROTECTION AGENCY

21 CFR Part 193

[FAP 2H5360/R133; PH-FRL 2304-5]

Oryzalin; Tolerance for Pesticide

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes a food additive regulation permitting the residues of the herbicide oryzalin in peppermint and spearmint oil. This regulation to establish maximum permissible residues of the herbicide in peppermint and spearmint oil was requested, pursuant to a petition, by the Elanco Products Company.

EFFECTIVE DATE: February 9, 1983.

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

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

SUPPLEMENTARY INFORMATION: EPA issued a notice, published in the **Federal Register** of August 18, 1982 (47 FR 36016), that announced that the Elanco Products Company, 740 South Alabama St., Indianapolis, Indiana 46285, had filed food additive petition 2H5360 with the Agency proposing to amend 21 CFR Part 193 by establishing a regulation permitting residues of the herbicide oryzalin (3,5-dinitro-*N*⁴ *N*⁴dipropylsulfanilamide) in peppermint and spearmint oil at 0.1 part per million (ppm).

No comments were received in response to this notice of filing.

The data submitted in the petition and other relevant material have been evaluated and discussed in a related final rule document (PP 2F2717, 2F2718/R520) establishing tolerances on peppermint and spearmint hay appearing elsewhere in this issue of the **Federal Register.**

The pesticide is considered useful for the purpose for which the regulation is sought. It is concluded that the pesticide may be safely used in the prescribed manner when such use is in accordance with the label and labeling registered pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended, (86 Stat. 973, 89 Stat. 751,

U.S.C. 135(a) *et seq.*) and is established as set forth below.

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

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

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-534, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new food or feed additive levels, or conditions for safe use of additives, or raising such food or feed additive levels do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the Federal Register of May 4, 1981 (46 FR 24945).

(Sec. 409(c)(1), 72 Stat. 1786 (21 U.S.C. 346(c)(1)))

List of Subjects in 21 CFR Part 193

Food additives, Pesticides and pests.

Dated: February 1, 1983.

James M. Conlon,

Acting Director, Office of Pesticide Programs.

PART 193—[AMENDED]

Therefore, 21 CFR Part 193 is amended by adding § 193.462 to read as follows:

§ 193.462 Oryzalin.

A regulation is established permitting residues of the herbicide oryzalin (3,5-dinitro-N^4, N^4 dipropylsulfanilamide) resulting from application of the pesticide to the growing crops in the following food commodities:

Foods	Parts per million
Peppermint (oil)	0.1
Spearmint (oil)	0.1

[FR Doc. 83-3644 Filed 2-8-83; 8:45 am]

BILLING CODE 6560-50-M

21 CFR Parts 193 and 561

[FAP 1H5343, 1H5292/R131; PH-FRL 2296-5; FAP 1H5292/R132]

Tolerances for Pesticides in Food and in Animal Feeds Administered by the Environmental Protection Agency; 1-(4-Chlorophenoxy)-3,3-Dimethyl-1-(1H-1,2,4-Triazol-1-yl)-2-Butanone

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: These rules establish a food and a feed additive regulation to permit the combined residues of the insecticide 1-(4-chlorophenoxy)-3,3-dimethyl-1-(1*H*-1,2,4-Triazol-1-yl)-2-butanone and its metabolites in or on certain food and feed commodities. These regulations to establish maximum permissible levels for the combined residues of the insecticide in or on the food and feed commodities were requested, pursuant to petitions, by the Mobay Chemical Corporation.

EFFECTIVE DATE: Effective on February 9, 1983.

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

FOR FURTHER INFORMATION CONTACT: Henry Jacoby, Product Manager (PM) 21, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 227, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-1900).

SUPPLEMENTARY INFORMATION: EPA issued notices published in the Federal Register cited below that announced that the Mobay Chemical Corporation, P.O. Box 4913, Kansas City, MO 64120, had submitted food and feed additive petitions (FAP) as follows proposing to amend 21 CFR Parts 193 and 561 by establishing regulations permitting the combined residues of the fungicide 1-(4-chlorophenoxy)-3,3-dimethyl-1-(1*H*-1,2,4-triazol-1-yl)-2-butanone and its metabolite beta-(4-chlorophenoxy)-alpha-(1,1-dimethylethyl)-1*H*-1,2,4-triazole-1-ethanol in or on certain food and feed commodities as follows:

I. Food Additive Petitions

1. *FAP 1H5343.* Milled wheat fractions (except flour) at 4 parts per million (ppm). May 26, 1982 (47 FR 23021).

The petition was subsequently amended (47 FR 53116, November 24, 1982) by adding the milled fractions of barley (except flour) at 4.0 ppm.

2. *FAP 1H5292.* Grape juice and grape wine at 2.0 ppm. April 22, 1981 (46 FR 22983). Mobay Chemical Corporation subsequently withdrew the petition for the commodities.

II. Feed Additive Petition

FAP 1H5292. Wet apple pomace at 4.0 ppm; dry apple pomace, 2.0 ppm; raisin trash, 7.0 ppm; wet grape pomace, 2.5 ppm; and dry grape pomace 3.0 ppm. April 22, 1981 (46 FR 22983).

The petition was amended (47 FR 53116, November 24, 1982) by increasing the tolerance for dry apple pomace from 2.0 to 4.0 ppm; wet grape pomace from 2.5 to 3.0 ppm, and changed the expression of the tolerance from raisin trash to raisin waste at the same tolerance level, 7.0 ppm.

The toxicological data and other relevant information submitted in the petitions were discussed in a related final rule document [PP 1E2459, 1F2474, 2F2640, 2F2665, 2F2688/R519], establishing tolerances in or on various raw agricultural commodities, appearing elsewhere in this issue of the Federal Register.

The pesticide is considered useful for the purpose for which the regulations are sought. It is concluded that the pesticide may be safely used in the prescribed manner when such use is in accordance with the label and labeling registered pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended, (86 Stat. 973, 89 Stat. 751, U.S.C. 135(a) *et seq.*). Therefore, the regulations are established set forth below.

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

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

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-534, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new food or feed additive levels, or conditions for safe use of additives, or raising such food or feed additive levels do not have a significant economic impact on a

substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24945).

(Sec. 409(c)(1), 72 Stat. 1786 (21 U.S.C. 346(c)(1)))

List of Subjects in 21 CFR Parts 193 and 561

Food additives, Animal feeds, Pesticides and pests.

Dated: January 24, 1983.

James M. Conlon,

Acting Director, Office of Pesticide Programs.

Therefore, 21 CFR, Chapter I, is amended as follows:

PART 193—[AMENDED]

1. In Part 193 by revising § 193.83 to read as follows:

§ 193.83 . 1-(4-chlorophenoxy)-3,3-dimethyl-1-(1H-1,2,4-triazol-1-yl)-2-butanone.

Tolerances are established for the combined residues of the fungicide 1-(4-chlorophenoxy)-3,3-dimethyl-1-(1*H*-1,2,4-triazol-1-yl)-2-butanone and its metabolite beta-(4-chlorophenoxy)-alpha-(1,1-dimethylethyl)-1*H*-1,2,4-triazole-1-ethanol in or on the following food commodities:

Foods	Parts per million
Barley, milled fractions (except flour)	4.0
Wheat, milled fractions (except flour)	4.0

PART 561—[AMENDED]

2. In Part 561 by revising § 561.93 to read as follows:

§ 561.93 1-(4-chlorophenoxy)-3,3-dimethyl-1-(1H-1,2,4-triazol-1-yl)-2-butanone.

Tolerances are established for the combined residues of the fungicide 1-(4-chlorophenoxy)-3,3-dimethyl-1-(1*H*-1,2,4-triazol-1-yl)-2-butanone and its metabolite beta-(4-chlorophenoxy)-alpha-(1,1-dimethylethyl)-1*H*-1,2,4-triazole-1-ethanol in or on the following feed commodities:

Feeds	Parts per million
Apple pomace (wet and dry)	4.0
Grape pomace (wet and dry)	3.0
Raisin waste	7.0

[FR Doc. 83-2999 Filed 2-8-83; 8:45 am]

BILLING CODE 6560-50-M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

25 CFR Part 174

Operation and Maintenance Charges; Salt River Indian Irrigation Project, Arizona

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Interim rule and request for comments.

SUMMARY: The Bureau of Indian Affairs is publishing an interim rule which changes rates for operation and maintenance charges for irrigation water provided by the Salt River Indian Irrigation Project and establishes a charge for a new category entitled "spill water" (flood water not charged against apportionment) to be delivered through the irrigation facilities of the Salt River Indian Irrigation Project. The rate changes reflect the actual cost of labor, materials, equipment, power, energy, and services.

DATES: Interim rule effective February 9, 1983. Written comments from the public and other interested parties must be received on or before March 11, 1983.

FOR FURTHER INFORMATION CONTACT: Thomas W. Newman, Bureau of Indian Affairs, Phoenix Area Office, P.O. Box 7007, Phoenix, Arizona 85011–7007, Telephone number (602) 241–2285.

SUPPLEMENTARY INFORMATION: The Bureau of Indian Affairs published a redesignation table on March 30, 1982 (47 FR 13326). Consequently, 25 CFR Part 221, Operation and Maintenance Charges was renumbered as Part 174. All references in this document are made to Part 174. Sections 174.120, Basic assessment and 174.123, Excess water are revised to include interim rate changes as follows: (1) The basic assessment is to remain at $13.20 per acre per annum; (2) excess water, in addition to the basic apportionment of three acre feet per annum, may be delivered when the water is available, and is changed from $15.50 per acre foot or fraction thereof to $29.08 per acre foot. In addition, a new § 174.124, "spill water" is added to Part 174. Spill water, which is flood water not charged against the apportionment or as excess water, may be delivered when available at the rate of $6.75 per acre foot or fraction thereof. This interim rule is published under authority delegated to the Assistant Secretary of Indian Affairs by the Secretary of the Interior in 209 DM 8.

The rate increases provided for in this rule must be implemented immediately if the Project is to continue to operate on a sound financial basis. In the five year period since the last rate increase for this project operational costs have risen 87% from $15.50 per acre foot of water delivered to $29.08 per acre foot today. Nearly all of the increase can be attributed to the rapid rise in the cost of electrical energy required for the project. Therefore the $15.50 per acre foot operation and maintenance charges in effect until now are inadequate to meet current and anticipated project expenses. To avoid severe financial losses to the project in the 1983 irrigation season this rule must be implemented without delay. Therefore, the 30 day waiting period usually provided before a rule becomes effective has been waived, and this interim rule will become effective immediately upon publication in the **Federal Register.** However, the policy of the Department of the Interior is, whenever practicable, to afford the public an opportunity to participate in the rulemaking process.

Accordingly, interested persons may submit written comments, suggestions or objections regarding the interim rule to the location identified in CONTACT section of this preamble. Comments must be received on or before March 11, 1983.

The primary author of this document is Thomas W. Neuman, Bureau of Indian Affairs, Phoenix Area Office, P.O. Box 7007, Phoenix, Arizona 85011–7007, telephone number (602) 241–2285.

The Department of the Interior has determined that this document is not a major rule and does not require a regulatory analysis under Executive Order 12291. The proposed interim rate change amounts to less than $15,000. The change will have a minimal effect on costs and prices.

The Department of the Interior has determined that this rule will not have a significant economic effect on a substantial number of small entities under criteria established by the Regulatory Flexibility Act. Indian irrigation project budgets are required to cover operations costs with operation and maintenance collections. Adjustments to rate changes that reflect rising labor, materials, equipment, and power costs must be periodically implemented to keep operational budgets in balance. There is no alternative source of water supply available to Project members. Total operation and maintenance costs currently total some $700,000. The proposed interim rate change amounts to an increase of approximately 2%; and therefore will have slight effect on producers and consumers.

This rule does not contain information collection requirements which require approval by the Office of Management and Budget under 44 U.S.C. 3501 *et seq.*

The Department determined that this rule does not constitute a major federal action significantly affecting the quality of the human environment. Therefore, no environmental assessment or environmental impact statement was prepared.

List of Subjects in 25 CFR Part 174

Indians—Lands, Irrigation.

Part 174 of Chapter I of Title 25 of the Code of Federal Regulations is amended as follows:

PART 174—OPERATION AND MAINTENANCE CHARGES

1. Section 174.120 is revised to read as follows:

§ 174.120 Basic assessment.

The basic operation and maintenance assessment against the lands under the Salt River Indian Irrigation Project in Arizona, to which water can be delivered through the irrigation project works, is hereby fixed at $13.20 per acre for the year 1983 and subsequent period until further notice. The payment of the per acre assessment shall entitle the land for which payment is made to receive an apportionment of three acre-feet of water per annum, or such lesser amount as represents the proportionate share of the available water.

2. Section 174.123 is revised to read as follows:

§ 174.123 Excess water.

(a) Additional water in excess of the basic apportionment of three acre feet per acre per annum may be delivered when the water is available at the rate of $29.08 per acre foot or fraction thereof, measured at the farm delivery point. Payment shall be made in advance of delivery.

(b) The cost per acre foot of excess water will be adjusted as the electrical energy supplier adjusts the rate at which electrical energy is supplied to the Salt River Irrigation Project. Adjustment, up or down, may be made on the first day of the month following notification of the change in rates.

3. Section 174.124 is added and reads as follows:

§ 174.124 Spill water.

Spill water, which is flood water not charged against the apportionment or as excess water, may be delivered when available at the rate of $6.75 per acre foot or fraction thereof, if the basic assessment has been paid. Payment shall be made in advance of delivery.

Dated: December 13, 1982.

Kenneth Smith,

Assistant Secretary, Indian Affairs.

[FR Doc. 83-3427 Filed 2-8-83; 8:45 am]

BILLING CODE 4310-02-M

Bureau of Land Management

30 CFR Part 211

[General Mining Order No. 1]

Reporting Recoverable Coal Reserves From Federal Leaseholds

AGENCY: Bureau of Land Management, Interior.

ACTION: Revocation of general mining order Number 1; rule related notice.

SUMMARY: The Bureau of Land Management is hereby rescinding General Mining Order Number 1 (GMO #1) and thus eliminating the requirements therein. This action is based on review of comments received on the notice of intent to revise or rescind GMO #1, published on January 12, 1982, and on the information requirements now contained in the 30 CFR Part 211 regulations (211's) published in the **Federal Register** on July 30, 1982.

EFFECTIVE DATE: April 11, 1983.

ADDRESS: Any inquiries regarding the decision to revoke should be addressed to: Associate Director, Onshore Minerals Operations, Bureau of Land Management, Attention: Chief, Solid Minerals Division, Mail Stop 651, 12203 Sunrise Valley Drive, Reston, Virginia 22091.

FOR FURTHER INFORMATION CONTACT: Mr. Thomas V. Leshendok, Acting Chief, Solid Minerals Division, (703) 860-7506.

SUPPLEMENTARY INFORMATION: On December 3, 1982, Secretary Watt transferred the functions of the Onshore Minerals Operations, Minerals Management Service, to the Bureau of Land Management via Secretarial Order 3087. On September 17, 1979, a final revision of GMO #1 was published in the **Federal Register** (44 FR 53808). GMO #1 established a mandatory format for reporting recoverable coal reserves from each Federal coal lease. Obtaining the information was essential for the enforcement of statutory requirements under the Mineral Leasing Act of 1920, as amended and supplemented, relating to diligent development, continued operation, maximum economic recovery, advance royalty, and minimum production royalty.

On January 12, 1982, a notice of intent to revise or rescind GMO #1 was published in the **Federal Register** (47 FR 1338). The notice requested comments on (1) how to reduce the reporting burden while still providing essential information, and (2) whether to rescind and replace GMO #1. Specific factors governing revocation of GMO #1 follow.

A primary purpose of GMO #1 was to acquire reserve inventory data for the determination of diligent development. The majority of the lessees have submitted the required information. These submittals, in conjunction with data submitted in mining plans, now provide the data needed to determine diligent development requirements.

GMO #1 provided standard criteria for the calculation of reserves. The July 30, 1982, 211's now contain criteria for standardization. Also, the 211's are less burdensome than GMO #1 in that the 211's do not require reserve base maps for each coal bed.

Resource recovery and protection plan (mine plan) reserves for new leases can be verified at the time of plan approval using exploration data acquired from exploration licenses, postlease exploration, and available public information.

The Department of the Interior has determined that GMO #1 has served its intended purpose. Sufficient reserve data are available for each lease from which to fulfill the regulatory responsibilities of the Solid Minerals Division, Bureau of Land Management. As standard reserve calculation criteria are contained in the 211's, continuation of GMO #1 will not contribute to the information needs of the Department of the Interior and would duplicate other existing requirements.

Dated: January 27, 1983.

Robert F. Burford,

Director, Bureau of Land Management.

[FR Doc. 83-3290 Filed 2-8-83; 8:45 am]

BILLING CODE 4310-84-M

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 934

Approval of Amendments and Removal of Conditions of the North Dakota Permanent Regulatory Program

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Final rule.

SUMMARY: This document amends 30 CFR Part 934 to approve amendments to the North Dakota permanent regulatory program under the Surface Mining

Control and Reclamation Act of 1977 (SMCRA or the Act) and to remove some of the conditions of the Secretary's approval of the State's program.

On July 30, 1982, North Dakota submitted to OSM an amendment to its approved permanent program containing both statutory and regulatory revisions, some intended to satisfy the Secretary's conditions of approval of the North Dakota program. Following a review of the program amendments in accordance with 30 CFR 732.17, the Secretary has decided to approve certain of the modifications contained in the amendment and to remove some of the conditions of approval.

EFFECTIVE DATE: February 9, 1983.

FOR FURTHER INFORMATION CONTACT: Mr. Arthur W. Abbs, Chief, Division of State Program Assistance, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Avenue, NW., Washington, D.C. 20240, Telephone: (202) 343-5351.

ADDRESSES: Copies of the amendments to the North Dakota program and all written comments received on the proposed amendment package are available for review at the OSM Headquarters Office, the OSM Wyoming 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.

Office of Surface Mining Reclamation and Enforcement, Administrative Record Room, 1100 "L" Street, NW., Washington, D.C. 20240

Office of Surface Mining Reclamation and Enforcement, Wyoming Field Office, Freden Building, P.O. Box 1420, Mills, Wyoming 82644, Telephone: (307) 328-5830

Public Service Commission, Reclamation Division, Capitol Building, Bismarck, North Dakota 58505, Telephone: (701) 224-2400

SUPPLEMENTARY INFORMATION: The North Dakota program was conditionally approved by the Secretary on December 15, 1980 (45 FR 82241-82248). The approval was conditioned on the State's correction of 13 minor deficiencies in its program by July 1, 1981. That deadline was later extended, upon the State's request, to January 1, 1983 (46 FR 54070-54071). In response to a further request from the North Dakota Public Service Commission, the Secretary extended the deadline for the State to meet condition "e" to July 1, 1983 (47 FR 42347-42348). On September 28, 1982, North Dakota also requested an extension of the deadline for the State to meet condition "m". In accordance with the State's request, OSM issued a notice proposing such an extension on November 2, 1982 (47 FR 49666). The Secretary will make his final determination on the State's request following the close of the public comment period.

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 explanation of the conditions of approval of the North Dakota program can be found in the December 15, 1980 Federal Register (45 FR 82214-82248).

Background on the Secretary's Conditional Approval

The Secretary of the Interior determined that the North Dakota program, as submitted for his approval, contained 13 minor deficiencies:

1. North Dakota's program did not include fully enacted regulations at NDAC 69-05.2-17-05 and 06 containing provisions which provide for the use of a standard and formula to limit the amount of explosives used in blasting in a same or similar manner as under 30 CFR 815.65(1) (i) and (ii). (Condition "a")

2. The program did not include provisions at NDAC 69-05.2-13-06(2) which were the same or similar to those in 30 CFR 816.97(b) relating to the reporting of the presence of threatened and endangered species in mine permit areas. (Condition "b")

3. The program did not include provisions at NDAC 69-05.2-22-07(3)(b) requiring measurement of success of prime farmlands based on three years production data in accordance with 30 CFR 823.15(c) (i) and (iii). (Condition "c")

4. The program did not include provisions at NDAC 69-05.2-22-07(1) requiring the approval of the Director of OSM for any changes in guidelines for measuring success of revegetation in a same or similar manner as under 30 CFR 816.11 (a) and (b)(i). (Condition "d")

5. The program did not include fully enacted regulations at NDAC 69-05.2-10-03(i) to prohibit issuance of permits to any person with an outstanding violation or pattern of violations outside of North Dakota in a same or similar manner as Section 510(c) of SMCRA, and 30 CFR 786.17 and 30 CFR 786.19(i). (Condition "e")

6. The program did not include fully enacted regulations extending coverage of North Dakota's exploration program as defined in NDCC 38-12.1-03 to include environmental data gathering operations as specified under the Federal definition of coal exploration in 30 CFR 701.5. (Condition "f")

7. The program included a definition at NDAC 69-02-02-05 which required that a person seeking to intervene in administrative procedures demonstrate a substantial interest. This requirement was inconsistent with 43 CFR 4.1110. (Condition "g")

8. The program at NDCC 38-14.1-36(1) did not provide consideration of award of costs to citizens in administrative proceedings in a same or similar manner as 43 CFR Part 4.1290-1296. (Condition "h")

9. The program did not include fully enacted regulations extending temporary relief under NDCC 38-14.1-30(4) to include persons with an interest which is or may be adversely affected from decisions on notices of violation and cessation orders, in a same or similar manner as Section 525(c) and 43 CFR 4.1261. (Condition "i")

10. The program did not include fully enacted regulations at NDAC 69-05.2-01-03 to provide a 30-day comment period after publication of proposed regulations in accordance with Section 501(a)(A) of SMCRA. (Condition "j")

11. The program did not include provisions in NDCC 38-14.1-38 which are the same or similar to those in Section 517(g) of SMCRA providing civil and criminal penalties against all employees who perform duties under the State Act in violation of conflict of interest provisions. (Condition "k")

12. The program definition of employee at NDAC 60-05.2-01-02(34) did not include consultants who make decisions for the regulatory authority so that they were not subject to State conflict of interest regulations consistent with 30 CFR 705. (Condition "l")

13. The program did not include fully enacted statutes and regulations which provided the date for establishment of valid existing rights under NDCC 38-14.1-07(i) and NDAC 69-05.2-01-02(126) consistent with SMCRA Section 522(e) and 30 CFR 761.5. (Condition "m")

Submission of Revisions

On July 30, 1982, North Dakota submitted for the Secretary's approval an amendment to its approved permanent program containing both statutory and regulatory revisions. On August 12, 1982, the State submitted a minor correction to this amendment package. The amendment includes modifications intended to satisfy conditions "a"-"d" and "f"-"l" as specified in the Secretary's December 15, 1980 notice of conditional approval of North Dakota's program. In addition, the amendment contains numerous State generated revisions not related to conditions. The amendment is contained

in full text in the North Dakota administrative record under numbers ND 182 and ND 183.

On September 10, 1982, OSM announced receipt of the modifications in the **Federal Register** (47 FR 39868–71). In that same notice, OSM scheduled a public hearing and comment period on the proposed modifications to the North Dakota program. The hearing was subsequently cancelled as no one expressed an interest in presenting testimony at the hearing. The comment period closed on October 12, 1982.

On November 3, 1982, OSM sent North Dakota a tentative list of issues raised during OSM's review of the amendment with a request that following the State's review of the issues, it submit to OSM any additional clarifying information that would address OSM's concerns. Copies of OSM's November 3, 1982 letter to North Dakota and the accompanying list of issues are included in the OSM Administrative Record under number ND 207.

On November 22, 1982, North Dakota submitted a response to OSM's letter addressing each of the issues raised by OSM. A copy of the State's response is filed under number ND 208 in the OSM Administrative Record. On December 10, 1982, OSM reopened the comment period on the proposed modifications to the North Dakota program until December 16, 1982, in order to allow the public an opportunity to review and comment on the modifications as clarified by the information submitted to OSM by the State on November 22, 1982 (47 FR 49666).

Secretary's Findings

Set forth below is a summary of the statutory and regulatory provisions contained in the amendment package on July 30, 1982, and the Secretary's findings on each of the program modifications.

North Dakota Century Code Amendments (NDCC) Chapter 38–14.1

1. NDCC 38–14.1–02—Subsection 5—Extended Mining Plan

In subsection 5 of section 38–14.1–02, North Dakota has deleted portions of the definition of "extended mining plan." North Dakota has deleted the term "detailed" which applies to the written statement which constitutes the extended mining plan. The State has also deleted the statement of purpose of the plan, which was to inform the Commission of conditions existing prior to commencement of operations. SMCRA does not use the term "extended mining plan," nor do the Federal regulations. As the requirements of the State program relating to the extended mining plan exceed the requirements of SMCRA and the Federal regulations, the detail of the written statement comprising the plan and its purpose are not established by Federal standards, and, therefore, the Secretary finds he can approve the amendments.

2. NDCC 38–14.1–02—Performance Bonding

North Dakota has eliminated the definition for "performance bonding" from the program regulations and inserted a revised definition for this term in the statute. North Dakota's amendment is similar to the 30 CFR 701.5 definition for performance bond. However, the North Dakota definition includes "self-bond" and "any alternative form of security approved by the Commission" without providing sufficient explanation of these types of performance bonds elsewhere in its program. In its November 22, 1982 letter to OSM North Dakota provided the following clarification. The Commission has opted not to implement these forms of bond at this time. The North Dakota rules, as proposed in this amendment, specify what types of bond the Commission can accept. NDAC 69–05.2–12–02 specifies that the Commission may allow for a surety bond, collateral bond, or combination of the two. Neither a self bond or alternative form of security is acceptable under the regulations as proposed in the amendment. North Dakota indicated that a rule change would be needed in NDAC 69–05.2–12–02 for the Commission to change its position and accept a self bond or an alternative form of security and to specifically detail the form of bond which would be approved and the specific conditions which would be placed on it. Any rulemaking by the State requires that the State submit the proposed rules to OSM in the form of a program amendment and that OSM approve the amendment before the new rules are implemented. Therefore, the Secretary finds the North Dakota definition for performance bonding is in accordance with the Federal Standard provided the Commission does not approve a self bond or any alternative form of bond without first incorporating those as acceptable forms of bond in the State program by amending the program regulations.

In addition, the State definition stipulates that a performance bond is the means "by which a permittee assures faithful performance of all requirements of this Chapter." The Federal definition stipulates that the performance bond assures the permittee's faithful performance of all the requirements of the Act, this Chapter, a State, Federal or Federal lands program, and the requirements of the permit and reclamation plan. However, the Secretary finds that under North Dakota's amended rules, the "requirements of this Chapter" provides the same assurance as the Federal rules that the operator's liability under the bond extends to all reclamation requirements set forth in the State statute, regulations and the operator's permit. NDAC 69-05.2-12-01(3) stipulates that "liability on the performance bond shall cover all surface coal mining and reclamation operations pursuant to NDCC 38–14.1–16 . . ." That section of North Dakota's statute, in turn, specifies that as part of a surface coal mining and reclamation permit, the applicant shall file a bond "conditional upon faithful performance of all the requirements of this Chapter and the requirements of all regulations promulgated pursuant to this Chapter and all permit terms and conditions." Accordingly, the Secretary finds that the State's definition of "performance bond" is no less effective than the Federal definition in establishing that release of the bond is conditional on the operator's performance of *all* requirements of the regulatory program.

3. NDCC 38–14.1–03—New Subsection—Bonding

North Dakota has added a subsection to NDCC 38–14.1–03 to give the Commission the power to "establish a performance bonding system and an alternative to the performance bonding system which achieve the objectives and purposes of this chapter." Establishment of a performance bonding system requires approval of the Secretary of the Interior under section 503 of the Act. Approval of the Secretary is required for an alternative bonding system under section 509(c) of the Act. Hence, the Secretary finds that this amendment is in accordance with the Federal requirements provided that any performance bonding system established under the State's provision is separately approved by the Secretary in accordance with the above cited sections of the Act.

4. NDCC 38–14.1–07—Subsection 3—Historic Sites

The State has amended this section by replacing the term "sites" in the phrase "national register of historic sites" with the term "places." This action simply corrects an error in the designation (title) of the National Register, and makes the North Dakota code consistent

with OSM regulations. The change will not affect the interpretation or enforcement of this section. Thus, the Secretary approves the amendment.

5. NDCC 38-14.1-13—Subsection 3—Permit Application

In subsection 3 of section 38-14.1-13 North Dakota has revised the period for nondisclosure of confidential information contained in the permit application from seven to ten years. In addition, the State has added a provision to provide that the Commission shall extend the period of confidentiality if the permittee demonstrates such an extension is warranted to prevent harm to the permittee, his successors and assigns. Section 507(B) of SMCRA does not limit the period of nondisclosure for confidential information pertaining to the analysis of the chemical and physical properties of the coal submitted as part of the permit application. As noted above, North Dakota's program amendment provides that the period of confidentiality shall be extended when necessary to prevent harm to the permittee. Therefore, the Secretary finds that although North Dakota's program limits the period of confidentiality whereas the Federal Act and regulations do not, the State's provision, as amended, provides adequate protection of the permittee's rights in accordance with the purpose of the Federal standards.

6 and 7. NDCC 38-14.1-14—Subsections 1 and 2

North Dakota has amended its program to delete subdivision "u" of subsection 1 of section 38-14.1-14 and subdivision "n" of subsection 2 of section 38-14.1-14. These provisions provided authority for the Commission to prescribe by regulation "other" permit application and reclamation plan requirements. The Secretary has determined that deletion of these provisions does not conflict with SMCRA and OSM's regulations.

8. NDCC 38-14.1-15—Extended Mine Plan

In section 38-14.1-15, North Dakota has eliminated several of the permit application information requirements pertaining to the extended mining plan. SMCRA does not require inclusion of this information in the permit application and the Secretary has determined that deletion of these provisions from the North Dakota program does not conflict with the Federal requirements.

9. NDCC 38-14.1-20—Subsection 3—Permit Approval

In subsection 3 of section 38-14.1-20, North Dakota has added a provision to provide that a permit shall be issued subject to the right of an adversely affected person to request a formal hearing on final determination of a permit application. The Secretary finds that the added provision is in accordance with section 514(c) of SMCRA.

10. NDCC 38-14.1-24—Subsection 17—Revegetation

The State has revised subsection 17 which specifies that the permittee must restore lands affected by mining which have been designated for postmining agricultural purposes to a level of productivity and cover equal to or greater than similar nonmined lands in the surrounding area. Section 515(b)(19) identifies vegetative community characteristics that must be considered when reestablishing plant communities. Section 17 of NDCC 38-14.1-24 sets forth the same characteristics and goes on to specify soil types and management practices that must be used when determining success of the revegetation effort. The Secretary finds that section 17, as amended, is in accordance with section 515(b)(19) of SMCRA and no less effective than the corresponding provisions of OSM's regulations.

11. NDCC 38-14.1-24—Subsection 18—Revegetation

The State has amended the language of this section to provide that the responsibility period for successful revegetation shall start at the last year of augmented seeding, fertilizing, irrigation or other work rather than after vegetation has been established. The Secretary finds that the amended provision establishes the same requirements as section 515(b)(20) of SMCRA.

Also, the State has amended this section to provide that "augmented seeding, fertilizing, irrigation, or other work" does not include normal conservation practices recommended locally as good management for the post-mining land use. The meaning of conservation practices recommended locally as good management is not clear. However, OSM believes that the State understands that conservation practices are those measures commonly planned and implemented to protect the resource base by keeping soil losses to tolerable limits, maintaining acceptable water quality, and maintaining acceptable ecological and management levels for the selected resource use. Furthermore, OSM believes that the State recognizes that conservation practices frequently entail surface manipulation of the plant growth medium and that rates of seeding, fertilizing and irrigation that exceed the rates normally applied to the native soils, prior to disturbance by mining, would constitute augmentation.

12. NDCC 38-14.1-30—Subsection 4—Hearing Procedures

In subsection 4 of section 38-14.1-30, North Dakota has added a provision to allow temporary relief to be granted from a ruling on a permit application. In addition, the State has inserted language in this subsection to clarify that temporary relief may be sought prior to a decision by the Commission on a request for review of a ruling, notice or order. Finally, North Dakota has amended this section to provide that any person with an interest which is or may be adversely affected may request temporary relief from a notice, or issuance of a permit.

The revised provision which allows affected or interested persons to request temporary relief is in compliance with section 514(c) of SMCRA and adoption of this provision by the State satisfies condition "i" of the Secretary's approval of North Dakota's permanent program. With respect to the changes in this section clarifying when temporary relief may be sought, the Secretary finds these to be consistent with the Federal provisions at Section 514(c) of the Act. In reviewing the amendments to this section, OSM was initially concerned about North Dakota's amended provision which allows temporary relief from *a* ruling on a permit. 30 CFR 787.11(b)(2)(iv) states that relief may not be sought where a permit has been denied, in whole or in part, by the regulatory authority. Thus, under the Federal standard temporary relief may be sought only when the regulatory authority has made a decision to issue a permit, not when a decision has been made to deny a permit, in whole or in part. OSM initially interpreted North Dakota's amended provision to allow a person to seek temporary relief where a permit has been denied, in whole or part, by the regulatory authority. However, in its November 22, 1982 letter to the Director, North Dakota asserted that subsection 4 of Section 38-14.1-30 of the NDCC only allows a person to request temporary relief on a permit decision when a decision has been made to issue the permit. The State cited the following language contained in that Section to support its contention that temporary relief may be sought only

when a decision has been made to issue a permit.

> * * * the permittee or any person with an interest which is or may be adversely affected by * * * *the issuance of a permit* may file with the Commission a written request for temporary relief * * *

In light of the clarifying information provided by the State, the Secretary interprets the State's rule to be consistent with OSM's regulations.

13. NDCC 38-14.1-38—Conflict of Interest

North Dakota has amended this section by deleting the word "decision-making" preceding the phrase "function or duty under this chapter". As amended, this statutory provision prohibits any employee of the Commission performing duties under the State Act from having a direct or indirect financial interest in any underground or surface coal mining operation. This restriction previously applied only to employees performing "decision-making" functions or duties. The State's amended statutory provision is in accordance with Section 517(g) of SMCRA, and adoption of this amendment by North Dakota satisfies condition "k" of the Secretary's approval of North Dakota's program.

Chapter 38-12.1 NDCC Coal Exploration Data

1. NDCC 38-12.1-03—Subsection 2—Definition of Coal Exploration

Subsection 2 of section 38-12.1-03, which defines coal exploration, has been amended by adding "environmental data gathering activities which substantially disturb the land surface" to the list of activities defined as coal exploration. This modification is intended to address condition "f" of the Secretary's approval of the North Dakota Program. Because OSM is contemplating changes to the Federal coal exploration regulations which may have a bearing on the State's satisfaction of this condition, the Secretary has decided to defer his decision on the adequacy of North Dakota's amendment in meeting the condition until OSM finalizes changes to the Federal coal exploration regulations. Accordingly, the Secretary is extending the deadline for North Dakota to satisfy condition "f" until July 1, 1983.

2. NDCC 38-12.1-04—Subsection 1—Jurisdiction

North Dakota has extended the period of nondisclosure of basic data collected during exploration from 7 to 10 years. North Dakota has also added a provision to allow the period of confidentiality to exceed 10 years if it is demonstrated that such period should be further extended in order to prevent possible resulting harm to the person, his successors, and assigns. The Secretary finds that although North Dakota's program limits the period of confidentiality whereas section 512(b) of SMCRA does not, the State's provision as amended, provides adequate protection of the person's rights in accordance with the intent of the Federal standards.

Surface Owner Protection Act; NDCC 38-18

1. NDCC 38-18—Subsections 3, 6, and 10—Definitions

North Dakota has amended the definitions of "Mineral developer," "Mineral owner," and "Surface owner." None of these terms is defined in SMCRA or the Federal regulations. The Secretary finds that the use of these terms, as defined in North Dakota's amendment package, is not inconsistent with the Federal Act or regulations. Hence, the Secretary approves the revisions.

2. NDCC 38-18-06—Subsection 3—Mineral Lease

In section 38-18-06, North Dakota has proposed to add a provision to provide that any previously executed surface or mineral lease in favor of the mineral developer shall bind subsequent surface or mineral owners.

There is no comparable Federal provision in SMCRA, nor any provision which would conflict with this provision. Therefore, the Secretary approves the amendment.

3. NDCC 38-18-07—Surface Damage Payments

Subsection 2 of section 38-18-07 requires the mineral owner to pay a sum of money to the owner of a farm building if he mines within 500 feet of the farm as compensation for moving the building or replacing it. North Dakota has added a section which allows the farm owner to waive his right to compensation. Also, North Dakota has added a provision to clarify that the payment for moving the farm building is to a location 500 feet from the *coal removal area*, as opposed to 500 feet from any point on the permit area. Subsection 3 of section 38-18-07 has been amended to reference the waiver provision added to subsection 2. There are no Federal counterparts to these provisions. The Secretary finds the amended provisions are not inconsistent with the Federal Standards and therefore, he approves these modifications.

NDAC Section 69-05.2-01-02 Definitions

1. *North Dakota has deleted the definitions for the following terms from its regulations:* "acid test ratio", "asset ratio", "capital assets", "current assets", "current liability", "current ratio", "liquidity ratio", "net profit", "net worth", "quick assets", "retained earnings", "working capital", and "self-bond". Deletion of these definitions is consistent with North Dakota's amendment at NDAC 69-05.2-12-05 deleting self-bonding as an acceptable bond form. Under Section 509(c) of the Act and 30 CFR 806.14(a) the regulatory authority has the option to include or exclude self-bonding from the acceptable forms of bond. Hence, North Dakota's deletion of the self-bonding option and of the definitions of terms used in conjunction with self-bonding is not inconsistent with the Federal Act or regulations; thus, the Secretary approves these modifications.

2. *Adjacent Area:* North Dakota has deleted the reference to "extended mining plan area" from the definition of "adjacent area", as the term "adjacent area" is not used in the context of the extended mine plan requirements. The Secretary finds this revision is not inconsistent with any of the Federal requirements.

3. *Collateral bond:* The State definition of "collateral bond" has been revised to include a "perfected lien or security interest in real property". The Federal definition of "collateral bond" at 30 CFR 800.5 contains a comparable provision; thus, the Secretary finds this addition to the State definition as no less effective than the Federal regulations.

4. *Employee:* North Dakota has amended the definition of this term to include consultants, thereby making them subject to the State conflict of interest provisions. The State's definition, as amended, is consistent with OSM's definition of "employee" at 30 CFR 705.5, and adoption of this modification by North Dakota satisfies condition "1" of the Secretary's approval of North Dakota's permanent program.

5. *Flood irrigation:* This definition has been amended by substituting the phrase "supplying water to plants" for the word "irrigation". The State's definition as amended is identical to the Federal definition for "flood irrigation" at 30 CFR 701.5. Hence, the Secretary approves the change.

6. *Ground cover:* A definition for this term has been added to North Dakota's

program. There is no counterpart to this definition in the Federal Act or regulations. The Secretary finds that the State's definition does not conflict with any of the Federal requirements; therefore, he approves the amendment.

7. *Hayland; pastureland; tame pastureland:* North Dakota has deleted the definitions for "hayland" and "pastureland". These deletions are offset by the addition of a definition for "tame pastureland". The State's new definition corresponds to OSM's definition of "pastureland" or land occasionally cut for hay. The Secretary finds these deletions and additions do not make North Dakota's rules less effective than the Federal regulations. Thus, the Secretary approves the changes.

8. *Native grassland, rangeland:* The definition for "rangeland" has been deleted. The change is offset by the addition of a definition for "native grassland". The Secretary finds these revisions do not make the State's provisions less effective than the Federal standards and these modifications are, therefore, approved.

9. *Performance bond:* North Dakota has proposed deletion of the definition for "performance bonding" because the definition has been added to North Dakota's statute at 38–14.1–02. However, the new definition in the statute contains language which is not entirely consistent with the definition of performance bond at 30 CFR 701.5. See the Secretary's finding above related to the proposed amendment to North Dakota's statute at NDCC 38–14.1–02. The Secretary finds that deletion of the definition of "performance bonding" from the regulations is acceptable provided the State corrects the statutory definition as discussed in the above finding, NDCC 38–14.1–02.

10. *Subirrigation:* North Dakota has modified this definition by deleting the phrase "from underneath or". The Secretary has determined that inclusion of this phrase in the definition is superfluous as the phrase "from a semisaturated or saturated subsurface zone" which is contained within the same sentence, sufficiently conveys the meaning intended. The Secretary finds the State definition, as amended, no less effective than the Federal definition at 30 CFR 701.5.

11. *Undeveloped rangeland:* The definition of this term has been amended by the insertion of language which clarifies that "undeveloped rangeland" is generally used for livestock grazing. The Secretary finds the State's definition, as amended, does not conflict with the Federal definition of this term at 30 CFR 701.5; therefore, he approves the change.

12. *Woodland/Woody plant:* North Dakota has modified the definition of woodland to include shrubs and added a definition for woody plants. The Secretary finds these modifications do not conflict with the Federal provisions. The terms are not defined in the Federal Act and regulations. Modification of the definition does not render the provisions less effective than the Federal regulations.

NDAC 05.2–01–03—Promulgation of Rules—Notice—Hearing

The State has amended this section by substituting the term "rules" for "regulations". This revision is merely editorial and the Secretary approves the change.

In addition, the State has amended subsection 5 to require that the notice of hearing shall be published 30, rather than 20 days, before the date set for the hearing. The amended provision is consistent with section 501(a)(A) of SMCRA which requires a 30-day public comment period during which interested persons may submit written comments following publication in the **Federal Register** of proposed regulations. The Secretary finds that adoption of this amendment by North Dakota satisfies condition "j" of his approval of North Dakota's program.

NDAC 05.2–01–06—Intervention

North Dakota has added a new rule under this section consistent with the provisions of 43 CFR 4.1110.

The Secretary has determined that adoption of this rule satisfies condition "g" of the Secretary's approval of North Dakota's program. This rule takes precedent over NDAC 69–02–02–05 which allows only persons with "substantial interests" to intervene in matters before the Public Service Commission (PSC). The Secretary conditioned his approval of North Dakota's program on the revision of the requirement that a person seeking to intervene demonstrate a substantial interest.

NDAC 69–02–01–01 provides that NDAC article 69–02 applies to all practice and procedures before the North Dakota PSC unless rendered inconsistent by a specific statute or rule, in which case the more specific statute or rule applies. Therefore, the more specific rule at NDAC 69–05.2–01–06 will apply to persons seeking to intervene at any stage of a proceeding conducted under North Dakota's surface mining statute (NDCC Chapter 38–14.1) or North Dakota's surface mining regulations at NDAC 69–05.2. The new provision at NDAC 69–05.2–01–06 insures that any person who has an interest which is or may be adversely affected by the outcome of the proceeding may intervene in the proceeding. The Secretary finds that North Dakota has satisfied condition "g".

NDAC 05.2–01–07—Petitions for Award of Costs and Expenses Answer—Awards Judicial Review

North Dakota has adopted a new State rule which implements NDCC 38–14.1–36. The new rule provides for the award of costs and expenses consistent with the provisions of 43 CFR 4.1290–4.1296. Adoption of these provisions by North Dakota satisfies condition "h" of the Secretary's approval of the State's program.

NDAC 69–05.2–05–01—Permit Applications—General

Subsection 1 of Section 69–05.2–05–01 has been amended to require the permit applicant to submit four rather than 10 copies of the application, unless Federal lands are involved, in which case seven copies must be submitted to the Commission and additional copies to OSM.

Under section 771.21(b) OSM requires only one copy of the application to be submitted for non-Federal land and seven copies for Federal land. Hence, the State's provisions, as amended, are more stringent than the Federal requirements and, therefore, the Secretary approves the modifications.

Subsection 3 of Section 69–05.2–05–01 prescribes a 120-day period for review of permit applications. North Dakota has added a provision which provides that the 120-day period shall commence the day the application is submitted. In addition, the State has inserted a provision specifying that when the 120-day period is suspended, the Commission shall advise the permit applicant of its decision to suspend the 120-day review period, the number of days remaining in the review period and the measures to be undertaken by the applicant. These requirements exceed the Federal requirements at 30 CFR 771.21(b)(1) and do not conflict with any of the Federal provisions. Therefore, the Secretary finds the revisions are no less effective than the Federal requirements.

Subsection 4: North Dakota has amended this section by adding a title. The Secretary approves this non-substantive change.

NDAC 69–05.2–05–08. In this section, North Dakota has changed the requirement that the permit area be no larger than the area from which the permit applicant will remove coal during

the permit term to the area which can be considered a logical pit sequence. In addition, the State has added a provision specifying that the *coal removal area* is a permit subarea no larger than the area from which the applicant will remove coal during the permit term. A permit revision would be required to remove coal from additional subareas.

The Secretary has determined that North Dakota's amended rule is no less effective than the Secretary's regulations in meeting the requirements of the Act. Although the State's provisions allow for a permit area to be a larger area than the area to be mined during a five year period, all the information in the permit application must be provided for the entire permit area and the maximum term of a permit is still five years. Hence, the Secretary finds the State's provisions are no less effective than the Federal Requirements.

NDAC 69-05.2-06-01—Permit Applications—Identification of Interests

In addition to minor editorial changes in this section, North Dakota has proposed to delete the requirement at NDAC 69-03.2-06-01(4) that the applicant submit the names under which the applicant, partner, or principal shareholder previously operated a coal mine in any State within the five preceding years.

North Dakota's statute does include a provision under Paragraph 3 of subdivision "e" of subsection 1 of section 38-14.1-14 that requires the applicant to submit a list of the names under which the applicant, partner or principal shareholder previously operated within the State of North Dakota.

However, this statutory provision does not cover an operator's operations in other States. Section 507(b)(4) of SMCRA and 30 CFR 778.13(b)(13) require that the operator include in the permit application a list of names under which he has operated in *any* State. To be consistent with the Federal standards, North Dakota's program must include a comparable provision. North Dakota explained in its letter to the Director dated November 22, 1982, that the Commission does not have statutory authority for this provision. During the 1981 legislative session an amendment to North Dakota's State Act was passed which deleted the following provision from Subsection 1 of Section 38-14.1-14: "Such other requirements as the Commission shall prescribe by regulation." This provision, the State pointed out, was the statutory authority which the State originally relied upon for the permit application requirements pertaining to an applicant's operations in States other than North Dakota set forth under NDAC 69-05.2-06-01(4), NDAC 69-05.2-06-02(1) and NDAC 69-05.2-06-02(3). North Dakota's attorney general has advised the Commission that this statutory provision did not provide adequate authority for the State's regulations at 69-05.2-06-01(4), NDAC 69-05.2-06-02(1) and NDAC 69-05.2-06-02(3). Thus, the State has deleted these regulations in its Amendment I package. The State, however, has drafted amendments to the North Dakota Act to provide the necessary authority. In its November 22, 1982, letter to the Director, North Dakota indicated that the draft amendments would be introduced during the next legislative session. If adopted as proposed, this legislation would also provide authority for the State to adopt a regulation to satisfy condition "e" of the Secretary's approval of the North Dakota program. Condition "e" stipulates that the Secretary's approval of the North Dakota program will terminate on July 1, 1983, unless North Dakota submits to the Secretary by that date copies of fully enacted regulations amending the North Dakota Administrative Code 69-05.2-10-03(i) to prohibit issuance of permits to any person with an outstanding violation or a pattern of violations outside of North Dakota in a same or similar manner as Section 510(c) of SMCRA, and 30 CFR 786.19(i).

In light of the present lack of statutory authority for the permit requirements pertaining to an applicant's operations in States other than North Dakota at NDAC 69-05.2-06-01(4), NDAC 69-05.2-06-02(1) and NDAC 69-05.2-06-02(3), the State does not have the ability to administer and enforce these regulations. Thus, with respect to North Dakota's Amendment I package, the Secretary approves of the deletion of these rules. However, because these requirements must be included in the North Dakota program to be consistent with the Federal Standards, the Secretary is modifying condition "e" by adding the requirement that the State amend its program by July 1, 1981, to include these requirements. This should allow the State sufficient time to enact the essential legislation which is necessary for the State to adopt these regulatory provisions.

NDAC 69-05.2-06-02—Permit Applications—Compliance Information

Subsection 1. In subsection 1 of NDAC-69-05.2-06-02 North Dakota has proposed to delete the requirements that the permit applicant submit a statement of any permits held subsequent to 1970 in States other than North Dakota. Section 507(b)(3) of SMCRA and 30 CFR 778.14 require that the operator include this information in his permit application. *See* the finding above on modifications to NDAC 69-05.2-06-01(4) for the Secretary's determination on this amendment.

Subsection 3. In subsection 3 of section 69-05.2-06-02, North Dakota has deleted the requirement that the applicant submit a list of notices of violations of SMCRA or U.S. and State law pertaining to air or water environmental protection that he has received in any State. In its place, North Dakota has proposed to obtain a statement regarding each violation notice issued to the applicant in North Dakota. Section 510(c) of SMCRA and 30 CFR 778.14(c) require the permit applicant to submit this information. *See* the finding above on modifications to NDAC 69-05.2-06-01(4) for the Secretary's determination on this amendment.

Subsection 5. North Dakota has proposed to delete subsection 5 of NDAC 69-05.2-06-02 which requires the permit applicant to submit a summary of any determinations made by a State or Federal regulatory authority having jurisdiction over surface coal mining and reclamation operations that the permit applicant was found to have engaged in a demonstrated pattern of willful violations. The Federal Act and regulations do not require the permit applicant to submit this information. Therefore, the Secretary finds North Dakota's deletion of this requirement is not inconsistent with the Federal standards.

NDAC 69-05.2-06-03—Permit Applications—Right of Entry

North Dakota rule 69-05.2-06-03 requires the permit applicant to submit copies of the documents upon which he bases his legal right to enter the permit area. The State has amended this provision to eliminate the requirement that the copies be certified. The Secretary has determined that the State's provision, as amended, is still more stringent than 30 CFR 778.15(a) which requires that the applicant submit only a description of the documents.

In addition, the State requires at NDAC 69-05.2-06-03 that the permit applicant submit a narrative and supporting copies of the documents which demonstrate compliance with the Surface Owner Protection Act. The State has amended this provision to require that the copies of supporting documents be certified. This requirement has no counterpart in the Federal Act or

regulations. The Secretary finds the change is not inconsistent with the Federal standards.

NDAC 69-05.2-07-01, 69-05.2-07-02, 69-05.2-07-03, 69-05.2-07-04, 69-05.2-07-05, 69-05.2-07-06, 69-05.2-07-07—Permit Applications—Extended Mining Plan

North Dakota has eliminated from these sections many of the requirements pertaining to the extended mining plan. The Secretary has determined that deletion of these provisions is acceptable as the remaining provisions are no less effective than than the Federal provision at 30 CFR 779.12(a) which provides that the applicant describe the size, sequence and timing of the subareas of the permit area for which it is anticipated that individual permits for mining will be requested over the estimated total life of the mining activities.

NDAC 69-05.2-08-01

In addition to revising this section for clarity, North Dakota has added a provision which requires the permit applicant to identify the size, sequence, and timing for which it is anticipated that individual coal removal subareas will be mined. The Secretary finds this modification is consistent with the changes to section NDAC 69-05.2-05-08 discussed above. Also, the State has deleted subdivision "e" of subsection 3 (renumbered 4). The Secretary finds this revision acceptable as the deleted provision is contained under the extended mine plan provisions at NDAC 69-05.2-07.

NDAC 69-05.2-08-03—Permit Applications—Cultural and Historic Resources

North Dakota has amended this section to develop more explicit regulations concerning the protection of cultural and historic resources. The regulations require the operator to submit an inventory of the permit and adjacent areas, an evaluation of site significance based on National Register criteria, and a map identifying the significant resources.

The Secretary has determined that the State provisions, as amended, are no less effective than 30 CFR 779 and 783 in providing protection for cultural and historic resources.

NDAC 69-05.2-08-05—Permit applications—Geology Description

North Dakota has amended the State regulations outlining the information to be submitted by the permit applicant on the geology of the proposed permit area. The Secretary has determined that the State provisions, as amended, still exceed the minimum Federal requirements for a geologic description in the permit application. Hence, the Secretary approves the amendments.

NDAC 69-05.2-08-07—Permit Applications—Surface Water Information

North Dakota added a requirement that the permit applicant submit a description of the monitoring procedures used to acquire surface water data including: the location of all monitoring sites, frequency of monitoring for each site, and the monitoring techniques and equipment utilized. There is no counterpart to this requirement in the Federal Act or regulations. The Secretary has determined that the additional requirement will make the State's rules more stringent than the Federal standards and, therefore, he approves the modification.

NDAC 69-05.2-08-08—Permit Applications—Vegetation and Land Use Information

North Dakota has amended the vegetation information requirements contained in North Dakota Rule 69-05.2-08-08. The Secretary has determined the revisions (deletions and additiona) result in a more clearly stated rule that is no less effective than the vegetative data requirements of 30 CFR 779.19 and 779.22.

NDAC 69-05.2-08-09—Permit Applications—Prime Farmland

North Dakota has expanded the title of this section to more clearly identify the content of this section. In addition, under Subsection (2)(e), North Dakota's program relative to a negative determination for prime farmland originally contained the language, "* * * areas identified as prime soils * * *". This has been changed to, "* * * soil mapping units identified as prime farmland." The new language makes it more clear that prime farmland soil mapping units are the basis for the identification (and location) of prime farmland soils. The Secretary has determined that the State's rule, as amended, is no less effective than the Federal provision at 30 CFR 779.27.

NDAC 69-05.2-08-10 and NDAC 69-05.2-08-11—Permit Applications—Soil Resources

In subsections 1 and 2 of sections 69-05.2-08-11, the State has removed references to, "soil material" but retained the phrase, *suitable plant growth material.* Additionally, in these subsections North Dakota has deleted the words "first lift" and "second lift", but substituted the words *topsoil* and *subsoil*, respectively. Subsection 3, which requires a soil profile description for all prime farmland to be disturbed by miners, has been deleted. A similar provision, however, has been added to rule 69-05.2-09-15. A minor editorial change has beeen made in section 69-05.2-08-11. The Secretary has determined that these changes will not make the State rules less effective than the Federal standards at 30 CFR 779.21.

NDAC 69-05.2-08-12—Permit Applications—Topographical Data

The State has revised this section by rewording the requirements and eliminating specific details pertaining to cross sections and slope measurements. The rewording of the requirements does not alter the basic requirements for topographic and slope maps. The wording that has been deleted was unnecessary. The rules, as amended are consistent with the Federal regulations in 779.25(k) and, therefore, the Secretary approves the modification.

NDAC 69-05.2-08-15—Permit Applications—Fish and Wildlife Resources

North Dakota has added a requirement in subsection (1) that "(t)he habitats shall be delineated on 1:4800 scale aerial photographs". There is no counterpart to this requirement in the Federal Act or regulations and the Secretary finds the amended regulation is not inconsistent with the Federal standards. Hence, the modification is approved.

NDAC 69-05.2-09-02—Permit Applications—Maps and Plans

The State has added a provision under paragraph (3) which requires that the permit applicant delineate on a map submitted as part of the permit application the sequence of mining and reclamation operations with a description of size and timing of operations for each *coal removal* subarea.

The Secretary finds this change is consistent with the changes in 69-05.2-05-08, discussed above. Therefore, the Secretary approves the revision.

NDAC 69-05.2-09-04

Section 8(b) has been amended to correct a typographical error in a cross reference. The cross reference now correctly reads "subsection 10 of section 69-05.2-17-05" instead of "subsection 8 of section 69-05.2-17-05." the Secretary finds this revision acceptable.

NDAC 69-05.2-09-08—Permit Applications—Significant Cultural Resources

The State has amended section 69-05.2-09-08 to delete the requirement that operators obtain the approval of the Commission and other agencies when mining may adversely affect cultural resources, and added a requirement that each operation plan submitted as part of a permit application shall include a statement that the permittee will inform the State historical society and the Commission of any discovery within the permitted area of previously unrecorded archeological, cultural, or historic materials.

While North Dakota's amended regulation does not clarify that the approval of the permit application by the agency with jurisdiction over the cultural resource is required, the State statute, section 38-14.1-07(3), prohibits mining "within three hundred feet of any publicly owned park or places included in the State historic sites registry or the National Register of Historic Sites unless approved jointly by the Commission and Federal, State, or local agency with jurisdiction over the park or historic site". This statutory provision insures the same level of protection for cultural resources as the Federal Act and regulations provide. Thus, the Secretary approves the amendment.

NDAC 69-05.2-09-11—Permit Applications—General Requirements

North Dakota has modified paragraph 3 of this section to require topographic maps with a specified contour interval instead of contour maps. In addition, slope maps are required. Volumetric calculations and cross sections or other appropriate information must be provided to demonstrate that sufficient material exists to achieve the final surface configuration. The impact of these differences is that all reclamation plan maps will be the same and sufficient data will be presented to the regulatory authority to verify maps and plans.

The North Dakota regulations require the same maps as the Federal regulations and additional information with respect to the cross sections. Thus, the North Dakota regulations are no less effective than the Federal requirements.

NDAC 69-05.2-09-12—Permit Applications—Surface and Ground Water Monitoring

The State has proposed to add a cross-reference to the hydrologic balance performance standards. This modification simply clarifies the association between permit requirements and performance standards. The Secretary approves this modification.

NDAC 69-05.2-09-13—Permit Applications—Postmining Land Use

North Dakota has amended this section by replacing the word "rangeland" with the terms "native grassland" and "tame pastureland." The Secretary has determined that the substitution of these terms (which have been defined in 69-05.2-01-02) does not alter the performance requirements of this section and the State rule, as amended, is no less effective than 30 CFR 780.23.

NDAC 69-05.2-09-15—Permit Applications Operations and Reclamation Plans—Prime Farmlands

Subsection 1: North Dakota has added a permit application requirement that the operation and reclamation plan for prime farmlands include the soil survey that identified the prime farmland including soil mapping unit and representative soil profile descriptions for each prime farmland unit. A similar requirement was deleted from Section 69-05.2-08-10. Hence, the addition of such a provision here does not represent a change in the requirements of North Dakota's program.

Subsections 2 and 3 (formerly subsections 1 and 2: North Dakota has substituted the phrase "plant growth materials" for the phrase "soil materials." The Secretary finds that the State rule, as amended, is consistent with the permit application requirements for prime farmlands at 30 CFR 785.17.

Subsection 4 (previously subsection 3): North Dakota has inserted a phrase to more clearly describe what kind of map is to be submitted which locates areas where prime farmland plant growth material is to be respread. The regulation specifies that a "postmining topographic" map shall be submitted. The Secretary finds the revised provision consistent with the Federal requirements at 30 CFR 785.17.

Subsections 5 and 7 (previously subsections 4 and 6: North Dakota has replaced the word "yield" with "productivity". The term "productivity" as defined at 69-05.2-01-02 (74) means vegetative yield. Although the term "yield" is used in section 510(d)(1) and section 519(c)(2) of the Act and the prime farmland provisions of OSM's regulations, the Secretary has determined that the substitution of the term "productivity" in North Dakota's program does not make the State rule less effective than the Federal provisions.

Subsection 6: North Dakota has deleted the phrase "* * * final graded disturbed land * * * " and substituted new language "* * * area to be reestablished as prime farmland * * *", so that the part now reads, "Plans for seeding or cropping the area to be reestablished as prime farmland and the conservation practices * * *." Final grading is required of all reclaimed land; therefore, it need not be specified here. This Secretary finds the amended rule consistent with the Federal requirements.

Subsection 7: North Dakota has transferred this subsection dealing with the coordination with the USDA, Soil Conservation Service, to Chapter 69-05.2-10-01, subsection 3—"Permit Application—Public Notices of Filing." The Secretary finds this revision does not alter the requirements of North Dakota's program.

NDAC 69-05.2-09-16—Permit Applications—Alluvial Valley Floors

North Dakota has revised this section for clarity only. The Secretary approves the modification.

NDAC 69-05.2-09-17—Permit Applications—Fish and Wildlife Resources

This section sets forth the requirements for a fish and wildlife plan to be included in the permit application. The State has amended this section for clarity. As 30 CFR 780.16 was remanded by the Court in *In re: Permanent Surface Mining Regulations Litigation,* No. 79-1144, Memo. opin. of Feb. 26, 1980, there is no counterpart to this State requirement in the Federal regulations.

NDAC 69-05.2-10-01—Permit Applications—Public Notices of Filing

Subsection 2: North Dakota has amended this regulation to require distribution of appropriate portions of permit applications to the State Advisory Committee as opposed to the complete applications with supporting material. This provision, as amended, is more stringent than Federal requirements which do not require any such distribution. Hence, the Secretary approves the revision.

Subsection 3: North Dakota has added a section which requires the Commission to submit the portions of a permit application pertaining to the prime farmland reclamation plan to the U.S. Soil Conservation Service (SCS). If SCS finds the plan to be inadequate, it will suggest revisions resulting in more complete and adequate reconstruction. This requirement has simply been transferred from 69-05.2-09-15 and,

therefore, the Secretary approves the change.

NDAC 69-05.2-10-03—Permit Applications—Criteria

North Dakota has amended this section for grammatical purposes only. Thus, the Secretary finds the revisions acceptable.

NDAC 69-05.2-10-05—Permit Applications—Approval or Denial

In subsection 5, North Dakota has changed its regulation to allow any party to request temporary relief from the issuance of a permit within 30 days of the publication of the notice. The comparable Federal provision is 30 CFR 787.11(a). The Secretary has determined that the amended State provision is no less effective than the comparable Federal regulation.

NDAC 69-05.2-10-06—Permit Applications—Approval for Surface Disturbances Over Federal Mineral Estates

North Dakota has deleted the reference to the regional director of OSM. The rule, as amended, simply makes a general reference to OSM. The Secretary finds this modification is acceptable as the position of "regional director" has been eliminated under OSM's reorganization.

NDAC 69-05.2-11-02—Permit Revisions

North Dakota has amended this section by adding a provision which specifies that disturbance of a new coal removal subarea within a permit area shall be regarded as a significant alteration. Subsection 5 of 69-05.2-11-02 specifies that if an alteration to a permit is significant, the application shall be subject to the notice, hearing and procedural requirements of NDCC 38-14.1-18, 38-14.1-19 and 38-14.1-20 and chapter 69-05.2-10. The Secretary has determined that this amendment is consistent with 30 CFR 788.12(a)(1) which provides that "Each regulatory authority shall provide parameters in the regulatory program to determine what changes shall constitute significant departures as used herein."

NDAC 69-05.2-11-03—Permit Renewals—Applications

North Dakota has added a clarifying statement to this section to explain that proof of publication of a newspaper notice for permit renewals shall be furnished to the Commission by a permit applicant after the last required publication date. The Secretary has determined that the amended rule is consistent with 30 CFR 788.14(a)(2), which requires that a complete application for a permit renewal shall include a copy of the newspaper notice and proof of publication.

NDAC 69-05.2-12—Performance Bonds—Liability Insurance

Subsection 1: North Dakota has amended NDAC 69-05.2-12-01, General Requirements, to clarify operator requirements for filing a bond, and to clarify requirements for incremental bonding. The Secretary finds the North Dakota amendments are consistent with the requirements at 30 CFR 800.11 for filing a bond.

Subsection 2: North Dakota has amended 69-05.2-11-02 to delete self-bond as an acceptable form of bond and to add a combination of surety and collateral bond as an acceptable form of bond.

These changes are consistent with OSM regulations. Under Section 509(c) of the Act and 30 CFR 806.14(a) the regulatory authority has the option to include or exclude self-bonding from the acceptable forms of bond. 30 CFR 806.11(a)(6) allows a combination of surety and collateral bonds.

Subsection 3: North Dakota has amended this section by deleting the restriction on the amount of surety bonds the Commission may accept as a percentage of the surety company's capital surplus. Deletion of restrictions on the amount of bond acceptable from a surety company is acceptable because this requirement is enforced by the North Dakota Commissioner of Insurance through Section 26-07-03 of the North Dakota Century Code.

Subsection 4: North Dakota has amended NDAC 69-05.2-12-04 to further define collateral bonds and to establish conditions for acceptance of real property as collateral.

The Secretary has determined the amended provision is consistent with the definition of collateral bond in 30 CFR 800.5 and 30 CFR 806.12(h) which establishes conditions for accepting real property as collateral. The North Dakota amendment assures the adequacy of property values of real property used as collateral and the regulatory authority's interest in real property used as collateral.

Subsection 5: North Dakota has amended NDAC 69-05.2-12-05 to delete standards for acceptance of a self-bond. This is consistent with North Dakota's amendment at 69-05.2-12-02 which deletes self-bond from the acceptable forms of performance bond. Section 509(c) of the Act and 30 CFR 806.14(a) provide for regulatory authority discretion in establishing self-bonding. Therefore, the Secretary approves this modification in North Dakota's program.

Subsection 6: North Dakota has amended this Section to delete self-bond as a replacement bond option. This change is consistent with the above-mentioned deletion of self-bonding as an acceptable bond form. Other editorial changes in this section do not alter the effect of the regulations.

Subsections 7, 9, 12: North Dakota has proposed word changes at 69-05.2-12-07 and at 69-05.2-12-09 consistent with language at 30 CFR 800.13 and 805.13, respectively. In addition, North Dakota has amended 69-05.2-12-12(7)(a) to correct a cross-reference and for clarity. The Secretary finds these revisions acceptable.

Subsection 16: North Dakota is deleting 69-05.2-12-16, Subsection 3, to achieve consistency with the amendment at 69-05.2-12-01(3). The effect of these changes is to establish that liability on a performance bond shall cover the legally described area attached to the bond. The requirement that liability on a separate bond increment shall extend to the entire permit area has been deleted. OSM has determined that when limited guarantees are accepted which are intended to cover specific increments, extending the guarantee to the entire permit area is beyond the incremental reclamation guarantee. For this reason, OSM has suspended 30 CFR 808.12(c), the counterpart to NDAC 69-05.2-12-16(3). *See* 46 FR 42063 and 42082 (August 19, 1981). Accordingly, the Secretary approves these modifications.

Subsection 17: North Dakota has deleted NDAC 69-05.2-12-17, "forfeiture of performance bond criteria." North Dakota Century Code at 38-14.1-33 contains provisions which establish conditions under which forfeiture proceedings may or shall be instituted, which achieve the same result as 30 CFR 808.13. Therefore, the Secretary approves this revision.

Subsection 19: North Dakota has deleted NDAC 69-05.2-12-19 which outlines the actions that may be taken by the Commission if a permit is revoked. Section 38-14.1-33 of the State Act contains provisions detailing the action the Commission must take if a permit is revoked. Therefore, the Secretary finds the amendment acceptable.

Subsection 20: North Dakota has amended this section to raise the minimum amount of liability insurance which the permittee must secure. As North Dakota's minimum is higher than that required at 30 CFR 806.16(a), the Secretary approves this change.

NDAC 69-05.2-13-07—Performance Standards—Air Resources Protection

The only change in this section consists of replacing the word "regulations" with "rules." The Secretary finds this non-substantive revision acceptable.

NDAC 69-05.2-13-08(2)—Performance Standards—Protection of Fish, Wildlife and Related Environmental Values

The phrase "any plant or animal listed as threatened or endangered" has been inserted into Subsection 2. The amended regulation is consistent with 30 CFR 816.97 and adoption of this amendment by the State satisfies condition "b" of the Secretary's approval of the North Dakota permanent program.

NDAC 69-05.2-13-02—Performance Standards—General Requirements

This section requires the operator to submit annually information on the mining and reclamation activities that occurred during the year being reported. There is no counterpart to this requirement in the Federal Act or regulations, and the Secretary finds that the State provisions, as amended, are consistent with the Federal requirements.

NDAC 69-05.2-14-01—Performance Standards—Casing and Sealing of Drilled Holes

The State has amended this section to provide that the requirements set forth therein shall be applicable to the permit area and adjacent area instead of the extended mining plan area and adjacent area. As amended, the State's rule is consistent with 30 CFR 815.13 which requires the operator to case and seal well holes on the permit and adjacent areas.

NDAC 69-05.2-15-03,04 05—Performance Standards—Suitable Plant Growth Material

The revisions (deletions and additions) in North Dakota rules 69-05.2-15-02 and 04 are for the purpose of clarity. The Secretary has determined that the amended State rules are no less effective than their counterparts in 30 CFR 816.22 and .24.

North Dakota rule 69-05.2-15-05 has been revised to clarify that soil amendments are to be applied "when necessary" to support the post mining land use and meet the revegetation requirements.

Another change is the deletion of the requirement that soil tests be performed in accordance with standards "approved by the Commission." The State takes the position that requiring Commission approval of the soil testing method is an unnecessary requirement because standard laboratory methods are developed by other agencies. 30 CFR 816.25 requires that all soil tests shall be performed by a qualified laboratory using standard methods approved by the regulatory authority. State regulations require that soil tests shall be performed by a qualified laboratory using standard methods. State approval of a qualified lab is in essence approval of the soil testing method employed by that laboratory. Hence, NDAC 69-05.2-15-05 is no less effective than 30 CFR 815.25 because approval of a qualified laboratory by the State for testing soils is in effect approval of the testing method employed by that laboratory. The Secretary approves these modifications.

NDAC 69-05.2-16-14—Performance Standards—Ground Water Monitoring

North Dakota has amended this section by (1) cross-referencing monitoring requirements to permit requirements; (2) deleting language which specifies that the requirements of this section apply to activities on the "extended mining plan area;" and (3) adding a provision to require the operator to design and maintain ground water monitoring systems that will allow the Commission to substantiate the cumulative impact determination.

The Secretary finds: (1) That the cross-reference modification helps to clarify the relationship between performance standards and permit requirements; (2) the deletion of the reference to "extended mine plan area" is acceptable as all references to "mine plan" have been deleted from the Federal rules; hence the requirements of 30 CFR 816.52 apply only to the permit and adjacent areas; and (3) the additional provision to require operators to design ground water monitoring that will allow the Commission to substantiate the cumulative hydrologic impact determination will result in greater environmental protection.

NDAC 69-05.2-17- 05 and 06—Performance Standards—Surface Blasting Procedures

North Dakota has amended these sections to provide that the maximum peak particle velocity caused by blasting shall not exceed 1 inch per second. In addition the State has amended the formula for calculating the maximum weight of explosives which can be detonated at a specific distance from structures within a specific time frame, as well as the table of values calculated by using the formula. The State regulations now provide for the use of the formula $W = (D/60)^2$. The State table of values is based on use of this formula. The State requirements are now the same as the Federal standards at 30 CFR 816.65. These modifications satisfy condition "a" of the Secretary's approval of North Dakota's program.

NDAC 69-05.2-19-01—Performance Standards—Waste Materials

The State has deleted the requirement that an operator must secure a permit from the State Department of Health for the disposal of any waste subject to the North Dakota solid waste management regulations, and that said waste must be disposed of in accordance with those regulations.

The deletion of this requirement will not weaken the State program as the requirement has been incorporated, in more detail, at sections 69-05.2-19-02 and 04.

NDAC 69-05.2-19-02—Performance Standards—Disposal of Coal Wastes

Subsection 1: The State has added this section which requires operators to secure a permit from the State Department of Health for the disposal of coal mine wastes subject to the regulation of that agency and to require compliance with relevant Department of Health regulations. In addition, the amended regulations require the operator to obtain a permit revision for the disposal of waste. Approval of the permit revision by the Commission is contingent upon the issuance of a permit by the State Department of Health. The Secretary has determined that the amended provisions are more stringent than the provisions deleted from 69-05.2-19-01 and consistent with 30 CFR 816.81.

Subsection 2: The existing section 69-05.2-19-02 has been renumbered as subsection 2 following the insertion of the new material under subsection 1. The State has deleted the words "shall be permanently disposed of" and in their place inserted "that are permanently disposed of within the surface coal mining and reclamation operations permit area shall be placed". Also, the words "mined out pit" have been replaced by "excavated pit."

The Secretary has determined that these changes are non-substantive and the amended section does not conflict with Section 816.81 of OSM's rules.

NDAC 69-05.2-19-03—Performance Standards—Disposal of Coal Processing Wastes

The State has replaced the words "mined out" with the word "excavated" in the opening paragraph. The change is non-substantive and does not conflict

with Section 816.81 of OSM's regulations.

NDAC 69-05.2-19-04—Performance Standards—Disposal of Noncoal Wastes

The State has added a reference to the State Department of Health's solid waste management rules as Subsection 1. There is no counterpart to the new State provision in Section 816.89 of OSM's rules. The Secretary has determined that the additional requirement makes the State's provisions more stringent than OSM's.

NDAC 69-05.2-21-04—Performance Standards—Thin Overburden

The State has restructured this section for the purpose of clarity. The basic requirements for backfilling and grading when there is thin overburden have been retained in the North Dakota regulations and the Secretary has determined that the North Dakota regulations are no less effective than the Federal regulations at 30 CFR 816.104.

NDAC 69-05.2-21-06—Performance Standards—Slope Measurements

The State has amended the provisions of this section which require that a final graded slope contour map be submitted to the Commission prior to topsoiling. This map must be approved or disapproved by the Commission within 30 days of receipt. The intent of these provisions is to verify that actual backfilling and grading has been completed in accordance with the permit plans. There is no counterpart to this requirement in the Federal regulations. As these provisions exceed the requirements of the Federal regulations, the Secretary approves the modifications.

NDAC 69-05.2-22- 01 to 07—Performance Standards—Revegetation

The revegetation performance standards of 816.11-.117 are adequately addressed in North Dakota's rules 69-05.2-22 -01 -07. The revisions (deletions and additions) result in a more clearly stated rule and satisfy conditions "c" and "d" of the Secretary's approval of the North Dakota program.

Condition "c" required that North Dakota amend the provisions under NDAC 69-05.2-22(07)(3)(b) to require measurement of success of prime farmlands based on three years production data in accordance with 30 CFR 823.15(c) (i) and (iii). North Dakota has amended NDAC 69-05.2-22(07)(3)(b) to require that success of revegetation for prime farmlands be based on three years production data instead of two, as previously required. Thus, the Secretary finds the State has fulfilled condition "c".

Condition "d" required that North Dakota submit fully enacted regulations requiring Director of OSM approval of standards used for measuring success of revegetation. Previously, the State's rule at NDAC 69-05.2-22-07.1 provided for Commission approval of standards after consultation with the Regional Director of OSM.

The State has revised NDAC 69-05.2-22-07.1 to require approval by the Commission *and* the Office of Surface Mining when standards other than reference area data are to be used to determine revegetation success. North Dakota's 69-05.2-22-07.1 is no less effective than 816.116(b)(1); hence, the Secretary's condition "d" has been satisfied.

NDAC 69-05.2-23-01—Performance Standards—Postmining Land Use

North Dakota has amended section 69-05.2-23-01 by merging two paragraphs, and adding and deleting language. The Secretary has determined that North Dakota's provision at 69-05.2-23-01 as amended provides the same standard for judging the postmining land use for previously mined and unreclaimed land as 30 CFR 816.133(b).

NDAC 69-05.2-23-02—Performance Standards—Land Use Categories

This rule has been modified by substituting the term "tame pastureland" for "pastureland" and "hayland". Also, "native grassland" has been substituted for "rangeland."

These revisions are consistent with the modifications made by the State in section 69-05.2-09-13. As previously noted, the Secretary finds these changes consistent with the Federal Act and regulations.

NDAC 69-05.2-16-01—Subsections 1 and 2—Performance Standards—Prime Farmland

North Dakota has deleted these subsections dealing with prime farmland special requirements. These rules merely reiterate the more specific rules of Chapter 69-05.2-26 and, therefore, the Secretary has determined that inclusion of the material in this section is not necessary for the State program to satisfy the minimum Federal requirements.

NDAC 69-05.2-26-02—Performance Standards—Prime Farmland—Soil Removal

The State has amended this rule simply for clarity and to add a cross-reference; hence, the Secretary finds the revisions acceptable.

NDAC 69-05.2-26-03—Performance Standards—Soil Stockpiling

The State has revised this rule for clarity only and, therefore, the Secretary approves the modifications.

NDAC 69-05.2-26-04—Performance Standards—Soil Replacement

The State rule has been revised simply to improve its clarity and to add a cross-reference. Therefore, the Secretary approves the revisions.

NDAC 69-05.2-26-06—Performance Standards—Prime Farmland Exemption

The State has added a new rule which is similar to the Federal prime farmland grandfather provision published in the **Federal Register** September 29, 1981 (46 FR 47720) with the following exceptions:

(i) The State uses a July 1, 1979 date rather than the August 3, 1977 date established at Section 510(d)(2) of SMCRA for the prime farmland exemption. The Secretary has determined that the State provision is consistent with the Federal requirement because the State's initial regulatory program under SMCRA contained provisions which established August 3, 1977, as the grandfather date. See the discussion in the December 15, 1980 **Federal Register** notice announcing the Secretary's conditional approval of North Dakota's program (45 FR 82242).

(ii) 69-05.2-26.06, (3)(c): This part refers to "* * * a single continuous mining operation * * *" rather than "* * * a single continuous mining *pit* * * *" as in 30 CFR 785.17(a)(3)(iii). However, 69-05.2-26-06(4) clarifies that a "surface coal mining operation" is presumed to consist of a single continuous mining pit under permit prior to July 1, 1979, but may include non-contiguous parcels if the operator can prove by clear and convincing evidence that, prior to July 1, 1979, the non-contiguous parcels were part of a single permitted operation." Thus, the Secretary has determined that the State's provision is no less effective than the Federal regulations.

(iii) 69-05.2-26.06(3): The Federal rule at 30 CFR 716.7(a)(2)(iii) stipulates that the performance standards for mining operations on prime farmlands do not apply to lands included in any existing surface coal mining operations for which a permit was issued for all or any part thereof prior to August 3, 1977, provided that three criteria are set. The three criteria are listed under subparagraphs "A", "B" and "C". The word "and" appears at the end of subparagraphs

"A" and "B" indicating that all three criteria must be met for the exemption to apply. OSM initially questioned whether North Dakota's counterpart provision makes it clear that all three criteria must be met for the exemption to apply.

The criteria are listed in subparagraphs "a", "b" and "c" under 69-05.2-26-06(3); however, the State has omitted the word "and" at the end of subparagraphs "a" and "b". In its letter to the Director dated November 22, 1982, North Dakota indicated that the "and" is understood and that the intention of the rule is to require that all three criteria be met for the exemption to apply. The State asserted that if the intention of the rule were to require that only one of the three criteria be met, then the conjunction "or" would have been used to clearly indicate it. Further, the State noted that this formatting style is used throughout the approved State program. In view of this clarification provided by the State, the Secretary has determined that the State's rule is no less effective than its Federal counterpart.

Public Comment

Following is a summary of the comments received on the North Dakota Amendment I package including the clarifying information submitted November 22, 1982, and OSM's response to those comments.

The Soil Conservation Service (SCS), U.S. Department of Agriculture (USDA), made two recommendations regarding North Dakota's proposed amendments.

With regard to North Dakota's performance requirements for plant growth material to be removed and saved for reclamation, SCS recommended that all suitable plant growth material to a depth of 60 inches be retained and stockpiled for reclamation, especially for prime farmland soils. SCS indicated that no long term research (15 to 20 years) exists which demonstrates that less than 60 inches is sufficient.

As amended, NDAC 69-05.2-15-02 requires the operator to remove and save the topsoil and subsoil, or first and second lift suitable plant growth material, respectively. The topsoil and subsoil layers are identified by the soil survey required under NDAC 69-05.2-08-10. The Secretary finds the State's requirements for soil removal consistent with 30 CFR 816.22 and 817.22 which require the operator to remove and save topsoil. The regulatory authority may also require the operator to remove the other underlying soil if it is determined to be necessary or desirable to ensure soil productivity consistent with the approved postmining land use. With regard to prime farmland soils, North Dakota amended rule 69-05.2-26-04 stipulates that the minimum thickness of suitable plant growth material to be reconstructed for prime farmland shall be 48 inches, or a thickness which is equal to the depth of the original soil profile up to a subsurface horizon which inhibits root penetration, whichever is shallower. This rule establishes the same performance standard as OSM's rule at 30 CFR 823.14(a).

Thus, while the Secretary does not disagree that it may be desirable to retain and stockpile suitable plant growth material to a depth of 60 inches, the Federal regulations do not require this, and, therefore, the Secretary cannot require North Dakota to adopt this standard. This does not prevent the State from adopting the more stringent requirement, if it so chooses.

SCS also recommended that the language of Section 69-05.2-22-07, item 4C, as amended, be revised to read:

> "For prime farmlands, * * * of the approved reference area or standard *for prime farmland* with ninety * * * ". (Underlined language recommended for insertion by commenter.)

The Secretary interprets the reference to the "standard" as the prime farmland standard, and, therefore, does not believe it is essential that the State revise this rule as recommended by the commenter.

The Dakota Resource Council (DRC) submitted the following comments pertaining to North Dakota's amendment. DRC indicated it supported the revisions submitted by the State to satisfy conditions "a"-"d" and "f"-"l".

With regard to NDAC 69-05.2-05-08, DRC noted that under the proposed amendments, a mine permit would not be granted for the specific area from which coal would be removed during the five year permit term, but rather for the logical pit sequence. The commenter indicated that Section 506(b) of SMCRA limits a permit area to that area which supports operations conducted during a five year permit term. As noted in the finding above on the amendments to NDAC 69-05.2-05-08, the Secretary has determined that North Dakota's amended rule is no less effective than OSM's regulations in meeting the intent of the Act. Although the State's provisions allow for a permit area to be a larger area than the area to be mined during a five year period, all the information in the permit application must be provided for the entire permit area, not just the coal removal area, and the maximum term of a permit is still five years. Hence, the Secretary believes that the State's program will ensure the same level of environmental protection as the Federal standards.

DRC also stated it objected to deletion of subsection 4 of 69-05.2-06-01 and subsection 3 of 69-05.2-06-02, which require the permit applicant to submit a list of names under which he previously operated in any State and a list of violation notices received in any State, respectively.

As noted above in the findings on the amendments to these sections, the Secretary has determined that deletion of these provisions would make North Dakota's program inconsistent with the Federal standards, and, therefore, he is modifying condition "e" of the approval of the State program to require the State to adopt such provisions.

A further comment by DRC was that the revisions to NDAC 69-05.2-08-01, which are necessitated by the changes to NDAC 69-05.2-05-08, should not be approved. For the reasons stated above, the Secretary approves the changes to NDAC 69-05.2-05-08 and, accordingly, to NDAC 69-05.2-08-01.

DRC objected to the State's use in section NDAC 69-05.2-26, of July 1, 1979, as the grandfather exemption date for prime farmlands. As discussed in the finding above on the amendments to this section, the Secretary has determined that the State provision is consistent with the Federal requirement at Section 510(d)(2) of SMCRA because the State's initial regulatory program under SMCRA contained provisions which established August 3, 1977, as the grandfather date.

Other comments submitted by DRC are not being addressed in this notice because they concern issues outside the scope of this rulemaking.

The Minerals Management Service (MMS) commented that it had reviewed the proposed amendment to North Dakota's program specifically for potential conflicts with the Coal Exploration and Mining Operations rules for Federal Coal (30 CFR Part 211) of the MMS. The Agency indicated it found the material submitted did not impact the Part 211 rules.

The Environmental Protection Agency stated that it considered the proposed changes submitted by North Dakota environmentally acceptable. The Secretary agrees, with the exceptions noted in his findings above.

The National Park Service (NPS) commented that the North Dakota amendments appeared to satisfactorily take into the account its concerns for effects on units of the National Park system. The Secretary agrees with this determination.

The Fish and Wildlife Service (FWS) made the following comments

concerning the amendments to North Dakota's program:

NDAC 69-05.2-01-02, Definitions—FWS concurred with the addition of new definitions for native prairie and tame pastureland, and asserted the new definitions are more appropriate than the old definitions for rangeland and pastureland. As noted above, the Secretary agrees with the commenter's findings.

NDAC 69-05.2-07-08, Permit Applications—Extended Mining Plan—Fish and Wildlife Information—The Commenter stated that the repeal of this section and others in Chapter 69-05.2-07 would reduce the amount of required environmental information in each permit application and the consideration of fish and wildlife resources.

The Secretary acknowledges that the commenter's point is valid. However, as noted in his finding on the amendments to this section, there are no counterparts to the provisions deleted from the State program in the Federal Act and regulations (30 CFR 780.16 which required the inclusion of a fish and wildlife plan in the permit application was remanded by the Federal District Court). Thus, while the Secretary may encourage the State to retain the provisions in question, he cannot require the State to retain these provisions to satisfy the minimum Federal requirements.

Section 69-05.2-08-08, Permit applications—Permit area—Vegetation and Land Use Information. FWS suggested that the word "rare" be changed to read "threatened" to be consistent with the terminology used in the Endangered Species Act (ESA).

The Secretary does not believe the suggested revision is essential to make North Dakota's program no less effective than the Federal regulations. However, the Secretary will bring the suggestion to North Dakota's attention for its consideration.

Section 69-05.2-08-15, Permit applications-Permit area—Fish and Wildlife Resources—The commenter pointed out that this section which includes a requirement for fish and wildlife information on the permit area and adjacent areas, should define the distance limit of an adjacent area. In addition, FWS recommended that North Dakota utilize habitat cover maps provided to the State jointly by FWS and the Bureau of Land Management in 1981 for mine permit reviews.

As acknowledged by the commenter, the State's permit application requirements are more stringent than the Federal requirements as OSM's permit application requirement for a fish and wildlife plan (30 CFR 780.16) was remanded. Therefore, the Secretary cannot require the State to adopt the suggested modification and practice; however, the State is encouraged to do so.

Other comments submitted by FWS do not specifically address modifications to the approved North Dakota program included in the Amendment I package, but rather general concerns of the FWS about North Dakota's program relevant to the coordination of agencies responsible for the protection of fish and wildlife. The Secretary has determined that these concerns are outside the scope of this rulemaking and believes that they can be addressed more appropriately as part of OSM's oversight evaluation of North Dakota's program.

The Mine Safety and Health Administration (MSHA) commented that the proposed modifications to North Dakota's program contained in Amendment I did not conflict with MSHA regulations. However, MSHA further stated that it believes that North Dakota's program as proposed to be amended, does not make it clear that the operator must meet all MSHA regulations and requirements, not only the ones listed in the amendments to the North Dakota program. It was noted that the following MSHA requirements are not listed in the proposed amendments.

1. MSHA requires an abandonment plan prior to removal of any impoundments.

2. MSHA requires an approved design plan for impoundments.

3. MSHA requires an approved plan prior to returning waste to underground.

4. Modification of impoundments must be approved by MSHA prior to construction.

5. Prior to discharging water into an underground mine, MSHA approval must be obtained.

With respect to items 1, 2, and 4, the Secretary has determined that North Dakota's program addresses these MSHA requirements in NDAC sections 69-05.2-16-12.1 and .2, and 69-05.2-09.17.d which require compliance with 30 CFR 77.216.

Items 3 and 5 pertain to underground mines. Permanent program performance standards for underground mining activities are not included in the North Dakota law or regulations because underground mining has been determined to be inapplicable for economical and technical reasons in North Dakota (see 45 FR 82217-18, December 15, 1980). Accordingly, the MSHA requirements pertaining to underground mines are not included in North Dakota's program.

Removal of Conditions/Approval of Amendments

Accordingly, the North Dakota permanent program is hereby amended to indicate partial approval of the July 30, 1982, amendments as set forth herein and removal of the conditions of approval of the North Dakota program set forth at 30 CFR 934.11 (a), (b), (c), (d), (g), (h), (i), (j), (k), and (l). The approval of amendments and removal of conditions are effective upon publication of this notice.

Additional Determinations

1. *Compliance with the National Environmental Policy Act.* The Secretary has determined that, pursuant to Section 702(d) of SMCRA, 30 U.S.C. 1292(d), no environmental impact statement need be prepared on this rulemaking.

2. *Compliance with the Regulatory Flexibility Act.* The Secretary hereby determines that this proposed rule will not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*

3. *Compliance with Executive Order No. 12291.* With respect to State actions to approve, or conditionally approve State regulatory programs or amendments, OSM has been granted a categorical exemption from the requirement to prepare a Regulatory Impact Analysis pursuant to Executive Order No. 12291, by a letter from the Office of Management and Budget dated August 28, 1981.

4. *Environmental Protection Agency (EPA) Concurrence.* On September 30, 1982, the EPA transmitted its written concurrence on the North Dakota amendments submitted July 30, 1982.

List of Subjects in 30 CFR Part 934

Coal mining, Intergovernmental relations, Surface mining, Underground mining.

Dated: January 31, 1983.

Daniel N. Miller, Jr.,

Assistant Secretary for Energy and Minerals.

PART 934—[AMENDED]

1. 30 CFR 934.11 is amended by removing and reserving paragraphs (a), (b), (c), (d), (g) (h), (i), (j), (k), and (l), and by amending paragraph (f) by substituting "July 1, 1983" for "January 1, 1983." In addition, paragraph (e) is revised to read as follows:

§ 934.11 Conditions of State program approval.

* * * * *

(e) The approval found in § 934.10 of this part will terminate on July 1, 1983, unless North Dakota submits to the Secretary by that date copies of fully enacted regulations amending:

(1) NDAD 69-05.2-10-03(i) to prohibit issuance of permits to any person with an outstanding violation or pattern of violations outside of North Dakota in a same or similar manner as Section 510 (c) of SMCRA, and 30 CFR 786.17 and 30 CFR 786.19(i) or otherwise amends its program to accomplish the same results;

(2) NDAC 69-05.2-06-01(4) to require a permit applicant to submit the names under which the applicant, partner or principal shareholder previously operated a coal mine in any State within the five preceding years in a same or similar manner as Section 507(b)(4) of SMCRA and 30 CFR 778.13(b)(13) or otherwise amends its program to accomplish the same results;

(3) Subsection 1 of NDAC 69-05.2-06-02 to require the permit applicant to submit a statement of any permits held subsequent to 1970 in states other than North Dakota in a same or similar manner as Section 507(b)(3) of SMCRA and 30 CFR 778.14 or otherwise amends its program to accomplish the same results;

(4) Subsection 3 of 69-05.2-06-02 to require the permit applicant to submit a list of notices of violations of SMCRA or U.S. and State law pertaining to air or water environmental protection that he has received in any State in a same or similar manner as Section 510 of SMCRA and 30 CFR 778.14(c) or otherwise amend its program to accomplish the same results.

2. 30 CFR Part 934 is amended by adding a new § 934.15 to read as follows:

§ 934.15 Approval of amendments to State regulatory program.

(a) Statutory changes adopted in the 1981 Legislative session which modified sections of the North Dakota Century Code (NDCC) as listed below are approved effective February 9, 1983.

(1) *Chapter 38-14.1 North Dakota Century Code (NDCC).—Surface Mining and Reclamation Operations.*

(i) Subsection 5 of section 38-14.1-02 of the NDCC (definition of "extended mining plan"), amended.

(ii) New subsection to section 38-14.1-02 of the NDCC (definition of "performance bond"), added.

(iii) New subsection to section 38-14.1-03 of the NDCC (powers and duties of the Commission), added.

(iv) Subsection 3 of section 38-14.1-07 of the NDCC (mining is prohibited), amended.

(v) Subsection 3 of section 38-14.1-13 of the NDCC (permit application—general requirements), amended.

(vi) Subdivision "u" of Subsection 1 of Section 38-14.1-14 of the NDCC (permit applications—mining and reclamation plans), repealed.

(vii) Subdivision n of subsection 2 of section 38-14.1-14 of the NDCC (permit applications—mining and reclamation plans), repealed.

(viii) Section 38-14.15 of the NDCC (permit applications—extended mining plan), amended.

(ix) Subsection 3 of section 38-14.1-20 of the NDCC (ruling on permit application—timing and content), amended.

(x) Subsection 17 of section 38-14.1-24 of the NDCC (environmental protection performance standards), amended.

(xi) Subsection 18 of section 38-14.1-24 of the NDCC (environmental protection performance standards), amended.

(xii) Subsection 4 of section 38-14.1-30 of the NDCC (administrative review of commission rulings—formal hearings), amended.

(xiii) Section 38-14.1-38 of the NDCC (conflict of interest), amended.

(2) *Chapter 38-12.1 North Dakota Century Code.—Coal Exploration Data.*

(i) Subdivision b of section 1 of section 38-12.1-04 of the NDCC (jurisdiction of commission), amended.

(3) *Chapter 38-18 North Dakota Century Code.—Surface Owner Protection Act.*

(i) Subsection 3 of section 38-18-05 of the NDCC (definition of "mineral developer"), amended.

(ii) Subsection 6 of section 38-18-05 of the NDCC (definition of "mineral owner"), amended.

(iii) Subsection 10 of section 38-18-05 of the NDCC (definition of "surface owner"), amended.

(iv) Subsection 3 of section 38-18-06 of the NDCC (written notice and consent required before permit to surface mine land may be issued), amended.

(v) Section 38-18-07 of the NDCC (surface damage and disruption payments), amended.

(b) Regulatory changes submitted to OSM July 30, 1982, which added, modified, or deleted the sections or portions of the sections of the North Dakota Administrative Code (NDAC) listed below are approved upon promulgation of the revised rules by the State, provided the rules are adopted in identical form as submitted to OSM:

Article 69-05.2, Surface Coal Mining and Reclamation Operations

Chapter

69-05.2-01 General Provisions.

69-05.2-05 Permit Applications—General Requirements.

69-05.2-06 Permit Applications—Requirements for Legal, Financial, Compliance, and Related Information.

69-05.2-07 Permit Applications—Extended Mining Plan—Requirement for Information on Environmental Resources.

69-05.2-08 Permit Applications—Permit Area—Requirements for Information on Environmental Resources.

69-05.2-09 Permit Applications—Permit Area—Requirements for Operation and Reclamation Plans.

69-05.2-10 Permit Applications—Review, Public Participation, Approval or Disapproval.

69-05.2-11 Permit Reviews, Revisions, and Renewals—Transfer, Sale, or Assignment of Rights Granted Under Permits.

69-05.2-12 Performance Bonds—Liability Insurance.

69-05.2-13 Performance Standards—General Requirements.

69-05.2-14 Performance Standards—Casing and Sealing of Drilled Holes.

69-05.2-15 Performance Standards—Suitable Plant Growth Material.

69-05.2-16 Performance Standards—Hydrologic Balance—General Requirements.

69-05.2-17 Performance Standards—Use of Explosives.

69-05.2-19 Performance Standards—Waste Materials.

69-05.2-21 Performance Standards—Backfilling and Grading.

69-05.2-22 Performance Standards—Revegetation.

69-05.2-23 Performance Standards—Postmining Land Use.

69-05.2-26 Performance Standards—Prime Farmland.

[FR Doc. 83-3251 Filed 2-8-83; 8:45 am]

BILLING CODE 4310-05-M

DEPARTMENT OF DEFENSE

32 CFR Part 199

[DOD 6010.8-R, Amdt. No. 18]

Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); Medical Benefits for Former Spouses of Uniformed Services Members and Former Members

AGENCY: Office of the Secretary, DOD.

ACTION: Amendment of final rule.

SUMMARY: This amends the Civilian Health and Medical Program of the United Services (CHAMPUS) Regulation to implement Sections 1004 and 1006 of Pub. L. 97-252, the Department of Defense Authorization Act, 1983. These sections provide CHAMPUS eligibility for former spouses of Uniformed

Services members or former members under certain circumstances.

EFFECTIVE DATE: This amendment is effective February 1, 1983.

FOR FURTHER INFORMATION CONTACT: Stephen E. Isaacson, Policy Branch, OCHAMPUS, telephone (303) 361-8608.

SUPPLEMENTARY INFORMATION: In FR Doc. 77-7834, appearing in the **Federal Register** on April 4, 1977, (42 FR 17972), the Office of the Secretary of Defense published its regulation, DOD 6010.8-R, "Implementation of the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS)," as Part 199 of this title.

Currently a spouse of a member or former member of the Uniformed Services loses CHAMPUS eligibility as of 12:01 a.m. of the day following the date of a final decree of divorce, dissolution, or annulment of the marriage.

On September 8, 1982, Pub. L. 97-252 was signed into effect. Sections 1004 and 1006 of that law provide for continuation of CHAMPUS eligibility for former spouses under certain circumstances. In order to be eligible for CHAMPUS under these sections the former spouse must: (1) Remain unremarried; (2) have been married to the member or former member for at least 20 years as of the date of final decree of divorce, dissolution, or annulment of the marriage during which time the member of former member performed at least 20 years of service which is creditable in determining that member's or former member's eligibility for retired or retainer pay, or equivalent pay; and (3) not have medical coverage under an employer-sponsored health plan. Further, the final decree of divorce, dissolution, or annulment of the marrriage of the former spouse and the member or former member must be dated on or after February 1, 1983.

Former spouses must meet the CHAMPUS deductible each fiscal year, and they cannot contribute to, nor benefit from, any family deductible of the member or former member to whom the former spouse was married or of any CHAMPUS-eligible children. Moreover, former spouses, including those of active duty members, are subject to the same cost-sharing requirements applicable to retirees and their dependents.

Former spouses, including those of active duty members, are not eligible for benefits under the Program for the Handicapped under any circumstances.

As authorized under 32 CFR 296.2(d)(4), the final regulation is being published and no previous public comment has been requested. The change is mandated through public law signed into effect on September 8, 1982, and we do not believe it is in the public interest to delay the implementation through the publication of a proposed rule. However, for a period of 30 days following the date of the publication of this amendment in the **Federal Register**, we will accept public comments and, when appropriate, will revise the amendment. A notice advising of any revisions prompted by public comments will be published in the **Federal Register** no later than 90 days following the end of the comment period. Written public comments must be received on or before March 11, 1983.

List of Subjects in 32 CFR Part 199

Health insurance, Military personnel, Handicapped.

Accordingly, 32 CFR, Chapter I, Part 199, is amended to read as follows:

PART 199—IMPLEMENTATION OF THE CIVILIAN HEALTH AND MEDICAL PROGRAM OF THE UNIFORMED SERVICES

1. Section 199.8 is amended by revising paragraph (b)(54) by inserting the phrase "former spouse (in certain circumstances)" in the first sentence after the term "lawful spouse" to read as follows:

§ 199.8 Definitions.

* * * * *

(b) * * *

(54) *Dependent.* "Dependent" means a person who bears any of the following relationships to an active duty member (under a call or order that does not specify a period of 30 days or less), retiree, or deceased active duty member or retiree, of a Uniformed Service, that is, lawful spouse, former spouse (in certain circumstances), unremarried widow or widower, or child; or a spouse and child of an active duty member of the armed forces of foreign NATO nations. (Refer to § 199.9 "Eligibility.")

* * * * *

2. Section 199.9 is amended by adding a new paragraph (b)(2)(ii); by redesignating the existing paragraph (b)(2)(ii) as paragraph (b)(2)(iii); by redesignating the existing paragraph (b)(2)(iii) as paragraph (b)(2)(iv); by revising paragraph (e)(3)(i) by inserting the phrase "Except as provided in paragraph (b)(2)(ii)" at the beginning of the paragraph; and by revising paragraph (e)(3)(ii) by inserting the phrase "Except as provided in paragraph (b)(2)(ii)," at the beginning of the paragraph to read as follows:

§ 199.9 Eligibility.

* * * * *

(b) * * *

(2) * * *

(ii) *Former spouse.* Effective February 1, 1983, a former husband or wife of a member or former member who, on the date of a court order (a final decree of divorce, dissolution, or annulment issued by a court), was married to that member or former member is eligible if all of the following conditions are met.

(*a*) The former spouse has not remarried.

(*b*) The former spouse was married to the member or former member for at least 20 years as of the date of the final decree of divorce, dissolution, or annulment of the marriage during which time the member or former member performed at least 20 years of service which is creditable in determining that member's or former member's eligibility for retired or retainer pay, or equivalent pay.

(*c*) The former spouse does not have medical coverage under an employer-sponsored health plan.

(*d*) The final decree of divorce, dissolution, or annulment of the marriage of the former spouse and the member or former member is dated on or after February 1, 1983.

Note.—A former spouse cannot be a dependent of a NATO member.

* * * * *

(e) * * *

(3) * * *

(i) *Divorce.* Except as provided in subparagraph (b)(2)(ii) of this Section, a spouse separated from an active duty member or retiree by a final divorce decree loses all eligibility based on his or her former marital relationship as of 12:01 a.m. of the day following the day the divorce becomes final. The eligibility of the member's or retiree's own children (including adopted and eligible illegitimate children) is unaffected by the divorce. An unadopted stepchild, however, loses eligibility with the termination of the marriage, also as of 12:01 a.m. of the day following the day the divorce becomes final.

* * * * *

(e) * * *

(3) * * *

(ii) *Annulment.* Except as provided in subparagraph (b)(2)(ii) of this Section, a spouse whose marriage to an active duty member or retiree is dissolved by annulment loses eligibility as of 12:01 a.m. of the day following the date the court grants the annulment order. The fact that the annulment legally declares the entire marriage void from its inception does not affect the termination date of CHAMPUS eligibility. In the unusual situation when there are

children, the eligibility of the member's or retiree's own children (including adopted and eligible illegitimate children) is unaffected by the annulment. An unadopted stepchild, however, loses eligibility with the annulment of the marriage, also as of 12:01 a.m. of the day following the day the court grants the annulment order.

* * * * *

3. Section 199.10 is amended by adding a new paragraph (f)(4); and by redesignating the existing paragraph (f)(4) as paragraph (f)(5) to read as follows:

§ 199.10 Basic program benefits.

* * * * *

(f) * * *

(4) *Former Spouses.* CHAMPUS beneficiary liability set forth for former spouses eligible under the provisions of paragraph (b)(2)(ii) of § 199.9 is as follows:

(i) *Annual Fiscal Year Deductible for Outpatient Services and/or Supplies.* An eligible former spouse is responsible for the payment of the first fifty dollars ($50.00) of the CHAMPUS-determined reasonable costs or charges for otherwise covered outpatient services or supplies or both provided in any one fiscal year. The former spouse cannot contribute to, nor benefit from, any family deductible of the member or former member to whom the former spouse was married or of any CHAMPUS-eligible children.

(ii) *Inpatient Cost-Sharing.* Eligible former spouses are responsible for the payment of twenty-five percent (25%) of the CHAMPUS-determined reasonable costs or charges for otherwise covered services or supplies or both provided on an inpatient basis by an authorized provider.

(iii) *Outpatient Cost-Sharing.* Eligible former spouses are responsible for the payment of twenty-five percent (25%) of the CHAMPUS-determined reasonable costs or charges in excess of the annual fiscal year deductible amount for otherwise covered services or supplies or both provided on an outpatient basis by authorized providers.

* * * * *

4. Section 199.11 is amended by revising paragraph (a)(4)(i)(*a*) by inserting the phrase "but excluding former spouses" after the term "§ 199.9" to read as follows:

§ 199.11 Program for the handicapped.

* * * * *

(a) * * *

(4) * * *

(i) * * *

(*a*) The dependents, as defined in § 199.9 but excluding former spouses, of a member of one of the Uniformed Services who is under call or order to active duty that does not specify a period of 30 days or less who are moderately or severely mentally retarded or who have a serious physical handicap; or

* * * * *

(Pub. L. 97-252)

Dated: February 4, 1983.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense.

[FR Doc. 83-3498 Filed 2-8-83; 8:45 am]

BILLING CODE 3810-01-M

PANAMA CANAL COMMISSION

35 CFR Part 133

Tolls for Use of Canal; Increase in Rates

Cross Reference: For a document relating to the rates of tolls for use of the Panama Canal, see FR Doc. 83-3712 appearing in the Presidential Documents section of this issue. For the page number of the document, see the table of contents under The President.

BILLING CODE 3640-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 123

[OW-FRL 2288-2]

Approval of Ohio's NPDES Program To Regulate Federal Facilities

AGENCY: Environmental Protection Agency.

ACTION: Approval of the State of Ohio's request for authority to administer the National Pollutant Discharge Elimination System (NPDES) program with respect to Federal facilities.

SUMMARY: On Janaury 28, 1983, the Environmental Protection Agency (EPA) approved the State of Ohio's request to include regulation of Federal facilities under its State water pollution permit program responsibility. The approval authorizes Ohio to issue and enforce NPDES permits for Federal facilities. Previously the State had been approved to participate in the NPDES program.

EFFECTIVE DATE: January 14, 1983.

FOR FURTHER INFORMATION CONTACT: Allen J. Danzig, Permits Division (EN-336), U.S. Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460, 202-755-0750.

SUPPLEMENTARY INFORMATION: In 1977 Congress amended section 313 of the Clean Water Act (33 U.S.C. 1251, et seq.) to authorize States to regulate Federally owned or operated facilities under their water pollution control programs. Prior to the amendments, States, including those authorized pursuant to section 402(b) of the Clean Water Act to participate in the NPDES program, were precluded from regulating Federal facilities. Therefore, EPA, in approving State programs under section 402(b), reserved the authority to issue NPDES permits to Federal facilities.

With the passage of the 1977 amendments, EPA has been transferring NPDES authority over Federal facilities to approved States. Today's **Federal Register** notice is to announce the approval of the State of Ohio's request to assume NPDES authority over Federal facilities. EPA did not receive any comments during the public comment period. The proposed rule was published in the **Federal Register** of October 12, 1982 (47 FR 44750).

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

List of Subjects in 40 CFR Part 123

Hazardous materials, Indians—Lands, Reporting and recordkeeping requirements, Waste treatment and disposal, Water pollution control, Water supply, Intergovernmental relations, Penalties, Confidential business information.

Frederic A. Eidsness, Jr.,

Assistant Administrator for Water.

Review Under the Regulatory Flexibility Act and Executive Order 12291

Under the Regulatory Flexibility Act, EPA is required to prepare a Regulatory Flexibility Analysis for all rules which may have a significant impact on a substantial number of small entities. The approval of the Ohio NPDES permit program to administer Federal facilities merely transfers responsibility for administration of these facilities from the Federal to the State government. No new substantive requirements are established by this action. Therefore, this notice does not have a significant impact on a substantial number of small entities. It does not trigger the requirement of a Regulatory Flexibility Analysis.

Dated: January 28, 1983.

Anne M. Gorsuch,

Administrator.

[FR Doc. 83-3431 Filed 2-8-83; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 180

[PP 1E2459, 1F2474, 2F2640, 2F2665, 2F2688/R519; PH-FRL 2296-4]

Tolerances and Exemptions From Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities; 1-(4-Chlorophenoxy)-3,3-Dimethyl-1-(1H-1,2,4-Triazol-1-YL)-2-Butanone

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes tolerances for the combined residues of the fungicide 1-(4-chlorophenoxy)-3,3-dimethyl-1-(1*H*-1,2,4-triazol-1-yl)-2-butanone and its metabolite in or on certain raw agricultural commodities. This regulation to establish maximum permissible levels for residues of the fungicide in or on the commodities was requested, pursuant to petitions, by the Mobay Chemical Corporation.

EFFECTIVE DATE: Effective on February 9, 1983.

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

FOR FURTHER INFORMATION CONTACT: Henry Jacoby, Product Manager (PM) 21, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 227, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-1900).

SUPPLEMENTARY INFORMATION: EPA issued notices published in the Federal Register cited below that announced that the Mobay Chemical Corporation, P.O. Box 4913, Kansas City, MO 64120, had submitted pesticide petitions (PP) as follows proposing to amend 40 CFR Part 180 by establishing tolerances for the combined residues of the fungicide 1-(4-chlorophenoxy)-3,3-dimethyl-1-(1*H*-1,2,4-trizol-1-yl)-2-butanone and its metabolite beta-(4-chlorophenoxy)-alpha-(1,1-dimethylethyl)-1*H*, 1,2,4-triazole-1-ethanol in or on certain raw agricultural commodities.

1. *PP 1E2459.* Chick peas at 0.1 part per million (ppm). April 22, 1981 (46 FR 22983).

2. *PP 1F2474.* Apples and grapes at 1.0 ppm; seed grass chaff, 45 ppm; and seed grass straw, 30 ppm. April 22, 1981 (46 FR 22983). In a subsequent amendment to the petition, the proposed tolerances for seed grass chaff and grass straw were deleted.

3. *PP 2F2640.* Pears at 1.0 ppm. March 10, 1982 (47 FR 10290).

4. *PP 2F2665.* Barley and wheat grain at 1.0 ppm; barley and wheat straw, 5.0 ppm; barley and wheat green forage, 15.0 ppm; fat, meat, and meat byproducts of cattle, goats, hogs, horses, and sheep, 0.5 ppm; meat and meat byproducts of poultry, 0.01 ppm; milk, 0.02 ppm; and eggs, 0.002 ppm.

The petition was amended (47 FR 53116, November 24, 1982) by increasing the tolerance levels from 0.5 to 1.0 ppm for the fat, meat, and meat byproducts of cattle, goats, horses, and sheep; from 0.01 to 0.04 ppm for fat, meat, and meat byproducts of poultry; from 0.02 to 0.04 ppm for milk; from 0.002 to 0.04 ppm for eggs and decreasing the proposed tolerances from 0.5 to 0.04 ppm for the fat, meat, and meat byproducts of hogs.

5. *PP 2F2688.* Fresh pineapple at 3.0 ppm. June 30, 1982 (47 FR 28453).

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

The data submitted in these petitions and other relevant material have been evaluated. The toxicological data considered in support of these tolerances included a rat teratology study which indicated that cleft palates are treatment related effects (the no-observed-effects level (NOEL) for fetal development and teratology is considered to be at least 50 mg/kg/day, the NOEL for maternal toxicity is considered to be 10 mg/kg/day); an inhalation study in rats negative for terata and embryotoxicity at a dose level of 113.3 mg/m^3; dominant lethal and micronucleus Ames test (negative at doses from 5 to 1,000/mg/ml); a 2-year feeding (oncogenicity) study in rats with no oncogenic potential observed under these conditions of the study and a systemic NOEL of 50 ppm; a 2-year feeding study in dogs with a NOEL of 100 ppm; a 2-year feeding (oncogenicity) study in mice, with no oncogenic potential observed under the conditions of the study and a systemic NOEL of 50 ppm; and a multigeneration reproduction study in rats with a NOEL of 50 ppm.

Based on a NOEL of 50 ppm in rats, and using a 100-fold safety factor, the allowable daily intake (ADI) is 0.0250 mg/kg/day and the maximum permissible intake (MPI) is 1.50 mg/day for a 60-kg person. Presently established temporary tolerances, toxicologically approved tolerances, and tolerances established by this rule, result in a maximum theoretical exposure of 0.3606 mg/day for a 60-kg person which represents 24.04 percent of the ADI. Temporary tolerances have previously been established for the combined residues of this fungicide and its metabolites in or on wheat grain, apple pomace, grape pomace, raisin waste, and in fresh apples and fresh grapes.

A related document [FAP 1H5343, 1H5292/R131]/[FAP 1H5292/R132] establishing tolerances in certain food/feed items appears elsewhere in this issue of the Federal Register.

There are no regulatory actions pending against the continued registration of the fungicide and there are no other considerations involved in establishing these tolerances. The metabolism of this fungicide and its metabolite is adequately understood, and an adequate analytical method, gas chromatography with scintillation spectrophotometry, is available for enforcement purposes.

Based on the above information, the Agency has determined that the establishment of tolerances for residues of this fungicide and its metabolite in or on the raw agricultural commodities will protect the public health and are established as set forth below.

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

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

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

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

List of Subjects in 40 CFR Part 180

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

Dated: January 24, 1983.

James M. Conlon,

Acting Director, Office of Pesticide Programs.

PART 180—[AMENDED]

Therefore, 40 CFR Part 180 is amended by adding a new § 180.410 to read as follows:

§ 180.410 1-(4-Chlorophenoxy)-3,3-dimethyl-1-(1H-1,2-4-triazol-l-y1)-2-butanone; tolerances for residues.

