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Federal Register

Tuesday
March 22, 1983

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OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 213

Excepted Service

AGENCY: Office of Personnel Management.

ACTION: Final regulations.

SUMMARY: These regulations amend the Schedule A excepted service appointing authority for research positions filled through the Research Associate Program of the National Research Council to permit appointments of 2-year duration. These changes implement suggestions by the National Research Council and agencies participating in the program to reflect more accurately the actual duration of most projects and to make the program more attractive to potential associates.

EFFECTIVE DATE: April 21, 1983.

FOR FURTHER INFORMATION CONTACT: William Bohling, Noncompetitive Staffing Branch, Staffing Group, (202) 632-6000.

SUPPLEMENTARY INFORMATION: The National Research Council each year announces competition for postdoctoral research associateships in participating scientific organizations. The Council evaluates and ranks the applicants and refers them to the participating organizations. Federal organizations participating in this program appoint associates under 5 CFR 213.3102(aa), which permits initial appointment for 1 year, with a possible 1-year extension. Participating agencies and the National Research Council have found that projects undertaken by research associates typically require 2 years to complete and that appointments are routinely extended.

To reflect more accurately the actual employment which research associates may expect, proposed regulations permitting 2-year appointments, subject to satisfactory research progress during the first year, were published on December 7, 1982, (47 FR 54974) for a 60-day comment period. Only two comments were received, both from Federal agencies supporting the proposal.

E.O. 12291, Federal Regulation

OPM has determined that this is not a major rule as defined under Section 1(b) of E.O. 12291, Federal Regulation.

Regulatory Flexibility Act

I certify that this regulation will not have a significant economic impact on a substantial number of small entities because if affects only the length of appointment of certain nonpermanent Federal employees.

List of Subjects in 5 CFR Part 213

Government employees.

Office of Personnel Management.

Donald J. Devine,

Director.

PART 213—[AMENDED]

Accordingly, the U.S. Office of Personnel Management is revising 5 CFR 213.3102(aa), to read as follows:

§ 213.3102 Entire executive civil service.

* * * * *

(aa) Scientific and professional research associate positions at GS–11 and above when filled on a temporary basis by persons having a doctoral degree in an appropriate field of study for research activities of mutual interest to appointees and their agencies. Appointments are limited to persons referred by the National Research Council under its post-doctoral research associate program, may not exceed 2 years, and are subject to satisfactory outcome of evaluation of the associate's research during the first year.

* * * * *

(5 U.S.C. 3301, 3302; E.O. 10577, 3 CFR 1954–1958 Comp., p. 218)

[FR Doc. 83-7300 Filed 3-21-83; 8:45 am]
BILLING CODE 6325-01-M

5 CFR Part 213

Excepted Service

AGENCY: Office of Personnel Management.

ACTION: Final regulations.

SUMMARY: Positions filled by National Guard Technicians who are applying for or receiving an annuity based on a disability that disqualifies them from National Guard membership or from holding a military grade required by their technician employment, or by promotion, reassignment or demotion of former National Guard Technicians initially appointed under this authority, are excepted from the competitive service under Schedule A because it is impracticable to examine for them. Establishment of this appointing authority is necessary to implement the provisions of 5 U.S.C. 8337(h).

EFFECTIVE DATE: April 21, 1983.

FOR FURTHER INFORMATION CONTACT: William Bohling, Noncompetitive Staffing Branch, Staffing Group, 202–632–6000.

SUPPLEMENTARY INFORMATION: 5 U.S.C. 8337(h) provides: (1) That a National Guard Technician who is required as a condition of employment to be a member of the National Guard or to hold a certain military grade may be eligible for disability retirement based on a disability that disqualifies the individual from membership in the National Guard or from holding the required military grade; and (2) that any individual applying for or receiving an annuity under this provision "shall, in accordance with regulations prescribed by the Office, be considered by any agency of the Government before any vacant positon in the agency is filled if—(A) the position is located within the commuting area of the individual's former position; (B) the individual is qualified to serve in such position as determined by the head of the agency; and (C) the position is at the same grade or equivalent level as the position from which the individual was separated." Interim regulations for referral and consideration of such Technicians for appropriate vacancies are being published in 5 CFR Part 330. However, because National Guard Technicians are appointed under 32 U.S.C. 709(a), which confers no status or eligibility for

movement to other agencies, a special appointing authority is needed to give full effect to the consideration provisions.

Interim regulations published October 1, 1982 (47 FR 43634) established a Schedule A excepted service appointing authority to permit placement of disabled National Guard Technicians in other agencies. Comments on this authority were invited. Only one comment was received from a Federal agency. It suggested: (1) That noncompetitive appointments in the competitive service be authorized instead of Schedule A; (2) that initial appointments be limited to positions at or below the level of an individual's National Guard Technician position; and (3) that provision be made for promotion, demotion or reassignment to other positions in the same agency following initial appointment. The latter two suggestions have been adopted. Provision for noncompetitive appointments in the competitive service would, however, exceed both the letter and intent of 5 U.S.C. 8337(h).

Previous laws and Executive orders which have formed the basis for noncompetitive appointing authorities in the competitive service have stated explicitly that certain persons were to be appointed in the competitive service without regard to the requirements governing competitive appointments. 5 U.S.C. 8337(h) contains no such statement. The statutory intent of controlling retirement outlays by encouraging continued employment of and providing comparable employment opportunities for Technicians who become disabled for military, but not civilian, duties can be met without giving the Technicians benefits of competitive status which they could not have earned in their original appointments.

E.O. 12291, Federal Regulation

OPM has determined that this is not a major rule as defined under secton 1(b) of E.O. 12291, Federal Regulation.

Regulatory Flexibility Act

I certify that this regulation will not have a significant economic impact on a substantial number of small entities because it pertains solely to the conditions for appointment of certain employees by Federal agencies.

List of Subjects in 5 CFR Part 213

Government employees.

Office of Personnel Management.

Donald J. Devine,

Director.

PART 213—[AMENDED]

Accordingly, the Office of Personnel Management is revising 5 CFR 213.3102(j) to read as follows:

§ 213.3102 Entire executive civil service

* * * * *

(j) Positions filled by (1) appointment of persons previously employed as National Guard Technicians under 32 U.S.C. 709(a) in positions at the same or equivalent grade level, or below, who are applying for or receiving an annuity under the provisions of 5 U.S.C. 8337(h) by reason of a disability that disqualifies them from membership in the National Guard or from holding the military grade required as a condition of their National Guard employment; or (2) reassignment, promotion or demotion within the same agency of former National guard Technicians originally appointed under this authority.

* * * * *

(5 U.S.C. 3301, 3302, 8337(h))

[FR Doc. 83-7306 Filed 3-21-83; 8:45 am]

BILLING CODE 6325-01-M

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5 CFR Part 359

Removal From the Senior Executive Service; Guaranteed Placement in Other Personnel Systems

AGENCY: Office of Personnel Management.

ACTION: Final regulations.

SUMMARY: These final regulations prescribe the procedures for making furloughs of career appointees (other than reemployed annuitants) in the Senior Executive Service and provide an appeal right to the Merit Systems Protection Board for such actions. The regulations will help to ensure that furlough actions are taken fairly, that employees have a means of redress if they believe the actions are not fair, and that furloughs are not used when adverse action, performance removal, or reduction in force is the appropriate action.

EFFECTIVE DATE: April 21, 1983.

FOR FURTHER INFORMATION CONTACT: Neal Harwood, (202) 632-4625.

SUPPLEMENTARY INFORMATION: On January 15, 1982, the Office of Personnel Management (OPM) published interim regulations on furloughs in the Senior Executive Service (SES) (47 FR 2283). The comment period of 60 days from the date of publication ended on March 16, 1982. Three comments were received from agencies, two from individuals, and one from an organization representing SES members.

The Senior Executives Association (SEA) alleged that OPM did not have statutory authority to issue furlough regulations. As explained in the Supplementary Information section of the Federal Register carrying the interim regulations, although there is no specific statutory reference to SES furloughs, we believe that OPM has authority to regulate furloughs of career appointees under its SES administrative and oversight responsibility accorded by the Civil Service Reform Act of 1978. Further, as indicated in the Summary, the regulations help ensure that furlough actions are taken fairly and are not used in lieu of other personnel actions, such as adverse action.

The SEA raised this same allegation with the Merit Systems Protection Board (MSPB) pursuant to 5 U.S.C. 1205(e), which authorizes the Board to review rules and regulations issued by OPM to determine if they have required or would require any Federal employee to commit a prohibited personnel practice in violation of 5 U.S.C. 2302(b). On September 3, 1982, the Board issued an opinion stating that it had decided not to exercise its discretion to review the challenged regulations. The Board indicated that if the issue of a regulation's validity can or will reach the Board through the ordinary channels of its appellate jurisdiction, it will not review validity outside those channels. The Board pointed out that the regulations specifically allowed a furloughed SES member to appeal to the Board.

A notice of the Board's action was published in the Federal Register on October 8, 1982 (47 FR 44643).

The interim regulations stated that the furlough of a noncareer, limited term, or limited emergency appointee was not subject to the subpart. One commentor recommended adding for clarity purposes that such an appointee may be furloughed without regard to the regulations. This has been done.

One commentor recommended that reemployed annuitants with career appointments also be excluded from coverage of the regulations. They then could be furloughed without regard to competitive procedures and would not have an appeal right to the Merit Systems Protection Board. A reemployed annuitant serves at the pleasure of the agency and may be released permanently at any time without having an appeal right. We

agree, therefore, with the recommendation and have excluded reemployed annuitants from coverage of the regulations.

The interim regulations stated that furloughs result from "lack of work or funds or other nondisciplinary reasons." One commentor recommended eliminating "or other nondisciplinary reasons" as being too broad in meaning. We have retained the phrase to clarify that furloughs are nondisciplinary and to cover possible situations not involving lack of work or funds. Similar language is in 5 U.S.C. 7511(a)(5) governing furloughs of executives not in the Senior Executive Service.

Two commentors suggested editorial changes in the definition of "furlough." The suggestion was that the definition be revised from the placing of an appointee "in a temporary status without duties and pay" to the placing of an appointee "temporarily in a nonduty and nonpay status." Although the suggested change may be somewhat clearer, we have retained the current definition since it is the same as in 5 U.S.C. 7511(a)(5) for furloughs outside the SES.

One commentor recommended adding a section providing that an appointee may voluntarily request a furlough. We do not believe this addition is appropriate as it may cause confusion with requests for leave without pay.

One commentor recommended that competitive procedures for furloughs be required only if the furlough exceeds 60 calendar days, rather than the 30 calendar days in the interim regulations. We have retained the 30-day requirement as it is consistent with 5 CFR Part 351 procedures for employees outside the SES.

One commentor recommended that in the absence of any agency policy as to SES furlough competitive procedures, the agency shall follow the SES RIF competitive procedures. We do not believe this is necessary, since an agency must specify prior to a furlough what procedures it will use.

The interim regulations provided that an employee may appeal to the Merit Systems Protection Board if the regulations have not been correctly applied. One commentor recommended that the regulations be amended to provide that an employee may also appeal if the agency's procedures have not been correctly applied. This is implied in the interim regulations, but has been specified in the final regulations.

One commentor recommended that the regulations state that appeals shall not be submitted to the MSPB until after the effective date of the furlough and state the time limits for submitting appeals. Since the determination of what the time limits for an appeal are and when it will be accepted are within the jurisdiction of the Board itself, it would not be appropriate for OPM to regulate on these matters. As a matter of information, current Board regulations provide that an appeal may be submitted within 20 calendar days of the effective date of the action.

One commentor recommended that instead of a single 30-day advance written notice, there should be provisions for general and specific written notices as management options. There is nothing to prevent this under the present regulations where appropriate. For example, an agency may provide a general notice explaining that a furlough may be necessary and giving the reasons, and then provide a specific notice with the effective dates if the dates are not known at the time of the first notice.

One commentor recommended that the notice give the reason if the notice period is less than 30 days. This change has been made. Another recommendation was to require that the notice explain any changes in retirement, health insurance, or life insurance benefits. Although an agency should provide this information to employees, we do not believe the notice is the only means for doing so and have not included the recommendation in the final regulations.

One commentor asked about the effect of a furlough on the completion of the Senior Executive Service probationary period and recommended providing credit for up to 22 work days. We agree with the credit suggestion, but believe it would be more appropriate to incorporate it in the forthcoming FPM Supplement 920–1 on the Senior Executive Service than in these regulations.

E. O. 12291, Federal Regulation

OPM has determined that this is not a major rule as defined under Section 1(b) of E.O. 12291, Federal Regulation.

Regulatory Flexibility Act

I certify that this regulation will not have a significant economic impact on a substantial number of small entities because it deals with the Senior Executive Service of the executive branch of the Federal Government.

List of Subjects in 5 CFR Part 359

Government employees.

Office of Personnel Management.

Donald J. Devine,

Director.

Accordingly, the Office of Personnel Management is amending 5 CFR Part 359 by:

1. Revising the heading for Part 359 to read as follows:

PART 359—REMOVAL FROM THE SENIOR EXECUTIVE SERVICE; GUARANTEED PLACEMENT IN OTHER PERSONNEL SYSTEMS

2. Revising Subpart H, §§ 359.801 through 359.807, to read as follows:

Subpart H—Furloughs in the Senior Executive Service

Sec.

Authority: 5 U.S.C. 3133 and 3136.

* * * * *

Subpart H—Furloughs in the Senior Executive Service

§ 359.801 Agency authority.

This subpart sets the conditions under which an agency may furlough career appointees in the Senior Executive Service. The furlough of a noncareer, limited term, or limited emergency appointee is not subject to this subpart. The furlough of a reemployed annuitant holding a career appointment also is not subject to the subpart.

§ 359.802 Definitions.

For the purpose of this subpart, "furlough" means the placing of an appointee in a temporary status without duties and pay because of lack of work or funds or other nondisciplinary reasons.

§ 359.803 Competition.

Any furlough for more than 30 calendar days shall be made under competitive procedures established by the agency. The procedures shall be made known to the SES members in the agency.

§359.804 Length of furlough.

A furlough may not extend more than one year. It may be made only when the agency intends to recall the appointee within one year.

§ 359.805 Appeals.

A career appointee who has been furloughed and who believes this subpart or the agency's procedures have

not been correctly applied may appeal to the Merit Systems Protection Board under provisions of the Board's regulations.

§ 359.806 Notice

(a) An appointee is entitled to a 30 days' advance written notice of a furlough. The full notice period may be shortened, or waived, only in the event of unforseeable circumstances, such as sudden emergencies requiring immediate curtailment of activities.

(b) The written notice shall advise the appointee of:

(1) The reason for the agency decision to take the furlough action.

(2) The expected duration of the furlough and the effective dates;

(3) The basis for selecting the appointee for furlough when some but not all Senior Executive Service appointees in a given organizational unit are being furloughed;

(4) The reason if the notice period is less than 30 days;

(5) The place where the appointee may inspect the regulations and records pertinent to the action; and

(6) The appointee's appeal rights, including the time limit for the appeal and the location of the Merit Systems Protection Board office to which the appeal should be sent.

§ 359.807 Records.

The agency shall preserve all records relating to an action under this subpart for at least one year from the effective date of the action.

[FR Doc. 83-7304 Filed 3-21-83; 8:45 am]

BILLING CODE 6325-01-M

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

7 CFR Part 271

Food Stamp Program; Eligibility Criteria and Reduction or Termination of Benefits

Correction

In FR Doc. 82-33824 beginning on page 55903 in the issue of Tuesday, December 14, 1982, make the following corrections:

In § 271.2, page 55908, center column, in the 19th line from the top, "benefits states or" should have read "benefits stated or".

BILLING CODE 1505-01-M

Packers and Stockyards Administration

9 CFR Part 201

General Bonding Regulations

Correction

In FR Doc. 83-5207 beginning on page 8804 in the issue of Wednesday, March 2, 1983, make the following corrections.

1. On page 8807, third column, eighth line of the third complete paragraph, "to" should read "on".

2. On page 8808, first column, tenth line of the third paragraph, "other such" should read "such other". In the same column, the last word of the fifth line of paragraph (b) reading "of", should read "on".

3. On page 8808, second column, eleventh line of paragraph (c), "amounts" should read "amount"; and in the thirteenth line, "obtaining" should read "obtained".

BILLING CODE 1505-01-M

COMMODITY FUTURES TRADING COMMISSION

17 CFR Part 3

Agents and Associated Persons of Futures Commission Merchants; Statement of Policy

AGENCY: Commodity Futures Trading Commission.

ACTION: Statement of policy.

SUMMARY: Recent amendments to the Commodity Exchange Act ("Act") will eliminate the current category of unregistered "agents" of futures commission merchants ("FCMs") and will further require many of those agents to be registered with the Commodity Futures Trading Commission ("Commission") as "introducing brokers." In addition, individuals employed by such agents as associated persons ("APs") would no longer be required to be registered as APs of the sponsoring FCM but could instead be registered under the sponsorship of the introducing broker. The Commission has announced that it will continue to accept applications for registration and related reports filed in accordance with the Commission's existing regulations until such time as it makes effective final regulations implementing the above-described statutory changes.

EFFECTIVE DATE: March 22, 1983.

FOR FURTHER INFORMATION CONTACT: Kenneth M. Rosenzweig, Assistant Chief Counsel, or Robert P. Shiner, Assistant Director, Division of Trading and Markets, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581. Telephone: (202) 254-8955 or 254-9703, respectively.

SUPPLEMENTARY INFORMATION: The Futures Trading Act of 1982 ("FTA") has amended the Commodity Exchange Act, *inter alia*, to require the registration with the Commission of "introducing brokers" and to eliminate the former unregistered statutory category of "agents" of futures commission merchants.[1] As a result, most agents of FCMs will be required to register with the Commission as introducing brokers,[2] which is defined in the FTA to mean:

> any person, except an individual who elects to be and is registered as an associated person of a futures commission merchant, engaged in soliciting or in accepting orders for the purchase or sale of any commodity for future delivery on or subject to the rules of any contract market who does not accept any money, securities, or property (or extend credit in lieu thereof) to margin, guarantee, or secure any trades or contracts that result or may result therefrom.[3]

Section 212 of the FTA further provides generally that any person associated with an introducing broker in any capacity which involves the solicitation or acceptance of customers' orders or the supervision of any persons so engaged must be registered with the Commission as an AP of that introducing broker. By comparison, prior to the enactment of the FTA, Section 4k of the Act and § 3.12 of the Commission's regulations thereunder (17 CFR 3.12) specified that such an individual could be registered as an

[1] *See* Futures Trading Act of 1982, Pub. L. No. 97-444, sections 207, 208, 212, 96 Stat. 2302, 2303-04 (January 11, 1983), *amending* Sections 4d, 4f, and 4k of the Commodity Exchange Act (7 U.S.C. 6d, 6f, 6k).

[2] *See, e.g.*, H.R. Rep. No. 97-565, 97th Cong., 2d Sess. 87 (1982).

[3] Futures Trading Act of 1982, Pub. L. No. 97-444, section 201(1), 96 Stat. 2297, *amending* Section 2(a) of the Act (7 U.S.C. 2). Persons who now do business as agents of FCMs could, of course, become branch offices of an FCM if the agent and its employees were properly registered as associated persons and other conditions of the Commission's regulations (*see, e.g.*, 17 CFR 3.10(c), 3.31) were met.

associated person only if he was associated, through the agent, with a futures commission merchant.

These new statutory requirements have not yet become effective.[4] The Commission's staff has nonetheless received inquiries as to whether persons who may be affected by these statutory changes may continue in business as agents of FCMs or as associated persons of those FCMs. In particular, the question has arisen as to whether the Commission will continue to accept notifications from FCMs of new agency relationships and whether FCMs may continue to "sponsor" the registration of APs who will be associated with the FCM through its agent.

The Commission wishes to give notice that until such time as regulations implementing the above-described statutory changes have become effective, the Commission will continue to accept applications for registration and related reports which are filed in accordance with its presently-existing registration regulations. The Commission expects that affected individuals and firms will continue to comply with those regulations and, if necessary, will take appropriate action to enforce those requirements. In this regard, the Commission wishes to emphasize that a futures commission merchant is fully responsible for the acts of both its agents and the individual persons associated with the futures commission merchant through an agent.[5] The Commission further wishes to emphasize that until an agent becomes registered with the Commission as an introducing broker pursuant to regulations adopted by the Commission for that purpose, an agent may continue to engage in activities which would otherwise require registration as an introducing broker only if it remains an agent (or in the case of an individual, an associated person) of a futures commission merchant.

Issued in Washington, D.C. on March 16, 1983, by the Commission.

Jane K. Stuckey,

Secretary of the Commission.

[FR Doc. 83-7404 Filed 3-21-83; 8:45 am]

BILLING CODE 6351-01-M

[4] Section 239 of the FTA provides that Sections 207 and 212 of the FTA, which respectively establish the new registration requirements for introducing brokers and for APs of introducing brokers (as well as for APs of commodity trading advisors and commodity pool operators) "shall be effective [May 11, 1983], or such earlier date as the Commodity Futures Trading Commission shall prescribe by regulation." 96 Stat. 2327.

[5] Section 2(a) of the Act, 7 U.S.C. 4; 45 FR 80485, 80491 (December 5, 1980).

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 101

[Docket No. 77P-0413]

Labeling of Firming Ingredients

Correction

In FR Doc. 83-4714 appearing on page 8053 in the issue of Friday, February 25, 1983, make the following correction:

On page 8053, third column, last line on the page, "the change has little impact" should have read "the change has very little impact".

BILLING CODE 1505-01-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Part 200

[Docket No. R-83-1066]

Minimum Property Standards; Withdrawal of Incorporation by Reference

AGENCY: Office of Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Withdrawal of incorporation by reference.

SUMMARY: HUD is withdrawing its Use of Materials Bulletin No. 74, which sets forth the conditions for acceptance of urea-formaldehyde foam insulation and stipulates limitations for its use. This withdrawal has the effect of disapproving further use of urea-formaldehyde foam insulation in HUD's mortgage insurance and low income Public Housing program pursuant to the Consumer Product Safety Commission's ban of urea-formaldehyde foam insulation in residences and schools.

EFFECTIVE DATE: May 2, 1983.

FOR FURTHER INFORMATION CONTACT: Donald K. Baxter, Director, Construction Standards Division, Office of Manufactured Housing and Construction Standards, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410; telephone (202) 755-5718. (This is not a toll free number.)

SUPPLEMENTARY INFORMATION: HUD Minimum Property Standards are published in handbooks: Minimum Property Standards for One- and Two-Family Dwellings in Handbook 4900.1, Multifamily Housing in Handbook 4910.1, and Care-Type Housing in Handbook 4920.1. The Minimum Property Standards are incorporated by reference into Part 200, Subpart S, 24 CFR 200.927. In addition, 24 CFR 200.933 requires that changes in Minimum Property Standards be made in accordance with HUD policy for the adoption of rules and regulations.

On October 13, 1977, the Department published a notice in the **Federal Register** (42 FR 55143) promulgating its Use of Materials Bulletin No. 74 which set forth conditions for acceptance of urea-formaldehyde foam insulation and stipulated certain limitations for its use. The Bulletin sets forth the physical properties, test methods, installation guidelines and labeling requirements for such insulation. The Bulletin was then referenced in the Minimum Property Standards.

On April 2, 1983, the Comsumer Product Safety Commission issued a rule banning urea-formaldehyde foam insulation in residences and schools (47 FR 14366). The rule became effective August 10, 1982. On August 13, 1982, the Department reminded all Regional Administrators, DHUD Office managers, Service Office Supervisors and Housing Division Directors of Valuation and Endorsement Stations by telegram of the effective date of the ban, and of HUD's intention to notify the public by publication in the **Federal Register** of withdrawal of UM 74 as a HUD publication and its removal from all volumes of the Minimum Property Standards where it is incorporated by reference. This action by the Department is based solely on the action taken by the Consumer Product Safety Commission. The Department has made no independent assessment of the grounds underlying the action taken by the CPSC, and no inference is to be drawn that the Department either endorses or questions the conculsion drawn by CPSC. The Department does not anticipate that its withdrawal will have any practical effect, given the present unavailability of use of the product due to the CPSC ban. However, the Department considers it appropriate to remove an apparent inconsistency between a Departmental publication and the ban issued by the CPSC.

Because this action is based on the prior action of the CPSC and will have no separate practical effect, the Secretary has determined that prior notice and public procedure is unnecessary and that good cause exists for publishing this withdrawal as a final rule. Accordingly, the Department now withdraws UM 74 and deletes all instances where it is incorporated by

reference in the Minimum Property Standards.

This rule does not constitute a "major rule" as that term is defined in section 1(h) of the Executive Order 12291. Analysis of the rule indicates that it does not: (1) Have an annual effect on the economy of $100 million or more; (2) cause a major increase in cost or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions; or (3) have a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

A Finding of No Significant Impact with respect to the environment has been made in accordance with HUD regulations in 24 CFR Part 50, which implement section 102(2)(c) of the National Environmental Policy Act of 1969. The Finding of No Significant Impact is available for public inspection during regular business hours in the Office of the General Counsel, Rules Docket Clerk, Room 10278, 451 Seventh Street, SW., Washington, D.C. 20410.

Pursuant to the provisions of 5 U.S.C. 605(b) (the Regulatory Flexibility Act), the Undersigned hereby certifies that this rule does not have a significant economic impact on a substantial number of small entities because the Department's removal of urea-formaldehyde foam insulation from the Minimum Property Standards is based on a ban of that insulation by the Consumer Product Safety Commission for use in schools and residences and is merely a formalization of the ban with respect to the Department's regulations.

This withdrawal of an incorporation by reference was not listed in the Department's Semi-Annual Agenda of regulations published on October 28, 1982 (47 FR 48422) pursuant to Executive Order 12291 and the Regulatory Flexibility Act.

The Catalog of Federal Domestic Assistance does not apply.

List of Subjects in 24 CFR Part 200

Administrative practice and procedure, Claims, Equal employment opportunity, Fair housing, Home improvement, Housing standards, Incorporation by reference, Reporting and recordkeeping requirements, Loan programs—Housing and community development, Mortgage insurance, Organization and functions (Government agencies).

Accordingly, HUD's Use of Materials Bulletin No. 74 is hereby withdrawn, and its incorporation by reference 24 CFR 200.927 is terminated.

(Sec. 7(d) of the Department of Housing and Urban Development Act of 1965 (42 U.S.C. 3535(d)); sec. 211 of the National Housing Act (12 U.S.C. 1715(b))

Dated: March 14, 1983.

Philip Abrams,

Assistant Secretary for Housing, Federal Housing Commissioner.

[FR Doc. 83-7307 Filed 3-21-83; 8:45 am]
BILLING CODE 4210-27-M

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24 CFR Parts 200, 203, 233, 234, and 237

[Docket No. R-83-1037]

Mutual Insurance Programs Under the National Housing Act; Direct Endorsement Processing

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Final rule.

SUMMARY: This rule amends Parts 200, 203, 233, 234 and 237 to implement a new program involving direct underwriting of insured single family mortgage loans by approved mortgage lenders. Under this program, the lender underwrites and closes the mortgage loan, and submits the loan to HUD for insurance endorsement, without obtaining a prior HUD commitment. This Direct Endorsement program does not replace the conditional and firm commitment application procedure, but is offered in addition to the existing procedure. The purpose of the program is to simplify and expedite the process by which mortgagees can secure mortgage insurance endorsements from HUD.

EFFECTIVE DATE: Upon expiration of the first period of 30 calendar days of continuous session of Congress after publication, subject to waiver. Notice of the effective date of the final rule will be published in the **Federal Register**. The information collection requirements of §§ 200.163 and 200.164 are under review at OMB. The effective date for these information collection requirements will be announced by separate notice in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: John Coonts, Director, Single Family Development Division, Office of Single Family Housing, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410. Telephone, (202) 755-6720. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION:

I. Background

A proposed rule, to amend Parts 200, 203, 233, 234 and 237 to implement a program involving the underwriting and closing of insured mortgage loans by approved lenders without prior HUD review, was published in the **Federal Register** for public comment on November 24, 1982 (47 FR 53038). This program represents a significant departure from current HUD/FHA endorsement procedures because HUD relies on approved mortgagees to make underwriting determinations. To expedite the procedure for obtaining a HUD insurance endorsement for certain single family mortgages, HUD will rely on mortgagee certifications that specific statutory and regulatory requirements have been satified. Because of this reliance, HUD is placing significant emphasis on mortgagees' qualifications and on quality control reviews of participating mortgagees' underwriting activities. The rule sets forth specific qualification requirements, certifications, and quality control procedures.

II. Summary of Proposed Direct Endorsement Program

The proposed Direct Endorsement program was applicable only to the section 203(b), section 245 graduated and modified graduated payment, section 221(d)(2) moderate income and displaced persons, and section 234(c) individual condominium unit programs. The program applied to proposed construction, rehabilitation, and existing home purchases as well as refinancing existing indebtedness and financing the acquisition of property for non-occupant owners.

To qualify for this program mortgagees had to be HUD-approved "supervised" or "non-supervised" mortgagees in good standing with at least five years of experience in the origination and servicing of HUD/FHA insured single family mortgages. In addition, except for "supervised" mortgagees, the mortgagees had to be approved either as Federal National Mortgage Association (FNMA) seller/servicers or as issuers of Government National Mortgage Association (GNMA) Mortgage-Backed Securities.

The mortgagee had to employ, or retain for fee, qualified professionals to conduct mortgage credit examinations, inspections, and architectural and engineering functions. The underwriter had overall responsibility for assuring

compliance with all HUD instructions, for coordinating all phases of processing, and for the quality of the decisions made in appraisals, compliance inspection and credit analyses under the program. The mortgagee was to use appraisers assigned by HUD from the fee panel.

Each mortgagee was required also to utilize a Quality Control Plan for managing the conduct and review of the underwriting of mortgage loans submitted for Direct Endorsement. The primary purpose of such a plan was to assure that the procedures and the personnel used when underwriting loans met all HUD requirements. An additional purpose was to provide a procedure for correcting problems once the mortgagee became aware of their existence, either through its own management review procedures or when brought to its attention by HUD.

To be approved for participation in the program, mortgagees were to apply to each HUD field office within whose jurisdiction loans were to be made. Applications were to include a nomination of the underwriter and the technical personnel to be used, the applicant's business history, and when appropriate, an indication of secondary market experience. The applicant mortgagee was to satisfactorily pass a HUD review of the first twenty-five mortgages submitted by the mortgagee to each HUD field office.

Upon successful completion of these approval steps, mortgagees were granted unconditional approval, renewable by application of the mortgagee on an annual basis, to process loans under the Direct Endorsement program. HUD's decision to renew a mortgagee's approval would be based on past program experience. Mortgagees could continue to process loans until HUD notified them, in writing, that their reapplication had been denied.

When processing mortgages for endorsement the mortgagee would be responsible for checking those aspects of property eligibility, valuation and mortgage credit as set forth in the various HUD regulations and handbooks. As part of the loan application, the mortgagee's underwriter was required to certify that a prescribed set of statutory and regulatory requirements had been met before endorsement. These certifications were in addition to certifications presently required in HUD Forms 92800 and 92900 that deal with items such as builder's warranty, and non-discrimination with regard to rental or sale of property. Certification to these items would not have relieved participating mortgagees from the general requirement of meeting all HUD regulation and handbook requirements.

HUD would have limited its review of documents, prior to endorsement, to determine that: (1) All necessary documents had been submitted and were properly executed; (2) the mortgage had been executed on a form approved, by HUD, for use in the jurisdiction in which the property covered by the mortgage was situated; (3) the mortgage term, interest rate and amount met the applicable statutory and regulatory requirements; (4) the ratio of loan to value or replacement costs, as stated on a property appraisal form approved by HUD and completed by a HUD-approved appraiser, met applicable statutory and regulatory requirements; and (5) all required certifications had been made by the HUD-approved mortgage underwriter.

Failure to satisfy this review would have resulted in a denial of insurance endorsement by HUD until such time as discrepancies were corrected.

Following endorsement HUD/FHA reviewed all documents submitted by the mortgagee to determine whether the mortgage satisfied the requirements of the Direct Endorsement program. Also, at least ten percent of endorsed mortgages were subject to a detailed, quality control review covering architectural, property value and mortgage credit analysis.

Because HUD's review for program compliance occurred after the endorsement of individual mortgages, HUD would take remedial actions as soon as problem mortgagees were identified. The proposed program specified that HUD could place the mortgagee on probation and require that the mortgagee revise certain procedures, repeat part of the training, and/or require the mortgagee to take other actions, including, but not limited to periodic reporting to HUD, or submission to HUD of internal audits. HUD could temporarily suspend a mortgagee from participation in the programs or, if the infraction was of sufficient severity, withdraw the mortgagee's status as an approved mortgagee under HUD's other programs.

The final rule is substantially similar to the proposed rule. The principal changes incorporated into the final rule are listed below with a fuller explanation for the changes provided in Section III.

1. The proposed rule was applicable to only the section 203(b), section 245 (Graduated Payment), section 221(d)(2) and section 234(c) mortgage insurance programs. The final rule adds section 203(i) as an eligible program. (See 24 CFR 200.163(a)(1)). (Unless otherwise noted, all references are to 24 CFR.)

2. The final rule contains a limitation to the section 221(d)(2) program. A seldom used provision of the program, which permits a builder-mortgagor to sell the property to a displaced family on a deferred basis, is not available in the Direct Endorsement program. (See § 200.163(a)(2)).

3. The rule makes explicit that a mortgagee has a duty to use due diligence when underwriting mortgages. Due diligence means the same care which would be exercised in originating a loan in which the mortgagee would be entirely dependent on the property as security to protect the mortgagee's investment. The Secretary is publishing guidelines which describe the procedures which constitute the minimum exercise of due diligence. (§§ 200.163(b) (1) and (2)).

4. The proposed rule did not address the use of Veterans Administration certificates of reasonable value (CRVs), Veterans Administration master certificates of reasonable value (MCRVs), HUD conditional commitments, or HUD master conditional commitments. Both the HUD conditional commitment and the CRV pertain to single properties while the master commitment and MCRV cover properties in approved subdivisions. The final rule permits the use of CRVs, MCRVs, HUD conditional commitments and HUD master conditional commitments, in lieu of the mortgagee submitting an appraisal, for those mortgage loan submissions involving properties classified by the VA or HUD as proposed construction. (§ 200.163(b)(3)).

5. The Underwriter's Certification has been modified in the following ways:

a. The underwriter is to certify that he/she has personally reviewed the application and loan documents and has been duly diligent in this regard. The underwriter is also to certify that the mortgage complies with the specific items of certification for the given mortgage type. The Secretary is to publish a list of mortgages by type which are eligible for Direct Endorsement processing along with a particularized list of certifications to be made for each mortgage type. (§ 200.163(c)).

b. The certifications pertaining to graduated and modified graduated payment mortgages have been consolidated. (§ 200.163(c) (4) & (5)).

c. The underwriter is required to certify that the mortgage amount is not greater than the maximum mortgage amount permissible by law and

regulation. Under the proposed rule, the underwriter only certified to the loan-to-value requirements. (§ 200.163(c)(8)).

d. An explicit certification covering situations involving negotiated interest rates has been added. (§ 200.163(c)(19)).

e. An explicit certification covering properties in outlying areas has been added. (§ 200.163(c)(20)).

6. Section 200.163(c)(16) sets forth a specific certification for refinancing under Section 221 of the National Housing Act. Refinancing under other programs covered by the Direct Endorsement program is likewise eligible for Direct Endorsement processing. The stated mortgage amount for a mortgage refinancing a mortgage must satisfy the limitations set forth in 24 CFR 203.18, 203.18a, 203.18b, 203.29, or 203.29 as incorporated by reference in §§ 221.1, 221.10, 221.11, 221.20, 221.50, 234.29, 234.49, as applicable, and such further limitations as prescribed by the Secretary.

7. Section 200.163(f) is a new provision which permits the Secretary to add, in the Direct Endorsement Handbook, additional certification requirements which, on the basis of program experience, he deems necessary. The rule sets forth procedures whereby the Secretary is to provide notice in the Federal Register of new certification items.

8. The proposed rule stated that mortgagees were to have specific experience originating and servicing HUD/FHA insured mortgages. Under the final rule mortgagees are not required to have specific experience originating HUD/FHA loans; nor are mortgagees required to have specific experience servicing either FHA or conventional loans. The final rule requires that mortgagees have experience originating single family mortgages. (§ 200.164(c)(1)).

9. The proposed rule stipulated that to participate in the Direct Endorsement program all mortgagees, other than supervised mortgagees, had to establish that they were approved either as Federal National Mortgage Association (FNMA) seller/servicers or as issuers of Government National Mortgage Association (GNMA) mortgage-backed securities. The final rule permits governmental institutions as mortgagees and provides that a non-supervised mortgagee with a net worth of $250,000 may qualify for participation in the Direct Endorsement program. The final rule modifies the FNMA seller/servicer alternative by requiring that the mortgagee need be only an approved FNMA seller. (§ 200.164(c)(2)).

10. The proposed rule did not permit mortgagees to use staff appraisers. The final rule permits the use of HUD-approved staff appraisers. However, mortgagees cannot use staff appraisers or inspectors in situations where the mortgagee has a financial interest in, is owned by or is affiliated with a building or selling entity. (§ 200.164(d)).

11. The proposed rule provided that HUD would perform, prior to unconditional approval of a mortgagee, a detailed review of the first twenty-five mortgage loan applications submitted by the mortgagee. The final rule has been revised to provide that HUD will review no less than the first fifteen submissions. This review of mortgagee loan submissions may be continued until the Department is satisfied that the mortgagee is competent to participate in the program. (§ 200.164(g)).

12. The final rule incorporates negotiated interest rates for use in the Direct Endorsement program. (§ 203.51(a)(2)).

13. Presently, the regulatory provision at 24 CFR 203.405, provides that debentures shall bear interest at the rate in effect as of the day the commitment was issued, or as of the date the mortgage was endorsed for insurance, whichever is higher. This section has been amended to reflect the new Direct Endorsement program. Since no commitment is issued under this program, debentures will bear interest at the rate in effect as of the date the mortgage was endorsed for insurance.

III. Discussion of Comments

Forty-one comments were received in response to the proposed rule. Sixteen letters were from, or on behalf of, mortgage companies, five from local trade associations, four each from national trade associations and home building companies, three from commercial banks, two from savings banks, two from independent appraisers, and one each from a private mortgage insurance company, a real estate company, and a national professional organization. Two comments were received from HUD field offices. The principal comments are summarized below, along with HUD's response to them.

A. Mortgagee Qualifications (§ 200.164)

1. Experience. The proposed rule stated that mortgagees were to have specific experience originating and servicing HUD/FHA insured mortgages. One comment pointed out that certain mortgage banking companies originate mortgage loans but do not retain the servicing contracts when the mortgage loans are sold to investors. The comment suggested that the quality of loan origination is not dependent upon retention of servicing.

HUD agrees with this comment. The Direct Endorsement program covers the origination, not the servicing, of mortgages. Therefore, the requirement for servicing experience is inappropriate and has been eliminated. For the same reason, the provision that a mortgagee can satisfy part of its approval requirements by being an approved FNMA seller/servicer is modified to allow approved FNMA sellers to qualify.

A trade association commented that many of its members, single family mortgage lenders, have not been active in the HUD/FHA programs in recent times due to a combination of record high interest rates, severe earnings pressures, disintermediation, and the increased flexibility of conventional loan programs. The association urged that general single family origination experience be acceptable for participation in the program.

The Department agrees that an experienced originator of conventional single family mortgages, if it can successfully complete the training and initial case review under this program, should not be excluded from the Direct Endorsement program. Accordingly, the requirement that mortgagees have experience originating HUD/FHA loans has been removed.

2. Automatic Approval. Several comments recommended that certain mortgage lenders receive automatic approval as Direct Endorsement mortgagees based upon their participation in currently operating programs which contain features similar to the Direct Endorsement program. Similar programs cited were HUD's Demonstration program, the Veterans Administration's (VA) Automatic Approval program and the Federal National Mortgage Association's (FNMA) Delegated Underwriting program.

The Department previously considered such automatic approval and decided against it. The Department has again decided against automatic approvals because of the basic differences between the Direct Endorsement program and the other programs cited above. For example, the VA automatic approval program only gives lenders authority to make the determination of borrower eligibility; the property underwriting function is retained by the VA. For this reason, the VA-approved underwriter is required only to have mortgage credit expertise. Similarly, HUD's Demonstration program, described in the proposed rule, did not require the lender to assume the

property underwriting responsibility. The lender had the option of performing only the mortgage credit analysis. Therefore, there will be underwriters who were approved for the demonstration program who may not qualify for participation in the Direct Endorsement program.

With respect to the FNMA Delegated Underwriting program, FNMA now requires all mortgage loan sellers to deliver mortgages to FNMA without prior approval. While such experience may demonstrate the ability of a lender to originate satisfactorily, this neither indicates experience originating HUD/FHA mortgages nor takes into account the FNMA buy back requirement. FNMA's program incorporates a contractual commitment under which the mortgagee must buy back problem mortgages, a feature not present in HUD's program. Because of the buy back protection, the risk to FNMA of using unqualified mortgagees is manageable. HUD's program does not include a buy back requirement, and, therefore, HUD has to rely on basic eligibility requirements and, for this reason, will require all mortgagees who seek approval under the Direct Endorsement program to establish that they meet these requirements.

3. Field Office Approval. Three mortgagees suggested that it would be more efficient if mortgagees were approved on a national basis, rather than by each HUD field office in which the mortgagee does business. The Department is not persuaded by this request. The most important component of the mortgagee's application to participate in the Direct Endorsement program will be the qualifications of the underwriter. The certifications to be signed by the underwriter require familiarity with the market area in which the property is located. The decision to approve at the field office level reflects the conclusion that most mortgagees will use different underwriters in different regions. In most situations where an individual underwriter has been approved by one field office, the application process will be simplified so that the underwriter can more easily obtain approval in other offices.

4. Annual Recertification. Three comments suggested that the Department reconsider the requirement that lenders reapply for eligibility each year. Two of these comments suggested that the approval not be limited to one year. The third comment suggested that the reapproval process be simplified.

The final rule does not limit mortgagee approval to one year. The annual recertification requirement has been deleted. Instead, the final rule requires notification from mortgagees when the mortgagee's qualifications change (e.g., use of a new underwriter).

The original purpose of the annual recertification was to provide a point in time when a mortgagee's experience can be formally reviewed and a decision can be made as to continued participation in the program. Upon reconsideration, the Department believes that an annual recertification is not the most appropriate time for such a review. Given the significant responsibilities placed upon approved mortgagees, HUD intends to maintain an on-going review of each mortgagee through its post-endorsement review of mortgages processed. HUD can detect problems with mortgagee performance during this post-endorsement check. Correction of mortgagee procedures or removal of mortgagees should be done when the problem arises. This can be effectively, and efficiently, handled through the procedures set forth in section 200.164(h) "Mortgagee sanctions".

5. Net Worth. A national trade association suggested that a minimum net worth of $250,000 be required of all non-supervised lenders. The comment suggested that this dollar amount would be sufficient to lessen the opportunity for abuse by mortgage originators who enter the business for short periods of time. Another comment, from a mortgage lender, suggested that FNMA or GNMA approval should not be required for lenders who do not qualify as supervised lenders or governmental institutions, since there are qualified HUD/FHA mortgage originators who market their mortgage loans to other secondary market investors.

The primary qualification of a lender for the Direct Endorsement program is the ability to originate mortgage loans which meet all of the Department's underwriting requirements. The Department believes that net worth is an important component of mortgagee eligibility; it ensures that the mortgagee is sufficiently capitalized to be able to assume the responsibilities (including quality control) imposed under the Direct Endorsement program. For this reason the proposed rule required that non-supervised lenders were required to have either FNMA or GNMA approval. FNMA requires its lenders to have a minimum net worth of $250,000. GNMA has a sliding scale for determining net worth, a $100,000 minimum with an added requirement based on mortgage backed security activity.

The Department has determined that non-supervised lenders which are not governmental institutions, and which do not participate in FNMA or GNMA programs, should not be precluded from participating in the Direct Endorsement program. Therefore, the final rule adds a third basis on which non-supervised lenders may qualify for participation in the Direct Endorsement program—a minimum adjusted net worth of $250,000. (Adjusted net worth is defined in HUD Handbook 4060.1, Mortgagee Approval Handbook).

6. Governmental Agencies (§ 200.164(b)). The final rule has also been modified to permit Federal, State or municipal government agencies, empowered to hold mortgages insured under the National Housing Act, and meeting the general approval requirements of § 203.2, to serve as mortgagees under the Direct Endorsement program. The Department has determined that there is no reason to exclude such mortgagees. These mortgagees are not required to be approved as Federal National Mortgage Association sellers or as issuers of Government National Mortgage Association mortgage-backed securities.

B. Twenty-Five Case Review (§ 200.164(g))

The proposed rule provided that HUD would perform a detailed review, before endorsement, of the first twenty-five mortgage loan applications submitted by the mortgagee to each HUD field office. The purpose of the review is to ensure that program requirements are understood and are being followed.

Four comment letters suggested that this twenty-five case review be waived, or reduced, for those mortgagees which have successfully participated in the Department's demonstration Delegated Processing program. Another comment suggested that, regardless of previous program experience, twenty-five cases were too many and review of a fewer number, such as ten to fifteen, would serve the same objective. A national trade association suggested that supervised lenders not be required to participate in the review phase of the program.

The Department agrees that flexibility is required to adequately respond to different levels of demonstrated ability. However, the Department believes that the unique features of the Direct Endorsement program necessitate that mortgagees demonstrate to each HUD field office a complete understanding of the program requirements before receiving unconditional approval to participate in the program. In some circumstances, even twenty-five cases will not establish that program guidelines are understood and/or being followed. For these reasons the final

rule requires that HUD review no less than the first fifteen submissions before endorsement for issuance of commitments. This review and issuance of commitments may be continued until the Department is satisfied that the mortgagee is competent to participate in the program. Once the review reveals acceptable processing, the mortgagee will be approved to close subsequent mortgages and submit them directly for endorsement in accordance with the process set forth in § 200.163 of the regulation. If the mortgagee does not perform in an acceptable manner following an extended period of review, the mortgagee will be denied participation in the program in accordance with § 200.164(g).

C. Underwriter Qualifications

The preamble to the proposed rule stated the Department's intention to require the mortgagee's underwriter to have specific experience in the origination of HUD/FHA-insured mortgages. One comment suggested that a mortgage loan underwriter with knowledge and experience of conventional originations could, with the proper training, satisfactorily underwrite HUD/FHA mortgage loan applications. The Department agrees with this comment and will delete the HUD/FHA requirement from the HUD Handbook.

Several comments stated that the underwriter's qualifications discussed in the preamble of the proposed rule were overly restrictive. One comment suggested that the requirements for underwriters established by the VA Automatic Approval procedure should be adopted for the Direct Endorsement program. The Department does not believe that the qualifications are too restrictive or that VA's Automatic Approval procedure should be adopted for this program. The Department is requiring a minimum of three years full-time experience (or equivalent, part-time) reviewing credit and property applications associated with one-to-four family properties. The underwriter must be knowledgeable of the principles, practices and techniques of mortgage underwriting, including real estate appraisal, mortgage credit evaluation, and factors affecting property values and real estate trends. These qualifications are somewhat less than the five years credit reviewing experience required by the VA Automatic Approval program. However, the Direct Endorsement program requires the underwriter to determine property eligibility (which is not part of the VA Automatic Approval program). Therefore, it is necessary that underwriters have property evaluation experience as well as credit experience.

D. Underwriting Procedures (§ 200.163(b)(1))

Section 200.163(b)(1) imposes a duty of due diligence on mortgagees when underwriting mortgage loans to be processed under the Direct Endorsement program. This requirement was implicit in the proposed program. All mortgagees, approved to originate mortgages under any single family housing program insured by HUD, are obligated to comply with "such additional conditions and requirements as the Commissioner [FHA] may impose." (§ 203.2(a)(6)). HUD Handbook 4000.2 REV-1, Mortgagees' Guide, Application Through Insurance (Single Family) (Revised April 1982) states the mortgagee's loan origination responsibility as follows:

> HUD requires the originators of insured mortgages to develop such loans in accordance with accepted practices of prudent lending institutions and HUD requirements. They must obtain and verify information with at least the same care that would be exercised in originating a loan in which the mortgagee would be entirely dependent on the property as security to protect its investment. Chapter 5, paragraph 5-1.

The duty of due diligence owed the Department by approved mortgagees is based not only on these regulatory requirements, but also on civil case law. This is best summarized in *United States* v. *Bernstein*, 533 F.2d 775 (2nd Cir., 1976), *cert den'd*, 429 U.S. 998, when the court said:

> Under the analogous civil case law the mortgagee, knowing that the federal insurer [FHA] is "relying on its professional judgment in a business relationship" has an affirmative duty "to use due care in providing information and advice" to the federal mortgage guarantor * * * [citations deleted] The entire scheme of FHA mortgage guaranties presupposes an honest mortgagee performing the initial credit investigation with due diligence and making the initial judgment to lend in good faith after due consideration of the facts found. *Id.* at 797.

Because of the importance of mortgagee processing under the Direct Endorsement program, HUD has made explicit this duty of due diligence by expressly incorporating it into the regulation. HUD considers the exercise of due diligence an affirmative duty on the part of mortgagees participating in the program. Thus, procedures a prudent mortgagee would use if it looked solely to the property as security to protect its interest, should be used to assure that information collected and used to make underwriting decisions is accurate, current and complete. These procedures are to be made a part of the mortgagee's Quality Control Plan.

HUD does not intend to require mortgagees to follow set procedures specified by HUD. HUD will issue guidelines, as part of the Mortgagee's Guide to the Direct Endorsement Program, defining what the Department considers the minimum set of procedures. These are minimum procedures because due diligence will vary by the circumstances surrounding a particular transaction or pattern of transactions. If mortgagees follow these procedures, their actions will be deemed an exercise of due diligence. Undoubtedly, these guidelines will be modified in response to experience gained under the program.

E. Underwriter Certification (§ 200.163(c))

The underwriter will be required to certify as part of the loan application, that a prescribed set of statutory and regulatory requirements have been met for purposes of endorsement. These certifications are important as HUD will rely upon them for purposes of endorsing the mortgage loan, thereby eliminating the necessity for a detailed HUD review of the loan prior to endorsement. The proposed rule requested public comment on whether each loan submission by the mortgagee should include an itemized list of all the certifications applicable to the specific mortgage, or instead, just one general certification that the mortgagee has satisfied all HUD requirements. A total of sixteen comment letters addressed this issue. Thirteen favored the use of a general certification. Two preferred the itemized list, suggesting it would be advantageous to the mortagee and underwriter to be fully aware of the specific criteria which the mortgage loan must satisfy. One suggested that the underwriter execute a detailed master certification once a year; for each mortage loan submitted; individual certifications would be referenced by short titles on a pre-printed form.

The Department has decided to accept a general certification. While an itemized certification would be a helpful check for the mortgagee, it is not considered essential for the operation of the program. HUD will provide, in the Mortgagees' Guide to the Direct Endorsement Program, a list of required certifications as required under § 200.163(c) for specific mortgage types. The underwriter can use this listing in the handbook as a checksheet for his review and control of the underwriting process.

The underwriter will execute an underwriter certification for and on behalf of the mortgagee on a form prescribed by the Secretary. The certification form will contain the following information: HUD case number, program section of the act, single family or condominium, number of dwelling units in the structure, local jurisdiction identification, date of mortgagor approval, date or mortgage closing, statement that there is a negotiated interest rate (if applicable), and certification language. As to the latter, the underwriter will certify that (1) the application and accompanying documents have been reviewed personally by the underwriter with due diligence; and (2) the mortgage complies with the required certifications set forth in § 200.163 for the mortgage type, as detailed in the Mortgagees' Guide to the Direct Endorsement Program, and such other certifications as are published in the **Federal Register** pursuant to § 200.163(f).

The Secretary will publish in the Mortgagees' Guide to the Direct Endorsement Program guidelines for underwriting procedures. Compliance with these procedures will constitute the exercise of due diligence in underwriting loans.

F. Use of Staff Appraisers (§ 200.163(b))

The proposed rule did not permit mortgagees to use staff appraisers. Twenty-eight comment letters specifically addressed this issue. Of the twenty-eight, ten were either from, or on behalf of, mortgage banking companies which had used staff appraisers under the Department's Delegated Processing demonstration program. They strongly favored a similar policy for the Direct Endorsement program. Of the other eighteen, thirteen favored the option to use staff appraisers. These thirteen included three depository institutions, three national trade associations, two mortgage banking companies, one professional association and four home building companies. Two comments pointed out that HUD was expecting mortgagees to certify to property eligibility determinations which are to be made by fee appraisers selected for the mortgagees by HUD. These mortgagees stated that if they are expected to make such certifications they should be permitted to use their own staff appraisers with whose expertise and judgment they are familiar. Five mortgage banking companies advised against the use of staff appraisers; principally, they cited potential conflicts of interest as their reason.

The Department has reconsidered this issue and, in light of the comments received, has decided to permit the use of staff appraisers. The Department believes that the post-endorsement monitoring system for the Direct Endorsement program will reveal improper appraisals whether conducted by staff or HUD fee appraisers. Prompt actions to correct improper appraisal practices, or removal of mortgagees from the program, can minimize the number of these problems.

Staff appraisers must meet the same qualifications as HUD fee appraisers. Further, mortgagees cannot use approved staff appraisers or inspectors in situations where the mortgagee has a financial interest in, is owned by, or is affiliated with a building or selling entity; in these cases, mortgagees must use appraisers and inspectors assigned by HUD. HUD does not expect all, or even most, mortgagees to use staff appraisers because the economics of the business warrant payment for such services when required instead of carrying appraisal staff as overhead.

G. Selection of Fee Appraiser (§ 200.163(b)(3))

Another issue commented upon was whether the selection of a HUD approved fee appraiser to appraise a particular property should be made by HUD or the mortgagee. Three mortgagees suggested that HUD should not select appraisers. These mortgagees urged that they be permitted to select the appraiser they feel can do an efficient and capable job in any given case. A national trade association suggested that HUD, in lieu of allowing a mortgagee to select an appraiser, should provide the mortgagee with the names of two approved appraisers. The mortgagee could then select between the two.

Two letters of comment were received from independent appraisers presently serving on HUD fee panels. One of these, a minority appraiser, expressed concern that mortgagees, if permitted to select their own appraisers, would discriminate against minority appraisers. The second appraiser urged that HUD continue to appoint appraisers so as to prevent appraisers from providing favorable reports in return for anticipated future assignments.

To ensure that all appraisers in good standing on the HUD fee panels receive a fair share of the appraisal assignments generated by HUD/FHA single family programs, the Department has elected to retain the assignment responsibility in all cases where staff appraisers are not used.

One mortgagee commented that there are appraisers on a HUD/FHA panel in his area who do not perform satisfactory work. This mortgagee does not wish to be forced to utilize unqualified appraisers. The Department will review every appraisal submitted in the Direct Endorsement program. Fee appraisers who perform unsatisfactorily will be removed from the HUD/FHA panel. In addition, the Department will investigate reports from mortgagees concerning unsatisfactory performance by fee appraisers.

H. Acceptance of VA Certificates of Reasonable Value and HUD Conditional Commitments (§ 200.163(b)(3))

The proposed rule did not specifically address the use of VA certificates of reasonable value (CRVs), VA master certificates of reasonable value (MCRVs), HUD conditional commitments and HUD master conditional commitments. The proposed rule stated that each mortgage loan must include a property appraisal when submitted for endorsement. When a mortgagee applies for a VA CRV, or a HUD conditional commitment, the mortgagee is not responsible for analyzing the appraisal report; the appraisal is sent directly to, and reviewed by, the VA or HUD.

Six comments were received concerning VA CRVs and VA MCRVs. One mortgagee and one local trade association urged that since HUD accepts VA CRVs and MCRVs in its regular programs these certificates should be accepted here. Two national trade associations and a mortgagee commented that CRVs and MCRVs are particularly important when processing a large group of loans involving proposed construction (e.g., a proposed subdivision). A mortgagee suggested that there are many instances when a VA CRV is obtained prior to the sale of the property. The mortgagee suggested that for such cases to be eligible for Direct Endorsement processing, another appraisal would have to be performed. In this case, the parties to the transaction might be unwilling to accept a new appraisal.

The issue here is not reciprocity between VA and HUD; rather the issue is under what conditions should HUD accept a HUD or VA appraisal as part of the Direct Endorsement process. It is the Department's intent that the mortgagee under the Direct Endorsement program assume all the underwriting responsibilities involved in the origination of a HUD/FHA single family mortgage. To accept HUD conditional

commitments in those cases where the mortgagee reasonably could be expected to have the appraisal performed would be contrary to the intent of the program and would provide a disincentive for mortgagees to assume the appraisal responsibility. Similarly, to accept the VA CRVs and not HUD conditional commitments could have the effect of shifting the property eligibility determination to the Veterans Administration, in lieu of the mortgagee assuming the responsibility, thereby contravening the intent of the program.

With respect to the comment that there are instances when a VA CRV is obtained prior to the sale of an existing property, the Department is aware that home sellers will often obtain CRVs, as well as HUD conditional commitments, as a marketing tool. In these cases, the Department expects the mortgagee to utilize the regular commitment procedure rather than perform a new appraisal for Direct Endorsement purposes. The Direct Endorsement program is not designed to mix mortgagee and HUD processing, except for proposed construction as discussed below.

In response to the comments, the Department acknowledges that proposed construction deserves special consideration. With proposed construction cases, in order to qualify for a favorable loan to value ratio, the mortgagee must have the appraisal performed, and the plans and specifications approved, prior to the start of construction. Properties are rarely sold prior to the start of construction. The mortgagee, therefore, would not yet know whether the potential purchaser will seek VA, HUD/FHA or conventional financing. Because the Veterans Administration, at present, will not accept the appraisals performed for lenders under the Direct Endorsement program, the Department recognizes that it would be unrealistic to expect a mortgagee to have an appraisal made prior to construction for the Direct Endorsement program, which would preclude subsequent VA financing.

Hence, in order to permit mortgagees to meet VA requirements and still use the Direct Endorsement program the Department has elected to permit, at time of endorsement, the use of VA CRVs, VA MCRVs, HUD conditional commitments and HUD master conditional commitments, in lieu of the mortgagee submitting the appraisal, for those mortgage loan submissions involving properties classified by the VA or HUD as proposed construction.

The Department recognizes that there will be instances when the mortgagee knows, prior to the start of construction, that the purchaser will be utilizing HUD/FHA financing. In such instances, the mortgagee may wish to perform the required property analysis.

If the mortgagee does not use a HUD conditional commitment or CRV, for proposed construction, the Direct Endorsement program provides the mortgagee three processing options to qualify the property for a high loan to value ratio. Under the first option, the mortgagee submits the plans and specifications to HUD, prior to both the start of construction and performance of the appraisal, for HUD review and approval. Once HUD approval has been received, the mortgagee has the appraisal and compliance inspections performed; the mortgagee is responsible for review of the appraisal and inspections. Under the second option, the mortgagee is responsible for review of the plans and specifications and determines compliance with the applicable standards. Under this approach, the mortgagee, prior to the start of construction and performance of the appraisal, uses either a staff construction analyst approved by HUD, or an analyst assigned by HUD, who reviews the plans and specifications and, if acceptable, certifies that they comply with the applicable HUD standards; the mortgagee is responsible for the appraisal and compliance inspections. Under the third option, the property must be covered by a consumer protection or warranty plan acceptable to HUD. The appraisal may be done prior to, during or after construction. The mortgagee must obtain a certification from a registered architect or a licensed engineer that the plans and specifications meet HUD's property standards for proposed construction. In addition to architects and engineers making the certification, a builder may make the certification provided: (1) He has successfully completed a training session conducted by HUD on the use of the standards and applicable review requirements; and (2) the first five certifications are reviewed by HUD prior to the appraisal.

I. Quality Control Plan (§ 200.164(e))

In accordance with § 203.2(a)(10), each mortgagee must implement a written Quality Control Plan which assures compliance with regulations and other HUD issuances concerning loan origination. Section 200.164(e) requires that these plans be revised, if necessary, to reflect the added responsibilities of the mortgagee under the Direct Endorsement program. The proposed rule requested public comment on the necessity or desirability of HUD review of the Quality Control Plan as a precondition to mortgagee approval. Thirteen comments addressed this issue.

Several homebuilding associations and homebuilding companies urged that HUD permit mortgagees to develop these plans during their first year of participation. The Department disagrees with these comments; the Department believes that it is critical that an acceptable quality control process exist before the mortgagee begins to originate mortgages under the Direct Endorsement program.

Three mortgagees and two national trade associations suggested that HUD review of the plan not be a precondition for approval to participate in the Program. One mortgagee suggested that HUD review, as a precondition to approval, conflicts with the Department's intent to place maximum reliance on mortgagee determinations. One mortgagee felt that HUD should review the plan.

The Department does not agree that review of the Quality Control plans is inconsistent with the intent of the program. The Department has determined that this program can be offered only if the mortgagees have acceptable Quality Control plans and, of course, if the Department carefully monitors the endorsed mortgages. Hence, as a precondition to mortgagee approval, the Department will require each mortgagee to have a Quality Control Plan to manage, conduct and review the underwriting of mortgage loans which are to be submitted for Direct Endorsement. The primary purpose of these plans is to assure that prudent procedures and qualified personnel are used when underwriting loans so that HUD requirements are met. An additional purpose is to provide procedures for quality control reviews and for correcting problems once the mortgagee becomes aware of their existence.

The mortgagee shall submit its Quality Control Plan, as revised to reflect the requirements of the Direct Endorsement program, as part of the application for approval in accordance with § 200.164. Because HUD does not specify the exact content, style or format of the Plans, HUD's review will be limited to whether the mortgagee has addressed the requirements for the Direct Endorsement program. HUD may require revisions if the Plan fails to address specific provisions. HUD review, however, will not constitute approval of specific provisions.

A national trade association suggested that HUD establish clear guidelines for Quality Control Plans. The Department already provides guidelines

for mortgagees applying for HUD mortgagee approval pursuant to section 203 in HUD Handbook 4060.1, Mortgagee Approval Handbook. The Department will provide guidelines concerning those controls for the Direct Endorsement program which must be addressed in the plan. (See III. D. above.) Each mortgagee must develop a system which will ensure that HUD requirements are being followed by its personnel. The Department believes that the additional responsibilities assumed by the Direct Endorsement mortgagee will require review of the existing plan. It may be necessary to amend the plan to reflect these added responsibilities.

J. Mortgagee Compensation

Presently, mortgagees are permitted to charge up to one percent of the original principal amount of the mortgage for transactions involving existing construction. The proposed rule did not provide for additional compensation to mortgagees for expenses incurred originating and closing mortgage loans.

Five mortgagees and two national trade associations commented on this issue. In general, all stated that participation in the Direct Endorsement program will result in higher staffing costs for mortgagees; they stressed that these costs will result in loan origination expenses in excess of the maximum one percent origination fee. One national trade association suggested that the origination fee be increased to one and one-half percent or the the mortgagee be permitted to charge an underwriting fee for each loan; if increased compensation is not permitted, this association suggested, mortgagees will simply pass on the added costs to sellers in the form of higher mortgage loan discount points. There other mortgagees also recommended either increasing the origination fee or allowing underwriting fees. One party suggested that an origination fee of $300.00 per case be permitted. Another urged that an underwriting fee be permitted of $65.00 per case. The third mortgagee suggested an underwriting fee of $15.00 per case.

The Department has decided not to increase the fee which a mortgagee can charge. The Direct Endorsement process offers an optional procedure for obtaining FHA insurance. Those mortgagees which determine that the added costs of using the program are greater than the benefits realized by the expedited process can continue using the present commitment process. The Department believes that the benefits realized from using the program—including a more efficient and predictable period for loan origination and closing—significantly offset the additional costs incurred.

The Department has, however, allowed the mortgagee who uses staff to conduct appraisals or inspections to recoup from the borrower the reasonable and customary charges for such appraisals and inspections (§ 203.27(a)(3)(v) as amended by this rule).

K. Eligible Mortgage Insurance Programs (§ 200.163(a)(1))

The proposed rule provided that the program would be made applicable to only the Section 203(b), Section 245 Graduated Payment, Section 221(d)(2) and Section 234(c) mortgage insurance programs. Comment was specifically requested on whether or not graduated payment mortgages, and mortgages secured by properties with leasehold provisions, should be included in the Program.

Fourteen comments addressed both issues. All suggested permitting both graduated payment mortgages and leaseholds; that mortgagees would have no difficulties dealing with either situation. Hence, both are permitted in the final rule.

A national trade association suggested that the Section 203(i) program for outlying area properties be included as an eligible program. Because the underwriting requirements of Section 203(i) are very similar to Section 203(b), the final rule includes Section 203(i) as an eligible program.

The final rule contains a limitation to the Section 221(d)(2) program. A seldom used provision of the program, which permits a builder-mortgagor to sell the property to a displaced family on a deferred basis, is not available in the Direct Endorsement program.

L. Application Forms

Six comments were received which suggested that the Department accept the mortgage credit application and appraisal forms which are widely accepted in the primary and secondary conventional mortgage markets.

The Department recognizes the advantages for mortgagees and appraisers who are more familiar with conventional mortgage documents. The Mortgagees' Guide to the Direct Endorsement Program will permit mortgagees using staff appraisers to submit property appraisals on the appropriate appraisal forms used by FNMA and the Federal Home Loan Mortgage Corporation. In such cases, the mortgagee must also submit the applicable certifications on the HUD Form 92800, Application For Property Appraisal.

For the borrower's mortgage credit application, at this time the Department will require the HUD Form 92900, Application For HUD/FHA Insured Mortgage to be used for all Direct Endorsement cases. HUD will continue to work towards greater flexibility and use of common forms.

M. Withdrawal of Approval (§ 200.164(h))

The proposed rule specifically requested the public to comment on the adequacy of the post-endorsement review as a means of detecting mortgagee practices in violation of HUD requirements; also, comment was requested concerning the sanctions HUD proposed to apply to those mortgagees who underwrite mortgages which, under the conventional processing procedures, would not have been accepted by HUD for endorsement. Six comments, three from mortgagee lenders, two from national trade associations and one from a local trade association, addressed this issue. All agreed that once a problem mortgagee is identified, HUD must take immediate action. The proposed rule provided that such action would vary according to the severity of the problem. Depending upon the nature and extent of the infractions detected during the HUD review, HUD could place the mortgagee on probation, temporarily deny participation in the Direct Endorsement program, withdraw Direct Endorsement status or withdraw HUD/FHA approval status.

To avoid confusion, the temporary denial of participation sanction has been deleted. The final rule provides withdrawal of approval procedures developed specifically for the Direct Endorsement program.