Tolerances are established for the combined residues of the fungicide 1-(4-chlorophenoxy)-3,3-dimethyl-1-(1*H*-1,2-4-triazol-1-y1)-2-butanone and its metabolites beta-(4-chlorophenoxy)-alpha-(1,1-dimethylethyl)-1*H*-1,2,4-triazole-1-ethanol in or on the following raw agricultural commodities:

Commodities	Parts per million
Apples	1.0
Barley grain	1.0
Barley green forage	15.0
Barley straw	5.0
Chick pea seed (dry)	0.1
Eggs	0.04
Cattle, fat	1.0
Cattle, mbyp	1.0
Cattle, meat	1.0
Grapes	1.0
Goats, fat	1.0
Goats, mbyp	1.0
Goats, meat	1.0
Hogs, fat	0.04
Hogs, mbyp	0.04
Hogs, meat	0.04
Horses, fat	1.0
Horses, mbyp	1.0
Horses, meat	1.0
Milk	0.04
Pears	1.0
Pineapples (fresh)	3.0
Poultry, fat	0.04
Poultry, mbyp	0.04
Poultry, meat	0.04
Sheep, fat	1.0
Sheep, mbyp	1.0
sheep, meat	1.0
Wheat, grain	1.0
Wheat, green forage	15.0
Wheat, straw	5.0

[FR Doc. 83-2968 Filed 2-8-83; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 180

[PP OF2338/R514; PH-FRL 2286-4]

Tolerances and Exemptions From Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities; Alachlor

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes tolerances for the combined residues of the herbicide alachlor and its metabolites in or on the raw agricultural commodities sorgum grain (milo), sorghum fodder, and sorghum forage. This regulation to establish maximum permissible residues of the herbicide in or on sorghum was requested, pursuant to a petition, by Monsanto Company.

EFFECTIVE DATE: Effective on February 9, 1983.

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

FOR FURTHER INFORMATION CONTACT: Robert J. Taylor, Product Manager (PM) 25, Registration Division, Office of Pesticide Programs, Rm 243, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-1800).

SUPPLEMENTARY INFORMATION: EPA issued a notice published in the **Federal Register** of April 25, 1980 (45 FR 27983) that announced that Monsanto Company, 800 N. Lindbergh Boulevard, St. Louis, MO 63166, had filed pesticide petition OF2338 with the Agency proposing to amend 40 CFR 180.249 by establishing tolerances for the combined residues of the herbicide alachlor (2-chloro-2',6'-diethyl-*N*-(methoxymethyl) acetanilide) and its metabolites (calculated as alachlor) in or on the raw agricultural commodities sorghum seed at 0.1 part per million (ppm), and sorghum fodder and forage at 0.5 ppm.

The petitioner subsequently amended the petition to increase the tolerance levels for sorghum fodder and forage to 1.0 ppm and establishing a tolerance for sorghum grain (milo) at 0.1 ppm.

No comments were received in response to this notice of filing.

The data submitted in the petition and other relevant material have been evaluated. The pesticide is considered useful for the purpose for which the tolerances are sought. The toxicology data considered in support of the tolerances included several acute studies, a teratology study (rat) with no-observed teratogenic effects at 400 milligram (mg) kilogram (kg)/day (highest dose tested) and a no-observed-effect level (NOEL) of 150 mg/kg/day for maternal toxicity and fetotoxic effects; a 3-generation reproduction study (rat) with a NOEL of 10 mg/kg/day (lowest dose tested); and 18-month chronic feeding/oncogenic study (mice) which demonstrated a positive oncogenic response in females (bronchiolar alveolar tumors) at 260 mg/kg/day; and a 2-year chronic feeding/oncogenicity study (rats) with NOEL demonstrated at 14 mg/kg/day (lowest dose tested), and oncogenic at 42 mg/kg/day (both sexes (nasal turbenate tumors)) and 126 mg/kg/day (both sexes (nasal stomach tumors)) and males (thyroid follicular tumors).

The theoretical maximal residue contribution (TMRC) from existing tolerances for a 1.5 kg daily diet is calculated to be 0.0342. The current action will increase the TMRC to 0.03425 mg/1.5 kg daily diet.

Data lacking included a 2-year chronic feeding study (rats), a 1-year feeding study (dogs), a teratology study (rabbits), a metabolism study (rats), a skin sensitization study on guinea pigs (technical) and mutagenicity studies. Because the increase in TMRC is less than 1 percent for this use, the available toxicology data are adequate to support the establishment of the tolerances.

There are no regulatory actions pending against the registration of the pesticide. However, the chemical has been determined to be an oncogen in rats and mice. None of the 10 models used to estimate the quantitative risk fits the data adequately. The statistical representation of these data will be assessed further in the reregistration review of this compound; however, for the sorghum use the upper limit of risk is less than 10^{-7} based upon the tolerance level. Because of the very conservative nature of the risk assessment and the utility of the pesticide for the purpose for which this regulation is sought, the Agency has determined the oncogenic risk associated with the use is outweighed by the benefits.

The nature of the residues in plants and animals is adequately understood. Adequate analytical methodology, gas chromatography using a flame ionization detector, is available for enforcement purposes. Residues are likely to occur in meat, milk, poultry, and eggs, but the residues should be adequately covered by tolerances established on these commodities.

Based on the above information considered by the Agency, the tolerances established by amending 40 CFR 180.249 would protect the public health. Therefore, the tolerances are established as set forth below.

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

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

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 95–534, 94 Stat. 1164, 5 U.S.C. 501–612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

(Sec. 408(d)(2), 68 Stat 512 (21 U.S.C. 346a(d)(2)))

List of Subjects in 40 CFR Part 180

Administrative practice and procedures, Raw agricultural commodities, Pesticides and pests.

Dated: January 6, 1983.

Edwin L. Johnson,

Director, Office of Pesticide Programs.

PART 180—[AMENDED]

Therefore, 40 CFR 180.249 is revised to read as follows:

§ 180.249 Alachlor; tolerances for residues.

Tolerances are established for the combined residues of the herbicide alachlor (2-chloro-2',6'-diethyl-*N*-(methoxymethyl) acetanilide) and its metabolites (calculated as alachlor) in or on the following raw agricultural commodities:

Commodities	Parts per million
Beans, dry	0.1
Beans, forage	0.2
Beans, lima (green)	0.1
Cattle, fat	0.02
Cattle, mbyp	0.02
Cattle, meat	0.02
Corn, fodder	0.2
Corn, forage	0.2
Corn, fresh (including sweet K + CWHR)	0.05
Corn, grain	0.2
Cotton, forage	0.2
Cottonseed	0.05
Eggs	0.02
Goats, fat	0.02
Goats, mbyp	0.02
Goats, meat	0.02
Hogs, fat	0.02
Hogs, mbyp	0.02
Hogs, meat	0.02
Horses, fat	0.02
Horses, meat	0.02
Milk	0.02
Peanuts	0.05
Peanuts, forage	3.0
Peanut, hay	3.0
Peanut, hulls	1.5
Peas, forage	0.2
Peas, hay	0.2
Peas, pods removed	0.1
Potatoes	0.1
Poultry, fat	0.02
Poultry, mbyp	0.02
Poultry, meat	0.02
Sheep, fat	0.02
Sheep, mbyp	0.02
Sheep, meat	0.02
Sorghum, fodder	1.0
Sorghum, forage	1.0
Sorghum, grain (milo)	0.1
Soybeans	0.2
Soybean, forage	0.75
Soybeans, hay	0.2

[FR Doc. 83–2991 Filed 2–8–83; 8:45 am]

BILLING CODE 6560–50–M

40 CFR Part 180

[PP 2F2717, 2F2718/R520; Ph–FRL 2304–6]

Oryzalin; Tolerance for Residue

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes tolerances for residues of the herbicide oryzalin in or on the raw agricultural commodities potatoes, peppermint, and spearmint hay. This regulation to establish maximum permissible levels for residues of oryzalin was requested, pursuant to petitions, by the Elanco Product Company.

EFFECTIVE DATE: February 9, 1983.

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

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

SUPPLEMENTARY INFORMATION: EPA issued a notice, published in the **Federal Register** of August 18, 1982 (47 FR 36016), that announced that the Elanco Products Company, 740 South Alabama St., Indianapolis, IN 46285, had submitted pesticide petitions (PP) as follows proposing to amend 40 CFR 180.304 by establishing tolerances for residues of the herbicide oryzalin (3,5-dinitro-N^4, N^4-dipropylsulfanilamide:

1. *PP 2F2717.* Potatoes at 0.1 part per million (ppm). The petition was subsequently amended reducing the proposed tolerance to 0.05 ppm.

2. *PP 2F2718.* Peppermint and spearmint hay at 0.05 ppm.

There were no comments received in response to these notices of filing.

The data submitted in the petitions and relevant material have been evaluated. The pesticide is considered useful for the purpose for which the tolerances are sought. The toxicology data evaluated included a 90-day feeding study (rat) with a no-observed-effect level (NOEL) of 750 ppm (37.5 mg/kg/day); a 90-day feeding study (dog) with a NOEL of 750 ppm (18.75 mg/kg/day); a 3-generation reproduction study (rat) with a NOEL of 250 ppm (12.5 mg/kg/day), a teratology study (rat) with a NOEL of 2,250 ppm (112 mg/kg/day), the highest dose tested; a teratology study (rabbit) with a NOEL of 125 mg/kg/day, (highest dose tested); a chronic feeding/oncogenicity study (mouse) with a NOEL of 500 ppm (71.4 mg/kg/day) and no oncogenic effects observed up to 3,560 ppm (521 mg/kg/day), the highest dose tested; and a chronic feeding/oncogenicity study (rat) with a NOEL of 300 ppm (15 mg/kg/day) and no oncogenic effects observed up to 2,700 ppm (135 mg/kg/day), the highest dose tested.

Desirable data lacking are a dominant lethal study (rat). The company has been notified of the deficiency and has agreed to perform the study and to remove the use from the label should the results of the above study exceed the criteria for chronic toxicity as stated in 40 CFR 162.11.

The acceptable daily intake (ADI) based on the 90-day dog feeding study (NOEL of 750 ppm (18.75 mg/kg/day)) and a 200-fold safety factor, is calculated to be 0.0094 mg/kg/day. The maximum permissible intake (MPI) for a 60-kg human is calculated to be 0.5625 mg/day. The theoretical maximum residue contribution (TMRC) from existing tolerances for a 1.5 kg diet is calculated to be 0.0091 mg/day. The current action will utilize 0.72 percent of the ADI. Published tolerances utilize 1.61 percent of the ADI. A related document (FAP 2H5360/R133), establishing tolerances for peppermint and spearmint oil at 0.1 ppm which appears in this issue of the **Federal Register**, will contribute 0.0001 mg/day (1.5 kg) to the TMRC and increase the ADI to 2.35 percent.

There are no regulatory actions pending against the continued registration of oryzalin. This product contains a nitrosoamine at levels less than 1 ppm. Based on an Agency policy published in the **Federal Register** of June 15, 1980 (45 FR 42854), this level of nitrosoamine falls below the currently acceptable risk criteria. The metabolism of oryzalin in plants and animals has been adequately delineated for the uses. An adequate analytical method, gas chromatography using an electron capture detector, is available for

enforcement purposes. There is no reasonable expectation of residues occurring in meat, fat, and meat by-products of cattle, horses, swine, sheep, goats, poultry, milk or eggs from these tolerances.

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

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

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

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

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

List of Subjects in 40 CFR Part 180

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

Dated: February 1, 1983.

James M. Conlon,

Acting Director, Office of Pesticide Programs.

PART 180—[AMENDED]

Therefore, 40 CFR 180.304 is amended by adding and alphabetically inserting the commodities peppermint hay, potatoes, and spearmint hay to read as follows:

§ 180.304 Oryzalin; tolerances for residues.

* * * * *

Commodities	Part per million
* * * * *	
Peppermint hay	0.05
* * * * *	
Potatoes	0.05
* * * * *	
Spearmint hay	0.05
* * * * *	

[FR Doc. 83-3643 Filed 2-8-83; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 2, 15, and 90

[Gen. Docket No. 82-9; RM-3747; FCC 83-34]

Amendment To Provide Recognition for Power Line Carrier Operations of Electric Utilities in the Bands 10-490 kHz

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Federal Communications Commission has revised its Rules to provide recognition for power line carrier (PLC) operations of electric utility companies in response to a petition for rulemaking. PLC systems are designed to provide protection and control for the electric transmission systems which supply the nation's electrical power needs and presently operate on an unlicensed basis. This action will not alter the present unlicensed and unallocated status of PLCs. The changes established a new Footnote governing power line carrier use of the 10-490 kHz band and the initiation of a notification procedure and associated data base to interface operations with authorized users of the spectrum. The action should benefit all concerned by helping establish a mechanism to help anticipate and avoid mutual interference problems.

EFFECTIVE DATE: March 7, 1983.

ADDRESS: Federal Communications Commission, 2025 "M" Street, NW., Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mr. Sam Tropea, Office of Science and Technology, 2025 "M" Street, NW., Washington, D.C. 20554 (202) 653-8167.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Parts 2, 15 and 90

Radio.

Adopted: January 24, 1983.

Released: January 27, 1983.

In the matter of Amendment of Parts 2, 15, and 90 of the Commission's Rules to provide recognition for power line carrier operations of electric utilities in the bands 10-490 kHz. Gen. Docket No. 82-9 RM-3747; FCC 83-84, Report and Order.

Summary

1. This action amends the Commission's Rules to implement a new U.S Footnote to provide enhanced recognition of electric power utility Power Line Carrier (PLC) systems in the 10 to 490 kHz frequency band. Rules establishing a notification procedure, an industry-operated entity to oversee the notification process, and a data base are also adopted so that band occupants can cooperate to the extent practicable to minimize or eliminate mutual interference. [1]

Background

2. On January 13, 1982, the Commission adopted a Notice of Proposed Rulemaking (47 FR 3799, January 27, 1982) in the above captioned matter in response to a petition filed by the Utilities Telecommunications Council (hereinafter UTC).[2] The Notice proposed the possible amendment of Part 2 of the Commission's Rules to include a U.S. Footnote governing PLC operations, the inclusion of a new Section in Part 15 to cover PLC operations, and the amendment of Part 90 to provide for the notification and data base characteristics applicable to PLC systems. Two footnote versions, one suggested by UTC and one by the Interdepartment Radio Advisory Committee were released for comment. Also, the Notice requested comments regarding the need and effects of continued use of the 10-14 kHz and 90-110 kHz band segments by PLC users.

3. Power Line Carrier is a telecommunications technique used by the electric power utility entities for protective relaying, general supervision of their power systems and voice communications. The technique uses the power transmission lines as the propagation medium for the radio frequency signals with the PLC transmitters and receivers being coupled to the power transmission lines by means of matching networks. PLC systems operate between 10 and 490 kHz using low power transmitters. Both

[1] The term notification as used herein should not be confused with the "notification" procedure for equipment authorization which is the subject of Docket No. 82-242.

[2] UTC is the national representative on telecommunications matters for the nation's electric, gas, water and steam utilities.

Government and non-Government PLC systems operate in this band and there are more than 2,000 electrical utility entities using approximately 20,000 PLC terminals. Non-Government PLC systems operate on an unlicensed basis as restricted radiation devices under Part 15 of the Rules. Government PLC systems operate under Chapter 7 of the National Telecommunications and Information Administration (NTIA) Manual of Regulations and Procedures for Federal Radio Frequency Management. As a consequence, PLC systems must operate, as they have for 40 years, on an unprotected, noninterference basis to authorized stations and receive no protection from authorized radio stations. This rulemaking merely provides the means to make PLC Systems occupants aware of the presence of radio systems so that interference situations can be anticipated and avoided whenever possible and so that PLCs can continue to fulfill the important function they serve in providing the nation's power utility needs. At the same time, the Commission believes that PLC users should be encouraged to continue to develop and employ alternative means to transmit the necessary control or communications signals.

Summary of Comments and Reply Comments

4. Thirty parties submitted comments in the proceeding, twenty-four of which were filed by utility companies or their representatives. The other six comments were filed by Aeronautical Radio, Inc. (ARINC), The American Telephone & Telegraph Co. (AT&T), The Department of Energy (DOE), The Electronic Industries Assoc. (EIA), The Manufacturers Radio Frequency Advisory Council (MRFAC), and the Tennessee Valley Authority (TVA). Reply Comments were filed by the Utilities Telecommunication Council. All comments were generally favorable to the rulemaking. A list of all commentators in the proceeding is contained in Appendix A.

5. Comments filed by the utility companies reflected three areas of agreement considered important to power line carriers using the 10–490 kHz band. These areas of agreement are summarized as follows:

(a) Adopt a U.S. Footnote in the National Table of Frequency Allocations to set forth the basis for PLC recognition.

(b) Allow continued access to the entire 10–490 kHz for PLC operations.

(c) Provide a notification procedure designed to anticipate and to avoid most interference situations involving PLCs.

6. The comments of the utilities unanimously supported the proposal to adopt a U.S. Footnote in the frequency table. UTC commented that since the major radio and radionavigation users of the 10–490 kHz band are Government administered, a U.S. Footnote would be the most beneficial method to alert the principal users. Florida Power and Light added that a U.S. Footnote would place all users, both Federal Government and non-government, on notice of the existence of PLC systems in the band. DOE and TVA also supported the adoption of a U.S. Footnote. Further, DOE and the National Electrical Manufacturers Association (NEMA) stated that the U.S. Footnote proposed by UTC which would "require cooperation" is considered preferable to the IRAC version which "urges cooperation" in preventing interference situations. ARINC, on the other hand, supported the IRAC suggested wording which, it said, sets forth more clearly, the basis under which PLC systems must operate.

7. Commenting parties also opposed restricting the use of any segment of the 10–490 kHz band by PLCs and denied that PLCs cause harmful interference to OMEGA and LORAN–C radionavigation systems that operate in the 10–14 kHz and 90–110 kHz bands, respectively. UTC argued that there are over 2500 PLC users between 90–110 kHz and that exclusion of PLC operations from the 10–14 kHz band and the 90–110 kHz bands is unwarranted in view of the absence of documented interference from PLCs. General Electric commented that the 90–100 kHz band is an optimum band for PLC use based on the relative cost of installation and its good, low-loss transmission characteristics. Rochester Gas and Electric Corp. stated that excluding PLCs from segments of the band would have a substantial economic and technical impact due to the high cost to relocate and the already congested usage of microwave frequencies. Atlantic City Electric Co. submitted that compatibility of PLC systems with OMEGA and LORAN–C, would be bolstered by implementing the proposed notification procedure. DOE commented that there are no alternate frequencies available or the economic burden of change to other untenable frequencies is prohibitive if PLC operation is excluded from the OMEGA and LORAN–C bands and also referenced a General Accounting Office report which considered terminating the use of LORAN–C in favor of radio positioning by satellite. It should also be noted that NTIA, in forwarding comments from the IRAC AD HOC COMMITTEE 162 studying PLC problems, proposed that new uses of the spectrum by PLC systems in the bands 10–14 kHz and 90–110 kHz shall be discouraged because of the contemplated expanded usage of the OMEGA and LORAN systems in these bands.

8. The proposals for establishing a notification procedure and data base were also widely accepted by the comments filed. UTC supported the two-way notification procedure whereby use of frequencies by PLC systems would be revealed to radio users in advance of such use and FCC and NTIA frequency assignment would be made known to PLC users in advance also. To implement the procedure UTC agreed that it is ready, willing and able to incur the expense and burden of establishing a centralized PLC data base and to serve as, or work with, an approved industry-operated entity. DOE agreed that the notification procedure should be as simple as possible and that the data base include only such information as is necessary to alert the users of potential problems. ARINC suggested that because the FAA coordinates and assigns non-directional beacon frequencies and maintains the data base for aeronautical radionavigation facilities that perhaps the FAA should handle the notification procedure and not the FCC. AT&T's comments on the notification procedure suggest that the data base contain the route and location of the energized power line. It further suggested that access to data base information be made available on request to interested parties. ARINC, AT&T and MRFAC agreed in their comments that the notification action should not afford any change in status to unlicensed PLC operation.

9. Other comments in the proceeding suggested modifications to the proposed Parts 15 and 90 Rules that would govern PLC operation. AT&T and EIA suggest that the definition of PLC be clarified to show its application only to the transmission system, that is, exclusive of those lines which connect the distribution substation to the customer. They stated that using the nomenclature "transmission power line carrier" would clearly distinguish it from distribution power line carrier or building power line carrier systems. DOE suggested that § 15.7(e) be modified to show that the PLCs excepted in the Note concern only those used by electric utilities and not all carrier current systems. ARINC, on the other hand, stated that PLCs should not be excepted from compliance under § 15.7 of the rules which provides objective standards for operation. ARINC argued that the proposed new

§ 15.8 does not propose any technical standards to govern PLCs. GE and NEMA suggested that § 15.8 be modified to state that interference should not be caused to "authorized stations". NEMA added that this modification would help maintain the existing status of PLCs relative to other incidental and restricted radiation devices. Finally, UTC commented that Sections 15.8 and 90.63 should be clarified to show that the data base information should apply to existing, additions to existing, and changes to existing systems. UTC also requested that § 15.8(c) be modified to specify that "harmful" interference should not be caused to an authorized or licensed radio service.

10. The single Reply Comment in the proceeding was filed by UTC. UTC stressed that none of the comments filed opposed the implementation of a U.S. Footnote and that, in fact, most comments vigorously supported this approach and a U.S. Footnote should be adopted. UTC also replied that the North American Electric Reliability Council (NERC) had agreed to undertake the compilation and operation of the PLC data base and that UTC would work with NERC in this effort if the Commission and NTIA approved them to act as the notification activity. It further pointed out that none of the comments filed gave any support for restricting PLC from the use of any portion of the 10–490 kHz band. In addition, UTC opposed ARINC's suggestions that the FAA, and not the FCC, oversee the notification process on the basis that the FAA does not regulate all users of the 100–490 kHz band. UTC also objected to ARINC's recommendation that PLCs remain subject to § 15.7 of the Rules. UTC stated that the proposed language of the new § 15.8 clearly places the burden of noninterference on PLC users without imposing arbitrary radiation levels. Further, UTC's replies supported the comments of AT&T and others regarding clarification of the PLC definition to specify the transmission aspects. However, UTC opposed AT&T's suggestion that § 90.63(h)[3] be modified to require the submission of PLC routing information on the basis that such a requirement would present a monumental task and cost to the utilities to gather and store all the necessary data. In addition, UTC opposed AT&T's suggestion to make the data base information available to other interested parties unless they were bona-fide users of the band. Finally, UTC replied to MRFAC and reiterated that the proposed rules would not elevate PLC operation from unlicensed to licensed status. UTC also suggested that MRFAC members could benefit from the information in the data base since they could check the frequency selected for the operation of their remote control devices against that used by local PLC systems.

[3] Section 90.63(h) is redesignated, Section 90.63(g) hereinafter due to section renumbering.

Discussion

11. The Commission in its NPRM in this proceeding recognized the importance of PLC operation in monitoring and protecting the electrical transmission systems that supply energy to the nation's homes and businesses. The Commission also agreed that because of the nationwide functions performed by PLC systems, enhanced recognition of their importance is desirable and in the public interest. The Commission further stated that because PLCs operate under the unlicensed provisions of Part 15, our first concern is that any recognition of PLC systems not be interpreted as the promotion of PLC at the expense of other users. Based on several comments in the proceeding which incorrectly speak of coordination rather than notification and of maintaining existing status of PLC relative to other Part 15 users, the Commission seeks to dispel any misunderstanding concerning the intent of this proceeding. Accordingly, the Commission wants to reaffirm its position that this proceeding does not elevate the status of PLCs in any way and that their operation in the band must be on an unprotected, noninterference basis to authorized users and at the same time on a coequal basis to other unlicensed users operating under Part 15 provisions. Cooperation between parties to the extent practicable is expected but, in any event, the PLC users must realize that in the event conflicts on spectrum usage cannot be resolved on a cooperative basis, their operation on an unprotected, noninterference basis must adjust to meet the requirements of the authorized radio users.

Footnote Implementation

12. The Commission in its Notice requested comments regarding the following three alternative footnote approaches:

(a) Establish a US Footnote to afford recognition to PLCs.[4]

(b) Establish an NG Footnote[5] to afford recognition to PLCs with similar language in the NTIA manual.

(c) Establish no footnote but incorporate the language and necessary elements of the footnote into Parts 15 and 90 of the Commission's rules and into the NTIA manual.

Strong public support was received from commentors for alternative (a) to establish a U.S. Footnote to afford recognition for PLCs. At the same time, no public support was expressed for alternatives b or c. The Commission agrees with the commentors who stated that, since the major radio users of the 10–490 kHz band are administered by the Federal government, a U.S. Footnote in the FCC and NTIA allocation tables would be most appropriate. A U.S. Footnote provides clear recognition of PLC systems and alerts frequency managers and table users to the presence of PLC systems while clearly setting forth the basis for PLC usage of the band. Further, the U.S. Footnote approach provides the most abbreviated and least cumbersome means of informing government and non-government users of the band of PLCs systems operation. Regarding the selection of the UTC or Interdepartment Radio Advisory Committee (IRAC) model for the U.S. footnote, the Commission favors the IRAC version which is the more concise of the two. In addition, the IRAC version clearly stresses that the notification process will be determined by the FCC and NTIA Rules. Furthermore, the IRAC language which "urges" users to minimize potential interference is believed to be more in keeping with the nature of a notification action. On the other hand, the stricter UTC language could be misinterpreted to convey that Commission or NTIA intervention for enforcement purposes is expected if parties will not cooperate, a situation which would implicity elevate the status of PLC operators in an unintended manner.

Full Usage of the 10–490 kHz Band by PLCs

13. The Commission's request for comments regarding the need and effect of restricting PLC operation from the 10–14 kHz and 90–110 kHz band segments generated considerable negative response. As noted earlier, there were no public comments that favored restricting PLC operation in the 10–14 kHz and the 90–110 kHz band segments. Moreover, the PLC findings of the IRAC

[4] A US footnote denotes a stipulation the application of which is a matter of agreement between the Commission and other appropriate Government agencies.

[5] An NG Footnote denotes a stipulation applicable to non-Government stations.

AD HOC 162 REPORT on PLC [6] affirms the Commission's belief that PLCs can, at least for the time being, continue to operate compatibly in the entire 10–490 kHz band on a noninterference basis. As stated in the AD HOC 162 Report, the Commission notes that the Department of Transportation (DOT) plans an expanded use of OMEGA and LORAN-C and that DOT recommends that further use of these bands by PLC users be discouraged. Meanwhile, compatibility should be further served by implementing the notification procedure designed to anticipate and avoid interference situations before they arise.

Notification Procedures

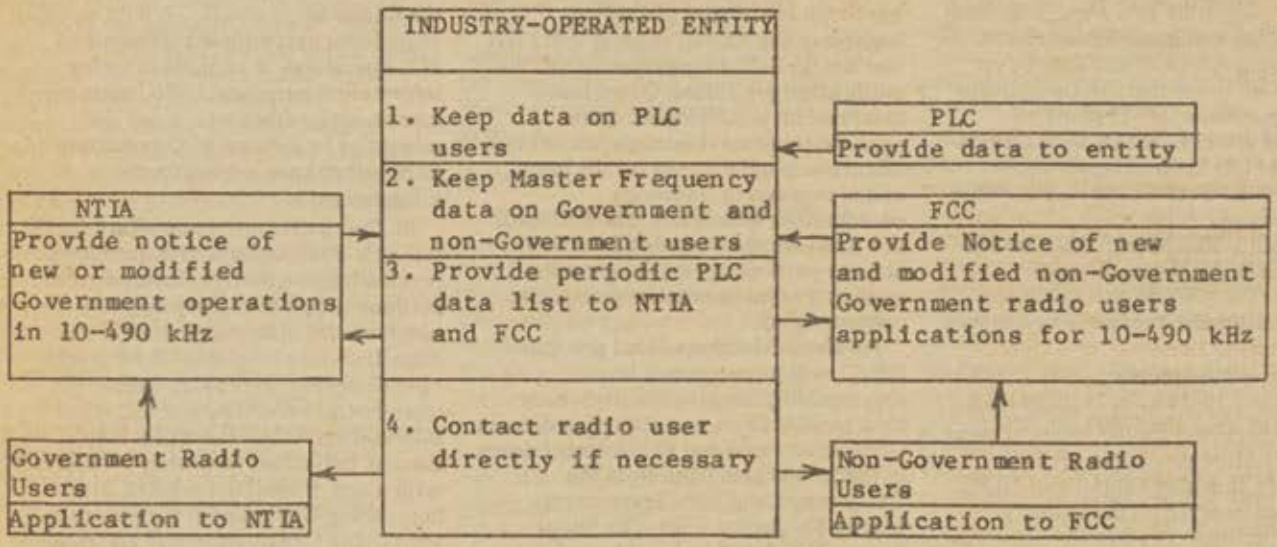
14. The Commission is pleased by the support expressed for the establishment of a notification procedure for PLC operations. It is also helpful that NERC has agreed to serve as the industry-operated entity to oversee the compilation and operation of the data base. Also, the Commission agrees with the comments that the notification procedure be kept as simple as possible and believes that listing the PLC transmitter and receiver locations and the other parameters set forth in Section 90.63(g) is expected to be adequate information for the data base for PLC operations. To attempt to compile routing information for every PLC line involved as suggested by AT&T would be a monumental task and would be of little more benefit than knowing the transmitter and receiver locations from where the PLC signal originated. Regarding the ARINC request that FAA and not the FCC be responsible for the notification procedure, Commission involvement is considered quite appropriate since it administers the non-Government allocations for the band and is engaged in frequency coordination with NTIA. The FAA will not, however, be excluded from this activity particularly when operation involving radio beacon frequencies is contemplated.

15. The industry-operated group, or NERC, will have a two-fold responsibility keeping the necessary data on PLC users and obtaining data on Government and non-Government users in the 10–490 kHz band from the Government and non-Government Master Frequency Files. The initial Master File data can be obtained by NERC from the FCC and the NTIA. Thereafter notices of new or modified station data will be provided to NERC to update the files. By comparing the data compiled on PLC and authorized radio users, NERC can determine the proximity of operations and anticipate interference situations. If NERC perceives that a potential problem exists between a PLC location and an applicant or authorized user, it can contact the user directly to determine if any adjustments can be made to the operation and if so, whether the user is willing to make such changes. However, it must be remembered that because PLC operation is on an unprotected, noninterference basis, the notification process shall not preempt authorized users from having access to a frequency at a later time. NERC shall also provide the Commission and NTIA with monthly or periodic lists with supplements of PLC operations in suitable form for information purposes. NERC may, of course, make arrangement for the release of its data on PLC operations to parties that have a need for the information.

16. One important requirement for the industry-operated entity to qualify to receive information on Government stations is that necessary security clearance be obtained to handle any classified data involving Government operations and to protect against the unauthorized disclosure of classified information. While the entity may discuss individual frequency problems with users, it shall not release data concerning Government stations to any entity. The Commission and NTIA agree on the selection of the North American Electric Reliability Council to serve as the designated entity subject to the attainment of the proper security clearances. Details concerning the notification procedure will be determinated between the Commission, the NTIA and the industry entity. Changes to the entity serving in this manner or to the details necessary for the functioning of the entity may be approved by the Commission and NTIA by written correspondence. To summarize, the following diagram illustrates the functions of the notification activity and the notification procedure authorized for PLC operations:

[6] AD HOC COMMITTEE 162 REPORT TO IRAC. April 7, 1981. A copy of this report is contained in the Docket file. While some members of the Committee did not Support full usage of the band by PLC's, the Reports findings did not recommend exclusion of PLC's from the 10–14 kHz and 90–110 kHz band segments.

NOTIFICATION PROCEDURE



Rule Modifications

17. The Commission agrees to implement some of the changes suggested to the rules governing PLC operation. As stated in the NPRM, the proceeding applies only to those PLC systems performing the transmission function between the power plant and the electrical substation. Accordingly, our rules will be modified so that the definition will clearly exclude those operations between the substation and the customer and will be moved from § 15.8 to 15.4 to set it apart with the other definitions. Also as suggested by UTC, the inclusion of the work "harmful" to describe interference in § 15.8(c), is consistent with other Part 15 language and will be included. We further agree that the note in § 15.7 be modified so that it remain applicable to other carrier current systems. Further, we agree that § 15.8(b) should be modified to apply to all existing PLC users to insure that the initial data base will contain all necessary information. Since the effort is in the best interest of all PLC users, the Commission expects existing users to voluntarily cooperate in the notification procedure. Moreover, we agree with the modification suggested by UTC that § 90.63(g) be amended to include in the notification process, changes to existing systems. Finally, we are amending § 90.63(g) to include the receiver location of PLCs as a parameter to be furnished for the data base rather than requiring extensive routing information.

Action

18. In view of the public comments and considerations discussed herein, we are amending the Commission's Rules in response to the Notice of Proposed Rule Making. Accordingly to provide appropriate recognition for PLCs and to provide for a notification entity and notification procedure to help anticipate and avoid potential interference problems, the following rule changes are adopted:

A. Section 2.106, Footnote U.S. 294 is added to provide recognition of PLC operations between 10-490 kHz.

B. Parts 15 and 90 are amended as proposed in the Notice with certain minor modifications included for clarity.

C. Designation of the North American Electric Reliability Council to serve as the industry-operated entity to oversee the notification process subject to receipt of the required security clearances.

19. For further information regarding matters covered in this document contact Sam Tropea (202) 653-8167.

20. Accordingly, IT IS ORDERED, that, pursuant to the authority contained in Sections 4(i) and 303(c) of the Communications Act of 1934, as amended, the Commission's Rules ARE AMENDED as set forth in the attached Appendix B, effective March 7, 1983.

21. It is further ordered that the proceeding is terminated.

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

Federal Communications Commission.

Willam J. Tricarico,

Secretary.

Attachments:

Appendices A and B.

Appendix A

Comments Filed By

Aeronautical Radio Inc.
Alabama Electric Corporation
Alabama Power Company
American Electric Power Service Corporation
American Telephone and Telegraph Company
Atlantic City Electric Company
Carolina Power and Light Company
The Cleveland Electric Illuminating Company
Department of Energy
Duke Power Company
Edison Electric Institute
Electronics Industry Association
Florida Power and Light Company
Florida Power Corporation
General Electric Company
Gulf Power Company
Houston Lighting and Power Company
Manufacturers Radio Frequency Advisory Committee
National Electric Manufacturers Association
North American Electric Reliability Council
Ohio Edison
Pacific Gas and Electric Company
Philadelphia Electric Company
Rochester Gas and Electric Corporation
Southern California Edison Company
Southern Company Services
Tampa Electric Company

Tennessee Valley Authority
Utilities Telecommunications Council
Virginia Electric Power Company

Reply Comments Filed By

Utilities Telecommunications Council

Appendix B

For the reasons set forth in the preamble, Parts 2, 15 and 90 of Chapters I of Title 47 of the Code of Federal Regulations are amended as follows:

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

1. In § 2.106 the Table of Frequency Allocations is amended by adding in column 7, the footnote designator US 294 for the band 10–14 kHz, 14–19.95 kHz, 19.95–20.05 kHz, 20.05–59 kHz, 59–61 kHz, 61–70 kHz, 70–90 kHz, 90–110 kHz, 110–130 kHz, 130–160 kHz, 160–190 kHz, 190–200 kHz, 200–275 kHz, 275–285 kHz, 285–325 kHz, 325–335 kHz, 335–405 kHz, 405–415 kHz, 415–490 kHz and the text of footnote US 294 is added in proper numerical sequence to the list of footnotes following the Table as follows:

§ 2.106 Table of Frequency Allocations.

* * * * *

US Footnotes

* * * * *

U.S. 294 In the spectrum below 490 kHz electric utilities operate Power Line Carrier (PLC) systems on power transmission lines for communications important to the reliability and security of electric service to the public. These PLC systems operate under the provisions of Part 15 of the Federal Communication Commission's Rules and Regulations or Chapter 7 of the National Telecommunications and Information Administration's Manual of Regulations and Procedures for Federal Radio Frequency Management, on an unprotected and noninterference basis with respect to authorized radio users. Notification of intent to place new or revised radio frequency assignments or PLC frequency uses in the bands below 490 kHz is to be made in accordance with the Rules and Regulations of the FCC and NTIA, and users are urged to minimize potential interference to the degree practicable. This footnote does not provide any allocation status to PLC radio frequency uses.

PART 15—RADIO FREQUENCY DEVICES

1. In § 15.3, the first sentence is revised and the section is revised to read as follows:

§ 15.3 General Conditions of Operation.

Persons operating restricted or incidental radiation devices (including Power Line Carrier systems) shall not be deemed to have any vested or recognizable right to the continued use of any given frequency by virtue of prior registration or certification of equipment, or on the basis of prior notification of use pursuant to § 90.63(g) of this chapter. Operation of these devices is subject to the conditions that no harmful interference is caused and that interference must be accepted that may be caused by other incidental or restricted radiation devices, industrial, scientific or medical equipment, or from any authorized radio user.

2. A new paragraph (t) of § 15.4 is added to define a Power Line Carrier System to read as follows:

§ 15.4 General definitions.

* * * * *

(t) *Power Line Carrier system.* A carrier current system used by an electric power utility entity on transmission lines for protective relaying, telemetering, etc. for general supervision of the power system. The system operates by the transmission of radio frequency signals in the band from 10 kHz to 490 kHz by conduction over the electric power transmission lines of the system. The system does not include those electric lines which connect the distribution substation to the customer or house wiring.

3. In § 15.7, the note is revised to read as follows:

§ 15.7 General Requirement for Restricted Radiation Devices.

(e) * * *

Note.—Radio receivers, cable television systems, Class I TV devices, low power communications devices, and Power Line Carrier systems as used by electric utilities on power transmission lines are regulated elsewhere in this chapter and are not regulated by this section.

4. A new § 15.8 is added to Subpart A as follows:

§ 15.8 Operation of a Power Line Carrier System.

(a) A power utility operating Power Line Carrier systems shall submit the details of all existing systems plus any proposed new systems or changes to existing systems to a industry-operated entity as set forth in § 90.63(g) of this chapter. No notification to the FCC is required.

(b) The operating parameters of a Power Line Carrier System (particularly the frequency) shall be selected to achieve the highest practical degree of compatibility with authorized or licensed users of the radio spectrum. A Power Line Carrier System shall operate on an unprotected, noninterference basis in accordance with § 15.3 of this part. If harmful interference occurs, the electric power utility shall discontinue or adjust its Power Line Carrier operation, as required, to remedy the interference.

(c) Power Line Carrier systems apparatus shall be operated with the minimum power possible to accomplish the desired purpose.

(d) The best engineering principles shall be utilized in the generation of radio frequency currents by Power Line Carrier systems so as to guard against interference to authorized radio users, particularly on the fundamental and harmonic frequencies.

(e) Power Line Carrier system apparatus shall conform to such engineering standards as may from time to time be promulgated by the Commission. In addition, such systems should adhere to industry approved standards designed to enhance the use of Power Line Carrier systems.

PART 90—PRIVATE LAND MOBILE RADIO SERVICES

1. Section 90.63 is amended by the revision of paragraph (g) to set forth the frequencies available for, and the limitations placed on, the use of PLC systems as follows:

§ 90.63 Power Radio Service.

* * * * *

(g) The frequencies 10–490 kHz are used to operate electric utility Power Line Carrier (PLC) systems on power transmission lines for communications essential to the reliability and security of electric service to the public, in accordance with Part 15 of this chapter. Any electric utility fulfilling requirements in paragraph (a)(1) of this section may operate PLC systems and shall supply to a Federal Communications Commission/National Telecommunications and Information Administration recognized industry-operated entity, information on all existing, changes to existing, and proposed systems for inclusion in a data base. Such information shall include the frequency, power, location of transmitter(s), location of receivers and other technical and operational parameters, which would characterize the system's potential both to interfere with authorized radio users, and to receive harmful interference from these users. In an agreed upon format, the industry-operated entity shall inform the National Telecommunications and Information Administration and the Commission of these system characteristics prior to implementation of any proposed PLC system and shall provide monthly or periodic lists with

supplements of PLC systems. The Federal Communications Commission and National Telecommunications and Information Administration will supply appropriate application and licensing information to the notification activity regarding authorized radio stations operating in the band. PLC systems in this band operate on a noninterference basis to radio systems assigned frequencies by the NTIA or licensed by the FCC and are not protected from interference due to these radio operations.

[FR Doc. 83-3432 Filed 2-8-83; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 15

Petitions Filed by the American Telecommunications Corp. and Electronics Industries Association Concerning Application of 15.7 of the Commission's Rules for Cordless Telephones

AGENCY: Federal Communications Commission.

ACTION: Order Granting Conditional Waiver.

SUMMARY: This document corrects the limits on radio frequency current specified in the Commission's *Order Granting Conditional Waiver* of § 15.7 of the FCC Rules for a cordless telephone marketed by American Telcommunications Corporation.

FOR FURTHER INFORMATION CONTACT: Mr. Julius P. Knapp, Office of Science and Techology, RF Devices Branch, Room 8302, Washington, D.C. 20554, (202) 653-8247.

SUPPLEMENTARY INFORMATION:

Erratum

Released: February 1, 1983.

1. On September 29, 1982 the Commission adopted an *Order Granting Conditional Waiver* of § 15.7 of the FCC Rules for a cordless telephone marketed by American Telecommunications Corp. (ATC). Reference FCC 82-430, released October 4, 1982 (48 FR 4788, February 3, 1983). The waiver is corrected as follows.

2. The waiver set technical conditions based upon the FCC Laboratory Report in Project No. 2247-56 "Investigation of Emission Characteristics of Cordless Telephone Using Carrier Current Techniques". In this project the Lab measured a number of cordless telephones. Specifically, two types of measurements were made: (1) radiated field strength, and (2) radio frequency current placed on the AC power line and telephone wiring.

3. It was recently discovered that the calibration chart for one of the pieces of equipment used to measure current was inaccurate. The values of current listed in the Lab report are 6 dB low. Therefore, the limits on radio frequency current specified in paragraph 25(b) of the ATC waiver are corrected to read as follows:

—180 mA on any single power conductor.

—24 mA on the telephone line.

—24 mA where measuring all power conductors together, including ground conductor.

4. The levels of field strength measured by the Lab are unaffected. Therefore the interference potential of devices meeting the current limitations herein is no higher than envisioned in the Commission's original waiver.

5. Authority was delegated to the Chief Scientist to grant waivers to other manufacturers who could meet the same conditions. The Chief Scientist will accept and grant waiver reuests for cordless phones where the radio frequency currents do not exceed the corrected limits specified above.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 83-3416 Filed 2-8-83; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Parts 31 and 43

[CC Docket No. 82-513; FCC 83-26]

Amendment of Annual Report Form M for Telephone Companies To Reflect Changes in the Depreciation Techniques Approved in Docket No. 20188

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action amends certain schedules in the Form M Annual Reports filed by certain common carriers. The amendments are required to reflect changes in the carriers depreciation practices provided for in Docket No. 20188.

This action will benefit the Commission and the public in their efforts to analyze the carriers' depreciation practices and cost of service information. Also, it will give the carriers more flexibility when preparing the revised Form M schedules and eliminate the burden of reporting unnecessary data.

EFFECTIVE DATE: March 8, 1983.

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

FOR FURTHER INFORMATION CONTACT: Gerald P. Vaughan, Accounting and Audits Division, Common Carrier Bureau, Federal Communications Commission, Washington, D.C. 20554, Telephone Number (202) 634-1861.

SUPPLEMENTARY INFORMATION:

List of Subjects

47 CFR Part 31

Communications common carriers, Telephone, Uniform System of Accounts.

CFR Part 43

Communications common carriers, Telephone.

Adopted: January 20, 1983.

Released: February 1, 1983.

By the Commission: Commissioner Fogarty absent.

In the Matter of Amendment of Annual Report Form M for telephone companies to reflect changes in the depreciation techniques approved in Docket No. 20188, CC Docket No. 82-513; FCC 83-26, Report and Order.

I. Introduction

1. In a Notice of Proposed Rulemaking (NPRM) released on August 16, 1982, 47 FR 36660, the Commission proposed to amend the telephone carriers' Annual Report Form M to reflect new depreciation practices approved by the Commission in Docket 20188, 83 FCC 2d 267 (1980). We proposed to eliminate one schedule entirely and parts of another because it appeared the information reported would be either unnecessary or unduly burdensome in the future. We also proposed to add three new subschedules to obtain information by depreciation method so that the staff could monitor the impact of the new depreciation practices.

2. Based on the comments received in this proceeding, we have decided to adopt some aspects of our proposal and to modify others. We have decided to eliminate one schedule and a major part of another as we proposed, but we have also decided to retain two columns which we had proposed to eliminate. Finally, we have decided not to adopt the three subschedules that we proposed to obtain information by depreciation method. Instead, we have decided to modify three existing schedules to obtain information for each subaccount for which depreciation rates are calculated.

II. Background

3. The Form M is required to be filed by subject telephone companies that have annual operating revenues in

excess of $1,000,000. It is prepared according to the Commission's Uniform System of Accounts for Class A and Class B Telephone Companies, 47 CFR Part 31, and consists of various schedules showing the carrier's financial and accounting data, plant and operating costs, pension, and other employment information. The companies are required to prepare and submit their annual report to the Commission not later than March 31 of the year following that for which the report is made, 47 CFR 43.21.

4. On December 5, 1980, this Commission released its *Report and Order* in Docket No. 20188, 83 FCC 2d 267 (1980), *reconsideration*, 87 FCC 2d 916 (1981), which amended Part 31 of the Commission's Rules and Regulations for Class A and Class B Telephone Companies to permit new depreciation practices. Docket No. 20188 permitted Class A and Class B telephone companies to use the remaining-life (RL) procedure rather than the whole-life procedure with the straight-line vintage group (SLVG) method for embedded plant, and it permitted them to use the straight-line equal-life group (ELG) method or any other depreciation method approved by the Commission for new plant. These changes in depreciation practices authorized by Docket No. 20188 necessitated a reevaluation of the depreciation information required on certain schedules of the Annual Report Form M and resulted in the proposed revisions being considered in this proceeding.

III. Proposed Revisions

5. The NPRM proposed to add three new subschedules to the Form M to obtain information by depreciation method. The new subschedules were:

12A.1—Analysis of Telephone Plant Accounts by Depreciation Method;

14A.1—Analysis of Entries in Depreciation Reserve (Account 171) by Depreciation Method; and

14C.1—Basis of Charges for Depreciation by Depreciation Method.

6. The current depreciation related schedules in the Form M (Schedules 12A, 14A and 14C) do not provide data by depreciation method. We proposed the new subschedules to provide the information which we believed would be necessary to monitor the telephone plant accounts, the depreciation reserve accounts, and the basis of depreciation charges when more than one depreciation method was used.

7. The NPRM also proposed to eliminate Schedule 14B—Theoretical Depreciation Reserve Study. We believed that schedule would be unnecessary in the future because, in the *Supplemental Opinion and Order* of Docket No. 20188, 87 FCC 2d 1112 (1981), we required all carriers to use the historical debits and credits method rather than theoretical depreciation reserve studies to allocate their depreciation reserve among the depreciable plant accounts.

8. Finally, the NPRM proposed to eliminate column (b), Estimated Service Life in Years, and column (c), Estimated Net Salvage Factor, of Section I of Schedule 14C and to eliminate Section II of this schedule entirely. We proposed to eliminate columns (b) and (c) because, with carriers using more than one depreciation method, the amounts reported in these columns would represent a mix of more than one method, and it appeared the information reported in them would be meaningless. We proposed to eliminate Section II of Schedule 14C because the ELG method would produce new groups with separate service lives and salvage factors each year. Thus, as a result of ELG, the volume of data to be reported in Section II would continue to increase each year as new groups were created and we felt that the burden of filing the additional data that would be required in Section II outweighed the benefit of that data.

IV. Summary of Comments

9. Interested parties were invited to file comments on our proposal on or before September 22, 1982, and reply comments on or before October 7, 1982. Comments were received from American Telephone and Telegraph Company and its associated operating companies (AT&T); GTE Service Corporation and its affiliated domestic telephone companies (GTE); North American Telephone Association (NATA); Continental Telecom, Inc. (Continental); and United States Independent Telephone Association (USITA).[1] Reply comments were received from AT&T and GTE. A brief summary of all comments as they relate to our proposal is set forth below.

Comments on Proposed New Subschedules for Schedules 12A, 14A, and 14C

10. Continental and NATA supported the addition of the proposed subschedules to obtain information by depreciation method. They stated that the subschedules would meet the Commission's objective to monitor the effects of the changes in depreciation procedures without being unduly burdensome to the companies providing the information.

11. AT&T did not object to the addition of subschedules to Schedules 12A and 14C, but did oppose the subschedule for Schedule 14A (Subschedule 14A.1) because it would require the reporting of information which AT&T states is unavailable. Subschedule 14A.1 would require carriers to show charges to the depreciation reserve by depreciation method. AT&T argued that since ELG depreciation is being phased in on a prospective basis, Subschedule 14A.1 would require reporting depreciation charges separately for different vintages of plant. Also, Subschedule 14A.1 would require reporting the selling price, commissions, and other expenses of plant sold with traffic,[2] as well as the cost of removal, salvage and insurance associated with other plant retired by depreciation method. All of these data and the resulting reserve balances would have to be reported separately for the different vintages of plant subject to different depreciation methods; and, according to AT&T, these data are not available. AT&T also suggested that, if required in the final rule, the salvage related data proposed to be reported on Subschedule 14A.1 and Subschedule 14C.1 should be reported in a separate schedule.

12. USITA and GTE objected to all three of the proposed new subschedules. USITA stated that the proposal to add new subschedules to the Form M should not be adopted by the Commission because the Notice did not justify the collection of the additional data. GTE supported the Commission's effort to reexamine its regulatory requirements in light of the new depreciation developments but disagreed with the implicit premise of the Notice that the methodologies required far more extensive Form M data. GTE argued in its comments that there is no increased data requirement associated with implementation of ELG or the remaining-life procedure; therefore, it feels that the new subschedules are unnecessary.

13. GTE also argued that the appropriate next step for the Commission to take in furtherance of its Docket 20188 policies would be to allow, as a carrier's option, the use of composite depreciation rates that reflect more than one depreciation method. GTE stated that composite rates would ensure full capital recovery without the need for vintage accounting and would

[1] Comments from Continental and USITA were filed late by one day; however, they were accepted by the FCC.

[2] Plant sold with traffic is defined as telephone plant in service that is carrying telecommunication messages.

eliminate the need for information by method that would be reported in the new subschedules.

14. AT&T, in its reply comments, supported the use of the composite depreciation rate methodology proposed by GTE. AT&T stated that, if the Commission adopted the GTE proposal on compositing, the additional subschedules proposed for the Form M would be unnecessary.

Comments on Modification to Schedule 14C

15. Continental, AT&T, and GTE supported the elimination of columns (b) and (c) of Section I and all of Section II of Schedule 14C because the data reported would be meaningless to FCC and burdensome to carriers when more than one depreciation method is used.

16. GTE suggested that Section I of Schedule 14C be modified to provide a listing of each subaccount for which a separate depreciation rate is utilized in order that the schedule be consistent with the prescribed depreciation rates.

17. NATA objected to the elimination of Schedule 14C column (b), Estimated Service Life, and column (c), Estimated Net Salvage, and the elimination of all of Section II of this schedule. NATA asserted that eliminating these data would effectively eliminate any possible replication of column (d), Annual Composite Rate, of Schedule 14C. NATA argued that all three of these pieces of data are required to compute annual composite depreciation rates. NATA further argued that these depreciation rates are critical to many types of regulatory and legal proceedings and the elimination of this basic, reliable data source would put an undue burden on many of the parties involved in these proceedings. NATA argued that the triennial information submitted in support of depreciation represcription may not be adequate for the Commission's regulatory purposes or meaningful public participation in Commission proceedings. It stated that the very trends which led to Docket 20188 and the adoption of ELG and RL would actually intensify the need for the information that the Commission now proposes to eliminate. Also, without the information the Commission proposed to eliminate, NATA contends that it would not be possible to trace the performance of equal-life groups by vintage or to examine changes in ELG accruals by year. Finally, NATA argued that the implementation of ELG necessitates the use of a computer because of the massive amounts of data required and that the data are therefore already in company hands in a format that is easily converted into the necessary reports. NATA claims that as long as the company has the computer capacity necessary to implement ELG, it has the means to generate, with relative ease, the information required under Section II of Schedule 14C for ELG plant.

18. In AT&T's and GTE's reply comments, they disagreed with NATA's numerous reasons why the information reported in columns (b) and (c) of Section I and all of Section II of Schedule 14C should be continued. They argued that NATA does not understand the purpose or the function of the Annual Report Form M. They stated that Form M was never intended to be a means for an in-depth review of the depreciation process. They pointed out that NATA fails to recognize that the elimination of the Form M reporting requirements does not eliminate the submission of depreciation-related data to the Commission, nor does it reduce the Commission's ability to monitor the various factors affecting the proper level of depreciation expense. They argued that all relevant depreciation-related data (depreciation rates, salvage factors, and relevant lives by subaccount) are filed with the Commission and the appropriate state commissions at the time of the triennial depreciation review and that these data are public documents just as much as the Form M. Finally, AT&T and GTE argued that the data filed during the triennial review is more than adequate to permit the Commission and other interested parties to monitor effectively the factors discussed by NATA and the triennial review is the appropriate mechanism for a detailed review of the carriers' depreciation practices.

Comments on Schedule 14B, Theoretical Depreciation Reserve Study

19. All of the respondents concurred with the NPRM in that Form M Schedule 14B, Theoretical Depreciation Reserve Study, is no longer needed to show the allocation of the depreciation reserve by the depreciable plant accounts, since the Commission adopted the historical (debits and credits) method to allocate the depreciation reserve. 87 FCC 2d 1112 (1981).

V. Discussion

20. Based on our analysis of the comments and reply comments and a rview of our proposal, we believe that some modifications to our proposal are warranted. These modifications in large part stem from the comments of GTE that suggest that the Commission should consider allowing carriers the option of using composite equal life group and remaining life depreciation rates. We believe that the GTE proposal has merit and would reduce the Commission's burden of having to approve an increasing number of ELG rates as carriers add new plant. However, there are implementation problems in determinig the proper formula that will yield a realistic composite rate. Therefore, we direct the staff of the Common Carrier Bureau to review the GTE proposal of composite rates and address its merits in an appropriate proceeding.

Proposed Subschedules to Schedules 12A, 14A, and 14C

21. We proposed to require carriers to submit subschedules to Schedules 12A, 14A, and 14C for each depreciation method used by the carriers to provide information with which to monitor the new depreciation practices. However, AT&T stated that the information on one of those subschedules was not available in its records. Moreover, GTE proposed that the Commission consider composite depreciation rate methodology which both GTE and AT&T, in its reply comments, claimed would make the proposed subschedules unnecessary. Since we have found that there may be merit to the composite methodology proposed by GTE, we believe it would be premature to collect data by depreciation method on the proposed new subschedules. Therefore, we have decided not to adopt the proposed Subschedules 12A.1, 14A.1 and 14C.1 to provide data by depreciation method pending our review of composite depreciation rates.

22. Since we are not adopting the proposed subschedules 12A.1, 14A.1 and 14C.1 we agree with the GTE's proposed modification to Section I of Schedule 14C. GTE proposed that this section be modified to provide a listing of each subaccount for which a separate depreciation rate is utilized. However, we do not believe that the GTE proposal went far enough. The date on Schedules 12A and 14A are directly related to the data shown on Section I of Schedule 14C. Therefore, we believe that GTE's proposal should be extended to include Schedule 12A and Schedule 14A.

23. This information will provide the Commission with data that will be more useful in analyzing carrier depreciation practices as well as reviewing the carriers' cost of providing various services. Further, all carriers maintain depreciation data in their records for each subaccount for which depreciation rates are used. Therefore, these data are readily available to the carriers and can be reported by subaccount with no significant burden.

24. The current Schedules 12A, 14A, and 14C contain lines for each of the primary accounts. This format will have to be revised to allow carriers to show their subaccount data. However, the subaccount structure is not uniform among carriers. To handle this problem, we plan to leave all lines that show depreciable primary account data on Schedules 12A, 14A and 14C blank. Then each carrier can fill in its own primary account data along with the subaccount data related to each primary account. This will allow all carriers maximum flexibility when completing these schedules.

Proposed Revisions to Schedule 14C

25. The Notice proposed two changes to this schedule. It proposed the elimination of columns (b) and (c) of Section I and the elimination of Section II entirely. Based on an analysis of the comments and reply comments and a review of our proposal we believe that some modifications to our proposal are warranted.

26. Since we have revised our proposal of requiring carriers to submit data by depreciation method pending our review of GTE's proposal for composite rates, we believe that we should not eliminate columns (b) and (c) at this time. The proposal to eliminate columns (b) and (c) was based on one principal point, i.e., the information to be reported in columns (b) and (c) would be based on composite depreciation rates reflecting more than one depreciation method which, it appeared, would make the information meaningless. Since we have directed the staff to consider the merits of composite rates, we may in the future find that the information contained in columns (b) and (c) will be useful in monitoring those rates. Unitl we have rendered a ruling on composite rates, we believe that we should retain the data required in columns (b) and (c) of Section I.

27. However, because of the changes in depreciation practice approved in Docket 20188, it is necessary to add a new column in Section I to indicate whether the carrier is using a whole-life or remaining-life procedure for each depreciation rate. The new column has been added as column (b), Whole or Remaining Life, and the other columns have been redesignated accordingly. Carriers will be required to indicate which depreciation procedure is being used for each subaccount by marking a "W" in column (b) for plant depreciated using the whole-life procedure and an "R" in this column for plant being depreciated using the remaining-life procedure.

28. On the revised schedule, column (c), Life (yrs), will show average service life for plant depreciated under the whole-life procedure and average remaining-life for plant depreciated under the remaining-life procedure. Column (d), Net Salvage %, will show average net salvage for plant depreciated under the whole-life procedure and will show future net salvage for plant depreciated under the remaining-life procedure. All changes are shown in the new Schedule 14C that is attached in Appendix A.

29. The second proposed modification of Schedule 14C was the elimination of Section II of this schedule. We proposed to eliminate this section because the volume of data to be reported in Section II would continue to increase each year as new groups are created for carriers that adopt the ELG depreciation method. We felt that the burden of filing the additional data would outweigh the benefits that would be derived from those data.

30. NATA opposed the elimination of this section. It argued that the implementation of ELG required the use of computers and, therefore, that the data are available to the carriers in a format that could be easily converted into the necessary reports. AT&T and GTE disagreed with NATA's comments and argued that the elimination of Form M reporting requirements does not eliminate the submission of these data to the Commission in requests for depreciation rate changes.

31. We agree with the comments of AT&T and GTE that the data required in Section II of Schedule 14C will continue to be available in the carriers' requests for changes in depreciation rates which are available to the public at this Commission and at the state commissions. NATA failed to offer any reason why these data would not serve the same purpose as the data in Section II that we proposed to eliminate. Therefore, we will adopt our proposal and eliminate Section II of Schedule 14C.

Schedule 14B, Theoretical Depreciation Reserve Study

32. We proposed to eliminate this schedule from the Form M because all carriers are not required to maintain depreciation reserve balances by accounts corresponding to their depreciable plant accounts. All of the respondents agreed with our proposal to eliminate Schedule 14B. We continue to believe that the information shown on this schedule is no longer required in the Form M. Therefore, we will eliminate Schedule 14B from our Annual Report Form M.

VI. Ordering Clauses

33. Accordingly, it is ordered, pursuant to Sections 4(i) and 219 of the Communications Act of 1934, as amended, 47 U.S.C. 154(i) and 219, that the Form M Schedules are hereby revised as set forth in this Order and Appendix A.

34. It is further ordered, That Part 31, § 31.171(c) is hereby amended as reflected in Appendix B.

35. It is further ordered, That the revisions adopted herein shall be effective March 8, 1983, and shall be applicable to the annual reports to be filed for the year ended December 31, 1982.[3]

36. It is further ordered, pursuant to Section 220(i) of the Communications Act, 47 U.S.C. 220(i), that the Secretary shall cause a copy of this Report and Order to be served on each state commission.

37. It is further ordered That Docket No. 82-513 is hereby terminated.

(Secs. 4, 219, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

William J. Tricarico,

Secretary.

Note.—Appendix A will not appear in the Code of Federal Regulations.

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[3] Carriers should note the Form Ms were scheduled for printing before this proceeding was approved. Therefore, the schedule eliminated will still appear in the 1982 Form M and should not be completed. Those schedules revised will also appear in the 1982 Form M in their existing format. Carriers should use copies of the sample schedules attached to this order to include our revisions.

APPENDIX A

Annual report of ..... Year ended December 31, 19. . .

12A. ANALYSIS OF TELEPHONE PLANT ACCOUNTS

1. Report in column (c) all amounts relating to purchases of plant accounted for in accordance with paragraphs (a) and (b) of Section 31.2-21 of the Commission's Rules.

2. Each transfer or adjustment between accounts listed in this schedule, or between accounts listed in this schedule and other accounts, shall be included in column (g) and explained in a note, except the following which shall be included in columns (c) through (f), as appropriate: (1) transfers and adjustments amounting to less than $5,000; (2) adjustments and corrections of additions and retirements for the current or the preceding year; (3) transfers involving account 100.2, the plant accounts, and account 100.3 made in connection with the closing of the records of construction work orders or authorizations; and (4) routine entries relating to the acquisition, sale, retirement, or change in the use, of plant, such as transfers among accounts 201 to 264, inclusive, 276, 277, 100.3 and 100.4

Line No.	Account (a)	Balance at Beginning of the Year (b)	CHARGES DURING THE YEAR	
			Plant Acquired from Predecessors (see instruction 1) (c)	Other Plant Added (d)
	100.1 Telephone Plant in Service:			
1	201 Organization.....	$	$	$
2	202 Franchises.....			
3	203 Patent rights.....			
4	DEPRECIABLE PLANT:			
5				
6				
7				
8				
9				
10				
11				
12				
13				
14				
15				
16				
17				
18				
19				
20				
21				
22				
23				
24				
25	Subtotal Depreciable Plant..			
26	276 Telephone plant acquired.....			
27	277 Telephone plant sold.....			
28	Subtotal Account 100.1.....			
29	100.2 Telephone plant under construction.....			
30	100.3 Property held for future telephone use.....			
31	100.4 Telephone plant acquisition adjustment.....			
32	100.5 Satellite Earth Stations.....			
33	Subtotal (lines 28-32,incl).			
34	100.7 Telephone plant adjustment...			
35	TOTAL.....			

( ) denotes credit amount in column (g) and reverse amount in other columns.

12A. ANALYSIS OF TELEPHONE PLANT ACCOUNTS - (continued)

3. Credits to accounts listed in this schedule relating to property retired and charged to account 103, "Miscellaneous physical property," shall be included in column (f).

4. List each of the depreciable plant accounts and all subclasses of plant in column (a) for which a depreciation rate is determined and a subtotal for each primary account.

Line No.	CREDITS DURING THE YEAR		Transfers and Adjustments (Charges and (Credits))	Balance at End of the Year
	Plant Sold with Traffic (e)	Other Plant Retired (f)	(g)	(h)
1				
2				
3				
4				
5				
6				
7				
8				
9				
10				
11				
12				
13				
14				
15				
16				
17				
18				
19				
20				
21				
22				
23				
24				
25				
26				
27				
28				
29				
30				
31				
32				
33				
34				
35				

( ) denotes credit amount in column (g) and reverse amount in other columns.

Annual report of . . . . . Year ended December 31, 19. . .

14A. ANALYSIS OF ENTRIES IN DEPRECIATION RESERVE (Account 171)

1. Report under each of the plant accounts in column (a) all subclasses of plant for which a depreciation rate is determined and a subtotal for each primary account.

2. With respect to each item included in columns (d) and (h), include in a note the contra account charged or credited together with an explanation of the entry.

Line No.	Plant Account (a)	Balance at Beginning of the Year (b)	CREDITS DURING THE YEAR		
			Charged to Accounts 608, 702, and 704 (c)	Other Credits (specified) (d)	Total (e)
1		$	$	$	$
2					
3					
4					
5					
6					
7					
8					
9					
10					
11					
12					
13					
14					
15					
16					
17					
18					
19					
20					
21					
22					
23					
24					
25					
26					
27					
28					
29					
30					
31					
32					
33					
34					
35					
36					
37					
38					
39					
40					
41					
42					
43					
44					
45					
46					
47					
48	Total				

( ) denotes reverse amount

Annual report of . . . . . Year ended December 31, 19 . . .

14A. ANALYSIS OF ENTRIES IN DEPRECIATION RESERVE (Account 171) - (continued)

3. When property, the book cost of which was included in more than one plant account, has been sold for a lump sum the amounts includible in columns (m) and (n) shall reflect the apportionment among the accounts involved.

Line No.	CHARGES DURING THE YEAR				Balance at End of the Year (j)
	For Plant Sold with Traffic (see Col. (o)) (f)	For Other Plant Retired (see Col. (u)) (g)	Other Charges (specified) (h)	Total (i)	
1	$	$	$	$	$
2					
3					
4					
5					
6					
7					
8					
9					
10					
11					
12					
13					
14					
15					
16					
17					
18					
19					
20					
21					
22					
23					
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35					
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37					
38					
39					
40					
41					
42					
43					
44					
45					
46					
47					
48					

( ) denotes reverse amount

Annual report of..... Year ended December 31, 19. . .

14A. ANALYSIS OF ENTRIES IN DEPRECIATION RESERVE (Account 171)

Line No.	Plant Account (k)	DATA RELATING TO PLANT SOLD WITH TRAFFIC (see Col. (f))				
		Book Cost (l)	Selling Price (m)	Commissions and Other Expenses (n)	Charge to Reserve (o)	Charge (or Credit) to Extraordinary Income (p)
		$	$	$	$	$
1						
2						
3						
4						
5						
6						
7						
8						
9						
10						
11						
12						
13						
14						
15						
16						
17						
18						
19						
20						
21						
22						
23						
24						
25						
26						
27						
28						
29						
30						
31						
32						
33						
34						
35						
36						
37						
38						
39						
40						
41						
42						
43						
44						
45						
46						
47						
48	Total					

( ) denotes reverse amount

Annual report of . . . . . Year ended December 31, 19 . . .

14A. ANALYSIS OF ENTRIES IN DEPRECIATION RESERVE (Account 171) - (continued)

Line No.	DATA RELATING TO OTHER PLANT RETIRED (see Col. (g))				
	Book Cost (q)	Cost of Removal (r)	Salvage and Insurance (s)	Miscellaneous Adjustments (t)	Net Charge to Reserve (u)
	$	$	$	$	$
1		xx			
2					
3					
4					
5					
6					
7					
8					
9					
10					
11					
12					
13					
14					
15					
16					
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42					
43					
44					
45					
46					
47					
48					

( ) denotes reverse amount

Annual report of . . . . . Year ended December 31, 19 . . . .

14C. BASES OF CHARGES FOR DEPRECIATION

1. Report under each of the plant accounts in column (a) all subclasses of plant for which a depreciation rate is determined and a subtotal for each primary account.

2. The net salvage factors in column (c) shall be shown as a percentage of original cost.

3. A "W" in column (b) indicates a whole life rate in column (f), an average service life in column (c) and average net salvage in column (d); an "R" indicates a remaining life rate in column (f), an average remaining life in column (c), a future net salvage in column (d).

4. For each plant account, report in column (f) the prescribed depreciation rate or those used by the carrier in accordance with Part 31, Section 31.02-80 of the Commission's Rules.

5. The depreciation rate in column (f) for primary plant accounts for which subclasses or vintages are used, the life in column (b), net salvage percentage in column (c) and the depreciation reserve percentage in column (e) are to be composited so that the resulting calculated composite rate produces the same charge to operating expenses as the sum of the individual rates applied to the individual classes of plant.

6. If more than one sheet is required, the "Composite rates" and the "Ratios" data located at the bottom of this schedule should be recorded on the last lines of this schedule.

Classes and Subclasses of Depreciable Plant

Line No.	Account Number and Title of Plant Accounts and Its Subclasses (a)	Whole or Remaining Life (b)	Life (Yrs) (c)	Net Salvage (%) (d)	Depreciation Reserve (%) (e)	Depreciation Rate (%) (f)	Ratio of Depreciation Charges to Average Monthly Book Cost (%) (g)
1				1/	1/	1/	1/
2							
3							
4							
5							
6							
7							
8							
9							
10							
11							
12							
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21							
22							
23							
24							
25							
26							
27							
28							
29							
30							
31							
32	Composite rate for all depreciable accounts					1/	xx
33	Composite rate for all plant accts. incld. in acct. 100.1					1/	xx
34	Ratio to all depreciable accounts.....						
35	Ratio to all plant accounts included in account 100.1						

1/ Two decimal places required. ( ) denotes negative salvage

BILLING CODE 6712-01-C

Appendix B

PART 31—[AMENDED]

In Part 31, § 31.171, (c) is revised to read as follows:

§ 31.171 Depreciation Reserve.

* * * * *

(c) The company shall maintain this account broken down by accounts corresponding to the classes of depreciable telephone plant accounts itemized in Part 31, Section 31.02–82; or, some other format as specified by the Commission. These accounts shall show the current credits and debits to the reserve in complete detail.

[FR Doc. 83-3435 Filed 2-8-83; 8:45 am]
BILLING CODE 6712-01-M

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47 CFR Part 67

Letters Regarding Interpretations of the Separations Manual

AGENCY: Federal Communications Commission.

ACTION: Final rule: letter(s) regarding interpretation of the Separation Manual.

SUMMARY: In response to written requests, the Commission is issuing interpretation of its February 1982 Orders in Docket No. 80–286 and amendments to its Jurisdictional Separations Manual that was published at 47 FR 9170, March 3, 1982, and corrected at 47 FR 15142, April 8, 1982. These interpretations are clarification of the Commission's Orders that will resolve problems and permit carriers to proceed with the implementation of the revisions to FCC–NARUC Separation Manual.

ADDRESS: Federal Communications Commission, 1919 M Street, NW., Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mr. Michael E. Wilson, Accounting and Audits Division, Common Carrier Bureau, (202) 634–1965.

Gary M. Epstein,

Chief, Common Carrier Bureau.

Federal Communications Commission,

Washington, D.C.,

January 27, 1983.

Mr. Bruce Schoonover,

Supervisor, Separations and Settlements, John Staurulakis, Inc., 6315 Seabrook Road, Seabrook, Maryland.

Dear Mr. Schoonover: This letter is in response to your letter of November 12, 1982, in which you requested clarification of the Commission's intent pertaining to the proper accounting treatment of a key system or small PBX charged to account 231, or large PBX purchased and accounted for prior to December 31, 1982, but not installed until 1983. Specifically, you asked four questions concerning this subject. Each of these questions is addressed separately below.

1. *If a Key System or small PBX is charged to account 231 in 1982, but not installed until 1983, is it the intent of the Commission to have the installation cost charged to account 605?*

The Commission, in its decision in Docket No. 79–105 (released March 31, 1981), modified the accounting for the cost of installing terminal equipment accounted for in account 231, Station apparatus. This modification was designed to change the accounting for these costs from a capitalized cost charged to account 232, Station connections, to an expensed item charged to account 605, Installations and repairs of station equipment. The amount actually charged to account 605 will be based on when the carrier implemented the phase in or flash cut approach and when the installation is performed. The Appendix of the Commission's Order in Docket No. 79–105 fully describes all changes to Part 31 as it relates to this change in accounting.

2. *Your second question was a two-part question concerning a large PBX that is purchased in 1982, but not installed until 1983.*

A. *Since "cradle to grave" accounting is not followed for account 234, and therefore the uninstalled large PBX is accounted for in either account 122 or account 100.2 is it the Commission's intent to treat this investment as regulated or deregulated?*

In the Commission's *Further Reconsideration of the Second Computer II* (released October 30, 1981) paragraph 45 states: "* * * under the bifurcation plan Embedded CPE is that equipment or inventory which is tariffed or otherwise subject to the jurisdictional separations process as the bifurcation data * * *"

Furthermore, in footnote 18, this order defines inventory as: "* * * field stock and Class C stock (refurbished equipment) which is not accounted for in the carrier account corresponding to account 231 (Station apparatus) and PBX inventory which is now reflected in carrier accounts corresponding to account 122 (Material and supplies) or account 234 (Large private branch exchanges) * * *"

Therefore, it is clearly the Commission's intention to treat the investment in uninstalled large PBXs purchased in 1982 and accounted for in account 122 or account 100.2 as embedded CPE, which, for the present time, remains regulated.

The second part of your questions concerning a large PBX purchased in 1982 but not installed until 1983 is also a two-part question.

B. *If the answer to A is regulated, then is the intent of the Commission to:*

I. *Treat the investment in a large PBX, accounted for in account 122 or 100.2 as of December 31, 1982, as part of the investment subject to the CPE freeze and five year phase out for separations purposes?*

As discussed above, the embedded investment in large PBX accounted for in either accounts 100.2 or 122 will remain regulated after December 31, 1982. However, no part of large PBX investment that is booked subsequent to this date will be assigned to the interstate jurisdiction or be part of the five year phase out from the separations process. Account 122 was addressed in the Commission's decision in Docket No. 80–286, Appendix B, wherein we noted: "* * * starting with January 1, 1983, any amounts included in account 122 associated with customer premises equipment shall be excluded from the amounts which are allocated to the interstate operations."

Thus, any CPE investment that is in account 122 after December 31, 1982, will not be assigned to the interstate jurisdiction nor be a part of the five year phase out from the separations process.

Account 100.2 was also addressed by the Commission in Docket No. 80–286, paragraph 52, where it was stated: "* * * CPE plant in account 100.2 will be fully deregulated on January 1, 1983, and should not be included in the CPE investment to be phased out of the separations process over a five year period."

Therefore, any CPE investment in account 100.2 subsequent to December 31, 1982, will not be assigned to interstate jurisdiction or be part of the five year phase out from the separations process.

II. *If indeed the PBX is considered regulated, then how is the installation cost incurred in 1983, to be treated? If accounted for in account 234, does it follow that it, too, should be considered in the CPE freeze and five year phase out?*

The installation of a large PBX that remains regulated is addressed in Part 31.234 of the Commission's Rules and Regulations which states in part: "This account shall include the original cost, *including cost of installation*, of multiple manual private branch exchanges and of dial systems private branch exchanges of types designed to accommodate 100 or more lines or which can normally be expanded to 100 or more lines installed either for customers' or the company's use."

A second part of this question concerned the installation of a large PBX installed and charged to account 234 after January 1, 1983, and whether these installation costs should be considered in the CPE freeze and five year phase out from separations. This question was also addressed in the Commission's decision in Docket No. 80–286 in Appendix B, wherein it noted: "The recorded investment of customer premises equipment in accounts 231 and 234 which are on the books as of December 31, 1982, shall be assigned to the five categories set forth under Section 25.2. Equipment assigned to category 2 shall be apportioned as provided in paragraph 25.22. The amount of plant investment so determined in all other categories, reduced at one-sixtieth, shall be apportioned between state and interstate operations in accordance with the procedures prescribed for each category under Section 25.2 for the month of January, 1983 * * *"

Further, it stated: "No portion of any investment in customer premises equipment in accounts 231 and 234 which may be entered on the books of the company after

December 31, 1982, shall be apportioned to interstate operations."

Therefore, in this case the installation cost will not be a part of the five year phase out but will all be assigned to the intrastate jurisdiction.

If you have any further questions concerning this request please contact Michael Wilson of the Audits Branch at 634-1965.

Sincerely yours,

Gerald P. Vaughan,

Chief, Accounting and Audits Division.

[FR Doc. 83-3447 Filed 2-8-83; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[BC Docket No. 82-709; RM-4187]

FM Broadcast Station in Anchorage, Alaska; Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action assigns two Class C channels to Anchorage, Alaska. One of the Class C channels is substituted for a Class A channel with the license modified accordingly, in response to a petition filed by the licensee, Northern TV, Inc. The other Class C assignment is made in response to a request from Craig McCaw.

EFFECTIVE DATE: March 30, 1983.

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

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyree, Mass Media Bureau (202) 634-6530.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Adopted: January 17, 1983.

Released: January 27, 1983.

1. In response to a petition filed by Northern Television, Inc. (NTV),[1] the Commission adopted a *Notice of Proposed Rule Making*, 47 FR 46724, published October 20, 1982, proposing to substitute Class C Channel 287 for Channel 288A at Anchorage, Alaska. The *Notice* also proposed to modify the license of Station KNIK-FM to specify operation on Channel 287. Comments supporting the proposal were filed by Craig McCaw and by the petitioner.

2. In comments, the petitioner incorporated by reference the information in the *Notice* which demonstrated the need to upgrade its Class A facility to a Class C operation. Petitioner also restated its intention to convert from a Class A to Class C facility, if the proposal is adopted. McCaw in comments declared his intention to file an application to construct and operate on Channel 287, if assigned.

3. Since we have two parties expressing interest in operating a Class C channel at Anchorage, we undertook to identify any other such channels available for assignment. There are a large number of channels available and we have selected Channel 247 for consideration in response to McCaw's interest. Generally, it is the Commission's policy to refuse modification where an additional interest is expressed in the proposed new channel, see *Statesboro, Georgia*, 40 R.R. 1021 (1977). However, where other channels are available, we attempt to assign enough channels to respond to the demands for new service. See *Helena, Montana*, 50 R.R. 2d 70 (1981).

4. In view of the above, we shall substitute Channel 287 for Channel 288A and modify the license of Station KNIK-FM (Channel 288A) to specify operation on Channel 287. In addition, we shall assign Channel 247 to Anchorage, Alaska, as a ninth FM allocation in response to the interest expressed by Craig McCaw.

5. Accordingly, pursuant to authority contained in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and § 0.281 and 0.204(b) of the Commission's Rules, it is ordered, that effective March 30, 1983, the FM Table of Assignments, § 73.202(b) of the Rules, is amended with regard to the following community:

City	Channel No.
Anchorage, Alaska	247, 263, 267, 271, *276A, 281, 287, 293, and 298

6. It is further ordered, that pursuant to section 316(a) of the Communications Act of 1934, as amended, the outstanding license held by Northern Television, Inc. for Station KNIK-FM, Anchorage, Alaska, is modified, effective March 30, 1983, to specify operation on Channel 287 instead of Channel 288A. Station KNIK-FM may continue to operate on Channel 288A for one year from the effective date of this action or until it is ready to operate on Channel 287, whichever is earlier, unless the Commission sooner directs, subject to the following conditions:

(a) The licensee shall file with the Commission a minor change application for a construction permit (Form 301), specifying the new facility.

(b) Upon grant of the construction permit, program tests may be conducted in accordance with § 73.1620.

(c) Nothing contained herein shall be construed to authorize a major change in transmitter location or to avoid the necessity of filing an environmental impact statement pursuant to § 1.1301 of the Commission's Rules.

7. It is further ordered, that this proceeding is terminated.

8. For further information concerning this proceeding, contact Montrose H. Tyree, Mass Media Bureau, (202) 634-6530.

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

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 83-3441 Filed 2-8-83; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[BC Docket No. 82-568; RM-4161]

FM Broadcast Station in Fairbanks, Alaska; Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action assigns Channel 240A to Fairbanks, Alaska, in response to a petition filed by Great Alaska Electric Radio Company, Inc. The assignment will provide a fourth commercial FM service to Fairbanks.

EFFECTIVE DATE: March 22, 1983.

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

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyree, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Adopted: January 13, 1983.

Released: January 21, 1983.

1. The Commission herein considers the *Notice of Proposed Rule Making*, 47 FR 38930, published September 3, 1982, proposing to assign Channel 240A to Fairbanks, Alaska, as its fourth FM assignment.[1] The *Notice* was issued in

[1] Northern Television, Inc. is the licensee of Station KNIK-FM, Anchorage, Alaska.

[1] There is also a proposal pending to assign a fifth FM channel (251) to Fairbanks, Alaska (BC Docket No. 82-621, RM-4169).

response to a petition filed by Great Alaska Electric Radio Company, Inc. ("petitioner"). Only the petitioner filed comments in the proceeding, in which it restated its desire to apply for the channel, if assigned.

2. In view of the fact that the proposed assignment could provide a fourth FM station at Fairbanks, Alaska, the Commission believes that the public interest would be served by assigning Channel 240A to that community. The channel can be assigned in compliance with the minimum distance separation requirements.

3. Canadian concurrence has been obtained in the assignment of Channel 240A at Fairbanks, Alaska.

4. Accordingly, pursuant to the authority contained in Sections 4(i), 5(d)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended and §§ 0.281 and 0.204(b) of the Commission's Rules, it is ordered, that effective March 22, 1983, the FM Table of Assignments, § 73.202(b) of the Rules, is amended with respect to the following community:

City	Channel No.
Fairbanks, Alaska	240A, 266, 273, and 284.

5. It is further ordered, that this proceeding is terminated.

6. For further information concerning this proceeding, contact Montrose H. Tyree, Mass Media Bureau, (202) 634–6530.

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

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 83-3443 Filed 2-8-83; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[BC Docket No. 82-699; RM-4170]

FM Broadcast Station in Port Huron, Michigan; Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: Action taken herein assigns a second commercial FM channel to Port Huron, Michigan, in response to a petition filed by Midwest Radio Consultants, Inc.

EFFECTIVE DATE: March 30, 1983.

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

FOR FURTHER INFORMATION CONTACT: Nancy V. Joyner, Mass Media Bureau, (202) 634–6530.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Adopted: January 17, 1983.

Released: January 27, 1983.

1. The Commission herein considers the *Notice of Proposed Rule Making*, 47 FR 45059, published October 13, 1982, proposing the assignment of Channel 272A to Port Huron, Michigan, as that community's second FM assignment, in response to a petition filed by Midwest Radio Consultants, Inc. ("petitioner"). Supporting comments were filed by petitioner reiterating its intention to apply for the channel, if assigned. No oppositions to the proposal were received.

2. The Commission has determined that the public interest would be served by assigning Channel 272A to Port Huron, Michigan, since it could provide a second local FM service.

3. As explained in the *Notice*, the instant proposal requires a site restriction of 2.7 miles north of Port Huron to avoid short-spacing to Station WLBS (Channel 274), Mt. Clemens, Michigan. Additionally, the proposed allocation requires the substitution of Channel 288A for Channel 272A at Chatham, Ontario, for which the Canadian Government has given its concurrence.

4. Accordingly, pursuant to the authority contained in Sections 4(i), 5(d)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is ordered, that effective March 30, 1983, the FM Table of Assignments, § 73.202(b) of the Commission's Rules, is amended as follows with respect to the listed community:

City	Channel No.
Port Huron, Michigan	272A, 296A.

5. It is further ordered, that this proceeding is terminated.

6. For further information concerning this proceeding, contact Nancy V. Joyner, Mass Media Bureau, (202) 634–6530.

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

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 83-3444 Filed 2-8-83; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[BC Docket No. 82-351; RM-4104]

TV Broadcast Stations in La Salle and Pontiac, Illinois; Amendment of Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: Action taken herein assigns UHF-TV Channel 53 to Pontiac, Illinois, in response to a petition filed by Livingston County Broadcasters. The original proposal to reassign UHF-TV Channel 35 from La Salle to Pontiac, Illinois, was denied.

EFFECTIVE DATE: April 1, 1983.

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

FOR FURTHER INFORMATION CONTACT: Nancy V. Joyner, Mass Media Bureau, (202) 634–6530.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Television broadcasting.

Adopted: January 17, 1983.

Released: January 31, 1983.

1. On July 1, 1982, the Commission issued a *Notice of Proposed Rule Making*, 47 FR 29854, published July 9, 1982, in the above-entitled proceeding in response to a petition filed by Livingston County Broadcasters ("petitioner"), proposing the deletion of UHF-TV Channel 35 from La Salle, Illinois, and its reassignment to Pontiac, Illinois. Supporting comments were filed by petitioner in which it reaffirmed its intention to apply for the channel, if assigned.[1] Comments in opposition were filed by Thomas J. Mikos ("Mikos") and WORD TV, Inc. ("WORD"), to which the petitioner responded.

2. In his comments, Mikos advises that he has filed an application for Channel 35 at La Salle. Therefore, Mikos asks that we disregard petitioner's previous statement that there is no interest in that channel. In view of the pending application, Mikos asserts that petitioner's proposal is inconsistent with

[1] Petitioner subsequently submitted late-filed comments in which it proposed alternatively to apply for any available channel at Pontiac should the Commission decide to retain Channel 35 at La Salle.

prior Commission precedent. Generally, the policy is to retain an existing assignment for which there is interest in applying unless there is a clear preference for the new community. *Eugene and Salem, Oregon*, 15 R.R. 2d 1571 (1969).

3. WORD opposes the petition because it also wishes to apply for Channel 35 at La Salle. As for the comparative factors, WORD notes that neither Pontiac nor La Salle have other existing local television services. Each is served by co-owned AM and FM stations (WLPO and WAJK(FM), La Salle; WPOK and WPOK-FM, Pontiac). Further, WORD remarks that Pontiac will ultimately receive service from TV Station WBLN in nearby Bloomington, Illinois, for which a construction permit is outstanding, while La Salle is over 50 miles from the closest existing UHF television stations in Joliet and Peoria, Illinois. Under the circumstances, WORD claims that Pontiac cannot be awarded a clear preference to justify the proposed reassignment, citing *Martin and Salyersville, Kentucky*, 50 R.R. 2d 502 (1981).

4. WORD remarks that pursuant to established Commission precedent, the burden of justifying reassignment of a channel for which a party stands ready to apply falls on the petitioning party, citing *Martin and Salyersville, Kentucky, supra*. Under the circumstances recited, WORD claims that petitioner has not met its required burden, and therefore, Section 307(b) of the Communications Act dictates that the television channel allocation be maintained at La Salle in order to provide a fair, efficient and equitable distribution of frequencies.

5. In response to Mikos' opposition, petitioner alleges that when an allocation remains unused for a prolonged period of time, public interest factors require comparing community needs on an equal basis to determine where that allocation could be utilized more effectively. Thus, petitioner argues, the mere filing of an application by Mikos does not address which community is more deserving of the allocation.

6. In response to WORD's opposition, petitioner, in essence, asserts that Pontiac is more deserving of a channel than is La Salle, based upon the larger size of its community and the fact that neither Pontiac nor Livingston County presently has local television service. Petitioner also remarks that La Salle is located 44 miles from a UHF–TV station at De Kalb, for which a construction permit has been issued, and 20 miles from an educational UHF allocation at Streator, Illinois. Given these facts, petitioner maintains that since Pontiac is not served primarily or secondarily by Bloomington or Peoria stations, the Streator allocation must weigh heavily on the application of Section 307(b). If Channel 35 is retained in La Salle, petitioner maintains that La Salle County would be the beneficiary of two Grade A service contours while Pontiac would still have no primary television service.

7. In an attempt to provide each community with a UHF channel, petitioner proposes as an alternative that if Channel 35 is reassigned to Pontiac, either Channels 37, 53 or *64+ (if delected at Streator), could be assigned to La Salle in conformity with the minimum distance separation requirements.

8. Petitioner initially stated that it preferred Channel 35 in lieu of a higher channel since local viewing is presently tuned to lower channels on the dial. Thus, it maintains that assignment of a higher channel would result in a marketplace disadvantage.

9. Petitioner appended to its comments letters from solicited Pontiac citizenry and organizations advocating support of the reassignment of UHF–TV Channel 35 to Pontiac, Illinois.

10. Petitioner's preference for Channel 35 is based on its concern that a higher channel would create a marketplace disadvantage. Such a concern has not been a basis for allocations decisions. Even though local viewing may be currently tuned to lower channels on the dial, the Commission does not recognize differences between lower and higher UHF channels. *Cleveland and Lorain, Ohio*, 9 R.R. 2d 1507 (1967); *Houston, Texas*, 50 R.R. 2d 1420 (1982). As a general rule, we will not assign channels solely because an interested party desires lower placement on the UHF band. See, *New Smyrna Beach, Florida*, 50 R.R. 2d 1714 (1982).

11. Petitioner has argued that the test should be based on which community has a greater need for the channel. However, petitioner does not cite any cases in support of this position. Our policy has been to retain an existing assignment for which there is an interest absent a clear preference for reassigning the channel elsewhere. See, *Martin and Salyersville, Kentucky, supra*. As we view the comparative factors, the assignment would provide a first local television service at either community. The other "catch-all" factors—size of communities, reception services, location—are not significant enough to constitute a clear preference meeting the test for reassignment in this type of case.

12. In making the above determination, we are not unmindful of the fact that the channel has remained vacant at La Salle for many years and that the pending applications were filed after the petition for rule making. However, as a matter of administrative finality, we believe it appropriate to afford due consideration to retention of an existing assignment when to do otherwise would add an element of instability to our assignment proceedings. See, *West Liberty and Flemingsburg, Kentucky*, BC Docket No. 81–616, Mimeo No. 31079; *Martin and Salyersville, Kentucky, supra;* and *Lumberton and Long Beach, Mississippi*, Mimeo No. 1557, released January 13, 1982. We must view the pending applications as valid attempts to provide a first local service to La Salle rather than efforts to defeat a Pontiac assignment as petitioner would have us believe.

13. Moreover, our decision to retain Channel 35 at La Salle is reinforced by the fact that Channels 37 and *64 are unavailable for reassignment to that community. Since 1963, UHF–TV Channel 37 (608–614 MHz) has been reserved for the exclusive use of the radio astronomy service throughout the United States.[2] Channel *64 is reserved for noncommercial educational use at Streator, Illinois. According to Commission precedent, in such instances, we have steadfastly denied dereservation where, as here, it is apparent that an alternate channel exists which could be assigned to accommodate a commercial interest. See, *Vancouver, Washington*, 44 R.R. 2d 1498 (1980).

14. We view the resolution of this proceeding as turning on the availability of another channel at Pontiac. Petitioner's late-filed expression of interest in any such channel is a viable solution that would serve the public interest by providing Pontiac with its first local television service. Accordingly, we have chosen Channel 53 as the next lowest channel available for assignment to Pontiac.

15. In order to accommodate the assignment of Channel 53 to Pontiac, the transmitter site must be located approximately 12.2 miles southwest of the community to avoid short-spacing to Channel 54 (unused) in Kankakee, Illinois, and to Channel 58 (unused) at Danville, Illinois.

16. Accordingly, pursuant to the authority contained in Sections 4(i), 5(d)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as

[2] See, 1 R.R. 2d 1501 (1963).

amended, and § 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is ordered that effective April 1, 1983, the TV Table of Assignments, § 73.606(b) of the Commission's Rules, it amended as follows:

City	Channel No.
Pontiac, Illinois	53

17. It is further ordered, that the petition of Livingston County to reassign UHF-TV Channel 35 from La Salle to Pontiac, Illinois, is denied.

18. It is further ordered, that this proceeding is terminated.

19. For further information concerning the above, contact Nancy V. Joyner, Mass Media Bureau, (202) 634-6530.

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

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 83-3442 Filed 2-8-83; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[FCC 82-523]

Commission Policy Regarding the Advancement of Minority Ownership in Broadcasting

AGENCY: Federal Communications Commission.

ACTION: Policy Statement.

SUMMARY: The Commission's Policy Statement provides that: (1) Tax certificates and distress sales will be available to limited partnerships where the minority general partner owns at least twenty percent of the broadcast entity; (2) tax certificates will extend to shareholders that divest their interest in a minority-owned or controlled entity, when divestiture furthers minority ownership; and (3) distress sale petitions will be processed and granted by the Mass Media Bureau under delegated authority. This action is taken in the interest of facilitating minority ownership.

DATE: Policy Statement effective December 13, 1982.

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

FOR FURTHER INFORMATION CONTACT: Ava H. Berland, Mass Media Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

Adopted: December 2, 1982.

Released: December 13, 1982.

By the Commission: Chairman Fowler issuing a separate statement.

In the Matter of Commission Policy Regarding the Advancement of Minority Ownership in Broadcasting, FCC 82-523, Policy Statement.

Introduction

1. The Commission has traditionally considered the under-representation of minority points of view over the airwaves as detrimental to minorities [1] and the general public. Accordingly, we have taken steps to enhance the ownership and participation of minorities in the media, with the intent of thereby increasing diversity in the control of the media and thus diversity in the selection of available programming, benefitting the public and serving the principle of the First Amendment.[2] This *Policy Statement* will deal with our continuing concern with enhancing minority ownership of broadcast properties.

Background

2. To ensure the programming reflects and is responsive to minorities' tastes and viewpoints, the Commission has promulgated equal employment opportunity regulations requiring licensees to institute affirmative action programs,[3] and ascertainment procedures requiring licensees to conduct discussions with significant groups, including minority leaders, in the community.[4] However, it became apparent that in order to broaden minority voices and spheres of influence over the airwaves, additional measures were necessary. In our *Statement of Policy on Minority Ownership of Broadcasting Facilities* (hereinafter cited as the *1978 Policy Statement*),[5] we noted that:

> While the broadcasting industry has on the whole responded positively to its ascertainment obligations and has made significant strides in its employment practices, we are compelled to observe that the views of racial minorities continue to be inadequately represented in the broadcast media. * * * Adequate representation of minority viewpoints in programming serves not only the needs and interests of the minority community but also enriches and educates the nonminority audience.

3. Thus, in 1978, we articulated the important policy goal of encouraging minority ownership of broadcast facilities, and implemented that policy by announcing the availability of tax certificates and distress sales to minority-owned or controlled enterprises.[6] Tax certificates are authorized, under 26 U.S.C. 1071, in sales or exchanges of broadcasting properties where the Commission determines that such sales or exchanges are "necessary or appropriate to effectuate a change in a policy of, or the adoption of a new policy by the Commission with respect to the ownership and control of a broadcasting station. * * *" A tax certificate enables the seller of a broadcast station to defer the gain realized upon a sale, either by: (1) treating it as an involuntary conversion, under 26 U.S.C. § 1033, with the recognition of gain avoided by the acquisition of qualified replacement property; or (2) electing to reduce the basis of certain depreciable property, under 26 U.S.C. § 1071, or both. The distress sale policy allows broadcasting licensees whose licenses have been designated for revocation hearing, prior to the commencement of a hearing, to sell their station to a minority-owned or controlled entity, at a price "substantially" below its fair market value. A licensee whose license has been designated for hearing would ordinarily be prohibited from selling, assigning or otherwise disposing of its interest, until the issues have been resolved in the licensee's favor.[7] Thus,

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[1] For purposes of this statement, the term "minority" includes American Indians or Alaskan Natives, Asians and Pacific Islanders, Blacks and Hispanics. 47 U.S.C. 309(i)(3)(C).

[2] The First Amendment "rests on the assumption that the widest possible dissemination of information from diverse and antagonistic sources is essential to the welfare of the public * * *" *Associated Press* v. *United States*, 326 U.S. 1, 20 (1943).

[3] *See* 47 CFR 73.125, 73.301, 73.599, 73.680, and 73.793; *see also Nondiscrimination in Employment Practices of Broadcast Licensees*, 13 FCC 2d 766, 774 (1968). It should be noted that the Commission recently extended its equal employment opportunity regulations to two newly authorized services, low power television, *Low Power Television*, 47 FR 21468 (May 18, 1982), and direct broadcast satellite systems, *Report and Order*, 47 FR 31553 (July 21, 1982). *See also Nondiscrimination Employment Practices of Broadcast Licensees*, 54 FCC 2d 354, 356 (1975).

[4] *Ascertainment of Community Problems by Broadcast Applicants*, 57 FCC 2d 418, 419 (1976). We should point out that while we eliminated formal ascertainment requirements for commercial radio stations in our radio deregulation proceeding (BC Docket No. 79-219), we nevertheless indicated that broadcasters could not engage in intentional discrimination against minority groups in their selection of issues to be addressed with programming. *Deregulation of Radio*, 84 FCC 2d 968, 978 (1981). We cautioned that such discrimination would be viewed with "utmost gravity." *Id.* at 1089.

[5] 68 FCC 2d 979, 980-981 (1978).

[6] For a more detailed discussion of tax certificates, *see* paragraph 13, *infra*, and of distress sales, *see* paragraph 19, *infra*.

[7] *Bartell Broadcasting of Florida, Inc.*, 45 RR 2d 1329, 1331 (1979).

extension of the tax certificate and distress sale policies foster minority ownership by providing broadcast licensees with an incentive to transfer their interests to minority-owned or controlled entities.[8]

4. Minority participation in broadcasting was also promoted through other means. The Court of Appeals determined that minority ownership of and participation in broadcasting should be encouraged and afforded merit in a comparative hearing context, recognizing the "connection between diversity of ownership of the mass media and diversity of ideas and expression required by the First Amendment."[9] Additionally, the Commission has indicated that waviers of the trafficking rule[10] and the multiple ownership rules[11] would be considered and might be appropriate where minority ownership is thereby increased.[12] Moreover, we have in fact waived our requirements[13] and awarded comparative merit to minority applicants[14] in the interest of promoting minority entrepreneurship.

5. Since 1978, we have approved 27 distress sales and 55 tax certificates, which have contributed significantly to increased minority ownership in broadcasting. However, we consider the ever-present "dearth of minority ownership" in the telecommunications industry to be a serious concern, and we are committed to further encouraging minority entry into the industry. We therefore created the Advisory Committee on Alternative Financing for Minority Opportunities in Telecommunications (Advisory Committee) for the purpose of exploring means to facilitate minority ownership of telecommunications properties.[15]

6. This *Policy Statement* emanates from recommendations pertaining to the acquisition of broadcasting facilities that were proposed by the Advisory Committee. The Advisory Committee's recommendations were primarily directed toward ameliorating existing Commission policies which tend to inhibit minority entrance into the broadcasting market. Specifically, the Committee recommended that the Commission:

(1) Clarify the *1978 Policy Statement* to indicate that (minority) general partners, holding more than a twenty percent interest in limited partnerships, exercise sufficient control and satisfy the test for tax certificates and distress sales;

(2) Adopt a "capitalizing feature" for tax certificates to enable shareholders with less than a controlling interest in a minority-controlled broadcasting entity to sell their interest and become eligible for a tax certificate;

(3) Expedite the handling of distress sale petitions by delegating authority to the Mass Media Bureau to process and grant those petitions that meet Commission standards and are consistent with Commission policies;

(4) Expand the rights of seller-creditors, including the right of reversionary interests in broadcast licenses, in seller financed transactions;

(5) Amend the multiple ownership rules to permit increased equity participation by venture capital companies in the acquisition of telecommuications properties by minority entrepreneurs;[16] and

(6) Amend the multiple ownership rules to permit established broadcasting entrepreneurs to acquire equity interests in minority-controlled entities.[17]

The Advisory Committee noted that "financing has remained the single greatest obstacle" to minority entry into the telecommunications industry. Therefore, the Advisory Committee's recommendations mainly focused upon enhancing minority entrepreneurship by increasing their opportunities to attract investors in their enterprises, and thus secure financing.

We believe it is appropriate to defer immediate consideration of items (5) and (6) above, the Advisory Committee's recommended amendments to our multiple ownership rules. We are in the process of undertaking a comprehensive review of those rules, and we believe it is more productive at this point to consider any minority ownership implications of these rules in the context of our overall review. Additionally, we will not address seller-creditors' rights in this *Policy Statement;* that matter is subject to a separate *Notice of Proposed Rule Making* which we adopted today.

Discussion

Limited Partnerships

7. As previously stated, to foster minority ownership of broadcasting facilities, in 1978 we extended the availability of tax certificates and distress sales to minority entities. At that time, we indicated that the purchasing entity would be deemed qualified for purposes of tax certificates where the minority ownership interest ir the entity exceeded fifty percent or was controlling.[18] The same ownership requirement has since been applied to distress sales.[19] By so establishing the ownership requirement, we did not intend to preclude from consideration other cases where "minority involvement is significant enough to justify" tax certificates or distress sale treatment. However, the requirement has evolved into a rather rigid standard from which we have departed but once.[20] In *William M. Barnard,* we determined that issuance of a tax certificate was justified under the circumstances, because minority group members owned, directly or indirectly,

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[8] We should point out that licensees whose licenses have been designated for hearing may not avail themselves of a tax certificate in addition to a distress sale. *Blue Ribbon Broadcasting, Inc.,* 76 FCC 2d 431 n. 6 (1980).

[9] *TV 9, Inc.* v. *FCC,* 495 F. 2d 929, 937–38 (D.C. Cir. 1973) *cert. den.,* 418 U.S. 986 (1974). Additionally, the Court of Appeals noted that:

> The fact that other [licensee] applicants propose to present the views of such minority groups in their programming, although relevant, does not offset the fact that it is upon ownership that public policy places primary reliance with respect to diversification of content, and that historically has proven to be significantly influential with respect to editorial comment and the presentation of news. *Id.* at 938.

[10] 47 CFR 73.35, 73.240 and 73.636.

[11] 47 CFR 73.3597.

[12] *Minority Ownership of Broadcasting Facilities,* 69 FCC 2d 1591, 1596–1597 (1978). However, given the myriad of potential factual situations and the competing policies underlying those rules, we declined to specify the kind of cases where waivers would be granted.

[13] *E.g.,* in *Atlas Communications, Inc.,* 61 FCC 2d 955, 997 (1967), the allocation requirements were waived and a Black-owned daytime broadcast station was permitted to operate at night.

[14] *E.g.,* in *Rosemor Broadcasting, Co., Inc.,* 54 FCC 2d 394, 418 (1975), merit was awarded to an applicant whose owner principals were minority women who were also to be involved in the management of the proposed station.

[15] The Advisory Committee was created in September of 1981, and was comprised of leaders in the financial, telecommunications, private and public sectors. For a list of Advisory Committee members, *see* Appendix A.

[16] Specifically, the Advisory Committee recommended that the multiple ownership rules (*see* note 11, *supra*) be amended to either exempt or raise the "reportable interest" level of venture capital companies (including private venture capital investment companies and small business investment companies).

[17] As an alternative, the Advisory Committee recommended that "the established multiple owner [be allowed] to acquire the additional prohibited property, provided he assisted a minority in the financing of another comparable venture." Such "joint venturing" was deemed desirable, in that experienced broadcasters afford managerial and technical expertise, and may provide additional financing to minority entrepreneurs just entering the complex field of telecommunications.

[18] *1978 Policy Statement, supra,* at 983 n. 20.

[19] *E.g., Grayson Enterprises, Inc.,* 47 RR 2d 287, 294 (1980).

[20] For instance, in *Long-Pride Broadcasting Co.,* 48 RR 2d 1243 (1980), we denied the issuance of a tax certificate in connection with the sale of a broadcast station, where the minority owned 45 percent of the purchasing entity's stock, and was able to vote an additional 10 percent through a voting trust. We stated that the minority's involvement was not significant enough to justify issuance of a tax certificate, alluding to the "tenuous nature" of voting trusts. *Id.* at 1245.

45.5 percent of the partnership interest in the purchasing entity, and the sole general partner, who had the "exclusive authority to manage and control" its affairs, was a minority individual who owned an 11.4 percent interest individually as well as a 52.4 percent interest in a corporation which held a 25 percent limited partnership interest in the entity. By so issuing the tax certificate, we recognized that where the general partner is a minority individual with a substantial, but not controlling, equity interest in the entity, sufficient minority involvement has been demonstrated to justify issuance of a tax certificate. We cautioned, however, that "serious concern would arise where tax certificates are sought for sales to limited partnerships in which minorities exercise control but have no substantial ownership interests."

8. The Advisory Committee recommended that the Commission explicitly recognize the unique nature of limited partnerships. The Advisory Committee requested the Commission to indicate that in cases where the general partner is a minority individual and owns more than 20 percent interest in the broadcasting entity, there exists sufficient minority involvement to justify favorable application of the Commission's tax certificate and distress sale policies.

9. Limited partnerships are creatures of statute. While the laws vary from jurisdiction to jurisdiction, the general scheme—in terms of constitution, purpose and effect—remains the same.[21] Essentially, a limited partnership is a business enterprise composed of: (1) One or more general partners who exercise complete managerial control over the business' affairs and who are personally liable for the partnership debts; and (2) one or more limited partners who invest capital and share in the profits, but do not exercise any managerial control and do not incur any personal debts beyond their initial capital contribution.[22] Limited partnerships are designed to encourage trade by uniting parties who possess capital to invest with parties who are willing to expend their energies and efforts actively running a business.[23] Since complete control and management rests with the general partner, the limited partner's investment is akin to that of a corporate shareholder who has limited liability and lacks a voice in the operation of the enterprise.[24]

10. In *Anax Broadcasting, Inc.*,[25] we determined that the failure to adequately identify the limited partners in a construction permit application was insignificant and did not require dismissal of the application because, under the limited partnership agreement, the limited partners had only a passive interest in the enterprise (*i.e.*, they would not participate in the station's daily operations).[26] We also stated that the transfer of additional shares to the general partner (which increased his ownership interest from 28 percent to 99 percent) was insignificant, for "regardless of whether the general partner owned a 28 percent interest in the applicant or a 99 percent interest," the general partner would still have "total operating control."[27]

11. Thus, in *Anax Broadcasting, Inc.* and *William M. Barnard*, we already have acknowledged the unique nature of limited partnerships. Accordingly, we are adopting the Advisory Committee's recommendation. We will henceforth consider issuing tax certificates and authorizing distress sales in transfers to limited partnerships where the general partner, or partners, owns more than 20 percent of the broadcasting entity and is a member, or are members, of a minority group.[28] We are, thus, explicitly recognizing the "significant minority involvement" which exists by virtue of a minority general partner's ownership interest and complete control over a station's affairs.[29] Moreover, we are increasing minority opportunities by enabling minority entrepreneurs to capitalize their broadcasting ventures by attracting and utilizing the investments of others to a greater extent. Although we are considering such limited partnerships for tax certificate and distress sale purposes, we should make clear that in order to avoid "sham" arrangements, we will continue to review such agreements to ensure that complete managerial control over the station's operations is reposed in the minority general partner(s).

Tax Certificates as Creative Financing Mechanisms

12. As noted previously, a tax certificate enables the seller to defer taxes on capital gains, and thus provides an incentive to transfer a broadcast station to a minority-owned or controlled entity. Moreover, a "tax certificate effectively subsidizes the bargaining position of minority entrepreneurs seeking to enter the telecommunications marketplace" because a "tax certificate is effective only in those situations where the seller's capital gains savings exceeds the difference in purchase price offered by a non-minority and minority purchaser."[30] While the Advisory Committee recognized that tax certificates have successfully contributed to the acquisition of broadcast properties by minorities,[31] it envisioned a more expansive approach to the administration of tax certificates.

13. In essence, the Advisory Committee recommended that the Commission adopt a policy whereby shareholders in a minority-controlled broadcasting entity would be eligible for a tax certificate upon the sale of their shares, provided their interest was acquired to assist in the financing of the acquisition of a broadcast facility. According to the Advisory Committee:

> This expansion of the tax certificate would enable minority entrepreneurs to attract investors before the transaction is completed, when securing financing is critical, by promising them significant capital gains deferral on the sale of their interest to the controlling shareholders.
>
> [Additionally], this "capitalizing feature" of the tax certificate would enable investors to sell their interest at any time and apply for a tax certificate. Therefore, the capitalizing feature would also serve as a major incentive for investment in minority businesses after the entity has acquired a broadcast property, thereby stabilizing the capital base of existing minority-owned or controlled businesses.[32]

By so broadening the tax certificate policy, the pressing dilemma minority entrepreneurs face—the lack of available financing to capitalize their telecommunications ventures—is met and a creative tool of financing is

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[21] 68 Corpus Juris Secundum, Partnership, § 449–450.

[22] *Evans* v. *Galardi*, 546 F. 2d 313, 317 (1976).

[23] *Id.* at 318.

[24] *Hirsch* v. *DuPont*, 396 F. Supp. 1214 (S.D. Calif. 1975), *affirmed*, 553 F. 2d 750 (1975); *Lichtyger* v. *Franchard Corp.*, 223 N.E. 2d 869, 873 (1966). In fact, any active participation in the enterprise's affairs would remove the limited partner's shelter and subject him to personal liability as a general partner. *Lichtyger* v. *Franchard Corp.*, *supra*, *at* 873; *Toor* v. *Westover*, 200 F. 2d 713, 715 (9th Cir. 1953), *cert. den.* 345 U.S. 975 (1953).

[25] 49 RR 2d 1589 (1981).

[26] *Id.* at 1593–1594.

[27] *Id.* at 1593.

[28] The minimal ownership requirement of 20 percent was recommended by the Committee as reflecting the realities of the financial and business world. We accept their recommendation, in this regard, as a realistic threshold.

[29] We have generally found "control" to be in those who have authority to determine the basic policies of a station's operations, including programming, personnel and financial matters. *Southwest Texas Broadcasting Council*, 85 FCC 2d 713, 715 (1981).

[30] *The Final Report of the Advisory Committee on Alternative Financing for Minority Opportunities in Telecommunications*, pp. 8–9 (May 1982) (hereinafter cited as Final Report).

[31] *See* paragraph 5, *supra*.

[32] *Final Report*, *supra* at 8.

created. Additionally, the Advisory Committee states that this would allow "minority entrepreneurs to share more meaningfully in the benefits of section 1071." [33]

14. Section 1071 of the Internal Revenue Code confers broad jurisdictional powers upon the Commission, normally reserved to the Treasury, to issue tax certificates.[34] The Commission's grant of a tax certificate is solely dependent upon its finding that a sale or exchange of property is "necessary or appropriate" to effectuate the adoption of a new policy or a change in an existing policy relating to the ownership and control of broadcasting properties. The Commission establishes policies in the first instance and makes the determination as to whether a particular transaction furthers a specific policy. In the past, the Commission's strict construction of the statutory term "necessary or appropriate" led it to require a showing of the "causal relationship" between the divestiture,[35] and the specific Commission policy, as a condition for the issuance of a tax certificate.[36] The Commission has since abandoned its strict construction of Section 1071 by recognizing that voluntary divestitures that effectuate specific ownership policies are "appropriate," and by eliminating the "causal relationship" requirement.[37] In 1978, we further expanded our tax certificate policy by announcing the availability of such certificates in transactions that further minority ownership.[38]

15. In accordance with the Advisory Committee's basic recommendations, we believe that a further expansion of our tax certificate policy to include the Advisory Committee's recommendation (*see* para. 14, *supra*) will facilitate initial investments in minority-controlled stations; will contribute toward the stabilization and improvement of their operation, once established; and ultimately will serve to increase minority ownership of broadcast properties. The use of tax certificates as creative financing tools will facilitate significantly minority entrepreneurs' access to necessary financing, thus effectuating the important policy of promoting minority ownership. Accordingly, we are expanding our tax certificate policy in this area.

16. Generally, to be eligible for a tax certificate, such transactions must not reduce minority ownership of and control in the entity below 51 percent.[39] However, our expansion of the tax policy differs in some respects from that contemplated by the Committee. First, tax certificates will only be available to initial investors who provide "start-up" financing, which allows for the acquisition of the property, and those investors who purchase shares *within the first year* after license issuance, which allows for the stabilization of the entity's capital base. (The Committee's recommendations did not include any time limitation.) We believe that to extend the availability of tax certificates beyond those shareholders would invite abuse and overprotect minority entrepreneurs against the realities of the marketplace which all licensees must face. Additionally, the identity of the divesting shareholders, as well as the identity of those purchasing the divested shares, is not material, because the goal behind expanding the tax certificate policy is to provide minorities opportunities to procure financing and thereby increase minority ownership of broadcasting stations.[40]

17. Generally, tax certificates have been issued only upon completion of sales transactions. However, upon request we have issued advisory opinions on whether a tax certificate would be forthcoming once the sale or exchange occurred.[41] Given the inherent uncertainties attendant on negotiations and various potential factual circumstances, we still would be reluctant to issue tax certificates *prior* to the *actual* sale or exchange. Thus, we are adopting the Committee's proposal but limiting it to indicate that tax certificates will be available upon the actual divestiture of shares by investors who initially purchase shares in the broadcasting entity or purchase shares within one year after the issuance of a broadcast license, and who show that their capitalization either enabled a minority owned or controlled entity to acquire a broadcast property or provided necessary start-up financing. If parties have uncertainties regarding the tax consequences of prospective transactions, they may request a declaratory ruling from the Commission. Such requests will be handled as expeditiously as possible.

Expedited Processing of Distress Sales

18. The Committee recommended that the Commission delegate authority to the Mass Media Bureau to process and grant distress sale petitions that are consistent with established Commission policy. As we previously noted, our distress sale policy marks a departure from our long established practice of prohibiting a licensee in a renewal or revocation hearing from disposing of its interest prior to the resolution of issues in its favor.[42] In 1978, we stated that "applications by parties seeking relief under our * * * distress sale policies can be expected to receive expeditious processing." However, to safeguard against possible abuse and to ensure that our policy objectives were being

[33] *Id.* at 9.

[34] Blake and McKenna, *Section 1071: Deferral of Tax on FCC Sanctioned Dispositions of Communications Properties*, 36 Tax L. Rev. 101, 103 (Fall 1980).

[35] *See Public Notice*, No. 36410, FCC 56-819 (September 27, 1956). *But see Jefferson Standard Broadcasting Co.* v. *FCC*, 305 F. Supp. 744, 748-749 (W.D.N.C. 1969), where the Court determined that Congress did not intend to restrict Section 1071 to involuntary divestitures and ordered the Commission to issue a tax certificate. The Court stated that "[e]ntitlement to the tax deferment certificate contemplated in Section 1071 is not dependent on whether the sale was 'involuntary' or was directly ordered by court or by the Commission." *Id.* at 749.

[36] In this regard, the Commission stated that issuance of a tax certificate was dependent upon its finding as to whether there was a causal relationship between the adoption of a new Commission policy and the sale in question, and whether issuance of the certificate was "necessary or appropriate" to effectuate the new policy. Pertinent factors in determining whether a sale was "necessary or appropriate" included: (1) The occurrence of the sale within a reasonable time span of the adoption of a new policy, such as one license period; (2) a showing that the policy was a significant factor in the sale; and (3) a showing that the sale was consistent with our general experience in the broadcast field. *Issuance of Tax Certificates*, 19 RR 2d 1831, 1832 (1970).

[37] *In re Issuance of Tax Certificates*, 59 FCC 2d 91 (1976).

[38] Prior to 1978, the tax certificate policy only applied to divestitures involving multiple ownership. We recently announced our intent to limit the award of tax certificates to those properties whose sale directly effectutates Commission policy. This revised policy was prompted by the difficulties attaching to the application of the 1976 policy to divestitures arising in the context of our cable television cross-ownership rules, 47 CFR 76.501 *et seq.* We do not anticipate that this revised policy will affect the conferring of tax certificates as a creative financing mechanism to facilitate minority ownership.

[39] By so requiring remaining 51 percent minority control, we do not mean to preclude consideration of cases where "minority involvement would have been significant enough" to justify the issuance of a tax certificate in the first instance. (*See* paras. 8 and 12, *supra*.)

[40] For example, assume shareholder A, a Black person, owns 70 percent of Corporation X, while stockholders B and C each own 15 percent. If B and C purchased their shares before or within one year after acquisition of a license, they can later sell their interest and be eligible to receive a tax certificate. Whether B and C and/or subsequent buyers are racial or ethnic minorities would be inconsequential—what is relevant is that B and C provided necessary financing enabling a minority-owned or controlled entity to acquire and start a broadcasting station, thereby increasing minority ownership in the market. So long as the entity is minority controlled, it is immaterial whether minority members own 51 percent or 91 percent.

[41] *William S. Green*, 59 FCC 2d 78, 79 (1979); *J.A.W. Iglehart*, 38 FCC 2d 541, 542, (1972).

[42] *1978 Policy Statement*, *supra* at 983.

met, the Commission stated that it (rather than the staff) would administer the distress sales on a case-by-case basis.[43]

19. The evolving nature of our distress sale policy necessitated such an individualized approach. However, we believe that the subsequent case law has established sufficient safeguards and standards by which prospective distress sale petitions may be reviewed and processed by our staff.[44] Therefore, to further facilitate minority ownership and expedite the handling of distress sale petitions, we are delegating authority to the Mass Media Bureau to process and grant those petitions that are *consistent* with established Commission policy and do *not* involve novel questions of fact, law or policy in the area of distress sales.

Conclusion

20. Except as modified herein, the Commission reaffirms its *1978 Policy Statement* and its ongoing efforts to increase minority ownership. Henceforth we will consider:

(1) Issuing tax certificates and authorizing distress sales in transfers to limited partnerships where a minority general partner (or partners) owns more than 20 percent of the broadcasting entity; and

(2) Issuing tax certificates to shareholders upon divestiture of their interest in minority-controlled broadcasting entities, where divestiture furthers minority ownership.

Moreover, to expedite the handling of distress sale petitions, we are delegating authority to the Mass Media Bureau to process and grant those petitions which are *consistent* with Commission precedent and policy. Finally, we are instituting a separate rule making proceeding, subject to public notice and comment, with a view toward expanding seller-creditors' rights and protections.

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix A—Advisory Committee on Alternative Financing for Minority Opportunities in Telecommunications

FCC Commissioner Henry M. Riveria, Chairman

Edmund H. Cardona, Special Assistant

Executive Committee

Anne P. Jones, FCC Commissioner
Joel L. Allbritton, Allbritton Communications, Inc.
Virginia A. Dwyer, American Telephone & Telegraph Co.
Coy Eklund, The Equitable Life Assurance Society of the United States
Joseph Laitin, Private Consultant
Charles W. Walker
Broadcasters, Charles W. Walker Associates, Inc.

Financial Panel

Tenney I. Deane, First Energy Associates
Chris Flor, Heller-Oak Communications Corp.
Lee M. Hague, Hague and Company,
Ragan A. Henry, Broadcast Enterprises National, Inc.
Eugene D. Jackson, National Black Network
Joseph La Bonte, Twentieth Century Fox Corp.
Thomas Marinkovich, Daniels and Associates
Association
Raul Masvidal, Biscayne Bank
C. Douglas Mercer II, First National Bank of Boston
Fernando Oxaca, Coronado Communications Corp.
Marianne Camille Spraggins, Salomon Brothers, Inc.
Howard Stason, Blackburn & Associates
Donald A. Thurston, Berkshire Broadcasting Company
Zelbie Trogden, Security Pacific National Bank
Herbert P. Wilkens, Syndicated Communications, Inc.

Policy Panel

Michael R. Gardner, Bracewell & Patterson
Pluria Marshall, National Black Media Coalition
L. E. Guzman, Chase Manhattan Bank, N.A.
Margita White, Taft Broadcast Co.
William A. Russell, Jr., FCC Public Affairs Office
Erwin Krasnow, National Association of
Robert L. Johnson, Black Entertainment Television

Management and Technical Assistant

Victor M. Riveria, Department of Commerce
Brazil O'Hagan, The WNDU Stations
Fernando Oxaca, Coronado Communications Corp.
Alex P. Mercure, Mercure Telecommunications, Inc.

Associate Members

Eddie Pena, National Cable Television
John Oxendine, Broadcast Capital Fund, Inc.

Statement on Recommendations of Advisory Committee on Minority Ownership

Mark S. Fowler, Chairman, FCC

December 2, 1982

When I became Chairman, one of my most important goals was to create more opportunities for minorities in telecommunications. The more I studied the problem, the more I became convinced that the three major road blocks to more minority ownership are money, money and money. Today's actions aim squarely at the problem of financing minority opportunities. They are the result of hard work by the Advisory Committee, headed ably by my colleague Henry Rivera.

More than anything, today's actions take a big step in the right direction in fulfilling the goal of full and fair entry into telecommunications for all Americans. By focusing on capital formation, they identify the chief problem and provide the start of a solution. No set of actions, I realize, can bring sudden equality of opportunity to the telecommunications marketplace. But by aiding entry for the minority entrepreneur, we aim our efforts in the right direction.

As President Reagan has said, the best hope for a strong economic future rests with a healthy, growing private sector. And the private sector does best when all have opportunities to enter it.

[FR Doc. 83-3445 Filed 2-8-83; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[BC Docket No. 82-541; RM-4158]

TV Broadcast Stations in Hampton-Norfolk-Portsmouth-Newport News, Virginia; Amendment of Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action consolidates the Hampton and Norfolk-Portsmouth-Newport News television assignments into one hyphenated television market in response to a petition filed by WVEC Television, Inc. Two counterproposals, filed by Television Corporation of Virginia and by Paul, Hastings, Janofsky & Walker to include Virginia Beach, Virginia, into the hyphenated market have been denied.

EFFECTIVE DATE: April 1, 1983.

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

FOR FURTHER INFORMATION CONTACT: Joel Rosenberg, Mass Media Bureau, (202) 634-6530.

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[43] *Id.* at 983.

[44] We have applied the tax certificate standard (minority ownership which exceeds 50 percent or constitutes a controlling interest—*Policy Statement, supra*, at 983 n. 20) to distress sales. We have also established procedures for determining the adequacy of a distress sale price. *Grayson Enterprises, Inc.*, 77 FCC 2d 156, 163–164 (1980); *Northland Television, Inc.*, 72 FCC 2d 51, 54–56 (1979).

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Television broadcasting.

Adopted: January 21, 1983.

Released: January 31, 1983.

1. The Commission has before it the *Notice of Proposed Rule Making* (47 FR 36249, published August 19, 1982). In response to a petition for rule making filed by WVEC Television, Inc. ("WVEC"), licensee of television Station WVEC–TV, Channel 13, Hampton, Virginia, the Commission proposed to amend the Television Table of Assignments, Section 73.606(b) of the Commission's Rules, to consolidate the Hampton and Norfolk-Portsmouth-Newport News, Virginia, television assignments into one hyphenated television assignment market. Previously, Hampton was listed separately. The purpose of this proposal is to permit Station WVEC to change its city of license from Hampton to Norfolk. A hyphenated assignment allows the channel to be used at any of the listed communities. Comments and other pleadings responsive to the *Notice* were filed by WVEC, by Television Corporation of Virginia ("WTVZ"), licensee of television Station WTVZ–TV, Norfolk, Virginia, and by the law firm of Paul, Hastings, Janofsky & Walker ("Paul, Hastings"), on behalf of its "broadcast clients."

2. WVEC requested and the *Notice* proposed to consolidate the Hampton and Norfolk-Portsmouth-Newport News television channel assignments into a single hyphenated television assignment market in order to permit WVEC to apply to change its city of license from Hampton or Norfolk, Virginia.[1] In its comments, WVEC restates its intention to file an application to change its city of license from Hampton to Norfolk. All of its previous comments in this regard are incorporated by reference. WTVZ and Paul, Hastings both support the proposed consolidation, and both further request the deletion of Channel 43 from Virginia Beach, Virginia, and its reassignment to a proposed consolidated, hyphenated television assignment market which includes Virginia Beach.

3. WVEC asserts that, due to close geographical proximity, the cities of Hampton, Norfolk, Portsmouth, and Newport News have become a cohesive metropolitan area with substantial and widespread communities of interest. According to WVEC, these four cities share many government services, common resources, and cultural interests. WVEC states that, as the licensee of Hampton Channel 13, it has always served the entire Tidewater area and that its transmitting antenna is located near those of other television stations licensed to Norfolk and Portsmouth. Further, WVEC notes that Channel 13 was initially assigned to the Norfolk-Portsmouth-Newport News television market and licensed to Hampton under the "15 mile rule."[2] Subsequently, Channel 13 was reassigned to Hampton. According to WVEC, the Commission has never suggested that this reassignment was made because Hampton should be treated as a separate market from Norfolk-Portsmouth-Newport News. In light of this, WVEC concludes that there exists no basis for treating these markets separately.

4. Paul, Hastings filed comments and a counterproposal on September 23, 1982, on behalf of its "broadcast clients." Paul, Hastings states that it supports the proposed consolidation of the Hampton and Norfolk-Portsmouth-Newport News television channel assignments but suggests that the Television Table of Assignments be further amended by combining both Virginia Beach and Hampton with the other Tidewater cities to form a hyphenated television assignment of Virginia Beach-Norfolk-Portsmouth-Newport News-Hampton. In support of its counterproposal, Paul, Hastings avers that Virginia Beach is part of the Tidewater area, whose five component cities are geographically proximate. According to Paul, Hastings, the Tidewater jurisdictions form a cohesive metropolitan area with a substantial community of interest as well as a single television market. Paul, Hastings states that Virginia Beach is the largest and fastest growing of the Tidewater cities, whose growth is related to the others, principally Norfolk. Paul, Hastings suggests, therefore, that it is appropriate to amend the Virginia Beach television market designation to reflect the community of interest with the other Tidewater cities.

5. WTVZ also filed a counterproposal on September 23, 1982, to amend the Television Table of Assignments to consolidate the Hampton, Norfolk-Portsmouth-Newport News, and Virginia Beach assignments into a single Norfolk-Portsmouth-Newport News-Hampton-Virginia Beach assignment. Although supporting the amendment proposed in the *Notice*, WTVZ asserts that it is more logical to include Virginia Beach, the largest and fastest growing Tidewater city. WTVZ points out that Virginia Beach is part of the Norfolk-Virginia Beach-Portsmouth SMSA and that its size and relative importance to the other Tidewater cities dictates its inclusion in the proposed combined, hyphenated television market designation. WTVZ indicates that, as an independent UHF station, it competes with entrenched VHF televison affiliates. According to WTVZ, the adoption of its counterproposal would benefit it economically without economic detriment to other area television stations.

6. Replying to the comments and counterproposal of Paul, Hastings and to the counterproposal of WTVZ, WVEC asserts that neither party has a "legally recognizable interest" in this proceeding. WVEC cites § 1.415(a) of the Commission's Rules as limiting the filing of comments to "interested persons." According to WVEC, WTVZ has not identified the economic benefits which it would receive should its counterproposal be adopted. Further, WVEC argues that the interest of Paul, Hastings "is even more elusive" in that it claims to represent a "number" of "unidentified communications clients, including broadcast clients in the (Tidewater) area" and fails to allege or suggest a legally cognizable interest in this proceeding. Further, WVEC states that both Paul, Hastings and WTVZ fail to state an intention to file license applications should their counterproposals be adopted.

7. Initially, we conclude that Paul, Hastings and WTVZ are interested parties to this proceeding for purposes of § 1.415(a) of our Rules. WVEC presents nothing to support its contention that the reference to "interested parties" in that section is limited to those with an economic stake in the proceeding or to those who state an intention to file a license application should their counterproposal be adopted. Our policy has been to consider all comments and proposals timely received in the course of rule making proceedings. In such proceedings, comments from any persons are accepted in order that we may be able to promulgate rules based upon the greatest number of sources available. This is in contrast to adjudicatory proceedings, where pleadings are accepted from parties in interest—that is, from those who have standing or a "legally cognizable interest" in the proceeding. We believe that, in rule makings, the common definition of "interested person" should be applied—that is, one who is

[1] Channel 13 is presently listed in the Television Table of Assignments at Hampton, Virginia. According to our rules, WVEC cannot change its city of license to Norfolk without first having Channel 13 reassigned to that community.

[2] *See* § 73.607(b) of the Commission's Rules.

interested in the proceeding. Indeed, § 1.400 of the Rules, which contains definitions of terms applicable to rule making proceedings, refers to only one definition, *e.g.*, "party." Thus, by failure to include definitions of other terms, such as "interested person," it appears that the term should not be given a restrictive meaning for purposes of § 1.415.

8. As set forth in the *Notice*, hyphenation of television markets is an assignment tool used by the Commission in three distinct factual situations. First, a channel is assigned to a hyphenated market where it is best to postpone until the application stage any unresolved or close questions as to which community should use the assignment. *Huntsville-Decatur, Alabama*, 44 R.R. 2d 457 (1978). Second, hyphenation is proper upon a showing that a station licensed to a small community is likely to fail unless it is able to apply for authority to operate from a larger community. *Nogales-Tucson, Arizona*, 32 F.C.C. 2d 885 (1972). Third, hyphenation is appropriate where it appears that the communities should be treated as one community by reason of their proximity and common social, cultural, trade and economic interests. *Lancaster-Lebanon, Pennsylvania*, 24 R.R. 1564 (1962).

9. The proposal of WVEC appears to fall within the third factual category noted above. That is, a showing has been made that Hampton and Newport News are contiguous and that both are separated from Norfolk and Portsmouth by a narrow body of water easily traversed. It appears that, except for Norfolk, which is considerably larger, the three other proposed hyphenated cities are similar in population size. It further appears that these four Tidewater jurisdictions share common cultural, economic and political concerns. Also, the Commission has treated all four as a single market for various purposes, including cable television signal carriage, the prime time access rule, and annual television market financial reports. In light of the preceding, it appears that these four jurisdictions share a sufficient community of interest to justify consolidation into a single hyphenated television assignment market.

10. The proposals of Paul, Hastings and of WTVZ to include Virginia Beach in the proposed hyphenated market do not appear to meet any of the three criteria to justify inclusion. As noted, both commentators indicated that Virginia Beach is a part of the Tidewater area. However, although there is some degree of geographical proximity between Virginia Beach and the other Tidewater cities, and although it is asserted that there is some community of interest amongst them, it does not appear that the requisite common social, cultural, trade and economic interests have been evidenced. Although Virginia Beach may be the largest and fastest growing Tidewater city, this would not establish the requisite commonality. Further, the possibility that WTVZ may have to compete with entrenched VHF television affiliates to its economic detriment is not of sufficient public impact to justify the proposed hyphenation. We have not been told what public interest good would be accomplished by including Virginia Beach in the hyphenated market, unlike the Hampton situation where WVEC proposes to change its city of license to Norfolk to enable it to make programming choices directed to the needs of the Norfolk area. No such purpose has been stated by the Virginia Beach proponents. Thus, we shall deny the counterproposals.

11. WVEC's comments incorporated by reference its petition and stated its intention to subsequently apply for authority to change its city of license to Norfolk should the proposed amendment to the Television Table of Assignments be adopted. The *Notice* addressed WVEC's arguments, raised in its petition, that the Commission's policy of permitting other interested parties to apply for newly assigned channels should not be employed in this instance and that assigning Channel 13 to Norfolk-Portsmouth-Newport News would not trigger *Ashbacker* [3] principles. As indicated in the *Notice*, the Commission's policy regarding modification of existing licenses was developed based on principles espoused in *Ashbacker*—that is, whenever a channel becomes available for license to a new community, other interested parties may apply in order that the Commission may determine which is best qualified to serve that community. The *Notice* further indicated that the crucial factor in previous cases cited by WVEC has been where a channel is licensed, not where it appears in the Table of Assignments. Thus, a request to modify WVEC's license to specify Norfolk would be denied. However, WVEC has not attempted to argue that a modification would be proper in the rule making context.

Rather, it is willing to apply for authority to operate its station from Norfolk assuming no other competing applications are to be accepted for filing. The *Notice* also addressed this matter and we wish to reiterate our position. The matter of accepting or dismissing applications is more appropriately treated at the application stage in accordance with the policies and procedures that have been developed in that context. Thus, we shall delay consideraton of WVEC's application until that stage.

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

City	Channel No.
Norfolk-Portsmouth-Newport News-Hampton, Virginia, Hampton, Virginia	3+, 10+, 13–, *15, 27, 33, 49– and *55+.

13. It is further ordered, that the counterproposal of WTVZ is denied.

14. It is further ordered, that the counterproposal of Paul, Hastings is denied.

15. It is further ordered, that this proceeding is terminated.

16. For further information concerning this proceeding, contact Joel Rosenberg, Mass Media Bureau, (202) 634–6530.

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

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 83-3433 Filed 2-8-83; 8:45 am]

BILLING CODE 6712-01-M

[3] 326 U.S. 327 (1945).

Proposed Rules

Federal Register
Vol. 48, No. 28
Wednesday, February 9, 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

Agricultural Marketing Service

7 CFR Part 910

[Docket No. AO-144-A14]

Lemons Grown in California and Arizona; Amendment of Notice of Hearing

Correction

On FR Doc. 83-2074 appearing on page 3624 in the issue of Wednesday, January 26, 1983, make the following correction:

Under **FOR FURTHER INFORMATION CONTACT,** the address for Roland G. Harris, "Suite 504" should have read "Suite 540".

BILLING CODE: 1505-01-M

CIVIL AERONAUTICS BOARD

14 CFR Parts 251 and 287

[EDR-455, Economic Reg. Dockets 40543 and 40544]

Prohibited Interests: Interlocking Relationships; and Exemption and Approval of Certain Interlocking Relationships

Dated: January 27, 1983.

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: The CAB requests comments on a proposal to expand the exemptions from the statutory requirement for prior approval of interlocking relationships. All interlocks would be exempted except those between certificated air carriers or their affiliates, and those between a certificated air carrier and a foreign air carrier or their affiliates. Public comment is also requested on a proposal to remove any restrictive conditions and antitrust immunity still attached to pre-deregulation orders approving interlocks that would be exempted by this amendment. This proposal is in part in response to a petition filed by Delta Air Lines and in part at our own initiative to relieve unnecessary burdens.

DATES: Comments by: March 28, 1983. Reply comments by : Apr il 12, 1983.

Comments and other relative information received after these dates will be considered by the Board only to the extent practicable.

Requests to be put on the Service List by: February 24, 1983.

The Docket Section prepares the Service List and sends it to each person listed, who then serves comments on others on the list.

ADDRESSES: Twenty copies of comments should be sent to Docket 40543, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428. Individuals may submit their views as consumers without filing multiple copies. Comments may be examined in Room 711, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C., as soon as they are received.

FOR FURTHER INFORMATION CONTACT: Gwyneth Jones, Office of the General Counsel, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428: (202) 673-6011.

SUPPLEMENTARY INFORMATION:

Background

Section 409 of the Federal Aviation Act of 1958 (49 U.S.C. 1379) generally prohibits interlocking relationships involving air carriers, common carriers or other specified persons without prior Board approval. Air carriers intending to enter into an interlocking relationship must first file an application with the Board. Section 409 provides for Board approval of certain described interlocking relationships if the Board finds that the public interest would not be adversely affected. The public interest is defined by reference to the pro-competitive policies of section 102 of the Act.

The purpose of section 409 is to enable prior review of impending interlocking relationships for their potential to harm air transportation. Traditionally, the Board has been concerned that an official confronted with the conflicting interests of two companies might make a business decision detrimental to an air carrier, or that a company controlling an air carrier might squander its resources for its own benefit. In either event, the interlocking relationship could seriously affect the ability of the air carrier to provide service. As a result of deregulation, we have placed greater reliance on market competition and the carriers themselves to protect airline interests. However, we remain concerned about the impact that certain types of interlocks may have on airline competiton.

The board's Economic Regulations in 14 CFR Parts 251, 287, 291, 296, 298 and 380 implement and define the scope of the section 409 requirements. Part 251 imposes requirements relating to the applications for prior approval. 14 CFR Parts 287, 291, 296, 298 and 380 exempt from the requirements of section 409 certain interlocking relationships that the Board has found to be of little concern. Domestic cargo operators are exempted by § 291.31(a)(5) and § 291.32(b). Indirect air carriers are exempted by § 296.10(a)(10). Air taxi operators are exempted by § 298.11(g) and § 298.92, and public charter operators are exempted by § 380.20 and § 380.44.

Part 287 exempts from section 409 and Part 251 various interlocking relationships depending upon whether they involve indirect air carriers (§ 287.2) or direct air carriers (§ 287.3). The exemption extends to interlocks involving air carriers and certain persons engaged in a phase of aeronautics, or surface common carriers engaged only in pipeline, communications, or wholly-intrastate operations, or interestate operations within a 50 mile radius. Both sections deny exemption to relationships involving air carriers and any of the following: foreign air carriers; persons engaged in air transportation for hire, but not subject to Board regulation as a statutory "air carrier"; persons whose principal business is holding stock in, or control of, another person engaged in a phase of aeronautics to whom the exemption does not apply; and persons engaged in a phase of aeronautics or companies that are affiliated with an air carrier, unless the control relationship is approved under section 408 of the Act.

Section 287.2 does not exempt relationships involving indirect air carriers and direct surface common carriers whose certificated interstate routes extend beyond a 50-mile radius or their indirect surface common carrier affiliates. Section 287.3 does not exempt relationships involving direct air carriers and travel or ticket agents;

aircraft manufacturers; surface common carriers engaged in interstate cargo or passenger operations exceeding a 50 mile radius; or persons engaged in a phase of aeronautics if the transaction exceeds $100,000 a year, subject to certain qualifications.

The Petition

On March 18, 1982, Delta Airlines, Inc., filed an application for exemption from the requirements for prior approval of interlocking relationships contained in section 409 of the Act and Parts 251 and 287. At the same time, Delta filed a petition for rulemaking to eliminate those requirements, or alternatively, to expand the existing Part 287 exemptions to eliminate all prior approval requirements except those applicable to interlocking relationships between "air carriers" as defined in section 101(3) of the Act. This rulemaking addresses both the petition and the request for general exemption, because they are essentially similar. Any exemption relief granted will become effective in the final rule.

Delta claimed that the mandatory prior approval requirements in section 409 and related Board regulations are outmoded and unnecessary. It asserted that because carriers must submit relatively inconsequential interlocks to the Board for routine approval, normal carrier business transactions are artificially complicated and delayed. Delta argued that elimination of the special requirements would be consistent with the deregulatory goal to allow market competition and independent management decisions to govern air carrier operations. In support, Delta asserted that the Airline Deregulation Act's application of traditional Clayton Act standards to airline mergers indicates Congressional intent that the airline industry be treated as an unregulated industry in antitrust matters.

Delta recognized that interlocks between two or more certificated air carriers continue to be troublesome. It noted that its alternative request to expand the number of exempted interlocking relationships except those between air carriers would be an interim step toward eliminating an unnecessary regulatory burden. Delta cited the deregulatory amendment of section 409 as evidence of Congress's intent to limit the scope of the Board's authority to those interlocks most likely to have adverse competitive or transportation effects. The amendment narrowed that section's application to persons "engaged in a phase of aeronautics" to persons "substantially engaged in a phase of aeronautics". Delta asserted that Clayton Act restrictions would adequately control any problems raised by the exempted interlocking relationships.

Answers were received from Transamerica, USAir and United Airlines. United filed a motion for leave to file an otherwise unauthorized document, which we grant. The carriers fully supported Delta's rulemaking petition and requested that any exemption relief granted to Delta be extended to them and all other carriers.

Discussion

We agree that exemption relief is warranted for most air carrier interlocking relationships. Under deregulation, we have chiefly been concerned with preserving competition and maintaining oversight of those interlocks which raise problems that competition cannot easily correct. We have found the need for surveillance of these relationships to be minimal. Of the large number of section 409 applications that the Board has processed, the vast majority have been routinely granted under delegated authority. Most involved relationships that do not raise significant transportation or competitive concerns. We believe the regulatory burden imposed by continued mandatory prior approval on the Board's time and resources and that of the applicants is disproportionate to the small number of airline interlocks that may raise serious concerns. Furthermore, the requirement unnecessarily inhibits and delays normal commercial transactions.

Section 416(b) of the Act, 49 U.S.C. 1386(b) permits us to grant exemptions, individually or by class, from various provisions of the Act if we find that the exemption is consistent with the public interest. The Board has previously granted blanket exemptions from section 409 for interlocking relationships involving air taxis, indirect air carriers, and domestic all-cargo air transportation.

We request comments on a proposal to broaden the exemptions from section 409 of the Act. The proposed rule would amend Part 287 to exempt all interlocking relationships except those between two or more certificated air carriers, a certificated air carrier and a foreign air carrier, a certificated air carrier and a person or persons directly or indirectly affiliated with a direct air carrier or a foreign air carrier, and those between two affiliates. The proposed exemption would apply to all companies and individuals participating in the exempted relationship. Any interlocks occurring within control relationships authorized by the Board under section 408 continue to be exempt from section 409 requirements.

We would continue to require applications for approval of the non-exempted relationships under Part 251. These interlocks continue to concern us because they are more likely to present serious transportation or competitive problems. Delta recognized this in its alternative proposal to exempt all interlocks except those between two air carriers. An interlock between two certificated air carriers could facilitate collusion to lessen competition between them, resulting in higher prices and reduced service for consumers in major airline markets. In our view, an interlocking relationship between a certificated air carrier and a surface common carrier or person substantially engaged in the business of aeronautics does not have the same potential to adversely affect airline competition.

Interlocks between a certificated air carrier and an affiliate of an air carrier or a foreign air carrier, or between two affiliates, would not be exempted because they raise the same concerns as an interlock between two certificated carriers. Logically, the activities of an air carrier controlled by another person can be attributed to that person. "Affiliated" is defined in § 287.1(e) as a control relationship between an air carrier and a person substantially engaged in the business of aeronautics or a common carrier. The term "affiliated" would not apply to internal corporate reorganizations. We added foreign air carriers to the definition so that their affiliates would be covered as well.

Finally, the exemption would not apply to interlocks between direct air carriers and foreign air carriers or their affiliates because of the Board's interest in overseeing international route operations and the continued U.S. citizenship of direct air carriers. The existing exemptions from section 409, except the Part 298 exemption for air taxi operators, specifically exclude interlocks involving foreign air carriers or operations. This proposal would not affect exemptions the Board has already granted. As we noted above, air taxi interlocks do not ordinarily raise problems of a magnitude to cause the Board concern.

The proposed exemption would not confer immunity from the applicable provisions of the Clayton Act and other antitrust laws. This is consistent with Board policy to allow the airline industry to operate to the extent possible under the same conditions as unregulated industries. Exposure to the antitrust laws is an integral part of

normal business operations. While the Board has discretion to grant immunity under section 414 of the Act, it consistently has declined to do so unless the person seeking immunity shows that immunity is required by the public interest or is necessary to enable a transaction to proceed. The Board believes that the applicable provisions of the Clayton Act and other antitrust laws in conjunction with the Board's residual authority under section 409 are sufficient to protect the public interest and adequately control any competitive problems that might arise from the exempted relationships.

The proposed exemption is not intended to create a presumption that the type of relationship exempted invariably meets the Clayton Act standards. Clearly, the factual circumstances in each individual instance will be determinative. Airline interlocks involving fuel companies, aircraft manufacturers and fixed base operators may raise potential problems, although in the past virtually all such interlocks have been exempted or approved by the Board. Should any of the exempted relationships in the future present serious transportation or competitive problems adverse to the public interest, the Board can lift this exemption.

The proposal would amend Part 251 to eliminate the requirement to submit information concerning the interlocks that would be exempted by this proposal. It would make conforming amendments to Part 287 and update the text of section 409 in Appendix I of that Part to reflect the changes made by the Airline Deregulation Act.

We seek comment on our proposal to conform existing pre-deregulatory authorizations of interlocks to our present policy. The amended § 287.7 would provide that the provisions of Part 287 supersede these authorizations with respect to any interlocks that would be exempted by Part 287. Prior to deregulation, the Board authorized interlocking relationships subject to conditions requiring annual reports and prior approval of later transactions. Under section 414 of the Act, antitrust immunity automatically attached to an interlock upon Board approval. As a result of changes brought about by the Airline Deregulation Act, we no longer impose conditions or confer antitrust immunity upon approval of interlocks, except in extraordinary circumstances. It is now our policy that immunity should be allowed to continue only on a specific showing of need. Such a showing was not required in pre-deregulation applications under section 409. Since deregulation we have consistently eliminated conditions and immunity when pre-deregulation approvals came before us for further review, such as on a request for modification for removal of conditions (*See*, for example Order 81-3-156, March 27, 1981). We estimate that only four or five pre-deregulation interlocks still in existence remain subject to conditions and immunized from the antitrust laws.

The proposed amendment of § 287.7 would make this policy applicable even to those previously approved interlocks not specifically before us. These approvals would be superceded by the Part 287 exemption if it applies to the interlocks. A previous approval of an interlock between two air carriers, for example, would remain effective since it would not qualify for exemption under Part 287. It will be the obligation of any party seeking a continuation of previously granted antitrust immunity to explain why it is still required in the public interest.

Regulatory Flexibility Act

In accordance with 5 U.S.C. 605(b), as added by the Regulatory Flexibility Act, Pub. L. 96-534, the Board certifies that this rule would not have a significant economic impact on a substantial number of small entities. Relationships involving small carriers operating under 14 CFR Part 298 are already exempt from section 409 requirements. This rule would remove a regulatory burden from a significant number of larger carriers involved in interlocking relationships.

The Proposed Rule

List of Subjects

14 CFR Part 251

Administrative practice and procedure, Air carriers, Antitrust, Reporting requirements.

14 CFR Part 287

Air carriers, Antitrust.

PART 251—[AMENDED]

Accordingly, the Civil Aeronautics Board consolidates Docket 40544 into Docket 40543 and proposes to amend Chapter II of 14 CFR, as follows:

1. In Part 251, *Prohibited interests: Interlocking Relationships*, paragraph (a)(4) of § 251.3 would be revised to read:

§ 251.3 General provisions concerning contents of applications.

(a) * * *

(4) The name of the person or persons, if any, whom the individual applicant represents or will represent on the board of directors of each air carrier applicant, together with a statement as to any financial interest held by such person or persons in any air carrier, foreign air carrier or an affiliate of either.

PART 287—[AMENDED]

2. The Table of Contents of Part 287, *Exemption and Approval of Certain Interlocking Relationships*, would be revised to read:

Sec.
287.1 Definitions.
287.2 Exemptions for certain interlocking relationships.
287.3 Exemptions for previously authorized control relationships.
287.4 Exemptions for other persons.
287.5 Termination of exemptions and approvals.
287.6 Effect of exemption on antitrust laws.
287.7 Effect of exemption on existing interlocking relationships.
Appendix I

3. In § 287.1, paragraphs (b) and (e) would be revised, and paragraphs (a) and (d) would be removed and reserved.

§ 287.1 Definitions.

For purposes of this part:

(a) Reserved.

(b) "Direct air carrier" means any air carrier directly engaged in the operation of aircraft, pursuant to a certificate of public convenience and necessity issued under section 401 of the Act, or pursuant to exemption authority conferred under section 416(b) (other than air carriers under Part 298 of this chapter).

(c) * * *

(d) Reserved.

(e) "Affiliated" means a relationship: (1) Wherein a person substantially engaged in the business of aeronautics or a common carrier, directly or indirectly, (a) is controlled by an air carrier or foreign air carrier; (b) controls an air carrier or foreign air carrier; (c) is under common control with an air carrier or foreign air carrier; or (2) where the power to exercise the type of control noted in (1) exists. It does not mean an internal corporate reorganization.

4. Section 287.2 would be revised to read:

§ 287.2 Exemptions for certain interlocking relationships.

Subject to the provisions of this part, air carriers are exempted from section 409 of the Act and Part 251 of this chapter with respect to any interlocking relationships involving air carriers, except those between:

(a) Two or more direct air carriers.

(b) A direct air carrier and a foreign air carrier.

(c) A direct air carrier and a person or persons affiliated with a direct air carrier or foreign air carrier.

(d) Affiliates of two or more direct air carriers.

5. Section 287.3 would be revised to read:

§ 287.3 Exemptions for previously authorized control relationships.

Any interlocking relationship involving an air carrier and any company which is, directly or indirectly, affiliated with an air carrier is exempted from section 409 of the Act and Part 251 of this chapter, if such affiliation has previously been authorized by the Board by approval under section 408 of the Act, or by exemption therefrom, and is currently so authorized.

6. Section 287.4 would be revised to read:

§ 287.4 Exemptions for other persons.

The exemptions from section 409 of the Act and Part 251 of this chapter that are granted to air carriers under this part are hereby granted to all other parties to the interlocking relationship and to any officer, director or member of an air carrier, or stockholder holding a controlling interest in an air carrier (or the representative or nominee of any such person) who would, without prior approval of the Board, be in violation of any provision of section 409(a) of the Act, by reason of any interlocking relationship directly involving an air carrier which has been exempted under this part.

7. Section 287.7 would be revised to read:

§ 287.7 Effect of exemption on existing interlocking relationships.

The exemption and approval granted by this Part shall supersede any approval (including any conditions thereto) previously granted by the Board to a specific interlocking relationship other than those described in § 287.2.

8. Appendix I is revised to read as follows:

Appendix I

Sec. 409. [72 Stat. 768, as amended by 92 Stat. 1728, 1744, 1745, 1746, 1747, 49 U.S.C. 1379]. It shall be unlawful, unless such relationship shall have been approved by order of the Board upon due showing, in the form and manner prescribed by the Board, that the public interest will not be adversely affected thereby—

(1) For any air carrier to have and retain an officer or director who is an officer, director, or member, or who as a stockholder holds a controlling interest, in any other person who is a common carrier or is substantially engaged in the business of aeronautics.

(2) For any air carrier, knowlingly and willfully, to have and retain an officer or director who has a representative or nominee who represents such officer or director as an officer, director, or member, or as a stockholder holding a controlling interest, in any other person who is a common carrier or is substantially engaged in the business of aeronautics.

(3) For any person who is an officer or director of an air carrier to hold the position of officer, director, or member, or to be a stockholder holding a controlling interest, or to have a representative or nominee who represents such person as an officer, director, or member, or as a stockholder holding a controlling interest, in any other person who is a common carrier or is substantially engaged in the business of aeronautics.

(4) For any air carrier to have and retain an officer or director who is an officer, director, or member, or who as a stockholder holds a controlling interest, in any person whose principal business, in purpose or in fact, is the holding of stock in, or control of, any other person substantially engaged in the business of aeronautics.

(5) For any air carrier, knowingly and willfully, to have and retain an officer or director who has a representative or nominee who represents such officer or director as an officer, director, or member or as a stockholder holding a controlling interest, in any person whose principal business, in purpose or fact, is the holding of stock in, or control of, any other person substantially engaged in the business of aeronautics.

(6) For any person who is an officer, or director of an air carrier to hold the position of officer, director, or member, or to be a stockholder holding a controlling interest, or to have a representative or nominee who represents such person as an officer, director, or member, or as a stockholder holding a controlling interest, in any person whose principal business, in purpose or in fact, is the holding of stock in, or control of, any other person substantially engaged in the business of aeronautics.

(b) [Repealed by Act of October 24, 1982, 92 Stat. 1728]

(Sec. 101(3), 204, 409, 416; 72 Stat. 737, 743, 768, 771; 49 U.S.C. 1301(3), 1324, 1379, 1387, unless otherwise noted)

Phyllis T. Kaylor,

Secretary.

[FR Doc. 83-3470 Filed 2-8-83; 8:45 am]

BILLING CODE 6320-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 271

[Docket No. RM79-76-180 (New Mexico-20)]

High-Cost Gas Produced From Tight Formations; Notice of Proposed Rulemaking

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Federal Energy Regulatory Commission is authorized by section 107(c)(5) of the Natural Gas Policy Act of 1978 to designate certain types of natural gas as high-cost gas where the Commission determines that the gas is produced under conditions which present extraordinary risks or costs. Under section 107(c)(5), the Commission issued a final regulation designating natural gas produced from tight formations as high-cost gas which may receive an incentive price (18 CFR 271.703). This rule established procedures for jurisdictional agencies to submit to the Commission recommendations of areas for designation as tight formations. This Notice of Proposed Rulemaking by the Director of the Office of Pipeline and Producer Regulation contains the recommendation of the State of New Mexico that the Abo-Wolfcamp Formation be designated as a tight formation under § 271.703(d).

DATES: Comments on the proposed rule are due on March 21, 1983. Public Hearing: No public hearing is scheduled in this docket as yet. Written requests for a public hearing are due on February 21, 1983.

ADDRESS: Comments and requests for hearing must be filed with the Office of the Secretary, 825 North Capitol Street, NE., Washington, D.C. 20426.

FOR FURTHER INFORMATION CONTACT: Leslie Lawner, (202) 357-8511, or Victor Zabel, (202) 357-8616.

SUPPLEMENTARY INFORMATION:

Issued: February 4, 1983.

I. Background

On January 20, 1983, the State of New Mexico Energy and Minerals Department, Oil Conservation Division (New Mexico) submitted to the Commission a recommendation, in accordance with § 271.703 of the Commission's regulations (45 FR 56034, August 22, 1980), that the Abo-Wolfcamp Formation located in Chaves

and Eddy Counties, New Mexico, be designated as a tight formation. Pursuant to § 271.703(c)(4) of the regulations, this Notice of Proposed Rulemaking is hereby issued to determine whether New Mexico's recommendation that the Abo-Wolfcamp Formation be designated a tight formation should be adopted. The United States Department of the Interior, Minerals Management Service concurs with New Mexico's recommendation. New Mexico's recommendation and supporting data are on file with the Commission and are available for public inspection.

II. Description of Recommendation

The recommended area is located in southeast New Mexico and consists of approximately 460,800 acres. The recommended formation underlies the northwest quarter of Eddy County and a portion of Chaves County, New Mexico. The average depth to the top of the Abo-Wolfcamp Formation is 3,615 feet, and the thickness of the formation varies from 750 feet to 1,400 feet.

III. Discussion of Recommendation

New Mexico claims in its submission that evidence gathered through information and testimony presented at a public hearing in Case No. 7586 convened by New Mexico on this matter demonstrates that:

(1) The average *in situ* gas permeability throughout the pay section of the proposed area is not expected to exceed 0.1 millidarcy;

(2) The stabilized production rate, against atmospheric pressure, of wells completed for production from the recommended formation, without stimulation, is not expected to exceed the maximum allowable production rate set out in § 271.703(c)(2)(i)(B); and

(3) No well drilled into the recommended formation is expected to produce more than five (5) barrels of oil per day.

New Mexico further asserts that existing State and Federal Regulations assure that development of this formation will not adversely affect any fresh water aquifers.

Accordingly, pursuant to the authority delegated to the Director of the Office of Pipeline and Producer Regulation by Commission Order No. 97, issued in Docket No. RM80-68 (45 FR 53456, August 12, 1980), notice is hereby given of the proposal submitted by New Mexico that the Abo-Wolfcamp Formation, as described and delineated in New Mexico's recommendation as filed with the Commission, be designated as a tight formation pursuant to § 271.703.

IV. Public Comment Procedures

Interested persons may comment on this proposed rulemaking by submitting written data, views or arguments to the Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before March 21, 1983. Each person submitting a comment should indicate that the comment is being submitted in Docket No. RM79-76-180 (New Mexico-20), and should give reasons including supporting data for any recommendations. Comments should include the name, title, mailing address, and telephone number of one person to whom communications concerning the proposal may be addressed. An original and 14 conformed copies should be filed with the Secretary of the Commission. Written comments will be available for public inspection at the Commission's Division of Public Information, Room 1000, 825 North Capitol Street, NE., Washington, D.C., during business hours.

Any person wishing to present testimony, views, data, or otherwise participate at a public hearing should notify the Commission in writing of the desire to make an oral presentation and therefore request a public hearing. Such request shall specify the amount of time requested at the hearing. Requests should be filed with the Secretary of the Commission no later than February 21, 1983.

List of Subjects in 18 CFR Part 271

Natural gas, Incentive price, Tight formations.

(Natural Gas Policy Act of 1978, 15 U.S.C. 3301-3432)

Accordingly, the Commission proposes to amend the regulations in Part 271, Subchapter H, Chapter I, Title 18, Code of Federal Regulations, as set forth below, in the event New Mexico's recommendation is adopted.

Kenneth A. Williams,

Director, Office of Pipeline and Producer Regulation.

PART 271—[AMENDED]

Section 271.703 is amended by adding paragraph (d)(163) to read as follows:

§ 271.703 Tight formations.

* * * * *

(d) *Designated tight formations.*

* * * * *

(163) *Abo-Wolfcamp Formation in New Mexico.* RM79-76-180 (New Mexico-20).

(i) *Delineation of formation.* The Abo-Wolfcamp Formation is located in Chaves County, New Mexico, in Township 15 South, Ranges 23, 24, and 25 East, All Sections; Townships 19 and 20 South, Range 20 East, All Sections; in Eddy County, New Mexico in Township 16 South, Ranges 23, 24, and 25 East, All Sections; Township 16 South, Range 26 East, Sections 4 through 9, 16 through 21, and 28 through 33; Township 17 South, Ranges, 21, 23, and 24 East, All Sections; Township 17 South, Range 25 East, Sections 1 through 12, 16 through 21, and 30 and 31; Township 18 South, Ranges 21, 23, and 24 East, All Sections; Township 18 South, Range 25 East, Sections 6 and 7, 18 and 19, and 30 and 31; Township 19 South, Ranges 21 and 23 East, All Sections; Township 19 South, Range 24 East, Sections 1 through 20, and 29 through 32; Township 20 South, Ranges 21 and 23 East, All Sections; and Township 20 South, Range 24 East, Sections 5 through 8, NMPM.

(ii) *Depth.* The Abo-Wolfcamp Formation is defined as that interval including the upper 800 feet of the Abo Formation and 200 feet of the lower Abo and upper Wolfcamp Formations. The average depth to the top of the Abo-Wolfcamp Formation is 3,615 feet. The Abo-Wolfcamp Formation varies in thickness from 750 feet to 1,400 feet.

[FR Doc. 83-3544 Filed 2-8-83; 8:45 am]

BILLING CODE 6717-01-M

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18 CFR Part 271

[Docket No. RM79-76-157; Texas-22 Addition II]

High-Cost Gas Produced From Tight Formations, Texas; Correction

February 3, 1983.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Notice of proposed rulemaking; correction.

SUMMARY: This document corrects a Notice of Proposed Rulemaking that concerned high-cost gas produced from tight formations, Docket No. RM79-76-157 (Texas-22 Addition II). The Notice of Proposed Rulemaking appeared in the **Federal Register** on December 29, 1982 (47 FR 57953), and contained an incorrect description of the recommendation, as well as an incorrect acreage description in the delineation of the formation.

FOR FURTHER INFORMATION CONTACT: Steven Ross, Office of General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20436, (202) 357-8571.

SUPPLEMENTARY INFORMATION:

The following restates both the description of the recommendation and

the acreage description in the delineation of the formation as it appeared in FR Doc. 82-32506. The description of the recommendation appears on pages 57953 and 57954, and the acreage description in the delineation of the formation appears on page 57954, column 1. These descriptions should read as follows:

1. "II. Description of Recommendation

Texas recommends that the Strawn-Detrital Formation in the area of the University Block 31 and Howards Creek (Penn) Fields in Crockett County, Texas, Railroad Commission District 7C, be designated as a tight formation. The recommended area consists of Sections 19, 20, S½ of 21, 29, 30, 31 and 32, University Lands Survey, Block 30; Sections 1, 2, 3, S½ of 4, 5, 6, 7, 8, S½ of 9, 11, 12, 13 and 14, University Lands Survey, Block 32; Sections 29, 31, 50, 51, north 320 acres of 30, SE¼ of 53, S½ of 32, SW¼ of 12, Block UV, G.C. & S.F.R.R. Co. Survey; and Sections 12, 17, 18, 19 and 20, University Lands Survey, Block 33. The area recommended is west and northwest of the city of Ozona, Texas, and is an extension of the area of the Strawn-Detrital Formation designated as a tight formation by the Commission's Order No. 249."

2. "(A) *Delineation of formation.* The Strawn-Detrital Formation in the area of the University Block 31 and Howards Creek Fields is located in Crockett County, Texas, Railroads Commission District 7C. The designated area consists of Sections 19, 20, S½ of 21, 29, 30, 31 and 32, University Lands Survey, Block 30; Sections 1, 2, 3, S½ of 4, 5, 6, 7, 8, S½, of 9, 11, 12, 13 and 14, University Lands Survey, Block 32; Sections 29, 31, 50, 51, north 320 acres of 30, SE¼ of 53, S½ of 32, SW¼ of 12, Block UV, G.C. & S.F.R.R. Co. Survey; and Sections 12, 17, 18, 19 and 20, University Lands Survey, Block 33."

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-3409 Filed 2-8-83; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

27 CFR Part 9

[Notice No. 452]

Potter Valley Viticultural Area

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

ACTION: Notice of proposed rulemaking.

SUMMARY: The Bureau of Alcohol, Tobacco and Firearms (ATF) is considering the establishment of a viticultural area in Mendocino County, California, to be known as "Potter Valley." This proposal is in response to a petition from The California Wine Company in Cloverdale, California. The establishment of the "Potter Valley" viticultural area will allow wineries to label and advertise wines as originating in this specific grape-growing area and will aid the public by identifying wines originating in this area.

DATE: Written comments must be received by March 11, 1983.

ADDRESS: Send written comments to—Chief, Regulations and Procedures Division, Bureau of Alcohol, Tobacco and Firearms, P.O. Box 385, Washington, DC 20044-0385. (Attention: Notice No. 452).

Copies of the petition, the proposed regulations, the appropriate maps, and the written comments will be available for public inspection during normal business hours at the ATF Reading Room, Room 4405, Office of Public Affairs and Disclosure, Federal Building, 12th and Pennsylvania Avenue, NW., Washington, DC 20226.

FOR FURTHER INFORMATION CONTACT: James A. Hunt at (202) 566-7626.

SUPPLEMENTARY INFORMATION:

Background

On August 23, 1978, ATF published Treasury Decision ATF-53 (43 FR 37672, 54624) which allows the establishment of definite viticultural areas under 27 CFR Part 4—Labeling and Advertising of Wine. This final rule also allows the name of an approved viticultural area to be used as an appellation of origin on wine labels and in wine advertisements.

On October 2, 1979, ATF published Treasury Decision ATF-60 (44 FR 56692) which added 27 CFR Part 9—American Viticultural Areas—to provide for the listing of approved American viticultural areas, the names of which may be used as appellations of origin.

Section 4.25a(e)(1) of 27 CFR Part 4 defines a viticultural area as a delimited, grape-growing region distinguishable by geographical features. Section 4.25a(e)(2) outlines the procedure for proposing an American viticultural area. Furthermore, § 4.25a(e)(2) requires any interested person to petition ATF for the establishment of a grape-growing region as a viticultural area and to provide the following information in support of the petitioned for viticultural area:

(a) Evidence that the name of the proposed viticultural area is locally and/or nationally known as referring to the area specified in the petition;

(b) Historical or current evidence that the boundaries of the viticultural area are as specified in the petition;

(c) Evidence relating to the geographical features (climate, soil, elevation, physical features, etc.) which distinguish the viticultural features of the proposed area from surrounding areas;

(d) A description of the specific boundaries of the viticultural area, based on the features which can be found on United States Geological Survey (U.S.G.S.) maps of the largest applicable scale; and

(e) A copy of the appropriate U.S.G.S. maps with the boundaries prominently marked.

Petition

Under the terms of 27 CFR 4.25a, ATF has received a petition from The California Wine Company, proposing an area in Mendocino County, California, as a viticultural area to be known as "Potter Valley." The proposed area is located in the east central part of Mendocino County and consists of approximately 27,500 acres of valley floor surrounded by mountains on all sides. The floor of Potter Valley ranges in elevation from about 920' to 1020' with the surrounding mountains ranging to over 600' above the valley floor. Petitioner stated the boundaries range into the mountainous areas surrounding the valley floor so as not to exclude small areas of tillable land.

The petition was developed after a meeting of a majority of the growers who own or operate vineyards in the proposed area. The petitioner stated that nearly all other 12 growers in or near the proposed area were contacted and no group or individual was found to be in opposition to the proposed boundaries. There are approximately 11,000 acres of vineyards found in all parts of the proposed area.

The petitioner furnished information that (a) the name of the viticultural area is locally known, (b) the proposed boundaries of the viticultural area are correct, and (c) the geographical features of the area have growing conditions which distinguish the proposed area from surrounding areas. The petitioner bases these claims on the following:

(a) That the name "Potter Valley" is well known in the local area and has been used on wine labels distributed on a national basis. The petitioner states that the Pacific Gas and Electric Company has maintained a facility in the area known as the "Potter Valley

Powerhouse." Maps published by the U.S. Department of the Interior identify the Potter Valley region, and a School District and Fire District are named Potter Valley.

(b) That the boundaries of the proposed "Potter Valley" viticultural area may be found on U.S.G.S. 15 minute series quadrangle maps, "Potter Valley Quadrangle" and "Ukiah Quadrangle."

(c) That the area is a valley surrounded by mountains with a transitional climate dominated at times by the coastal influence of the Pacific Ocean or by interior continental air masses. Potter Valley is classified as a Region III grape-growing area. The soils of Potter Valley are primarily of Cole, San Ysidro, Botella and Pinole series while the nearby "Redwood Valley" is predominantly Noyo and Newton soils. The petitioner submitted soil maps and a publication on climate from the University of California Cooperative Extension Service.

(d) That the specific boundaries of the proposed viticultural area are based on U.S.G.S. maps (a copy of the U.S.G.S. maps with the boundaries prominently marked are on file with ATF).

Regulatory Flexibility Act

The provisions of the Regulatory Flexibility Act relating to an initial and final regulatory flexibility analysis (5 U.S.C. 603, 604) are not applicable to this proposal because the notice of proposed rulemaking, if promulgated as a final rule, will not have a significant economic impact on a substantial number of small entities. Since the benefits to be derived from using a new viticultural area appellation of origin are intangible, ATF cannot conclusively determine what the economic impact will be on the affected small entities in the area. However, from the information we currently have available on the proposed Potter Valley viticultural area, ATF does not feel that the use of this appellation of origin will have a significant economic impact on a substantial number of small entities.

Executive Order 12291

In compliance with Executive Order 12291, ATF has determined that this proposal is not major since it will not result in—

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

(b) A major increase in costs or prices for consumers, individual industries, Federal, State, or local goverment agencies, or geographic regions; or

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

Public Participation

ATF requests comments on this proposed viticultural area from all interested persons. Furthermore, while this document proposes certain boundaries for the Potter Valley viticultural area, comments concerning other possible boundaries for this proposed viticultural area will be considered.

Comments received before the closing date will be carefully considered. Comments received after the closing date and too late for consideration will be treated as possible suggestions for future ATF action.

ATF will not recognize any material or comments as confidential. Comments are subject to disclosure to the public. Any material which a person considers to be confidential or inappropriate for disclosure to the public should not be included in the comment. The name of the person submitting a comment is also not exempt from disclosure.

Any person who desires an opportunity to comment orally at a public hearing on the proposed viticultural area should submit his or her request, in writing, to the Director within the 30 day comment period. The request should include reasons why the person feels that a public hearing is necessary. The Director, however, reserves the right to determine, in light of all circumstances, whether a public hearing will be held.

Drafting Information

The principal author of this document is James A. Hunt, Research and Regulations Bureau of Alcohol, Tobacco and Firearms.

List of Subjects in 27 CFR Part 9

Administrative practice and procedure, Consumer protection, Wine.

Authority

Accordingly, under the authority contained in 27 U.S.C. 205, the Acting Director proposes to amend 27 CFR Part 9 as follows:

PART 9—AMERICAN VITICULTURAL AREAS

1. The table of sections in 27 CFR Part 9, Subpart C, is amended to add § 9.82 as follows:

* * * * *

Subpart C—Approved American Viticultural Areas

Sec.

* * * * *

9.82 Potter Valley.

2. Subpart C is amended by adding § 9.82 to read as follows:

Subpart C—Approved American Viticultural Areas

* * * * *

§ 9.82 Potter Valley.

(a) *Name.* The name of the viticultural area described in this section is "Potter Valley."

(b) *Approved map.* The approved maps for the Potter Valley viticultural area are the U.S.G.S. maps entitled "Potter Valley Quadrangle, California", 1960, and "Ukiah Quadrangle, California", 1958, 15 minute series (topographic).

(c) *Boundaries.* The Potter Valley viticultural area is located in Mendocino County, California. The boundaries are as follows:

(1) From the beginning point at the southeast corner of quadrant 36 and southwest corner of quadrant 32 (a point where Mendocino and Lake Counties border on the T.17 N.–T.16 N. Mount Diablo Meridian line), the boundary runs northwest to the northeastern corner of quadrant 4, T. 18N–T.17N;

(2) Then west to the northwest corner of quadrant 1;

(3) Then south to the southwest corner of quadrant 36;

(4) Then east to R12 W R11 W at the southeast corner of quadrant 36;

(5) Then south to Highway 20;

(6) Then southeast on Highway 20 to where Highway 20 passes from quadrant 20 to quadrant 21; and

(7) Thence northeast, returning to the point of beginning.

Signed: January 13, 1983.

Stephen E. Higgins,

Acting Director.

Approved: January 28, 1983.

David Q. Bates,

Deputy Assistant Secretary (Operations).

[FR Doc. 83-3060 Filed 2-8-83; 8:45 am]

BILLING CODE 4810-31-M

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27 CFR Part 9

[Notice No. 451]

York Mountain Viticultural Area

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

ACTION: Notice of proposed rulemaking.

SUMMARY: The Bureau of Alcohol, Tobacco and Firearms (ATF) is considering the establishment of a viticultural area in San Luis Obispo County, California, to be known as "York Mountain." This proposal is in

response to a petition from York Mountain Winery in Templeton, California. The establishment of the "York Mountain" viticultural area will allow wineries to label and advertise wines as originating in this specific grape-growing area and will aid the public by identifying wines originating in this area.

DATE: Written comments must be received by March 11, 1983.

ADDRESS: Send written comments to—Chief, Regulations and Procedures Division, Bureau of Alcohol, Tobacco and Firearms, P.O. Box 385, Washington, DC 20044–0385 (Attention: Notice No. 451).

Copies of the petition, the proposed regulations, the appropriate maps, and the written comments will be available for public inspection during normal business hours at the ATF Reading Room, Room 4405, Office of Public Affairs and Disclosure, Federal Building, 12th and Pennsylvania Avenue, NW, Washington, DC 20226.

FOR FURTHER INFORMATION CONTACT: James A. Hunt at (202) 566–7626.

SUPPLEMENTARY INFORMATION:

Background

On August 23, 1978, ATF published Treasury Decision ATF–53 (43 FR 37672, 54624) which allows the establishment of definite viticultural areas under 27 CFR Part 4—Labeling and Advertising of Wine. This final rule also allows the name of an approved viticultural area to be used as an appellation of origin on wine labels and in wine advertisements.

On October 2, 1979, ATF published Treasury Decision ATF–60 (44 FR 56692) which added 27 CFR Part 9—American Viticultural Areas—to provide for the listing of approved American viticultural areas, the names of which may be used as appellations of origin.

Section 4.25a(e)(1) of 27 CFR Part 4 defines a viticultural area as a delimited, grape-growing region distinguishable by geographical features. Section 4.25a(e)(2) outlines the procedure for proposing an American viticultural area. Furthermore, § 4.25a(e)(2) requires any interested person to petition ATF for the establishment of a grape-growing region as a viticultural area and to provide the following information in support of the petitioned for viticultural area:

(a) Evidence that the name of the proposed viticultural area is locally and/or nationally known as referring to the area specified in the petition;

(b) Historical or current evidence that the boundaries of the viticultural area are as specified in the petition;

(c) Evidence relating to the geographical features (climate, soil, elevation, physical features, etc.) which distinguish the viticultural features of the proposed area from surrounding areas;

(d) A description of the specific boundaries of the viticultural area, based on the features which can be found on United States Geological Survey (U.S.G.S.) maps of the largest applicable scale; and

(e) A copy of the appropriate U.S.G.S. map with the boundaries prominently marked.

Petition

Under the terms of 27 CFR 4.25a, ATF has received a petition from York Mountain Winery proposing an area in San Luis Obispo County, California, as a viticultural area to be known as "York Mountain." The proposed area is located in the western part of San Luis Obispo County about seven miles from the Pacific Ocean and consists of approximately 10,000 acres of coastal mountain terrain. The petitioner's winery and 207 acres of land are located in the proposed viticultural area. There are nine wine grape growers with approximately 300 acres of vineyards scattered throughout the proposed area.

The petitioner furnished information that (a) the name of the vitcultural area is locally known, (b) the proposed boundaries of the vitcultural area are correct, and (c) the geographical features of the area have growing conditions which distinguish the proposed area from surrounding areas. The petitioner bases these claims on the following:

(a) That the name "York Mountain" is well known in the area because of the mountain named York. The winery is located at the base of York Mountain. The winery and vineyards were established in 1882 by the York family who owned the property until 1970. The U.S.G.S. map submitted by the petitioner is entitled "York Mountain Quadrangle."

(b) That the boundaries of the proposed "York Mountain" viticultural area may be found on a U.S.G.S. 7.5 minute quadrangle map.

(c) That the proposed area is distinguished from surrounding areas suitable for growing grapes.

(1) Being closest to the Pacific Ocean (7 miles);

(2) The elevation being the highest at 1500 feet on the slopes of the Santa Luria Mountain Range and has received some snowfall each year;

(3) The rainfall averages 45 inches per year which is about double the amount of surrounding areas; and

(4) A classification of Region I as compared to Region III and IV for nearby areas.

(d) That the specific boundaries of the proposed viticultural area are based on features found on a U.S.G.S. map, (a copy of this U.S.G.S map with boundaries prominently marked is on file with ATF).

Regulatory Flexibility Act

The provisions of the Regulatory Flexibility Act relating to an initial and final regulatory flexibility analysis (5 U.S.C. 603, 604) are not applicable to this proposal because the notice of proposed rulemaking, if promulgated as a final rule, will not have a significant economic impact on a substantial number of small entities. Since the benefits to be derived from using a new viticultural area appellation of origin are intangible, ATF cannot conclusively determine what the economic impact will be on the affected small entities in the area. However, from the information we currently have available on the proposed York Mountain viticultural area, ATF does not feel that the use of this appellation of origin will have a significant economic impact on a substantial number of small entities.

Executive Order 12291

In compliance with Executive Order 12291, ATF has determined that this proposal is not major since it will not result in—

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

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

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

Public Participation

ATF requests comments on this proposed viticultural area from all interested persons. Furthermore, while this document proposes certain boundaries for the York Mountain viticultural area, comments concerning other possible boundaries for this proposed viticultural area will be considered.

Comments received before the closing date will be carefully considered. Comments received after the closing date and too late for consideration will be treated as possible suggestions for future ATF action.

ATF will not recognize any material or comments as confidential. Comments are subject to disclosure to the public. Any material which a commenter considers to be confidential or inappropriate for disclosure to the public should not be included in the comment. The name of the person submitting a comment is also not exempt from disclosure.

Any person who desires an opportunity to comment orally at a public hearing on the proposed viticultural area should submit his or her request, in writing, to the Director within the 30 day comment period. The request should include reasons why the commenter feels that a public hearing is necessary. The Director, however, reserves the right to determine, in light of all circumstances, whether a public hearing will be held.

Drafting Information

The principal author of this document is James A. Hunt, Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms.

List of Subjects in 27 CFR Part 9

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

Authority

Accordingly, under the authority contained in 27 U.S.C. 205, the Director proposes to amend 27 CFR Part 9 as follows:

PART 9—AMERICAN VITICULTURAL AREAS

1. The table of sections in 27 CFR Part 9, Subpart C, is amended to add § 9.80 as follows:

* * * * *

Subpart C—Approved American Viticultural Areas

Sec.
9.80 York Mountain.

2. Subpart C is amended by adding § 9.80 to read as follows:

Subpart C—Approved American Viticultural Areas

* * * * *

§ 9.80 York Mountain.

(a) *Name.* The name of the viticultural area described in this section is "York Mountain."

(b) *Approved map.* The approved map for the York Mountain viticultural area is the U.S.G.S. map entitled "York Mountain Quadrangle," 7.5 minute series (topographic), 1979.

(c) *Boundaries.* The York Mountain vitticultural area is located in San Luis Obispo County, California. The boundaries are as follows:

(1) From the beginning point at the northwest corner of the York Mountain Quadrangle map where the Dover Canyon Jeep Trail and Dover Canyon Road intersect, proceed east along Dover Canyon Road 2.3 miles to Vineyard Drive;

(2) Follow Vineyard Drive southeast 3.6 miles to Jack Creek Road;

(3) Turn right on Jack Creek Road for 0.6 miles across State Highway 46 Hidden Valley Road;

(4) Follow Hidden Valley Road south 0.9 miles to Gates Field Road, turn right, and proceed 1.2 miles to Santa Rita Creek;

(5) Turn right at Santa Rita Creek and go 5 miles to where the waters of Dover Canyon and Santa Rita Creek meet; and

(6) Then north along Dover Canyon Creek across State Highway 46 back to the point of beginning.

Approved: February 2, 1983.

Stephen E. Higgins,

Acting Director.

[FR Doc. 83-3264 Filed 2-8-83; 8:45 am]
BILLING CODE 4810-31-M

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27 CFR Part 9

[Notice No. 455]

Establishment of Catoctin Viticultural Area

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

ACTION: Notice of proposed rulemaking.

SUMMARY: The Bureau of Alcohol, Tobacco and Firearms (ATF) is considering the establishment of a viticultural area encompassing parts of Frederick and Washington Counties in western north-central Maryland, to be known as "Catoctin." This proposal is the result of a petition submitted by W. Bret Byrd, proprietor of a bonded winery in the area known as Byrd Vineyards. The establishment of viticultural areas and the subsequent use of viticultural area names in wine labeling and advertising will permit wineries to better designate the specific grape-growing area where their wines come from and will enable consumers to better identify the wines they purchase.

DATE: Written comments must be received by March 11, 1983.

ADDRESSES: Send written comments or requests for a public hearing to: Chief, Regulations and Procedures Division, Bureau of Alcohol, Tobacco and Firearms, P.O. Box 385, Washington, DC 20044-0385 (Attn: Notice No. 455.)

Copies of the petition, the proposed regulations, maps with the boundaries of the proposed viticultural area marked, and any written comments will be available for public inspection during normal business hours at the: ATF Reading Room, Office of Public Affairs and Disclosure, Room 4405, Federal Building, 1200 Pennsylvania Avenue, NW., Washington, DC.

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

SUPPLEMENTARY INFORMATION:

Background

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

On October 2, 1979, ATF published Treasury Decision ATF-60 (44 FR 56692) which amended Title 27, CFR, by adding a new Part 9 entitled "American Viticultural Areas." This part lists all approved American viticultural areas which may be used as appellations of origin on wine labels and in wine advertisements.

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

(a) Evidence that the name of the viticultural area is locally and/or nationally known as referring to the area specified in the petition;

(b) Historical or current evidence that the boundaries of the viticultural area are as specified in the petition;

(c) Evidence relating to the geographical features (climate, soil, elevation, physical features, etc.) which distinguish the viticultural features of the proposed area from surrounding areas;

(d) A description of the specific boundaries of the viticultural area, based on features which can be found on United States Geological Survey (U.S.G.S.) maps of the largest applicable scale; and

(e) A copy of the appropriate U.S.G.S. maps with the boundaries prominently marked.

Petition

ATF has received a petition proposing an area encompassing parts of Frederick and Washington Counties in western north-central Maryland as a viticultural area. The proposed viticultural area is to be known as "Catoctin." The petition was submitted by W. Bret Byrd, proprietor of a bonded winery in the area known as Byrd Vineyards.

The proposed viticultural area lies west of the town of Frederick. It encompasses an area of approximately 265 square miles or 170,000 acres. The area encompassed consists of a large intermountain valley and the immediately surrounding upland areas. Catoctin Mountain and South Mountain distinguish, respectively, the eastern and western boundaries. The northern and southern boundaries are, respectively, the Maryland-Pennsylvania State line and the Potomac River.

There is an operating winery with a 30 acre vineyard and six (6) major vineyard operations in the proposed viticultural area. In addition, there are numerous small vineyards, generally under an acre, which are used by the owners for private purposes. The acreage devoted to grape-growing is widely dispersed. There are approximately 84.5 acres of wine-grapes. In 1980, this represented approximately 31.5% of the commercial acreage planted to grapes in the State of Maryland. Furthermore, an additional 15 acres of wine-grapes were planned for the spring of 1982 planting.

The boundaries of the proposed viticultural area may be found on 12 U.S.G.S., 7.5 minute series (Topographic), quadrangle maps, scale 1:24,000—Point of Rocks, Buckeystown, Frederick, Catoctin Furnace, Blue Ridge Summit, Emmitsburg, Smithsburg, Myersville, Funkstown, Keedysville, Harpers Ferry, and Charles Town. The specific boundaries proposed for the viticultural area are detailed in the regulation portion of this document at § 9.67(c).

Viticultural/Geographical Features

The petitioner claims the proposed viticultural area is distinguishable from the surrounding area on the basis of climate, soil, geology, and other physiographical features. The petitioner submitted evidence on the following in support of this claim.

(a) *Climate.* The petitioner submitted United States Soil Conservation Service (SCS) maps which depict climatic data for the proposed viticultural area and the surrounding area. The proposed viticultural area has an average annual rainfall of 36–42 inches, temperatures of 50–55 degrees F., and a frostfree season of 160–170 days. The area to the east has an average annual rainfall of 40–42 inches, temperature of 55–60 degrees F., and a frostfree season of 170–180 days. The area to the west has an average annual rainfall of 38–46 inches, temperatures of 45–50 degrees F., and a frostfree season of 150–160 days. The proposed viticultural area is generally dryer, warmer, and has a longer frostfree season than the area to the west; and is dryer, cooler, and has a shorter frostfree season than the area to the east. Moreover, precipitation during any given year is somewhat unevenly distributed with the highest amount occurring in midsummer and midwinter and the least amount in autumn. Furthermore, the frostfree season decreases in length with increasing elevation and from south to north.

In addition, using the same heat summation criteria as used by Amerine and Winkler under their climatic region concept, the proposed viticultural area would be classified as Region 2, while the area to the west would be classified as gradually changing from Region 2 to Region 1 and the area to the east would be classified as Region 3. That is, the sum of the mean daily temperature above 50 degrees F., expressed in temperature-time values of degree days, for each day in the period April-September of any given year is generally 2,501–3,000 for the proposed viticultural area; 2,001–2,500 for the area to the west; and, 3,001–3,500 for the area to the east.

To summarize, the petitioner contends the proposed viticultural area possesses a unique set for growing conditions which distinguish it from the surrounding area. In addition, the petitioner claims these conditions have a marked influence on the amount and distribution of heat and moisture received by grapes during the growing season. This, in turn, affects the development and balance of sugar, acid, and other constituents of grapes grown in the proposed viticultural area.

(b) *Geologic Features.* The general geomorphology of the proposed viticultural area corresponds to distinguishable geologic features which define a valley and an upland area. The valley lies between low mountains that rise to an elevation of about 2,000 feet and belong to the easternmost fringe of the Appalachian Mountains. The mountains surrounding the valley are formed of sedimentary, metamorphic sedimentary, and igneous rocks while the valley is composed almost entirely of green schistose rock, a metamorphosed basalt. The valley area is distinguished by the surrounding uplands. The upland areas are distinguished from surrounding areas by adjacent limestone valleys.

(c) *Soils.* The soils in the proposed viticultural area belong to several different soils series in various associations. These soils are characteristic of those found on mountains, elevated intermountain areas, or in intermountain valleys. The soil in the intermountain valley area, where the majority of wine-grapes are grown, is almost entirely of the Myersville-Fauquier-Catoctin association. The surrounding uplands are primarily composed of the Dekalb, Clymer, Edgemont, Chandler, Talladega, Highfield, and Fauquier soil series in various associations.

The soils in the proposed viticultural area have been developed from sandstone, greenstone (metabasalt), mica schist and quartzite parent materials and are acidic. The soils in adjacent valleys have been developed from limestone based parent materials and are alkaline. The natural pH of the soil in the proposed viticultural area is between 5.5 and 6.5, i.e., strongly acid to slightly acid. The petitioner claims this is ideal for the growing of grapes.

Evidence Relating to Name and Boundaries

Ther petitioner claims the viticultural area proposed in the petition is locally and/or nationally known by the name "Catoctin" and the boundaries are as specified in the petition. The petitioner submitted historical or current evidence consisting of the following to support these claims.

(a) The petitioner states the name "Catoctin" has been applied to the proposed viticultural area since the 1700's and means "speckled rock" in the Algonquin Indian language. This type of rock abounds in the area.

(b) The petitioner states the name "Catoctin" permeates the proposed viticultural area, e.g., Catoctin National Park, Catoctin Creek, Catoctin Mountain, and Catoctin Valley (also known as Middletown Valley).

(c) The boundaries of the proposed viticultural area roughly approximate the boundaries of that portion of Land Resource Area No. 130 which is in Maryland. Land Resource Areas are geographical areas of land determined by the United States Soil Conservation Service (SCS) to be associated on the basis of particular patterns of soil, climate, water resources, land use, elevation, and topography. The petitioner submitted pertinent excerpts

from Agricultural Handbook 296, Land Resource Regions and Major Land Resource Areas (12/65), and SCS maps that depict the Maryland boundaries of Land Resource Area No. 130.

Discussion

AFT feels that evidence submitted by the petitioner indicates establishment of "Catoctin" as a viticultural area may be warranted. Accordingly, we are proposing in this document the establishment of this grape-growing region as a viticultural area.

However, we are not entirely convinced the boundary proposed is the most appropriate for the viticultural area. We recognize the dispersed nature of the acreage devoted to viticulture may be the primary factor contributing to the petitioner's selection of a boundary. Nevertheless, since a high proportion of the acreage encompassed by the boundary is either viticulturally unsuitable or used for purposes other than viticulture, other possible boundaries may be more appropriate. Accordingly, consideration will be given to other possible boundaries.

Public Participation

All interested persons are invited to participate in this proposed rulemaking by submitting written comments. Comments should be specific, pertain to the issues proposed in this rulemaking, and provide the factual basis supporting the data, views, or recommendations presented. Comments received before the closing date will be carefully considered prior to a final decision by ATF on this proposal. Comments received after the closing date and too late for consideration will be treated as possible suggestions for future ATF action.

We are particularly interested in receiving comments which provide historical or current evidence as to whether the viticultural area boundaries are as specified in the petition. In addition, comments are requested on alternative boundaries. These comments should provide data on the geographical and viticultural characteristics which distinguish the area encompassed from the surrounding area.

ATF will not recognize any material or comments as confidential. Comments may be disclosed to the public. Any material which the commenter considers to be confidential or inappropriate for disclosure to the public should not be included in the comment. The name of the person submitting a comment is not exempt from disclosure. All materials and comments received will be available for public inspection during normal business hours.

Any interested person who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit a request, in writing, to the Director within the comment period. The request should include reasons why the commenter feels that a public hearing is necessary. The Director, however, reserves the right to determine, in the light of all circumstances, whether a public hearing should be held.

ATF reserves the option to determine, on the basis of written comments, our own research, and in the light of any other circumstances, whether this viticultural area should be established. In addition, ATF may modify, through the rulemaking process, the viticultural area which may be established as a result of this proposed rulemaking when in the judgment of the Director such action is determined to be warranted.

Regulatory Flexibility Act

The provisions of the Regulatory Flexibility Act relating to an initial and final regulatory flexibility analysis (5 U.S.C. 603, 604) are not expected to apply to this proposed rule because the proposal, if promulgated as a final rule, is not expected to have a significant economic impact on a substantial number of small entities. Since the benefits to be derived from using a new viticultural area appellation of origin are intangible, ATF cannot conclusively determine what the economic impact will be on the affected small entities in the area. However, from the information we currently have available on the proposed Catoctin viticultural area, ATF does not feel that the use of this appellation of origin will have a significant economic impact on a substantial number of small entities.

Executive Order 12291

In compliance with Executive Order 12291 the Bureau has determined that this proposal is not a major rule since it will not result in:

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

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

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

Drafting Information

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

List of Subjects in 27 CFR Part 9

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

Authority

Accordingly, under the authority in 27 U.S.C. 205, the Director proposes the amendment of 27 CFR Part 9 as follows:

PART 9—AMERICAN VITICULTURAL AREAS

Paragraph 1. The table of sections in 27 CFR Part 9, Subpart C, is amended to add the title of § 9.67 as follows:

Subpart C—Approved American Viticultural Areas

Sec.

* * * * *

9.67 Catoctin.

Par. 2. Subpart C is amended by adding § 9.67 as follows:

Subpart C—Approved American Viticultural Areas

* * * * *

§ 9.67 Catoctin.

(a) *Name.* The name of the viticultural area described in this section is "Catoctin."

(b) *Approved maps.* The appropriate maps for determining the boundaries of the Catoctin viticultural area are 12 U.S.G.S. maps. They are—

(1) "Point of Rocks Quadrangle, Maryland-Virginia," 7.5 minute series, 1970;

(2) "Buckeystown Quadrangle, Maryland," 7.5 minute series, 1952 (Photorevised 1971);

(3) "Frederick Quadrangle, Maryland," 7.5 minute series, 1953 (Photorevised 1980);

(4) "Catoctin Furnace Quadrangle, Maryland," 7.5 minute series, 1953 (Photorevised 1979);

(5) "Blue Ridge Summit Quadrangle, Maryland-Pennsylvania," 7.5 minute series, 1953 (Photorevised 1971);

(6) "Emmitsburg Quadrangle, Maryland-Pennsylvania," 7.5 minute series, 1953 (Photorevised 1971);

(7) "Smithsburg Quadrangle, Maryland-Pennsylvania," 7.5 minute series, 1953 (Photorevised 1971);

(8) "Myersville Quadrangle, Maryland," 7.5 minute series, 1953 (Photorevised 1971);

(9) "Funkstown Quadrangle, Maryland," 7.5 minute series, 1953 (Photorevised 1971);

(10) "Keedysville Quadrangle, Maryland-West Virginia," 7.5 minute series, 1978;

(11) "Harpers Ferry Quadrangle, Virginia-Maryland-West Virginia," 7.5 minute series, 1969; and

(12) "Charles Town Quadrangle, West Virginia-Virginia-Maryland," 7.5 minute series, 1978;

(c) *Boundaries.* The Catoctin viticultural area is located in western north-central Maryland and encompasses parts of Frederick and Washington Counties. From the beginning point at the point where U.S. Highway 15 crosses the Potomac River and enters the land mass of Maryland on the "Point of Rocks Quadrangle" map, the boundary runs—

(1) Northerly 1,100 feet in a straight line to the point of intersection with a 500-foot contour line;

(2) Then northeasterly along the meanders of the 500-foot contour line on the "Point of Rocks Quadrangle," "Buckeystown Quadrangle," "Frederick Quadrangle," "Catoctin Furnace Quadrangle," "Blue Ridge Summit Quadrangle," and "Emmitsburg Quadrangle" maps to the point of intersection with the Maryland-Pennsylvania State line on the "Emmitsburg Quadrangle" map;

(3) Then west along the Maryland-Pennsylvania State line on the "Emmitsburg Quadrangle," "Blue Ridge Summit Quadrangle," and "Smithsburg Quadrangle" maps to the point of intersection with the first 800-foot contour line lying west of South Mountain on the "Smithsburg Quadrangle" map;

(4) Then southwesterly along the meanders of the 800-foot contour line on the "Smithsburg Quadrangle," "Myersville Quadrangle," "Funkstown Quadrangle," and "Keedysville Quadrangle" maps to the point of intersection with an unnamed light duty road (known locally as Clevelandville Road) north of the town of Clevelandville on the "Keedysville Quadrangle" map;

(5) Then southerly along the unnamed light duty road to the point of intersection with Reno Monument Road;

(6) Then southwesterly 13,500 feet in a straight line to the point lying at the intersection of Highway 67 and Millbrook Road;

(7) Then westerly along Millbrook Road to the point of intersection with Mount Briar Road;

(8) Then northerly along Mount Briar Road to the point of intersection with a 500-foot contour line;

(9) Then northerly along the 500-foot contour line to the point of intersection with Red Hill Road;

(10) Then southerly along the 500-foot contour line to the point of intersection with Porterstown Road;

(11) Then south-southwesterly 29,000 feet in a straight line to the most eastern point on the Chesapeake and Ohio Canal National Historical Park boundary line lying north of the town of Dargan;

(12) Then southwesterly 7,500 feet in a straight line to the point lying at the confluence of an unnamed stream and the Potomac River approximately 600 feet northwest of Manidokan Camp on the "Harpers Ferry Quadrangle" map; and

(13) Then easterly along the meanders of the Potomac River on the "Harpers Ferry Quadrangle," "Charles Town Quadrangle," and "Point of Rocks Quadrangle" maps to the point of beginning.

Signed: January 7, 1983.

Stephen E. Higgins,

Acting Director.

Approved: January 26, 1983.

David Q. Bates,

Deputy Assistant Secretary (Operations).

[FR Doc. 83-3536 Filed 2-8-83; 8:45 am]

BILLING CODE 4810-31-M

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27 CFR Part 9

[Notice No. 454]

Establishment of Knights Valley Viticultural Area

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

ACTION: Notice of proposed rulemaking.

SUMMARY: The Bureau of Alcohol, Tobacco and Firearms (ATF) is considering the establishment of a viticultural area in northeastern Sonoma County, California, to be known as "Knights Valley." This proposal is the result of a petition submitted by the Knights Valley Wine-Growers Committee, a local grape/wine industry member group. the establishment of viticultural areas and the subsequent use of viticultural area names in wine labeling and advertising will permit wineries to better designate the specific grape-growing area where their wines come from and will enable consumers to better identify the wines they purchase.

DATE: Written comments must be received by March 11, 1983.

ADDRESSES: Send written comments or requests for a public hearing to: Chief, Regulations and Procedures Division, Bureau of Alcohol, Tobacco and Firearms, P.O. Box 385, Washington, DC 20044-0385, (Attn: Notice No. 454).

Copies of the petition, the proposed regulations, maps with the boundaries of the proposed viticultural area marked, and any written comments will be available for public inspection during normal business hours at the: ATF Reading Room, Office of Public Affairs and Disclosure, Room 4405, Federal Building, 1200 Pennsylvania Avenue, NW., Washington, DC.

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

SUPPLEMENTARY INFORMATION:

Background

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

On October 2, 1979, ATF published Treasury Decision ATF-60 (44 FR 56692) which amended Title 27, CFR, by adding a new Part 9 entitled "American Viticultural Areas." This part lists all approved American viticultural areas which may be used as appellations of origin on wine labels and in wine advertisements.

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

(a) Evidence that the name of the viticultural area is locally and/or nationally known as referring to the area specified in the petition;

(b) Historical or current evidence that the boundaries of the viticultural area are as specified in the petition;

(c) Evidence relating to the geographical features (climate, soil, elevation, physical features, etc.) which distinguish the viticultural features of the proposed area from surrounding areas;

(d) A description of the specific boundaries of the viticultural area, based on features which can be found on United States Geological Survey

(U.S.G.S.) maps of the largest applicable scale; and

(e) A copy of the appropriate U.S.G.S. maps with the boundaries prominently marked.

Petition

ATF has received a petition proposing an area in northeastern Sonoma County, California, as a viticultural area. The proposed viticultural area is to be known as "Knights Valley." The petition was submitted by the Knights Valley Wine-Growers Committee, a local organization representing the interests of most grape/wine industry members in the area, and was signed by 16 persons.

The proposed viticultural area is located entirely within Sonoma County between Napa Valley and Alexander Valley. It extends to the west of the eastern Sonoma County line from just north of Pine Mountain to just north of the Petrified Forest area. Common boundaries are shared with the proposed "Alexander Valley" and "Chalk Hill (Russian River Valley)" viticultural areas on the west and southwest, respectively, and with the "Napa Valley" viticultural area on the east.

Note.—The "Chalk Hill (Russian River Valley)" designation denotes that the proposed "Chalk Hill" and "Russian River Valley" viticultural areas overlap each other and share a common boundary with the proposed viticultural area.

The area encompassed by the proposed boundaries consists of a valley area and upland areas. The valley area is comprised of a central valley area known as "Knights Valley" and a branch valley or sub-valley area known as "Franz Valley." According to evidence submitted by the petitioner, the branch valley area is generally considered to be a non-valley within the central valley and the name "Franz Valley" a misnomer since no clear separation exists between the areas. The central valley area is approximately 5.3 miles long and 1.8 miles wide at the widest point. The areas immediately surrounding and to the north of the valley area form the upland areas. The proposed viticultural area encompasses approximately 36,240 acres or 56.625 square miles.

There are currently over 1,000 acres devoted to viticulture in the proposed viticultural area. This acreage is situated primarily in the valley area. However, some acreage in the upland areas, which is being developed into producing vineyards, is included in this figure. There are currently no operating wineries in the proposed viticultural area. However, the petitioner anticipates that a winery will open in the near future.

The boundaries of the viticultural area may be found on four (4) U.S.G.S. quadrangle (Topographic) maps, 7.5 minute series, scale 1:24,000—Mount St. Helena, Jimtown, Mark West Springs, and Detert Reservoir. The specific boundaries proposed for the viticultural area are detailed in the regulation portion of this document at § 9.76(c).

Viticultural/Geographical Features

The petitioner claims the proposed viticultural area is distinguishable from the surrounding area on the basis of elevation, soil, climate, and other physiographical features. The petitioner bases this claim on the following.

(a) *Elevation.* The proposed viticultural area ranges in elevation from 360 feet to slightly over 4,300 feet. The valley area encompassed ranges in elevation from 360 feet to 600 feet. The upland areas contain fairly rugged peaks that are over 3,500 feet in elevation, e.g., Pine Mountain—3,614 feet, Red Hill—3,527 feet, Mount St. Helena—4,343 feet. The areas currently used for grape production are consistently higher in elevation than the grape-growing areas in the adjacent Alexander Valley, Chalk Hill (Russian River Valley) and Napa Valley areas. This disparity in elevation should significantly increase when the many hill "islands" and peninsulas in the upper elevations capable of quality grape production are fully developed into producing vineyards.

(b) *Geological Features and Soils.* The soils in the valley and mountainous upland areas of the proposed viticultural area are distinct from each other. This is due to the different parent material, i.e., alluvial in the valley and indurated rock in the uplands, from which the soils were formed. The valley soils were derived from parent material of a relatively young geologic age, while the upland soils were derived from older parent material. The upland soils in the areas north and south of the valley area were derived from different types of parent material. The soils in the northern area were derived from "Franciscan Formation" parent material laid down in the Jura-Cretaceous period, while the soils in the southern area were derived from parent material known as "Sonoma Volcanics" laid down in the late Pliocene to early Pleistocene epoch. The contrast in soils derived from these parent materials allows for an easy distinction between the valley area and the northern/southern upland areas.

Adacent areas are also characterized by soils derived from alluvial material and indurated rock. However, there were differences in the parent materials from which the soils were formed. The Napa Valley area to the southeast is primarily surrounded by uplands with soils derived from "Pleistocene Volcanic" formations. Whereas the Alexander and Dry Creek areas to the northwest are surrounded by uplands with soils derived from both "Franciscan Formation" and "Dry Creek Conglomerate" parent materials. These parent material differences are the origins of differences in basic soil complexity between the proposed viticultural area and surrounding areas.

The valley soils in the proposed viticultural area are primarily of the Yolo-Cortina-Pleasanton association. The soil in the northern and southern upland areas are primarily of the Yorkville-Suther and Goulding-Toomes-Guenoc associations, respectively. However, the eastern portion of these areas, along the Sonoma county line, are characterized by soils of the Kidd-Forward-Cohasset association. Much of the Dry Creek and Alexander Valley areas are characterized by the same type of soil associations; however, the soils adjacent to the Russian River in the Alexander Valley area are deep, fertile soils not generally represented in the proposed viticultural area. The Sonoma Valley, which lies to the south along the eastern Sonoma County line, and the Napa Valley viticultural areas are also characterized by highly fertile soils. However the soils used for grape production in the proposed viticultural area are generally characterized by low fertility; many are rocky and gravelly; and, others exhibit a low pH.

(c) *Climate.* The climate in the proposed viticultural area is typically Mediterranean, i.e., characterized by warm, dry summers and mild, cool, moist winters. The climate is moderated by the proximity of the viticultural area to the Pacific Ocean, isolation from large valleys and low mountain elevation.

The valley area has an average annual rainfall of 44 inches, temperature of 58–60 degrees F., and a frostfree season of 220–270 days. The upland areas are generally wetter, cooler, and have shorter frostfree seasons than the valley area. Rainfall in the valley area is similar, but slightly higher than the Alexander Valley area. The Sonoma Valley area and portions of the Napa Valley area receive significantly less rainfall.

The proposed viticultural area exemplifies the general temperature trend of Sonoma County, i.e., rising form south to north. Temperatures in the valley area are similar to those in the lower portion of the Alexander Valley area, but average slightly less due to the

higher elevaton. The growing season is usually shorter than the growing season in adjacent viticultural areas.

Under the climatic region concept developed by Amerine and Winkler, the proposed viticultural area is classified as Region 3. That is, the sum of the mean daily temperature above 50 degrees F., expressed in temperature-time values of degree days, for each day in the period April–October of any given year is generally 3,001–3,500 for the proposed viticultural area. The northern portions of the Napa Valley and Alexander Valley areas are also classified as Region 3, while the Chalk Hill (Russia River Valley) area is classified as Region 2, i.e., 2,501–3,000 degree days.

To summarize, the petitioner states the climatic conditions in the proposed viticultural area are unique and distinguishable from those of any other viticultural area in the general vicinity.

Evidence Relating to Name and Boundaries

The petitioner claims the proposed viticultural area is locally/nationally known by the name "Knights Valley" and the boundaries are as specified in the petition. The petitioner submitted historical or current evidence consisting of the following to support these claims.

(a) A detailed study prepared by Mr. William F. Heintz which analyzes the viticultural, wine-making history of the proposed viticultural area. Through the use of quotes from numerous articles which appeared during the 1800's in the St. Helena Star, a local newspaper, the study documents that the name "Knights Valley" has been applied to the area since 1853. These articles refer by name to "Knights Valley" and describe the area. Similarly, viticultural activity in the area is documented. Grapes have been grown and wine produced in "Knights Valley" almost continuously since the 1870's. However, there are currently no operating wineries in the proposed viticultural area.

The study also contains numerous excerpts and quotes from 19th century books, journals, and reports pertaining to the viticultural activity and history of the proposed viticultural area. The propriety of the proposed boundaries is documented by a copy of a map excerpted from the "Historical Atlas of Sonoma County" published in 1877. This map depicts an area designated as "Knights Valley" which closely corresponds to the proposed viticultural area.

(b) Letters from wine authorities and clippings of articles from local and national newspapers, magazines, and other wine oriented publicaitons, that attest to the quality of wine produced from grapes grown in the proposed viticultural area.

(c) Excerpts from various books which describe the proposed viticultural area; extoll the quality of wines produced from grapes grown in the viticultural area; or, recognize and discuss differences between wines produced from grapes grown in the viticultural area and those produced from grapes grown in other locations.

Discussion

ATF feels the evidence submitted by the petitioner indicates establishment of "Knights Valley" as a viticultural area may be warranted. Accordingly, the establishment of this grape-growing region as a viticultural area is proposed in this document.

The petitioner states the primary factor considered in the selection of boundaries to delineate the viticulture area was watershed since "* * * it is not an incongruous definer of a 'valley' and is, in fact, commonly understood." While watershed may be the geographical basis for a viticulture area, we are not entirely convinced the proposed boundaries are the most appropriate. Since a relatively high proportion of the acreage encompassed is either viticulturally unsuitable or currently used for purposes other than viticulture, we feel boundaries based primarily on watershed criteria may be inappropriate for portions of the viticultural area, e.g., the northern upland area. Although this may be partially due to the dispersed nature of the many small areas suitable for viticulture, we feel the proportion of acreage devoted to grape growing may be significantly increased if boundaries in these areas are drawn on the basis of criteria other than watershed. Therefore, any suggestions concerning other possible boundaries for this viticultural area will be given consideration.

Public Participation

All interested persons are invited to participate in this proposed rulemaking by submitting written comments. Comments should be specific, pertain to the issues in this proposed rulemaking, and provide the factual basis supporting the data, views, or recommendations presented. Comments received before the closing date will be carefully considered prior to a final decision by ATF on this proposal. Comments received after the closing date and too late for consideration will be treated as possible suggestions for future ATF action.

We are particularly interested in receiving comments which provide historical or current evidence as to whether the viticultural area boundaries are as specified in the petition. In addition, comments are invited on alternative boundaries. These comments should include data on the geographical and viticultural characteristics which distinguish the area encompassed from the surrounding area.

ATF will not recognize any material or comments as confidential. Comments may be disclosed to the public. Any material which the commenter considers to be confidential or inappropriate for disclosure to the public should not be included in the comment. The name of the person submitting a comment is not exempt from disclosure. All materials and comments received will be available for public inspection during normal business hours.

Any interested person who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit a request, in writing, to the Director, within the comment period. The request should include reasons why the commenter feels that a public hearing is necessary. The Director, however, reserves the right to determine, in the light of all circumstances, whether a public hearing should be held.

ATF reserves the option to determine, on the basis of written comments, our own research, and in the light of any other circumstances, whether this viticultural area should be established. In addition, ATF may modify, through the rulemaking process, the viticultural area which may be established as a result of this proposed rulemaking when in the judgment of the Director such action is determined to be warranted.

Regulatory Flexibility Act

The provisions of the Regulatory Flexibility Act relating to an initial and final regulatory flexibility analysis (5 U.S.C. 603, 604) are not expected to apply to this proposed rule because the proposal, if promulgated as a final rule, is not expected to have a significant economic impact on a substantial number of small entities. Since the benefits to be derived from using a new viticultural area appellation of origin are intangible, ATF cannot conclusively determine what the economic impact will be on the affected small entities in the area. However, from the information we currently have available on the proposed Knights Valley viticultural area, ATF does not feel that the use of this appellation of origin will have a significant economic impact on a substantial number of small entities.

Executive Order 12291

In compliance with Executive Order 12291, ATF has determined that this proposal is not a major rule since it will not result in:

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

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

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

Drafting Information

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

List of Subjects in 27 CFR Part 9

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

Authority

Accordingly, under the authority in 27 U.S.C. 205, the Director proposes the amendment of 27 CFR Part 9 as follows:

PART 9—AMERICAN VITICULTURAL AREAS

Paragraph 1. The table of sections for Subpart C is amended by adding the title of § 9.76 as follows:

Subpart C—Approved American Viticultural Areas

Sec.

* * * * *

9.76 Knights Valley.

Par. 2. Subpart C is amended by adding § 9.76 follows:

Subpart C—Approved American Viticultural Areas

* * * * *

§ 9.76 Knights Valley.

(a) *Name.* The name of the viticultural area described in this section is "Knights Valley."

(b) *Approved Maps.* The appropriate maps for determining the boundaries of the Knights Valley viticultural area are four U.S.G.S. maps. They are—

(1) "Mount St. Helena Quadrangle, California," 7.5 minute series, 1959 (Photoinspected 1973);

(2) "Jimtown Quadrangle, California," 7.5 minute series, 1955 (Photorevised 1975);

(3) "Mark West Springs Quadrangle, California," 7.5 minute series, 1958; and

(4) "Detert Reservoir Quadrangle, California," 7.5 minute series, 1958 (Photorevised 1980).

(c) *Boundaries.* The Knights Valley viticultural area is located in northeastern Sonoma County, California. From the beginning point lying at the intersection of the Sonoma/Lake County line and the north line of Section 11, Township 10 north (T. 10 N.), Range 8 West (R. 8 W.) on the "Mount St. Helena Quadrangle" map, the boundary runs—

(1) Westerly along the north line of Sections 11, 10, and 9, T. 10 N., R. 8 W. to the northwest corner of Section 9 on the "Jimtown Quadrangle" map;

(2) Then southerly along the west line of Sections 9, 16, 21, 28, and 33, T. 10 N., R. 8 W., continuing along the west line of Section 4, T. 9. N., R. 8 W. to the southwest corner thereof;

(3) Then easterly along the south line of Section 4 to the southeast corner thereof on the "Mount St. Helena Quadrangle" map;

(4) Then southerly along the west line of Sections 10, 15, and 22, T. 9 N., R. 8 W. to the point of intersection with Franz Creek in Section 22 on the "Mark West Springs Quadrangle" map;

(5) Then easterly along Franz Creek approximately 14,000 feet to the centerline of Franz Valley Road;

(6) Then southerly along the centerline of Franz Valley Road to the point of intersection with the west line of Section 6, T. 8 N., R. 7 W.;

(7) Then southerly along the west line of Section 6 to the southwest corner thereof;

(8) Then easterly along the south line of Sections 6, 5, and 4, T. 8 N., R. 7 W. to the southeast corner of Section 4;

(9) Then northerly along the east line of Section 4 to the point of intersection with the Sonoma/Napa County line;

(10) Then northerly along the meanders of the Sonoma/Napa County line on the "Mark West Springs Quadrangle," "Detert Reservoir Quadrangle," and "Mount St. Helena Quadrangle" maps to the point of intersection with the Lake County line on the "Mount St. Helena Quadrangle" map;

(11) Then northerly along the meanders of the Sonoma/Lake County line on the "Mount St. Helena Quadrangle" and "Detert Reservoir Quadrangle" maps to the point of beginning.

Signed: January 13, 1983.

Stephen E. Higgins,

Acting Director.

Approved: January 28, 1983.

David Q. Bates,

Deputy Assistant Secretary (Operations).

[FR Doc. 83-3537 Filed 2-8-83; 8:45 am]

BILLING CODE 4810-31-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 927

Surface Mining and Reclamation Operations Under a Federal Program for Nebraska

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Cancellation of promulgation process for a Federal program for Nebraska.

SUMMARY: The Office of Surface Mining (OSM) is announcing the withdrawal of the proposed Federal program to regulate surface coal mining and reclamation operations for Nebraska because there are no known coal reserves on non-Federal and non-Indian lands in that State.

FOR FURTHER INFORMATION CONTACT: James M. Kress, Branch of Regulatory Programs, Office of Surface Mining, U.S. Department of the Interior, 1951 Constitution Avenue, NW., Washington, D.C. 20240. Telephone: (202) 343-5866.

SUPPLEMENTARY INFORMATION: On December 22, 1982, the Office of Surface Mining proposed a Federal program for Nebraska in the Federal Register to regulate coal exploration and surface coal mining and reclamation operations on non-Federal and non-Indian lands in that state. 47 FR 57236. During the comment period, OSM was informed by the State Geologist of Nebraska that all known coal deposits in Nebraska are too deep for commercial recovery at this time.

The Surface Mining Control and Reclamation Act in Sections 503 and 504, 30 U.S.C. Sections 1253 and 1254, and OSM's regulations, 30 CFR 736.11, require that there be an approved State of Federal regulatory program in States having coal on non-Federal or non-Indian lands and in which there is a likelihood of either coal exploration or development before June 1985. Since Nebraska has no known coal reserves on either non-Federal or non-Indian lands, a regulatory program is not required. Therefore, promulgation of the

proposed regulatory program for Nebraska is being withdrawn. Should information come to light which indicates the presence of coal reserves on non-Federal and non-Indian lands within the State, promulgation of the required program will be reinitiated by subsequent rulemaking notice.

Dated: February 25, 1983.

William B. Schmidt,

Assistant Director, Program Operations and Inspection, Office of Surface Mining.

[FR Doc. 83-3542 Filed 2-8-83; 8:45 am]

BILLING CODE 4310-05-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Ch. I

[OSWER-FRC 2302-5]

Hazardous Waste Management System; Extension of Comment Period

AGENCY: Environmental Protection Agency.

ACTION: Extension of Comment Period for Notice of Regulatory Reform.

SUMMARY: On December 13, 1982, EPA published a **Federal Register** notice explaining its regulatory reform efforts under the Resource Conservation and Recovery Act. The purpose of this notice is to extend the comment period on that notice until March 31, 1983. The comment period was originally due to end on February 11, 1983.

DATE: Comments must be received on or before March 31, 1983.

ADDRESS: Comments should be addressed to Docket Clerk, Office of Solid Waste (WH-562), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460 (202) 382-4487. Comments should identify the regulatory docket as follows: "Docket: Regulatory Reform."

FOR FURTHER INFORMATION CONTACT: The RCRA hazardous waste hotline, Office of Solid Waste (WH-562), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460, (800) 424-9346 (382-3000 in Washington, D.C.). For specific information on the notice, contact Eileen Claussen, Director, Office of Management, Information, and Analysis, Office of Solid Waste (WH-562), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460, (202) 382-4637.

SUPPLEMENTARY INFORMATION: On December 13, 1982, EPA published a Notice of Regulatory Reform explaining the Agency's efforts to review and reassess the hazardous waste regulations developed under the Resource Conservation and Recovery Act (RCRA). Discussed in the Notice was an analytical model designed to assess and compare the costs and risks of different waste management strategies. The Notice further explained that copies of a draft report describing the model could be obtained by contacting the RCRA hazardous waste hotline. Due to the large number of requests for copies of the report, the Agency's existing supply has been exhausted and additional copies are now being printed. The Agency expects to obtain these additional copies within 2-3 weeks.

In order to allow time for the distribution of these copies, and for review and comment by the interested public, the Agency is extending the comment period on the Notice of Regulatory Reform until March 31, 1982.

Dated: January 28, 1983.

Rita M. Lavelle,

Assistant Administrator, Office of Solid Waste and Emergency Response.

[FR Doc. 83-3446 Filed 2-8-83; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 180

[PP 2E2712/P271; PH-FRL 2296-1]

Carbaryl; Proposed Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This notice proposes that tolerances be established for the combined residues of the insecticide carbaryl and its hydrolysis product 1-naphthol in or on the raw agricultural commodities prickly pear cactus fruit and pads. The proposed regulation to establish maximum permissible levels for residues of the insecticde in or on the commodities was requested in a petition submitted by the Interregional Research Project No. 4 (IR-4).

DATE: .Comments must be received on or before March 11, 1983.

ADDRESS: Written comments to: Emergency Response Section, Process Coordination Branch, Registration Division (TS-767C), Environmental Protection Agency, Rm 716B, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202.

FOR FURTHER INFORMATION CONTACT: Donald Stubbs (703-557-1192) at the above address.

SUPPLEMENTARY INFORMATION: The Interregional Research Project No. 4 (IR-4), New Jersey Agricultural Experiment Station, P.O. Box 231, Rutgers University, New Brunswick, NJ 08903, has submitted pesticide petition 2E2712 to EPA on behalf of the IR-4 Technical Committee and the Agricultural Experiment Station of California.

This petition requested that the Administrator, pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act, propose the establishment of a tolerance for the combined residues of the insecticide carbaryl (1-naphthyl *N*-methylcarbamate) including its hydrolysis product 1-naphthol, calculated as 1-naphthyl *N*-methylcarbamate, in or on the raw agricultural commodity prickly pear cactus at 12 parts per million (ppm). The petition was later amended to propose tolerances at 12 ppm in or on each of the raw agricultural commodities prickly pear cactus fruit and pads.

The data submitted in the petition and other relevant material have been evaluated. The pesticide is considered useful for the purpose for which the tolerances are sought. The toxicological data considered in support of the proposed tolerances were a 2-year rat feeding study with a no-observed-effect level (NOEL) of 200 ppm (10 mg/kg/day); a 1-year dog feeding study with a NOEL of 400 ppm (10 mg/kg/day); a 3-generation rat reproduction study with a NOEL of 200 mg/kg/day, highest level tested; an 18-month mouse oncogenicity study with no observed oncogenic effects at 400 ppm (60 mg/kg/day), highest level tested; and a monkey teratology study showing no effect at 20 mg/kg, highest level tested.

The acceptable daily intake (ADI), based on the 2-year rat feeding study (NOEL of 10 mg/kg/day) and using a 100-fold safety factor, is calculated to be 0.1 mg/kg of body weight (bw)/day. The maximum permitted intake (MPI) for a 60-kg human is calculated to be 6.0 mg/day. The theoretical maximum residue contribution (TMRC) from existing tolerances for a 1.5 kg daily diet is calculated to be 4.8644 mg/day; the current action will increase the TMRC by 0.0054 mg/day (0.12 percent). Published tolerances utilize 77.74 percent of the ADI; the current action will utilize an additional 0.09 percent.

The nature of the residues is adequately understood and an adequate analytical method, spectrophotometry, is available for enforcement purposes. As the proposed use does not involve any items normally used for livestock feed, there is no expectation of secondary residues in meat, milk, poultry, and eggs. "A Notice of Determination Not to Initiate Rebuttable Presumption Against Registration

(RPAR)" was published in the Federal Register of December 12, 1980 (45 FR 81869). Carbaryl was under consideration for the RPAR process primarily because two studies conducted in the late 1960's indicated that carbaryl induced teratogenicity when administered in low doses to pregnant beagle dogs. EPA reviewed the risks associated with the use of carbaryl and determined that the 40 CFR risk criteria warranting an RPAR had not been met or exceeded.

Based on the above information considered by the Agency, the tolerances established by amending 40 CFR 180.169(a) would protect the public health. It is proposed, therefore, that the tolerances be established as set forth below.

Any person who has registered or submitted an application for registration of a pesticide, under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended, which contains any of the ingredients listed herein, may request within 30 days after publication of this notice in the Federal Register that this rulemaking proposal be referred to an Advisory Committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on the proposed regulation. Comments must bear a notation indicating the document control number, [PP 2E2712/P271]. All written comments filed in response to this petition will be available in the Emergency Response Section, Registration Division, at the address given above from 8:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays.

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

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

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

List of Subjects in 40 CFR Part 180

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

Dated: January 25, 1983.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

PART 180—[AMENDED]

Therefore, it is proposed that 40 CFR 180.169(a) be amended by adding and alphabetically inserting the commodities prickly pear cactus fruit and pads to read as follows:

§ 180.169 Carbaryl; tolerances for residues.

(a) * * *

Commodities	Parts per million
* * * * *	
Prickly pear cactus, fruit	12.0
Prickly pear cactus, pads	12.0
* * * * *	

[FR Doc. 83-2987 Filed 2-8-83; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 180

[PP 2E2759/P282; PH-FRL 2301-5]

N,N-Diethyl-2-(1-Naphthalenyloxy) Propionamide; Proposed Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This notice proposes that tolerances be established for residues of the herbicide *N,N*-diethyl-2-(1-naphthalenyloxy)-propionamide (Napropamide) in or on the raw agricultural commodities marjoram, rosemary, and summer and winter savory. The proposed regulation to establish maximum permissible levels for residues of the herbicide in or on the commodities was requested in a petition submitted by the Interregional Research Project No. 4 (IR-4).

DATE: Comments must be received on or before March 11, 1983.

ADDRESS: Written comments to: Emergency Response Section, Process Coordinaton Branch, Registration Division (TS-767C), Environmental Protection Agency, Rm. 716B, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202.

FOR FURTHER INFORMATION CONTACT: Donald Stubbs (703-557-1192) at the above address.

SUPPLEMENTARY INFORMATION: The Interregional Research Project No. 4 (IR-4), New Jersey Agricultural Experiment Station, P.O. Box 231, Rutgers University, New Brunswick, NJ 08903, has submitted pesticide petition 2E2759 to EPA on behalf of the IR-4 Technical Committee and the Agricultural Experiment Station of California.

The petition requested that the Administrator, pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act, propose the establishment of tolerances for residues of the herbicide *N,N*-diethyl-2-(1-naphthalenyloxy) propionamide (Napropamide) in or on the raw agricultural commodities marjoram, rosemary, and summer and winter savory at 0.1 part per million (ppm).

The data submitted in the petition and other relevant material have been evaluated. The pesticide is considered useful for the purpose for which the tolerances are sought. The toxicological data considered in support of the proposed tolerances included an acute oral rat study with an LD_{50} greater than 5 g/kg; a 90-day rat feeding study with a no-observed-effect level (NOEL) of 25 mg/kg/day; a 90-day dog feeding study with a NOEL of 40 mg/kg/day; a 2-year rat feeding study with a NOEL of 30 mg/kg/day; a 2-year mouse feeding study with a NOEL of 30 mg/kg/day; a 3-generation rat reproduction study with a NOEL of 30 mg/kg/day; and three mutagenic studies (rec-assay, host mediated, and Ames test), all negative for mutagenic effects. A mammalian teratology study is currently lacking; a new teratology study in rats was expected to be initiated in 1982 and in a second species in 1983. The proposed uses are supported by information on reproductive effects from a 3-generation reproduction study classified as Core-Minimum and a teratology study classified as Supplementary, together with the determination that there is no incremental increase in dietary exposure from these uses.

The acceptable daily intake (ADI), based on the 2-year rat feeding study (NOEL of 30 mg/kg/day) and using a 100-fold safety factor, is calculated to be 0.3 mg/kg of body weight (bw)/day. The maximum permitted intake (MPI) for a 60-kg human is calculated to be 18.0 mg/day. The theoretical maximum residue contribution (TMRC) from existing tolerances for a 1.5-kg daily diet is calculated to be 0.0182 mg/day; the current action will not result in an increase in the TMRC. Published tolerances utilize 0.10 percent of the ADI; the current action will not increase this percentage.

The nature of the residues is adequately understood and an adequate analytical method, high-pressure liquid chromatography utilizing ultraviolet detection, is available for enforcement purposes. Because no livestock feed items are involved, there will be no

secondary residues in meat, milk, poultry, or eggs. There are presently no actions pending against the continued registration of this chemical.

Based on the above information considered by the Agency, the tolerances established by amending 40 CFR 180.328 would protect the public health. It is proposed, therefore, that the tolerances be established as set forth below.

Any person who has registered or submitted an application for registration of a pesticide, under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended, which contains any of the ingredients listed herein, may request within 30 days after publication of this notice in the **Federal Register** that this rulemaking proposal be referred to an Advisory Committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on the proposed regulation. Comments must bear a notation indicating the document control number, [PP 2E2759/P282]. All written comments filed in response to this petition will be available in the Emergency Response Section, Registration Division, at the address given above from 8:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays.

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

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

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

List of Subjects in 40 CFR Part 180

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

Dated: January 31, 1983.

Robert V. Brown,

Acting Director, Registration Division, Office of Pesticide Programs.

PART 180—[AMENDED]

Therefore, it is proposed that 40 CFR 180.328 be amended by adding and alphabetically inserting the raw agricultural commodities marjoram, rosemary, and summer and winter savory to read as follows:

§ 180.328 N,N-Diethyl-2-(1-naphthalenyloxy)propionamide; tolerances for residues.

* * * * *

Commodities	Parts per million
* * * * *	
Marjoram	0.1
* * * * *	
Rosemary	0.1
Savory, summer	0.1
Savory, winter	0.1
* * * * *	

[FR Doc. 83-3455 Filed 2-8-83; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 180

[PP 2E2758/P280; PH-FR 2301-6]

O,O-Diethyl O-(2-Isopropyl-6-Methyl-4-Pyrimidinyl) Phosphorothioate; Proposed Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed Rule.

SUMMARY: This notice proposes that a tolerance be established for residues of the insecticide *O,O*-diethyl *O*-(2-isopropyl-6-methyl-4-pyrimidinyl) phosphorothioate (Diazinon) in or on the raw agricultural commodity Chinese cabbage. The proposed regulation to establish a maximum permissible level for residues of the insecticide in or on the commodity was requested in a petition submitted by the Interregional Research Project No. 4 (IR–4).

DATE: Comments must be received on or before March 11, 1983.

ADDRESS: Written comments to: Emergency Response Section, Process Coordination Branch, Registration Division (TS–767C), Environmental Protection Agency, Rm. 716B, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202.

FOR FURTHER INFORMATION CONTACT: Donald Stubbs (703–557–1192) at the above address.

SUPPLEMENTARY INFORMATION: The Interregional Research Project No. 4 (IR–4), New Jersey Agricultural Experiment Station, P.O. Box 231, Rutgers University, New Brunswick, NJ 08903, has submitted pesticide petition 2E2758 to EPA on behalf of the IR–4 Technical Committee and the Agricultural Experiment Station of Florida.

This petition requested that the Administrator, pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act, propose the establishment of a tolerance for residues of the insecticide *O,O*-diethyl *O*-(2-isopropyl-6-methyl-4-pyrimidinyl) phosphorothioate (Diazinon) in or on the raw agricultural commodity Chinese cabbage at 0.75 part per million (ppm). the petition was later amended to propose a tolerance of 0.7 ppm.

The data submitted in the petition and other relevant material have been evaluated. The pesticide is considered useful for the purpose for which the tolerance is sought. The toxicological data considered in support of the proposed tolerance included an NCI bioassay (based on 2-year oncogenicity studies) which was negative for oncogenicity in rats and mice; a multi-generation rat reproduction study with a no-observed-effect level (NOEL) of 0.4 mg/kg/day; a 106-week monkey feeding study with a cholinesterase (ChE) NOEL of 1.0 ppm; a 90-day rat feeding study with a ChE NOEL of 0.025 mg/kg/day; a 90-day dog feeding study with a ChE NOEL of 0.02 mg/kg/day; a 2-year rat feeding study with a ChE NOEL not demonstrated at 10 ppm (lowest dose tested); a 2-year dog feeding study with a ChE NOEL not demonstrated at 160 ppm (lowest dose tested); a rabbit teratology study negative for teratogenic and fetotoxic effects at 100 mg/kg (highest level fed) during days 6 to 18 of gestation; a hen demyelination study which was negative at 100 mg/kg.

The acceptable daily intake (ADI), based on the 90-day dog feeding study (NOEL of 0.020 mg/kg/day, or 0.80 ppm) and using a 10-fold safety factor, is calculated to be 0.0020 mg/kg of body weight (bw)/day. The maximum permitted intake (MPI) for a 60-kg human is calculated to be 0.1200 mg/day. The theoretical maximum residue contribution (TMRC) from existing tolerances for a 1.5-kg daily diet is calculated to be 0.4215 mg/day; the current action will increase the TMRC by 0.0003 mg/day (0.07 percent). The current action will utilize 0.29 percent of the ADI for this chemical.