The new procedures provide that HUD may: (1) Place the mortgagee on probation for a specified period of time for the purpose of evaluating the mortgagee's compliance with the requirements of the Direct Endorsement program; (2) withdraw the mortgagee's approval to participate in the Direct Endorsement program upon written notice which states the grounds for the action and provides the right to an informal hearing before the decision maker; or (3) withdraw the mortgagee's HUD/FHA approval for serious non-compliance with the requirements of the Direct Endorsement program. If a mortgagee is placed on probation it still may process mortgage applications under the Direct Endorsement program. HUD may, however, place conditions on the mortgagee's participation. For example, HUD may require that the mortgagee correct certain procedures,

undertake additional training, or repeat the mortgage review process pursuant to § 200.163(g).

N. Waiver (§ 200.164a)

The final rule includes a waiver provision. This provision permits the Secretary in an individual case to waive any requirement which would adversely affect achievement of the purposes of the National Housing Act and the Direct Endorsement program.

O. Negotiated Interest Rates (§ 203.51(a)(2))

The proposed rule did not specifically address the Negotiated Interest Rate provision which may apply to mortgages insured under section 203(b) although HUD intended the Direct Endorsement program to cover such mortgagee loans. This provision which was authorized by section 332 of the Housing and Community Development Act of 1980, permits a limited number of section 203(b) mortgages to be executed at interest rates exempt from the maximum HUD single family rate. Instead, the interest rate and the number of discount points are negotiable between the borrower and the lender. The final rule incorporates the Negotiated Interest Rate provision for use in the Direct Endorsement program. However, because the Department's authority to insure with this provision is limited, mortgagees will be required to obtain authorization from the HUD field office prior to entering into the Negotiated Rate binding agreement. An amendment has been made to §203.51 in order to address the differences resulting from the Direct Endorsement program.

IV. Findings and Other Information

A Finding of No Significant Impact with respect to the environment has been made in accordance with HUD regulations in 24 CFR Part 50, which implement Section 102(2)(C) of the National Environmental Policy Act of 1969. A Finding of No Significant Impact is available for public inspection and copying during regular business hours in the Office of the Rules Docket Clerk, Office of the General Counsel, Room 10278, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410.

This rule does not constitute a "major rule" as that term is defined in Section 1(b) of Executive Order 12291 on Federal Regulation issued by the President on February 17, 1981. Analysis of the rule indicates that it does not (1) have an annual effect on the economy of $100 million or more; (2) cause a major increase in costs or prices of consumers, individual industries, Federal, State or local government agencies, or geographic regions; (3) have a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Pursuant to the provisions of 5 U.S.C. 605(b) (the Regulatory Flexibility Act), the Undersigned hereby certifies that this rule does not have a significant economic impact on a substantial number of small entities.

The Catalog of Federal Domestic Assistance numbers are 14.105 through 14.165.

This rule is not listed in the Department's Semiannual Agenda of Regulations published on October 28, 1982 (47 FR 48422) pursuant to Executive Order 12291 and the Regulatory Flexibility Act.

List of Subjects

24 CFR Part 200

Administrative practice and procedure, Claims, Equal employment opportunity, Fair housing, Housing standards, Loan programs—Housing and community development, Mortgage insurance, Organization and functions (Government agencies), Reporting and recordkeeping requirements, Minimum property standards.

24 CFR Part 203

Home improvement, Loan programs—Housing and urban development, Mortgage insurance, Solar energy.

24 CFR Part 233

Loan programs: housing and community development, Mortgage insurance, Experimental housing, Projects.

24 CFR Part 234

Condominium, Mortgage insurance, Homeownership, Projects, Units.

24 CFR Part 237

Low and moderate income housing, Mortgage insurance.

IV. Final Rule

Accordingly, 24 CFR Parts 200, 203, 233, 234 and 237 are amended as follows:

PART 200—[AMENDED]

1. Part 200 is amended by revising the table of contents, for Subpart E—Mortgage Insurance Procedures and Processing, to read as follows:

Subpart E—Mortgage Insurance Procedures and Processing

Claims for Losses

2. Part 200 is amended by revising § 200.141 to read as follows:

§ 200.141 Procedure in general.

(a) All mortgage insurance programs, with the exception of the single family Direct Endorsement and coinsurance programs, involve four steps. First, application for insurance; second, commitment for insurance; third, insurance endorsement; and fourth, where applicable, a claim for loss.

(b) Except as set forth in §§ 200.163(b) and 200.164(g), commitments are not issued by HUD under the single family Direct Endorsement program.

3. Part 200 is amended by revising paragraph (b) of § 200.145 to read as follows:

§ 200.145 Technical analysis and underwriting processing.

* * * * *

(b) Underwriting processing involves consideration of the elements having to do with eligibility for insurance including review of the planning, construction, and specifications, cost estimation and valuation, and credit analysis. The findings are included in a report and recommendation which is the basis for the commitment. Except as set forth in §§ 200.163(b) and 200.164(g) commitments are not issued by HUD under the single family program of Direct Endorsement.

4. Part 200 is amended by revising paragraph (a) of § 200.146 to read as follows:

§ 200.146 Acceptance, rejection and reconsideration.

(a) If an application for mortgage insurance meets the eligibility requirements, a commitment for insurance is issued. Except as set forth

in §§ 200.163(b) and 200.164(g) commitments are not issued by HUD under the single family program of Direct Endorsement. Under this program the Department reviews the executed loan documents in accordance with the procedure set forth in § 200.163 and, if the documents are acceptable, the mortgage is endorsed.

* * * * *

5. Part 200 is amended by revising § 200.147 to read as follows:

§ 200.147 Issuance of commitment.

After a determination that the mortgagor and the property offered for security meet the standards and requirements as to eligibility, a commitment is prepared at the request of the mortgagee and forwarded over the signature of the Authorized Agent to the approved mortgagee setting forth the terms and conditions under which the mortgage transaction will be insured. The commitment is a binding contract between HUD and the mortgagee presenting the application. Except as set forth in §§ 200.163(b) and 200.164(g), commitments are not issued by HUD under the single family Direct Endorsement program.

6. Part 200 is amended by revising § 200.150 to read as follows:

§ 200.150 Request for endorsement.

(a) When all conditions of the commitment are fully met, the commitment, together with all supporting documents such as the note, mortgage and any other exhibits as required by the terms of the commitment, are returned to HUD by the mortgagee for endorsement for insurance.

(b) For applications involving mortgages originated under the single family Direct Endorsement program, the mortgagee shall submit to the Secretary, within 30 days, or such additional time as approved by the Secretary, after the date of closing of the loan, the documents required by § 200.163 and shall certify that the principal amount of the loan has been disbursed to the mortgagor or for the mortgagor's account.

7. Part 200 would be amended by revising § 200.152 to read as follows:

§ 200.152 Endorsement for insurance.

(a) When it has been determined that the terms and conditions of the commitment have been fully complied with, the Secretary insures the mortgage and evidences the insurance by the issuance of a Mortgage Insurance Certificate. After issuance of the mortgage insurance certificate, the mortgagee is entitled to the benefits of insurance subject to compliance with the administrative regulations which are a part of the insurance contract.

(b) For applications involving mortgages originated under the single family Direct Endorsement program, if the mortgagee submits to the Secretary within 30 days after the date of closing of the loan, or such additional time as permitted by the Secretary, the documentation required by § 200.163, the Secretary will insure the loan and evidence the insurance by the issuance of a Mortgage Insurance Certificate. After issuance of the mortgage insurance certificate, the mortgagee is entitled to the benefits of insurance subject to compliance with the regulations which are a part of the insurance contract.

8. Part 200 is amended to add the center caption "Direct Endorsement" to appear before § 200.163.

9. In Part 200, § 200.163 is added to read as follows:

Direct Endorsement

§ 200.163 Direct endorsement.

(a) *Definition and Applicability.* Single family mortgage insurance applications, eligible for processing under this section, are underwritten and closed by eligible mortgagees and the documentation required by paragraphs (b) and (c) of this section are submitted to HUD/FHA for mortgage insurance endorsement in accordance with paragraph (d) of this section. HUD/FHA does not review applications for mortgage insurance or issue commitments except as provided by paragraph (b) of this section and § 200.164(g) before the mortgage is executed and submitted to be considered for endorsement.

(1) Single family mortgage insurance loans defined under sections 203(b), 203(i), 221(d)(2), 234(c) and 245 of the National Housing Act are eligible for processing under this section.

(2) Single family mortgages insured under any of the programs listed in paragraph (a)(1) of this section pursuant to sections 244, 223, 225 and 238(c) of the National Housing Act are not eligible for processing under this section. The provision contained in 24 CFR 221.55 which permits a builder-mortgagor to sell a property to a displaced family on a deferred basis is not available in the Direct Endorsement program.

(3) The Secretary shall publish in the Mortgagees' Guide to the Direct Endorsement program a list of the mortgage loans by type which are eligible for Direct Endorsement processing under this section. Such listing shall set forth with particularity the required certifications applicable to each mortgage type.

(b) *Mortgagee Underwriting and Submission for Endorsement.*—(1) *Underwriting/due diligence.* A mortgagee, authorized to submit mortgages under this section, shall exercise due diligence when underwriting mortgages processed under this section. Due diligence means that care which a mortgagee would exercise in obtaining and verifying information for a loan in which the mortgagee would be entirely dependent on the property as security to protect its investment. Mortgagee procedures that evidence such due diligence shall be incorporated as part of the Quality Control Plan required under § 200.164(e).

(2) *Guidelines for underwriting procedures.* The Secretary shall publish guidelines for underwriting procedures in the Mortgagees' Guide to the Direct Endorsement Program. Compliance with these guidelines is deemed to be the minimum exercise of due diligence in underwriting mortgage loans.

(3) *Appraisal.* An approved mortgagee shall appraise the property, using an appraiser assigned by HUD from its current fee panel or a staff appraiser approved by HUD. In those cases where the mortgagee has a financial interest in, is owned by or is affiliated with a building or selling entity, the mortgagee shall use an appraiser and inspector assigned by HUD from its fee panel. In lieu of appraising the property, an approved mortgagee may, for those properties which HUD accepts as proposed construction, utilize a HUD conditional commitment or master conditional commitment, or a Veterans Administration certificate of reasonable value or master certificate of reasonable value.

(4) *Mortgagor's income.* The mortgagee shall determine whether the mortgagor's income is and will be adequate to meet the periodic payments under the mortgage, and shall review the eligibility of the property and prospective mortgagor under 24 CFR Parts 203, 221, or 234.

(5) *Submission for endorsement.* Upon a determination by the mortgagee that the proposed mortgage is eligible for insurance under 24 CFR Part 203, 221, or 234 the mortgage is executed. Within 30 days, or such other time as is approved by the Secretary, after the date of closing of the loan, the mortgagee shall submit the following documents, as are appropriate, and which are properly executed, to HUD/FHA at which point the loan is considered for endorsement in accordance with paragraph (d) of this section:

(i) Property appraisal upon a form prescribed by the Secretary (or HUD

conditional commitment or master conditional commitment, or Veterans Administration certificate of reasonable value or master certificate of reasonable value) and all accompanying documents required by the Secretary;

(ii) An application for insurance of the mortgage upon a form prescribed by the Secretary and all accompanying documents required by the Secretary;

(iii) A certified copy of the mortgage and note executed upon forms approved by the Secretary for use in the jurisdiction in which the property covered by the mortgage is situated;

(iv) A warranty of completion, on a form prescribed by the Secretary, (for proposed construction cases);

(v) An Underwriter Certification that the requirements of paragraph (c) of this section have been satisfied;

(vi) Where applicable, a certificate under oath and contract regarding use of the dwelling for transient or hotel purposes in accordance with §§ 203.16 and 203.36, or §§ 203.16 and 203.36 as incorporated by reference in §§ 221.1, or §§ 234.15 and 234.67;

(vii) Where applicable, a certificate of intent to occupy by military personnel, in accordance with § 203.31, or § 203.31 as incorporated by reference in § 221.1, or § 234.51;

(viii) Where a mortgage for an existing property is to be insured under section 221(d)(2) of the National Housing Act, a letter from the local government official that the property meets applicable code requirements if appropriate;

(ix) For proposed construction, where an individual water or sewer system is being used, approval letter from local health authority indicating approval of the water supply and/or sewage disposal installation; and

(x) For proposed construction, where the mortgagee does not obtain a VA CRV, VA MCRV, HUD conditional commitment, HUD master conditional commitment or a consumer protection or warranty plan, or submit the plans and specifications for HUD's prior approval, a certification by a HUD-approved architect, engineer or construction analyst that the plans and specifications comply with the applicable property standards.

(c) *Underwriter Certification.* The underwriter shall personally review the mortgage documents and applications for insurance endorsement processed under this section, and shall execute an Underwriter Certification for and on behalf of such mortgagee on a form prescribed by the Secretary evidencing this review. For each mortgage reviewed, this Underwriter Certification shall include an identification of the mortgage by type, as identified pursuant to § 200.163(a)(3), a statement that the underwriter has personally reviewed the mortgage documents and insurance endorsement application, and a statement that the mortgage complies with the requirements of this subsection. The Underwriter Certification shall include, in addition to such supplemental certification items published pursuant to paragraph (f) of this section, each of the below listed certification items which apply to the mortgage loan submitted for endorsement. The Underwriter Certification is in addition to certifications presently required of the mortgagee and/or mortgagor on current HUD Forms 92800 and 92900.

(1) That the mortgage satisfies the requirements of 24 CFR 203.17, or §§ 221.5, 221.25, 221.30, 221.32, 221.40, 221.35, and 221.45 or 234.25;

(2) That the mortgage shall be on real estate held in fee simple, or on a leasehold under a lease for not less than 99 years which is renewable, or under a lease which otherwise meets the requirements of 24 CFR 203.37, or 203.37 as incorporated by reference in 221.1, or 234.65;

(3) That the mortgaged property is located in a community where the housing standards meet the requirements of the Secretary as required by 24 CFR 203.40;

(4) That the graduated payment mortgage meets the requirements of the Secretary as established under 24 CFR 203.45 or 234.75;

(5) That the modified graduated payment mortgage meets the requirements of the Secretary as established under 24 CFR 203.46 or 234.76;

(6) That the property covered by the mortgagee meets the flood plain requirements set forth in § 203.16a, or § 203.16a as incorporated by reference in § 221.1, or § 234.17;

(7) That there is located on the mortgaged property a dwelling unit designed principally for residential use for not more than four families, as required by 24 CFR 203.38, or 203.38 as incorporated by reference in § 221.1;

(8) That the stated mortgage amount (i) satisfies the requirements of 24 CFR 203.18, 203.18a, 203.18b, 203.29, or 203.29 as incorporated by reference in §§ 221.1, 221.10, 221.11, 221.20, 221.50, 234.27, or 234.49, as applicable; and (ii) for a mortgage given to refinance a mortgage, the stated amount satisfies the limitations set forth in paragraph (c)(8)(i) of this section, and such further limitations as prescribed by the Secretary.

(9) That the mortgagor's monthly mortgage payments will not be in excess of his or her reasonable ability to pay, as required under 24 CFR 203.21, or 203.21 as incorporated by reference in 221.1, or as required under 234.36;

(10) That the mortgagor's income is and will be adequate to meet the periodic payments required for the mortgage submitted for insurance, as required by 24 CFR 203.33, or 203.33 as incorporated by reference in 221.1, or 234.56;

(11) That the mortgagor's general credit standing is satisfactory, as required under 24 CFR 203.34, or 203.34 as incorporated by reference in 221.1, or 234.57;

(12) That the buildings are the property secured by the mortgage comply with the applicable property standards issued by HUD as required by 24 CFR 200.925 *et seq.*, for proposed construction, and the standards set forth in HUD Handbooks 4905.1, for existing construction, and 4940.4, for rehabilitation construction.

(13) In cases where the mortgaged property is subject to a secondary loan or mortgage made or insured, or other secondary lien, held by a Federal, State or local government agency or instrumentality, that the required monthly payments under the insured mortgage and the secondary mortgage or lien do not exceed the mortgagor's reasonable ability to pay, as required under 24 CFR 203.32, or 203.32 as incorporated by reference in 221.1, or 234.55.

(14) That the mortgagor has made the minimum investment as required by 24 CFR 203.19, 221.50 or 234.28;

(15) That no prepaid expenses other than those listed in 24 CFR 221.54 and those specifically approved by the Secretary were included in determining the mortgagor's minimum investment;

(16) That for a mortgage involving refinancing to be insured under 24 CFR 221.21, that the mortgage, in addition to the limitations contained in §§ 221.10, 221.11 and 221.20, does not exceed the estimated cost of repair and rehabilitation and the amount required to refinance the existing indebtedness secured by the property;

(17) That a property designed for a two, three or four family residence has one of the dwelling units occupied by the mortgagor, as required by 24 CFR 221.12;

(18) For a condominium, that the mortgaged property is in a project which has been approved by HUD pursuant to 24 CFR 234.26;

(19) For a mortgage involving a negotiated interest rate, that the mortgage meets the requirements of 24 CFR 203.51;

(20) For a property located in an outlying area that the mortgage meets the requirements of 24 CFR 203.18(d); and

(21) For a mortgage to be insured under section 234(c) of the National Housing Act that the mortgage meets the requirements of 24 CFR 234.59.

(22) In the case of proposed construction, that the subdivision, where applicable, within which the property is located has been granted HUD subdivision approval in accordance with HUD Handbook 4135.1 REV, Procedures for Approval of Single Family Proposed Construction Applications in New Subdivisions.

(23) That the property covered by the mortgage is not located in an area that is precluded from receiving Federal financial assistance pursuant to the Coastal Barrier Resources Act (Pub. L. No. 97-349).

(d) *HUD/FHA Pre-Endorsement Review.* Upon submission by an approved mortgagee of the documents required by paragraphs (b) and (c) of this section, HUD/FHA will review the loan documents to determine:

(1) That the mortgage is executed on a form approved by the Secretary for use in the jurisdiction in which the property covered by the mortgage is situated;

(2) That the mortgage maturity meets the requirements of §§ 203.17, 221.30 or 234.25 as applicable;

(3) That the stated mortgage amount does not exceed the maximum dollar limitation permissible under §§ 203.18, 203.18a, 203.18b, 203.29, or 203.29 as incorporated by reference in §§ 221.1, 203.45, 203.46, 221.10, 221.11, 234.27, 234.49, 234.75, or 234.76 as applicable.

(4) That the mortgage interest rate meets the requirements, as applicable, of §§ 203.20, 203.51, 203.20 and 203.51 as incorporated by reference in § 221.1, or § 234.29;

(5) That all documents required by paragraph (b) of this section are submitted; and

(6) That all necessary certifications are made in accordance with paragraph (c) of this section.

If, following this review, the mortgage is determined to be eligible, it is endorsed for insurance. If the mortgage is determined to be ineligible, HUD will inform the mortgagee in writing of this fact, and include the reasons thereof and any corrective actions that may be taken.

(e) *Post-Endorsement Review.* Following endorsement, HUD/FHA will review all documents required by paragraphs (b) and (c) of this section. If following this review HUD/FHA determines that the mortgage does not satisfy the requirements of the single family Direct Endorsement program, the Department may place the mortgagee on probation, withdraw the authority of the mortgagee to participate in the Direct Endorsement program pursuant to § 200.164(h) or withdraw the mortgagee's HUD/FHA approval pursuant to the provisions of 24 CFR Part 25.

(f) *Supplementary Items.* The Secretary may prescribe supplementary certifications, mortgage types and modifications thereof without prior notice and public procedure. These supplementary items will be published in the Mortgagee's Guide to the Direct Endorsement Program. Specific notice of these supplementary items shall be published in the **Federal Register**, in accordance with 5 U.S.C. 552 and 24 CFR 15.11. Such notice may incorporate these supplementary items by reference. In addition, these supplementary items will be available for examination and distribution in the Information Center, Room 1104, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410, and in each HUD Regional and Area Office.

10. In Part 200, § 200.164 is added to read as follows:

§ 200.164 Approval of direct endorsement mortgagees.

(a) Mortgagees shall comply with the following requirements when applying for approval:

(1) Submit an application to the HUD area office in whose jurisdiction the mortgagee seeks to process loans pursuant to § 200.163;

(2) Submit (i) documentation showing compliance with § 200.164 (b), (c) and (d); (ii) the Quality Control Plan which complies with § 200.164(e); and (iii) other such information as the Secretary may require.

(b) To participate in the Direct Endorsement program set forth in § 200.163, a mortgagee must be an approved mortgagee meeting the requirements of 24 CFR 203.3 or 203.4 or 203.7(a), and this section.

(c) The mortgagee must establish that it meets the following qualifications:

(1) The mortgagee has five years of experience in the origination of single family mortgages. The Department will approve mortgagees with less than five years experience in the origination of single family mortgages if a principal officer has had a minimum of five years of managerial experience in the origination of single family mortgages;

(2) The mortgagee, other than a supervised mortgagee or governmental institution, is approved as a Federal National Mortgage Association (FNMA) seller, as an issuer of Government National Mortgage Association (GNMA) mortgage-backed securities, or has a net worth, in assets acceptable to the Secretary, of not less than $250,000.

(d) The mortgagee, to be approved for participation in the Direct Endorsement program, must have on its permanent staff an underwriter approved by the Department for participation in this program and authorized by the mortgagee to bind the mortgagee on matters involving the origination of mortgage loans under this program. The technical staff utilized in the Direct Endorsement program by the mortgagee, including appraisers, construction analysts, inspectors, mortgage credit examiners, architects and engineers, must also be approved by the Department. The technical staff may be employees of the mortgagee or may be hired on a fee basis from a HUD panel. A mortgagee which has a financial interest in, owns, is owned by, or is affiliated with a building/selling entity may originate, under the Direct Endorsement program and process mortgages for this entity, only if the property appraisals and inspections are done by independent appraisers and inspectors approved, and assigned, by the Department, rather than by appraisers or inspectors on the staff of the mortgagee. For proposed construction, where the mortgagee does not obtain a VA CRV, VA MCRV, HUD conditional commitment, or HUD master conditional commitment, or a consumer protection or warranty plan, or submit the plans and specifications for HUD's prior approval, then the mortgagee must utilize an architect, engineer or construction analyst, approved by HUD, to certify that the plans and specifications meet the applicable standards.

(e) A mortgagee shall implement an acceptable Quality Control Plan that is designed to assure mortgagee compliance with HUD underwriting requirements for the Direct Endorsement program. Such plan will be kept current and available upon request for HUD.

(f) A mortgagee's underwriter and technical staff shall satisfactorily complete a training program on HUD underwriting requirements as a condition to approval under this section.

(g) To be eligible to participate in the Direct Endorsement program, a mortgagee qualified to participate in the program pursuant to this Part must submit initially fifteen mortgages processed in accordance with the requirements set forth under § 200.163. The documents required by § 200.163 will be reviewed by the Department

and, if acceptable, commitments will be issued prior to endorsement of the loans. If the underwriting and processing of these fifteen mortgages is satisfactory, then the mortgagee may be approved to close subsequent mortgages and submit them directly for endorsement in accordance with the process set forth in § 200.163. Unsatisfactory performance by the mortgagee at this stage constitutes grounds for denial of participation in the program, or for continued pre-endorsement review of a mortgagee's submissions. If participation in the program is denied, such denial is effective immediately and may be appealed in accordance with the procedures set forth in paragraph (h)(2) of this section.

(h) *Mortgagee Sanctions.* Depending upon the nature and extent of the noncompliance with the requirements of the Direct Endorsement program, as determined by HUD, HUD may take any of the following actions:

(1) *Probation.* HUD may place a mortgagee on probation for a specified period of time for the purpose of evaluating the mortgagee's compliance with the requirements of the single family Direct Endorsement program. During the probation period the mortgagee may continue to process mortgage loans pursuant to § 200.163 subject to conditions required by HUD. HUD may: Require the mortgagee (i) To process mortgages in accordance with paragraph (g); (ii) to submit to additional training; (iii) to make changes in the Quality Control Plan of paragraph (e); and (iv) to take other actions, which may include, but are not limited to, periodic reporting to HUD, and submission to HUD on internal audits.

(2) *Withdrawal of Approval of Direct Endorsement Mortgagees.* (i) HUD may withdraw a mortgagee's approval to participate in the Direct Endorsement program upon written notice which states the grounds for the action and which provides for the right to an informal hearing before a decision maker in the local HUD office. Such hearing shall be expeditiously arranged and the mortgagee may be represented by counsel.

(ii) After consideration of the materials presented, the decision maker in the local HUD office shall advise the mortgagee in writing whether the withdrawal is rescinded, modified or affirmed.

(iii) The mortgagee may appeal such decision to the Assistant Secretary for Housing. A decision by the Assistant Secretary shall constitute final agency action.

(3) *Withdrawal of HUD–FHA Approval.* Serious noncompliance with the requirements of the Direct Endorsement program may also result in withdrawal of a mortgagee's HUD/FHA approval pursuant to 24 CFR Part 25.

(i) *Notification of Changes.* The mortgagee shall promptly notify those field offices which have granted approval under this section of any changes that affect qualifications under paragraphs (b), (c) and/or (d) of this section.

11. In Part 200, § 200.164a is added to read as follows:

§ 200.164a Waivers.

The Secretary in an individual case may waive any requirement not required by statute if the Secretary finds that application of such requirement would adversely affect achievement of the purposes of the Act. Provided, however, this waiver requirement does not apply to the requirements in Subpart E, § 200.152 through § 200.162. Each such waiver shall be in writing and supported by a statement of the facts and grounds forming the basis for the waiver. The authority under this section may be delegated to the Assistant Secretary for Housing-Federal Housing Commissioner, but shall not be redelegated.

PART 203—[AMENDED]

12. Part 203 is amended by revising § 203.13 to read as follows:

§ 203.13 Approval of application.

(a) Upon approval of an application, acceptance of the mortgage for insurance will, except as provided in paragraph (b) of this section, be evidenced by the issuance of a commitment setting forth, upon a form prescribed by the Secretary, the terms and conditions upon which the mortgage will be insured.

(b) Except as set forth in §§ 200.163(b) and 200.164(g), commitments are not issued by HUD under the single family program of Direct Endorsement—which may be utilized only by those sections of the National Housing Act specified in § 200.163. Under this program the Department reviews the executed loan documents in accordance with the procedure set forth in § 200.163, and, if the documents are acceptable, the loan is endorsed.

13. Part 203 is amended by revising § 203.27(a)(3)(v) to read as follows:

§ 203.27 Maximum charges, fees or discounts.

(a) * * *

(3) * * *

(v) Fees paid to an appraiser or inspector approved by the Commissioner for the appraisal and inspection, if required, of the property. Notwithstanding any limitations in this paragraph(a)(3) of this section, if the mortgagee uses the services of staff appraisers and inspectors for processing mortgages pursuant to § 200.163, for mortgages insured under these sections of the National Housing Act specified therein, the mortgagee may collect from the mortgagor the reasonable and customary amounts for such appraisals and inspections.

* * * * *

14. Part 203 is amended by revising § 203.51(a)(2) to read as follows:

§ 203.51 Negotiated interest rate.

(a) * * *

(2)(i) Be binding on the mortgagee for at least thirty calendar days from the date on which the HUD field office receives a lender's commitment signed by mortgagee and mortgagor and accompanied by than application for an FHA firm commitment (Form HUD 92900).

(ii) In the case of mortgages processed pursuant to § 200.163, the firm commitment requirement of paragraph (a)(i) of this section, shall not apply. In such cases the lender's commitment may not be signed by the mortgagor or the mortgagee until the mortgagee has completed its credit underwriting, property appraisal and other processing of the loan application. The lender's commitment shall be binding on the mortgagee for 30 days from the date on which the last party executes the commitment.

(iii) The lender's agreement may be extended by mutual agreement between the mortgagee and mortgagor.

* * * * *

15. Part 203 is amended by revising § 203.255 to read as follows:

§ 203.255 Insurance of mortgage.

(a) Upon compliance with a commitment, the Secretary will insure the loan and will provide evidence of the insurance by the issuance of a Mortgage Insurance Certificate.

(b) For applications involving mortgages originated under the single family Direct Endorsement program, if the mortgagee submits to the Secretary within 30 days after the date of closing of the loan, or such additional time as permitted by the Secretary, the documentation required by § 200.163, for mortgages insured under those sections of the National Housing Act specified in § 200.163 and certifies that the principal amount of the loan has been disbursed to the mortgagor or for the mortgagor's account, the Secretary will insure the loan and evidence the insurance by the issuance of a mortgage insurance

certificate. After this endorsement, the mortgagee is entitled to the benefits of insurance subject to compliance with the regulations which are, in effect, a part of the insurance contract.

16. Part 203 is amended by revising the introductory text of § 203.405 to read as follows:

§ 203.405 Debenture interest rate.

Debentures shall bear interest from the date of issue, payable semiannually on the first day of January and the first day of July of each year at the rate in effect as of the day the commitment was issued, or as of the date the mortgage was endorsed for insurance, whichever rate is higher. For applications involving mortgages originated under the single family Direct Endorsement program, debentures shall bear interest from the date of issue, payable semiannually on the first day of January and the first day of July of each year at the rate in effect as of the date the mortgage was endorsed for insurance.

* * * * *

17. Part 233 is amended by adding § 233.5(a)(6) to read as follows:

§ 233.5 Cross-reference.

(a) * * *

(6) Mortgages and loans processed under the Direct Endorsement program set forth in § 200.163 shall not be eligible under this part.

* * * * *

PART 234—[AMENDED]

18. Part 234 is amended by revising § 234.12 to read as follows:

§ 234.12 Approval and commitment.

(a) Upon approval for an application, acceptance of the mortgage for insurance may be evidenced by the issuance of a commitment setting forth, upon a form prescribed by the Secretary, the terms and conditions upon which the mortgage will be insured.

(b) Except as set forth in §§ 200.163(b) and 200.164(g), commitments are not issued by HUD under the single family program of Direct Endorsement. Under this program, the Department reviews the executed loan documents in accordance with the procedure set forth in § 200.163. If the documents are acceptable, the loan is endorsed.

PART 237—[AMENDED]

19. Part 237 is amended by revising § 237.5 to read as follows:

§ 237.5 Cross-reference.

To be eligible for insurance under this subpart, a mortgage shall meet all of the eligibility requirements for insurance under § 203.1 *et seq.*, except § 203.51, (Part 203, Subpart A) of this chapter; § 220.1 *et seq.* (Part 220, Subpart A) of this chapter; § 221.1 *et seq.* (Part 221, Subpart A) of this chapter, or § 234.1 *et seq.* (Part 234, Subpart A) of this chapter, except that the mortgage shall comply with the special requirements of this subpart.

Mortgages and loans processed under the Direct Endorsement program set forth in § 200.163 shall not be eligible under this part.

(Sec. 211, National Housing Act (12 U.S.C., 1715(b)); Section 7(d), Department of HUD Act (42 U.S.C., 3535(d)

Dated: March 14, 1983.

Philip Abrams,

Assistant Secretary for Housing—Federal Housing Commissioner.

[FR Doc. 83-7296 Filed 3-18-83; 8:45 am]

BILLING CODE 4210-27-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 5f

[T.D. 7879]

Temporary Income Tax Regulations Under the Tax Equity and Fiscal Responsibility Act of 1982; Special Transitional Basis Adjustment Rules Concerning Safe Harbor Lease Property

AGENCY: Internal Revenue Service, Treasury.

ACTION: Temporary regulations.

SUMMARY: This document provides clarification to temporary regulations regarding transitional rules and related matters concerning safe harbor leases. Changes to the applicable tax law were made by the Tax Equity and Fiscal Responsibility Act of 1982 ["TEFRA"]. These regulations provide guidance to persons executing lease agreements under section 168(f)(8) of the Internal Revenue Code of 1954.

DATE: The regulations apply with respect to certain safe harbor lease agreements executed on or before December 1, 1982.

FOR FURTHER INFORMATION CONTACT: John A. Tolleris of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, D.C. 20224 (Attention: CC:LR:T) (202-566-3294).

SUPPLEMENTARY INFORMATION:

Background

This document contains an amendment to temporary regulations published by Treasury Decision 7850 in the **Federal Register** for November 10, 1982 (47 FR 50852) concerning transitional rules for certain safe harbor leases executed after July 1, 1982. The amendment provides clarification regarding the circumstances in which parties who have failed to include all direct and indirect costs within the basis of certain property leased under a transitional safe harbor lease after July 1, 1982, may make a retroactive basis adjustment with respect to an additional undivided interest in such property by April 21, 1983. There is a need for immediate guidance relating to these provisions so taxpayers leasing certain property under section 168(f)(8) of the Internal Revenue Code of 1954 can comply with these new provisions. These regulations will remain in effect until superseded by final regulations on this subject.

Explanation of Provisions

Treasury Decision 7850, published in the **Federal Register** for November 10, 1982, provided guidance regarding transitional rules, enacted by section 208(d) of TEFRA (Pub. L. 97-248, 96 Stat. 439), which for a limited time period permits certain property to be leased under the provisions of Code section 168(f)(8) which were in effect prior to the enactment of TEFRA. However, there was some uncertainty prior to the issuance of Treasury Decision 7850 concerning whether certain direct and indirect costs allocable to the leased property (*e.g.*, installation costs) could be included within the basis of transitional safe harbor lease property. Due to this uncertainty, some taxpayers did not include such costs in the basis of transitional property leased under a safe harbor lease agreement prior to December 1, 1982.

Treasury Decision 7850 provides that if a property qualifies as transitional safe harbor lease property, then virtually all direct and indirect capital costs allocable to such property will be includible in the basis of such property. To provide relief to taxpayers who entered into transitional safe harbor lease agreements before issuance and dissemination of Treasury Decision 7850, the amendment added by this Treasury decision provides that the adjusted basis of a transitional safe harbor lease property leased under an agreement executed on or before December 1, 1982, shall be deemed to include virtually all direct and indirect

costs (including installation costs) allocable to such property incurred before it was leased, notwithstanding that such costs were not included in the lessor's adjusted basis under the terms of the lease agreement, provided the parties to such agreement reasonably believed they had leased the whole property. This regulation is intended only to help those firms that erroneously failed to include direct and indirect costs allocable to the property leased under the TEFRA transitional rules because they had to close their transactions before T.D. 7850 was issued. This regulation is not intended to allow firms to transfer additional property not included as part of the original lease.

Non-Applicability of Executive Order 12291

The Treasury Department has determined that these temporary regulations are not subject to review under Executive Order 12291 or the Treasury and OMB implementation of the Order dated April 28, 1982.

Regulatory Flexibility Act

No general notice of proposed rulemaking is required by 5 U.S.C. 553 (b) for temporary regulations. Accordingly, the Regulatory Flexibility Act does not apply and no Regulatory Flexibility Analysis is required for this rule.

Drafting Information

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

List of Subjects in 26 CFR Part 5f

Income tax, Deductions, Leasing, Tax Equity and Fiscal Responsibility Act of 1982.

PART 5f—[AMENDED]

Adoption of Amendments to the Regulations

Accordingly, 26 CFR Part 5f is amended as follows:

Section 5f.168(f)(8)–1 is amended by adding a new subdivision (iii) to item A–2. The added provision reads as follows:

§ 5f.168(f)(8)–1 Questions and answers concerning transitional rules and related matters regarding certain safe harbor leases.

* * * * *

A–2: * * *

(iii) The adjusted basis to the lessor of property leased on or prior to December 1, 1982, under a transitional safe harbor lease shall be deemed to include all direct and indirect costs (including installation costs) described in subdivision (ii) allocable to such property that were incurred before it was leased despite the fact that such costs were not included in the lessor's adjusted basis of such property under the terms of the lease ageeement, provided that the parties to such agreement reasonably believed that they had leased the whole of such property. Such costs will be treated as having been included in the lessor's adjusted basis of such safe harbor lease property on the date the lease agreement was executed without regard to any provisions in the lease agreement that limits the dollar amount of the permissible adjustment of the lessor's adjusted basis to such property. To qualify for inclusion of such direct and indirect costs within the basis of such property, the parties to such agreement must file an amended Form 6793, the Safe Harbor Lease Information Return, no later than April 21, 1983, which reflects the parties' intent to include installation and other such costs within the basis of such property. For purposes of this subdivision, a transitional safe harbor lease is a lease either which was executed after July 1, 1982, and on or prior to December 1, 1982, or which includes some transitional safe harbor lease property, as defined in TEFRA section 208(d)(3), that was placed in service after July 1, 1982, and on or prior to December 1, 1982.

* * * * *

There is a need for immediate guidance with respect to the provisions contained in this Treasury decision. For this reason, it is found impracticable to issue it with notice and public procedure under subsection (b) of section 553 of title 5 of the United States Code or subject to the effective date limitation of subsection (d) of that section.

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

Roscoe L. Egger, Jr.,

Commissioner of Internal Revenue.

Approved: March 16, 1983.

John E. Chapoton,

Assistant Secretary of the Treasury.

[FR Doc. 83-7402 Filed 3-21-83; 8:45 am]

BILLING CODE 4830-01-M

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26 CFR Part 53

[T.D. 7878]

Foundation and Similar Excise Taxes; Private Foundation Distributions

AGENCY: Internal Revenue Service, Treasury.

ACTION: Final regulations.

SUMMARY: This document contains final regulations relating to private foundation distributions. Changes to the applicable law were made by the Economic Recovery Tax Act of 1981 ("ERTA"). The regulations conform existing regulations with ERTA and affect all private foundations.

DATE: The regulations are effective for taxable years beginning after December 31, 1981.

FOR FURTHER INFORMATION CONTACT: Monice Rosenbaum of the Employee Plans and Exempt Organizations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224 Attention: CC:LR:T:EE–153–81, (202–566–3422) (not a toll-free number).

SUPPLEMENTARY INFORMATION: On May 13, 1982, the Internal Revenue Service published in the Federal Register proposed amendments to the Regulations on Foundation and Similar Excise Taxes (26 CFR Part 53) under section 4942(d) and section 4942(j)(3)(A) of the Internal Revenue Code of 1954. These amendments were proposed to conform the regulations to section 823 of the Economic Recovery Tax Act of 1981 (Pub. L. 97–34, 95 Stat. 351). A public hearing was not held. There were two comments on the proposals. These comments dealt with portions of the regulations not affected by the notice. The proposals are adopted without change as final regulations.

Non-Applicability of Executive Order 12291

The Treasury Department has determined that this regulation is not subject to review under Executive Order 12291 or the Treasury and OMB implementation of the Order dated April 28, 1982.

Regulatory Flexibility Act

No general notice of proposed rulemaking is required by 5 U.S.C. 553(b) for interpretative regulations. Accordingly, the Regulatory Flexibility Act (5 U.S.C. Chapter 6) does not apply and no Regulatory Flexibility Analysis is required for this rule.

Drafting Information

The principal author of these proposed regulations is Monice Rosenbaum of the Employee Plans and Exempt Organizations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulations, both on matters of substance and style.

List of Subjects in 26 CFR Part 53

Excise taxes, Foundations.

Adoption of Amendments to the Regulations

Accordingly, the proposed amendments to the Regulations on Foundation and Similar Excise Taxes (26 CFR Part 53) under section 4942(d) and section 4942(j)(3)(A), as published in the **Federal Register** (47 FR 20629) on May 13, 1982, are adopted without change. These regulations were issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

Roscoe L. Egger, Jr.,
Commissioner of Internal Revenue.
Approved: March 7, 1983.

John E. Chapoton,
Assistant Secretary of the Treasury.

PART 53—FOUNDATION AND SIMILAR EXCISE TAXES

The amendments to 26 CFR Part 53 are as follows:

1. Paragraph (b)(1) of § 53.4942(a)–2 is revised to read as follows:

§ 53.4942(a)–2 Computation of undistributed income.

* * * * *

(b) Distributable amount—(1) In general. For purposes of paragraph (a) of this section, the term "distributable amount" means—

(i) For taxable years beginning before January 1, 1982, an amount equal to the greater of the minimum investment return (as defined in paragraph (c) of this section) or the adjusted net income (as defined in paragraph (d) of this section); and

(ii) For taxable years beginning after December 31, 1981, an amount equal to the minimum investment return (as defined in paragraph (c) of this section), reduced by the sum of the taxes imposed on such private foundation for such taxable year under subtitle A of the Code and section 4940, and increased by the amounts received from trusts described in subparagraph (2) of this paragraph.

* * * * *

2. Paragraph (a)(1) of § 53.4942(b)–1 is revised to read as follows:

§ 53.4942(b)–1 Operating foundations.

(a) Operating foundation defined—(1) In general. For purposes of section 4942 and the regulations thereunder, the term "operating foundation" means any private foundation which, in addition to satisfying the assets test, the endowment test or the support test set forth in § 53.4942(b)–2 (a), (b) and (c), makes qualifying distributions (within the meaning of § 53.4942(a)–3(a)(2)) directly for the active conduct of activities constituting its charitable, educational, or other similar exempt purpose equal in value to—

(i) For taxable years beginning before January 1, 1982, substantially all of the foundation's adjusted net income (as defined in § 53.4942(a)–2(d)); and

(ii) For taxable years beginning after December 31, 1981, substantially all of the lesser of the foundation's adjusted net income (as defined in § 53.4942(a)–2(d)) or minimum investment return (as defined in § 53.4942(a)–2(c)). If the foundation's qualifying distributions exceed its minimum investment return (but are less than the foundation's adjusted net income) substantially all of such qualifying distributions must be made directly for the active conduct of activities constituting its charitable, educational or other similar exempt purpose. However, if the foundation's minimum investment return is less than its adjusted net income and the foundation's qualifying distributions equal or exceed such adjusted net income, only that portion of the qualifying distributions equal to substantially all of the foundation's adjusted net income must be made directly for the active conduct of activities constituting its charitable, educational or other similar exempt purpose.

* * * * *

[FR Doc. 83–7401 Filed 3–21–83; 8:45 am]
BILLING CODE 4830–01–M

DEPARTMENT OF LABOR

Office of the Secretary

29 CFR Part 0

Post Employment Conflict of Interest

AGENCY: Office of the Secretary, Labor.

ACTION: Final rule.

SUMMARY: The rule provides for the Department of Labor's implementation of Title V of the Ethics in Government Act of 1978 (as amended) with respect to post employment conflicts of interest and it establishes the procedures for imposing administrative sanctions for violation of these post employment laws.

EFFECTIVE DATE: April 21, 1983.

FOR FURTHER INFORMATION CONTACT: Mr. Seth D. Zinman, Associate Solicitor for Legislation and Legal Counsel. (202) 523–8201.

SUPPLEMENTARY INFORMATION:

Background

Subsections (a), (b) and (c) of section 207, Title 18, United States Code contain various criminal prohibitions on activities of former United States Government employees. Section 207(j), as added by section 501(a) of the Ethics in Government Act of 1978 (Pub. L. 95–521), requires Federal departments and agencies to establish administrative disciplinary procedures within their respective departments and agencies with respect to alleged violations of 18 U.S.C. 207(a), (b) and (c). These procedures have been developed in consultation with the Office of Government Ethics in the Office of Personnel Management and provide for implementation of 18 U.S.C. 207(j) with respect to the Department of Labor.

Please note that certain matters concerning post employment activities of former employees are also subject to action by the Office of the Inspector General, Department of Labor, under the Inspector General Act of 1978 (Pub. L. 95–452).

It has been determined that this is a rule of agency organization, procedure and practice and it may therefore be published as a final rule in accordance with 5 U.S.C. 553(b)(A).

Drafting Information

This document was prepared under the direction and control of T. Timothy Ryan, Jr., Solicitor of Labor, U.S. Department of Labor, Room S–2002, 200 Constitution Avenue NW., Washington, D.C. 20210, Telephone 202–523–7675.

Classification

The revision is procedural in character. Therefore, this rule is not classified as a "major rule" under Executive Order 12291 on Federal Regulations, because it is not 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 geographic regions; 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. Accordingly, no regulatory impact analysis is required.

Regulatory Flexibility Act

Because no notice of proposed rulemaking is required for this rule under 5 U.S.C. 553(b), the requirements of the Regulatory Flexibility Act, Pub. L. 96–354, 91 Stat. 1164, 5 U.S.C. 601 *et seq.*,

pertaining to regulatory flexibility analyses, do not apply to this rule. See: 5 U.S.C. 601(2).

List of Subjects in 29 CFR Part 0

Conflict of interest, Ethics, Government employees, Reporting requirements, Administrative practice and procedures.

Accordingly, 29 CFR Part 0 is amended by adding a new Subpart F, §§ 0.737–1 through 0.737–10, to read as follows:

PART 0—[AMENDED]

* * * * *

Subpart F—Post Employment Conflict of Interest

Sec.

Authority: 18 U.S.C. 207, as amended, and 5 CFR Part 737 unless otherwise noted.

* * * * *

Subpart F—Post Employment Conflict of Interest

§ 0.737–1 Applicability.

This subpart is applicable to any former employee of the Department of Labor leaving Government service on or after July 1, 1979.

§ 0.737–2 Appointment of alternate officials.

Notwithstanding any other provision of this subpart, the Secretary of Labor is authorized to perform any of the functions otherwise assigned in this subpart to the Under Secretary in any proceeding. The Secretary is also authorized to appoint as an alternate official any other officer or employee of the Department of Labor to perform functions otherwise assigned in this subpart to the Under Secretary or the Solicitor of Labor in any proceeding; except that: (a) The functions otherwise assigned in this subpart to the Under Secretary and the Solicitor shall not both be performed by the same alternate official in the same proceeding, and (b) the same individual shall not be appointed as both an Examiner under § 0.737–5 and an alternate official under this section in the same proceeding.

§ 0.737–3 Initiation of administrative disciplinary hearing.

(a) Any person may, in writing, report an apparent violation of 18 U.S.C. 207 (a), (b) or (c) or the regulations of the Office of Personnel Management at 5 CFR Part 737 by a former employee described in § 0.737–1 to the Solicitor of Labor.

(b) On receipt of information regarding a possible violation of 18 U.S.C. 207, and after determining that such information appears to be substantiated, the Solicitor shall expeditiously provide such information, along with any comments or agency regulations, to the Office of the Inspector General, the Director of the Office of Government Ethics and to the Criminal Division, Department of Justice.

(c) Whenever the Solicitor has determined after appropriate review that there is reasonable cause to believe that a former employee described in § 0.737–1 has violated 18 U.S.C. 207 (a), (b) or (c) or the regulations of the Office of Personnel Management at 5 CFR Part 737, the Solicitor may initiate an administrative disciplinary proceeding by providing the former employee with a notice of alleged violation.

(d) The notice of alleged violation shall include:

(1) A statement of allegations (and the basis thereof) sufficiently detailed to enable the former employee to prepare an adequate defense;

(2) Notification of the right to a hearing; and

(3) An explanation of the method by which a hearing may be requested.

§ 0.737–4 Request for a hearing.

(a) Any former employee who is the subject of a notice of alleged violation issued by the Solicitor under § 0.737–3 may within 15 days from the date of such notice request a hearing by writing to: The Office of the Under Secretary, U.S. Department of Labor, 200 Constitution Avenue, Washington, D.C. 20210.

(b) If the former employee fails to request a hearing in accordance with paragraph (a), the Under Secretary may then render a final administrative decision in the matter and, if appropriate, impose the sanctions specified in § 0.737–10.

§ 0.737–5 Appointment of Examiner.

Whenever a notice of alleged violation has been issued and a hearing requested, the Under Secretary shall provide for the selection of a Department of Labor Administrative Law Judge, appointed in accordance with 5 U.S.C. 3105, to act as the Examiner with respect to the matter.

§ 0.737–6 Time, date and place of hearing.

(a) Any hearing shall be conducted at a reasonable time, date and place as determined by the Examiner.

(b) In setting a hearing date the Examiner shall give due regard to the former employee's need for:

(1) Adequate time to prepare a defense properly, and

(2) An expeditious resolution of allegations that may be damaging to his or her reputation.

§ 0.737–7 Hearing rights.

(a) The following rights shall be afforded at a hearing conducted before the Examiner:

(1) To represent oneself or to be represented by counsel,

(2) To introduce and examine witnesses and to submit physical evidence,

(3) To confront and cross-examine adverse witnesses,

(4) To present oral argument; and

(5) To obtain a transcript or recording of proceedings, on request.

(b) In a hearing under this Subpart, the Federal Rules of Civil Procedure and Evidence do not apply. However, the Examiner may make orders and determinations regarding discovery, admissability of evidence, conduct of examination and cross-examination, and similar matters as the Examiner deems necessary or appropriate to ensure orderliness of the proceedings and fundamental fairness to the parties.

(c) In any proceeding under this subpart, the Department must establish any violation by a preponderance of the evidence.

§ 0.737–8 Hearing decision and exceptions.

The Examiner shall make a determination exclusively on matters of record in the proceeding, and shall set forth in the hearing decision all findings of fact and conclusions of law relevant to the matters at issue. The hearing decision of the Examiner shall be considered final agency administrative action unless either party files exceptions in writing to the Under Secretary, U.S. Department of Labor, 200 Constitution Avenue, Washington, D.C. 20210 within 30 days from the date of such hearing decision.

§ 0.737–9 Decision on exceptions.

(a) Upon receipt of exceptions, the Under Secretary may afford both parties an opportunity to submit briefs or other appropriate statements in support of their respective positions.

(b) the Under Secretary shall issue a decision based solely on the record of the proceedings or those portions thereof cited by the parties to limit the issues.

(c) If the Under Secretary modifies or reverses the initial hearing decision of the Examiner, he or she shall specify such findings of fact and conclusions of law as are different from those of the Examiner.

§ 0.737-10 Administrative sanctions.

The Examiner (or the Under Secretary in any matter in which exceptions are filed or which is decided in accordance with § 0.737-4(b)) may take appropriate action in the case of any individual found in violation of 18 U.S.C. 207(a), (b) or (c) or of the regulations at 5 CFR Part 737 upon final administrative decisions by:

(a) Prohibiting the individual from making, on behalf of any other person (except the United States), any formal or informal appearance before, or, with the intent to influence, any oral or written communication to the Department of Labor on any matter of business for a period not to exceed five years, which may be accomplished by directing agency employees to refuse to participate in any such appearance or to accept any such communications; or

(b) Taking other appropriate disciplinary action.

§ 0.737-11 Judicial review.

Any person found to have participated in a violation of 18 U.S.C. 207(a), (b), or (c) or the regulations at 5 CFR Part 737 may seek judicial review of the administrative determination in an appropriate United States district court.

Signed at Washington, D.C. this 17th day of March, 1983.

Raymond J. Donovan,

Secretary of Labor.

[FR Doc. 83-7389 Filed 3-21-83; 8:45 am]

BILLING CODE 4510-23-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[KY-011; A-4-FRL 2308-6]

Approval and Promulgation of Implementation Plans; Kentucky: Removal of Conditions and Full Approval of Part D Sulfur Dioxide SIP Revisions

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: EPA today announces its full approval of the State Implementation Plan (SIP) revisions which Kentucky developed for sulfur dioxide (SO_2) nonattainment areas pursuant to Part D of Title I of the Clean Air Act. The action taken today removes the conditions attached to EPA's approval of these revisions on October 31, 1980 (45 FR 72153). On September 24, 1982, the Kentucky Natural Resources and Environmental Protection Cabinet submitted the changes needed to satisfy the conditions of approval. EPA has reviewed the changes and finds them approvable.

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

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

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

Office of the Federal Register, Room 8401, 1100 L. Street, SW, Washington, D.C. 20460.

Environmental Protection Agency, Region IV, 345 Courtland Street, NE, Atlanta, GA 30365.

Kentucky Natural Resources and Environmental Protection Cabinet, Division of Air Pollution Control, 18 Reilly Road, Building No. 2 Ft. Boone Plaza, Frankfort, KY 40601.

FOR FURTHER INFORMATION CONTACT: Melvin Russell, EPA Region IV, Air Programs Branch at the Region IV address above or call 404/881-3286 or FTS 257-3286.

SUPPLEMENTARY INFORMATION: This notice announces full approval of Kentucky's Part D SO_2 SIP revisions and removes the conditions of approval noted in the October 31, 1980, **Federal Register** (45 FR 72153). In the October 31, 1980, notice, EPA outlined deficiencies in Kentucky's revisions. In an April 3, 1981, notice (46 FR 20171), EPA clarified portions of the October 31, 1980, notice. The clarification reiterated EPA's position that continuous monitoring should be conducted in the vicinity of the Ashland Oil complex in Boyd County.

Kentucky has satisfied all conditions required by EPA's October 31, 1980 conditional approval (45 FR 72153). The Kentucky SIP revision being approved in this rulemaking corrects the SIP deficiencies associated with the Boyd County SO_2 nonattainment area. The October 31, 1980, notice at page 72158, under § 52.928 Control strategy: Sulfur oxides, paragraph (a)(1), states the deficiencies associated with the SIP for this area as follows:

(1) Boyd County nonattainment area. The 1979 sulfur dioxide revisions for this area are approved on condition that the following be submitted by July 1, 1981:

(i) An enforceable regulation for continually determining compliance with Kentucky regulation 401 KAR 61:015 Section 5(4).

(ii) A revision of regulation 401 KAR 61:015 providing increments or progress in compliance schedules applicable to sources which are being made subject to more stringent emission limits.

(iii) A commitment, with regard to ambient monitoring around the Ashland Oil complex, that the monitoring will begin by a certain date, will be conducted for a specific length of time, and will be done with a Federal equivalent method.

Kentucky's September 24, 1982, submittal corrects these deficiencies by including the following as part of an agreed order between the State and Ashland Oil, Inc:

1. Method for determining compliance with Kentucky Regulation 401 KAR 61:015 on a continual basis (Item 1 of the order).

2. Legally enforceable compliance schedules for Kentucky regulation 401 KAR 61:145, Existing Petroleum Refineries. The schedule satisfies EPA's request for the state to revise Regulation 401 KAR 61:015, because the schedule achieves the same end under 61:145 as it would under 61:015 for the affected source. (Item 3 of the order). Regarding compliance schedules for 401 KAR 61:015 (Existing Indirect Heat Exchangers) for sources in other counties which are being made subject to more stringent emission limits: Kentucky has satisfied this condition by certifying in a letter dated October 23, 1982, that the only sources being made subject to more stringent emission limits are located in Muhlenberg County. EPA has determined that the present SIP includes an applicable compliance timetable for the Muhlenberg County sources at Section 8(2) (b) and (c) of 401 KAR 61:015. Therefore, it is not necessary to revise 401 KAR 61:015 and the deficiencies regarding Boyd County are the only deficiencies for which a SIP revision is required.

3. Ambient SO_2 monitoring requirements according to item (1)(iii) page 72158 of the October 31, 1980 notice and the clarification notice of April 3, 1981 (46 FR 20171). (Item 2 of the order).

The order, in accordance with Kentucky regulations 401 KAR 59:015 and 401 KAR 61:015 Section 3(3)(a),

provides for stack-by-stack alternative emission limitations for the applicable sources. The alternative emission limitation for the indirect heat exchangers is established as an overall allowable of 1.01 lbs/MMBTU of heat input on a twenty-four hour basis. This emission limit became effective October 1, 1981. This alternative emission limitation provides a net air quality improvement since the old allowable for each indirect heat exchanger was 1.1 lbs/MMBTU.

The affected sources have met all requirements of the compliance schedule to date and are in compliance with the overall 1.01 lbs/MMBTU emission limit. EPA finds the emission limits and the Kentucky procedures for determining compliance approvable.

Action: Having found Kentucky's Part D SO_2 SIP revisions consistent with EPA requirements, EPA today fully approves the State's Part D SO_2 SIP revisions.

This action will be effective 60 days from the date of this **Federal Register** notice. However, if we receive notice within 30 days that someone wishes to submit critical comments, we will withdraw this action and will publish two subsequent notices before the effective date. One notice will withdraw the final action and the other will begin a new rulemaking by announcing a proposal of the action and esablishing a comment period.

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

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

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

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

List of Subjects in 40 CFR Part 52

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

(Secs. 110 and 172 of the Clean Air Act (42 U.S.C. 7410 and 7502))

Dated: March 14, 1983.

John W. Hernandez,

Acting, Administrator.

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

PART 52—[AMENDED]

Subpart S—Kentucky

§ 52.920 [Amended]

1. In § 52.920, is amended by adding paragraph (c)(35) as follows:

§ 52.920 Identification of plan.

* * * * *

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

* * *

(35) Corrections in 1979 Part D revisions for sulfur dioxide nonattainment area (Boyd County), submitted on September 24, 1982, by the Kentucky Natural Resources and Environmental Protection Cabinet.

§ 52.928 [Reserved]

2. Section 52.928, Control strategy: Sulfur oxides, is removed and reserved.

[FR Doc. 83-7348 Filed 3-21-83; 8:45 am]
BILLING CODE 6560-50-M

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40 CFR Part 52

[TN-005; A-4-FRL 2267-4]

Approval and Promulgation of Implementation Plans; Tennessee; 1979 Plan Revisions

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: EPA today is conditionally approving the State Implementation Plan (SIP) revision submitted by the State of Tennessee for the Chattanooga-Hamilton County total suspended particulate (TSP) nonattainment area. This action is based on the State's submittal of a control strategy and regulations as required by Part D of Title I of the Clean Air Act (CAA) of 1977. An improvement in the air quality in Chattanooga-Hamilton County is expected from this action.

EFFECTIVE DATE: April 21, 1983.

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

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

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

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

Tennessee Air Pollution Control Division, 150 9th Avenue North, Nashville, Tennessee 37203; or

Chattanooga-Hamilton County Air Pollution Control Bureau, 3511 Rossville Boulevard, Chattanooga, Tennessee 37407.

FOR FURTHER INFORMATION CONTACT: Raymond S. Gregory of EPA Region IV's Air Management Branch, 345 Courtland Street, N.E., Atlanta, Georgia 30365, telephone 404/881-3286 (FTS 257-3286).

SUPPLEMENTARY INFORMATION: In the March 3, 1978, **Federal Register** (43 FR 8962 at 9035), a number of areas within the State of Tennessee were designated as not attaining certain national ambient air quality standards (NAAQS). Included in those areas was that portion of Hamilton County within, approximately, the city limits of Chattanooga which was designated as not attaining the primary ambient standard for total suspended particulates (TSP).

General Discussion

The implementation plan revision submitted for this area by Tennessee's Department of Public Health under Part D of Title I of the CAA was submitted for EPA's approval on November 6, 1981. A discussion of this submittal was included in the proposed rulemaking in the June 28, 1982, **Federal Register** (47 FR 27874). Additional information and required revisions identified in the June 28, 1982, notice were submitted on December 22, 1982. One comment was received in response to EPA's notice of proposed rulemaking. The Glass Packaging Institute (GPI) objected to the emission standard contained in the regulations for Glass Manufacturing Plants. GPI contends that the mass emission limit of 0.9 pounds per ton (ppt) of glass pulled is "too stringent to be considered RACT (Reasonably Available Control Techology) and that the record in Tennessee does not support the feasibility of such a severe standard."

In response, EPA has documentation that the only glass manufacturing facility currently in the affected area is already in compliance with the emission limit by a substantial margin. Since the facility is meeting the limitation without additional control equipment being required, it is apparent that the standard

is RACT and EPA is approving it as submitted.

In the proposed rulemaking on this revision there were two errors which should be addressed. At page 27874, third column, fourth paragraph, the last sentence states: "EPA agreed that would adversely resolve the question." This sentence should have read: "EPA agreed that would adequately resolve the question."

Secondly, immediately following the fourth condition for full approval, there should have been a section heading of *Action*. The first paragraph of this section was also inadvertently omitted. The missing paragraph designated December 31, 1982, as the date by which adopted revisions to the plan satisfying the conditions for full approval must be submitted for EPA's review.

The Chattanooga regulations do not clearly contain definitions of major stationary source and major modification that included both entire plants as well as individual emissions units. Chattanooga has committed by letter dated December 21, 1982 that the city will apply the regulations as if the definitions clearly include both varieties of sources. Chattanooga has further committed to propose future changes to the regulations to clarify that the source definitions do include both entire plants and individual emissions units. EPA is approving the regulations with the understanding that Chattanooga will apply the regulations as stated and will submit future clarifications.

There is one area of the plan for which approval is not being given. Chattanooga's definition of "reconstruction" uses the term "facility" instead of "stationary source." This could cause the definition to be interpreted in such a way as to apply only to a reconstructed plant, and not to an individual emission unit, as required by EPA's rule. Chattanooga intends, in the near future, to propose to change the definition to be equivalent to EPA's definition. Until the definition is changed, EPA will retain permitting authority for any source which qualifies as a reconstruction under EPA's definition (40 CFR 51.18(j)(1)(ix), 45 FR 52676), but does not under Chattanooga's definition.

In addition, approval is being given on the condition that all limitations and conditions, including permit restrictions, established under the authority of this Plan be made federally enforceable. This condition also requires the phrase "federally enforceable" to be defined in the Plan.

Note.—On February 22, 1982, EPA entered into a settlement agreement with industry petitioners in the Chemical Manufacturers Association litigation. In that agreement, EPA committed to propose regulatory amendments regarding this issue. Conforming amendments to this plan may not be necessary as a result of these proposed new source review regulatory changes. If the time period for adopting changes to this plan expires and EPA is in the process of revising the new source review requirements, but has not finalized the changes, the Administrator could extend the conditional approval date for this condition.

Action. Based on the foregoing, EPA is conditionally approving the SIP under Part D of Title I of the CAA as it relates to the attainment of the primary TSP standards in Chattanooga-Hamilton County, Tennessee except for any source which qualifies as a reconstruction under EPA's definition (40 CFR 51.18(j)(1)(ix), 45 FR 52676), but does not under Chattanooga's definition.

This exception will place permitting authority for such a source with EPA until the appropriate revision is approved. Tennessee is required to submit adopted revisions to the plan which satisfy the conditional approval by December 31, 1983.

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

Under Executive Order 12291, today's action is not "Major." It has been submitted to the Office of Management and Budget (OMB) for review. Any comments from OMB to EPA and any response are available for public inspection at the EPA Region IV office (see address above).

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

List of Subjects in 40 CFR Part 52

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

(Secs. 110 and 172 of the Clean Air Act (42 U.S.C. 7410 and 7502))

Dated: March 14, 1983.

John W. Hernandez, Jr.,

Acting Administrator.

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

Subpart RR—Tennessee

1. Section 52.2220 is amended by adding paragraph (c)(49) as follows:

§ 52.2220 Identification of plan.

* * * * *

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

* * * * *

(49) Part D revisions for the Chattanooga primary TSP nonattainment area, submitted on August 31, 1981, and December 22, 1982, by the Tennessee Department of Public Health. (No action is taken on the definition of "reconstruction" contained in the revisions.)

2. A new paragraph (a) is added to § 52.2231 as follows:

§ 52.2231 Control strategy: Sulfur oxides and particulate matter.

Part D Conditional approval.

(a) The Chattanooga primary TSP plan's provisions for review of new sources and modifications in the nonattainment area are approved on condition that the State submit by December 31, 1983, a definition of the term "Federally enforceable" and provision for making Federally enforceable all limitations, conditions, and offsets, including permit restrictions, relied upon under the plan, and in the interim, implement these provisions in a manner consistent with EPA requirements.

* * * * *

[FR Doc. 83-7350 Filed 3-21-83; 8:45 am]

BILLING CODE 6560-50-M

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40 CFR Part 55

[A-FRL 2314-5]

State and Federal Administrative Enforcement of Implementation Plan Requirements After Statutory Deadlines; Delayed Compliance Order for the Montaup Electric Company's Somerset Station

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) announces the issuance of a delayed compliance order (DCO) to the Montaup Electric Company. The DCO will allow Boilers number 7 and 8 of the company's Somerset, Massachusetts Generating Station to operate out of compliance with certain requirements of the Massachusetts State Implementation Plan (SIP) until December, 1985, so that the boilers can be converted from burning oil to burning

coal. During this interim period, however, the company must install the pollution control equipment necessary for the coal fired boilers to operate in compliance with the Massachusetts SIP. This DCO contains a compliance schedule, interim emissions limitation and other requirements of Section 113(d)(5) of the Clean Air Act to minimize non-compliance with state air pollution control requirements and to prevent violations of primary national ambient air quality standards [NAAQS].

EFFECTIVE DATE: March 22, 1983.

ADDRESSES: Copies of all public comments and EPA responses are available for public inspection during the normal business hours at the Environmental Protection Agency, Region I, JFK Federal Building, Room 2111, Boston, Massachusetts and at the Somerset Public Library in Somerset, Massachusetts.

FOR FURTHER INFORMATION CONTACT: Brian Hennessey or Robert A. O'Meara at Region I EPA in Boston or telephone (617) 223-5130.

SUPPLEMENTARY INFORMATION: EPA proposed to issue a DCO to Montaup Electric Company's Somerset Station on October 20, 1982 (47 FR 46713). Under the proposal, the Somerset Station could be converted to coal immediately. This would cause it to operate out of compliance, for up to 36 months, with the following pollution regulations which are part of the federally-approved Massachusetts SIP:

310 CMR 7.02(8) limiting particulate emission to 0.12 pounds per million Btu heat input, and

310 CMR 7.16(1)—limiting visible emissions to 20% opacity except up to 40% for no more than 6 minutes in any hour.

On November 4, 1982, EPA held a public hearing in Somerset, Massachusetts, on the proposed DCO. Public comments on the proposal were accepted until November 19, 1982. Only those comments which caused EPA to make substantive changes in the DCO are discussed in today's notice.

1. *Best Practicable System of Emission Reduction (BPSER)*—EPA's proposed BPSER comprised use of low ash coal, refurbishment of the mechanical dust collectors and good operation and maintenance procedures. EPA also proposed an interim emission limit as one means of enforcing BPSER. The interim emission limit in the proposed DCO is 0.6 pound per million Btu. In calculating this emission limit, EPA relied on the design performance curves for the mechanical dust collectors (also called multiclones).

These performance curves are the multiclone manufacturer's predictions of how effectively the pollution control equipment can be expected to operate. During the public comment period, Montaup submitted data on how well multiclones had performed at several coal-fired plants. Montaup argued that it is likely that its multiclones cannot achieve the efficiency rate predicted by the manufacturer. Montaup proposed to EPA that an emission rate of 1.1 pounds per million Btu was the most reasonable emission limit in light of the new evidence on the capabilities of its multiclones. EPA now is convinced that the multiclones manufacturer's performance curves make unrealistically high predictions about the equipment's actual capabilities. However, the discrepancies between design and actual multiclone performance at the coal-fired plants documented by Montaup may reflect poor equipment maintenance in addition to erroneous design data.

EPA has determined that, with stringent maintenance of the multiclones, the efficiency of that equipment will be considerably better than Montaup estimated but below what the multiclone manufacturer suggests. In the final DCO, therefore, EPA has set a 0.9 pound per million Btu interim emission limit.