Tolerances have been established in the past for diazinon at 0.75 ppm in or on most other leafy vegetables, including broccoli, cabbage, cauliflower, Brussels sprouts, celery, collards, endive, kale, lettuce, mustard greens, parsley, spinach, Swiss chard, and watercress. On September 29, 1982 (47 FR 42738), a rule was published which amended 40 CFR 180.153 (among several regulations) by adjusting current U.S. tolerances to conform with tolerances set by the Codex Alimentarius Commission, in those cases where residue data based on U.S. use patterns

would support the adjusted tolerance level. Therefore, the established 0.75 ppm tolerances for most of the leafy vegetables were adjusted downward to 0.7 ppm; this level has also been determined to be appropriate for Chinese cabbage.

The nature of the residues is adequately understood and an adequate analytical method, gas chromatography, is available for enforcement purposes. No secondary residues are expected in meat, milk, poultry and eggs since Chinese cabbage is not an animal feed item. There are presently no actions pending against the continued registration of this chemical.

Based on the above information considered by the Agency, the tolerance established by amending 40 CFR 180.153 would protect the public health. It is proposed, therefore, that the tolerance be established as set forth below.

Any person who has registered or submitted an application for registration of a peticide, under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended, which contains any of the ingredients listed herein, may request within 30 days after publication of this notice in the **Federal Register** that this rulemaking proposal be referred to an Advisory Committee in accordance with section 409(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on the proposed regulation. Comments must bear a notation indicating the document control number [PP 2E2758/P280]. All written comments filed in response to this petition will be available in the Emergency Response Section, Registration Division, at the address given above from 8:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays.

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

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

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

List of Subjects in 40 CFR Part 180

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

Dated: January 31, 1983.

Robert V. Brown,

Acting Director, Registration Division, Office of Pesticide Programs.

PART 180—[AMENDED]

Therefore, it is proposed that 40 CFR 180.153 be amended by adding and alphabetically inserting the raw agricultural commodity Chinese cabbage to read as follows:

§ 180.53 O,O-Diethyl O-(2-isopropyl-6-methyl-4-pyrimidinyl) phosphorothioate; tolerances for residues.

* * * * *

Commodities	Parts per million
* * * * *	
Cabbage, Chinese	0.7
* * * * *	

[FR Doc. 83-3456 Filed 2-8-83; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 180

[PP 6E1845/6E1853/7E1931/2E2734/P278; PH-FRL 2301-4]

Paraquat; Proposed Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This notice proposes that tolerances be established for residues of the desiccant, defoiliant, and herbicide paraquat in or on certain raw agricultural commodities. The proposed regulation to establish maximum permissible levels for residues of the pesticide in or on the commodities were requested, pursuant to petitions submitted, by the Interregional Research Project No. 4 (IR-4).

DATE: Comments must be received on or before March 11, 1983.

ADDRESS: Written comments to: Emergency Response Section, Process Coordination Branch, Registration Division (TS-767C), Environmental Protection Agency, Rm. 716B, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202.

FOR FURTHER INFORMATION CONTACT: Donald Stubbs (703-557-1192), at the address given above.

SUPPLEMENTARY INFORMATION: The Interregional Research Project No. 4 (IR-4), New Jersey Agricultural Experiment Station, P.O. Box 231, Rutgers University, New Brunswick, NJ 08903, has submitted the following pesticide petitions to EPA on behalf of the IR-4 Technical Committee and the named Agricultural Experiment Stations: 6E1845 on behalf of the Agricultural Experiment Stations of California, Illinois, Massachusetts, Maryland, Michigan, New Jersey, and Virginia; 6E1853 on behalf of the Agricultural Experiment Stations of Florida, Louisiana, Connecticut, Indiana, Texas, Maryland, and California; 7E1931 on behalf of the Agricultural Experiment Station of California; and 2E2734 on behalf of the Agricultural Experiment Stations of Arkansas, California, Florida, Georgia, Illinois, Kentucky, Louisiana, Maryland, Michigan, New Jersey, New York, North Carolina, Ohio, Texas, and Washington.

These pesticide petitions requested that the Administrator, pursuant to section 408(e) of the Federal Food, Drug and Cosmetic Act, propose the establishment of tolerances for residues of the herbicide paraquat (1,1'-dimethyl-4,4'-bipyridinium ion), resulting from application of either the bis (methyl sulfate) or the dichloride salt (both calculated as the cation), in or on the following raw agricultural commodities: PP 6E1845—asparagus at 0.5 part per million (ppm); PP 6E1853—strawberries at 0.25 ppm (resulting from application of the herbicide to the shielded growing raw agricultural commodity); PP 7E1931—onions (dry bulb or green) at 0.05 ppm; and PP 2E2734—broccoli at 0.05 ppm.

The data submitted in the petitions and other relevant material have been evaluated. The pesticide is considered useful for the purposes for which the tolerances are sought. The toxicological data considered in support of the proposed tolerances were several rat acute oral feeding studies with LD_{50} values of 43-127 milligrams (mg) paraquat cation/kilogram kg) of body weight (bw); a 90-day dog feeding study with a no-observed-effect level (NOEL) of 20 ppm of paraquat cation (0.5 mg/kg bw); a 1-generation rat reproduction study with a NOEL of 100 ppm paraquat cation (10 mg/kg bw, highest level tested); two teratology studies; rat and mouse, with no observed teratogenic effects at 1.0 mg paraquat cation/kg bw and 10 mg paraquat cation/kg bw, respectively; mutagenic studies with *Salmonella typhimurium* (paraquat was not mutagenic with the following histidine-requiring strains: TA 1535, TA 1537, TA 1538, TA 98, TA 100); and a mutagenic dominant lethal test (no observed mutagenicity to male CD-1

strain of mice). A 1-year dog feeding study and a rat chronic feeding/oncogenic study are currently lacking and must be submitted in the future to support tolerances uses which might result in significant additional dietary exposure; the rat study is currently in progress. Mouse oncogenic and 2-generation rat reproduction studies have been submitted and are currently under review; a preliminary review indicated no adverse effects.

The theoretical maximum residue contribution (TRMC) from existing and pending tolerances (excluding current actions) for a 1.5 kg daily diet is calculated to be 0.1072 mg/day. The current action for asparagus (6E1845) will increase the TMRC by 0.00107 mg/kg/day, or 0.98 percent; strawberries (6E1853) will add 0.00069 mg/day to the TMRC, or 0.64 percent; onions will add 0.00062 mg/day to the TRMC, or 0.58 percent; and broccoli will add 0.00008 mg/day to the TRMC, or 0.07 percent.

No secondary residues of paraquat are expected in meat, milk, poultry, or eggs from the uses for asparagus, strawberries, or onions since none of these commodities are used as animal feed items. Currently established tolerances for negligible residues of paraquat in meat and milk are adequate to cover any secondary residues resulting from treated broccoli used as animal feed.

Tolerances have previously been established for paraquat on a wide variety of food commodities, including meat, milk, grain, fruits, vegetables, and nuts, at levels ranging from 0.01 ppm to 2 ppm.

The Agency has concluded that the amount of paraquat added to the diet from the proposed uses will not significantly increase dietary exposure in humans. Thus, the tolerances that will be established by this proposed rule are considered to pose a negligible increment in risk.

The nature of the residues in plants is adequately understood and adequate analytical methods, spectrophotometric, is available for enforcement purposes. EPA has reviewed paraquat as a candidate for a rebuttable presumption against registration (RPAR), and determined that potential effects do not merit issuance of an RPAR.

Based on the above information considered by the Agency, the tolerances established by amending 40 CFR 180.205 would protect the public health. It is proposed, therefore, that the tolerances be established as set forth below.

Any person who has registered or submitted an application for registration of a pesticide, under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended, which contains any of the ingredients listed herein, may request within 30 days after publication of this notice in the **Federal Register** that this rulemaking proposal be referred to an Advisory Committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on the proposed regulation. Comments must bear a notation indicating the document control number, [PP 6E1845/6E1853/7E1931/2E2734/P278]. All written comments filed in response to these petitions will be available for public inspection in the office of Donald Stubbs at the above address from 8:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays.

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

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

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

List of Subjects in 40 CFR Part 180

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

Dated: January 31, 1983.

Robert V. Brown,

Acting Director, Registration Division, Office of Pesticide Programs.

PART 180—[AMENDED]

Therefore, it is proposed that 40 CFR 180.205 be amended by adding and alphabetically inserting the raw agricultural commodities asparagus, broccoli, onions (dry bulb), onions (green), and strawberries to read as follows:

§ 180.205 Paraquat; tolerances for residues.

* * * * *

Commodities	Parts per million
* * * * *	
Asparagus	0.5
* * * * *	
Broccoli	0.05
* * * * *	
Onions, dry bulb	0.05
* * * * *	
Onions, green	0.05
* * * * *	
Strawberries	0.25
* * * * *	

[FR Doc. 83-3454 Filed 2-8-83; 8:45 am]

BILLING CODE 6560-50-M

GENERAL SERVICES ADMINISTRATION

Office of Plans, Programs, and Financial Management

41 CFR Part 101-41

Supporting Documentation for Supplemental Billings (Claims)

AGENCY: General Services Administration.

ACTION: Proposed rule.

SUMMARY: This regulation amends the policy and procedures concerning required documentation to support supplemental billings (claims) in connection with freight transportation services furnished the U.S. Government. This amendment requires that a copy of the bill of lading and a copy of the line-haul carrier's original voucher be submitted in support of a supplemental billing to Government agency finance offices. This documentation will permit agency finance offices to make payment within 30 days as required by the Prompt Payment Act (Pub. L. 97-177). This new procedure will reduce the potential for improper or duplicate payments as well as decrease the various finance offices' administrative workloads.

DATE: Written comments must be received by April 11, 1983.

ADDRESS: Comments should be sent to the General Services Administration (BWCP), Washington, D.C. 20405.

FOR FURTHER INFORMATION CONTACT: John W. Sandfort, Chief, Regulations, Procedures, and Claims Branch, Office of Transportation Audits (202-786-3000).

SUPPLEMENTARY INFORMATION: The General Services Administration has determined that this rule is not a major rule for the purposes of Executive Order 12291 of February 17, 1981, because it is not likely to result in an annual effect on the economy of $100 million or more; a major increase in costs to consumers or others; or significant adverse effects.

The General Services Administration has based all administrative decisions underlying this rule on adequate information concerning the need for and consequences of this rule; has determined that the potential benefits to society from this rule outweigh the potential costs and has maximized the net benefits; and has chosen the alternative approach involving the least net cost to society.

List of Subjects in 41 CFR Part 101–41

Air carriers, Accounting, Claims, Freight, Freight forwarders, Government property management, Maritime carriers, Moving of household goods, Passenger services, Railroads, Transportation.

PART 101–41—TRANSPORTATION DOCUMENTATION AND AUDIT

It is proposed to amend 41 CFR Part 101–41 as follows:

Subpart 101–41.3—Freight Transportation Services Furnished for the Account of the United States

1. Section 101–41.309–2(c) is revised to read as follows:

§ 101–41.309–2 Motor carrier or freight forwarder destination storage in transit of household goods or mobile dwellings.

* * * * *

(c) Supplemental billing for accessorial charges. SF 1113, Public Voucher for Transportation Charges, bearing the same bill number as the line-haul carrier's original bill plus a letter suffix; e.g. 12345–A, shall be used to bill any accessorial charges accruing at the point of destination not included in the line-haul carrier's original billing. The voucher shall identify the bill of lading and the tariff or quotation authority for the accessorial charges. The voucher shall be supported by the following:

(1) A statement of services ordered and furnished, signed by or for the person who ordered the accessorial services;

(2) A statement signed by the property owner or his authorized agent, certifying receipt of the property at his residence and listing any loss or damage;

(3) A copy of the bill of lading bearing the fund citation; and,

(4) A copy of the original SF 1113, Public Voucher for Transportation Charges, which was submitted by the line-haul carrier.

The originals of those statements listed in items 1 and 2 shall be used as support for accessorial charges.

* * * * *

Subpart 101–41.6—Claims Against the United States Relating to Transportation Services

2. Section 101–41.603–2(a) is revised to read as follows:

§ 101–41.603–2 Form of claims.

(a) Charges claimed for passenger or freight transportation services shall be billed on SF 1113, Public Voucher for Transportation Charges, in the manner prescribed in §§ 101–41.214 and 101–41.310. Those claims for an amount in addition to that originally paid to the carrier for the same service, or for an amount collected by GSA or by another agency shall be presented on SF 1113 in the form of a supplemental bill (claim) bearing the same number as the original bill but with an alphabetical suffix. An alphabetical sequence of suffixes shall be used for any additional supplemental bills. Each supplemental bill (claim) shall be accompanied by a copy of the GBL ordering the service and a copy of the original voucher which was submitted by the line-haul carrier. Generally only one supplemental bill shall be presented for all supplemental charges relating to the items paid on the original bill.

* * * * *

(31 U.S.C. 244 and Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Dated: January 14, 1983.

Raymond A. Fontaine,

Assistant Administrator.

[FR Doc. 83–3478 Filed 2–8–83; 8:45 am]

BILLING CODE 6820–01–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 83–31; RM–4239]

FM Broadcast Station in Santa Rosa Beach, Florida; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes to assign Channel 257A to Santa Rosa Beach, Florida, in response to a petition filed by Mark Carter. The proposal could provide a first FM service to that community.

DATES: Comments must be filed on or before March 14, 1983, and reply comments must be filed on or before March 29, 1983.

ADDRESS: Federal Communication 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 17, 1983.

Released: January 28, 1983.

1. A petition for rule making was filed October 28, 1982, by Mark Carter ("petitioner") proposing the assignment of Channel 292A to Santa Rosa Beach, Florida, as its first FM assignment. Petitioner filed comments in support of the proposal and expressed an interest in filing an application for the channel, if assigned.

2. The assignment of Channel 292A to Santa Rosa Beach, Florida, would be short spaced to a recent assignment of Channel 292A to Panama City, Florida (BC Docket 82–563), released December 23, 1982. The distance between these two Communities is approximately 37 miles, whereas a distance of 65 miles is required. However, a staff study indicates that Channel 257A is alternately available at Santa Rosa Beach, Florida. The channel can be assigned in compliance with the minimum distance separation requirements.

3. In view of the fact that the proposed assignment could provide a first FM broadcast service to Santa Rosa Beach, Florida, the Commission believes it appropriate to propose amending the FM Table of Assignments, § 73.202(b) of the Commission's Rules with respect to the following community:

City	Channel No.	
	Present	Proposed
Santa Rosa Beach, Florida		257A

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 14, 1983, and reply comments on or before March 29, 1983, and are advised to read the Appendix for the proper procedures.

6. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to

amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

7. For further information concerning this proceeding, contact Mark N. Lipp, Mass Media Bureau, (202) 634–6530. However, member 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 and *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 and *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 §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420(a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, N.W., Washington, D.C.

[FR Doc. 83-3436 Filed 2-8-83; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 83-33; RM-4224]

FM Broadcaster Station in Lihue, Hawaii; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes to substitute Class C Channel 245 for 224A of Lihue, Hawaii, and to modify the Class A permit for Station KJAD (FM) accordingly, in response to a petition filed by KUAI, Inc.

DATES: Comments must be filed on or before March 14, 1983, and reply comments must be filed on or before March 29, 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 19, 1983.

Released: January 28, 1983.

1. A petition for rule making was filed October 19, 1982, by KUAI, Inc. ("petitioner")[1] which seeks to substitute Class C Channel 245 for Channel 224A at Lihue, Hawaii, and to modify the permit for Station KJAD (FM) to specify operation on Channel 245.

2. Petitioner submitted information in support of the proposal and stated that if this petition is granted, it will submit the appropriate engineering data to support an application for modification of its construction permit. Petitioner noted that due to a number of difficulties, KUAI was unable to secure a transmitter site until April of 1982 even though its construction permit for Channel 224A was granted on September 9, 1979. Preliminary tests at the site by its consulting engineer revealed the fact that the signal of the proposed Class A station would not cover the entire area because of its large growth since the original grant of the construction permit.

3. We believe that the petitioner's proposal warrants consideration. In accordance with our established policy, we shall propose to modify the permit of Station KJAD (FM) (Channel 224A) to specify operation on Channel 245. However, if another party should

[1] Petitioner is the permittee of Station KJAD (FM) (Channel 224A) in Lihue, Hawaii.

indicate an interest in the Class C assignment, then the modification could not be implemented. Instead, an opportunity for the filing of a competing application must be provided. See *Cheyenne, Wyoming*, 62 F.C.C. 2d 63 (1976).

4. In view of the apparent need for a wide coverage area FM assignment, the Commission proposes to amend the FM Table of Assignments, § 73.202(b) of the rules, as it pertains to Lihue, Hawaii, as follows:

City	Channel No.	
	Present	Proposed
Lihue, Hawaii	224A, 228A	228A, 245

5. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

6. Interested parties may file comments on or before March 14, 1983, and reply comments on or before March 29, 1983, and are advised to read the Appendix for the proper procedures.

7. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the 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.

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 §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420(a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, N.W., Washington, D.C.

[FR Doc. 83-3437 Filed 2-8-83; 8:45 am]
BILLING CODE 6712-01-M

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47 CFR Part 73

[MM Docket No. 83-34; RM-4227]

FM Broadcast Station in Emmett, Idaho; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes the substitution of Class C Channel 270 for Channel 269A at Emmett, Idaho, and modification of the Class A license, in response to a petition filed by Emmett Valley Broadcasters, licensee of Station KMFE(FM).

DATES: Comments must be filed on or before March 14, 1983, and reply comments must be filed on or before March 29, 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 19, 1983.

Released: January 28, 1983.

1. A petition for rule making was filed on October 20, 1982, by Emmett Valley Broadcasters ("petitioner")[1] seeking to substitute Class C Channel 270 for 269A at Emmett, Idaho, and to modify the license for station WMFE(FM) (Channel 269A) to specify operation on Channel 270.

2. Petitioner submitted population and demographic information in support of the proposal. It noted that the proposed assignment would eliminate the current competitive disadvantage inasmuch as the other two stations are operating at much higher power. Petitioner also states that the proposed assignment would eliminate the intermixture of Class A and C channels currently existing in the community. However, the action taken in BC Docket No. 80–130, *Revision of FM Policies and Procedures*, 90 F.C.C. 2d 88 (1982) has made these issues irrelevant to the present proceeding.

3. We believe the petitioner's proposal warrants consideration. In accordance with our established policy, we shall propose to modify the license of Station KMFE(FM) (Channel 269A) to specify operation on Channel 270. However, if another party should indicate an interest in the Class C assignment, then the modification could not be implemented. Instead, an opportunity for the filing of a competing application must be provided. See, *Cheyenne, Wyoming*, 62 F.C.C. 2d 63 (1976).

4. In view of the apparent need for a third wide coverage area FM station, the Commission proposes to amend the FM Table of Assignments, § 73.202(b) of the Rules, as it pertains to Emmett, Idaho, as follows:

City	Channel No.	
	Present	Proposed
Emmett, Idaho	226, 231, and 269A	226, 231, and 270.

5. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

[1] Petitioner is the licensee of Station KMFE(FM) Channel 269A, Emmett, Idaho.

6. Interested parties may file comments on or before March 14, 1983, and reply comments on or before March 29, 1983, and are advised to read the Appendix for the proper procedures.

7. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the 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.

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 §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420(a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested

parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, N.W., Washington, D.C.

[FR Doc. 83-3439 Filed 2-8-83; 8:45 am]
BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 83-38; RM-4237]

FM Broadcast Station in Vimville, Mississippi; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: Action taken herein proposes to assign Channel 296A to Vimville, Mississippi, as that community's first local FM service, in response to a petition filed by Matthew D. Wiggins, Jr.

DATES: Comments must be filed on or before March 14, 1983, and reply comments must be filed on or before March 29, 1983.

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

FOR FURTHER INFORMATION CONTACT: Nancy V. Joyner, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Adopted: January 19, 1983.

Released: January 28, 1983.

1. Before the Commission is a petition for rule making filed by Matthew D. Wiggins, Jr. ("petitioner") on October 26, 1982, requesting the assignment of FM Channel 296A to Vimville, Mississippi, as that community's first FM assignment. Petitioner indicated that it will apply for the channel, if assigned.

2. Petitioner states that Vimville is an unincorporated rural community which, although listed in the 1982 edition of the Rand-McNally Atlas, does not reflect any population grouping therefor. However, petitioner indicates that Vimville contains several business establishments, residential dwellings and a private school which offers educational opportunities at all levels.

3. In the *Second Report and Order* in BC Docket No. 80-130, *Revisions of FM Assignment Policies and Procedures*, 90 F.C.C. 2d 88 (1982), the Commission eliminated many of its assignment requirements. Nevertheless, it stressed therein that section 307(b) necessitates that we continue to require assignments to "communities" as a geographically identifiable population grouping. If the community is incorporated or listed in the U.S. Census, that is generally sufficient to satisfy its status. However, in the absence of such recognizable community status, the petitioner is required to supply the Commission with adequate information to demonstrate that such a place is a geographically identifiable population grouping and hence may qualify as a community for section 307(b) purposes. See, *Yorktown, Virginia*, 38 FR 6695, released March 12, 1973 *(Notice)*.

4. Based on the information submitted by petitioner, the Commission does not believe that a final determination can be made as to Vimville's community status. We believe it appropriate to further investigate this matter through the solicitation of comments. Accordingly, petitioner is required to provide further information to demonstrate how Vimville may qualify as a "community" for assignment purposes.

5. In order to accommodate this proposal, the transmitter site must be located at least 4.3 miles southeast of Vimville to avoid shortspacing to Station WLSM (Channel 296A) in Louisville, Mississippi.

6. In view of the above, the Commission believes it is appropriate to solicit comments on the proposal to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules, with respect to Vimville, Mississippi, as follows:

City	Channel No.	
	Present	Proposed
Vimville, Mississippi		296A

7. 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.

8. Interested parties may file comments on or before March 14, 1983, and reply comments on or before March 29, 1983, and are advised to read the Appendix for proper procedures.

9. 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 Sections 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

10. For further information concerning this proceeding, contact Nancy V. Joyner, 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 porceedings, such as this one, which invlove channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment to which the reply is directed constitutes an *ex parte* presentation and shall not be considered in the proceeding.

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

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set fourth 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, N.W., Washington, D.C.

[FR Doc 83-3440 Filed 2-8-83; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 83-32; RM-4238]

FM Broadcast Station in Carlsbad, New Mexico; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes to assign Class C FM Channel 281 to Carlsbad, New Mexico, in response to a petition filed by KOLOB Broadcasting, Inc. The proposal could provide a second FM service to that community.

DATES: Comments must be filed on or before March 14, 1983, and reply comments must be filed on or before March 29, 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 19, 1983.

Released: January 28, 1983.

1. A petition for rule making was filed October 27, 1982, by KOLOB Broadcasting, Inc. ("petitioner") proposing the assignment of Class C FM Channel 254 to Carlsbad, New Mexico, as its second FM assignment. Petitioner filed comments in support of the proposal and expressed an interest in applying for the channel, if assigned.

2. The assignment of Channel 254 to Carlsbad, New Mexico, would be short-spaced due to a proposal to add a Channel 254 to Maljamar, New Mexico (BC Docket No. 82-698). The distance between the two communities is approximately 44 miles, whereas a distance of 180 miles is required. However, a staff study indicates that Class C Channel 281 is available at Carlsbad, New Mexico, as an alternative. The channel can be assigned in compliance with the minimum distance separation requirements.

3. Since Carlsbad is located within 320 kilometers (199 miles) of the U.S.-Mexican border, the proposed assignment requires the concurrence of the Mexican government.

4. In view of the fact that the proposed assignment could provide a second FM broadcast service to Carlsbad, New Mexico, lthe Commission believes it is appropriate to propose amending the FM Table of Assignments, § 73.202(b) of the Commission's Rules with respect to the following community:

City	Channel No.	
	Present	Proposed
Carlsbad, N. Mex.	221A	221A, 281

5. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requrements 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.

Interested parties may file comments on or before March 14, 1982, and reply comments on or before March 29, 1982, and are advised to read the Appendix for the proper procedures.

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.

For further information concerning this proceeding, contact Mark N. Lipp, Mass Media Bureau, (202) 634-6530. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment to which the reply is directed constitutes an *ex parte* presentation and shall not be considered in the proceeding.

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

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

APPENDIX

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. 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, N.W., Washington, D.C.

[FR Doc. 83-3438 Filed 2-8-83; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[Gen. Docket No. 82-797; FCC 82-523]

Commission Policy Regarding the Advancement of Minority Ownership in Broadcasting

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests public comment concerning possible expansions of the rights and protections available to sellers of broadcast stations in seller-financed transactions. This action is taken in the interest of facilitating minority ownership.

DATES: Comments and reply comments filed in responses to the Notice must be filed on or before March 14, 1983, and March 29, 1983, respectively.

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

FOR FURTHER INFORMATION CONTACT: Ava H. Berland, Broadcast Bureau (202) 632-7792.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Television and Radio Broadcast.

In the matter of Commission policy regarding the advancement of minority ownership in broadcasting; Gen. Docket No. 82-797.

Notice of Proposed Rule Making

Adopted: December 2, 1982.

Released: December 13, 1982.

By the Commission: Chairman Fowler issuing a separate statement.

Introduction

1. The Commission has traditionally considered the under-representation of minority points of view over the airwaves as detrimental to minorities [1] and the general public. Accordingly, we have taken steps to enhance the ownership and participation of minorities in the media, with the intent of thereby increasing diversity in the control of the media and thus diversity in the selection of available programming, benefitting the public and serving the principle of the First Amendment.[2] This Notice of Proposed Rule Making will deal with our continuing concern with enhancing minority ownership of broadcast properties.

2. Given the current economic conditions of the telecommunications market,[3] the Advisory Committee on Alternative Financing for Opportunities in Telecommunications (Advisory Committee) [4] stated that seller financing in station transfers has become a prevelant practice and should be encouraged, particularly since it is obviously one of the ways that minorities can obtain broadcasting properties.[5] Although a seller-creditor

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[1] For purposes of this Notice, the term "minority" includes American Indians or Alaskan Natives, Asians and Pacific Islanders, Blacks and Hispanics. 47 U.S.C. 309(i)(3)(C).

[2] The First Amendment "rests on the assumption that the widest possible dissemination from diverse and antagonistic sources is essential to the welfare of the public * * *" *Associated Press* v. *United States*, 326 U.S. 1, 20 (1943).

[3] The Advisory Committee (*See* n. 4, *infra.*) cited two structural problems in the marketplace that affect "*all* broadcasters, particularly small ones," in obtaining capital as including:

(1) The current high interest rates which reduce the comfort level of lenders in all investments (thereby increasing the level of equity required to attain a given capitalization), and which consume cash flow (reducing immediate return on equity); and

(2) The fact that presently broadcasting is not providing a high enough return on equity invested to attract venture capital participation. *Final Report of the Advisory Committee on Alternative Financing for Minority Opportunities in Telecommunications*, pp. 25-27 (May 1982).

[4] We created the Advisory Committee in September of 1981 for the purpose of exploring means to facilitate minority ownership of telecommunications properties.

[5] According to the Advisory Committee, "[i]n 1981, of the 487 station transfers filed with the FCC, two-thirds involved some form of seller financing." *Final Report of the Advisory Committee on Alternative Financing for Minority Opportunities in Telecommunications*, p. 33 (May 1982) (citing *Broadcast Investor*, April 22, 1982, Issue No. II, p. 1, Paul Kagan Associates, Inc., Carmel, Calif.).

currently may take a security interest in the station's physical assets or stock in the corporate licensee [6] as protection against the purchaser's possible default, the Advisory Committee believed that seller-financed transfers further would be stimulated if the seller were afforded additional protection. Specifically, the Advisory Committee recommended that in those cases where the seller provides financing, the seller-creditor's rights be expanded to include a right of reversionary interest in the license.

3. There is a longstanding principle, followed by the Commission [7] and affirmed by the United States Supreme Court,[8] that a broadcast license is a valuable, though limited, privilege to utilize the airwaves, rather than a property right. As such, the license has not been subject to a reversionary interest, a mortgage, a lien, a pledge or any other form of security.[9] This principle appears to be dictated by the Communications Act of 1934, as amended. Specifically, 47 U.S.C. 301 states, in pertinent part, that it is the purpose of the Act "to provide for the use of (radio transmissions) channels, *but not the ownership thereof*, by persons for limited periods of time, under licenses granted by Federal authority, and no such license shall be construed to create any right, beyond the terms, conditions and period of the license * * *" (italics added). Additionally, 47 U.S.C. 304 requires an applicant for a license to "waive any claims to the use of any particular frequency * * * because of the previous use of the same, whether by license or otherwise," and 47 U.S.C. 309(h) requires a station license to contain the following statement: "The station license shall not vest in the licensee any right to operate the station nor any right in the use of the frequencies designated by the license beyond the term thereof * * *." Finally, 47 U.S.C. 310(d) requires Commission approval prior to the transfer, assignment or disposal of righs in a construction permit or station license. The corollary Commission rule is contained in 47 CFR § 73.1150 which prohibits agreements, express or implied, that allow a licensee to: (1) Retain an interest in the license; (2) claim a right to future assignment of the license; or (3) reserve a privilege to use the broadcast facilities, upon the sale or transfer of its interest in the broadcast station.[10]

4. We recognize that seller financing may facilitate the sale of a broadcast property, but limitations have been imposed on the types of security interests sellers can retain as part of the financing arrangements. We believe it appropriate to inquire as to whether certain limitations could be removed, consistent with the provisions of the Communications Act, so as to further encourage the use of this financing tool, particularly where the transaction would enhance minority ownership of the media of mass communications. Accordingly, interested parties are invited to address themselves to the type of security interest that may be retained by a seller creditor; whether that interest can or should include a reversionary interest in the license itself; and the legal process, if any, that should be required before the creditor could exercise its reversionary interest.

5. *Regulatory Flexibility Act-Initial Analysis.*

I. *Reason for action:* Since seller-financed transactions represent one method by which minorities may acquire broadcast facilities, we are proposing to examine the protections currently available to seller-lenders with a view towards possibly expanding their protection and thereby stimulating such transactions.

II. *The objective:* To encourage seller financed transactions as a means to facilitate the transfer of broadcast properties.

III. *Legal basis:* Authority to consider expanding seller-creditors' protection is premised upon 47 U.S.C. 310(d) which empowers the Commission to approve of transfers.

IV. *Description of potential impact and number of small entities affected:* In general, the impact of licensee-seller additional protections may encourage seller-financing and thus may assist new entrants into the broadcasting industry. Established, as well as potential broadcasters, may be affected.

V. *Record Keeping and other compliance requirements:* The proposals would impose no new record keeping burdens for broadcasters.

VI. *Federal rules which overlap, duplicates or conflict with these rules:* None.

VII. *Any significant alternatives minimizing impact on small entities and consistent with stated objectives:* The expansion of seller-creditor's protections would not impose any burdens upon small entities, rather it may increase small entities' opportunities to enter the broadcasting industry.

Filing Responses To This Notice

6. For purposes of this non-restricted notice and comment rule making proceeding, members of the public are advised that *ex parte* contacts are permitted from the time the Commission adopts a Notice of Proposed Rule Making until the time a Public Notice is issued stating that a substantive disposition of the matter is to be considered at a forthcoming meeting or until a final Order disposing of the matter is adopted by the Commission, whichever is earlier. In general, an *ex parte* presentation is any written or oral communication (other than formal written comments/pleadings and formal oral arguments) between a person outside the Commission and a Commissioner or a member of the Commission's staff which addresses the merits of the proceeding. Any person who submits a written *ex parte* presentation must serve a copy of that presentation on the Commission's Secretary for inclusion in the public file. Any person who makes an oral *ex parte* presentation addressifng matters not fully covered in any previously-filed written comments for the proceeding must prepare a written summary of that presentation; on the day of oral presentation; that written summary must be served on the Commission's

[6] The Commission already recognizes and approves of contractual arrangements, whereby 50% or more of the stock is pledged, where the contract: (1) Provides that the licensee-borrower retains the voting rights; and (2) provides for a public or private sale which would ensure that the licensee's equity is protected. Moreover, 49.99% of the stock (representing the absence of positive or negative control) currently may be foreclosed, without prior Commission approval under 47 U.S.C. 310.

[7] *See, eg., Churchill Tabernacle* v. *FCC*, 160 F. 2d 244 (D.C. Cir. 1947); *Radio KDAN, Inc.*, 11 F.C.C. 2d 934 (1968); *Yankee Network, Inc.*, 13 F.C.C. 1014 (1949), *Bonanaza Broadcasting Corp.*, 11 RR 2d 1072 (1967); *Alabama Polytechnic Institute*, 7 F.C.C. 225 (1939); *Associated Broadcasters, Inc.*, 6 F.C.C. 387 (1939).

[8] *Ashbacker Radio Corp.*, v. *FCC*, 326 U.S. 327, 331–32 (1945); *FCC* v. *Sanders Bros. Radio Station*, 309 U.S. 470, 475 (1940).

[9] For instance, in *Radio KOAN, Inc.*, 13 RR 2d 100 (1968), the Commission declared a contractual provision that purported to mortgage and create a reversionary interest in the license as *void ab initio*. The Commission stated, "The extraordinary notion that a station license issued by this Commission is a morgageable chattel in the ordinary commercial sense is untenable." *Id.* at 101. Likewise, the Commission has prohibited the sale or transfer of a bare license. *Bonanza Broadcasting Corp.*, 11 RR 2d 1072, 1073 (1967); *Donald L. Horton*, 11 RR 2d 417, 419–420 (1967).

[10] Specifically, § 73.1150 provides: (a) In transferring a broadcast station, the licensee may retain no right of reversion of the license, no right to reassignment of the license in the future, and may not reserve the right to use the facilities of the station for any period whatsoever; (b) no license, renewal of license, assignement of license or transfer of control of a corporate licensee will be granted or authorized if there is a contract, arrangement or understanding, express or implied pursuant to which, as consideration or partial consideration for the assignment or transfer, such rights, as state in paragraph (a) of this section, are retained.

Secretary for inclusion in the public file, with a copy to the Commission official receiving the oral presentation. Each *ex parte* presentation described above must state on its face that the Secretary has been served, and must also state by docket number the proceeding to which it relates. *See generally*, § 1.1231 of the Commission's Rules and Regulations, 47 CFR 1.1231.

7. Pursuant to applicable procedures set out in §§ 1.4, 1.415 and 1.419 of the Commission's Rules and Regulations, 47 CFR 1.4, 1.415 and 1.419, interested parties may file comments on or before ———1983, and reply comments on or before————, 1983. All submissions by parties must be made in written comments, reply comments or other appropriate pleadings. Reply comments shall be served on the person(s) who filed comments to which the reply is directed.

8. In accordance with the provisions of § 1.419 of the Commission's rules and Regulations, 47 CFR 1.419, an original and 5 copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished to the Commission. Members of the general public who wish to participate informally in the proceeding may submit one copy of their comments, specifying the docket number in the heading. All filings in this proceeding will be available for public inspection by interested persons during regular business hours in the Commission's Public Reference room at its Headquarters, 1919 M Street, N.W., Washington, D.C. 20554.

9. For further information contact Ava H. Berland, Mass Media Bureau, (202) 632–7792.

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

Federal Communications Commission.

William J. Tricario,

Secretary.

Statement on Recommendations of Advisory Committee on Minority Ownership; Mark S. Fowler, Chairman, FCC

December 2, 1982.

When I became Chairman, one of my most important goals was to create more opportunities for minorities in telecommunications. The more I studied the problem, the more I became convinced that the three major road blocks to more minority ownership are money, money and money. Today's actions aim squarely at the problem of financing minority opportunities. They are the result of hard work by the Advisory Committee, headed ably by my colleague, Henry Rivera.

More than anything, today's actions take a big step in the right direction in fulfilling the goal of full and fair entry into telecommunications for all Americans. By focusing on capital formation, they identify the chief problem and provide the start of a solution. No set of actions, I realize, can bring sudden equality of opportunity to the telecommunications marketplace. But by aiding entry for the minority entrepreneur, we aim our efforts in the right direction.

As President Reagan has said, the best hope for a strong economic future rests with a healthy, growing private sector. And the private sector does best when all have opportunities to enter it.

[FR Doc. 83-3477 Filed 2-8-83; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[MM Docket No. 83-16; RM-3103; RM-3740; FCC 83-12]

Use of Toroidal Transformers as a Method of Deriving Current Samples in Directional (AM) Antenna Systems; and Use of Radio Frequency Relays in Sampling Element Transmission Lines

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The proposed rules would expand the permissible uses of toroidal current transformers and allow the use of centrally located RF switching relays at directional AM broadcast stations. These rule changes are required if AM broadcasters are to benefit from advances in state-of-the-art broadcasting technology and are intended to facilitate the upgrading of directional AM broadcast station antenna current sampling systems.

DATES: Comments must be received on or before on March 21, 1983. Reply comments must be received on or before April 20, 1983.

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

FOR FURTHER INFORMATION CONTACT: James E. McNally, Jr., Mass Media Bureau, Policy and Rules Division, (202) 632–9660.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Adopted: January 13, 1983.

Released: January 19, 1983.

In the matter of: amendment of § 73.68 of the Rules to expand the use of toroidal transformers as a method of deriving current samples in directional (AM) antenna systems; and, to provide for the use of radio frequency relays in sampling element transmission lines; MM Docket No. 83–16; RM–3103; RM–3740.

Introduction

1. The Commission requires AM stations operating with directional coverage patterns to continuously monitor the amplitude and phase of the current delivererd to each tower in the array.[1] The values obtained are used to determine the radiation pattern that must be properly maintained if interference to other stations is to be avoided.

2. Monitoring is accomplished using "pick-up" devices that sample the current flowing into each tower, and coaxial transmission lines that connect the "pick-up" devices to an antenna monitor.[2] Two types of "pick-up" devices are allowed: "open loops," mounted on the side of each antenna tower, or, in certain circumstances, a current transformer, located at the base of each tower.[3]

3. If "open loop" sampling antennas are designed, installed and maintained properly, the sample current readings they provide will have a direct relationship to the currents in the various towers and can be used to verify that antenna system directionality is as specified in the station license. If not, an improper radiation pattern may result and cause interference to other stations.

4. Over the last decade, a device known as a toroidal current transformer has gained popularity as a substitute for the traditional "open loop" sampling antenna. These transformers are made by winding a coil of wire around a circular core of ferrite material enclosed in a shielded container. The container minimizes signal pickup from any other nearby antennas. The center conductor of the coaxial cable that feeds the transmitting tower is passed through the center of the toroidal transformer causing a small amount of signal to be transferred to the winding where it is then relayed (by way of still more coaxial cable) to the antenna monitor.

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[1] Directional patterns are created using two or more transmitting towers. Each tower receives the transmitter's signal (current) at different strengths (amplitudes) and times (phase)

[2] Antenna monitors measure the amplitude and phase of the currents in each tower and are type approved by the Commission to meet certain technical standards.

[3] The term "open loop" is used to describe a small antenna mounted on the side of a radiating tower. The amount of radiation absorbed by it is related to the value of the current in the tower. The current transformer derives its sampling signal from the current present at the base of the tower.

Toroidal current transformers require a high antenna base current ("open loops" do not), that may not always be available. They appear to be equal, if not better, in terms of accuracy and reliability than "open loops" because they are installed in the comparatively protected environment of the antenna tuning house at the base of each antenna tower. They are also easier to install and maintain.

Background

5. On January 10, 1973, the Commission adopted rules establishing standards for the type approval of AM directional antenna monitors, and established a schedule by which all directional AM stations were required to install approved monitors.[4] The Report and Order noted that the use of an accurate antenna monitor alone could not guarantee maintenance of the proper radiation pattern because it depended upon the associated antenna sampling system for its indications. If this system were poorly designed, installed or maintained, the sample currents furnished the monitor could be inaccurate. Therefore, in a separate rule making in Docket No. 19692, the Commission proposed standards to govern sampling systems.

6. On February 4, 1976, the Commission adopted a Report and Order in Docket No. 19692 prescribing standards for antenna monitor sampling systems.[5] The standards applied to all stations issued construction permits after March 18, 1976, for either new or modified directional antenna facilities. Stations constructed prior to that date also could be required to meet the new standards if their monitoring systems were of patently marginal construction, or if unsatisfactory operation could be attributed to deficiencies in their existing monitoring system.

7. The improved performance provided by systems meeting the standards allowed stations to be exempted from certain inspection, monitoring, antenna proof and log keeping requirements. To obtain the exemptions, a description of the sampling system had to be submitted to the Commission for review and approval.

8. Based on the information then available, the specifications for antenna sampling systems included different requirements for towers having uniform cross sections or widths from those having tapered towers, or those exceeding 110° in electrical height.[6] Towers having non-uniform cross sections or exceeding 110° in height were required to use side mounted fixed sampling loops, whereas towers with uniform cross sections and lesser heights could use current transformers. Even though the Commission recognized the advantages of using toroidal current transformers, there was some concern expressed that due to the high base impedance or capacitance to ground of non-uniform cross section towers and towers of considerable heights, loops could provide a more accurate representation of the actual antenna radiation. Because of the various opinions expressed in the comments and the limited amount of data in the record to support the various opinions, the adopted rules were based on the most conservative engineering judgments. These rules also limited the use of toroidal current transformers.

Proposals

9. The Commission has before it a petition for rule making filed on April 4, 1978 (RM–3103) by the Association of Federal Communications Consulting Engineers ("AFCCE") to amend the rules to permit wider use of toroidal current transformers. AFCCE filed comments on its petition on August 11, 1978, urging the Commission to proceed with rule making, and suggesting possible procedures for validating the reliability of the sampling systems recommended. No other comments were received.

10. Another petition concerning antenna sampling systems was filed on July 31, 1980, by Charles P. Crossno. It seeks amendment of § 73.68 to permit radio frequency relays in antenna sampling current transmission lines to reduce the amount of coaxial cable normally required. No comments were received on this petition.

Discussion

11. AFCCE indicates that there is a consensus among its members that the use of shielded toroidal current transformers can be expanded, based on performance records obtained over the past several years where such coupling units were installed on larger or tapered towers with stable results. AFCCE now asserts that little, if any, accuracy is lost when toroidal current transformers are installed in lieu of conventional sampling loops.

12. As mentioned previously, a number of factors appear to make the use of toroidal current transformers desirable. Installation is generally simpler and less costly than "open loops." Further, toroidal current sampling transformers have the advantage of being enclosed in the tuning house, protected from the weather, and conveniently located for testing and maintenance.

13. In view of these considerations, AFCCE recommends that the rules be amended to allow the use of toroidal current transformers with antenna towers exceeding 110° in height, provided that the stations can demonstrate stable operation for a one-year period following the installation. Stations would be required to perform an antenna proof of performance, if there was a disturbance in the antenna pattern after changing the sampling system.

14. Although AFCCE originally requested that the Commission amend the rules by a reregulation Order with respect to non-uniform cross section towers under 110° in electrical height, we believe that such changes, together with other changes requested by the petitioner, should be included in this Notice in order that all interested parties may have an opportunity to comment. We recognize that there is still some difference of opinion among experienced radio engineers concerning the reliability of current transformers as sampling devices in some directional antenna systems. We also wish to avoid, if at all possible, a requirement that licensees make a detailed special showing of stability of the sampling system that would have to be reviewed and analyzed by the Commission's staff. We prefer to amend the rules to provide construction specifications which, if followed, would constitute a *prima facie* showing that the sampling system would have the prerequisite stability. Under the present rules, the licensee would be obligated to make any necessary modifications should the sampling system be unsatisfactory or unstable in any manner.

15. The Commission has examined the AFCCE proposal and we are not convinced that unrestricted use of toroidal transformers should be permitted. Information made available in earlier related proceedings indicates that these devices are not suitable for use in towers above approximately 130° in electrical height. Moreover, the showing proposed by the petitioner would unnecessarily burden the Commission's engineering staff.

[4] See the Report and Order in Docket No. 18471, (38 FCC 2d 1172).

[5] See the Report and Order in Docket No. 19692, (57 FCC 2d 1085).

[6] "Electrical height" is the height of the tower relative to the wavelength of the station's operating frequency expressed in degrees. It may be calculated by multiplying the tower height by 360°, then dividing by the wavelength of the operating frequency, where the height and wavelength are in the same unit of measure.

16. Accordingly, in lieu of the AFCCE proposal, we propose to expand the use of toroidal current transformers, but only for towers up to 130° in electrical height, including folded unipole type antennas and self-supporting towers having a central common feedpoint for all tower legs, where their proper operation may reasonably be expected. We also propose to require a licensee to certify the stability of the sampling system by meeting required tolerances for a continuous thirty day period. This is policy currently applied to stations requesting program test authority subsequent to the filing of a license application. Once this stability is attained, a licensee would simply certify this fact to the Commission in an application for approval of the sampling system. No special or detailed showings would be required. If the required stability cannot be achieved, the Commission will consider granting the licensee special temporary authority for operation at variance with the parameters specified in the instrument of authorization until the problem is remedied. Comment is requested on the suitability of this proposed test period and certification procedure.

17. Toroidal current transformers, like sampling loops, are expected to meet the requirement in § 73.62 that relative amplitude readings be within 5% of the values specified in the instrument of authorization. Licenses also are reminded that in BC Docket No. 78–28, we have proposed to adopt a tolerance of ±3° in the relative phases of the antenna currents in the elements of non-critical directional arrays.[1]

18. Although not addressed in the AFCCE petition, we have received informal requests for waivers to permit the use of toroidal current transformer sampling devices with the "folded unipole" type of tall antenna tower where the design provides a relatively low impedance at the feed point at the base of the tower. The impedance of such antenna towers may be as stable as that of short towers with similar base impedances. Accordingly, we propose that current transformers be permissible as sampling units for a folded unipole antenna tower of any height, provided the base resistance and reactance do not exceed 70 ohms. We therefore seek comments as to whether the rules should be amended to provide for toroidal current transformers as sampling devices on tall folded unipole type antenna towers, the appropriateness of the proposed condition for such use, and whether the 30 day stability test should apply.

19. With regard to petition RM–3740, there appear to be advantages in using an impedance-matched radio frequency relay to switch sampling current signals from different antenna towers, provided the overall installation satisfies the requirements of § 73.68(a)(1). However, a slight variation in cable length may be appropriate to compensate for any effects of the relay itself. Most importantly, the phase readings taken through the relay should be identical with those with the relay system bypassed.

20. The petitioner suggests three safeguards to ensure the accuracy of readings taken through the switching relay. First, the lines extending from the switching point to the antenna monitor should be of identical type and electrical length and exposed to the same environment. (These requirements are derived from the more stringent recommendations contained in § 73.63(a)(1).) Second, the antenna monitor should be capable of being installed at the central switching point with no significant difference in observed ratios or phase indications. Lastly, upon installation, individual line impedance measurements should be made at ±15 kHz of the station's operating frequency at the antenna monitor end of the two sampling lines for each selected element, and these measurements, along with a schematic of the sampling system, should be filed with the application for station license.

21. The latter two proposals are not included in the rules we are proposing because the same readings in sampling current amplitude may not be obtainable due to reduced sampling line attenuation. Also, to provide for the "field" installation of the antenna monitor, flexible (and therefore braided) cable may be required to make the necessary connections. For some time, we have sought to minimize the use of such cable in areas of high field strength. Also, we would expect that any impedance-matched radio frequency relay designed for this purpose would be as electrically and physically stable as the coaxial cable connected to it. Any change in readings is likely to make apparent any failure in the sampling system or switching relay. Further, we expect that even if the relay is removed and the individual sampling lines are consecutively "patched in" to the antenna monitor, the difference in the path length and any impedance change will be so minimal that any change in the readings will be negligible. On the matter of sampling line impedance measurement, comments filed earlier in the Docket No. 19692 proceeding indicated that having a good match between the sampling element and the transmission line was not a factor that contributed significantly to overall system stability.

22. Accordingly, we believe that these recommendations of the petitioner are unnecessarily burdensome and without adequate compensatory benefit. They are therefore excluded from the proposed rules set forth in the Appendix. We also see no need for a special showing when an impedance-matched line relay is used in an antenna sampling system in the manner described. Nevertheless, we solicit comments on these issues and may include these or similar requirements in the final rules if the consensus of the comments is that they are necessary.

23. The Commission was questioned in the Docket No. 19692 proceeding as to why it was proposing new rules and technical standards at a time when it was generally seeking to eliminate rules that were meaningless or of questionable need. The National Association of Broadcasters expressed the opinion that the proposed rules could be so described. Responding to this charge in the Report and Order, the Commission agreed that proposing the new rules in the face of its ongoing deregulatory effort posed an apparent philosophical conflict, but that the general tenor of the comments filed in the proceeding suggested that an extensive need for antenna monitoring system upgrading existed. At that time, the Commission noted that many existing sampling systems evidently were installed without proper attention being given to the use of components and construction techniques that contributed to the stability of the system and minimized short and long term environmental effects. It further stated that the licensee's interest in minimizing immediate costs, rather than the engineer's aim toward maximizing long term performance, appeared to have exerted a predominant influence on the system design in many instances. The Commission also pointed out that the contrast between the heavily built transmission system used to feed power to the antenna, and the light, almost flimsy, construction of the antenna monitoring system was frequently cited in the comments. The questioning of a considerable percentage of stations using directional antennas as to antenna performance and the requirement to take corrective action were attributed.

[1] See Notice of Proposed Rule Making in the Matter of amendment of § 73.52 of the Commission's Rules and Regulations with respect to relative phase tolerance for directional AM stations. BC Docket no. 78–28 (43 FR 4647, February 3, 1978).

in considerable part, to these circumstances. In light of the above, the Commission concluded that a unique case existed for extending its regulatory control into the antenna monitoring system performance area.

24. Six years have now passed since the adoption of the Report and Order in Docket No. 19692. At this time, approximately 65% of all directional AM stations have received Commission approval for the their sampling systems pursuant to the provisions of § 73.68(c). We view this as a significant improvement in overall sampling system quality and we wish to commend those stations that have participated in the program. However, the number of stations with unapproved systems is still significant. Also, while compliance with directional array technical standards is of considerable importance in preventing interference to the operations of other stations, deviation from authorized parameters generally has a less significant effect on a licensee's individual service area. Therefore, we believe that this aspect of broadcast regulation should be retained. Nevertheless, the necessary rules should be flexible and as least burdensome as possible in order to obtain the desired effect. This has been our goal in formulating the instant proposal.

25. Accordingly, it is proposed to amend Part 73 of the Commission's Rules as set forth in the attached Appendix.

26. Authority for the action taken herein is contained in §§ 4(i) and 303(r) of the Communications Act of 1934, as amended.

27. Pursuant to procedure set forth in §§ 1.4, 1.415 and 1.419 of the Commission's Rules and Regulations, interested parties may file comments on or before March 21, 1983, and reply comments on or before April 20, 1983. All formal submissions by parties to this proceeding or by persons acting on behalf of such parties must be made in written comments, reply comments or other appropriate pleadings.

28. In accordance with § 1.419 of the Commission's Rules and Regulations, an original and five copies of all comments, reply comments, pleadings, briefs or other documents shall be furnished the Commission. Members of the general public who wish to participate informally in this proceedings may submit one copy of their comments, specifying MM Docket Number 83– .

29. All filings in this proceeding will be available for examination by interested parties during regular business hours in the Commission' Public Reference Room at its headquarters at 1919 M St., NW., Washington, D.C.

30. The Commission has determined that Sections 603 and 604 of the Regulatory Flexibility Act of 1980 (Pub. L. 96–354) do not apply to this rule making proceeding since this proposal would simply provide for a procedural change allowing greater flexibility in the installation of AM station antenna monitoring systems. The rules herein proposed are completely optional in nature and would not compel licensees to acquire any new equipment, undertake new record-keeping requirements or modify existing practice in any way. Consequently, there would be no adverse economic impact on small business (or broadcast licensees), small organizations or small governmental jurisdictions.

31. It is ordered that the Secretary shall cause a copy of this Notice to be served upon the Chief Counsel for Advocacy of the Small Business Administration and that the Secretary shall also cause a copy of this Notice to be published in the **Federal Register.**

32. Further information on this proceeding may be obtained by contacting James E. McNally, Jr., Mass Media Bureau (202) 632–9660. 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, *ex parte* contacts presented to the Commission in proceedings such as this one will be disclosed in the public docket file.

33. 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 presentations requested by the Commission. If a member of the public does wish to comment on the merits of this proceeding in this manner, he or she should follow the Commission's procedures governing *ex parte* contacts in informal rule making. A copy of these procedures is available from the Commission's Consumer Assistance Office, FCC, Washington, D.C. 20554; (202) 632–7000.

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

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix

PART 73—[AMENDED]

It is proposed to revise Part 73 of the Commission's Rules and Regulations as follows:

1. In § 73.68 paragraphs (a) (1) and (2) are revised and (a) (3) and (4) are added to read as follows:

§ 73.68 Sampling systems for antenna monitors.

(a) * * *

(1) All coaxial cable from the sampling elements to the antenna monitor, including cable used in the construction of isolation coils, except short lengths of flexible cable connecting the transmitter house sampling line termination to the monitor, must have a solid outer conductor and have uniform physical and electrical characteristics. The dialectric shall be either predominantly pressurized air or other inert gas, or foamed polyethylene.

(i) All sampling lines for a critical antenna array (i.e., an array for which the station authorization requires the maintenance of phase and current relationships within specified tolerances) must be of the same electrical length, with corresponding lengths of all lines exposed to equivalent environmental conditions.

(ii) For other arrays, lines of differing length may be employed, provided that the difference in length between the longest and the shortest line is not so great that, over the range of temperatures to which the system is exposed, predicted errors in indicated phase difference resulting from such temperature changes will exceed 0.5°.

(iii) A sampling line mounted on a tower must be adequately supported to prevent displacement, and must be protected against physical damage. Where feasible, sampling line sections between each tower base and the transmitter house shall be jacketed and buried: lines run above ground must be firmly supported, and protected against physical damage, with the outer conductor strapped to the station's ground system at such points as found necessary to minimize currents induced by antenna radiation.

(iv) All necessary connections and outdoor cable terminations must be made with waterproof fittings designed for use with the type of cable employed.

(v) For determining the permissible differences in line lengths that may be installed, the total difference between the highest listed normal daily maximum and lowest listed normal daily minimum temperatures as shown for the nearest location shown in the most recent issue of "Local Climatological Data Annual Summaries" shall be used in the calculations. This publication is available from: National Climatic Center, National Oceanic and

Atmospheric Administration, Asheville, North Carolina 28801.

(vi) The provisions of this subparagraph do not preclude the use of a centrally located impedance-matched radio frequency relay selection device to provide relative sampling currents to the antenna monitor over a single transmission line. However, the reference sampling line and the relative sampling line from the switching point to the antenna monitor must be identical in type and electrical length, and must be exposed to the same environment. The sampling line from each sampling element to the relay must conform to all relevant requirements indicated in this subparagraph.

(2) Except as provided below, sampling elements must be single turn, unshielded loops of extremely rigid construction, with ample, firmly positioned gaps at the open loop end, mounted on towers at a fixed orientation. Loops must be installed to operate at tower potential, provided that for towers less than 130° in electrical height, loops operating at ground potential may be used. Each loop must be mounted on the tower near the point of maximum tower current, but in no case less than 3 meters (10 feet) above ground.

(3) Shielded current transformers may be used in lieu of unshielded loops to extract samples from antenna feed lines at the base of each tower having a uniform cross-section more than 110° or less in electrical height.

(4) Shielded current transformers may be used in lieu of unshielded loops to extract samples from antenna feed line at the base of each tower having a uniform cross-section more than 110° but not greater than 130° in electrical height, self-supporting towers not exceeding 130° in electrical height and having a central common feedpoint for all tower legs, and folded unipole antennas of any height having a base resistance and reactance not exceeding 70 ohms, provided the following conditions are met:

(i) Stability of operation during a test period of 30 continuous days using the current transformers must demonstrate that the antenna monitor sample current ratios do not exceed 5% of those specified on the station authorization.

(ii) Failure to meet the stability requirement specified in (i) above will require that the licensee seek special temporary authority to operate at variance with the terms of the station instrument of authorization until the problem can be corrected.

(iii) A certification by the licensee that the sampling system meets the stability requirement specified in this paragraph must be included in the request for approval of the monitor sampling system together with the information specified in paragraph (c) below.

(iv) The FCC may request the licensee to conduct such other tests, or measurements, or submit additional data it deems necessary to determine the stability of the antenna sampling system.

* * * * *

[FR Doc. 83-3479 Filed 2-8-83; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 95

[PR Docket No. 82-799]

Amendment To Eliminate Individual Station Licenses in the Radio Control (R/C) Radio Service and the Citizens Band (CB) Radio Service; Correction

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; Correction.

SUMMARY: The Commission is adopting an Erratum to the *Notice of Proposed Rule Making* in PR Docket No. 82-799, 47 FR 56677, correcting a typographical error in paragraph (e) of proposed § 95.206 of the rules. The error, changing a date from 1987 to 1982, would, if uncorrected, appear to indicate that the FCC proposed to withdraw certain frequencies from model aviators five years earlier than previously decided. This was not intended.

FOR FURTHER INFORMATION CONTACT: John J. Borkowski, Private Radio Bureau, Special Services Division, (202) 632-4964.

SUPPLEMENTARY INFORMATION:

Released: February 1, 1983.

1. On December 14, 1982, the Commission released a Notice of Proposed Rule Making (FCC 82-527) in this proceeding. In the Appendix of this Notice of Proposed Rule Making, a typographical error was made in paragraph (e) of proposed § 95.206 of the Rules. By Report and Order in General Docket No. 82-181, 47 FR 51875, the use of the frequencies listed in that paragraph was to be withdrawn effective December 20, 1987. Inadvertently, in the Notice of Proposed Rule Making in this proceeding (PR Docket No. 82-799), we stated that date as being December 20, 1982.

PART 95—[CORRECTED]

2. Accordingly, paragraph (e) of proposed § 95.206 in the Appendix of the Notice of Proposed Rule Making in this proceeding should read as follows:

§ 95.206 (R/C Rule 6) On what channels may I operate?

* * * * *

(e) Authorization for the use of the following frequencies is withdrawn effective December 20, 1987: 72.08, 72.16, 72.24, 72.32, 72.40, 72.96, and 75.64 MHz.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 83-3434 Filed 2-8-83; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 222

Review of Marine Mammals, Sea Turtles, and Marine Fishes Listed as Endangered or Threatened

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

ACTION: Review of certain marine mammals, sea turtles and marine fishes, listed as endangered or threatened.

SUMMARY: Section 4(c)(2) of the Endangered Species Act of 1973, as amended, requires that a review of all species included in the List of Endangered and Threatened Wildlife (50 CFR Part 17) be conducted at least once every five years. The purpose of such reviews is to determine whether any listed species should be removed from the list or changed in status. The Service will review all appropriate information and data for the species given below to determine if the status of those species is accurately reflected in the List of Endangered or Threatened Wildlife. To ensure that such reviews are comprehensive, the service is soliciting information and data concerning the status of those species. Depending upon the results of the reviews, the Service may propose changes to the List of Endangererd or Threatened Wildlife.

DATE: Comments, information, and data must be received by May 31, 1983.

ADDRESS: Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, Washington, D.C. 20235.

FOR FURTHER INFORMATION CONTACT: Mr. Richard B. Roe, Acting Director, Office of Protected Species and Habitat Conservation, National Marine Fisheries Service, Washington, D.C. 20235 (202) 634-7471).

SUPPLEMENTARY INFORMATION:

Background

The Endangered Species Act (ESA) of 1973, as amended, is administered jointly by the Departments of the Interior (Fish and Wildlife Service) and Commerce (National Marine Fisheries Service). The Department of Commerce in general is responsible for listed marine species and the Department of the Interior for terrestrial and aquatic species. The two Departments share jurisdiction of sea turtles with Interior having responsibility for sea turtles in the terrestrial environment and Commerce having responsibility for sea turtles in the marine environment.

The ESA protects species listed as endangered or threatened in several ways, some of which are given here. Federal Agencies are required to insure that their actions are not likely to jeopardize the continued existence of such species. This involves consultations with the Department of the Interior, or the Department of Commerce, or both, depending upon the species involved. The taking of and commercial trade involving endangered species generally are prohibited (certain kinds of these activities may be permittted, see 50 CFR Part 222). Restrictions on takings of and commercial trade involving threatened species can be implemented by regulation. Regulations promulgated by the Department of Commerce for threatened species generally are similar to the protective provisions for endangered species (see 50 CFR Part 227).

Listing Factors and Basis for Determinations

Pursuant to Section (4)(a)(1) of the ESA, a species is determined to be Endangered or Threatened for any of the following factors: (1) Present or threatened destruction, modification, or curtailment of its habitat or range; (2) Overutilization for commercial, recreational, scientific, or educational purposes; (3) Disease or predation; (4) Inadequacy of existing regulatory mechanisms; or (5) Other natural or manmade factors affecting its continued existence.

Recent amendments to the ESA clarify that determinations concerning decisions on listings shall be made solely on the best scientific and commercial data available after conducting a status review of the species and after taking into account those efforts, if any, being made by any State, or foreign Nation, or subdivision thereof, to protect such species. The purpose of these amendments is to ensure that decisions in every phase of the process to list or delist species are made solely on biological criteria and to prevent non-biological considerations from affecting such decisions. H.R. Rep. No. 97–835, 97th Cong., 2d Sess. 19 (1982) (Conference Report).

Purpose of Review

Section 4(c)(2) of the ESA requires the Secretary to conduct, at least once every five years, a review of the species on the List of Endangered and Threatened Wildlife and to determine on the basis of such review whether any species should be (1) removed from the list; (2) changed in status from an endangered species to a threatened species; or (3) changed in status from a threatened species to an endangered species. Each determination pursuant to Section 4(c)(2) must be made in accordance with Sections 4(a) and 4(b) of the ESA.

If the reviews indicate that one of the above actions is warranted for any of the species given below, the Service will propose rules to take the appropriate action(s). If the reviews indicate that none of the above actions is warranted, no rules will be proposed and the next formal review of the species given below will be conducted no later than five years after the completion of these reviews.

Biological Information Solicited

To ensure that the reviews are complete and are based on the best available scientific and commercial data concerning the species given below, the Service is soliciting such data, information and comments concerning the biological status of these species from any interested party. The Service requests such data, information and comments be accompanied by the following: (1) The scientific and common names of the species involved; (2) Supporting documentation, such as maps, bibliographic references, or reprints of pertinent publications; (3) The Party's name, address, and any association, institution, or business that the party represents.This request is designed to obtain only data and information that have become available since the mosr recent rule-making concerning a listing action for each species being considered. Receipt of all comments will be acknowledged in writing by the Service.

List of Subjects in 50 CFR Part 222

Endangered and threatened wildlife, Exports, Fish, Imports, Marine mammals.

The species that are subject to this review are the following:

BILLING CODE 3510-22-M

SPECIES		HISTORIC RANGE	POPULATION	STATUS	DATE LISTED
COMMON NAME	SCIENTIFIC NAME				
FISHES					
Shortnose Sturgeon	Acipenser brevirostrum	U.S.A. and Canada (Atlantic Coast)	Entire	E [1]	March 11, 1967
Totoaba (seatrout or weakfish)	Cynoscion macdonaldi	Mexico (Gulf of California)	Entire	E	April 10, 1979
REPTILES					
Green sea turtle	Chelonia mydas	Circumglobal in tropical and temperate seas and oceans	Wherever found except for populations given below	T [2]	July 28, 1978
Green sea turtle	Chelonia mydas	Circumglobal in tropical and temperate seas and oceans	Breeding colony populations in Fl. and on the Pacific Coast of Mexico	E	July 28, 1978
Hawksbill sea turtle	Eretmochelys imbricata	Tropical seas	Entire	E	June 2, 1970
Kemp's Ridley sea turtle	Lepidochelys kempii	Tropical and temperate seas	Entire	E	December 2, 1970
Leatherback sea turtle	Dermochelys coriacea	Tropical, temperate and subpolar seas	Entire	E	June 2, 1970
Loggerhead sea turtle	Caretta caretta	Circumglobal in tropical and temperate seas and oceans	Entire	T	July 28, 1978
Olive Ridley sea turtle	Lepidochelys olivacea	Circumglobal in tropical and temperate seas and oceans	Wherever found except for populations given below	T	July 28, 1978
Olive Ridley sea turtle	Lepidochelys olivacea	Circumglobal in tropical and temperate seas and oceans	Breeding colony populations on the Pacific Coast of Mexico	E	July 28, 1978
MAMMALS					
Caribbean monk seal	Monachus tropicalis	Caribbean Sea, Gulf of Mexico	Entire	E	April 10, 1979 [3]
Hawaiian monk seal	Monachus schauinslandi	Hawaiian Archipelago	Entire	E	November 23, 1976
Mediterranean monk seal	Monachus monachus	Mediterranean, Northwest African Coast and Black Sea	Entire	E	June 2, 1970
Blue whale	Balaenoptera musculus	Oceanic	Entire	E	June 2, 1970
Bowhead whale	Balaena mysticetus	Oceanic (north latitudes only)	Entire	E	June 2, 1970
Fin whale (finback whale)	Balaenoptera physalus	Oceanic	Entire	E	June 2, 1970
Gray whale	Eschrichtius robustus	North Pacific Ocean; Coastal and Bering Sea	Entire	E	June 2, 1970
Humpback whale	Megaptera novaeangliae	Oceanic	Entire	E	June 2, 1970
Right whale	Balaena glacialis	Oceanic	Entire	E	June 2, 1970
Sei whale	Balaenoptera borealis	Oceanic	Entire	E	June 2, 1970
Sperm whale	Physeter catadon	Oceanic	Entire	E	June 2, 1970

Footnotes

1-E in the status column indicates that the species/population is listed as Endangered

2-T in the status column indicates that the species/population is listed as Threatened

3-The Caribbean monk seal originally was listed on March 11, 1967 and delisted on October 13, 1970

Dated: February 2, 1983.

Carmen J. Blondin,

Acting Deputy Assistant Administrator for Fisheries Resource Management.

[FR Doc. 83-3187 Filed 2-8-83; 8:45 am]

BILLING CODE 3510-22-C

Notices

Federal Register
Vol. 48, No. 28
Wednesday, February 9, 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.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

Agreement Regarding Archeological and Sociocultural Resources in the National Parks

AGENCY: Advisory Council on Historic Preservation.

ACTION: Notice.

SUMMARY: The Advisory Council on Historic Preservation proposes to execute a Programmatic Memorandum of Agreement, pursuant to Section 800.8 of the Council's regulations (36 CFR Part 800), with the National Park Service (NPS) and the National Conference of State Historic Preservation Officers (NCSHPO) regarding methods for the identification and protection of archeological and sociocultural resources eligible for the National Register of Historic Places in the National Parks. The proposed agreement will embody NPS in-house mechanisms to ensure that such resources are regularly considered and treated during park project planning. A preliminary draft of the agreement is available for comment.

DATE: Comments due March 11, 1983.

ADDRESS: Executive Director, Advisory Council on Historic Preservation, 1522 K Street, NW., Washington, DC 20005.

FOR FURTHER INFORMATION CONTACT: Ronald D. Anzalone, Eastern Division of Project Review, Advisory Council on Historic Preservation, 1522 K Street, NW., Washington, DC 20005, 202–254–3974.

Dated: February 3, 1983.

Robert R. Garvey, Jr.,

Executive Director.

[FR Doc. 83-3428 Filed 2-8-83; 8:45 am]

BILLING CODE 4310-10-M

DEPARTMENT OF AGRICULTURE

Forms Under Review by Office of Management and Budget

February 4, 1983.

The Department of Agriculture has submitted to OMB for review the following proposals for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35) since the last list was published. This list is grouped into new proposals, revisions, extensions, or reinstatements. Each entry contains the following information:

(1) Agency proposing the information collection; (2) Title of the information collection; (3) Form number(s), if applicable; (4) How often the information is requested; (5) Who will be required or asked to report; (6) An estimate of the number of responses; (7) An estimate of the total number of hours needed to provide the information; (8) An indication of whether section 3504(h) of Pub. L. 96–511 applies; (9) Name and telephone number of the agency contact person.

Comments and questions about the items in the listing should be directed to the agency person named at the end of each entry. If you anticipate commentng on a form but find that preparation time will prevent you from submitting comments promptly, you should advise the agency person of your intent as early as possible.

Copies of the proposed forms and supporting documents may be obtained from: Charles E. Caudill, Acting Statistical Clearance Officer, (202) 447–6201.

New

- Food and Nutrition Service

7 CFR Part 235—State Administrative Expenses—Recordkeeping. On occasion, semiannually State or local governments: 99,711 responses; 27,647 hours; not applicable under 3504(h)
Chris Lipsey (703) 756–3600

Revised

- Agricultural Stabilization and Conservation Service

7 CFR Part 1423—Processed Commodities Warehouse Standards CCC–29, CCC–29–1, CCC–29–2, CCC–29–3, CCC–29–32, CCC–29–32–1, CCC–29–32–2, CCC–29–55, CCC–29–56, CCC–29–56–1, CCC–29–56–2, CCC–513, CCC–560
On occasion
Business or other institutions: 2,523 responses; 1,769 hours; not applicable under 3504(h)
Barry Klein (202) 447–7911

Extension

Food and Nutrition Service
7 CFR Part 235—State Administrative Expenses—Reporting
FNS–525
Monthly, quarterly, semiannually, annually
State or local governments: 1,928 responses; 3,128 hours; not applicable under 3504(h)
Chris Lipsey (703) 756–3600

- Food and Nutrition Service

Child Care Food Program Regulations (Part 226) FNS–341, 342, 343, 344, 345, 345–1, 430, 431, 432, 43, 433, and 82
Monthly, annually, on occasion
State or local governments and businesses or other institutions: 420,312 responses; 1,204,129 hours; not applicable under 3504(h)
Norma Bell (703) 756–3888.

- Farmers Home Administration

Application of Rural Housing Assistance (Nonfarm tract) FmHA 410–4
On occasion
Individuals or households: 315,000 responses; 315,000 hours; not applicable under 3504(h)
Ruth Smith (202) 382–1488.

Charles E. Caudill,

Acting Statistical Clearance Officer.

[FR Doc. 83-3408 Filed 2-8-83; 8:45 am]

BILLING CODE 3410-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

Fresh Cut Roses From Israel; Preliminary Results of Administrative Review of Countervailing Duty Order

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of Preliminary Results of Administrative Review of Countervailing Duty Order.

SUMMARY: The Department of Commerce has conducted an administrative review of the countervailing duty order on fresh cut roses from Israel. The review covers the period October 1, 1979 through September 30, 1980. There are no known

unliquidated entries of this merchandise for the period. As a result of the review, the Department has preliminiarily determined to require a cash deposit of estimated countervailing duties on future entries equal to 11.46 percent *ad valorem*. Interested parties are invited to comment on these preliminary results.

EFFECTIVE DATE: February 9, 1983.

FOR FURTHER INFORMATION CONTACT: Josephine Russo or Richard Moreland, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230; telephone: (202) 377-2786.

SUPPLEMENTARY INFORMATION:

Background

On September 4, 1980, the Department of Commerce ("the Department") published in the **Federal Register** (45 FR 58516) an affirmative final countervailing duty determination and countervailing duty order regarding fresh cut roses from Israel. The Department announced in the notice of March 16, 1981 (46 FR 16921) its intent to conduct administrative reviews of outstanding countervailing duty orders.

On August 5, 1981, the Court of International Trade issued a partial remand order in *AGREXCO v. United States, et al.*, Consol. No. 80-10-01578, instructing the Department to re-investigate and/or re-verify three programs not found countervailable in the final determination. On December 24, 1981, the Department forwarded its final results concerning the remanded issues to the court. The resultant changes in the Department's determination are discussed below under *Analysis of Programs*.

Scope of the Review

Imports covered by the review are fresh cut roses imported directly or indirectly from Israel. Such merchandise is currently classifiable under item 192.1800 of the Tariff Schedules of the United States Annotated. The review covers the period October 1, 1979 through September 30, 1980 which is the exporting year for roses. The Department reviewed the programs found countervailable in the original determination and in the court remand results.

Analysis of Programs

1. The Encouragement of Capital Investments Law ("the ECIL")

The purpose of the ECIL is to promote certain national objectives, including exporting, through the use of various financial and fiscal incentives. To become eligible for these benefits, individual enterprises must apply for government approval of each investment project.

Rose growers have not been approved for ECIL benefits. Two rose exporters have been approved through the period of review, that is, AGREXCO (Agricultural Export Company) and Bickel Flowers Limited. The packing houses that have similarly been approved include: Azata, Maboim, Pirchei Haemek, Aviv, Lod, Kochav, Yael and Gat.

For the period of review, the following benefits were provided under the ECIL:

A. Five-year exemption from payment of ⅓ of the property tax on buildings.

This program was repealed with the publication of Amendment 17 to the ECIL in August 1978. For the entire period of review, benefits continue to accrue to those enterprises approved prior to repeal. In April 1981, however, all property taxes on buildings were abolished by the Israeli government. We preliminaily determine, therefore, that the duty deposit rate should not incorporate a subsidy amount for this program since future entries will not benefit from the tax savings.

B. Ten-year exemption from ⅓ of the property tax on stock and machinery/equipment.

This program was repealed by the same Amendment 17 to the ECIL. As with the five-year exemption, enterprises approved prior to repeal were eligible for benefits during the entire review period. This includes AGREXCO, Bickel and certain of the packing houses.

AGREXCO, Azata and Pirchei Haemek paid property taxes on stock and equipment and utilized the reduction. For AGREXCO, we calculated the subsidy rate by multiplying the amount of tax savings by 24 percent (the portion of its total exports through the Ben Gurion facility, the approved site, accounted for by roses). With respect to the two packing houses, we based our preliminary calculations on the aggregated tax savings recorded in their tax returns, multiplied by 34.9 percent (the percentage of rose to flower exports countrywide) to determine the portion of the tax savings attributable to roses.

For the remaining packing houses, we estimated the tax savings based on the best information available. In addition, since Bickel did not answer our questionnaire, we attributed to it the highest tax savings found for the other eligible firms. The amount of the benefits for these enterprises was multiplied by 34.9 percent.

We then summed the tax savings enjoyed by each firm and divided by total rose exports for 1979/80. Based on these calculations, we preliminarily determine and *ad valorem* subsidy rate for this program or 0.01 percent for the period of review.

C. Investment grants based on the cost of property and/or machinery/equipment of an approved project.

Since 1977, seven enterprises involved in exporting roses have received cash grants under these programs. In computing the benefit, we employed the grant methodology set out in Appendix 2 to the notice of "Affirmative Countervailing Duty Determination" on certain steel products from Belgium (47 FR 39304, 39316; August 24, 1982) ("Appendix 2"). In determining the useful lives of the assets (capital plant (25 years) and equipment (8 years)), we relied upon Israeli tax schedules and U.S. Internal Revenue Service Depreciation Guidelines. The benefit for the 1979/80 period of review was multiplied by 34.9 percent to account for the portion attributable to roses, and then divided by total rose exports for 1979/80. Based on this calculation, we preliminarily determine a rate of subsidy of 0.08 percent *ad valorem* for the review period.

D. Accelerated depreciation of buildings and machinery/equipment and,

E. Direct reductions in company tax rates and exemption from income taxes.

Under the first program, machinery and equipment of an approved project may be depreciated at 2 times the ordinary rate set by Israeli Income Tax Rules and buildings may be depreciated at 4 times the normal rate. The second program allows for reductions in the company tax rate and exemption from income taxes.

Because final calculation of income taxes can only be made after the close of an accounting year, the amount of the benefit cannot be realized during the same exporting season. Therefore, for the 1979/80 review period, we calculated the subsidy under these programs based on tax information for the 1978/79 tax year.

In computing the subsidy rate on these programs, we looked first to whether the enterprise benefitted from accelerated depreciation through reduced taxable income and, hence, lower taxes paid. We then looked to the tax savings attributable to the reductions/exemptions.

AGREXCO did not have a taxable income for tax year 1978/79 due to loss carry-forward. After eliminating the effects of accelerated depreciation, we still found no tax liability. Therefore, for the review period, no benefit was

conferred on AGREXCO from these programs.

For the packing houses, only Azata and Pirchei Haemek provided tax declarations for the 1978/79 tax year. Azata's records show that accelerated depreciation was utilized for buildings for financial and tax purposes. Pirchei Haemek did so with regard to both machinery and buildings. In determining the subsidy amount, we recalculated the tax liability of each enterprise using ordinary depreciation. We computed the benefit as the difference between the taxable income using accelerated rates of depreciation and that using ordinary rates, and then by eliminating the effects of the reductions/exemptions.

For Bickel and those packing houses failing to provide sufficient evidence concerning their tax liability for 1978/79, we based our calculations on the best information available.

Finally, we summed the subsidy amounts for each enterprise and multiplied that total by 34.9 percent to find the portion attributable to roses. This figure was divided by rose exports for 1979/80 yielding an *ad valorem* benefit of 0.07 percent for the review period.

F. "Drawback" Grants.

Althouth the stated intention of this program is to rebate customs duties on imported materials used for investment in an approved enterprise, grant awards are based on a fixed percentage of investment. Since 1978, only Bickel has received an award. In determining the benefit conferred during the period of review, we calculated the subsidy using the same methodology as employed under program 1C above. The rate of benefit is preliminarily 0.001 percent *ad valorem* for the 1979/80 review period.

2. Government-Guaranteed Minimum Price Program

In the original investigation, we determined that the minimum price program did not confer a benefit. We compared records of export prices to the United States with the minimum support prices and found that the U.S. market prices were higher. During the court remand, we learned that the program operates on worldwide price comparisons and does not focus on any individual country. Funds provided under this program are awarded as year-end, lump sum payments. We concluded that, since these payments are untied, there is a potential benefit bestowed on all exported roses.

The payments are based on claims by accountants submitted to the Ministry of Agriculture ("the MOA") after the close of the exporting season. Thus, the benefits from the program are enjoyed in a succeeding export year. During the review period, only the major association of flower growers submitted a claim for payment based on the 1978/79 season. We quantified the subsidy rate using the amount actually received during the period of review and divided this figure by the value of total rose exports in 1979/80. We preliminarily conclude that the *ad valorem* benefit is 0.26 percent.

3. Preferential Short-Term Financing

In our original determination, we found that the government-sponsored loans for working capital and accounts receivable did not bestow a countervailable subsidy. As part of the court remand, the Department re-investigated this program and determined that the financing was provided to exporters at preferential terms.

During the period of review, the Bank of Israel ("the Bank") provided short-term financing through three export credit funds: the Export Production Fund (for working capital loans); the Imports-for-Export Fund (to finance imported materials used for export production); and the Export Shipments Fund (for accounts receivable). Financing under the first fund is denominated in shekels while the latter two funds make loans in foreign currency.

For the Export Production and Imports-for-Export Funds, we have calculated the subsidy by multiplying the principal amount repaid during the review period by the difference between the preferential interest rates and commercial rates for comparable borrowings. These amounts were then multiplied by the proportion of total financing attributable to roses and divided by rose exports for the 1979/80 period. We preliminarily determine that the rate of subsidy from the two export credit funds is 9.31 percent *ad valorem*.

In April 1982, the Bank altered financing under the Export Shipments Fund. While we understand that the fund's credit is now provided at free market rates, such financing remains exempt (as are loans from the Imports-for-Export Fund) from an interest surcharge applied generally to foreign currency borrowings. The surcharge is waived for certain loans, based on perceived national objectives which include export promotion. During the period of review the interest surcharge was 12 percent, but the Bank gradually reduced the surcharge during 1981/82 to a current rate of 1 percent. Therefore, we preliminarily conclude for cash deposit purposes that this one percent differential confers a benefit of 0.20 percent *ad valorem*.

4. Government Funding of AGREXCO

During the court remand, the Department re-investigated and re-verified the financing of a 1978/79 expansion of the airport facilities. AGREXCO stated that the expansion was partially funded by the issuance of shares, a significant portion of which were purchased by the MOA. However, AGREXCO failed to provide evidence that would establish the rights and entitlements accruing to the shareholders and also failed to produce the issued share certificates for the period. Further, information submitted after verification indicated that no dividends were associated with the shares.

Since AGREXCO was unable to establish that the MOA received rights normally arising from a shareholder's investment, we were unable to determine if the infusion was in fact an equity purchase. In the absence of such information, we concluded in our remand results that, based on the best information available, the government purchase of equity in AGREXGO was a grant used for the purchase of equipment. We have received no information to alter our position.

During 1979/80, there was a similar financing which was stated by AGREXCO to be a purchase of equity by the MOA. Again, no information was provided concerning the entitlements to the shareholder. In computing the benefit, we treated the share purchases of 1978/79 and 1979/80 as cash grants to AGREXCO used to acquire machinery/equipment. We calculated the benefit using the grant methodology set out in Appendix 2, based on 8 years as the full useful life of equipment. The amounts for 1978/79 and 1979/80 were then multiplied by 24 percent to account for the portion of exports through the Ben Gurion facilities attributable to roses, and divided by rose exports for 1979/80. Based on this calculation, we preliminary determine a rate of subsidy of 0.07 percent *ad valorem* for the period of review.

5. Cash Payments to Growers for Greenhouses

The MOA awards grants to flower growers for the establishment and/or expansion of greenhouses. In calculating the benefit, we applied the methodology of Appendix 2 for all grants received from 1975/76 through the current review period. We then multiplied the amount attributable to 1979/80 by 34.9 percent, and divided by total rose exports during this period. The *ad valorem* rate of benefit is preliminarily 0.59 percent.

6. Cash Payments to Packing Houses

Under this program, the MOA provides grants to packing houses for investment in buildings and machinery/equipment. We computed the subsidy amount using the methodology of Appendix 2, and relying on the useful lives given under program 1C above. The amount of benefit bestowed during the period of review is preliminarily 0.06 percent *ad valorem*.

7. Cash Payments From the Export Promotion Fund

The MOA provides cash grants to exporters to compensate for export expenses, such as advertising, merchandising and public relations. These payments are based on exports to specific countries of all flowers and not just roses. Although the government states that a minimal portion of these funds benefit roses, we have not found evidence to support this allegation.

During the period of review, AGREXCO was the only recipient of these funds. We calculated the *ad valorem* benefit by multiplying the amount received for all such grants by 26 percent, which is the amount of AGREXCO's flower exports to the United States attributable to roses by value, and dividing by total exports of roses to the U.S. during 1979/80. On this basis, we have preliminarily found an *ad valorem* benefit of 0.81 percent.

8. Export Insurance Premium Rebates

During the period of review, AGREXCO continued to self-insure its exports of roses. We preliminarily conclude that no benefit was conferred on rose exports during this period.

Verification

We verified the information through examination of Israeli government laws and documents, company books and records and consultations with Israeli and U.S. government officials.

Preliminary Results of Review

As a result of our review, we preliminarily determine the potential rate of subsidy to be 11.46 percent *ad valorem*.

Accordingly, as provided for by section 751(a)(1) of the Tariff Act of 1930 ("the Tariff Act"), the Department intends to notify the Customs Service to collect a cash deposit of estimated countervailing duties of 11.46 percent of the f.o.b. invoice price on all shipments of this merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this administrative review. This deposit requirement shall remain in effect until publication of the final results of the next administrative review.

Interested parties may submit written comments on these preliminary results within 30 days of the date of publication of this notice and may request disclosure and/or a hearing within 10 days of the date of publication. Any request for an administrative protective order must be made no later than 5 days after the date of publication. The Department will publish the final results of this administrative review including the results of its analysis of any such comments or hearing.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and section 355.41 of the Commerce Regulations (19 CFR 355.41).

Dated: February 1, 1983.

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 83-3272 Filed 2-8-83; 8:45 am]

BILLING CODE 3510-25-M

DEPARTMENT OF DEFENSE

Department of the Army

Little Calumet River, Illinois, Phase II, Silt Removal; Draft Environmental Impact Statement

AGENCY: Army Corps of Engineers, DOD.

ACTION: Withdrawal of notice of intent to prepare a draft environmental impact statement.

FOR FURTHER INFORMATION CONTACT: Mr. John Staples, U.S. Army Corps of Engineers, Chicago District, Environmental and Social Analysis Section, 219 South Dearborn Street, Chicago, Illinois 60604 (312-353-7795, FTS/353-7795).

SUPPLEMENTARY INFORMATION: 1. A notice of intent to prepare a draft environmental impact statement (DEIS) for proposed Little Calumet River, Illinois, Phase II Silt Removal was published on August 2, 1982 (47 FR 33314). It stated that the project purpose is improvement of environmental quality through enhancement of water quality and aesthetics.

2. Since that time, the Chicago District has determined that environmental benefits would be provided by silt removal, but would be limited to the short-term because of existing combined sewer overflow conditions in the area. The District has concluded that implementation of the project should follow development of the Calumet portion of Phase I of the Chicago Tunnel and Reservoir Plan (TARP) and Indiana Section 208 area-wide water quality management plan in order to achieve long-term benefits. Sponsorship is also contingent on completion of the Calumet system of TARP Phase I. Completion of this system will take several years and there is no firm date for implementation of Indiana 208 plans at this time.

3. In view of the long-term implementation date of Phase II silt removal, the District has concluded, and received North Central Division approval, that an Environmental Impact Statement is not warranted at this time, but that compliance would be made relative to the appropriate statutes, executive orders and memoranda applicable at the time of future project construction. Environmental and social information will be included in our current planning document, but will be in the form of a technical appendix to the main report.

Dated: January 25, 1983.

Christos A. Dovas, P.E.,

LTC, Corps of Engineers, District Engineers.

[FR Doc. 83-3402 Filed 2-8-83; 8:45 am]

BILLING CODE 3710-HN-M

Office of the Secretary

Defense Science Board Task Force on Close Air Support; Advisory Committee Meeting

The Defense Science Board Task Force on Close Air Support will meet in closed session on February 28, and March 1, 1983 in the Pentagon, Arlington, Virginia.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Research and Engineering on scientific and technical matters as they affect the perceived needs of the Department of Defense.

At the meeting on February 28, and March 1, 1983 the Task Force will consider the potential for improving our capability to achieve sustained effectiveness of close air support in the future air-land battles.

In accordance with Section 10(d) of the Federal Advisory Committee Act, Pub. L. 92-463, as amended (5 U.S.C. App. I, (1976)), it has been determined that this DSB Task Force meeting concerns matters listed in 5 U.S.C. 552b(c)(1) (1976), and that accordingly

these meetings will be closed to the public.

M.S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Service, Department of Defense.

February 4, 1983.

[FR Doc. 83-3501 Filed 2-8-83; 8:45 am]

BILLING CODE 3810-01-M

Defense Science Board Task Force on Electronic Warfare (Future Systems Subgroup); Advisory Committee Meeting

The Future Systems Subgroup of the Defense Science Board Task Force on Electronic Warfare will meet in closed session on 30–31 March 1983 in Washington, D.C.

The Mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Research and Engineering on scientific and technical matters as they affect the perceived needs of the Department of Defense.

At the meeting on 30–31 March 1983 the Task Force will discuss the application of technology to future systems designed to improve U.S. Electronic Warfare capabilities.

In accordance with Section 10(d) of the Federal Advisory Committee Act, Pub. L. 92–463, as amended (5 U.S.C. App. I, (1976)), it has been determined that this DSB Task Force meeting concerns matters listed in 5 U.S.C. 552b(c)(1) (1976), and that accordingly these meetings will be closed to the public.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Service, Department of Defense.

February 4, 1983.

[FR Doc. 83-3500 Filed 2-8-83; 8:45 am]

BILLING CODE 3810-01-M

Defense Science Board Task Force on Long Endurance Aircraft; Advisory Committee Meeting

The Defense Science Board Task Force on Long Endurance Aircraft (LEA) will meet in closed session on March 13–14, 1983 in the Pentagon, Arlington, Virginia.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Research and Engineering on scientific and technical matters as they affect the perceived needs of the Department of Defense.

At the meeting on March 13–14, 1983 the Task Force will consider the mission potential for long endurance aircraft.

In accordance with Section 10(d) of the Federal Advisory Committee Act, Pub. L. 92–463, as amended (5 U.S.C. App. I, (1976)), it has been determined that this DSB Task Force meeting concerns matters listed in 5 U.S.C. 552b(c)(1) (1976), and that accordingly these meetings will be closed to the public.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Service, Department of Defense.

February 4, 1983.

[FR Doc. 83-3499 Filed 2-8-83; 8:45 am]

BILLING CODE 3810-01-M

DEPARTMENT OF ENERGY

International Atomic Energy Agreements; Proposed Subsequent Arrangement; European Atomic Energy Community

Pursuant to section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of a proposed "subsequent arrangement" under the Additional Agreement for Cooperation Between the Government of the United States of America and the European Atomic Energy Community (EURATOM) Concerning Peaceful Uses of Atomic Energy, as amended.

The subsequent arrangement to be carried out under the above mentioned agreement involves approval for supply of the following material:

Contract Number WC–EU–240, to the Euratom Transuranium Institute, the Federal Republic of Germany, 31.2 grams of plutonium-242, to be used for fabrication of single crystals of plutonium metal and compounds involving neutron scattering techniques. It is planned to return this material to the United States after completion of this effort.

In accordance with section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that the furnishing of the nuclear material will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than fifteen days after the date of publication of this notice.

For the Department of Energy.

Dated: February 3, 1983.

George Bradley,

Principal Deputy Assistant Secretary for International Affairs.

[FR Doc. 83-3395 Filed 2-8-83; 8:45 am]

BILLING CODE 6450-01-M

International Atomic Energy Agreements; Proposed Subsequent Arrangement; European Atomic Energy Community and Indonesia.

Pursuant to section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of a proposed "subsequent arrangement" under the Agreement for Cooperation Between the Government of the United States of America and the Government of the Republic of Indonesia Concerning Peaceful Uses of Nuclear Energy, and the Additional Agreement for Cooperation Between the Government of the United States of America and the European Atomic Energy Community (EURATOM) Concerning Peaceful Uses of Atomic Energy, as amended.

The subsequent arrangement to be carried out under the above mentioned agreements involves approval for the following retransfer:

RTD/ID(EU)–2, from the Federal Republic of Germany to Indonesia, 8.5 kilograms of uranium enriched to an average of 2.94% in U–235, for use in research and development in fabrication of nuclear fuels.

In accordance with section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that this retransfer will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than fifteen days after the date of publication of this notice.

For the Department of Energy.

Dated: February 3, 1983.

George Bradley,

Principal Deputy Assistant Secretary for International Affairs.

[FR Doc. 83-3396 Filed 2-8-83; 8:45 am]

BILLING CODE 6450-01-M

Assistant Secretary for Conservation and Renewable Energy

Interest Rate Formula for Power Marketing Administrations

AGENCY: Assistant Secretary for Conservation and Renewable Energy, DOE.

ACTION: Proposed amendment of formula for determining repayment interest rates.

SUMMARY: Public comment is invited on proposed changes in the formula for determining interest rates to be used, unless otherwise provided by law, by the Alaska Power Administration, Bonneville Power Administration, Southeastern Power Administration, Southwestern Power Administration,

and Western Area Power Administration, referred to as Power Marketing Administrations or PMAs. The interest rate will be used in computing interest during construction and interest expense on the unpaid balance of the costs of new Federal power facilities financed with appropriations. Federal power facilities include additions, betterments, and replacements, constructed by the PMAs, the Corps of Engineers, Bureau of Reclamation, and the United States Section, International Boundary and Water Commission, United States and Mexico. The interest rate is to be used in power repayment studies for rate making purposes.

The proposed amendment would make the applicable interest rate equal to the average yield rate computed by the Treasury Department for the previous fiscal year rather than allow changes of only one-half of one percent from the previous year's applicable rate. The applicable rate would be that for the year in which construction of the facilities is initiated rather than the year in which funds to begin construction are first appropriated. For deferred or unpaid annual expenses, the interest rate shall be that applicable in the year in which the deficit is incurred.

The proposed formula would become effective October 1, 1983.

DATE: Written comments must be received within 60 days of the date this notice is published in the **Federal Register.**

ADDRESS: All written comments should be submitted to: Daniel M. Ogden, Jr., Director, Office of Power Marketing Coordination, Department of Energy, Room 5304, Federal Building, 12th Street & Pennsylvania Avenue, NW., Washington, D.C. 20461.

FOR FURTHER INFORMATION CONTACT: John J. DiNucci, Director, Division of Rates, Contracts & Power Allocation, Office of Power Marketing Coordination, Department of Energy, Room 5312, Federal Building, 12th Street & Pennsylvania Avenue, NW., Washington, D.C. 20461, (202) 633–8336.

SUPPLEMENTARY INFORMATION: In January 1970 the Department of the Interior adopted a policy for determining interest rates, except as otherwise provided by law, to be used for computing interest during construction and interest on the unpaid balance of the costs of new Federal power facilities properly allocated to commercial power development. This policy was expressed in and supplemented by implementation guidelines which also added the policy of charging interest on unpaid or deferred annual expense.

The Department proposes to revise the formula for determining these rates. The Department anticipates that the interest rate formula will be followed consistently by the Power Marketing Administrations in the preparation of power repayment studies for rate making purposes, and therefore the Department is publishing it for comment at this time.

The present formula requires that the interest rate used be the applicable rate during the fiscal year in which funds are first appropriated to initiate construction of the facilities. The applicable rate is based on the yield rate computed by the Treasury Department as the average yield during the previous fiscal year on interest-bearing marketable securities of the United States which, at the time the computation is made, have terms of 15 years or more to maturity, adjusted to nearest multiple of ⅛ of one percent. If the yield rate so computed does not differ from the applicable rate used by the PMA's for the previous fiscal year by more than ½ of one percent, then the applicable rate to be used by the PMA's shall be equal to the yield rate. If the yield rate differs from the applicable rate used by the PMA's for the previous fiscal year by more than ½ of one percent, the applicable rate to be used by the PMA's shall be the applicable rate for the previous fiscal year increased or decreased by ½ of one percent toward the yield rate.

The proposed new formula would make the interest rate to be used by the PMA's the applicable rate during the fiscal year in which construction is initiated, in order to have the interest rate more nearly reflect the actual cost to the Treasury of borrowing to finance construction. The applicable rate to be used by the PMA's shall be equal to the yield rate adjusted to the nearest multiple of ⅛ of one percent.

The reason for the proposed change in the interest rate formula is that the Treasury yield rate has increased substantially over the past 3 years while the applicable rate used by the PMA's has not kept pace. This is demonstrated in the following tabulation:

(Percent)

Fiscal year	Treasury yield rate	Applicable rate
1970		4.875
1971	6.375	5.375
1972	6.125	5.875
1973	5.500	5.500
1974	5.625	5.625
1975	6.500	6.125
1976	7.000	6.625
1977	7.000	7.000
1978	7.000	7.000
1979	7.625	7.500
1980	8.250	8.000
1981	10.250	8.500
1982	12.375	9.000
1983	13.000	9.500

As noted, the interest rate formula does not apply where the interest rate is otherwise prescribed by law. As an example, it does not apply to transmission facilities constructed by the Bonneville Power Administration which are financed through the issuance and sale of revenue bonds. The Federal Columbia River Transmission System Act of October 18, 1974, 88 Stat. 1376, Pub. L. 93–454, as amended, provides that the Secretary of the Treasury will determine the interest rate on such bonds based on the current average market yield on outstanding marketable obligations of the United States of comparable maturities, plus an amount which in his judgment will provide for a rate comparable to the prevailing market rate for similar bonds issued by Government corporations.

Under the provisions of Executive Order 12291, dated February 17, 1981, a Regulatory Impact Analysis must be made prior to the publication of a major rule. Under Section 1(b) of E.O. 12291, a major rule is defined as any regulation that is likely to result in: (1) An annual effect on the economy of $100 million or more; (2) A major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or (3) Significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Present schedules for new construction, additions and replacements for Federal power facilities for all five PMA's to which the new formula would apply call for average annual expenditures of about $30 million for the next three years. If we assume that the Treasury yield rate will stabilize over the next three years at 13%, then the difference between the interest expense under the proposed formula and the existing formula would be 3% in 1984, and 2⅛% in 1985, and 2% in 1986. Thus the effect would be about $900,000 in fiscal year 1984, $750,000 in fiscal year 1985, and $600,000 in fiscal year 1986. These figures are but an inconsequential fraction of the $100 million used in E.O. 12291 to measure

the annual effect of a major rule upon the economy. Therefore, the revision of the formula will not cause a major increase in costs or prices for consumers, individuals or governmental agencies, nor will it cause any adverse effects on competition, employment, investment, productivity, or innovation. The proposed change in the interest rate formula does not constitute a major rule under the definitions in E.O. 12291. Thus, no Regulatory Impact Analysis is required.

Pursuant to Section 601 and 603 of the Regulatory Flexibility Act of 1980 (5 U.S.C. 601, *et seq*) each agency, when required to publish a general notice of proposed rule making for any proposed rule shall prepare for public comment an initial Regulatory Flexibility Analysis to describe the impact of the proposed rule on small entities. Under 5 U.S.C. 601(2), "rates", "prices", and "practices" relating to "rates and prices" are not considered "rules" for purposes of this Act. In this instance, the proposed change is in the formula for determining reimbursable interest expense from rates which the Power Marketing Administrations charge for power. The proposed change in the interest formula pertains to "rates", "prices", or "practices" relating to "rates and prices", as used in this Act. It follows that it is exempt from the Act. Accordingly, this office believes that no flexibility analysis is required.

Issued in Washington, D.C., January 29, 1983.

Joseph J. Tribble,

Assistant Secretary Conservation and Renewable Energy.

[FR Doc. 83-3487 Filed 2-8-83; 8:45am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket No. ER83-291-000]

American Electric Power Service Corp.; Filing

February 4, 1983.

The filing Company submits the following:

Take notice that on January 31, 1983, American Electric Power Service Corporation (AEP) tendered for filing on behalf of its affiliate Indiana & Michigan Electric Company (I&ME) which is an AEP affiliated operating subsidiary, Amendment No. 24 dated January 1, 1983 to the Operating Agreement dated March 1, 1966 among Consumers Power Company (Consumers), The Detroit Edison Company (Detroit), collectively the Michigan Companies, and I&ME. The Commission has previously designated the 1966 agreement as I&ME's Rate Schedule FERC No. 68.

AEP states that Section 1 of Amendment No. 24 provides for an increase in the transmission demand charge for Short Term Power to $0.35 per kilowatt per week and to $0.07 per kilowatt per day. Section 2 increases the Limited Term Power transmission demand charge to $1.50 per kilowatt per month. These transmission demand charges are utilized just for multi-party transactions and apply only to I&ME.

AEP requests an effective date of January 31, 1983, and therefore requests waiver of the Commission's notice requirements.

Copies of the filing were served upon Consumers Power Company, The Detroit Edison Company, Public Service Commission of Indiana, and Michigan Public Service Commission.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before February 23, 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. 83-3505 Filed 2-8-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-292-000]

Arizona Public Service Co.; Filing

February 4, 1983.

The filing Company submits the following:

Take notice that on January 31, 1983, Arizona Public Service Company (Arizona) tendered for filing a Notice of Cancellation of FERC Rate Schedule No. 96 between Arizona and Nevada Power Company (Nevada).

Nevada proposes an effective date of February 13, 1983, and therefore waiver is requested of the Commission's notice requirements.

A copy of this filing has been served upon the Nevada Power Company and the Arizona Corporation Commission.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, 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 23, 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. 83-3506 Filed 2-8-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA83-1-21-002 (PGA83-2, IPR83-1, AP83-1)]

Columbia Gas Transmission Corp.; Proposed Changes in FERC Gas Tariff

February 4, 1983.

Take notice that Columbia Gas Transmission Corporation (Columbia) on January 28, 1983, tendered for filing proposed changes to its FERC Gas Tariff, Original Volume No. 1, as follows: Eighty-sixth Revised Sheet No. 16, First Revised Sheet Nos. 16B through 16D, Twenty-eighth Revised Sheet No. 64, Eighth Revised Sheet Nos. 64E through 64I.

These proposed changes to be effective March 1, 1983 reflect the following:

(1) A PGA rate adjustment applicable to Sales Rate Schedules pursuant to § 20.3(c) of the General Terms and Conditions of Columbia's FERC Gas Tariff, Original Volume No. 1, to recover an increase in the cost of gas purchased of $95,186,939 based on the six months ending August 31, 1983;

(2) A Commodity Surcharge Adjustment applicable to Sales Rate Schedules pursuant to § 20.6(a) of the General Terms and Conditions of Columbia's FERC Gas Tariff, Original Volume No. 1, to recover a deferred purchased gas cost amount of $48,365,172, as of December 31, 1982, over the six-month period March 1, 1983 through August 31, 1983;

(3) A Purchased Gas Cost Surcharge Adjustment applicable to Rate Schedule SGES pursuant to § 20.6(b) of Columbia's FERC Gas Tariff, Original Volume No. 1, to recover an increase in the cost of gas purchased of $552,184

over the six-month period March 1, 1983 through August 31, 1983; and

(4) An Advance Payment Adjustment, pursuant to Article IX of the Stipulation and Agreement in Docket Nos. RP76-95, *et al.*, approved by Commission letter order issued March 16, 1978. Such Advance Payment Adjustment provides for an annual increase of $515,102.

Columbia notes that the instant filing reflects a voluntary reduction in the pricing of certain of its pipeline production for the subject PGA period. Specifically, all company production of NGPA Section 107 tight sands and Devonian shale gas has been priced by Columbia at a level of $4.50 per MMBtu, or significantly below the tight sands incentive price (which as of March, 1983, would be $5.492 per MMBtu) previously attributed to such production by Columbia. This pricing treatment is consistent with Columbia's overall gas purchase policy in the Appalachian basin, under which Columbia has notified producers of its willingness to purchase Section 107 gas under existing contracts to the $4.50 level. In addition, Columbia's filing reflects purchases of deregulated Section 107 gas from Columbia Gas Development Corporation at the reduced price of $5.00 per MMBtu. In this regard, Columbia is attempting to renegotiate all of its deregulated Section 107 contracts in the Southwest to the $5.00 level.

In addition, Columbia's filing also contained material related to the affiliated entities test contained in Section 601(b)(1)(E) of the NGPA. Copies of the filing were served upon the Company's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, Union Center Plaza Building, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with the Rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests should be filed on or before February 16, 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 proceedings. Any person wishing to become a party must file a petition to intervene. Copies of Columbia's filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-3507 Filed 2-8-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-287-000]

Connecticut Light and Power Co; Filing

February 4, 1983.

The filing Company submits the following:

Take notice that on January 31, 1983, the Connecticut Light and Power Company (CL&P) tendered for filing as an initial rate schedule an agreement (the Exchange Agreement) between CL&P, the Hartford Electric Light Company (HELCO), Western Massachusetts Electric Company ((WMECO), and together with HELCO and CL&P, the NU Companies) and Commonwealth Electric Company (Commonwealth). The Exchange Agreement, dated as of March 24, 1982, provides for an exchange of excess capacity and associated energy from the NU Companies' system (system power) for an equal amount of capacity from certain generating units on Commonwealth's system (the Exchange Units). CL&P states that the timing of the exchanges cannot be accurately estimated but that the NU Companies and Commonwealth would enter into an exchange only when it was economic for both to do so.

Commonwealth will pay an hourly capacity charge to the NU Companies for each hour of each exchange in an amount equal to the capacity exchange amount (expressed in kilowatts) for such exchange, times an amount not to exceed $0.007 per kilowatt. Commonwealth will pay a fuel charge to the NU Companies for each exchange in an amount equal to the kilowatthours provided by the NU Companies during such exchange times a fuel charge rate.The fule charge rate is based on the heat rate(s) and the New England Power Exchange's replacement fuel price(s) of the generating unit(s) which the NU Companies determine to be available to provide system power at the time of an exchange.

The NU Companies will pay Commonwealth a fuel charge for each exchange in an amount equal to the kilowatthours provided by Commonwealth during such exchange, times a fuel charge rate. The fuel charge rate associated with Commonweath's generating units is based on the heat rate and the New England Power Pool Exchange's replacement fuel price for each such unit.

CL&P requests an effective date of March 24, 1982, and therefore requests waiver of the Commission's notice requirements.

Copies of this filing have been mailed to HELCO, WMECO and Commonwealth.

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 22, 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. 83-3508 Filed 2-8-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-288-000]

Connecticut Light and Power Co.; Filing

February 4, 1983.

The filing Company submits the following:

Take notice that on January 31, 1983, the Connecticut Light and Power Company (CL&P) tendered for filing a proposed rate schedule with respect to a Transmission Agreement dated October 8, 1982 between (1) CL&P and Western Massachusetts Electric Company (WMECO) and (2) Electric Division of the Town of Wallingford, Department of Public Utilities (Wallingford).

CP&L states that the Transmission Agreement provides for transmission services to Wallingford for the wheeling of 1,273 kilowatts during the period from November 1, 1982 to October 31, 1983.

The transmission charge rate is a monthly rate equal to one-twelfth of the estimated annual average cost of transmission service on the Northeast Utilities system determined in accordance with Schedule A and Exhibits I, II and III thereto, of the Transmission Agreement. The monthly transmission charge is determined by the product of (i) the appropriate transmission charge rate ($/kW-month), and (ii) 1,273 kilowatts.

CL&P requests an effective date of November 1, 1982, and therefore requests waiver of the Commission's notice requirements.

Copies of this filing were mailed to WMECO and Wallingford.

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 22, 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. 83-3509 Filed 2-8-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. TA83-1-22-000 (PGA83-1) (IPR83-1) (RD&D83-1)(AP83-1) and (FIT83-1)]

Consolidated Gas Supply Corp.; Proposed Changes in FERC Gas Tariff

February 4, 1983

Take notice that Consolidated Gas Supply Corporation (Consolidated) on January 28, 1983, filed revised tariff sheets pursuant to Sections 12 (PGA Clause), 12A (Incremental Pricing Surcharges), and 13 (Research, Development and Demonstration Cost Adjustment) of the General Terms and Conditions of its tariff, and Article VIII (Advance Payment Tracker) and Article IX (Federal Income Tax Tracker) of the Stipulation and Agreement filed December 29, 1982, in Docket No. RP82-115 (Stipulation and Agreement) which is now before the Commission awaiting approval. The revisions, shown on Thirty-Third Revised Sheet No. 16 and Eighth Revised Sheet No. 72-C provide for Consolidated's semiannual PGA to be effective March 1, 1983. Consolidated also files Alternate Thirty-Third Revised Sheet No. 16 to reflect its PGA adjustment from the base tariff rates filed on December 30, 1982, in compliance with the suspension order in Docket No. RP82-115. The alternate tariff sheet is proposed to become effective only if the Stipulation and Agreement in Docket No. RP82-115 is rejected or the settlement base tariff rates are not accepted by the Commission.

Consolidated has included in its filing: (a) Rate changes from pipeline suppliers in the amount of $22.7 million; (b) A rate decrease from producer suppliers in the amount of $4.3 million; (c) A surcharge of 9.31 cents per dekatherm to recoup amounts accumulated in account 191, Unrecovered Purchased Gas Costs; and, (d) A rate change of 0.04 cents per dekatherm to reflect a reduction in advance payment balances from those reflected in the cost of service attached to the Stipulation and Agreement. (No adjustment to rates is proposed for this item on the alternate tariff sheet.)

Consolidated states that the rates contained on Thirty-Third Revised Sheet No. 16 reflect old pipeline production (production from wells drilled prior to January 1, 1973, on leases acquired prior to October 8, 1969) on a cost-of-service basis and new pipeline production priced pursuant to the Natural Gas Policy Act of 1978. Consolidated states that it priced its old pipeline production on a cost-of-service basis in accordance with Article V of the Stipulation and Agreement. The settlement treatment of old pipeline production is without prejudice to Consolidated's right to receive first sale treatment for such production should the Supreme Court uphold the U.S. Court of Appeals for the Fifth Circuit's decision in *Mid-Louisiana Gas Company* v. *FERC*, 664 F 2d. 530 (1981).

Consolidated states that it has not yet completed collection of its Order Nos. 93 and 93-A surcharge which was permitted in Consolidated's last PGA. Such collections will continue through February 1983. As part of its September 1983 PGA, it will submit a report as required by Ordering Paragraph (A) of the November 24, 1982, order in Docket No. TA82-2-22-000.

Copies of the filing were served upon Consolidated's jurisdictional customers as well as interested state commissions.

Any person desiring to be heard or to protest said filing 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 214 and 211 of the Commission's Rules of Practice and Procedure. (18 CFR 385.214 and 385.211). All such petitions or protests should be filed on or before February 16, 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 proceedings. 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. 83-3510 Filed 2-8-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-286-000]

Iowa Electric Light & Power Co.; Filing

February 4, 1983.

The filing Company submits the following:

Take notice that Iowa Electric Light and Power Company (Iowa) tendered for filing on January 31, 1983, proposed changes in its FERC Electric Service Tariff, Original Volume I.

Iowa states that the proposed changes would increase revenues from jurisdictional sales and service by $5,629,610, based on the 12-month period ending March 31, 1984, in two steps. The revised rates for Step 1 would increase revenues by $3,052,908 effective April 4, 1983. The revised rates for Step 2 would increase revenues by $2,576,702 effective April 5, 1983, for a total revenue increase from the two steps of $5,629,910.

Iowa Electric further states that, under rates currently in effect, it expects to realize an overall rate of return during Period II (based upon 12 months ending March 31, 1984) from service to its resale customers of −1.53%. The proposed rates are designed to enable Iowa Electric to recover revenues sufficient to earn a rate of return on rate base of 10.88% overall, including a 15.1% to its common shareholders, if the revised rates had been in effect during calendar year 1981. Iowa indicates that Period II sales and revenue are based upon 1981 data as adjusted for the additional capacity charges due to purchasing power from the City of Muscatine beginning April 1, 1983, which is reflected in the increased rates for Step 2.

Copies of the filing were served upon the public utility's jurisdictional customers and the Iowa State Commerce Commission.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before February 22, 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. Copes of this filing are on file

with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-3511 Filed 2-8-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-284-000]

Kentucky Utilities Co.; Filing

February 4, 1983.

The filing Company submits the following:

Take notice that on January 28, 1983, Kentucky Utilities Company (KU) tendered for filing an Agreement, dated January 1, 1983, between KU and Illinois Power Company (IP). The Agreement sets out, among other things, conditions of interconnecting the two systems, future interconnection points, transactions under various type of Service Schedules including the Schedules, etc.

KU states no transactions under any of the Schedules are planned for the next 12 months and therefore no billings were included.

KU proposes an effective date of January 1, 1983, and therefore requests waiver of the Commission's notice requirements.

Copies of the filing were sent to IP, the Commonwealth of Kentucky Public Service Commission and the Illinois Commerce Commission.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before February 22, 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. 83-3512 Filed 2-8-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP83-46-000]

Kentucky West Virginia Gas Co.; Proposed Changes in FERC Gas Tariff

February 4, 1983.

Take notice that on January 31, 1983, Kentucky West Virginia Company (Kentucky West) tendered for filing proposed changes to the following tariff sheets to its FERC Gas Tariff, First Revised volume No. 1:

Third Revised Sheet No. 24
Twenty-Sixth Revised Sheet No. 27

Kentucky West states that the foregoing tariff sheets effect a general rate increase required to recover base period costs adjusted only to reflect known changes occurring during the base period ended October 31, 1982. Kentucky West further states that the purpose of the proposed rate change is to allow it to prospectively reprice its gas production pursuant to the mandate of *Mid-Louisiana Gas Company* v. *FERC*, 664 F. 2d 530 (5th Cir. 1981) (*Mid-La*).

Kentucky West asks that its rates be allowed to go into effect subject to refund on March 1, 1983. In support of this request Kentucky West states that if: (1) Is not reflecting retroactive application of the *Mid-La* rates except to the limited extent permitted by the Commission's December 2, 1982 order in Docket No. TA82-2-46-001; (2) is restricting the rates in this application to those required by its base period costs without adjustment for changes occurring beyond the base period; and (3) is reflecting a minimum return on equity of 13 percent.

Kentucky West further states that copies of this filing have been served upon its customers and the Public Service Commission of Kentucky, Pennsylvania and West Virginia.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with the Sections 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such petitions or protests should be filed on or before February 16, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-3513 Filed 2-8-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA83-1-60-003]

Locust Ridge Gas Co.; Notice of Change in Rates

February 4, 1983.

Take notice that on January 28, 1983, Locust Ridge Gas Company [Locust Ridge) submitted for filing as part of its FERC Gas Tariff, Original Volume No. 3 and Original Volume No. 1 and the following tariff sheets to be effective March 1, 1983:

Thirteenth Revised Sheet No. 1A
Sixth Revised Sheet No. 1A

Locust Ridge states the purpose of the filing is to submit, for approval by the Commission, a revision in Locust Ridge's rate to reflect proposed changes in the purchase Gas Adjustment (PGA) component of Locust Ridge's rate for the period of March 1, 1983 thru August 31, 1983. The overall effect of the filed for adjustments to Locust Ridge's sales rate is an increase of $0.4949 per MMBTU.

Locust Ridge requests waiver of the Commissions regulations to the extent, if any, required to put the proposed tariff sheets into effect on March 1, 1983.

A copy of this filing has been mailed to Locust Ridge's jurisdictional customers.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 385.211 and 385.214 of the Commission's Rule of Practice and Procedure (18 CFR 385.211, 385.214). All such petitions or protests should be filed on or before February 16, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of the application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-3514 Filed 2-8-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-290-000]

Mississippi Power & Light Co.; Filing

February 4, 1983.

The filing Company submits the following:

Take notice that on January 31, 1983, Mississippi Power & Light Company (MP&L) tendered for filing an Assignment and Operating Agreement (Assignment) dated June 1, 1982, among MP&L, Coahoma Electric Power Association (Coahoma), and South Mississippi Electric Power Association (SMEPA). This Assignment served to release MP&L from its obligations under MP&L's Agreements for Purchase of Power at each separate Coahoma delivery point and assigned those certain Agreements for Purchase of Power to SMEPA. With this transfer of power supply responsibility from MP&L to SMEPA, MP&L commenced providing SMEPA with transmission service under MP&L Rate Schedule FERC No. 251 with supplements as accepted for filing by the Commission in Docket No. ER79-259 (now terminated).

Consistent with the rearrangement of rights and obligations agreed to in the Assignment, MP&L proposes that its Agreements for Purchase of Power (designated as MP&L Rate Schedules, FERC Nos. 165, 168, 169, 170, 171, 172, and 210) be cancelled as of June 1, 1982.

MP&L requests an effective date of June 1, 1982, and therefore requests waiver of the Commission's notice requirements.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before February 22, 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. 83-3515 Filed 2-8-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA83-1-25-004]

Mississippi River Transmission Corp. Rate Change Filing

February 4, 1983

Take notice that on January 28, 1983, Mississippi River Transmission Corporation ("Mississippi") tendered for filing Eighty-Fifth Revised Sheet No. 3A and Seventh Revised Sheet No. 3D to its FERC Gas Tariff, First Revised Volume No. 1. An effective date of March 1, 1983 is proposed.

Eighty-Fifth Revised Sheet No. 3A is being submitted pursuant to Mississippi's gas tariff to track pipeline and producer rate changes and to recover gas costs which have accumulated in Mississippi's Unrecovered Purchased Gas Cost Account, and also reflects base rate adjustments being made in accordance with the Stipulation and Agreement in Mississippi's rate case at Docket No. RP81-48. Seventh Revised Sheet No. 3D indicates that Mississippi projects zero incremental pricing surcharges to its direct market and sale for resale customers.

Mississippi states that the overall effect of the filed for PGA and base rate adjustments is to decrease its CD-1 demand rates by $.292 per Mcf and to increase its CD-1 and PI-1 commodity rates by $.3136 per Mcf. The annualized revenue impact of the filed for adjustments will approximate $51.2 million. Of this amount Mississippi states that $58.2 million relates to current gas cost increases and base rate adjustments, offset by reduced revenues of $7.0 million reflecting a reduction in Mississippi's Surcharge Adjustments.

Mississippi states that copies ofits filing have been served on all jurisdictional customers and interested state commissions.

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., W;ashington, D.C. 20426, in accordance with §§ 385.211 and 385.214 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 16, 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. 83-3516 File 2-8-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP83-45-000]

Montana-Dakota Utilities Co.; Proposed Change in Rate

Februry 4, 1983.

Take notice that on January 28, 1983, Montana-Dakota Utilities Co. ("MDU") filed herein the following Revised Tariff Sheets to Rate Schedule X-3 of its FERC Gas Tariff, First Revised Volume No. 2:

Seventeenth Revised Sheet No. 10

The proposed effective date is March 1, 1983.

MDU states that, pursuant to a certificate of public convenience and necessity issued in Docket No. CP75-154 on May 11, 1977, as amended, the Commission authorized the exchange and transportation of gas between MDU and Kansas-Nebraska Natural Gas Company (KN) pursuant to the terms of a "Gas Sales Transportation and Gas Exchange Agreement," dated May 19, 1974, as amended. Among other things, the agreement provides for a transportation charge for exchange volume deliveries by MDU to KN at the Riverton Dome Delivery Point.

The instant filing seeks to increase the rate for the transportation of the exchange gas by MDU for KN from the currently effective rate of 16 cents per Mcf to 24.081 cents per Mcf.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before February 16, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-3517 Filed 2-8-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-389-000]

Northern Indiana Public Service Co.; Filing

February 4, 1983.

The filing Company submits the following:

Take notice that on January 31, 1983, the Northern Indiana Public Service Company (NIPSCO) tendered for filing Fifth Revised Sheet No. 3 to its FERC Electric Service Tariff—Third Revised Volume No. 1 which has been revised to include an additional delivery point for Wabash Valley Power Association at Steuben County Rural Electric Membership Corporation. NIPSCO also tendered for filing the following:

Exhibit B-7, a supplement to the Service Agreement between NIPSCO and Wabash Valley Power Association, which covers the supply of electric energy for resale at a delivery point located in Salem Township, Steuben, County, Indiana.

NIPSCO requests an effective date of September 9, 1982, and therefore requests waiver of the Commission's notice requirements.

Copies of this filing were served upon all customers receiving electric service under NIPSCO's FERC Electric Service Tariff—Third Revised Volume No. 1 and the Public Service Commission of Indiana.

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 22, 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. 83-3518 Filed 2-8-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ES83-27-000]

Pacific Power & Light Co.; Application

February 4, 1983.

Take notice that on February 1, 1983, Pacific Power & Light Company (Pacific) filed its application with the Federal Energy Regulatory Commission, pursuant to Section 204 of the Federal Power Act, seeking authorization to negotiate for not more than $100,000,000 of long-term debt financing, directly or indirectly, in the Euro-dollar market.

Any person desiring to be heard or to make any protest with reference to said application should, on or before February 28, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petitions to intervene or a protest in accordance with 18 CFR 385.211 or 385.214, respectively. The application is on file with the Commission and available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-3519 Filed 2-8-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ES83-28-000]

Pacific Power & Light Co.; Application

February 4, 1983.

Take notice that on February 1, 1983, Pacific Power & Light Company (Pacific) filed its application with the Federal Energy Regulatory Commission, pursuant to Section 204 of the Federal Power Act, seeking an order authorizing it to enter into a loan agreement with certain of its subsidiaries for not more than $200,000,000 in short-term borrowings and to issue promissory notes to evidence the indebtedness. The agreement is expected to be executed during the first quarter of 1983.

Any person desiring to be heard or to make any protest with reference to said application should, on or before February 28, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petitions to intervene or a protest in accordance with 18 CFR 385.211 or 385.214, respectively. The application is on file with the Commission and available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-3520 Filed 2-8-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP83-47-000]

Tennessee Gas Pipeline Co., a Division of Tenneco Inc.; Filing of Changes in Rates

February 4, 1983.

Take notice that on February 1, 1983, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee), tendered for filing changes in its FERC Gas Tariff to be effective March 3, 1983, consisting of the following revised tariff sheets:

Original Volume No. 1

Sixth Revised Volume No. 2

The changes would increase revenues from jurisdictional sales and services by $98,961,848 based on a test period consisting of the twelve months ended October 31, 1982, adjusted for known and measurable changes through July 31, 1983. The changes also incorporated a Transportation Cost Rate Adjustment provision in the General Terms and Conditions.

Tennessee states that the increased rates are required to reflect increased plant and related expenses, increases in the cost of materials, supplies, wages, taxes, prepayments to producers and the transportation of gas by others, and a decline in system sales volumes. Any person desiring to be heared or to protest said filing 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 Procedures. All such petitions or protests should be filed on or before February 16, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-3521 Filed 2-8-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP83-39-000]

Tennessee Natural Gas Lines, Inc.; Proposed Rate Change

February 4, 1983.

Take notice that on January 28, 1983, Tennessee Natural Gas Lines, Inc. ("TNGL") tendered for filing changes to its F.E.R.C. Gas Tariff, First Revised Volume No. 1, consisting of the following tariff sheets.

Forty-Second Revised Sheet No. PGA-1
Eleventh Revised Sheet No. 4-A
Eighth Revised Sheet No. 4-B
Third Revised Sheet No. 8-I

The proposed general rate increase would increase revenues from jurisdictional sales and service by $1,290,325, or approximately 1.43%, based upon the period of twelve

consecutive months of actual experience ending September 30, 1982, as adjusted for known and measurable changes through June 30, 1983.

TNGL states that its general rate increase is necessary so as to provide it with the minimum return necessary to enable it to maintain its credit and financial integrity and to attract the capital which it will require and to recover increased taxes and increased operating and maintenance expenses. It states that its tariff filing is base on a slightly increased rate based and slightly reduced total annual sales volumes.

TNGL states that its tariff filing was served upon its jurisdictional customer, Nashville Gas Company, and the affected state commission, the Tennessee Public Service Commission.

Any person desiring to be heard or to protest said filing 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 Sections 211 and 214 of the Commission's Rules of Practice and Procedure on or before February 16, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-3522 Filed 2-8-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA83-1-17-007]

Texas Eastern Transmission Corp.; Proposed Changes in FERC Gas Tariff

February 4, 1983.

Take notice that Texas Eastern Transmission Corporation (Texas Eastern) on January 28, 1983 tendered for filing as part of its FERC Gas Tariff, Fourth Revised Volume No. 1, the following sheets:

Revised Second Substitute Sixty-fourth Revised Sheet No. 14

Revised Substitute Sixty-fourth Revised Sheet No. 14A

Revised Substitute Sixty-fourth Revised Sheet No. 14B

Revised Substitute Sixty-fourth Revised Sheet No. 14C

Revised Substitute Sixty-fourth Revised Sheet No. 14D

Texas Eastern has reduced its rates pursuant to Article VI, Rate Reductions for Repayments of Advance Payments, of the Stipulation and Agreement in Docket No. RP78-87 as approved by Commission Order issued April 4, 1980. According to the terms and conditions of Aritcle VI of the Stipulation and Agreement, Texas Eastern is required to file any rate reduction pursuant to this article by the end of the month following the month during which repayments requiring a rate reduction are received. The filing reflects that Texas Eastern is obligated to reduce its rates based on the balance of advance payments outstanding as of December 31, 1982.

The proposed effective date of the above tariff sheets is March 1, 1983.

Copies of the filing were served on Texas Eastern's jurisdictional customers and interested state commissions.

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, DC 20426, in accordance with Rule 211 and 214 of the Commission's Rules of Practice and Procedure. All such motions or protests should be filed on or before February 16, 1983. Protest 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. 83-3523 Filed 2-8-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-285-000]

Union Electric Co.; Filing

February 4, 1983.

The filing company submits the following:

Take notice that on January 28, 1983, Union Electric Company (Union) tendered for filing a revision in Appendic C to the Interconnection Agreement dated February 18, 1982 between Central Illinois Public Service Company, Illinois Power company, and UE reflecting the addition of new facilities. In connection with such change, a new Appendix "B" to the Facility Use Agreement dated February 14, 1972 between UE and Illinois Power Company was also filed.

Union requests an effective date of November 13, 1981.

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 22, 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. 83-3524 Filed 2-8-83; 8:45 am]

BILLING CODE 6717-01-M

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: February 3, 1983.

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
CALIFORNIA DEPARTMENT OF CONSERVATION									
-PETRO-LEWIS CORPORATION			RECEIVED: 12/28/82 JA: CA						
8317387	82-4-0197	0402960122		103		ELLIS 65E-19	SOUTH BELRIDGE	4.7	MOBIL OIL CORP
KANSAS CORPORATION COMMISSION									
-GRAHAM-MICHAELIS CORP			RECEIVED: 01/10/83 JA: KS						
8317366	K 82-0657	1500700000		108-ER		DAVIS RANCH #1-27		0.0	CITIES SERVICE GA
8317365	K-79-0939	1508100000		108-SA		WEIDNER #1		0.0	COLORADO INTERSTA
-KANSAS PETROLEUM INC			RECEIVED: 01/10/83 JA: KS						
8317364	K-80-0088	1518720013		108-SA		NORDLING #1		0.0	KANSAS NEBRASKA N
-PAN EASTERN EXPLORATION COMPANY			RECEIVED: 01/10/83 JA: KS						
8317369	K-82-0251	1512900000		108		BARKER #1-27	HUGOTON	18.0	PANHANDLE EASTERN
8317373	K-82-0143	1518900000		108		BECKLEY #1-21	HUGOTON	18.0	PANHANDLE EASTERN
8317377	K-82-0140	1512900000		108		FITHIAN #1-9	HUGOTON	18.0	PANHANDLE EASTERN
8317378	K-82-0279	1512900000		108		FOUTS #1-11	HUGOTON	18.0	PANHANDLE EASTERN
8317379	K-82-0280	1517500000		108		GAREY #1-27	HUGOTON	18.0	PANHANDLE EASTERN
8317375	K-82-0141	1512900000		108		HAYWARD #1-25	HUGOTON	18.0	PANHANDLE EASTERN
8317374	K-82-0139	1518900000		108		HOFFMAN #1-29	HUGOTON	18.0	PANHANDLE EASTERN
8317376	K-82-0142	1518900000		108		HOLT #1-17	HUGOTON	18.0	PANHANDLE EASTERN
8317372	K-82-0278	1512900000		108		LOW #1-17	HUGOTON	18.0	PANHANDLE EASTERN
8317380	K-82-0281	1512900000		108		LOW #1-7	HUGOTON	18.0	PANHANDLE EASTERN
8317371	K-82-0277	1518900000		108		MORGAN #2-27	HUGOTON	18.0	PANHANDLE EASTERN
8317386	K-82-0194	1518900000		108		PERRY #1-9	HUGOTON	18.0	PANHANDLE EASTERN
8317384	K-82-0193	1518900000		108		PHILLIPS #1-1	HUGOTON	18.0	PANHANDLE EASTERN
8317385	K-82-0192	1518900000		108		RAMEY #1-11	HUGOTON	18.0	PANHANDLE EASTERN
8317383	K-82-0191	1518900000		108		REED #1-15	HUGOTON	18.0	PANHANDLE EASTERN
8317382	K-82-0190	1518900000		108		SHAFER #1-7	HUGOTON	18.0	PANHANDLE EASTERN
8317381	K-82-0253	1512900000		108		SIMONS #1-23	HUGOTON	18.0	PANHANDLE EASTERN
8317370	K-82-0252	1518900000		108		SPALDING #1-25	HUGOTON	18.0	PANHANDLE EASTERN
8317368	K-82-0250	1512900000		108		STOUT #1-35	HUGOTON	18.0	PANHANDLE EASTERN
8317367	K 82-0249	1512900000		108		WEESE #1-1	HUGOTON	18.0	PANHANDLE EASTERN
NEW MEXICO DEPARTMENT OF ENERGY & MINERALS									
-CARL A SCHELLINGER			RECEIVED: 01/10/83 JA: NM						
8317389		3000560925		102-2		CAMPBELL STATION UNIT #1	UNDESIGNATED - ABO	180.0	
-PHILLIPS PETROLEUM COMPANY			RECEIVED: 01/10/83 JA: NM						
8317390		3002526679		108		EAST VAC GB/SA UNIT TR 3332 #002	VACUUM GB/SA	4.0	EL PASO NATURAL G
8317391		3002503017		108		EAST VAC GB/SA UNIT TR 3456#002	VACUUM GB/SA	1.0	EL PASO NATURAL G
-YATES PETROLEUM CORPORATION			RECEIVED: 01/10/83 JA: NM						
8317392		3002527914		103		SWAN "YB" #1	SAUNDERS PERMO PENN	0.0	PHILLIPS PETROLEU

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
						OHIO DEPARTMENT OF NATURAL RESOURCES			
-ACTION PETROLEUM INC				RECEIVED:	01/10/83	JA: OH			
8317226		3400722092	103		107-TF	WHITELY #2	NEW LYME	25.0	P O I ENERGY INC
-ALTEX INC				RECEIVED:	01/10/83	JA: OH			
8317227		3412725575	103			MCCUNE ETALS #1	PIKE TOWNSHIP	4.5	COLUMBIA GAS TRAN
-ALTHEIRS OIL INC				RECEIVED:	01/10/83	JA: OH			
8317228		3412725541	103			D BARTOW #2	SALT LICK TOWNSHIP	4.0	NICOFIBERS INC
-AMERICAN PETROEL INC				RECEIVED:	01/10/83	JA: OH			
8317229		3416726503	103			WAGNER #3	ADAMS	2.0	
-ATLAS ENERGY GROUP INC				RECEIVED:	01/10/83	JA: OH			
8317232		3415522069	102-2		107-TF	BIRRELL UNIT #1	KINSMAN	6.0	COLUMBIA GAS TRAN
8317236		3415522215	102-2		107-TF	D HARNETT #1	VERNON	12.0	COLUMBIA GAS TRAN
8317235		3415522199	102-2		107-TF	FRANTZ TUTTLE UNIT #1	VERNON	12.0	COLUMBIA GAS TRAN
8317233		3415522159	102-2		107-TF	LINEVILLE BOYD UNIT #1	VERNON	11.0	COLUMBIA GAS TRAN
8317230		3415521731	102-2		107-TF	M & R MIZNER #1	VERNON	15.0	COLUMBIA GAS TRAN
8317234		3415522184	102-2		107-TF	PEDEN #1	VERNON	11.0	COLUMBIA GAS TRAN
8317231		3415521968	102-2		107-TF	SCHLABACH #3	KINSMAN	9.0	COLUMBIA GAS TRAN
-B T SIMPSON JR				RECEIVED:	01/10/83	JA: OH			
8317351		3407522882	107-TF			ROBERT E KASNER #1	MILLERSBURG (HARDY TW	75.0	COLUMBIA GAS TRAN
-BAKER OIL CO				RECEIVED:	01/10/83	JA: OH			
8317243		3416726065	103			FRANK WALLER #1	AURELIUS	0.0	COLUMBIA GAS TRAN
-BJVC ENERGY MANAGEMENT CORP				RECEIVED:	01/10/83	JA: OH			
8317237		3410521697	107-TF			CHARLES GOEGLEIN #1	SAILSBURY	3.0	COLUMBIA GAS TRAN
8317239		3410521870	107-TF			CLAIR & THELMA GILES #1	RUTLAND	3.0	COLUMBIA GAS TRAN
8317238		3410521869	107-TF			CLAIR & THELMA GILES #2	RUTLAND	3.0	COLUMBIA GAS TRAN
8317242		3410522011	107-TF			CLAIR & THELMA GILES #3	RUTLAND	3.0	COLUMBIA GAS TRAN
8317240		3410521995	107-TF			FEENEY BENNETT POST 128 #2	SALISBURY	3.0	COLUMBIA GAS TRAN
8317241		3410522009	107-TF			FEENEY BENNETT POST 128 #4	SALISBURY	3.0	COLUMBIA GAS TRAN
-BRIDGE OIL DEVL (Q*LD) PTY LTD				RECEIVED:	01/10/83	JA: OH			
8317244		3416923297	103		107-TF	PAUL MOOMAW #2	WAYNE	75.0	COLUMBIA GAS TRAN
-CARL LANG PRODUCTION CO				RECEIVED:	01/10/83	JA: OH			
8317297		3416722585	108			CARL LANG #1		11.1	GAS TRANSPORT INC
8317298		3416722679	108			CLARENCE HUCK #1		11.1	GAS TRANSPORT INC
8317300		3416722829	108			HUCK #1		11.1	GAS TRANSPORT INC
8317299		3416722699	108			LANG #1		11.1	GAS TRANSPORT INC
-CARLTON OIL CORP				RECEIVED:	01/10/83	JA: OH			
8317245		3416726200	103			TIDD #1	NEWPORT	50.0	
-CENTRAL ENERGY CO INC				RECEIVED:	01/10/83	JA: OH			
8317246		3412725700	103			MILLER #1	GRATIOT	10.0	NEW ZANE GAS CO
-CUYAHOGA EXPLORATION & DEVELOPMENT				RECEIVED:	01/10/83	JA: OH			
8317252		3416727052	103			DELMAR HENDERSHOT #5	LIBERTY	19.7	
-DELRAY DRILLING INC				RECEIVED:	01/10/83	JA: OH			
8317253		3412725378	107-TF			DOYLE #1	MADISON	22.0	NEW ZANE GAS CO
-DISCOVERY OIL LTD				RECEIVED:	01/10/83	JA: OH			
8317254		3410322875	107-TF			RUPRECHT #3	WESTFIELD	10.0	
-DONALD CREIGHTON				RECEIVED:	01/10/83	JA: OH			
8317248		3411120037	108			ENOS HAUGHT HEIRS #1	BENTON TOWNSHIP	3.5	RIVER GAS CO
8317247		3411120033	108			GALE BRADFIELD #1	BENTON TOWNSHIP	3.5	RIVER GAS CO
8317249		3411120069	108			JOHN RICE #1	BENTON TOWNSHIP	3.5	RIVER GAS CO
8317250		3416722929	108			SAMUEL MCVEY #1	GRANDVIEW TOWNSHIP NE	0.9	RIVER GAS CO
8317251		3416722946	108			SAMUEL MCVEY #2	GRANDVIEW TOWNSHIP NE	0.9	RIVER GAS CO

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-DUSTY DRILLING COMPANY INC				RECEIVED:	01/10/83	JA: OH			
8317255		3411522593		107-TF		THOMPSON #3	DEERFIELD	0.9	COLUMBIA GAS TRAN
8317256		3411522883		107-TF		THOMPSON #4	DEERFIELD	0.9	COLUMBIA GAS TRAN
-EDWARD H EVERETT CO				RECEIVED:	01/10/83	JA: OH			
8317265		3411923979		103		L DOCKRAY #1	FALLS-MUSKINGUM	27.4	NATIONAL GAS & OI
-ELKHEAD GAS & OIL COMPANY				RECEIVED:	01/10/83	JA: OH			
8317258		3408323069		103		J R LEPLEY #2	KNOX	50.0	COLUMBIA GAS TRAN
8317257		3408322830		103		LEPLEY #3	KNOX	50.0	COLUMBIA GAS TRAN
-ENERGY DEVELOPMENT CORP				RECEIVED:	01/10/83	JA: OH			
8317264		3405520249		103	107-RT	GINGERICH #1	MIDDLEFIELD	19.0	COLUMBIA GAS TRAN
8317263		3405520235		103	107-RT	MILLER #10	MIDDLEFIELD	19.0	COLUMBIA GAS TRAN
8317262		3405520213		103	107-RT	MILLER #12	MIDDLEFIELD	20.0	COLUMBIA GAS TRAN
8317260		3405520188		103	107-RT	MILLER #14	MIDDLEFIELD	18.0	COLUMBIA GAS TRAN
8317261		3405520190		103	107-RT	MILLER #8	MIDDLEFIELD	19.0	COLUMBIA GAS TRAN
8317259		3405520185		103	107-RT	WALINEVICZE #1	MIDDLEFIELD	20.0	COLUMBIA GAS TRAN
-EVERFLOW EASTERN INC				RECEIVED:	01/10/83	JA: OH			
8317266		3409920705		103	107-RT	DIEHL LAKE-GIBSON #1	ELLSWORTH	8.0	
-FOX OIL CO				RECEIVED:	01/10/83	JA: OH			
8317267		3416120049		103		GORDON THOMAS #1	LIBERTY	60.0	WEST OHIO GAS CO
-FREDERICK PETROLEUM CORP				RECEIVED:	01/10/83	JA: OH			
8317268		3411122731		103		TILTON #1-A FRANKLIN TOWNSHIP	FRANKLIN	36.0	
-FRONTIER PETROLEUM LTD				RECEIVED:	01/10/83	JA: OH			
8317269		3411122859		103		CLYDE WECKBACHER #1	WASHINGTON	12.0	COLUMBIA GAS TRAN
8317270		3411127298		103		H D HELDMAN #2	INDEPENDENCE	10.0	COLUMBIA GAS TRAN
-GEO ENERGY INC				RECEIVED:	01/10/83	JA: OH			
8317271		3403123611		108		LARGE #1		16.0	COLUMBIA GAS TRAN
8317272		3403123814		108		LARGE #2		6.0	COLUMBIA GAS TRAN
-GORSUCH OIL & GAS CORP				RECEIVED:	01/10/83	JA: OH			
8317273		3411926315		107-TF		WILLIAM BARKER #1	ROSEVILLE	50.0	COLUMBIA GAS TRAN
-GREENLAND PARTNERSHIP 82-1				RECEIVED:	01/10/83	JA: OH			
8317274		3412725620		107-TF		REAM #5	GORE	8.0	COLUMBIA GAS TRAN
-GREENWOOD JAMES W				RECEIVED:	01/10/83	JA: OH			
8317277		3416700290		108		HENRY C WEBER #1	GRANDVIEW TWP	8.4	RIVER GAS CO
8317275		3416700000		108		HENRY C WEBER #2	GRANDVIEW TWP	8.4	RIVER GAS CO
8317276		3416700000		108		HENRY C WEBER #3	GRANDVIEW TWP	8.4	RIVER GAS CO
8317278		3416700375		108		HENRY C WEBER #4	GRANDVIEW TWP	8.4	RIVER GAS CO
-GUARDIAN MANAGEMENT INC				RECEIVED:	01/10/83	JA: OH			
8317280		3403124855		103		BURCH DC-1A	COSHOCTON	18.0	
8317279		3403124573		103		MELROSE DC-1A	PERRY	18.0	
-HBJ ASSOCIATES - 80 DRLG PTNSP				RECEIVED:	01/10/83	JA: OH			
8317281		3410521996		107-TF		ELBER JOHNSON #1	SALISBURY	3.8	COLUMBIA GAS TRAN
8317283		3410522030		107-TF		ELBER JOHNSON #2	SALISBURY	3.8	COLUMBIA GAS TRAN
8317282		3410522037		107-TF		ELBER JOHNSON #3	SALISBURY	3.8	COLUMBIA GAS TRAN
-IRVIN PRODUCING COMPANY				RECEIVED:	01/10/83	JA: OH			
8317286		3412724440		108		BROWN #1		4.0	COLUMBIA GAS TRAN
8317288		3412724749		108		BROWN #2		4.0	COLUMBIA GAS TRAN
8317289		3412724995		108		E LECKRONE #5		4.0	COLUMBIA GAS TRAN
8317285		3412723883		108		EING #1		2.0	COLUMBIA GAS TRAN
8317287		3412724737		108		O F LECKRONE #1		5.0	COLUMBIA GAS TRAN
-JAMES R SMAIL				RECEIVED:	01/10/83	JA: OH			
8317353		3416923372		103		WILE UNIT #1	CLINTON	36.0	COLUMBIA GAS TRAN
-KAISER ENERGY INC				RECEIVED:	01/10/83	JA: OH			
8317290		3402929050		107-TF		FRED JOHNSON KEM #202	FRANKLIN	35.0	

JD NO	DA EXT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-L & M PETROLEUM INC				RECEIVED: 01/10/83 JA: OH					
8317291		3412725415		107-TF		REED/DIETZEL/ESSINGTON #1	PIKE	10.0	COLUMBIA GAS TRAN
-LAKE REGION OIL INC				RECEIVED: 01/10/83 JA: OH					
8317292		3407523876		103	107-TF	CHARLES V STRAITS #5	KILLBUCK	9.0	COLUMBIA GAS TRAN
8317293		3408323136		103		LUTHER C & RONALD E HOTHEM #2	JEFFERSON	5.0	EAST OHIO GAS CO
-LANDPROVEST INC				RECEIVED: 01/10/83 JA: OH					
8317294		3405923055		107-TF		NEILLEY #1	CAMBRIDGE	20.0	
8317295		3405923106		107-TF		URBAN #1	INDIAN CAMP	12.0	
8317296		3405923261		107-TF		WESTFALL #1	INDIAN CAMP	10.0	
-LEVENGOOD OIL & GAS INC				RECEIVED: 01/10/83 JA: OH					
8317301		3407522226		103	107-RT	WAYNE CLOSE #1	CLARK	10.0	COLUMBIA GAS TRAN
-LIBERTY OIL & GAS CORP				RECEIVED: 01/10/83 JA: OH					
8317303		3410522425		103		GEORGE COLLINS #1	OLIVE	18.0	COLUMBIA GAS TRAN
8317302		3400922635		103		J M FERRELL #1	TROY	18.0	COLUMBIA GAS TRAN
-LOMAK PETROLEUM INC				RECEIVED: 01/10/83 JA: OH					
8317306		3411926327		107-TF		H E WILSON #1	BLUE ROCK	24.0	ROVI RESOURCE COR
8317305		3411926287		107-TF		M WHITE #2-L	BLUE ROCK	24.0	ROVI RESOURCES CO
8317304		3411926284		107-TF		RODGERS & ROSEN #25-L	MEIGS	24.0	ROVI RESOURCES CO
-MARK RESOURCES CORP				RECEIVED: 01/10/83 JA: OH					
8317312		3400722118		103		MCQUILLAN-CHILDS UNIT #1	KINGSVILLE	30.0	
-MID-CON OIL COMPANY				RECEIVED: 01/10/83 JA: OH					
8317319		3408924503		103		CHARLES SHORT #1	CHARLES SHORT	10.0	NATIONAL GAS & OI
8317322		3408924558		103		GORDON-HUPP #1	GORDON-HUPP	14.0	NATIONAL GAS & OI
8317320		3408924506		103		PAUL BORING #2	BORRING	12.0	NATIONAL GAS & OI
8317321		3408924512		103		VELMA COOPERRIDER #2	COOPERRIDER WELL #2	15.0	NATIONAL GAS & OI
-MINNESOTA-OHIO OIL CORP				RECEIVED: 01/10/83 JA: OH					
8317324		3416727197		103		LAWRENCE BOWERSOCK #1	LUDLOW	12.0	COLUMBIA GAS TRAN
8317323		3416727196		103		U S A #6 WARD CLINE	LUDLOW	12.0	COLUMBIA GAS TRAN
-NEW FRONTIER EXPLORATION INC				RECEIVED: 01/10/83 JA: OH					
8317326		3405923398		103	107-TF	CHARLES MOORE #1	CAMBRIDGE	22.0	YANKEE RESOURCES
8317327		3406720462		103	107-TF	E SHEEHAN #1	MONROE	10.0	TENNECO OIL CO
8317328		3415123781		103	107-TF	J BRIESKE #2	WASHINGTON	20.0	YANKEE RESOURCES
-OXFORD OIL CO				RECEIVED: 01/10/83 JA: OH					
8317331		3411925989		103		EMMA MCKENZIE #5	HOPEWELL	10.0	
8317330		3411122926		103		STAN CARPENTER #1	FRANKLIN	10.0	
8317329		3411122907		107-DV		WALDINE BEARDMORE #1	FRANKLIN	12.0	
-PENN-OHIO ENERGY CORP				RECEIVED: 01/10/83 JA: OH					
8317332		3407522961		107-TF		JONAS SCHROCK W-10-1	WALNUT CREEK TOWNSHIP	150.0	COLUMBIA GAS TRAN
8317333		3407522991		107-TF		MOSES HOSTETLER W-6-1	WALNUT CREEK TOWNSHIP	130.0	COLUMBIA GAS TRAN
-PETRO EVALUATION SERVICES INC				RECEIVED: 01/10/83 JA: OH					
8317334		3408520397		103	107-TF	ROOSEVELT UNIT 2-A	PERRY	30.0	EAST OHIO GAS CO
-POI ENERGY INC				RECEIVED: 01/10/83 JA: OH					
8317340		3413321240		108		GRIFFITH #1		19.6	
8317342		3413321864		108		HIGGINS #1		14.6	
8317339		3400721076		108		HODGE #2		19.2	
8317338		3400720553		108		KRAJER #1		10.0	
8317343		3415320578		108		PARKER #1		14.3	
8317341		3413321353		108		WESTERN RESERVE FIRELANDS #1		2.0	
8317336		3400720501		108		ZAEBST #1		2.6	
8317335		3400720549		108		ZAEBST #2		10.6	
8317337		3400720550		108		ZAEBST #3		4.9	
-POMINEX INC				RECEIVED: 01/10/83 JA: OH					
8317344		3409921504		103	107-TF	MAYO UNIT #3	BOARDMAN	18.0	

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8317345		3409921517		103	107-TF	RASHID #1	BOARDMAN	18.0	
8317347		3409921522		103	107-TF	SHORTEN #1	CANFIELD	18.0	
8317346		3409921520		103	107-TF	URSULINE NUNS #1	CANFIELD	18.0	
-PREMIER ENERGY CORP				RECEIVED:	01/10/83	JA: OH			
8317348		3411121986		107-DV		VERNON REISCHMAN #1	MALAGA	3.0	
-RELIANCE ENERGY				RECEIVED:	01/10/83	JA: OH			
8317316		3408322489		108		DAVID MCMILLIAN #1		1.5	COLUMBIA GAS TRAN
8317313		3404520625		108		NEIL BEARD #1		6.0	COLUMBIA GAS TRAN
8317314		3404520635		108		ROY LYNN & RUSSEL FOSTER #1		8.0	COLUMBIA GAS TRAN
8317315		3407522690		108		WILLIE & HELEN WOLFE #1		3.0	COLUMBIA GAS TRAN
-ROCKWELL RESOURCES INC				RECEIVED:	01/10/83	JA: OH			
8317349		3411122747		103		PHENA PIATT #1	WASHINGTON	12.0	COLUMBIA GAS TRAN
-RONALD F MORAN				RECEIVED:	01/10/83	JA: OH			
8317325		3403123810		107-TF		BOSSON #1	BEDFORD	0.0	COLUMBIA GAS TRAN
-SOUTHERN TRIANGLE OIL CO INC				RECEIVED:	01/10/83	JA: OH			
8317352		3405921061		108		HARBOUGH B 1		1.5	COLUMBIA GAS TRAN
-STRATA CORP				RECEIVED:	01/10/83	JA: OH			
8317354		3408922683		107-TF		DOCIE #2	CANAAN	7.0	
-TORENT OIL & GAS CO INC				RECEIVED:	01/10/83	JA: OH			
8317358		3409921515		107-TF		LOGAN FARMS UNIT #1	CANFIELD	15.0	COLUMBIA GAS OF O
-TOWNER PETROLEUM CO				RECEIVED:	01/10/83	JA: OH			
8317359		3405922256		108		R WARNE #1	GUERNSEY	22.0	EAST OHIO GAS CO
-TRAK GAS & OIL PRODUCERS 1				RECEIVED:	01/10/83	JA: OH			
8317360		3410521758		107-RT		VERNON WEBER #1B	LOWER MISSISSIPPIAN	5.0	COLUMBIA GAS TRAN
-UNION DRILLING INC				RECEIVED:	01/10/83	JA: OH			
8317361		3408720308		103		DAVY & DIXIE TURNER 6001	WINDSOR TOWNSHIP	0.0	COLUMBIA GAS TRAN
-UNIVERSAL EXPLORATION				RECEIVED:	01/10/83	JA: OH			
8317362		3410322318		107-TF		KEIPER #1	WADSWORTH	45.0	YANKEE RESOURCES
-VICTOR MCKENZIE				RECEIVED:	01/10/83	JA: OH			
8317318		3412725770		103		GRAPEVINES INC #1	HOPEWELL	5.0	NATIONAL GAS & OI
8317317		3412725375		103	107-TF	JOSEPHINE HEFRIGGLE "C" #1	CLAYTON	5.5	
-VIKING RESOURCES CORP				RECEIVED:	01/10/83	JA: OH			
8317363		3408520355		103	107-TF	KLYN #5	PERRY	30.0	
-W E SHRIDER CO				RECEIVED:	01/10/83	JA: OH			
8317358		3411926398		103		BRADLEY-STOTTS #2	LICKING	3.0	NATIONAL GAS & OI
-W J LYDIC INC				RECEIVED:	01/10/83	JA: OH			
8317309		3411122815		103		AKE #1	JACKSON	50.0	RIVER GAS CO
8317311		3411122940		103		HINDERLONG #1	SUMMIT	20.0	
8317308		3411122399		103		J RITCHIE #1	JACKSON	0.0	COLUMBIA GAS TRAN
8317310		3411122937		103		PHILLIP CHRISTMAN #1	SUMMIT	8.0	
8317307		3411122398		103		WANDA BYERS #1	JACKSON	0.0	COLUMBIA GAS TRAN
-WILLIAM F HILL				RECEIVED:	01/10/83	JA: OH			
8317284		3407523917		103		JOHN ECKERT #1	KNOX	8.0	
-WILLIAM N TIPKA				RECEIVED:	01/10/83	JA: OH			
8317356		3415723347		107-TF		GEORGE BERKSHIRE #1	WASHINGTON	6.0	COLUMBIA GAS TRAN
8317355		3406725850		107-TF		JOHN HANLON #1	FRANKLIN	1.0	
8317357		3415723355		107-TF		LIGGETT-BERKSHIRE #1	WASHINGTON	20.0	COLUMBIA GAS TRAN
**********									
WEST VIRGINIA DEPARTMENT OF MINES									
**********									
-DEVON CORP				RECEIVED:	12/28/82	JA: WV			
8317388		4703501175		108-ER		SUE PROCTOR MILLER #2 #785	RAVENSWOOD	3.0	COLUMBIA GAS TRAN

SOURCE DATA FOR THIS NOTICE IS AVAILABLE ON MAGNETIC TAPE FROM THE NATIONAL TECHNICAL INFORMATION SERVICE (NTIS). FOR INFORMATION, CONTACT STUART WEISMAN (NTIS) AT (703) 487-4808, 5285 PORT ROYAL RD, SPRINGFIELD, VA 22161, OR SANDRA SPEAR (FERC) (202) 357-8681.

JD No.	JA	Applicant	Well Name	Orig. FERC Vol. No.	Date Pub. in Federal Register	C:	Correction to prior Fed. Register notice
82-13222	NY	Arlington Exploration	Valley Vista View #1	586	02-04-82	C:	107-DV Approved; not 107-TF
83-05559	OK	Samson Resources Co	Mosby #1	778	11-26-82	C:	102-4 & 103 Approved
83-05697	LA	Marshall Exploration Inc	Colvin Cranor #2	778	11-26-82	C:	102-4 & 103 Approved
83-05698	LA	Texas Oil & Gas	Robinson H #1	778	11-26-82	C:	Applicant Name
83-05918	TX	Discovery Operating Inc	Hofferkamp #1	779	12-2-82	C:	Well Name
83-06682	TX	Dowco Petroleum Inc	Jack Ray Ford #1	782	12-07-82	C:	Well Name; 102-2 Approved
83-06792	TX	Grace Petroleum	McAshan Gas Ut #2	782	12-07-82	C:	102-4 & 107-TF Approved
83-06869	TX	Shah Exploration Co Inc	Bryan Clayton 18865 #1	782	12-07-82	C:	Well Name
83-07015	TX	Conoco Inc	Round Top Palo Pinto #11	782	12-07-82	C:	Well Name
83-07122	WV	R & B Petroleum	Georgia Pacific #4	783	12-08-82	C:	107-TF Approved; not 107-DV
83-07123	WV	R & B Petroleum	Georgia Pacific #6	783	12-08-82	C:	107-TF Approved; not 107-DV
83-07134	WV	Bow Valley Petroleum Inc	Mullins No. 937	783	12-08-82	C:	107-TF Approved; not 107-DV
83-07135	WV	Bow Valley Petroleum Inc	E Mullins No. 938	783	12-08-82	C:	107-TF Approved; not 107-DV
83-07136	WV	James F Scott	Nicastro Huddleston #2	783	12-08-82	C:	107-TF Approved; not 107-DV
83-07144	WV	James F Scott	Eva B Huddleston SW-400	783	12-08-82	C:	107-TF Approved; not 107-DV
83-07145	WV	James F Scott	Angela Nicastro #2 SW-402	783	12-08-82	C:	107-TF Approved; not 107-DV
83-07493	OH	Austin Development Co	Hawkins JY #1	785	12-08-82	C:	103 Approved; 107-TF Denied
83-07533	OH	Everflow Eastern Inc	Paxson #1	785	12-08-82	C:	108 Denied by JA
83-07579	OH	Monroe & Reusink Inc	Robert Wolf #1	785	12-08-82	C:	108 Denied by JA
83-07636	OH	Schimsher O & G Explora	White #1	785	12-08-82	C:	103 Approved; not Denied
83-07769	PA	Richard Burkland	Santee #1	786	12-08-82	C:	107-PE Approved; not 107-TF
83-08067	PA	Daniel L Hilty	Dolly Smeltzer #1	786	12-08-82	C:	107-PE Approved; not 107-TF
83-08240	OK	Blue Quail Energy Inc	Jenny Lou No. 1	787	12-14-82	C:	Well Name
83-08249	NM	Mesa Petroleum Co	Badger Com No. 3	787	12-14-82	C:	102-2 & 107-TF Approved
83-08500	WV	Consolidated Gas Supply	Guy D Brown WN-9899	788	12-14-82	C:	Well Name
83-08542	PA	William S. Burkland	Work Farm #2	789	12-14-82	C:	107-PE Approved; not 107-TF
83-09100	LA	Bethlan Production Corp	Campbell A No. 1	791	12-14-82	C:	102-4 & 103 Approved
83-09116	LA	Bethlan Production Corp	Gray No. 1	791	12-14-82	C:	102-4 & 103 Approved
83-09147	LA	Noe & Woods	Jordan No 3	791	12-14-82	C:	103 & 108 Approved
83-09219	LA	Glenn Petroleum Corp	E. J. Ramsey #1	791	12-14-82	C:	102-4 & 103 Approved
83-09239	NM	HNG Oil Comapny	Faulk "32" Com #1	792	12-14-82	C:	102-2 & 103 Approved
83-09565	TX	John L Cox	Rocker B "E" No 1-X	794	12-22-82	C:	Well Name
83-09705	TX	Morrow Resources, Inc	Brown #4	794	12-22-82	C:	102-2 & 103 Approved
83-10043	TX	Gulf Oil Corporation	JT McElroy Consoli. #250	795	12-22-82	C:	Well Name
83-10672	OH	Hopco Resources Inc	Balo #3	798	12-29-82	C:	103 Approved; 107-TF Denied
83-11049	TX	Diamond Shanrock Corp	#1'A'618 Clarence H Parker	800	12-29-82	C:	102-4 & 103 Approved
83-13713	OK	Fourth Chiefs Energy	ADA ID #063-38820	810	01-19-83	C:	108 Denied by JA
83-13714	OK	Fourth Chiefs Energy	Ryan ID #063-38822	810	01-19-83	C:	108 Denied by JA
83-13715	OK	Fourth Chiefs Energy	Tribal ID #063-38818	810	01-19-83	C:	108 Denied by JA
83-13716	OK	Fourth Chiefs Energy	Hicks ID #063-38819	810	01-19-83	C:	108 Denied by JA
83-13717	OK	Fourth Chiefs Energy	Meadors ID #063-38821	810	01-19-83	C:	108 Denied by JA
83-13718	OK	Arkoma Gas Company	W J Hilseweck C.U. #1-8	810	01-19-83	C:	108 Denied by JA
83-14535	NM	Mesa Petroleum	Macho Federal #3	813	01-24-83	C:	Well Name

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-3525 Filed 2-8-83; 8:45 am]

BILLING CODE 6717-01-C

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: February 3, 1983.

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
********** NEW YORK DEPARTMENT OF ENVIRONMENTAL CONSERVATION **********									
-BEREA OIL AND GAS CORPORATION			RECEIVED:	01/12/83	JA: NY				
8317468	3196	3101316704		102-2		GROSS UNIT #1	GERRY	12.0	COLUMBIA GAS TRAN
8317474	3161	3101316884		102-2		H OAG #4	WILDCAT	0.0	COLUMBIA GAS TRAN
-BOUNTY OIL & GAS INC			RECEIVED:	01/12/83	JA: NY				
8317469	3201	3101317084		102-2		ENOS/FRANKSON #1	WILDCAT	0.0	NATIONAL FUEL GAS
8317470	3198	3101317086		102-2		POLLOCK UNIT #1	WILDCAT	0.0	NATIONAL FUEL GAS
-CONSOLIDATED GAS SUPPLY CORPORATION			RECEIVED:	01/12/83	JA: NY				
8317453	3671	3101111456		108		ANNA RINDFLEISCH WN-1386	SPRINGPORT TOWN - AUB	23.0	GENERAL SYSTEM PU
-DORAN & ASSOCIATES INC			RECEIVED:	01/12/83	JA: NY				
8317465	3504	3101315568		102-8		G SKINNER #1 K-V-27	CARROLL	30.0	COLUMBIA GAS TRAN
8317462	3501	3101315567		102-2		I WALKER #1 K-A-96	CARROLL	30.0	COLUMBIA GAS TRAN
8317471	3271	3101321639		102-2		R HORNER UNIT #1 KV-14	CARROLL	30.0	COLUMBIA GAS TRAN
8317463	3500	3101315947		102-2		R MINOR #1 K-A-97	CARROLL	30.0	COLUMBIA GAS TRAN
8317472	3272	3100921630		102-2		RAYMOND HADLEY #2 KA-115	CONEWANGO	30.0	COLUMBIA GAS TRAN
8317478	3502	3101317066		102-2		SWANSON UNIT #1 K-V-17	CARROLL	30.0	COLUMBIA GAS TRAN
8317464	3503	3101315978		102-2		W FENTON #1 K-A-100	CARROLL	30.0	COLUMBIA GAS TRAN
-ENVIROGAS INC			RECEIVED:	01/12/83	JA: NY				
8317405	3172	3100917043		107-TF		A CAMMILLERI #1	WILDCAT	18.0	COLUMBIA GAS TRAN
8317437	4427	3101313746		108		AKIN #1	WILDCAT	2.0	NATIONAL FUEL GAS
8317431	4433	3101312880		108		BARAN #1	LAKESHORE	5.0	NATIONAL FUEL GAS
8317430	4434	3101313035		108		BARAN #2	LAKESHORE	9.0	NATIONAL FUEL GAS
8317401	2944	3101316795		107-TF		C DAMCOTT #2	CLYMER	18.0	COLUMBIA GAS TRAN
8317402	2943	3101316796		107-TF		C DAMCOTT #3	CLYMER	18.0	COLUMBIA GAS TRAN
8317418	4446	3101312773		108		CONNELLY #1	LAKESHORE	15.0	NATIONAL FUEL GAS
8317421	4443	3101314290		108		DARLING #1	LAKESHORE	9.0	NATIONAL FUEL GAS
8317396	3236	3100916907		107-TF		E PLOETZ #11	WILDCAT	18.0	COLUMBIA GAS TRAN
8317397	3233	3100916961		107-TF		E PLOETZ #3	WILDCAT	18.0	COLUMBIA GAS TRAN
8317394	3231	3100916904		107-TF		E PLOETZ #5	WILDCAT	18.0	COLUMBIA GAS TRAN
8317395	3237	3100917056		107-TF		E RUHLEN #1	WILDCAT	18.0	COLUMBIA GAS TRAN
8317427	4437	3101312774		108		EGGERT #1	LAKESHORE	10.0	NATIONAL FUEL GAS
8317403	2941	3101316829		107-TF		I BECKERINK #1	CLYMER	18.0	COLUMBIA GAS TRAN
8317400	2942	3101316945		107-TF		I BECKERINK #2	CLYMER	18.0	COLUMBIA GAS TRAN
8317434	4430	3101314355		108		I COCHRANE #1	LAKESHORE	1.0	NATIONAL FUEL GAS
8317423	4441	3101314356		108		I COCHRANE #2	LAKESHORE	11.0	NATIONAL FUEL GAS
8317435	4429	3101313862		108		K JAMES #1	WILDCAT	0.9	NATIONAL FUEL GAS
8317436	4428	3101313854		108		K JAMES #2	WILDCAT	2.0	NATIONAL FUEL GAS
8317422	4442	3101314311		108		LOLL #1	LAKESHORE	17.0	NATIONAL FUEL GAS
8317429	4435	3101312915		108		MASON #1	LAKESHORE	7.0	NATIONAL FUEL GAS
8317414	4450	3101313907		108		NIXON #1	LAKESHORE	8.0	NATIONAL FUEL GAS
8317425	4439	3101314300		108		NIXON #2	LAKESHORE	12.0	NATIONAL FUEL GAS
8317426	4438	3101314301		108		NIXON #3	LAKESHORE	10.0	NATIONAL FUEL GAS

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8317413	4451	3101314369		108		P BARDEN #1	LAKESHORE	3.0	NATIONAL FUEL GAS
8317398	3232	3100917073		107-TF		P REBESCHER #1	WILDCAT	18.0	COLUMBIA GAS TRAN
8317420	4444	3101314315		108		PENNELL #1	LAKESHORE	13.0	NATIONAL FUEL GAS
8317424	4440	3101312935		108		QUAGLIANO #1	LAKESHORE	10.0	NATIONAL FUEL GAS
8317399	2945	3101316617		107-TF		R BECKERINK #2	CLYMER	18.0	COLUMBIA GAS TRAN
8317428	4436	3101312825		108		ROHMAN #1	LAKESHORE	7.0	NATIONAL FUEL GAS
8317415	4449	3101312766		108		TENHUISEN #1	LAKESHORE	5.0	NATIONAL FUEL GAS
8317416	4448	3101312770		108		TENHUISEN #2	LAKESHORE	7.0	NATIONAL FUEL GAS
8317417	4447	3101312771		108		TENHUISEN #3	LAKESHORE	8.0	NATIONAL FUEL GAS
8317419	4445	3101313893		108		TURNEY #1	WILDCAT	6.0	NATIONAL FUEL GAS
8317404	2940	3101316459		107-TF		V NELSON #1	WILDCAT	18.0	NATIONAL FUEL GAS
8317433	4431	3101312961		108		WRIGHT #1	LAKESHORE	7.0	NATIONAL FUEL GAS
8317432	4432	3101313056		108		WRIGHT #2	LAKESHORE	2.0	NATIONAL FUEL GAS
-J F S INC				RECEIVED:	01/12/83	JA: NY			
8317408	4634	3102906718		108		GANEY #4	LAKEVIEW	0.0	NATIONAL FUEL GAS
8317409	4631	3102906920		108		JFS INC #5	LAKEVIEW	7.3	NATIONAL FUEL GAS
8317411	4632	3102906923		108		JFS INC #6	LAKEVIEW	0.0	NATIONAL FUEL GAS
8317410	4633	3102906924		108		JFS INC #7	LAKEVIEW	0.0	NATIONAL FUEL GAS
-KEYSTONE ENERGY OIL & GAS PRODUCTIO				RECEIVED:	01/12/83	JA: NY			
8317446	4349	3100916918		107-TF		ARTHUR BUGENHAGEN #1	SKINNER HOLLOW	18.0	NATIONAL FUEL GAS
8317443	4340	3100916927		107-TF		CHARLES VAN ETTEN #1	SKINNER HOLLOW	18.0	NATIONAL FUEL GAS
8317440	4221	3100916422		107-TF		CLIFFORD GIBBS #1	SKINNER HOLLOW	18.0	NATIONAL FUEL GAS
8317441	4334	3100916963		107-TF		CLIFFORD SCHUFLER #1	SKINNER HOLLOW	18.0	NATIONAL FUEL GAS
8317439	4223	3100916407		107-TF		DONALD WILLIAMS #2	SKINNER HOLLOW	18.0	NATIONAL FUEL GAS
8317438	4198	3100916924		107-TF		DOROTHY BEZELJAK #1	SKINNER HOLLOW	18.0	NATIONAL FUEL GAS
8317442	4338	3100917706		107-TF		EUGENE BISSELL #1	SKINNER HOLLOW	18.0	NATIONAL FUEL GAS
8317448	4352	3100917050		107-TF		GARY SARGENT #2	SKINNER HOLLOW	18.0	NATIONAL FUEL GAS
8317447	4358	3100916413		107-TF		LARIMER/NORTON #2	SKINNER HOLLOW	18.0	NATIONAL FUEL GAS
8317444	4336	3100916830		107-TF		MCDONALD #1	SKINNER HOLLOW	18.0	NATIONAL FUEL GAS
8317445	4350	3100916831		107-TF		MCDONALD #2	SKINNER HOLLOW	18.0	NATIONAL FUEL GAS
-LENAPE RESOURCES CORP				RECEIVED:	01/12/83	JA: NY			
8317457	3154	3105116143		102-2		LRC #70 - CARROLL S BICKFORD #1	CALEDONIA	20.0	ELIZABETHTOWN GAS
8317466	3157	3105116134		102-2		LRC #71 - WILLIAM L DEARCOP #1	CALEDONIA	20.0	ELIZABETHTOWN GAS
8317467	3156	3105116125		102-2		LRC #79 - L D'ANGELO #1	CALEDONIA	20.0	ELIZABETHTOWN GAS
8317458	3153	3105116124		102-2		LRC #80 - J SKELLY #1	CALEDONIA	20.0	ELIZABETHTOWN GAS
8317456	3155	3105116131		102-2		LRC NO # - GERALD F PRINGLE #1	CALEDONIA	20.0	ELIZABETHTOWN GAS
-NRM PETROLEUM CORPORATION				RECEIVED:	01/12/83	JA: NY			
8317473	3240	3100916233		102-2		PIERCE-CHUBB UNIT "A" #1	RANDOLPH	0.0	COLUMBIA GAS TRAN
8317476	3242	3100916341		102-2		SHIELDS-BISSELL UNIT #1	RANDOLPH	0.0	COLUMBIA GAS TRAN
8317475	3243	3100916379		102-2		VISKER #1	RANDOLPH	0.0	COLUMBIA GAS TRAN
-NYS NATURAL GAS COMPANY				RECEIVED:	01/12/83	JA: NY			
8317393	4476	3101317865		107-TF		BEST #3	RIPLEY	20.0	NATIONAL FUEL GAS
8317454	4651	3101317925		107-TF		NORTHROP #3	LAKESHORE	20.0	NATIONAL FUEL GAS
8317412	4652	3101317925		103		NORTHROP #3	LAKESHORE	20.0	NATIONAL FUEL GAS
-TRAHAN PETROLEUM INC				RECEIVED:	01/12/83	JA: NY			
8317477	3511	3101317196		102-2		BEIGHTOL #2 31-013-17196	ELLINGTON	36.0	COLUMBIA GAS TRAN
8317406	4248	3101317170		107-TF		HITCHCOCK #1 31-013-17170	ELLINGTON	36.0	COLUMBIA GAS TRAN
8317461	3513	3101312515		102-2		SCHIMEK NY 44 31-013-12515	CHERRY CREEK	36.0	COLUMBIA GAS TRAN
-UNIVERSAL RESOURCES HOLDINGS INC				RECEIVED:	01/12/83	JA: NY			
8317460	3159	3101316834		102-2		BENEDICT #2	GERRY	20.0	COLUMBIA GAS TRAN
8317455	4630	3101317924		107-TF		F WALZAK #1	GERRY	20.0	COLUMBIA GAS TRAN
8317407	4629	3101317924		103		F WALZAK #1	GERRY	20.0	COLUMBIA GAS TRAN
8317451	4664	3101317734		103		SANFORD #2	GERRY	20.0	COLUMBIA GAS TRAN

VOLUME 825 PAGE 003

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8317449	4665	3101317734		107-TF		SANFORD #2	GERRY	20.0	COLUMBIA GAS TRAN
-US ENERGY DEVELOPMENT CORP		RECEIVED: 01/12/83 JA: NY							
8317459	3146	3101316290		102-2		ZAHP #1	GERRY	20.0	COLUMBIA GAS TRAN
-4-R INVESTMENT PARTNERSHIP		RECEIVED: 01/12/83 JA: NY							
8317452	4662	3101317922		103		M J ELDERKIN #2	GERRY	20.0	NATIONAL FUEL GAS
8317450	4663	3101317922		107-TF		M J ELDERKIN #2	GERRY	20.0	NATIONAL FUEL GAS
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PENNSYLVANIA DEPARTMENT OF ENVIRONMENTAL RESOURCES									
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-ANGERMAN ASSOCIATES INC		RECEIVED: 01/11/83 JA: PA							
8317532	17302	3706325710		108		DALE & DORIS LAKE #2 - IND-25710	W PENNA - UPPER DEVON	17.0	INDUSTRIAL ENERGY
-BEREA OIL AND GAS CORPORATION		RECEIVED: 01/11/83 JA: PA							
8317542	18369	3703921802		107-TF		A BELLINI #1	WILDCAT	10.0	COLUMBIA GAS TRAN
8317541	18368	3703921802		102-2		A BELLINI #1	WILDCAT	10.0	COLUMBIA GAS TRAN
8317535	18269	3703921842		107-TF		J DILEY UNIT #1	WILDCAT	15.0	COLUMBIA GAS TRAN
8317536	18270	3703921842		102-2		J DILEY UNIT #1	WILDCAT	15.0	COLUMBIA GAS TRAN
8317520	15847	3703921568		107-TF		J STEVENS #1	WILDCAT	20.0	COLUMBIA GAS TRAN
8317519	15846	3703921568		102-2		J STEVENS #1	WILDCAT	20.0	COLUMBIA GAS TRAN
8317538	18272	3703921837		103		J WEIKAL #1	WILDCAT	16.0	COLUMBIA GAS TRAN
8317537	18271	3703921837		107-TF		J WEIKAL #1	WILDCAT	16.0	COLUMBIA GAS TRAN
8317540	18354	3703921794		107-TF		M SOUTHALL #1	WILDCAT	15.0	COLUMBIA GAS TRAN
8317539	18353	3703921794		102-2		M SOUTHALL #1	WILDCAT	15.0	COLUMBIA GAS TRAN
8317546	18505	3703921811		107-TF		R BURKE #1	WILDCAT	12.0	COLUMBIA GAS TRAN
8317545	18504	3703921811		102-2		R BURKE #1	WILDCAT	12.0	COLUMBIA GAS TRAN
-CARDINAL OIL CO		RECEIVED: 01/11/83 JA: PA							
8317549	18616	3703921877		107-TF		JOHN TAYLOR #4 82-23 PER CRA-21877	CONNEAUT	0.0	COLUMBIA GAS TRAN
-CASTLE GAS CO INC		RECEIVED: 01/11/83 JA: PA							
8317565	18704	3706324467		108		E DIBLE #1 (C-516) IND-24464	ARMSTRONG TOWNSHIP	5.8	PEOPLES NATURAL G
8317566	18705	3706325517		108		H SHEARER #1 (C-575) IND-25517	WHITE TOWNSHIP	4.0	PEOPLES NATURAL G
8317567	18706	3706325518		108		H SHEARER #2 (C-576) IND-25518	WHITE TOWNSHIP	4.0	PEOPLES NATURAL G
-CONSOLIDATED GAS SUPPLY CORPORATION		RECEIVED: 01/11/83 JA: PA							
8317551	18620	3702120172		102-4		LORETTA PAWLOWSKI #1 WN-1917	TOWNSHIP	96.0	GENERAL SYSTEM PU
8317552	18621	3703321401		102-4		THELMA STEWART #1 WN-1911	BURNSIDE	408.0	GENERAL SYSTEM PU
8317564	18701	3703321417		102-2		WILLIAM B ROSS #1 WN-1916	BURNSIDE	11.0	GENERAL SYSTEM PU
-COWAN ASSOCIATES LTD		RECEIVED: 01/11/83 JA: PA							
8317509	11955	3703921175		107-TF		GEORGE LAW #1	GEORGE LAW	54.8	NATIONAL FUEL GAS
8317508	11954	3703921175		103		GEORGE LAW #1	GEORGE LAW	54.8	NATIONAL FUEL GAS
8317507	11953	3703921174		107-TF		GEORGE LAW #4	GEORGE LAW	63.9	NATIONAL FUEL GAS
8317506	11952	3703921174		103		GEORGE LAW #4	GEORGE LAW	63.9	NATIONAL FUEL GAS
8317513	14621	3703921422		107-TF		PAUL MEDRICK #2	PAUL MEDRICK	57.9	NATIONAL FUEL GAS
8317514	14622	3703921422		103		PAUL MEDRICK #2	PAUL MEDRICK	57.9	NATIONAL FUEL GAS
-COWAN ASSOCIATES LTD II		RECEIVED: 01/11/83 JA: PA							
8317523	16768	3703921172		103		GEORGE LAW #2	GEORGE LAW	18.3	NATIONAL FUEL GAS
8317522	16767	3703921172		107-TF		GEORGE LAW #2	GEORGE LAW	18.3	NATIONAL FUEL GAS
8317531	17254	3703921685		103		ROBERT B ADAMS #2	ROBERT B ADAMS	18.3	NATIONAL FUEL GAS
8317530	17253	3703921685		107-TF		ROBERT B ADAMS #2	ROBERT B ADAMS	18.3	NATIONAL FUEL GAS
-DEWEY GAS CO		RECEIVED: 01/11/83 JA: PA							
8317550	18618	3700522502		103		(TANK HILL #3) 3-BC	E S DEWEY LANDS	0.0	NATIONAL FUEL GAS
-ENVIROGAS INC		RECEIVED: 01/11/83 JA: PA							
8317521	16741	3704921897		107-TF		R TITUS #1	NORTH EAST DEEP	18.8	NATIONAL FUEL GAS
-FAIRMAN DRILLING CO		RECEIVED: 01/11/83 JA: PA							
8317534	18213	3706300000		103		M LEE MINTER #1 F-3367	ROCHESTER MILLS	60.0	CONSOLIDATED GAS
-J & J ENTERPRISES INC		RECEIVED: 01/11/83 JA: PA							

OP NO	OP INT	API NO	TYPE(S)	SEC(P)	WELL NAME	FIELD NAME	PROD	PURCHASER
8317533	17450	3706327141	103		INDIANA AREA SCHOOL DISTRICT #1 22A	WHITE	8.0	COLUMBIA GAS TRAN
-KALTSAS OIL CO			RECEIVED:	01/11/83	JA: PA			
8317516	15493	3704921758	103		JOSEPH A WROBLEWSKI #2	NORTH EAST FIELD HORN	75.0	COLUMBIA GAS TRAN
8317515	14589	3704921758	107-TF		JOSEPH A WROBLEWSKI JR #2	NORTH EAST FIELD HORN	75.0	COLUMBIA GAS TRAN
-MITCHELL ENERGY CORPORATION			RECEIVED:	01/11/83	JA: PA			
8317529	17103	3703921655	107-TF		G M AGNEW B #1	CONNEAUTVILLE (MEDINA	41.1	TENNESSEE GAS PIP
8317528	17102	3703921655	103		G M AGNEW B #1	CONNEAUTVILLE (MEDINA	41.1	TENNESSEE GAS PIP
8317527	16980	3703921569	103		H FARLEY UNIT #1	CONNEAUTVILLE (MEDINA	410.0	COLUMBIA GAS TRAN
8317524	16977	3703921569	107-TF		H FARLEY UNIT #1	CONNEAUTVILLE (MEDINA	410.0	COLUMBIA GAS TRAN
8317544	18483	3703921765	107-TF		J R ALLEN TRUST UNIT #1	CONNEAUT LAKE (MEDINA	1095.0	TENNESSEE GAS PIP
8317543	18482	3703921765	103		J R ALLEN TRUST UNIT #1	CONNEAUT LAKE (MEDINA	1095.0	TENNESSEE GAS PIP
8317518	15509	3703921401	103		J V PHILSON UNIT #1	CONNEAUTVILLE (MEDINA	410.0	COLUMBIA GAS TRAN
8317517	15508	3703921401	107-TF		J V PHILSON UNIT #1	CONNEAUTVILLE (MEDINA	410.0	COLUMBIA GAS TRAN
8317526	16979	3703921617	107-TF		R L THOMPSON UNIT #1	CONNEAUTVILLE (MEDINA	410.0	COLUMBIA GAS TRAN
8317525	16978	3703921617	103		R L THOMPSON UNIT #1	CONNEAUTVILLE (MEDINA	410.0	COLUMBIA GAS TRAN
-NEA CROSS CO			RECEIVED:	01/11/83	JA: PA			
8317548	18569	3704922208	107-TF		JOSEPH & ROBERTA KUZMA #2	UN-NAMED	10.0	NATIONAL FUEL GAS
8317547	18568	3704922208	102-2		JOSEPH & ROBERTA KUZMA #2	UN-NAMED	10.0	NATIONAL FUEL GAS
8317568	18712	3704921234	102-2		YOVICH #1	MILL VILLAGE	10.0	COLUMBIA GAS TRAN
-PETRO EVALUATION SERVICES INC			RECEIVED:	01/11/83	JA: PA			
8317510	13693	3703900000	103		HAMMERMEISTER #1	BEAVER CENTER	36.0	PETRO EVALUATION
8317512	13695	3703921366	103		HITCHCOCK #1	CROSSINGVILLE	36.0	PETRO EVALUATION
8317511	13694	3703921366	107-TF		HITCHCOCK #1	CROSSINGVILLE	36.0	PETRO EVALUATION
-PHILLIPS PRODUCTION CO			RECEIVED:	01/11/83	JA: PA			
8317557	18660	3703321477	102-2		ARTHUR E MOYER #1	WESTOVER	70.0	
-S T JOINT VENTURE 81A			RECEIVED:	01/11/83	JA: PA			
8317555	18658	3703321404	102-2		WALKER - NEVLING #1	JORDAN	25.0	COLUMBIA GAS TRAN
8317556	18659	3703321408	102-2		WALKER/NEVLING #1	JORDAN	25.0	COLUMBIA GAS TRAN
-T W PHILLIPS GAS & OIL CO			RECEIVED:	01/11/83	JA: PA			
8317558	18673	3700500000	108		HELVETIA COAL MINING CO #1	COWANSHANNOCK	3.2	T W PHILLIPS GAS
8317559	18674	3700500000	108		HELVETIA COAL MINING CO #2	COWANSHANNOCK	1.8	T W PHILLIPS GAS
8317560	18675	3700500000	108		HELVETIA COAL MINING CO #3	COWANSHANNOCK	2.7	T W PHILLIPS GAS
8317561	18676	3700520161	108		HELVETIA COAL MINING CO #4	COWANSHANNOCK	4.1	T W PHILLIPS GAS
8317562	18677	3700520258	108		HELVETIA COAL MINING CO #6	COWANSHANNOCK	2.0	T W PHILLIPS GAS
8317563	18678	3700520342	108		HELVETIA COAL MINING CO #7	COWANSHANNOCK	2.1	T W PHILLIPS GAS
-VICTORY DEVELOPMENT CO			RECEIVED:	01/11/83	JA: PA			
8317553	18629	3703321386	102-2		KREVEL #7 CLE 21386	BURNSIDE	36.0	COLUMBIA GAS TRAN
8317554	18631	3703321195	102-2		S BROTHERS #1 CLE 21195	BURNSIDE	36.0	COLUMBIA GAS TRAN
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WEST VIRGINIA DEPARTMENT OF MINES								
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-CONSOLIDATED GAS SUPPLY CORPORATION			RECEIVED:	01/12/83	JA: WV			
8317600		4703300922	108		A B POST WN 12056	GRANT DISTRICT	15.0	GENERAL SYSTEM PU
8317603		4703300757	108		A C THRASH WN 11628	UNION DISTRICT	19.0	GENERAL SYSTEM PU
8317599		4703300987	108		A D LAWSON WN12167	UNION DISTRICT	20.0	GENERAL SYSTEM PU
8317612		4703302116	108		ARDIS L HUSTEAD WN 2337	SARDIS	1.0	GENERAL SYSTEM PU
8317617		4704500953	108		BOONE CO COAL CORP WN 12148	LOGAN DISTRICT	22.0	GENERAL SYSTEM PU
8317594		4704500305	108		BOONE COUNTY COAL CO WN-9753	LOGAN	2.0	GENERAL SYSTEM PU
8317609		4706100315	108		CASCADE "B" WN-10995	MORGAN	17.0	GENERAL SYSTEM PU
8317597		4703301116	108		DENNIS BATES WN 12397	EAGLE DISTRICT	19.0	GENERAL SYSTEM PU
8317611		4700100324	108		EDITH W SWECKER WN10865	PHILIPPI	19.0	GENERAL SYSTEM PU
8317593		4704101567	108		ELIZABETH LAWSON WN10940	HACKERS CREEK	15.0	GENERAL SYSTEM PU
8317598		4703300993	108		ESTHER PHILLIPS WN 12222	SARDIS	19.0	GENERAL SYSTEM PU

JD NO	JA CKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8317595		4703301353		108		GEO T SMITH WN-2854	SARDIS	3.0	GENERAL SYSTEM PU
8317610		4700100312		108		HARRISON-RITCHIE O & G CO WN-10840	PHILIPPI	19.0	GENERAL SYSTEM PU
8317604		4709700772		108		HERBERT N SWECKER WN 10495	WARREN	1.0	GENERAL SYSTEM PU
8317591		4700100094		108		INDIAN FORK COAL & COKE CO WN-9868	UNION	3.0	GENERAL SYSTEM PU
8317590		4700100141		108		IRA MCBEE WN-10494	PLEASANT	19.0	GENERAL SYSTEM PU
8317592		4704101657		108		ISRAEL SIMMONS WN-11129	FREEMANS CREEK	23.0	GENERAL SYSTEM PU
8317580		4703300624		108		J M THRASH WN-11468	UNION	9.0	GENERAL SYSTEM PU
8317601		4703300865		108		J STUTTLER WN 11862	UNION DISTRICT	12.0	GENERAL SYSTEM PU
8317584		4703300576		108		JACOB P POST WN-11391	UNION	13.0	GENERAL SYSTEM PU
8317606		4709300012		108		JAMES E WATSON WN-9940	LICKING	13.0	GENERAL SYSTEM PU
8317605		4709700653		108		JAMES LAROSA WN-10229	WARRON	7.0	GENERAL SYSTEM PU
8317619		4706100303		108		JOSEPH R PERRY WN-10894	CLINTON	17.0	GENERAL SYSTEM PU
8317615		4704101760		108		L E GALL WN-11278	FREEMANS CREEK	20.0	GENERAL SYSTEM PU
8317602		4703300811		108		L NUTTER WN 11723	GRANT DISTRICT	10.0	GENERAL SYSTEM PU
8317582		4703300613		108		LEWIS C SWISHER WN-11440	GRANT	12.0	GENERAL SYSTEM PU
8317587		4702101108		108		LOUIS BENNETT WN-10170	CENTER	18.0	GENERAL SYSTEM PU
8317608		4706700261		108		MARTHA L WHITE WN-10864	HAMILTON	13.0	GENERAL SYSTEM PU
8317618		4704700434		108		MCDOWELL POCHONTAS COAL CO WN-11040	SANDY RIVER	20.0	GENERAL SYSTEM PU
8317616		4704102387		108		NOAH LIFE WN-10068	HACKERS CREEK	1.0	GENERAL SYSTEM PU
8317596		4703501063		108		OTIS SHINN WN-10519	RIPLEY	2.0	GENERAL SYSTEM PU
8317614		4704101742		108		PRUDENCE M O'HARA WN-11217	FREEMANS CREEK	18.0	GENERAL SYSTEM PU
8317583		4703300587		108		R B BARTLETT WN-11412	ELK	10.0	GENERAL SYSTEM PU
8317589		4701701693		108		S H CARDER WN-3246	GREENBRIER	1.0	GENERAL SYSTEM PU
8317613		4704101805		108		S L BROWN WN 3437	HACKERS CREEK	3.0	GENERAL SYSTEM PU
8317585		4703300433		108		T H SMITH WN-10860	UNION	12.0	GENERAL SYSTEM PU
8317607		4709300010		108		WILLIAM BLAIR WN-9854	LICKING	9.0	GENERAL SYSTEM PU
8317586		4703300418		108		WILLIAM G BROWN WN-10836	ELK	6.0	GENERAL SYSTEM PU
8317588		4701900250		108		WILLIAM R JOHNSON WN 11801	FALLS DISTRICT	13.0	GENERAL SYSTEM PU
8317581		4703300621		108		YOUNG & SMITH WN-11505	GRANT	14.0	GENERAL SYSTEM PU
-KEITH CRIHFIELD				RECEIVED:	01/12/83	JA: WV			
8317651		4701303343		108		T P MCCUNE #2	ORMA	14.0	CABOT CORP
8317652		4701303351		108		T P MCCUNE #3	ORMA	14.0	CABOT CORP
8317653		4701303353		108		T P MCCUNE #5	ORMA	14.0	CABOT CORP
8317654		4701303354		108		T P MCCUNE #6	ORMA	14.0	CABOT CORP
-STERLING DRILLING & PROD CO INC				RECEIVED:	01/12/83	JA: WV			
8317645		4708703456		103		BIRD #526	WALTON DISTRICT	3.0	
8317647		4701501873		103		BOGGS #375	OTTER DISTRICT	1.0	COLUMBIA GAS TRAN
8317648		4701501874		103		BOGGS #377	OTTER DISTRICT	1.0	COLUMBIA GAS TRAN
8317623		4704102991		103		CREASEY #355	SKIN CREEK DISTRICT	70.0	
8317631		4704102992		103		CREASEY #356	SKIN CREEK DISTRICT	32.0	
8317626		4701501979		103		CUNNINGHAM #522	OTTER DISTRICT	30.0	EQUITABLE GAS CO
8317627		4701501980		103		CUNNINGHAM #523	OTTER DISTRICT	10.0	EQUITABLE GAS CO
8317638		4708703449		103		DOLAN #518	GEARY DISTRICT	6.7	COLUMBIA GAS TRAN
8317635		4701501588		103		GREEN #520	OTTER DISTRICT	1.6	EQUITABLE GAS CO
8317636		4701501989		103		GREEN #521	OTTER DISTRICT	8.8	EQUITABLE GAS CO
8317649		4703903744		103		HAMILTON #479	CABIN CREEK DISTRICT	8.5	COLUMBIA GAS TRAN
8317621		4703302577		103		JACKSON #469	ELK DISTRICT	22.0	
8317622		4703302578		103		JACKSON #470	ELK DISTRICT	23.0	
8317650		4708703304		103		KEEN #216	GEARY DISTRICT	1.0	COLUMBIA GAS TRAN
8317620		4700701628		103		KIDD #462	SALT LICK DISTRICT	53.0	
8317656		4700701622		103		KIDD #464	SALT LICK DISTRICT	29.6	
8317657		4700701629		103		KIDD 463	SALT LICK DISTRICT	28.7	
8317632		4701502013		103		LE DOUX #560	OTTER DISTRICT	36.0	BROOKLYN UNION GA

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8317655		4701502019		103		LEDOUX 567	OTTER	0.6	BROOKLYN UNION GA
8317624		4701501971		103		MCCRACKEN #513	OTTER DISTRICT	30.0	EQUITABLE GAS CO
8317625		4701501972		103		MCCRACKEN #514	OTTER DISTRICT	29.0	EQUITABLE GAS CO
8317630		4701502006		103		MCCRACKEN #530	OTTER DISTRICT	6.0	EQUITABLE GAS CO
8317640		4704103090		103		MCWHORTER #524	SKIN CREEK DISTRICT	5.0	BROOKLYN UNION GA
8317633		4704103119		103		MCWHORTER #548	SKIN CREEK DISTRICT	7.6	BROOKLYN UNION GA
8317641		4704103120		103		MCWHORTER #549	SKIN CREEK DISTRICT	4.0	BROOKLYN UNION GA
8317634		4704103121		103		MCWHORTER #550	SKIN CREEK DISTRICT	5.1	BROOKLYN UNION GA
8317665		4701502050		103		MIDCAP 656	OTTER DISTRICT	284.0	BROOKLYN UNION GA
8317646		4702103713		103		MILLER #407	CENTER DISTRICT	1.0	
8317628		4701501985		103		MOLLOHAN #527	OTTER DISTRICT	30.0	EQUITABLE GAS CO
8317662		4700701712		103		MOSS #537	SALT LICK DISTRICT	5.2	CONSOLIDATED GAS
8317629		4701501987		103		NOTTINGHAM #517	OTTER DISTRICT	8.0	EQUITABLE GAS CO
8317639		4701501927		103		ROGERS #478	OTTER DISTRICT	1.0	EQUITABLE GAS CO
8317642		4704102925		103		SHEARER #315	FREEMANS CREEK DISTRI	1.0	
8317637		4701502004		103		SPINKS #503	OTTER DISTRICT	45.9	EQUITABLE GAS CO
8317666		4702103823		103		SPONAUGLE #499	CENTER DISTRICT	21.5	
8317667		4702103824		103		SPONAUGLE #500	CENTER DISTRICT	5.7	
8317658		4708703376		103		WILMOTH 337	GEARY DISTRICT	4.5	
8317663		4701502029		103		WISEMAN #611	OTTER DISTRICT	10.1	BROOKLYN UNION GA
8317659		4701502030		103		WISEMAN #612	OTTER DISTRICT	5.6	BROOKLYN UNION GA
8317660		4701502031		103		YATES #613	OTTER DISTRICT	5.7	BROOKLYN UNION GA
8317664		4701502032		103		YATES #614	OTTER DISTRICT	6.3	BROOKLYN UNION GA
8317661		4701502033		103		YATES #615	OTTER DISTRICT	5.7	BROOKLYN UNION GA
8317643		4708703309		103		YOUNG #294	SMITHFIELD DISTRICT	1.4	
8317644		4708703310		103		YOUNG #295	SMITHFIELD DISTRICT	1.0	
-UNION DRILLING INC				RECEIVED: 01/12/83		JA: WV			
8317572		4709702259		103		HARRY MCMULLAN #1C 1699	WASHINGTON DISTRICT	0.0	COLUMBIA GAS TRAN
8317573		4708300521		103		HARRY MCMULLAN #11B 1692	ROARING CREEK DISTRIC	0.0	COLUMBIA GAS TRAN
8317571		4709702260		103		HARRY MCMULLAN #2C 1700	WASHINGTON DISTRICT	0.0	COLUMBIA GAS TRAN
8317575		4708300511		103		HARRY MCMULLAN #20A 1665	MIDDLE FORK DISTRICT	0.0	COLUMBIA GAS TRAN
8317574		4708300512		103		HARRY MCMULLAN #21A 1666	MIDDLE FORK DISTRICT	0.0	COLUMBIA GAS TRAN
8317579		4708300489		103		HARRY MCMULLAN #3B 1690	ROARING CREEK DISTRIC	0.0	COLUMBIA GAS TRAN
8317578		4708300501		103		HARRY MCMULLAN #5B 1704	ROARING CREEK DISTRIC	0.0	COLUMBIA GAS TRAN
8317576		4708300506		103		HARRY MCMULLAN #6B 1705	ROARING CREEK DISTRIC	0.0	COLUMBIA GAS TRAN
8317570		4709702261		103		HARRY MCMULLAN #6C 1708	WASHINGTON	0.0	COLUMBIA GAS TRAN
8317577		4708300505		103		HARRY MCMULLAN #8B 1683	ROARING CREEK DISTRIC	0.0	COLUMBIA GAS TRAN
8317569		4709702325		103		UDI-BURNSIDE #1 1701	WASHINGTON	0.0	COLUMBIA GAS TRAN
**********									
** DEPARTMENT OF THE INTERIOR, MINERALS MANAGEMENT SERVICE, DENVER,CO									
**********									
-AMERICAN RESOURCES MANAGEMENT CORPO				RECEIVED: 01/12/83		JA: CO 1			
8317497	CD050482	0510307228		108		T C* #15-2A C-3395			
-ARCO OIL AND GAS COMPANY				RECEIVED: 01/12/83		JA: CO 1			
8317490	CD 0514-82	0506706474		103	107-TF	SOUTHERN UTE 17-3 32-11 (TF)	TRAIL CANYON	0.4	NORTHWEST PIPELIN
8317491	CD 0532-82	0506706486		103	107-TF	SOUTHERN UTE 18-2 32-11 (TF)			
8317489	CD 0533-82	0506706462		103	107-TF	SOUTHERN UTE 19-3 33-10 (TF)	IGNACIO BLANCO	40.0	WESTERN SLOPE GAS
-COSEKA RESOURCES (USA) LIMITED				RECEIVED: 01/12/83		JA: CO 1	IGNACIO BLANCO	88.0	WESTERN SLOPE GAS
8317482	CD 0100-82	0504506281		102-2		FEDERAL #16-2-5-104	IGNACIO BLANCO	84.0	WESTERN SLOPE GAS
8317481	CD 0103-82	0510308661		102-2		FEDERAL #7-9-15-103			
-EQUITY OIL COMPANY				RECEIVED: 01/12/83		JA: CO 1	WILDCAT	0.0	NATURAL GAS CORP
8317494	CD049082	0510308726		103	107-TF	EQUITY #297-30-1	WILDCAT	0.0	NATURAL GAS CORP
-FUEL RESOURCES DEVELOPMENT CO				RECEIVED: 01/12/83		JA: CO 1			
							RIO BLANCO UNIT	70.0	COLORADO INTERSTA

VOLUME 825 PAGE 007

JD NO	JA DKT	API NO	C	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8317487	CD 0480-82	0510308816		103		FEDERAL 9-14	THUNDER	128.4	NORTHWEST PIPELIN
8317488	CD 0530-82	0510308754		102-2	107-TF	N-34-3-101-S	CATHEDRAL	28.0	MOUNTAIN FUEL SUP
-GETTY OIL COMPANY				RECEIVED:	01/12/83	JA: CO 1			
8317500	CD045482	0508105551		108		H W OBORNE #1	WEST HIAWATHA	3.0	MOUNTAIN FUEL SUP
-KOCH INDUSTRIES INC				RECEIVED:	01/12/83	JA: CO 1			
8317502	CD052882	0507708512		107-TF		WINTER FLATS 1-11-100	WINTER FLATS	88.0	NORTHWEST PIPELIN
-LADD PETROLEUM CORPORATION				RECEIVED:	01/12/83	JA: CO 1			
8317492	CD 0586-82PB	0506705572		108-PB		LONG MOUNTAIN #1-27	MESAVERDE	0.0	NORTHWEST PIPELIN
-NORTHWEST EXPLORATION COMPANY				RECEIVED:	01/12/83	JA: CO 1			
8317485	CD 0564-82PB	0510308224		108-PB		PHILADELPHIA CREEK #12X	MANCOS "B"	0.0	NORTHWEST PIPELIN
8317486	CD 0563-82PB	0510308364		108-PB		PHILADELPHIA CREEK #17	MANCOS "B"	0.0	NORTHWEST PIPELIN
-NORTHWEST PIPELINE CORPORATION				RECEIVED:	01/12/83	JA: CO 1			
8317484	CD 0566-82	0506705111		108-PB		NORTHEAST CEDAR HILLS 32-1013	MESAVERDE	0.0	NORTHWEST PIPELIN
8317483	CD 0565-82PB	0510308066		108-PB		PHILADELPHIA CREEK #18	MANCOS "B"	0.0	NORTHWEST PIPELIN
-RAYMOND T DUNCAN				RECEIVED:	01/12/83	JA: CO 1			
8317498	CD047082	0503306065		102-4		SANTA FE CANYON FED 44-7	UNDESIGNATED	0.0	MOUNTAIN FUEL SUP
-TENNECO OIL COMPANY				RECEIVED:	01/12/83	JA: CO 1			
8317480	CD 0515-82	0510308897		102-2	107-TF	EVACUATION CREEK UNIT USA 30-12	EVACUATION CREEK	30.0	NORTHWEST PIPELIN
8317479	CD 0135-82	0507708138		103		FEES USA #29-8	DOUGLAS CREEK	0.0	ROCKY MOUNTAIN NA
8317503	CD051382	0504506414		103		FULLER USA 13-16	SOUTH CANYON	79.0	NORTHWEST PIPELIN
8317505	CD050282	0504506411		103		FULLER USA 18-12	SOUTH CANYON	84.0	
8317504	CD003582	0510308733		103		GOVERNMENT 4-26-4-102	EVACUATION CREEK	320.0	NORTHWEST PIPELIN
-TEXAS GAS EXPLORATION CORP				RECEIVED:	01/12/83	JA: CO 1			
8317495	CD051182	0507708405		102-4		FEDERAL SINCLAIR IMMICH #1-24	S CANYON	0.0	TEXAS GAS TRANSMI
-COASTAL OIL & GAS CORP				RECEIVED:	01/12/83	JA: UT 1			
8317496	UD051082	4304731251		103	107-TF	NATURAL BUTTES UNIT #86J (3-10-22)	NATURAL BUTTES	401.0	COLORADO INTERSTA
-DAVIS OIL COMPANY				RECEIVED:	01/12/83	JA: UT 1			
8317499	UD050982	4304330186		102-4		LOGAN FEDERAL #1	WILDCAT	1600.0	
-DUGAN PRODUCTION CORP				RECEIVED:	01/12/83	JA: UT 1			
8317493	UD 051682	4303730533		103		BLUFF #14	PARADOX DESERT CREEK	18.0	EL PASO NATURAL G
-NP ENERGY CORPORATION				RECEIVED:	01/12/83	JA: UT 1			
8317501	UD036882	4301930487		108		FEDERAL 14-2	CISCO DOME	18.3	NORTHWEST PIPELIN

SOURCE DATA FOR THIS NOTICE IS AVAILABLE ON MAGNETIC TAPE FROM THE NATIONAL TECHNICAL INFORMATION SERVICE (NTIS). FOR INFORMATION, CONTACT STUART WEISMAN (NTIS) AT (703) 487-4808, 5285 PORT ROYAL RD, SPRINGFIELD, VA 22161, OR SANDRA SPEAR (FERC) (202) 357-8681.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-3526 Filed 2-8-83; 8:45 am]

BILLING CODE 6717-01-C

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: February 3, 1983.

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
TEXAS RAILROAD COMMISSION									
-ADOBE OIL & GAS CORPORATION				RECEIVED:	01/13/83	JA: TX			
8317835	F-03-060607	4205131575		102-2		LAUDERDALE #3	BIG "A" TAYLOR	226.0	PHILLIPS PETROLEU
8317751	F-03-060944	4205132334		102-2		LOCKHART UNIT #1	BIG "A" TAYLOR	0.0	PHILLIPS PETROLEU
8317673	F-03-45237	4247730427		102-2		NEINAST "B" #3	GIDDINGS (AUSTIN CHAL	163.0	PHILLIPS PETROLEU
-AMOCO PRODUCTION CO				RECEIVED:	01/13/83	JA: TX			
8317819	F-08-062169	4213533993		103		FRANK COWDEN R/A "E" #22	COWDEN N (STRAWN)	3.0	WESTAR TRANSMISSI
8317747	F-08-060828	4213533975		103		NORTH COWDEN UNIT #33-A	COWDEN NORTH	0.0	WESTAR TRANSMISSI
-BAR-MAC & HOLLUB DRILLING CO				RECEIVED:	01/13/83	JA: TX			
8317826	F-03-062199	4205132322		102-4		MORRIS "A" UNIT #1 LEASE #16054	HOOKER CREEK (NAVARRO	58.0	FERGUSON CROSSING
-BROCK PETROLEUM CORP				RECEIVED:	01/13/83	JA: TX			
8317760	F-01-061126	4217731325		102-2		G A D C #1	PEACH CREEK (BUDA)	11.0	VALERO TRANSMISSI
-BUCK WHEAT RESOURCES INC				RECEIVED:	01/13/83	JA: TX			
8317696	F-7B-56311	4209330904		102-4		DYSON #2	SKAGGS (2700)	22.0	SOUTHWESTERN GAS
-CASS OIL CO				RECEIVED:	01/13/83	JA: TX			
8317741	F-7C-59987	4243500000		103	107-TF	ALLISON-MIERS 7401	SAWYER (CANYON)	82.0	EL PASO NATURAL G
8317730	F-7C-58985	4238332218		103		HUGHES "SF 15874" #1	SPRABERRY (TREND AREA	7.2	EL PASO NATURAL G
8317740	F-7C-59986	4243532710		103	107-TF	ZAPATA 6,501	SAWYER (CANYON)	110.0	EL PASO NATURAL G
-CHALMERS OPERATING CO INC				RECEIVED:	01/13/83	JA: TX			
8317798	F-7B-062106	4244132073		102-4		BETTES "150" 18420	SURPRIZE (FLIPPEN SAN	0.0	LONE STAR GAS CO
-CHEVRON U S A INC				RECEIVED:	01/13/83	JA: TX			
8317758	F-08-061116	4222732645		103		G M DODGE #65	IATAN-EAST HOWARD	22.0	GETTY OIL CO
-CITIES SERVICE COMPANY				RECEIVED:	01/13/83	JA: TX			
8317797	F-8A-062101	4216532404		103		WEST SEMINOLF SAN ANDRES UNIT #322	SEMINOLE WEST	204.0	CITIES SERVICE CO
-CONOCO INC				RECEIVED:	01/13/83	JA: TX			
8317799	F-08-062113	4210931661		103		G E RAMSEY "44" #8 ID #27636	GERALDINE/DELAWARE 34	12.8	EL PASO NATURAL G
-DALLAS SUNBELT OIL & GAS INC				RECEIVED:	01/13/83	JA: TX			
8317744	F-7B-60337	4242933142		102-4		GLASS-GOLFORTH #1	RANGER NW (MARBLE FAL	26.0	LONE STAR GAS CO
-DESANA CORP				RECEIVED:	01/13/83	JA: TX			
8317829	F-7B-060526	4243331450		102-4		FLAT TOP (133) #4 133	FLAT TOP 133	1.0	TUFCO
8317830	F-7B-060527	4243331247		102-4		FLAT TOP (133) 3-133	FLAT TOP (133)	1.0	TUFCO
8317828	F-7B-060525	4220731090		102-4		FLAT TOP (24) #2- 24	P O C	62.0	TUFCO
-DONALD W JACKSON				RECEIVED:	01/13/83	JA: TX			
8317720	F-10-57296	4206500000		108		BURNETT 107 #1 (051385)	PANHANDLE WEST	21.2	PHILLIPS PETROLEU
-DORAN ENERGY CORP				RECEIVED:	01/13/83	JA: TX			
8317732	F-04-59150	4224900000		103		SEILER #1	TOM GRAHAM (SILER 490	62.0	TENNESSEE GAS PIP
-EL PASO NATURAL GAS COMPANY				RECEIVED:	01/13/83	JA: TX			
8317680	F-10-50847	4221131246		108		MEEK #2	BUFFALO WALLOW GR WA	64.0	EL PASO NATURAL G
-ENERGY-AGRI PRODUCTS INC				RECEIVED:	01/13/83	JA: TX			
8317777	F-10-061863	4206500000		103		GORES #1 (ID# 05201)	PANHANDLE CARSON	25.0	GETTY OIL CO
-ENSERCH EXPLORATION INC				RECEIVED:	01/13/83	JA: TX			
8317696	F-7C-062291	4243500000		108		E E SAWYER 169 #2	SAWYER	10.0	LONE STAR GAS CO

VOLUME 826 PAGE 002

OD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8317897	F-7C-062292	4243500000		108		JONES 122 #1	SAWYER	5.0	INTER NORTH INC
8317695	F-09-56306	4223734559		103		L H YATES #5	BOONSVILLE	192.0	LONE STAR GAS CO
-EXXCEL PRODUCTION CO				RECEIVED:	01/13/83	JA: TX			
8317843	F-10-062214	4217931275		103		FELIX #16 (ID# 05118)	PANHANDLE GRAY	60.0	CABOT PIPELINE CO
8317802	F-10-062123	4217931257		103		HUDSON #1 (ID #05227)	PANHANDLE GRAY	50.0	CABOT PIPELINE CO
8317801	F-10-062122	4217931258		103		HUDSON #5 (ID #05227)	PANHANDLE GRAY	50.0	CABOT PIPELINE CO
-EXXON CORPORATION				RECEIVED:	01/13/83	JA: TX			
8317808	F-03-062132	4205132194		102-2		COOKS POINT UNIT #3 #1R	GIDDINGS (AUSTIN CHAL	18.0	FERGUSON CROSSING
8317788	F-04-062075	4227331687		102-4		K R BORREGOS 578 (ID 101874)	BORREGOS (P-9 W)	342.0	ARMCO STEEL CORP
8317774	F-08-061805	4222732793		102-4		S WALDRON #5L	MOORE (DEEP FSLM)	44.0	
8317731	F-7C-58999	4238332040		103		ZULETTE HUGHES "G" #4	SPRABERRY (TREND AREA	17.0	EL PASO NATURAL G
-FAIR ENERGY				RECEIVED:	01/13/83	JA: TX			
8317790	F-01-062083	4216300000		102-2		FAIRWAY #2	PEARSALL AUSTIN CHALK	0.0	CENTRAL ENERGY TR
-FIRST MATAGORDA CORP				RECEIVED:	01/13/83	JA: TX			
8317749	F-03-060903	4214900000		102-2	103	IDA FRENCH #1	GIDDINGS (AUSTIN CHAL	0.0	
-FLORIDA GAS EXPLORATION COMPANY				RECEIVED:	01/13/83	JA: TX			
8317728	F-7C-58927	4243532807		103	107-TF	FLORENCE 38 #1	PHYLLIS SONORA	0.0	INTRATEX GAS CO
8317726	F-7C-58363	4243532648		103	107-TF	MASTERSON 37 #1	PHYLLIS SONORA	0.0	INTRATEX GAS CO
-GENERAL PRODUCTION CO INC				RECEIVED:	01/13/83	JA: TX			
8317748	F-03-060886	4247730487		102-2		MATSON HARGE UNIT 1 #1	GIDDINGS (AUSTIN CHAL	0.0	CLAJON GAS CO
-GETTY OIL COMPANY				RECEIVED:	01/13/83	JA: TX			
8317807	F-7B-062131	4235300000		108		NORTH NENA LUCIA UNIT #30	NENA LUCIA (STRAWN RE	3.0	EL PASO NATURAL G
8317688	F-03-55344	4204100000		102-2		S COLE #1	BRYAN (WOODBINE)	90.0	FERGUSON CROSSING
8317762	F-08-061208	4230100000		102-4		TOM LINEBERY STRIP #1	BRUNSON RANCH (BONE S	146.0	INTRATEX GAS CO
8317806	F-7C-062129	4241300000		108		W W WEST #1	CODY BELL (CANYON)	10.0	ARCO OIL & GAS CO
-GHR ENERGY CORP				RECEIVED:	01/13/83	JA: TX			
8317743	F-04-60089	4250531228		102-4		ASCHE #1	CHARCO (9200)	750.0	VALERO TRANSMISSI
-GRAND BANKS ENERGY CO				RECEIVED:	01/13/83	JA: TX			
8317723	F-08-57649	4217331190		103	107-TF	EDMONDSON "A" #1	CONGER SW (PENN)	0.0	INTER NORTH INC
8317737	F-08-59503	4213533987		103		PARKER #1	HARPER	0.0	PHILLIPS PETROLEU
8317735	F-08-59496	4213533992		103		PARKER #2	HARPER	0.0	PHILLIPS PETROLEU
8317736	F-08-59501	4213533991		103		PARKER #3	HARPER	0.0	PHILLIPS PETROLEU
8317733	F-08-59390	4213534009		103		PARKER #4	HARPER	0.0	PHILLIPS PETROLEU
8317734	F-08-59490	4213534011		103		PARKER #5	HARPER	0.0	PHILLIPS PETROLEU
-GULF OIL CORPORATION				RECEIVED:	01/13/83	JA: TX			
8317800	F-03-062114	4215731020		103		F I BOOTH ETAL "A" #49	THOMPSON	25.0	UNITED TEXAS TRAN
8317783	F-08-062031	4213533838		103		GOLDSMITH SAN ANDRES UNIT #100-A	GOLDSMITH	18.0	PHILLIPS PETROLEU
8317785	F-08-062033	4247532671		103		HUTCHINGS STOCK ASSN #1082	WARD-ESTES NORTH	180.0	CABOT CORP
8317784	F-08-062032	4247532667		103		HUTCHINGS STOCK ASSN #1201	WARD-ESTES NORTH	5.0	CABOT CORP
8317759	F-09-061121	4249732433		103		I G YATES WELL #13	BOONSVILLE (CADDO CON	60.2	NATURAL GAS PIPEL
8317791	F-08-062089	4210303227		108		J B TUBB "K" #1	CRAWAR (DEVONIAN)	5.6	TRANSWESTERN PIPE
8317676	F-08-48414	4222732492		103		P E LITTLE #2	KNOTT WEST (PENN REEF	238.7	GETTY OIL CO
8317817	F-10-062158	4235700000		108		R H HOLLAND "A" #1	FRANTZ LOWER MORROW (	17.0	PANHANDLE EASTERN
8317792	F-08-062090	4210332864		103		W N WADDELL #1224	SAND HILLS (JUDKINS)	37.5	H & T GATHERING
8317794	F-08-062092	4210310496		108		W N WADDELL #896	BLOCK 27 (MCKEE)	15.5	TRANSWESTERN PIPE
-H-M OIL CO				RECEIVED:	01/13/83	JA: TX			
8317766	F-02-061326	4225530820		102-4	103	WOLTERS #"A"-1	DUNWOLTERS (RECDER 10	0.0	VALERO TRANSMISSI
-HAMCO EXPLORATION & DEVELOPMENT CO				RECEIVED:	01/13/83	JA: TX			
8317693	F-03-56098	4224500000		102-4		PHELAN #28	PHELAN E (HACKBERRY)	730.0	WINNIE PIPELINE C
-HAMILTON BROTHERS OIL CO				RECEIVED:	01/13/83	JA: TX			
8317719	F-02-57225	4217531603		102-4		PHILIP GUZY ET AL UNIT #1	FIFTEEN MILE CREEK (W	775.0	VALERO TRANSMISSI
-HANSON MINERALS CO				RECEIVED:	01/13/83	JA: TX			
8317724	F-02-57699	4228531667		102-4		NORTH PROVIDENT CITY YEGUA #1-A	PROVIDENT CITY (YEGUA	182.5	TEXAS EASTERN TRA

JD NO	DA CAT	API #	T	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-HARRIS R FENDER				RECEIVED:	01/13/83	JA: TX			
8317812	F-06-062141	4242330590		102-4		DENNIS HANDY ESTATE #1	DRISKELL LAKE (RODESS	38.0	LONE STAR GAS CO
8317811	F-06-062140	4242330545		102-4		FENDER FEE #1	DRISKELL LAKE (RODESS	38.0	LONE STAR GAS CO
8317813	F-06-062144	4242330613		102-4		FENDER FEE #3	DRISKELL LAKE (RODESS	38.0	LONE STAR GAS CO
-HELMERICH & PAYNE INC				RECEIVED:	01/13/83	JA: TX			
8317750	F-08-060941	4210300000		102-4		REYNOLDS #3	COSTA (CLEARFORK UPPE	183.0	PGP GAS PRODUCTS
-HEXAGON OIL & GAS INC				RECEIVED:	01/13/83	JA: TX			
8317832	F-03-060557	4224531598		103		JOHN H KLEIN UNIT #1	LABELLE (MARGINULINA	73.0	WINNIE PIPELINE C
8317767	F-78-061411	4236732222		103		THOMAS #1	MOBY DICK (CONGL) & (	72.0	SOUTHWESTERN GAS
-HILL INTERNATIONAL PRODUCTION CO				RECEIVED:	01/13/83	JA: TX			
8317810	F-06-062135	4234730696		102-4		EDDIE LEE #1-U	TOOLAN (PETTIT LO) FI	250.0	LIBERTY NATURAL G
-HNG OIL COMPANY				RECEIVED:	01/13/83	JA: TX			
8317753	F-7C-060984	4243500000		103	107-TF	SAWYER "168" #5	SAWYER (CANYON)	140.0	INTRATEX GAS CO
8317764	F-7C-061270	4243532757		103	107-TF	SHURLEY "110" #5	SAWYER (CANYON)	449.0	INTRATEX GAS CO
8317754	F-7C-060986	4243500000		103	107-TF	WARD "127" #5	SAWYER (CANYON)	220.0	INTRATEX GAS CO
-HOUSTON OIL & MINERALS CORPORATION				RECEIVED:	01/13/83	JA: TX			
8317742	F-03-60022	4216730047		103		SHIPWRECK FRIO GAS UNIT #1	SHIPWRECK (FRIO A)	0.0	UNITED TEXAS TRAN
8317689	F-03-55386	4270330225		102-4		STATE TRACT 481 SE/4 WELL #1	NORTH COVE (G-5) SAND	0.0	VALERO TRANSMISSI
-INTERNATIONAL OIL & GAS CORP				RECEIVED:	01/13/83	JA: TX			
8317690	F-7C-55464	4210533438		102-4	103	UNIVERSITY 13-33 #1	PERNER RANCH (CANYON)	25.0	INTRASTATE GATHER
8317690	F-7C-55464	4210533438		107-TF		UNIVERSITY 13-33 #1	PERNER RANCH (CANYON)	25.0	INTRASTATE GATHER
-INVESTEK INC				RECEIVED:	01/13/83	JA: TX			
8317821	F-09-062175	4207700000		102-4		TALLY A #5	TALLY CONGLOMERATE	73.0	TUFCO
8317820	F-09-062174	4207700000		102-4		TALLY A #6	TALLY CONGLOMERATE	365.0	TUFCO
-JAMES K ANDERSON INC				RECEIVED:	01/13/83	JA: TX			
8317691	F-7C-062273	4239932490		102-4		MIKESKA #2 69452	WINGATE NW (GRAY)	360.0	LONE STAR GAS CO
-JOSEPH T DAWSON				RECEIVED:	01/13/83	JA: TX			
8317814	F-04-062147	4240931673		103		BLASCHKE-MAYO #3	MIDWAY (6600)	500.0	UNITED PIPE LINE
-JOYCE & MILTY INC				RECEIVED:	01/13/83	JA: TX			
8317674	F-03-47094	4205131800		102-4		R HECHT #1 API NO 42 051 31900	GIDDINGS (AUSTIN CHAL	350.0	CLAJON GAS CO
-KAARI OIL CO				RECEIVED:	01/13/83	JA: TX			
8317842	F-10-062213	4217931206		103		FUTURE #2-6 (ID# 05164)	PANHANDLE GRAY	50.0	GETTY OIL CO
-KEY PRODUCTION COMPANY				RECEIVED:	01/13/83	JA: TX			
8317752	F-06-060952	4236531502		102-4		J T TWOMEY #1	PAXTON (RODESSA)	100.0	WESTERN GAS CORP
-KYTEX PETROLEUM				RECEIVED:	01/13/83	JA: TX			
8317763	F-78-061239	4208333151		102-4		C D ALLEN "C" #1-C	HEMPHILL (JENNINGS)	442.0	EL PASO HYDROCARB
-L & B OIL CO INC				RECEIVED:	01/13/83	JA: TX			
8317789	F-08-062076	4217331287		102-4		BRUNSON #1-18	DEWEY LAKE E (DEVONIA	500.0	EL PASO NATURAL G
-LADD PETROLEUM CORPORATION				RECEIVED:	01/13/83	JA: TX			
8317755	F-7C-061019	4210534058		103	107-TF	J S PIERCE #10-2	OZONA (CANYON SAND)	175.2	INTER NORTH INC
8317756	F-7C-061020	4210534056		103	107-TF	J S PIERCE #15-4	OZONA (CANYON SAND)	588.6	VALERO TRANSMISSI
-LAEL INC				RECEIVED:	01/13/83	JA: TX			
8317840	F-10-062211	4248300000		103		CHARLES #1	PANHANDLE	29.9	WARREN PETROLEUM
8317841	F-10-062212	4248300000		103		CHARLES #2	PANHANDLE	29.2	WARREN PETROLEUM
-LARIO OIL & GAS COMPANY				RECEIVED:	01/13/83	JA: TX			
8317837	F-8A-062203	4241531337		103		BIRDWELL #1	KELLY SNYDER	1.6	
8317836	F-8A-062202	4241531673		103		BIRDWELL #2	DIAMOND -M- (CANYON L	19.1	
-MADDUX OIL & GAS				RECEIVED:	01/13/83	JA: TX			
8317834	F-78-060581	4236732285		102-4		NELL JACKSON #1	DENNIS WEST (STRAWN)	109.0	PARKER GAS INC
-MAGNET OIL INC				RECEIVED:	01/13/83	JA: TX			
8317838	F-10-062205	4206500000		103		LEE #2	PANHANDLE	115.2	GETTY OIL CO
-MAJOR EXPLORATION INC				RECEIVED:	01/13/83	JA: TX			
8317715	F-01-56802	4216332147		103		ALLERKAMP #3	PEARSALL	0.0	TIPPERARY CORP

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-MARATHON OIL COMPANY				RECEIVED:	01/13/83	JA: TX			
8317708	F-7C-56648	4246100000		108		BENEDUM SPRABERRY UNIT #1502	BENEDUM SPRABERRY UNI	3.0	UNION TEXAS PETRO
8317709	F-7C-56649	4246100000		108		BENEDUM SPRABERRY UNIT #1703	BENEDUM SPRABERRY UNI	8.1	UNION TEXAS PETRO
8317707	F-7C-56647	4246100000		108		BENEDUM SPRABERRY UNIT #1804	BENEDUM SPRABERRY UNI	0.3	UNION TEXAS PETRO
8317712	F-7C-56660	4246100000		108		BENEDUM SPRABERRY UNIT #1901	BENEDUM SPRABERRY UNI	1.1	UNION TEXAS PETRO
8317711	F-7C-56659	4246100000		108		BENEDUM SPRABERRY UNIT #4009	BENEDUM SPRABERRY UNI	1.0	UNION TEXAS PETRO
8317710	F-7C-56658	4246100000		108		BENEDUM SPRABERRY UNIT #4301	BENEDUM SPRABERRY UNI	0.7	EL PASO NATURAL G
8317713	F-7C-56662	4246100000		108		BENEDUM SPRABERRY UNIT #7804	BENEDUM SPRABERRY UNI	6.1	UNION TEXAS PETRO
8317700	F-7C-56626	4245100000		108		J WILEY GREEN -B- WELL #46	SUSAN PEAK	15.5	LONE STAR GAS CO
8317701	F-7C-56627	4245100000		108		J WILEY GREEN -B- WELL #9	SUSAN PEAK	2.5	LONE STAR GAS CO
8317703	F-08-56629	4229900000		108		NORTH MASON DELAWARE SAND UNIT #301	NORTH MASON (DELAWARE	3.7	PHILLIPS PETROLEU
8317702	F-08-56628	4229900000		108		NORTH MASON DELAWARE SAND UNIT #607	NORTH MASON (DELAWARE	4.8	PHILLIPS PETROLEU
8317705	F-7C-56632	4238300000		108		UNIVERSITY -3955- #123	BIG LAKE	6.1	DORCHESTER GAS PR
8317706	F-7C-56633	4238300000		108		UNIVERSITY -3955- #147	BIG LAKE	6.1	DORCHESTER GAS PR
8317704	F-7C-56630	4238300000		108		UNIVERSITY -3955- #72	BIG LAKE	9.1	DORCHESTER GAS PR
-MERCURY EXPLORATION CO				RECEIVED:	01/13/83	JA: TX			
8317823	F-7B-062188	4205933388		102-4		COOPER-LAVELLE #A-1	PREMATURELY (GREY SAN	20.0	LONE STAR GAS CO
8317824	F-7B-062196	4244131437		102-4		FRANK ANTILLEY #3	JACKIE GRIMM (GARDNER	20.0	VALERO TRANSMISSI
-MGF OIL CORP				RECEIVED:	01/13/83	JA: TX			
8317670	F-7C-41832	4238300000		103		UNIVERSITY "18-C" #1	SPRABERRY (TREND AREA	0.0	J L DAVIS
-MILLS BENNETT ESTATE				RECEIVED:	01/13/83	JA: TX			
8317775	F-04-061833	4204700000		102-4		BENNETT MILLS ESTATE FEE #7	MILLS BENNETT (F SAND	0.0	TEXAS EASTERN TRA
-MITCHELL ENERGY CORPORATION				RECEIVED:	01/13/83	JA: TX			
8317679	F-03-58453	4204100000		102-2	103	B H SIEGERT #1 #15635	BRYAN NORTH (GEORGETO	82.0	FERGUSON CROSSING
8317727	F-7B-58429	4236332910		103		HEATH-JONES GAS UNIT #1	PALO PINTO S W (STRAW	623.0	
-MONTERO OPERATING INC				RECEIVED:	01/13/83	JA: TX			
8317765	F-08-061300	4233532312		103		TUBB #1	JAMESON NORTH (STRAWN	0.0	SUN EXPLORATION &
-MONTERREY PETROLEUM CORP				RECEIVED:	01/13/83	JA: TX			
8317671	F-04-43132	4247932596		107-TF		BLOCKER RANCH (SEC 1846) 1 (93200)	GOLD RIVER NORTH (OLM	0.0	DELHI GAS PIPELIN
-MORAN EXPLORATION INC				RECEIVED:	01/13/83	JA: TX			
8317716	F-7C-56878	4238332227		103		UNIVERSITY "26A" #1	SPRABERRY (TREND AREA	0.0	PHILLIPS PETROLEU
-MORRISON DRILLING & PRODUCING CO				RECEIVED:	01/13/83	JA: TX			
8317827	F-7C-060519	4235932560		102-4		O D REED #2 (09791)	MORRISON (FRY)	37.0	LONE STAR GAS CO
-NEWTON OIL & GAS CORP				RECEIVED:	01/13/83	JA: TX			
8317721	F-04-57306	4247900000		102-4		CHILTON #1	SOUTH ENCINAL	182.5	HOUSTON PIPE LINE
8317684	F-04-53845	4247900000		103	107-TF	DAILY FULLER #1	LAS TIENDAS (OLMOS)	30.0	HOUSTON PIPE LINE
-NIMROD OPERATING CO				RECEIVED:	01/13/83	JA: TX			
8317699	F-7B-56486	4213333977		102-4		MCCALL #1	HAWK-EYE (ADAMS BRANC	1.0	ODESSA NATURAL CO
8317698	F-7B-56485	4213333990		102-4		MCCALL #2	HAWK-EYE (ADAMS BRANC	2.0	ODESSA NATURAL CO
-NUGGET OIL CORP				RECEIVED:	01/13/83	JA: TX			
8317803	F-04-062125	4248931630		102-4		MIKE MORRIS #1	OLD INGLESIDE (E-3)	274.0	ESPERANZA TRANSMI
-PARMA PETROLEUM CORP				RECEIVED:	01/13/83	JA: TX			
8317677	F-7C-48946	4246131744		103		ELKINS 38A-2	CALVIN (DEAN)	72.0	EL PASO NATURAL G
-PENNZOIL PRODUCING COMPANY				RECEIVED:	01/13/83	JA: TX			
8317735	F-04-59970	4250531561		102-4		ALBERT TREVINO #B-1	ESCOBAS (QUEEN CITY 4	58.0	TENNESSEE GAS PIP
-PETROLEUM CORPORATION OF TEXAS				RECEIVED:	01/13/83	JA: TX			
8317782	F-02-062002	4217531585		102-3		WALTER DIETZEL #3	COLLETOVILLE CREEK (V	53.7	DELHI GAS PIPELIN
-PHILCON DEVELOPMENT CO				RECEIVED:	01/13/83	JA: TX			
8317769	F-10-061517	4229530073		108		PEERY ARC#052713	BRADFORD WEST (TONKAW	17.5	INTER NORTH INC
-PHILLIPS PETROLEUM COMPANY				RECEIVED:	01/13/83	JA: TX			
8317669	F-08-040871	4249503437		108-ER		ERNEST-5 (20321)	KERMIT SOUTH (DEVONIA	15.5	SID RICHARDSON GA
-PUGO PRODUCING COMPANY				RECEIVED:	01/13/83	JA: TX			
8317757	F-03-061103	4208900000		102-4		GRACEY #1	GRACEY (YEGUA)	110.0	HOUSTON PIPELINE