Additionally, EPA has required that very stringent maintenance procedures for the multiclones be included in Montaup's operation and maintenance plan. In the proposed DCO, EPA stated that its approval of this plan was a prerequisite to final issuance of the DCO. The plan has been incorporated by reference in the final DCO and its terms will be fully enforceable DCO requirements.

These terms include a requirement that Montaup shut down and clean the multiclones each month. There are provisions for relaxing the required frequency of shut down and maintenance to once quarterly, if EPA determines that for three consecutive months the multiclones have not been significantly plugged such that the efficiency of the equipment has been affected. EPA has maintained the flexibility to reimpose the monthly maintenance requirement under certain circumstances. Montaup's Operation and Maintenance plan is on file for public inspection at the addresses listed above.

Testing Schedule

2. One commenter argued that the proposed emission test schedule, once 120 days after the start of coal burning and again eleven months later, is not frequent enough to effectively monitor Montaup's compliance with the emission limit.

The final DCO requires Montaup to perform emission tests every six months.

EPA increased the testing frequency for two reasons. First, the final DCO places a greater emphasis on good maintenance as a part of BPSER. The more frequent testing requirements will allow EPA to focus better on the adequacy of Montaup's maintenance procedures. Second, the final DCO increases the interim emission limit. Obviously, this increase in allowable emissions reduces the calculated margin of safety for protecting the primary ambient air quality standard for particulates. EPA would like to emphasize that a significant margin of safety still is predicted. However, more frequent emission tests is the best way to ensure that the primary standard is not violated.

Conditions

3. The proposed DCO notice contained a section listing conditions which Montaup had to satisfy before EPA would issue final rulemaking. Montaup has satisfied all these conditions. Five plans which were required, an operations and maintenance plan, quality assurance plans for the continuous emissions monitors system and the ambient monitoring system, a coal sampling plan and a fugitive dust control plan, have been incorporated by reference in the final DCO and will be enforced by EPA as part of the DCO. These plans are available for public inspection at the addresses listed above.

After considering the DCO application submitted by Montaup, the comments received in response to proposed rulemaking, EPA's own findings and the written concurrence from the Governor of the Commonwealth of Massachusetts, EPA hereby issues this Order, which will take effect today.

(42 U.S.C. 7413(d))

Before the United States Environmental Protection Agency, Region I, John F. Kennedy Federal Building, Boston, Massachusetts 02203.

Statutory Authority

This order is issued under Sections 113(d)(5) and 114 of the Clean Air Act [the Act], as amended, 42 U.S.C. 7413(d)(5) and 7414. This Order contains findings, interim requirements, a compliance schedule, monitoring and reporting requirements, and other requirements which satisfy the terms of these Sections of the Act. Public notice has been provided under Section

113(d)(1) of the Act, 42 U.S.C. 7413(d)(1). The Governor of the Commonwealth of Massachusetts has concurred with issuance of this Order.

List of Subjects in 40 CFR Part 55

Air pollution control, Energy.

In consideration of the foregoing, 40 CFR Part 55 is amended as follows:

PART 55—FEDERAL ADMINISTRATIVE ORDERS ISSUED UNDER SECTION 113(d)(5) OF THE CLEAN AIR ACT

Subpart W—Massachusetts

1. By adding § 55.473 to read as follows:

§ 55.473 Federal administrative orders issued under section 113(d)(5) of the act.

Findings

The Administrator of EPA [Administrator] makes the following findings:

1. The Montaup Electric Company [Montaup] owns and operates the Somerset Station [Somerset] located in Somerset, Massachusetts.

2. Somerset is a major stationary source, having the potential to emit more than 100 tons per year of particulates and sulfur dioxide (SO_x) while operating pollution control equipment.

3. Currently, Somerset Boilers Number 7 and 8 burn residual oil.

4. On February 23, 1982, the U.S. Department of Energy published a proposed order under the Powerplant and Industrial Fuel Use Act, 42 U.S.C. § 8301 *et seq.* (1978), as amended by the Omnibus Budget Reconciliation Act of 1981, Pub. L. No 97–35, which would prohibit Somerset Boilers 7 and 8 from burning oil. 47 FR 7875 (1982).

5. A State Implementation Plan [SIP] to regulate air pollution in Massachusetts has been approved by the Administrator of EPA under Section 110 of the Act, 42 U.S.C. 7410. See 40 CFR 52.1123 (1981).

6. Massachusetts regulation 310 CMR 7.02(8), which concerns emission limitations, is part of the applicable SIP within the meaning of Section 113(d)(5) of the Act and reads in pertinent part as follows:

No person owning, leasing, or controlling the operation of any fossil fuel utilization facility shall cause, suffer, allow, or permit emissions therefrom in excess of those emission limitations set forth in the following tables * * * [0.12 lbs. of particulate per million Btu heat input].

7. Massachusetts regulation 310 CMR 7.06(1), which concerns visible emissions, is part of the applicable SIP within the meaning of Section 113(d)(5) of the Act and reads in part as follows:

(a) No person shall cause, suffer, allow, or permit the emission of smoke which has a shade, density, or appearance equal to or greater than No. 1 of the Chart [20%] for a period, or aggregate period of time in excess of six minutes during any one hour, provided that at no time during the said six minutes shall the shade, density, or appearance be equal to or greater than No. 2 of the Chart [40%].

8. EPA has determined that Somerset Boilers 7 and 8 cannot now burn coal and comply with 310 CMR 7.02(8) and 7.06(1).

9. Somerset is located in the Metropolitan Providence Interstate Air Quality Control Region which EPA has designated as an area which is attaining the primary national ambient air quality standard [NAAQS] for total suspended particulates [TSP].

10. The Administrator has determined that the emission limits and other enforceable measures contained in the following Order are sufficient to assure that the burning of coal at Somerset will not cause or contribute to concentrations of any air pollutant in excess of any primary NAAQS.

11. The Administrator also has determined that the compliance schedule in the following Order requires compliance with 310 CMR 7.02(8), and 7.06(1) as expeditiously as practicable, and before December 31, 1985.

12. Furthermore, the Administrator has determined that the interim requirements of the following Order require the best practicable systems of emission reduction (BPSER) to protect the public health and minimize noncompliance with 310 CMR 7.02(8) and 7.06(1).

Based on the foregoing findings, it is hereby ordered:

I. SIP Limitation

Boilers Number 7 and 8 of the Somerset Station owned by Montaup Electric Company shall comply with the interim limitations, compliance schedule, and other enforceable requirements set forth in this Order.

The emission limits contained in this Order are authorized only for coal burning in Somerset Boilers 7 and 8 and only until Montaup can install the pollution control equipment necessary to achieve compliance with Sections 310 CMR 7.02(8) and 7.06(1) of the Massachusetts SIP while burning coal at Somerset Station. These regulations govern particulate emissions and visible emissions, respectively.

II. Interim Requirements

EPA has determined that the following interim requirements ensure that the burning of coal in Somerset Boilers 7 and 8 will not cause or contribute to violations of the primary NAAQS for TSP:

(A) Particulate Emission Limitation:

(1) Upon burning coal at Somerset Station, particulate emissions from either Boiler 7 or 8 shall not exceed 0.90 pounds per million British thermal units (Btu) gross heat input at maximum continuous rating.

(2) Within 120 days after Montaup begins burning coal at Somerset, Montaup must conduct a set of particulate emission tests on Boilers 7 and 8 and must submit to EPA a written emission test report for each boiler which demonstrates compliance with the emission rate above.

(3) During the sixth month after completing the emission tests listed above and during every sixth month thereafter, Montaup shall conduct another series of particulate emission tests to demonstrate continued compliance with the 0.90 pounds per million Btu emission rate. A written emissions test report shall be submitted to EPA within 30 days after Montaup completes the tests.

(4) Montaup shall perform any additional testing required by EPA within 30 days of receipt of written notification of such requirement. Among other things, additional testing may be required to quantify changes in emissions due to such factors as changes in coal characteristics or changes in boiler operations. Additional tests also may be required to quantify suspected changes in emissions indicated by frequent violation of the opacity limit.

(B) Opacity Limitations:

(1) Montaup shall comply with opacity limitations set by EPA.

(2) The following procedure shall be used to set opacity limitations and guideline transmissometer readings:

(a) With each particulate emission test report, Montaup shall submit to EPA a report which correlates opacity as determined by EPA Method 9 (40 CFR Part 60, Appendix A) and transmissiometer readings as a function of particulate emissions from burning coal. At the same time, Montaup shall also submit a proposed hourly average opacity limitation and a guideline hourly average transmissometer reading based on its correlation analysis or guideline transmissometer limit.

(b) Once EPA has set a Method 9 visible emissions limitation, it shall become an enforceable emission limit under this Order.

(c) EPA may require Montaup to submit additional opacity or transmissometer reading correlation analyses and may use the additional data to revise opacity and transmissometer reading limits applicable to coal burning under this Order.

(C) Coal Ash Content:

For the duration of this Order, Montaup shall burn coal with an ash content not greater than 4.6 lbs. per million Btu.

(D) Operation and Maintenance:

For the duration of this Order Montaup shall comply with all the provisions contained in its "Flyash Collection and Handling System Operation and Maintenance Plan" dated February 2, 1983.

(E) Fugitive Emissions Control:

For the duration of this Order, Montaup shall comply with all the provisions of its plan for fugitive emission control titled "Fugitive Emissions from Coal Handling and Fly Ash Silo System" dated November 3, 1982 as revised by a February 2, 1983 addendum to the plan.

III. Compliance Schedule

(A) Increments of Progress:

Coal burning in Somerset Boilers 7 and 8 shall achieve compliance with 310 CMR 7.02(8) and 7.06(1) as expeditiously as practicable but no later than December 31, 1985.

Montaup must achieve increments of progress to final compliance as specified in the following compliance schedule:

Date	Increment of progress
(1) Within 6 months of the effective date of this Order	Place purchase orders for electrostatic precipitators for Somerset Boilers 7 and 8.

Date	Increment of progress
(2) Within 16 months of the effective date of this Order	Begin on-site construction of new electrostatic precipitators.
(3) Within 28 months of the effective date of this Order	Remove Somerset Boiler 8 from service for tie-in to new electrostatic precipitator.
(4) Within 31 months of the effective date of this Order	Complete tie-in of Boiler 8 and remove Boiler 7 from service for tie-in to new electrostatic precipitator.
(5) Within 33 months of the effective date of this Order	Complete tie-in of new electrostatic precipitator to Somerset Boiler 7.
(6) Within 33 months of the effective date of this Order, but not later than December 31, 1985	Submit particulate emission tests to EPA demonstrating compliance of Somerset Boiler 8 with 310 CMR 7.02(8) and 7.06(1).
(7) Within 35 months of the effective date of this Order, but not later than December 31, 1985	Submit particulate emission tests to EPA demonstrating compliance of Somerset Boiler 7 with 310 CMR 7.02 (8) and 7.06(1).

(B) Force Majeure:

In the event Montaup is unable to comply with any of the schedule increments established in III(A) above, and such failure is due to an act of God, war, strike, or other cause(s) beyond its control, Montaup may petition EPA to extend the time for compliance with such schedule increment and all subsequent schedule increments by a period equal to the delay caused by such circumstances clearly beyond its control.

Any delay caused by such circumstances shall not be deemed a violation of this Order. In no event, however, shall final compliance be achieved later than December 31, 1985.

IV. Monitoring Requirements

(A) Emission Monitoring:

For the duration of this Order, Montaup must operate transmissometers and continuous SO_2 and diluent emission monitors on Somerset Boilers 7 and 8 in the locations it proposed in its "Quality Assurance Plan—Continuous Emission Monitoring" dated January 24, 1983.

(1) Each continuous emission monitoring system shall be operated in accordance with 40 CFR Part 60, Appendix B, as amended, and in accordance with Montaup's "Quality Assurance Plan—Continuous Emission Monitoring" dated January 24, 1983.

(2) Within 45 days after Somerset begins burning coal, Montaup shall complete a specification performance test on each transmissometer according to 40 CFR Part 60, Appendix B, Specification 1. Montaup shall report the results of the performance test within 30 days after it completes the test.

(3) Within 45 days after Somerset begins burning coal, Montaup shall complete a specification performance test on each SO_2 and diluent monitor according to 40 CFR Part 60, Appendix B, Performance Specification 2 and 3.

Montaup shall report the results of the performance test within 30 days after it completes the test.

(4)(a) Montaup shall notify EPA ten days before it removes any monitor from its location.

(b) This notification also shall include data which demonstrates that the new location for the monitor or its replacement meets the requirements of 40 CFR Part 60, Appendix B.

(c) Additionally, the monitor or its replacement shall be completely recertified according to 40 CFR Part 60 Appendix B before it is reinstalled. Data demonstrating recertification shall be provided to EPA upon request.

(B) Ambient Monitoring:

(1) Montaup shall operate an ambient monitoring network at the following locations:

(a) Fall River—The parking lot at Truesdale Hospital—SO_2 and TSP.

(b) Fall River—Stanley Street Site #22 0580 036 J02—SO_2 and TSP.

(c) Somerset—On Montaup Electric Property approximately 35 feet south of the coal pile runoff pond—TSP only.

(d) Swansea—Sharps Lot site #22 2230 001 J05—SO_2 and TSP

EPA reserves the right to require additional monitors to measure emissions from the coal pile.

(2) All ambient monitoring locations and equipment shall comply with 40 CFR Part 58, Appendix B (Quality Assurance), Appendix C (Ambient Air Quality Monitoring Methodology), and Appendix E (Probe Siting Criteria).

(3) Montaup shall operate the ambient monitoring system in accordance with its "Quality Assurance Procedures Manual for Ambient Air Monitoring Networks" dated January 14, 1983 as amended by the February 14, 1983 addendum to the plan.

(4) The burning of coal at the Somerset Station under this Order constitutes acceptance by Montaup, that ambient monitoring data, collected on its property, is representative of ambient air quality levels in the surrounding area. EPA may use this data, as such, for any purpose appropriate under the Act.

(5) The sampling frequency at all the TSP sites shall be daily; however, the sampling frequency at any TSP monitoring site may be reduced to once every three days if the following conditions are met at such site during any continuous 365 day period after commencement of coal burning:

(a) Every 24-hour TSP concentration measured at the site must be less than 200 micrograms per cubic meter; and

(b) The annual geometric mean for TSP, measured at the site, must be less than 60 micrograms per cubic meter.

(6) It is Montaup's responsibility to provide independent performance audits to satisfy the requirements for the quarterly accuracy audits (40 CFR Part 58, Appendix B, Section 3).

(7) Montaup shall receive permission in writing from EPA prior to conducting any further analysis of the TSP filters. Montaup must keep all TSP filters in a suitable condition for further analysis for a period of 12 months after termination of this Order.

(8) Montaup must supply any of these TSP filters to EPA upon request for further analysis. If the Federal Reference Method for total suspended particulates is modified or replaced during the period of this Order, EPA reserves the right to require Montaup to modify or replace any or all existing particulate monitors.

(9) All SO_2 analyzers are to be operated on the 0.5 ppm or 1.0 ppm ranges unless ambient air quality levels exceed this concentration. If this case occurs, then any such instrument must be operated on the appropriate higher range.

(10)(a) Montaup shall operate continuous meteorological monitoring instruments on a 20 meter tower located as specified in Stone and Webster drawing 14185-EY-10A-3.

(b) All meteorological instrumentation shall comply with EPA requirements as specified in EPA Guideline 450/ 4-80-012.

(c) Montaup shall follow the procedures for operating the meteorological monitoring equipment in accordance with the procedures in its "Quality Assurance Procedures Manual for Air Monitoring Networks" dated January 14, 1983.

(C) Coal Sampling:

(1) Montaup shall perform coal sampling and analysis in accordance with its "Coal Sampling and Analysis Plan for Somerset Station Coal Reconversion Project" dated February 1, 1983.

(2) Montaup shall participate in the EPA coal analysis audit program and shall conduct appropriate analysis in accordance with ASTM methods.

V. Test Procedures, Recordkeeping, and Reporting

(A) Compliance Test Methods:

All particulate emission testing required by this Order shall be conducted in accordance with EPA Reference Method 5, 40 CFR Part 60, Appendix A, under operating conditions approved by EPA and in the presence of EPA personnel or EPA representatives. Further, for each emission test which Montaup must perform under this Order:

(1) Montaup shall provide safe access to a safe sampling platform on the unit to be tested.

(2) For the purposes of this Order, a particulate emission test shall consist of four Method 5 sampling runs.

(a) One of the four runs shall be conducted during the normal boiler sootblowing cycle, and three runs shall be conducted without sootblowing.

(b) The average emission rate for a particulate emission test shall consist of the arithmetic average of the three non-sootblow runs prorated in a manner specified by EPA to account for the change in emissions encountered during the sootblow run.

(3) At least 30 days prior to each particulate emission test, Montaup must submit to EPA for approval a written pretest report detailing compliance test dates, times, and protocols safety and access provisions for test personnel and observers, and supplemental fuel and plant operating information which operating information which will be collected.

(4) EPA's approval of any pretest report may require Montaup to collect additional data during or prior to a test and may specify additional conditions on the actual conduct of the test. Only particulate emission tests, performed in accordance with all conditions of EPA's written approval, shall be accepted by EPA towards compliance with the interim requirements of this Order. EPA will, as a minimum, require 30 days to review each pretest report.

(5) No fewer than five days prior to emission testing, Montaup shall meet with EPA to finalize operations and testing protocol.

(B) Recordkeeping:

Montaup must maintain complete cumulative records of all data required elsewhere in this Order and also data on all coal deliveries to Somerset Station during the term of the Order. These records as a minimum shall include:

(1) For continuous emissions monitoring:

(a) Strip charts from each monitor,

(b) Reduced monitor data tabulated in an EPA-approved format;

(c) A logbook detailing the results of all emissions monitor quality assurance checks, all monitor calibrations, and all periods when the monitor malfunctioned or did not operate.

(2) For ambient air quality monitoring:

(a) Strip charts or filters and raw data sheets (as appropriate for each monitor);

(b) Reduced air quality data tabulated in an EPA-approved format;

(c) A logbook detailing the results of all quality assurance checks, all calibrations, and all periods when a monitor malfunctioned or was not operated.

(3) For coal deliveries: the delivery date, source, amount in tons, and sulfur content, ash content, and higher heating value (all as received) for each coal shipment.

(4) For daily coal samples: The sulfur content, ash content and gross calorific value.

(5) For operation of the boilers: hourly readings of load (gross megawatts), pressure drop across each cyclone, flue gas temperatures at the cyclone inlet, and air flow.

(C) Reporting:

Montaup must prepare reports on its coal conversion activities, and on emission monitoring, air quality monitoring, and other data obtained during this Order.

(1) Montaup must submit monthly reports on the following items. Monthly reports must be received by EPA within 30 days of the end of each calender month.

(a) For the period between commencement of coal burning and EPA's designation of a guideline transmissometer reading under II(B)(2) of this Order, Montaup shall submit hourly average transmittance data from each boiler in an EPA-approved format.

(b) After EPA designates a guideline transmissometer reading under II(B)(2) of this Order, Montaup shall submit only hourly average transmittance data which exceeds the guideline reading with an explanation of why opacity limits were exceeded and a statement of the unit's load at the time.

(c) All ambient monitoring and meteorological data shall be submitted to the Massachusetts Department of Environmental Quality Engineering (DEQE) within 30 days of the close of each month in machine-readable SAROAD format.

The data reported to DEQE shall be for individual hourly observations of SO_2, wind speed and direction, as well as daily averages for TSP. Montaup shall ensure that EPA receives the above information within 90 days of the end of each calendar quarter.

(d) Montaup shall submit to both EPA and the DEQE, Southeast Regional Office, Lakeville, one paper copy of all monitoring and meteorological data within 30 days of the close of each month. This data will be maintained for public inspection at the EPA Regional Office, Boston, and the DEQE Regional Office, Lakeville, during normal working hours.

(2) Montaup must submit quarterly reports on the following items. Quarters shall consist of three month periods ending on the last day of March, June, October, and December. Montaup must submit each quarterly report within one month of the close of that quarter. Quarterly reports shall include:

(a) A tabulation for the quarter presenting the daily coal sampling and delivery data (recorded under V(B)(3) of this Order);

(b) The results of any audit coal sample analyses performed during the quarter. Coal analyses data should be presented on a dry basis;

(c) A narrative detailing all activities towards specifying, contracting for, and constructing new ductwork and electrostatic precipitators for compliance with 310 CMR 7.02(8) and 7.06(1).

(d) Montaup must also specifically describe its compliance status for each increment of progress in the Compliance Schedule in this Order;

(e) A report in an EPA-approved format listing 24 hour sulfur emissions averages based on SO_2 emission monitoring data.

(3) If a unit commences burning coal more than half way through either a monthly or quarterly reporting period, the first report shall be due 30 days after the completion of the first full reporting period.

(4) Montaup shall notify EPA in writing of any instance in which any primary NAAQS is exceeded within 15 days after such an occurrence.

(5) Within 30 days of the occurrence of any violation of the primary NAAQS for TSP in the Metropolitan Providence Intersate AQCR, Montaup shall submit to EPA all data required by Section 113(d)(5)(D)(i) through (iii) of the Act.

(6) Not later than 14 days before commencing coal burning in each of Somerset Boilers 7 and 8, Montaup shall submit to EPA a written notice of its intent to commence burning coal.

(7) Montaup shall submit a written notice of whether it met each milestone in the compliance schedule under III(A) of this Order within 10 days of the date set for achieving the milestone.

If non-compliance is reported, Montaup must submit:

(a) A description of the noncompliance.

(b) A description of any actions taken or proposed by Montaup to comply with the elapsed schedule requirements.

(c) A description of any factors which tend to explain or mitigate the noncompliance.

(d) An approximate date by which Montaup will perform the required action.

VI. General Requirements

(A) This Order shall not be effective during any interval after EPA finds and notifies Montaup that (1) a primary NAAQS for TSP is being exceeded in the Metropolitan Providence Interstate AQCR (Section 113(d)(5)(D)), and (2) Montaup has failed to prove that the requirements of Sections 113(d)(5(D) (i) through (iii) of the Act have been satisfied. During any such intervals, Montaup shall comply with 310 CMR 7.02(8) and 7.06(1), or any superceding regulations approved by EPA. If Montaup violates these regulations, it shall be subject to enforcement action under any and all authorities of the Act.

(B) Nothing herein shall affect the responsibility of Montaup to comply with any applicable local, state or federal regulations except as specified in this Order.

(C) Montaup shall submit a copy of all correspondence and reports required under this Order to the Director, Air Management Division, EPA, Region I, JFK Federal Building, Boston, MA 02203, and/or the Massachusetts Division of Air Quality Control, Department of Environmental Quality Engineering, One Winter Street, 8th Floor, Boston, Massachusetts 02108.

Montaup may assert a business confidentiality claim covering part or all of the information requested by this Order in the manner described by 40 CFR 2.203(b). Information covered by such a claim will be disclosed by EPA only as set forth in 40 CFR Part 2, Subpart B. If no such claim accompanies the information when it is received by EPA, it may be made available to the public by EPA without further notice to Montaup. Certain categories of information are not properly the subject of such a claim. For example, the Act provides that emission data shall in all cases be made available to the public. See 42 U.S.C. 7414(c).

(D) Montaup is hereby notified that its failure to achieve final compliance at its Somerset Station with 310 CMR 7.02(8) and 7.06(1) by the compliance date specified in III(A)(6) of this Order may result in an assessment of a noncompliance penalty under Section 120 of the Act, 42 U.S.C. 7240.

This penalty may be imposed at an earlier date, as provided under Section 113(d) and Section 120 of the Act, in the event that this Order is terminated or violated as provided in VI (E) and (F) below. In either event, Montaup will be formally notified of its noncompliance, under Section 120(b)(3) of the Act or any regulations promulgated thereunder.

(E) This Order shall be terminated in accordance with Section 113(d)(8) of the Act if the Administrator determines, on the record, after notice and opportunity for hearing, that the inability of Montaup to comply with 310 CMR 7.02(8) and 7.06(1) as approved by EPA, no longer exists with respect to its Somerset Station.

Additionally, if Montaup demonstrates compliance with 310 CMR 7.02(8) and 7.06(1) prior to the applicable compliance dates specified in III(A)(6) of this Order, then this Order shall be terminated at that earlier date.

(F) Under Section 113(d)(9) of the Act, 42 U.S.C. 7413(d)(9), violation of any requirement of the Order shall result in one of the following:

1. Enforcement of such requirement under Section 113 (a), (b), or (c) of the Act, 42 U.S.C. 7413 (a), (b), or (c);

2. Revocation of this Order, after notice and opportunity for a public hearing;

3. Notification of noncompliance and assessment of a noncompliance penalty under Section 120 of the Act.

(G) This order is effective upon publication in the Federal Register and after having received concurrence from the Governor of the Commonwealth of Massachusetts.

Dated: March 16, 1983.

John W. Hernandez, Jr.,

Administrator, U.S. Environmental Protection Agency.

The Montaup Electric Company (Montaup), by the duly authorized undersigned, hereby consents to the findings made and to the terms of this Order and waives any and all rights under provision of law to challenge this Order; however, Montaup expressly reserves the right to assert any defense or to seek such other relief (other than an appeal from the issuance of this Order and the findings contained therein) as may be available to Montaup in any enforcement action or other action taken pursuant to this Order or otherwise.

(42 U.S.C. 7413(d))

Dated: January 24, 1983.

W. R. Bisson,

Vice President.

[FR Doc. 83-7477 Filed 3-21-83; 8:45 am]

BILLING CODE 6560-50-M

Proposed Rules

Federal Register
Vol. 48, No. 56
Tuesday, March 22, 1983

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

DEPARTMENT OF AGRICULTURE

Federal Grain Inspection Service

7 CFR Part 810

U.S. Standards for Wheat; Request for Public Comment

AGENCY: Federal Grain Inspection Service, USDA.

ACTION: Advance Notice of Proposed Rulemaking; review of existing regulations.

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

DATE: Comments must be submitted on or before May 23, 1983.

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

FOR FURTHER INFORMATION CONTACT: Lewis Lebakken, Jr., same address as above, telephone (202) 382–1738.

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

The public is further advised that several issues involving the wheat standards have been identified by interested parties or by FGIS for extensive evaluation. Information and data are requested on these and other issues, which should be considered by FGIS in this review. Specifically, FGIS will study and evaluate the following issues.

1. Whether to revise the rule for rounding dockage so that 0.0 to 0.25 percent dockage would be certified as 0.0 percent, 0.26 to 0.75 percent would be certificated as 0.5 percent, 0.76 to 1.25 percent would be certificated as 1.0 percent, and so forth.

2. Whether to delete "Light garlicky" and define "Garlicky" as wheat containing more than 2 green bulblets in 1,000 grams. Bulbet count would only be shown upon request. The size of the work portion would be reduced to 250 grams for counts in excess of 10 green garlic bulbets.

3. Whether to tighten the allowable limits for castor beans in the numerical grades from 2 to 1, for example, 2 seeds will render wheat Sample grade.

4. Whether to clafity test weight requirements for Mixed wheat. When Hard Red Spring wheat or Club wheat is predominate in a mixture, the test weight requirements for those wheats would apply.

5. Whether to delete the presence of an extreme amount of smut as a factor rendering wheat Sample grade.

6. Whether to list the components of the subclass Western White wheat in the order of predominance on the official certificate.

7. Whether to analyze the factors—wheat of other classes, contrasting classes, and subclass on a work portion of wheat free from dockage and shrunken and broken kernels.

8. Whether to treat kernels of Soft Red Winter wheat as a contrasting class when found in Hard Red Winter or Hard Red Spring wheat. The reverse would also apply.

Discussion:

Dockage consists primarily of chaff, coarse grains, small weed seeds, dust, and very small pieces of broken wheat. Dockage is not generally usable for milling into flour and is removed in the cleaning process. Dockage has little economic value, but may be utilized in animal feeds.

The certification of dockage is an important issue. A number of foreign buyers question the adequancy of the current method of certificating (rounding off) dockage (7 CFR 810.305), for example, 0.0 to 0.49 percent, no dockage is shown; 0.50 to 0.99 percent, 0.5 percent dockage is shown; 1.0 to 1.49 percent, 1.0 percent dockage is shown; 1.50 to 1.99 percent, 1.5 percent dockage is shown; and so forth. They are concerned about this rounding procedure in that it may not state the actural amount of dockage. For example, in current practice a shipment certificated as "U.S. No. 2 Dark Northern Spring wheat dockage 1.0 percent" will usually contain about 1.3 to 1.4 percent actual dockage. Therefore, the wheat (because of the rounding down in certification) contains more dockage than is stated on the certificate

Foreign buyers have complained when they receive wheat with more dockage than stated on the certificate due to rounding because:

1. They may pay freight and a high levy on each ton of wheat imported which includes the dockage, and

2. The dockage may segregate during loading, resulting in possible inequitable distribution to receivers. Also, the dust in the dockage has resulted in complaints regarding workings conditions and health hazards from the unloading and reloading personnel.

An FGIS review resulted in two potential alternatives. One is the certification of dockage in 0.1 percent increments. This alternative is not considered viable because of the tightness of the limit and inability to reproduce test results due to equipment capabilities and sample variations.

The second alternative involves rounding both up and down on the basis of 0.25 percent. The rounding can be demonstrated by comparing the current and the alternate method as follows:

Current		Alternative	
Actual	Certificated (percent)	Actual	Certificated (percent)
0.0 to 0.49	None shown.	0.0 to 0.25	None shown.
0.50 to 0.99	0.5	0.26 to 0.75	0.5.
1.00 to 1.49	1.0	0.76 to 1.25	1.0.
1.50 to 1.99	1.5	1.26 to 1.75	1.5.

The alternative method continues the cerification of dockage in 0.5% increments but more precisely reflects the actual dockage, for example, rounding both up and down to a mid-point instead of disregarding up to 0.49 percent dockage. Under this alternative, the limit is tight and test results are reproducible.

An FGIS economic study of this alternative method indicates that changing the current rounding procedure would have a negligible effect (less than 1/10th of 1 cent per bushel) upon prices received by producers. The study evaluated data from representative market samples of all classes of wheat for a 5-year period. Reported dockage levels tended to be higher under this alternative method. However, if the trade were to adjust its price for the lesser amount of dockage actually contained in the wheat, then any possible producer loss is nullified. A copy of this study can be obtained by contacting N. Gail Jackson, Director, Standardization Division, USDA, FGIS, Building 221, Richards-Gebaur AFB, Grandview, Missouri 64030, telephone (816) 348–2086.

Currently, wheat which contains in a 1,000-gram portion, two or more, but not more than six, green garlic bulblets or an equivalent quantity of dry or partly dry bulblets is graded "Light garlicky" (7 CFR 810.308(b)). Similarly, wheat which contains more than six green garlic bulblets or an equivalent quantity of dry or partly dry bulblets is graded "Garlicky" (7 CFR 810.308(c)). Millers indicate that small quantities of garlic do not significantly affect grinding equipment or flour production. Consequently, FGIS is considering combining the two special grades by deleting the special grade "Light garlicky" and setting the limit for the special grade "Garlicky" at "more than 2 green garlic bulblets or an equivalent quantity of dry or partly dry bulblets in 1,000 grams."

Also, a reduction in the size of the work portion, when more than 10 green bulblets are present, may be warranted because of the excessive time required to analyze 1,000 grams of wheat containing extreme quantities of garlic. The improved accuracy resulting from the larger work portion is not necessary at the higher levels. The number of garlic bulblets would be furnished upon request.

The numerical grade limit of 2 castor bean seeds is too lenient. Castor bean seeds are rarely found in any grain (7 CFR 810.306 at (3)), but the large size of the seed and the toxicity of the ricin found within, make it prudent to permit the presence of only the minimum number of seeds in wheat.

The grade chart on the application of test weight requirements for the class Mixed wheat need to be clarified (7 CFR 810.306(b)). Therefore, a change is needed to assure that when Hard Red Spring wheat or Club wheat predominate in the mixture, the test weight requirements for those wheats are applied.

Current requirements state that when smut is evident in a sample, the special grades "Light smutty" and "Smutty" are applied (7 CFR 810.308 (d) & (e)). Also, when the sample contains a quantity of smut so great that one or more grade requirements cannot be accurately determined, a Sample grade designation is applied (7 CFR 810.306 at (2)). Inspection data show that wheat very rarely, if ever, contains so much smut that grade requirements cannot be accurately determined. It appears that the special grades adequately inform the user of the condition of the wheat and make the requirement regarding extreme quantities of smut unnecessary. Therefore, FGIS is considering removing the applicable sample grade provision.

In Western White wheat, the percentage of Club wheat is stated first in the "Remarks" section of the official certificate, followed by the percentage of other white wheat (7 CFR 810.307(a)(5)). Certification procedures for mixtures of grains or classes are to list the components of the mixture in the order of predominance. In most samples of Western White wheat, Club wheat comprises a small or minimal proportion of the mixture. The percentage of wheats which comprise Western White wheat should be listed in the order of predominance.

Heat-damaged kernels, damaged kernels (total), and foreign material are currently determined on the basis of the grain when free from dockage and shrunken and broken kernels (7 CFR 810.302(g)). The analysis for wheat of other classes, contrasting classes, and subclasses is currently performed on wheat after the removal of dockage only (7 CFR 810.303(c)). In the interest of improved inspection accuracy, these analyses should be performed on wheat after the removal of dockage and shrunken and broken kernels. This procedure would decrease sample preparation time and reduce subjectivity of the analysis.

There are three classes of red wheat grown in the United States. Two of these classes (Hard Red Spring and Hard Red Winter, collectively referred to hereafter as hard types) are considered bread wheats. Commercial varieties of these two classes are produced for their protein quantity and quality (gluten strength) and milled into flour for quality yeast breads. Commercial varieties of the class Soft Red Winter wheat with less quantity and different quality protein, are produced and milled into flour for quality pastry products.

Because the two types (hard and soft) of wheat have been developed to fill a particular need, mixing the two may affect milling and flour performance.

Currently, a U.S. No. 2 grade (the most common export grade for wheat) permits up to a total of 5.0 percent of hard type wheats in Soft Red Winter wheat (7 CFR 810.307). The opposite also is true. For example, a cargo of U.S. No. 2 Dark Northern Spring wheat or U.S. No. 2 Hard Red Winter wheat, may currently contain up to 5.0 percent of Soft Red Winter.

Hard wheats often are purchased by foreign millers to strengthen the gluten characteristics of their domestic wheats, and the practice of blending soft wheat into hard wheats is contrary to the purposes for which high quality hard wheats usually are purchased. The addition of soft to hard type wheats offsets quality attributes such as gluten strength, which plant breeders strive to attain. Soft and hard wheats possess different tempering characteristics, complicating the work of the miller. Differing water absorption and mixing times may result from random mixtures of soft and hard wheats, to the detriment of the baker. FGIS is of the opinion that the image and performance of U.S. wheat may be imparied when soft and hard wheats are blended together. Changing the standards to consider soft and hard types as contrasting classes may discourage this practice. The limit would then be 2.0 percent in a U.S. No. 2 grade which is the present limit for contrasting classes.

This request for public comment does not constitute notification that changes to the standards are, or will, be proposed. Any action proposed with respect to the existing standards will be published in the **Federal Register** at a later date. At that time the standards may be continued without change, or revised in whole or in part.

The U.S. Department of Agriculture encourages citizen participation and solicits the public's views on any

changes which may improve the official grading standards for wheat.

List of Subjects in 7 CFR Part 810

Export, Grain.

(Secs. 5 and 18, Pub. L. 94–582, 90 Stat. 2869 and 2884 (7 U.S.C. 76 and 87e)

Dated: March 15, 1983.

Kenneth A. Gilles,

Administrator.

[FR Doc. 83-7461 Filed 3-21-83; 8:45 am]

BILLING CODE 3410-EN-M

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Parts 24 and 113

Proposed Customs Regulations Amendments To Establish Interest Charges on Certain Delinquent Accounts

Correction

In FR Doc. 83–6174 appearing on page 10077 in the issue of Thursday, March 10, 1983, make the following corrections:

(1) On page 10077, middle column, in the third line of the **"SUMMARY"**, "charges for the last" should have read "charges for the late".

(2) In the third column of the same page, in the 15th line of the first paragraph under **BACKGROUND**, "April 1973" should have read "April 1976".

BILLING CODE 1505-01-M

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19 CFR Parts 111 and 141

Powers of Attorney

AGENCY: Customs Service, Treasury.

ACTION: Proposed rule.

SUMMARY: This document proposes to amend the Customs Regulations relating to powers of attorney. The document would: (1) Eliminate the requirement that powers of attorney required for resident corporations be supported by a certificate showing the authority of the person who executed the power of attorney; (2) reduce the documentation required in support of powers of attorney executed by nonresident corporations; (3) eliminate the requirement that powers of attorney for sealed documents be under seal; and (4) amend several sections of the regulations to conform with a section which states that powers of attorney for customhouse brokers are not required to be filed with the district director of Customs.

DATE: Comments must be received on or before May 23, 1983.

ADDRESS: Written comments (preferably in triplicate) should be addressed to the Commissioner of Customs, Attention: Regulations Control Branch, U.S. Customs Service, 1301 Constitution Avenue, NW., Room 2426, Washington, D.C. 20229.

FOR FURTHER INFORMATION CONTACT: James F. Bartley, Entry, Licensing and Restricted Merchandise Branch, Office of Regulations and Rulings, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229 (202–566–5765).

SUPPLEMENTARY INFORMATION:

Background

A power of attorney (a legal instrument authorizing another to act as one's agent or attorney) may be executed for the transaction by an agent or attorney of a specified part or all of the Customs business of the principal. Sections 141.31 through 141.46, Customs Regulations (19 CFR 141.31 through 141.46) pertain to powers of attorney. The power of attorney may be executed on Customs Form 5291, or as otherwise provided in § 141.32.

Customs has reviewed its regulations relating to powers of attorney, and has concluded that certain requirements may be eliminated or simplified.

Section 141.38 states in part that when a power of attorney is required for a resident corporation, it shall be executed by a person duly authorized for such purpose, and shall be supported by a certificate showing the authority of such person to execute the power of attorney. Customs believes that the requirement of a certificate of authority is unnecessary; proposed § 141.38 would not contain such a requirement.

Section 141.37 provides that a power of attorney executed by a nonresident corporation shall be supported by filing: a certification from the proper public officer of the country showing the legal existence of the corporation; a copy of that portion of the charter or articles of incorporation which shows the scope of the business of the corporation and the governing body thereof; and certain proof of the grantor's authority to grant a power of attorney for the corporation. Customs believes that some of these requirements are unnecessary, in part because of § 141.18, Customs Regulation (19 CFR 141.18), which provides that a nonresident corporation shall not enter merchandise for consumption unless it has a resident agent in the state where the port of entry is located who is authorized to accept service of process against such corporation and unless the nonresident corporation files an bond having a resident corporate surety to secure the payment of any increased and additional duties which may be found due. Proposed § 141.37 would require that a power of attorney executed by a nonresident corporation be supported by documentation establishing the authority of the corporation to execute a power of attorney and establishing the authority of the grantor to execute the power of attorney on behalf of the corporation.

Section 141.31(b) provides that if a power of attorney is for the execution of sealed instruments, it shall be under seal. Section 141.39(a) provides in part that, with respect to partnerships, if the power of attorney is for the execution of sealed instruments, it shall be signed and sealed by each partner. Customs has determined that a power of attorney need not be under seal. Accordingly, Customs proposes to delete § 141.31(b), and proposes to delete the part of § 141.39(a) that pertains to sealed documents.

Section 141.44 provides that powers of attorney are to be filed with a district director. Section 141.46 provides an exception to this rule, by stating that a customhouse broker is not required to file a power of attorney with the district director. Section 111.3(b)(1), Customs Regulations (19 CFR 111.3(b)(1)), makes reference to a customhouse broker filing a power of attorney with the district director, authorizing an employee of the broker to sign Customs documents on behalf of the broker. It is proposed to amend § 111.3(b)(1) to provide that such a power of attorney is not required to be filed with the district director, but that proof of its existence must be provided to Customs upon request. Sections 141.34, 141.38 and 141.37 make reference to the filing of the power of attorney with the district director. It is proposed to amend these sections to delete these references, in order that these sections may be consistent with the fact that powers of attorney need not always be filed with the district director (§ 141.46).

Comments

Before adopting this proposal, consideration will given to any written comments timely submitted to the Commissioner of Customs. Comments submitted will be available for public inspection in accordance with § 103.11(b), Customs Regulations (19 CFR 103.11(b)), on regular business days between the hours of 9:00 a.m. and 4:30 p.m. at the Regulations Control Branch, Room 2426, Headquarters, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229.

Authority

These amendments are proposed under the authority of R.S. 251, as amended, section 484, 46 Stat. 722, as amended, section 624, 46 Stat. 759 (19 U.S.C. 66, 1484, 1624).

Regulatory Flexibility Act

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

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

Executive Order 12291

Because this document will not result in regulations which will be "major rules" as defined in section 1(b) of E.O. 12291, a regulatory impact analysis as prescribed by section 3 of the E.O. is not required.

Drafting Information

The principal author of this document was Gerard J. O'Brien, Jr., Regulations Control Branch, Office of Regulations and Rulings, U.S. Customs Service. However, personnel from other Customs offices participated in its development.

Lists of Subjects

19 CFR Part 111

Administrative practice and procedure, Brokers, Customs duties and inspection, Imports.

19 CFR Part 141

Customs duties and inspection, Imports.

Proposed Customs Regulations Amendments

It is proposed to amend Parts 111 and 141, Customs Regulations (19 CFR Parts 111 and 141), in the following manner:

PART 111—CUSTOMHOUSE BROKERS

It is proposed to revise § 111.3(b)(1) to read as follows:

§ 111.3 Transactions for which license is not required.

* * * * *

(b) *As employee of brokers.* An employee of a broker, acting solely for his employer, is not required to be licensed where:

(1) *Authorized to sign Customs doucments.* The broker has authorized the employee to sign Customs documents on his behalf, and has executed a power of attorney for that purpose. The broker is not required to file the power of attorney with the district director, but shall provide proof of its existence to Customs upon request. Only employees who are residents of the United States may be authorized to sign Customs documents; or

* * * * *

PART 141—ENTRY OF MERCHANDISE

§ 141.31 [Amended]

1. It is proposed to amend § 141.31 by removing paragraph (b).

2. It is proposed to revise § 141.34 to read as follows:

§ 141.34 Duration of power of attorney.

Powers of attorney issued by a partnership shall be limited to a period not to exceed 2 years from the date of execution. All other powers of attorney may be granted for an unlimited period.

§ 141.36 [Amended]

3. It is proposed to amend § 141.36 by removing the word "filed" and inserting in its place the word "executed".

4. It is proposed to revise § 141.37 to read as follows:

§ 141.37 Additional requirements for nonresident corporations.

A power of attorney executed by a nonresident corporation shall be supported by documentation:

(a) Establishing the authority of the corporation to execute such a power of attorney; and

(b) Establishing the authority of the grantor to execute such a power of attorney on behalf of the corporation.

5. It is proposed to revise § 141.38 to read as follows:

§ 141.38 Resident corporations.

A power of attorney shall not be required if the person signing Customs documents on behalf of a resident corporation is known to the district director to be the president, vice president, treasurer, or secretary of the corporation. When a power of attorney is required for a resident corporation, it shall be executed by a person duly authorized to do so.

6. It is proposed to revise § 141.39(a) to read as follows:

§ 141.39 Partnerships.

(a) *General.* A power of attorney granted by a partnership shall state the names of all members of the partnership. One member of a partnership may execute a power of attorney in the name of the partnership for the transaction of all of its Customs business.

* * * * *

William H. Russel,

Acting Commissioner of Customs.

Approved: March 7, 1983.

John M. Walker, Jr.,

Assistant Secretary of the Treasury.

[FR Doc. 83-7440 Filed 3-21-83; 8:45 am]

BILLING CODE 4820-02-M

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19 CFR Part 177

Tariff Classification of Bulk Liquid Chocolate

AGENCY: Customs Service, Treasury.

ACTION: Proposed change of position and solicitation of comments.

SUMMARY: Customs has been requested by an importer of chocolate to review its position regarding the tariff classification of bulk liquid chocolate imported into the United States for further manufacturing. Specifically, Customs has been requested to classify this merchandise under the provision for sweetened chocolate in bars or blocks weighing 10 pounds or more each, in item 156.25, Tariff Schedules of the United States (TSUS), rather than as it is currently classified, under the provision for sweetened chocolate in any other form, in item 156.30, TSUS.

Because Customs' decision in this matter may have a substantial impact upon both importers and domestic manufacturers, public comments are invited.

DATE: Comments (preferably in triplicate) must be received on or before May 23, 1983.

ADDRESS: Comments may be addressed to the Commissioner of Customs, Attention: Regulations Control Branch, Room 2426, 1301 Constitution Avenue, NW., Washington, D.C. 20229.

FOR FURTHER INFORMATION CONTACT: Lee C. Seligman, Classification and Value Division, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229 (202-566-8181).

SUPPLEMENTARY INFORMATION:

Background

As a result of a request for a tariff classification ruling, Customs is reviewing its position regarding the classification of bulk liquid sweetened chocolate, which is imported into the United States in temperature-controlled tank trucks for further manufacturing. Customs' present position is that this merchandise is classifiable under the provision for sweetened chocolate in any other form, in item 156.30, Tariff Schedules of the United States (TSUS) (19 U.S.C. 1202), at a rate of duty of five percent ad valorem.

It has been represented to Customs that the most economical method of transporting the chocolate from Canada to the United States is in the temperature-controlled tank trucks. If left at room temperature, the chocolate would harden. However, the trucks contemplated for use in transporting the chocolate would maintain sufficient heat during transit to keep the chocolate in a molten state during transportation and transfer in order to facilitate unloading and further processing at the contemplated United States facility. Transport of the chocolate in other than molten form would substantially increase the costs of the contemplated operation, and probably create a result which is economically unfeasible. Customs has been asked to consider classifying this merchandise under the provision for sweetened chocolate in bars or blocks weighing 10 pounds or more each, in item 156.25, TSUS, at a rate of duty of 0.2 cents per pound, if the merchandise would be sold at room temperature.

It has also been represented to Customs that the legislative history of item 156.25, TSUS, clearly shows that Congress intended the lower rate of duty to apply to all bulk imports of sweetened chocolate for manufacturing use, and that the specification of bars or blocks weighing 10 pounds or more each merely reflects Congress' understanding of the form in which chocolate in bulk for manufacturing was transported at the time this provision was originally enacted.

Customs seeks public comment on this proposal, and especially on the following issues:

(1) Does the legislative history of item 156.25, TSUS, *clearly* reveal a Congressional intent to prescribe a lower rate of duty for *all* bulk shipments of sweetened chocolate and not just those in bars and blocks weighing 10 pounds or more each?

(2) If the answer to the previous question is affirmative, is it proper for Customs to ignore the phrase "in bars or blocks weighing 10 pounds or more each" in considering whether liquid chocolate may be classified under item 156.25, TSUS?

(3) If so, how should chocolate in bulk form for manufacturing use be defined?

Although no practice exists (within the meaning of § 177.10(c), Customs Regulations (19 CFR 177.10(c))), Customs' decision in this matter may have a substantial impact upon both importers and domestic manufacturers. Merchandise subject to this decision may be exempt from the quota restraints of items 950.15 and 950.16, TSUS.

Comments

Before making a determination on this matter, Customs will consider any written comments, preferably in triplicate, timely submitted to the Commissioner of Customs.

This ruling request, as well as all comments received in response to this notice, will be available for public inspection in accordance with § 103.11(b), Customs Regulations (19 CFR 103.11(b)), between the hours of 9:00 a.m. and 4:30 p.m. on normal business days, at the Regulations Control Branch, room 2426, U.S. Customs Service Headquarters, 1301 Constitution Avenue, NW., Washington, D.C. 20229.

Drafting Information

The principal author of this document was Gerard J. O'Brien, Jr., Regulations Control Branch, U.S. Customs Service. However, personnel from other Customs offices participated in its development.

Dated: March 17, 1983.

John P. Simpson,

Director, Office of Regulations and Rulings.

[FR Doc. 83-7406 Filed 3-21-83; 8:45 am]

BILLING CODE 4820-02-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 131

[Docket No. 83N-0010]

Butter and Whey Butter; Advance Notice of Proposed Rulemaking on the Possible Establishment of a Standard of Identity

Correction

In FR Doc. 83-4197 beginning on page 7200 in the issue of Friday, February 18, 1983, make the following corrections.

1. On page 7202, first column, second line of paragraph "5.1", "WEO", should have read "WHO".

2. On the same page, first column, the second line of paragraph "5.4", "WEO" should have read "WHO".

BILLING CODE 1505-01-M

21 CFR Parts 182 and 184

[Docket No. 79N-0371]

Lactic Acid and Calcium Lactate; Affirmation of GRAS Status as Direct Human Food Ingredients

Correction

In FR Doc. 83-4747 beginning on page 8086 in the issue of Friday, February 25, 1983, make the following corrections:

(1) On page 8086, middle column, in the **SUMMARY**, second from the last line, "use of food" should have read "use or food".

(2) On page 8087, third column, fourth line from the bottom of the page, "182 and 814" should have read "182 and 184".

BILLING CODE 1505-01-M

DEPARTMENT OF LABOR

Mine Safety and Health Administration

30 CFR Part 48

Training and Retraining of Miners; Advance Notice of Proposed Rulemaking

Correction

In FR Doc. 83-7141 appearing on page 11669 in the issue of Friday, March 18, 1983, make the following correction:

Under **"DATE"**, the deadline for comments now given as "March 17, 1983" should have been "May 17, 1983".

BILLING CODE 1505-01-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 2, 22 and 74

[Gen. Docket No. 83-45; RM-3910; RM-3924; FCC 83-35]

Frequency Allocation for Offshore Radio Telecommunication Service

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Federal Communications Commission proposes allocating UHF-TV Channels 15 (476-482 MHz) and 16 (482-488 MHz) to the Offshore Radio Telecommunication Service on a shared basis. Because of continuing and

increasing growth in the offshore oil and gas operations it is necessary to propose an allocation to expand the existing service, because usage of the existing channels has reached a level of saturation.

DATE: Comments must be received on or before April 18, 1983. Reply comments must be received on or before May 3, 1983.

ADDRESS: Comments may be addressed to the Secretary, Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Harding Chism, Office of Science and Technology, Spectrum Management Division, Telephone (202) 653-8166.

List of Subjects

47 CFR Part 2

Frequency allocations, Radio.

47 CFR Part 22

Offshore radio telecommunications service.

47 CFR Part 74

Television.

Proposed Rule Making

In the matter of an amendment of Parts 2 of Commission's Rules governing Frequency Allocations; 22 of the Commission's Rules governing the Public Mobile Radio Service; and 74 of the Commission's Rules governing Experimental, Auxiliary, and Special Broadcast, and Other Program Distribution Services to provide additional Channels for the Offshore Radio Telecommunications Service; Gen. Docket No. 83-45, RM-3910, RM-3924.

Adopted: January 27, 1983.
Released: February 22, 1983.

By the Commission; Commissioner Quello concurring and issuing a statement.

Introduction

1. Notice is hereby given of proposed rule making in the above stated matter. Initiation of this proceeding is in response to the petitions (RM-3924) filed June 15, 1981 and (RM-3910) filed June 10, 1981, by the Offshore Telephone Company (OTC). One petition (RM-3924) proposes the allocation of frequency spectrum and the promulgation of regulations necessary to permit the augmentation of an established comprehensive common carrier radio service in the Outer Continental Shelf (OCS) region of the Louisiana-Texas Gulf Coast.[1] The petitioner requests an expansion of the currently operational Offshore Radio Telecommunication Service (ORTS) along the southern Louisiana-Texas Gulf Coast. The other petition (RM-3910) proposes the use of interstitial frequency within the existing ORTS channel 17.[2]

2. The petitioner is a telephone company providing common carrier communication services to oil and gas producing platforms and drilling rigs located offshore in the Gulf of Mexico. The company provides various telecommunications services making use of radio, cable and point-to-point microwave. The communication system is also coupled to the domestic telephone network on the mainland.

3. The Association of Maximum Service Telecasters, Inc. (hereinafter "AMST") filed a single set of comments in opposition to both petitions. No other comments were filed. Only OTC filed reply comments.

Background

4. In August of 1976 the Commission adopted a Report and Order establishing a new common carrier service, Offshore Radio Telecommunications Service (ORTS).[3] The ORTS was designed to meet the growing communications needs of the petrochemical companies operating in the Outer Continental Shelf region of the southern Louisiana Gulf Coast, and is intended for use primarily by these companies.[4]

5. The rules adopted in Docket 20368 also amended the Table of Frequency Allocations in § 2.106 of the FCC Rules by the addition of footnote NG114. This footnote reallocated UHF-TV Channel 17 frequencies (488-494 Mhz) to the Domestic Public and Industrial Radio Services in the offshore Louisiana Gulf Coast area.[5] Four megahertz of this spectrum was assigned for ORTS use pursuant to Section 22.1001 of the Rules with the remaining two megahertz assigned to the Industrial Radio Services for private use pursuant to Part 90 of the FCC Rules.

Need for additional spectrum

6. OTC Advises that the rapid step-up in offshore leases ordered by the Department of Interior has created an increasing demand for communications in the Gulf. Section 22.1001 of the Rules presently limits the ORTS zone on the west by 94° West Longitude in order to provide protection for both onshore television and land mobile use of the same spectrum. In 1972, when ORTS was first proposed, there was little oil development west of 94°. Following the Arab oil embargo, grants of offshore oil leases in the Gulf of Mexico have greatly increased and the area west of 94 degrees is now under rapid development.

7. To meet the increasing need for communications in the present ORTS zone (hereafter designated as Zone A), which OTC maintains cannot be fully met through the use of interstitial channels, requested in 3910 and to provide needed communications in the rapidly developing area in the western part of the Gulf (west of 94 degrees West Longitude), OTC requests an expanded service area with a corresponding increase in spectrum allocation. This would be accomplished through the establishment of two new zones designated as Zones B and C, respectively. Zone B would primarily overlay the existing Zone A and extend from 87° 45' West Longitude on the east to 95° West Longitude on the west. Zone C would be bounded by 94° West Longitude on the east, the coastal limit on the north and west, an arc described by a 281.6 Km (175 mile) radius from Linares, Nuevo Leon, Mexico, on the southwest, latitude 26° on the south, and the outer continental shelf on the southeast. To satisfy the spectrum requirements of these two new zones, OTC requests the reallocation of UHF TV Channel 15 frequencies (476-482 MHz) in Zone C and UHF TV Channel 16 frequencies (482-488 MHz) in Zone B.

8. AMST, in its opposition, notes that ORTS is essentially a fixed communications service and OTC's once-proclaimed need for mobile communications, as being the reason for not utilizing frequencies in the fixed services including satellite communications, is no longer valid. In its petition, OTC agrees that the ORTS service has developed as a service to fixed and temporarily fixed locations and not a service utilized by mobile operators. Because of this fact, continues OTC, much more effective use of the channels has been possible as it was unnecessary to reserve certain

[1] The Outer Continental Shelf is the seabed extending from the three mile limit outward to a water depth of 200 meters (656 ft.).

[2] More voice channels are provided in the same amount of spectrum by using new channels offset 12.5 kHz from those presently available. These new channels are commonly referred as being interstitial.

[3] *Report and Order*, Docket No. 20368, 41 FR 33883 (August 11, 1976).

[4] This service is authorized in the area bounded by the coordinate lines 94° 00' West Longitude on the west, and 87° 45' West Longitude on the east; by the three mile limit along the Gulf Coast on the north; and by the outer continental shelf on the south.

[5] NG114. In the offshore Louisiana Gulf Coast area, the band 488-494 MHz (TV channel 17) is allocated to the Domestic Public and Industrial Radio Service in accordance with the regulation(s) set forth in Parts 21 (now 22) and 91 (now 90), respectively.

clear channels for shared use by mobile subscribers.

9. In regard to the use of satellite communications, AMST further comments that the 1976 decision (Docket 20368) authorizing the use of UHF/TV Channel 17 for ORTS was based on the Commission's understanding that satellite earth stations would not be feasible form mobile ORTS communications and were too expensive at that time for general application. It is the perception of AMST with respect to satellite utilization by ORTS that this communication medium still remains a viable alternative and OTC has in fact failed to give any consideration to the use of satellite services. AMST is of the opinion that the deployment of satellite earth stations by oil companies is persuasive evidence that costs have dropped since 1976 to the point where their widespread use in offshore drilling areas is feasible. OTC, in its reply, notes that AMST does not provide any cost or specification data to support its claim of the feasibility of satellite implementation. To OTC's knowledge, the only satellite earth station in use, or proposed to be used, in the Gulf of Mexico is one that has been in use by the Cities Service Oil Co. since 1975. It claims that the applications filed by Exxon some years ago were for drilling ships to be used in world-wide operation. OTC is unable to determine any proposal presently pending before the Commission seeking authority to put an earth station in the area contemplated in this proceeding.

10. OTC points out that satellite transmission for telephone service in the Gulf requires the installation of transmit-receive earth stations with a minimum of a five meter dish, thus requiring expensive cantilevering and platform alteration. Because of the adverse weather conditions, including salt corrosion problems, a great deal of maintenance is required for proper utilization. OTC asserts further that the capacity of such a station, like microwave stations, is spectrally inefficient in that it requires a great deal of spectrum when the needs of the subscriber are for one or two voice and/or data channels.

11. AMST further alleges that OTC has not demonstrated that existing ORTS channels are being used to the peak of their efficiency. In response, OTC notes that in a period of less than three years every ORTS channel is being used. OTC points to the increased use of the available channels and the greater spectrum efficiency through its implementation of a plan for frequency re-use based on frequency grouping which involves geographical separation. The channels are divided into groups of five and are assigned to areas in a repetitive manner with a spacing of 241.4 to 321.8 km (150 to 200 miles) between channel re-use to prevent interference. The degree and manner of re-use is affected by a number of factors including performance limitations of off-the-shelf equipment, co-channel interference, intermodulation interference, performance or available duplexing equipment and propagation anomalies associated with transmissions in the Gulf of Mexico, including its coastal areas.

12. OTC states that a factor which complicates frequency re-use is that the assignment of ORTS stations is dependent on the location of the offshore platforms, which is a product of random location of petrochemical resources. Through experience gained in the use of ORTS, OTC has been able to establish a set of guidelines that are applied in the selection of frequencies to be used at each location. Thus channel usage is maximized an interference is minimized. However even with this type of efficient spectrum utilization, OTC indicates that it still has a number of requests for ORTS service that cannot be satisfied.[7] The filing of the petition (RM–3910) is a further indication of OTC's effort to meet these new requests.

13. AMST comments that OTC's petition is silent on the operational efficiencies employed to achieve optimum spectrum efficiency. This remark is made in reference to the Notice of Inquiry PR Docket No. 80–440, 45 FR 63305 adopted August 1, (1980), which involves the use of new spectrum-use technologies and techniques. OTC argues that the technologies being discussed in this docket are not now available nor are they even in the preliminary design stage. Accordingly, OTC believes it is unrealistic to contemplate use of such technologies now or within the next several years.

Discussion

14. We concur that there is increasing petrochemical development in the Gulf with a concurrently increasing need for expanded telecommunication capability. OTC quotes *Offshore Magazine* as reporting that in June of 1972, when ORTS was first proposed, there were some 359 tracts consisting of 1,152,583 acres leased off southern Texas, but as of the Federal lease in November of 1979 there were a total of 810 tracts consisting of 3,915,974 acres leased for petrochemical development in this area. This amounts to more than a tripling of the area under development in the Gulf of Mexico off southern Texas. In 1979, the Secretary of Interior stated,[8] "[t]he Gulf Coast area continues to be the highest priority for oil and gas exploration." Also early in 1980 the House Outer Continental Shelf Committee reported that:

> It is estimated that the OCS accounts for more than 9% of the U.S. crude oil production and 23% of domestic gas production. It is also estimated that 32%–60% of our undiscovered oil and gas resources are contained in the OCS.[9]

By 1979 the Government had unconditionally concluded that the proven reserves in the Central and Western, Outer Continental Shelf (OCS) i.e. Louisiana and Texas, were 3.84 billion barrels of oil and 49 trillion cubic feet of natural gas.[10] This area accounted for 12% of the U.S. crude oil extensions and 25% of the U.S. natural gas extensions. New field discoveries were more dominant, registering 41% of crude oil and 48% of U.S. natural gas totals. These areas also accounted for 46% (crude oil) and 49% (natural gas) of new reservoir discoveries in old fields.[11]

15. In an effort to evaluate what impact these developments are having on offshore activity in the Gulf of Mexico and the resulting future needs of ORTS for more spectrum, an analysis of the growth in offshore oil and gas activity and operations in the Gulf was performed. Data obtained from the U.S. Geological Survey of the Department of Interior confirms that there has been an resulting increase in offshore activity in the Gulf.[12] Pilots of well status (number of active wells) by year, for offshore Texas and Louisiana, using regression analysis, show an 84% increase offshore Louisiana from 1976 to 1980 while offshore Texas the increase has been over 200% for the period from 1975 to 1980. Well activity (number of wells started or new wells created) for offshore Texas shows an even greater trend in activity which is reflective of the stepped-up activity in oil leases. The extrapolation of these trends give an

[7] OTC indicates it has been unable to provide service requested by the Southern Natural Gas Company, Ocean Production Company, and the Ocean Drilling and Exploration Company because there are no more frequencies available.

[8] *Andrus eyes nation's offshore future*, Offshore, April 1979.

[9] *House panel urges faster OCS sale pace*, Oil and Gas Journal, February 11, 1980.

[10] Department of Energy, *Federal Leasing and Outer Continental Shelf Energy Production Goals*, February 1979.

[11] 1979 Annual Report, *U.S. Crude Oil, Natural Gas, and Natural Gas Liquids Reserves*, Department of Energy.

[12] *Outer Continental Shelf Statistics*, U.S. Geological Survey, Department of Interior, June 1981.

indication of activity, however a precise prediction of future activity may not be possible because of such factors as economic conditions, the world wide oil situation, break-throughs in alternative sources of energy, etc. However, with the emphasis the Department of Interior has placed on oil and gas exploration in the Gulf and with the known reserves that exist there, we feel that there is a need for increased communications capacity for the proposed Zones in the Gulf of Mexico. Increased capacity, however, can be obtained in several ways. Two primary ways of accomplishing this would be through more efficient use of existing spectrum and through increased spectrum allocation.

16. As suggested above increased communications capacity can be obtained by making more efficient use of existing spectrum through the application of new technologies and techniques. Such new technologies and[13] techniques are being addressed in part in PR Docket 80-440 45 Federal Register 63305 (September 24, 1980) include trunking, cellular and single sideband including amplitude compandored operation.[14] Any consideration of new technologies must weigh the benefits to be derived from the use of new systems or techniques against whatever harm may result from simply expanding an existing system. As discussed, and demonstrated later, there are no significant disadvantages apparent in a single expansion of the present ORTS system.

17. With regard to the increased use of the existing spectrum, we believe OTC is taking measures to increase spectrum utilization with its frequency re-use plan and with its petition to use interstitial frequencies. While the use of interstitial frequencies will not totally satisfy OTC's projected needs, the petition has merit and we propose that this technique be available for ORTS. The extent to which interstitial channels will be of use for ORTS will depend on the actual demand and the interference analysis necessary for the use of each specific location. This analysis will be left to the licensee, who will retain the flexibility to determine in what cases the need for additional communications capacity calls for the use of interstitial channels. We also would prefer to allow licensees maximum flexibility in the use of the new and efficient technologies and techniques such as those mentioned above.[15] But in this case, we must ask about the relative value of these less familiar techniques, compared to the difficulty of ensuring that interference to television service will not occur. Therefore we will entertain comments on the opportunities and problems associated with the use of other technologies. We find the allocations of this spectrum for ORTS to be in the public interest. We do not believe that this allocation imposes any significant restriction on our ability to make fuller allocations for future communications services. However, we will entertain comments as to any future flexibility we may be giving up by the proposed allocations.

18. As for satellite utilization, a technical paper presented at the National Telecommunications Conference in 1975, stated that the critical and vital nature of communication services to offshore operations in conjunction with a hostile environment and the difficulty in providing quick and responsive maintenance to these remote locations, imposes a requirement for an earth station with high reliability. This translates to a high degree of redundancy with automatic fault detection, monitoring, and switchover to stand-by units. Further, the space limitations on an offshore oil platform limits the size of the earth station. This makes it necessary to use a larger portion of the satellite transponder capacity to achieve the desired quality of service.[16]

19. Nevertheless, there may be instances, however, where it may be desirable to use satellite communications for offshore operations.[17] For example, satellite communications could be used to link a group of communication spurs from a concentration of offshore platforms with the mainland. In this regard, comments regarding the feasibility of satellite communications for offshore communications in the Gulf of Mexico are solicited. However, for the communication needs in the Gulf which include duplex voice, facsimile, teletype, control data and emergency, we concur with OTC that the service being provided through the ORTS is more satisfactory than any other alternative.

20. Also we note that in Docket No. 20368 the Commission adopted special provisions governing the use of the 488-494 MHz band (UHF-TV Channel 17) in the southern Louisiana Offshore zone for assignment to private land mobile stations under Part 90 of the Commission's Rules. Correspondent with the instant proposal to expand ORTS, we solicit comments as to the desirability of allocating some of the frequencies for private land mobile usage. Information with respect to existing usage and future needs would be beneficial. Accordingly, it appears that the needs of this service justifies an allocation of additional spectrum.

Consideration of Alternate Band(s)

21. When ORTS was first established in Docket 20368, the Commission examined the use of other frequency bands and noted that the only radio channels that were authorized for common carrier use in the offshore area of the Gulf were available to the Rural Radio Service in the 150 MHz and 450 MHz bands. This availability, however, is on a secondary basis to the Domestic Public Land Mobile Service.[18] Therefore, an alternate frequency band approach was quite desirable in this case, particularly when the use of these frequencies by authorized land mobile facilities near the Gulf would impact the offshore use of these same frequencies on a secondary basis.

22. In that docket we found that channels available for private systems in the Gulf area were highly congested and restricted in their operational use. The situation today is unchanged. Microwave systems operating in the Gulf area are severely congested in all frequency bands up to 6 GHz and fixed systems in the VHF and UHF bands are heavily used. The use of the 72-76 MHz band is restricted because of adjacent channel interference protection requirements to TV Channels 4 and 5. Additionally, there are only five "splinter" frequencies in the 150-170 MHz band, all of which are heavily used, and, due to their narrow channel widths, are not suitable for voice operations. Frequencies in the 450-470

[13] The Commission has received a cellular radio application looking toward a service in the offshore gulf area. *See Application for Developmental Gulf of Mexico, Area Wide Cellular Radio Telephone Systems*, File number 2900-CL-P-83, October 26, 1982.