JD NO	JA CKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-RALPH L WAY INC				RECEIVED:	01/13/83	JA: TX			
8317816	F-7C-062152	4210534140		103		UNIVERSITY-DYCO "A" #13	FARMER (SAN ANDRES)	33.1	INTER NORTH INC
-RAY HERRING				RECEIVED:	01/13/83	JA: TX			
8317776	F-09-061859	4250336355		102-4		LOFTIN #3	SENKEL (CADDO 4600)	39.0	SOUTHWESTERN GAS
-REATA OIL & GAS CORP				RECEIVED:	01/13/83	JA: TX			
8317746	F-03-060814	4231330357		103		LENA WINBORN #1	FT TRINIDAD-BARRETT E	0.0	LONE STAR GAS CO
-REO INDUSTRIES INC				RECEIVED:	01/13/83	JA: TX			
8317773	F-8A-061781	4207900000		103		F O MASTEN "B" #1	LEVELLAND (SAN ANDRES	365.0	CITIES SERVICE CO
-SANTA FE-WINDSOR PRODUCING CO				RECEIVED:	01/13/83	JA: TX			
8317725	F-03-57855	4228700000		103		FREIDA #1	GIDDINGS (AUSTIN CHAL	36.5	P G P GAS PRODUCT
8317745	F-03-60501	4228731252		102-2	103	LANETTA #2	GIDDINGS (AUSTIN CHAL	109.5	PGP GAS PRODUCTS
8317714	F-03-56761	4228731264		103		LOUIS #1	GIDDINGS (AUSTIN CHAL	36.5	PGP GAS PRODUCTS
8317722	F-03-57392	4228700000		103		SETH #2	GIDDINGS (AUSTIN CHAL	36.5	PGP GAS PRODUCTS
-SCANDRILL CO				RECEIVED:	01/13/83	JA: TX			
8317697	F-09-56478	4250335942		103		MCCLOUD #2	YOUNG COUNTY REGULAR	29.2	LONE STAR GAS CO
8317668	F-7B-36070	4244732529		102-2	103	PUTNAM #3	THROCKMORTON COUNTY R	1572.4	CLEAR FORK GAS CO
-SCANDRILL INC				RECEIVED:	01/13/83	JA: TX			
8317686	F-7B-0554819	4244732439		103		COALSON #1	THROCKMORTON CO REGUL	46.7	THROCKMORTON GAS
-SEAGO OIL INC				RECEIVED:	01/13/83	JA: TX			
8317818	F-7B-062164	4244131736		103		BISHOP #1	CAL-HAM (ELLENBURGER)	18.0	
-SHANE OIL CORP				RECEIVED:	01/13/83	JA: TX			
8317729	F-7B-58932	4242933348		102-4		COOK HEIRS #1-B I D NO APPLIED FOR	FRANKEL S (STRAWN)	43.0	WARREN PETROLEUM
-SIDCO				RECEIVED:	01/13/83	JA: TX			
8317691	F-7C-55675	4239932345		102-4	103	BRAGG #2	WILDCAT	8.0	LONE STAR GAS CO
-SOUTHEASTERN RESOURCES CORP				RECEIVED:	01/13/83	JA: TX			
8317825	F-7B-062197	4213300000		102-4		CLAUDE HEARN #3 (18639)	JMJ (MARBLE FALLS)	0.0	EL PASO HYDROCARB
8317771	F-7B-061708	4213300000		102-4		NASH #1 (102344)	JMJ (MARBLE FALLS)	521.0	EL PASO HYDROCARB
-SOUTHERN ROYALTY INC				RECEIVED:	01/13/83	JA: TX			
8317738	F-04-59959	4240900000		102-4		CONTINENTAL BANK TRUST #3	BULLHEAD CREEK (TROST	240.0	TRUNKLINE GAS CO
-SOUTHLAND ROYALTY CO				RECEIVED:	01/13/83	JA: TX			
8317809	F-08-062133	4249531506		103		GARTEX "B" #10	KERMIT	25.0	CABOT CORP
8317815	F-08-062149	4247532687		103		UNIVERSITY 16-12 C #4	SOUTH WICKETT	22.0	CABOT CORP
-STRINGER OIL & GAS				RECEIVED:	01/13/83	JA: TX			
8317780	F-7C-061867	4238332317		103		KILE #1	SPRABERRY (TREND AREA	350.0	PHILLIPS PETROLEU
-SUN EXPL. & PROD. CO. - HOUSTON				RECEIVED:	01/13/83	JA: TX			
8317687	F-06-54883	4236531395		103	107-TF	S J NEAL #4	CARTHAGE	213.0	DELHI GAS PIPELIN
-SUN EXPLORATION & PRODUCTION CO				RECEIVED:	01/13/83	JA: TX			
8317893	F-7C-062283	4208130947		103		CENTRAL NATIONAL BANK #18	LYGAY	122.0	LONE STAR GAS CO
8317895	F-02-062287	4239100000		108		J M O'BRIEN #3-L	GRETA (L-3)	18.0	UNITED TEXAS TRAN
8317894	F-10-062286	4235700000		108		PERRY UNIT I #1	PERRYTON (NOVI LOWER)	20.6	INTER NORTH INC
8317892	F-08-062281	4233532369		103		V T MCCABE #44	JAMESON N (ODOM)	177.0	LONE STAR GAS CO
-SUPERIOR OIL CO				RECEIVED:	01/13/83	JA: TX			
8317761	F-8A-061200	4211531692		103		ACKERLY DEAN FIELD UNIT NO 702	ACKERLY (DEAN SAND)	0.0	GETTY OIL CO
-TAUBERT & STEED				RECEIVED:	01/13/83	JA: TX			
8317770	F-06-061658	4249931080		102-4		HOWARD #1 BUDA	NEUHOFF (BUDA)	62.4	UNITED GAS PIPELI
-TENNECO OIL COMPANY				RECEIVED:	01/13/83	JA: TX			
8317672	F-02-44223	4212330991		103		D R KRUEGER #1	SO COTTONWOOD CREEK	0.0	LONE STAR GAS CO
8317694	F-08-56186	4231732486		103		HALE #2	SPRABERRY (TREND AREA	0.0	NOT CONTRACTED
8317833	F-7C-060561	4245100000		103		HOBLIT-JACOBS #8	ALLEN HILL (STRAWN A)	0.0	LONE STAR GAS CO
8317678	F-04-50339	4242731582		103		STATE SLICK "D" #15	SOUTH BOROSA	750.0	TENNESSEE GAS PIP
8317685	F-08-54099	4238931112		102-2		TENNECO VP 67-1	WILDCAT	0.0	TENNESSEE GAS PIP
-TENROC CORP				RECEIVED:	01/13/83	JA: TX			
8317682	F-03-52833	4247730443		102-2		NEINAST "B" #5	GIDDINGS (AUSTIN CHAL	525.0	PHILLIPS PETROLEU

VOLUME 82(PAGE 006

JD NO	JA DKT	API NO	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	FPOD	PURCHASER
-TEXACO CITIES SERVICE P/L CO (TX)			RECEIVED: 01/13/83		JA: TX			
8317718	F-04-57184	4242731685	103		GUERRA SHARE 189 #23	ROMA (QUEEN CITY A)	252.8	INTRASTATE GAS GA
-TEXACO INC			RECEIVED: 01/13/83		JA: TX			
8317681	F-03-51562	4236130423	102-4		DONNER PROPERTIES "B" #1	VIDOR N E	730.0	HOUSTON PIPE LINE
8317880	F-10-062253	4206500000	108		E COOPER UNIT # 201	PANHANDLE CARSON COUN	0.4	GETTY OIL CO
8317864	F-10-062235	4206500000	108		E COOPER UNIT # 203	PANHANDLE CARSON COUN	0.4	GETTY OIL CO
8317863	F-10-062234	4206500000	108		E COOPER UNIT # 204	PANHANDLE CARSON COUN	0.4	GETTY OIL CO
8317862	F-10-062233	4206500000	108		E COOPER UNIT # 205	PANHANDLE CARSON COUN	0.6	GETTY OIL CO
8317861	F-10-062232	4206500000	108		E COOPER UNIT # 207	PANHANDLE CARSON COUN	0.6	GETTY OIL CO
8317857	F-10-062228	4206500000	108		E COOPER UNIT # 208	PANHANDLE CARSON COUN	0.6	GETTY OIL CO
8317856	F-10-062227	4206500000	108		E COOPER UNIT # 209	PANHANDLE CARSON COUN	0.4	GETTY OIL CO
8317883	F-10-062256	4206500000	108		E COOPER UNIT # 3010	PANHANDLE CARSON COUN	0.4	GETTY OIL CO
8317882	F-10-062255	4206500000	108		E COOPER UNIT # 3011	PANHANDLE CARSON COUN	0.4	GETTY OIL CO
8317881	F-10-062254	4206500000	108		E COOPER UNIT # 3014	PANHANDLE CARSON COUN	0.4	GETTY OIL CO
8317886	F-10-062259	4206500000	108		E COOPER UNIT # 3023	PANHANDLE CARSON COUN	0.4	GETTY OIL CO
8317858	F-10-062229	4206500000	108		E COOPER UNIT # 3025	PANHANDLE CARSON COUN	0.4	GETTY OIL CO
8317851	F-10-062222	4206500000	108		E COOPER UNIT # 3027	PANHANDLE CARSON COUN	0.4	GETTY OIL CO
8317859	F-10-062230	4206500000	108		E COOPER UNIT # 3029	PANHANDLE CARSON COUN	0.4	GETTY OIL CO
8317850	F-10-062221	4206500000	108		E COOPER UNIT # 3030	PANHANDLE CARSON COUN	0.4	GETTY OIL CO
8317849	F-10-062220	4206500000	108		E COOPER UNIT # 3031	PANHANDLE CARSON COUN	0.4	GETTY OIL CO
8317848	F-10-062219	4206500000	108		E COOPER UNIT # 3032	PANHANDLE CARSON COUN	0.4	GETTY OIL CO
8317855	F-10-062226	4206500000	108		E COOPER UNIT # 305	PANHANDLE CARSON COUN	0.4	GETTY OIL CO
8317853	F-10-062224	4206500000	108		E COOPER UNIT # 307	PANHANDLE CARSON COUN	0.4	GETTY OIL CO
8317879	F-10-062252	4206500000	108		E COOPER UNIT #202	PANHANDLE CARSON COUN	0.4	GETTY OIL CO
8317860	F-10-062231	4206500000	108		E COOPER UNIT #3015	PANHANDLE CARSON COUN	0.4	GETTY OIL CO
8317846	F-10-062217	4206500000	108		E COOPER UNIT #3016	PANHANDLE CARSON COUN	0.7	GETTY OIL CO
8317884	F-10-062257	4206500000	108		E COOPER UNIT #302	PANHANDLE CARSON COUN	0.4	GETTY OIL CO
8317845	F-10-062216	4206500000	108		E COOPER UNIT #3021	PANHANDLE CARSON COUN	0.4	GETTY OIL CO
8317844	F-10-062215	4206500000	108		E COOPER UNIT #3022	PANHANDLE CARSON COUN	0.4	GETTY OIL CO
8317885	F-10-062258	4206500000	108		E COOPER UNIT #3026	PANHANDLE CARSON COUN	0.4	GETTY OIL CO
8317852	F-10-062223	4206500000	108		E COOPER UNIT #3028	PANHANDLE CARSON COUN	0.4	GETTY OIL CO
8317847	F-10-062218	4206500000	108		E COOPER UNIT #3033	PANHANDLE CARSON COUN	0.4	GETTY OIL CO
8317854	F-10-062225	4206500000	108		E COOPER UNIT #306	PANHANDLE CARSON COUN	0.4	GETTY OIL CO
8317683	F-03-53318	4236130426	102-4		E W BROWN JR O/A #1	VIDOR NE	472.0	HOUSTON PIPE LINE
8317675	F-06-047776	4240131327	102-4	103	FIRST STATE BANK OVERTON - DEEP #1	OVERTON N E	36.5	
8317878	F-10-062251	4206500000	108		H SCHAFER NCT-2 # 2	PANHANDLE CARSON COUN	3.6	GETTY OIL CO
8317877	F-10-062250	4206500000	108		H SCHAFER NCT-2 #3	PANHANDLE CARSON COUN	4.6	GETTY OIL CO
8317888	F-10-062261	4206500000	108		H SCHAFER NCT-2 #5	PANHANDLE CARSON COUN	2.6	GETTY OIL CO
8317866	F-10-062237	4206500000	108		J C MCCONNELL "A" # 6	PANHANDLE CARSON COUN	1.0	GETTY OIL CO
8317867	F-10-062238	4206500000	108		J C MCCONNELL "A" # 7	PANHANDLE CARSON COUN	1.2	GETTY OIL CO
8317890	F-10-062263	4206500000	108		J C MCCONNELL "A" #3	PANHANDLE CARSON COUN	1.7	GETTY OIL CO
8317889	F-10-062262	4206500000	108		J C MCCONNELL "A" #5	PANHANDLE CARSON COUN	1.0	GETTY OIL CO
8317871	F-10-062242	4206500000	108		J K QUINN # 13	PANHANDLE CARSON COUN	0.3	GETTY OIL CO
8317870	F-10-062241	4206500000	108		J K QUINN # 18	PANHANDLE CARSON COUN	0.3	GETTY OIL CO
8317875	F-10-062246	4206500000	108		J K QUINN # 2	PANHANDLE CARSON COUN	0.4	GETTY OIL CO
8317873	F-10-062244	4206500000	108		J K QUINN # 22	PANHANDLE CARSON COUN	0.3	GETTY OIL CO
8317876	F-10-062247	4206500000	108		J K QUINN # 5	PANHANDLE CARSON COUN	0.4	GETTY OIL CO
8317874	F-10-062245	4206500000	108		J K QUINN # 7	PANHANDLE CARSON COUN	0.3	GETTY OIL CO
8317872	F-10-062243	4206500000	108		J K QUINN # P	PANHANDLE CARSON COUN	0.3	GETTY OIL CO
8317869	F-10-062240	4206500000	108		J K QUINN #19	PANHANDLE CARSON COUN	0.3	GETTY OIL CO
8317868	F-10-062239	4206500000	108		J K QUINN #3	PANHANDLE CARSON COUN	0.4	GETTY OIL CO
8317887	F-10-062260	4206500000	108		J M MCCONNELL "A" #4	PANHANDLE CARSON COUN	1.0	GETTY OIL CO
8317865	F-10-062236	4217900000	108		J M PATTON # 6	PANHANDLE GRAY COUNTY	1.3	PHILLIPS PETROLEU

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PPOD	PURCHASER
-TEXCAN RESOURCES CORP				RECEIVED:	01/13/83	JA: TX			
8317786	F-78-062052	4235900000		103		MCCORD B-4	COUNTY REGULAR (COLEM	110.0	LONE STAR GAS CO
8317787	F-78-062056	4208300000		103		MCCORD 2	COUNTY REGULAR (COLEM	120.0	LONE STAR GAS CO
-TOM BROWN INC				RECEIVED:	01/13/83	JA: TX			
8317779	F-7C-061866	4238332284		103		O M LANE #1	CALVIN (DEAN)	29.2	UNION TEXAS PETRO
-TOM F MARSH INC				RECEIVED:	01/13/83	JA: TX			
8317796	F-10-062097	4248330729		108		C ZYBACH #1-14	ZYBACH 1-14 (15000)	0.0	COLORADO INTERSTA
-TRIPLE-S VENTURES INC				RECEIVED:	01/13/83	JA: TX			
8317717	F-02-57030	4246900000		102-4		PATTERSON A-1	WEBER (2720)	60.0	C B GAS GATHERING
-TUMBLEWEED PRODUCTION CO				RECEIVED:	01/13/83	JA: TX			
8317839	F-10-062206	4206500000		103		HAIDUK #2	PANHANDLE	96.4	GETTY OIL CO
-TXO PRODUCTION CORP				RECEIVED:	01/13/83	JA: TX			
8317772	F-8A-061733	4203330789		103		MILLER "U" #2	LUCY N E (STRAWN - B)	150.0	SUN OIL CO
-U S OPERATING INC				RECEIVED:	01/13/83	JA: TX			
8317768	F-03-061416	4228731052		102-2		FRANCIS #1 RRC ID# N/A	GIDDINGS (AUSTIN CHAL	0.0	PGP GAS PRODUCTS
-WARREN PETR CO A DIV OF GULF OIL CO				RECEIVED:	01/13/83	JA: TX			
8317795	F-08-062093	4210332995		103		H E ADAMS #9	DUNE	3.1	EL PASO NATURAL G
8317793	F-08-062091	4210301879		108		W N WADDELL #420	SAND HILLS (JUDKINS)	14.8	EL PASO NATURAL G
-WES-MOR DRILLING INC				RECEIVED:	01/13/83	JA: TX			
8317822	F-09-062176	4250336385		103		COOPER & NEHLS RRC ID #102461	YOUNG COUNTY REGULAR/	58.4	SUN GAS TRANSMISS
-WESTERN CHIEF OIL & GAS CO				RECEIVED:	01/13/83	JA: TX			
8317692	F-09-55837	4223734433		102-4		DUNLAP #1-B P #157266	TJN-STRAWN SAND	0.0	SOUTHWESTERN GAS
-WESTWOOD ENERGY INC				RECEIVED:	01/13/83	JA: TX			
8317781	F-7B-061951	4225331413		103		KENNETH DUNCAN "A" #1 (ID #15969)	NOODLE N W (CANYON SA	4.7	PALO DURO PIPELIN
-WHEELER OIL COMPANY				RECEIVED:	01/13/83	JA: TX			
8317804	F-10-062126	4208730172		108		L POWELL (91906) #1	EAST PANHANDLE	3.0	HIGH PLAINS NATUR
8317805	F-10-062127	4248330797		108		SIMPSON (90743) #1	EAST PANHANDLE	3.0	EL PASO NATURAL G
-WILSON ENERGY INC				RECEIVED:	01/13/83	JA: TX			
8317778	F-7C-061864	4210533379		103		UNIVERSITY 18 "A" #1	BLOCK 47 (SILURIAN)	73.0	J L DAVIS
-ZENITH PETROLEUM CORP				RECEIVED:	01/13/83	JA: TX			
8317831	F-01-060534	4217731343		102-4		VICTOR WINKENWERDER #2	PEACH CREEK (AUSTIN C	101.0	VALERO GAS TRANSM

SOURCE DATA FOR THIS NOTICE IS AVAILABLE ON MAGNETIC TAPE FROM THE NATIONAL TECHNICAL INFORMATION SERVICE (NTIS). FOR INFORMATION, CONTACT STUART WEISMAN (NTIS) AT (703) 487-4808, 5285 PORT ROYAL RD, SPRINGFIELD, VA 22161, OR SANDRA SPEAR (FERC) (202) 357-8681.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-3527 Filed 2-8-83; 8:45 am]

BILLING CODE 6717-01-C

ENVIRONMENTAL PROTECTION AGENCY

[PF-309; PH-FRL 2296-2]

American Cyanamid Co. et al.; Pesticide and Feed Additive Petitions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has received pesticide and feed additive petitions relating to the establishment and/or amendments of tolerances for residues of certain pesticide chemicals in or on certain commodities.

ADDRESS: Written comments to the product manager (PM) cited in each petition at the address below: Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, 1921 Jefferson Davis Highway, Arlington, Va. 22202.

Written comments may be submitted while the petitions are pending before the Agency. The comments are to be identified by the document control number [PF-309] and the petition number. All written comments filed in response to this notice will be available for public inspection in the product manager's office from 8:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays.

FOR FURTHER INFORMATION CONTACT: The product manager cited in each petition at the telephone number provided.

SUPPLEMENTARY INFORMATION: EPA gives notice that the Agency has received the following pesticide and feed additive petitions relating to the establishment and/or amendment of tolerances for residues of certain pesticide chemicals in or on certain commodities in accordance with the Federal Food, Drug, and Cosmetic Act. The analytical method for determining residues, where required, is given in each petition.

Initial Filing

1. *FAP 3H5381.* American Cyanamid Company, P.O. Box 400, Princeton, NJ, 08540. Proposes to amend 21 CFR Part 561 by establishing a regulation permitting residues of the insecticide flucythrinate ((±cyano(3-phenoxyphenyl)methyl(+)-4-(difluoromethoxy)-alpha-(methylethyl) benzeneacetate) in or on the commodity apple pomace (dry) at 10.0 parts per million (ppm). (PM-17, Franklin D. R. Gee, 703-557-2690).

2. *PP 3F2806.* American Cyanamid Co. Proposes to amend 40 CFR 180.400 by establishing tolerances for the residues of the insecticide flucythrinate in or on the commodities apples at 1.0 ppm; cattle meat and meat by-products at 0.1 ppm; cattle fat at 1.0 ppm; milk at 0.3 ppm; and milk fat at 6.0 ppm. The proposed analytical method for determining residues is gas chromatography. (PM-17, Franklin D. R. Gee, 703-557-2690).

3. *PP 3F2810.* Rhone-Polenc Inc., Monmouth Junction, NJ, 08852. Proposes to amend 40 CFR 180.399 by establishing tolerances for the combined residues of the fungicide iprodione [3-(3,5-dicloropheny1)-*N*-(1-methyl ethyl)-2,4-dioxo-1-imidazolidinecarboxamide], its isomer [3-(1-methyl ethyl)-*N*-(3,5-dichlorophenyl)-2,4-dioxo-1-imidazolidinecarboxamide], and its metabolite [3-(3,5-dichlorophenyl)2,4-dioso-1-imidazolidine-carboxamide] in or on stone fruits at 20.0 ppm. The proposed analytical method for determining residues is gas-liquid chromatography. (PM-21, Henry Jacoby, 703-557-1900).

(Sec. 408(d)(1), 68 Stat. 512, (7 U.S.C. 136); 409(b)(5), 72 Stat. 1786, (21 U.S.C. 348))

Dated: January 25, 1983.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 83-2958 Filed 2-8-83; 8:45 am]

BILLING CODE 6560-50-M

[OPP -50590; PH-FRL 2295-8]

Dow Chemical U.S.A. et al.; Issuance of Experimental Use Permits

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has granted experimental use permits to the following applicants. These permits are in accordance with, and subject to, the provisions of 40 CFR Part 172, which defines EPA procedures with respect to the use of pesticides for experimental purposes.

FOR FURTHER INFORMATION CONTACT: The product manager cited in each experimental use permit at the address below: Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, 1921 Jefferson Davis Highway, Arlington, VA 22202.

SUPPLEMENTARY INFORMATION: EPA has issued the following experimental use permits:

464-EUP-77. Issuance. Dow Chemical U.S.A., P.O. Box 1706, Midland, MI 48640. This experimental use permit allows the use of 9,800 pounds of the herbicide 2-(3,5-dichlorophenyl)-2- (2, 2, 2-trichloroethyl) oxirane on field corn to evaluate the control of annual grasses and broadleaf weeds. A total of 19,600 acres are involved; the program is authorized in the States of Delaware, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Michigan, Minnesota, Missouri, Nebraska, North Carolina, Ohio, Pennsylvania, South Dakota, and Wisconsin. The experimental use permit is effective from January 31, 1983 to January 30, 1984. A temporary tolerance for residues of the active ingredient in or on field corn grain has been established. (Robert Taylor, PM 25, Rm. 245, CM #2, (703-557-1800))

279-EUP-78. Extension. FMC Corporation, 2000 Market St., Philadelphia, PA 19103. This experimental use permit allows the use of 4,599 pounds of the insecticide carbosulfan on alfafa to evaluate the control of various alfalfa insects. A total of 1,533 acres are involved; the program is authorized in the States of Arizona, California, Colorado, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Jersey, New Mexico, New York, North Carolina, Ohio, Oklahoma, Oregon, Pennsylvania, South Dakota, Tennessee, Texas, Utah, Virginia, Washington, West Virginia, Wisconsin, and Wyoming. The experimental use permit is effective from February 5, 1983 to February 5, 1984. (Jay Ellenberger, PM 12, Rm. 202, CM #2, (703-557-2386))

279-EUP-79. Extension. FMC Corporation, 2000 Market St., Philadelphia, PA 19103. This experimental use permit allows the use of 491.25 pounds of insecticide carbosulfan on citrus to evaluate the control of various citrus insects. A total of 65 acres are involved; the program is authorized only in the States of Arizona, California, Florida, and Texas. The experimental use permit is effective from February 13, 1983 to February 13, 1984. (Jay Ellenberger, PM 25, Rm. 202, CM#2, (703-557-2386))

279-EUP-87. Extension. FMC Corporation, 2000 Market St., Philadelphia, PA 19103. This experimental use permit allows the use of 1,624 pounds of insecticide carbosulfan on sorghum to evaluate the control of various sorghum insects. A total of 464 acres are involved; the program is authorized only in the States of Arizona, California, Colorado, Iowa, Kansas, Missouri, Nebraska, New

Mexico, Oklahoma, South Dakota, and Texas. The experimental use permit is effective from February 23, 1983 to February 23, 1984. This permit and the two above are issued with the limitation that all crops are destroyed or used for research purposes only. (Jay Ellenberger, PM 25, Rm. 202, CM#2, (703–557–2386))

3125–EUP–182. Issuance. Mobay Chemical Corporation, P.O. Box 4913, Kansas City, MO 64120. This experimental use permit allows the use of 100,000 pounds of the insecticide methanidophos on soybeans to evaluate the control of various soybean insect pests. A total of 50,000 acres are involved; the program is authorized only in the States of Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, Oklahoma, South Carolina, Tennessee, and Texas. The experimental use permit is effective from January 5, 1983 to June 1, 1984. A temporary tolerance for residues of the active ingredient in or on soybeans and soybean forage has been established. (William Miller, PM 16, Rm. 211, CM#2, (703–557–2600))

Persons wishing to review these experimental use permits are referred to the designated product managers. Inquiries concerning these permits should be directed to the persons cited above. It is sugested that interested persons call before visiting the EPA Headquarters Office, so that the appropriate file may be made available for inspection purposes from 8:00 a.m. to 4:00 p.m., Monday through Friday, excluding legal holidays.

(Sec. 5, 92 Stat. 819, as amended, (7 U.S.C. 136))

Dated: January 25, 1983.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 83-2959 Filed 2-8-83; 8:45 am]

BILLING CODE 6560-50-M

[OPP-180618; PH-FRL 2297-5

Pesticides; Emergency Exemptions Granted

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has granted specific exemptions for the control of various pests in the States listed below. Also listed are five crisis exemptions initiated by three States.

DATES: See each specific and crisis exemption for its effective dates.

FOR FURTHER INFORMATION CONTACT: See each specific and crisis exemption for the name of the contact person. The following information applies to all contact people: Registration Division (TS–767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 716, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202 (703–557–1192).

SUPPLEMENTARY INFORMATION: EPA has granted specific exemptions to the:

1. California Department of Food and Agriculture for the use of fenvalerate on artichokes to control artichoke plume moths; December 27, 1982 to December 1, 1983. (Libby Welch)

2. California Department of Food and Agriculture for the use of formetanate hydrochloride on strawberries to control two-spotted spider mites; January 1, 1983 to January 1, 1984. (Jim Tompkins)

3. California Department of Food and Agriculture for the use of metalaxyl on onions grown for seed to control downy mildew; February 26, 1983 to January 21, 1984. (Gene Asbury)

4. California Department of Food and Agriculture for the use of triadimefon on fresh market tomatoes to control powdery mildew; December 14, 1982 to October 21, 1983. California had initiated a crisis exemption for this use. (Jack E. Housenger)

5. U.S. Department of Agriculture for the use of chlorpyrifos on ornamental sod to control imported fire ants in Alabama, Arkansas, Georgia, Louisana, Mississippi, North Carolina, South Carolina, and Texas; January 6, 1983 to December 31, 1983. (Jim Tompkins)

6. Florida Department of Agriculture and Consumer Services for the use of fenvalerate on bell peppers to control pepper weevils; December 22, 1982 to August 31, 1983. (Libby Welch)

7. Hawaii Department of Agriculture for the use of methamidophos on celery to control leafminers; January 6, 1983 to December 2, 1983. Hawaii had initiated a crisis exemption for this use. (Jim Tompkins)

8. Louisiana Department of Agriculture for the use of methiocarb on rice (seed) to control depredating birds; December 16, 1982 to July 15, 1983. (Gene Asbury)

9. Louisiana Department of Agriculture for the use of triadimefon on wheat to control leaf rust; December 14, 1982 to April 30, 1983. (Gene Asbury)

10. New Mexico Department of Agriculture for the use of oxyfluoren on dry bulb onions to control various winter weeds; December 16, 1982 to March 31, 1983. EPA completed a rebuttable presumption against registration (RPAR) on this chemical; the final determination was published in the **Federal Register** of June 23, 1982 (47 FR 27116). (Gene Asbury)

11. Oklahoma Department of Agriculture for the use of diethatyl-ethyl on spinach to control various weeds; December 27, 1982 to April 30, 1938. Oklahoma had initiated a crisis exemption for this use. (Libby Welch)

12. Oregon Department of Agriculture for the use of carbofuran on caneberries to control root weevils; December 22, 1982 to February 15, 1983. (Libby Welch)

13. South Carolina Division of Regulatory and Public Services Programs, Clemson University, for the use of fenamiphos in established peach orchards to control ring and root-knot nematodes; December 20, 1982 to December 15, 1983. (Jim Tompkins)

14. Washington Department of Agriculture for the use of carbofuran on raspberries to control root weevils; December 22, 1982 to February 15, 1983. (Libby Welch)

Crisis exemptions were initiated by the:

1. California Department of Food and Agriculture on December 10, 1982, for the use of oxyfluorfen on dry bulb onions to control weeds. Since it was anticipated that this program would be needed for more than 15 days, California has requested a specific exemption to continue it. The need for this program is expected to last until December 9, 1983. (Jim Tompkins)

2. California Department of Food and Agriculture on December 23, 1982, for the use of metalaxyl on broccoli and cauliflower (fresh market) and crucifers (grown for seed) to control downy mildew. Since it was anticipated that this program would be needed for more than 15 days, California is expected to request a specific exemption to continue it. (Libby Welch)

3. California Department of Food and Agriculture on December 31, 1982, for the use of metalaxyl on green onions to control downy mildew. Since it was anticipated that this program would be needed for more than 15 days, California has requested a specific exemption to continue it. The need for this program is expected to last until December 30, 1983. (Libby Welch)

4. Oregon Department of Agriculture on November 18, 1982, for the use of methiocarb on barley, clover, grass grown for seed, oats, and wheat to control slugs and snails. Since it was anticipated that this program would be needed for more than 15 days, Oregon has requested a specific exemption to

continue it. The need for this program is expected to last unitl May 1, 1983. (Jim Tompkins)

5. Texas Department of Agriculture on December 10, 1982, for the use of metalaxyl on sorghum seed to control sorghum downy mildew. Since it was anticipated that this program would be needed for more than 15 days, Texas is expected to request a specific exemption to continue it. (Libby Welch)

(Sec. 18, as amended, 92 Stat. 819 (7 U.S.C. 136))

Dated: January 25, 1983.

James M. Conlon,

Acting Director, Office of Pesticide Programs.

[FR Doc. 83-2990 Filed 2-8-83; 8:45 am]

BILLING CODE 6560-50-M

[OPP-66098; PH FRL 2297-4]

Certain Pesticide Products; Intent To Cancel Registrations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice lists the name of firms requesting voluntary cancellation of registration of their pesticide products in compliance with section 6(a)(1) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended. Production of these products after the effective date of cancellation will be considered a violation of the Act unless continued registration is requested.

EFFECTIVE DATE: March 11, 1983.

ADDRESS: Written comments to: Document Control Officer (TS-793), Management Support Division, Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-401, 401 M St., SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Lela Sykes, Process Coordination Branch (TS-767C), Registration Division, Office of Pesticide Programs, Environmental Protection Agency, Rm. 706, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202 (703-557-2126).

SUPPLEMENTARY INFORMATION: EPA has been advised by the following firms of their intent to voluntarily cancel registration of their pesticide products.

Registration No.	Product name	Registrant	Date registered
134-41	Warfarat Crumbles	Hess and Clark, Inc., 7th and Orange Sts., Ashland, OH 44805-1799	Dec. 21, 1964.
148-791	Thiram-Sulfur 7½-10 Dust	Thompson Hayward Chemical Co., P.O. Box 2383, Kansas City, KS 66110	Mar. 5, 1968.
148-792	Thiram 7½ Dust	do	Mar. 6, 1968.
148-829	Ammate Weed and Brush Killer Solution	TH Agriculture and Nutrition Company, P.O. Box 2700, Kansas City, KS 66110	May 27,1968.
200-31	Glidden Code RGL-304298	Glidden Coatings and Resins, Division SLM Corp., 16551 Sprague Road, Strongsville, OH 44136.	Jan. 16, 1968.
240-153	Partrol Poultry Dust	Daly Herring Company, P.O. Box 428, Kinston, NC 28501	July 8, 1968.
271-37	Sobin Ammonium Sulfamate	International Minerals and Chemical Corp., P.O. Box 207, Terre Haute, IN 47808	July 22, 1971.
279-538	Chlordane 8.0 Miscible	FMC Corporation, 2000 Market St., Philadelphia, PA 19103	Feb. 16, 1961.
279-1770	CYPREX Dodine 3 Dust	do	May 31, 1981.
279-2677	Nirgara DuPont Ammate Weed and Brush Killer Solution	do	Apr. 12, 1968.
334-283	Ram Kills Rats and Mice Contains Warfarin	Hysan Corp., 919 W. 38th St., Chicago, IL 60609	June 25, 1968.
336-216	BK LFI 2	Pennwalt Corp., Three Parkway, Philadelphia, PA 19102	Apr. 7, 1977.
359-513	Methoxone-Chlorax No. 2 GN	Rhone-Poulenc Chemical Company, P.O. Box 125, Monmouth Junction, NJ 08852	Oct. 23, 1962.
359-514	Methoxone-Chlorax No. 4 GN	do	Oct. 23, 1962.
359-604	Methoxone-Chlorax 33H (GN)	do	June 27, 1967.
359-637	Methoxone-Chlorax 23.5 H (GN)	do	Jan. 14, 1971.
373-81	Residex Prolin	Residex Corp., 225 Terminal Ave., Clark, NJ 07066	Jan. 8, 1963.
419-62	Cenol Warfarin With Bait	Acme Burgess, Inc., Chemical Division; Route 83, Grayslake, IL 60030	Oct. 27, 1950.
419-82	Cenol Water Soluble Warfarin	do	May 11, 1954.
419-136	Cenol Prolin Bait Station	do	Apr. 1, 1963.
419-142	Cenol Prolin Ready To Use Mice Station	do	Mar 3, 1964.
419-158	Cenol Warfarin Concentrate	do	Apr. 17, 1968.
445-19	Rosex Contains Prolin Ready-to-Use Kills Rats and Mice	Rose Exterminator Company, NE Corner Ct. and Walnut St., Cincinnati, OH 45202	Aug. 15, 1963.
464-103	Profume—A Space Fumigant	Dow Chemical U.S.A.; P.O. Box 1706; Midland, MI 48640	Jan. 13, 1949.
464-190	Dow Picfume Chloropicrin	do	May 16, 1956.
464-223	Brozone	do	Mar. 20, 1959.
464-392	Vidden DC-15 Soil Fungicide and Nematicide	do	Dec. 17, 1971.
485-31	Winru Zinc Phosphide Rodent Bait	The Industrial Fumigant Co., P.O. Box 1200, Olathe, KS 66061	June 3, 1975.
554-91	Agsco M-X Herbicide	Agsco Chemical, Inc., Box 458, Grand Forks, ND 58201	May 31, 1963.
557-1716	Virgoro Rose, Flower and Shrub Spray	Swift Agricultural Chemical Corp., 30 North LaSalle St., Chicago, IL 60602	April. 15, 1968.
557-1828	Vigoro Rose Spray	do	July 2, 1971.
602-234	Purina Rat Kill Pellets	Ralston Purina Company, Checkerboard Square, St. Louis, MO 63164	Jan. 29, 1974.
602-253	Purina Mouse and Rat Kill Meal	do	Aug. 7, 1975.
602-259	Purina Rat and Mouse Control Pellets	do	Apr. 28, 1975.
655-281	Prentox Methyl Parathion Technical	Prentiss Drug and Chemical Co., Inc., 383 7th Ave., New York, NY 10001	May 12, 1966.
655-300	Prentox Ethyl Parathion Technical	do	May 6, 1967.
677-264	New Improved Vacate	Diamond Shamrock Corp., 1100 Superior Ave., Cleveland, OH 44114	Sept. 19, 1968.
802-193	Miller's Karaspra	The Chas. H. Lilly Company, 77 N.E. Killingsworth, Portland, OR 97218	Nov. 27, 1956.
802-365	Miller's Karathane 2D	do	Apr. 22, 1964.
802-414	CYPREX-KARATHANE 42D	do	June 16, 1967.
802-432	Miller's Thiodan Sevin 310D	do	Aug. 26, 1968.
802-528	Miller's Rose and Floral Spray	do	June 11, 1975.
829-56	SA-50 Brand Heading Cabbage Dust	Southern Agricultural Insecticides, Inc., P.O. Box 218, Palmetto, FL 33561	July 20, 1953.
829-173	SA-50 Brand 1½% Parathion Dust with 6% Sevin	do	Nov. 11,1966.
829-205	SA-5. Brand 1½% Parathion 6% Sevin 50% Sulfur	do	June 22, 1972.
892-24	Pioneer Brush and Weed Killer Concentrate	Pioneer Manufacturing Company, 3053 East 87th St., Cleveland, OH 44104	June 3, 1968.
961-247	Lebanon Arsod Weed and Grass Killer	Lebanon Chemical Corporation, P.O. Box 180, Lebanon, PA 17042	May 27, 1968.
961-254	Lebanon Rose Dust	do	Oct. 24, 1970.
961-286	New Rose Dust	do	May 15, 1974.
1022-411	Dupont Ammate Weed and Brush Killer Solution	Chapman Chemical Company, P.O. Box 9158, Memphis, TN 38109	Oct. 16, 1967.
1145-127	Amoco MCPA Weed Killer	Amoco Oil Company, 55 West 22nd St., Lombard, IL 60148	Feb. 8, 1971.
1157-39	Na-Mo-Cide Kills Rats	Moorman Mfg., Company, 1000 North 30th St., Quincy, IL 62301	July 1, 1972.
1159-66	Twin Light Rat-Away	Seacoast Laboratories, P.O. Box 257, East Brunswick, NJ 08816	Sept. 18, 1951.
1159-144	Twin Light Prolin Rat-Mouse Concentrate	do	Apr. 24, 1963.
1258-158	Terraclor 20% Dust	Olin, P.O. Box 991, Little Rock, AK 72203	July 29, 1953.
1258-286	Terraclor 40% Dust Soil Fungicide	do	Jan. 23,1956.
1258-287	Terraclor 10% Dust Soil Fungicide	do	Jan. 23, 1956.
1269-99	DeWitt WITT-O-TRIM	Zep Manufacturing Company, P.O. Box 2015, Atlanta, GA 30301	Nov. 29, 1966.
1348-202	DuPont Ammate X (Weed and Brush Killer)	Selco Supply Company, 650 "O" St., Greeley, CO 80631	Feb. 27, 1967.
1431-19	Milfred Prolin Ready-To-Use Rat and Mouse Bait	The Milfred Company, 1516 Fifth Ave., Pittsburgh, PA 15219	May 16, 1963.
1685-76	Formula 190-A Non Selective Weed and Brush Killer	The State Chemical Manufacturing Co., 3100 Hamilton Ave., Cleveland, OH 44114	May 16, 1974.
1706-82	Nalkil Weed Killer 251 Concentrate	Nalco Chemical Co., 2901 Butterfield Road, Oak Brook, IL 60521	Aug. 26, 1966.

Registration No.	Product name	Registrant	Date registered
1706-86	Nalkil Weed Killer 401 Concentrate	do	May 6, 1967.
1706-120	Nalkil 251 Concentrate with Endrift Weed Killer	do	Oct. 19, 1972.
1706-121	Nalkil 401 Concentrate with Endrift Weed	do	Oct. 19, 1972.
1706-132	Nalkil 251 Liquid with Endrift Weed Killer	do	May 23, 1974.
1706-133	Nalkil 601 Liquid with Endrift Weed Killer	do	Jan. 11, 1974.
1706-135	Nalkil 401 Liquid Endrift Weed Killer	do	June 28, 1974.
1719-20	BLP Jack Tar Marine Finishes Vinyl Anti-Fouling MIL-P-15931A Formula No. 121.	Mobile Paint Manufacturing Co., Inc., P.O. Box 717, Theodore, AL 36590	Oct. 20, 1965.
1719-30	BLP Jack Tar Marine Finishes Vinyl Anti-Fouling Black MIL-P-16189A Formula No. 129.	do	Feb. 7, 1974.
2393-216	Hopkins Heptachlor Seed Protectant	Hopkins Agricultural Chemical Co., P.O. Box 7532, Madison, WI 53707	Feb. 7, 1972.
2393-233	Hopkins Heptachlor-Captan 25-25 Seed Protectant	do	Jan. 30, 1973.
2460-55	Gowan's 6-1⅔ Emulsifiable Insecticide Concentrate	Howerton Gowen Chemicals, Inc., P.O. Box 247, Roanoke Rapids, NC 27870	Nov. 18, 1974.
3051-59	AGCO Thiodan 2 CO. EC Insecticide	Agricultural Products Co., Inc., P.O. Drawer A, Mesquite, New Mexico 88048	Sept. 11, 1967.
3640-38	Rack Rat with Prolin Rat and Mouse Killer	Stearns Chemical Corp., P.O. Box 3216, Madison, WI 53704	Apr. 7, 1965.
4110-41	EL Blanco Brand Thiodan 2 EC Insecticide	Western Farm Service, Inc., 3076 Citrus Circle, Suite 195, Walnut Creek, CA 94598	May 17, 1968.
4185-113	Smith-Douglass 4 lbs. Aldrin Oil Solution	Smith-Douglass, Inc., P.O. Box 419, Norfolk, VA 23501	Jan. 28, 1963.
4904-335	Royster Brozone Soil Fumigant	Royster Company, P.O. Drawer 1940, Norfolk, VA 23501	Sept. 3, 1974.
4931-136	Clean Sweep	Good Life Chemicals, Inc., P.O. Box 687, Effingham, IL 62401	May 26, 1975.
5905-310	Helena 10% Terracior Dust	Helena Chemical Company, 5100 Poplar Ave., Suite 2900, Memphis, TN 38137	Jan. 21, 1974.
5927-9	R-10 Rat and Mouse Killer	Dacus, Inc., P.O. Drawer 528, Tupelo, MS 38802	Feb. 4, 1971.
6919-1	Radar Rat and Mouse Killer	Ashworth Chemical Co., Inc., P.O. Box 67, Memphis, TN 38101	Oct. 17, 1960
7234-47	Fortrim Weed and Brush Killer Solution	Forshaw Chemicals, Inc., P.O. Box 6055, Charlotte, NC 28207	Dec. 8, 1970.
8203-18	NCPA Acid	ICI United States, Inc., P.O. Box 751, Wilmington, DE 19899	Aug 20, 1973.
8340-3	AMS Ammonium Sulfamate Weed and Brush Killer	American Hoechst Corporation, Route 202-206 North, Somerville, NJ 08876	Sept. 18, 1968.
8590-219	Ammate X Non Selective Weed and Brush Killer	Agway, Inc., Box 4933, Syracuse, NY 13221	July 25, 1966.
8590-280	Agway Liquid Glyodex	do	Oct. 3, 1967.
9033-1	Blitz Prolin	Blitz Products Company, 122 S. Main St., Mitchell, SD 57301	Aug. 26, 1965.
9159-6	Thiodan Miscible Insecticide	Kaiser Agricultural Chemicals, P.O. Box 246, Savannah, GA 31402	Apr. 16, 1966.
9159-53	Bronze Soil Fumigant	do	Nov. 14, 1967.
9250-22	UL-285 Weed Killer	United Laboratories Inc., 155 S. Rt. 53, Addison, IL 60101	Nov. 4, 1975.
9284-3	Waterlox Wood-Stain Preserver for All Wood Surfaces—Teakwood Gray.	Waterlox Chemical and Coatings Corp., 9808 Meech Ave., Cleveland, OH 44105	July 21, 1971.
9284-4	Waterlox Wood-Stain Preserver for All Wood Surfaces—Persimmon Brown.	do	July 21, 1971.
9284-5	Waterlox Wood-Stain Preserver for All Wood Surfaces—Willow Green.	do	July 21, 1971.
9779-173	Riverside Double-X	Riverside Chemical Company, P.O. Box 1828, Sioux City, IA 51102	Mar. 9, 1972.
9782-35	Parathion-Toxaphene-Sulfur 2-5-70 Dust	Woodbury Chemical Co., of Homestead, P.O. Box 4319, Princeton, NJ 33030	Aug. 19, 1975.
9855-4	Socopol Vinyl Anti-Fouling 59-D-1	Mobil Chemical Company, P.O. Box M-1, Short Hills, NJ 07078	Jan. 10, 1969.
9855-5	Shipbottom Paint Tropical Service Anti-Fouling 59-D-90	do	Jan. 10, 1969.
9855-6	Shipbottom Paint Anti-Fouling 59-R-90	do	Jan. 10, 1969.
9855-14	Gas and Oil Industries Heavy-Duty Coatings 5536 Coastal Red Anti-fouling Paint.	do	Nov. 11, 1971.
9855-16	59-R-2 Copper Paint Anti-Fouling for Wooden Bottoms	do	Apr. 16, 1971.
9855-17	2162 Vinyl Anti-fouling	do	July 15, 1971.
9855-18	5537 Tropical Supér Service Anti-fouling Paint	do	Dec. 16, 1974.
9855-32	Mobil Marine Coating Sovaklor Anti-fouling 59-R-20	do	Mar. 3, 1975.
10199-2	It Kills Rat and Mouse Killer	Best Way Exterminating Co., 3081 Cropsey Ave., Brooklyn, NY 11224	May 20, 1969.
10226-41	Rockwood Brand THILOX 3-3 Dust	Rockwood Chemical Company, P.O. Box 34, Brawley, CA 92217	Aug. 19, 1975.
10226-48	Rockwood Brand Malathion Thio Sulfur 5-4-20	do	Aug. 19, 1975.
10226-52	Rockwood Brand Thio Sulfur Dust No. 3-50		Aug. 19, 1975.
11536-1	Mixed Technical MCP Esters	Kemisk Vaerk Koge A/S,. 2 Lyngvej, DK-4600 Koge, Denmark	July 24, 1972.
11649-9	Avitrol Corn Chops—Peanut Butter	Avitrol Corporation, 320 South Boston Ave., Suite 528, Tulsa, OK 74103	Jan. 21, 1972.
12355-3	VAN-SH	Pioneer Chemical, Inc., 521 State St., Augusta, KS 67010	July 29, 1974.
45639-35	Technical Material Ethyl Parathion Insect Toxicant for Manufacturing Use Only.	FBC Chemicals, Inc., Box 2867, Wilmington, DE 19805	Feb. 25, 1970.

The Agency has agreed that such cancellation shall be effective March 11, 1983, unless within this time the registrant, or other interested person with the concurrence of the registrant, requests that the registration be continued in effect. The registrants were notified by certified mail of this action.

The Agency has determined that the sale and distribution of these products produced on or before the effective date of cancellation may legally continue in commerce until the supply is exhausted, or for 1 year after the effective date of cancellation, whichever is earlier; provided that the use of these products is consistent with the label and labeling registered with EPA. Furthermore, the sale and use of existing stocks have been determined to be consistent with the purposes of FIFRA as amended. Production of these products as pesticide formulations after the effective date of cancellation will be considered to be a violation of the Act.

Requests that the registration of these products be continued, may be submitted in triplicate to the Process Coordination Branch, Registration Division (TS-767), Office of Pesticide Programs, Environmental Protection Agency, 401 M St. SW., Washington, DC 20460.

Comments may be filed regarding this notice. Written comments should bear a notation indicating the document control number "[OPP-66098]" and the specific registration number. Any comments filed regarding this notice will be available for public inspection in the Document Control Office, Room E-107, at the above address from 8:00 a.m. to 4:00 p.m., Monday through Friday, excluding legal holidays.

(Sec. 6(a)(1) of FIFRA as amended 86 Stat. 973 89 Stat. (751, 7 U.S.C. 136))

Dated: January 26, 1983.

James M. Conlon,

Acting Director, Office of Pesticide Programs.

[FR Doc. 83-2961 Filed 2-8-83; 8:45 am]

BILLING CODE 6560-50-M

[OPP 00163; PH-FRL 2301-1]

State FIFRA Issues Research and Evaluation Group (SFIREG); Open Meeting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: There will be a one-day meeting of the State FIFRA Issues Research and Evaluation Group (SFIREG). The meeting will be open to the public.

DATE: Thursday, March 3, 1983, beginning at 8:30 a.m. and ending prior to 12:00 noon.

ADDRESS: The meeting will be held at the: Hyatt Regency Crystal City, 2799 Jefferson Davis Highway, Arlington, VA 22202.

FOR FURTHER INFORMATION CONTACT: P. H. Gray, Jr., Office of Pesticide Programs (TS–766C), Environmental Protection Agency, Rm. 1115B, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202 (703–557–7096).

SUPPLEMENTARY INFORMATION: This will be the fourteenth meeting of the full Group. The tentative agenda thus far includes the following topics:

1. Action items from the December meeting of the full Group.
2. Regional reports.
3. Working Committee reports.
4. Other topics which may have arisen during the February 28 through March 2, 1983, meeting of the Association of American Pesticide Control Officials.

Dated: January 27, 1983.

James M. Conlon,

Acting Director, Office of Pesticide Programs.

[FR Doc. 83-3196 Filed 2-8-83; 8:45 am]

BILLING CODE 6560-50-M

[PP 2G2697/T401; PH-FRL 2301-7]

Dow Chemical Co.; Establishment of Temporary Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice

SUMMARY: EPA has established a temporary tolerance for residues of the herbicide 2-(3,5-dichlorophenyl)-2-(2,2,2-trichlorethyl) oxirane and its metabolite 3,5-dichlorobenzoic acid in or on the raw agricultural commodity field corn grain. This temporary tolerance was requested by Dow Chemical Co.

DATE: This temporary tolerance expires January 30, 1984.

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

SUPPLEMENTARY INFORMATION: Dow Chemical Co., Agricultural Products Department, P.O. Box 1706, Midland, Mich. 48640, has requested, in pesticide petition PP 2G2697 the establishment of a temporary tolerance for residues of the herbicide 2-(3,5-dichlorophenyl)-2-(2,2,2-trichloroethyl) oxirane and its metabolite 3,5-dichlorobenzoic acid in or the raw agricultural commodity field corn grain at 0.05 part per million (ppm).

This temporary tolerance will permit the marketing of the above raw agricultural commodity when treated in accordance with the provisions of experimental use permit 464-EUP-77 which is being issued under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended, (92 Stat. 819; 7 U.S.C. 136).

The scientific data reported and other relevant material were evaluated, and it was determined that establishment that of the temporary tolerance will protect the public health. Therefore, the temporary tolerance has been established on the condition that the pesticide be used in accordance with the experimental use permit and with the following provisions:

1. The total amount of the active ingredient to be used must not exceed the quatity authorized by the experimental use permit.

2. Dow Chemical Co. must immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The company must also keep records of production, distribution, and performance and on request make the record available to any authorized officer or employee of the EPA or the Food and Drug Administration.

This tolerance expires January 30, 1984. Residues not in excess of this amount remaining in or on the raw agricultural commodity after this expiration date will not be considered actionable if the pesticide is legally applied during the term of, and in accordance with, the provisions of the experimental use permit and temporary tolerance. This tolerance may be revoked if the experimental use permit is revoked or if any experience or scientific data with this pesticide indicate that such revocation is necessary to protect the public health.

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

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96–534, 94 Stat. 1164; 5 U.S.C. 610–612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

(Sec. 408(j), 68 Stat. 516 (21 U.S.C. 346a(j)))

Dated: January 28, 1983.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 83-3457 Filed 2-8-83; 8:45 am]

BILLING CODE 6560-50-M

[SA-FRL 2302-3]

Science Advisory Board; Environmental Effects, Transport and Fate Committee; Open Meeting

Under Pub. L. 92–463, notice is hereby given that a one-day meeting of the Environmental Effects, Transport and Fate Committee of the Science Advisory Board will be held on February 25, 1983 in Conference Room 3906–3908, Waterside Mall, U.S. Environmental Protection Agency, 401 M Street, Southwest, Washington, D.C. The meeting will start at 9:00 a.m. on February 25, and will adjourn not later than 4:30 p.m.

A principal purpose of the meeting is to allow the Committee to continue reviewing and providing its scientific advice to EPA on the scientific adequacy of the Water Quality Standards Handbook, Chapter 3, "Guidelines for Deriving Site-Specific Water Quality Criteria for the Protection of Aquatic Life and its Uses." Included in the Committee's review will be the following topics: the scientific rationale for the development of site specific criteria; the definition of site; assumptions associated with the site-specific criteria; and four procedures utilized for developing site-specific criteria.

These procedures include: (1) The *recalculation procedure* to account for differences in resident species sensitivity to a chemical; (2) the *indicator species procedure* to account for differences in bioavailability, and therefore toxicity, of a chemical due to water quality variability; (3) the *resident species procedure* to account for differences in resident species sensitivity and differences in the bioavailability, and therefore toxicity, of a chemical due to water quality variability; and (4) the *heavy metal speciation procedure* to allow for the comparison of ambient soluble or biologically available metal concentrations to criteria in State water quality standards. It is expected that public comments of a scientific nature that were presented to the Agency during the recent public meetings (See FR Vol. 47, No. 210, p. 49251) will be available for examination by the Committee. It may also be that some of the draft reports for field validation of

the site specific protocols will be available for an initial examination at the time of the meeting.

The meeting will be open to the public. Any member of the public wishing to attend, participate, submit a paper, or wishing further information should contact Dr. Douglas Seba, Executive Secretary, Environmental Effects, Transport and Fate Committee, Science Advisory Board (202) 382–2552 or Dr. Terry F. Yosie, Acting Director, Science Advisory Board (202) 382–4126 by c.o.b. February 21, 1983.

Dated: February 19, 1983.

Terry F. Yosie,

Acting Director, Science Advisory Board.

[FR Doc. 83-3453 Filed 2-8-83; 8:45 am]

BILLING CODE 6560-50-M

[PF-312; PH-FRL 2301-8]

Union Carbide Agricultural Products Co., Inc.; Request for Exemption From the Requirement of a Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Union Carbide Agricultural Products Company, Inc. has submitted a request for an exemption from the requirement of a tolerance for phenolic resins when used as an inert ingredient binding agent in pesticide formulations applied to growing crops only.

ADDRESS: Written comments to: Process Coordination Branch (T–767C), Registration Division, Office of Pesticide Programs, Environmental Protection Agency, Rm. 716 D, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202.

Written comments may be submitted while this request is pending before the Agency. The comments are to be identified by the document control number [PF–312]. All written comments filed in response to this notice will be available for public inspection in the Process Coordination Branch from 8:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays.

FOR FURTHER INFORMATION CONTACT: Roland D. Blood, (703–557–77000 at the address given above.

SUPPLEMENTARY INFORMATION: EPA has received a request from the Union Carbide Agricultural Products Company, Inc., P.O. Box 12014, T.W. Alexander Drive, Research Triangle Park, N.C. 27709 that residues of phenolic resins, as defined by 21 CFR 175.300(b)(vi)(a), be exempted from the requirement of a tolerance when used as an inert ingredient binding agent in pesticide formulations applied to growing crops only. This exemption would be granted under 40 CFR 180.1001(d) and would be limited to soil applications.

(Sec. 408(d)(1), 68 Stat. 512 (7 U.S.C. 136))

Dated: January 28, 1983.

Robert V. Brown,

Acting Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 83-3456 Filed 2-7-83; 10:42 am]

BILLING CODE 6560-50-M

[A-6-FRL 2299-7]

Delegation of Additional Authority to the State of Texas for Prevention of Significant Deterioration (PSD)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Information notice.

SUMMARY: EPA, Region 6, has delegated to the State of Texas, the additional PSD authority for source inspections and review of compliance reports. Except as specifically limited, all of the authority and responsibilities of the Administrator or the Regional Administrator which are found in 40 CFR Part 52.21 are delegated to the Texas Air Control Board (TACB). Any such authority and responsibilities may be redelegated by the Board to its staff.

EFFECTIVE DATE: December 28, 1982.

ADDRESS: Copies of the State request and State-EPA agreement for this delegation of authority are available for public inspection at the Air Branch, Environmental Protection Agency (EPA), Region 6, Interfirst Two Building, 28th Floor, 1201 Elm Street, Dallas, Texas 75270.

FOR FURTHER INFORMATION CONTACT: William H. Taylor, Air Branch, EPA, address above.

SUPPLEMENTARY INFORMATION: On November 10, 1980, the TACB requested EPA to delegate to it the authority for the technical and administrative review portions of the PSD program. On April 23, 1981, EPA delegated this authority to the TACB.

On December 15, 1982, the State of Texas requested a revision of the delegation of responsibility for the PSD program. After a thorough review of the request and information submitted, the Regional Administrator determined that the State's pertinent laws and the rules and regulations of the TACB were found to provide an adequate and effective procedure for source inspections and review of compliance reports. Therefore, on December 28, 1982, EPA delegated to the State of Texas the additional authority to inspect sources located in Texas for compliance under 40 CFR 52.21 and to review all compliance reports for sources permitted under the PSD regulations. If the State of Texas finds an instance of noncompliance which it is unable to resolve within the terms of the PSD permit, it will notify EPA, Region 6, within thirty (30) days and provide all relevant information. EPA will exercise its enforcement authority to resolve the noncompliance.

Since the TACB did not request full delegation of authority in either of the above requests, EPA, Region 6, will continue to have responsibility to issue or deny the PSD permits and to initiate formal enforcement actions referred by the State.

This notice will have no effect on the National Ambient Air Quality Standards.

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

Sources in the State of Texas should submit all information pursuant to 40 CFR 52.21 directly to the State agency at the following address: Texas Air Control Board, 6330 Highway 290 East, Austin, Texas 78723.

(Part C of the Clean Air Act, as amended (42 U.S.C. 7411))

Dated: January 25, 1983.

Frances E. Phillips,

Acting Regional Administrator.

[FR Doc. 83-3450 Filed 2-8-83; 8:45 am]

BILLING CODE 6560-50-M

[W-10-FRL 2302-6]

Petition Requesting Sole Source Aquifer Designation and Request for Public Comment

AGENCY: Environmental Protection Agency (EPA).

ACTION: Public comments requested.

SUMMARY: The Environmental Protection Agency invites public comment on a petition requesting that EPA designate the aquifer underlying the Snake Plain in the State of Idaho as the sole drinking water source for the area. The petition was submitted on September 25, 1982, by the Hagerman Valley Citizens' Alert, Inc., under Section 1424(e) of the Safe Drinking Water Act (42 U.S.C. 300h–3(e)). Additional information was submitted on October 27, 1982. If the aquifer is so designated, no commitment for Federal financial assistance may be entered into for any project which EPA determines may contaminate the aquifer through a recharge zone so as to create a significant hazard to public health. EPA will hold informal public meetings

at locations and dates to be announced later.

DATES: Comments must be submitted on or before April 11, 1983.

ADDRESSES: Comments should be addressed to: Wendy A. Marshall, Drinking Water Programs Branch, M/S 409, Environmental Protection Agency, Region 10, 1200 Sixth Avenue, Seattle, Washington 98101.

The petition can be examined during normal business hours at the following locations:

South Central District Health Department, 324 Second Street East, Twin Falls, Idaho 83301;
Southeastern District Health Department, 465 Memorial Drive, Pocatello, Idaho 83201;
District Seven Health Department, 254 "E" Street, Idaho Falls, Idaho 83401;
Environmental Protection Agency, Idaho Operations Office, 422 W. Washington Street, Boise, Idaho 83702; or
Environmental Protection Agency, Region 10 Library, 1200 Sixth Avenue, Seattle, Washington 98101.

FOR FURTHER INFORMATION CONTACT: Wendy A. Marshall at (206) 442–1890 or FTS 399–1890.

SUPPLEMENTARY INFORMATION: On September 25, 1982, the Hagerman Valley Citizens' Alert, Inc. submitted a petition requesting that the Administrator of the EPA designate the aquifer underlying the Snake Plain as the sole drinking water source for the area. Additional information, including the petitioners' interest in the Administrator's determination and the petitioners' views as to why contamination of the aquifer would result in a significant hazard to public health, was provided to EPA on October 27, 1982. Significant portions of the petition are quoted below in Sections a–c:

(a) *Identification of Petitioners.* This petition, seeking designation of the Snake Plain Aquifer in its entirety as a "Sole Source Aquifer," is submitted by Hagerman Valley Citizens' Alert, Inc., a non-profit corporation whose purpose is to secure and enhance the civic and social welfare of the residents and visitors to Hagerman Valley and Gooding County, Idaho.

(b) *Petitioners' Interest.* We are deeply interested in the Administrator's determination because we believe that determination will be tantamount to the ultimate preservation, or destruction, of the quality of our water at a level sufficient to sustain the health and economy of communities dependent on our sole source aquifer.

(c) *Petitioners' Concerns About Aquifer Contamination.* There is *no* adequate alternate source of portable water to support the existing human, animal, vegetable, or aquatic life in this part of Idaho. Contamination of our aquifer is, ultimately, contamination of every spring, well, or artesian flow. The Snake Plain Aquifer is our only source of water to sustain our health as well as our economy.

The potential contaminants (through seepage and injection) are biological, chemical, and nuclear. Some of these potential contaminants have breakdown lifespans well over 100 years. We consider this a significant hazard to the health and welfare of the people.

"Public Health" is not an entity unto itself; it is part of an integrated but complex web that is indispensable in the formation and maintenance of a viable community. Excessive industrial and agricultural chemical run-off injection into our aquifer could, for example, irreversibly destroy the vegetation, thereby removing or diminishing both plant and animal life and thus reducing both our physical and economic health.

Contamination of the aquifer would have a severe impact on commercial fish production in this area which would affect the "Public Health" of many communities.

Perhaps most important are the unknowns in this hazardous pollution potential. A recent report by the Idaho Department of Water Resources found a number of toxic pollutants entering irrigation wastewater disposal wells, including DDT. How much is too much? How are all these contaminants "interacting and reacting?" Have we just been "lucking out" or is our aquifer a catastrophe waiting to happen? Should we continue hoping to "luck out" or should we exercise a level of intelligence that will embrace strategic planning and restrictions that will minimize these hazards?

(d) *Hydrologic and Demographic Information.* The Snake Plain Aquifer is composed of a series of basalt flows with associated sedimentary and pyroclastic interbeds and serves as the sole source of drinking water for approximately 200,000 people. The 8,000 square-mile aquifer is located in southern Idaho, extending from Idaho Falls through Twin Falls and terminating in springs flowing into the Snake River at Hagerman.

Hydrologic and demographic information that pertain to the availability, condition, and uses of the water resources in the area of the aquifer must be examined before a determination can be made as to the appropriateness of "sole source" aquifer designation. The U.S. Geological Survey is presently preparing a background report on the Snake Plain Aquifer that will include maps of the drainage area and aquifer boundaries; water-table contours; depth-to-water; recharge and discharge areas; soils; land-use; water-use; and population distribution. Water-chemistry data from ground-water and surface-water sources and changes in water quality, with time, will also be provided.

(e) *Consequences of Designation.* Section 1424(e) of the Safe Drinking Water Act states:

> (e) If the Administrator determines, on his own initiative or upon petition, that an area has an aquifer which is the sole or principal drinking water source for the area and which, if contaminated, would create a significant hazard to public health, he shall publish notice of that determination in the **Federal Register**. After the publication of any such notice, no commitment for Federal financial assistance (through a grant, contract, loan guarantee, or otherwise) may be entered into for any project which the Administrator determines may contaminate such aquifer through a recharge zone so as to create a significant hazard to public health, but a commitment may, if authorized under another provision of law, be entered into, to plan or design the project to assure that it will not so contaminate the aquifer.

(f) *Public Meetings.* EPA will hold meetings to explain the "sole source" aquifer program and provide the opportunity for public comment. The Regional Administrator will give widespread notice of such meetings.

Dated: January 14, 1983.

John R. Spencer,
Regional Administrator.

[FR Doc. 83-3449 Filed 2-8-83; 8:45 am]
BILLING CODE 6560-50-M

[OPP-240024; PH-FRL 2302-1]

State Registration of Pesticides; Alabama et al.

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has received notices of registration of pesticides to meet special local needs under section 24(c) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) from 47 States. A registration issued under this section of FIFRA shall not be effective for more than 90 days if the Administrator disapproves the registration or finds it to be invalid within that period. If the Administrator disapproves a registration or finds it to be invalid after 90 days, a notice giving that information will be published in the **Federal Register**.

DATE: The last entry for each item is the date the State registration of the product became effective.

FOR FURTHER INFORMATION CONTACT: Sandra English, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 1122, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202 (703-557-2126).

SUPPLEMENTARY INFORMATION: Most of the registrations listed below were received by EPA in June, 1982. A few were received earlier, but notice of their receipt was not previously published. Receipts by EPA of State registrations will be published periodically. Except as indicated by (CUP) in nine of the registrations listed below, there is no changed use pattern involved in any of these registrations.

Alabama

EPA SLN No. AL 82 0007. Mobay Chemical Corp. Registration is for Furadan 10 GR, to be used on young southern pine plantations and pines planted for Christmas trees to control Nantucket pine tip moths. April 2, 1982.

EPA SLN No. AL 82 0027. Stauffer Chemical Co. Registration is for Vernam 7-E Selective Herbicide, to be used on soybeans to control ballonvine. June 4, 1982.

Arizona

EPA SLN No. AZ 82 0008. Chemical Distributors. Registration is for Prowl Herbicide, to be used on jojoba (*Simmondsia chinensis*) to control certain weeds. June 1, 1982.

EPA SLN No. AZ 82 0010. Uniroyal, Inc. Registration is for Comite, to be used on cotton to control two-spotted spider mites, carmine spider mites, desert spider mites, Pacific spider mites, and strawberry spider mites. June 25, 1982.

EPA SLN No. AZ 82 0011. ICI Americas Inc. Registration is for Gramoxone Paraquat Herbicide, to be used as a preplant or pre-emergent treatment of cotton for desiccation of broadleaf weeds and grasses. June 22, 1982.

EPA SLN No. AZ 82 0012. ICI Americas Inc. Registration is for Gramoxone Paraquat Herbicide, to be used on established plantings of alfalfa for desiccation of London rocket, sow-thistle, rescue brome, and wild oats. June 22, 1982.

EPA SLN No. AZ 82 0013. Mobay Chemical Corp. Registration is for Monitor, to be used on potatoes to control insects. June 22, 1982.

Arkansas

EPA SLN No. AR 82 0026. Vertac Chemical Corp. Registration is for Vertac Premerge 3 Dinitroamine Herbicide, to be used on soybeans to control certain broadleaf weeds and grasses. June 16, 1982.

EPA SLN No. AR 82 0027. Mobay Chemical Corp. Registration is for Bolstar 6, to be used on cotton to control insects. June 16, 1982.

California

EPA SLN No. CA 82 0036. E.I. du Pont de Nemours and Co. Registration is for du Pont Lannate Insecticide, to be used on eggplants to control beet armyworms. June 14, 1982.

EPA SLN No. CA 82 0037. E.I. du Pont de Nemours and Co. Registration is for Du Pont Lannate L Insecticide, to be used on eggplants to control beet armyworms. June 14, 1982.

EPA SLN No. CA 82 0039. FMC Corp. Registration is for Malathion 5 Dust, to be used on dates to control nitidulid beetles. June 21, 1982.

EPA SLN No. CA 82 0040 FMC Corp. Registration is for Ferbam 5 Malathion 5 Dust, to be used on dates to control nitidulid beetles and *Alternaria*. June 21, 1982.

EPA SLN No. CA 82 0041. FMC Corp. Registrations is for Sulphur 50 Ferbam 5 Malathion 5 Dust, to be used on dates to control nitidulid beetles, Banks grass mites, and *Alternaria*. June 21, 1982.

EPA SLN No. CA 82 0042. E.I. du Pont de Nemours and Co. Registration in for Lorox, to be used on carrots to control shepherd's-purse, hairy nightshade, sow thistle, mustard, chickweed, and annual grasses. June 1, 1982.

EPA SLN No. CA 82 0049. Amador County Agricultural Commissioner. Registration is for Rodent Bait Zinc Phosphide Treated Grain (1.00%), to be used in California to control ground squirrels, Norway rats, meadow mice, and wood rats. June 21, 1982.

EPA SLN No. CA 82 0050. Gowan Co. Registration is for Prokil Cryolite 96, to be used on grapes grown for raisins, wine, and/or table (fresh market) to control grape leaf folders, omnivorous leaf rollers, and grape leaf skeletonizers. June 21, 1982.

EPA SLN No. CA 82 0051. E.I. du Pont de Nemours and Co. Registration is for du Pont Vydate L Insecticide/ Nematicide, to be used on cotton to control leaf perforator. June 21, 1982.

EPA SLN No. CA 82 0052. Rohm and Haas Co. Registration is for Goal 2E Herbicide, to be used on non-crop areas including fence rows, storage yards, farmsteads, and other similar locations for postemergence and pre-emergence control of many weeds. June 28, 1982.

EPA SLN No. CA 82 0053. E.I. du Pont de Nemours and Co. Registration is for du Pont Vydate L Insecticide/ Nematicide, to be used on cucurbits to control leafminers. June 28, 1982.

Connecticut

EPA SLN No. CT 82 0007. Mobay Chemical Corp. Registration is for Furadan 4 FL, to be used on sweet corn to control second generation European corn borers. June 16, 1982.

EPA SLN No. CT 82 0008. Mobay Chemical Corp. Registration is for Furadan 10 GR, to be used on sweet corn at planting to control flea beetles, northern corn rootworms, and nematodes. June 16, 1982.

Delaware

EPA SLN No. DE 82 0010. FMC Corp. Registration is for Furadan 4 FL, to be used on soybeans at planting to control nematodes. June 1, 1982.

Florida

EPA SLN No. CA FL 0031. Dow Chemical USA. Registration is for Dowfume W-85, Dowfume W-90, and Dowfume W-100, to be used on peanuts at planting to control nematodes including root-knot. June 9, 1982.

EPA SLN No. FL 82 0032. Great Lakes Chemical Corp. Registration is for Soilbrom-90 and Soilbrom-90EC, to be used on Bermuda grass to control sting, lance, and ring nematodies. June 18, 1982.

EPA SLN No. FL 82 0033. Chevron Chemical Co. Registration is for Ortho Difolatan 4 FL, to be used on citrus to control greasy spot (CUP). June 18, 1982.

EPA SLN No. FL 82 0034. ICI Americas Inc. Registration is for Gramoxone Paraquat Herbicide, to be used on avocados to control balsam apple vines and annual weeds. June 21, 1982.

EPA SLN No. FL 82 0035. ICI Americas Inc. Registration is for Gramoxone Paraquat Herbicide, to be used on lettuce to control emerged annual broadleaf weeds and grasses. June 21, 1982.

EPA SLN No. FL 82 0036. ICI Americas Inc. Registration is for Gramoxone Paraquat Herbicide, to be used on melons to control annual broadlef weeds and grasses. June 21, 1982.

EPA SLN No. FL 82 0037. ICI Americas Inc. Registration is for Gromoxone Paraquat Herbicide, to be used on Bahia grass pastures to control emerged little barley. June 21, 1982.

EPA SLN No. FL 82 0038. FMC Corp. Registration is for Furadan 10, to be used on peanuts to control nematodes

(root-knot, lesion, and ring). June 28, 1982.

Georgia

EPA SLN No. GA 82 0013. Union Carbide Agricultural Products Co., Inc. Registration is for Temik 15GR Aldicarb Pesticide, to be used on pecans to control aphids and mites, and for suppression of pecan leaf *Phylloxera*. May 25, 1982.

EPA SLN No. GA 82 0014. Dow Chemical USA. Registration is for Lorsban 15GR Insecticide, to be used on sorghum to control larvae of the lesser cornstalk borer. June 29, 1982.

Idaho

EPA SLN No. ID 82 0013. Dow Chemical USA. Registration is for Lorsban 4E Insecticide, to be used on onions (dry bulb) to control maggots. June 10, 1982.

EPA SLN No. ID 82 0014. Dow Chemical USA. Registration is for Lorsban 15 GR Insecticide, to be used on onions (dry bulb) to control maggots. June 10, 1982.

EPA SLN No. ID 82 0015. FMC Corp. Registration is for Dimethoate 267, to be used on cherries to control cherry fruit flies. June 16, 1982.

EPA SLN No. ID 82 0016. Dow Chemical USA. Registration is for Plictran 50W, to be used on carrots grown for seed to control two-spotted spider mites. June 17, 1982.

EPA SLN No. ID 82 0017. T H Agriculture and Nutrition Co., Inc. Registration is for De-Fend E-267 Insecticide, to be used on grass seed crops to control aphids, thrips, and plant bugs. June 21, 1982.

EPA SLN No. ID 82 0019. Van Waters and Rogers. Registration is for Namco Chloropicrin, to be used on structural wood products to control wood-decaying fungi and wood-burning insects. June 30, 1982.

Illinois

EPA SLN No. IL 82 0008. Basf Wyandotte Corp. Registration is for Basagran Herbicide, to be used on soybeans to control weeds. June 11, 1982.

EPA SLN No. IL 82 0009. Chevron Chemical Co. Registration is for Orthene Insect Spray, to be used on honeysuckle to control aphids. June 14, 1982.

EPA SLN No. IL 82 0010. Chevron Chemical Co. Registration is for Orthene Systemic Insect Control, to be used on honeysuckle to control aphids. June 14, 1982.

EPA SLN No. IL 82 0011. Chevron Chemical Co. Registration is for Orho Paraquat CL, to be used on no-till sunflowers to control emerged annual broadleaf weeds and grasses. June 30, 1982.

Indiana

EPA SLN No. IN 82 0012. Ciba-Geigy Corp. Registration is for Ridomil 2E Fungicide, to be used on nonbearing apples to control collar rot. June 1, 1982.

Kansas

EPA SLN No. KS 82 0010. Pennwalt Corp. Registration is for Penncap-E Insecticide, to be used on sorghum to control greenbugs. June 1, 1982.

Louisiana

EPA SLN No. LA 82 0018. T H Agriculture and Nutrition Co., Inc. Registration is for Dimilin ODC Cotton Insecticide, to be used on cotton to control boll weevils. June 9, 1982.

EPA SLN No. LA 82 0019. Mobay Chemical Corp. Registration is for Furadan 10 GR, to be used on soybeans at planting time to control nematodes. June 15, 1982.

EPA SLN No. LA 82 0020. Mobay Chemical Corp. Registration is for Furadan 4 FL, to be used on soybeans at planting time to control nematodes. June 15, 1982.

EPA SLN No. LA 82 0021. Thompson-Hayward Chemical Co. Registration is for Freestyle Calcium Hypochlorite GR 65%, to be used on fish hatchery ponds to control scavenger fish. June 15, 1982.

EPA SLN No. LA 82 0022. Helena Chemical Co. Registration is for Helena Metham, to be used on cotton to control Lygus bugs, cabbage loopers, armyworms, bollworms, tobacco budworms, boll weevils, and pink bollworms. June 28, 1982.

EPA SLN No. LA 82 0023. Helena Chemical Co. Registration is for Helena Permet 5-2, to be used on cotton to control Lygus bugs, cabbage loopers, armyworms, bollworms, tobacco budworms, boll weevils, and pink bollworms. June 26, 1982.

EPA SLN No. LA 82 0024. Micro Chemical Co., Inc. Registration is for Triple-Kill B6, to be used on cotton to control thrips, spider mites, cotton fleahoppers, boll weevils, bollworms, yellow striped armyworms, garden webworms, and Mexican bean beetles. June 30, 1982.

EPA SLN No. LA 82 0025. Micro Chemical Co., Inc. Registration is for Triple Kill 5 "L", to be used on cotton to control thrips, spider mites, cotton fleahoppers, boll weevils, bollworms, yellow striped armyworms, garden webworms, and Mexican bean beetles. June 30, 1982.

EPA SLN No. LA 82 0026. FMC Corp. Registration is for Pounce 3.2 EC, to be used on cotton to control bollworms, tobacco budworms, cabbage loopers, cotton leaf perforators, boll weevils, cotton fleahoppers, Lygus bugs, and tarnished plant bugs. June 30, 1982.

Maryland

EPA SLN No. MD 82 0010. FMC Corp. Registration is for Furadan 4 FL, to be used on soybeans to control nematodes and Mexican bean beetles. June 9, 1982.

EPA SLN No. MD 82 0011. Philips Roxane, Inc. Registration is for Bio-ceutic Overtime 25% WP Long Acting Livestock Premise Insecticide, to be used in livestock, pet, and poultry premises to control house flies, face flies, stable flies, and false stable flies. June 9, 1982.

EPA SLN No. MD 82 0012. Philips Roxane, Inc. Registration is for Anchor Permectrin 25% WP Long Lasting Barn and Premise Fly Spray, to be used in livestock and poultry premises to control house flies, face flies, stable flies and false stable flies. June 9, 1982.

Michigan

EPA SLN No. MI 82 0016. Pfizer Inc. Registration is for Mycoshield Brand of Agricultural Terramycin, to be used on Toronto Creeping bentgrass to control bacterial wilt (CUP). June 4, 1982.

EPA SLN No. MI 82 0017. E. I. du Pont de Nemours and Co. Registration is for du Pont Velpar L Weed Killer, to be used on reforestation areas for control of undesirable woody and herbaceous plants. June 4, 1982.

EPA SLN No. MI 82 0018. Platte Chemical Co. Registration is for clean Crop Dimethoate 267 EC, to be used on cherries to control cherry fruit flies. June 14, 1982.

Minnesota

EPA SLN No. MN 82 0008. Burroughs Wellcome Co. Registration is for Atroban Insecticide Ear Tag, to be used on dairy and beef cattle and calves to control horn flies, face flies, spinose ear ticks, and as an aid in controlling stable flies and house flies. May 18, 1982.

EPA SLN No. MN 82 0009. Y-Tex Corp. Registration is for Gardstar Insecticide Tag, to be used on beef cattle including calves, and dairy cattle including lactating dairy cattle to control horn flies, face flies, Gulf Coast ticks, and spinose ear ticks, and as an aid in controlling stable flies and house flies. June 8, 1982.

EPA SLN No. MN 82 0010. E. I. du Pont de Nemours and Co. Registration is for du Pont Velpar L Weed Killer, to be used in reforestation areas to control undesirable woody and herbaceous plants. June 8, 1982.

EPA SLN No. MN 82 0011. Union Carbide Agricultural Products Co. Registration is for Amizine, to be used on black walnut nursery plantations (non-bearing) for grass and weed control. June 8, 1982.

EPA SLN No. MN 82 0012. Union Carbide Agricultural Products Co., Inc. Registration is for Amiben Chloramben Herbicide to be used on soybeans for control of wild proso millet and other weed species listed on the registered label. June 18, 1982.

Mississippi

EPA SLN No. MS 82 0023. Chevron Chemical Co. Registration is for Orthene 75S Soluble Powder, to be used as a soybean seed treatment to control thrips and black (greasy) cutworms. June 21, 1982.

EPA SLN No. MS 82 0024. American Cyanamid Co. Registration is for Cythion Insecticide and Malathion ULV Concentrate, to be used on cotton to control boll weevils. June 25, 1982.

EPA SLN No. MS 82 0025. Valley Chemical Co. Registration is for Tox-A-Me 4–2, to be used on cotton to control weevils and plant bugs. June 29, 1982.

EPA SLN No. MS 82 0026. Diamond Shamrock Corp. Registration is for Ectrin Insecticide 10 Water Dispersible Liquid, to be used as a livestock and premise spray to control flies, lice, and ticks. June 29, 1982.

Missouri

EPA SLN No. MO 82 0018. Philips Roxane, Inc. Registration is for Anchor Permectrin 25% WP Long Lasting Barn and Premise Fly Spray, to be used on livestock, and pet and poultry premises to control house flies, face flies, stable flies, and false stable fliex. June 2, 1982.

EPA SLN No. MO 82 0019. Philips Roxane, Inc. Registration is for Bio-ceutic Overtime 25% WP Long Acting Livestock Premise Insecticide, to be used on livestock, and pet and poultry premises to control house flies, face flies, stable flies, and false stable flies. June 2, 1982.

EPA SLN No. MO 82 0020. FMC Corp. Registration is for Furadan 4 FL, to be used on small grains (wheat, oats, and barley) to control greenbugs. June 2, 1982.

Nebraska

EPA SLN No. NE 82 0018. Chevron Chemical Co. Registration is for Ortho Paraquat CL, to be used on no-till sunflowers to control emerged annual broadleaf weeds and grasses. June 29, 1982.

EPA SLN No. NE 82 0019. Diamond Shamrock Corp. Registration is for Ectrin Insecticide 10 water Dispersible Liquid, to be used as a livestock and premise spray to control horn, face, house, and stable flies, and lice and ticks. June 29, 1982.

Nevada

EPA SLN No. NV 82 0009. V.R.E. Inc. Registration is for CPF, to be added to latex paint for use on exterior surfaces to control flying and crawling insects. June 1, 1982.

EPA SLN No. NV 82 0011. Nevada Department of Agricuture. Registration is for Furadan 4 FL, to be used on soil planted to potatoes to control nematodes and soil pests. June 17, 1982.

EPA SLN No. NV 82 0012. Pure Gro Co. Registration is for Puregro Parathion 8E, to be used on onions to control thrips. June 29, 1982.

New Jersey

EPA SLN No. NJ 82 0010. Mobay Chemical Corp. Registration is for Furadan 10 GR, to be used on sweet corn at planting to control fea beetles, northern corn rootworms, and nematodes. June 24, 1982.

New Mexico

EPA SLN No. NM 82 0015. Shell Chemical Co. Registration is for Bladex 80W Herbicide, to be used on winter wheat and cotton to control weeds. June 29, 1982.

EPA SLN No. NM 82 0017. Motomco Ltd. Registration is for Contrax-P, to be used on orchards and groves to control meadow and pine mice, and voles (*Microtus* spp.). June 24, 1982.

EPA SLN No. NM 82 0018. O.M. Scott and Sons Co. Registration is for Proturf Insecticide 4, to be used on golf course fairways, tees, greens, and roughs to control white grubs, sod webworms, chinch bugs, and mole crickets. June 30, 1982.

North Carolina

EPA SLN No. NC 82 0019. Rohm and Haas Co. Registration is for Blazer 2S Herbicide, to be used on soybeans to control sicklepods. June 8, 1982.

EPA SLN No. NC 82 0020. Rohm and Haas Co. Registration is for Blazer 2S to Herbicide be used on soybeans to control postemergence weeds. June 8, 1982.

EPA SLN No. NC 82 0021. Philips Roxane, Inc. Registration is for Bio-ceutic Overtime Long Acting Livestock Premise Insecticide, to be used on livestock and poultry premises to control house flies. June 11, 1982.

EPA SLN No. NC 82 0022. Philips Roxane, Inc. Registration is for Anchor Permectrin 10% EC Long Lasting Barn and Premise Fly Spray, to be used in livestock and poultry premises to control house flies, stable flies, and false stable flies. June 11, 1982.

EPA SLN No. NC 82 0023. Basf Wyandotte Corp. Registration is for Basagran Herbicide, to be used on soybeans to control sicklepod. June 22, 1982.

North Dakota

EPA SLN No. ND 82 0011. Monsanto Co. Registration is for Roundup Herbicide, to be used in North Dakota for control of quack grass. June 11, 1982.

EPA SLN No. ND 82 0012. Dow Chemical USA. Registration is for Lorsban 4E Insecticide, to be used on sunflowers to control cutworms, grasshoppers, stem weevils, and sunflower moths. June 16, 1982.

EPA SLN No. ND 82 0013. PBI/Gordon Corp. Registration is for Ultra-Sulv Amine, to be used on pastures, rangeland, non-crop land, and fallow land to control the field bindweed, Canada thistle, and musk thistle. June 29, 1982.

Ohio

EPA SLN No. OH 82 0014. Mobay Chemical Corp. Registration is for Furadan 10 GR, to be used on sweet corn to control corn rootworms, flea beetles, and nematodes (lesion). June 1, 1982.

EPA SLN No. OH 82 0015. Mobay Chemical Corp. Registration is for Furadan 4 FL, to be used on sweet corn (machine harvested only) to control European corn borers and corn earworms. June 1, 1982.

EPA SLN No. OH 83 0016. Mobay Chemical Corp. Registration is for Furadan 10 GR, to be used on cucurbits (cucumbers, melons, squash, pumpkins) to control nematodes (root-knot, sting, lance) and striped and spotted cucumber beetles. June 1, 1982.

EPA SLN No. OH 82 0017. Mobay Chemical Corp. Registration is for Mesurol 50% Hopper-Box Treater, to be used on corn to control snails and slugs. June 2, 1982.

Oklahoma

EPA SLN No. OK 0017. Elanco Products Co. Registration is for Treflan EC, to be used on cotton to control annual grasses and broadleaf weeds. June 7, 1982.

EPA SLN No. OK 82 0018. Elanco Products Co. Registration is for Treflan Pro-5, to be used on cotton to control weeds. June 7, 1982.

EPA SLN No. OK 82 0019. Mobay Chemical Corp. Registration is for Furadan 10 GR, to be used on soybeans at planting time to control nematodes. June 18, 1982.

EPA SLN No. OK 82 0020. Mobay Chemical Corp. Registration is for Furadan 4 FL, to be used on soybeans at planting time to control nematodes. June 18, 1982.

Oregon

EPA SLN No. OR 82 0042. FMC Corp. Registration is for Polyram 80 WP, to be used on potatoes to control early blight (CUP). June 15, 1982.

EPA SLN No. OR 82 0050. FMC Corp. Registration is for Carbamate, to be used on conifer seedling crops in nurseries and greenhouses to control *Botrytis* (CUP). June 10, 1982.

EPA SLN No. OR 82 0051. Diamond Shamrock Corp. Registration is for Bravo 500, to be used on dry bulbs of sweet Spanish onions and onions grown for seed to control *Botrytis* leaf blight and purple blotch (CUP). June 6, 1982.

EPA SLN No. OR 82 0052. Velsicol Chemical Corp. Registration is for Banvel 10G GR Herbicide, to be used on croplands rotated to wheat to control perennial broadleaf weeds. June 17, 1982.

Pennsylvania

EPA SLN No. PA 82 0017. Mobay Chemical Corp. Registration is for or Furadan 10 GR, to be used on sweet corn at planting to control flea beetles, northern corn rootworms, and nematodes. June 15, 1982.

EPA SLN No. PA 82 0018. Mobay Chemical Corp. Registration is for Furandan 4 FL, to be used on sweet corn to control second generation European corn borers. June 15, 1982.

EPA SLN No. PA 82 0019. Chevron Chemical Co. Registration is for Ortho Paraquat CL to be used between cuttings of alfalfa to control weeds. June 18, 1982.

EPA SLN No. PA 82 0020. Diamond Shamrock Corp. Registration is for Ectrin Insecticide 10 Water Dispersible Liquid, to be used as a livestock and premise spray to control flies, lice, and ticks. June 21, 1982.

Puerto Rico

EPA SLN No. PR 82 0001. Chevron Chemical Co. Registration is for Monitor 4 Spray, to be used on melons to control rindworm complex (cabbage loopers, tobacco budworms, granulate cutworms), melonworms, pickleworms, and leafminers. March 4, 1982.

South Carolina

EPA SLN No. SC 82 0017. Chevron Chemical Co. Registration is for Orthocide 50 Wettable, to be used on pine seedlings as a treatment for damping off and root rot (CUP). June 14, 1982.

EPA SLN No. SC 82 0018. PPG Industries, Inc. Registration for Bud Nip, to be used on flue-cured tobacco to prevent sucker development. June 15, 1982.

EPA SLN No. SC 82 0019. Penick Corp. Registration is for Pramex 13.3 EC, to be used on chrysanthemums to control vegetable leafminers. June 22, 1982.

South Dakota

EPA SLN No. SD 82 0005. Dow Chemical USA. Registration is for Lorsban 4E Insecticide, to be used on sunflowers to control cutworms. June 8, 1982.

EPA SLN No. SD 82 0006. PBI/Gordon Corp. Registration is for Aero-Spray 4D, to be used on wheat, barley and rye to control broadleaf weeds. June 8, 1982.

Tennessee

EPA SLN No. TN 82 0017. Philips Roxane, Inc. Registration is for Anchor Permectrin II Long Lasting Livestock and Premise Spray, to be used on livestock, cats, dogs, and poultry and their premises to control flies, cockroaches, mites, mosquitoes, and ticks. June 24, 1982.

EPA SLN No. TN 82 0018. Philips Roxane, Inc. Registration is for Bio-ceutic Overtime L/P Long Acting Livestock and Premise Insecticide, to be used on livestock, cats, dogs, and poultry and their premises to control flies, cockroaches, mites, mosquitoes, and ticks. June 24, 1982.

Texas

EPA SLN No. TX 82 0028. Dow Chemical USA. Registration is for Dowfume W-85, Dowfume W-90, and Dowfume W-100, to be used on peanuts at planting to control nematodes including root-knot. June 17, 1982.

EPA SLN No. TX 82 0029. Kocide Chemical Corp. Registration is for Koplex Aquatic Herbicide, to be used on golf courses, ornamentals, fish and fire ponds, potable water reservoirs, fresh water lakes, and fish hatcheries to control *Hydrilla verticillata*. June 17, 1982.

Utah

EPA SLN No. UT 82 0006. Van Waters and Rogers. Registration is for Namco Chloropicrin, to be used on the interiors of structural wood products such as utility poles, piles, and timber in bridges to control wood-decaying fungi and woodboring insects. June 10, 1982.

EPA SLN No. UT 82 0007. Motomco Ltd. Registration is for Contrax-P, to be used on orchards and groves to control meadow and pine mice, and voles (*Microtus* spp.) June 12, 1982.

Virginia

EPA SLN No. VA 82 0024. Diamond Shamrock Corp. Registration is for Ectrin Insecticide 10 Water Dispersible Liquid, to be used on livestock and premises to control flies, lice, and ticks. June 3, 1982.

EPA SLN No. VA 82 0025. Union Camp Corp. Registration is for Devrinol 50 WP Ornamental Selective Herbicide, to be used on forestry nursery seedbeds to control weeds. June 4, 1982.

EPA SLN No. VA 82 0026. Vertac Chemical Corp. Registration is for Vertac Premerge 3 Dinitroamine Herbicide, to be used on soybeans to control emerged broadleaf weeds. June 15, 1982.

EPA SLN No. VA 82 0027. Mobay Chemical Corp. Registration is for Furadan 10 GR, to be used on sweet corn at planting to control flea beetles and northern corn rootworms. June 18, 1982.

EPA SLN No. VA 82 0028. Mobay Chemical Corp. Registration is for Furadan 4 FL, to be used on sweet corn (machine harvested only) to control the second generation European corn borer. June 18, 1982.

Washington

EPA SLN No. WA 82 0002. E. I. du Pont de Nemours and Co. Registration is for Du Pont Benlate Fungicide, to be used on grapes to control *Eutypa* dieback (CUP). February 19, 1982.

EPA SLN No. WA 82 0003. Axis Oil Corp. Registration is for Dormantol, to be used on fruit trees to control scale insects and mites. February 25, 1982.

EPA SLN No. WA 82 0042. Platte Chemical Co., Inc. Registration is for Clean Crop Dinitro 5 Herbicide, to be used for preharvest desiccation of alfalfa, trefoil, and clover seed crops. June 1, 1982.

EPA SLN No. WA 82 0043. V.R.E. Inc. Registration is for CPF, to be added to latex paint (exterior use) to control flying and crawling insects. June 8, 1982.

EPA SLN No. WA 82 0044. Pennwalt Corp. Registration is for Ziram F-4, to be used on ornamental crops, alder, American hornbeam, apricots, birch, California buckeye, cherry laurel, choke cherries, elm, European laurel, flowering plum (non-edible only), maple, nectarine, oak, peaches, poplar, sweet cherries, and wild cherries to control catkin hpertrophy of alder, cherry witches broom, leaf blister, leaf curl, plum pockets, shoot blight, shot-hole fungus, and twig blight; and on apples, flowering crab apples (non-edible only), mountain ash, Oregon crab, pears, quince, and service berry to control

anthracnose; and on apples, pears, peaches; poplars, and willows to control European canker. (CUP) June 7, 1982.

EPA SLN No. WA 82 0045. Platte Chemical Co. Registration is for Clean Crop Dimethoate 267 EC, to be used on cherries to control cherry fruit flies. June 10, 1982.

EPA SLN No. WA 82 0046. Platte Chemical Co. Registration is for Clean Crop Sulfur 6 FL, to be used on spearmint to control powdery mildew (CUP). June 11, 1982.

West Virginia

EPA SLN No. WV 82 0007. Ciba-Geigy Corp. Registration is for Ridomil 2E Fungicide, to be used on nonbearing apples to control collar rot (CUP). June 24, 1982.

Wyoming

EPA SLN No. WY 82 0005. Dow Chemical USA. Registration is for Formula 40 Herbicide to be used on rangeland and permanent grass pastures to control broadleaf weeds. June 10, 1982.

EPA SLN No. WY 82 0006. O.M. Scott and Sons Co. Registration is for Proturf Insecticide 4, to be used on golf course fairways, tees, greens, and roughs to control white grubs, sod webworms, chinch bugs, mole crickets, and hyperode weevils. June 18, 1982.

(Sec. 24, as amended 02 Stat. 835 (7 U.S.C. 136)

Dated: January 28, 1983.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 83-3450 Filed 2-8-83; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

Travel Reimbursement Experiment; Quarterly Report

AGENCY: Federal Communications Commission.

ACTION: Quarterly report on travel reimbursement experiment.

SUMMARY: In Pub. L. 97–259, the Congress authorized the Federal Communications Commission to accept reimbursement from non-government organizations for travel of employees of the Commission. The Federal Communications Commission must keep records of such travel by each event and prepare a report each quarter of all reimbursements allowed and provide copies of each quarterly report to the Senate Committee on Apprpriations, House Committee on Appropriations, Senate Committee on Commerce, Science and Transportation, and the House Committee on Energy and Commerce. This must be done each quarter until September 30, 1985. In addition the Federal Communications Commission must publish each quarterly report in the **Federal Register** until September 30, 1985.

DATE: This report is for the period from October 1, 1982 through December 31, 1982.

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

FOR FURTHER INFORMATION CONTACT: Geoffrey Sherman, Office of the Managing Director, (202) 632–6900.

SUPPLEMENTARY INFORMATION:

Federal Communications Commission Quarterly Report on Travel Reimbursement Experiment for Quarter Ending December 31, 1982, in Accordance With Pub. L. 97–259

TRAVEL REIMBURSEMENT EXPERIMENT
SUMMARY REPORT

Total number of sponsored events	15
Total number of sponsoring organizations	14
Total number of Commissioners/employees attending	17
Total amount of reimbursement:	
Transportation	$3,629.80
Room	$1,484.48
Board	$317.12
Other expenses	$385.84
Total	$5,817.24

TRAVEL REIMBURSEMENT EXPERIMENT
INDIVIDUAL EVENT REPORT

Sponsoring organization (name and address): Association of American Railroads, Communications and Signal Division, 1920 L St. NW., Washington, DC 20036.
Date of the event: 11/15/82–11/17/82.
Description of the event: Inspect and observe operations of railroad radio service and associated communication systems.

Number of Commissioners attending	0
Number and title of employees attending:	
Chief, Private Radio Bureau	1
Supv. Attorney Advisor (Private Radio Bureau)	1
Amount of reimbursement:	
Transportation	$616.00
Room	$216.00
Board	$5.00
Other expenses	$15.20
Total [1]	$825.20

Sponsoring organization (name and address): Association of American Railroads, Communications and Signal Division; 1920 L St. NW., Washington, DC 20036.
Date of the event: 10/25/82.
Description of the event: Participate in a telecommunications panel discussion at the Annual Meeting of the Association of American Railroads, Communications and Signal Division.

Number and title of employees attending:	
Attorney Advisor (Common Carrier Bureau)	1
Amount of reimbursement:	
Transportation	$256.00
Room	
Board	$3.85
Other expenses	$49.40
Total [1]	$309.25

TRAVEL REIMBURSEMENT EXPERIMENT
INDIVIDUAL EVENT REPORT—Continued

Sponsoring organization (name and address): Law and Business, Inc., 757 Third Avenue, New York, NY 10017.
Date of the event: 11/3/82–11/4/82.
Description of the event: Participate in a seminar, "The Breakup of AT&T: Opportunities—Prospects Challenges."

Number of Commissioners attending	0
Number and title of employees attending:	
Deputy Bureau Chief (Policy) (Common Carrier Bureau)	1
Amount of reimbursement:	
Transportation	$258.00
Room	$66.00
Board	$9.00
Other expenses	$26.00
Total [1]	$359.00

Sponsoring organization (name and address): Arizona Broadcasters Association, Post Office Box 654, Scottsdale, Arizona 85252.
Date of the event: 11/18/82–11/20/82.
Description of the event: Speak at the Arizona Broadcasters Convention.

Number of Commissioners attending	1
Number and title of employees attending:	
Chairman (Office of The Chairman)	1
Amount of reimbursement:	
Transportation	
Room	$130.00
Board	
Other expenses	$18.51
Total [1]	$148.51

Sponsoring organization (name and address): Telestrategies, Inc., 6842 Elm Street, Box 874, McLean, VA 22101.
Date of the event: 10/19/82–10/20/82.
Description of the event: Participate as a panelist speaker in the Intelematics 1982 Conference.

Number of Commissioners attending	0
Number and title of employees attending:	
Attorney Advisor (Office of the Chairman)	1
Chief, Policy and Program (Common Carrier Bureau)	1
Amount of reimbursement:	
Transportation	$516.00
Room	$218.00
Board	$107.95
Other expenses	$62.39
Total [1]	$904.34

Sponsoring organization (name and address): Special Industrial and Service Association, Inc., 1700 N. Moore Street, Suite 910, Rosslyn, VA 22209.
Date of the event: 11/4/82–11/5/82.
Description of the event: Participate at special Industrial Radio Service Association, Inc., 1982 Annual Membership Meeting.

Number of Commissioners attending	1
Number and title of employees attending:	
Commissioner (Office of Commissioner Dawson)	1
Amount of reimbursement:	
Transportation	$274.00
Room	$73.58
Board	
Other expenses	$8.20
Total [1]	$355.78

Sponsoring organization (name and address): Ohio Association of Broadcasters, 100 East Broad Street, Suite 1206, Columbus, Ohio 43215.
Date of the event: 10/7/82–10/10/82.
Description of the event: Speak at the Ohio State Broadcasters Convention and visit radio station facilities.

Number of Commissioners attending	1
Number and title of employees attending:	
Commissioner (office of Commissioner Sharp)	1
Amount of reimbursement:	
Transportation	$152.80
Room	$73.07
Board	$33.90
Other expenses	$4.20
Total [1]	$263.97

TRAVEL REIMBURSEMENT EXPERIMENT
INDIVIDUAL EVENT REPORT—Continued

Sponsoring organization (name and address): National Association of Broadcasters, 1771 N. St. NW., Washington, DC 20036.
Date of the event: 10/6/82–10/8/82.
Description of the event: Participation in Engineering Seminar on Directional Antenna Systems.

Number of Commissioners attending	0
Number and title of employees attending:	
Communications Industry Spec (Mass Media Bureau)	1
Amount of reimbursement:	
Transportation	$114.00
Room	$131.40
Board	$22.60
Other expenses	$28.00
Total	$296.00

Sponsoring organization (name and address): Society of Broadcast Engineer, Inc., WCET, 1223 Central Parkway, Cincinnati, Ohio 45214.
Date of the event: 10/5/82–10/6/82.
Description of the event: To represent the FCC Broadcast Bureau at the Tri State Convention of the Society of Broadcast Engineers.

Number of Commissioners attending	0
Number and title of employees attending:	
Electronics Engineer (Mass Media Bureau)	1
Amount of reimbursement:	
Transportation	$272.00
Room	
Board	
Other expenses	
Total [1]	$272.00

Sponsoring organization (name and address): Texas Association of Broadcasters, 6201 Middle Fiskville Rd., P.O. Box 14787, Austin, TX 78761.
Date of the event: 10/9/82–10/12/82.
Description of the event: Participate in meeting of Texas Association of Broadcasters.

Number of Commissioners attending	0
Number and title of employees attending:	
Chief, Policy and Rules Div. (Mass Media Bureau)	1
Amount of reimbursement:	
Transportation	$450.00
Room	$171.60
Board	$46.87
Other expenses	$19.50
Total [1]	$681.97

Sponsoring organization (name and address): Quebec—U.S.A. Center, Universite Du Quebec a Trois-Riviere C.p. 500, Trois-Rivieres, Quebec, G8A 5H7.
Date of the event: 10/21/82–10/23/82.
Description of the event: Attend a seminar sponsored by Universite Du Quebec at Trois-Rivieres.

Number of Commissioners attending	0
Number and title of employees attending:	
Attorney Advisor (Mass Media Bureau)	1
Amount of reimbursement:	
Transportation	
Room	$73.94
Board	$24.28
Other expenses	$52.51
Total [1]	$150.73

Sponsoring organization (name and address): National Broadcast Editorial Assoc., 905 East Jackson, Box 1410, Tampa, Florida 33601.
Date of the event: 11/11/82–11/13/82.
Description of the event: Participate in program at Convention of Southeast National Broadcast Editorial Association.

Number of Commissioners attending	0
Number and title of employees attending:	
Supv. Attorney Advisor (Mass Media Bureau)	1
Amount of reimbursement:	
Transportation	$244.00
Room	$117.70
Board	$12.45
Other expenses	$40.00
Total [1]	$414.15

TRAVEL REIMBURSEMENT EXPERIMENT
INDIVIDUAL EVENT REPORT—Continued

Sponsoring organization (name and address): Loyola University of Chicago, 820 N. Michigan Avenue, Chicago, Illinois 60611.
Date of the event: 11/12/82–11/14/82.
Description of the event: Participate in the 13th Annual Loyola Radio Conference in Chicago as the Keynote Speaker.

Number of Commissioners attending	0
Number and title of employees attending:	1
Communications Industry Specialist (Mass Media Bureau)	
Amount of reimbursement:	
Transportation	$211.00
Room	$38.19
Board	
Other expenses	
Total [1]	$249.19

Sponsoring organization (name and address): Central Station Electrical Protection Association, 1133 Fifteenth Street, N.W., Washington, DC 20005.
Date of the event: 10/31/82–11/2/82.
Description of the event: Speaker at the CSEPA Annual Meeting.

Number of Commissioners attending	0
Number and title of employees attending:	1
Spv. Electronics Engineer (Office of Science/Technology)	
Amount of reimbursement:	
Transportation	$178.00
Room	$100.00
Board	$50.00
Other expenses	$39.15
Total [1]	$367.15

Sponsoring organization (name and address): Knowledge Industry Publications, Inc., 701 Westchester Avenue, White Plains, NY 10604.
Date of the event: 10/17/82–10/18/82.
Description of the event: Participate in a panel on Direct Broadcast Satellites.

Number of Commissioners attending	0
Number and title of employees attending:	1
Industry Economist (Office of Plans and Policy)	
Amount of reimbursement:	
Transportation	$88.00
Room	$75.00
Board	$7.22
Other expenses	$22.78
Total [1]	$193.00

[1] *Reimbursement Estimated*—travel processing not complete or Reimbursement billed, but not received.

William J. Tricarico,
Secretary, Federal Communications Commission.

[FR Doc. 83-3423 Filed 2-8-83; 8:45 am]
BILLING CODE 6712-01-M

[File No. 26026-CL-P-(9)-82, etc.]

Advanced Mobile Phone Service, Inc., et al.; Designating Applications for Consolidated Hearing on Stated Issues

In re application of Advanced Mobile Phone Service, Inc., File No. 26026-CL-P-(9)-82; For a Construction Permit to establish a cellular system operating on frequency Block B in the Domestic Public Cellular Radio Telecommunications Service to serve the Phoenix, Arizona, Standard Metropolitan Statistical Area. In re applications of: GENCOM Inc.; Metro Mobile CTS; Cellular Mobile Systems of Arizona, Inc.; CC Docket No. 83-50; File No. 26031-CL-P-(5)-82; File No. 26067-CL-P-(9)-82; File No. 26175-CL-P-(10)-82; For a Construction Permit to establish a cellular system operating on frequency Block A in the Domestic Public Cellular Radio Telecommunications Service to serve the Phoenix, Arizona, Standard Metropolitan Statistical Area: Memoradum opinion and order granting application and designating applications for hearing.

Adopted: January 26, 1983.

Released: January 31, 1983.

1. Presently before the Chief, Common Carrier Bureau, acting under delegated authority, are: (a) the captioned applications of Advanced Mobile Phone Service, Inc. (AMPS), Gencom Incorporated (Gencom) Metro Mobile CTS (Metro Mobile) and Cellular Mobile Systems of Arizona, Inc. (CMS) to construct cellular radio systems to serve the Phoenix, Arizona, Standard Metropolitan Statistical Area (SMSA); and (b) various motions, petitions, pleadings and amendments related to the applications.[1]

2. Because we find that the public interest would be served thereby, we are granting the AMPS application.[2] As discussed below, we find that the pleadings fail to raise any substantial and material issues requiring designation for hearing. The CMS, Gencom and Metro Mobile applications are electrically mutually exclusive, and accordingly, we are designating those applications for a comparative hearing in accordance with the Commission's *Report and Order* in CC Docket No. 79-318, 86 FCC 2d 469 (1981), *modified*, 89 FCC 2d 58 (1982), *further modified*, 90 FCC 2d 571 (1982).

Metro Mobile Application

3. CMS argues that Metro Mobile is not financially qualified. In the application, Metro Mobile estimates its costs and first year operating expenses

[1] As noted in the captions, AMPS, a wholly-owned subsidiary of the American Telephone and Telegraph Company (AT&T), is requesting the wireline allocation (frequency block B) and Gencom, Metro Mobile and CMS are requesting the non-wireline allocation (frequency block A) in the Phoenix market.

[2] Section 22.901 of our Rules requires that cellular service be provided by an AT&T affiliate only through a separate subsidiary. AMPS has demonstrated in its application that it has met this requirement. Our Rules also require that AMPS submit a cellular capitalization plan for Commission approval. AMPS did submit its plan on May 25, 1982. Our decision here is subject to, and conditioned on, action on the capitalization plan. *See* para. 12, *infra*. We recognize that further approval may be required when ownership in AMPS in Phoenix is changed pursuant to the AT&T reorganization.

for Phoenix to be $9,754,815. The aggregate estimated capital costs and operating expenses for Metro Mobile's proposed nine cellular systems in $99,264,429.[3] To demonstrate its financial qualifications, Metro Mobile relies upon a bank letter from First National Bank of Chicago (First Chicago) which states that it will lead a "bank syndicate" to provide a $115 million line of credit. CMS argues that this letter is inadequate because the participating banks are not indentified. CMS also argues that the letter is conditioned on the customary guarantees of Metro Mobile's general partners and that Metro Mobile has not furnished evidence of such guarantees.

4. We are not persuaded by CMS' arguments. The bank letter contains the essential details of the credit arrangement such as the terms of repayment, the interest rate (corporate base rate), and the necessary collateral. First Chicago has explained that it has the capacity to provide the entire credit package if other banks do not participate and, in any event, the Commission has long acknowledged that it is common practice for banks to structure loan commitments in this manner. *See, e.g., Adirondack Television Corp.*, 8 RR 2d 1052, 1054 (Rev. Bd. 1966). With regard to the "guarantee" argument, Metro Mobile has explained that each general partner is willing to execute any guarantees as may be necessary to secure the credit line. The Bureau examined this financing arrangement in the *Minneapolis Order*[4] and found that Metro Mobile had provided reasonable assurance that it will have sufficient funds available to construct and operate its proposed nine cellular systems in the top-30 SMSAs. Because no new issues peculiar to the Phoenix application are raised here, we conclude that no financial issue should be designated for hearing against Metro Mobile.[5]

CMS Application

5. Metro Mobile argues that CMS is not financially qualified. In the application CMS estimates its construction costs and first year operating expenses for Phoenix to be $7,299,000. To cover these costs, CMS relies upon a commitment from its parent, Graphic Scanning Corporation (Graphic), for $8,100,000. In the *Chicago Order*,[6] the Commission examined, *inter alia*, the financial qualifications of Graphic with respect to all top-30 markets and found that Graphic and its cellular subsidiaries to be financially qualified to construct and operate its proposed 30 cellular systems, including the Phoenix system. Metro Mobile has not raised any arguments with respect to the CMS Phoenix application that were not thoroughly considered in the *Chicago Order*. Accordingly, those findings control the disposition of the arguments raised here.[7]

Gencom Application

6. Metro Mobile argues that Gencom is not financially qualified. In the application, Gencom estimates that the cost of construction and first year operating expenses for the Phoenix system will be $5,995,000. The capital requirement for Gencom's six top-30 cellular proposals is $32.3 million.[8] To demonstrate its financial qualifications, Gencom relies upon a $30 million line of credit from First National Bank in Dallas, $20 million in internal funds of its parent, Communications Industries, Inc. (CI), and letters from four investment brokers indicating that CI will be able to arrange equity financing of $40 million.[9] In the *Alanta Order*,[10] the Bureau examined this financing arrangement and found that Gencom provided reasonable assurance that it will have approximately $37 million available to meet approximately $32 million in anticipated costs and expenses.

7. In addition to arguments already considered in the *Atlanta Order*, Metro Mobile argues that Gencom's marketable securities cannot be considered net liquid assets, and that Gencom has underestimated its operating expenses. We are not persuaded by Metro Mobile's arguments. In its opposition, Gencom explains its projections of operating expenses in more detail and this explanation is not unreasonable on its face. Therefore, there is no basis for further inquiry into Gencom's expense estimates. *Chicago Order*, at para. 13. In addition, the liquidity of Gencom's marketable securities is not important in determining its basic financial ability to construct and operate its Phoenix facility because Gencom has a cushion of $4.5 million to cover any minor omissions of shortfalls of funds. Accordingly, we find Gencom financially qualified to construct and operate its proposed Phoenix facility.

8. CMS also argues that Gencom's application is defective because Gencom did not file engineering data concerning point-to-point microwave links interconnecting its cells, and because it included equipment charges in its proposed schedule of charges, despite the Commission's policy that charges for mobile equipment were to be detariffed. These same arguments were considered by the Bureau in the *Atlanta Order* and were rejected. *See Atlanta Order*, at para. 15. Accordingly, no further consideration of these issues is necessary.

9. Finally, Metro Mobile requests that Gencom's application be conditioned on the outcome of the antitrust suit which was filed against D/FW Signal, Inc., a corporation which Gencom's parent is a shareholder.[11] In addition to this lawsuit, we note that Gencom is a defendant in a civil antitrust suit in which it is alleged that Gencom attempted to monopolize the radio common carrier market in Florida.[12]

The Bureau considered these matters in its *Atlanta Order* and concluded that Gencom's cellular licenses should be conditioned on the outcome of this litigation. This conclusion is controlling here. Accordingly, we will condition any

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[3] Metro Mobile filed cellular applications in Miami, Minneapolis, San Diego, Phoenix, Tampa, Cincinnati, Denver, Kansas City and Houston.

[4] Cellcom, Inc., *et al. (Minneapolis Order)*, CC Mimeo 1573, released December 30, 1982, at para 16.

[5] CMS also questions the adequacy of Metro Mobile's showing of site availability and its maintenance proposals. We reject these arguments. Metro Mobile's application contains reasonable assurance of site availability. *See* Alabama Citizens for Responsive Public Television, Inc., 59 FCC 2d 1 (1976). In addition, Metro Mobile's maintenance proposal meets our basic requirements; this issue, however, may be relevant in the comparative portion of this proceeding.

[6] Advanced Mobile Phone Service, Inc., *et al. (Chicago Order)*, FCC 82-452, released November 1, 1982.

[7] Metro Mobile also requests that we take official notice of another proceeding, A.S.D. Answer Service, Inc., *et al.* (ASD), CC Docket Nos. 82-567 to 590, FCC 82-391, released August 24, 1982, in which the qualifications of Graphic, CMS' parent, may be in issue. See note 14, *infra*, for our disposition of this issue.

[8] Gencom proposes cellular systems in Phoenix, Atlanta, San Diego and Tampa. Gencom is also a participant in joint ventures in Dallas-Ft. Worth and St. Louis. The $32.3 million figure is derived by adding the construction and operating costs for the six top-30 proposals (Ex. 9, Tables 9-1-1 and 9-1-2 in each application).

[9] On September 13, 1982, Gencom submitted an amendment to its application concerning its financial qualifications. Because this amendment modifies the financial plan contained in the original application in a major material respect, this amendment will be returned as unacceptable. Other portions of the amendment that clearly correct clerical errors or are required by Section 1.65 of the Rules may be submitted to the Administrative Law Judge within fifteen days of publication of this designation order in the **Federal Register**.

[10] Celcom communication Corp. of Georgia, *et al. (Atlanta Order)*, CC Mimeo No. 1988, released January 26, 1983.

[11] Radio Relay Corporation—Texas v. D/FW Signal, Inc., *et al.*, No. CA3 82-0877 G (N.D. Tex., filed June 7, 1982).

[12] Westside Communications of Tampa, Inc. v. Gencom Incorporated, Fla Circuit Court (Hillsborough County), filed September 18, 1981.

authorization to Gencom in Phoenix on the outcome of this antitrust litigation.

AMPS Application

10. Petitions to defer Commission action on the AMPS construction permit application have been filed by CMS and Gencom. For the reasons stated in the Commission's decision in the *Chicago Order*, at para. 16, we find that it is premature to rule on these petitions at this time. Gencom has also filed a "Motion to Address and Rule Upon Headstart Petitions Prior to Action Upon the AMPS Construction Permit Authorization." This motion requests that a formal pleading cycle for deferral petitions be initiated before the grant of the AMPS construction permit. We find that the Commission's decision in its *Chicago Order*, which concluded that deferral petitions will not be considered until the covering license stage, is controlling here. *See Chicago Order*, at para. 16. Accordingly, we deny this motion.

11. 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 qualified to construct and operate their proposed cellular systems. We further find that the grant of the AMPS application, as conditioned below, will serve the public interest, convenience and necessity.

12. Accordingly, it is ordered that the application of Advanced Mobile Phone Service, Inc. is granted, conditioned upon the Commission's action on the AT&T Cellular Capitalization Plan submitted on May 25, 1982, as provided by § 22.901(d)(3) of the Commission's Rules.[13]

13. It is further ordered, pursuant to Section 309 of the Communications Act of 1934, as amended, that the applications of Gencom, Incorporated, Metro Mobile CTS, and Cellular Mobile Systems of Arizona, Inc. are designated for hearing in a consolidated proceeding upon the following issues:[14]

(a) To determine on a comparative basis the geographic area and population that each applicant proposes to serve;[15] 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 accomodate the anticipated demand for both local and roamer service;

(b) 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;[16]

(c) 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);[17] and

(d) 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.

14. 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.[18]

15. 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.**

16. 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 herein, at a time and place and before an Administrative Law Judge to be specified in a later order.

17. 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.

18. It is further ordered that all applicants are directed to file rebuttal cases under § 22.916(b)(4) of the Rules within 45 rather than 30 days after publication of this order in the **Federal Register.**

19. It is further ordered that the Petitions to Deny filed by CMS are denied, and the Petitions to deny filed by Metro Mobile are granted in part to the extent indicated above, and denied in all other respects.

20. It is further ordered that the Motion to address and Rule Upon Headstart Petitions Prior to Action Upon the AMPS Construction Permit authorization filed by Gencom Incorporated is denied.

21. It is further ordered that the amendment filed September 13, 1982, by Gencom Incorporated, is returned as unacceptable.

22. It is further ordered, That any authorization granted to Gencom shall be conditioned on, and without prejudice to, reexamination and reconsideration of that company's qualifications to hold a cellular license following final disposition of the antitrust litigation cited in para. 9, *supra*,

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[13] The authorization will also be conditioned upon AMPS obtaining of the appropriate antenna structure clearance and Mexican Government coordination. AMPS will not be authorized to render service to the public during service tests even after it files FCC Form 403 for a license to cover. Service to the public cannot commence until the covering license becomes effective. Equipment tests, however, may be conducted. AMPS' authorization (FCC Form 463) will reflect these conditions.

[14] There are two issues that are not to be considered in the comparative hearing. The first is the financial qualifications of the applicants. Financial ability is a basic rather than a comparative qualification for cellular licensing. Cellular Communications Systems, 86 FCC 2d 469, 501–02 (1981). 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 Arizona, Inc. or its parent Graphic, 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. Answer 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. 23, *infra*, the Commission reserves the right to reexamine and reconsider the qualifications of Cellular Mobile Systems of Arizona, Inc. to hold a cellular license should *ASD* be resolved adversely to any of CMS's affiliate or parent companies or to any of their principals.

[15] For 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 as well as highways and areas likely to have high mobile usage characteristics indications of a substantial public need for the services proposed. *See* 86 FCC 2d at 502.

[16] In 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.

[17] *See* 86 FCC 2d at 503 for a discussion of the relative importance of the evidence submitted under this issue.

[18] Members 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. 409(c)); Administrative Procedure Act section 554(d) (5 U.S.C. 554(d)); Section 1.1221 of the Commission's Rules.

and shall be specifically conditioned on the outcome of those proceedings.

23. 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 basic qualifications to hold a cellular license following a final 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.

24. It is further ordered that any authorization granted as a result of this proceeding shall be conditioned upon the obtaining of the appropriate antenna structure clearances and Mexican government coordination where needed.

25. This Order is issued under § 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 Section 1.115 of the Rules may be filed within the time limits specified in those Sections. See also Rule § 1.4(b)(2).

26. The Secretary shall cause a copy of this order to be published in the **Federal Register.**

Federal Communication Commission.

Gary M. Epstein,

Chief, Common Carrier Bureau.

[FR Doc. 83-3422 Filed 2-8-83; 8:45 am]

BILLING CODE 6712-01-M

[CC Docket No. 83-3; File No. 26105-CL-(11)-82, etc.]

American Mobile Communications of Washington and Oregon et al.; Construction Permit; Erratum

In re Applications of; American Mobile Communications of Washington and Oregon; CC Docket No. 83-3; File No. 26105-CL-P-(11)-82; Interstate Mobilephone Company; File No. 26148-CL-P.(9)-82; Cellular Mobile Systems of Washington, Inc. File No. 26182-CL-P-(13)-82; For a Construction Permit to establish a cellular system operating on frequency block A in the Domestic Public Cellular Radio Telecommunications Service to serve the Seattle, Washington, Standard Metropolitan Statistical Area; erratum.

Released: February 1, 1983.

The Memorandum Opinion and Order in the above-entitled matter, CC Docket No. 83-3, released January 12, 1983, published in the **Federal Register** January 19, 1983, 48 FR 2429, is corrected so that the file number which appears in the title for American Mobile Communications of Washington and Oregon is corrected to read File No. 26105-CL-P-(11)-82 instead of File No. 26105-CL-P-(8)-82.

Gary M. Epstein,

Chief, Common Carrier Bureau.

[FR Doc. 83-3420 Filed 2-8-83; 8:45 am]

BILLING CODE 6712-01-M

[MM Docket No. 83-54; File No. BPCT-820312KE, etc.]

Carlos Ortiz et al.; Hearing Designation Order

Adopted: January 28, 1983

Released: February 2, 1983

In re applications of: Carlos Ortiz, Carolina, Puerto Rico, MM Docket No. 83-54, File No. BPCT-820312KE; Radio Vida, Incorporado, Carolina, Puerto Rico, MM Docket No. 83-55, File No. BPCT-820510KH; For Construction Permit; Designating applications for consolidated hearing on stated issues.

1. The Commission, by the Chief, Mass Media Bureau, acting pursuant to delegated authority, has before it the above-captioned mutually exclusive applications of Carlos Ortiz (Ortiz) and Radio Vida, Incorporado (Radio Vida) for authority to construct a new commercial television station on Channel 52, Carolina, Puerto Rico; petitions to deny Radio Vida's application filed by Ortiz [1] and Arzuaga and Arroyo Associates; and related pleadings.

Carlos Ortiz

2. Section 73.1125 of the Commission's Rules requires the main studio of a television station to be located in the prinicipal community to be served or that good cause be shown for locating the studio outside it community of license. Ortiz proposes to locate his studio approximately three miles outside of Carloina at his proposed trasmitter site. However, Ortiz has not submitted the required showing for locating his studio outside of Carolina. Accordingly, an issue will be specified to determine wheither good cause exists for locating the main studio outside the principal community to be served and whether to do so would be consistent with operation of the station in the public interest.

3. The Ortiz application was filed on March 12, 1982. In support of his financial qualifications, Ortiz submitted, as party of his application, a copy of a letter, dated December 29, 1980, from Amvest Leasing and Capital Corporation (Amvest). The letter provided for the financing of broadcasting equipment.

4. During the course of the processing of other Ortiz applications, it was discovered that copies of the same letter had been used in at least three other Ortiz applications,[2] apparently without the knowledge or consent of Amvest. Amvest, by Wayne C. Coates, its credit analyst, has submitted an affidavit, as requested by the Commission, stating that Amvest issued the letter only in connection with Ortiz's McAllen application.[3] By using the credit letter in a least three other applications, Ortiz has represented to the Commission that he has at least $396,000 available to him from Amvest, whereas in fact, only $99,000 is available. This conduct by Ortiz raises a question as to whether he has attempted to deceive or mislead the Commission and whether he has the requisite character qualifications to be a Commission licensee.[4] An appropriate issue will be specified as to Ortiz's basic qualifications.

5. Mr. Ortiz estimates that he will require $74,185 to construct the proposed facility and operate it for three months. To meet these expenses, Mr. Ortiz will rely on Amvest to finance $99,000 of broadcasting equipment; a bank loan from First National Bank of San Benito in the amount of $25,000; and funding assistance from Broadcast Capital Fund, Inc. (BCF). The Amvest letter was not issued in connection with the proposed facility; the bank loan is earmarked for a low power television station and assistance from BCF has not been confirmed.

6. Although financial standards are unchanged, the Commission has changed the application form to require only certification as to financial qualifications. However, in the light of the fact that Mr. Ortiz cannot rely on the Amvest letter (see paragraph 4, above) and the he has not shown the availability of any other funds, Mr. Ortiz will be required to show that he is financially qualified to construct and

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[1] Ortiz's petition is, in essence, a pre-designation petition to specify issues. Such petitions are no longer permitted; therefore, they will be dismissed. *Processing of Contested Broadcasting Applications*, 72 FCC 2d 202 (1979).

[2] BPCT-820319KH, Channel 27, Laredo, Texas; BPCT-820415KF, Channel 16, Myaguez, Puerto Rico, D 82-651; BPCT-811229KF, Channel 48, Mc Allen, Texas.

[3] It appears that Oriz used the original Amvest letter in connection with his McAllen application, as he was entitled to do, and that he apparently used unauthorized copies in this application (Carolina) and in his Laredo and Mayaguez applications.

[4] Ortiz's application for Mayaguez, Puerto Rico (BPCT-820415KF) was designated for hearing in Docket No. 82-651 prior to the discovery of this problem. Therfore, no character qualifications issue was raised in that designation order.

operate as proposed. Accordingly, an issue will be specified to determine whether Mr. Ortiz has any funds available.

Radio Vida, Incorporado

7. Arzuaga and Arroyo Associates (Arzuaga) filed a pleading entitled "Petition to Deny" against Radio Vida. The petition is not supported by an affidavit as required by Section 309(d) of the Communications Act of 1934, as amended, and therefore, the petition will be dismissed, and will be considered as an informal objection filed pursuant to Section 73.3587 of the Commission's Rules. The informal objection raised a question as to whether the site proposed by Radio Vida would be available to it, but, on December 13, 1982, the applicant amended its application to specify a different site. Arzuaga has not questioned the availability of the new site. The informal objection will, therefore, be dismissed as moot.[5]

8. Section 73.636(a)(1) of the Commission's Rules states that no license for a television broadcast station shall be granted to any party if such party directly or indirectly controls one or more AM broadcast stations and the grant of such license will result in the Grade A contour of the proposed television station encompassing the entire community of license of the AM broadcast station. Radio Vida is the licensee of Station WIDA(AM), Carolina, Puerto Rico. Note 8 to this rule provides, *inter alia*, that applications for UHF television facilities "* * * will be handled on a case-by-case basis in order to determine whether common ownership, operation or control of the stations in question would be in the public interest." Accordingly, an appropriate issue will be specified to determine whether common ownership of Radio Vida's AM station and its proposed television station would be consistent with the public interest.

9. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

10. Accordingly, it is ordered, That, pursuant to Section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, to be held before an Administrative Law Judge at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine with respect to Carlos Ortiz:

(a) Whether good cause exists for locating the main studio outside the principal community to be served, and, if so, whether it would be consistent with operation of the station in the public interest;

(b) All of the facts and circumstances surrounding the filing of the letter of credit from Amvest Leasing and Capital Corporation;

(c) Whether the applicant attempted to deceive or mislead the Commission or was lacking in candor or made misrepresentations to the Commission;

(d) Whether, in light of the evidence adduced pursuant to issues (b) and (c), the applicant has the requisite qualifications to be a Commission licensee;

(e) Whether applicant has any funds available to construct and operate as proposed;

(f) Whether, in light of the evidence adduced pursuant to issue (e), applicant is financially qualified.

2. To determine with respect to Radio Vida, Incorporado whether common ownership, operation and control of station WIDA(AM), Carolina, Puerto Rico and the proposed television station would be consistent with the public interest.

3. To determine which of the proposals would, on a comparative basis, better serve the public interest.

4. To determine, in light of the evidence adduced pursuant to the foregoing issues, which, if either, of the applications should be granted.

11. It is further ordered, That the petition to deny filed by Arzuaga and Arroyo Associates is dismissed, and, considered as an informal objection filed pursuant to Section 73.3587 of the Commission's Rules, IS DISMISSED, as moot.

12. It is further ordered, That the petition for leave to amend filed by Radio Vida, Incorporado is granted and the amendment is accepted.

13. It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants pursuant to Section 1.221(c) of the Commission's Rules, in person or by attorney, within 30 days of the release of this Order, file with the Commission in triplicate a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this Order.

14. It is further ordered, That the applicants herein shall, pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and § 37.3594 of the Commission's Rules, give notice of the hearing within the time and in the manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by § 73.3594(g) of the Rules.

Federal Communications Commission.

Laurence E. Harris,

Chief, Mass Media Bureau.

Roy J. Stewart,

Chief, Video Services Division, Mass Media Bureau.

[FR Doc. 83-3419 Filed 2-8-83; 8:45 am]

BILLING CODE 6712-01-M

[MM Docket No. 82-851; File No. BPH-810630AL, etc.]

Carson Valley Broadcasters, Inc., et al; Hearing Designation Order

Adopted: December 29, 1982.

Released: January 13, 1983.

In re applications of: Carson Valley Broadcasters, Inc., Carson City, Nevada, MM Docket No. 82-851, File No. BPH-810630AL; Req: 98.1 MHz, Channel No. 251C, 97 kW, (H&V), 498 feet; Carson City Broadcasting, Inc., Carson City, Nevada, MM Docket No. 82-852; File No. BPH-811125AI; Req: 98.1 MHz, Channel No. 251C, 42. 7 kW (H&V), 2923 feet; John P. Martin & C. Lucille Martin, Tenants in Common, Carson City, Nevada, MM Docket No. 82-853; File No. BPH-811127AA; Req: 98.1 MHz, Channel No. 251C, 62 kW (H&V), 2485 feet; William H. Hernstadt & Mrs. Socorro Colton, a General Partnership, Dayton Township, Nevada, MM Docket No. 82-854, File No. BPH-811130AA; Req: 98.1 MHz, Channel No. 251C, 58. 9 kW (H&V), 2440 feet; Sonrisa, Inc., Carson City, Nevada, MM Docket No. 82-855, File No. BPH-811130AW; Req: 98.1 MHz, Channel No. 251C, 100 kW (H&V), 507 feet; Paul Michael Posen & David Weinstein d/b/a Posen Communications Company, Virginia City, Nevada, MM Docket No. 82-856; File No. BPH-811130AY; Req: 98.1 MHz, Channel No. 251C, 100 kW (H&V), 1037 feet; Capital City Broadcasting Co., Carson City, Nevada, MM Docket No. 82-857; File No. BPH-811130BB; Req: 98.1 MHz, Channel No. 251C, 100 kW (H&V), 508 feet; Eagle Valley Broadcasting Co., Carson City, Nevada, MM Docket No. 82-858; File No. BPH-811130BG; Req: 98.1 MHz, Channel No. 251C, 100 kW (H&V), 431 feet; For Construction Permit for a New FM Station; designating applications for consolidated hearing on stated issues.

1. The Commission, by the Chief, Mass Media Bureau, acting pursuant to

[5] Because Radio Vida's amendment eliminates the need for an issue, its "Petition for Leave to Amend" will be granted and its amendment will be accepted.

delegated authority, has under consideration the above-captioned mutually exclusive applications filed by Carson Valley Broadcasters, Inc. (CVB); Carson City Broadcasting, Inc. (CCB); John P. Martin & C. Lucille Martin, tenants in common (Martin); William H. Hernstadt & Mrs. Socorro Colton, a general partnership (H&C); Sonrisa, Inc. (Sonrisa); Paul Michael Posen & David Weinstein d/b/a Posen Communications Company (PCC); Capital City Broadcasting Co. (Capital) and Eagle Valley Broadcasting Co. (EVB). Also under consideration is an informal objection filed by the Nevada State Communications Board (State) regarding the location of the transmitter site proposed in the H&C application.

2. *H&C.* State alleges that the location of the proposed transmitter site of H&C will be within 100 feet of its communications facility, thereby causing interference to its equipment.[1] To alleviate the interference, State requests that grant of the H&C application be conditioned so as to require H&C to eliminate any harmful interference which might occur. H&C has failed to oppose State's allegation of interference. Accordingly, a grant of the H&C application will contain an appropriate condition.

3. *Other matters.* Captial and EVB have both motioned for leave to amend their respective applications. The accompanying amendments were filed September 27, 1982 and October 12, 1982 respectively; the last day for filing amendments as a matter of right was June 21, 1982. We find good cause has been shown for the filing of both amendments under §1.65 of the Commission's Rules and, accordingly, the amendments will be accepted for filing. However, since an applicant cannot improve its comparative position after the time for amendments as a matter of right has passed, *Cypress Communications, Inc.*, 47 RR 2d 132 (1980), any comparative advantage resulting from Capital's and EVB's amendments will be disallowed.

4. The respective proposals, although for different communities, would serve sustantial areas in common. Consequently, in addition to determining, pursuant to Section 307(b) of the Communications Act of 1934, as amended, which of the proposals would best provide a fair, efficient and equitable distribution of radio service, a contingent comparative issue will also be specified.

[1] State's communication facility houses a microwave repeater and several VHF mobile relays in the public safety range.

5. The applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive they must be designated for hearing in a consolidated proceeding.

6. Accordingly, it is ordered, That, pursuant to Section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the areas and populations which would receive primary aural service (1 mV/m or greater) from the proposals and the availability of other primary service to such areas and populations.

2. To determine, in the light of Section 307(b) of the Communications Act of 1934, as amended, which of the proposals would best provide a fair, efficient and equitable distribution of radio service.

3. To determine, in the event it is concluded that a choice between the applications should not be based solely on considerations relating to Section 307(b), which of the proposals would, on a comparative basis, best serve the public interest.

4. To determine, in the light of the evidence adduced pursuant to the foregoing, which of the applications, if any, should be granted.

7. It is further ordered, That that informal objection filed by the Nevada State Communications Board IS GRANTED to the extent indicated and IS DENIED in all other respects.

8. It is further ordered, That in the event of a grant of the H&C application, the construction permit shall contain the following condition:

Permittee shall have responsibility for eliminating any harmful interference which it causes the operations of the Nevada State Communications Board in the vicinity of its B. L. M. site N-34973.

9. It is further ordered, That the motions for leave to amend filed by Capital and EVB are granted, and the corresponding amendments are accepted, but no improvement in Capital's and EVB's comparative standing will be allowed.

10. It is further ordered, That to avail themselves of the opportunity to be heard, the applicants herein shall, pursuant to § 1.221(c) of the Commission's Rules, in person or by attorney, within 20 days of the mailing of this Order, file with the Commission in triplicate a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this Order.

11. It is further ordered, That the applicants herein shall, pursuant to Section 311(b)(2) of the Communications Act of 1934, as amended, and § 73.3594 of the Commissions Rules, give notice of the hearing (either individually or, if feasible and consistent with the Rules, jointly) within the time and in the manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by § 73.3594(g) of the Rules.

Federal Communications Commission.

Laurence E. Harris,

Chief, Mass Media Bureau.

Larry D. Eads,

Chief, Audio Services Division, Mass Media Bureau.

[FR Doc. 83-3417 Filed 2-8-83; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL MARITIME COMMISSION

[Agreement No. 9973-9]

Availability of Finding of No Significant Impact

Upon completion of an environmental assessment, the Federal Maritime Commission's Office of Energy and Environmental Impact has determined that the Commission's decision on Agreement No. 9973-9 will not constitute a major Federal action significantly affecting the quality of human environment within the meaning of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), and that the preparation of an environmental impact statement is not required. Agreement No. 9973-9 modifies the Johnson Scanstar Service Agreement to: (1) Add service to inland points in the United States; (2) add service *via* intermodal or connecting carrier service to ports and points in foreign countries served; (3) add service between the U.S. West Coast and the West Coast of Canada; (4) eliminate the limitation of 400 TEU's imposed on single space charters by Johnson Scanstar to meet peak seasonal demand; and (5) eliminate the restriction of such *ad hoc* charters to carriers not regularly serving the same trades.

This Finding of No Significant Impact (FONSI) will become final within 20 days of publication of this Notice in the **Federal Register** unless a petition for review is filed pursuant to 46 CFR 547.6(b).

The FONSI and related environmental assessment are available for inspection on request from the Office of the

Secretary, Room 11101, Federal Maritime Commission, Washington, D.C. telephone (202) 523–5725.

Francis C. Hurney,

Secretary.

[FR Doc. 83-3462 Filed 2-8-83; 8:45 am]

BILLING CODE 6730-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Assistant Secretary

National Committee on Vital and Health Statistics; Meeting

Pursuant to the Federal Advisory Act (Pub. L. 92–463), notice is hereby given that the National Committee on Vital and Health Statistics (NCVHS) established pursuant to 42 U.S.C. 242(k), section 306(k)(2) of the Public Health Service Act, as amended, will convene on Thursday, February 24, 1983, at 9:00 a.m. and Friday, February 25, 1983, at 9:00 a.m., in Room 800 of the Hubert H. Humphrey Building, 200 Independence Avenue, SW., Washington, D.C. 20201.

Agenda items for discussion will include review of charter and legislation for the Committee; history and past accomplishments of the Committee; DHHS statistical systems; review of OMB guidance and clearances; status of legislation in health statistics; and establishment of tentative subcommittees. In addition, the newly appointed members of the Committee will be sworn in. Agenda items are subject to change as priorities dictate.

Further information regarding the Committee may be obtained by contacting Gail F. Fisher, Ph. D., Executive Secretary, National Committee on Vital and Health Statistics, Room 2–28 Center Building, 3700 East-West Highway, Hyattsville, Maryland 20782, telephone 301–436–7051.

Dated: January 25, 1983.

Manning Feinleib,

Director, National Center for Health Statistics.

[FR Doc. 83-3621 Filed 2-8-83; 8:45 am]

BILLING CODE 4160-17-M

Social Security Administration

Redelegation of Authority To Conduct the SSA Representative Project and Carry Out Implementing Regulations

Final regulations establishing the Social Security Administration (SSA) representative project were published in the **Federal Register** or August 19, 1982 (47 FR 36117–125). The purpose of this project is to determine whether the participation of SSA representatives in disability cases at the administrative hearing level will sharpen factual issues, improve case record development and contribute to improved quality, consistency and timeliness of case dispositions. This project will be undertaken in selected hearing offices throughout the United States. Those selected as SSA representatives will be assigned to these offices for administrative purposes but will not be supervised or otherwise controlled by the administrative law judges (ALJ's) in the offices. SSA representatives will have the full rights of a party to a hearing, except the right to request a review by the Appeals Council of the ALJ's decision or dismissal. These rights and the specific functions to be performed by the SSA representatives are specified in the regulations.

The Secretary of Health and Human Services has placed overall responsibility for implementation and administration of the SSA representative project with the Commissioner of Social Security (the Commissioner).

Notice is given that the Commissioner has redelegated to SSA's Associate Commissioner for Hearings and Appeals authority to conduct this project and carry out implementing provisions contained in the regulations establishing the project. The Associate Commissioner may further redelegate this authority.

This redelegation is effective as of the date shown below. Any actions prior to this date which amount the exercise of this authority by the Associate Commissioner, or other officials with his permission, are affirmed and ratified.

Dated: December 27, 1982.

John A. Svahn,

Commissioner of Social Security.

[FR Doc. 83-3543 Filed 2-8-83; 8:45 am]

BILLING CODE 4190-11-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

New Mexico; Public Hearings on Three Environmental Impact Statements and an Overview and Correction of Notice Appearing January 13, 1983

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of additional public hearings on three draft environmental impact statements and on a draft cumulative overview document.

SUMMARY: On Jnauary 13, 1983, a **Federal Register** notice (page 1551) announced the extension of the public comment period for three draft environmental impact statements (DEIS) and on the draft Cumulative Overview (CO). As announced, the closing date for public comments is extended until April 8, 1983. The documents are: (1) Draft Bisti, De-Na-Zin, Ah-Shi-Sle-Pah Proposed Wilderness Area Environmental Impact Statement; New Mexico, (2) Draft San Juan River Regional Coal Environmental Impact Statement; New Mexico, and (3) Draft Environmental Impact Statement (EIS) on Public Service Company of New Mexico's Proposed New Mexico Generating Station and Possible New Town (NMGS), Draft Cumulative Overview.

Three public hearings were held during the week of January 10, 1983. During those hearings, the Bureau received requests for additional hearings during the extended public comment period. In response to these requests, the following hearings are scheduled:

March 14, 1983—Santa Fe, New Mexico, Sweeney Convention Center Sessions beginning at 1:00 p.m. and 7:00 p.m.

March 17, 1983—Pueblo Pintado, New Mexico, Chapter House Session beginning at 10:00 a.m.

Persons wishing to present testimony at one or both of these hearings are asked to contact the Bureau of Land Management as shown below for scheduling. Persons who are scheduled to be heard will be given priority. All comments are limited to a 10 minute summation of the key points to be made. Complete written comments will be accepted at the hearings and will be made a part of the official record. Persons who do not arrange a specific time for presentation will be added to the schedule on the day of the hearing as time permits. It is possible that these persons may not be heard because of time limitations.

This notice also serves to correct the **Federal Register** of January 13, 1983, page 1551. At the beginning of the summary on that notice, an incorrect page number was given as part of the reference to a notice which appeared in the December 3, 1982 **Federal Register**. This reference should be page 54558 through page 54561.

DATE: Effective date is the date of this publication.

FOR FURTHER INFORMATION CONTACT: Sally Wisely, Bureau of Land Management, P.O. Box 1449, Santa Fe, New Mexico 87501, (505) 988–6316, FTS 476–6316.

Charles W. Luscher,

State Director.

[FR Doc. 83-3401 Filed 2-8-83; 8:45 am]

BILLING CODE 4310-84-M

[U-8131]

Utah; Termination of Classification for Multiple Use; Correction

In FR Doc. 82–34125 on Page 56407, Paragraph No. 1, in the issue of Thursday, December 16, 1982 make the following deletions and additions:

1. Under T. 40 S., R. 15 E., Delete: Sec. 11, W½. Add: Secs. 11, 12, 13, 23, 30 (all).

2. Under T. 38 S., R. 16 E., Delete: Sec. 26, SE¼. Add: Sec. 26, NW¼.

3. Under T. 39 S., R. 16 E., Delete: Sec. 2.

4. Under T. 40 S., R. 16 E., Add: Secs. 7, 8, 9 (all).

5. Under T. 34 S., R. 17 E., Delete: Secs. 1, 3 through 36 (all). Add: Secs. 7, 8, 14, 16, 17 (part); Secs. 18, 19, 20 (all); Secs. 21 through 28 (part); Secs. 29, 30, 31 (all); Sec. 33 (part); Secs. 34, 35 (all).

Dated: February 1, 1983.

Darrell Barnes,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 83-3398 Filed 2-8-83; 8:45 am]

BILLING CODE 4310-84-M

[U-12307]

Utah; Termination of Classification for Multiple Use; Correction

In FR Doc. 82–34126 on Page 56408, Paragraph No. 1, in the issue of Thursday, December 16, 1982 make the following deletions and additions:

1. Under T. 33 S., R. 16 E., Delete: Sec. 13, (all). Add: Secs. 11, 13, 25, (part).

2. Under T. 31 S., R. 17 E., Add: Sec. 25, (part).

3. Under T. 33 S., R. 17 E., Delete: Secs. 24, 25, (all). Add: Secs. 3, 12, 24, 25, 34, (part).

4. Under T. 34 S., R. 17 E., Add: Secs. 8 through 12, (part).

5. Under T. 32 S., R. 18 E., Delete: Sec. 21, (part). Add: Sec. 21, (all).

6. Under T. 33 S., R. 18 E., Delete: Sec. 8, (all). Add: Sec. 8, (part).

7. Under T. 34 S., R. 18 E., Delete: Sec. 9, (all). Add: Sec. 10, (part).

8. Under T. 29 S., R. 20 E., Add: Sec. 23, SW¼SE¼.

9. Under T. 27 S., R. 21 E., Add: Sec. 8, W½SE¼.

10. Under line 18 in third column; Add: T. 29½ S., Rgs. 19 through 24 E., (all).

Dated: February 1, 1983.

Darrell Barnes,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 83-3399 Filed 2-8-83; 8:45 am]

BILLING CODE 4310-84-M

[U-32067]

Utah; Order Providing for Opening of Lands

1. By Presidential Proclamation 3132 the following lands were excluded from the Hovenweep National Monument:

Salt Lake Meridian, Utah

T. 39 S., R. 26 E.,
Sec. 20, SW¼NE¼.
Containing 40.00 acres.

2. At 10:00 a.m. on March 15, 1983 the lands will be open to operation of the public land laws generally, including the mineral leasing laws. All valid applications received at or prior to 10:00 a.m. on March 15, 1983 shall be considered as simultaneously filed. Those received thereafter shall be considered in the order of filing.

3. At 10:00 a.m. On March 15, 1983 the lands will also be open to location under the United States Mining Laws. Appropriation of lands under the general mining laws prior to the date and time of restoration is unauthorized. Any such attempted appropriation, including attempted adverse possession under 30 U.S.C. Section 38, shall vest no rights against the United States. Acts required to establish a location and to initiate a right of possession are governed by State law where not in conflict with Federal law. The Bureau of Land Management will not intervene in disputes between rival locators over possessory rights since Congress has provided for such determinations in local courts.

Inquiries concerning the lands should be addressed to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, University Club Building, 136 East South Temple, Salt Lake City, Utah 84111.

Dated: February 1, 1983

Darell Barnes,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 83-3397 Filed 2-8-83; 8:45 am]

BILLING CODE 4310-84-M

[W-17781, W-25819]

Wyoming; Partial Termination and Modification of Classification for Multiple-Use Management

February 1, 1983.

1. Pursuant to the authority delegated by Bureau of Land Management Manual, Section 1203, the Bureau of Land Management's Multiple-Use Classifications Orders of April 28, 1970 (Serial Number W–17781), published in the **Federal Register** on Wednesday, May 6, 1970, Vol. 35, No. 88, page 7135 and December 1, 1970 (Serial Number W–25819), published in the **ederal Register** on Wednesday, December 16, 1970, Vol. 35, No. 243, pages 19030 and 19031, are hereby modified and partially terminated at set out in the following paragraphs.

The land involved aggregate 5,792.33 acres in Goshen, Natrona, and Fremont Counties, Wyoming.

2. The lands described in the Notice of May, 1970 (W–17781), were classified for Multiple-Use Management and segregated from all forms of appropriation under the public land laws, including and mining laws, but not the mineral leasing laws. The lands described in paragraph A of that notice will be open to the operation of the public land laws generally, but will continue to be segregated from location under the United States Mining laws. the lands described in paragraph B of that notice, will be open to the operation of the public land laws generally. The classification is hereby terminated on the lands described in paragraph B.

3. The lands described in the Notice of December 16, 1970 (W–25819), were classified for Multiple-Use Management and were segregated from appropriation, "only under the agricultural land laws (43 U.S.C., parts 7 and 9; 25 U.S.C. 334), from sales under section 2455 of the Revised Statutes (43 U.S.C. 1171), and from appropriation under the general Mining laws (30 U.S.C. 21). The lands shall remain open to all other applicable forms of appropriation including he mineral leasing laws." The lands in that notice will be relieved of segregation from the operation of the Agricultural Land laws and sales under section 2455. The lands will remain segregated from location under the United States Mining laws (30 U.S.C. 21), except as to the following described lands which will be opened to location under the United States Mining Laws.

Sixth Principal Meridian, Wyoming

T. 22 N., R. 60 W.,
Sec. 17,NE¼SW¼, E½SE¼SW¼, and SE¼.
T. 42 N., R. 107 W.,

Sec. 31, lots 1 to 3 inclusive, E½NW¼ N½NE¼SW¼, E½SE¼, E½SW¼SE, and SW¼SW¼SE¼;
Sec. 32, NW¼NW¼, N½SW¼, and SW¼SW¼.

The area described contains 701.94 acres in Goshen and Fremont Counties, Wyoming.

4. Pursuant to the regulations set forth in 43 CFR 2450.8(a), and 43 CFR 2461.5(c)(2), the above classifications are hereby modified and terminated as set out in paragraphs two and three of this notice. At 10:00 a.m. on March 15, 1983, the lands described in said notices of May 6, 1970, and December 16, 1970, will be open to the operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid application received at or prior to 10:00 a.m. on March 15, 1983, shall be considered as imultaneously filed at that time. Those received, thereafter, will be considered in the order of filing.

5. The lands described in paragraph three of the above notice will be open to location under the United States Mining laws at 10:00 a.m. on March 15, 1983.

Inquiries concerning these lands should be addressed to the Chief, Branch of Land Resources, Bureau of Land Management, 2515 Warren Avenue, P. O. Box 1828, Cheyenne, Wyoming 82001.

Gerald L. Jessen,

Acting State Director.

[FR Doc. 83-3400 Filed 2-8-83; 8:45 am]

BILLING CODE 4310-84-M

Minerals Management Service

Revised Procedures for Oil and Gas Leasing; Information Meeting

Agency: Minerals Management Service.

Action: Notice of Meeting.

Summary: the Minerals Management Service's Gulf of Mexico and Atlantic Regional Outer Continental Shelf (OCS) offices will jointly present an information meeting on the "Revised Procedures for Oil and Gas Leasing."

Date Time: March 1, 1983 beginning at 10:00 a.m. c.s.t.

Location: Louisiana Superdome, meeting rooms 3, 4, and 5, Gate "A" Level 200, 1500 Poydras Street, New Orleans, Louisiana.

Supplemental Information: This notice is published pursuant to the Outer Continental Shelf Lands Act of 1953, as amended, and the regulations issued thereunder (30 CFR Part 256). This meeting is open to the general public. Discussions will cover the "Revised Procedures for Oil and Gas Leasing" through "The reading of the bids" that are referenced in the forthcoming Gulf of Mexico Sale 72 and the Atlantic Sale 76 Proposed Notices of Sale. Time will be made available for questions and comments. We encourage the submittal of questions or points of concern by telephone or in writing in advance of the March 1, 1983 meeting.

For Further Information: Telephone contact should be directed to the Acting Regional Supervisor—Leasing, Environment and Studies (Harold Sieverding) at (504) 837-4720 ext. 336 or Ken Chambers/Chuck Hopson ext. 312. Written comments should be addressed to Mr. John L. Rankin, Acting Regional Manager, Gulf of Mexico OCS Region, Minerals Management Service, P.O. Box 7944, Metairie, Louisiana 70010

John L. Rankin,

Acting Regional Manager.

[FR Doc. 83-3404 Filed 2-8-83; 8:45 am]

BILLING CODE 4310-MR-M

National Park Service

Availability of Plan of Operations for the Purpose of Oil Drilling Operations: Big Cypress National Preserve

In accordance with § 9.52 of Title 36 of the Code of Federal Regulations, Big Cypress National Preserve has received from Hughes and Hughes Oil Company, a Plan of Operations for the purpose of oil drilling in the 50-mile bend area of the Preserve. The public is invited to review and comment on the Plan of Operations, copies of which are available for review during normal business hours at Everglades National Park, Route 27, 12 miles south of Homestead, Florida; Big Cypress National Preserve, Ochopee, Florida; Miami-Dade Public Library System, Main Library, 1 Biscayne Boulevard, Miami, Florida; Collier County Public Library, 650 Central Avenue, Naples, Florida; and at the National Park Service, Southeast Regional Office, 75 Spring Street, S.W., Atlanta, Georgia. Comments received on or before March 11, 1983, will be entered into the official record. For further information, contact Pat Telle, Management Assistant, Everglades National Park (305) 247-6211.

Dated: January 31, 1983.

Robert M. Baker,

Southeast Region.

[FR Doc. 83-3406 Filed 2-8-83; 8:45 am]

BILLING CODE 4310-70-M

Biscayne National Park, Florida; Availability of General Management Plan/Development Concept Plan Wilderness Study/Environmental Assessment and Wilderness Hearing/ Public Meeting

Notice is hereby given in accordance with Section 3 of an Act of September 3, 1964 (Wilderness Act, Pub. L. 88-577) that a public hearing will be held at the following location and time for the purpose of receiving comments and suggestions as to the suitability of lands within Biscayne National Park for designation as wilderness.

March 10, 1983, at 7:30 p.m., South Miami City Hall, Commission Chambers, 6130 Sunset Drive, South Miami, Florida

Also, as part of the National Park Service's program for public participation in planning, comments and suggestions on an Environmental Assessment for the General Management Plan/Development Concept Plan/Wilderness Study for Biscayne National Park prepared pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 and the establishing legislation for Biscayne National Park (Sections 104 and 105 of Pub. L. 96-287 dated June 28, 1980) will be received at this public hearing.

The assessment considers resource protection, visitor use as well as wilderness suitability. The proposal for the General Management Plan/ Development Concept Plan provides for public transportation to the park's keys, bay, and reefs, allows traditional recreational activities to continue, increases interpretation and educational programs, improves visitor and park operation facilities, and provides for future protection of the park's natural resources. Four alternatives to the proposal are: (1) Continuation of existing conditions with no public tour boat system (no-action alternative); (2) implementation of the 1978 General Management Plan which provided for expanded development within the old monument boundary and a public tour boat system, but included no provisions for new areas authorized in 1980; (3) preservation and minimum development, with a limited public tour boat system (basic operations alternative); and (4) intensive visitor use and expanded development.

The findings of the Wilderness Study indicate that the park is not suitable for wilderness designation according to the criteria and intent of the Wilderness Act of 1964.

A limited number of copies of the assessment are available upon request to:

Regional Director, Southeast Region, National Park Service, 75 Spring Street SW., Atlanta, Georgia 30303, Commercial (404) 221-5835, FTS 242-5835

Superintendent, Biscayne National Park, (Convoy Point, 9 miles east of Homestead on Canal Drive across from Homestead Bayfront Park, P.O. Box 1369, Homestead, Florida 33090 (247-2044)

Public reading copies will be available for review at the above as well as the following locations:

Office of Public Affairs, National Park Service, U.S. Department of the Interior, 18th & C Streets NW., Washington, DC 20240, (202) 343-6843

Surfside Library, 9301 Collins Avenue, Surfside, Florida 33154, (865-2409)

John F. Kennedy Memorial Library, 190 West 49th Street, NW 103rd Street, Hialeah, Florida 33012, (821-2700)

Coral Gables Public Library, 3443 Seagovia/SW 44th Avenue, Miami, Florida 33134 (442-6706)

Kendall Public Library, 9101 SW 97th Avenue, Miami, Florida 33176 (279-0250)

South Dade Regional Library, 10750 SW 211th Street, S. Dade Government Center, Miami, Florida 33189 (233-8140)

Key Largo Library, Mile Marker 100, 2nd Floor, 1st National Bank, Key Largo, Florida 33037 (451-2396)

Hollywood Branch Library, 2600 Hollywood Boulevard, Hollywood, Florida 33020 (920-3301)

City of North Miami Public Library, 855 NE 132nd Street, North Miami, Florida 33168 (891-5335)

Main Library, 1 Biscayne Boulevard, Miami, Florida 33132 (579-5001)

West Dade Regional Library, 9445 SW Coral Way/SW 24th Street, Miami, Florida 33134 (553-1134)

South Miami Public Library, 6000 Sunset Drive/SW 72nd Street, Miami, Florida 33143 (667-6121)

Coral Reef Public Library, 9211 SW 152nd Street, Miami, Florida 33157 (233-8324)

Homestead Public Library, 700 N Homestead Blvd., Homestead, Florida 33030 (246-0168).

Interested individuals, representatives of organizations and public officials are invited to express their views in person at the aforementioned public hearing, provided they notify the Hearing Officer in care of the Superintendent, Biscayne National Park, by March 8, 1983, of their desire to appear. Those not wishing to appear in person may submit written statements on the Wilderness Study and the Environmental Assessment to the Hearing Officer for inclusion in the official record which will be held open for written statements until April 11, 1983.

Time limitations may make it necessary to limit the length of oral presentations and to restrict to one person the presentation made in behalf of an organization. An oral statement may, however, be supplemented by a more complete written statement that may be submitted to the Hearing Officer at the time of presentation of the oral statement. Written statements presented in person at the hearing will be considered for inclusion in the transcribed hearing record. However, all materials presented at the hearing shall be subject to a determination by the Hearing Officer that they are appropriate for inclusion in the hearing record. To the extent that time is available after presentation of oral statements by those who have given the required advance notice, the Hearing Officer will give others present an opportunity to be heard.

After an explanation of the preliminary Wilderness Study and the Environmental Assessment by a representative of the National Park Service, the Hearing Officer, insofar as possible, will adhere to the following order in calling for the presenation of oral statements:

(1) Governor of the State or his representative.
(2) Members of Congress.
(3) Members of the State Legislature.
(4) Official representatives of the counties in which the park is located.
(5) Officials of other Federal Agencies or public bodies.
(6) Organizations in alphabetical order.
(7) Individuals in alphabetical order.
(8) Others not giving advance notice, to the extent there is remaining time.

Dated: February 3, 1983.

Neal G. Guse, Jr.,

Regional Director, Southeast Region.

[FR Doc. 83-3455 Filed 2-8-83; 8:45 am]

BILLING CODE 4310-70-M

Upper Delaware Citizens Advisory Council; Meeting

AGENCY: National Park Service; Upper Delaware Citizens Advisory Council.

ACTION: Notice of meeting.

SUMMARY: This notice sets forth the date of the forthcoming meeting of the Upper Delaware Citizens Advisory Council. Notice of this meeting is required under the Federal Advisory Committee Act.

DATE: February 25, 1983, 7 p.m.

ADDRESS: Town of Tusten Hall, Narrowsburg, New York.

FOR FURTHER INFORMATION CONTACT: John T. Hutzky, Superintendent, Upper Delaware National Scenic and Recreational River, Drawer C, Narrowsburg, N.Y. 12764-0159 (717/729-7135).

SUPPLEMENTARY INFORMATION: The Advisory Council was established under section 704(f) of the National Parks and Recreation Act of 1978, Pub. L. 95-625, 16 U.S.C. 1274 note, to encourage maximum public involvement in the development and implementation of the plans and programs authorized by the Act. The Council is to meet and report to the Delaware River Basin Commission, the Secretary of the Interior, and the Governors of New York and Pennsylvania in the preparation of a management plan and on programs which relate to land and water use in the Upper Delaware region. The agenda for the meeting will include review of Draft Management Plan.

The meeting will be open to the public. Any member of the public may file with the Council a written statement concerning agenda items. The statement should be addressed to the Council c/o Upper Delaware National Scenic and Recreational River, Drawer C, Narrowsburg, N.Y. 12764-0159. Minutes of the meeting will be available for inspection four weeks after the meeting at the permanent headquarters of the Upper Delaware National Scenic and Recreational River, River Road, 1¾ miles north of Narrowsburg, N.Y., Damascus Township, Pennsylvania.

Dated: January 31, 1983.

Don H. Castleberry,

Acting Regional Director, Mid-Atlantic Region.

[FR Doc. 83-3394 Filed 2-8-83; 8:45 am]

BILLING CODE 4310-70-M

INTERNATIONAL TRADE COMMISSION

[Investigations Nos. 731-TA-116 and 117 (Preliminary)]

Antidumping Investigations; Carton-Closing Staples and Nonautomatic Carton-Closing Staple Machines From Sweden

Determinations

On the basis of the record [1] developed in the subject investigations, the

[1] The record is defined in § 207.2(i) of the Commission's Rules of Practice and Procedure (19 CFR 207.22(i), 47 FR 6190, Feb. 10, 1982).

Commission determines, pursuant to section 733(a) of the Tariff Act of 1930 (19 U.S.C. 1673b(a)), that there is a reasonable indication that an industry in the United States is materially injured by reason of imports from Sweden of carton-closing staples [2] (investigation No. 731-TA-116 (Preliminary)) and nonautomatic carton-closing staple machines [3] (investigation No. 731-TA-117 (Preliminary)) which are alleged to be sold, or likely to be sold, in the United States at less than fair value (LTFV).[4]

Background

On December 17, 1982, a petition was filed with the Commission and the Department of Commerce by counsel on behalf of International Staple and Machine Co., a domestic producer of carton-closing staples and nonautomatic carton-closing staple machines, alleging that imports of those products from Sweden are being, or are likely to be, sold in the United States at LTFV within the meaning of section 731 of the Tariff Act of 1930, (19 U.S.C. 1673). Accordingly, effective December 17, 1982, the Commission instituted preliminary antidumping investigations under section 733(a) of the Act (19 U.S.C. 1673b(a)) to determine whether there is a reasonable indication that an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports of such merchandise from Sweden.

Notice of the institution of the Commission's investigations and of a conference to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, D.C., and by publishing the notice in the **Federal Register** on December 29, 1982 (47 FR 58047). The conference was held in Washington, D.C., on January 10, 1983, and all persons who requested the opportunity were permitted to appear in person or by counsel.

[2] For purposes of this investigation, carton-closing staples are provided for in item 646.20 of the Tariff Schedules of the United States (TSUS).

[3] For purpose of this investigation, nonautomatic carton-closing staple machines are provided for in item 662.20 of the TSUS.

[4] Commissioner Stern determines that there is a reasonable indication that an industry in the United States is materially injured or threatened with material injury by reason of allegedly LTFV imports of carton-closing staples from Sweden, and also determines that there is a reasonable indication that an industry in the United States is materially injured or threatened with material injury by reason of allegedly LTFV imports of nonautomatic carton-closing staple machines from Sweden.

Views of Chairman Alfred E. Eckes and Commissioners Paula Stern and Veronica A. Haggart

Introduction

We determine, pursuant to section 731(a) of the Tariff Act of 1930 (hereinafter the Act),[5] that there is a reasonable indication that industries in the United States are materially injured by reason of imports of carton-closing staples and nonautomatic carton-closing staple machines from Sweden which are allegedly sold at less than fair value (LTFV).[6] [7]

Domestic Industry

Section 771(4)(A) of the Act defines the term "industry" as the "domestic producers as a whole of a like product of those producers whose collective output of the like product constitutes a major portion of the total domestic production of that product." [8] Section 771(10) defines "like product," in turn, as a "product which is like, or in the absence of like, most similar in characteristics and uses with, the articles subject to an investigation." [9]

The imported articles which are the subject of these investigations are carton-closing staples and nonautomatic carton-closing staple machines. Each of these articles is described and considered separately in this opinion.[10]

Carton-closing Staples

The imported carton-closing staples (hereinafter staples) which are the subject of this investigation are a type of fastener used to close corrugated paperboard cartons and boxes. They are recognized generally as an industrial staple and differ from office and desk-type staples in their size and use.

[5] 19 U.S.C. 1673(A).

[6] Retardation of establishment of an industry in the United States is not an issue in these investigations and will not be discussed further.

[7] Commissioner Stern also determines that there is a reasonable indication that industries in the United States are threatened with material injury by reason of LTFV imports of carton-closing staples and nonautomatic carton-closing staple machines.

Commissioner Stern notes also that the nature and extent of the alleged LTFV margins may be significantly distorted by the use for their computation of a comparison of prices for the imported products to distributors with home market prices to end users. A comparison of domestic prices to end users with domestic prices to distributors would similarly generate a figure demonstrating a substantial difference in price between the two systems of distribution.

[8] 19 U.S.C. 1677(4)(A).

[9] 19 U.S.C. 1677(10).

[10] The Commission's definitions of the industry and the appropriate like product are based on the best information now available which is rather limited. The Commission's definitions in these preliminary determinations do not preclude the possibility of redefining the like products or the domestic industries in the event of any final investigations.

Carton-closing staples vary according to the size of the wire, the width of the crown, and the length of the leg. Staples may be either copper-coated or galvanized if corrosion resistance is required. Staples designed by a manufacturer for its own machine are called "dedicated" staples, while those produced by one manufacturer for use in the staple machines of another manufacturer are known as "bootleg" staples. Various sizes of staples are offered by domestic firms and foreign manufacturers to service all segments of the market.

The parties in this investigation have raised the issue of whether the pertinent like product consists of only staples in stick form, or in addition, staples in roll form. Petitioner asserts [11] that roll staples should not be included to delimit the domestic industry because they are used primarily in automatic staple machines, they apparently are not being imported, they have different physical characteristics and are produced on different machines. Respondent, on the other hand, contends [12] that stick staples have only minor differences in characteristics and uses when compared with roll staples, are produced on ordinary machine shop equipment, have similar end uses in packaging applications and are included in the normal course of business in financial data concerning other staple forms.

Stick staples are glued together lightly in a strip or stick form of five to one hundred staples to facilitate handling and loading of staple machines. Roll staples are taped together in rolls of one thousand to five thousand staples and are used primarily in automatic staple machines because the weight and bulk of roll staples do not lend themselves to manual operation. Furthermore, roll staples are not imported from Sweden.[13]

The production process for stick staples involves different machinery than for roll staples. The differences in production of different staples arise from different tooling and equipment adjustments which determine the crown width and the leg length. Changes in tooling and readjustments of equipment are relatively easy and inexpensive to accomplish. Roll staple production differs from stick staple production only in that the legs are bent to an obtuse angle rather than a right angle, the staples are taped together along their crowns only, and a roll of staples may contain more staples than a stick.

[11] Petitioner's Posthearing Brief, at 9-12.

[12] Respondent's Posthearing Brief, at 2-10.

[13] Staples in stick form are currently classified under item 646.20, "staples in strip form" of the Tariff Schedules of the United States (TSUS). Carton-closing staples which are not in stick form, are classified under TSUS item 646.26.

Financial data available to the Commission concerning staples are not maintained in the normal course of business on the basis of individual product lines; however, financial data have been segregated for purposes of the present investigations on the basis of the like product alleged by petitioner. The limited information which has been provided to the Commission has been on the basis of stick staples without a breakdown according to size.

For purposes of this preliminary investigation, we conclude that the like product in this investigation is carton-closing staples in stick form. The domestic industry is comprised accordingly of the domestic producers as a whole of carton-closing staples in stick form.[14]

Carton-closing Staple Machines

The petitioner alleges that the like product in this investigation consists of nonautomatic carton-closing staple machines, and not automatic staple machines.[15] The distinction between nonautomatic and automatic staple machines is not drawn easily. There is a broad range of products available which includes semi-automatic staple machines having both automatic and nonautomatic characteristics. No known imports of automatic staple machines from Sweden, however, are entering the United States.[16]

Generally, nonautomatic staple machines are machines designed to insert a carton-closing staple in a carton of corrugated paper board through mechanical pressure from depressing a foot lever or by pneumatic pressure. Nonautomatic staple machines typically are divided into top staples or bottom staplers. Virtually all nonautomatic staple machines also use staples in stick form. For the most part, nonautomatic staple machines are produced on production lines and by personnel that are separate from those for automatic staple machines.

Automatic staple machines are characterized generally by control circuits and mechanisms for positioning cartons for insertion of staples upon an internal automatic signal. These machines primarily use roll staples and are significantly more expensive than nonautomatic staple machines. The principal uses for automatic staple machines are in large-volume packaging operations.

A remaining issue in the like product analysis in this investigation comes from the range of available staple machines of a semi-automatic nature.[17] Nevertheless, there are domestic machines, principally with monautomtic features, which have the same characteristics and uses as the imported staple machines. As a result, we find, at least at this preliminary stage, a like product in the form of nonautomatic staple machines and a domestic industry consisting of the production of nonautomatic staple machines. This conclusion, while based on the limited information available in this preliminary investigation, is consistent with section 771(4)(D).[18]

Reasonable Indication of Material Injury by Reason of LTFV Imports

In a preliminary investigation, the Commission is directed by title VII of the Act to determine, on the basis of the best information available at the time of the determination,[19] whether there is a reasonable indication that an industry in the United States is materially injured or is threatened with material injury, or the establishment of industry in the United States is materially retarded, by reason of imports of the merchandise that is the subject of the investigation.[20] Section 771(7) of the Act directs the Commission to consider, in making its determination, among other factors: (1) Volume of imports; (2) price undercutting; (3) sales; (4) productivity; and (5) utilization of capcity.

Condition of Domestic Industry: Carton-closing Staples

From the best information available to the Commission, it readily appears that the condition of the domestic staple industry has been deteriorating since 1980, with the downward trend increasing in January-September 1982. Production and capacity utilization have decreased by significant amounts since 1980.[21] The domestic industry has experienced a decline in the quantity of commercial shipments for the periods under consideration.[22] Limited data on employment, wages and productivity indicate generally declining trends.[23]

The data on the financial experience of the domestic industry available to the Commission at this time consist exclusively of information provided by the petitioner, and therefore, to preserve confidentiality, can be discussed only in the most general terms. Available profitability data do support the Commission's finding of a reasonable indication of material injury.[24]

Causation—Carton-Closing Staples.[25]

Although no official data on imports of the subject staples are available because of their importation under a basket category of TSUS, substantial responses from U.S. importers indicate that imports from Sweden as a percentage of domestic consumption have increased steadily and significantly during the periods under consideration.[26] Imports from Sweden increased from 808 million in 1979 to 1.3 billion staples in 1981, or by 66 percent. Imports then increased by 21 percent in January through September of 1982 relative to those in the corresponding period of 1981.[27] Information available to the Commission suggests that there is additional capacity for Swedish imports to be directed to the United States market.[28]

With respect to pricing of staples, the U.S. producers' list price compared with the importers' price suggests a margin of underselling of imports.[29] The reliability of the price comparisons, however, is not clear at this preliminary stage. The comparisons have been made between domestic list prices on the one hand and

[14] The domestic companies producing stick staples are petitioner International Staple and Machine Co.; Bostitch, a Division of Textron Inc.; Container Stapling Corp.; Acme Staple; and Power-Line Fastening Systems.

[15] Petitioner's Posthearing Brief, at 12.

[16] Item 662.20 of the TSUS includes automatic, semi-automatic and nonautomatic staple machines.

[17] Commissioner Stern notes that the Commission in previous investigations has faced circumstances in which the range of available products constitutes a product "continuum." See, e.g., Certain Portable Electric Nibblers from Switzerland, inv. No. 731-TA-35 (Preliminary), USITC Pub. 1108, p. 5 (1980); Certain Steel Wire Nails from the Republic of Korea, inv. No. 701-TA-145 (Preliminary), USITC Pub. 1223, p. 4 (1982); Stainless Clad Steel Plate from Japan, inv. No. 731-TA-50 (Preliminary), USITC Pub. 1196, p. 4 (1981). In the present investigation, there is spectrum of products ranging from machines that are fully automatic to machines which are totally manually operated.

[18] 19 U.S.C. 1677(4)(D).

[19] We note that the responses to the Commission's questionnaires concerning the condition of the industry were limited. In a final investigation, we would anticipate an improved response rate.

[20] 19 U.S.C. 1673b.

[21] Staff Report at A-9, Table 2.

[22] *Id.* at A-10.

[23] *Id.* at A-13.

[24] *Id.* at A-14.

[25] One of the arguments raised by the respondent in the course of this investigation is that injury being suffered by the domestic industry does not arise from sales at LTFV of the subject imports. Rather, the respondent argues that the impact of imports derives from the precipitous decline in the Swedish krona in relation to the United States dollar, with the result that Swedish imports are becoming significantly less expensive in dollar terms. Respondent's Posthearing Brief, at 23-24. While noting that the Department of Commerce indicates that it takes into account exchange rate fluctuations in determining LTFV margins (19 CFR 355.56 (1982)), the Commission may examine this issue in the event of a final Commission investigation.

[26] Staff Report at A-18

[27] *Id.* at A-15.

[28] Conf. Tr. pp. 61, 67, 92 and 93.

[29] Staff Report at A-20.

actual import transaction prices on the other hand. Insofar as the domestic list prices do not account for discounts, the margin of underselling reflected in this price comparison may be inflated. Nevertheless, a review of unit value data supports the Commission's conclusion. The unit value of imports of carton-closing staples from Sweden declined from 88 cents per thousand staples in 1980 to 83 cents per thousand in 1981, or by 6 percent. The unit value declined further, to 76 cents per thousand staples in January-September 1982, representing a 6 percent decline from the value obtained in the corresponding period of 1981.[30]

Condition of the Domestic Industry: Nonautomatic Carton-closing Staples Machines

The condition of the domestic staple machine industry reflects much the same trends indicated by the limited information available concerning the staple industry. There was a decline of capacity utilization and unit production.[31] Commercial shipments of nonautomatic staple machines have declined significantly since 1980.[32] Inventories remained at high levels in relation to unit shipments.[33] The average number of production and related workers and their hours worked has declined steadily while their productivity and compensation have increased in recent periods.[34]

As in the case of staples, financial data for staple machines are available only from the petitioner, and therefore, can be discussed in only the most general terms. General profitability,[35] net sales, and gross income have not increased during the period under examination.[36]

Causation—Nonautomatic Carton-Closing Staple Machines [37]

There has been an increase in the quantity of imports of nonautomatic carton-closing staple machines from Sweden in each period under consideration, with a 38 percent increase occurring in January-September 1982 relative to those in the corresponding period of 1981.[38] As a share of apparent consumption, there is again a consistent increase during the period under consideration. These increases culminate in the most recent period, when the share of consumption accounted for by imports from Sweden nearly doubled in January-September 1982 relative to that in the correspondng period of 1981.[39] Information available to the Commission suggests that there is additional capacity for Swedish imports to be directed to the United States maket.[40]

Price comparisons for U.S. producers of staple machines and importers' prices do not reflect a consistent pattern of underselling. Such comparisons for the most recent peroids in 1982, however, reflect a sharp turn to a margin of underselling.[41] These margins, like the margin for staples, may be inflated because of the comparison of list prices to distributors as opposed to actual transaction prices.

Conclusion

On the basis of the best information available, we find that there is a reasonable indication that industries in the United States are materially injured [42] by reasons of imports of carton-closing staples and nonautomatic carton-closing staple machines from Sweden which allegedly are being sold at less than fair value.

Issued: January 31, 1983.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 83-3493 Filed 2-8-83; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 731-TA-123 (Preliminary)]

Antidumping Investigations; Certain Flat-Rolled Carbon Steel Products From Brazil

AGENCY: International Trade Commission.

ACTION: Institution of a preliminary antidumping investigation and scheduling of a conference to be held in connection with the investigation.

SUMMARY: The United States International Trade Commission hereby gives notice of the institution of a preliminary antidumping investigation under section 733(a) of the Tariff Act of 1930 (19 U.S.C. 1673b(a)) to determine whether there is a reasonable indication that an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports from Brazil of hot-rolled carbon steel products, whether known as sheets or plates, 0.1875 inch or more in thickness and over 8 inches in width, provided for in items 607.6610, 607.6615, 607.9400, 608.0710, and 608.1100 of the Tariff Schedules of the United States Annotated, which are alleged to be sold in the United States at less than fair value.

EFFECTIVE DATE: January 31, 1983.

FOR FURTHER INFORMATION CONTACT: Ms. Judith Zeck, Office of Investigations, U.S. International Trade Commission, 701 E St. NW., Washington, D.C. 20436, telephone 202-523-0339.

SUPPLEMENTARY INFORMATION:

Background.—This investigation is being instituted in response to a petition filed on January 31, 1983, on behalf of Bethlehem Steel Corp., Bethlehem, Pa., a domestic producer of the subject merchandise. The Commission must make its determination in the investigation within 45 days after the date of the filing of the petition, or by March 17, 1983 (19 CFR 207.17).

Participation.—Persons wishing to participate in this investigation as parties must file an entry of appearance with the Secretary to the Commission as provided for in § 201.11 of the Commission's Rules of Practice and Procedure (19 CFR 201.11, as amended by 47 F.R. 6189, Feb. 10, 1982), not later than seven (7) days after the publication of this notice in the **Federal Register.** Any entry of appearance filed after this date will be referred to the Chairman, who shall determine whether to accept the late entry for good cause shown by the person desiring to file the notice.

Service of documents.—The Secretary will compile a service list from the entries of appearance filed in the investigation. Any party submitting a document in connection with the investigation shall, in addition to complying with § 201.8 of the Commission's rules (19 CFR § 201.8, as amended by 47 FR 6188, Feb. 10, 1982, and 47 FR 13791, Apr. 1, 1982), serve a copy of each such document on all other parties to the investigation. Such service shall conform with the requirements set forth in § 201.16(b) of the rules (19 CFR 201.16(b), as amended by 47 FR 33682, Aug. 4, 1982).

In addition to the foregoing, each document filed with the Commission in the course of this investigation must include a certificate of service setting

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[30] *Id.* at A-15.
[31] *Id.* at A-14-15.
[32] *Id.* at A-10-11.
[33] *Id.* at A-12-13.
[34] *Id.* at A-13.
[35] Cost of goods sold and export sales have had a significant effect on this profitability data. Staff Report, Table 8.
[36] *Id.* at A-14.
[37] See fotnote 21 *supra.*
[38] Staff Report at A-17.
[39] *Id.* at A-19.
[40] Conf. Tr. pp. 61, 67, 92 and 93.
[41] Staff Report at A-22.
[42] *See* Commissioner Stern's position, footnote 3, *supra.*

forth the manner and date of such service. This certificate will be deemed proof of service of the document. Documents not accompanied by a certificate of service will not be accepted by the Secretary.

Written submissions.—Any person may submit to the Commission on or before February 23, 1983, a written statement of information pertinent to the subject matter of this investigation (19 CFR 207.15, as amended by 47 FR 6190, Feb. 10, 1982). A signed original and fourteen (14) copies of such statements must be submitted (19 CFR 201.8, as amended by 47 FR 6188, Feb. 10, 1982, and 47 FR 13791, Apr. 1, 1982).

Any business information which a submitter desires the Commission to treat as confidential shall be submitted separately, and each sheet must be clearly marked at the top "Confidential Business Data." Confidential submissions must conform with the requirements of § 201.6 of the Commission's rules (19 CFR § 201.6). All written submissions, except for confidential business data, will be available for public inspection.

Conference.—The Director of Operations of the Commission has scheduled a conference in connection with this investigation for 9:30 a.m., on February 17, 1983, at the U.S. International Trade Commission Building, 701 E Street, NW., Washington, D.C. Parties wishing to participate in the conference should contact the staff investigator, Ms. Judith Zeck (202–523–0339), not later than February 14, 1983, to arrange for their appearance. Parties in support of the imposition of antidumpting duties in the investigation and parties in opposition to the imposition of such duties will each be collectively allocated one hour within which to make an oral presentation at the conference.

Public inspection.—A copy of the petition and all written submissions, except for confidential business data, will be available for public inspection during regular business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street, NW., Washington, D.C.

For further information concerning the conduct of this investigation and rules of general applications, consult the Commission's Rules of Practice and Procedure, Part 207, Subparts A and B (19 CFR Part 207, as amended by 44 FR 6182, Feb. 10, 1982, and 47 FR 33682, Aug. 4, 1982), and Part 201, subparts A through E (19 CFR Part 201, as amended 47 FR 6182, Feb. 10, 1982, 47 FR 13791, Apr. 1, 1982, and 47 FR 33682, Aug. 4, 1982). Further information concerning the conduct of the conference will be provided by Ms. Zeck.

This notice is published pursuant to § 207.12 of the Commission's rules (19 CFR 207.12).

Issued: February 3, 1983.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 83-3945 Filed 2-8-83; 8:45 am]

BILLING CODE 7020-02-M

Investigation No. TA-201-47]

Antidumping Investigation; Heavyweight Motorcycles, and Engines and Power Train Subassemblies Therefor

February 1, 1983.

Determination

On the basis of the information developed in the course of investigation No. TA–201–47, the Commission (Commissioner Stern dissenting) determined that motorcycles having engines with total piston displacement over 700 cubic centimeters provided for in item 692.50 of the Tariff Schedules of the United States (TSUS), are being imported into the United States in such increased quantities as to be a substantial cause of the threat of serious inuury to the domestic industry producing articles like or directly competitive with the imported articles. The Commission also determined (Commissioner Haggart dissenting) that engines and power train subassemblies for such motorcycles (whether imported separately or in combination), and parts of such engines and subassemblies, all the foregoing provided for in TSUS item 660.56, 660.67, and 692.55, are not being imported into the United States in such increased quantities as to be a substantial cause of serious injury, or the threat thereof, to the domestic industry producing articles like or directly competitive with the imported articles.

Findings and Recommendations

The Commission finds and recommends (commissioner Stern dissenting)[1] that in order to prevent serious injury to the domestic industry, it is necessary to impose rates of duty, in addition to the existing rate, with respect to motorcycles having engines with total piston displacement over 700 cubic centimerers, provided for in TSUS item 692.50, for a 5-year period, as follows:[2]

1st year, 45% ad val.
2nd year, 35% ad val.
3rd year, 20% ad val.
4th year, 15% ad val.
5th year, 10% ad val.

The term "motorcycles having engines with total piston displacement over 700 cubic centimeters" is intended to include such motorcycles, whether assembled or not assembled, and whether finished or not finished, and thus would include, as unfinished motorcycles, wholly or partly assembled motorcycle frames with engines mounted thereon.

Background

The Commission instituted the present inestigation, No. TA–201–47, on September 16, 1982, following the receipt, on September 1, 1982, of a petition for import relief filed by Harley-Davidson Motor Co., Inc., and Harley-Davidson York, Inc., producers of heavyweight motorcycles and engines and power train subassemblies therefor. The investigation was instituted pursuant to section 201(b)(1) of the Trade Act of 1974 (19 U.S.C. 2251(b)(1)) in order to determine whether motorcycles having engines with total piston displacement over 700 cubic centimeters and engines and power train subassemblies therefor (whether imported separately or in combination), and parts of such engines and subassemblies, all the foregoing provided for in TSUS items 692.50, 660.56, 660.67, and 692.55, are being imported into the United States in such increased quantities as to be a substantial cause of serious injury, or the threat thereof, to the domestic industry producing articles like or directly competitive with the imported articles.

Notice of the institution of the Commission's investigation and of a public hearing was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, D.C. and by publishing the notice in the Federal

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[1] Commissioner Stern recommends no import relief.

[2] There were no significant imports of heavyweight motorcycles from countries whose imports are presently subject to the rates of duty set forth in column 2 of the TSUS. The import relief recommended herein, therefore, is not addressed to imports from such countries. The recommended relief would involve the imposition of rates of duty on imports from countries whose imports are currently subject to rates of duty in column 1 which would be higher than the rates set forth in column 2. Should such recommended, or any other, rates of duty higher than the column 2 rates be proclaimed by the President, it would be necessary for him to conform column 2 by proclaiming rates therefor that are the same as those proclaimed for column 1 in order to avoid being in violation of our international obligations. (See art. I, General Agreement on Tariffs and Trade (*Basic Instruments and Selected Documents*, vol. IV, March 1969).

Register of September 22, 1982 (47 FR 41884).

A public hearing in this investigation was held in the Hearing Room of the U.S. International Trade Commission Building in Washington, D.C., on November 30, 1982. All interested parties were afforded an opportunity to be present, to present evidence, and to be heard.[3]

This report is being furnished to the President in accordance with section 201(d)(1) of the Trade Act. The information in the report was obtained from fieldwork and interviews by members of the Commission's staff and from other Federal agencies, responses to Commission questionnaires, information presented at the public hearing, briefs submitted by interested parties, the Commission's files, and other sources.

The Commission's public report, *Heavyweight Motorcycles, and Engines and Power Train Subassemblies Therefor* (investigation No. TA-201-47, USITC Publication 1342, 1983), contains the views of the Commissioners and information developed during the investigation. Copies may be obtained after February 9, 1983, by calling 202-523-5178, or from the Office of the Secretary, 701 E Street, NW., Washington, DC 20436.

Issued: February 1, 1983.

By Order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 83-3487 Filed 2-8-83; 8:45 am]

BILLING CODE 7020-02-M

[3] A transcript of the hearing and copies of briefs submitted by interested parties in connection with the investigation were attached to the original report sent to the President. Copies are available for inspection at the U.S. International Trade Commission, except for material submitted in confidence.

[Investigation No. 731-TA-89 (Final)]

Antidumping Investigation; Prestressed Concrete Steel Wire Strand From the United Kingdom

Determination

On the basis of the record [1] developed in its antidumping investigation on prestressed concrete steel wire strand from the United Kingdom, the Commission unanimously determines, pursuant to section 735(b) of the Tariff Act of 1930 (19 U.S.C. 1673d(b)), that an industry in the United States is not materially injured or threatened with material injury, nor is the establishment of an industry in the United States materially retarded, by reason of imports of steel wire strand for prestressing concrete (PC strand), provided for in item 642.11 of the Tariff Schedules of the United States, which are being, or are likely to be, sold at less than fair value (LTFV).

Background

On October 6, 1982, the Department of Commerce made a preliminary determination that PC strand from the United Kingdom is being sold, or is likely to be sold, in the United States at LTFV, as provided in section 733 of the Tariff Act of 1930 (19 U.S.C. 1673).

Accordingly, effective October 15, 1982, the Commission instituted an investigation under section 735(b) to determine whether an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded by reason of imports of PC strand from the United Kingdom.

Notice of the institution of the Commission's investigation and of a hearing to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, D.C., and by publishing the notice in the **Federal Register** on October 27, 1982 (47 FR 47707). The hearing was held in Washington, D.C. on January 4, 1983, and all persons who requested the opportunity were permitted to appear in person or by counsel.

Views of the Commission

On the basis of the record in this investigation, we determine that an industry in the United States is not being materially injured or threatened with material injury, nor is the establishment of an industry in the United States being materially retarded [2] by reason of imports of steel wire strand for prestressing concrete (PC strand) from the United Kingdom, which are being sold at less than fair value.

Domestic Industry

Under Title VII of the Tariff Act of 1930 (the Act), our analysis of the information gathered in this investigation begins with a definition of the scope of the relevant domestic industry. Section 771(4)(A) of the act defines the domestic industry as consisting of "the domestic producers as a whole of the like product or those producers whose collective output of the like product constitute a major proportion of the total domestic production of that product."[3] "Like product" is defined in section 771(10) as "a product which is like, or in the absence of like, most similar in characteristics and uses with, the article subject to an investigation * * *"[4]

The imported article that is the subject of this investigation is PC strand from the United Kingdom, a product consisting of one center wire ane six helically placed outer wires that is used in prestressing concrete. This same product was involved in several other recent Commission investigations.[5] In those cases, we found that—

> The U.S. product that is like the imported product is all wire strand of steel for prestressing concrete. The domestic and imported product are made to the same ASTM specification and are devoted to the same end uses.

The Commission found that the domestic industry consisted of the U.S. producers of this like product.[6]

In this investigation, the parties have not suggested, nor does the information that has been developed, support a revision of this industry definition. We, therefore, find that it is appropriate to adopt the same definition of the domestic industry in this investigation.

No Material Injury By Reason of Dumped Imports From the U.K.

The record in this investigation reveals that with respect to many of the important economic factors the condition of the U.S. industry is healthy.[7] Domestic production increased steadily and significantly from 1979 through 1981, althouth the period January-September 1982 showed some decline in production when compared to the same period in 1981.[8] [9] U.S.

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[1] The "record" is defined in § 207.2(i) of the Commission's Rules of Practice and Procedure (47 FR 6190, Feb. 10, 1982).

[2] Since there is an established domestic industry, material retardation is not an issue in this investigation and will not be discussed further.

[3] 19 U.S.C. 1677(4)(A).

[4] 19 U.S.C. 1677(10).

[5] Prestressed Concrete Steel Wire Strand from Brazil, France, and the United Kingdom, Inv. Nos. 701-TA-152 and -153 (Preliminary) and 731-TA-89 (Preliminary), USITC Pub. 1240 (1982); Prestressed Concrete Steel Wire Strand from Spain, Inv. No. 701-TA-164 (Final), USITC Pub. 1281 (1982); Prestressed Concrete Steel Wire Strand from France, Inv. No. 701-TA-153 (Final), USITC Pub. 1325 (1982).

[6] Two domestic producers—Sumiden and CF&I—were neither petitioners nor interested parties in support of the petitioners in these investigations and in the instant investigation.

[7] Most of the statistical data developed by the Commission in this investigation constitute confidential business information. Therefore, they can be discussed only in general terms.

[8] Report, Table 5, p. A-12.

[9] This industry is characterized by increasing competition between integrated and nonintegrated domestic producers. Currently, production of PC strand is highly concentrated with the four largest producers accounting for the main portion of U.S.

producers' shipments of PC strand followed the same general trend as production.[10] Domestic productive capacity increased markedly from January-September 1981 to the same period in 1982.[11] [12] It is noteworthy that one domestic producer has recently increased its productive capacity significantly and another has stated that it will increase its productive capacity in the near future.[13] Capacity utilization has remained at relatively high levels throughout the entire period under investigation, falling only during the first nine months of 1982.[14] Almost all the recent decline in domestic capacity utilization is accounted for by increased productive capacity. Employment, as measured by the number of production and related workers and by hours worked, showed no significant changes during the period 1979 to September 1982, and hourly wages, total compensation, and worker productivity all increased.[15] The only significant negative trend in this industry is profitability. Although the industry's net sales increased from 1979 to 1981, net profits declined, with net losses occurring during the first nine months of 1982.[16] [17]

The foregoing economic data suggest that the only period of time in which the domestic industry could have suffered material injury is the first three quarters of 1982.[18]

Assuming arguendo that the injury during the first 9 months of 1982 meets the statutory standard of "material injury," our analysis of the effects of imports of PC strand from the United Kingdom demonstrates that any such injury is not by reason of the subject imports. In our analysis, we have considered, among other factors, both the absolute and relative levels of imports, price data, information regarding allegations of price suppression and depression, and lost sales.[19]

Imports from the United Kingdom increased irregularly, from 6.7 million pounds in 1979 to a peak of 9.8 million pounds in 1981. However, they declined from 6.8 million pounds in January–September 1981 to 5.3 million pounds in January–September 1982.[20] [21] As a share of increasing domestic consumption, imports from the U.K. reached their peak in 1981 and decreased significantly during 1982. Thus, during the only period in which there appears to be evidence of deterioration in the condition of the domestic industry, the quantity of PC strand imported from the United Kingdom has decreased significantly, both in absolute terms and as a percentage of increasing domestic consumption.[22] [23] [24]

Data gathered ont the prices of imports from the United Kingdom do not demonstrate any causal connection between such imports and the condition of the domestic industry. As the Commission has stated in earlier investigations, the most appropriate price comparisons for this industry are delivered prices of British and domestic PC stand to producers in those urban areas for which comparable data are available. All parties agree with this position.[25]

Table 22 of the Report shows delivered price comparisons for eight markets. For 1982, the data show four instances of overselling, four instances of insignificant underselling, and one instance of underselling. In the market for which the most comparisons are available, the imported PC strand did not undersell the domestic product during any quarter for which information is available. Recognizing the limitations of other pricing data presented in the Report (Tables 20 and 21), we note that these data generally show overselling.[26]

None of the pricing data developed in this investigation show a pattern of underselling by the imported product, nor do they reflect any aggressive pricing policy on the part of the importer. The declining market share held by U.K. imports in 1982, as compared to 1981, supports this conclusion.

Information gathered in response to the domestic industry's allegations of price suppression/depression and lost sales fails to support these allegations.[27] Of the four allegations of price suppression/depression during 1982, only one was confirmed by the staff. The Commission investigated three of the four alleged lost sales submitted during the final investigation. Each of these instances occurred in 1982. In only one of the three instances, was the sale lost due to price.[28] [29]

Based on the foregoing, we find that imports of PC strand from the United Kingdom are not a cause of material injury to the domestic industry.

Threat of Material Injury by Reason of the Subsidized Imports

With respect to threat of material injury, the Commission examines, among other factors, demonstrable

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producers' shipments in 1981. All four of these producers are nonintegrated producers. Two of the four nonintegrated producers commenced production in 1980 and have become major factors in the market since then. Since 1980, the share of domestic production held by the integrated producers has fallen substantially.

[10] Report, Table 7, p. A–14.

[11] The vigorous expansion of this industry contrasts markedly with the situation in the carbon steel industry.

[12] Report, Table 5, p. A–12.

[13] Prestressed Concrete Steel Wire Strand from France, Inv. No. 701–TA–153 (Final), USITC Pub. 1325, p. A–15 (1982).

[14] Report, Table 5, p. A–12.

[15] Report, Table 9, p. A–15.

[16] Report, Table 11, p. A–16.

[17] As noted in the legislative history to the Trade Agreements Act of 1979—

The significance of the various factors affecting an industry will depend upon the facts of each particular case. Neither the presence nor the absence of any factor listed in the [statute] can necessarily give decisive guidance with respect to an injury determination.

H.R. Rep. 96–317, 96th Cong., 1st sess., 46 (1979). In this investigation, the profitability data alone are not sufficient, when considered with all other factors in this case, to support a finding of material injury.

[18] The petitioners, referring to statements in the Commission's opinions in the prior investigations involving PC strand from France and Spain, have inferred that the Commission has determined that a six-month period of injury, standing alone, is insufficient to support a finding of material injury. Petitioners' Prehearing Brief, pp. 4–5; Transcript, pp 68–69. The Commission has not specified a minimum time period during which injury must exist in order to become "material" within the meaning of the statute. Duration of injury is only one of the factors that the Commission considers in determining material injury.

[19] In our earlier investigations on imports of PC strand from Spain and France, our analysis included an examination of the impact of the imports on the producers in certain markets where those imports were concentrated. Such an analysis is not helpful in this investigation because the imports from the United Kingdom compete in a larger number of markets. Report, Table 2, p.A–8.

[20] Report, Table 18, p. A–19.

[21] Consumption has increased steadily through the period of this investigation and is expected to grow in the near future. Report pp. A–7–8. Again, this contrasts markedly with the situation in the carbon steel industries which we have recently examined.

[22] We also note that at the same time that the market penetration of British PC strand has decreased, imports from "other countries" have substantially inbcreased their share of domestic consumption. report, Table 18, p. A–19.

[23] Reports, Table A–19.

[24] We did not reach the issue of cumulation of the impact of imports from the United Kingdom with that of imports from other countries because we did not find the imports from the United Kingdom to be a contributing cause of material injury. *See* our discussion on pricing, price suppression/depression, and lost sales, *infra*. Although we did not cumulate imports from the U.K. with imports from other countries, we did consider these imports, to the extent that information was available, as factors in the market which may have contributed to the overall condition of the domestic industry.

[25] Petitioners' Prehearing Brief, p. 33; Transcript, *passim*.

[26] *See* discussion regarding the limitations of data in the Report, pp. A–21, A–23, and A–24.

[27] Report, pp. A–25–29.

[28] Report, pp. A–28–29.

[29] In response to Commission questionnaires, strand purchasers again noted factors other than price which influence their purchasing decision, including availability of service, delivery time, proximity of the vending firm, and quality of the product. Report, p. A–25.

trends in the following areas: (1) Rate of increase in importation of the dumped merchandise in the United States market; (2) importer's inventories; (3) capacity in the exporting country to generate exports; and (4) the likelihood that such exports will be directed to the United States market, taking into account the availability of other export markets.[30]

Imports of PC strand from the United Kingdom are relatively small in terms of both apparent domestic consumption and imports.[31] Imports from the United Kingdom have decreased significantly during the period January–September 1982 when compared to the same period in the preceding year.[32] Inventories held by the importer of British PC strand have decreased significantly since 1979 and declined percipitously during 1982.[33] The absolute level of inventories is insignificant. British capacity utilization for PC strand has been increasing.[34] British consumption of PC strand is also increasing. There is no evidence on the record that the British producers plan to increase their exports to the United States, and there is no reason to believe that other export markets for U.K. strand will be restricted significantly. Therefore, we find that imports of PC strand from the United Kingdom pose no threat of material injury to the domestic industry.

Issued: January 2, 1983.

By Order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 83-3486 Filed 2-8-83; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-136]

Certain Marine Hardware and Accessories; Notice of Investigation

AGENCY: International Trade Commission.

ACTION: Institution of investigation pursuant to 19 U.S.C. 1337.

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on December 30, 1982, under section 337 of the Tariff Act of 1930 (19 U.S.C. 1337), on behalf of Attwood Corporation, 1016 N. Monroe, Lowell, Michigan 49331. A supplement to the complaint was filed on January 25, 1983. The complaint as supplemented (hereinafter the complaint) alleges unfair methods of competition and unfair acts in the importation of certain marine hardware and accessories into the United States, or in their sale, by reason of alleged: (1) Direct infringement of claims 1, 2, 3, 5, 13, and 14 of U.S. Letters Patent 3,833,800; (2) infringement of the claim of U.S. Patent Des. 221, 105; and violation of section 43(a) of the Lanham Act because of (3) infringement of Attwood's common law trademarks; (4) intentional passing off; and/or (5) false advertising and representation. The complaint further alleges that the effect or tendency of the unfair methods of competition and unfair acts is to destroy or substantially injure an industry, efficiently and economically operated, in the United States.

The complainant requests that the Commission institute an investigation and, after an expedited temporary relief hearing on the non-patent allegations, issue both a temporary exclusion order, prohibiting importation of said articles into the United States except under bond, and a temporary cease and desist order. After a full investigation, complainant requests that the Commission issue both a permanent exclusion order and a permanent cease and desist order.

Authority: The authority for institution of this investigation is contained in section 337 of the Tarfiff Act of 1930 and in 210.12 of the Commission's Rules of Parctice and Procedure (19 CFR 210.12).

SUPPLEMENTARY INFORMATION: Having considered the complaint, the U.S. International Trade Commission (Commissioner Stern dissenting), on January 27, 1983, Ordered that—

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, an investigation be instituted to determine whether there is a violation of subsection (a) of section 337 in the unlawful importation of certain marine hardware and accessories into the United States, or in their sale, by reason of alleged: (1) Direct infringement of claims 1, 2, 3, 5, 13, and 14 of U.S. Letters Patent 3,833,800; (2) infringement of the claim of U.S. Patent Des. 221,105; and violation of section 43(a) of the Lanham Act because of (3) infringement of certain of Attwood's common law trademarks; (4) intentional passing off; and/or (5) false advertising and representation, the effect or tendency of which is to destory or substantially injure an industry, efficiently and economically operated, in the United States;

(2) An investigation be made as to whether there is reason to believe that there is a violation of subsection (a) of Section 337 with regard to the non-patent allegations of (1) above;

(3) For purposes of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainant is: Attwood Corporation, 1016 N. Monroe, Lowell, Michigan 49331.

(b) The respondents are the following companies, alleged to be in violation of section 337, and are the parties upon which the complaint is to be served:

L. S. Brown Co., 228 Margaret St., S.E., Atlanta, Georgia 30315;

Neil Trading Co., Ltd., 6 Alley 3, Lane 19, Tai Ping Rd., Tai Chung, Taiwan; or

Taiwan Magnetics Co., Ltd., 3d Floor, Sec. No. 3 Palace Bldg., 346 Nanking East Rd., Taipei, Taiwan.

(c) Oreste Russ Pirfo, Esq., Unfair Import Investigations Division, U.S. International Trade Commission, 701 E Street NW., Room 122, Washington, D.C. 20436, shall be the Commission investigative attorney, a party to this investigation; and

(4) For the investigation so instituted, Donald K. Duvall, Chief Administrative Law Judge, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, shall designate the presiding officer. Pursuant to § 210.30(c) of the Commission's Rules of Practice and Procedure (19 CFR 210.30(c)), discovery should be allowed in connection with the temporary relief phase of the investigation only to the extent necessary to weigh the standards that are applicable in determining whether temporary relief should be granted.

Responses must be submitted by the named respondents in accordance with § 210.21 of the Commission's Rules of Practice and Procedure (19 CFR § 210.21). Pursuant to §§ 201.16(d) and 210.21(a) of the rules, such responses will be considered by the Commission if received not later than 20 days after the date of service of the complaint. Extensions of time for submitting a response will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the presiding officer and the Commission, without further notice to the respondent, to find the facts to be as alleged in the

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[30] Section 207.26 of the Commission's rules (19 CFR 207.26); H.R. Rep. 96th 317, 96th Cong., 1st sess., 46 (1979); Stainless Steel Sheet and Strip from West Germany, Inv. No. 731-TA-92 (Preliminary), USITC Pub. 1252 p. 14-15 (1982).

[31] Report Tables 18 and 19, pp. A-19 and A-20.

[32] Report, Table 19, p. A-20.

[33] Report, p. A-18.

[34] Report, pp. A-10-11.

complaint and this notice and to enter both an initial determination and a final determination containing such findings.

The complaint, except for any confidential information contained therein, is available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Room 156, Washington, D.C. 20436, telephone 202–523–0471.

FOR FURTHER INFORMATION CONTACT: Oreste Russ Pirfo, Esq., Unfair Import Investigations Division, U.S. International Trade Commission, telephone 202–523–4693.

By order of the Commission.

Issued: February 2, 1983.

Kenneth R. Mason,

Secretary

[FR Doc. 83-3486 Filed 2-8-83; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TAS-124]

Certain Textile Spinning Frames and Automatic Doffers Therefore; Termination of Investigation as to Two Respondents Base on a Settlement Agreement

AGENCY: International Trade Commission.

ACTION: Termination of two respondents in the above-captioned investigation based on a settlement agreement.

SUMMARY: A joint motion has been filed to terminate the above-captioned investigation with respect to respondents Toyoda Automatic Loom Works, Ltd., and Toyoda Textile Machinery, Inc., (Toyoda respondents), pursuant to section 210.51(c) of the Commission's Rules of Practice and Procedure on the basis of a settlement agreement executed by complaint Platt Saco Lowell Corp. and the aforementioned respondents. On January 28, 1983, the Commission granted the motion.

SUPPLEMENTARY INFORMATION: This investigation is being conducted under section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) and concerns alleged unfair trade practices in the importation into and sale in the United States of certain textile spinning frames and automatic doffers therefor. Notice of the institution of the investigation was published in the Federal Register of August 4, 1982 (47 FR 33816).

On December 8, 1982, the Commission issued a notice of proposed termination based on the settlement agreement and requested public comment thereon. No comments were received. On January 28, 1983, the Commission granted the motion and terminated inv. No. 337-TA-113 as to the Toyoda respondents on the basis of the settlement agreement.

FOR FURTHER INFORMATION CONTACT: Sheila J. Landers, Esq., Office of the General Counsel, U.S. International Trade Commission, telephone 202–523–0359.

Copies of the Commission's Action and Order, the settlement agreement, and all other non-confidential documents filed in connection with this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436.

By order of the Commission.

Issued: February 1, 1983.

Kenneth R. Mason.

Secretary.

[FR Doc. 83-3489 Filed 2-8-83; 8:45 am]

BILLING CODE 7020-02-M

Cessation of Publication in the "Federal Register" of the Text of Certain Opinions and Advice

Notice is hereby given that the Commission, in view of rising **Federal Register** printing costs and in order to make its publication policy under its various statutory authorities more consistent, is ceasing publishing the full texts of Commissioner statements, opinions, advice, and the like issued as a result of investigations conducted under the countervailing duty and antidumping provisions of title VII of the Tariff Act of 1930 (19 U.S.C. 1671), sections 201, 203, and 406, of the Trade Act of 1974 (19 U.S.C. 2253), and section 22 of the Agricultural Adjustment Act (7 U.S.C. 624). This change is effective with publication of this notice.

The Commission will continue to publish in the **Federal Register** notice of its determinations or summaries of its advice, as the case may be, under these authorities. The Commission will continue its present practice of making available to parties and interested members of the public the full texts of its opinions, statements, or advice, as the case may be, as part of its reports in these and other investigations. These reports are made available soon after the time the notices are published in the **Federal Register.**

By order of the Commission.

Issued: February 4, 1983.

Kenneth R. Mason,

Secretary.

[FR Doc. 83-3492 Filed 2-8-83; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 701-TA-87 (Final)]

Hot-Rolled Carbon Steel Plate From Brazil

AGENCY: International Trade Commission.

ACTION: Scheduling of the date for written submissions in connection with the subject investigation.

SUMMARY: On January 20, 1983, the U.S. Department of Commerce published notice of its final determination that subsidies are being provided in Brazil to manufacturers, producers, or exporters of hot-rolled carbon steel plate (48 FR 2568). Accordingly, pursuant to section 705(b) of the Tariff Act of 1930 (19 U.S.C. 1671d(b)), the United States International Trade Commission must determine whether an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports of such merchandise. The Commission must make its determination by March 7, 1983 (19 CFR 207.25), and will accept written submissions in connection with the investigation until the close of business on February 14, 1983.

EFFECTIVE DATE: January 20, 1983.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Eninger (202–523–0312), Office of Investigations, U.S. International Trade Commission.

SUPPLEMENTARY INFORMATION: A signed original and fourteen (14) true copies of each submission must be filed with the Secretary to the Commission in accordance with § 201.8 of the Commission's rules (19 CFR 201.8, as amended by 47 FR 6188, Feb. 10, 1982, and 47 FR 13791, Apr. 1, 1982). All written submissions except for confidential business data will be available for public inspection during regular business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary to the Commission.

Any business information for which confidential treatment is desired shall be submitted separately. The envelope and all pages of such submissions must be clearly labeled "Confidential Business Information." Confidential submissions and requests for confidential treatment must conform

with the requirements of § 201.6 of the Commission's rules (19 CFR 201.6).

Each document filed by a party to this investigation must be served on all other parties to the investigation (as identified by the service list maintained by the Secretary to the Commission), and a certificate of service must accompany the document. The Secretary will not accept a document for filing without a certificate of service (19 CFR 201.16(c), as amended by 47 FR 33682, Aug. 4, 1982).

For further information concerning the conduct of the investigation and rules of general application, consult the Commission's Rules of Practice and Procedure, Part 207, Subparts A and C (19 CFR Part 207, as amended by 47 FR 6190, Feb. 10, 1982, and 47 FR 33682, Aug. 4, 1982), and Part 201, Subparts A through E (19 CFR Part 201, as amended by 47 FR 6188, Feb. 10, 1982; 47 FR 13791, Apr. 1, 1982; and 47 FR 33682, Aug. 4, 1982).

This notice is published pursuant to § 207.20 of the Commission's rules (19 CFR 207.20, as amended by 47 FR 6190, Feb. 10, 1982).

By order of the Commission.

Issued: February 2, 1983

Kenneth R. Mason,

Secretary.

[FR Doc. 83-3490 Filed 2-8-83; 8:45 am]

BILLING CODE 7020-02-M

[332-131]

Notice of Hearing on and Release for Public Comment of Chapters of the Tariff Schedules of the United States Converted Into the Nomenclature Structure of the Harmonized System

AGENCY: International Trade Commission.

ACTION: Setting of public hearing and release for comment from interested parties, pursuant to Commission investigation No. 332-131, under the authority of section 332(g) of the Tariff Act of 1930, as amended, and initiated upon the request of the President of the United States, of the following chapters of the Tariff Schedules of the United States (TSUS) converted into the nomenclature structure of the Harmonized Commodity Description and Coding System (Harmonized System):

Volume 18

Chapter 9: Coffee, tea, maté and spices
Chapter 10: Cereals
Chapter 11: Products of the milling industry; malt and starches; gluten; inulin
Chapter 12: Oil seeds and oleaginous fruits; miscellaneous grains, seeds and fruit; industrial and medical plants; straw and fodder
Chapter 13: Lacs; gums, resins and other vegetable saps and extracts
Chapter 14: Vegetable plaiting materials; vegetable products not elsewhere specified or included
Chapter 15: Animal and vegetable fats and oils and their cleavage products; prepared edible fats; animal and vegetable waxes

Volume 19

Chapter 17: Sugars and sugar confectionery
Chapter 18: Cocoa and cocoa preparations
Chapter 19: Preparations of cereals, flours or starch; pastry cooks products
Chapter 20: Preparations of vegetables, fruit, nuts or other parts of plants
Chapter 21: Miscellaneous edible preparations

Volume 20

Chapter 30: Pharmaceutical products
Chapter 31: Fertilizers
Chapter 32: Tanning or dyeing extracts; tannins and their derivatives; dyes, pigments and other coloring matter; paints and varnishes; putty and other mastics; inks
Chapter 33: Essential oils and resinoids; perfumery, cosmetics, and toilet preparations
Chapter 34: Soap, organic surface-active agents, washing preparations, lubricating preparations, prepared waxes, polishing and scouring preparations, candles and similar articles, modelling pastes and "dental waxes"
Chapter 35: Albuminoidal substances; glues; enzymes

Volume 21

Chapter 38: Miscellaneous chemical products
Chapter 39: Plastics and articles thereof
Chapter 40: Rubber and articles thereof

Volume 22

Chapter 41: Raw hides and skins (other than furskins) and leather
Chapter 42: Articles of leather; saddlery and harness; travel goods, handbags and similar containers; articles of animal gut (other than silk-worm gut)
Chapter 43: Furskins and artifical fur; manufactures thereof

Volume 23

Chapter 56: Wadding, felt and nonwovens; special yarns; twine, cordage, ropes and cables and articles thereof
Chapter 57: Carpets and other textile floor coverings
Chapter 58: Special woven fabrics; tufted textile fabrics; lace; tapestries; trimmings; embroidery
Chapter 59: Impregnated, coated, covered or laminated textile fabrics; elastic textile fabrics; textile articles of a kind suitable for industrial use
Chapter 60: Knitted or crocheted fabrics

Volume 24

Chapter 64: Footwear, gaiters and the like; parts of such articles
Chapter 65: Headgear and parts thereof
Chapter 66: Umbrellas, sun umbrellas, walking-sticks, seat-sticks, whips, riding-crops and parts thereof
Chapter 67: Prepared feathers and down and articles made of feathers or of down; artificial flowers; articles of human hair

Volume 25

Chapter 72: Iron and steel
Chapter 73: Articles of iron and steel

Volume 26

Chapter 82: Tools, implements, cutlery, spoons and forks, of base metal; parts thereof
Chapter 83: Miscellaneous articles of base metal

Volume 27

Chapter 93: Arms and ammunition; parts thereof
Chapter 94: Furniture; bedding, mattresses, mattress supports, cushions and similar stuffed furnishings; lamps and lighting fittings, not elsewhere specified or included; illuminated signs, illuminated nameplates and the like; prefabricated buildings
Chapter 95: Toys, games and sports equipment; parts thereof
Chapter 96: Miscellaneous manufactured articles
Chapter 97: Works of art, collectors' pieces, and antiques

Volume 28

Chapter 98: Special classifications provisions
Chapter 99: Temporary provisions amending the tariff schedule

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SUMMARY: The United States International Trade Commission (hereinafter "the Commission") has completed a draft of the above chapters of the TSUS converted into the nomenclature structure of the Harmonized System, with proposed rates of duty. This notice announces the scheduling of a public hearing on these converted chapters and requests public comment on the draft conversion, including the proposed rates of duty.

Written Submissions: Persons wishing to submit written comments with respect to one or more of the chapters should do so at the earliest possible date, but no later than the close of business (5:15 p.m.) April 22, 1983. The signed original and 19 copies of all written comments must be filed with the Secretary of the Commission at his office in Washington, D.C. and should conform with § 201.8 of the Commission's Rules of Practice and Procedure (19 CFR 201.8). Any person desiring confidential treatment as to commercial or financial information must submit that information on separate sheets of paper, each clearly marked "Confidential Business Information" at the top. All submissions requesting confidential treatment must conform with the requirements of § 201.6 of the Commission's Rules (19 CFR 201.6). All nonconfidential written

submissions will be made available to interested persons.

Hearing: Public hearings on the draft converted chapters will begin on March 30, 1983, in the Hearing Room of the U.S. International Trade Commission Building, 701 E Street, N.W., Washington, D.C. at 10 a.m. Requests for appearances at the hearing, including the name and address of any witness who will testify and the industry or organization, if any, which the witness represents, should be filed in writing with the Secretary of the Commission no later than the close of business on March 21, 1983. Requests should indicate the chapter or heading upon which the witness will express views and a brief indication of any position to be taken. Parties with a common interest in a chapter are encouraged to consolidate their oral presentations. The original and 14 copies of prepared testimony must be filed with the Secretary of the Commission at his office in Washington, D.C. not later than the close of business (5:15 p.m.) March 23, 1982. For further information on hearing procedures and rules of general application consult the Commission's Rules, Part 201 (19 CFR Part 201).

Copies of Documents: Copies of the chapters which are the subject of this notice are available for public inspection at the office of the Secretary 701 E Street, NW., Washington, DC 20436. The Secretary will also send copies of chapters to interested parties upon request; telephone (202) 523–5178.

FOR FURTHER INFORMATION CONTACT: Mr. Eugene A. Rosengarden, Director, or Mr. Holm Kappler, Deputy Director, Office of Tariff Affairs, U.S. International Trade Commission, 701 E Street, NW., Washington, DC 20436; telephone (202) 523–0370 or 0362.

SUPPLEMENTARY INFORMATION: In its public notices of February 8, 1980 (45 FR 9828 of February 13, 1980) March 21, 1980 (45 FR 19696 of March 26, 1980), August 15, 1980 (45 FR 55549 of August 20, 1980), June 24, 1981 (46 FR 34439 of July 1, 1981) and July 17, 1981 (46 FR 37824 of July 22, 1981) the Commission identified the 96 chapters of the Harmonized System for which texts had been provisionally adopted by the Harmonized System and the Nomenclature committees of the Customs Cooperation Council. Views and comments of interested parties with respect to the 96 chapters were sought, and the structure and technical development of the Harmonized System were described.

In response to a request dated August 24, 1981, by the President of the United States, the Commission instituted an investigation under section 332(g) of the Tariff Act of 1930 (19 U.S.C. 1332(g)) in order to prepare a basic draft converting the Tariff Schedules of the United States into the nomenclature structure of the Harmonized System. The President directed that the Commission's report, including the converted U.S. tariff schedule, be submitted no later than June 30, 1983. Guidelines for the conversion set by the President were set forth in the Commission's notice of the institution of investigation of September 16, 1981 (46 FR 47897 of September 30, 1981). The Commission published the first set of converted chapters for hearing and public comment on January 29, 1982 (47 FR 5369 of February 4, 1982). Hearings were held on those chapters on March 29, and 30, 1982. The second set of converted chapters was published for hearing and public comment on August 16, 1982 (47 FR 37317 of August 25, 1982). A hearing was held on those chapters on November 1, 1982.

This final set of chapters includes changes in two important areas. First, the "Rates of Duty 1" column has been divided into columns containing rates of duty 1 "General" and rates of duty 1 "Preferential." The "General" column contains the most-favored-nation rates now set forth in column 1 of the existing TSUS, while the "Preferential" column sets forth the preferential rates of duty provided for certain articles and countries under several trade agreement programs. An explanation of the rates of duty columns is provided in general legal note 3.

Second, revised texts of the general legal notes and general interpretive rules are included in each of the above-listed volumes. It should be noted that portions of general interpretive rule 6 regarding containers are published in square brackets; the wording of these provisions has not yet been finally determined by the Harmonized System and Nomenclature committees. Comments concerning the legal notes and rules are particularly sought, including specific views and general interpretive rule 6.

In preparing the converted U.S. tariff schedules, the Commission is seeking and taking into consideration the views of any interested person, of any trade or industry organization and of interested government agencies. Submissions should be directed at evaluating the draft conversion in light of the President's guidelines, in particular whether the conversion—

(a) Avoids, to the extent practical and consonant with sound nomenclature principles, changes in rates of duty on individual products;

(b) Simplifies the U.S. tariff structure to the extent possible without rate changes significant for U.S. industry, workers, or trade; and

(c) Alleviates administrative burdens on the Customs Service.

The Commission is utilizing the post-MTN rates of duty on individual products when analyzing impacts of any proposed changes.

Submissions should also address the probable effect of U.S. adoption of the converted tariff schedules on U.S. industries, workers, and trade. Submissions aimed primarily at seeking increases or reductions in existing tariff rates are not relevant and will not be entertained by the Commission.

By order of the Commission.

Issued: February 2, 1983.

Kenneth R. Mason,

Secretary.

[FR Doc. 83-3494, Filed 2-8-83; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 701-TA-182 (Final)]

Rail Passenger Cars and Parts Thereof From Canada

AGENCY: International Trade Commission.

ACTION: Change of time of public hearing.

SUMMARY: Notice is hereby given that the public hearing to be held in connection with United States International Trade Commission investigation No. 701-TA-182 (Final), Rail Passenger Cars and Parts Thereof from Canada, will begin at 12:00 noon, Tuesday, February 15, 1983, in the Commission's hearing room, U.S. International Trade Commission Building, 701 E Street, NW., Washington, D.C. A hearing time of 10:00 a.m. had previously been announced in the Commission's notice of institution of investigation as published in the **Federal Register** of December 15, 1982 (47 FR 56216).

By order of the Commission.

Issued: February 3, 1983.

Kenneth R. Mason,

Secretary.

[FR Doc. 83-3491 Filed 2-8-83; 8:45 am]

BILLING CODE 7020-02-M

INTERSTATE COMMERCE COMMISSION

Motor Carriers; Finance Applications; Decision-Notice

The following applications seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control of motor carriers pursuant to 49 U.S.C. 11343 or 11344. Also, applications directly related to these motor finance applications (such as conversions, gateway eliminations, and securities issuances) may be involved.

The applications are governed by 49 CFR 1182.1 of the Commission's Rules of Practice. See Ex Parte 55 (Sub-No. 44), *Rules Governing Applications Filed By Motor Carriers Under 49 U.S.C. 11344 and 11349*, 363 I.C.C. 740 (1981). These rules provide among other things, that opposition to the granting of an application must be filed with the Commission in the form of verified statements within 45 days after the date of notice of filing of the application is published in the **Federal Register**. Failure seasonably to oppose will be construed as a waiver of opposition and participation in the proceeding. If the protest includes a request for oral hearing, the request shall meet the requirements of Rule 242 of the special rules and shall include the certification required.

Persons wishing to oppose an application must follow the rules under 49 CFR 1182.2. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00, in accordance with 49 CFR 1182.2(d).

Amendments to the request for authority will not be accepted after the date of this publication. However, the Commission may modify the operating authority involved in the application to conform to the Commission's policy of simplifying grants of operating authority.

We find, with the exception of those applications involving impediments (e.g., jurisdictional problems, unresolved fitness questions, questions involving possible unlawful control, or improper divisions of operating rights) that each applicant has demonstrated, in accordance with the applicable provisions of 49 U.S.C. 11301, 11302, 11343, 113444, and 11349, and with the Commission's rules and regulations, that the proposed transaction should be authorized as stated below. Except where specifically noted this decision is neither a major Federal action significantly affecting the quality of the human environment nor does it appear to qualify as a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests as to the finance application *or* to any application directly related thereto filed within 45 days of publication (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (unless the application involves impediments) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, the duplication shall not be construed as conferring more than a single operating right.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice of effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

Agatha L. Mergenovich,

Secretary.

For the following, please direct status calls to Team 2 at 202–275–7030.

Volume No. OP2–MC–F–054

Dated: January 28, 1983.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC–F–15069, filed January 6, 1983. MBTL, INC. (MBTL) (8020 Enterprise St., Burnaby, BC, CD, V5A 1V7)—purchase (portion)—MITCHELL BROS. TRUCK LINES (debtor-in-possession) (MITCHELL) (P.O. Box 413, Clackamas, OR 97015). Representatives: David C. White, 2400 SW Fourth Ave., Portland, OR 97201; and John H. Durkheimer, 1111 Orbanco Bldg., 1001 SW Fifth Ave., Portland, OR 97204. MBTL seeks authority to purchase a portion of the interstate operating rights and property of Mitchell. V. W. Kross, the sole stockholder of MBTL, seeks authority to acquire control of said rights to the transaction. MBTL is seeking to acquire that portion of Mitchell's operating rights in Certificate No. MC–32882 (Sub-No. 156)X, issued April 28, 1981, which authorizes the transportation of *general commodities* (except classes A and B explosives), between ports of entry on the international boundary line in WA, on the one hand, and, on the other, points in CA, ID, MT, NV, OR, UT, and WA, restricted against tacking, joining, or combining with any authority presently held by the carrier. MBTL holds no authority from the Commission. V. W. Kross, a non-carrier, controls through ownership of stock, Pacific Freightways, Ltd. (MC–126461), and Hi-Ball Trucking & Warehousing, Ltd. (MC–148567).

Notes.—(1) An application for temporary authority has been filed. (2) The authority to be transferred in No. MC–32882 (Sub-No. 156)X supersedes authority held by Mitchell in No. MC–23682 (Sub-No. 50), issued October 29, 1974. At the parties request, cancellation of that portion of Mitchell's (Sub-No. 50) certificate which authorizes service "Between ports of entry in WA, on the one hand, and, on the other, points in CA, ID, MT, NV, OR, UT, and WA", has been ordered. (3) The remaining authority of Mitchell is sought to be purchased by Getter Trucking, Inc. in No. MC–F–15068.

MC–F–15068, filed January 6, 1983. GETTER TRUCKING, INC. (GETTER) (P.O. Box 1635, Billings, MT 59103)—purchase (portion)—MITCHELL BROS. TRUCK LINES (debtor-in possession) (Mitchell) (P.O. Box 413, Clackamas, OR 97015). (V. W. KROSS, Assignor). Representatives: John R. Davidson, Suite 805 First Bank Bldg., Billings, MT 59101; David C. White, 2400 S.W. Fourth Ave., Portland, OR 97201; and John H. Durkheimer, 1111 Orbanco Bldg., 1001 S.W. Fifth Ave., Portland, OR 97204. Getter seeks authority to purchase a portion of the interstate operating rights and property of Mitchell. Thomas I. Getter, Bruce E. Getter, and William R. Getter, the majority stockholders of Getter, seek authority to acquire control of said rights through the transaction. Getter is seeking to acquire that portion of Mitchell's operating rights contained in certificates No. MC–32882 and various sub-numbers thereunder, and letter notices E–1 through E–7 authorizing the transportation of general and specified commodities between points in AZ, CA, HI, ID, MT, NV, OR, UT, and WA. Getter is authorized to operate as a motor common carrier in No. MC–114761 and sub-numbers thereunder.

Notes.—(1) An application for temporary authority has been filed. (2) A portion of Mitchell's Sub-No. 156X authority is sought to be purchased by MBTL, Inc. in No. MC–F–15069. The parties have requested that Mitchell's authority in Certificate No. MC–32882 (Sub-No. 50), which has been superseded by Certificate No. MC–32822 (Sub-No. 156)X, be canceled. Accordingly, we will cancel the certificate in No. MC–32882 (Sub-No. 50), except that portion which authorizes the transportation of general commodities, with certain exceptions and restrictions, between ports of entry in WA, on the one hand, and, on the other, points in CA, ID, MT, NV, OR, UT, and WA, which portion has been canceled in No. MC–F–10569, at applicant's request.

Volume No. OP2–057

Dated: February 3, 1983.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC-F-14974, filed December 31, 1982. OZARK TRANSPORTATION, INC. (OZARK) (P.O. Box 203, Greenville, MO 63944)—purchase (portion)—INTER-FREIGHT TRANSPORTATION, INC. (INTER-FREIGHT) (One West Monroe Street, Third Floor, Chicago, IL 60603) (THOMAS E. RALEIGH, trustee-in-bankruptcy). Representatives: Joseph Winter, 29 S. LaSalle St., Chicago, IL 60603, and Thomas W. Drexler, 105 W. Madison St., Chicago, IL 60603. Ozark seeks authority to purchase a portion of the interstate operating rights of Inter-Freight. David Libla and Douglas Libla seek authority to acquire control of said rights through the transaction. The operating rights which Ozark seeks to purchase are set forth in that portion of Permit No. MC-146643 (Sub-No. 64), authorizing the transportation of general commodities (with exceptions), between points in the United States under continuing contract(s) with Motorola, Inc., of Schamburg, IL, that portion of Permit No. MC-148314 (Sub-No. 9)X which supersedes Sub-Nos. 14, 32 and 46 [the restriction removal authority in Sub-No. 9X supersedes Permit No. MC-146643 (Sub-Nos. 3, 10, 14, 16, 22, 24, 30, 32, 33, 35, 39, 40, 41, 43, 44, 45, 46, 48, 49 and 50] authorizing the transportation as a contract carrier of (a) such commodities as are dealt in by wholesale and retail hardware stores between points in the United States, under continuing contract(s) with Cotter and Company, of Chicago, IL, (b) chemicals and related products, and rubber and plastic products, between points in the United States under continuing contract(s) with Economics Laboratory, Inc., of St. Paul, MN; and (c) chemicals and related products, between points in the United States under continuing contract(s) with Purex Corporation of St. Louis, MO, and the authority in Permit No. MC-146643 (Sub-Nos. 14, 32, and 46) which has been superseded. Ozark holds motor common carrier authority under Docket No. MC-144844 and various sub-numbers thereunder. Condition: Final approval and authorization of the transaction will be withheld pending receipt by the Commission of an affidavit signed by David Libla, stating that he is a person in control of the transferee through 51% stock ownership and that he joins in the application. Pursuant to the Commission's decision in *Stewart Trucking Company, Inc.—Transferee and Stewart Trucking Company, Inc. Transferor,* ——— M.C.C. ——— (November 29, 1982), the parties have requested that No. MC-146643 (Sub-Nos. 14, 32, and 46) which were superseded by No. MC-148314 (Sub-No. 9)X, be transferred in conjunction with the pertinent portion of the Sub-No. 9X authority.

For the following, please direct status calls to Team 4 at 202-275-7669.

Volume No. OP4-F-058

Dated: January 27, 1983.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC-F-15074, filed January 10, 1983. NELSON TRUCKING OF BOYCEVILLE, INC. (NELSON) (P.O. Box 96, Boyceville, WI 54725)—purchase (portion)—ECKLEY TRUCKING, INC. (ECKLEY) (P.O. Box 156, Mead, NE 68041). Representative: A. J. Swanson, P.O. Box 1103, Sioux Falls, SD 57101-1103, and Wayne W. Wilson, 150 E. Gilman St., Madison, WI 53703-1490. Nelson seeks authority to purchase a portion of the interstate operating rights of Eckley. Arthur J. Nelson, Sr., and Arthur J. Nelson, Jr., seek authority to acquire control of said rights through the transaction. Nelson is purchasing that portion of Eckley's certificate No. MC-5227 (Sub-No. 15) paragraphs (1) and (2), authorizing the transportation over irregular routes of (1)(a) *metal and fiberglass containers, industrial blenders and dump station machines, frankfurter processing machines, sand blasters, truck hoists, tractor stilts, stock tank heaters, farm fertilizer applicators, and nurse tank wagons* (except commodities in bulk, in tank vehicles), and (b) *parts* of the commodities named in (a) above, from the plant site and storage facilities of Tote Systems, Division of Hoover Ball and Bearing Co., located at or near Lenox, IA and Beatrice, NE to points in the United States (except points in Hawaii); and (2) *equipment, materials and supplies* used in the manufacture of the commodities named in (1)(a) above (except commodities in bulk and those which, by reason of size or weight, require special handling or special equipment), from points in IL, IN, IA, KS, KY, MN, MO, OH, OK, PA, TX, and WI, to the plant site and storage facilities of Tote Systems, Division of Hoover Ball and Bearing Co., located at or near Lenox, IA, and Beatrice, NE. Nelson is authorized to operate as a motor common carrier in MC-147678 and sub-numbers thereunder.

For the following, please direct status calls to Team 5 at 202-275-7289.