[14] Equipment using narrow single sideband channels in the 150 MHz band is now commercially available and is being tested in the Gulf region. *See* developmental licensee of standard oil of Indiana, WRV-776, granted August 27, 1982. Air-to-ground telephone communications on single sideband channels in the 900 MHz region is also underway. *See*, e.g. experimental applications for Air-to-ground Telephone Service filed by Airfone, Inc., October 25, 1979, granted December 12, 1980.

[15] We have previously authorized increased technical flexibility for 800 MHz land mobile frequencies in choosing the type of emission mode to be used and the amount of bandwidth to be occupied. 90 F.C.C. 2d 1281, 1324 (1982).

[16] George L. Sarver, *Satellite Communications for Offshore Oil Operations Using WESTAR*, National Telecommunications Conference, New Orleans, La. 1975

[17] The INMARSAT satellite system now provides telephone, telex, facsimile and data communication to the commercial shipping and offshore industries.

[18] Supra, footnote 3.

MHz band for fixed station use are subject to geographical restrictions by the rules. The Cities Service Company, in planning communications support to the High Island area offshore Texas, have found the VHF systems in the Gulf to be extremely congested.[19]

23. Propagation considerations also rule out the use of certain frequencies. For example, communications on frequencies below 100 MHz are susceptible to severe distruption due to skywave propagation. Use of the 900 MHz band will also experience other anomalies. Microwave systems are normally limited to short path lengths because of the greater transmitter power and higher antenna gains needed to overcome free space path losses at these frequencies. And, because of the space and power limitations on offshore platforms, the suitability of the 900 MHz band is highly questionable. Another disadvantage of using 900 MHz frequencies for ORTS, as cited in Docket 20368, is the restrictions such use would impose on future land mobile and other services along the Gulf Coast.[20] We believe these factors would render the band of little value to ORTS. In the previous proceeding we stated that:

> From the spectrum management standpoint, the essential issue is not simply whether an allocation at 900 MHz is a feasible alternative, but whether it would also result in the most efficient use of the spectrum. We are convinced that it would not. Frequencies allocated to ORTS in the Gulf of Mexico will be rendered unuseable by other services for some distance inland along the Gulf coast. Consequently, an allocation of spectrum at 900 MHz for ORTS would foreclose future use of these frequencies by the land mobile or other services in the Gulf coastal region.[21]

The proposed frequencies for the expansion of ORTS appear most appropriate and represent an added spectrum efficient value derived from the UHF–TV band.

UHF–TV Service Compatibility

A. Full Service

24. The present use of UHF–TV Channel 17 by ORTS in the gulf region was authorized based on certain separation distances derived to minimize the probability of interference to on-land UHF–TV broadcast stations. Using these separation distances, OTC in its petition asserts that similar use of UHF–TV Channels 15 and 16 in certain zones in the gulf is equally compatible with full power television service.

25. Since the primary issue is compatibility, it is essential to examine the individual points of disagreement. AMST asserts that OTC's petition for expansion of ORTS through use of UHF–TV channels 15 and 16 would adversely affect both existing and future broadcasting services by causing interference. OTC argues that AMST simply assumes that interference to television reception is already being caused by the present ORTS stations and therefore concludes that an additional impact will arise by the present proposal. Moreover, OTC continues, AMST's opposition does not contain any supportive engineering data to establish that interference to TV reception on UHF–TV channel 17 exists. AMST argues that although OTC reports that there have been no complaints of interference to WMAU–TV, Channel 17, Bude, Mississippi, from offshore operation, the lack of complaints is not a valid indication of the absence of interference. AMST's consulting engineer concluded that since OTC does not report field tests showing a lack of interference to reception by the public on UHF–TV channel 17, Bude, Mississippi, such interference must therefore exist. Thus AMST concludes that objectionable interference will occur to UHF–TV station reception of channels 15 and 16.

26. Extra care must be exercised in estimating potential interference in the Gulf Coast area because of enhanced propagation due to higher than average refractivity gradients that result in superrefraction and ducting layers for significant percentages of the time. Available propagation models, developed for the original ORTS proceeding, suggest the feasibility of using Channels 15 and 16. While there remains some uncertainty regarding these propagation predictions, we do have the benefit of OTC's experience with the use of Channel 17 frequencies. This coupled with the fact that we are not aware of any reported incidences of interference to UHF–TV Channel 17 reception caused by ORTS stations leads us to conclude that the existing Part 22 standards and separation criteria for ORTS establish a sound basis for proposing new rules governing the use of UHF–TV channels 15 and 16 for ORTS.

27. In conclusion, we are persuaded that the separation criteria established for ORTS in the Gulf on frequencies within UHF–TV channel 17 are applicable to the petitioner's proposed use of frequencies within UHF–TV Channels 15 and 16 also in the Gulf. Accordingly, the Commission believes both services could operate compatibly on UHF–TV channels 15 and 16, in addition to the currently alloted channel 17. Details involving the discussion of station boundaries and separation distances are contained in Appendix A.

B. Low Power Television Service

28. On March 4, 1982, the Commission adopted final rules in BC Docket No. 78–253 establishing a low power television service (LPTV).[22] This service is, in many respects, a logical extension of the existing translator service which consists of broadcast stations operating at relatively low power. (These translator stations receive a television signal on one channel, amplify and then retransmit it on another channel. Under the new rules, LPTV stations are permitted to originate programming and/or operate subscription service.) LPTV stations are limited to a power output of 10 watts (100 watts in certain instances) VHF and 1 kilowatt UHF, and will be allowed to operate on any available VHF and UHF channel, subject to interference criteria and standards, on a secondary, noninterfering basis to full-service stations or other services authorized on a primary basis. Again, as with full service television, compatibility is the main question to be addressed for the low power television sharing with ORTS. However, compatibility considerations involving ORTS and LPTV are somewhat different since LPTV is a secondary use of the TV spectrum. This distinction is discussed in Appendix A.

29. During the course of the rule making in BC Docket No. 78–253, the Commission continued to accept applications for translators, including applications for translators seeking low power features on a waiver basis. Over 7,000 applications were filed. A computer review of these applications disclosed only three requests for UHF–TV Channels 15, 16, 17, or 18 in areas of concern to proposed ORTS operations. However, each of these 3 applications may not be able to be granted on grounds of not complying with existing rules requiring specific distances of separation from authorized television broadcast and land mobile operations. We note these existing requirements already preclude much of the Gulf coast area from possible usage of LPTV on channels 16, 17, or 18. Nevertheless, to provide protection to ORTS from the likelihood of interference, our proposal

[19] *Cities Service Satellite Operation Fares Well in Gulf of Mexico*, Communications Magazine, April 1977 (42–47).

[20] *Notice of Proposed Rule Making/Notice of Inquiry*, Docket No. 20368, 40 FR 12678, (March 20, 1975).

[21] Supra, Footnote 3.

[22] *Report and Order*, BC Docket No. 78–253, 47 FR 21468 (May 18, 1982).

will require LPTV stations to be excluded from operation in certain coastal areas of UHF–TV Channel 15 and in areas additional to those excluded on Channels 16 and 17. On balance, we point out that because the prescribed area is sparsely populated, there should be an adequate number of other UHF–TV channels available for low power use. For these reasons, we believe the impact on LPTV would be minimal. A discussion of this subject in greater detail including an interference analysis is contained in Appendix A.

Land Mobile Service Compatibility

30. Because frequencies within UHF–TV channel 17 are presently authorized for use by the land mobile radio services in Houston, Texas, it is recognized that certain intermodultion problems could arise from proposed ORTS operations on frequencies within UHF–TV channel 16. The Commission has analyzed this problem in detail, contained in Appendix A herein, and is persuaded that the problem should be minimal. Nonetheless, we solicit comments on the need for protection from the likelihood of interference due to intermodulation and the best means to provide this protection.

Summary

31. In summary, we are proposing to amend the Commission's Rules as follows and as set forth in Appendix B.

—Designate the existing ORTS area of operation using UHF–TV Channel 17 frequencies as Zone A.
—Provide for the use of interstitial channels within an area east of 92 degrees West Longitude of Zone A on frequencies within the 488–490 MHz and 491–493 MHz bands.
—Reallocate UHF–TV Channel 16 frequencies (482–488 MHz) for use by ORTS in the Gulf of Mexico offshore from Louisiana and Texas (ORTS Zone B see Table B).
—Reallocate UHF–TV Channel 15 frequencies (476–482 MHz) for use by ORTS in the Gulf of Mexico offshore from Texas (ORTS zone C see Table C).
—Add a new note to Table D in § 22.1001 of the Rules to preclude operation of an ORTS station at less than 241.4 km (150 miles) from any full service co-channel TV station.
—Amendment of § 74.709 of the Rules to expand the areas from which low power TV is prohibited and to include Channel 15 in this prohibition.
—To impose the separation standards of Table B of § 22.11001 of the Rules to protect full-service TV when TV Channels 15 nd 16 are used by ORTS.
—To impose the same adjacent channel and co-channel criteria for the protection of full-service TV from ORTS stations using Channel 15 and 16 frequencies that presently apply to ORTS use of Channel 17 (§ 22.1001 of the Rules.)
—To require ORTS users to frequency coordinate with each other for a distance of 321.8 km (200 miles).
—To prohibit co-channel ORTS frequency assignments within 241.4 km (150 miles).
—To require each ORTS application for a new frequency and location be investigated to determine if any third order intermodulation products fall within 12.5 kHz of any frequency presently in use within 32.2 km (20 miles) of the proposed facility and to prohibit the new assignment if interference will occur.

32. We believe that allocation of this spectrum for ORTS to be in the public interest. We do not believe that this allocation imposes any significant restriction on our ability to make fuller allocations for future communications services. However we will entertain comments as to any future flexibility we may be giving up by the proposed allocations.

Procedural Matters

33. Pursuant to Section 605(b) of the Regulatory Flexibility Act, Pub. L. 96.354, the Commission issues the following initial regulatory flexibility analysis:

I. Entities Affected; Nature of Economic Impact; Significant Alternatives

The rules proposed in this notice would not have, if adopted, a significant impact on a substantial number of small businesses. The notice does not propose to displace anyone assigned to these frequency bands nor harm their existing operations. The extent to which it might limit future use of these bands is not considered to be significant. The proposed action would, however, provide a critically needed communications capability to numerous companies through the provisions explained in the notice.

II. Recording Recordkeeping and Other Compliance Requirements

There is no required recording or recordkeeping criteria, however there would be compliance to the rules as amended and proposed in the Notice of Proposed Rule Making herein.

34. For purposes of this non-restricted notice and comment rulemaking proceeding, members of the public are advised that *ex parte* contacts are permitted from the time the Commission adopts a notice of proposed rulemaking 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, and *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 proceedings. 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 addressing 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 Secretary for inclusion in the public file, with a copy to the Commission offical 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, 47 CFR 1.1231. A Summary of these Commission procedures governing *ex parte* presentation in informal rulemaking is available from the Commission's Consumer Assistance Office, FCC, Washington, D.C 20554.

35. Authority for issuance of this *Notice* is contained in Section 4(i) and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i) and 303(r). Pursuant to procedures set out in § 1.415 of the Commission's Rules and Regulations, 47 CFR 1.415, interested persons may file comments on or before April 18, 1983, and reply comments on or before May 3, 1983. All relevant and timely comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision, the Commission may take into account information and ideas not contained in the comments, provided that such information or a writing indicating the nature and source of such information is placed in the public file, and provided that the fact of the Commission's reliance on such information is noted in the Report and Order.

36. In accordance with the provisions of § 1.419 of the Commission's Rules and Regulations, 47 CFR 1.419, formal

participants shall file an original and 5 copies of their comments and other materials. Participants wishing each Commissioner to have a personal copy of their comments should file and original and 11 copies. Members of the general public who wish to express their interest by participating informally may do so by submitting one copy. All comments are given the same consideration, regardless of the number of copies submitted. All documents will be available for public inspection during regular business hours in the Commission's Public Reference Room at its headquarters in Washington, D.C.

37. For further information concerning this Notice contact Harding Chism, FCC, Office of Science and Technology, Spectrum Utilization Branch, Washington, D.C. 20554, telephone (202) 653–8166.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix A

Full Power TV Service

1. Using the separation criteria contained in § 22.1001 of the Commission's Rules, OTC found that TV channel 16 frequencies (482–488 MHz) could be used off the coast of Louisiana and TV channel 15 frequencies (476–482 MHz) could be used off the coast of Texas. As previously discussed these two zones would be designated ORTS Zones B and C, respectively, with the existing ORTS (channel 17) being designated Zone A. OTC found that it is possible to use TV channel 16 frequencies in an area larger than provided for under Table A of § 22.1001 and still provide broadcast protection. Therefore, the proposed Zone B encompasses all of the existing Zone A and extends one degree of longitude farther west. It is therefore referred to as the Southern Louisiana-East Texas ORTS zone.

2. The area where a new channel 15 TV allotment could be located is limited by the following spacing requirements:

Linares, NL, Mex.—Channel 15, 281.6 km (175 miles)
Matamoros, TX, Mex.—Channel 14, 88.5 km (55 miles)
Mobile, AL—Channel 15, 329.8 km (205 miles)
LaFayette, LA—Channel 15, 329.8 km (205 miles)
College Station, TX—Channel 15, 329.8 km (205 miles)
Corpus Christi, TX—Channel 16, 88.5 km (55 miles)

The remaining area that would be affected by a new channel 15 ORTS allocation is several thousand square miles located 96.6–225.3 (60 to 140 miles) west of Corpus Christi, Texas. While most of this area is sparsely populated with an ample supply of available UHF–TV frequencies, the area does contain Laredo, Texas. Laredo, (1980 U.S. Census, Advance Report population 91,449), is located about 217.2 km (135 miles) from the proposed channel 15 ORTS zone. There are currently 5 applications on file at the Commission requesting use of the only unoccupied commercial channel allotted to Laredo. Channels 15 and 68 are the last channels that could be allotted to Laredo without requiring changes at other communities. The impact of ORTS on full service TV use of channel 15 can be considered minimal only if a channel 15 TV allotment at Laredo is not precluded. Because Laredo is 217.3 km (135 miles) from the ORTS zone, some ORTS stations may locate less than 214.4 km (150 miles) from Laredo. However, the location of the shoreline will require any ORTS stations there to operate with a reduced power for adjacent channel TV protection. Therefore, only a small increase in the chance of interference to a future Laredo channel 15 TV station would be predicted. In view of the above, we believe that a channel 15 ORTS zone as proposed and a channel 15 Laredo, Texas TV allotment could co-exist. Although no specific limit is proposed for the ORTS stations other than contained in tables D and E, they are warned that a channel 15 TV station at Laredo may be authorized in the future. Therefore, the ORTS impact on full service TV use of channel 15 would be minimal.

3. Section 22.1001 of the Rules precludes operation of an ORTS station within 241.4 km (150 miles) of a co-channel TV station. Two small areas within the 241.4 km (150 mile) arcs described from the two co-channel stations (KADN, Lafayette, Louisiana; and KAMU, College Station, Texas) fall within the proposed new ORTS Zone C (channel 15). However, we are proposing a new note to Table D in Section 22.1001 to preclude operation of an ORTS station at less than 241.4 km (150 miles) from any co-channel TV station. That note would preclude ORTS stations within 241.4 km (150 miles) of Laredo, Texas, only if a rule making proceeding adds the channel 15 allotment there.

4. Similarly, for ORTS use of UHF–TV Channel 16, there is no substantial land area south of the 281.6 km (175 mile) arc from co-channel TV stations WAPT, Jackson, Mississippi; 329.8 km (205 mile) arcs from co-channel TV Station KEDT, Corpus Christi; Texas and the co-channel allotment at Marianna, Florida; the 88.5 km (55 mile) arc from adjacent channel 15 KADN at Lafayette, Louisiana; the 96.6 km (60 mile) arc from seventh adjacent channel 23 allotment at DeRidder, Louisiana; the 341.1 km (212 mile) arc from the channel 16 land mobile allotment at Dallas, Texas; and the 225.3 km (140 mile) arc from the channel 17 land mobile allotment at Houston, Texas. Almost all of the area is either salt water or salt water marshes; therefore, the use of UHF–TV channel 16 in the proposed ORTS Zone B (offshore Louisiana) would have little or no impact on the possible future use of these frequencies on land by full power television stations. As noted previously, this area, ORTS Zone B, would extend one degree of longitude farther west than the existing ORTS zone and would, therefore, overlap the proposed Zone C by one degree of longitude. This would provide additional communications channels for the existing ORTS zone where thay are needed as well as providing additional channels in the transition areas between zones where usage is also heavy.

5. AMST cites, that while OTC's latest proposal depends on maintaining a 241.4 km (150 mile) minimum mileage separation between co-channel television and ORTS stations, OTC proposes to afford a 330 km (205 mile) protection to the Mexican UHF station allotment at Linares in accordance with the United States-Mexican agreement. AMST contends that this inconsistency is further evidence of the inadequacy of the 241.4 km (150 mile) separation. With respect to AMST's contention concerning the separation distance provided to the Mexican UHF–TV station assignment at Linares, Nuevo Leon, Linares is in Mexico therefore applicable to TV Zone 2 separation standards. The UHF–TV Agreement specifies a 281.6 km (175 mile) requirement if either the Mexican or the U.S. allotment is in Zone 2. Furthermore, a new agreement with Mexico recognizes that the 470–512 MHz band is shared betwen TV broadcasting and the land mibile service. Under Section B.1. of the Land Mobile Agreement, the "assignment of frequencies in the band 470–512 MHz for the land Mobile service in areas less than 150 kilometers from the common border can be made only after coordination with and concurrence by the other country."[1] The Agreement

[1] Agreement Relating to Assignments and Usage of Television Broadcasting Channels in the frequency range 470–806 MHz (Channels 14–69) along the United States-Mexico border. Dated June 1982.

also indicates that a greater coordination distance is necessary near the Gulf and Pacific coasts where unusual propagation conditions exist. The coordination requirement is by and large most compatible with existing domestic standards, which are and quite adequate. Nevertheless, OTC correctly suggests that licensees of the Commission are obliged to adhere to the limitations imposed by this Agreement. We do not bvelieve the requirements of this Agreement are directly relevant to AMST's contention that the separation distance between ORTS stations and U.S. UHF–TV station assignments is inadequate.

Low Power TV Service

6. The current low power prohibited areas were primarily based on an equivalent protection approach. ORTS stations have to tolerate certain signal levels from co-channel and adjacent channel full service TV stations, so it was assumed that similar levels from low power TV stations could be tolerated. No channel 16 or 18 full service TV station provides a strong signal in the Channel 17 ORTS zone. Therefore, the adjacent channel low power restrictions do not allow even moderately strong channel 16 of channel 18 signals in the channel 17 ORTS area. On the other hand, the proposed channels 15 and 16 ORTS will be subject to very strong adjacent channel signals from full service TV stations in Corpus Christi, Texas (KEDT, channel 16), Houston, Texas (3 applications pending for channel 14), and Mobile, Alabama (WPMI, channel 15). ORTS stations, that must be located at least 11.3 km (7 miles) from the shore, could receive predicted F(50,50) TV field strengths from the above stations that would range from 75 dBu to 95 dBu. That is much stronger than a lower power station could produce, even if it was located right on the beach. As a practical matter, full service TV stations tend to use directional transmitting antennas to avoid placing strong signals over water. However, low power TV stations are predominately directional, whether or not a body of water is involved and are even more likely to avoid "wasting" their limited coverage area over water. In view of the above, we are proposing no adjacent channel low power TV limitations to protect the proposed channels 15 and 16 ORTS. Because there are a number of land mobile stations on shore sharing the allocation channel 17 ORTS under Part 90 of the Rules, we propose to keep the channel 18 low power limitation that is in the current rules..

7. The proposed low power prohibited areas, for the protection of ORTS, are contained in the attached Appendix B. They are developed with two goals in mind: First, to prevent low power stations from locating less than about 120.7 km (75 miles) from the co-channel ORTS zone; and second, to prohibit as little area as possible, where low power stations could otherwise exist, protecting both full service TV stations, and existing land mobile service. A computer assisted analysis of translator and low power TV applications revealed only one (in addition to the two channel 16 Galveston applications prohibited by existing rules) in the proposed prohibited areas. However, that application is for Channel 17 at Morgan City, Louisiana, which is unacceptable under the current ORTS protection rule. As was the case in providing protection for ORTS Channel 17, it was found that requirements for protection of full service TV and existing land mobile allocations eliminate the major portions of the prohibited zones from possible low power TV use. Nevertheless, except for ORTS protection, it appears that Channel 15 may be available from low power TV use in approximately one-third of the proposed prohibited area. Cities that would lose the potential low power TV use of Channel 15 include Brownsville, Harlingen, Beaumont and Port Arthur, Texas. On the other hand, the proposed change in the Channel 17 prohibited area involves cutting off the northwest corner of the current prohibited box, as outlined in Appendix B low power prohibited areas. As a result, a few additional communities (Lufkin, Diboll or Huntington, Texas) may be able to use Channel 17 for a low power TV station. Changing the Channel 16 low power TV prohibited zone has no effect on that channel's availability for low power TV use. Overall, the impact on low power TV is not significant.

Compatibility With Other Services

8. In addition to restricting adjacent Channel 18 for low power TV use in the vicinity of the ORTS zones, there are other adjacent channel considerations. TV Channel 17 is authorized for use by the land mobile radio services in Houston, Texas. Land mobile base stations are allowed 80.5 km (50 miles) from the reference coordinates for the City of Houston while mobile stations are allowed to operate 48.3 km (30 miles) from the base stations. The Gulf shoreline is within 80.5 km (50 miles) of Houston, therefore base stations could be located along the coast in Galveston. An ORTS station could operate as close as 11.3 km (7 miles) from the shore using Channel 16 frequencies; therefore, intermodulation problems could exist between the frequencies being used by the two services. When two or more frequencies are combined in a non-linear circuit a phenomenon known as heterodyning takes place and two new frequencies are generated. These new frequencies will be the sum and difference of the original frequencies. A non-linear circuit will generate harmonics (multiples of the original frequencies) which, in turn, will create new sum and difference frequencies. These additional frequencies are called intermodulation products (or "intermod"). Although many intermods can be created when two or more transmitters are located in proximity, only those frequencies being received nearby are a problem since most intermods are low in amplitude. The most serious intermodulation products are the third order intermods which might involve the fundamental of one frequency and the second harmonic of another frequency, or the sum of two fundamentals minus the fundamental of a third. This can be illustrated as follows:

$$\frac{2(489.0\ \text{MHz})}{\text{LM 17}} - \frac{487.0\ \text{MHz}}{\text{ORTS 16}} = \frac{491.0\ \text{MHz}}{\text{LM 17}}$$

or

$$\frac{478.0\ \text{MHz}}{\text{ORTS 15}} + \frac{489.0\ \text{MHz}}{\text{LM 17}} - \frac{484.0\ \text{MHz}}{\text{ORTS 16}} = \frac{483.0\ \text{MHz}}{\text{ORTS 16}}$$

9. It can be seen from this example that intermodulation interference can be caused to both land mobile operations on Channel 17 frequencies and to ORTS operations. Whether or not there is harmful interference depends on the specific combinations of frequencies and the proximity of the stations. The OTC petitions suggests a separation distance of 32.2 km (20 miles) between ORTS stations operating on frequencies capable of producing third order

intermodulation interference within the ORTS band. A possible solution could be to bar within a certain distance, possibly 32.2 km (20 miles) the use of ORTS Channel 16 or Houston Land Mobile Channel 17 frequencies capable of causing harmful intermod interference to the other service. Alternatively we could require inter-service coordination. Neither solution is particularly attractive. The first alternative would prohibit ORTS from using Channel 16 frequencies within a small area of the Gulf near Galveston as well as possible restrict land mobile use of Channel 17 frequencies. The second alternative imposes an additional administrative burden on both services, especially ORTS which would have to coordinate with the coordinating activities of six separate land mobile services. As OTC notes, the transmitters must be in close proximity to each other before harmful intermods are generated, therefore it is quite possible that the disadvantage of a distance separation or frequency coordination may outweigh the advantages to be gained. Since the nearest ORTS station must be located at least 11.3 km (7 miles) (see Table C, § 22.1001 of the Rules) offshore, the possibility of creating harmful intermods is remote.

10. Third order intermodulation products could also be a source of interference between ORTS and full service TV stations. For example, TV Channel 16 in Corpus Christi, Texas, could interact with proposed ORTS stations on Channel 15 frequencies:

$$\frac{2(483.25\ \text{MHz})}{2(\text{TV 16})} - \frac{480.0\ \text{MHz}}{\text{ORTS 15}} = \frac{486.5\ \text{MHz}}{\text{TV 16}}$$

Again harmful interference will result only if the right combination of frequencies are used by stations within proximity of each other. Initial examination suggests that adjacent channel separation in accordance with Table C of § 22.1001 of the Commission's Rules will provide sufficient protection to full service TV from intermodulation interference. We are therefore proposing the application of these same standards for ORTS use of Channels 15 and 16 frequencies. Additionally, we are proposing the same adjacent channel and co-channel criteria for the protection of full-service TV from ORTS stations on Channels 15 and 16 frequencies that presently apply to ORTS use of Channel 17 as contained in § 22.1001 of the Rules.

Coordination of ORTS

11. As for the coordination of the Offshore Radio Telecommunication Service, OTC has developed several guidelines found to be necessary for the selection of frequencies to be used at each location. Furthermore, OTC has, through careful calculation, test, trial and error, concluded that the ideal separation of co-channel stations using ORTS frequencies would be 482.7 km (300 miles). OTC has found, however that the spacing can be reduced to 241.4 km (150 miles) through careful control of effective radiated power and with an acceptable degradation of service. For this reason, OTC suggest that frequency coordination with other ORTS users be required for a distance of 321.8 km (200 miles) and that co-channel assignments be made within 241.4 km (150 miles). We concur with these suggestions and have incorporated them into the proposed rules contained in the Appendix B.

12. The problem of intermodulation interference can also exist with adjacent ORTS channels. This problem led OTC to undertake a computerized analysis of the 74 communications channels (TV channel 17) presently allocated to ORTS. This analysis resulted in dividing the available channels into fifteen groups of four to five channels each. These groups are so arranged that no combination of frequencies in any group will result in third order intermodulation products that would cause interference to any other frequency in that group. Further analysis selected those groups that were compatible with each other. It was found that these groups could be re-used with a mileage separation of about 241.4 km–321.8 km (150–200 miles). OTC proposes that each ORTS application for a new frequency and location be investigated to determine if any third order intermodulation products fall within 12.5 kHz of any frequency presently in use within 32.2 km (20 miles) of the proposed facility. A new assignment would not be made where the results of the analysis discloses a potential intermodulation interference situation. We concur with this proposal and have incorporated it into the proposed rules contained in the Appendix B.

13. In addition to careful frequency selection to avoid intermodulation interference, OTC notes that the performance of available duplexing equipment must also be considered. The use of radio to provide a telephone circuit, with simultaneous two-way conversation, requires duplex operation with separate frequencies for transmit and receive. This allows the transmitter and receiver to operate simultaneously. In order to prevent the transmitter output from entering the receiver and disabling it, a filtering device known as a duplexer is used, however, the ability to reject some frequencies and pass others is not perfect. In addition OTC notes that the duplexer pass-reject characteristics are difficult to tailor. OTC notes furthermore that maximum performance can be obtained when all transmitters at any given location operate on frequencies close enough to fall within the reject bandwidth of the duplexer. This can be accomplished without complication when only one TV channel is involved. However, the OTC proposal looks toward use of both TV channel 17 and TV channel 16 in the same zone. It is customary in mobile service to operate the base station so that its transmit frequency is lower than the transmit frequency of the mobile station. If this same procedure were followed on TV channel 16, the offshore central transmit frequencies would be at least 3 MHz from the transmit frequencies of offshore central stations using TV channel 17. If the frequency pairs are reversed and the offshore central transmit frequencies made 3 MHz higher than the transmit frequency of the subscriber, the offshore central transmit frequencies in TV channel 17 will be adjacent to the offshore central transmit frequencies in TV channel 16 and will fall within the reject bandwidth of the duplexer. It is for this reason trhat OTC proposes that the communications channels proposed for use in ORTS Zone B be specified with the offshore central transmit frequencies higher than the subscriber transmit frequencies. We concur with this proposal and have incorporated it into the proposed rules contained in the Appendix B.

Appendix B

For the reasons set forth in the preamble, Parts 2, 22, and 74 of Chapter I of Title 47 of the Code of Federal Regulations are proposed to be amended as follows:

A. PART 2.—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

1. In § 2.106, footnote NG 114 is revised to read as follows:

§ 2.106 Table of Frequency allocations.

* * * * *

NG 114 In the offshore Zones of the Gulf of Mexico the frequency bands 488–494 MHz, 482–488, and 476–482 MHz are allocated to the Domestic Public and Industrial Radio Services as follows:

a. In the offshore Louisiana Gulf Coast Zone, the band 488–494 MHz (TV Channel 17) is allocated to the Domestic Public and Industrial Radio Services in accordance with the regulations set forth in Parts 22 and 90, respectively.

b. In the offshore Louisiana-Texas Gulf Coast Zone, the band 482–488 MHz (TV Channel 16) is allocated to the Domestic Public Radio Service in accordance with the regulations set forth in Part 22.

c. In the offshore Texas Gulf Coast Zone, the band 476–482 MHz (TV Channel 15) is allocated to the Domestic Public Radio Services in accordance with the regulations set forth in Part 22.

* * * * *

B. PART 22—PUBLIC MOBILE RADIO SERVICES

1. Section 22.1001 is revised as follows:

§ 22.10001 Frequencies.

(a) On a shared basis with television broadcasting Channel 17, the following frequencies are for assignment to stations of communication common carriers in the Zone specified in Table A below together with the classes of station(s) to which they are normally assigned and the specific limitations which are enumerated in the explanatory notes:

Offshore central station frequencies (meganertz	Offshore subscriber frequencies (meganertz	Limitations
488.025	491.025	(1)
488.050	491.050	(1)
488.075	491.075	(1)
488.100	491.100	(1)
488.125	491.125	(1)
488.150	491.150	(1)
488.175	491.175	(1)
488.200	491.200	(1)
488.225	491.225	(1)
488.250	491.250	(1)
488.275	491.275	(1)
488.300	491.300	(1)
488.325	491.325	(1)
488.350	491.350	(1)
488.375	491.375	(1)
488.400	491.400	(1)
488.425	491.425	(1,3)
488.450	491.450	(1,7)
488.475	491.475	(1,7)
488.500	491.500	(1,3)
488.525	491.525	(1,7)
488.550	491.550	(1,7)
488.575	491.575	(1,7)
488.600	491.600	(1,7)
488.625	491.625	(1,7)
488.650	491.650	(1,7)
488.675	491.675	(1,7)
488.700	491.700	(1,7)
488.725	491.725	(1)
488.750	491.750	(1)
488.775	491.775	(1)
488.800	491.800	(1)
488.825	491.825	(1)
488.850	491.850	(1)
488.875	491.875	(1)
488.900	491.900	(1)
488.925	491.925	(1)
488.950	491.950	(1)
488.975	491.975	(1)
489.000	492.000	(1)
489.025	492.025	(1)
489.050	492.050	(1)
489.075	492.075	(1)
489.100	492.100	(1)
489.125	492.125	(1)
489.150	492.150	(1)
489.175	492.175	(1)
489.200	492.200	(1)
489.225	492.225	(1)
489.250	492.250	(1)
489.275	492.275	(1)
489.300	492.300	(1)
489.350	492.350	(1)
489.400	492.400	(1)
489.425	492.425	(1)
489.450	492.450	(1)
489.475	492.475	(1)
489.500	492.500	(1)
489.525	492.525	(1)
489.550	492.550	(1)
489.575	492.575	(1)
489.600	492.600	(1)
489.625	492.625	(1)
489.650	492.650	(1)
489.675	492.675	(1)
489.700	492.700	(1)
489.725	492.725	(1)
489.750	492.750	(1)
489.775	492.775	(1)
489.800	492.800	(1)
489.825	492.825	(1)
489.850	492.850	(1)
489.875	492.875	(1)
489.900	492.900	(1)
489.925	492.925	(1)
489.950	492.950	(1)
489.975	492.975	(1)
490.000	493.000	(1)

[1] These frequencies will be assigned for voice grade general communications.

[2] These frequencies may be assigned for private line service.

[3] These frequencies are available for emergency communications involving protection of life and property.

[4] These frequencies may be assigned to radio relay stations upon a satisfactory showing as to why it is impracticable to achieve the requisite communication without the use of radio relay stations operating on such frequencies.

[5] These frequencies shall be used only for emergency auto alarm and voice transmission pertaining to emergency conditions.

[6] These frequencies may be used for emergency shut-off remote control telemetry, environmental Data Acquisition and Dissemination, or facsimile transmissions.

TABLE A.—FREQUENCY AVAILABILITY FOR OFFSHORE RADIO TELECOMMUNICATIONS SERVICE USE

Offshore zone	Boundaries of zone	Frequencies (meganertz)
Southern Louisiana, (Zone A).	From long 87°45' on the east to long 94°00' on the west and from the 3-mile limit along the Gulf of Mexico shoreline on the north to the limit of the Outer Continental Shelf on the south.	Channel 17, 488–490, 491–493.

(b) On a shared basis with television broadcasting Channel 16, the following frequencies are for assignment to stations of communication common carriers in the zone specified in Table B below together with the classes of station(s) to which they are normally assigned. These frequencies will be assigned for voice grade general communications and may be assigned for private line service.

Offshore central station frequencies (meganertz)	Offshore subscriber station frequencies (meganertz)
485.025	482.025
485.050	482.050
485.075	482.075
485.100	482.100
485.125	482.125
485.150	482.150
485.175	482.175
485.200	482.200
485.225	482.225
485.250	482.250
485.275	482.275
485.300	482.300
485.325	482.325
485.350	482.350
485.375	482.375
485.400	482.400
485.425	482.425
485.450	482.450
485.475	482.475
485.500	482.500
485.525	482.525
485.550	482.550
485.575	482.575
485.600	482.600
485.625	482.625
485.650	482.650
485.675	482.675
485.700	482.700
485.725	482.725
485.750	482.750
485.775	482.775
485.800	482.800
485.825	482.825
485.850	482.850
485.875	482.875
485.900	482.900
485.925	482.925
485.950	482.950
485.975	482.975
486.000	483.000
486.025	483.025
486.050	483.050
486.075	483.075
486.100	483.100
486.125	483.125
486.150	483.150
486.175	483.175
486.200	483.200
486.225	483.225
486.250	483.250
486.275	483.275
486.300	483.300
486.325	483.325
486.350	483.350
486.375	483.375
486.400	483.400
486.425	483.425
486.450	483.450
486.475	483.475
486.500	483.500
486.525	483.525
486.550	483.550
486.575	483.575
486.600	483.600
486.625	483.625
486.650	483.650
486.675	483.675
486.700	483.700
486.725	483.725
486.750	483.750
486.775	483.775
486.800	483.800
486.825	483.825
486.850	483.850
486.875	483.875
486.900	483.900
486.925	483.925
486.950	483.950
486.975	483.975
487.000	484.000
487.025	484.025
487.050	484.050
487.075	484.075
487.100	484.100
487.125	484.125

Offshore central station frequencies (meganertz)	Offshore subscriber station frequencies (meganertz)
487.150	484.150
487.175	484.175
487.200	484.200
487.225	484.225
487.250	484.250
487.275	484.275
487.300	484.300
487.325	484.325
487.350	484.350
487.375	484.375
487.400	484.400
487.425	484.425
487.450	484.450
487.475	484.475
487.500	484.500
487.525	484.525
487.550	484.550
487.575	484.575
487.600	484.600
487.625	484.625
487.650	484.650
487.675	484.675
487.700	484.700
487.725	484.725
487.750	484.750
487.775	484.775
487.800	484.800
487.825	484.825
487.850	484.850
487.875	484.875
487.900	484.900
487.925	484.925
487.950	484.950
487.975	484.975

TABLE B.—FREQUENCY AVAILABILITY FOR OFFSHORE RADIO TELECOMMUNICATIONS SERVICE USE

Offshore zone	Boundaries of zone	Frequencies (meganertz)
Southern Louisiana—Texas (Zone B).	From longitude 87°45' on the east to longitude 95°00' on the west and from the 3-mile limit along the Gulf of Mexico shoreline on the north to the limit of the Outer Continental Shelf on the south.	Channel 16, 482–488.

(c) On a shared basis with TV broadcast Channel 15, the following frequencies are for assignment to stations of communication common carriers in the zone specified in Table C below together with the classes of station(s) to which they are normally assigned. These frequencies will be assigned for voice grade general communications and may be assigned for private line service.

Offshore central station frequencies (meganertz)	Offshore subscriber station frequencies (meganertz)
476.025	479.025
476.050	479.050
476.075	479.075
476.100	479.100
476.125	479.125
476.150	479.150
476.175	479.175
476.200	479.200
476.225	479.225
476.250	479.250
476.275	479.275
476.300	479.300
476.325	479.325
476.350	479.350
476.375	479.375
476.400	479.400
476.425	479.425
476.450	479.450
476.475	479.475
476.500	479.500
476.525	479.525
476.550	479.550
476.575	479.575
476.600	479.600
476.625	479.625
476.650	479.650
476.675	479.675
476.700	479.700
476.725	479.725
476.750	479.750
476.775	479.775
476.800	479.800
476.825	479.825
476.850	479.850
476.875	479.875
476.900	479.900
476.950	[1]479.950
477.000	480.000
477.025	480.025
477.050	480.050
477.075	480.075
477.100	480.100
477.125	480.125
477.150	480.150
477.175	480.175
477.200	480.200
477.225	480.225
477.250	480.250
477.275	480.275
477.300	480.300
477.325	480.325
477.350	480.350
477.375	480.375
477.400	480.400
477.425	480.425
477.450	480.450
477.475	480.475
477.500	480.500
477.525	480.525
477.550	480.550
477.575	480.575
477.600	480.600
477.625	480.625
477.650	480.650
477.675	480.675
477.700	480.700
477.725	480.725
477.750	480.750
477.775	480.775
477.800	480.800
477.825	480.825
477.850	480.850
477.875	480.875
477.900	480.900
477.925	480.925
477.950	480.950
477.975	480.975
478.000	481.000
478.025	481.025
478.050	481.050
478.075	481.075
478.100	481.100
478.125	481.125
478.150	481.150
478.175	481.175
478.200	481.200
478.225	481.225
478.250	481.250
478.275	481.275
478.300	481.300
478.325	481.325
478.350	481.350
478.375	481.375
478.400	481.400
478.425	481.425
478.450	481.450
478.475	481.475
478.500	481.500
478.525	481.525
478.575	481.575
478.600	481.600
478.625	481.625
478.650	481.650
478.675	481.675
478.700	481.700
478.725	481.725
478.750	481.750
478.775	481.775
478.800	481.800
478.825	481.825
478.850	481.850
478.875	481.875
478.900	481.900
478.925	481.925
478.950	481.950
478.975	481.975

[1] Frequencies shall be used only for emergency auto alarm and voice transmission pertaining to emergency conditions.

TABLE C.—FREQUENCY AVAILABILITY FOR OFFSHORE RADIO TELECOMMUNICATIONS SERVICE USE

Offshore zone	Boundaries of zone	Frequencies (meganertz)
Southern Texas (Zone C).	Longitude 94° 00' on the east; the 3 mile limit on the north and west, a 175 mile radius from the reference point at Linares, N.L., Mexico on the southwest, Latitude 26° 00' on the south, and the limits of the outer continental shelf on the southeast.	Channel 15, 476–482.

(d) All frequencies listed in this section are subject to the following conditions:

(1) No fixed or temporary-fixed stations shall be located and no mobile stations shall be operated outside the limits of the respective Zones specified in Tables A, B, and C.

(2) All classes of stations in the Offshore Radio Telecommunications Service shall afford protection to co-channel full service television stations in accordance with the values set out in Table D below.

(3) All classes of stations in the Offshore Radio Telecommunications Service shall afford protection to adjacent channel full service television stations in accordance with the values set out in Table E below.

(4) No airborne subscriber station shall be operated with an effective radiated power in excess of 1 watt or at heights in excess of 1000 feet above mean sea level. Airborne subscriber stations using channel 17 frequencies shall not be operated outside the limits of the Zone specified in Table A. Further, to provide adjacent channel protection to TV Channel 18, these stations shall not operate within a 128.8 km (80 mile) radial distance to Lake Charles, Louisiana. Airborne subscriber stations using Channel 16 frequencies shall not be operated outside the limits of the Zone specified in Table B.

Further, to provide adjacent channel protection to TV Channel 15, these stations shall not operate within an 80 mile radial distance to Lafayette, Louisiana. Airborne subscriber stations using Channel 15 frequencies shall not be operated outside the limits of the Zone specified in Table C. Further, to provide adjacent channel protection to TV Channel 14 and 16, these stations shall not operate within an 80 mile radial distance of either Corpus Christi or Houston, Texas.

(5) Antenna heights in excess of 61 meters (200 feet) above mean sea level will not be authorized, except that, surface mobile stations will be limited to a height of 30 feet above the waterline.

(6) Mobile stations shall not operate with an effective radiated power in excess of 25 watts within 32.2 km (20 miles) of the 3 mile limit. In all other Zones, the effective radiated power shall not exceed 100 watts.

(7) On its regularly assigned frequency, an offshore central station may be used to perform the added functions of a repeater station when means are provided whereby the licensee of the radio system is able to turn the station on and off at will irrespective of the transmissions of subscriber units on the mobile frequency associated therewith.

TABLE D.—PROTECTION OF CO-CHANNEL FULL SERVICE TELEVISION STATIONS BY STATIONS IN THE OFFSHORE RADIO TELECOMMUNICATIONS SERVICE-MAXIMUM EFFECTIVE RADIATED POWER (WATTS)

[65dB protection]

Distance from ORTS transmitter to TV station the same channel (miles)	Antenna height above sea level		
	100 ft (watts)	150ft (watts)	200 ft (watts)
210	1,000	1,000	1,000
205	1,000	900	800
200	800	710	630
195	590	520	450
190	450	400	330
185	320	280	240
180	250	210	175
175	175	150	130
170	180	110	100
165	95	80	70
160	65	55	50
155	50	40	35
150	35	30	25

Note.—To determine the maximum permissible effective radiated power:

(a) Using the method specified in § 73.611, determine the distance between the proposed station and the protected co-channel television station. If the exact mileage does not appear in Table D, the next lower mileage separation figure is to be used.

(b) Enter the table at the mileage figure found in (a) above. Opposite this mileage figure, ERPs' are given that may be used for antenna heights of 100, 150 or 200 feet above sea level. If the exact antenna height is not shown, the ERP allowed will be that shown for the next higher antenna height.

(c) If the power found to be permitted following this procedure is lower than that determined hereafter from Table E, this lower figure is the maximum power that may be employed at the proposed station.

Note.—No ORTS station shall operate less than 241.4 km (150 miles) from any full service co-channel TV station.

TABLE E.—PROTECTION OF ADJACENT FULL SERVICE CHANNEL TELEVISION STATIONS BY STATION IN THE OFFSHORE RADIO TELECOMMUNICATIONS SERVICE

[0 db protection]

Distance beyond the 3-mile (4.8 km) limit (miles)	Antenna height above sea level	
	100 ft (30.5 meters) (watts)	200 ft (61 meters) (watts)
4	25	6
5	40	10
6	65	15
7	100	25
8	150	35
9	215	50
10	295	70
11	400	100
12	530	130
13	685	170
14	870	215
15	1,000	270
16	1,000	415
17	1,000	505
18	1,000	610
19	1,000	730
20	1,000	865
21	1,000	1,000

Note.—Table E applies only within an 128.8 km (80 mile) radial distance of full service adjacent channel TV stations.

(e) A new ORTS station may be permitted upon a showing of compliance with the following provisions:

(1) That the applicant has notified all licensees and permittees of ORTS stations located within 321.8 km (200 miles) of the proposed station of the proposal giving them the following data at least thirty days before filing the application:

(i) The name, businesss address, frequency coordinator, and telephone number of the applicant.

(ii) The location by coordinate of the proposed station.

(iii) The frequency and type of emission proposed.

(iv) The height and type of antenna proposed.

(v) The bearing of the main lobe.

(vi) The effective radiated power proposed.

(2) That the proposed station protects the primary ORTS channels by compliance with the following separations:

(i) Co-channel to a distance of 241.4 km (150 miles).

(ii) When offset (interstitial) channels are used, adjacent channels (±12.5 kHz) to a distance of 80.5 km (50 miles).

(iii) Third order intermodulation channels plus or minus 12.5 kHz to a distance of 32.2 km (20 miles).

(f) Upon a showing of compliance with the following additional limitations an ORTS station may be permitted using interstitial frequencies (12.5 kHz offset) in Zone A (Table A) using TV Channel 17 frequencies (488–490 and 491–493 MHz):

(1) That the station will be located east of 92 degrees West Longitude in the Southern Louisiana ORTS zone (Zone A).

(2) That utilization of this channel is secondary to the utilization of any primary ORTS channel set forth in paragraph (a) of this rule.

(3) That the station be utilized for voice grade general communications or to provide for private line service (see limitations 1 and 2 to the list of frequencies in paragraph (a) of this section).

§ 22.1003 [Amended]

2. Section 22.1003 is amended by removing Table B and the notes that accompany it.

C. PART 74—EXPERIMENTAL, AUXILIARY, AND SPECIAL BROADCAST, AND OTHER PROGRAM DISTRIBUTIONAL SERVICES

1. In § 74.709, paragraph (e) is revised to read as follows:

§ 74.709 Land mobile station protection.

* * * * *

(e) To protect stations in the Offshore Radio Telecommunications Service, a low power TV or TV translator station construction permit application will not be accepted if it specifies operation on channel 15, 16, 17 or 18 in the following areas. West Longitude and North Latitude are abbreviated as W.L. and N.L. respectively.

(1) On Channel 15: west of 92°00′ W.L.; east of 98°30′ W.L. and south of a line extending due west from 30°30′ N.L., 92°00′ W.L. to 30°30′ N.L. 96°00′ W.L. and then due southwest to 28°00′ N.L., 98°30′ W.L.

(2) On Channel 16: west of 86°40′ W.L.; east of 96°30′ W.L. and south of a line extending due west from 31°00′ N.L., 86°40′ W.L. to 31°00′ N.L., 95°00′ W.L. and then due southwest to 29°30′ N.L., 96°30′ W.L.

(3) On Channel 17: west of 86°30′ W.L.; east of 96°00′ W.L.; and south of a line extending due west from 31°30′ N.L., 86°30′ W.L. to 31°30′ N.L. 94°00′ W.L. and then due southwest to 29°30′ N.L., 96°00′ W.L.

(4) On Channel 18: west of 87°00' W.L.; east of 95°00' W.L.; and south of 31°00' N.L.

In re: Proposed Amendment of Parts 2, 22 and 74 of the Commission's Rules to Reallocate UHF-TV Channels 15 and 16 to Provide Additional Channels to the Offshore Radio Telecommunications Service (ORTS) in the Gulf of Mexico

I am willing to concede that there appears to be a developing need for more spectrum to permit communications with a growing number of offshore oil platforms in the Gulf of Mexico. I am not yet willing to concede that this spectrum should come from the UHF television spectrum.

First, I believe that the nature of the Offshore Radio Telecommunications Service, should be more carefully defined. If, as it appears and the Association of Maximum Service Telecasters (AMST) suggests, ORTS is really a fixed service then perhaps its requirements could best be met through fixed service technology including satellite communications. If, on the other hand, ORTS is a mobile service, as it has contended, then the use of 900 MHz spectrum would seem to be appropriate. In any event, the use of these alternatives should be seriously considered and not summarily dismissed as this Notice of Proposed Rulemaking attempts to do.

While the argument is made that satellite communications to oil drilling platforms just to provide telephone service is inefficient, it's not clear to me that the communications needs of the offshore platforms is limited to voice service. I seem to recall representations to the Commission in the past that broadband data services were needed.

I would welcome comments on all of these issues to clarify both the needs and the alternatives. I believe the Commission needs a substantial record before it makes further incursions into the UHF television spectrum. I expect this Notice to provide much information that is clearly lacking at this time.

Therefore, I concur.

[FR Doc. 83-7129 Filed 3-21-83; 8:45 am]
BILLING CODE 6712-01-M

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

49 CFR Part 23

[OST Docket 64c; Notice No. 83-8]

Participation By Minority Business Enterprises in Department of Transportation Programs

AGENCY: Office of the Secretary, DOT.

ACTION: Notice of extension of comment period.

SUMMARY: On February 28, 1983, (48 FR 8416) the Department published a notice of proposed rulemaking (NPRM) to implement section 105(f) of the Surface Transportation Assistance Act of 1982, which requires that ten percent of the funds authorized to be appropriated by that Act be expended with small business concerns owned and controlled by socially and economically disadvantaged individuals. The comment period for the NPRM was scheduled to expire on March 21, 1983. This notice extends the comment period by 15 days. With this extension, comments on the NPRM should be received by April 5, 1983.

DATE: Comments on the referenced notice of proposed rulemaking should be received in the Department by April 5, 1983.

ADDRESS: Interested persons should submit comments to the Docket Clerk, OST Docket No. 64c, Department of Transportation, 400 7th Street, SW., Room 10421, Washington, D.C. 20590. Commenters wishing to have their submissions acknowledged should include a stamped, self-addressed postcard with their comments. The Docket Clerk will time and date stamp the postcard and return it to the commenter. Comments will be available for inspection at the above address from 9:00 a.m. through 5:30 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Robert C. Ashby, Office of the Assistant General Counsel for Regulation and Enforcement, Department of Transportation, 400 7th Street SW., Room 10421, Washington, D.C., 20590; (202) 426-4723.

SUPPLEMENTARY INFORMATION: The Department of Transportation published a notice of proposed rulemaking on February 28, 1983, to implement section 105(f) of the Surface Transportation Assistance Act of 1982 (48 FR 8416). Section 105(f) requires ten percent of the funds authorized to be appropriated under the Act to be expended with small business concerns owned and controlled by socially and economically disadvantaged individuals. The Department established a shorter-than-usual 21-day comment period for this NPRM. The reason for this decision was that fiscal year 1983 funds to which section 105(f) applies had already been apportioned or allocated to states and transit authorities, and these recipients needed to have final rules in place as soon as possible in order to comply with the statutory requirement.

However, a number of parties, including the National Association of Minority Contractors and the leadership of the House Committee on Public Works and Transportation, have requested that the comment period be extended. The reason for these requests is to give interested parties additional time to comment on a proposal that has important effects on them. In response to these requests, the Department has decided to extend the comment period for the NPRM for another 15 days. The new closing date for comments on the rulemaking is Tuesday, April 5, 1983.

Issued in Washington, D.C., this 18th day of March 1983.

Rosalind A. Knapp,

Acting General Counsel, Department of Transportation.

[FR Doc. 83-7521 Filed 3-18-83; 4:28 pm]
BILLING CODE 4910-62-M

Notices

Federal Register
Vol. 48, No. 56
Tuesday, March 22, 1983

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

DEPARTMENT OF AGRICULTURE

Forest Service

Toiyabe National Forest Grazing Advisory Board; Meeting

The Toiyabe National Forest Grazing Advisory Board will meet on April 12, 1983 at 10:00 a.m. in the Lander County Courthouse, Austin, Nevada. The meeting will be open to the public.

The purpose of the meeting is to discuss: 1. Allotment Management Planning 2. Utilization of Range Betterment Fund.

Dated: March 14, 1983.

R. M. "Jim" Nelson,

Forest Supervisor.

[FR Doc. 83-7315 Filed 3-21-83; 8:45 am]

BILLING CODE 3410-11-11

Soil Conservation Service

Helen Morgan School RC&D Measure, New Jersey

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of a finding of no significant impact.

SUMMARY: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 6650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Helen Morgan School RC&D Measure, Sussex County, New Jersey.

FOR FURTHER INFORMATION CONTACT: Joseph C. Branco, State Conservationist, Soil Conservation Service, 1370 Hamilton Street, Somerset, New Jersey 08873, telephone (201) 246-1205.

SUPPLEMENTARY INFORMATION: The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Joseph C. Branco, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for stabilizing critically eroding areas at the Helen Morgan School. The planned works of improvement include the installation of two drop inlets with an underground pipe outlet and the reshaping of adjacent areas to effectively control surface runoff.

The Notice of a Finding of No Significant Impact (FONSI) has been forwarded to the Environmental Protection Agency and to various Federal, State, and local agencies and interested parties. A limited number of copies of the FONSI are available to fill single copy requests at the above address. Basic data developed during the environmental assessment are on file and may be reviewed by contacting Joseph C. Branco.

No administrative action on implementation of the proposal will be taken until 30 days after the date of this publication in the **Federal Register.**

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Joseph C. Branco,

State Conservationist.

[FR Doc. 83-7288 Filed 3-21-83; 8:45 am]

BILLING CODE 3410-16-M

Romancoke Park; Critical Area Treatment RC&D Measure, Maryland; Finding of No Significant Impact

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of a finding of no significant impact.

SUMMARY: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Romancoke Park Critical Area Treatment RC&D Measure, Queen Anne's County, Maryland.

FOR FURTHER INFORMATION CONTACT: Mr. Gerald R. Calhoun, State Conservationist, Soil Conservation Service, 4321 Hartwick Road, College Park, Maryland 20740, telephone 301-344-4180.

SUPPLEMENTARY INFORMATION: The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Gerald R. Calhoun, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan to control erosion along 115 feet of shoreline on southern Kent Island. The planned works of improvement include installation of stone riprap on the shoreline, placement of fill behind the structure, and grading and seeding of the disturbed area.

The Notice of a Finding of No Significant Impact (FONSI) has been forwarded to the Environmental Protection Agency and various Federal, State, and local agencies and interested parties. Basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Gerald R. Calhoun. A limited number of copies of the FONSI are available to fill single copy requests at the above address.

No administrative action on implementation of the proposal will be taken until 30 days after the date of this publication in the **Federal Register.**

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular No. A-95 regarding State and local Clearinghouse review of Federal and federally assisted programs and projects is applicable)

March 7, 1983.

Gerald R. Calhoun,

State Conservationist.

[FR Doc. 83-7039 Filed 3-21-83; 8:45 am]

BILLING CODE 3410-16-M

ARMS CONTROL AND DISARMAMENT AGENCY

General Advisory Committee; Closed Meeting

In accordance with the Federal Advisory Committee, Act, as amended, the U.S. Arms Control and Disarmament Agency announces the following meeting:

Name: General Advisory Committee on Arms Control and Disarmament.

Date: April 7 and 8, 1983.

Time: 9:00 a.m. each day.

Place: State Department Building, Washington, D.C.

Type of meeting: Closed.

Contact Person: Dr. Charles M. Kupperman, Executive Director of the General Advisory Committee, Room 5927, U.S. Arms Control and Disarmament Agency, Washington, D.C. 20451, telephone (202) 632-5176.

Purpose of Advisory Committee: To advise the Director of U.S. Arms Control and Disarmament Agency on arms control and disarmament policy and activities, and from time to time to advise the President and the Secretary of State respecting matters affecting arms control, disarmament, and world peace.

Agenda: Will include the following discussions and presentations:

April 7

A.M. Status of the INF and START Negotiations.

P.M. Developments of the Committee on Disarmament Status of U.S. Strategic Modernization Programs.

April 8

A.M. Discussions of the foregoing and possibly other similar matters.

Reason for closing: The GAC members will be reviewing and discussing matters specifically required by Executive Order to be kept secret in the interest of national defense and foreign policy.

Authority to close meeting: The closing of this meeting is in accordance with a determination by the Acting Director of the U.S. Arms Control and Disarmament Agency dated March 8, 1983, made pursuant to the provisions of Section 10(d) of the Federal Advisory Committee Act as amended.

John E. Grassle,

Committee Management Officer.

[FR Doc. 83-7345 Filed 3-21-83; 8:45 am]

BILLING CODE 6820-32-M

CIVIL AERONAUTICS BOARD

[Docket No. 41071]

Akron/Canton Airlines Fitness Investigation; Hearing

Notice is hereby given pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-titled matter will be held on March 31, 1983, at 10:00 a.m. (local time), in Room 1027, Universal Building, 1825 Connecticut Avenue, NW., Washington, D.C., before the undersigned.

Dated at Washington, D.C., March 17, 1983.

William A. Kane, Jr.,

Administrative Law Judge.

[FR Doc. 83-7396 Filed 3-21-83; 8:45 am]

BILLING CODE 6320-01-M

[Docket No. 41127]

Sea and Sun Airlines, Inc. Enforcement Proceeding; Hearing

Notice is hereby given pursuant to the Federal Aviation Act, as amended, that a hearing in the above-titled matter will be held on April 26, 1983, at 10:00 a.m. (local time), in Room 1027, Universal Building, 1825 Connecticut Avenue, NW., Washington, D.C., before the undersigned administrative law judge.

Dated at Washington, D.C., March 17, 1983.

John M. Vittone,

Administrative Law Judge.

[FR Doc. 83-7397 Filed 3-21-83; 8:45 am]

BILLING CODE 6320-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

Final Affirmative Countervailing Duty Determination; Industrial Nitrocellulose From France

AGENCY: International Trade Administration, Commerce.

ACTION: Final affirmative countervailing duty determination.

SUMMARY: We have determined that certain benefits which constitute subsidies within the meaning of the countervailing duty law are being provided to Societe Nationale des Poudres et Explosifs, a producer and exporter in France of industrial nitrocellulose described in the "Scope of Investigation" section of this notice. The estimated net subsidy is 3.248 percent *ad valorem*. The U.S. International Trade Commission will determine whether imports are materially injuring or threatening to materially injure a U.S. industry, within 75 days after publication of this notice.

EFFECTIVE DATE: March 22, 1983.

FOR FURTHER INFORMATION CONTACT: Gary Taverman, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230, telephone: (202) 377-0161.

SUPPLEMENTARY INFORMATION: Based upon our investigation, we have determined certain benefits which constitute subsidies within the meaning of section 701 of the Tariff Act of 1930, as amended (the Act), are being provided to Societe nationale des Poudres et Explosifs (SNPE), a manufacturer and exporter in France of industrial nitrocellulose as described in the "Scope of Investigation" section of this notice.

The following programs are found to confer subsidies:

- Grant from the Ministry of Defense;
- Cross-subsidization through military sales;
- Assumption of labor costs;
- Regional development incentives.

We determine the net subsidy to be 3.248 percent *ad valorem*.

Case History

On September 14, 1982, we received a petition from counsel for Hercules Incorporated (Hercules), a U.S. producer of industrial nitrocellulose. The petition alleged certain benefits constituting subsides within the meaning of section 701 of the Act are being provided, directly or indirectly, to the manufacturers, producers, or exporters in France of industrial nitrocellulose.

We found the petition sufficient and initiated a countervailing duty investigation on October 4, 1982 (47 FR 44807). We stated we expected to issue a preliminary determination by December 8, 1982. We subsequently determined the investigation is "extraordinarily complicated," as defined in section 703(c) of the Act, and postponed our preliminary determination 14 days until December 22, 1982 (47 FR 53441). At that time we stated we expected to issue a final determination by February 21, 1983. However, due to the complex nature of the investigation, and in accordance with section 705(a) of the Act, we subsequently determined we would issue our final determination by March 15, 1983.

Since France is a "country under the Agreement" within the meaning of section 701(b) of the Act, an injury determination is required for this investigation. Therefore, we notified the International Trade Commission (ITC) of our initiation. On October 29, 1982, the ITC determined there is a reasonable indication these imports are materially injuring, or threatening to materially injure, a U.S. industry (47 FR 51024). We presented questionnaires concerning the allegations to the government of France, and to counsel for SNPE, in Washington, D.C. We received the response to the

questionnaire on November 17, 1982. A supplemental response was received from SNPE on December 15, 1982.

On December 22, 1982, we preliminarily determined that the government of France was providing SNPE with certain benefits constituting subsidies within the meaning of the countervailing duty law. However, the estimated net subsidy was *de minimis*, and, therefore, our preliminary determination was negative (47 FR 58330).

On January 17–21, 1983, we verified in France the questionnaire response submitted by the government of France and SNPE.

We held a public hearing on January 28, 1983. Both Hercules and SNPE participated.

Scope of investigation

The merchandise covered by this investigation consist of industrial nitrocellulose containing between 10.8 percent 12.2 percent nitrogen, not to be confused with explosive grade nitrocellulose which contains over 12.2 percnt nitrogen. Industrial nitrocellulose is a dry, white, amorphous synthetic chemical produced by the action of nitric acid on cellulose. It is extremely falmmable, so it is stored and shipped wet with alcohol. Industrial nitrocellulose comes in several viscosities and is used to form films and lacquers, coatings, furniture finishes and printing ink. This product is currently classified as cellulosic plactic materials, other than cellulose acetate, under item number 445.2500 of the *Tariff Schedules of the United States Annotated.* Explosive grade nitrocellulose is classified differently.

SNPE is the only known producer and exporter in France of the subject merchandise exported to the United States. The period for which we are measuring subsidization is the calendar year 1981.

Analysis of Programs

Based upon our analysis of the petition, responses to our questionnaires, verification, and comments received before, during, and after the public hearing held on January 28, 1983, we determine the following:

I. Programs Determined To Confer Subsidies

We have determined subsidies are being provided under the programs listed below to SNPE, a manufacturer, producer, and exporter in France of industrial nitrocellulose included in this investigation.

A. *Grant from the Ministry of Defense.* SNPE reported receipt of a grant from the Ministry of Defense (MOD). The purpose was to aid modernization of the company's plant facilities at Bergerac, the site at which industrial nitrocellulose is produced. Since this grant was limited to a specific enterprise (and specifically benefited production of industrial nitrocellulose), we determine it constitutes a subsidy within the meaning of the countervailing duty law.

The subsidy rate for this grant is calculated according to the Department's usual methodology. As indicated in several recent determinations, our allocation technique is a present value analysis based on the concept that a sum of money to be received in the future does not have the same value as that sum received today. The present value of any series of payments under this program is calculated using a risk-free discount rate. For this rate, we used the average annual yield of public and semi-public sector bonds on the secondary market in France published by the Organization for Economic Cooperation and Development (OECD) because it represents the best estimate of the risk-free rate in France. Dividing the present value of the 1981 benefit by SNPE's 1981 industrial nitrocellulose sales, we calculated an *ad valorem* benefit of 0.345 percent.

B. *Cross-Subsidization Through Military Sales.* Petitioner alleges SNPE's close ties to the French military establishment provide a framework for indirect subsidization of industrial nitrocellulose production. In effect, earnings from a guaranteed, profitable market for military sales establish a pool of cash from the government which can be drawn upon to purchase assets for use in the production of industrial nitrocellulose.

To test the allegation, we requested that we be provided with specific data to be used in constructing a profit and loss provide for industrial nitrocellulose. Our rationale was that if we could verify the independent profitablility of SNPE's industrial nitrocellulose operations, there would be no economic or business reason for supporting industrial production from earnings on military sales.

After repeated requests for this data, we were informed by the government of France that it would not approve release of the requested information because it was "not necessary" for our investigation (letter of February 25, 1983, from M. Francois David, Sous-Directeur—Ministry of Economics and Finance). In addition, SNPE was unable to provide us with the value of purchases of fixed assets used in the production of industrial nitrocellulose from 1972 through 1981, but did provide the total purchases of fixed assets by year for the same period. (We note that this incomplete response is in contrast to the cooperation otherwise given in this case by both SNPE and the government of France.)

In view of respondent's refusal to furnish the information required to prove or disprove the petitioner's allegation that military sales are used to provide a subsidized basis for industrial nitrocellulose, we must assume its validity.

Under section 776(b) of the Act, in the event of refusal of requested information, we are required to use the best information otherwise available.[1] In our view, such information is the respondent's to the extent we have been able to verify it, and supplemented where necessary by other information. We note that in this case, petitioner's submissions regarding this issue do not contain the type of information readily applicable to our methodology for calculating the potential subsidy. Finally, there is precedent in Departmental practice for using information derived from respondent's submissions as the best information available. (*See, e.g., Michelin X-Radial Steel Belted Tires from Canada: Final Results of Administrative Review of Countervailing Duty Order* (46 FR 48739) (1981)).

To calculate the potential subsidy on industrial nitrocellulose production from sales of the military product ot the government of France, we applied a methodology which measures subsidies arising from government purchases as a

[1] In this respect, it is important to point out what we perceive as a valid distinction between a refusal of information based on the assertion of national security considerations and an outright denial of requested information. Under Article XXI of the GATT, any contracting party has the right to refuse disclosure of information where it considers such disclosure contrary to its security interests. In our view, while national security considerations cannot serve as a blanket excuse for non-cooperation, nor for non-compliance with our countervailing duty and antidumping laws, the legitimate national security interests of a respondent government must be taken into account in any decision regarding what constitutes best information available. Where access to information deemed relevant to an investigation is barred by legitimate claims of national security, resort to "best information available" supporting the most adverse assumptions or results would give every appearance of punishing the respondent for its invocation of a right recognized by the GATT and by general principles of international law and sovereignty.

In this specific aspect of this investigation, the denial of information requested has not been based on any claim of national security. Consequently, there are none of the constraints discussed above on our determination regarding best information available.

form of equity. An equity based methodology was used because cash infusions by means of government purchases of military products at premium or "excess" prices may, when such prices are paid to a wholly government-owned company, properly be viewed as infusions of equity. The use of this methodology was required by the novel situation presented and the need to work within the limits imposed by the verified information available to us. The formula used to calculate the potential subsidy has three basic elements: (1) The respondent's company-wide rate of return on equity, (2) the rate of return achieved on industrial nitrocellulose, which was compared against the respondent's company-wide rate of return on equity, and (3) the results of these comparisons applied against purchases of fixed assets associated with industrial nitrocellulose production.

The return on equity through income earned on opeartions is considered the appropriate benchmark because it would reflect the effect of subsidies through military purchases. Earnings from military sales at advantageous prices would augment income, and this would be reflected in a higher rate of return. The return on equity through income earned on operations is also useful because we believe it provides an accurate measure of company performance free of distortions resulting from extraordinary events.

As for the second element, the rate of return achieved on industrial nitrocellulose is relevant because the product under investigation represents only a small portion of SNPE's total operations. In effect, by comparing the return on industrial nitrocellulose with the company-wide return, we have a measure of whether industrial operations perform at a level which would justify support from other operations. In this case, since SNPE was unable to provide us with the financial data needed to evaluate the performance of its industrial nitrocellulose operations during the relevant period, we have assumed a return of zero.

Fixed asset purchases are used because we have no accurate measure of the possible premiums or excess paid on purchases of military products. Our assumption is that the benefit to the company from premiums on military sales would be the availability of additional cash which could be used to purchase assets required for the production of industrial nitrocellulose. In addition, since SNPE was unable to provide figures reflecting the purchase of assets devoted solely to industrial nitrocellulose production, we have arrived at a figure by allocating a proportional share of total asset purchases to industrial nitrocellulose. The allocation is based upon the ratio of industrial nitrocellulose sales to total sales on all products for the calendar year 1981.