Volume No. OP5-MCF-42

Dated: January 31, 1983.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC-F-15954, filed December 30, 1982. FRONTIER ENTERPRISES, INC. d.b.a. FRONTIER TRAVEL & TOURS (FRONTIER) (1923 North Carson Street, Carson City, NV 89701)—Control—GOLDEN STATE COACHES, INC. (GOLDEN) (920 American Way, Paradise, CA 95969), VACA VALLEY BUS LINES, INC. (VACA) (206 Peabody Road (Box 818), Fairfield, CA 94533), and QUALITY COACH LINES, INC. (Quality) (1923 North Carson Street, Carson City, NV 89701). Representative: Mike Pavlakis, P.O. Box 646, 402 N. Division Street, Carson City, NV. Frontier seeks authority to acquire control of Golden, Vaca, and Quality. David V. Lippincott, Clyde R. Lippincott, and Vance D. Lippincott, persons in control of Frontier, seek to acquire control of Golden, Quality, and Vaca through the transaction. Control is the result of the common interests of the parties as evidenced by their business and management relationships. Frontier operates as a broker of passenger transportation pursuant to its license in No. MC-130151 (Sub-No. 1). Golden is a motor common carrier of passengers, in charter and special operations, pursuant to authority in No. MC-143178 and subs thereunder. Golden is 52 percent owned by Frontier, and its officers and directors are David, Clyde, and Vance Lippincott. Vaca is a motor common carrier of passengers, in charter and special operations, holding authority in No. MC-99581 and subs thereunder. Control of Vaca by Frontier is evidenced by business and management relationships. Although Quality is not presently a motor common carrier, it has pending an application to transport passengers, in charter operations, in proceeding No. MC-153412. Quality is 100 percent owned by Frontier, and its officers and directors are David, Clyde, and Vance Lippincott. Consequently, we shall treat this portion of the application as one for approval of the continuance in control of Quality upon its institution of operations as a common carrier. The certificates of Golden and Vaca, and that sought by Quality, collectively authorize operations beginning and ending at points in California and Nevada and extending to points in the United States (except Hawaii), subject to certain restrictions.

Note.—(1) This application is ddirectly related to the application proceeding of Vaca in No. MC-99581 (Sub-No. 5).

[FR Doc. 83-3390 Filed 2-8-83; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Finance Applications; Decision Notice

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.

Agatha L. Mergenovich,

Secretary.

For status, please direct calls to Team 3 at 202–275–5223.

Volume No. OP3–MC–FC–49

Decided: February 1, 1983.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC–FC 81104. By decision of February 1, 1983, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1181, Review Board Number 1 approved the transfer to STX, INC., d.b.a. SPOTSWOOD TRAIL EXPRESS, Chester Springs, PA, of the entire authority in Certificate No. MC 162376, issued August 23, 1982, to SPOT, INC., d.b.a. SPOTSWOOD TRAIL EXPRESS, Hudson, NC, authorizing the transportation of furniture and fixtures, between points in NC. Representative for transferee and transferor: Terrell C. Clark, P.O. Box 25, Stanleytown, VA 24168.

For status, please direct calls to Team 4 at 202–275–7669.

Volume No. OP4–FC–066

Decided: February 3, 1983.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing. (Member Ewing not participating.)

MC–FC 81181. By decision of February 3, 1983, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1181, Review Board Number 2 approved the transfer to A & M MOVING AND STORAGE CO., INC., Hopkinsville, KY, of MC–162957, (Sub-No. 3) issued to KENTUCKY MOVING AND STORAGE COMPANY, INCORPORATED, Hopkinsville, KY, authorizing the transportation of household goods, between points in that part of KY on and west of U.S. Hwy 31W, not including Louisville, KY on the one hand, and, on the other, Evansville, IN, Copperhill, TN, and points in that part of TN west of U.S. Hwy 27. Transferee is not a carrier. Representative: Louis J. Amato, P.O. Box E, Bowling Green, KY 42101 for applicants.

[FR Doc. 83-3386 Filed 2-8-83; 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 Supart A of Part 1160 of the Commission's General Rules of Practice. See 49 CFR Part 1160, Subpart A, published in the **Federal Register** on November 1, 1982, at 47 FR 49583, which redesignated the regulations at 49 CFR 1100.251, published in the **Federal Register** December 31, 1980. For compliance procedures, see 49 CFR 1160.19. Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart B.

The following applications for motor common carriage of passengers, filed on or after November 19, 1982, are governed by Subpart D of 49 CFR Part 1160, published in the **Federal Register** on November 24, 1982 at 47 FR 53271. For compliance procedures, see 49 CFR 1160.86. Carriers operating pursuant to an intrastate certificate also must comply with 49 U.S.C. 10922(c)(2)(E). Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart E. In addition to fitness grounds, these applications may be opposed on the grounds that the transportation to be authorized is not consistent with the public interest.

Applicant's representative is required to mail a copy of an application, including all supporting evidence, within three days of a request and upon payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations.

We make an additional preliminary finding with respect to each of the following types of applications as indicated: comon 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 tranportation 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 requirement 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 oposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract." Applications filed under 49 U.S.C. 10922(c)(2)(B) to operate in intrastate commerce overy regular routes as a motor common carrier of passengers are duly noted. Please direct status inquiries to Team 3 at (202) 275–5223.

Volume No. OP3–49

Decided: February 1, 1983.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 123065 (Sub-15), filed December 14, 1982. Applicant: STX INC., d.b.a. SPOTSWOOD TRAIL EXPRESS, Redbone Rd., Chester Springs, PA 19425. Representative: Terrell C. Clark, P.O. Box 25, Stanleytown, VA 24168, (703) 629–2818. Transporting *furniture and fixtures*, between points in NC, on the one hand, and on the other, points in CT, DE, MA, MD, MI, NJ, NY, OH, PA, RI, and D.C.

Note.—This gateway elimination application is directly related to MC–FC 81104, published in this same volume.

For the following, please direct status calls to Team 4 at 202–275–7669.

Volume No. OP4–062

Decided: February 2, 1983.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing.

MC 4966 (Sub-29), filed January 21, 1983. Applicant: JONES TRANSFER COMPANY, P.O. Box 717, Monroe, MI 48161. Representative: Thomas M. Hummer (same address as applicant), (313) 241–4120, Ext. 2107. Transporting *general commodities* (except classes A and B explosives, and household goods and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Ford Motor Company, of Dearborn, MI.

MC 141396 (Sub-13), filed January 24, 1983. Applicant: DELP, INC., 1000 Schmieding Lane, Springdale, AR 72764. Representative: Don Garrison, P.O. Box 1065, Fayetteville, AR 72702, (501) 521–8121. Transporting *general commodities* (except classes A and B explosives, and household goods between points in the U.S. (except AK and HI), under continuing contract(s) with H. C. Schmiedling Produce, Inc., of Springdale, AR.

MC 159027 (Sub-5), filed January 24, 1983. Applicant: EXPRESSWAY, INC., P.O. Box 697, Greer, SC 29651. Representative: Mitchell King, Jr., P.O. Box 5711, Greenville, SC 29606, (803) 288–6000. Transporting *general commodities* (except classes A and B explosives, and household goods and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Charlotte Freight Association, Incorporated, of Charlotte, NC, and Greater Atlanta Shippers Association, Inc., of Atlanta, GA.

MC 160767 (Sub-7), filed January 25, 1983. Applicant: LADD TRANSPORTATION, INC., No. 1, Plaza Center, Box HP 3, High Point, NC 27261. Representative: Beverly C. Davis (same address as applicant), (919) 889–0333. Transporting *general commodities* (except classes A and B explosives, and household goods and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Northern Petrochemical Company, of Omaha, NE; West Coast Shippers Association, of Philadelphia, PA; JFG Coffee Company, of Knoxville, TN; Ball Corp., of Muncie, IN; and Consumer Products div. of Borden, Inc., of Columbus, OH.

MC 161686, filed January 24, 1983. Applicant: LEWIS B. FISHER, d.b.a. FISHER TRUCKING AND CARTAGE, 1343 Buford Rd., Richmond, VA 23235. Representative: Carroll B. Jackson, 1810 Vincennes Rd., Richmond, VA 23229, (804) 282–3809. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S. (except AK and HI), under continuing contract(s) with Ralston Purina Co., of St. Louis, MO.

MC 161847, filed January 24, 1983. Applicant: MEL PEARL, 380 Sutherland Lane, Reno, NV 89511. Representative: Robert G. Harrison, 4299 James Dr., Carson City, NV 89701, (702) 882–5649. 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 Pittsburgh-DesMoines Steel Co., of Sparks, NV.

MC 164426, filed January 25, 1983. Applicant: ALBERT MOVING & STORAGE, 406 4th St., Wichita Falls, TX 76307–1919. Representative: David Earl Tinker, 1000 Connecticut Ave., N.W., Suite 1112, Washington, DC 20036–5391, (202) 887–5868. Transporting *household goods* and *furniture and fixtures*, between points in the U.S. (except VT).

MC 165896, filed January 25, 1983. Applicant: JAMES W. KING, 422 W. College St., Kenton, TN 38233. Representative: B. W. LaTourette, Jr., 11 S. Meramec, Suite 1400, St. Louis, MO 63105, (314) 727–0777. Transporting *rubber and plastic products*, between points in TN, AR, IL, MS and MO, on the one hand, and, on the other, points in IN, KS, MO, OH, NE, and PA.

Volume No. OP4–064

Decided: February 2, 1983.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing. (Member Ewing not participating.)

FF 657, filed January 25, 1983. Applicant: ASC FORWARDING, INC., 3233 Pacific Heights Rd., Honolulu, HI 96813. Representative: Portia N. Asato, (same address as applicant), (808) 532–7186. As a freight forwarder in connection with the transportation of *household goods, baggage and automobiles*, between points in the U.S.

MC 155377 (Sub-4), filed January 26, 1983. Applicant: PGT TRUCKING, INC., P.O. Box 197, Rt. 68, Industry, PA 15052. Representative: Jon F. Hollengreen, 1020 Pennsylvania Bldg., Pennsylvania Ave. & 13th St., NW Washington, DC 20004, (202) 628–4600. Transporting *lumber and wood products*, between points in the U.S. (except AK and HI), on the one hand, and, on the other, ports of entry on the International Boundary Line between the U.S. and Canada, at points in ME, MI, NH, NY and VT.

MC 158307 (Sub-3), filed January 27, 1983. Applicant: WAYNE BROWN TRANSPORT, INC, 1109 Barlow St., Lafayette, IN 47903. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. Transporting *food and related products*, between points in Sheboygan County, WI, on the one hand, and, on the other, points in NC, SC, GA, FL, TX, MS, LA, TN, AL, AR, IL, IN, KY, MO, WV and OH.

MC 165956, filed January 28, 1983. Applicant: R & T, INC., Old Delsea Dr., Malaga, NJ 08328. Representative:

Walter James Defrates (same address as applicant), (609) 694–2000. Transporting *general commodities* (except class A and B explosives, household goods and commodities in bulk), between points in the U.S., under continuing contract(s) with Aircraft Part Corporation, of Farmingdale, NY, Bohem Skylights, Inc., of Burlington, NJ, Continental Polymers, Inc., of Compton, CA, Kar Products, Inc., of Des Plaines, IL, A. Matteo, Inc., of Thorofare, NJ, Merit Machine Co., Inc., of Pittsburgh, PA, Polish American Machinery Corporation, of Elk Grove Village, IL, and Statewide Hi-Way Safety, Inc., of Hammonton, NJ.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-3387 Filed 2-8-83; 8:45 am]

BILLING CODE 7035-01-M

[Volume No. OP2-058]

Motor Carriers; Permanent Authority Decisions; Decision-Notice; 90-Day Intrastate Motor Common Carriers of Passengers

Decided: February 3, 1983.

The following applications, filed on or after November 19, 1982, are governed by Part 1168 of the Commission's Rules of Practice. See 49 CFR Part 1168, published in the **Federal Register** on November 24, 1982, at 47 FR 53275. For compliance procedures, see 49 CFR 1168.6 and 49 U.S.C. 10922(c)(2)(E).

Persons wishing to oppose an application must follow the rules under 49 CFR Part 1168. In addition to fitness grounds, applications may be opposed on the grounds that the transportation to be authorized would directly compete with a commuter bus operation and would have a significant adverse effect on all commuter bus service in the area in which the competing service will be performed. Applicant's representative is required to mail a copy of an application, including all supporting evidence, within three days of a request and upon payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 25 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will 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 30 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.

By the Commission, Review Board Number 1, Members Parker, Chandler, and Fortier (Member Fortier not participating).

Agatha L. Mergenovich,

Secretary.

Note.—All applications are filed under 49 U.S.C. 10922(c)(2)(A) for authority to operate as a motor common carrier of passengers in intrastate commerce on a route over which applicant has interstate, regular-route authority on November 19, 1982.

Please direct status inquiries to Team 2, (202) 275–7030.

MC 135552 (Sub-6), filed January 17, 1983. Applicant: SCENIC TRAILS, INC., 700 North Third St., LaCrosse, WI 54601. Representative: Stanley C. Olsen, Jr., 5200 Willson Rd., Suite 307, Edina, MN 55424, 612–927–8855. Applicant seeks authority in intrastate commerce to conduct service at all intermediate points on all regular routes in their entirety in No. MC–135552 and (Sub-Nos. 1, 4, and 5) which traverse WI, IA, IL, and MN.

[FR Doc. 83-3388 Filed 2-8-83; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Restriction Removals; Decision-Notice

The following restriction removal applications are governed by 49 CFR Part 1165. Part 1165 was published in the **Federal Register** of December 31, 1980, at 45 FR 86747 and redesignated at 47 FR 49590, November 1, 1982.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1165.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

Findings

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with the criteria set forth in 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory regulatory requirements for common and contract carriers.

By the Commission, Review Board No. 2, Members Carleton, Williams and Ewing.

Agatha L. Mergenovich,

Secretary.

For status, please call Team 3 at 202–275–5223.

Volume No. OP3–40

Decided: January 31, 1983.

(Member Ewing not participating.)

MC 148624 (Sub-5)X, filed December 27, 1982. Applicant: BOB'S TRANSPORT & STORAGE CO., INC., 7081 Oakland Mills, Columbia, MD 21046. Representative: Michael R. Werner, Esq., 241 Cedar Lane, Teaneck, NJ 07666. Sub-No. 4: remove those requiring special equipment to authorize "General Commodities" (except classes A and B explosives, household goods and commodities in bulk).

For status, please call Team 4 at 202–275–7669.

Volume No. OP4–059

Decided: February 1, 1983.

MC 153126 (Sub-1)X, filed January 10, 1983. Applicant: D & D TRUCKING, INC., Box 302, Hwy. 100, Linden, TN 37096. Representative: Roland M. Lowell, 501 Union St., Nashville, TN 37219, (615) 255-0540. Applicant seeks to remove restrictions from MC-140123 Sub 2, 5 and 6 certificates obtained in MC-FC-78902: (1) broaden (a) in Subs 2 and 5 ties, timbers, poles, piles, crossarms, etc, to "forest products, lumber and wood products," and (b) in Sub 6 steel tubing, steel coils and steel bars to "metal, metal products and those commodities which because of their size and weight require the use of special handling or equipment," (2) broaden to allow two-way operation, (3) remove restrictions against service at Nashville and Memphis, TN, and (4) broaden facility at Linden, TN to Perry County, TN.

Volume No. OP5-36

Decided: January 28, 1983.

For status, please call Team 5 at 202-275-7289.

MC 2229 (Sub-280)X, filed January 10, 1983. Applicant: SPECTOR RED BALL, INC., 3177 Irving Blvd., P.O. Box 47407, Dallas, TX 75247. Representative: J. Raymond Chesney (same address as applicant), (214) 631-4220. Sub No. 205 Certificate: (1) broaden general commodities (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment) to "general commodities (except classes A and B explosives, household goods, and commodities in bulk)"; (2) broaden off-route points within 25 miles of regular routes in CA to off-route points of Alameda, Alpine, Amador, Butte, Calaveras, Colusa, Contra Costa, Del Norte, El Dorado, Fresno, Glenn, Humboldt, Kern, Kings, Lake, Los Angeles, Madera, Marin, Mariposa, Mendocino, Merced, Mono, Monterey, Napa, Nevada, Orange, Placer, Plumas, Riverside, Sacramento, San Benito, San Bernardino, San Diego, San Francisco, San Joaquin, San Luis Obispo, San Mateo, Santa Barbara, Santa Clara, Santa Cruz, Siskiyou, Solano, Sonoma, Stanislaus, Sutter, Trinity, Tulare, Tuolumne, Ventura, Yolo, and Yuba Counties, CA; and (3) remove restrictions against local service between points in Los Angeles Commercial Zone and between San Francisco Commercial Zone and described area.

MC 13028 (Sub-22)X, filed December 22, 1982. Applicant: BONANZA BUS LINES, INC., 27 Sabine St., P.O. Box 1116, Annex Station, Providence, RI 02901. Representative: John R. Sims, Jr., 915 Pennsylvania Bldg., 425 13th St., NW., Washington, DC 20004, (202) 737-1030. Applicant seeks (a) in its lead and subs 5, 6, 7, 16, and 17, to remove intermediate point restrictions from the following regular-route authority between: Junction RI Hwys. 114 and 136 south of Bristol, RI, and junction U.S. Hwy. 6 and RI Hwy. 114; Boston, MA, and Suffolk Downs, East Boston, and Revere, MA; Taunton, MA, and Middleboro, MA; junction Douglas Pike and Twin River Road northwest of Providence, RI, and junction Twin River Road and RI Hwy. 146; Falmouth, MA, and Hyannis, MA; West Barnstable, MA, and Marstons Mills, MA; Sagamore, MA, and Plymouth, MA; Boston, MA, and Plymouth, MA; Quincy, MA, and Kingston, MA; junction MA Hwy. 3A and unnumbered hwy. (Rockland Street) at traffic circle in Hingham, MA, and junction unnumbered hwy. and MA Hwy. 3A at Greenbush, MA; junction MA Hwy. 3A and unnumbered hwy. at North Scituate, MA, and junction unnumbered hwy. and old MA Hwy 3A (now known as Country Way); junction MA Hwys. 3A and 139 at Marshfield, MA, and junction MA Hwys. 3A and 139; junction MA Hwys. 28 and 123 in Brockton, MA, and junction MA Hwys. 27 and 3 in Kingston, MA; junction MA Hwys. 105 and 28 in Middleboro, MA, and junction MA Hwys., 18 and 3 in Weymouth, MA; Boston, MA, and South Easton, MA; junction MA Hwys. 1A and 11 at Wampum Corner, MA, and junction unnumbered hwy. (George Washington Hwy.) and RI Hwy. 146; North Scituate, RI, and junction unnumbered hwy. (Douglas Pike) and RI Hwy. 116 in Smithfield, RI; junction RI Hwys. 146 and 5 north of Slatersville, RI, and junction RI Hwy. 146 and unnumbered hwy. (Park Avenue) south of Woonsocket, RI; junction Alternate U.S. Hwy. 1 and RI Hwy. 114 and junction RI Hwy. 114 in Pawtucket, RI, with carrier's route between Providence, RI, and Boston, MA; junction RI Hwys. 114 and 103, and junction RI Hwy. 114 and Federal Road, in the Town of Barrington; junction U.S. Hwys. 44 and 6 (near Hartford, CT), and junction RI Hwy. 101 and U.S. Hwy. 6; junction unnumbered hwy. (Douglas Pike) and RI Hwy. 116 in the Town of Smithfield, RI, and junction MA Hwy. 123 and Alternate U.S. Hwy. 1 and Barrows Street with Alternate U.S. Hwy. 1; Centerdale, Town of North Providence, RI, and Narragansett Park Race Track, Pawtucket, RI; North Woodstock, CT, and Southbridge, MA; Greenville, RI, and Providence, RI, Pawtucket, RI, and the Lincoln Race Track at Lincoln, RI; junction U.S. Hwy. 1 and MA Hwy. 128 and Pawtucket, RI; Boston, MA, and Lincoln Race Track at Lincoln, RI; junction U.S. Hwy. 7 and CT Hwy. 35 north of Ridgefield, CT, and White Plains, NY; White Plains, NY, and New York, NY; Hartford, CT, and Plainville, CT; Danbury, CT, and Bedford Village, NY; Danbury, CT, and intersection Tuckahoe Road and the NY Thruway; White Plains, NY, and junction Tuckahoe Road, and the NY Thruway; Milldale, CT, and Hartford, CT; Pittsfield, MA, and Danbury, CT; junction Interstate 95 and Cross Westchester Expressway at Interchange No. 13, and New York, NY; and Hartford, CT, and Providence, RI; (b) in its lead to remove a restriction prohibiting the transportation of passengers, baggage, express, and newspapers between all points between Fall River, MA, and Newport, RI; and (c) in its Sub 17 to remove a restriction prohibiting the transportation of passengers moving from or to New York.

MC 127219 (Sub-6)X, filed January 13, 1983. Applicant: KEREK AIR FREIGHT CORPORATION, P.O. Box 4621, Lancaster, PA 17604. Representative: Peter A. Greene, 1920 N St., NW., Suite 700, Washington, DC 20036, (202) 331-8800. (1) Subs 1, 3, 4, and 5: (a) broaden general commodities, with exceptions, to "general commodities (except classes A and B explosives)," and (b) remove the ex-air restriction; (2) Subs 1 and 4: remove the restrictions against radial service between points in Berks and Schuylkill Counties, PA, points in part of Northumberland, Montour, and Columbia Counties, PA, and the Philadelphia Airport, and between Lackawanna County, PA, and Kennedy International and Newark Airports; (3) Sub 1: expand (a) Philadelphia International Airport, Philadelphia, PA, to Montgomery, Philadelphia, Bucks, Chester, and Delaware Counties, PA, Salem, Gloucester, Burlington, Camden, Mercer, Hunterdon, and Monmouth Counties, NJ, and New Castle County, DE, and (b) Middletown, PA, to Dauphin County, PA; (4) Sub 3: expand Lancaster, PA, to Lancaster County, PA; and (5) Sub 4: expand (a) Friendship International Airport to Baltimore, MD, and Ann Arundel County, MD, (b) Washington National Airport to Washington, DC, (c) Dulles International Airport to Fairfax and Loudon Counties, VA, (d) John F. Kennedy International Airport and LaGuardia Airport to New York, NJ, and (e) Newark International Airport to Essex County, NJ.

MC 136968 (Sub-2)X, filed January 10, 1983. Applicant: IRMAR TRUCKING, INC., 3701 National Road, Richmond, IN 47374. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240, (317) 846–6655. Sub No. 1 permit: (1) broaden florists and decorator foam to "such commodities as are dealt in by wholesale and retail florists", and (2) expand the territorial description to between points in the United States, under continuing contract(s) with a named shipper.

[FR Doc. 83-3389 Filed 2-8-83; 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 where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce, over irregular routes unless noted otherwise. Applications for motor contract carrier authority are those where service in for a named shipper "under contract." Please direct status inquires to Team 1, (202) 275–7992.

Volume No. OP1–48

Decided: February 1, 1983.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 58440 (Sub-8), filed January 17, 1983. Applicant: SCENIC HAWKEYE STAGES, INC., 703 Dudley Street, Decorah, IA 52101. Representative: James M. Hodge, 3730 Ingersoll Avenue, Des Moines, IA 50312, (515) 274–4985. Transporting *passengers*, in charter and special operations, between points in the U.S.

Note.—Applicant seeks privately-funded charter and special transportation.

MC 113770, filed January 14, 1983. Applicant: WILLIAM S. CARROLL, INC., 640 Hammond St., Brookline, MA 02167. Representative: James F. Martin, Jr., 8 W. Morse Road, Bellingham, MA 02019, (617) 966–2093. 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 165850, filed January 21, 1983. Applicant: TREK TOURS OF AMERICA CORP., P.O. Box 9023, Lester, PA 19113. Representative: Larry R. McDowell, 1200 Avenue of the Arts Bldg., Philadelphia, PA 19107, (215) 365–5141. Transporting *passengers*, in charter and special operations, between points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

For the following, please direct status calls to Team 2 at 202–275–7030.

Volume No. OP2–055

Decided: February 1, 1983.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 13492 (Sub-12), filed January 4, 1983. Applicant: NORTH BOULEVARD TRANSPORTATION CO., 437 Tonnele Ave., Jersey City, NJ 07306. Representative: W. C. Mitchell, 370 Lexington Ave., New York, NY 10017, (212) 532–5100. Transporting *passengers*, in charter and special operations, between points in the U.S. (including AK and HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 165503, filed January 4, 1983. Applicant: DELTA TRANSIT, INC., 7323 Chef Menteur Highway, New Orleans, LA 70126. Representative: Kenneth J. Berke (same as applicant), (504) 949–0410.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 165593, filed January 10, 1983. Applicant: SHAW & SONS EXCAVATING & HAULING, INC., 500 Bennington, Kansas City, MO 64125. Representative: Arthur J. Cerra, 2100 CharterBank Center, P.O. Box 19251,

Kansas City, MO 64141, 816–842–8600. As a *broker* of *general commodities* (except household goods), between points in the U.S.

MC 165613, filed January 10, 1983. Applicant: NEW ENGLAND COURIER, INC., 480–490 Willow St., P.O. Box 4393, Manchester, NH 03108. Representative: Frank J. Weiner, 15 Court Square, Boston, MA 02108, 617–742–3530. Transporting *shipments weighting 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S. (except AK and HI).

MC 165643, filed January 10, 1983. Applicant: RAY EMERICK'S WAREHOUSE CO., INC., 2100 N. 15th St., Melrose Park, IL 60160. Representative: Thomas A. Emerick (same address as applicant), 312–343–6206. As a *broker of general commodities* (except household goods), between points in the U.S.

For the following, please direct status calls to Team 4 at 202–275–7669.

Volume No. OP4–063

Decided: February 2, 1983.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing.

MC 141967 (Sub-1), filed January 25, 1983. Applicant: KEITH KRUG, Billings Ave., Medford, WI 54451. Representative: Richard A. Westley, 4506 Regent St., Suite 100, P.O. Box 5086, Madison, WI 53705–0086, (608) 238–3119. Transporting *passengers*, in charter and special operations, between points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 142007 (Sub-2), filed January 25, 1983. Applicant: OTTE BUS SERVICE, INC., Route 1, Cedar Grove, WI 53013. Representative: Bruce E. Mitchell, Suite 520, 3390 Peachtree Rd., NE., Atlanta, GA 30326, (404) 262–7855. Transporting *passengers*, in charter and special operations, between points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 145167 (Sub-1),filed January 25, 1983. Applicant: CHECKERLLAC TRANSPORTATION, INC.; trading as TOWN & COUNTRY COACH; 184 Willowbrook Rd.; Staten Island, NY 10302. Representative: Arthur J. Piken, Queens Office Tower, 95–25 Queens Blvd., Rego Park, NY 11374, (212) 275–1000. 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 165906, filed January 26, 1983. Applicant: THOMAS H. FAIRCLOGH, d.b.a., TOM FAIRCLOGH TRUCKING, 8301 Stanley Rd., Bloomington, MN 55437. Representative: Tom Fairclogh (same address as applicant), (612) 831–0441. 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 the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

Volume No. OP4–065

Decided: February 2, 1983.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing. (Member Ewing not participating).

MC 114416 (Sub-16), filed January 27, 1983. Applicant: WESTERN TRANSPORT CRANE & RIGGING; P.O. Box 3507, 100 Western Way, Missoula, MT 59806. Representative: Henry C. Winters, P.O. Box 5613, Bellevue, WA 98006, (206) 644–2100. As a *broker of general commodities* (except household goods), between points in the U.S.

MC 156486 (Sub-1), filed January 25, 1983. Applicant: ARDIS TRAVEL AGENCY, INC., 256 Park Ave., E. Rutherford, NJ 07073. Representative: Ronald E. Shapss, 450 Seventh Ave., New York, NY 10123, (212) 239–4610. Transporting *passengers*, in charter and special operations, between points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 156766 (Sub-2), filed January 27, 1983. Applicant: G.A.L. & S. TRUCKING, INC., P.O. Box 709, Enumclaw, WA 98022. Representative: Jim Pitzer, 15 S Grady Way, Suite 321, Renton, WA 98055, (206) 235–1111. As a *broker of general commodities* (except household goods), between 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. OP5–38

Decided: January 28, 1983.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 165438, filed December 30, 1983. Applicant: DAVID WEIDERHOLT, 101 E. Elm St., Stanberry, MO 64489. Representative: Carol J. Akins, Route 1, King City, MO 64463, 816–535–4577. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs) *agricultural limestone and fertilizers, and other soil conditioners*, by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

Volume No. OP5–41

Decided: January 31, 1983.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing. (Member Ewing not participating.)

MC 20709, filed January 19, 1983. Applicant: ROBERT W. MERRELL, INC., 26 Academy Terrace, Linden, NJ 07036. Representative: Philip Beviano (same address as applicant), (201) 486–6603. 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 165649, filed January 11, 1983. Applicant: CARGO MANAGEMENT, INC., 8612 Muller St., Downey, CA 90241. Representative: William J. Monheim, P.O. Box 1756, Whittier, CA 90609, 213–945–2745. To operate, in interstate or foreign commerce, as a *broker* of *general commodities* (except household goods), between points in the U.S.

MC 165678, filed January 14, 1983. Applicant: HAULMART, INC., 840 Hinckley Road, No. 223, Burlingame, CA 94010. Representative: Russel W. Blood (same address as applicant), (415) 697–1722. As a *broker* of *general commodities* (except household goods), between points in the U.S. (except AK and HI).

MC 165788, filed January 18, 1983. Applicant: COMFORT BUS COMPANY, INC., d.b.a. COMFORT COACHES, P.O. Box 254, Lake Elmo, MN 55042. Representative: Lee Rossow, 8628 Ironwood Trail North, Lake Elmo, MN 55042, (612) 770–5046. Transporting *passengers*, in charter and special operations, between points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 165799, filed January 18, 1983. Applicant: EXTRANSCO, INC., 1524 No. Farwell Ave., Milwaukee, WI 53202. Representative: Steven J. Kalish, 1750 Pennsylvania Ave., NW., Washington, DC 20006, (202) 393–5710. To operate as a *broker* of *general commodities* (except household goods), between points in the U.S. (except AK and HI).

MC–165819, filed January 21, 1983. Applicant: CHARLES J. LOWMAN, d.b.a. COLUMBUS CHARTER SERVICE, 11635 West 700 South, Columbus, IN

47201. Representative: Harold C. Jolliff, 3242 Beech Drive, Columbus, IN 47201, (812) 379–2556. Transporting *passengers*, in charter and special operations, beginning and ending at points in IN, and extending to points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC–165828, filed January 21, 1983. Applicant: SAM C. LOBRUTTO, d.b.a. YATESVILLE BUS COMPANY, 107 Pine Street, Pittston, PA 18640. Representative: Paul J. Kenworthy, P.O. Box 25, Clarks Summit, PA 18411, (717) 587–2533. Transporting *passengers*, in charter and special operations, beginning and ending at points in Lackawanna, Luzerne and Wyoming Counties, PA, and extending to those points in the U.S. in and east of LA, AR, MO, IA and MN.

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC–165829, filed January 21, 1983. Applicant: DISTRON TRANSPORTATION SYSTEMS, INC., 7360 North Kendall Dr., Miami, FL. 33156. Representative: Stephen Murphy (same address as applicant), 305–596–7036. As a *broker* of *general commodities* (except household goods), between points in the U.S. (except AK and HI).

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-3391 Filed 2-8-83; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 30105]

Iowa Railroad Co.; Securities Exemption

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: The Interstate Commerce Commission exempts from the requirements of prior approval under 49 U.S.C. 11301 the issuance of 76,000 shares of common stock by Iowa Railroad Company to its current shareholders.

DATES: This exemption will be effective on March 11, 1983. Petitions to stay the effectiveness of this decision must be filed by February 21, 1983, and petitions for reconsideration must be filed by March 1, 1983.

ADDRESSES: Send pleadings to:

(1) Rail Section, Room 5349, Interstate Commerce Commission, Washington, DC 20423

(2) Petitioner's representatives: Sander M. Bieber, Dechert Prince & Rhoads, 1730 Pennsylvania Avenue, NW., Washington, DC 20006

Pleadings should refer to Finance Docket No. 30105.

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 and Constitution Ave., NW., Washington, DC 20423, (202) 289–4357—DC Metropolitan area, (800) 424–5403—Toll free for outside the DC area.

Decided: February 2, 1983.

By the Commission, Chairman Taylor, Vice Chairman Sterrett, Commissioners Gilliam, Andre, Simmons, and Gradison. Commisioner Gilliam did not participate.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-3384 Filed 2-8-83; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket 30101]

Norfolk and Western Railway Co.—Abandonment Exemption; Wyoming County, WV

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: The Interstate Commerce Commission exempts from the requirement of prior approval under 49 U.S.C. 10903 *et seq.*, the abandonment by Norfolk and Western Railway Company of 1.7 miles of line in Wyoming County, WV, subject to standard labor protection provisions.

DATES: This exemption shall be effective on February 9, 1983. Petitions to reopen must be filed by March 1, 1983.

ADDRESSES: Send pleadings to:

(1) Rail section, Room 5349, Interstate Commerce Commission, Washington, DC 20423

(2) Petitioner's representative: Angelica D. Lloyd, 8 North Jefferson Street Roanoke, VA 24042–0041

Pleadings should refer to Finance Docket No. 30101.

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 and Constitution Ave., NW., Washington, DC 20423, (202) 289–4357—DC metropolitan area, (800) 424–5403—Toll free for outside the DC area.

Decided: February 2, 1983.

By the Commission, Chairman Taylor, Vice Chairman Sterrett, Commissioners Gilliam, Andre, Simmons, and Gradison. Commissioner Gilliam did not participate.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-3384 Filed 2-8-83; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket 30055]

National Railroad Passenger Corp.—Compensation; Commuter Use of Northeast Corridor

AGENCY: Interstate Commerce Commission.

ACTION: Notice of decision.

SUMMARY: This proceeding is discontinued with respect to disputes over compensation for the use of certain facilities between National Railroad Passenger Corporation (Amtrak) and Southeastern Pennsylvania Transportation Authority (SEPTA) and the New Jersey Transit Corporation (NJT).

DATES: Amtrak and/or NJT may seek to reopen this proceeding no later than 60 days after issuance of the final decision in Ex Parte No. 417.

ADDRESSES: Petitions to reopen should be filed with: Rail Section, Room 5349, Interstate Commerce Commission, Washington, DC 20423.

Pleadings should refer to Finance Docket No. 30055.

FOR FURTHER INFORMATION CONTACT:

Stephen Grimm, (202) 275–0839

or

Elaine Kaiser, (202) 275–0907

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. To purchase a copy of the full decision contact: TS Infosystems, Inc., Room 2227, 12th and Constitution Ave., NW., Washington, DC 20423, (202) 289–4357—DC metropolitan area, (800) 424–5403—Toll free for outside the DC area.

Decided: February 2, 1983.

By the Commission, Chairman Taylor, Vice Chairman Sterrett, Commissioners Gilliam, Andre, Simmons, and Gradison. Commissioner Gilliam did not participate.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-3385 Filed 2-8-83; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Manufacturer of Controlled Substances; Application

Pursuant to § 1301.43(a) of Title 21 of the Code of Federal Regulations (CFR), this is notice that on August 9, 1982, Pharmaceuticals Division, Ciba-Geigy Corporation, 556 Morris Avenue, Summit, New Jersey 07901, made application to the Drug Enforcement Administration (DEA) for registration as a bulk manufacturer of the Schedule II controlled substance Methylphenidate (1724).

Any other such applicant and any person who is presently registered with DEA to manufacture such substance may file comments or objections to the issuance of the above application and may also file a written request for a hearing thereon in accordance with 21 CFR 1301.54 and in the form prescribed by 21 CFR 1316.47.

Any such comments, objections or requests for a hearing may be addressed to the Deputy Assistant Administrator, Drug Enforcement Administration, United States Department of Justice, 1405, I Street, N.W., Washington, D.C. 20537, Attention: DEA Federal Register Representative (Room 1203), and must be filed no later than March 11, 1983.

Gene R. Haislip,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

February 1, 1983.

[FR Doc. 3503 Filed 2-8-83; 8:45 am]

BILLING CODE 4410-09-M

Manufacturer of Controlled Substances; Correction

On January 6, 1983, the Drug Enforcement Administration published a Notice of Application in the **Federal Register** (Vol. 48, No. 4, pgs. 757 and 758) stating that the Pharmaceuticals Division, Ciba-Geigy Corporation, 556 Morris Avenue, Summit, New Jersey 07901, had submitted an application for registration as a bulk manufacturer of Phenylacetone (8501), a basis class of controlled substance in Schedule II.

This Notice advises that the Pharmaceuticals Division, Ciba-Geigy Corporation, 556 Morris Avenue, Summit, New Jersey 07901, did not apply for registration as a bulk manufacturer of Phenylacetone (8501).

The Notice of Application on January 6, 1983, pertaining to Phenylacetone (8501), is hereby withdrawn.

Gene R. Haislip,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

February 1, 1983.

[FR Doc. 83-3502 Filed 2-8-83; 8:45 am]

BILLING CODE 4410-09-M

NUCLEAR REGULATORY COMMISSION

Abnormal Occurrence Report; Section 208 Report Submitted to the Congress

Notice is hereby given that pursuant to the requirements of Section 208 of the Energy Reorganization Act of 1974, as amended, the Nuclear Regulatory Commission (NRC) has published and issued the periodic report to Congress on abnormal occurrences (NUREG–0090, Vol. 5, No. 3).

Under the Energy Reorganization Act of 1974, which created the NRC, an abnormal occurrence is defined as "an unscheduled incident or event which the Commission (NRC) determines is significant from the standpoint of public health or safety." The NRC has made a determination, based on criteria published in the **Federal Register** (42 FR 10950) on February 24, 1977, that events involving an actual loss or significant reduction in the degree of protection against radioactive properties of source, special nuclear, and byproduct materials are abnormal occurrences.

This report to Congress is for the third calendar quarter of 1982. The report identifies the occurences or events that the Commission determined to be significant and reportable; the remedial actions that were undertaken are also described. During the report period, there were two abnormal occurrences; one at a licensed nuclear power plant and one at another NRC licensee. The first involved loss of auxiliary electrical power and the second involved rupture of at least one americium-241 well logging source. The Agreement States reported no abnormal occurrrences to the NRC.

The report also contains information updating some previously reported abnormal occurrences.

Interested persons may review the report at the NRC's Public Document Room, 1717 H Street, NW, Washington, D.C., or at any of the nuclear power plant Local Public Document Rooms throughout the country. Single copies of the report, designated NUREG–0090, Vol. 5, No. 3, may be purchased from the National Technal Information Service, Springfield, Virginia 22161.

A year's subscription to the NUREG–0090 series publication, which consists of four issues, is available from the NRC/GPO Sales Program, Division of Technical Information and Document Control, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Microfiche of single copies of the publication are also available from this source.

Dated at Washington, D.C., this 4th day of February 1983

For the Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 83-3534 Filed 2-8-83; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards; Subcommittee on Clinch River Breeder Reactor; Working Group on Systems Integration and Instrumentation and Control; Meeting

The ACRS Subcommittee on Clinch River Breeder Reactor (CRBR) Working Group on Systems Integration and Instrumentation Control will hold a meeting on February 24, 1983, Room 1167, 1717 H Street, NW., Washington, DC. The Subcommitee will continue its discussions of the design of the plant protection and control systems, the reliability program, actions resulting from the post-TMI-2 accident review, and the use of human factors engineering in the design. Notice of this meeting was published January 18, 1983.

In accordance with the procedures outlined in the **Federal Register** on October 1, 1982 (47 FR 43474), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Cognizant Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The entire meeting will be open to public attendance.

The agenda for subject meeting shall be as follows:

Thursday, February 24, 1983—8:30 a.m. until the conclusion of business.

During the initial protion of the meeting, the Subcommittee, along with any of its consultants who may be present, may exchange preliminary views regarding matters to be

considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with the Department of Energy and their representatives, the NRC Staff and their consultants, and other interested persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the Cognizant Designated Federal Employee, Dr. Richard Savio (telephone 202/634-3267) between 8:15 a.m. and 5:00 p.m., E.S.T.

Dated: February 3, 1983.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 83-3535 Filed 2-8-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-528A, 529A]

Arizona Public Service Co. et.al.; Finding of No Significant Antritrust Changes and Time for Filing of Requests for Reevaluation

The Director of Nuclear Reactor Regulation has made an initial finding in accordance with Section 105c(2) of the Atomic Energy Act of 1954, as amended that no significant (antitrust) changes in the licensees' activities or proposed activities have occurred subsequent to the previous construction permit reviews of Palo Verde Units 1 and 2 by the Attorney General and the Commission. The finding is as follows:

"Section 105c(2) of the Atomic Energy Act of 1954, as amended provides for an antitrust review of an application for an operating license, if the Commission determines that significant changes in the licensee's activities or proposed activities have occurred subsequent to the previous construction permit review. The Commission has delegated the authority to make the "significant change" determination with respect to nuclear reactors to the Director, Office of Nuclear Reactor Regulation.

"Participating in the Palo Verde Nuclear Generating Station, Units 1 and 2, are Arizona Public Service Company, Salt River Project Agricultural Improvement and Power District, Public Service Company of New Mexico, El Paso Electric Company, Southern California Edison Company, Los Angeles Department of Water and Power, and Southern California Public Power Authority, collectively referred to as "licensees." Based upon examination of events since issuance of the Palo Verde Nuclear Generating Station construction permit to the licensees, the staffs of the Office of Nuclear Reactor Regulation and the Office of Executive Legal Director, hereafter referred to as the "staff", have jointly concluded, after consulting with the Department of Justice, that the changes that have occurred since the antitrust construction permit reviews are not "significant" in the antitrust context to require a second formal antitrust review at the operating license stage of the application for licenses. Staff has concluded that those changes which have occurred either are not reasonably attributable to the licensees or do not have antitrust implications that would likely warrant some Commission remedy. In reaching this conclusion, the staff considered the structure of the electric utility industry in the south-western United States, the events relevant to the Palo Verde construction permit antitrust reviews and the events that have occurred subsequent to those permit reviews.

"The Conclusion of the staff's analysis is as follows:

'The staff has applied the Commission's "significant change" criteria in examining the antitrust implications of the activities and proposed activities of all of the applicants for the Palo Verde 1 and 2 operating licenses subsequent to the Commission's previous construction permit antitrust reviews.

'Arizona Public Service Company (APS) and Salt River Project Agricultural and Improvement District (SRP), two of the four remaining original applicants for the Palo Verde construction permit, had agreed to the inclusion of a wheeling license condition in the construction permit so as to mitigate potential anticompetitive problems arising from contracts with smaller utilities. In the period since the construction permit review, both APS and SRP have provided, in staff's view, wheeeling services consistent with the intent of the license condition. Further, ASP and SRP have continued to provide other types of bulk power services to smaller utilities not dissimilar to those offered prior to the completion of the construction permit review. Public Service Company of New Mexico (PSNM) and El Paso Electric Company (EPE), the other two remaining original Palo Verde applicants, were not subjected to any license conditions at the construction permit stage. Nonetheless, PSNM and EPE have continued to offer and provide to smaller utilities wholesale power service, wheeling service and various other coordination services on a scale comparable to, and perhaps even larger than, that undertaken prior to the construction permit review.

'Subsequent to the filing of the original CP application, Southern California Edison Company (SCE), Los Angeles Department of Water and Power (LADWP) and Southern California Public Power Authority (SCPPA) become participants and the M-S-R Public Power Agency became a tentative participant in Palo Verde. The construction permit review of SCE, completed in 1976, did not reveal a need to impose license conditions on SCE's participation in Palo Verde. Still later, in 1981, an examination by staff of ACE's activities since the issuance of the San Onofre 2 and 3 construction permits resulted in a staff finding that no "significant changes" in SCE's activities had occurred with respect to the San Onofre 2 and 3 operating license application. In the brief time period since the issuance of the San Onofre 2 and 3 operating license finding, the staff has not obtained any information that woud suggest a contrary finding of "significant change" with respect to the Palo Verde 1 and 2 operating license. LADWP and SCPPA became owners of Palo Verde in 1981. The construction permit review of LADWP and SCPPA which terminated on April 8, 1982, disclosed no antitrust problems and M-S-R recently withdrew its participation as a result of voter decisions. In the extremely brief period of time since the completion of the construction permit reviews of LADWP and SCPPA the staff has not become aware of any actual or potential antitrust problems.

'Based on the foregoing analysis, the staff has concluded that the changes in the applicant's activities since the completion of the Palo Verde construction permit antitrust reviews do not have any antitrust implications and, thus, do not require a further, formal antitrust review at the operating license stage with respect to Palo Verde 1 and 2.'

"Based on the staff's analysis, it is my finding that a formal operating license antitrust review of the licensees with respect to the Palo Verde Nuclear Generating Station, Units 1 and 2, is not required."

Signed on January 28, 1983, by Harold R. Denton, Director, Office of Nuclear Reactor Regulation.

Any person whose interest may be affected pursuant to this initial determination may file with full particulars a request for reevaluation with the Director of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555 by

(30 days). Requests for a reevaluation of the no significant changes determination shall be accepted after the date when the Director's finding becomes final but before the issuance of the OL only if they contain new information, such as information about facts or events of antitrust significance that have occurred since that date, or information that could not reasonably have been submitted prior to that date.

For the Nuclear Regulatory Commission.

Argil L. Toalston,

Chief, Antitrust and Economic Analysis Branch, Division of Engineering, Office of Nuclear Reactor Regulation.

[FR Doc. 83-3526 Filed 2-8-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-318]

Baltimore Gas & Electric Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 62 to Facility Operating License No. DPR-69, issued to Baltimore Gas & Electric Company, which revised Technical Specifications for operation of the Calvert Cliffs Nuclear Power Plant, Unit No. 2 located in Calvert County, Maryland. The amendment is effective as of the date of issuance.

The amendment revises the Technical Specifications to provide Limiting Conditions for Operation and Surveillance Requirements which reflect the operability of a recently installed, third train of the auxiliary feedwater system.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Notice of Consideration of Issuance of Amendment to Facility Operating License in connection with this action was published in the **Federal Register** on December 14, 1982 (47 FR 56086). No request for a hearing or petition for leave to intervene was filed following notice of proposed action.

The Commission has determined that the issuance of the amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an envionmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of the amendment.

For further details with respect to this action, see: (1) The application for amendment dated November 15, 1982, as supplemented November 17, 1982, (2) Amendment No. 62 to License No. DPR-69, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Calvert County Library, Prince Frederick, Maryland. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555; Attention: Director, Division of Licensing.

Dated at Bethesda, Md., this 18th day of January 1983.

For the Nuclear Regulatory Commission.

Robert A. Clark,

Chief, Operating Reactors Branch No. 3, Division of Licensing.

[FR Doc. 83-3529 Filed 2-8-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-317 and 50-318]

Baltimore Gas & Electric Co.; Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment Nos. 80 and 63 to Facility Operating Licenses Nos. DPR-53 and DPR-69, issued to Baltimore Gas & Electric Company, which revised Technical Specifications for operation of the Calvery Cliffs Nuclear Power Plant, Unit Nos. 1 and 2. The amendments are effective as of the date of issuance.

These amendments revise the Technical Specifications to incorporate a revised pressurizer level band into the Pressurizer Limiting Condition for Operation and Surveillance Requirements.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Notice of Consideration of Issuance of Amendments to Facility Operating Licenses in connection with this action was published in the **Federal Register** on December 8, 1982 (47 FR 55351). No request for a hearing or petition for leave to intervene was filed following notice of the proposed action.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of the amendments.

For further details with respect to this action, see: (1) The application for amendment dated September 29, 1982, (2) Amendment Nos. 80 and 63 to License Nos. DPR-53 and DPR-69, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Calvert County Library, Prince Frederick, Maryland. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Md., this 25th day of January 1983.

For the Nuclear Regulatory Commission.

Robert A. Clark,

Chief, Operating Reactors Branch No. 3, Division of Licensing.

[FR Doc. 83-3530 Filed 2-8-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-312]

Sacramento Municipal Utility District; Granting Relief From ASME Code Requirements

The U.S. Nuclear Regulatory Commission (the Commission) has granted relief from certain requirements of the ASME Code, Section XI, "Rules for Inservice Inspection of Nuclear Power Plant Components," to the Sacramento Municipal Utility District (the licensee), which revised the inservice inspection program for the Rancho Seco Nuclear Generating Station (the facility) located in Sacramento County, California. The ASME Code requirements are incorporated by reference into the Commission's rules and regulations in 10 CFR 50. The relief is effective as of the date of issuance.

The requests for relief comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I,

which are set forth in the letter granting relief and accompanying Safety Evaluation.

The Commission has determined that the granting of this relief will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) and environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with this action.

For further details with respect to this action, see: (1) The Licensee's letters dated July 18, 1979, December 10, 1979, and April 19, 1982, (2) the Commission's letter to the licensee dated January 28, 1983, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Business and municipal Department, Sacramento City-County Library, 828 I Street, Sacramento, California. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Md., this 28th day of January 1983.

For the Nuclear Regulatory Commission.

John F. Stoltz,

Chief, Operating Reactors Branch, No. 4, Division of Licensing.

[FR Doc. 83-3531 Filed 2-8-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-238]

State of South Carolina Patriots Point Development Authority and the U.S. Maritime Administration; Issuance of Amendment to Amended Facility License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 10 to Facility License No. NS-1 issued to the State of South Carolina Patriots Point Development Authority and the U.S. Maritime Administration (the licensees) that authorizes possession, but not operation of the nuclear reactor aboard the *N.S. Savannah*. The amendment is effective as of its date of issuance.

The amendment revises the license and the Technical Specifications to reflect the transfer of the U.S. Maritime Administration from the U.S. Department of Commerce to the U.S. Department of Transportation.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any siginificant environmental impact and that pursuant to 10 CFR 51.5(d)(4), an environmental statement, negative declaration or environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see: (1) The application for amendment dated December 31, 1981 and December 23, 1982 and (2) Amendment No. 10 to License No. NS-1. These items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C.

A copy of item (2) may be obtained by a request to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Md., this 2nd day of February 1983.

For the Nuclear Regulatory Commission.

Darrell G. Eisenhut,

Director, Division of Licensing.

[FR Doc. 83-3533 Filed 2-8-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-338 and 50-339]

Virginia Electric and Power Co.; Issuance of Amendment to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment Nos. 45 and 28 to Facility Operating License Nos. NPF-4 and NPF-7 issued to the Virginia Electric and Power Company (the licensee) for operation of the North Anna Power Station, Units No. 1 and No. 2 (the facility) located in Louisa County, Virginia. The amendments are effective as of the date of issuance.

The amendments revise the Technical Specifications for the North Anna Power Station, Unit Nos. 1 and 2 based upon the licensee's reanalysis for the Loss-of-Coolant Accident-Emergency Core Cooling System performance assuming seven (7) percent steam generator tube plugging. The licensee's reanalysis has been determined to meet the criteria of 10 CFR 50.46 and the reanalysis was performed in accordance with 10 CFR Part 50, Appendix K.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in these license amendments. Prior public notice of these amendments was not required since these amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of the amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see: (1) The application for amendment dated August 16, 1982 (Serial No. 490); (2) Amendment Nos. 45 and 28 to Facility Operating License Nos. NPF-4 and NPF-7 and (3) the Commission's related Safety Evaluation. These items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20555 and at the Board of Supervisors Office, Louisa County Courthouse, Louisa, Virginia 23093 and at the Alderman Library, Manuscripts Department, University of Virginia, Charlottesville, Virginia 22901. A copy of items (2) and (3) may be obtained upon request to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Md., this 27th day of January 1983.

For the Nuclear Regulatory Commission.

Robert A. Clark,

Chief, Operating Reactors Branch No. 3, Division of Licensing.

[FR Doc. 83-3539 Filed 2-8-83; 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Trade Policy Staff Committee (TPSC); Public Hearing

The Trade Policy Staff Committee (TPSC) will conduct public hearings on the renewal of the U.S. Generalized System of Preferences (GSP). Interested parties are invited to submit testimony at one of the hearing locations or written

comments in connection with a proposal for a renewed GSP program appropriately revised.

1. Deadline for Receipt of Requests to Participate in the Public Hearings

The Chairman of the Trade Policy Staff Committee invites public comment on the renewal of the U.S. Generalized System of Preferences (GSP) prior to its scheduled termination on January 3, 1985. Such comment will be considered by the Executive Branch in formulating a proposal to assist Congress with preparation of legislation for renewal of the GSP program. Parties are invited to present their views on this issue through public hearings and/or written comment. Hearings will be held in Washington, D.C. New York City and San Francisco during the month of April 1983.

Parties wishing to appear at the hearings must notify the Executive Director of the U.S. Generalized System of Preferences (GSP), in writing not later than March 21, 1983, of their intention to appear at the hearing giving name, address, telephone number, hearing location, and a brief summary of their presentation. Remarks should be limited to no more than 15 minutes to allow for possible questions from the Chairman and the interagency panel. Participants should provide twenty typed copies of their presentation at the time of the hearings. Participants will be notified not later than April 1, 1983, about the time of their apperance at the hearing.

2. Communications

All communications with respect to this notice should be addressed to the Executive Director, Generalized System of Preferences, Office of the United States Trade Representative, Room 316, 600 17th Street NW., Washington, D.C. 20506. Questions may be directed to any member of the GSP Information Center at (202) 395-6971.

Parties not wishing to participate at the hearings may submit written comments in twenty copies, in English, by April 30.

3. Background

The GSP is authorized under Title V of the Trade Act of 1974 as amended (19 U.S.C. 2155–2462). The GSP is a program of non-reciprocal tariff preferences granted by the United States to developing countries to assist their economic development by encouraging greater diversification and expansion of their production and exports. The United States, along with other developed countries, agreed to share responsibility in assisting developing countries in achieving economic growth through trade by implementing a system of temporary tariff preferences. Nineteen other developed countries maintain similar preferential programs. At present, the U.S. program grants duty-free treatment on approximately 3,000 products imported from 140 developing countries and territories. The value of U.S. imports receiving GSP duty-free treatment has increased from $3.0 billion in 1976, the program's first year in operation, to $8.4 billion in 1981. GSP imports currently account for 3 percent of total U.S. imports. Developing countries, which have become increasingly important to U.S. economic interests, currently account for nearly 40 percent of total U.S. exports.

In March of each year modifications are implemented with respect to GSP product coverage and eligibility. Some of these modifications are required by statute. The Trade Act of 1974, as amended, specifies "competitive need" limits which provide for the automatic exclusion of a beneficiary country from GSP eligibility on a product whenever imports from that country exceed 50 percent of total U.S. imports or a certain annually adjusted dollar value during the preceding calendar year ($50.9 million in 1981). Countries which subsequently fall below these limits may be redesignated for GSP eligibility on the product of concern at the discretion of the President. The Trade Policy Staff Committee conducts an annual GSP product review in which interested parties such as domestic producers, growers, labor unions, importers and foreign governments submit petitions requesting modifications in GSP eligibility. The interagency committee also conducts a case-by-case review of other GSP matters for which a Presidential decision is required.

4. Comments

Comments are specifically invited on the role of graduation in the GSP program and, in particular, views on the mechanics of a product-by-product graduation policy in a renewed program. A graduation policy was implemented in 1981 to address the relatively uneven distribution of benefits among beneficiary countries and the growing competitiveness of certain beneficiary countries. Under this policy, graduation of individual countries on specific products can occur in one of three contexts: By request in the annual product review process; when a country eligible to be redesignated on an item is not redesignated; and, when adding a product to the GSP, a country is excluded from eligibility on the item. Factors considered in graduation include the overall level of economic development in the beneficiary developing country; the country's competitiveness in the product of concern; and the overall economic interests of the United States, including the impact of the graduation action on domestic producers and workers.

Suggestions from parties with respect to ways in which the program can better stimulate the growth of the less advanced beneficiary countries, including special considerations for the least developed countries, will also be welcome. Since many countries do not possess the capacity and economic infrastructure necessary to produce and export many of the products eligible for duty-free treatment under the GSP, graduation of the more advanced beneficiary countries on various products has not always led to significantly improved benefits for less advanced beneficiaries.

Comments are also invited on any other matter pertaining to the U.S. GSP program. Some of the major elements likely to be examined in the renewal process are the provisions of Title V and administrative procedures relating to country and product coverage within the GSP, competitive need and *de minimis* limits, GSP safeguard procedures, their relationship to other import safeguard measures, rules of origin, and the possible conditioning of preferential treatment for imports from advanced beneficiary countries to considerations regarding their trade policies affecting U.S. exports.

5. Schedule of Hearings

Washington, D.C.:
April 5–6—10:00 a.m.
Federal Home Loan Bank Board, Amphitheater, 1700 G Street Northwest, Washington, DC

New York City:
April 11–12—10:00 a.m.
26 Federal Plaza, Conference Room 305 C, New York, New York

San Francisco:
April 14–15—10:00 a.m.
United States District Court, Ceremonial Court Room, 450 Golden Gate Avenue, San Francisco, California

6. Additional Information

Further information is available from the GSP Information Center. Interested parties also may wish to refer to the President's Report to the Congress on the First Five Years' Operation of the

GSP (H. Rep. No. WMCP 96–58 96 Cong., 2md Sess. (April 17, 1980)).

Frederick L. Montgomery,

Chairman, Trade Policy Staff Committee.

[FR Doc. 83-3829 Filed 2-8-83; 8:45 am]

BILLING CODE 3190-01-M

SECURITIES AND EXCHANGE COMMISSION

Cincinnati Stock Exchange; Applications for Unlisted Trading Privileges and of Opportunity for Hearing

February 1, 1983.

In the matter of applications of the; Cincinnati Stock Exchange for unlisted trading privileges in certain securities; Securities Exchange Act of 1934.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to Section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f–1 thereunder, for unlisted trading privileges in the following stocks:

Browning-Ferris Industries, Inc.
Common Stock, $0.16⅔ Par Value (File No. 7–6483)
KLM Royal Airlines
Common Stock, 100 Guilders Par Value (File No. 7–6484)
Unilever NV
20 Florens Par Ordinary (New York Shares) (File No. 7–6485)

These securities are listed and registered on one or more other national securities exchange and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before February 23, 1983 written data, views and arguments concerning the above-referenced applications. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549. Following this opportunity for hearing, the Commission will approve the applications if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-3406 Filed 2-8-83; 8:45 am]

BILLING CODE 8010-01-M

Philadelphia Stock Exchange, Inc.; Applications for Unlisted Trading Privileges and of Opportunity for Hearing

February 1, 1983.

In the matter of applications of the; Philadelphia Stock Exchange, Inc.; for unlisted trading privileges in certain securities; Securities Exchange Act of 1934.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to Section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f–1 thereunder, for unlisted trading privileges in the following stocks:

Advanced Micro Devices, Inc.
Common Stock, $.01 Par Value (File No. 7–6486)
Advest Group, Inc.
Common Stock, $1 Par Value (File No. 7–6487)
Baldwin-United Corporation
Common Stock, $1 Par Value (File No. 7–6488)
Bally Manufacturing Corporation
Common Stock, Purchase Warrants (File No. 7–6489)
Hospital Corporation of America
Common Stock, $1 Par Value (File No. 7–6490)
Mesa Offshore Trust
Units of Beneficial Interest (File No. 7–6491)

These securities are listed and registered on one or more other national securities exchange and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before February 23, 1983 written data, views and arguments concerning the above-referenced applications. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549. Following this opportunity for hearing, the Commission will approve the applications if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-3407 Filed 2-8-83; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

[License No. 02/02–0443]

American Commercial Capital Corp.; Issuance of License To Operate as a Small Business Investment Company

On April 6, 1982, a notice was published in the **Federal Register** (47 FR 14821) stating that American Commercial Capital Corporation, 310 Madison Avenue, New York, New York 10017 had filed an Application with the Small Business Administration, pursuant to § 107.102 of the Regulations governing small business investment companies (13 CFR 107.102 (1982)), for a license to operate as a small business investment company.

Interested parties were given until the close of business on April 21, 1982, to submit their comments. No comments were received.

Notice is hereby given that, having considered the application and all other pertinent information, SBA on December 30, 1982, issued License No. 02/02–0443 to American Commercial Capital Corporation, pursuant to Section 301(c) of the Small Business Investment Act of 1958, as amended.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: January 28, 1983.

Robert G. Lineberry,

Deputy Associate Administrator for Investment.

FR Doc. 83-3480 Filed 2-8-83; 8:45 am]

BILLING CODE 8025-01-M

[License No. 06/06–0188]

Mercantile Dallas Corp.; Application for Approval of Conflict of Interest Transaction Between Associates

Notice is hereby given that Mercantile Dallas Corporation, 1704 Main Street, Dallas, Texas 75222, a Federal Licensee under the Small Business Investment Act of 1958, as amended (Act), (15 U.S.C. 661 *et seq.*), has filed an application with the Small Business Administration pursuant to Section 312 of the Act and covered by § 107.1004(b)(1) of the Regulations governing small business investment companies (13 CFR 107.1004 (1983)), for approval of a conflict of interest transaction falling within the scope of the above Sections of the Act and Regulations.

The Licensee proposes to make a $450,000 loan to Culwell and Son, Inc. (Culwell), in which $200,000 of the loan proceeds will be used to pay an obligation of Culwell due Mercantile National Bank (MNB). MNB is defined

as an Associate of the Licensee under § 107.3(b) of the SBA Regulations, because it owns 10 or more percent of the stock of the Licensee.

Notice is hereby given that any interested party may, not later than fifteen (15) days from the date of publication of this notice, submit written comments on the proposed transaction to the Deputy Associate Administrator for Investment, Small Business Administration, 1441 "L" Street, N.W., Washington, D.C. 20416.

A copy of this notice shall be published in a newspaper of general circulation in Dallas, Texas.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: January 28, 1983.

Robert G. Linebery,

Deputy Associate Administrator for Investment

[FR Doc. 83-3494 Filed 2-8-83; 8:45 am]

BILLING CODE 8025-01-M

Region VII Advisory Council; Public Meeting

The Small Business Administration Region VII Advisory Council located in the geographical area of St. Louis, and Eastern Missouri, will hold a public meeting at 10:30 a.m. on Tuesday, March 1, 1983, at Schneithorst's Hofamberg Inn, Lindbergh at Clayton, St. Louis, Missouri, to discuss such business as may be presented by members, the staff of the Small Business Administration and others present.

For further information, write or call Robert L. Andrews, District Director, U.S. Small Business Administration, 815 Olive St., Room 242, St. Louis, Missouri, 63101; 314/425-6600.

Jean M. Nowak,

Acting Director, Office of Advisory Councils.

February 4, 1983.

[FR Doc. 83-3485 Filed 2-8-83; 8:45 am]

BILLING CODE 8025-01-M

Region VIII Advisory Council; Public Meeting

The Small Business Administration Region VIII Advisory Council, located in the geographical area of Fargo, North Dakota, will hold a public meeting at 9:30 a.m. Tuesday, April 5, 1983, at the Federal Building, Room 319, 657 Second Avenue North, Fargo, North Dakota, to discuss such business as may be presented by members, the staff of the Small Business Administration and others present.

For further information, write or call Robert L. Pinkerton, District Director, U.S. Small Business Administration, 657 Second Avenue North, Fargo, North Dakota 58102; (701) 237-5771, extension 5131.

Jean M. Nowak,

Acting Director, Office of Advisory Councils.

January 31, 1983.

[FR Doc. 83-3482 Filed 2-8-83; 8:45 am]

BILLING CODE 8025-01-M

Region VIII Advisory Council; Public Meeting

The Small Business Administration Region VIII Advisory Council located in the geographical area of Sioux Falls, South Dakota, will hold a public meeting on Thursday, April 7, 1983, from 9:00 a.m. to 3:30 p.m., at the Community Room, First National Bank in Sioux Falls, 100 South Phillips, Sioux Falls, South Dakota 57102, to discuss such business as may be presented by members, the staff of the Small Business Administration and others present.

For further information, write or call Chester B. Leedom, District Director, U.S. Small Business Administration, Suite 101 Security Building, 101 South Main, Sioux Falls, South Dakota 57102; 605/336-2890, Ext. 231.

Jean M. Nowak,

Acting Director, Office of Advisory Councils.

January 31, 1983.

[FR Doc. 83-3481 Filed 2-8-83; 8:45 am]

BILLING CODE 8025-01-M

Reporting and Recordkeeping Requirements for OMB Review

AGENCY: Small Business Administration.

ACTION: Notice of reporting requirements submitted for OMB review.

SUMMARY: Under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35), agencies are required to submit proposed reporting and recordkeeping requirements to OMB for review and approval, and to publish a notice in the **Federal Register** notifying the public that the agency has made such a submission.

DATE: Comments must be received on or before March 1, 1983. If you anticipate commenting on a submission but find that time to prepare will prevent you from submitting comments promptly, you should advise the OMB reviewer and the agency clearance officer of your intent as early as possible.

COPIES: Copies of the proposed forms, the requests for clearance (S.F. 83), supporting statements, instructions, transmittal letters, and other documents submitted to OMB for review may be obtained from the Agency Clearance Officer. Comments on the items listed should be submitted to the Agency Clearance Officer and the OMB Reviewer.

FOR FURTHER INFORMATION CONTACT:

Agency Clearance Officer: Elizabeth M. Zaic, Small Business Administration, 1441 L St., N.W., Room 200, Washington, D.C. 20416, telephone (202) 653-8538; or

OMB Reviewer: J. Timothy Sprehe, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 3235, New Executive Office Building, Washington, D.C. 20503; telephone (202) 395-4814.

Forms Submitted for Review

Title: Application for Certificate of Competency
Form Nos.: SBA 74, 74A, 74B, and 183
Frequency: Non-recurring
Description of Respondents: Firms bidding on Federal procurements or the sale of Federal property
Annual Responses: 1,100
Annual Burden Hours: 3,300
Type of Request: Extension (Burden Adjustment)

Title: Survey of Access to Capital by Subcategories of Small Business
Form No.:
Frequency: Non-recurring
Description of Respondents: Business owners, including minority and non-minority males and females
Annual Responses: 1,600
Annual Burden Hours: 800
Type of Request: New

Dated: February 1, 1983.

Elizabeth M. Zaic,

Chief, Paperwork Management Branch, Small Business Administration.

[FR Doc. 83-3483 Filed 2-8-83; 8:45 am]

BILLING CODE 8025-01-M

[Declaration of Disaster Loan Area #2077]

Washington; Declaration of Disaster Loan Area

Whatcom, Island and Kitscap Counties and the adjacent Counties of Jefferson, King, Skagit and Snohomish in the State of Washington constitute a disaster area as a result of high winds, heavy wave action, flooding and landslides which occurred on December 3, 1982 through January 15, 1983. Eligible persons, firms and organizations may file applications for physical damage until the close of business on April 1, 1983, and for economic injury until the close of business on October 31, 1983, at the address listed below: U.S. Small

Business Administration, 915 Second Avenue, Federal Building, Room 1744, Seattle, Washington 98174, or other locally announced locations.

Interest rates for applicants filing for assistance under this declaration are as follows:

	Percent
Homeowners with credit available elsewhere	13%
Homeowners without credit available elsewhere	6%
Businesses with credit available elsewhere	11%
Businesses without credit available elsewhere	8
Businesses (EIDL) without credit available elsewhere	8
Other (non-profit organizations including charitable and religious organizations)	11%

It should be noted that assistance for agriculture enterprises is the primary responsibility of the Farmers Home Administration as specified in Pub. L. 96–302.

(Catalog of Federal Domestic Assistance Programs Nos. 59002 and 59008)

Dated: January 13, 1983.

James C. Sanders,

Administrator.

[FR Doc. 83-3486 Filed 2-8-83; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

[Notice No. 453]

Winegrape Varietal Names Advisory Committee; Open Meeting

AGENCY: Bureau of Alcohol, Tobacco and Firearms (ATF), Treasury.

ACTION: Notice of advisory committee meeting.

SUMMARY: An open meeting of the Winegrape Varietal Names Advisory Committee will be held at 10:30 am on February 24, 1983, in Room 5041, 1200 Pennsylvania Avenue, NW, Washington, DC.

SUPPLEMENTARY INFORMATION: On March 31, 1982, ATF published Notice No. 409 (47 FR 13623) in the **Federal Register** announcing the establishment of the Winegrape Varietal Names Advisory Committee. The purposes of the Committee are to advise the Director, Bureau of Alcohol, Tobacco and Firearms, of the grape varieties and subvarieties used in the production of American wines, and recommend appropriate designations for these for winelabeling purposes. This will be the Committee's first meeting, and it will be devoted to organizational matters and the development of a plan for achieving the Committee's objectives. Members of the Committee and their affiliations are:

Dr. Maynard A. Amerine, Wine Institute
Mr. Ronald J. Fonte, Les Amis du Vin
Mr. William F. Doering, Department of Agriculture
Mr. Alan B. Graham, Bureau of Alcohol, Tobacco and Firearms
Mr. Douglas J. Knapp, New York State Wine Grape Growers, Inc.
Mr. Richard M. Kunde, California Association of Winegrape Growers
Mr. Louis M. Martini, Wine Institute
Dr. John R. McGrew, Department of Agriculture
Mr. George W. McRory, Jr., American Wine Society
Mr. J. William Moffett, Association of American Vintners
Dr. Harold P. Olmo, University of California, Davis
Prof. Vincent E. Petrucci, California State University-Fresno
Dr. Robert M. Pool, Cornell University
Mr. Bruce L. Weininger, Bureau of Alcohol, Tobacco & Firearms

Public Participation: The meeting will be open to the public. Because this is primarily an organizational meeting no public presentations to the Committee are planned. However, any person who wishes to present written information or data to the Committee for consideration at the meeting should forward it to the Committee Manager at the address shown below no later than February 22, 1983.

FOR FURTHER INFORMATION CONTACT: Melvin T. Bruce, Manager, Winegrape Varietal Names Advisory Committee, Room 6230, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW, Washington, DC 20226; (202–566–7568).

Signed: February 2, 1983.

Stephen E. Higgins,

Acting Director.

[FR Doc. 83-3497 Filed 2-8-83; 8:45 am]

BILLING CODE 4810-31-M

VETERANS ADMINISTRATION

Agency Form Under OMB Review

AGENCY: Veterans Administration.

ACTION: Notice.

SUMMARY: The Veterans Administration has submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). This document lists new forms. The entry contains the following information: (1) The department or staff office issuing the form; (2) The title of the form; (3) The agency form number, if applicable; (4) How often the form must be filled out; (5) Who will be required or asked to report; (6) An estimate of the number of responses; (7) An estimate of the total number of hours needed to fill out the form; and (8) An indication of whether section 3504(h) of Pub. L. 96–511 applies.

ADDRESSES: Copies of the proposed forms and supporting documents may be obtained from Patricia Viers, Agency Clearance Officer (004A2), Veterans Administration, 810 Vermont Avenue, NW, Washington, DC 20420; (202) 389–2146. Comments and questions about the items on this list should be directed to the VA's OMB Desk Officer, Joseph Lackey, Office of Management and Budget, 726 Jackson Place, NW, Washington, DC 20503; (202) 395–6880.

DATES: Comments on forms should be directed to the OMB Desk Officer within 60 days of this notice.

Dated: February 1, 1983.

By direction of the Administrator.

Dominick Onorato,

Associate Deputy Administrator for Information Resources Management.

New Forms

(1) Department of Medicine and Surgery

(2) Substance Abuse Training in Nursing, Psychiatry and Social Work

(3) VA Form 10–954 (578), August 1982, Form Letters 10–954a, b and c (NR)

VA Form 10–955 (578), August 1982

VA Form 10–956 (578), August 1982

(4) One time

(5) Drectors of training in Nursing, Psychiatry and Social Work

(6) 2129 responses

(7) .3 hour

(8) Not applicable under 3504(H)

[FR Doc. 83-3430 Filed 2-8-83; 8:45 am]

BILLING CODE 8320-01-M

Sunshine Act Meetings

Federal Register
Vol. 48, No. 28
Wednesday, February 9, 1983

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

CONTENTS

	Items
Federal Deposit Insurance Corporation	1-3
Federal Energy Regulatory Commission	4, 5
Federal Reserve System	6
International Trade Commission	7

1

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 11:05 a.m. on Friday, February 4, 1983, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session, by telephone conference call, to: (1) Approve the application of Dollar Savings Bank of New York, New York (Bronx), New York, and Dry Dock Savings Bank, New York (Manhattan), New York, for consent to merge, with assistance from the Federal Deposit Insurance Corporation in the form of income maintenance, under the charter of Dollar Savings Bank of New York and with the title of "Dollar—Dry Dock Savings Bank of New York," and for consent to establish the main office, 16 branches, one public accommodation office, and seven shared remote service facilities of Dry Dock Savings Bank as offices of the resultant bank; and (2) provide such financial assistance, pursuant to section 13(c) of the Federal Deposit Insurance Act (12 U.S.C. 1823(c)), as was necessary to facilitate the merger.

At that same meeting, the Board of Directors considered a recommendation with respect to the initiation and conduct of cease-and-desist proceedings against an insured bank (the name and location of the bank is exempt from disclosure pursuant to the provisions of subsections (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(6), (c)(8), and (c)(9)(A)(ii))).

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 mattters could be considered in a closed meeting pursuant to subsections (c)(6), (c)(8), (c)(9)(A)(ii), and (c)(9)(B) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(6), (c)(8), (c)(9)(A)(ii), and (c)(9)(B)).

Dated: February 4, 1983.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S-190-83 Filed 2-7-83; 3:33 pm]

BILLING CODE 6714-01-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 the Federal Deposit Insurance Corporation's Board of Directors will meet in open session at 2:00 p.m. on Monday, February 14, 1983, to consider the following matters:

Summary Agenda: No substantive discussion of the following items is anticipated. These matters will be resolved with a single vote unless a member of the Board of Directors requests that an item be moved to the discussion agenda.

Disposition of minutes of previous meetings.

Applications for consent to merge and establish branches:

The Sussex Trust Company, Laurel, Delaware, for consent to merge, under its charter and title, with The First National Bank of Frankford, Frankford, Delaware, and for consent to establish the sole office of The First National Bank of Frankford as a branch of the resultant bank.

First American Bank and Trust, North Palm Beach, Florida, for consent to merge, under its charter and title, with United National Bank, Cocoa Beach, Florida, and to establish the two offices of United National Bank as branches of the resultant bank.

Application for consent to acquire assets and assume liabilities and establish one branch:

Union Trust Company, Stamford, Connecticut, an insured State nonmember bank, for consent to acquire certain assets of and assume the liability to pay deposits made in the Darien, Westport, and Wilton branches of The Banking Center, Waterbury, Connecticut, an insured mutual savings bank, and to establish the Westport office as a branch of Union Trust Company.

Request for extension of time to establish a branch:

The Oregon Bank, Portland, Oregon, for an extension of time within which to establish its approved branch to be located at the southwest corner of the intersection of Kruse Way and Carmen Drive, Lake Oswego, Oregon.

Recommendations regarding the liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:

Case No. 45,556-L (Addendum)—The Mission State Bank and Trust Company, Mission, Kansas

Case No. 45,558-SR—Bank of Enville, Enville, Tennessee

Reports of committees and officers:

Minutes of actions approved by the standing committees of the Corporation pursuant to authority delegated by the Board of Directors.

Reports of the Division of Bank Supervision with respect to applications or requests approved by the Director or Associate Director of the Division and the various Regional Directors pursuant to authority delegated by the Board of Directors.

Report of the Director, Division of Liquidation:

Memorandum re: United States National Bank, San Diego, California, Statute of Limitations

Discussion Agenda:

No matters scheduled.

The meeting will be held in the Board Room on the sixth floor of the FDIC building located at 550 17th Street, NW., Washington, D.C.

Requests for information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 389-4425.

Dated: February 7, 1983.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S-191-83 Filed 2-7-83; 3:33 pm]

BILLING CODE 6714-01-M

3

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 2:30 p.m. on Monday, February 14, 1983, the Federal Deposit Insurance Corporation's Board of Directors will meet in closed session, by vote of the Board of Directors pursuant to sections 552b(c)(2), (c)(6), (c)(8), and (c)(9)(A)(ii) of Title 5, United States Code, to consider the following matters:

Summary Agenda: No substantive discussion of the following items is anticipated. These matters will be resolved with a single vote unless a member of the Board of Directors requests that an item be moved to the discussion agenda.

Recommendations with respect to the initiation, termination, or conduct of administrative enforcement proceedings (cease-and-desist proceedings, termination-of-insurance proceedings, suspension or removal proceedings, or assessment of civil money penalties) against certain insured banks or officers, directors, employees, agents or other persons participating in the conduct of the affairs thereof:

Names of persons and names and locations of banks authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(6), (c)(8), and (c)(9)(A)(ii)).

Note.—Some matters falling within this category may be placed on the discussion agenda without further public notice if it becomes likely that substantive discussion of those matters will occur at the meeting.

Discussion Agenda:

Personnel actions regarding appointments, promotions, administrative pay increases, reassignments, retirements, separations, removals, etc.:

Names of employees authorized to be exempt from disclosure pursuant to provisions of subsections (c)(2) and (c)(6) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(2) and (c)(6)).

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550 #17th Street, N.W., Washington, D.C.

Requests for information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 389-4425.

Dated: February 7, 1983.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S-192-83 Filed 2-7-83; 3:33 pm]

BILLING CODE 6714-01-M

4

FEDERAL ENERGY REGULATORY COMMISSION

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 48 FR 5412, February 4, 1983.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10 a.m., February 8, 1983.

CHANGE IN THE MEETING: The following item has been added to the regular agenda:

Item No., Docket No. and Company

M-5. RM82-32-000, RM80-8-002 and RM82-8-000, Proposal to Limit Incentive Prices for High Cost Gas to Commodity Values.

Kenneth F. Plumb,

Secretary.

[S-187-83 Filed 2-7-83; 2:21 pm]

BILLING CODE 6717-02-M

5

FEDERAL ENERGY REGULATORY COMMISSION

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 48 FR 5412, February 4, 1983.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: February 8, 1983 (Following the Regular Meeting).

CHANGE IN THE MEETING: The following items have been added to the closed meeting:

Item No., Docket No. and Company

10. *Pike County Light and Power Company* v. *Penn Public Utility Commission* (Pa. Commw. Ct.)

11. *Western Massachusetts Electric Company* v. *Massachusetts* Department of Public Utilities, No. 82-308 (Mass. S.J.C.)

Kenneth F. Plumb,

Secretary.

[S-188-83 Filed 2-7-83; 2:21 pm]

BILLING CODE 6717-02-M

6

FEDERAL RESERVE SYSTEM

TIME AND DATE: 10 a.m., Monday, February 14, 1983.

PLACE: 20th Street and Constitution Avenue, N.W., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Proposed follow-up report to Congress on the International Banking Act of 1978. (This item was originally announced for a meeting on January 31, 1983.)
2. Proposed acquisition of computers within the Federal Reserve System.
3. Proposed acquisition of check reader/sorters within the Federal Reserve System.
4. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.
5. Any items foward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistance to the Board (202) 452-3204.

Dated: February 4, 1983.

James McAfee,

Associate Secretary of the Board.

[S-186-83 Filed 2-4-83; 4:09 pm]

BILLING CODE 6210-01-M

7

UNITED STATES INTERNATIONAL TRADE COMMISSION.

[USITC SE-83-07]

TIME AND DATE: 2:30 p.m., Thursday, February 17, 1983.

PLACE: Room 117, 701 E Street, N.W., Washington, D.C. 20436.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Agenda.
2. Minutes.
3. Ratifications.
4. Petitions and complaints, if necessary:
   a. Certain fishing sinkers (Docket No. 905).
   b. Certain automatic turret rewinders (Docket No. 906).
   c. Certain caulking guns (Docket No. 908).
5. Investigation 337-TA-116 (Certain Drill-Point Screws for Drywall Construction)—briefing and vote.
6. Any items left over from previous agenda.

CONTACT PERSON FOR MORE INFORMATION: Kenneth R. Mason, Secretary (202) 523-0161.

[S-189-83 Filed 2-7-83; 3:23 pm]

BILLING CODE 7020-02-M

federal register

Wednesday
February 9, 1983

Part II

Department of Energy

Department of Health and Human Services

Social Security Administration

Guidance Concerning Use of the Petroleum Violation Escrow Funds

DEPARTMENT OF ENERGY

10 CFR Ch. II and Part 205

Administrative Procedures and Sanctions; Questions and Answers Relating to the Applicability to the Petroleum Violation Escrow Funds of Regulations of the Energy Conservation Programs Administered by the Department of Energy to Which These Funds May Be Distributed Under Section 155 of the Further Continuing Appropriations Act, Fiscal Year 1983

AGENCY: Department of Energy.

ACTION: Ruling.

SUMMARY: The Department of Energy (DOE) Office of General Counsel issues the appended Ruling to respond to questions relating to the applicability to the petroleum violation escrow funds of the regulations of the energy conservation programs administered by DOE to which these funds can be distributed under Section 155 of the Further Continuing Appropriations Act, Fiscal Year 1983.

ADDRESS: A written comment of objection to the appended Ruling may be filed at any time with the DOE Office of General Counsel pursuant to the provisions of 10 CFR 205.153.

FOR FURTHER INFORMATION CONTACT: Lona L. Feldman or Edward H. Pulliam, Office of General Counsel, Department of Energy, 1000 Independence Avenue, SW., Room 6B144, Forrestal Building, Washington, D.C. 20585, (202) 252-9507.

SUPPLEMENTARY INFORMATION: This ruling is published pursuant to the requirements of 10 CFR 205.150.

List of Subjects in 10 CFR Part 205

Administrative practice and procedure.

Issued in Washington, D.C.

Dated: February 2, 1983.

Lona L. Feldman,

Assistant General Counsel, Conservation and Renewable Energy.

Title 10 of the Code of Federal Regulations is hereby amended by adding to the Rulings appearing in the Appendix at the end of Subchapter A of Chapter II the following Ruling 1983-1 to read as follows:

Ruling 1983-1—Questions and Answers Relating to the Applicability to the Petroleum Violation Escrow Funds of Regulations of the Energy Conservation Programs Administered by the Department of Energy To Which These Funds May Be Distributed Under Section 155 of the Further Continuing Appropriations Act, Fiscal Year 1983

On December 21, 1982, the President signed into law the Further Continuing Appropriations Act, Fiscal Year 1983, Pub. L. 97-377 (the Act). Section 155 of the Act provides in pertinent part:

* * * * *

(b) As soon as practicable, the Secretary of Energy shall disburse designated petroleum violation escrow funds to the Governors of the States in accordance with the formula set forth in subsection (d).

(c) Amounts disbursed to the Governor of any state shall be used by the Governor as if such funds were received under one or more energy conservation programs. The Governor shall identify to the Secretary within one year after the time of disbursement the energy conservation program or programs to which the funds are or will be applied. Funds disbursed under this section shall be used to supplement, and not supplant, funds otherwise available for such programs under Federal or State law.

* * * * *

(e) For purposes of this section—

* * * * *

(2) The term "energy conservation programs" means—

(A) the program under part A of the Energy Conservation and Existing Buildings Act of 1976 (42 U.S.C. 6861 and following);

(B) the programs under part D of title III of the Energy Policy and Conservation Act (relating to primary and supplemental State energy conservation programs; 42 U.S.C. 6321 and following);

(C) the program under part G of title III of Energy Policy and Conservation Act (relating to energy conservation for schools and hospitals; 42 U.S.C. 6371 and following);

(D) program under the National Energy Extension Service Act (42 U.S.C. 7001 and following); and

(E) the program under the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8621 and following).

(3) The term "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States.

(4) The term "Governor," when used with respect to any State, means the Governor or the chief executive officer of that State.

* * * * *

(f) No funds disbursed under this section may be used for any administrative expenses of the Department of Energy or of any State, whether incurred in connection with any energy conservation program or otherwise."

Pursuant to Section 155 (b) and (d), the Secretary of Energy announced the disbursement of a total of $200,000,000 to the several States, the District of Columbia, the Commonwealth of Puerto Rico and several territories of the United States (the States) on January 31, 1983. As noted above, these funds are to be used by the States as if such funds were received under one or more of the five programs set forth in Section 155 (e)(2) of the Act. Four of these programs, the Weatherization Assistance Program, 42 U.S.C. 6861 *et seq.*, the State Energy Conservation Program, 42 U.S.C. 6321 *et seq.*, the Schools and Hospitals Grant Program, 42 U.S.C. 6371 *et seq.*, and the Energy Extension Service, 42 U.S.C. 7001 *et seq.*, (the DOE programs), are administered by the DOE. The Low-Income Home Energy Assistance Program, (LIHEAP), 42 U.S.C. 8621 *et seq.* is administered by the Department of Health and Human Services (HHS).[1]

The statutory language has raised a number of questions concerning the manner in which the Section 155 funds may be used by States.

In issuing this ruling, DOE hopes to clarify the relationship of Section 155 of the Act to the four DOE conservation programs.

Question #1: Do the regulations of the DOE energy conservation programs to which a Governor disburses Section 155 funds apply to those funds?

Answer #1: The statute and its legislative history indicate that the regulations governing each of the four DOE programs apply to the Section 155 funds, once a Governor disburses some of the funds to that program, as if the funds had been appropriated by the Federal government for that program. In addition, if there is a conflict between the provisions of Section 155 of the Act and a provision of the program regulations, the provisions of Section 155 will apply. Section 155(c) reads, in part: "Amounts disbursed to the Governor of any State shall be used by the Governor as if such funds were received under one or more energy conservation programs." In commenting on this section on the floor of the House of Representatives, Congressman Dingell, Chairman of the Committee on Energy and Commerce, stated that "the rules and regulations applicable to these programs would apply to these funds as well." 128 Cong. Rec. H10,435 (daily ed. Dec. 20, 1982). On the floor of the Senate, Senator Hatfield stated that Section 155 funds should be obligated "under the rules and regulations which govern those activities [energy conservation programs] as though the funds had been received for those

[1] HHS is developing guidelines to assist States in applying the LIHEAP regulations to the Section 155 funds.

programs" and that this procedure "provides fiscal accountability upon the use of money by the States." 128 Cong. Rec. S15, 702-S15, 703 (daily ed. Dec. 20, 1982).[2]

Question #2: May Section 155 funds be used for the administrative expenses of a State in operating one of the four DOE programs, if Federally appropriated funds are permitted to be used for such expenses under the regulations of a particular program?

Answer #2: Under Section 155(f) of the Act, a State may not use Section 155 funds for administrative expenses. This applies even though Federally appropriated funds are permitted to be used for such expenses under the regulations of a particular program to which the Section 155 funds are applied by the State. "Administrative expenses" are those expenses which States have historically considered to be administrative expenses under each program.

Question #3: May a subgrantee use the Section 155 funds for administrative expenses?

Answer #3: A subgrantee may not use Section 155 funds for administrative expenses. Section 155(f) provides that: "No funds disbursed under this section may be used for any administrative expenses of the Department of Energy or of any State, whether incurred in connection with any energy conservation program or otherwise." This statutory language does not appear to exclude any level of grantee from the prohibition of the expenditure of Section 155 funds for administrative expenses. The legislative history of Section confirms this reading of the statutory language by indicating a strong intention that the funds benefit only the type of people injured by the violators who contributed to the fund and that they not be used for administrative expenses by any level of recipient. 128 Cong. Rec. S15, 702-S15, 703 (daily ed. Dec. 20, 1982) (remarks of Sen. Hatfield) and 128 Cong. Rec. H10,434-H10,437 (daily ed. Dec. 20, 1982) (remarks of Rep. Dingell). As Congressman Dingell stated on the floor of the House of Representatives: "* * * our intent here is to benefit people, just as we would do if the money were provided directly to injured persons. Thus, we provided that *none* of the funds should be used for administrative expenses." (emphasis added) 128 Cong. Rec. H10,435 (daily ed. Dec. 20, 1982.) However, both Congressman Dingell and Senator Hatfield indicated that this provision should not limit the use of funds for those direct services, such as labor costs, associated with low-income weatherization and retrofit activities.

Question #4: May a State use funds appropriated by the Federal government for the four DOE energy conservation programs to administer the Section 155 funds?

Answer #4: A State may use Federal funds appropriated for a program to administer the Section 155 funds applied to that program. However, a State may use no more appropriated funds for administrative expenses than an amount that equals the percentage of both appropriated and Section 155 program funds as limited by the relevant DOE regulations or, if no regulatory limit applies, established by the State's historic use of these appropriated funds for administrative expenses. State expenses for administering the DOE conservation programs can be taken only from appropriated funds and not from Section 155 funds.

This result is required if effect is to be given to all the provisions of Section 155, read together. The primary goal of the legislation was the expeditious disbursement of the Section 155 funds by the States. 128 Cong. Rec. S15,114-S15,117 (daily ed. Dec. 16, 1982) (remarks of Senators Warner, Dole, and Percy). Without ready access to adequate administrative funds, States would face substantial difficulty in assuring the proper and rapid disbursement of the Section 155 funds. Nevertheless, Section 155(f) of the Act prohibits the use of Section 155 funds for administrative expenses. However, it does not prohibit the use of other appropriated funds for such expenses. Each of the programs in which Section 155 funds may be used permits appropriated funds to be used for administrative expenses. Section 155(c) provides that Section 155 funds shall be used as if such funds were received under the energy conservation program or programs designated by the respective governors. Thus, it would appear that appropriated funds may be used to administer Section 155 funds.

However, such use is subject to significant limitations also. Section 155(c) states that "funds disbursed under this section shall be used to supplement, and not supplant, funds otherwise available for such programs under Federal or State laws." Federally appropriated funds for these programs are "funds otherwise available for such programs" and are available for both administrative and direct program expenses.[3] Reading this provision of Section 155(c) with Section 155(f) (the prohibition on using Section 155 funds for administrative expenses) would seem to indicate that the legislation intended to supplement those funds being used for actual or direct program expenses, not the funds used for administrative expenses, and not to supplant funds that are available for direct program expenses. This type of supplanting could occur if all non-Section 155 funds not previously allocated for administrative expenses were used for the expenses of administering the Section 155 funds.

However, effect must also be given to the language and intent of that portion of Section 155(c) that requires the Section 155 funds to be used as if received under the chosen conservation program. Thus, after the funds are designated for use in that program, they are to be treated as normal appropriated funds for regulatory purposes. Hence, the effect of combining the Section 155 funds and appropriated funds is to increase the base (the total funds available for the program) against which any program limitation on the use of funds available for the program is measured. Two of the programs have a percentage of the funds available for the program which may be used for administrative expenses set by regulation. In the other two programs there is no regulatory limit; however, the States have reported their administrative expenses to the Department from which the percentage of the available funds historically used for administrative expenses can be calculated. Considering the Congressional concern with administrative expenses, and giving effect to all provisions of Section 155, these percentages should be applied to the total of the Section 155 funds plus the appropriated funds to obtain the total amount available for administrative expenses. However, because of the express prohibition of Section 155(f), funds actually used for administrative expenses must be

[2] The agreement on this point of two members of Congress with particular interest in and knowledge of Section 155 outweighs the general reluctance to use statements of individual legislators made during debates on a bill to ascertain the meaning of the full legislative body. D. Sand, Sutherland Statutory Construction § 48.13 (4th ed. 1973).

[3] If the language in Section 155(c) providing that Section 155 funds supplement and not supplant, funds otherwise available for the authorized programs under Federal *or State law* were interpreted to prohibit use of the "otherwise available" funds for administrative expenses, it would require a State to obtain money entirely outside of the authorized programs to administer Section 155 funds, and could require new State legislative actions before the Section 155 funds could be disbursed. This absurd result would defeat the legislation's purpose of distributing the funds as quickly as practicable.

derived only from appropriated funds, not Section 155 funds.

Specifically, regulations of the Weatherization Assistance Program and the Schools and Hospitals Grant Program limit the amount of funds available for the program which could be used for administrative expenses. Thus, when the Section 155 funds increase the amount of funds available for the program, the same limitation applies to the new total of funds available for the program. Therefore, the five percent available to the State for administration of the Schools and Hospitals Grant Program under the program regulations, 10 CFR § 455.62, and the five percent made available for administration of the Weatherization Assistance Program under that program's regulation (not more than ten percent for States and subgrantees), 10 CFR § 440.16, would in each case be five percent of the total of the Federal funds allocated to the State plus the Section 155 funds applied by the State to the program.

In addition, there are two programs for which there is no statutory or regulatory limit on administrative costs. These are the State Energy Conservation Program and the Energy Extension Service. In these programs, States may only increase their administrative budget by an amount which equals the percentage of a program's funds used in past years for administrative expenses multiplied by the total funding available for the program. This limitation is required to give effect to the provisions of Section 155(c) mandating that Section 155 funds supplement, not supplant, funds otherwise available for those programs.

Question #5: Must the Section 155 funds be expended by the States during a particular period of time?

Answer #5: Section 155 does not require a State to spend the Section 155 funds during a particular period of time. A State is also permitted to reallocate the funds from one eligible program to another, as long as the funds had not been expended. Thus, the provisions of the regulations and statute of the Schools and Hospitals Grant Program requiring DOE to reallocate among all the States funds not spent or obligated in a particular State during a particular fiscal year do not apply to the Section 155 funds.

Question #6: Do the recordkeeping, reporting, auditing, and monitoring requirements of the DOE program regulations also apply to the Section 155 funds? If so, must these funds be recorded and reported separately?

Answer #6: The monitoring, reporting, auditing, and recordkeeping requirements of the program regulations apply to these funds as if they were Federally appropriated funds. However, there is no requirement that records kept and reports made for the DOE programs have severable data on the disposition of the Section 155 funds, except that the Governor of each State must make the report required in Section 155(c) identifying the programs to which the funds were or will be applied.

Question #7: Do the States need to include provisions regarding the Section 155 funds in their new applications or amend current applications or State plans to cover the use of these funds?

Answer #7: States are required to include provisions in their new applications regarding the use of Section 155 funds or amend their current applications, State plans, or both to include the increase in program budget and production caused by the application of the Section 155 funds. New applications should be submitted in accordance with normal program procedures and OMB Circulars. Amendments to current applications and plans should be submitted at the same time as new applications. A new plan or application or an amendment to an existing plan or application is required when additional appropriated funds are allotted to a particular program. Since Section 155(c) requires the Section 155 funds be used as if such funds were received under the particular program to which they were applied, a new application or amendment is also required for Section 155 funds. However, such new applications or amendments do not need to be submitted before the Section 155 funds are used in a particular program. Congress intended the funds to be disbursed expeditiously and did not make their disbursement conditional upon receipt or amendment of an application or State plan.

A State is also required to amend its application or plan if it intends to use the funds for a purpose not provided for in the application or plan. For example, if a State wanted to apply funds disbursed to the State Energy Conservation Program to a measure not included in its State plan, it would have to amend the plan according to the procedures set forth in the program regulations before it funds the new measure. A State may also amend its current application, State plan, or both for other reasons as long as it follows the normal program procedures for making such amendments.

Question #8: Are the Civil Rights Act (42 U.S.C. 2000d), the Davis-Bacon Act (42 U.S.C. 276a), Office of Management and Budget Circulars, DOE Financial Assistance Rules, and other Federal requirements applicable to the Section 155 funds?

Answer #8: They are applicable to the extent they are applicable to Federally appropriated funds under the program regulations.

Question #9: Since grants under the Schools and Hospitals Grant Program are normally made by the DOE rather than by the States, what procedures should a Governor use if the State wants to apply some of the Section 155 funds to this program?

Answer #9: To apply these funds to the Schools and Hospitals Grant Program the State energy office should act as a coordinating agency under the program regulations and treat the funds as Federally appropriated funds. Thus, the State energy office would have the reporting, monitoring, recordkeeping, and auditing responsibilities it normally has under the program regulations when acting as a coordinating agency. The funds would be disbursed by the States to the institutions on the basis of a ranking of applications from schools and hospitals approved by DOE under the program regulations. The disbursement of the Section 155 funds from the States to the institutions and the approval of the ranking of applications for these funds by DOE would take place at the same time in the FY 1983 or later grant cycle for the program as the disbursal or Federally appropriated funds from DOE to the institutions and the ranking of applications for Federally appropriated funds by DOE.

Question #10: Must an institution provide funds to match a grant of Section 155 funds made under the Schools and Hospitals Grant Program? Must a State provide additional funds to match the Section 155 funds applied to the Energy Extension Service (EES)? May a State under the EES or an institution under the Schools and Hospitals Grant Program use the Section 155 funds to fulfill its obligation to match Federally appropriated funds?

Answer #10: An institution must provide funds to match a grant of Section 155 funds made under the Schools and Hospitals Grant Program; however, a State does not need to provide additional funds to match the Section 155 funds applied to the EES. As indicated in the legislative history of Section 155, the reason for requiring the funds to be applied to five particular programs and their regulations was to control the purpose for which the funds were to be used by the States and to provide fiscal accountability upon their use. 128 Cong. Rec. E5,327–E5,328 (daily ed. Dec. 18, 1982) (remarks of Rep. Dingell); 128 Cong. Rec. H10,434–H10,437

(daily ed. Dec. 20, 1982) (remarks of Rep. Dingell); and S15,702–S15,703 (daily ed. Dec. 20, 1982) (remarks of Sen. Hatfield). The Schools and Hospitals Grant Program matching requirement is the type of control on the use of Federally appropriated funds Congress intended to be applicable to the Section 155 funds. The language of the statute requiring a match refers to the requirement in terms of a limitation on the use of funds. 42 U.S.C. 6371e(b)(1). Moreover, to ensure that the funds are used most effectively to produce the greatest energy savings, the program emphasizes a competition among a wide variety of projects from a large number of applicants. 10 CFR Part 455. Requiring an applicant to provide half of the funds for its project increases the likelihood that the applicant is proposing the most efficient projects and providing accurate cost figures and the likelihood that the competition will insure the most efficient use of Federally appropriated funds. Accordingly, the matching requirement must apply to the Section 155 funds disbursed under the Schools and Hospitals Grant Program.

The EES matching requirement, however, is not intended to be a control on the use of Federally appropriated funds and is not intended to be applicable to the Section 155 funds. The language of the statute requiring a match for EES does not limit the use of appropriated funds but only requires the funds available to the program to be augmented by the States. Section 1007(b), Omnibus Budget Reconciliation Act of 1981, Pub. L. 97–35. Moreover, Congress has no need to control the use of EES funds similar to its need regarding the Schools and Hospitals funds because it knows how the funds will be distributed. Congress itself determined by statute who the recipients will be (the States) and how they will use the funds and determined by the appropriation process the amount of funds each applicant will receive. 42 U.S.C. 7001 *et seq.* In addition, Senator Warner, who introduced the original amendment to the Countinuing Resolution which became Section 155, indicated that the States were unable to provide additional financial assistance to the public for energy purposes and that one purpose of the amendment was to provide the needed financial assistance to the States in order to enable them to provide such energy assistance. 128 Cong. Rec. S15,114–S15,116 (daily ed. Dec. 16, 1982). Nothing in the legislative history of the debates on the amendment indicates that the intention of Congress changed in this regard. A concern with a State's inability to help its citizens and an intention to aid the States in this connection would be inconsistent with requiring States to apply additional funds to match the Section 155 funds.

A State cannot under the EES program, and an institution cannot under the Schools and Hospitals Grant Program, use the Section 155 funds to fulfill its obligation to match Federally appropriated funds. Section 155 funds applied to both programs are required to be used as if they had been received under those programs. Section 155(c). Funds received under both programs cannot be used to meet matching requirements. In addition, Section 155(c) requires a State not to use Section 155 funds to supplant State funds otherwise available for energy conservation programs.

Question #11: In reporting energy savings under the State Energy Conservation Program (SECP), should a State report the savings due to the expenditure of Section 155 funds for that program?

Answer #11: The State should report energy savings due to actions taken under the SECP which were funded by the Section 155 funds in the same manner that it reports savings due to those actions funded by Federally appropriated funds.

Question #12: If a Governor applies some of the Section 155 funds to the Weatherization Assistance Program in a State where Indian tribes receive Federal funds for the program directly from the Federal government rather than from the State, should a portion of those funds designated for the Weatherization Assistance Program be disbursed to the Indian tribes?

Answer #12: In such a State, the Governor is required to do one of two things: either disburse a portion of the escrow funds in the amount calculated according to 10 CFR 440.11(b) to the tribal organization or other entity chosen by DOE under 10 CFR 440.11(d); or insure that the eligible members of Indian tribes in the State receive weatherization assistance in the same manner as other eligible individuals in the State receive such assistance.

Issued in Washington, D.C. on February 2, 1983.

R. Tenney Johnson,

General Counsel.

[FR Doc. 83-3472 Filed 2-4-83; 4:25 pm]

BILLING CODE 6450-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Social Security Administration

Use of Petroleum Violation Escrow Funds in the Low Income Home Energy Assistance Program

AGENCY: Social Security Administration, HHS.

ACTION: Notice

SUMMARY: Section 155 of Pub. L. 97-377 provides that the Secretary of Energy distribute certain petroleum violation escrow funds to the Governors of the States to use as if those funds had been received under any of four energy conservation programs administered by the Department of Energy (DOE) or under the Low Income Home Energy Assistance Program (LIHEAP).

This notice provides guidance to LIHEAP grantees on the use of these escrow funds. A separate notice will be issued by DOE regarding use of these funds for the DOE energy conservation programs. In light of the clear Congressional intent that these funds be distributed expeditiously, we are using this notice to communicate out interpretation of the conditions put on the use of these funds for LIHEAP by section 155.

The general statutory requirement imposed by section 155(c) is that the funds are to be used as if they were received under any of the programs to which they may be applied. As with LIHEAP funds, we want to leave to the States maximum policy discretion in use of the escrow funds for LIHEAP purposes.

FOR FURTHER INFORMATION CONTACT: SSA Assistant Regional Commissioners for Family Assistance or Norman L. Thompson, Director, Office of Energy Assistance, Office of Family Assistance, Room B-448, Transpoint Building, 2100 2nd Street, SW., Washington, D.C. 20201, telephone (202) 245-20230.

SUPPLEMENTARY INFORMATION:

1. *Except as provided below, escrow funds should be treated as funds allotted to States for LIHEAP.* Section 155(c) of Pub. L. 97-377 directs Governors to use escrow funds, "* * * as if such funds were received under * * *," one of five specified programs, including LIHEAP. In effect, escrow funds used for LIHEAP should be treated by the States as part of the States' LIHEAP allotment.

2. *No escrow funds may be used for administration.* Under section 2605(b)(9) of Pub. L. 97-35, a State may use up to 10% of its LIHEAP allotment for planning and administration. Under section 155(f) of Pub. L. 97-377, however, no escrow funds may be used for administrative expenses. Although these provisions appear to be inconsistent, we believe that they can be reconciled. If a State uses escrow funds for LIHEAP purposes, the funds may be considered part of the allotment to which the 10% limitation on administrative expenses applies, since the escrow funds are to be used as if they were LIHEAP funds. Funds actually used for administrative expenses, however, must not be escrow funds.

3. *The use of escrow funds will be included in some reporting requirements and not others.*

a. *Estimate of monthly obligations.* Form SSA-35 should not reflect escrow funds. The estimates are used for decisions about apportionment of block grant appropriations. Escrow funds are not part of this process.

b. *Rollover and reallotment report.* Escrow funds are to be treated like funds received under LIHEAP with respect to section 2607(b) of Pub. L. 97-35 and should be reflected in the report required by 45 CFR 96.81.

c. *Number and income levels of households assisted.* 45 CFR 96.82 provides that grantees report on the number and income levels of all households assisted with LIHEAP funds. Households assisted with escrow funds should be included. However, it is not necessary to report in such a way that the number of households assisted by escrow funds is distinguishable from the number of households otherwise assisted.

d. *Audit.* Escrow funds should be audited according to the same audit requirements as other LIHEAP funds. States should be aware of any State audit requirements which would make it necessary to track escrow funds separately to determine that none were used for administrative purposes, or otherwise used in a manner contrary to section 155.

4. *Each State must determine whether its use of escrow funds requires the State to amend its plan, although public hearings are not required.* Section 2605(a)(2) of Pub. L. 97-35 requires that public hearings be held by States before receiving LIHEAP grants for fiscal year 1983. We do not believe that the availability of section 155 funds requires new hearings under that section. A State's plan may have to be amended to cover the expenditure of section 155 funds. States will need to determine whether their intended use of escrow funds is consistent with the use and distribution of LIHEAP funds expressed in their current plan. If it is not, a plan amendment should be prepared. As with other plan amendments, prior Federal approval is not required in order for a state to implement the amendment.

5. *HHS cannot set aside portions from State grants of escrow funds in order to make direct grants to Indian tribes which run their own LIHEAP.* Section 155 provides that the Secretary of Energy distribute funds to the Governors of the States. The funds are to be distributed among States based upon the amount of petroleum products used by the citizens of each State, including members of Indian tribes with direct LIHEAP grants. The Governors of the States then decide upon the distribution of escrow funds among the five eligible programs within the State. The Office of Family Assistance does not have authority to set aside escrow funds for direct grants to tribes. The State should ensure that members of LIHEAP grantee Indian tribes share equitably in the benefits provided with escrow funds expended under LIHEAP. We are not prescribing the manner in which a State accomplishes this. The State may make any appropriate arrangements, including requesting that the Office of Family Assistance withhold from LIHEAP grants to the State an amount proportionate to the State's share of escrow funds, in order to augment the LIHEAP allocations of direct-grant tribes.

(Catalog of Federal Domestic Assistance Program No. 13.818 Low Income Home Energy Assistance)

Dated: February 3, 1983.

Linda S. McMahon,

Associate Commissioner for Family Assistance, U.S. Department of Health and Human Services.

[FR Doc. 83-3473 Filed 2-4-83; 4:24 pm]

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Reader Aids

Federal Register

Vol. 48, No. 28

Wednesday, February 9, 1983

INFORMATION AND ASSISTANCE

PUBLICATIONS

Code of Federal Regulations

CFR Unit	202-523-3419 523-3517
General information, index, and finding aids	523-5227
Incorporation by reference	523-4534
Printing schedules and pricing information	523-3419

Federal Register

Corrections	523-5237
Daily Issue Unit	523-5237
General information, index, and finding aids	523-5227
Privacy Act	523-5237
Public Inspection Desk	523-5215
Scheduling of documents	523-3187

Laws

Indexes	523-5282
Law numbers and dates	523-5282 523-5266
Slip law orders (GPO)	275-3030

Presidential Documents

Executive orders and proclamations	523-5233
Public Papers of the President	523-5235
Weekly Compilation of Presidential Documents	523-5235

United States Government Manual 523-5230

SERVICES

Agency services	523-5237
Automation	523-3408
Library	523-4986
Magnetic tapes of FR issues and CFR volumes (GPO)	275-2867
Public Inspection Desk	523-5215
Special Projects	523-4534
Subscription orders (GPO)	783-3238
Subscription problems (GPO)	275-3054
TTY for the deaf	523-5229

FEDERAL REGISTER PAGES AND DATES, FEBRUARY

4447-4646 1
4647-4766 2
4767-5212 3
5213-5526 4
5527-5708 7
5709-5878 8
5879-6086 9

CFR PARTS AFFECTED DURING FEBRUARY

At the end of each month, the Office of the Federal Register publishes separately a list of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

3 CFR

Proclamations:
5018 ..... 5527, 5881
5019 5709
Rules:
35 CFR Part 133 5879

4 CFR

56 4647

5 CFR

Ch. XIV 5529
1201 5213
2471 5529
2472 5529
Proposed Rules:
2470 5568
2471 5568

7 CFR

29 5883
301 4447
354 5215
624 4447
905 4448
907 4767
910 5216
1701 4450
Proposed Rules:
20 5746
28 4477
180 4797
910 5950
981 5569
1030 5747
1701 4478

8 CFR

103 4451
204 4451
208 5885
214 ..... 4767, 4769
245 4769

10 CFR

Ch. II 6082
35 5217
50 ..... 5532, 5886
70 5886
205 6082
810 5218
Proposed Rules:
205 5748
960 5670
961 5458

11 CFR

106 5224
9031 5224
9032 5224
9033 5224
9034 5224
9035 5224
9036 5224
9037 5224
9038 5224
9039 5224

12 CFR

26 5533
212 5533
217 ..... 4453, 5888
226 4454
265 ..... 4458, 5535
348 5533
545 4647
556 4647
563f 5533
711 5533
Proposed Rules:
3 4479
6 4479
7 4479
32 4479
204 5750
205 4667
226 4669
250 5570
701 4798

13 CFR

115 5888
302 5711

14 CFR

39 ..... 4770, 4771, 5536-5539
71 5540
97 5541
302 4650
1203 5889
Proposed Rules:
71 ..... 4799, 5571-5573
250 4479
251 5950
287 5950

15 CFR

399 5893

17 CFR

3 4650
140 5544
145 5544
200 5544
271 5894

18 CFR

2 5152
4 4458
154 5152
157 5251
270 ..... 5152, 5190

271.....4459–4461, 4771, 4772, 5152–5197, 5896–5898

Proposed Rules:

271.....4480–4483, 4800, 5953 5954

274.....4483, 4800

19 CFR

201.....5898

20 CFR

404.....5711

21 CFR

5.....5251

74.....4463, 5252

81.....4463, 5252–5262

82.....4463, 5252, 5262

173.....5715

182.....5716

184.....5716

193.....5899, 5900

510.....4463

520.....4463

524.....5264

558.....4464, 5265, 5266

561.....5900

Proposed Rules:

172.....5751

182.....4486, 5279, 5751, 5758

184.....4486, 5279, 5751, 5758, 5761

348.....5852

358.....5761

558.....4490

23 CFR

Ch. I.....5210, 5720

1209.....5545

24 CFR

885.....5721

3280.....5266

25 CFR

174.....5901

26 CFR

6a.....4652

Proposed Rules:

1.....5762

51.....5280

27 CFR

Proposed Rules:

9.....5280, 5955–5961

25.....4803

245.....4803

252.....4803

29 CFR

1910.....5267

Proposed Rules:

2690.....4632

2691.....4632

2692.....4632

2693.....4632

2694.....4632

2695.....4632

30 CFR

211.....5902

934.....5902

Proposed Rules:

902.....5763

927.....5964

32 CFR

199.....5916

720.....4464

770.....5555

33 CFR

25.....4773

117.....4773, 4775

154.....4776

159.....4776

Proposed Rules:

110.....4832

144.....4833

34 CFR

Proposed Rules:

201.....4677

202.....4677

203.....4677

204.....4677

302.....4677

35 CFR

133.....5918

36 CFR

65.....4652

39 CFR

10.....4776

40 CFR

Ch. I.....5684

52.....5722, 5723

60.....5452

80.....5724, 5727

81.....5269, 5727, 5728

123.....4661, 4777, 5556, 5918

180.....5919–5921

228.....5557

761.....4467, 5729

Proposed Rules:

Ch. I.....5965

52.....4834, 4972–5144, 5282, 5764

81.....5131, 5133, 5765

86.....5766

122.....5872

123.....4836, 5284, 5872

180.....4678–4680, 5965–5968

256.....5767

264.....5872

455.....5767

467.....5575

41 CFR

5–3.....4468

5–16.....4468

Proposed Rules:

101–41.....5969

42 CFR

51b.....4472

431.....5730

435.....5730

436.....5730

440.....5730

447.....5730

Proposed Rules:

57.....4492

43 CFR

20.....5736

44 CFR

64.....4663, 4778

Proposed Rules:

67.....4681

45 CFR

Proposed Rules:

801.....5769

46 CFR

Ch. I.....4780

502.....5737

503.....5742

522.....5742

524.....5743

531.....5737

536.....5737

540.....5737

542.....5742

543.....5742

544.....5742

552.....5742

Proposed Rules:

Ch. IV.....5769

10.....5575

25.....4837

33.....4837

35.....4837

94.....4837

97.....4837

107.....4837

108.....4837

109.....4837

157.....5575

160.....4837

192.....4837

196.....4837

47 CFR

1.....4783

2.....4783, 5922

15.....4788, 5922, 5928

31.....5928

43.....5928

67.....5939

73.....4664, 4665, 4792, 5940–5947

90.....4792, 5922

95.....4783

Proposed Rules:

2.....4845

5.....4845

15.....4845

21.....4845

73.....4692–4698, 4845, 5970–5978

74.....4845

78.....4845

83.....4847

87.....4849

90.....4851

94.....4845

95.....5982

97.....4855

49 CFR

387.....5559

575.....5690

1003.....5269

1043.....4666, 5269

Proposed Rules:

1033.....4493

1043.....4699

50 CFR

23.....4795

642.....5270

658.....5744

671.....5276

681.....5560

Proposed Rules:

17.....4860, 5284

222.....5982

227.....5285

301.....4861

611.....5575

656.....5575

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List of Public Laws

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws.**

Last Listing January 19, 1983

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