We applied the methodology described above to asset purchases in each of the 10 years prior to and including 1981. The 10-year period represents the average useful life of assets employed in the manufacture of industrial nitrocellulose. Our selection of this useful life is based upon information gathered from both petitioner and respondent. We then allocated the 1981 subsidy figure arrived at under this methodology over total industrial nitrocellulose sales in 1981 and calculated an *ad valorem* benefit of 2.710 percent.

C. *Assumption of Labor Costs.* When SNPE was incorporated, all military and civilian personnel of its predecessor, Service des Poudres (SP), were placed at the disposal of the president of SNPE, as authorized by Article 5 of Law No. 575 dated July 5, 1970. After a period of one year, those employees had the option of either: (a) Being placed again at the disposal of the Minister of National Defense; or (b) being recruited by SNPE in accordance with the provisions of the labor laws. Employees with government civil service status who remained with SNPE had the option of retaining this status. Original employees of SNPE who elected to retain civil service status would continue to be subject to the terms and conditions applicable to government employees in any facility which fell under the jurisdiction of the Minister of National Defense. According to the 1982 Report of the Government of France's Auditor General's Office, there are still a number of workers with government status employed at SNPE. All new employees hired since the establishment of SNPE have no option to choose civil service status.

Petitioner alleges SNPE is relieved of the payment of certain wage costs because a portion of its workforce retains government status. We have verified that, while SNPE is responsible for the payment of the wages for all its employees (status and non-status), it is relieved of the payment of certain benefit costs (unemployment, pension, and health insurance premiums) for those workers retaining government status.

According to section 771(5)(B) of the Act, "the assumption of any costs or expenses of manufacture, production, or distribution" by government action will be treated as a domestic subsidy if provided to a specific enterprise. SNPE's non-payment of certain benefit obligations for status workers is an assumption by the government of France to those costs and is, therefore, a counteravailable benefit within the meaning of the Act. For purposes of our subsidy calculaton, the Department generally treats labor-related subsidies as untied grants. Since these are relatively small grants applied to costs normally expensed in the year they are received, we allocated them only to the year of receipt. Following this methodology, we calculated an *ad valorem* benefit for 1981 of 0.141 percent.

D. *Regional Development Incentives.* The government of France provides a series of tax and non-tax regional incentives to French and foreign businesses to establish new, or to expand existing businesses in certain French regions selected as those in which to promote additional development. The Delegation a l'Amenagement du Territoire et l'Action Regionale (DATAR) coordinates the programs of various government agencies and ministries. The Department has verified that, for incentive purposes, France is divided into several zones. Each zone, or part of a zone, is eligible for different types and levels of assitance. The assistance includes development grants, non-industrial grants, research and development grants, decentralization indemnities, and job training subsidies. Since the availability, kind and extent of benefits received under these programs are based upon regional preferences, we determine assistance provided through DATAR constitutes subsidies within the meaning of the Act.

SNPE reported the receipt of a grant in 1979, designated for the Bergerac plant, for the purpose of improving production facilities and general infrastructure. Using the Department's usual methodology for grants, we calculated an *ad valorem* benefit of 0.052 percent.

II. Programs Determined Not To Confer Subsidies

We have determined that subsidies are not being provided under the following programs to manufacturers, producers, or exporters in France of industrial nitrocellulose.

A. *Reorganization of the Explosive Powders and Substances Industry.* Prior to the creation of SNPE, the French state historically maintained a monoploy over the manufacture of and trade in powders and explosives. The monoploy

extended to industrial nitrocellulose, a co-product of explosive grade nitrocellulose. The monopoly was operated by the Service des Poudres (SP), a division of the Ministry of Defense.

Article 37 of the Treaty of Rome establishing the European Economic Community (EEC) requires Member states to:

> Adjust any State monopoly of a commercial character so as to ensure that * * * no discrimination regarding the conditions under which goods are procured and marketed exists between nationals of Member States. The provisions of this Article shall apply to any body through which a Member State, in law or in fact, either directly or indirectly supervises, determines or appreciably influences imports or exports between Member States. These provisions shall likewise apply to monopolies delegated by the State to others.

In response to its obligations under Article 37, the French government, as authorized by Law No. 575 of July 3, 1970, established guidelines and regulations for reorganizing the explosive powders and substances industry. In exchange for stock, the government transferred the commercial and industrial assets and operations of SP to SNPE, a newly formed public corporation. The government, through the Ministry of Finance, remains the majority shareholder with over 99 percent of the outstanding stock.

Petitioner alleges the transfer of assets of SNPE constitutes "the provision of capital * * * on terms inconsistent with commerical considerations," as set out in section 771(5)(B)(i) of the Act, because the company acquired land, equipment, and other assets, including industrial nitrocellulose production facilities at Bergerac, from the government of France in return for equity. Petitioner contends these asset transfers should be treated as countervailable grants.

The record in this case shows that SNPE was organized in response to binding directive that certain state monopolies be adjusted to operate on a competitive, commercial basis. Indeed we have discovered no evidence that the purpose or intent of the French government was anything other than the commercialization of SP. Given that government ownership of a business is not a subsidy *per se*, the French government's decision to fulfill its treaty obligations by "spinning off" its industrial nitrocellulose operations does not, on its face, constitute subsidization of those operations.

Our conclusion that the creation of SNPE was not inconsistent with commercial considerations is supported by several factors. First, we have verified that a proper valuation was made, in accordance with French commercial law and practice, of assets transferred to the company. The methods of valuation employed were proper under generally accepted accounting procedures in France, and met or exceeded U.S. accounting practice standards for comparable exercises. The operation of SNPE since 1972, supported by other evidence on the record, indicated that the government of France expected SNPE would function as a commercial enterprise. Insofar as we are able to determine, SNPE has been operated in a commercial fashion.[3] With certain exceptions discussed elsewhere in this notice, industrial nitrocellulose operations and improvements have been financed from operating revenues. Except for a small loss in 1975 stemming from the accidental destruction of one of its plants, SNPE has achieved a company-wide profit in every year since its inception. Third, since industrial nitrocellulose continues to represent a relatively small share (*e.g.*, 9.6 percent of 1981 total sales value) of SNPE's overall activity, it does not follow that, whatever the reasons for the company's creation, they were predicated on an intent to establish an operation dedicated solely, or even primarily, to the subsidized production of industrial nitrocellulose.

In sum, viewing SNPE's industrial nitrocellulose operations within the context of the whole company, and in the larger context of the special circumstances of the company's creation, there is no evidence to suggest an intent to subsidize industrial production. To the contrary, the evidence we have gathered and verified supports the conclusion the French government has no purpose other than the fulfillment of its treaty obligation to commercialize SP. Consequently, we conclude the creation of SNPE and the transfer of assets by which it was carried out did not take place on terms inconsistent with commercial consideration and, therefore did not give rise to countervailable benefits.

[3] The fact SNPE, by virtue of its status as the sole supplier of certain military products, retains close business ties with the government does not necessarily lead to the conclusion that it cannot operate as a truly commercial entity. In the United States, there are a number of companies which function as independent, commercial entities even though they serve primarily or exclusively as defense contractors. Petitioner Hercules also performs defense work for the U.S. government. For example, it manages and operates the U.S. government-owned military nitrocellulose plant at Radford, Virginia.

B. *Equity Infusions Not Used.* Prior to the reorganization of SP, the government of France had begun a program to modernize SP facilities to comply with regulations governing pyrotechnical safety, security and environmental protection. The program was continued after reorganization, with the government covering the cost of completion in return for additional stock in SNPE. Petitioner argues these equity infusions constitute countervailable benefits to SNPE.

We have verified that these post-reorganization payments to SNPE represented later stages of the original reorganization plan and were accounted for properly as additional equity invested in SNPE. In addition, we have verified that all such post-reorganization payments were tied directly and solely to products other than industrial nitrocellulose. Therefore, we determine these payments or equity infusions do not confer countervailable benefits on the production of industrial nitrocellulose.

C. *Financing from Credit National.* Credit National (CN) is a major financial institution which plays an important role in the French financial banking system and has a special legal status. Though not nationalized, 36.85 percent of CN's stock is owned by nationalized institutions. The General Manager of CN is nominated by the President of France, and the government is at least indirectly represented by a majority of its board of directors. CN undertakes special operations for the government. These include extending "special procedure loans" on behalf of the government and performing certain advisory and management functions on projects designated for the government, its agencies and authorities. A substantial portion of CN's economic and financial activity is directed to sectors of French national interest. Thus, while CN is not a governmental institution, it does maintain a variety of official, semi-official and indirect ties with the government of France.

We were able to verify, however, that, while some of the loans made by CN are of a "special " nature (i.e. at interest rates set by the government and made in conjunction with medium-term credits which may be rediscounted), the majority of its loans are of the "ordinary" type. Such loans are extended on commercial terms, with interest rates similar to those of commercial banks in France.

On the basis of our analysis and verfication of the terms and conditions—including interest rate, repayment obligations and security

requirements—of SNPE's loan agreement with CN, we conclude this loan was of the "'ordinary" type and made on commercial terms. Therefore, in this specific instance we determine there has been no subsidy to SNPE.

D. *Research and Development (R&D) Assistance.* SNPE reported receiving funding for R&D projects from the French government through the Direction Generale a la Recherche et a la Technologie (DGRT), formerly the Delegation General a la Recherche scientifique et Technique, a subdivision of the Ministry of Research and Technology.

We verified that R&D funding was not targeted to a specific industry, group of industries, or to industries in specified regions, and research results are made publicly available. Therefore, we have determined the small amounts SNPE received through this program did not confer a subsidy within the meaning of the countervailing duty law.

E. *Energy Assistance.* SNPE received a few small grants from the Agence Pour les Economics d'Energie (AEE), referred to in our preliminary determination as the National Agency for Energy Conservation. The AEE is a government agency, created in 1974, that provides grants to foster energy conservation and energy research. Early in 1982, the AEE was merged with several other agencies to form the Agence Francaise Pour la Maitrise de l'Energie. We verified that these grants were not provided on a regional or industry-specific basis. Therefore, we have determined that the amounts received by SNPE from AEE do not constitute subsidies within the meaning of the Act.

F. *Regional Anti-Pollution Agencies.* Created by Law No. 64–1245 of 1964, these regional agencies known generically as "Agences Financieres de Bassin," and referred to in our preliminary determination as River Dock Agencies, provide incentives for the installation of anti-pollution devices. These incentives are generally available and do not benefit a specific industry, group of industries, or industries in specified regions. We have also verified that the agencies' operations are funded solely by dues from industrial users and that expenditures do not exceed collections.

SNPE has received funds from the Adour-Garonne Agency for its Bergerac and Toulouse plants, and from the Rhone-Mediterranee Corse Agency for its Sorgues plant. Since the funds disbursed by these agencies cannot exceed the amount of dues collected from industrial users, we find the funds received by SNPE do not confer subsidies on users, such as SNPE, who provide the funds.

G. *Labor Programs.* SNPE has participated in the following labor programs:

- *Contract Emploi-Formation*—Under this program, the government provides funds for the training of young people first entering the job market.
- *Reduction of Benefit Costs*—Under this program, firms may reduce by 50 percent for up to one year the amount of payments to the government for health insurance, pensions, and family allowances on behalf of those young people who are given new jobs.

Since we have verified that assistance under these programs is not limited to a specific industry, group of industries or to industries in specified regions in France, we determine no subsidy exists.

H. *Local Business Tax Reductions.* Under the direction of the French Tax Authority ("Direction Generale des Impots"), all French industries are eligible for reductions in local business taxes ("taxe professionelle") for the purpose of expansion of business activities. SNPE received local business tax reductions in 1980. Since we have verified that tax reductions under this program are not limited to a specific industry, group of industries or to industries in specified regions, we determine no subsidy exists.

I. *Subvention d'Equipment.* In our preliminary determination, we stated we would seek additional information on the line item in SNPE's balance sheet entitled "Subvention d'equiment," or equipment subsidies. We have since verified that the amount indicated in this line item represents the cumulative value of all government grants received by SNPE since 1975, including those grants from the Ministry of Defense and DATAR which were found to be countervailable, as well as other grants received by SNPE which were found not to be countervailable.

J. *Inputs.* SNPE purchases oleum, nitric acid, natural gas and electricity from companies owned by the government of France. Petitioner alleges these government-owned suppliers of energy and raw materials act as conduits for passing on subsidies in the form of lower, preferential prices to SNPE. Petitioner also alleges that SNPE, as a result of high volume discount purchaes of materials used primarily to produce military products is receiving subsidies for its production of industrial nitrocellulose.

In the case of SNPE's purchases of electricity and natural gas, we have verified that the utility rates charged to SNPE are based on a standard pricing formula which is applicable to all industrial users in the region of SNPE's Bergerac plant. We have found no evidence indicating preferential pricing practices with respect to SNPE's purchases of energy from these government-owned utility companies.

With respect to SNPE's purchases of oleum and nitric acid, we have verified that while the suppliers of these inputs are now owned by the government of France, during the period of investigation these companies were privately owned and controlled. Any countervailable benefits flowing to the company which occur outside the period for which we are measuring subsidization would be included in an annual review following any issuance of a countervailing duty order in this investigation.

Finally, a company's mere purchasing power as a function of its size is not a subsidy *per se*, even where such size or purchasing power results from a high volume of business with the government. There is no evidence SNPE obtains volume discounts because of government pressure on its suppliers. Nor is there evidence to support a finding that the terms upon which the company is able to secure volume discounts are unduly favorable to SNPE, as opposed to other large volume buyers of these inputs. In sum, we have no basis to conclude SNPE does not negotiate volume discounts at arm's length or that its agreements to purchase inputs are not arrived at on purely commercial terms. Consequently, we determine there is no basis to support the allegation that SNPE's industrial nitrocellulose production indirectly receives countervailable benefits as a result of government influence or pressure on the transactions through which SNPE is able to secure volume discounts on the purchase of inputs used primarily in the production of military products.

III. Programs Determined Not To Be Used

We determine the following programs are not used by the manufacturers, producers, or exporters in France of industrial nitrocellulose.

A. *Fonds de Development Economique et Social (FDES).* Created by the French Parliament in 1955, FDES is a fund which provides loans to businesses and corporations in order to further the French government's economic, social, industrial, and regional development objectives.

We have no evidence SNPE received benefits from FDES.

B. *Caisse des Depots et Consignations (CDC).* CDC is a government institution that invests funds deposited in the Caisses d'Espargne (the French savings banks), pension funds, and insurance companies' deposits. CDC makes both short- and long-term loans to various industries.

We have no evidence SNPE received benefits from CDC.

C. *Fonds Special d'Adaptation Industrielle (FASAI).* FSAI was established in 1978 to promote job creation and industrial diversification in various industries in France.

We have no evidence SNPE received benefits from FSAI.

D. *Loan Guarantees.* We have determined SNPE has not received loan guarantees directly from the government of France, or indirectly from any financial institution acting on the direction of the government of France.

E. *Fonds National de l'Emploi (FNE).* FNE was established in 1963 to provide vocational training programs, and relocation and early retirement allowances to workers confronted with industrial changes brought about by economic development.

We have no evicence SNPE received benefits from the FNE.

F. *Early Retirement and Layoff Benefits.* French corporations have certain statutory and contractual obligations to pay severance to their employees in case of interruption or cessation of employment. There are several French government early retirement plans designated to compensate for the effects of mass layoffs.

We have no evidence SNPE has received benefits under any of these early retirement plans.

Petitioner's Comments: 1. Petitioner argues the Department has not given adequate consideration to its allegation that SNPE's military nitrocellulose operations serve as a means for subsidizing industrial production. Petitioner argues further that, where access to relevant information is barred on grounds of military secrecy, the Department is required to rely on petitioner's submissions as the best information available.

DOC Position: See the section of this notice titled "Cross-subsidization Through Military Sales," particularly footnote 1.

2. Petitioner argues NSPE is in effect an arm of the government of France and the Department should presume, therefore, that all asset transfers to SNPE constitute countervailable grants.

DOC Position: On the basis of our verification and all other information available from the record, insofar as we are able to determine, SNPE is an independent company which operates in a commercial fashion.

3. Petitioner argues that even if SNPE is an independent company and not an arm of the government, the Department must determine whether it has received transferred assets and funds on a commercial basis.

DOC Position: See the section of this notice titled "Reorganization of the Explosive Powders and Substances Industry."

4. Petitioner argues SNPE receives indirect subsidies through volume discounts on inputs sold to it by government-owned suppliers.

DOC Position: During the period of investigation, certain suppliers of inputs were not government-owned. In addition, we find no evidence to support this allegation. See the section of this notice titled "Inputs."

5. Petitioner contends the Department has failed to verify whether government-owned suppliers of inputs charge SNPE the same rates as those charged other purchasers.

DOC Position: On the basis of standard verification procedures and the information available to it, the Department is satified SNPE does not receive special benefits or discounts on its purchases of inputs. For further detail, see the section of this notice titled "Inputs."

Respondent's Comments: 1. Respondent argues the scope of the investigation should be limited solely to industrial nitrocellulose. Issues relating to military nitrocellulose are not germane to the investigation. In any case, there is no substance to the allegation that industrial production receives indirect subsidies through military operations. Moreover, information relating to military nitrocellulose production cannot be provided in violation of respondent's security commitments to the government of France.

DOC Position: The Department recognizes the legitimate national security claims of the gdovernment of France and has acted accordingly (*see* footnote 1 to this notice). The Department does not, however, pursue its investigations in a vacuum. In this case, military and industrial products are produced at the same facility and are closely related in nature and composition. In the face of the allegation that industrial production receives indirect subsidies through military sales, and in view of the fact that industrial nitrocellulose is a co-product of military grade nitrocellulose, the Department must carry out its charge to investigate petitioner's claim. Finally, our determination regarding this allegation has been based on the respondent's refusal to provide information, a refusal which involved no claim of national security. For additional detail regarding our treatment of this issue, *see* the section of the notice titled "Cross-subsidization Through Military Sales."

2. Respondent argues the loan to SNPE from Credit National, which was preliminarily determined to be countervailable, was made on commercial terms.

DOC Position: One the basis of additional information developed in the course of our verification, we agree with respondent that, in this instance, the loan from Credit Nation was made on commercial terms and does not, therefore, confer countervailable benefits.

3. Respondent argues that, since capital grants are subject to taxation as income, any countervailing duty arising out of grants should be calculated on the basis of the net, post-tax value of the grant.

DOC Position: The Department consistently has declined to consider the tax consequences of grants to companies in calculating the benefit, and thus the subsidy, received by a company. Further, it is our understanding of French tax accounting practice that, though capital grants are in theory subject to the income tax, no actual tax is paid in any given period because the amount of the grant taken in as income is offset by the depreciation expense for the same period. Consequently, any countervailing duty calculation should be based on the full value of the grants.

4. Respondent argues that since DATAR grants are available to all industries in France, they should not be considered as countervailable. In any event, even if treated as countervailable, the benefit to SNPE from DATAR grants should be allocated over industrial nitrocellulose sales plus the value of shared infrastructure at the Bergerac plant.

DOC Position: Though DATAR grants may be available in some form throughout France, the extent of benefits available under this program vary according to a system of regional priorities and preferences. The Department has consistently held that grants which confer incentive benefits on the basis of regional preference are countervailable. As to the appropriate denomination over which to allocate the value of these grants, the Department agrees with the respondent.

Verification

In accordance with section 776(a) of the Act, we verified the data relied upon in our final determination. During verification we followed standard procedures, including inspection of documents, discussions with government officials and on-site inspection of the manufacturer's operations and records.

Administrative Procedures

The Department has afforded interested parties an opportunity to present oral views in accordance with its regulation (19 CFR 355.35). Also, in accordance with the its regulation (19 CFR 355.34(a)), a hearing was requested and held, and written views have been received and considered.

Suspension of Liquidation

In accordance with section 705(c)(1)(B) of the Act, we are directing the U.S. Customs Service to suspend liquidation of all entries of industrial nitrocellulose from France which are entered, or withdrawn from warehouse, for consumption, on or after the date of publication of this notice in the Federal Register, and to require a cash deposit or the posting of a bond, for each such entry of the merchandise in the amount of 3.248 percent *ad valorem.*

ITC Notification

In accordance with section 705(d) of the Act, we will notify the ITC of our determination and make available to it all nonprivileged and nonconfidential information relating to this investigation. We will allow the ITC access to all privileged and confidential information in our files, provided it confirms that it will not disclose such information, either publicly or under an administrative protective order, without the written consent of the Deputy Assistant Secretary for Import Administration.

This notice is published pursuant to section 705(d) of the Act and section 355.33 of the Department of Commerce regulations (19 CFR 355.33).

Lawrence J. Brady,

Assistant Secretary for Trade Administration.

[FR Doc. 83-7390 Filed 3-21-83; 8:45 am]

BILLING CODE 3510-25-M

CONSUMER PRODUCT SAFETY COMMISSION

[CPSC Docket No. 83-2]

Honeywell, Inc., a Corporation; Complaint

AGENCY: Consumer Product Safety Commission.

ACTION: Publication of a complaint under the Consumer Product Safety Act.

SUMMARY: Under Provisions of its Rules of Practice for Adjudicative Procedings (16 CFR Part 1025, 45 FR 29206), the Consumer Product Safety Commission must publish in the Federal Register Complaints which it issues. Printed below is a Complaint in the matter of Honeywell, Inc., a corporation.

DATE: March 17, 1983.

Sheldon D. Butts,

Acting Secretary.

Complaint

Nature of the Proceedings

1. This is an adjudicative proceeding for public notice and remedial action for a substantial product hazard or hazards and for a civil penalty pursuant to sections 15, 19 and 20 of the Consumer Product Safety Act (CPSA), as amended, 15 U.S.C. 2064, 2068 and 2069. This proceeding is governed by the Rules of Practice for Adjudicative Proceedings before the Consumer Product Safety Commission, 16 CFR Part 1025.

Jurisdiction

2. This proceeding is instituted pursuant to sections 15, 19 and 20 of the CPSA, 15 U.S.C. 2064, 2068 and 2069.

Parties

3. Respondent Honeywell, Inc. (Honeywell) is a corporation organized and existing under the laws of the State of Delaware with its principal corporate offices at Honeywell Plaza, 2701 Fourth Avenue South, Minneapolis, Minnesota 55408.

4. Honeywell manufactured certain gas combination controls (hereinafter, the "controls"), identified further below: (a) For sale to consumers for use in their heating appliances in their permanent or temporary households or residences, schools and recreational buildings; and (b) for the personal use, consumption or enjoyment of consumers in their heating appliances in their permanent or temporary households or residences, schools, in recreation, or otherwise. These heating appliances, such as gas furnaces and space heaters, are consumer products within the meaning of section 3(a)(1) of the CPSA, 15 U.S.C. 2052(a)(1). The controls are a component part of the above said heating appliances and are, therefore, consumer products within the meaning of section 3(a)(1) of the CPSA, 15 U.S.C. 2052(a)(1).

5. Honeywell manufactured and sold the controls nationwide for installation in households, residences, schools, recreational buildings, and otherwise and for use, consumption, or enjoyment by consumers. Honeywell is, therefore, a "manufacturer" of a "consumer product" which is "distributed in commerce," as these terms are defined in sections 3(a)(1), (4), (8), (11) and (12) of the CPSA, 15 U.S.C. 2052(a)(1), (4), (8), (11) and (12).

The Consumer Product

6. The subject Honeywell gas combination control is a device which regulates the amount of fuel gas that flows from a source (e.g., a liquid petroleum tank) into a heating system or appliance (e.g., a gas central forced air furnace or space heater) used to heat, for example, homes, schools, or meeting halls. The control is incorporated into the heating unit itself.

7. Although the gas combination control in question is commonly called a "gas valve," it is actually a device which incorporates a series of valves and functions. The portion of the control that the consumer has access to and contact with is a raised metal knob which allows the consumer to turn the furnace *pilot* light "on" and "off." This same knob allows the consumer to turn the *furnance* "on" or "off." By physically manipulating the knob, the routing and amount of gas supplied to the furnace is controlled; a smaller amount of the pilot burner to keep it operating and a larger amount to the thermostat valve, to be delivered to the main burner when the thermostat calls for heat. See Figure I attached.

8. The control is intended to also perform a vital safety function: to automatically prevent raw (unburned) fuel gas from flowing to the furnace when the pilot is not lit. This safety feature is intened to work as follows:

In order to light the pilot the user turns the gas cock knob to the "PILOT" positon. The user must then push the knob down, allowing gas to flow to the pilot burner only (not the main burner), so he can ingnite the pilot burner with a match or some other ignition source. After the pilot burner is ignited, the gas cock knob must then be held in this depressed position for 30 to 60 seconds. This is done to hold the safety valve open mechanically so gas will continue to flow to the pilot flame allowing it to heat a thermocouple device in the flame. Once it is sufficiently heated, the thermocouple (which transforms heat energy from the pilot flame to electrical energy) generates electricity that flows through an electromagnet inside the valve which holds the safety valve opern automatically. This is the same safety valve that the user had to open automatically by pushing the knob downward.

9. The user may now release the knob and turn it to the furnace "ON" position. Then gas can flow constantly to the pilot through the open safety valve and to the main burner as needed when the thermostat calls for heat. So long as there is a pilot light flame, the safety valve will remain open, as a result of the electricity generated by the thermocouple. See Figure II attached. Should the pilot flame be extinguished for any reason, the thermocouple will cool and no longer generate electricity to hold the safety valve open. The safety valve is then supposed to close automatically by means of a compressed spring which expands preventing *any* gas from entering the furnace. If the thermostat calls for heat, a closed safety valve prevents raw gas (unignited given the absence of a pilot light) from spilling into the furnance and surrounding areas. Stop mechanisms on the knob and retaining ring were designed to prevent the knob from becoming depressed and in the "ON" position.

10. Honeywell produced thirty-one models of gas combination controls that incorporated an identical gas cock operating design concept, the so-called "Lite Rite" design.

11. Each of the 31 models using the "Lite Rite" design concept is considered a member of this design family.

12. One of the best selling controls in this design family was model V8280.

13. The controls which are the subject of this action are identified collectively herein as the V8280 family.

14. Of the 31 models in the V8280 family each model belongs to one of three "Pilotstat" groups. The three Pilotstats differ in size and capacity, and they are identified as follows:

Pilotstat models C5281, C5281, C5223 [1]	Pilotstat models C5276, C5527 [2]	Pilotstat models C5296, C5529 [3]
C5193	C5230	V8280
C5290	C5231	C5216
V4277	C5259	V4280
V5245	V4257	V4292
V5267	V5234	V8292
V5269	V5236	V8243
V5272	V8240	VS8279
V8277	V8257	VS8291
V8289	V8265	
VS8194	VS8233	
	V5261	
	V5221	
	V8235	

[1] 80,000 Btu capacity (midget).
[2] 115,000 Btu capacity.
[3] 224,000 and 262,000 Btu capacity.

15. The controls are designed to be used in heating systems fueled by natural gas or liquefied petroleum gas. Those controls used in heating systems fueled by liquefied petroleum gas (hereafter, LP gas) are the subject of this action.

Count I—Substantial Product Hazard

16. The allegations of paragraphs 1 through 15 are hereby realleged.

17. The gas cock knob may become stuck down in the "ON" position during normal and reasonably foreseeable use and misuse because the mechanical stops provide to prevent such occurrence are inadequate in their design.

18. The design inadequacies affecting the stop mechanisms of these controls render them defective under section 15 of the CPSA, 15 U.S.C. 2064.

19. Honeywell's manufacturing and quality assurance procedures were inadequate to maintain tolerances affecting the stop mechanisms and as a result, controls that were out of tolerance were manufactured, distributed and sold.

20. The production of controls that were out of design tolerance due to faults, flaws and irregularities in the manufacturing process created controls that contain a defect as that term is used in section 15 of the CPSA, 15 U.S.C. 2064.

21. Most consumers have no knowledge of the presence of a safety valve or the safety valve function within the controls.

22. The Honeywell operating instructions accompanying the V8280 family of combination controls were unclear; they failed to adequately advise the consumer how to safely operate the gas cock knob and failed to give any warning to the consumer of the serious hazard created by a gas cock knob that becomes stuck while depressed and in the "ON" position.

23. The inadequacies of the instructions affecting consumer operation of the controls render them defective under section 15 of the CPSA, 15 U.S.C. 2064.

24. The effect of the gas cock knob being stuck while it is depressed and in the "ON" position is that while the knob is held down the control's safety valve is rendered inoperable. Should the pilot light go out while the knob is depressed and in the "ON" position, raw fuel gas will spill into the furnace main burner chamber and adjacent areas when the thermostat calls for heat.

25. LP gas is heavier than air. Should raw (unburned) LP gas flow into a furnace with no pilot light, it will accumulate and remain in the lowest points in the furnace or surrounding areas and will not, of itself, be vented up through the heating flue system.

26. Should an ignition source be introduced to a volatile LP fuel/air mixture, an explosion and fire will occur.

27. An ignition source capable of igniting raw LP gas may be a spark generated by a number of means, including but not limited to turning a light switch on, by an automatic water heater, a clothes dryer, sump pump or other nearby appliance, or by a match or other means introduced to relight the pilot.

28. The V8280 family of controls, produced pursuant to the defective design specifications, and accompanied by the inadequate instructions and no warning, were made for use in heating systems fueled by LP gas as follows:

Size/pilotstat	Approximate period of defective production	Approximate number produced for LP use
80,000 Btu, C5281, C5281, C5223.	1963 through 1965	116,774
115,000 Btu, C5276, C5527B.	1961 through 1974	97,592
224,000 and 262,000 Btu, C5296, C5529.	1961 through March 1967.	226,622
Total		242,988

29. On information and belief between 1971 and 1982 there were at least thirteen explosion incidents involving the 224,000 and 262,000 Btu series of V8280 controls. These explosions were caused by the gas cock knob being stuck down while in the "ON" position; the safety valve was thereby held open and, when the pilot light went out, raw gas flowed into the furnace area. These explosions caused 17 serious injuries involving burns and disfigurements of the face, hands and body, as well as impact related injuries caused by the force of the explosion.

30. All the controls involved in the incidents described in paragraph 29 were produced before the Honeywell design change, called for in the December 16, 1966 Engineering Order, #6-763, was in effect.

31. On information and belief there have been at least four explosion incidents involving the 115,000 Btu series of V8280 control. These explosions were caused by the gas cock knob being stuck down while in the "ON" position; the safety valve was held open; and when the pilot light went out, raw gas flowed into the furnace area. These explosions caused one death and three severe burns and disfigurements of the face, hands and body.

32. The force of the explosion in incidents described in paragraphs 29 and 31 above is sufficient to cause extensive property damage and has destroyed entire homes.

33. Additional deaths and grievous bodily injuries are likely to occur as a result of the above identified defects associated with the V8280 family of combination controls. The past incidents and injuries are indicia of the continuing and future risk of injury.

34. The death and many severe burns and other injuries caused by the V8280 family of gas combination controls, the many explosions that have already occurred (of which we are aware), the potential for future tragic accidents, the inherently dangerous nature of the environment in which the controls function, the hundreds of thousands of controls distributed for use with LP gas, and the defects in the controls (singly and collectively) create a substantial risk of injury within the meaning of sections 15(a)(2), (c) and (d) of the CPSA, 15 U.S.C. 2064(a)(2), (c) and (d).

COUNT II

35. The allegations of paragraph 1 through 34 are hereby realleged.

36. On or about November 1965 Honeywell was aware that the design of the 80,000 Btu series control stop mechanism was inadequate to assure performance of its intended function—to prevent the gas cock knob from becoming stuck while depressed and in the "ON" position. By implementing Engineering Order #9230 Honeywell changed the dimensions of the gas cock knob stop to attempt to prevent this dangerous condition.

37. On or about December, 1966, Honeywell obtained information that the design of the 224,000 and 262,000 Btu series control stop mechanism was inadequate to assure its intended function—to prevent the gas cock knob from becoming stuck while depressed and in the "ON" position. By implementing Engineering Order #6–763, Honeywell changed the dimensions of its gas cock knob stop to attempt to prevent this dangerous condition.

38. In May, 1973 the Consumer Product Safety Act created the Consumer Product Safety Commission; and the section 15(b) CPSA, 15 U.S.C. 2064(b), reporting requirement was established.

39. On or about August, 1976, Honeywell was aware that a jury finding that the subject gas cock knob was defectively designed and caused an injury was upheld by a U.S. court of appeals. *Raney* v. *Honeywell, Inc.* 540 F. 2d 932 (8th Cir. 1976).

40. By December 31, 1978 Honeywell had been named as a defendant in, and had been served with, at least nine separate product liability lawsuits alleging that the defects which are the subject of this action had caused nine explosions and at least seven serious injuries. All nine involved LP gas appliances.

41. By December 31, 1981 Honeywell had been named as a defendant in, and has been served with, at least six additional separate product liability lawsuits alleging that the defects which are the subject of this action had caused one death and nine more serious injuries. Five incidents (causing one death and eight injuries) involved LP appliances and one incident (causing one injury) involved a natural gas furnace.

42. Honeywell obtained information which reasonably supported the conclusion that the subject controls contained defects which could create a substantial product hazard within the meaning of section 15(b) of the CPSA, 15 U.S.C. 2064(b).

43. Honeywell failed to immediately report this information to the Commission as required by section 15(b) of the CPSA, 15 U.S.C. 2064(b).

44. Honeywell continued to received additional information after December 1981, that reasonably supported the conclusion that the subject controls contained defects which could create a substantial product hazard within the meaning of section 15(b) of the CPSA, 15 U.S.C. 2064(b).

45. Honeywell failed to immediately report this information to the Commission as required by section 15(b) of the CPSA, 15 U.S.C. 2064(b).

46. By failing to report information required to be reported to the Commission under section 15(b) of the CPSA, Honeywell knowingly committed a prohibited act under section 19(a)(4) of the CPSA, 15 U.S.C. 2068(a)(4), subjecting itself to civil penalties under section 20 of the CPSA, 15 U.S.C. 2069. Any person who knowingly violates section 19(a)(4) of the CPSA, 15 U.S.C. 2068(a)(4), is subject to a civil penalty not to exceed $2,000.00 per violation.

47. A violation of section 19(a)(4) of the CPSA, 15 U.S.C. 2068(a)(4), shall constitute a separate offense with respect to each consumer product involved.

48. In 1982 Honeywell, Inc. employed approximately 96,000 persons and has sales of approximately $5,351,200,000.

49. In view of the nature of the product defects, the severity of the risk of injury, the number of defective products distributed, the occurrence of death and injuries and the appropriateness of the civil penalty sought in relation to the size of the business charged, the amount of the penalty sought by the staff in this action, $500,000, is appropriate.

Relief Sought

Wherefore, in the public interest, Complaint Counsel requests that the Commission, after affording interested persons an opportunity for a hearing:

A. Determine that the V8280 family of gas combination controls (as defined in paragraphs 10, 11 and 14 of this Complaint) manufactured during the periods in question and used in connection with heating appliances fueled by LP gas presents a substantial product hazard within the meaning of section 15(a)(2), 15 U.S.C. 2064(a)(2), and that notification under section 15(c) of the CPSA, 15 U.S.C. 2064(c), is required to adequately protect the public, and

1. Order Honeywell to give public notice of the substantial product hazard and defects in the gas combination controls by:

(a) Mailing notices directly to its customers, the makers and users of furnace and heating equipment, directing them to notify the current users of controls;

(b) Mailing notices directly to utility companies and liquefied petroleum distributors, directing them to notify current users of the controls;

(c) Mailing notices directly to consumers with heating equipment that may use a subject control;

(d) Placing full page advertisements in the 500 largest circulation newspapers in the country twice a week for twelve consecutive weeks;

(e) Placing paid television and radio advertisements on national network and local stations during prime audience time;

(f) Placing full page advertisements in Parade and Family Weekly magazines as well as other appropriate publications serving that market defined as LP gas users, each week for 12 consecutive weeks.

2. Require that the form and content of each notice shall be approved by the Commission staff.

B. Determine that the V8280 family of gas combination controls (as defined in paragraphs 10, 11 and 14 of the Complaint) manufactured during the periods in question and used in connection with heating appliances fueled by LP gas presents a substantial product hazard within the meaning of section 15(a)(2), of the CPSA, 15 U.S.C. 2064(a)(2) and that action under section 15(d) of the CPSA, 15 U.S.C. 2064(d), is in the public interest and order Honeywell either to refund the purchase price of the gas combination controls, to replace the controls with like or equivalent products which do not present a substantial hazard, or to repair

the controls so that they do not present a substantial product hazard to the public.

C. Order Honeywell to reimburse any consumer who avails himself of any remedy provided as a result of this proceeding for any reasonable and foreseeable expenses incurred in availing himself of that remedy in accordance with section 15(e) of the CPSA, 15 U.S.C. 2064(e).

D. Order Honeywell to keep records:

1. Of the notice required to be given in paragraph A;

2. Of the number of refunds and the amount of each refund made; of the number of replacements and the kind of each replacement made; of the number of repairs and the kind of each repair made under paragraph B; and of the name and address of each person receiving the remedy.

3. Of the name and address of each person receiving a reimbursement and the amount of each reimbursement made for reasonable and necessary expenses of consumers under paragraph C.

E. Order Honeywell to provide to the Commission staff copies of the records specified in paragraph D as well as copies of advertising used to give public notice.

F. Order Honeywell to file reports with the Commission staff containing information specified in paragraph D and other information that may be requested to determine compliance with any order issued in this proceeding at 30-day intervals until the actions required in paragraphs A through E are completed. The format of such reports to be submitted and shall be acceptable to the Commission staff.

G. Order Honeywell to notify the Commission at least 30 days prior to any change in its business (such as incorporation, dissolution, assignment, sale, or declaration of bankruptcy) that results in the emergence of a successor corporation, the creation or dissolution of subsidiaries, the dissolution of the corporation, or any other change that might affect compliance obligations under any Commission order issued in this proceeding for a period of two years after issuance of the order or orders.

H. Order Honeywell to pay a civil penalty of $500,000, pursuant to section 20 of the CPSA, 15 U.S.C. 2069, for violation of section 19(a)(4) of the CPSA.

I. Grant such other and further relief as the Commission deems necessary to protect the public health and safety and to implement the CPSA.

Issued as authorized by the Consumer Product Safety Commission.

Dated: March 7, 1983.

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BILLING CODE 6355-01-M

DEPARTMENT OF DEFENSE

Corps of Engineers, Department of the Army

Intent To Prepare a Draft Supplemental Environmental Impact Statement on Measures To Protect the Rio Grande Valley From San Acacia to Elephant Butte Reservoir From Floods and Sediment Originating From the Rio Puerco and Rio Salado

AGENCY: Army Corps of Engineers, DOD.

ACTION: Preparation of a draft Supplemental Environmental Impact Statement (DSEIS).

SUMMARY: 1. *Proposed Action and Alternatives:* The proposed action is to control sediment and floods originating from the Rio Puerco and Rio Salado to prevent damages to the Rio Grande Valley from San Acacia to Elephant Butte Reservoir. Seven alternatives are being considered to alleviate flood and sediment problems in the Rio Grande Valley. These alternatives include dam sites at river miles 5 and 15 on the Rio Salado; a dam site at mile 18 on the Rio Puerco; a continuous levee on the west bank of the Rio Grande from San Acacia to the Bosque del Apache National Wildlife Refuge; separate ring levees around San Acacia, Socorro, and Bosque del Apache National Wildlife Refuge; watershed treatment within the Rio Puerco and Rio Salado watersheds to reduce sediment production; and flood proofing of structures within the Rio Grande flood plains.

2. *Public Involvement Process:* The process of determining the scope of issues to be addressed and identifying significant issues related to the alternatives was initiated through a general public meeting in July 1979. Additionally significant input was received from Federal, State and local agencies and individuals in developing the watershed treatment plan. Additional scoping will be carried out in which all interested persons and agencies will be given an opportunity to identify significant issues in the DSEIS. At this time, there are no plans to hold additional public meetings. Interested parties are invited to submit comments on the DSEIS when it becomes available.

This study is coordinated with the U.S. Fish and Wildlife Service pursuant to the requirements of the Fish and Wildlife Coordination Act of 1958 (72 Stat. 563) (Pub. L. 93-205). Consultation with the Advisory Council on Historic Preservation, the New Mexico State Historic Preservation Officer and the National Park Service has been initiated pursuant to the National Historic Preservation Act of 1966 (80 Stat. 915) as amended (94 Stat. 2987) and the Reservoir Salvage Act of 1960 (74 Stat. 220), as amended (88 Stat. 174 and 94 Stat. 2987).

3. *Significant Issues Analyzed:* The DSEIS will evaluate new information which has become available since preparation of the initial EIS on this project. It will evaluate the effects of moving the Lower Hidden Mountain Dam from river mile 15 to mile 18 on the Rio Puerco. Significant issues to be analyzed include impacts of the various alternatives on operation of the Sevilleta National Wildlife Refuge, which was created after preparation of the initial EIS, and impacts on the Federally endangered whooping crane (*Grus americana*) and designated critical habitat at the Bosque del Apache National Wildlife Refuge. Additionally, new information on cultural and historic resources will be evaluated to determine impacts on these resources. Effects of the various alternatives on Bureau of Land Management Wilderness Study Areas, needs for mitigation, impacts on floral and faunal resources and impacts on grazing will also be evaluated.

4. *Public Review:* DSEIS should be available for pubic review in January 1984.

5. *Further Information:* Questions about the alternatives and DSEIS may be answered by: Mr. William Tully, USAED, Albuquerque, P.O. Box 1580, Albuquerque, N.M. 87103, Phone: (505) 766-2657, (FTS) 474-2657.

Dated: March 11, 1983.

Julian E. Pylant,

Lieutenant Colonel, EN District Engineer.

[FR Doc. 83-7312 Filed 3-21-83; 8:45 am]
BILLING CODE 3710-KK-M

Department of the Navy

Board of Visitors to the United States Naval Academy; Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. App. 1), notice is hereby given that the Board of Visitors to the United States Naval Academy will meet on April 5, 1983, at the U.S. Capitol Building. The session, which is open to the public, will commence at 8:30 a.m., April 5, 1983, in Room EF100 of the U.S. Capitol Building, Washington, D.C., and end at 10:00 a.m.

The purpose of the meeting is to make such inquiry as the Board shall deem necessary into the state of morale and discipline, the curriculum, instruction, physical equipment, fiscal affairs, and academic methods of the Naval Academy.

The contact officer will be Rear Admiral Robert W. McNitt, USN (Ret.), Secretary of the Board of Visitors, Dean of Admissions, U.S. Naval Academy, Annapolis, Maryland 21402, telephone (301) 267–4361.

Dated: March 18, 1983.

F. N. Ottie,

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

[FR Doc. 83-7491 Filed 3-21-83; 8:45 am]

BILLING CODE 3810-AE-M

Office of the Secretary

Department of Defense Wage Committee; Closed Meetings

Pursuant to the provisions of section 10 of Pub. L. 92–463, the Federal Advisory Committee Act, notice is hereby given that a meeting of the Department of Defense Wage Committee will be held on Tuesday, May 3, 1983; Tuesday, May 10, 1983; Tuesday, May 17, 1983; Tuesday, May 24, 1983; and Tuesday, May 31, 1983 at 10:00 a.m. in Room 1E801, the Pentagon, Washington, D.C.

The Committee's primary responsibility is to consider and submit recommendations to the Assistant Secretary of Defense (Manpower, Reserve Affairs, and Logistics) concerning all matters involved in the development and authorization of wage schedules for federal prevailing rate employees pursuant to Pub. L. 92–392. At this meeting, the Committee will consider wage survey specifications, wage survey data, local wage survey committee reports and recommendations, and wage schedules derived therefrom.

Under the provisions of section 10(d) of Pub. L. 92–463, meetings may be closed to the public when they are "concerned with matters listed in 5 U.S.C. 552b." Two of the matters so listed are those "related solely to the internal personnel rules and practices of an agency," (5 U.S.C. 552b. (c) (2)), and those involving "trade secrets and commercial or financial information obtained from a person and privileged or confidential" (5 U.S.C. 552b. (c) (4)).

Accordingly, the Deputy Assistant Secretary of Defense (Civilian Personnel Policy & Requirements) hereby determines that all portions of the meeting will be closed to the public because the matters considered are related to the internal rules and practices of the Department of Defense (5 U.S.C. 552b (c) (2)), and the detailed wage data considered by the Committee during its meetings have been obtained from officials of private establishments with a guarantee that the data will be held in confidence (5 U.S.C. 552b. (c) (4)).

However, members of the public who may wish to do so are invited to submit material in writing to the chairman concerning matters believed to be deserving of the Committee's attention. Additional information concerning this meeting may be obtained by writing the Chairman, Department of Defense Wage Committee, Room 3D264, the Pentagon, Washington, D.C. 20301.

M.S. Healy,

OSD Federal Register Liaison Officer, Department of Defense.

March 16, 1983.

[FR Doc. 83-7309 Filed 3-21-83; 8:45 am]

BILLING CODE 3810-01-M

DEPARTMENT OF EDUCATION

National Commission on Excellence in Education

AGENCY: National Commission on Excellence in Education.

ACTION: Notice of closed meeting.

SUMMARY: This notice is intended to notify the public of a closed meeting to be held by the National Commission on Excellence in Education. Notice of this meeting is required under Section 10(a)(2) of the Federal Advisory Committee Act.

DATE: March 23–24, 1983.

Location: O'Hare Hilton Hotel, O'Hare Airport, Chicago, Illinois.

FOR FURTHER INFORMATION CONTACT: Milton Goldberg, Executive Director, or Betty Baten, Administrative Officer (202–254–7920).

The National Commission on Excellence in Education is governed by the provisions of Part D of the General Education Provisions Act (Pub. L. 90–247 as amended; 20 U.S.C. 1233 *et seq.*) and the Federal Advisory Committee Act (Pub. L. 92–463; 5 U.S.C. Appendix I) which set forth standards for the formation and use of advisory committees. The Commission is established to advise and make recommendations to the Nation and to the Secretary of Education.

The National Commission on Excellence in Education will meet in closed session on March 23 (evening) and March 24, 1983 to discuss, review and edit in detail extensive drafts of its Final Report which is to be presented to the public and to the Secretary of Education in April, 1983 under a charter issued by the Secretary in August, 1981.

It has been determined that this meeting should be closed because detailed discussion in public session of the contents of an advanced draft of the Final Report would be detrimental to the orderly completion of the Commission's work and presentation of its Report to the public. Determination to close the meeting was made under the authority of exemption (9)(B) of Section 552b(c) of 5 U.S.C. and under Section 10(d) of the Federal Advisory Committee Act.

The public is being given less than fifteen days notice of this meeting because the Chairman determined only on March 17 the need of a meeting.

A summary of the activities at the closed session and related matters which are informative to the public consistent with the policy of Title 5 U.S.C. 552b will be available to the public within fourteen days of the meeting at the Commission's office located at 1200 19th Street, N.W., Room 222, Monday through Friday, from the hours of 8:00 a.m. to 5:00p.m.

Dated: March 18, 1983.

Donald J. Senese,

Assistant Secretary for Educational Research and Improvement

[FR Doc. 83-7576 Filed 3-12-83; 11:13 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

[ERA Docket Nos. 52007-1626-01-02-03-82]

Concurrence on Certifications and Issuance of Final Prohibition Orders; Powerplant and Industrial Fuel Use Act of 1978

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of concurrence on certifications and issuance of prohibition orders.

SUMMARY: In accordance with sections 301 (a) and (b) and 702(a) of the Powerplant and Industrial Fuel Use Act of 1978, 42 U.S.C. 8301 *et seq.* (FUA or "the Act"), the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) gives notice of: (1) Its concurrence on certifications of coal-capability filed with it on November 23, 1981 by the New England Power Company (NEPCO) on behalf of Salem Harbor Generating Station Unit Nos. 1, 2, and 3 (hereafter referred to as Salem

Harbor 1, 2, and 3); and (2) its issuance of final prohibition orders to Salem Harbor 1, 2, and 3. The certifications address the technical capability and financial feasibility of Salem Harbor 1, 2, and 3 to use coal as their primary energy source, and, together with supporting material submitted by NEPCO and other information contained in the administrative record of this proceeding, they constitute the basis for the issuance of the final prohibition orders which prohibit the use of petroleum or natural gas in the powerplants to which they refer.

ERA's Notice of Acceptance of Certifications and Issuance of Proposed Prohibition Orders to Salem Harbor 1, 2, and 3 was published at 46 FR 59574 (December 7, 1981). At that time, a public comment period was announced for the purpose of receiving written comments and requests, if any, for a public hearing on ERA's proposed prohibition orders. The comment period expired on January 21, 1982; no comments or requests for hearing were received.

The regulations implementing section 301 of FUA and governing this proceeding are 10 CFR Parts 500, 501, and 504. Additional information on the proceeding, together with the final prohibition orders to Salem Harbor 1, 2, and 3, appear in the **SUPPLEMENTARY INFORMATION** section below.

EFFECTIVE DATES: The final prohibition orders shall take effect on May 23, 1983, and their provisions shall take effect on December 31, 1985.

FOR FURTHER INFORMATION CONTACT:

Steven E. Ferguson, Director, Fuels Conversion Division, Office of Fuels Programs, Forrestal Building, Room GA–093, Washington, D.C. 20585, Phone: (202) 252–1316;

Marya Rowan, Esq., Office of the General Counsel, Department of Energy, Forrestal Building, Room 6B–222, 1000 Independence Avenue, SW., Washington, D.C. 20585, Phone: (202) 252–2967.

The public file containing a copy of this Notice and all other documents and supporting materials related to the proceeding is available for inspection upon request Monday through Friday from 8:00 a.m. to 4:00 p.m. at: Department of Energy Freedom of Information Reading Room, Forrestal Building, Room 1E–190, 1000 Independence Avenue, SW., Washington, D.C. 20585, Phone: (202) 252–6020.

SUPPLEMENTARY INFORMATION: On March 28, 1980, ERA issued proposed prohibition orders pursuant to former section 301 of FUA to Salem Harbor 1, 2, and 3 (45 FR 22183, April 3, 1980), commencing a proceeding to prohibit the use of petroleum or natural gas as the primary energy source for those powerplant units by mandatory order, if ERA could make the findings of technical capability and financial feasibility required by the Act. Prior to the issuance of final orders, however, former section 301 of FUA was amended by section 1021 of the Omnibus Budget Reconciliation Act of 1981, Pub. L. 97–35 (OBRA) to limit the authority of the Secretary of Energy to prohibit oil or natural gas use only in those cases in which the owner or operator of the existing powerplant had voluntarily certified to ERA the unit's technical capability and financial feasibility to use an alternate fuel. Under amended section 301, the proceeding could be continued, without lapse, if the utility involved submitted the coal-capability certification required by section 301(b) to actuate DOE's order issuing authority at a date early enough to permit ERA to issue proposed orders under the amended section 301, prior to November 30, 1981 (46 FR 48118 (October 1, 1981)). On November 23, 1981, NEPCO filed certifications with ERA on behalf of Salem Harbor 1, 2, and 3. ERA examined the certifications and the documentation submitted for each of the powerplants and believed that it would be able to concur in such certifications and to ultimately issue final prohibition orders based thereon. Accordingly, ERA accepted the certifications and issued proposed prohibition orders under Section 301, as amended, to Salem Harbor 1, 2, and 3 on November 30, 1981 (46 FR 59574, December 7, 1981).

ERA's final regulations applicable to the issuance of prohibition orders to existing powerplants that have been certified as coal capable under section 301 of FUA are 10 CFR Parts 500, 501, and 504. The regulations require that the following actions be completed before issuance of final prohibition orders to Salem Harbor 1, 2, and 3:

(1) *Notice of Order.* Pursuant to 10 CFR 501.52(b)(2), proposed prohibition orders based upon ERA's review of the certifications and the supporting information, and including an explanation of the basis therefor, must be issued to the proposed recipients and published in the **Federal Register**, together with a Notice of Acceptance of the certifications. ERA complied with this requirement on November 30, 1981 (46 FR 59574, December 7, 1981).

(2) *Public Participation.* Pursuant to 10 CFR 501.52(b)(3), the Notice of Acceptance must commence a 45-day public comment period during which evidence pertaining to the certifications and to ERA's proposed action could be submitted and a public hearing could be requested. The public comment period established for Salem Harbor 1, 2, and 3 in the Notice of Acceptance referred to in paragraph (1), above, expired on January 21, 1982, without receipt of either comments or hearing requests.

(3) *NEPA Compliance.* Pursuant to 10 CFR 501.52(b)(3), no final prohibition orders can be issued until any necessary environmental review pursuant to the National Environmental Policy Act of 1969, 42 U.S.C. 4321 *et seq.* (NEPA) is completed. ERA completed its NEPA review in October 1982 with the issuance of a final Environmental Impact Statement (EIS) on Salem Harbor 1, 2, and 3. The Record of Decision was signed on March 3, 1983 and published in the **Federal Register** on March 9, 1983 (47 FR 9907).

Prohibition Orders

Accordingly, after consideration of the whole record in this proceeding, and finding its proposed actions to be supported by reliable, probative, and substantial evidence, ERA concurs in the certifications of coal capability filed by NEPCO on behalf of Salem Harbor 1, 2, and 3, and issues the following final prohibition orders:

Prohibition Orders

New England Power Co., Salem Harbor #1, Docket No. 52007–1628–01–82

New England Power Co., Salem Harbor #2, Docket No. 52007–1628–02–82

New England Power Co., Salem Harbor #3, Docket No. 52007–1628–03–82

Pursuant to section 301(b) of FUA and 10 CFR 504.6, ERA hereby prohibits the above-named powerplants from burning petroleum or natural gas as a primary energy source, effective December 31, 1985.

As provided in section 301 (a) and (b) of FUA and 10 CFR 504.6 (c), (d), (e), and (f), these prohibition orders are based upon ERA's findings that:

(1) Salem Harbor 1, 2, and 3 have the technical capability to use coal as their primary energy source without requiring:

(A) Substantial physical modifications, or

(B) Substantial reduction in the rated capacity of any one of them.

This finding is supported by evidence in the record which indicates that the units were constructed to burn coal and have burned coal in the past; that any adjustments to the units that will be required prior to burning coal will be insubstantial in terms of magnitide, complexity, and impact on operations at the site; and that any reductions in rated

capacity occasioned by conversion to coal will be insignificant.

(2) It is financially feasible to use coal as the primary energy source in Salem Harbor 1, 2, and 3. This finding is based upon NEPCO's certification and its demonstration that it is able to raise the money necessary to finance the conversion to, and operation of the units on, coal as their primary energy source.

In considering the financial feasibility of the conversion of the units, ERA notes that, for the year 1981, the average differential price of oil and coal delivered to the Brayton Point Station (NEPCO's largest station located near Somerset, Massachusetts) was 217.7 cents per million BTU, base on prices of $29.23 per barrel of oil (464.2 cents per million Btu) and $64.41 per ton of coal (246.5 cents per million Btu). These prices are from the DOE publication "Cost and Quality of Fuel for Electric Utility Plants—1981 Annual."

The evidence in the record upon which the above findings are made consists of: (a) The certification pertaining to Salem Harbor 1, 2, and 3 submitted by NEPCO to ERA, pursuant to section 301(a) of FUA, on which certifications ERA concurred, above; (b) data furnished to ERA in support of the certifications; and (c) information contained in the administrative record of the previous proceeding under former section 301 of FUA, which record has been incorporated into, and made part of the record in this proceeding.

Pursuant to section 702(c) of the Act and 10 CFR 501.69, any person aggrieved by these Orders may petition for judicial review thereof at any time before the 60th day following publication in the **Federal Register.**

Issued in Washington, D.C., on March 17, 1983.

Robert L. Davies,

Deputy Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 83-7392 Filed 3-21-83; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Project No. 5992-001]

Edmondson Hydro Associates; Notice of Surrender of Preliminary Permit

March 17, 1983.

Take notice that Edmondson Hydro Associates, Permittee for the proposed Edmondson Hydropower Project No. 5992, has requested that its preliminary permit be terminated. The permit was issued on September 10, 1982, and would have expired on February 29, 1984. The project would have been located on the Holston River in Washington County, Virginia.

The Permittee filed its request on February 23, 1983, and the surrender of the preliminary permit for Project No. 5992 is deemed accepted as of the date of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-7322 Filed 3-21-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-769-001]

Minnesota Power & Light Co.; Order Granting Rehearing in Part Vacating Termination of Docket, and Initiating an Investigation

Issued: March 16, 1983.

On November 26, 1982, Cooperative Power Association (CPA) filed a request for rehearing of our Order Accepting Rates For Filing, Granting Late Intervention, and Terminating Docket, issued on October 29, 1982, 21 FERC ¶61,052.[1] That order was issued in response to a Minnesota Power & Light Company (MP&L) filing dated September 2, 1982, which proposed to implement an unexecuted amendment to MP&L's Integrated Transmission Agreement (IT Agreement) with CPA, and to implement an unexecuted Outlet Facilities Agreement No. 3 applicable to CPA.

Background

Following MP&L's submittal in this proceeding, the Commission published notice of the filing the **Federal Register** and established a September 29, 1982 deadline for the filing of protests or interventions. CPA filed a protest on September 15,1982, and an untimely motion to intervene several weeks later on October 7, 1982. In all material respects, the allegations contained in each of CPA's pleadings were the same. With no support or elaboration,[2] CPA stated: (1) That it had not executed the subject agreements because they would result in unjust and unreasonable charges; (2) that MP&L had no authority to unilaterally impose the revised contract provisions; (3) that MP&L was seeking to impose charges that are not based on any service provided to CPA; (4) that by including all system control and load dispatching costs in FERC Account 556 (rather than reflecting some costs as operating expenses in Accounts 561 and 581), MP&L has sought to charge CPA for some of its operating expenses, contrary to the parties' existing contracts; and (5) that MP&L's rate study contained "other errors which also accrue to the benefit of [MP&L]."

The Commission considered these contentions as well as a responsive pleading by MP&L in the October 29 order. We concluded, however, that CPA had raised no issues of law or fact upon which to proceed to hearing and that the rates submitted by MP&L did not appear to be excessive. Accordingly we accepted MP&L's filing without suspension.

With respect to CPA's motion to reject the filing, we stated:

> * * * we note that the intervenor's vague reference to the *Sierra-Mobile* doctrine and contractual inconsistencies provide little basis on which the Commission can consider such claims. CPA has cited no relevant contract provisions or other substantiation for its position.

Since our own review of the underlying contracts did not reveal an apparent *Sierra-Mobile*[3] *bar to MP&L's unilateral rate filing, we denied CPA's motion to reject the filing.*

With respect to CPA's protest of the proposed amendment to the IT Agreement, we stated that CPA's vague allegations concerning MP&L's attempts to overcharge CPA for system control and load dispatching expenses were not supported by our review. In the absence of more specific information, we concluded that CPA's protest was without merit. Concerning the proposed Outlet Facilities Agreement No. 3, we also found no support for CPA's allegation that MP&L's proposed facilities charges were not based on a service which MP&L provides for CPA. We stated further that our own examination showed that the unsupported allegation was in direct conflict with MP&L's submittal and at odds with past service relationships among several utilities in the region.

Request for Rehearing

CPA first articulated the bases for its position in its November 26 request for rehearing. Initially, CPA seeks to explain the history of its contract negotiations with MP&L. With respect to the Outlet Facilities Agreement No. 3,[4]

[1] The Commission granted rehearing for the limited purpose of further consideration by order dated December 27, 1982.

[2] In each pleading, CPA's objections encompassed approximately one type-written page.

[3] *FPC* v. *Sierra-Pacific Power Co.*, 350 U.S. 348 (1956); *United Gas Pipeline Co.* v. *Mobile Gas Service Corp.*, 350 U.S. 332 (1956).

[4] This agreement purports to reflect additional investment in tranamission facilities required to transfer energy from CPA's new Coal Creek generating units to the parties' integrated transmission system.

CPA relies upon Section 2 of the parties' General Coordinating Agreement (GC Agreement) and Section 1.08 of the IT Agreement in support of its *Sierra-Mobile* claim. CPA denies that some of the lines and structures included in MP&L's charges are, in fact, being used as "outlet facilities," and indicates that the GC Agreement "clearly contemplates" that outlet facilities are to be mutually designated as such by the parties. In addition, CPA contends that MP&L is seeking compensation for the use of specifically identified facilities that are either not used to provide service to CPA, not owned by MP&L, or already being compensated for under the IT Agreement. CPA further contends that MP&L's derivation of charges is faulty, noting in particular MP&L's method of valuation and a mechanism for (and the calculation of) annual adjustment of the charges.

Concerning System Control and Load Dispatching services, CPA again indentifies for the first time the specific contractual provisions which MP&L is said to have contravened. CPA challenges MP&L's stated charge for such service on a number of specific grounds.[5] Moreover, CPA asserts and provides support for the contention that several factual issues are presented, including a determination of the precise services being performed by MP&L for CPA and the amount of time properly allocable to CPA for MP&L's power supply coordinator activities. Finally, CPA compares the cumulative charges under MP&L's agreements with MP&L's currently effective wheeling rate, arguing that the charges are discriminatory and contrary to the purposes of the IT Agreement.

Discussion

Before discussing the procedures we shall establish, some comment on CPA's actions in this docket is necessary. Rule 214 of this Commission's Rules of Practice and Procedure with respect to interventions, 18 CFR 385.214, states in pertinent part (emphasis added):

(b) *Contents of Motion* [1] Any motion to intervene must state, to the extent known, the position taken by the movant and *the basis in fact and law for that position.*

Pursuant to section 205 of the Federal Power Act, 16 U.S.C. 824d, the Commission generally has, as it had in this case, only sixty days in which to initially review a utility's rate filing. The public comment period designated for a given filing is calculated in such a way to provide the maximum time for interested parties to express their positions, while giving the Commission and its staff an opportunity for meaningful analysis of the initial pleadings and any appropriate responses. A fundamental purpose of such a comment period is to allow parties to explain their concerns and to assist the Commission in its review. As the Court of Appeals for the District of Columbia Circuit stated in a related matter:

> The agency cannot reasonably be expected to take a hard look unless the parties participate in the task of identifying the hard problems, and of bringing to light pertinent information and analysis bearing on their resolution. The agency's obligation presupposes a burden on the part of interested parties to draw attention to the consequences of proposed action that adversely affects their interests.

Rhode Island Consumers' Council, et al. v. *FPC*, 504 F.2d 203, 212 (D.C. Cir. 1974). Our review of CPA's request for rehearing reveals no factual information that was not available, or that should not have been reasonably available, at the time CPA filed its motion to intervene.[6] As discussed below, CPA's request for rehearing, for the first time, presents specific legal and factual questions which warrant an evidentiary hearing. However, based on the information previously available, we permitted MP&L's rate changes to take effect after the statutory notice period without exercising our suspension authority. Since we lack the authority to suspend a rate after it has become effective, 18 CFR 2.4(a), we cannot change our decision not to suspend and make the rate subject to refund. In any event, we find no compelling reason to change that decision since MP&L should not be forced to remain uncertain of the status of its rates because CPA failed to fully explain its concerns in a timely manner.

Nonetheless, we are persuaded that rehearing should be granted to the extent of providing for an evidentiary hearing under Section 206. Having reviewed the contract provisions alluded to by CPA, we find that they are not readily susceptible to a single interpretation. We further note that our regulations pertaining to rehearings (18 CFR 385.713) have precluded MP&L from answering CPA's contract claims. Because CPA relies heavily on the intent of the parties as well as on various contract provisions, we believe that the matter of CPA's right to file the amendments at issue should be considered at a hearing. At such hearing, CPA also will be permitted to present evidence relevant to the factual questions identified in its request for rehearing including: (1) Whether MP&L has allocated expenses to the correct accounts; (2) whether MP&L's rates will generate revenues in excess of its costs; (3) whether CPA will make use of the integrated transmission system to transmit capacity and energy from the Coal Creek plant to its own system; (4) which system control and load dispatch functions are being performed by MP&L for CPA; and (5) whether the increased charges are discriminatory.

The Commission orders:

(A) Rehearing of the Commission's order issued in this proceeding on October 29, 1982, is hereby granted in part and denied in part as noted in the body of this order.

(B) Ordering Paragraph (D) of our order of October 29, 1982, is hereby vacated.

(C) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by section 402(a) of the Department of Energy Organization Act and by the Federal Power Act, particularly section 206 thereof, and pursuant to the Commission's Rules of Practice and Procedure and the regulations under the Federal Power Act (18 CFR, Chapter I), a public hearing shall be held concerning the legal and factual matters raised in CPA's request for rehearing.

(D) A presiding administrative law judge, to be designated by the Chief Administrative Law Judge, shall convene a conference in this proceeding to be held within approximately fifteen (15) days after the date of this order in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. The presiding judge is authorized to establish procedural dates and to rule on all motions (except motions to dismiss) as provided in the Commission's Rules of Practice and Procedure.

[5] CPA, for example, claims that MP&L's charge fails to recognize the fact that certain scheduling and system control activities formerly performed by MP&L are now performed independently by CPA. According to CPA, MP&L has also failed to reflect its sales to other utilities in the allocation process. CPA futher contends, that MP&L has improperly neglected to segregate specific operating expenses in Accounts 561 and 581, rather than Account 556.

[6] CPA's request for rehearing indicates that it "did not learn of the deadline" for filing interventions until October 6, 1982, that its motion to intervene was then drafted the same day, and that it otherwise would have presented its contentions more fully. Nonetheless, CPA acknowledges receipt of MP&L's filing on September 7, 1982, and CPA did file a protest on September 15. Despite the three weeks or so between CPA's protest and its intervention, no further information was forthcoming. Unfortunately, a belated desire to have better articulated a position cannot aid the Commission *ab initio*.

(E) The Secretary shall promptly publish this order in the **Federal Register.**

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-7323 Filed 3-21-83; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. RP83-45-002]

Montana Dakota Utilities Co.; Notice of Filing

March 16, 1983

Take notice that on March 4, 1983, Montana Dakota Utilities mission Company (MDU) tendered for filing a motion to put into effect its Substitute Seventeenth Revised Sheet No. 10 to the First Revised Volume No. 2 of MDU's FERC Gas Tariff. MDU also submitted a corporate agreement and undertaking on behalf of MDU to implement the rates subject to refund under § 154.67 of the Commission's Rules.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with the Sections 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such petitions or protests should be filed on or before March 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 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. 83-7324 Filed 3-21-83; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. EL83-7-000]

Wholesale Customers of Ohio Edison Co. v. Ohio Edison Co.; Order Setting Complaint for Investigation and Establishing Procedures

Issued: March 16, 1983.

On January 14, 1983, the Wholesale Customers of Ohio Edison Company (WCOD)[1] filed a complaint seeking modification of certain terms and conditions of Ohio Edison Company's (Ohio Edison) partial requirements tariff and contracts thereunder. WCOE contends that the existing provisions severely restrict WCOE members' ability to purchase power from electric systems other than Ohio Edison and result in substantial and unwarranted penalty charges to WCOE members and an unjustifiable windfall to Ohio Edison.

Notice of the filing was published in the **Federal Register** with comments due on or before February 28, 1983. On January 31, 1983, Ohio Edison filed an answer in which it requests dismissal of WCOE's complaint. Ohio Edison notes that the partial requirements tariff was the product of arms-length negotiations and compromise betwen Ohio Edison and WCOE. The company argues that the instant complaint is no more than an attempt to reopen forced negotiations concerning the tariff terms. Furthermore, Ohio Edison contends that WCOE has alleged no violation of statute or misapplication of tariff provisions warranting Commission review.

The complaint concerns a partial requirements tariff which was submitted for filing by Ohio Edison in 1980, supported by WCOE as an intervenor, and accepted for filing by the Director of the Office of Electric Power Regulation in Docket No. ER80-361-000. WCOE states that although it previously agreed to the tariff terms and is not now accusing Ohio Edison of any express wrongdoing, its agreement with Ohio Edison was reached prior to any practical operating experience under the tariff; actual experience has allegedly revealed inadequacies and improprieties in the tariff terms and conditions.

The specific terms and conditions contested by WCOE include: (1) A requirement that the capacity to be purchased by each member must be scheduled three years in advance with allowable modifications to be limited to 10% of the prior year demand schedule; (2) an excess charge applied to demands imposed on Ohio Edison which exceed 110% of the forecasted peak demand in any month; (3) use of a ratchet provision which is applied when actual demands fall below 85% of forecasted demands or below 60% of the actual demands established during the prior eleven months; (4) application of a uniform 5% loss factor to third-party power deliveries regardless of the purchaser's delivery voltage; and (5) failure of Ohio Edison to credit WCOE members when actual energy delivered is less than the amount of energy scheduled to be delivered to that member from third-party suppliers.

WCOE contends that these tariff terms and conditions restrict WCOE members' ability to purchase power from other electric systems when sources with a cost lower than Ohio Edison's become available. In addition, WCOE alleges that fluctuations in demand caused by any number of circumstances, combined with the applicable rates, result in substantial and unwarranted penalty charges to WCOE members and an unjustifiable windfall to Ohio Edison. According to WCOE, the result is that WCOE's members are unable to take advantage of lower cost capacity purchase opportunities unless the seller is willing to wait many months before the transaction is to begin and is willing to guarantee that it will last for as long as is necessary for the WCOE member to avoid the imposition of the penalties under the Ohio Edison tariff.

WCOE recommends the following modifications to the tariff in order to remedy its concerns: (1) Elimination of the 60% ratchet applied to actual demands established during the prior eleven months; (2) elimination of the advance schedule of capacity purchases from Ohio Edison; (3) reduction of the scheduling notice for purchases from sources other than Ohio Edison; (4) use of variable loss factors based on delivery voltage; and (5) establishment of an overscheduling credit when actual energy deliveries are less than those scheduled. In the alternative, WCOE suggests that the scheduling requirements, ratchets, and penalties be applied to the WCOE group as a whole because it is the combined, diversified load of all WCOE members which determines the peak demand imposed upon Ohio Edison. A third alternative proffered by WCOE would be to widen the window for application of the penalty provisions from the present 85%–110% range to a 75%–125% range, with the establishment of an absolute threshold amount (*i.e.*, a stated kW amount) to operate as a restraint on the percentage limits when applied to smaller customers.

Discussion

Initially, we find no merit to Ohio Edison's contention that WCOE's complaint must be dismissed on the grounds that WCOE has failed to allege a specific statutory violation or a departure from the stated terms of the company's tariff. Rule 206(a) of our Rules of Practice and Procedure (18 CFR 385.206(a)), which implements section 306 of the Federal Power Act (16 U.S.C.

[1] WCOE is an *ad hoc* group of municipal customers of Ohio Edison Company consisting of the following cities: Amherst, Beach City, Brewster, Columbiana, Cuyahoga Falls,Galion, Grafton, Hubbard, Hudson, Lodi, Lucas, Milan, Monroeville, Newton Falls, Niles, Oberlin, Prospect, Seville, South Vienna, Wadsworth, and Wellington.

825e), allows any person to seek Commission action against any other person "alleged to be in contravention or violation of any statute, rule, order, or other law administered by the Commission, or for any other alleged wrong over which the Commission may have jurisdiction." In essence, WCOE is suggesting that the terms and conditions of Ohio Edison's tariff are currently operating in an unjust, unreasonable, and non-cost-justified manner. These are matters over which the Commission clearly has jurisdiction. Indeed, section 205 of the Federal Power Act declares unjust and unreasonable rates and charges to be unlawful.

In addition, we assign little weight to the argument that WCOE should be precluded from filing its complaint because it previously consented to the tariff terms and conditions. The contracts governing service under the disputed tariff provisions do not purport to be "fixed rate" agreements and we perceive no bar to allowing WCOE to challenge the current operation of those provisions. WCOE is, in effect, structuring an argument of changed circumstances inasmuch as it is arguing that when the tariff service was first initiated, no customer had any practical experience operating under the designated terms and conditions, whereas the matters now complained of have become apparent only after such operating experience. Furthermore, it is not unreasonable that to conclude that WCOE was unable to, or did not, anticipate operating problems under the tariff at the time the tariff was originally drafted.

Our review of the allegations in WCOE's complaint indicates that WCOE has raised questions of fact appropriately resolved on the basis of an evidentiary hearing. Accordingly, we shall set this matter for investigation wherein WCOE will be afforded an opportunity to prove its allegations. The burden of proof that the present rates, terms, or conditions of service are now unjust, unreasonable, or otherwise unlawful rests with WCOE

The Commission orders:

(A) WCOE's request for investigation of its contracts and tariff with Ohio Edison is hereby granted.

(B) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by section 402(a) of the Department of Organization Act and by the Federal Power Act, particularly section 206 thereof, and pursuant to the Commission's Rules of Practice and Procedure and the regulations under the Federal Power Act (18 CFR, Chapter I), a public hearing shall be held concerning the matters raised in WCOE's compliant.

(C) A presiding administrative law judge to be designated by the Chief Administrative Law Judge, shall convene a conference in this proceeding to be held within approximately thirty (30) days of the date of this order, in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. Such conference shall be held for purposes of establishing procedural dates, including the submittal of testimony and exhibits by WCOE. The presiding judge is authorized to establish procedures and to rule on all motions (except motions to dismiss) as provided in the Commission's Rules of Practice and Procedure.

(D) The Secretary shall promptly publish this order in the **Federal Register.**

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-7325 Filed 3-21-83; 8:45 am]

BILLING CODE 6717-01-M

ENVIRONMENTAL PROTECTION AGENCY

[A-10-FRL No. 2326-3]

Approval of Reduction in Non-Federal Match for Clean Air Act Grant to State of Washington

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of reduction in minimum match.

SUMMARY: Section 105 of the Clean Air Act allows EPA to accept reductions in the non-Federal matching share of a grant if the reductions are due to a non-selective reduction in the expenditures of all executive agencies. EPA Region 10 has determined that a series of four executive and legislative reductions in the Washington State budget are not selective. Therefore, EPA Region 10 approves a $332,548 reduction in the Washington State non-Federal matching share of its Section 105 air program grant (to $2,321,344 including non-Federal funding expended by agencies). Even with this reduction in the non-Federal share the State still meets its minimum eligibility requirement for Federal Section 105 Air Program grants.

DATE: February 22, 1983.

ADDRESSES: The material supporting this decision may be examined during normal business hours at the following locations:

Central Docket Section (10A-83-1), West Tower Lobby, Gallery I, Environmental Protection Agency, 401 Southwest M Street, Washington, D.C. 20460.

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

FOR FURTHER INFORMATION CONTACT: Clark L. Gaulding, Air Programs Branch, 1200 Sixth Avenue, Seattle, Washington 98101, Telephone: (206) 442-1941, FTS: 399-1941.

SUPPLEMENTARY INFORMATION: On January 3, 1983, EPA published in the *Daily Olympia* and the *Seattle Times* a request for public comment and an opportunity for a public hearing on the intent to allow a reduction in the non-Federal matching share to the section 105 Air Programs Grant. It is suggested that the reader refer to these published documents to obtain background information. No hearing or comments were received during the 30-day comment period. Therefore, EPA approves a reduction and publishes this notice to inform the public that a reduction is approved.

Dated: February 22, 1983.

John R. Spencer,

Regional Administrator.

[FR Doc. 83-7093 Filed 3-21-83; 8:45 am]

BILLING CODE 6560-50-M

[A-3-FRL 2327-7]

Proposed Approval of PSD Permit Extension; Public Comment Period

Notice is hereby given that on December 1, 1982, the Hampton Roads Energy Company requested an extension of the Prevention of Significant Air Quality Deterioration (PSD) permit issued by the Environmental Protection Agency on January 25, 1980. The original PSD permit authorized construction, under certain conditions, of a 184,000 barrel per stream day refinery and terminal at Portsmouth, Virginia. The 18-month construction period authorized by the PSD regulations, 40 CFR 52.21(r)(2), was to have expired on July 25, 1981 but an 18-month extension was granted on June 30, 1981. This permt extension was to have expired on January 25, 1983. Expiration of the permit is now stayed pending resolution of the Company's current PSD permit extension request.

EPA believes the Company has adequately justified, in accordance with 40 CFR 52.21(r)(2), its inability to begin construction within the allotted time frame. As stated in its December 1, 1982 letter, several substantial court

challenges to the construction of this project have prevented commencement of construction. Several of these challenges remain unresolved and it appears it will be another year or two before final court decisions are handed down.

On January 18, 1983, the Commonwealth of Virginia notified EPA that it knew of no planned expansions in the Portsmouth area that would add to the predicted impacts of the proposed HREC facility. The Commonwealth further stated that it understood the need for an extension, that its Regulations already provide for a similar type of extension, and had no objections to the approval of the Company's request.

In light of the above, EPA is today proposing approval of an indefinite extension, providing construction is begun within nine months of the resolution of all construction-related litigation, and inviting public comment relative to this decision. The proposed extension is further conditioned as follows:

1. All emission limitations, reporting requirements, and permit conditions contained in the January 25, 1980 permit remain in effect unless and until revised by the Environmental Protection Agency.

2. Beginnning July 1, 1983, the Company must submit semi-annual reports detailing the status of the pending litigation.

3. By July 25, 1984, if construction has not yet commenced, the Company must submit an updated status report on this project including a summary of any unresolved litigation, corporate projections for construction commencement, and any other information pertinent to the refinery-terminal project.

4. By November 1, 1984, EPA will complete its review of this material and perform a re-evaluation and update, if necessary, of the BACT determination and air quality modeling analyses. At this time, if construction has not yet commenced, permit conditions and emission limitations will be revised if appropriate.

PUBLIC COMMENT PERIOD: Comments must be submitted on or before April 21, 1983.

ADDRESSES: Copies of the extension request, PSD permit, and supporting documents are available for public inspection during normal business hours at the following locations:

U.S. Environmental Protection Agency, Region III, Air Programs & Energy Branch, Curtis Building, Sixth & Walnut Streets, Philadelphia, PA 19106, attn: Ms. Eileen M. Glen

Virginia State Air Pollution Control Board, Region VI, Pembroke Office Park, Pembroke IV, Suite 409, Virginia Beach, VA 23462, attn: Mr. Ramon P. Minx

All comments on the proposed PSD permit extension submitted on or before April 21, 1983 will be considered and should be submitted to Mr. James E. Sydnor at the EPA Region III address stated above. For further information contact Ms. Eileen M. Glen at the Region III address stated above or call 215/597-8187.

(42 U.S.C. 7401-7642)

Dated: March 9, 1983.

Stanley L. Laskowski.

Deputy Regional Administrator.

[FR Doc. 83-7344 Filed 3-21-83; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL MARITIME COMMISSION

Agreements Filed

The Federal Maritime Commission hereby gives notice that the following agreements have been filed with the Commission for approval pusuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and may request a copy of each agreement and the supporting statement at the Washington, D.C. Office of the Federal Maritime Commission, 1100 L Street, NW., Room 10325. Interested parties may submit protests or comments on each agreement to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after the date of the Federal Register in which this notice appears. The requirements for comments and protests are found in § 522.7 of Title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Any person filing a comment or protest with the Commission shall, at the same time, deliver a copy of that document to the person filing the agreement at the address shown below.

Agreement No.: T-4097.

Title: Oakland/Mitsui/Yamashita Lease.

Parties: Port of Oakland (Port)/Mitsui O.S.K. Lines, Ltd. and Yamashita-Shinnihon Steamship Company, Ltd. (the Lines)

Synopsis: Agreement No. T-4097 provides for the lease by Port to the Lines of 3.7 acres of land together with Port Building No. C-516, to be used for establishing and maintaining a truck and rail terminal. Compensation is as set forth in the agreement. The term of the agreement is for four years.

Filing Party: John E. Nolan, Assistant Port Attorney, Port of Oakland, 66 Jack London Square, P.O. Box 2064, Oakland, California 94604.

Agreement No.: 161-40

Title: Gulf/United Kingdom Conference.

Parties: Gulf Europe Express, Hapag Lloyd AG, Lykes Bros. Steamship Co., Inc. and Sea-Land Service, Inc.

Synopsis: The basic agreement would be amended to provide that each member shall have the right of independent action with respect to (but only with respect to), any ocean port-to-port rate and other specified matters published at the "Commodity and Description" pages of the Conference tariff subject to express procedures, restrictions and limitations.

Filing Party: Howard A. Levy, Attorney At Law, Suite 727, 17 Battery Place, New York, New York 10004.

Agreement No.: 10332-3.

Title: Korea Marine Transport Co.—NYK Space Charter Agreement.

Parties: Korea Marine Transport Company, Limited and Nippon Yusen Kaisha.

Synopsis: Agreement No. 10332, as amended, is a space charter agreement. Agreement No. 10332-3 amends Article 11 to extend the duration thereof for another three year period to and including July 1, 1986.

Filing Agent: Charles F. Warren, Esquire, Warren & Associates, P.C., 1100 Connecticut Avenue, NW., Washington, D.C. 20036.

Agreement No.: 10371-2.

Title: KMTC, NYK & Showa Space Charter Agreement.

Parties: Korea Marine Transport Company, Limited, Nippon Yusen Kaisha and Showa Line, Ltd.

Synopsis: Agreement No. 10371, as amended, is a subchartering arrangement whereby space not to exceed 420 monthly TEU's is chartered to Showa. Agreement No. 10371-2 amends Article 1 to extend the duration thereof for another three years to and including July 1, 1986.

Filing Agent: Charles F. Warren, Esquire, Warren & Associates, P.C., 1100 Connecticut Avenue, N.W., Washington, D.C. 20036.

By Order of the Federal Maritime Commission.

Dated: March 17, 1983.

Francis C. Hurney,

Secretary.

[FR Doc. 83-7316 Filed 3-21-83; 8:45 am]

BILLING CODE 6730-01-M

[Docket No. 83-16]

Terry Marler and James Beasley D.B.A. Titanic Steamship Line—Possible Violations of Section 3(a), of Public Law 89-777, Order of Investigation and Hearing

The Commission has received information which indicates that Terry Marler and James Beasley d/b/a Titanic Steamship Line (Respondents) may have advertised or offered passage from United States ports on a 600 passenger vessel, the *Titanic II*, in violation of section 3(a) of Pub. L. 89-777 (46 U.S.C. 817e) and 540.3 of the Commission's General Order No. 20 (46 CFR 540.3) during the period January, 1981 through June, 1981. The statute and Commission's regulations provide that no person in the United States may arrange, offer, advertise, or provide passage on a vessel, with accommodations for 50 or more passenger, from United States ports unless the Commission has issued that person a Certificate of Financial Responsibility for Indemnification of Passengers for Nonperformance of Transportation (Certificate (Performance)). The Respondents have not established their responsibility nor been issued a Certificate (Performance).

Now therefore it is ordered, That pursuant to sections 3(a), (c), and (d) of Pub. L. 89-777 (46 U.S.C. 817e) and sections 22 and 32 of the Shipping At, 1916 (46 U.S. 821, 831), a proceeding is hereby instituted to determine:

1. Whether James Beasley and Terry Marler d/b/a Titanic Steamship Line violated section 3(a) of Pub. L. 89-777 and 540.3 of the Commission's General Order 20 (46 CFR 540.3) during the period January, 1981 through June, 1981.

2. Whether civil penalties should be assessed against James Beasley and Terry Marler d/b/a Titanic Steamship Line for violations of section 3(a) of Pub. L. 89-777 (46 U.S.C. 817e) and 46 CFR 540.3 and, if so, the amount of any such penalty which should be imposed, taking into consideration factors in possible mitigation of such a penalty.

It is further ordered, That James Beasley and Terry Marler d/b/a/ Titanic Steamship Line be named Respondents in this proceedings;

It is further ordered, That a public hearing be held in this proceeding and that the matter be assigned for hearing and decision by an Administrative Law Judge of the Commission's Office of Administrative Law Judges at a date and place to be hereafter determined by the Presiding Administrative Law Judge, but no later than 180 days after service of this order.

The hearing shall include oral testimony and cross-examination in the discretion of the Presiding Officer only upon a proper showing that there are genuine issues of material fact that cannot be resolved on the basis of sworn statements, affidavits, depositions, or other documents or that the nature of the matters in issue is such that an oral hearing and cross-examination are necessary for the development of an adequate record;

It is further ordered, That in accordance with Rule 42 of the Commission's Rules of Practice and Procedure (46 CFR 502.42), the Bureau of Hearing Counsel shall be a party to this proceeding;

It is further ordered, That notice of this Order be published in the **Federal Register**, and a copy be served upon all parties of record.

It is further ordered, That any person other than parties of record having an interest and desiring to participate in this proceeding shall file a petition for leave to intervene in accordance with Rule 72 of the Commission's Rules of Practice and Procedure (46 CFR 502.72);

It is further ordered, That all future notices, orders and/or decisions issued by or on behalf of the Commission in this proceeding, including notice of the time and place of hearing or prehearing conference, shall be mailed directly to all parties of record;

It is further ordered, That all documents submitted by any party of recored in this proceeding shall be filed in accordance with Rule 118 of the Commission's Rules of Practice and Procedure (46 CFR 502.118), as well as being mailed directly to all parties of record.

By The Commission.

Francis C. Hurney,

Secretary.

[FR Doc. 83-7391 Filed 3-21-83; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Acquisition of Bank Shares by a Bank Holding Company; One Valley Bancorp of West Virginia, Inc.

The company listed in this notice has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire voting shares or assets of a bank. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors, or at the Federal Reserve Bank indicated. With respect to the application, interested persons may express their views in writing to the address indicated. Any comment on the application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

A. Federal Reserve Bank of Richmond (Lloyd W. Bostian, Jr., Vice President) 701 East Byrd Street, Richmond, Virginia 23261:

1. *One Valley Bancorp of West Virginia, Inc.*, Charleston, West Virginia; to acquire 100 percent of the voting shares or assets of The Security Bank of Huntington, Huntington, West Virginia. Comments on this application must be received not later than April 15, 1983.

Board of Governors of the Federal Reserve System, March 16, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-7320 Filed 3-21-83; 8:45 am]

BILLING CODE 6210-01-M

Formation of Bank Holding Companies; First Security Financial Corp.

The companies listed in this notice have applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become bank holding companies by acquiring voting shares or assets of a bank. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application may be inspected at the offices of the Board of Governors, or at the Federal Reserve Bank indicated for that application. With respect to each application, interested persons may express their views in writing to the address indicated for that application. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

A. Federal Reserve Bank of Richmond (Lloyd W. Bostian, Jr., Vice President)

701 East Byrd Street, Richmond, Virginia 23261:

1. *First Security Financial Corporation*, Salisbury, North Carolina; to become a bank holding company by acquiring 100 percent of the voting shares of Security Bank and Trust, Salisbury, North Carolina. Comments on this application must be received not later than April 13, 1983.

B. **Federal Reserve Bank of Atlanta** (Robert E. Heck, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303:

1. *South Florida Banking Corporation*, Bonita Springs, Florida; to become a bank holding company by acquiring 100 percent of the voting shares of First National Bank of Bonita Springs, Bonita Springs, Florida. Comments on this application must be received not later than April 11, 1983.

C. **Federal Reserve Bank of Chicago** (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *Michigan Bancorp, Inc.*, South Bend, Indiana; to become a bank holding company by acquiring 80 percent of the voting shares of The Western State Bank, South Bend, Indiana. Comments on this application must be received not later than April 11, 1983.

D. **Federal Reserve Bank of St. Louis** (Delmer P. Weisz, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. *Egyptian Bancshares, Inc.*, Carrier Mills, Illinois; to become a bank holding company by acquiring 100 percent of the voting shares of The Egyptian State Bank, Carrier Mills, Illinois. Comments on this application must be received not later than April 13, 1983.

E. **Federal Reserve Bank of Kansas City** (Thomas M. Hoenig, Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *First Overton Bancorp*, Overton, Nebraska; to become a bank holding company by acquiring 100 percent of the voting shares of Bank of Overton, Overton, Nebraska. Comments on this application must be received not later than April 13, 1983.

2. *Windsor Bancorporation, Inc.*, Windsor, Colorado; to become a bank holding company by acquiring at least 80 percent of the voting shares of Bank of Windsor, Windsor, Colorado. Comments on this application must be received not later than April 13, 1983.

F. **Board of Governors of the Federal Reserve System** (William W. Wiles, Secretary) Washington, D.C. 20551:

1. *Caribank Corporation*, Dania, Florida; to become a bank holding company by acquiring 99 percent of the voting shares of The Dania Bank, Dania, Florida. Notice of this application originally was published in the **Federal Register** in 1981. 46 FR 40726 Processing of the application was suspended, however, in view of certain issues raised in connection with proceedings on the application by the State of Florida. The Board has now resumed proceedings on the application and, in view of the length of time since the original notice was published, is republishing notice of the application at this time. This application may be inspected at the offices of the Board of Governors or the Federal Reserve Bank of Atlanta. Comments on this application must be received not later than April 13, 1983.

Board of Governors of the Federal Reserve System, March 16, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-7327 Filed 3-21-83; 8:45 am]

BILLING CODE 6210-01-M

Formation of Bank Holding Companies; First Dickson Corp. et al.

The companies listed in this notice have applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become bank holding companies by acquiring voting shares or assets of a bank. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application may be inspected at the offices of the Board of Governors, or at the Federal Reserve Bank indicated for that application. With respect to each application, interested persons may express their views in writing to the address indicated for that application. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

A. **Federal Reserve Bank of Atlanta** (Robert E. Heck, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303:

1. *First Dickson Corporation*, Dickson, Tennessee; to become a bank holding company by acquiring 100 percent of the voting shares of The First National Bank of Dickson, Dickson, Tennessee. Comments on this application must be received not later than April 15, 1983.

B. **Federal Reserve Bank of Kansas City** (Thomas M. Hoenig, Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *FirstAmerican Corporation of Colorado Springs*, St. Paul, Minnesota; to become a bank holding company by acquiring 100 percent of the voting shares of FirstAmerican Bank, Colorado Springs, Colorado. Comments on this application must be received not later than April 15, 1983.

C. **Federal Reserve Bank of Dallas** (Anthony J. Montelaro, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. *LBO Bancorp, Inc.*, West Monroe, Louisiana; to become a bank holding company by acquiring 80 percent of the voting shares of Louisiana Bank of Ouachita Parish, West Monroe, Louisiana. Comments on this application must be received not later than April 15, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-7328 Filed 3-21-83; 8:45 am]

BILLING CODE 6210-01-M

Bank Holding Companies; Proposed de Novo Nonbank Activities; Hawkeye Bancorporation et al.

The organizations identified in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 VFR 225.4(b)(1)), for permission to engage *de novo (or continue to engage in an activity earlier commenced de novo)*, directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to these applications, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any comment that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

The applications may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated. Comments and requests for hearing should identify clearly the specific

application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than the date indicated.

A. **Federal Reserve Bank of Cleveland** (Lee S. Adams, Vice President) 1455 East Sixth Street, Cleveland, Ohio 44101:

1. *Hawkeye Bancorporation,* Des Moines, Iowa (mortgage lending and servicing activities; serving Iowa and contiguous areas in Nebraska and South Dakota): To establish *de novo* offices at the following locations: Cedar Rapids, Iowa, Serving Linn County, Iowa and contiguous counties; Sioux City, Iowa, serving Woodbury County, Iowa and contiguous counties; Des Moines, Iowa, serving Polk County, Iowa and contiguous counties; Burlington, Iowa, serving Des Moines County, Iowa and contiguous counties; Ankeny, Iowa, serving Polk County, Iowa and contiguous counties; Council Bluffs, Iowa, serving Pottawatamie County, Iowa and contiguous counties, at which Hawkeye Bancorporatrion will engage indirectly through its existing subsidiary Hawkeye Mortgage Company in mortgage lending, servicing and related activities currently authorized by the Federal Reserve Board to be conducted from its principal office in West Des Moines, Iowa. Comments on the application must be received not later than April 14, 1983.

B. **Federal Reserve Bank of Richmond** (Loyd W. Bostian, Jr., Vice President) 701 East Byrd Street, Richmond, Virginia 23261:

1. *Dominion Bankshares Corporation,* Roanoke, Virginia (leasing, financing, and insurance activities; Virginia): To engage through its subsidiary, Dominion Leasing Corporation, in leasing personal property or acting as agent, broker, or advisor in leasing such property, making loans and other extensions of credit for its own account and for the account of others, servicing such loans and other extensions of credit for others, and in the sale of credit life insurance, credit accident and health insurance, credit disability related to its extensions of credit, and to engage through its subsidiary, Dominion Bankshares Services, Inc., in acting as insurance agent or broker with respect to credit life insurance, credit accident and health insurance, credit disability insurance and non-convertible term life insurance related to extensions of credit involving Dominion Leasing Corporation. These activities will be conducted from an office in Richmond, Virginia, serving the eastern half of Virginia. Comments on this application must be received not later than April 15, 1983.

Board of Governors of the Federal Reserve System, March 16, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-7339 Filed 3-21-83; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 82M-0323]

Marlin Industries; Premarket Approval of the Marlin Salt System 250 MG

Correction

In FR Doc. 83-4202, beginning on page 7306 in the issue of Friday, February 18, 1983, make the following correction.

On page 7306, third column, eleventh line from the bottom of the page, "(212 U.S.C." should read (21 U.S.C.".

BILLING CODE 1505-01-M

[Docket No. 83M-0039]

Parker Hannifin Corp.; Premarket Approval of Cryomax®

Correction

In FR Doc. 83-4195, appearing on page 7307, in the issue of Friday, February 18, 1983, the "Docket No." should have appeared as set forth above.

BILLING CODE 1505-01-M

[Docket No. 82M-0326]

Professional Supplies, Inc.; Premarket Approval of Soft Rinse 250 ™

Correction

In FR Doc. 83-4203 beginning on page 7307 in the issue of Friday, February 18, 1983, make the following correction.

On page 7306, first column, second paragraph under **"SUPPLEMENTARY INFORMATION"**, eleventh line, "21 U.S.C. 321 (lh))" should read "(21 U.S.C. 321 (h))".

BILLING CODE 1505-01-M

Office of the Secretary

Small Business Innovation Research Program; Delegation of Authority

Notice is hereby given that on January 28, 1983, the Secretary of Health and Human Services delegated, with the authority to redelegate, to the Assistant Secretary for Planning and Evaluation for the Office of the Secretary, and to the heads of Operating Divisions for their respective Operating Divisions, the authority vested in the Secretary under section 9 of the Small Business Act, as amended (15 U.S.C. 638), to administer a Small Business Innovation Research Program. Excluded from the delegation were the authority to promulgate regulations, establish advisory councils and committees and appoint members to these bodies, and submit reports to the Congress.

Dated: March 14, 1983.

Dale W. Sopper,

Assistant Secretary for Management and Budget.

[FR Doc. 83-7400 Filed 3-21-83; 8:45 am]

BILLING CODE 4150-04-M

Public Health Service

Delegation of Authority; Miscellaneous

Notice is hereby given that in furtherance of the delegation by the Secretary of Health and Human Services on December 9, 1982 (48 FR 9067) of authority under Title V of the Public Health Service Act to the Assistant Secretary for Health, the Assistant Secretary for Health has delegated to the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, the following authorities insofar as they pertain to the functions assigned to the Alcohol, Drug Abuse, and Mental Health Administration.

Section 501, of the Public Health Service Act (42 U.S.C. 219), as amended, *Gifts,* excludig the authority to accept gifts of real property. Offers of personal property shall not be accepted if the total costs associated with acceptance are expected to exceed the cost of purchasing a similar item and the cost of normal care and maintenance; Section 502, of the Public Health Service Act (42 U.S.C. 220), as amended, *Use of Immigration Station Hospitals;* Section 504, of the Public Health Service Act (42 U.S.C. 222), as amended, *Care of Service Patients at Saint Elizabeths Hospital;* Section 509, of the Public Health Service Act (42 U.S.C. 227), as amended, *Appropriations;* and Section 515, of the Public Health Service Act (42 U.S.C. 229d), as amended, *Recovery.*

The Administrator, Alcohol, Drug Abuse, and Mental Health Administration, may redelegate the authority delegated to him, except redelegation of the authority under Section 501 is limited to the acceptance of unconditional gifts of personal property valued at $5,000 or less.

Previous delegations to the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, of Title V authorities have been

superseded. Provision has been made for previous delegations and redelegations made to other officials within the Alcohol, Drug Abuse, and Mental Health Administration, to continue in effect pending further redelegation provided they are consistent with the delegation to the Administrator, Alcohol, Drug Abuse, and Mental Health Administration.

The above delegation became effective on March 15, 1983.

Dated: March 15, 1983.

Edward N. Brandt, Jr.,

Assistant Secretary for Health.

[FR Doc. 83-7432 Filed 3-21-83; 8:45 am]

BILLING CODE 4160-20-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Forest Management, General; Availability of Final Forest Resources Policy Statement

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Availability of the Final Forest Resources Policy Statement for the Revested Oregon and California Railroad and Reconveyed Coos Bay Wagon Road Grant Lands.

SUMMARY: The Bureau of Land Management's restatement and revision of the Final Forest Resource Policy Statement for the Revested Oregon and Californis Railroad and Reconveyed Coos Bay Wagon Road Grant Lands is now available. This policy statement concerns when timber harvesting can be restricted or excluded from the base used to develop an allowable cut declaration.

EFFECTIVE DATE: The policy statement will be effective April 21, 1983.

ADDRESS: Copies of the Final Forest Resources Policy Stataement can be obtained by writing: Director (230), Bureau of Land Management, 1800 C Street, N.W., Washington, D.C. 20240 or State Director Oregon P.O. Box 2965, Portland, Oregon 97208.

FOR FURTHER INFORMATION CONTACT: Charles Frost, (202) 653-8864

James M. Parker,

Associate Director.

March 16, 1983.

[FR Doc. 83-7347 Filed 3-21-83; 8:45 am]

BILLING CODE 4310-84-M

[NM 0559044-WR]

New Mexico; Notice of Proposed Continuation of Withdrawal

Dated: March 14, 1983.

In accordance with the provisions of Section 204 of the Federal Land Policy and Management Act, the Bureau of Land Management (BLM) is reviewing possible continuation of an existing withdrawl for protection of experimental areas and scientific studies made by Public Land Order No. 4263 dated August 11, 1967. The following land is included in the proposed continuation:

New Mexico Principal Meridian

T. 20 S., R. 1 W.,
Secs. 1, 3, 4, 5;
Sec. 7, N½NE¼, SE¼;
Sec. 8, NE¼, N½NW¼, S½;
Secs. 9 to 15, inclusive;
Secs. 17 to 29, inclusive;
Sec. 30, lots 1, 2, 3, 8, E½, E½NW¼;
Sec. 31, lots 1, 6, 7, 8, 15, E½NE¼;
Secs. 33, 34, 35.
T. 21 S., R. 1 W.,
Sec. 1;
Sec. 12, E½.
T. 20 S., R. 1 E.,
Secs. 6, 7;
Sec. 8, S½NE¼, W½, SE¼;
Sec. 9, SW¼;
Sec. 14, E½SW¼;
Sec. 15, W½NW¼, S½;
Secs. 17 to 23, inclusive;
Sec. 24, S½NW¼, S½;
Secs. 25 to 31, inclusive;
Sec. 33, 34, 35.
T. 21 S., R. 1 E.,
Sec. 1;
Secs. 3 to 15 inclusive;
Secs. 17 to 21, inclusive;
Sec. 22, N½NE¼, SW¼NE¼, W½, SE¼;
Secs. 23, 26, 27, 28;
Sec. 29, N½, N½SW¼, SE¼, SE¼;
Secs. 33, 34, 35.
T. 20 S., R. 2 E.,
Sec. 19, lot 4;
Secs. 30, 31.
T. 21., R.2 E.,
Secs. 6, 7, 18.

The areas described aggregate approximately 52,000.00 acres in Dona Ana County.

The Bureau proposes continuation of the withdrawal in its entirety for a period of 20 years. The purpose of the withdrawal is for protection of experimental areas and scientific studies in aid of programs of the New Mexico State University. The withdrawal closed the described lands to all forms of appropriation under the public land laws, including the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws. No change in the segregative effect or use of the land would be effected by the continuation.

Notice is hereby given that a public hearing may be afforded in connection with the proposed withdrawal continuation. All interested persons who desire to be heard on the proposal must sumit a written request for a hearing to the undersigned within 30 days of the publication of this notice. Upon a determination by the State Director, BLM, that a public hearing should be held, a notice will be published in the **Federal Register** giving the time and place of such hearing. Public hearings will be scheduled and conducted in accordance with BLM Manual 2351.16B. Additonally, all persons who wish to submit comments, suggestions or objections in connection with the proposed withdrawal continuation may present their views in writing to the undersigned authorized officer of the BLM within 30 days of the date of publication of this notice.

The authorized officer of the BLM will undertake such investigations as are necessary and prepare a report for consideration by the Office of the Secretary of the Interior. The final determination on the continuation of the withdrawal will be published in the **Federal Register**. The existing withdrawal will continue until such final determination is made.

All communications in connection with this proposed withdrawal continuation should be addressed to the undersigned officer, Bureau of Land Management, P.O. Box 1449, Santa Fe, New Mexico 87501.

Bill J. Warner,

Acting Chief, Division of Operations.

[FR Doc. 83-7311 Filed 3-21-83; 8:45 am]

BILLING CODE 4310-84-M

[M 57981(ND)]

North Dakota; Notice of Invitation Coal Exploration License Application

Members of the public are hereby invited to participate with The North American Coal Corporation in a program for the exploration of coal deposits owned by the United States of America in the following described lands located in Mercer County, North Dakota:

T. 144 N., R. 88 W., 5th P.M.
Sec. 14: SW¼
Sec. 22: N½
480.00 acres.

Any party electing to participate in this exploration program shall notify, *in writing* both the State Director, Bureau of Land Management, P.O. Box 30157, Billings, Montana 59107; and The North American Coal Corporation, Kirkwood Office Tower, Bismarck, North Dakota 58501. Such written notice must refer to serial number M 57981(ND) and be received no later than 30 calendar days after publication of this Notice in the **Federal Register** or 10 calendar days

after the last publication of this Notice in the Beulah Beacon, whichever is later. This Notice will be published for two consecutive weeks.

This proposed exploration program is fully described an will be conducted pursuant to an exploration plan to be approved by the District Mining Supervisor, Bureau of Land Management, 2525 4th Avenue North, Billings, Montana, and the Bureau of Land Management, Montana State Office, Granite Tower Building, 222 North 32nd Street, Billings, Montana. The exploration plan is available for public inspection at either of these offices at the addresses given.

Dated: March 14, 1983.

Karen L. Skauge,

Acting Chief, Branch of Adjudication

[FR Doc. 83-7313 Filed 3-17-83; 2:00 pm]

BILLING CODE 4310-84-M

[OR 18224 (Wash.)]

Washington; Realty Action, Lease and/or Sale; Public Lands in Okanogan County

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Realty Action OR 18224 (Wash.), Recreation and Public Purposes Classification and Lease and/or Sale of Public Land in Okanogan County, Washington.

SUMMARY: The Conconully Cemetery Association of Conconully, Washington, has applied to purchase three isolated tracts of public land for existing and future grave sites.

The following land has been examined and classified as suitable for lease and/or sale under the Recreation and Public Purposes Act of June 14, 1926 (44 Stat. 741), as amended (43 U.S.C. 869 et seq.):

Willamette Meridian, Okanogan County, Washington

T. 35 N., R. 25 E.,
Sec. 7, lots 19, 20 and 22.
Encompassing 4.92 acres, more or less.

This decision/notice is based on the following reasons:

1. The lands are valuable for recreation and public purposes and lease/sale of the land will not be adverse to any known public or private interests.

2. The land is not of national significance and not essential to any Bureau of Land Management program.

3. The lease/sale is consistent with the Bureau's planning for the lands and has been discussed with county and state officials, and other interested agencies and associations.

4. The lease/sale will have no significant effects on the human or natural environment.

5. Lease/sale of the land to the Conconully Cemetery Association serves important public objectives by providing land for the existing cemetery.

6. The land is isolated, irregular in size and shape and receives only custodial management.

Classification of the land for lease/sale under the provisions of the above cited authority segregates the land from all other appropriations, including locations under the mining laws, except to applications under the Mineral Leasing laws and applications uner the Recreation and Public Purposes Act.

The lease/sale will be subject to:

1. A reservation to the United States for ditches and canals constructed by the United States;

2. A reservation of all mineral rights to the United States; and

3. The reversionary requirements of 43 CFR 2741.8 for:

a. Title transfers by patentee or successors,

b. Uses other than for which lands were conveyed,

c. Non-use,

d. Failure to follow approved development/management plans, and

e. Civil rights violations.

Detailed information concerning this Recreation and Public Purposes Application, including the environmental assessment, land report, terms and conditions, and any special stipulations that will be included in the patent, is available for review at the Spokane District Office, Bureau of Land Management, East 4217 Main Avenue, Spokane, WA 99202.

Interested parties may submit comments to the District Manager, at the above address, for a period of thirty (30) days from the date of this notice. Any adverse comments will be evaluated by the State Director, who may vacate or modify this realty action and issue a final determination. This realty action will become the final determination of this Department in the absence of any action by the State Director.

Dated: March 7, 1983.

Albert Martin,

Acting District Manager.

[FR Doc. 83-7317 Filed 3-21-83; 8:45 am]

BILLING CODE 4310-84-M

National Park Service

National Register of Historic Places; Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before March 11, 1983. Pursuant to § 60.13 of 36 CFR Part 60 written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the National Register, National Park Service, U.S. Department of the Interior, Washington, DC 20243. Written comments should be submitted by April 6, 1983.

Carol D. Shull,

Chief of Registration, National Register.

CALIFORNIA

Los Angeles County

Los Angeles, *Byrson Apartment Hotel*, 2710 Wilshire Blvd.
Pasadena, *Prospect Historic District*, Prospect Blvd., Square, Crescent, and Terrace, Rosemont Ave., Armada and Fremont Drs., and La Mesa Pl.

Merced County

Merced vicinity, *Buhach Grammar School*, 2606 N. Buhach Rd.

Orange County

Anaheim, *Melrose-Backs Neighborhood Houses*, 226 and 228 E. Adele and 303, 307, 317, 321 N. Philadelphia St.
Orange vicinity, *Irvine Park*, 21401 Chapman Ave.

Santa Cruz County

Watsonville, *Stoesser Block and Annex*, 331–341 Main St.

FLORIDA

Duval County

Jacksonville, *310 West Church Street Apartments*, 420 N. Julia St.

Hillsborough County

Tampa, *Kress, S.H., and Co. Building*, 811 N. Franklin St.

GEORGIA

Bacon county

Alma, *Alma Depot*, Dixon and 11th Sts.

Carroll County

Carrollton, *U.S. Post Office*, 402 Newnan St.

Evans County

Claxton, *Daniel, Dr. James W., House*, 102 N. Newton St.

Meriwether County

Greenville, *Hill, Hiram Warner, House*, LaGrange St.

Stephens County

Toccoa, *Simmons, James B., House*, 130 W. Tugalo St.

ILLINOIS

Adams County

Quincy, *Downtown Quincy Historic District*, Roughly bounded by Hampshire, Jersey, 4th and 8th Sts.

LOUISIANA

East Feliciana Parish

Clinton, *Siliman Institute*, Bank St.

St. Landry Parish

Opelousas vicinity, *Poiret Place*, NW of Opelousas off LA 167

St. Tammmany Parish

Mandeville, *Moorer House*, 1717 Lakeshore Dr.

MASSACHUSETTS

Worchester County

Northbridge, *Whitinsville Historic District*, Church, East, Fletcher, Hill, Woodland, Lake, and Water Sts., Castle Hill Rd., and Linwood Ave.

NEW YORK

Saratoga County

Ballston Spa, *Verbeck House*, 20 Church Ave.
Saratoga Springs, *Broadway Historic District (Amended)*, Phila, Caroline, and Byron Sts., Maple and Woodlawn Aves.

NORTH CAROLINA

Alamance County

Graham, *Graham Historic District*, E. and W. Harden, E. and W. Elm, N. and S. Main and W. Pine Sts.

PENNSYLVANIA

Berks County

Stouchsberg, *Spicker, Peter, House*, 150 Main St.

TEXAS

Bell County

Belton, *Miller-Curtis House*, 1004 N. Main St.

Dallas County

Dallas, *McIntosh, Roger D., House*, 1518 Abrams Rd.

UTAH

Juab County

Nephi, *Booth, Oscar M., House*, 395 E. 100 South

Utah County

Provo, *Lewis Terrace*, 68–82 N. 700 East

VIRGINIA

Albermarle County

Greenwood vicinity, *Mirador*,, U.S. 250
Richmond (Independent City)
Commonwealth Club Historic District, 319–415 and 400–500 W. Franklin St.
Roanoke (Independent City)
Roanoke City Market Historic District, Roughly bounded by Williamson Rd., Norfolk Ave., S. Jefferson St., and Church Ave.

WYOMING

Sheridan County

Ucross, *Big Red Ranch Complex*, Off U.S. 14/16

[FR Doc. 83-7284 Filed 3-21-83; 8:45 am]
BILLING CODE 4310-70-M

Office of Surface Mining Reclamation and Enforcement

Abandoned Mine Lands Reclamation Program

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

ACTION: Notice of Availability of Findings of No Significant Impact (FONSI) Addressing Environmental Assessments (EAs) for development of nine abandoned mine land projects under the State of Illinois Reclamation Plan.

SUMMARY: The Illinois Department of Mines and Minerals, Abandoned Mine reclamation Council has prepared EA's on projects submitted to the Office of Surface Mining (OSM) in the Federal Grant Application.

The OSM, Eastern Technical Center, has prepared FONSI's based on EA's for the reclamation projects indicated below and included in the grant application developed under Title IV of the Surface Mining Control and Reclamation Act of 1977 (SMCRA), 30 U.S.C. 1231–1234.

Reclamation Projects included in the FONSI, location and description:

1. *1983 Northern Illinois Hazardous Sites Project (8 sites), Grudy, Knox, LaSalle, Livingston, Peoria, and Stark Counties:* Reclamation within this 27-acre project includes covering or burying deteriorating mine buildings, refuse and openings, and regrading and revegetating the disturbed areas.

2. *Acme and Harrison No. 4 Project, Lasalle County:* Reclamation on this 9.4-acre project includes covering or burying coal refuse, filling abandoned mine openings, regrading and revegetating the area.

3. *The 1983 Central Illinois Hazaradous Sites Project (7 sites), Vermilion, Morgan, and Shelby Counties:* Reclamation of 25 acres will include covering or burying deteriorating mine buildings, mine refuse and openings, regrading and revegetating the area.

4. *Banner Marsh Project, Banner Marsh State Wildlife Area, Peoria County:* Reclamation on this 106-acre project consists of covering or burying deteriorating mine buildings and mine refuse, regrading and revegetating all disturbed areas.

5. *Consolidation Coal Company #7 Project, Macoupin County:* Reclamation on this 56-acre project consists of extinquishing burying refuse, covering or burying refuse, regrading and revegetating all disturben areas.

6. *Mt. Olive and Livingston Mine Project, Madison County:* Reclamation of this 19-acre site consists of filling abandoned underground mine openings, covering or burying concrete foundation structures and mine refuse, regrading and reseeding all disturbed areas.

7. 1983 Southern Illinois Hazardous Sites Project (7 sites), Williamson and Saline Counties: Reclamation on the sites consists of filling subsidence and abandoned mine openings, covering or burying deteriorating building structures and mine refuse, regrading and reseeding 27 acres within this project.

8. *Dering Coal Company Mine #2 Project, Saline County:* Reclamation on this 16-acre site consists of covering or burying deteriorating tipple buildings and mine refuse, filling abandoned mine openings and regrading and reseeding the area.

9. *Pyramid Coal Corporation Strip Mine, Pits 1, 2 and 3 Project, Perry County:* Reclamation on this 20-acre site consists of regrading a half mile section of eroded highwall, covering or burying mine refuse, regrading and revegetating the area.

ADDRESS: Copies of the EA's and FONSI are available for inspection or may be obtained at the following location between the hours of 8:00 a.m. and 4:30 p.m.: Office of Surface Mining, Springfield Field Office, 4 Old State Capitol Plaza North, Springfield, Illinois 62701; (217) 492–4495.

FOR FURTHER INFORMATION CONTACT: James Fulton, Director, Springfield Office, (217) 492–4495, address above.

Dated: March 15, 1983.

William B. Schmidt,

Assistant Director, POI.

[FR Doc. 83-7381 Filed 3-21-83; 8:45 am]
BILLING CODE 4310-05-M

INTERSTATE COMMERCE COMMISSION

[Ex Parte No. 387]

Exemptions for Contract Tariffs

AGENCY: Interstate Commerce Commission.

ACTION: Notices of provisional exemptions.

SUMMARY: Provisional exemptions are granted under 49 U.S.C. 10505 from the notice requirements of 49 U.S.C. 10713(e), and the below-listed contract tariffs may become effective on one day's notice. These exemptions may be revoked if protests are filed.

DATES: Protests are due within 15 days of publication in the **Federal Register.**

ADDRESS: An original and 6 copies should be mailed to: Office of the Secretary, Interstate Commerce Commission, Washington, DC 20423.

FOR FURTHER INFORMATION CONTACT: Douglas Galloway (202) 275-7278.

SUPPLEMENTARY INFORMATION: The 30-day notice requirement is not necessary in these instances to carry out the transportation policy of 49 U.S.C. 10101a or to protect shippers from abuse of market power; moreover, the transaction is of limited scope. Therefore, we find that the exemption requests meet the requirements of 49 U.S.C. 10505(a) and are granted subject to the following conditions:

These grants neither shall be construed to mean that the Commission has approved the contracts for purposes of 49 U.S.C. 10713(e) not that the Commission is deprived of jurisdiction to institute a proceeding on its own initiative or on complaint, to review these contracts and to determine their lawfulness.

Sub-No.	Name of Railroad, Contract Number, and Specifics	Review Board [1]	Decided date
863	Norfolk and Western Railway Co., ICC-NW-C-0050, (Grain) via Port of Norfolk, VA	3	3-14-83
864	Pittsburgh and Lake Erie Railroad Co., ICC-PLE-C-15, (Scrap iron or steel)	1	3-14-83

[1] Review Board No.1, Members Parker, Chandler, and Fortier. Review Board No. 3, Members Krock, Joyce, and Dowell.

This action will not significantly affect the quality of the human environment or conservation of energy resources.

(49 U.S.C. 10505)

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-7221 Filed 3-21-83; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. 39074]

Motor Carriers; Allied Van Lines, Inc.—Petition for Exemption From Tariff Filing Requirements

AGENCY: Interstate Commerce Commission.

ACTION: Notice of provisional exemption.

SUMMARY: Allied Van Lines, Inc., has requested exemption from the requirements of 49 U.S.C. 10702, 10761, and 10762. The sought relief is provisionally granted for future as well as existing contracts.

DATE: Comments are due on April 6, 1983. The sought relief will become final on April 21, 1983, unless, in response to timely filed adverse comments, the Commission issues a further decision withdrawing the relief.

ADDRESS: Send original and 15 copies of comments to: Room 2139, Interstate Commerce Commission, Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT: Robin K. Williams, (202) 275-7697

or

Howell I. Sporn, (202) 275-7691.

SUPPLEMENTARY INFORMATION: Section 10702(b) of the Interstate Commerce Act requires contract carriers to file with the Commission actual and minimum rates for the transportation they provide. Section 10761 prohibits transportation without a tariff on file with the Commission, and section 10762 set forth general tariff requirements including contract carrier authority to file only minimum rates. Each of these sections authorizes the Commission to grant exemptions to contract carriers when relief is consistent with the public interest and the transportation policy of section 10101. 49 U.S.C. 10702(b), 10761(b), and 10762(f).

Allied Van Lines Inc., has filed this petition requesting exemption under the three exemption provisions mentioned above. Petitioner currently holds contract carrier authority and has been granted an exemption from the tariff filing requirements for that authority. See No. 38998, *Allied Van Lines, Inc.—Petition for Exemption from Tariff Filing Requirements* (not printed), decided December 10, 1982.

Allied now seeks exemption from the statutory requirements noted above for a recently granted temporary authority [No. MC-15735 (Sub-No. 4-48-TA)] which authorizes the transportation of household goods. Allied argues that the volume of household goods traffic has declined due to the recession and this necessitates a reduction in expenses where ever possible. Therefore, it desires to eliminate the costs and time delays inherent in full-fulling the tariff filing requirements which further drain its resources. It maintains that a grant of the requested relief would better allow it to perform its function of serving its contract shippers.

Petitioner's request is well grounded. We see no reason to deny Allied the savings to be realized from a tariff filing exemption. It appears that the requirement that petitioner file schedules is not in the public interest and that relief will promote the transportation policies of 49 U.S.C. 10101.

We further conclude that an exemption is justified for future contracts and services. Previously we consistently denied exemptions for future contracts and services. We found that because the terms and scope of those contracts are unknown, any exemption of future contracts could only be based on general findings about the continuing need for contract filing requirements for any contract carrier. However, after weighing the advantages and disadvantages to the parties involved and to the public, we conclude that the exemption of this carrier from the requirement that it file tariffs governing its future contract operations, is warranted.[1] The requirement that a contract carrier file a separate exemption request for each new contract is unduly burdensome and time-consuming for both the carrier and its shippers, the savings to be realized from a tariff filing exemption for future contracts will be just as real and just as important as those realized from an exemption for existing contracts. Moreover, allowing this contract carrier to participate more freely in the marketplace is in the public interest and is consistent with the national transportation policy.

We provisionally grant petitioner exemption from the contract carrier tariff filing requirements for future as well as existing contracts. If we receive timely filed adverse comments, we will issue a further decision addressing them and deciding whether this tentative approval ought to be made final.

This action does not significantly affect either the quality of the human environment or conservation of energy resources. However, comments may be submitted on these issues.

(49 U.S.C. 10702(b), 10761(b) and 10762(f))

Decided: March 2, 1983.

By the Commission, Chairman Taylor, Vice Chairman Sterrett, Commissioners Andre, Simmons, and Gradison. Chairman Taylor and Commissioner Simmons would not grant the exemption for future contracts.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-7333 Filed 3-21-83; 8:45 am]

BILLING CODE 7035-01-M

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[1] See No. 38983, *Red and Tan Tours—Petition for Exemption from Tariff Filing Requirements*, decided February 24, 1983.

[No. 39024]

Motor Carriers; Contract Transportation Systems Co.—Petition for Exemption From Tariff Filing Requirements

AGENCY: Interstate Commerce Commission.

ACTION: Notice of provisional exemption.

SUMMARY: Contract Transportation Systems Co., a motor contract carrier, has requested exemption from the requirements of 49 U.S.C. 10702, 10761, and 10762. The sought relief is provisionally granted for future as well as existing contracts.

DATES: Comments are due on April 6, 1983. The sought relief will become effective on April 21, 1983, unless, in response to timely filed adverse comments, the Commission issues a further decision.

ADDRESS: Send an original and 15 copies of comments to: Room 2139, Interstate Commerce Commission Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT:
Robin K. Williams, (202) 275–7697

or

Howell I. Sporn, (202) 275–7691.

SUPPLEMENTARY INFORMATION: Section 10702(b) of the Interstate Commerce Act requires contract carriers to file with the Commission actual and minimum rates for the transportation they provide. Section 10761 prohibits transportation without a tariff on file with the Commission, and section 10762 sets forth general tariff requirements including contract carrier authority to file only minimum rates. Each of these sections authorizes the Commission to grant exemptions to contract carriers when relief is consistent with the public interest and the transportation policy of section 10101. 49 U.S.C. 10702(b), 10761(b) and 10762(f).

Contract Transportation Systems Co. (CTS/Co.) holds a number of contract carrier permits to serve various shippers transporting a wide variety of commodities. In order to remain competitive, petitioner seeks to eliminate unnecessary expenses, delays and administrative burdens arising from the publication requirement for contract carrier rates and charges. CTS/Co. argues that while it is allowed to negotiate with its shippers any rate found to be mutually agreeable, the publication requirement prevents it from reacting to competitive and economic changes as quickly as required in today's economy. Petitioner indicates that it will make available to any interested person, upon request, a copy of the rates negotiated between it and the contract shippers under the involved permits.

Petitioner's requests are well grounded. We see no reason to deny CTS/Co. the savings to be realized from a tariff filing requirement exemption.[1] It appears that the requirement that petitioner file schedules is not in the public interest and that relief will promote the transportation policies of 49 U.S.C. 10101. We will not order CTS/Co. to provide copies of its rates upon request by interested parties since we have not imposed that requirement for other recent filings. *See* No. 38828, *Three Way Corporation, Petition for Exemption from Tariff Filing Requirements* (not printed), decided June 25, 1982.

We further conclude that an exemption is justified for future contracts and services. Previously we consistently denied exemptions for future contracts and services. We found that because the terms and scope of those contracts are unknown, any exemption of future contracts could only be based on general findings about the continuing need for contract filing requirements for any contract carrier. However, after weighing the advantages and disadvantages to the parties involved and to the public, we conclude that the exemption of this carrier from the requirement that it file tariffs governing its future contract operations, is warranted.[2] The requirement that a contract carrier file a separate exemption request for each new contract is unduly burdensome and time-consuming for both the carrier and the Commission. We also recognize that, for this carrier and its shippers, the savings to be realized from a tariff filing exemption for future contracts will be just as real and just as important as those realized from and exemption for existing contracts. Moreover, allowing this contract carrier to participate more freely in the marketplace is in the public interest and is consistent with the national transportation policy.

We, therefore, provisionally grant petitioner exemption from the contract carrier tariff filing requirements for future as well as existing contracts. If we receive timely filed adverse comments, we will issue a further decision addressing them and deciding whether this tentative approval should be made final.

This decision does not appear to have a significant effect on either the human environment or conservation of energy sources. However, comments may be submitted on these issues

(49 U.S.C. 10702(b) 10761(b) and 10762(f)).

Decided: March 3, 1983.

By the Commission, Chairman Taylor, Vice Chairman Sterrett, Commissioners Andre, Simmons, and Gradison. Chairman Taylor and Commissioner Simmons would not grant the exemption for future contracts.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-7334 Filed 3-21-83; 8:45 am]

BILLING CODE 7035-01-M

[1] A proceeding to investigate the exemption of motor contract carriers on an industry-wide basis has been instituted in Ex Parte No. MC-165, *Exemption of Motor Contract Carriers from Tariff Filing Requirements*, 47 FR 57303 (December 23, 1963).

[2] See No. 38983, *Red & Tan Tours—Petition for Exemption from Tariff Filing Requirements*, decided February 24, 1983.

[Ex parte No. MC-43]

Lease and Interchange of Vehicles by Motor Carriers

Decided: March 10, 1983.

Southern Freightways, Inc. (No. MC-144140), and Service Trucking Inc. (No. MC-151622), petition for waiver of Subpart B (§§ 1057.11 and 1057.12) of the *Lease and Interchange of Vehicles Regulations* (49 CFR Part 1057), with respect to equipment augmented between them.

We find: The petitioners are commonly controlled as authorized in No. MC-F-14751, and operate a consolidated, unified safety program.

Granting this petition only with respect to equipment augmented between petitioners will permit more efficient and economic operations. Also, granting this waiver has no affect on the application of the leasing regulations concerning a lease between an owner-operator and an authorized carrier.

No public policy consideration or objective overrides petitioners' purpose of reducing energy consumption and other costs. Denying the petition offers no protection to the public, but would prevent petitioners' purpose of providing more efficient and economical operations, as well as other cost savings.

It is ordered: The petition of Southern Freightways, Inc. (No. MC-144140) and Service Trucking, Inc. (No. MC-151622) for waiver of Subpart B of the leasing regulations is granted, but only with respect to equipment augmented between petitioners.

By the Motor Carrier Leasing Board, Board Members J. Warren McFarland, Bernard Gaillard, and John H. O'Brien.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-7335 Filed 3-21-83; 8:45 am]

BILLING CODE 7035-01-M

[No. 38983]

Red and Tan Tours—Petition for Exemption From Tariff Filing Requirements

AGENCY: Interstate Commerce Commission.

ACTION: Notice of provisional exemption.

SUMMARY: Red and Tan Tours, a motor contract carrier of passengers and their baggage, in charter operations, has requested exemption from the requirements of 49 U.S.C. 10702, 10761, and 10762. The sought relief is provisionally granted for future as well as existing contracts.

DATES: Comments are due on April 6, 1983. The sought relief will become effective on April 21, 1983, unless, in response to timely adverse comments, the Commission issues a further decision withdrawing the relief.

ADDRESS: Send original and 15 copies of comments to: Room 2139, Interstate Commerce Commission, Washington, D.C. 20423

FOR FURTHER INFORMATION CONTACT:

Robin Williams, (202) 275-7697

or

Howell I. Sporn, (202) 275-7691.

SUPPLEMENTARY INFORMATION: Section 10702(b) of the Interstate Commerce Act requires contract carriers to file with the Commission actual and minimum rates for the transportation they provide. Section 10761 prohibits transportation without a tariff on file with the Commission, and section 10762 sets forth general tariff requirements including contract carrier authority to file only minimum rates. Each of these sections authorizes the Commission to grant exemptions to contract carriers when relief is consistent with the public interest and the transportation policy of section 10101. 49 U.S.C. 10702(b), 10761(b) and 10762(f).

Red and Tan Tours (R and T) holds motor contract carrier authority to transport passengers and their baggage, in charter operations, between points in the United States under a continuing contract with Parker Tours, Inc. of New York, NY. R and T petitioned for an exemption from tariff filing requirements for its contract operations.

R and T seeks exemption from these requirements to avoid the unnecessary expenditure of time and money which impede its efforts to provide economical and efficient service. Specifically, it mentions its desire to avoid not only the costs associated with compiling and printing the tariff schedule, but also costs associated with participation in the Mileage Guide, which must be made a part of the schedule.

We see no reason to deny this carrier the savings to be realized from a tariff filing exemption. It appears that exemption of this covering contract operations is consistent with the public interest and the transportation policy of 49 U.S.C. 10101. We can discern no statutory or other reason to apply any different standards to the exemption of motor contract carriers of passengers than are applied to motor contract carriers of property.[1]

We further conclude that an exemption is justified for future contracts and services, as well as for the existing contract. Previously we have denied exemptions for future contracts and services. We found that because the terms and scope of those contracts are unknown, any exemption of future contracts could only be based on general findings about the continuing need for contract filing requirements for any contract carrier. However, we do not believe that it is necessary to know in advance the name of a shipper who could enter into an agreement with a contract carrier at a future point in time or the extent of the prospective authority (i.e., the *scope* of the contract) in order to grant the contract carrier complete relief from tariff filing requirements. Under current law a carrier must apply for authority for new contract carrier service (49 U.S.C. 10923). As a result, prior to initiation of any new contract carrier service, the *scope* of the contract will be known or can be determined. In addition, Commission decisions have granted particular contract carrier authority where the permit with certain limitations contemplated automatic expansion for future contract service to shippers not currently known or specified. (See No. MC-114211 (Sub-No. 509)), *Warren Transport, Inc., Extension—Tiger International, Inc.*, decided November 23, 1982 and No. MC-30837 (Sub-No. 503), *Kenosha Auto Transport Corp., contract Carrier Application*, decided February 15, 1983.) In these two cases, the decisions considered the advantages of the certainty for protestants and the Commission in terms of the *scope* of a contract carrier permit allowing only for service to a specified shipper against the disadvantages to applicant of the costly and time consuming process of continual application for additional similar contract authority and found that the protection was not in the overall public interest. Further, our previous concern about the *terms* of future contracts is unwarranted. The actual agreement or contract between a shipper and a contract carrier which specifies the actual *terms* of service no longer needs to be filed with the Commission. Information about the customized arrangement between shipper and carrier (the *terms*) which is the basis for the rates charged for the service may never be fully known for either future or existing contracts.

After weighing the advantages and disadvantages to the parties involved and to the public, we conclude that the exemption of this carrier from the requirement that it file tariffs governing its future contract operations, is warranted. The requirement that a contract carrier file a separate exemption request for each new contract is unduly burdensome and time-consuming for both the carrier and the commission. We also recognize that, for this carrier and its passengers, the savings to be realized from a tariff filing exemption for future contracts will be just as real and just as important as those realized from an exemption for existing contracts. Moreover, allowing this contract carrier to participate more freely in the marketplace is in the public interest and is consistent with the national transportation policy.

We provisionally grant petitioner exemption from the contract carrier tariff filing requirements for future as well as existing contracts. If we receive timely filed adverse comments, we will issue a further decision addressing them and deciding whether this tentative approval ought to be made final.

[1] Section 10702(b), 10761(b) and 10762(f) state generally that the Commission may grant relief from the tariff filing requirements "to contract carriers when such relief is consistent with the public interest and the transportation policy of section 10101." A contract carrier is defined at 49 U.S.C. 10102(5) as meaning "a contract carrier and a water contract carrier." 49 U.S.C. 10102(13) (A) and (B) define a motor contract carrier as "a person providing motor vehicle transportation of passengers * * *" and "a person providing motor vehicle transportation of property * * *." Accordingly, it is clear that Congress intended that there be no distinction between passenger or property contract carriers with respect to the type of relief to be afforded under 49 U.S.C. 10702, 10761, and 10762. Also, in Ex Parte No. MC-165, *Exemption of Motor Contract Carriers from Tariff Filing Requirements*, 47 FR 57303 (December 23, 1982), the Commission is investigating the possibility of an industry-wide exemption for motor property and passenger contract carriers from the tariff filing requirements.

This action does not significantly affect either the quality of the human environment or conservation of energy resources. However, comments may be submitted on these issues.

(49 U.S.C. 10702(b), 10761(b) and 10762(f))

Decided: February 24, 1983.

By the Commission, Chairman Taylor, Vice Chairman Sterrett, Commisioners Andre, Simmons, and Gradison. Chairman Taylor and commissioner Simmons would not grant the exemption for future contracts.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-7332 Filed 3-21-83; 8:45 am]

BILLING CODE 7035-01-M

[Volume 114—OP2-MCF-15075]

Motor Carriers; Decision-Notice

The following applications seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control of motor carriers pursuant to 49 U.S.C. 11343 or 11344. Also, applications directly related to these motor finance applications (such as conversions, gateway eliminations, and securities issuances) may be involved.

The applications are governed by 49 CFR 1182.1 of the Commission's Rules of Practice. See Ex Parte 55 (Sub-No. 44), *Rules Governing Applications Filed By Motor Carriers Under 49 U.S.C. 11344 and 11349*, 363 I.C.C. 740 (1981). These rules 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, 11344, and 11349, and with the Commission's rules and regulations, that the proposed transaction should be authorized as stated below. Except where specifically noted this decision is neither a major Federal action significantly affecting the quality of the human environment nor does it appear to qualify as a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests as to the finance application *or* to any application directly related thereto filed within 45 days of publication (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (unless the application involves impediments) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, the duplication shall not be construed as conferring more than a single operating right.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice of effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

Dated: March 11, 1983.

By the Commission, Review Board 3, Krock, Joyce, and Dowell.

Agatha L. Mergenovich,

Secretary.

MC-F-15075 (Supplemental publication). By decision notice published in the **Federal Register** February 14, 1983, an application was noticed for Versinco, Inc., to continue in control of Command Systems, Inc., and Carl Subler Trucking Inc., upon the institution, by Versinco and Command, of operations as carriers.

H. M. Richters (1301 Versailles Road, Russia, OH 45363), T. E. Subler (1070 Woodland Drive, Versailles, OH 45380), D. L. Subler (11692 Conover Road, Versailles, OH 45380), and S. D. Subler (8898 Long Road, Versailles, OH 45380).—Continuance in Control—Versinco, Inc. (Versino) (2100 First National Bank Bldg., Dayton, OH 45402).

Representative: J. G. Dail, Jr., P.O. Box 81, McLean, VA 22101.

H. M. Richters, T. E. Subler, D. L. Subler, and S. D. Subler, individuals controlling Carl Subler Trucking, Inc. (Subler), and Vantage Transport, Inc. (Vantage), through ownership of its outstanding stock, seek to continue in control of Versinco upon approval of its current application for a certificate and institution of operations thereunder.

Subler and Vantage are motor common carriers operating pursuant to Nos. MC-116763 and subs thereto and MC-161795, respectively. Versinco is applying for common carrier authority in MC-164432 to transport lumber and wood products, metal products, and machinery, between Los Angeles, CA, and points in Dade County, FL, Shelby County, OH, Pontotoc County, OK, and Windsor County, VT, on the one hand, and, on the other, points in the U.S. (except AK and HI).

Note.—The purpose of this supplemental publication is to give notice of H. M. Richters, T. E. Subler, D. L. Subler, and S. D. Subler, individuals in control of Versinco, a non-carrier, to continue in control of Versinco upon its institution of operations as a carrier.

[FR Doc. 83-7338 Filed 3-21-83; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers Decision-Notice; Finance Applications

As indicated by the findings below, the Commission has approved the following applications filed under 49 U.S.C. 10924, 10928, 10931 and 10932.

We find:

Each transaction is exempt from section 11343 of the Interstate Commerce Act, and complies with the appropriate transfer rules.

This decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

Petitions seeking reconsideration must be filed within 20 days from the date of this publication. Replies must be filed within 20 days after the final date for filing petitions for reconsideration; any interested person may file and serve a reply upon the parties to the proceeding. Petitions which do not comply with the relevant transfer rules at 49 CFR 1181.4 may be rejected.

If petitions for reconsideration are not timely filed, and applicants satisfy the conditions, if any, which have been imposed, the application is granted and they will receive an effective notice. The notice will recite the compliance requirements which must be met before

the transferee may commence operations.

Applicants must comply with any conditions set forth in the following decision-notices within 20 days after publication, or within any approved extension period. Otherwise, the decision-notice shall have no further effect.

It is ordered:

The following applications are approved, subject to the conditions stated in the publication, and further subject to the administrative requirements stated in the effective notice to be issued hereafter.

By the Commission.

Agatha L. Mergenovich,

Secretary.

Volume No. OP2-113

For status, please call Team 2 at 202-275-7030.

MC-FC-81190. By decision of March 11, 1983, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1181, Review Board Number 3, approved the transfer to LOWER CAPE BUS AND TAXI, INC., North Truro, MA, of authority issued to GARFIELD & SARGENT, INC. (JOHN L. WHITLOCK, TRUSTEE IN BANKRUPTCY), South Dennis, MA, in certificate No. MC-143142, authorizing the transportation of passengers and their baggage, in special and charter operations, in round-trip pleasure and sightseeing tours, beginning and ending at points in that part of Barnstable County, MA, in and east of the western boundary of the town of Yarmouth, MA, and extending to points in the U.S. (except HI). Representatives: William Shields, III, for transferee, and John L. Whitlock, for transferor, Room 2900, 100 Federal St., Boston, MA, 02110.

MC-FC-81222. By decision of March 11, 1983, issued under 49 U.S.C. 10926, and the transfer rules at 49 CFR Part 1181, Review Board Number 3, approved the transfer to L V Company, Inc., Coplay, PA, of Certificate Nos. MC-150163 Subs 1, 3, 5, 6, 7, 8, 9X (including Subs 2 and 4 which 9X superseded), and 10, issued January 26, 1981, March 24, 1981, May 4, 1981, July 16, 17, 1981, October 27, 1981, February 18, 1982, and March 18, 1982 respectively, and Permit No. MC-149463 Sub-1 issued October 29, 1982, the Horwith Trucks, Inc., Coplay, PA, authorizing the transportation of coal from Locust Summit, Minersville, and Treverton, PA, to points in CT, ME, MS, RI, and VT; aluminum concentrate from South River, NJ, to ports of entry on the international boundary line between the United States and Canada in NY, and lead residue from ports of entry on the international boundary line between the United States and Canada in New York, to Nesquehoning, PA; general commodities on behalf of the United States Government, between points in the U.S.; metal products and machinery between points in Hartford County, CT, and Lehigh and Northampton Counties, PA, on the one hand, and, on the other, points in the U.S.; coal and coal products between points in Berks, Chester, and Northumberland Counties, PA, on the one hand, and, on the other, points in ME, NH, VT, MA, CT, PA, NY, NJ, DE, MD, VA, RI, and DC; ores and minerals, between points in Northampton County, PA, on the one hand, and, on the other, Baltimore MD, and points in Litchfield County, CT, and Sussex County, NJ; waste or scrap materials, between points in Bristol County, MA, on the one hand, and, on the other, points in DE, MD, NJ, NY, OH, and PA, and coal and coal products, between points in Carbon, Luzerne and Schuylkill Counties, PA, on the one hand, and, on the other, points in the U.S.; scrap or waste materials, between points in CT, NJ, NY, and PA, and general commodities (except A and B explosives), between points in the U.S. under continuing contract with Tonolli Corp., of Nesquehoning, PA; building materials and supplies, between points in the U.S. under continuing contract with Eastern Industries of Wescoesville, PA; and commodities in bulk, between points in the U.S. under continuing contract with the Bylite Corporation of Wilkes Barre, PA. Representative: Francis W. Doyle, 323 Maple Avenue, Southampton, PA, 18966.

Volume No. OP2-115

For status, please call Team 2 at 202-275-7030.

MC-FC-81185. By decision of March 15, 1983, issued under 49 U.S.C 10926 and the trar .fer rules at 49 CFR Part 1181, Review Board Number 1, approved the transfer to Atlantic Van Lines, Inc., Richmond, VA, of Certificate No. MC-3103, issued March 7, 1942, to J. C. Shelburne Transfer & Storage Corp., Richmond, VA, authorizing the transportation of household goods over irregular routes, from points in NC, the DC Commercial Zone, and those points in VA west of the Chesapeake Bay, to points in AL, CT, DE, DC, FL, GA, IL, IN, KY, LA, MD, MA, MI, MS, MO, NH, NJ, NY, NC, OH, PA, RI, SC, TN, TX, VA, and WV; and from the above destination points to points in NC, SC, points in VA west of the Chesapeake Bay, points in MD west of the Susquehanna River, points in GA on and north of U.S. Hwy 78, and points in the DC Commercial Zone. Representative: Atlantic Van Lines, Inc., 4920 W. Broad St., Richmond, VA 23230.

Volume No. OP3-MC-FC-107

Decided: March 14, 1983.

For status, please call Team 3 at 202-275-5223.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC-FC-81166 By decision of March 14, 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 WRAYCO ENTERPRISES INC., DOING BUSINESS AS WRAYCO MOVING & STORAGE, of Boulder, CO 80302 of Certificate No. MC-55194, issued January 23, 1978 to MOSENG MOVING & STORAGE, INC., of Greeley, CO 80631, authorizing the transportation of household goods, over irregular routes, between points in Weld County, CO, on the one hand, and, on the other, points in WY, KS, and NE. Applicant's Representative: Jack B. Wolfe, Law Offices of Lee E. Lucero, Suite 107, 601 East 18th Avenue, Denver, CO 80302.

Volume No. OP4-FC-157

For status, please call Team 4 at 202-275-7669.

By the Commission, Review Board No. 2, Members Carleton, Williams, and wing.

MC-FC-81291, filed March 8, 1983. By decision of March 15, 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 James W. Ambler & Laura J. Ambler, a partnership doing business as James W. Ambler, Mendota, IL, of Certificate No. MC-159387, issued June 2, 1982, to James W. Ambler, Mendota, IL, authorizing the transportation of general commodities (with exceptions), between the facilities used by Ralston Purina Company at points in the United States, on the one hand, and, on the other, points in the United States (except AK and HI). Representative: Robert T. Lawley, 300 Reisch Bldg., Springield, IL 62701, (217) 544-5468.

[FR Doc. 83-7339 Filed 3-21-83; 8:45 am]

BILLING CODE 7035-01-M

[No. 39050]

Motor Carriers; DSI Transports, Inc.—Petition for Exemption From Tariff Filing Requirements

AGENCY: Interstate Commerce Commission.

ACTION: Notice of provisional exemption.

SUMMARY: DSI Transports, Inc., a motor contract carrier, has requested exemption from the requirements of 49 U.S.C. 10702, 10761, and 10762. The sought relief is provisionally granted for future as well as existing contracts.

DATES: Comments are due on April 6, 1983. The sought relief will become final 15 days after the close of the comment period unless, in response to timely filed adverse comments, the Commission issues a decision withdrawing this relief.

ADDRESS: Send an original and, if possible 15 copies of comments to: Room 2139, Interstate Commerce Commission, Washington, DC 20423.

FOR FURTHER INFORMATION CONTACT: Robin K. Williams, (202) 275–7697

or

Howell I. Sporn, (202) 275–7691

SUPPLEMENTARY INFORMATION: Section 10702(b) of the Interstate Commerce Act requires contract carriers to file with the Commission actual and minimum rates for the transportation they provide. Section 10761 prohibits transportation without a tariff on file with the Commission, and section 10762 sets forth general tariff requirements including contract carrier authority to file only minimum rates. Each of these sections authorizes the Commission to grant exemptions to contract carriers when relief is consistent with the public interest and the transportation policy of section 10101. 49 U.S.C. 10702(b), 10761(b) and 10762(f).

DSI Transports holds contract carrier authority to serve a single shipper, Celanese Corporation and its subsidiary, Celanese Chemical Co., Inc. Petitioner seeks an exemption from the tariff filing requirements arguing that such requirement inhibits the ability of DSI and its contracting shipper to structure a transportation agreement and rate schedule which is fully responsive to their needs. DSI complains that the tariff publication requirements force it and its contracting shipper to follow rate and service conventions which are not consistent with their operational and pricing goals. It asserts that the exemption from the need to file a tariff will enable it to provide a more responsive, specialized service and will allow for the realization of cost savings.

We see no reason to deny this carrier the savings to be realized from a tariff filing exemption for its existing contract.[1] It appears that the exemption of this carrier from the requirement that it file a tariff covering its existing contract operations is consistent with the public interest and the transportation policy of 49 U.S.C. 10101.

We further conclude that an exemption is justified for future contracts and services. Previously we consistently denied exemptions for future contracts and services. We found that because the terms and scope of those contracts are unknown, any exemption of future contracts could only be based on general findings about the continuing need for contract filing requirements for any contract carrier. However, after weighing the advantages and disadvantages to the parties involved and to the public, we conclude that the exemption of this carrier from the requirement that it file tariffs governing its future contract operations, is warranted.[2] The requirement that a contract carrier file a separate exemption request for each new contract is unduly burdensome and time-consuming for both the carrier and the Commission. We also recognize that, for this carrier and its shippers, the savings to be realized from a tariff filing exemption for future contracts will be just as real and just as important as those realized from an exemption for existing contracts. Moreover, allowing this contract carrier to participate more freely in the marketplace is in the public interest and is consistent with the national transportation policy.

We provisionally grant petitioner exemption from the contract carrier tariff filing requirements for future as well as existing contracts. If we receive timely filed adverse comments, we will issue a further decision addressing them and decide whether this tentative approval ought to be made final.

This action does not significantly affect either the quality of the human environment or conservation of energy resources. However, comments may be submitted on theses issues.

(49 U.S.C. 10702(b), 10761(b) and 10762(f))

Decided: March 16, 1983.

By the Commission, Division 2, Commissioners Gradison, Taylor and Sterrett. Commissioner Taylor is assigned to this Division for the purpose of resolving tie votes. Since there was no tie in this matter, Commissioner Taylor did not participate.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-7231 Filed 3-21-83; 8:45 am]

BILLING CODE 7035-01-M

[1] A proceeding to investigate the exemption of motor contract carriers on an industry-wide basis has been instituted in Ex Parte No. MC-165, *Exemption of Motor Contract Carriers from Tariff Filing Requirements*, 47 FR 57303 (December 23, 1982).

[2] See No. 38963, *Red & Tan Tours—Petition for Exemption from Tariff Filing Requirements*, decided February 24, 1983.

Motor Carriers; Permanent Authority Decisions; Decision-Notice

Motor Common and Contract Carriers of Property (fitness-only); Motor Common Carriers of Passengers (fitness-only); Motor Contract Carriers of Passengers; Property Brokers (other than household goods). The following applications for motor common or contract carriage of property and for a broker of property (other than household goods) are governed by Subpart A of Part 1160 of the Commission's General Rules of Practice. See 49 CFR Part 1160, Subpart A, published in the **Federal Register** on November 1, 1982, at 47 FR 49583, which redesignated the regulations at 49 CFR 1100.251, published in the **Federal Register** on December 3, 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 is for a named shipper "under contract."

Please direct status inquiries to Team 2, (202) 275-7030.

Volume No. OP2-117

Decided: March 15, 1983.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 148522 (Sub-14), filed February 11, 1983. Applicant: PAUL E. ACE TRUCKING, ING., 930 Clay Ave., Stroudsburg, PA 18360. Representative: Raymond Talipski, 121 S. Main St., Taylor, PA 18517, (171) 344-8030. Transporting, for or on behalf of the United States Government, *general commodities* (except household goods, hazardous or secret materials and sensitive weapons and munitions), between points in the U.S. (except AK and HI).

MC 148832 (Sub-12), filed February 15, 1983. Applicant: DIXON MOTOR FREIGHT, INC., 2820 Old Egg Harbor Rd., Lindenwold, NJ 08021. Representative: Gary V. Dixon (same address as applicant), 609-435-3300. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 163373, filed February 14, 1983. Applicant: WILLIAM B. ELE, d.b.a. LAND ROVER TOURS, 1202 Olive, Winfield, KS 67156. Representative: William B. Ele (same as applicant), (316) 221-4817. Transporting *passengers*, in charter and special operations, beginning and ending at points in KS, and extending to points in the U.S.

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 166273, filed February 15, 1983. Applicant: J. T. BURGESS, 3037 Castleman, Memphis, TN 38118. Representative: J. T. Burgess (same address as applicant), 901-363-4579. As a *broker* of *general commodities* (except household goods), between points in the U.S. (except AK and HI).

MC 166362, filed February 22, 1983. Applicant: DAVID D. FRIS, d.b.a. CASABLANCA TOURS, 2600 Sunset Blvd., Los Angeles, CA 90026. Representative: Donald R. Hedrick, P.O. Box 4334, Santa Ana, CA 92702, 714-667-8107. Transporting *passengers*, in charter and special operations, beginning and ending at points in CA, and extending to points in the U.S. (except AK and HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

Volume No. OP2-119

Decided: March 9, 1983.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 98713 (Sub-10), filed February 14, 1983. Applicant: ORANGE BELT STAGES, 525 E. Acequia St., Visalia, CA 93291. Representative: Michael Haworth, P.O. Box 949, Visalia, CA 93279, 209-733-4408. 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 150253 (Sub-3), filed February 15, 1983.Applicant: LOMA, INC., d.b.a. ABE LIMO-BUS SERVICE, Front & Allen Sts., Allentown, PA 18102. Representative: Francis W. Doyle, 322 Maple Ave., Southampton, PA 18966, 215-357-7220. 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 152243 (Sub-3), filed February 17, 1983. Applicant: DISTRIBUTORS, LTD., E. Forest Ave., Box 189, Antigo, WI 54409. Representative: James A Spiegel, Olde Towne Office, Park, 6333 Odana Rd., Madison, WI 53719, 606-273-1003. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S. (except AK and HI).

MC 159073 (Sub-1), filed February 18, 1983. Applicant: C. T. TRAVEL, INC., 2111 University Ave., St. Paul, MN 55114. Representative: Andrew R. Clark, 1600 TCF Tower, Minneapolis, MN 55402, 612-333-1341. 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 163072, filed February 15, 1983. Applicant: B/T EXPRESS TRUCKING COMPANY, INC., 1536 Montvale Circle, West Chester, PA 19380. Representative: Donald Britt (same address as applicant) 215-873-1424. Transporting (1) for or on behalf of the United States Government *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.; and (2) *used household goods* for the account of the United States Government incident to the performance of a pack-and-crate service on behalf of the Department of Defense, between points in the U.S. (except AK and HI).

MC 166313, filed February 17, 1983. Applicant: PAUL DAVIDSON, P.O. Box 2699, Park City, UT 84060. Representative: Rick J. Hall, P.O. Box 2465, Salt Lake City, UT 84110, 801-531-1777. 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 3 at 202-275-5223.

Volume No. OP3-104

Decided: March 15, 1983.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing. (Member Williams not participating.)

MC 168544, filed March 1, 1983. Applicant: DALWORTH BUS LEASING, INC., 1823 Belt Line Rd., Carrollton, TX 75006. Representative: D. Paul Stafford, Suite 1125, Frito Lay Tower, P.O. Box 45538, Dallas, TX 75245, (214) 358-3341. Transporting *passengers*, in charter and special operations, beginning and ending at points in TX, OK, AR, LA and NM, and extending to points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-7340 Filed 3-21-83; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

Motor Common and Contract Carriers of Property (except fitness-only); Motor Common Carriers of Passengers (public interest); Freight Forwarders; Water Carriers; Household Goods Brokers. The following applications for motor common or contract carriers of property, water carriage, freight forwarders, and household goods brokers are governed by Subpart A of Part 1160 of the Commission's General Rules of Practice. See 49 CFR Part 1160, Subpart A, published in the **Federal Register** on November 1, 1982, at 47 FR 49583, which redesignated the regulations at 49 CFR 1100.251, published in the **Federal Register** December 31, 1980. For compliance procedures, see 49 CFR 1160.19. Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart B.

The following applications for motor common carriage of passengers, filed on or after November 19, 1982, are governed by Subpart D of 49 CFR Part 1160, published in the **Federal Register** on November 24, 1982 at 47 FR 53271. For compliance procedures, see 49 CFR 1160.86. Carriers operating pursuant to an intrastate certificate also must comply with 49 U.S.C. 10922(c)(2)(E). Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart E. In addition to fitness grounds, these applications may be opposed on the grounds that the transportation to be authorized is not consistent with the public interest.

Applicant's representative is required to mail a copy of an application, including all supporting evidence, within three days of a request and upon payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g. unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations.

We make an additional preliminary finding with respect to each of the following types of applications as indicated: common carier 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, mortor contract carrier of property, freight forwarder, and household goods broker-that the transportation will be consistent with the public interest and the transportation policy of section 10101 of chapter 101 of Title 49 of the United States Code.

These presumptions shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted probelms) 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 befoe 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 verfied statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract." Applications filed under 49 U.S.C. 10922(c)(2)(B) to operate in intrastate commerce over regular routes as a motor common carrier of passengers are duly noted.

Please direct status inquiries to Team 2, (202) 275-7030.

Volume No. OP2-116

Decided: March 15, 1983.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 6992 (Sub-24), filed February 22, 1983. Applicant: AMERICAN RED BALL TRANSIT CO., INC., 1335 Sadlier Circle, East Dr., Indianapolis, IN 46239. Representative: John F. Spickelmier (same address as applicant) 317-353-8331. Transporting *household goods*, between points in the U.S., under continuing contract(s) with Hughes Aircraft Company, of El Segundo, CA.

MC 107012 (Sub-800), filed February 22, 1983. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy. 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same address as applicant) 219-429-2110. Transporting *general commodities* (except classes A and B explosives and commodities in bulk), between points in the U.S., under continuing contract(s) with International Harvester Company, of Chicago, IL.

MC 124393 (Sub-10), filed January 21, 1983. Applicant: FRANK POTTER TRUCKING CO., Route 1, Box 132, Nooneville, MO 65233. Representative: Patricia F. Scott, P.O. Box 1000, Laurie, MO 65038, 314-374-9618. Transporting *food and related products*, between points in the U.S. (except AK and HI).

Note.—Applicant seeks to convert its contract carrier permit under MC-124393 Sub 9X to that of a common carrier certificate.

Condition: Issuance of a certificate in this proceeding is subject to coincidental revocation of Permit No. MC-124393 Sub 9X, issued April 22, 1982.

MC 139772 (Sub-6), filed February 28, 1983. Applicant: ROBERTS TRUCKING, INC., Rte. #1, Eldorado, WI 54932. Representative: Charles E. Dye, Swan Lake Village, Saddle Ridge #832, Portage, WI 53901, 608-742-3579. Transporting *food and related products*, between points in AZ, CA, CO, IL, IA,

ID, KS, MN, MT, NE, NV, NM, ND, OK, OR, SD, TX, UT, WA, WI, WY, and MO.

MC 142733 (Sub-7), filed February 23, 1983. Applicant: UNITED TRANSPORT, INC., 630 S.W. 69th Ave., Miami, FL 33144. Representative: Richard B. Austin, 320 Rochester Bldg., 8390 N.W. 53rd St., Miami, FL 33166, 305–592–0036. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with (a) Hill's Pet Chemicals, Inc., of Miami Springs, FL, and (b) Caribe Food Corp., of Miami, FL.

MC 146803 (Sub-5), filed February 23, 1983. Applicant: WILLIAMS PAPER COMPANY, INC., 934 North First St., St. Louis, MO 63102. Representative: James A. Williams (same address as applicant), 314–231–0661. Transporting *general commodities* (except classes A and B explosives, houshold goods, and commodities in bulk), between points in the U.S., under continuing contract(s) with (a) Millinckrodt, Inc., (b) Raskas Dairy, Inc., both of St. Louis, MO, (c) Natco Products Co., of West Warwick, RI, (d) Polyvinyl Chemical Industries, of Wilmington, MA, and (e) Video Techni Lites, of Union, MO.

MC 148023 (Sub-5), filed February 18, 1983. Applicant: HACKE TRUCKING, INC., 13482 West Wadsworth Rd., Waukegan, IL 60087. Representative: Joel H. Steiner, 135 South LaSalle St., Suite 2106, Chicago, Il 60603, 312–236–9375. Transporting *radioactive waste materials*, Between points in IL, on the one hand, and, on the other, points in the U.S. (except AK and HI). Condition: This certificate is limited to a period expiring 5 years from its date of issuance.

MC 151193 (Sub-37), filed February 17, 1983. Applicant: PAULS TRUCKING CORPORATION, 286 Homestead Ave., Avenel, NJ 07001. Representative: Michael A. Beam (same address as applicant), 201–499–3869. Transporting *such commidities* as are dealt in or used by supermarkets, between points in the U.S. (except AK and HI), under continuing contract(s) with Apple and Eve, Inc., of Great Neck, NY.

MC 151193 (Sub-38), filed February 17, 1983. Applicant: PAULS TRUCKING CORPORATION, 286 Homestead Ave., Avenel, NJ 07001. Representative: Michael A. Beam (same address as applicant), 201–499–3869. Transporting *chemicals*, between points in the U.S. (except AK and HI), under continuing contract(s) with Interstab Chemicals, Inc., of New Brunswick, NJ.

MC 151642 (Sub-3), filed February 23, 1983. Applicant: AUBREY L. JONES, d.b.a. JONES TRUCKING SERVICE, Stewardson, IL 62463. Representative: Robert T. Lawley, 300 Reisch Bldg., Springfield, IL 62701, 217–544–5468. Transporting *lumber and wood products and institutional furniture and fixtures*, between points in the U.S. (except AK and HI), under continuing contract(s) with Stevens Cabinet Co., Inc., of Teutopolis, IL.

MC 152813 (Sub-5), filed February 28, 1983. Applicant: FRESH EXPRESS, INC., P.O. Box 5442, St. Louis, MO 63147. Representative: B. W. LaTourette, Jr., 11 South Meramec, Suite 1400, St. Louis, MO 63105, 314–727–0777. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI).

MC 155223 (Sub-8), filed February 23, 1983. Applicant: HIGHWAY EXPRESS, INC., 5742 W. Maryland, Glendale, AZ 85301. Representative: Robert Fuller, 13215 E. Penn St., Ste. 310, Whittier, CA 90602, 213–945–3002. Transporting *such commodities* as are dealt in or used by retail department stores, between points in the U.S. (except AK and HI), under continuing contract(s) with Goldwaters, of Scottsdale, AZ.

MC 159962 (Sub-1), filed February 18, 1983. Applicant: JACK DALE TRIPP AND CLARENCE H. TRIPP, d.b.a. TRIPP BROTHERS TRUCKING, P.O. Box 8436, Missoula, MT 59807. Representative: William E. Seliski, 2 Commerce St., P.O. Box 8255, Missoula, MT 59807, 406–543–8369. Transporting (1) *machinery*, (2) *building materials*, (3) *metal products*, and (4) *such commodities* as are dealt in or used by (a) lumber yards, and (b) farm-ranch supply stores, between those points in the U.S. in and west of OH, IN, IL, MO, OK, and TX (except AK and HI).

MC 166322, filed February 15, 1983. Applicant: FREDERICK W. MOORE, 1120 Seeley, P.O. Box 471, Myrtle Creek, OR 97457. Representative: Frederick W. Moore (same address as applicant), 503–863–4959. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S., under continuing contract(s) with R&R Truck Brokers, Inc., of Medford, OR.

MC 166382, filed February 22, 1983. Applicant: LONNIE L. BARDEN, d.b.a. LONNIE L. BARDEN TRUCKING, 2144 Sykes Creek Rd., Rogue River, OR 97537. Representative: Lonnie L. Barden (same address as applicant), 503–582–3376. Transporting *general commodities* (except classes A and B explosives, household goods), between points in the U.S., under continuing contract(s) with R&R Truck Brokers, Inc., of Medford, OR.

MC 166433, filed February 18, 1983. Applicant: NETEX FROZEN FOODS, INC., 1000 O'Tyson St., Mount Plesant, TX 75455. Representative: Robert Heller, Box 67, Eleva, WI 54738, 715–287–4614. Transporting *such commodities* as are dealt in and used by manufacturers and distributors of pet food, between points in Rice and Winona Counties, MN, and Barron, Rusk, and Trempealeau Counties, WI, under continuing contract(s) with (a) Netex Pet Foods, Inc., of Eleva, WI, and (b) Northwest Mink Ranch, Inc., of Bruce, WI.

MC 166562, filed March 2, 1983. Applicant: AMERICAN STUDENT MOVING, INC., 200 East 82nd St., New York, NY 10028. Representative: William F. King, Suite 304, Overlook Bldg., 6121 Lincolnia Rd., Alexandria, VA 22312, 703–750–1112. Transporting *household goods*, between Boston, MA, Albany, NY, and points in Cortland and Tompkins Counties, NY, on the one hand, and, on the other, points in CT, MA, NJ, and NY.

MC 166563, filed March 3, 1983. Applicant: MILTON T. WALLACE, Rte. 1, Box 90, Isabella, OK 73747. Representative: Michael Lennox, 5501 N. Triple XXX Rd., Choctaw, OK 73020, 405–399–5128. Transporting *food and related products*, between points in KS, OK, and TX, on the one hand, and, on the other, points in the U.S. (except AK and HI).

Volume No. OP2–118

Decided: March 9, 1983.

By the Commission, Review Board No. 3 Members Krock, Joyce, and Dowell.

MC 52793 (Sub-124), filed February 23, 1983. Applicant: BEKINS VAN LINES, CO., 333 South Center St., Hillside, IL 60162. Representative: David A. Gallagher (same address as applicant), (312) 547–2184. Transporting *household goods*, between points in the U.S. (except AK and HI), under continuing contract(s) with State Farm Mutual Automobile Insurance Co., of Bloomington, IL.

MC 69833 (Sub-167), filed February 11, 1983. Applicant: ASSOCIATED TRUCK LINES, INC., 200 Monroe Ave., NW., Grand Rapids, MI 49503. Representative: Bruce A. Bullock, One Woodward Ave. 26th Floor, Detroit, MI 48226, 313–496–3534. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing

contract(s) with K mart Corporation, of Troy, MI.

MC 74052 (Sub-3), filed February 11, 1983. Applicant: LEIGHTY TRUCK LINE, INC., 2339 S E Grand Ave., Portland, OR 97214. Representative: Lawrence V. Smart, Jr., 419 N W 23rd Ave., Portland, OR 97210, 503–226–3755. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in OR and WA.

MC 107012 (Sub-802), filed February 24, 1983. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy. 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (some address as applicant), (219) 429–2110. Transporting *general commodities* (except classes A and B explosives and commodities in bulk), between points in the U.S., under continuing contract(s) with Anheuser-Busch Companies, Inc., of St. Louis, MO.

MC 107012 (Sub-804), filed February 24, 1983. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy 30 W. P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same address as applicant), (219) 429–2110. Transporting *household goods*, between points in the U.S., under continuing contract(s) with State Farm Mutual Automobile Insurance Company, of Bloomington, IL.

MC 107012 (Sub-805), filed February 24, 1983. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy 30 W. P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (some address as applicant), (219) 429–2110. Transporting *household goods*, between points in the U.S. under continuing contract(s) with Pacific Southwest Airlines, of San Diego, CA.

MC 119343 (Sub-5), filed February 24, 1983. Applicant: MINDEMANN TRUCKING, INC., N63 W22985 Main St., Sussex, WI 53089. Representative: Daniel E. Dineen, 710 N. Plankinton Ave., Milwaukee, WI 53203, Milwaukee, WI 53203, (414) 273–7410. Transporting *general commodities* (except classes A and B explosives and household goods), between points in IA, IL, IN, KY, MI, MN, MO, OH, TN, TX, and WI, on the one hand, and, on the other, those points in the U.S. in east of ND, SD, NE, CO, OK, and TX.

MC 147952 (Sub-2), filed February 18, 1983. Applicant: ASSEMBLY & DISTRIBUTION TERMINALS OF WASHINGTON, INC., 801 1st Ave. S., Seattle, WA 98134. Representative: Bruce C. Meyer (same address as applicant), 206–622–1892. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S., under continuing contract(s) with (a) Pacific Northwest Perishable Shippers Association, (b) Washington Oregon Shippers Cooperative Association, Inc., (c) Northwest Perishable Shippers Cooperative Association, Inc., (d) Pacific Northwest Shippers Cooperative Association, Inc., and (e) Trailer Express, Inc., all of Seattle, WA.

MC 150093 (Sub-8), filed February 15, 1983. Applicant: THE TOM DAVIS CORP., d.b.a. DAVIS LINES, 5335 N.W. 111th Dr., Grimes, IA 50111. Representative: Richard D. Howe, 600 Hubbell Bldg., Des Moines, IA 50309, 515–244–2329. Transporting *wine and liquors*, between points in IA, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 161462 (Sub-6), filed February 15, 1983. Applicant: ILLINI 48 INC., 5501 West 109th St., Oak Lawn, IL 60453. Representative: Anthony E. Young, 29 South LaSalle St., Suite 350, Chicago, IL 60603, 312–782–8880. Transporting *such commodities* as are dealt in or used by chain grocery and food business houses, between points in GA, MN, MO, and KY, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 164912, filed February 23, 1983. Applicant: BEOTHUCK TRANSPORT LIMITED, Donovan's Industrial Park, Pratt Bldg., Glencoe Dr., St. John's, Newfoundland, Canada A1C 586. Representative: Francis E. Barrett, Jr., 10 Industrial Park Rd., Hingham, MA 02043, (617) 749–6500. Transporting *food and related products*, between Somerville, MA, on the one hand, and, on the other, ports of entry on the International Boundary line between the U.S. and Canada located in ME.

MC 166373, filed February 22, 1983. Applicant: BEN FORMAN & SONS, INC., 201 Water St., Brooklyn, NY 11201. Representative: James Robert Evans, 145 W. Wisconsin Ave., Neenah, WI 54956, (414) 722–2848. Transporting (1) *metal products and waste or scrap materials not identified by industry producing*, between points in Oneida County, NY, on the one hand, and, on the other, points in CT, DE, ME, MD, MA, NH, NJ, NC, OH, PA, RI, SC, VT, VA, WV, and DC, and (2) *silverware, plated ware and glassware*, between points in NY, on the one hand, and, on the other, points in CT, MA, and RI.

For the following, please direct status calls to Team 3 at 202–275–5223.

Volume No. OP3–103

Decided: March 15, 1948.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing. (Member Williams not participating.)

MC 111274 (Sub-92), filed March 2, 1983. Applicant: SCHMIDGALL TRANSFER INC., P.O. Box 351, Morton, IL 61550. Representative: Frederick C. Schmidgall (same address as applicant), (309) 266–9773. Transporting *materials and components used in the manufacture, erection and completion of metal buildings and metal buildings*, between points in the U.S. (except AK and HI), under continuing contract(s) with Pasco Bldg. Systems of Columbus, GA.

MC 127115 (Sub-30), filed March 1, 1983. Applicant: MILLER'S TRANSPORT, INC., 510 W. Fourth No., Hyrum, UT 84319. Representative: Rick J. Hall, P.O. Box 2465, Salt Lake City, UT 84110, (801) 531–1777. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI).

MC 145794 (Sub-5), filed March 2, 1983. Applicant: ARD'S TRUCKING COMPANY, INCORPORATED, P.O. Box 362, Darlington, SC 29532. Representative: Martin S. Driggers, P.O. Box 1439, Hartsville, SC 29550, (803) 332–5151. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI).

MC 150185 (Sub-7), filed February 25, 1983. Applicant: STAM–WIN, INC., 2727 Transport Rd., Cleveland, OH 44115. Representative: J. A. Kundtz, 1100 National City Bank Bldg., Cleveland, OH 44114, (216) 566–5639. Transporting *general commodities* (except household goods and classes A and B explosives), between points in the U.S., under continuing contract(s) with Ferro Corporation, of Cleveland, OH.

MC 152024 (Sub-3), filed March 2, 1983. Applicant: RUMM ASSOCIATES, INC., P.O. Box 521, Grand Blanc, MI 48439. Representative: Martin J. Lavitt, 22375 Haggerty Rd., P.O. Box 400, Northville, MI 48167, (313) 349–3980. 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 General Motors Corporation of Troy, MI.

MC 161024 (Sub-2), filed March 1, 1983. Applicant: RAMROD TRUCKING, INC., 9005 Weedy Lane, Houston, TX 77093, Representative: Mike Cotten, P.O. Box 1148, Austin, TX 78767, (512) 472–8800. Transporting (1) *Mercer*

commodities and (2) *those commodities which because of their size and weight require the use of special handling or equipment*, between points in TX.

Note. Applicant seeks conversion of its Certificate of Registration in No. MC-161024.

MC 166444, filed February 25, 1983. Applicant: U.S. EXPRESS, 2025 Eye Street N.W., Ste. 108, Washington, DC 20006. Representative: Peter J. Dolan (same address as applicant), (202) 463-0796. Transporting *printed matter*, between Washington, DC, on the one hand, and, on the other, points in the U.S.

MC 166575, filed March 3, 1983. Applicant: BLAINE EVANS, d.b.a. BLAINE EVANS TRUCKING, 858 N. 4th E. Spanish Fork, UT 84660. Representative: Irene Warr, 311 S. State St., Ste. 280, Salt Lake City, UT 84111, (801) 531-1300. Transporting *building materials and metal products*, between points in CA, NV, UT, CO, WY, MT, AZ, NM, WA, OR, and ID.

MC 166585, filed March 2, 1983. Applicant: DENNY CHANCLER EQUIPMENT CO., INC., 3086 Crater Lake Hwy, Medford, OR 97501. Representative: Dennis N. Chancler (same address as applicant), (503) 773-2917. Transporting *general commodities* except classes A and B explosives, household goods and commodities in bulk), between points in CA, ID, NV, OR and WA.

[FR Doc. 83-7341 Filed 3-21-83; 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 and regulatory requirements for common and contract carriers.

Agatha L. Mergenovich,
Secretary.

For status, please call Team 3 at 202-275-5223.

Volume No. OP3-101

Decided: March 11, 1983.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 144035 (Sub-3)X, filed March 4, 1983. Applicant: MINUTE AIR, INC., P.O. Box 881, Latham NY 12110. Representative: W. Norman Charles, P.O. Box 724, Glens Falls, NY 12801, (518) 792-0957. Sub-3 Certificate: broaden commodity description from general commodities (except classes A and B explosives, household goods, commodities in bulk, and those requiring special equipment), to "general commodities (except classes A and B explosives, household goods, and commodities in bulk)"; broaden the territorial description to Albany County, NY, from Albany County Airport, Albany, NY; and remove the restriction to prior or subsequent movement by air.

For status, please call Team 3 at 202-275-7030.

Volume No. OP3-121

Decided: March 15, 1983.

By the Commission, Review Board No. 1, Members Carleton, Williams, and Ewing. (Member Williams not participating.)

MC 29452 (Sub-9)X, filed February 14, 1983. Applicant: B.O.W. EXPRESS, INC., 3163 Fairfax Trafficway, Kansas City, KS. Representative: Larry E. Gregg, 641 Harrison St., P.O. Box 1979, Topeka, KS 66601, 913-234-0565. Lead and Subs 3, 4, and 8: (A) broaden the Lead to (1) "Farm Products" from (a) livestock and poultry supplies; (2) "Petroleum, natural gas and their products" from (a) petroleum products in containers; and (b) motor oil in containers; (3) "food and related products" from (a) feed; and (b) poultry supplies. (4) "textile mill products" from (a) twine (5) "furniture and fixtures" from (a) store fixtures (6) "chemicals and related products" from (a) paints; and (b) stock remedies (7) "metal products" from (a) hardware; (b) farm hardware; and (c) fencing (8) "machinery" from (a) windmills; (b) washing machines; (c) radios; (d) stoves; (e) automobile parts; (f) farm machinery and parts; (g) agricultural implements and parts; and (h) agricultural implements (9) "transportation equipment" from automobile motors and (10) "such commodities as are used or dealt in by retail food business houses" from (a) groceries (B) remove (1) all exceptions from the general commodities authority, except classes A and B explosives, commodities in bulk, and household goods, in lead, subs 3, 4, and 8; (2) restriction against the transportation of oils and greases to the terminal of Kansas City, MO, and the off-route point of North Kansas City, MO, lead; (C) allow service at all intermediate points and change one-way to two-way authority (regular routes), in applicable subs; (D) broaden off-route points to (1) county-wide authority: (a) lead (points within eight miles of Baldwin, KS) Douglas, Johnson, Franklin, and Miami Counties, KS; (Wellsville) Franklin County, KS; (Princeton) Franklin County, KS; (Pleasant Grove, KS, and points within 10 miles of Pleasant Grove) Douglas and Franklin Counties, KS; (Garnett) Anderson County, KS; (Lawrence) Douglas County, KS; (Paola) Miami County, KS; (b) Sub 8 (Lyndon and Melvern) Osage County, KS; (Harris) Anderson County, KS; (Lebo, Waverly, Halls Summit and Sharpe) Coffey County, KS; (c) Sub 3 (Redmond Dam, New Strawn, Le Roy and Gridley) Coffey County, KS; (Madison and Lamont) Greenwood County, KS; and (d) Sub 4 (Fall River Reservoir, Eureka) Greenwood County, KS; (Toronto Reservoir) Woodson County, KS; (Moline) Elk County, KS; (Elk City Reservoir, Sycamore) Montgomery County, KS; (New Albany, Buxton, Altoona) Wilson County, KS; (Longton) Elk County, KS; (Westphalia) Anderson County, KS; (Pomona Reservoir, Quenemo) Osage County, KS; and (E) radial authority, lead.

[FR Doc. 83-7337 Filed 3-21-83; 8:45 am]
BILLING CODE 7035-01-M

[Docket No. MC-F-15166 Vol. 120]

Motor Carriers; S & L Services, Inc.—Purchase Exemption—Sigma-4 Express, Inc. (James K. McNamers, Trustee-in-Bankruptcy)

AGENCY: Interstate Commerce Commission.

ACTION: Notice of proposed exemption.

SUMMARY: Pursuant to 49 U.S.C. 11343(e), and the Commission's regulations in Ex Parte No. 400 (Sub-No. 1), *Procedures for Handling Exemptions Filed by Motor Carriers of Property under 49 U.S.C. 11343,* 363 I.C.C. 113 (1982), S&L Services, Inc., No. MC–138805, and, in turn Lawrence and Elizabeth Mattern who jointly control S&L seeks an exemption from the requirement under section 11343 of prior regulatory approval of the purchase of authorities issued to Sigma–4 Express, Inc. in No. MC–125023 (Sub-No. 28).

DATE: Comments must be received within 30 days after the date of publication in the **Federal Register.**

ADDRESSES: Send comments to:

(1) Motor Section, Room 2139, Interstate Commerce Commission, Washington, D.C. 20423

and

(2) Petitioner's representatives, Terrence D. Jones and Anthony J. Ciccone, Jr., Billig, Sher & Jones, P.C., 2033 K St. NW., Washington, DC 20006.

Comments should refer to No. MC–F–15166.

FOR FURTHER INFORMATION CONTACT: Warren C. Wood (202) 275–7949.

SUPPLEMENTARY INFORMATION: Please refer to the petition for exemption, which may be obtained free of charge by contacting petitioner's representative. In the alternative, the petition for exemption may be inspected at the offices of the Interstate Commerce Commission during usual business hours.

Decided: March 15, 1983.

By the Commission, Heber P. Hardy, Director, Office of Proceedings.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-7342 Filed 3-21-83; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 30130]

Rail Carriers; Itel Rail Corporation–Control–Hartford and Slocomb Railroad Co.; McCloud River Railroad Co.; Green Bay & Western Railroad Co.; and the Ahnapee and Western Railway Co.; Notice of Exemption

March 18, 1983.

Itel Corporation (Itel) and Itel Rail Corporation (Itel Rail) filed a notice under 49 CFR 1180.2 and 1180.4(g) for exemption under 49 U.S.C. 10505 from the prior approval requirements of 49 U.S.C. 11343–7 for Itel to transfer control of subsidiary railroads, subject to Commission jurisdiction, to Itel Rail. At present, Itel directly controls 3 railroads: Hartford and Slocomb Railroad Company (HS), McCloud River Railroad Company (MCR) and Green Bay & Western Railroad Company (GBW). GBW, in turn, controls the Ahnapee and Western Railway Company (AHW). Itel Tail in a wholly owned subsidiary of Itel.

Itel has been operating as a Debtor-In-Possession under Chapter 11 of the Bankruptcy Act under jurisdiction of the United States District Court for the Northern District of; California. Under an Amended Plan of Reorganization filed with the Court, Itel will transfer control of its railroad subsidiaries to Itel Rail. At present, Itel owns all stock of HS, and virtually all the stock of MCR and GBW. GBW owns nearly all the stock of AHW. Itel now controls the transportation activities of its rail subsidiaries through its Rail Division. Undere the amended plan, the stock of the subsidiary rail carriers will be transferred to Itel Rail, which will then control and operate the transportation activities of each subsidiary. Itel will become a holding company and will indirectly own the stock of the rail subsidiaries through Itel Rail. No change is anticipatd in the nature or structure of the operations of the rail subsidiaries.

The transaction is within the corporate family of Itel and will not result in adverse changes in service levels, significant operational changes, or changes in the competitive balance with carriers outside the corporate family and is thus exempt from requirements of prior approval.

Any employee affected by this transaction shall be protected by the conditions prescribed in *New York Dock Ry.-Control-Brooklyn Eastern Dist.,* 360 I.C.C. 60 (1979). This will satisfy the statutory requirements of 49 U.S.C. 10505(g)(2). A request by the Railway Labor Executives' Association, file March 3, 1983 for oral hearing on this issue is, accordingly, not necessary.

Related transactions are also being considered in No MC–F–14959, *Itel Corporation-Control-Itel Transportation Services Corp,* and Finance Docket No. 30129, *Itel Rail Corporation-Control-Itel Transportation Services Corp.*

By the Commission, Heber P. Hardy, Director, Office of Proceedings.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-7330 Filed 3-21-83; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

Proposed Consent Decrees With Indiana State Implementation Plan at Northern Indiana Public Service Company's Generating Plants at Gary and Wheatfield, Indiana

In accordance with Departmental policy, 28 CFR 50.7, 38 FR 19029, notice is hereby given that on December 30, 1982, two proposed consent decrees in *united States of America* v. *Northern Indiana Public Service Company,* Civil No. 82–852, were lodged with the United States District Court for the Northern District of Indiana.

The proposed consent decrees require the Northern Indiana Public Service Company (NIPSOC) to bring two of its coal fired electric generating stations, the Dean H. Mitchell station in Gary, Indiana, and the rollin M. Schahfer station in Wheatfield, Indiana, into compliance with the applicable regulations of the Indiana State Implementation Plan and the Clean Air Act, 42 U.S.C. 7401, *et seq.* Pursuant to the terms of the decrees, NIPSOC has agreed to pay a cash penalty of $25,000 for violations of the Clean Air Act at the Mitchell Station.

The proposed consent decrees may be examined at the Office of the United States Attorney, 312 Federal Building, 507 State Street, Hammond, Indiana 46320; at the Region V. Office of the Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604; and at the office of the Environmental Enforcement Section, Land and Natural Resources Division of the United States Department Of Justice, Room 1515, Tenth & Pennsylvania Avenue, NW., Washington, D.C. 20530. A copy of the proposed consent decrees may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice. In requesting a copy, please enclose a check in the amount of $2.20 (10 cents per page reproduction charge) payable to the Treasurer of the United States.

The Department of Justice will receive written comments relating to the proposed consent decrees for a period of thirty days from the date of this notice. Comments should be directed to the Assistant Attorney General for the Land and Natural Resource Division of the Department of Justice, Tenth and Pennsylvania Avenue, NW., Washington, D.C. 20530 and should refer to *United States* v. *Northern Indiana*

Public Service Company, D.J. Ref. 60-5-2-1-429.

Carol E. Dinkins,

Assistant Attorney General.

[FR Doc. 83-7318 Filed 3-21-83; 8:45 am]

BILLING CODE 4410-01-M

DEPARTMENT OF LABOR

Employment and Training Administration

Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents summaries of determinations regarding eligibility to apply for adjustment assistance issued during the period March 7, 1983—March 11, 1983.

In order for an affirmative determination to be made and a certification of eligibility to apply for adjustment assistance to be issued, each of the group eligibility requirements of section 222 of the Act must be met.

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated,

(2) That sales or production, or both, of the firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Negative Determinations

In each of the following cases the investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-13,723; Van Normal Machine Co., Inc., Springfield, MA

TA-W-13,713; Pine Brook Manufacturing Co., Inc., New York, NY

TA-W-13,724; West Virginia Flat Glass, Inc., Clarksburg, WV

TA-W-13,742; Metropolitan Ladies' Wear Co., Inc., New York, NY

TA-W-13,450; International Shoe Co., Batesville, AR

TA-W-13,512; Mesta Machine Co., New Castle, PA

TA-W-13,646; Dolan Steel Co., Bridgeport, CT

TA-W-13,635; Verson Allsteel Press Co., Chicago, IL

TA-W-13,334; Gem Products, Inc., Rib Lake, WI

TA-W-13,487; Lello Fashions, North Bergen, NJ

In the following cases the investigation revealed that criterion (3) has not been met. Increased imports did not contribute importantly to workers separations at the firm.

TA-W-13,735; Stride Rite Corp., Newburyport, MA

TA-W-13,776; Magma Copper Co., Superior Div., Superior, AZ

TA-W-13,616; Duval Corp., Mineral Park Property, Kingman, AZ

TA-W-13,676; Duval Corp., Sierrita Proterty, Sahuarita, AZ

TA-W-13,698; Duval Corp., Esperanza Property, Tucson, AZ

In the following cases the investigation revealed that criterion (3) has not been met for the reasons specified.

TA-W-13,863; Union Carbide Corp., Metals Div., Coal Group, Clendenin, WV

Aggregate U.S. imports of metallurgical coal are negligible

TA-W-13,843; Travco Coal Co., Man, WV

Aggregate U.S. imports of metallurgical coal did not increase as required for certification.

TA-W-13,827; Maple Meadow Mining Co., Inc., Maple Meadow Mine, Raleigh County, WV

Aggregate U.S. imports of metallurgical coal are negligible.

TA-W-13,825; Imperial Colliery Co., Eskadale Div., Kanawha Co., WV

Aggregate U.S. imports of metallurgical coal are negligible.

TA-W-13,838; Duhue Coal Co., Duhue, WV

Aggregate U.S. imports of metallurgical coal did not increase as required for certification.

TA-W-13,741; Ironton Coke Corp., Ironton, OH

Aggregate U.S. imports of coke did not increase as required for certification.

TA-W-13,836; B.L. Montague, Inc., Greenville, SC

The workers' firm did not produce an article as required for certification under Section 222 of the Trade Act of 1974.

TA-W-13,787; Lee Ann Coal Co., Madison, WV

Aggregate U.S. imports of metallurgical coal are negligible.

TA-W-13,783; Dokata Enterprises, Inc., Lyburn, WV

Aggregate U.S. imports of bituminous coal did not increase as required for certification.

TA-W-13,808; Mapco Corp., Pontiki Mine Complex, Lovely, KY

Aggregate U.S. imports of or coke coal did not increase as required for certification.

TA-W-13,886; TRW, Inc., Customer Service Div., Brookfield, WI

The workers' firm does not produce an article as required for certification under Section 222 of the Trade Act of 1974.

TA-W-13,685; Cone Mills Corp., Revolution Plant, Greensboro, NC

Aggregate U.S. imports of fabric are negligible.

TA-W-13,769; Sewell Coal Co., Meadow River #1 Mine, Lookout, WV

Aggregate U.S. imports of coal or coke did not increase as required for certification.

TA-W-13,817; Cannelton Industries, Inc., Indiana Creek Div., Charleston, WV

Aggregate U.S. imports of metallurgical coal are negligible.

TA-W-13,818; Canneltion Industries, Inc., Kanawka Div., Charleston, WV

Aggregate U.S. imports of metallurgical coal are neglible.

TA-W-13,846; Bishop Coal Co., Mine #34, Bishop, WV

Aggregate U.S. imports of bituminous coal did not increase as required for certification.

TA-W-13,847; Bishop Coal Co., Bishop #33/36 Mine, Bishop, WV

Aggregate U.S. imports of bituminous coal did not increase as required for certification.

TA-W-13,848; Bishop Coal Co., Mine #37, Dry Fork, VA

Aggregate U.S. imports of bituminous coal did not increase as required for certification.

TA-W-13,771; Itmann Coal Co., #1 Mine, Wyoming County, WV

Aggregate U.S. imports of metallurgical coal are negligible.

TA-W-13,772; Itmann Coal Co., #2 Mine, Wyoming County, WV

Aggregate U.S. imports of metallurgical coal are negligible.

TA-W-13,773; Itmann Coal Co., #3A Mine, Wyoming County, WV

Aggregate U.S. imports of metallurgical coal are negligible.

TA-W-13,774; Itmann Coal Co., Shop, Wyoming County, WV

Aggregate U.S. imports of metallurgical coal are negligible.

TA-W-13,775; Itmann Coal Co., Tipple, Wyoming County, WV

Aggregate U.S. imports of metallurgical coal are negligible.

Affirmative Determinations

TA-W-13,729; H.K. Porter Co., Inc., Alloy Metal Wire Works, Prospect Park, PA

A certification was issued covering all workers of the firm separated on or after January 1, 1982 and before September 1, 1982.

TA-W-13,740; Hall Ski-Lift Co., Inc., Watertown, NY

A certification was issued in response to a petition received on August 17, 1982 covering all workers separated on or after August 12, 1981.

TA-W-14,169; Bethlehem Mines Corp., Mine #81, Drennen, WV

A certification was issued covering all workers of the firm separated on or after October 1, 1982.

TA-W-13,622; Wheeling-Pittsburgh Steel Corp., Benwood, WV

A certification was issued in response to a petition received on June 25, 1982 covering all workers separated on or after June 21, 1981.

TA-W-13,730; International Shoe Co., Hopkinsville, KY

A certification was issued in response to a petition received on August 17, 1982 covering all workers separated on or after January 1, 1982 and before October 1, 1982.

TA-W-13,653; Copper Range Co., White Pine Div., White Pine, MI

A certification was issued covering all workers of the firm separated on or after January 1, 1982.

TA-W-13,427; Brown Shoe Co., Brookfield, MO

A certification was issued covering all workers of the firm separated on or after November 28, 1981.

TA-W-13,788; N.L. Chemicals/N.L. Industries, Titanium Div., Sayreville, NJ

A certification was issued in response to a petition received on September 16, 1982 covering all workers separated on or after March 7, 1982.

TA-W-14,176; Walpole Woodworkers, Inc., Detroit, MI

A certification was issued in response to a petition received on September 16, 1982 covering all workers separated on or after November 23, 1981.

TA-W-14,177; Walpole Woodworkers, Inc., Chester, ME

A certification was issued in response to a petition received on September 16, 1982 covering all workers separated on or after November 23, 1981.

I hereby certify that the aforementioned determinations were issued during the period March 7, 1983–March 11, 1983. Copies of these determinations are available for inspection in Room 10,332, U.S. Department of Labor, 601 D Street, NW., Washington, D.C. 20213 during normal business hours or will be mailed to persons who write to the above address.

Dated: March 15, 1983.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 83-7393 Filed 3-21-83; 8:45 am]

BILLING CODE 4510-30-M

Federal-State Unemployment Compensation Program; Extended Benefits; New Extended Benefit Period in the State of North Dakota

This notice announces the beginning of a new Extended Benefit Period in the State of North Dakota, effective on March 6, 1983.

Background

The Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note) established the Extended Benefit Program as a part of the Federal-State Unemployment Compensation Program. The Extended Benefit Program takes effect during periods of high unemployment in a State, to furnish up to 13 weeks of extended unemployment benefits to eligible individuals who have exhausted their rights to regular unemplyment benefits under permanent State and Federal unemployment compensation laws. The Act is implemented by State unemployment compensation laws and by Part 615 of Title 20 of the Code of Federal Regulations (20 CFR Part 615).

In accordance with section 203(d) of the Act, each State unemployment compensation law provides that there is a State "on" indicator in the State for a week if the head of the State employment security agency determines that, for the period consisting of that week and the immediately preceding 12 weeks, the rate of insured employment under the State unemployment compensation law equalled or exceeded the State trigger rate. The Extended Benefit Period actually begins with the third week following the week for which there is an "on" indicator. A benefit period will be in effect for a minimum of 13 consecutive weeks, and will end the third week there is an "off" indicator.

Determination of "on" Indicator

The head of the employment security agency of the State named above has determined that the rate of insured unemployment in the State, for the period consisting of the week ending on February 19, 1983, and the immediately preceding 12 weeks, rose to a point that equals or exceeds the State trigger rate, so that for that week there was an "on" indicator in the State.

Therefore, a new Extended Benefit Period commenced in the State with the week beginning on March 6, 1983.

Information for Claimants

The duration of extended benefits payable in the new Extended Benefit Period, and the terms and conditions on which they are payable, are governed by the Act and the State unemployment compensation law.The State employment security agency will furnish a written notice of potential entitlement to extended benefits to each individual who has established a benefit year in the State that will expire after the new Extended Benefit Period begins, and who has exhausted all rights under the State unemployment compensation law to regular benefits before the beginning of the new Extended Benefit Period. 20 CFR 615.13(d)(1). The State employment security agency also will provide such notice promptly to each individual who exhausts all rights under the State unemployment compensation law to regular benefits during the Extended Benefit Period, including exhaustion by reason of the expiration of the individual's benefit year. 20 CFR 615.13(d)(2).

Persons who believe they may be entitled to extended benefits in the State named above, or who wish to inquire about their rights under the Extended Benefit Program, should contact the nearest State employment office or unemployment compensation claims office in their locality.

Signed at Washington, D.C., on March 15, 1983.

Albert Angrisani,

Assistant Secretary of Labor.

[FR Doc. 83-7394 Filed 3-21-83; 8:45 am]

BILLING CODE 4510-30-M

Office of the Secretary

The Steering Subcommittee of the Labor Advisory Committee for Trade Negotiations and Trade Policy; Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463 as amended), notice is hereby given of a meeting of the Steering Subcommittee of the Labor Advisory Committee for Trade Negotiations and Trade Policy.

Date, time and place: April 5, 1983, 9:30 a.m., Rm. N3437 A & B Frances Perkins, Department of Labor Building, 200

Constitution Avenue, NW., Washington, D.C. 20210.

Purpose: To discuss trade negotiations and trade policy of the United States.

This meeting will be closed under the authority of section 10(d) of the Federal Advisory Committee Act. The Committee will hear and discuss sensitive and confidential matters concerning U.S. trade negotiations and trade policy.

For further information, contact: Joseph S. Papovich, Executive Secretary, Labor Advisory Committee, Phone: (202) 523-6171.

Signed at Washington, D.C., this 15th day of March 1983.

Robert W. Searby,

Deputy Under Secretary International Affairs.

[FR Doc. 83-7395 Filed 3-21-83; 8:45 am]

BILLING CODE 4510-28-M

Office of Pension and Welfare Benefit Programs

Grant of Individual Exemptions; Morgan & Associates

AGENCY: M.D.'s P.C. et. al. Pension and Welfare Benefit programs Office Labor.

ACTION: Grant of individual exemptions.

SUMMARY: This document contains exemptions issued by the Department of Labor (the Department) from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and/or the Internal Revenue Code of 1954 (the Code).

Notices were published in the **Federal Register** of the pendency before the Department of proposals to grant such exemptions. The notices set forth a summary of facts and representations contained in each application for exemption and referred interested persons to the respective applications for a complete statement of the facts and representations. The applications have been available for public inspection at the Department in Washington, D.C. The notices also invited interested persons to submit comments on the requested exemptions to the Department. In addition the notices stated that any interested person might submit a written request that a public hearing be held (where appropriate). The applicants have represented that they have complied with the requirements of the notification to interested persons. No public comments and no requests for a hearing, unless otherwise stated, were received by the Department.

The notices of pendency were issued and the exemptions are being granted solely by the Department because, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

Statutory Findings

In accordance with section 408(a) of the Act and/or section 4975(c) (2) of the code and the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975), and based upon the entire record, the department makes the following findings:

(a) The exemptions are administratively feasible;

(b) They are in the interests of the plans and their participant and beneficiaries; and

(c) They are protective of the rights of the participant and beneficiaries of the plans.

Morgan & Associates, M.D.'s P.C., Employees Pension Plan and Trust (the Plan) Located in Bismarck, North Dakota

Exemption Application No. D-3570; (Prohibited Transaction Exemption 83-43]

Exemption

The restrictions of section 406(a), 406(b) (1) and 406(b) (2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code, shall not apply to the proposed sale of a parcel of real property (the Property) by the Plan to Dr. Riffat Morgan and his wife, Margaret Morgan, parties in interset with respect to the Plan, provided the sales price is at least the fair market value of the Property at the time of sale.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on January 28, 1983 at 48 FR 4070.

For Further Information Contact: Louis Campagna of the Department, telephone (202) 523-8883. (This is not a toll-free number.)

Operating Engineers Journeyment and Apprentice Training Trust (the Plan) Located in the City of Industry, California

[Exemption Application No. L-3588; Prohibited Transaction Exemption 83-44]

Exemption

The restrictions of section 406(a) shall not apply to: (1) The proposed use by the Plan of certain real property owned by Mr. William Schmidt (Schmidt), a party in interest with respect to the Plan, for storage and training purposes, provided that the terms and conditions of such use are at least as favorable to the Plan as those obtainable by the Plan in an arm's length transaction with an unrelated party; and (2) the restrictions of section 406(a), 406(b)(1) and 406(b)(2) shall not apply to the execution of an indemnification agreement between the Plan and Schmidt relating to the use of such property, provided that the terms and conditions of such agreement are at least as favorable to the Plan as those obtainable by the Plan in an arm's length transaction with an unrelated party.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on January 21, 1983 at 48 FR 2859.

For Further Information Contact: Ms. Katherine D. Lewis of the Department, telephone (202) 523-8972. (This is not a toll-free number.)

F.E.S. Drilling Consultants, Inc., Money Purchase and Defined Benefit Pension Plans (the Plans) Located in Elk City, Oklahoma

[Exemption Application No. D-3611; Prohibited Transaction Exemption 83-45]

Exemption

The sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code, shall not apply to the sale of certain registered securities by F.E.S. Drilling Consultants, Inc., the Employer, to the Plans, provided that the terms of the sale are not less favorable to the Plans than those obtainable in an arm's length transaction with an unrelated party on the date of sale.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on January 21, 1983 at 48 FR 2862.

For Further Information Contact: Ms Linda M. Hamilton of the Department, Telephone (202) 523-8881. (This is not a toll-free number.)

The Sun Valley Mobile Homes, Inc. Target Pension Plan and the Sun Valley Mobile Homes, Inc. Profit Sharing Plan (collectively, the Plans) Located in Mesa, Arizona

[Exemption Application Nos. D-3620 and D-3621; (Prohibited Transaction Exemption 83-46)]

Exemption

The restrictions of section 406(a), 406 (b)(1) and (b)(2) of the Act and the sanctions resulting from the application

of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code, shall not apply to: (1) Loans (the Loans) by the Plans of 35 percent of their aggregate assets to Sun Valley Mobile Homes, Inc. (the Employer), provided the terms and conditions of the Loans are at least as favorable to the Plans as those obtainable in an arm's length transaction with an unrelated party; and (2) the guarantee of repayment of the Loans by the principal shareholders of the Employer.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on January 21, 1983 at 48 FR 2863.

Temporary Nature of Exemption: The exemption is temporary in nature and will expire five years from the date of the grant with respect to the making of the Loans by the Plans to the Employer. Subsequent to the expiration of this exemption, the Plans may hold the Loans provided they originated during the five year period.

For Further Information Contanct: Ms. Jan D. Broady of the Department, telephone (202) 523–8971. (This is not a toll-free number.)

Reliable Stores Corporation Pension Plan and Trust (the Plan) Located in Baltimore, Maryland

[Exemption Application No. D–3650; [Prohibited Transaction Exemption 83–47)]

Exemption

The restrictions of sections 406(a), 406(b)(1) and 406(b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code, shall not apply to the proposed cash purchase by the Plan of a deed of trust note from Reliable Stores Corporation, the sponsor of the Plan; and (2) the resulting extension of credit by the Plan to REKA Properties Limited Partnership, a party in interest with respect to the Plan, provided that the terms and conditions of such transaction are at least as favorable to the Plan as those which the Plan could receive in a similar transaction with an unrelated party.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on January 21, 1983 at 48 FR 2864.

For Further Information Contact: Richard Small of the Department, telephone (202) 523–7222. (This is not a toll-free number.)

Haserjian Bros., Inc. Profit Sharing Plan (the Plan) Located in Hollywood, California

[Exemption Application No. D–3663; Prohibited Transaction Exemption 83–48]

Exemption

The restrictions of section 406(a) and 406 (b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code, shall not apply to the cash sale of a note by the Plan for $936,282.57 to Haserjian Bros. Realty Co., a party in interest with respect to the Plan, provided that the terms of the transaction were not less favorable to the Plan than those obtainable in an arm's-length transaction with an unrelated party on the date of consummation of the transaction.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on January 21, 1983 at 48 FR 2865.

Effective Date: The effective date of the exemption is August 10, 1982.

For Further Information Contact: Alan H. Levitas of the Department, telephone (202) 523–8971. (This is not a toll-free number.)

The Miami Rug Company Employees Profit Sharing Plan and Trust (the Plan) Located in Miami, Florida

[Exemption Application No. D–3712; Prohibited Transaction Exemption 83–49]

Exemption

The restrictions of section 406(a) and 406 (b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code, shall not apply to the loan of $125,000 made on December 1, 1974, by the Plan to Miruco Corporation, provided the terms of the loan were not less favorable to the Plan than those obtainable in an arm's-length transaction with an unrelated party at the time the loan was made.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on January 7, 1983 at 48 FR 904.

Effective Date: This exemption is effective January 1, 1975 through November 8, 1982.

For Further Information Contact: Gary H. Lefkowitz of the Department, telephone (202) 523–8971. (This is not a toll-free number.)

Corning Glass Works Pension Plan (the Plan) Located in Corning, New York

[Exemption Application No. D–3721; Prohibited Transaction Exemption 83–50]

Exemption

The restrictions of section 406(a) and 406 (b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code, shall not apply to the proposed contribution (the Contribution) of a certain limited partnership interest (the Partnership Interest) to the Plan by Corning Glass Works, the sponsor of the Plan, provided that the value of the Partnership Interest used for the Contribution is not greater than the fair market value of the Partnership Interest at the time of the Contribution.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on January 21, 1983 at 48 FR 2867.

For Further Information Contact: Richard Small of the Department, telephone (202) 523–7222. (This is not a toll-free number.)

Engelman-General Profit Sharing Plan (the Plan) Located in Wichita Falls, Texas

[Exemption Application No. D–3899; Prohibited Transaction Exemption 83–51]

Exemption

The restrictions of section 406(a) and 406 (b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code, shall not apply to the cash sale by the Plan of a parcel of real property located at 8501 Jacksboro Highway in Wichita Falls, Texas to Engelman-General, Inc. for $54,000, provided that this amount is at least the fair market value of the property at the time of sale.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on January 28, 1983 at 48 FR 4072.

For Further Information Contact: Alan H. Levitas of the Department, telephone (202) 523–8971. (This is not a toll-free number.)

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and/or section

4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and/or the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) These exemptions are supplemental to and not in derogation of, any other provisions of the Act and/or the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

(3) The availability of these exemptions is subject to the express condition that the material facts and representations contained in each application accurately describes all material terms of the transaction which is the subject of the exemption.

Signed at Washington, D.C., this 17th day of March 1983.

Alan D. Lebowitz,

Assistant Administrator for Fiduciary Standards Pension and Welfare Benefit Programs, Labor-Management Services Administration, Department of Labor.

[FR Doc. 83-7388 Filed 3-21-83; 8:45 am]

BILLING CODE 4510-29-M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 83-25]

NASA Advisory Council; Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, as amended, the National Aeronautics and Space Administration announces a forthcoming meeting of the NASA Advisory Council, Informal Task Force for the Study of Effective Shuttle Utilization.

DATE AND TIME: April 7, 1983, 8:00 a.m. to 5 p.m.

ADDRESS: NASA Ames Research Center, Room 213, Building 200, Moffett Field, California 94035.

FOR FURTHER INFORMATION CONTACT: Mr. Carl R. Praktish, Code LB-4, National Aeronautics and Space Administration, Washington, DC 20546 (202/755-8380).

SUPPLEMENTARY INFORMATION: The NASA Advisory Council Informal Task Force for Effective Shuttle Utilization was established under the NASA Advisory Council to conduct a study of the directions NASA should take to ensure the most effective use of the Shuttle capability and to report its findings and recommendations to the Council. The Task Force is chaired by Edgar M. Cortright, and has a total of 10 members.

At this meeting the members will discuss their work plan and what remains to be done. Visitors will be admitted to the meeting room up to its capacity, which is approximately 45 persons including Task Force members and other participants. Visitors will be requested to sign a visitor's register.

Type of Meeting: Open.

Richard L. Daniels,

Director, Management Support Office, Office of Management.

March 15, 1983.

[FR Doc. 83-7346 Filed 3-21-83; 8:45 am]

BILLING CODE 7510-01-M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Humanities Panel; Meeting

AGENCY: National Endowment for the Humanities, NFAH.

ACTION: Notice of meeting.

SUMMARY: Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, as amended), notice is hereby given that the following meeting of the Humanities Panel will be held at 806 15th Street, N.W., Washington, D.C. 20506:

SUPPLEMENTARY INFORMATION:

Date: March 21, 1983.
Time: 9:00 a.m. to 5:30 p.m.
Room: 1134.
Program: This meeting will review the Endowment's program of U.S. Newspaper Projects, examine the work of existing projects and consider the implications of pending applications for the Division of Research Programs.

The proposed meeting is for the purpose of Panel review, discussion and recommendation on present and future directions of the U.S. Newspaper Projects applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. Because the proposed meeting will consider information that is likely to disclose: (1) Trade secrets and commercial or financial information obtained from a person and privileged or confidential; (2) information of a personal nature the disclosure of which would constitute a clearly unwarranted invasion of personal privacy; and (3) information the disclosure of which would significantly frustrate implementation of proposed agency action; pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated January 15, 1978. I have determined that this meeting will be closed to the public pursuant to subsections (c)(4), (6) and (9)(B) of section 552b of Title 5, United States Code. Because the meeting could not be scheduled until recently, the required notice period prior to the meeting could not be given. Delaying the meeting would mean current project proposals would not be considered by the next meeting of the National Council on the Humanities.

Further information about this meeting can be obtained from Mr. Stephen J. McCleary, Advisory Committee Management Officer, National Endowment for the Humanities, Washington, D.C. 20506, or call (202) 724-0367.

Stephen J. McCleary,

Advisory Committee, Management Officer.

[FR Doc. 83-7310 Filed 3-21-83; 8:45 am]

BILLING CODE 7536-01-M

Humanities Panel Meetings

AGENCY: National Endowment for the Humanities.

ACTION: Notice of meetings.

SUMMARY: Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, as amended), notice is hereby given that the following meetings of the Humanities Panel will be held at 1100 Pennsylvania Avenue, N.W., Washington, D.C. 20506:

Date: April 12, 1983.
Time: 9:00 a.m. to 5:30 p.m.
Room: 314 or 315.
Program: This meeting will review applications for Summer Seminars in American and European History, submitted to the Division of Fellowships and Seminars, for projects beginning after June 1, 1983.

Date: April 14, 1983.
Time: 9:00 a.m. to 5:30 p.m.

Room: 314 or 315.

Program: This meeting will review applications for Summer Seminars in American and English Literature; and Composition and Rhetoric, submitted to the Division of Fellowships and Seminars, for projects beginning after June 1, 1983.

Date: April 15, 1983.
Time: 9:00 a.m. to 5:30 p.m.
Room: 314 or 315.

Program: This meeting will review applications for Summer Seminars in Anthropology, Sociology, Linquistics, and Folklore, submitted to the Division of Fellowships and Seminars, for projects beginning after June 1, 1983.

Date: April 18, 1983.
Time: 9:00 a.m. to 5:30 p.m.
Room: 314 or 315.

Program: This meeting will review applications for Summer Seminars in Philosophy, submitted to the Division of Fellowships and Seminars, for projects beginning after June 1, 1983.

Date: April 22, 1983.
Time: 9:00 a.m. to 5:30 p.m.
Room: 314 or 315.

Program: This meeting will review applications for Summer Seminars in Music and Art History, submitted to the Division of Fellowships and Seminars, for projects beginning after June 1, 1983.

Date: April 25, 1983.
Time: 9:00 a.m. to 5:30 p.m.
Room: 314 or 315.

Program: This meeting will review applications for Summer Seminars in Comparative Literature, Drama and Film, submitted to the Division of Fellowships and Seminars for projects beginning after June 1, 1983.

Date: April 26, 1983.
Time: 9:00 a.m. to 5:30 p.m.
Room: 314 or 315.

Program: This meeting will review applications for Summer Seminars in German, Slavic and Classical Languages and Literatures, submitted to the Division of Fellowships and Seminars, for projects beginning after June 1, 1983.

Date: April 27, 1983.
Time: 9:00 a.m. to 5:30 p.m.
Room: 314 or 315.

Program: This meeting will review applications for Summer Seminars in Religion and Science and Technology, submitted to the Division of Fellowships and Seminars, for projects beginning after June 1, 1983.

Date: April 20, 1983.
Time: 9:00 a.m. to 5:30 p.m.
Room: 314 or 315.

Program: This meeting will review applications for Summer Seminars in Political Science; and Latin American and Non-Western History, submitted to the Divison of Fellowships, for projects beginning after June 1, 1983.

Date: April 29, 1983.
Time: 9:00 a.m. to 5:30 p.m.
Room: 314 or 315.

Program: This meeting will review applications for Summer Seminars in Romance Languages and Literatures, submitted to the Division of Fellowships, and Seminars, for projects beginning after June 1, 1983.

The proposed meetings are for the purpose of Panel review, discussion evaluation and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. Because the proposed meetings will consider information that is likely to disclose: (1) Trade secrets and commercial or financial information obtained from a person and privileged or confidential; (2) information of a personal nature the disclosure of which would constitute a clearly unwarranted invasion of personal privacy; and (3) information the disclosure of which would significantly frustrate implementation of proposed agency action; pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated January 15, 1978, I have determined that these meetings will be closed to the public pursuant to subsections (c)(4), (6) and (9)(B) of section 552b of Title 5, United States Code.

Further information about these meetings can be obtained from Mr. Stephen J. McCleary, Advisory Committee Management Officer, National Endowment for the Humanities, Washington, D.C. 20506, or call (202) 724-0367.

Stephen J. McCleary,

Advisory Committee Management Officer.

[FR Doc. 83-7390 Filed 3-21-83; 8:45 am]

BILLING CODE 7536-01-M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-313]

Arkansas Power & Light Co.; Issuance of Amendment To Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 71 to Facility Operating License No. DPR-51, issued to Arkansas Power and Light Company (the licensee), which revised the Technical Specifications for operation of Arkansas Nuclear One, Unit No. 1 (ANO-1) located in Pope County, Arkansas. The amendment is effective as of the date of issuance.

The amendment modifies the Technical Specifications to support operation at full rated power during Cycle 6.

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 required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4), and environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For furhter details with respect to this action, see: (1) The application for amendment dated November 19, 1982 as supplemented November 23, 1982, January 27, 1983, and February 11, 1983, (2) Amendment No. 71 to License No. DPR-51, and (3) the Commission's related Safety Evaluation. These items are available for public inspection at the Commission's Public Document room, 1717 H Street, NW., Washington, D.C. and at the Arkansas Tech University, Russellville, Arkansas. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 10th day of March 1983.

For the Nuclear Regulatory Commission.

John F. Stolz,

Chief, Operating Reactors Branch No. 4 Division of Licensing.

[FR Doc. 83-7356 Filed 3-21-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-265]

Commonwealth Edison Co.; Issuance of Amendment To Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 79 to Facility Operating License No. DPR-30 issued to Commonwealth Edison Company and Iowa-Illinois Gas and Electric Company, which revised the Technical Specifications for operation of the Quad Cities Nuclear Power Station, Unit 2 located in Rock Island County, Illinois. The amendment is effective as of the date of issuance.

The amendment revises the Technical Specifications to allow a temporary

increase in the Linear Heat Generation Rate (LHGR) from 13.4 to 14.7 kW/ft for certain Barrier Fuel Test Assemblies present in the Unit 2 core. This new limit applies only during the remainder of the current operating Cycle 6.

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 the amendment was not required since the amendment does not involve a significant hazards consideration.

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)(40 an environmental 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 January 27, 1983 (2) Amendment No. 79 to License No. DPR-30 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 Moline Public Library, 504 17th Street, Moline, Illinois. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 3rd day of March 1983.

For the Nuclear Regulatory Commission.

Domenic B. Vassallo,

Chief, Operating Reactors Branch No. 2, Division of Licensing.

[FR Doc. 83-7359 Filed 3-21-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-295 and 50-304]

Commonwealth Edison Co.; Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 82 to Facility Operating License No. DPR-39, and Amendment No. 72 to Facility Operating License No. DPR-48 issued to the Commonwealth Edison Company (the licensee), which revised the Licenses and the Technical Specifications for operation of Zion Station, Units 1 and 2 (the facilities) located in Zion, Illinois. The amendments are effective as of the date of issuance.

The amendments revise the Licenses and the Appendix B Environmental Technical Specifications to delete the non-radiological water quality-related requirements, as required by the Federal Water Pollution Control Act Amendments of 1972.

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. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of the amendments is a ministerial action required as a matter of law and will not result in any significant environmental impact and 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 amendments dated February 10, 1983, (2) Amendment Nos. 82 and 72 to License Nos. DPR-39 and DPR-48, and (3) the Commission's letter to the licensee dated March 11, 1983. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Zion-Benton Public Library District, 2600 Emmaus Avenue, Zion, Illinois 60099. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 11th day of March 1983.

For the Nuclear Regulatory Commission.

Steven A. Varga,

Chief, Operating Reactors Branch No. 1, Division of Licensing.

[FR Doc. 83-7361 Filed 3-21-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-295 and 50-304]

Commonwealth Edison Co. (Zion Nuclear Power Station Units 1 and 2); Exemption

I

The Commonwealth Edison Company (the licensee) is the holder of Facility Operating License Nos. DPR-39 and DPR-48 which authorize operation of the Zion Nuclear Power Station, Units 1 and 2, respectively (Zion or the facilities). These licenses provide, among other things, that they are subject to all rules, regulations and Orders of the Nuclear Regulatory Commission (the Commission) now or hereafter in effect.

The facilities are pressurized water reactors lacated at the licensee's site in Zion, Illinois.

II

Section III.G.2 of Appendix R to 10 CFR Part 50 requires that one train of cables and equipment necessary to achieve and maintain safe shutdown be maintained free of fire damage by one of the following means:

a. Separation of cables and equipment and associated non-safety circuits of redundant trains by a fire barrier having a 3-hour rating. Structural steel forming a part of or supporting such fire barriers shall be protected to provide fire resistance equivalent to that required of the barrier;

b. Separation of cables and equipment and associated non-safety circuits of redundant trains by a horizontal distance of more than 20 feet with no intervening combustibles or fire hazards. In addition, fire detectors and an automatic fire suppression system shall be installed in the fire area; or

c. Enclosure of cables and equipment and associated non-safety circuits of one redundant train in a fire barrier having a 1-hour rating. In addition, fire detectors and an automatic fire suppression system shall be installed in the fire area.

The licensee, in a July 30, 1982 submittal, requested exemptions from these requirements for the following areas:

(1) Crib house outer room (Fire Area 18.4A-0)—

- Service water pump power cables.

(2) Crib house inner room (Fire area 18.4B-0)—

- Service water pumps and power cables.

(3) Aux. building, elev. 560' (Fire Area 11.2-0)—

- Component cooling pumps and power cables,

- Power cables for Units 1 and 2 centrifugal charging pump coolers,
- Power cables for Unit 2 RHR pumps and their unit coolers,
- Division 19 MCC 1393A and Division 18 MCC 1383A,
- Division 27 and 28 MCC power feeds and Division 29 (MCC 2393A).

(4) Aux. building, elev. 519' (Fire Area 11.3–0)—

- Power cables for service water pumps,
- Power cables for Units 1 and 2 centrifugal charging pumps and their coolers,
- Power cables for Unit 2 RHR pumps and their coolers.

(5) Aux. building, elev. 592' (Fire Area 11.4–0)—

- Power cables for service water pumps,
- Power cables for Units 1 and 2 centrifugal charging pumps,
- Power cables for Unit 2 RHR pumps,
- Power cables for Unit 2 AFW pumps and steam islolation valves for turbine driven AFW pump 2A,
- Auxiliary fedwater flow signal cable.

(6) Aux. building, elev. 617' (Fire Area 11.5–0—

- Unit 1 centrifugal charging pumps' power cables.

For each of these areas, the licensee has described the physical configuration pertaining to the fire hazards such as separation between redundant components, in-situ fire load, room volume, location of cable trays and risers, fire detectors, portable and installed fire suppression capability, and barriers between redundant components. By combination of these features, the licensee demonstrates that a fire in these areas would be unlikely to disable both redundant components located in that area so that one train of equipment needed for safe shutdown remains operable.

Based on our evaluation, described in Enclosure 2 to the letter transmitting this exemption, we find that the fire protection in areas for which an exemption has been requested provides a level of fire protection equivalent to the technical requirements of Section III. G.2 of Appendix R, and therefore, the exemption should be granted.

III

Accordingly, the Commission has determined that, pursuant to 10 CFR 50.12, these exemptions are authorized by law and will not endanger life or property or the common defense and security, are otherwise in the public interest, and hereby grants the requested exemptions for the areas as identified in Section II above from Section III.B.2, of Appendix R.

The Commission has determined that the granting of this Exemption will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with this action.

For further details with respect to this action, see: (1) The application for Exemptions dated July 30, 1982, and (2) the NRC staff's Safety Evaluation. These items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Zion-Benton Public Library District, 2600 Emmaus Avenue, Zion, Illinois 60099. A copy of these items may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

This Exemption is effective upon issuance.

Dated at Bethesda, Maryland this 7th day of March 1983.

For the Nuclear Regulatory Commission.

Darrell G. Eisenhut,

Director, Division of Licensing, Office of Nuclear Reactor regulation.

[FR Doc. 83-7360 Filed 3-21-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-409]

Dairyland Power Coop., La Crosse Boiling Water Reactor; Issuance of Amendment to Provisional Operational License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 32 to Provisional Operating License No. DPR-45, issued to Dairyland Power Cooperative (the licensee), which revised the Technical Specifications for operation of the La Crosse Boiling Water Reactor (the facility) located in Vernon County, Wisconsin. The amendment is effective as of its date of issuance.

The amendment authorizes Technical Specification changes to require annual audits of the Emergency and Security Plans.

The application for amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see: (1) The application for amendment dated October 29, 1982, as supplemented on February 18, 1983, and (2) Amendment No. 32 to License No. DPR-45, including the Commission's letter of transmittal which contains its evaluation. These items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the La Crosse Public Library, 800 Main Street, La Crosse, Wisconsin 54601. A single copy of item (2) may be obtained by request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 14th day of March 1983.

For the Nuclear Regulatory Commission.

Dennis M. Crutchfield,

Chief, Operating Reactors Branch No. 5, Division of Licensing.

[FR Doc. 83-7362 Filed 3-21-83; 8:45 am]

BILLING CODE 7590-01-M

[Dockets Nos. 50-269, 50-270 and 50-287]

Duke Power Co; Issuance of Amendments To Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendments Nos. 119, 119 and 116 to Facility Operating Licenses Nos. DPR-38, DPR-47 and DPR-55, respectively, issued to Duke Power Company, which revised the Technical Specifications (TSs) for operation of the Oconne Nuclear Station, Units Nos. 1, 2 and 3, located in Oconee County, South Carolina. The amendments become effective on March 14, 1983.

These amendments revise the TSs concerning the heatup, cooldown and inservice test limitations for the reactor coolant systems of each Oconee unit.

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. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CRR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with the issuance of these amendments.

For further details with respect to this action, see: (1) The application for amendments dated November 12, 1982, as supplemented February 24, 1983, (2) Amendments Nos. 119, 119, and 116 to Licenses Nos. DPR–38, DPR–47 and DPR–55, respectively, 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 Oconee County Library, 501 West Southbroad Street, Walhalla, South Carolina 29691. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 11th day of March 1983.

For the Nuclear Regulatory Commission.

John F. Stolz,

Chief, Operating Reactors Branch No. 4, Division of Licensing.

[FR Doc. 83–7363 Filed 3–21–83; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–334]

Duquesne Light Co., et al.; Exemption From Appendix R to 10 CFR 50, Fire Protection Requirements

The U.S. Nuclear Regulatory Commission (the Commission) has granted an exemption from certain requirements of Appendix R to 10 CFR Part 50 to Dequesne Light Company, Ohio Edison Company and Pennsylvania Power Company (the licensees). The Exemption relates to the Fire Protection Program for the Beaver Valley Power Station, Unit No. 1 (the facility) located in Beaver County, Pensylvania. The Exemption is effective as of March 14, 1983.

The Exemption waives certain requirements of Subsection III.G and III.L for this facility. Details are provided in the Exemption and are summarized as follows:

1. *Control Room.* The Control Room is separated from other plant areas by three-hour rated fire barriers, is manned continuously, has low combustible loading and is equipped with fire detectors and portable fire extinguishers. A remote emergency auxiliary shutdown panel and a backup instrument panel are provided away from the control room. An exemption from Subsection III.G.3.b is granted to the extent that an automatic suppression system is not needed.

2. *Charging Pump Cubicles in the Primary Auxiliary Building.* This area does not comply with Section II.G.2.b because an automatic suppression system is not provided. Because the combustible loading is low, partial height walls between the charging pumps, and one-hour barriers and smoke detectors are provided, these alternative features will provide reasonable assurance that one train of charging pumps will be maintained free of fire damage for a sufficient period to enable the fire brigade to respond and manually extinguish a fire. This exemption is granted.

3. *Reactor Containment.* The protection for redundant trains of safe shutdown equipment inside containment does not meet the technical requirements of Section III.G.2.b because there is not 20 feet of separation between redundant power cables free of intervening combustibles. Due to their configuration and location within the containment and to the restricted access of these sub-areas during plant operations, and exposure fire involving the accumulation of significant quantities of transient combustible materials is unlikely. Because there are only a few cables in these sub-areas and all cables inside containment are qualified to a test comparable to that of IEEE Standard 383 and routed in conduit, a fire of sufficient magnitude to damage redundant cables or components is also unlikely. This exemption is granted.

4. *Pipe Tunnel.* This area is not provided with an automatic suppression system and 20 feet of separation free of intervening combustibles between redundant components of alternative shutdown capability. If a fire did occur, there is approximately ½-hour to manually operate the necessary valves if a loss of offsite power occurs; if such a loss does not occur these valves would remain operable. Because of the time available to take manual control of the backup system, there is reasonable assurance that one train of components will be available for cooling the containment air recirculation coils. This exemption to Subsection III.G.2.b is granted.

5. *Cable Tunnel.* Subsection III.G.2.b requires 20 feet of separation free of intervening combustibles between cables. Based on our evaluation, the level of existing protection in cable tunnel CV-3 in conjunction with the proposed Halon 1301 system provides a level of fire protection equivalent to the technical requirements of Section III.G of Appendix R. Therefore, the exemption is granted.

6. *HVAC Ductwork for the Charging Pump Cubicles.* The licensee has proposed to install 1½-hour fire dampers in common ductwork that penetrates three-hour-rated fire barriers. We note that this does not comply with the Section III.G.2.a requirements for three-hour-rated barriers between redundant components. Because smoke detection, 1½-hour-rated fire dampers, and duct insulation are provided, there is reasonable assurance that a fire in one charging pump cubicle will be promptly detected and extinguished by the fire brigade before the redundant pumps are damaged. This exemption is granted.

7. *Use of Portable Fans in Charging Pump Cubicles and Emergency Switchgear Room.* These areas contain equipment essential for hot shutdown. Loss of their normal HVAC systems means that the temperature will rise rapidly, thus damaging or prematurely aging the equipment housed inside these areas. The proposed use of the gasoline-powered fans is considered a repair, which is not allowed by the requirement of III.G.1.a. Repairs which can be accomplished within 72 hours are permitted for cold-shutdown-related equipment. However, the licensee has shown, by analysis, that there is a time period of approximately 1 to 2 hours during which these fans would not need to be employed. Because of this time factor, we accept the use of portable fans as backup HVAC equipment for these areas. This exemption is granted.

8. *Cold Shutdown Capability.* The licensee has requested an exemption from the 72-hour requirement to achieve cold shutdown, per Section III.L of Appendix R. The licensee proposed to use the method of solid steam generator to achieve cold shutdown only when the RHR system is not available. It will need 127 hours to achieve cold shutdown. Since this method is used only when offsite power and RHR are lost, we consider the extended cold shutdown time, from 72 hours to 127 hours, acceptable. This exemption is granted.

The request for Exemption 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 which are set forth in the Exemption.

The Commission has determined that the granting of this Exemption will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this Exemption.

For further details with respect to this action, see (1) The application for Exemption dated June 30, 1982, as revised October 28 and December 21, 1982, (2) the Commission's letter dated March 14, 1983, and (3) the Exemption. 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 B. F. Jones Memorial Library, 663 Franklin Avenue, Aliquippa, Pennsylvania 15001. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 14th day of March 1983.

For the Nuclear Regulatory Commission.

Robert A. Purple,

Deputy Director, Division of Licensing.

[FR Doc. 83-7364 Filed 3-21-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-334]

Duquesne Light Co.; et al; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 64 to Facility Operating License No. DPR-66 issued to Duquesne Light Company, Ohio Edison Company, and Pennsylvania Power Company (the licensees), which revised the Technical Specifications for operation of the Beaver Valley Power Station, Unit No. 1 (the facility) located in Beaver County, Pennsylvania. The amendment is effective as of the date of issuance.

The amendment deletes the Appendix B Environmental Technical Specifications which pertain to non-radiological water quality-related requirements, as required by the Federal Water Pollution Control Act Amendments of 1972.

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 is a ministerial action required as a matter of law and will not result in any significant environmental impact and pursuant to 10 CFR 51.5(d)(4), an environmental impact statement, or negative declaration and environmental impact appraisal, need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see: (1) The application for amendment dated February 9, 1983, (2) Amendment No. 64 to License No. DPR-66, and (3) the Commission's related letter dated March 11, 1983. 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 B.F. Jones Memorial Library, 663 Franklin Avenue, Aliquippa, Pennsylvania 15001. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 11th day of March 1983.

For the Nuclear Regulatory Commission.

Steven A. Varga,

Chief, Operating Reactors Branch No. 1, Division of Licensing.

[FR Doc. 83-7365 Filed 3-21-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-302]

Florida Power Corp., et al.; Issuance of Amendment To Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 63 to Facility Operating License No. DPR-72, issued to the Florida Power Corporation, City of Alachua, City of Bushnell, City of Gainesville, City of Kissimmee, City of Leesburg, City of New Smyrna Beach and Utilities Commission, City of New Smyrna Beach, City of Ocala, Orlando Utilities Commission and City of Orlando, Sebring Utilities Commission, Seminole Electric Cooperative, Inc., and the City of Tallahassee (the licensees) which revised the Technical Specifications (TSs) for operation of the Crystal River Unit No. 3 Nuclear Generating Plant (the facility) located in Citrus County, Florida. The amendment is effective as of the date of issuance.

This amendment exempts certain containment isolation valves, after the valves have been placed in their containment isolation position, from the provisions of TS 3.0.4.

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 significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this section, see: (1) The application for amendment dated January 11, 1980, as revised November 2, 1981, (2) Amendment No. 63 to License No. DPR-72, 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 Crystal River Public Library, 668 N.W. First Avenue, Crystal River, Florida. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 10th day of March 1983.

For the Nuclear Regulatory Commission.

John F. Stolz,

Chief, Operating Reactors Branch #4, Division of Licensing.

[FR Doc. 83-7366 Filed 3-21-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-250 and 50-251]

Florida Power and Light Co.; Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 93 to Facility Operating License No. DPR-31, and Amendment No. 87 to Facility Operating License No. DPR-41 issued to Florida Power and Light Company (the licensee), which revised Technical Specifications for operation of Turkey Point Plant, Unit Nos. 3 and 4 (the facilities) located in Dade County, Florida. The amendments are effective as of the date of issuance.

The amendments delete Appendix B Environmental Technical Specifications which pertain to non-radiological water quality-related requirements, as required by the Federal Water Pollution Control Act Amendments of 1972.

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. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of the amendments is a ministerial action required as a matter of law and will not result in any significant environmental impact and 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 amendments dated February 10, 1983, as supplemented by letter dated February 16, 1983, (2) Amendment Nos. 93 and 87 to License Nos. DPR-31 and DPR-41, and (3) the Commission's related letter dated March 11, 1983. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Environmental and Urban Affairs Library, Florida International University, Miami, Florida 33199. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 11th day of March 1983.

For the Nuclear Regulatory Commission.

Steven A. Varga,

Chief, Operating Reactors Branch No. 1, Division of Licensing.

[FR Doc. 83-7367 Filed 3-21-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-321 and 50-366]

Georgia Power Co. et al.; Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendments Nos. 94 and 31 to Facility Operating Licenses Nos. DPR-57 and NPF-5, issued to Georgia Power Company, Oglethorpe Power Corporation, Municipal Electric Authority of Georgia, and City of Dalton, Georgia, which revised Technical Specifications for operation of the Edwin I. Hatch Nuclear Plant, Units Nos. 1 and 2 (the facility) located in Appling County, Georgia. The amendments are effective as of the date of issuance.

These amendments revise the Appendix B Environmental Technical Specifications to delete nonradiological water quality-related requirements, as required by the Federal Water Pollution Control Act Amendments of 1972; and to delete the aerial erosion control surveys of the Hatch Nuclear Plant-Bonnaire transmission corridor.

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. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the deletion of water-quality requirements is a ministerial action required as a matter of law and will not result in any significant environmental impact; that the deletion of aerial erosion surveys 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 prepared in connection with these actions.

For further details with respect to this action, see: (1) The application for amendments dated October 30, 1981, (2) Amendments Nos. 94 and 31 to Licenses Nos. DPR-57 and NPF-5, and (3) the Commission's letter to Georgia Power Company dated March 11, 1983. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Appling County Public Library, 301 City Hall Drive, Baxley, Georgia 31513. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 11th day of March 1983.

For the Nuclear Regulatory Commission.

John F. Stolz,

Chief, Operating Reactors Branch No. 4, Division of Licensing.

[FR Doc. 83-7368 Filed 3-21-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-331]

Iowa Electric Light and Power Co., et al.; Issuance of Amendent to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 83 to Facility Operating License No. DPR-49 issued to Iowa Electric Light and Power Company, Central Iowa Power Cooperative, and Corn Belt Power Cooperative, which revises the Technical Specifications for operation of the Duane Arnold Energy Center, located in Linn County, Iowa. The amendment is effective as of its date of issuance.

This change to the Technical Specifications allows the licensee to perform a manual stroke test on the mechanical snubbers in the forthcoming February 1983 refueling outage in lieu of the required functional test.

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 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 issuance of this amendment.

For further details with respect to this action, see: (1) The application for amendment dated August 20, 1982 as revised November 24, 1982, (2) Amendment No. 83 to License No. DPR-49, 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 Cedar Rapids Public Library, 426 Third Avenue, S.E., Cedar Rapids, Iowa 52401. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 10th day of March 1983.

For the Nuclear Regulatory Commission.

Domenic B. Vassallo,

Chief, Operating Reactors Branch No. 2, Division of Licensing.

[FR Doc. 83-7369 Filed 3-21-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-289]

Metropolitan Edison Co., et al.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 83 to Facility Operating License No. DPR-50, issued to Metropolitan Edison Company, Jersey Central Power and Light Company, Pennsylvania Electric Company, and GPU Nuclear Corporation (the licensees), which revised the Technical Specifications (TSs) for operation of the Three Mile Island Nuclear Station, Unit No. 1 (the facility) located in Dauphin County, Pennsylvania. The amendment is effective as of its date of issuance.

The amendment deletes the Appendix B Environmental Technical Specifications (ETS) which pertain to nonradiological water quality-related requirements, as required by the Federal Water Pollution Control Act Amendments of 1972.

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 is a ministerial action required as a matter of law and will not result in any significant environmental impact and 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 amendment.

For further details with respect to this action, see: (1) The application for amendment dated September 30, 1982, (2) Amendment No. 83 to License No. DPR-50, and (3) the Commission's letter to GPU Nuclear dated March 11, 1983. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Government Publications Section, State Library of Pennsylvania, Education Building, Commonwealth and Walnut Streets, Harrisburg, Pennsylvania 17126. A single copy of items (2) and (3) may be obtained by request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 11th day of March 1983.

For the Nuclear Regulatory Commission.

John F. Stolz,

Chief, Operating Reactors Branch No. 4, Division of Licensing.

[FR Doc. 83-7370 Filed 3-21-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-275]

Pacific Gas and Electric Co., Diablo Canyon Nuclear Power Plant, Unit 1; Exemption

I

The Pacific Gas & Electric Company (the licensee or PG&E) was issued Facility Operating License No. DPR-76 on September 22, 1981, authorizing PG&E to load fuel in the Diablo Canyon, Unit 1 reactor and conduct low power testing up to five percent of rated power. Subsequently, prior to any fuel being loaded into the reactor vessel, the Commission issued an Order, CLI-81-30, on November 19, 1981 which suspended the authority to load fuel and conduct low power testing on the basis of the discovery of certain seismic design discrepancies at the facility. Nevertheless, the license provides, among other things, that it is subject to all rules, regulations and Orders of the Commission now or hereafter in effect. The facility is a pressurized water reactor (PWR) located at the licensee's site in San Luis Obispo County, California.

II

Among the provisions of the Commission's regulations are requirements relating to physical security measures required for facilities which have been issued operating licenses. In particular, 10 CFR 73.55 and Appendices B and C to 10 CFR Part 73 address the requirements of physical security, guard training and qualification, and safeguards contingency planning for nuclear power reactors. 10 CFR 73.55 became effective on March 28, 1977, and Appendices B and C became effective on October 23, 1978, and June 6, 1978 respectively. These requirements are reflected in a license condition in paragraph 2.E.

By letter dated February 25, 1983, the licensee requested a temporary exemption from the requirements of 10 CFR 73.55 (b) through (h) and Appendix C of 10 CFR Part 73, which would relax physical security measures currently implemented in connection with Unit 1. This exemption will require an amendment to the foregoing license conditions. In support of this request, the licensee notes that there are major construction activities underway at the facility, there is no fuel in the reactor core, and there is no irradiated fuel at the facility.

III

The Nuclear Regulatory Commission (NRC) staff has reviewed the licensee's exemption request. 10 CFR 73.55 requires that each applicant for a license to operate a nuclear power reactor pursuant to 10 CFR Part 50 establish, prior to receipt of the license, a physical protection system designed to protect the facility against radiological sabotage from a specified design basis threat. The licensee has complied with this requirement, and an NRC approved security system has been in place and in effect since September 1981, the date the operating license was issued. At the time 10 CFR 73.55 was promulgated, it was not anticipated that significant time would elapse between the date of operating license issuance and fuel loading. Accordingly, no explicit provisions were made for relaxation of security requirements for those instances where this interval was extensive.

Since the reactor at this facility has never been loaded with fuel and thus no

criticality has been achieved, no irradiated fuel is on site and, accordingly, there is no current potential for radiological sabotage. (From a practical standpoint the facility is still in the construction stage. There are no activities on site related to reactor operation and no areas or equipment need to be designated as vital during this period.) Without safeguards in place, there is, however, the possibility of illegal activities designed to damage the plant or compromise the security system at some future date after operation has commenced. (This same potential exists at all new reactors prior to the issuance of the operating license.) To compensate for these concerns, the licensee has committed to an extensive return-to-service alignment, test, and inspection program of both vital plant components and intrusion alarm systems. The staff believes that the licensee's return-to-service program which is designed to ensure: (i) The operability of vital plant systems, (ii) the integrity of the intrusion alarm and access control systems, and (iii) that sabotage or sabotage materials have not been introduced into the vital areas, is acceptable. To provide additional assurance, during any period of reduced safeguards, the licensee will be required to continue to (i) control and limit site access to individuals having work-related needs, and (ii) maintain the tamper protection capability of the intrusion alarms, as currently required by the approved plans.

In regard to the fresh fuel stored on site, NRC safeguards regulations only require protection of the material against theft since low enriched uranium fuel poses little radiation risk to the public safety. The licensee's program for the protection of the Unit 1 fuel assemblies will be similar to that presently in effect for Unit 2 and is considered to satisfy the requirements of 10 CFR 73.67 for material of low strategic significance.

It is the staff's judgment, that the temporary suspension of those provisions of the licensee's security plan relative to the requirements of 10 CFR 73.55(b) through (h) prior to fuel loading satisfies the purpose and intent of the general performance requirements of 10 CFR 73.55 and will not significantly increase the risk of radiological sabotage at the present time or over the life of the facility. In addition, on its own initiative, the Commission is extending the exemption to include § 73.55(a) in order to remove any uncertainty regarding the extent to which the licensee is released from its Plan commitments.

IV

Accordingly, the staff has determined that, pursuant to 10 CFR 73.5 an exemption is authorized by law and will not endanger life or property or common defense and security and is otherwise in the public interest, and hereby grants a temporary exemption from the requirements of Section 10 CFR 73.55 (a) through (h) and Appendix C of 10 CFR Part 73 as stated in the Diablo Canyon Physical Security Plan and the Diablo Canyon Safeguards Contingency Plan.

The staff has determined that the granting of this exemption and amendment does not authorize a change in effluent types or total amounts nor an increase in power level and will not result in any significant environmental impact. Having made this determination, we have further concluded that the granting of this exemption and amendment involves an action which is insignificant from the standpoint of an environmental impact and, pursuant to 10 CFR 51.5(d)(4), that an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with the issuance of these actions.

The staff has also concluded, based on the considerations discussed above, that: (1) Because the granting of this exemption and amendment does not involve a significant increase in the probability or consequences of an accident previously evaluated, does not create the possibility of an accident of a type different from any evaluated previously, and does not involve a significant reduction in a margin of safety, the granting of this exemption and amendment does not involve a significant hazards consideration; (2) there is reasonable assurance that the health and safety of the public will not be endangered by these actions; and (3) such activities will be conducted in compliance with the Commission's regulations and the granting of this exemption and issuance of this amendment will not be inimical to the common defense and security or to the health and safety of the public.

Dated at Bethesda, Maryland, this 11th day of March 1983.

For the Nuclear Regulatory Commission.

Darrell G. Eisenhut,

Director, Division of Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 83-7371 Filed 3-21-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-272 and 50-311]

Public Service Electric and Gas Co., Philadelphia Electric Co., Delmarva Power and Light Co., and Atlantic City Electric Co.; Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 51 to Facility Operating License No. DPR-70, and Amendment No. 18 to Facility Operating License No. DPR-75 issued to Public Service Electric and Gas Company, Philadelphia Electric Company, Delmarva Power and Light Company and Atlantic City Electric Company (the licensees), which revised the Technical Specifications for operation of the Salem Nuclear Generating Station, Unit Nos. 1 and 2 (the facilities) located in Salem County, New Jersey. The amendments are effective as of the date of issuance.

The amendments delete the Appendix B Environmental Technical Specifications which pertain to non-radiological water quality-related requirements, as required by the Federal Water Pollution Contol Act Amendments of 1972.

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. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of the amendments is a ministerial action required as a matter of law and will not result in any significant environmental impact and 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 amendments dated February 10, 1983, (2) Amendment Nos. 51 and 18 to License Nos. DPR-70 and DPR-75, and (3) the Commission's related letter dated March 11, 1983. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Salem Free Public Library, 112 West Broadway, Salem, New Jersey. A copy of items (2) and (3) may be obtained upon request addressed to the

U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 11th day of March 1983.

For the Nuclear Regulatory Commission.

Steven A. Varga,

Chief, Operating Reactors Branch No. 1, Division of Licensing.

[FR Doc. 83-7372 Filed 3-21-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-312]

Sacramento Municipal Utility District; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 45 to Facility Operating License No. DPR-54, issued to Sacramento Municipal Utility District (the licensee), which revised Technical Specifications for operation of the Rancho Seco Nuclear Generating Station (the facility) located in Sacramento County, California. The amendment is effective as of the date of issuance.

The amendment deletes the Appendix B Environmental Technical Specifications (ETS) which pertain to nonradiological water quality-related requirements, as required by the Federal Water Pollution Control Act Amendments of 1972.

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 is a ministerial action required as a matter of law and will not result in any significant environmental impact and 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 amendment.

For further details with respect to this action, see: (1) The application for amendment dated February 17, 1983, (2) Amendment No. 45 to License No. DPR-54, and (3) the Commission's letter to the licensee dated March 11, 1983. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the 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, Maryland, this 11th day of March 1983.

For the Nuclear Regulatory Commission.

John F. Stolz,

Chief, Operating Reactors Branch No. 4, Division of Licensing.

[FR Doc. 83-7373 Filed 3-21-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-346]

The Toledo Edison Co. and The Cleveland Electric Illuminating Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 55 to Facility Operating License No. NPF-3, issued to The Toledo Edison Company and The Cleveland Electric Illuminating Company (the licensees), which revised Technical Specifications (TSs) for operation of the Davis-Besse Nuclear Power Station, Unit No. 1 (the facility) located in Ottawa County, Ohio. The amendment is effective as of its date of issuance.

The amendment deletes the Applendix B Environmental Technical Specifications (ETS) which pertain to nonradiological water quality-related requirements, as required by the Federal Water Pollution Control Act Amendments of 1972.

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 is a ministerial action required as a matter of law and will not result in any significant environmental impact and 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 amendment.

For further details with respect to this action, see: (1) The application for amendment dated June 13, 1980, (2) Amendment No. 55 to License No. NPF-3, and (3) the Commission's letter to Toledo Edison dated March 11, 1983. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the University of Toledo Library, Documents Department, 2801 West Bancroft Avenue, Toledo, Ohio 43606. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 11th day of March 1983.

For the Nuclear Regulatory Commission.

John F. Stolz,

Chief, Operating Reactors Branch No. 4, Division of Licensing.

[FR Doc. 83-7374 Filed 3-21-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-280 and 50-281]

Virginia Electric and Power Co.; Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 85 to Facility Operating License No. DPR-32, and Amendment No. 86 to Facility Operating License No. DPR-37 issued to Virginia Electric and Power Company (the licensee), which revised Technical Specifications for operation of the Surry Power Station, Unit Nos. 1 and 2, respectively, (the facilities), located in Surry County, Virginia. The amendments are effective as of the date of issuance.

The amendments delete the Technical Specifications which pertain to non-radiological water quality-related requirements, as required by the Federal Water Pollution Control Act Amendments of 1972.

The application for 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. Prior public notice of these amendments was not required

since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of the amendments is a ministerial action required as a matter of law and will not result in any significant environmental impact and 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 amendments dated February 14, 1983, (2) Amendment Nos. 85 and 86 to License Nos. DPR–32 and DPR–37, and (3) the Commission's related letter to the licensee dated March 11, 1983. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Swem Library, College of William and Mary, Williamsburg, Virginia 23185. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 11th day of March 1983.

For the Nuclear Regulatory Commission.

Steven A. Varga,

Chief, Operating Reactors Branch No. 1, Division of Licensing.

[FR Doc. 83-7375 Filed 3-21-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-397 CPA]

Washington Public Power Supply System, et al. (WPPSS Nuclear Project No. 2); Assignment of Atomic Safety and Licensing Appeal Board

Notice is hereby given that, in accordance with the authority conferred by 10 CFR 2.787(a), the Chairman of the Atomic Safety and Licensing Appeal Panel has assigned the following panel members to serve as the Atomic Safety and Licensing Appeal Board for this construction permit amendment proceeding:

Spethen F. Eilperin, Chairman
Christine N. Kohl
Dr. Reginald L. Gotchy

Dated: March 15, 1983.

C. Jean Shoemaker,

Secretary to the Appeal Board.

[FR Doc. 83-7376 Filed 3-21-83; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards Subcommittee on Reactor Operations; Meeting

The ACRS Subcommittee on Reactor Operations will hold meeting on April 6, 1983, Room 1046, 1717 H Street, N.W., Washington, D.C. The Subcommittee will discuss the proposed final rules on immediate notification requirements (10 CFR 50.72) and the revised License Event Report System (10 CFR 50.73). The Subcommittee may discuss other topics relating to reactor operations as time will allow.

Notice of this meeting was published February 23, 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 Designated 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 except for those sessions during which the Subcommittee finds it necessary to discuss proprietary information. One or more closed sessions may be necessary to discuss such information. (Sunshine Act Exemption 4). To the extent practicable, these closed sessions will be held so as to minimize inconvenience to members of the public in attendance.

The agenda for subject meeting shall be as follows:

Wednesday, April 6, 1983—8:30 a.m until the conclusion of business.

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, will 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 representatives of the NRC Staff, 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, Mr. Richard K. Major (telephone 202/634–1414) between 8:15 a.m. and 5:00 p.m., e.s.t.

I have determined, in accordance with Subsection 10(d) of the Federal Advisory Committee Act, that it may be necessary to close some portions of this meeting to protect proprietary information. The authority for such closure is Exemption (4) to the Sunshine Act, 5 U.S.C. 552b(c)(4).

Dated: March 15, 1983.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 83-7379 Filed 3-21-83; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards Subcommittee on Systematic Evaluation Program; Meeting

The ACRS Subcommittee on the Systematic Evaluation Program will hold a meeting on April 7, 1983, Room 1046, 1717 H Street, NW., Washington, D.C. The Subcommittee will discuss the Systematic Evaluation Program review of Haddam Neck. Notice of this meeting was published February 23, 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 Designated 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 except for those sessions during which the Subcommittee finds it necessary to discuss proprietary information. (Sunshine Act Exemption 4). One or more closed sessions may be necessary to discuss such information. To the extent practicable, these closed sessions will be held so as to minimize inconvenience to members of the public in attendance.

The agenda for subject meeting shall be as follows:

Thursday, April 7, 1983—8:30 a.m. until the conclusion of business.

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, will 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 representatives of the NRC Staff, 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, Mr. Herman Alderman (telephone 202/634–1414) between 8:15 a.m. and 5:00 p.m., e.s.t.

I have determined, in accordance with Subsection 10(d) of the Federal Advisory Committee Act, that it may be necessary to close some portions of this meeting to public attendance to protect proprietary information. The authority for such closure is Exemption (4) to the Sunshine Act, 5 U.S.C. 552b(c)(4).

Dated: March 15, 1983.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 83-7380 Filed 3-21-83; 8:45 am]

BILLING CODE 7590-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 22881; 70-6848]

American Electric Power Co., Inc. et al.; Proposed Sale of Utility Assets

March 16, 1983.

In the matter of American Electric Power Company, Inc., 180 East Broad Street, Columbus, Ohio 43215; Columbus and Southern Ohio Electric Company, 215 North Front Street, Columbus, Ohio 43215, and Indiana & Michigan Electric Company, One Summit Square, P.O. Box 60, Fort Wayne, Indiana 46801.

American Electric Power Company, Inc. ("AEP"), a registered holding company, and two of its electric utility subsidiaries, Columbus and Southern Ohio Electric Company ("C&SOE"), and Indiana & Michigan Electric Company ("I&M"), have filed with this Commission an application-declaration pursuant to Sections 9(a), 10, and 12(d) of the Public Utility Holding Company Act of 1935 ("Act") and Rules 43 and 44 promulgated thereunder.

C&SOE seeks authorization to sell (1) three 2.5 megawatt diesel-driven generating units and associated equipment (the "I&M units") to I&M and (2) one 2.5 megawatt diesel-driven generating unit and one gas turbine generating unit (with associated equipment, hereafter referred to as "the Alaska units") to Alaska Electric Light & Power Company ("Alaska"), a company not affiliated with either C&SOE or AEP.

The I&M units proposed to be sold were acquired and installed by C&SOE in 1966–67. These units are no longer required by C&SOE because it has established transmission reinforcement through interconnections with Ohio Power Company, an electric utility subsidiary of AEP, to a portion of its southern service area previously provided service radially on a 69 KV transmission line. I&M desires to acquire the I&M units to provide "black start" capability for a generating station during periods when the station becomes isolated from I&M's transmission lines. The I&M units will provide a service of emergency power.

I&M has offered to purchase, and C&SOE has agreed to sell, the three I&M units for a total price of approximately, $200,000. The purchase price will equal the net depreciated value of the units on the effective date of sale. The I&M units had a total original cost of $528,588.

The Alaska units were also acquired by C&SOE in 1966–67. The diesel-driven unit is no longer required for the same reason set forth previously with respect to the I&M units. The gas turbine unit, with a normal peaking net output of 17.5 megawatts, is no longer required by C&SOE because it has adequate reserves of generating capacity without the unit, and the gas turbine uses fuel which is more expensive than the coal-fired generating capacity available to C&SOE from its own and other AEP System generating units.

The Alaska units had a total original cost to C&SOE of $1,525,300 and, as of December 31, 1982, has a net depreciated value on C&SOE's books of $556,596. Alaska has offered to purchase, and C&SOE has agreed to sell, the Alaska units for a total purchase price of approximately $1 million. The purchase price includes acquisition of all associated equipment and was arrived at through arms'-length bargaining between Alaska and C&SOE. Alaska will first acquire an exclusive option on the Alaska units. The cost of the option, $5,000, will be applied against the total purchase price which will be paid at a later date. Any amounts paid by Alaska for the option or for the purchase shall be refunded in the event that the proposed transaction is not completed for lack of required Commission authorization.

The I&M and Alaska units shall be sold by C&SOE free and clear of its Indenture of Mortgage and Deed of Trust to Citibank, N.A., as Trustee, dated September 1, 1940, as amended and supplemented. C&SOE has also indicated that it may be necessary or desirable to dispose of other gas turbine and diesel-driven generating units in the future. In that event, C&SOE will file with the Commission all necessary information regarding such units and the proposed transactions.

the application-declaration and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by April 11, 1983, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the applicants-declarants at the addresses specified above. Proof of service (by affidavit or, in the case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the application-declaration, as filed, or as it may be amended, may be granted and permitted to become effective.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-7382 Filed 3-21-83; 8:45 am]

BILLING CODE 8010-01-M

[Released Nos. 13099 and 843; 812-5383; 803-26]

Arnold Bernhard & Co., Inc. and Value Line, Inc.; Filing of Application

March 16, 1983.

Notice is hereby given that Arnold Bernhard & Co., Inc. ("Bernhard") and its wholly-owned subsidiary, Value Line, Inc. ("VLI") (collectively, "Applicants"), 711 Third Avenue, New York, NY 10017, both New York corporations, filed an application on November 22, 1982, and amendments thereto on December 1, 1982, and March 3, 1983, for an order pursuant to Section 6(c) of the Investment Company Act of 1940 ("Act") and Section 206A of the Investment Advisers Act of 1940 ("Advisers Act") temporarily exempting Applicants from the provisions of Section 15(a)(4) of the Act and Section 205(2) of the Advisers Act to permit Bernhard to transfer its investment advisory business to VLI as described below. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein,

which are summarized below, and are referred to the Act and the Advisers Act, and the rules thereunder, for further information as to the provisions to which the exemption applies.

According to the application, Bernhard is a closely-held New York corporation, and registered with the Commission as an investment adviser under the Advisers Act that offers investment advisory services under the trade name, "Value Line." Applicants state that Bernhard acts as investment adviser to The Value Line Fund, Inc., The Value Line Income Fund, Inc., The Value Line Special Situations Fund, Inc., The Value Line Leveraged Growth Investors, Inc., The Value Line Cash Fund, Inc. and the Value Line Bond Fund ("Funds"), all registered under the Act as open-end management investment companies. Applicants represent that the current Manager and Investment Adviser Contracts between Bernhard and the Funds were approved in March, 1982, with the exception of the Bond Fund's advisory contract which was approved by shareholders in May, 1982. There are approximately 145,000 shareholders of the Funds which, at October 31, 1982, had aggregate net assets of approximately $1,220,492,000. Applicants further represent that Bernhard publishes The Value Line Investment Survey, The Value Line OTC Special Situations Service and Value Line Options and Convertibles, which provide investment advice to approximately 110,000 subscribers. Applicants state that as of October 31, 1982, approximately 46% of Bernhard's subscriptions were due to expire within six months, 79% were due to expire within 12 months and the remaining subscriptions were due to expire within 24 months. Bernhard further offers to approximately 111 institutional and professional subscribers, the Value Line Data Base, a computerized data base containing financial information.

Applicants represent that Bernhard, through its Asset Management Division, also furnishes investment advisory services to pension and profit sharing plans, foundations, endowment funds, corporate and financial institutions and individuals. At October 31, 1982, Asset Management had approximately 52 clients and total assets under management, exceeding $3,000,000,000.

According to the application, all of VLI's one class of stock is owned by Bernhard; VLI's Articles of Incorporation are similar to Bernhard's; and VLI is empowered to conduct the same business as Bernhard. Applicants further represent that the board of directors of VLI is identical to Bernhard's board and each officer of Bernhard holds, or will hold, a corresponding office with VLI. While VLI has conducted no business operations to date, it is preparing to register as an investment adviser under the Advisers Act and will continue the investment advisory business presently conducted by Bernhard.

Applicants state that pursuant to a Sale and Purchase Agreement dated October 31, 1982, Bernhard has agreed to transfer all of its operating assets utilized in its investment advisory business and related liabilities to VLI, its wholly-owned subsidiary, in exchange for additional shares of VLI stock ("Reorganization"). Applicants represent that VLI will register as an investment adviser under the Advisers Act upon the closing of the proposed Reorganization which is conditioned, among other things, upon obtaining various approvals and consents including the exemptive order sought by Applicants. Applicants further state that after consummation of the proposed Reorganization Bernhard proposes to make a public offering of not more than 20 percent of VLI stock. Upon consummation of the proposed Reorganization, Bernhard will primarily retain and manage its own investment assets, and will engage in certain non-investment advisory activities.

Applicants represent that, after the proposed Reorganization all of the current officers, directors and employees of Bernhard will assume corresponding positions with VLI and all of the resources currently utilized by Bernhard in rendering advisory services will become the property of VLI. After giving effect to the proposed Reorganization as contemplated by the Agreement, Applicant states that VLI's balance sheet of October 31, 1982, would reflect total assets of $25,000,000, including $19,500,000 in cash or readily marketable securities, and a net worth of $2,000,000. Applicants further state that Bernhard's net worth, excluding its investment in VLI, will be approximately $27,000,000.

Applicants represent that the transfer of assets, liabilities and personnel to VLI under the proposed Reorganization contemplates that VLI will be able to continue the business now conducted by Bernhard. According to the application, the directors, including the non-interested directors, of each of the Funds, at a meeting held on November 30, 1982, unanimously approved the Funds' entering into investment advisory agreements with VLI, which are identical in all substantive respects to the Funds' current advisory contracts with Bernhard. Applicants represent that the proposed Reorgnization will not take place unless approved by the shareholders of all the Funds, except Bond Fund, at meetings to be held March 29, 1982. Assuming such shareholder approval is obtained, Applicants propose to implement the Reorganization before the annual meeting of the Bond Fund shareholders, which is not scheduled to be held until May, 1983. For the interim period between the effective date of the proposed Reorganization and the annual meeting of the Bond Fund, the board of directors of the Bond Fund, including the non-interested directors, unanimously approved the Bond Fund's entering into an advisory agreement with VLI which is identical in all substantive respects to the current advisory contract agreement between Bernhard and the Bond Fund. Applicants state that the formal approval of the Bond Fund's board, however, is conditioned upon receipt from the Commission of the exemptive order sought by Applicants herein.

Applicants further contemplate that investment advisory contracts between Bernhard and its non-investment company clients, including subscribers to Value Line publications, will be treansferred to VLI, which will then provide the investment advisory services that Bernhard now provides. Applicants represent that Bernhard will send a written notice of the proposed Reorganization to each subscriber to a Value Line publication whose subscription expires in more than 12 months. That notice will also offer each such subscriber a 30-day option to cancel the remaining portion of the subscription and receive a pro-rata refund of the subscription price, if and when the Reorganization is consummated.

Applicants represent that its request for exemptive relief relates solely to the remaining term of the existing advisory agreement between Bernhard and the Bond Fund, and the remaining terms of the existing investment advisory agreements between Bernhard and its non-investment company clients. Applicants request a temporary exemption from Section 15(a)(4) of the Act to eliminate the requirement that Bernhard seek the approval of the shareholders of the Bond Fund before entering into an identical investment advisory contract with VLI for the interim period between the effective date of the proposed Reorganization and the May, 1983 shareholders meeting of the Bond Fund. Applicants further seek exemption from Section 205(2) of the Advisers Act to permit them to forego

obtaining the consent of their non-investment company clients before transfering the remaining terms of those clients' advisory agreements from Bernhard to VLI, as contemplated by the proposed Reorganization.

Applicants assert that the proposed Reorganization, including the transfer of non-investment company advisory contracts, will not constitute an "assignment" of such contracts, as defined in Section 2(a)(4) of the Act and Section 202(a)(1) of the Advisers Act, because it will not result in a change of actual management or control of the existing investment adviser, Bernhard, when the proposed Reorganization is effected. Nevertheless, Applicants believe it is prudent to seek a temporary exemption to render moot any future controversy as to whether a technical assignment had taken place or whether the existing investment advisory contracts terminated by operation of law or by the terms of those contracts upon consummation of the proposed Reorganization.

Section 6(c) of the Act and Section 206A of the Advisers Act together permit the Commission to conditionally or unconditionally exempt any transaction or any class or classes of transactions for any provision of the Act and Advisers Act if and to the extent that such exemption is necessry or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicants estimate that the cost of preparing, printing and mailing shareholders proxy materials and convening a special meeting for the Bond Fund shareholders and the expense of seeking consent from other advisory clients would be significant. According to the application, the exemptions requested will permit Bernhard's advisory clients to continue their present relationships without interruption and save Applicants the expense and inconvenience of submitting proxy material to, and obtaining the consent of its advisory clients. In addition, Applicants argue that the proposed Reorganization will not affect the personnel who are performing advisory services for their investment company and non-investment company clients, the ability of the adviser to service its clients, or the price, quality or quantity of services performed.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than April 11, 1983, at 5:30 p.m., do so by submitting a written request setting forth the nature of his interest, the reasons for his request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon Applicant at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. Persons who request a hearing will receive any notices and orders issued in this matter. After said date an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-7386 Filed 3-21-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 13100; 812-5468]

Metropolitan Tower Life Insurance Co. et al.; Application

March 16, 1983.

Notice is hereby given that Metropolitan Tower Life Insurance Company ("Metropolitan Tower"), Separate Account One of Metropolitan Tower Life Insurance Company ("Separate Account One"), a separate account registered under the Investment Company Act of 1940 (the "Act") as a unit investment trust, and Metropolitan Life Insurance Company ("Metropolitan Life") (collectively, "Applicants") One Madison Avenue, New York, 10010, filed an application on March 4, 1983 and an amendment thereto on March 14, 1983 for an order of the Commission approving the terms of certain offers of exchange pursuant to Section 11 of the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below, and are referred to the Act for a statement of the relevant statutory provisions.

Metropolitan Tower and Separate Account One intend to offer variable life insurance policies funded through Separate Account One. Metropolitan Life is the principal underwriter of the policies. Separate Account One is divided into investment divisions, each of which will invest solely in shares of one of the portfolios of Metropolitan Series Fund, Inc. (the "Series Fund"), a management investment company of the series type. Separate Account One will purchase and redeem Series Fund shares at their net asset value, without any sales charges or other deductions. There currently are three investment divisions, each of which will invest in one of the three current portfolios of the Series Fund.

The amount provided for investment (the "Benefit Base") under the policies will be allocated to the investment divisions of Separate Account One. Benefits under the policies will vary based, among other things, on the investment experience of the investment divisions used in connection with the policy. Once each policy year the policy owner can change the allocation of the existing amounts of Benefit Base among the investment divisions. More frequent changes may, however, be permited with the consent of Metropolitan Tower. Changes in allocations of Benefit Base will be effected at the net asset values of the relevant divisions next computed after receipt by Metropolitan Tower of a written transfer request, provided all due premiums have been paid. No fees or charges of any kind will be imposed in connection with such transfers.

Applicants request Commission approval under Sections 11(a) and 11(c) of the Act to the extent necessary to permit policy owners to effect transfers of Benefit Base between the three initial divisions of Separate Account One pursuant to the policies.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than April 11, 1983, at 5:30 p.m., do so by submitting a written request setting forth the nature of his interest, the reasons for his request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon Applicants at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. Persons who request a hearing will receive any notices and orders issued in this matter. After said date an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-7387 Filed 3-21-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 13097; 811-2584]

Pliyield Fund, Inc.; Filing of Application

March 15, 1983.

Notice is hereby given that Pliyield Fund, Inc. ("Applicant"), Two Shell Plaza, 777 Walker, Suite 2000, Houston, TX 77002, registered under the Investment Company Act of 1940 ("Act") as an open-end, diversified, management investment company, filed an application on January 24, 1983, for an order of the Commission, pursuant to Section 8(f) of the Act, declaring that Applicant has ceased to be an investment company, as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant, a Pennsylvania corporation, states that on July 25, 1975, it filed a registration statement pursuant to Section 8 of the Act. Its registration statement filed under the Securities Act of 1933 was declared effective on September 29, 1975, and an initial public offering was commenced immediately thereafter.

Applicant represents that on March 22, 1982, its board of directors approved the Plan and Agreement of Merger ("Plan of Merger") between Applicant and Southwestern Investors Income Fund, Inc. ("Southwestern Investors"). Applicant states that a majority of its shareholders approved and adopted the Plan of Merger. Applicant states that effective July 28, 1982, it was merged into Southwestern Investors and no longer exists as a separate corporation.

Applicant represents that a dividend of $.34 per share was distributed on July 21, 1982. Applicant further represents that upon consummation of the merger, each share of capital stock of Pliyield was automatically converted into shares of common stock of Southwestern Investors on the basis of 1.72368549 shares of Southwestern Investors common stock for each share of Applicant's stock.

Applicant represents that it has no debts or other outstanding liabilities, and it is not a party to any litigation or administrative proceeding. Applicant states that within the last 18 months it has not transferred any of its assets to a separate trust. Finally, Applicant states that it is not now engaged, and does not propose to engage, in any business activity other than that necessary to wind up its affairs.

Section 8(f) of the Act provides, in pertinent part, that whenever the Commission, on its own motion or upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the effectiveness of such order, the registration of such company under the Act shall cease to be in effect.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than Aprl 11, 1983, at 5:30 p.m., do so by submitting a written request setting forth the nature of his interest, the reasons for his request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon Applicant at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. Persons who request a hearing will receive any notices and orders issued in this matter. After said date, an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-7384 Filed 3-21-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 13098; 812-5119]

Southwest Funding Corp.; Filing of Application

March 15, 1983.

Notice is hereby given that Southwest Funding Corp. ("Applicant"), 165 Broadway, New York NY 10080, a Delaware corporation, filed an application on January 28, 1983, seeking an order of the Commission, pursuant to Section 6(c) of the Investment Company Act of 1940 ("Act"), amending a prior order of the Commission (Investment Company Act Release No. 12463) ("Prior Order"), which exempts Applicant from all provisions of the Act, to the extent necessary to permit Applicant to engage in certain additional business activities consistent with the terms of the Prior Order. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

By application filed March 2, 1982 ("Original Application"), Applicant requested an order of the Commission pursuant to Section 6(c) of the Act, exempting Applicant from all provisions of the Act. On May 3, 1982, the Commission issued a notice (Investment Company Act Release No. 12415) of the Original Application and on June 4, 1982, the Commission issued the Prior Order granting the relief requested by the Original Application. All interested persons are referred to the Original Application for a statement of the representations contained therein.

As stated in the Original Application, Applicant's sole business consists of issuing and selling its commercial paper notes and advancing the net proceeds of sale thereof, to United States entities engaged in the business of purchasing or otherwies acquiring mortgages and other liens on and interests in, real estate. Applicant now represents that its sole business will consist of the issuance and sale of: (1) Short-term negotiable promissory notes of the type exempt from the registration requirements of the Securities Act of 1933 ("Securities Act") by virtue of paragraph 3(a)(3) thereof and generally referred to as commercial paper ("Commercial Paper Notes") and (2) medium-term promissory notes ("Medium-Term Notes") in non-public transactions exempt from the registration requirements of the Securities Act pursuant to the private placement exemption available under Section 4(2) of the Securities Act.

Applicant states that it will advance the net proceeds of sale thereof to United States customers of Mercantile National Bank of Dallas ("Mercantile") that participate in Applicant's promissory note program ("Borrowers"), and that substantially all of Applicant's assets will consist of promissory notes issued by the Borrowers ("Advance Notes"), evidencing the obligations of the Borrowers to repay to Applicant indebtedness of the Borrowers arising by reason of advances made thereto by Applicant. Applicant represents that each Advance Note of each Borrower to Applicant will be supported by a separate irrevocable letter of credit ("Letter of Credit") issued in favor of the holder of the Advance Note by Mercantile for the account of the Borrower.

Applicant represents that none of its outstanding common stock is, or in the future will be, owned by Mercantile or by any of the Borrowers, or by any affiliate of any of them. Applicant states that there has been, and undertakes that in the future there will be, no public offering of its common stock or of any other equity security of Applicant.

Applicant states that the Commerecial Paper Notes will be sold in minimum denominations of $100,000, will have a maturity not exceeding 270 days, and

will neither be payable on demand prior to maturity nor eligible for any extension; renewal, or automatic "rollover" at the option of either the holder or the issuer. Applicant undertakes not to market the Commercial Paper Notes before receiving an opinion of counsel to the effect that the proposed offering of commercial paper is entitled to an exemption from the registration requirements of the Securities Act by virtue of paragraph 3(a)(3) thereof. Applicant does not request Commission review or approval of counsel's opinion regarding the availability of an exemption under paragraph 3(a)(3) of the Securities Act. Applicant states that the Commercial Paper Notes will be offered publicly, through one or more major dealers, only to the types of sophisticated and largely institutional investors that ordinarily participate in the commercial paper market and that, while an announcement of the establishment of the commercial paper facility may be made as a matter of record, the offering will not be advertised. Applicant undertakes to ensure that each dealer in the Commericial Paper Notes will furnish each offeree with memoranda describing the businesses of Mercantile and Applicant and providing the most recent annual and quarterly financial information for Mercantile. Applicant represents that the memoranda prepared by each dealer will be updated as promptly as practicable to reflect any material adverse changes in the financial status of Applicant or of Mercantile and will be at least as comprehensive as memoranda customarily used in offering commercial paper.

Applicant represents that the Medium-Term Notes will be sold in minimum denominations of not less than $150,000 and will have maturities ranging from one to seven years. Applicant further represents that the Medium-Term Notes will be sold only in non-public transactions exempt from the registration requirements of the Securities Act pursuant to the private placement exemption available under Section 4(2) of the Securities Act. Applicant undertakes not to issue and sell any Medium-Term Notes prior to receiving an opinion of counsel that the private placement exemption available under Section 4(2) of the Securities Act is applicable to the transactions in which the Medium-Term Notes are proposed to be sold. Applicant does not request Commission review or approval of counsel's opinion regarding the availability of an exemption under Section 4(2) for the issuance and sale of the Medium-Term Notes in non-public transactions.

Applicant represents that prior to their issuance, the Commercial Paper Notes, and any future offering of Applicant's debt securities, will have received one of the three highest investment grade ratings from at least one nationally-recognized statistical rating organization. However, no such rating shall be required to be obtained with respect to an issue of Medium-Term Notes or other debt securities of Applicant if, in the opinion of Applicant's counsel, an exemption is available for the issue pursuant to Section 4(2) of the Securities Act for the transactions in which the Medium-Term Notes or other debt securities are sold. Applicant undertakes that, in respect of any future offerings of Applicant's debt securities, it will obtain an opinion of counsel as to the availability of an exemption from the registration provisions of the Securities Act.

Applicant undertakes to select a major commercial bank to act as issuing and paying agent for the Commercial Paper Notes and the Medium-Term Notes ("Depositary"). Mercantile will consent to the appointment of the Depositary. As trustees for the benefit of holders of the Commercial Paper Notes and the Medium-Term Notes, the Depositary will receive an assignment of all of Applicant's rights to payments of the Advance Notes and all of Applicant's rights under the Letters of Credit attached thereto. The Depositary will receive the proceeds from Applicant's sale of the Commercial Paper Notes and the Medium-Term Notes and will collect payments made in respect of the Advance Notes upon maturity.

Maturing Commercial Paper Notes will be paid by the Depositary with funds received either from: (i) Payments made by Borrowers under Advance Notes issued with respect to advances of the net proceeds of the sale of Commercial Paper Notes or (ii) the net proceeds of sales of Commercial Paper.

Notes. Similarly, maturing Medium-Term Notes will be paid by the Depositary with funds received either from (i) payments made by Borrowers under Advance Notes issued with respect to advances of the net proceeds of the sale of Medium-Term Notes or (ii) the net proceeds of sales of Medium-Term Notes.

Applicant states that it will advance all of the net proceeds from sales of the Commercial Paper Notes or the Medium-Term Notes to the Borrowers. For each Borrower, Applicant will issue Commercial Paper Notes or Medium-Term Notes in aggregate amounts which, together with disbursements under the Letters of Credit and loans made by Mercantile to the Borrower pursuant to a loan agreement between Mercantile and each Borrower ("Loans"), will not exceed a designated amount ("Commitment") specified for each Borrower. Applicant further states that the payment obligations of each Borrower to Applicant with respect to Advance Notes of that Borrower will be supported by separate Letters of Credit issued in favor of the holders thereof by Mercantile for the account of the Borrower.

Section 6(c) of the Act provides that the Commission by order upon application may conditionally or unconditionally exempt any person, security, or transaction, or any class of persons, securities, or transactions from any provision or provisions of the Act or of any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicant contends that approval of this application is necessary and appropriate in the public interest. Applicant, the Borrowers and Mercantile believe that significant efficiencies and economies can be obtained by the consolidation of what would be separate borrowings into a program whereby a single entity, such as Applicant: (i) Issues and sells in public transactions, commercial paper notes and issues and sells in non-public transactions, medium-term notes and (ii) advances the proceeds thereof to the Borrowers. Applicant believes that this program would enable the Borrowers to gain expeditious access to the attractive rates available in either the commercial paper market or the medium-term note market without being subject to certain of the costly arrangements and procedures which would accompany the entry by the Borrowers into those markets on their own.

Applicant represents that it will receive assurances from each Borrower that the Borroer is not an investment company within the meaning of Section 3(a) of the Act or is deemed to be excluded from the definition of an investment company by virtue of the provisions of either of Sections 3(b) or 3(c) of the Act. As a company which is not an investment company within the meaning of Section 3(a) of the Act or which is deemed excluded from the definition of an investment company, Applicant states that each Borrower would be permitted to issue directly and

sell debt securities without registering under the Act as an investment company. Applicant maintains that while it may technically be deemed to be an investment company under Section 3(a) of the Act, Applicant's operations would be conducted only in order to provide funds to entities which are not treated as investment companies under the Act.

Applicant contends that approval of the application would be consistent with the protection of investors. Applicant states that its limited business purpose and Applicant's obligation to invest only in the Advance Notes, none of which will be an obligation of an investment company and the payment of each of which will be supported by a Letter of Credit issued by Mercantile, obviate the need for the regulatory safeguards provided by the Act. Applicant also states that as a special purpose corporation created solely to issue and sell the commercial Paper Notes and Medium-Term Notes and advance the proceeds of sale thereof to the Borrowers, Applicant's only "investment" activity would be the purchase or other acquisition of promissory notes (i) of entities which are excluded or exempted from the Act because they are not investment companies as defined in the Act, and (ii) which would be supported by Letters of Credit of a major United States bank. In addition, each of the Advance Notes of the Borrowers will have the same maturity date as the maturity date of either the Commercial Paper Notes or the Medium-Term Notes issued by the Applicant to obtain funds to make Advances.

Applicant further states that the holders of the Commercial Paper Notes do not require the protections accorded investors under the Act. Applicant maintains that the assignment to the Depositary, as trustee for holders of the Commercial Paper Notes, of Applicant's rights to the collateral, if any, securing the Borrowers' obligations to pay the Advance Notes and of Applicant's right under the Letters of Credit supporting the payment of the Advance Notes effectively supports the payment of those Advance Notes and adequately protects the holders of the Commercial Paper Notes.

Applicant contends that because the Commercial Paper Notes will generate funds for "current transactions," will have a maturity of 270 days or less, exclusive of days of grace, and will neither be payable on demand nor provide for any extension, renewal, or automatic "rollover," the characteristics of the Commercial Paper Notes themselves also limit the possible exposure of investors as well as the possiblity of the abuses against which the Act is directed.

Applicant similarly contends that the holders of the Medium-Term Notes do not require the protections accorded investors under the Act. Applicant maintains that the assignment to the Depositary, as trustee for the holders of the Medium-Term Notes, of Applicant's rights under the irrevocable Letters of Credit issued by Mercantile and attached to each of the Advance Notes evidencing Advances funded with the net proceeds of sales of Medium-Term Notes, and of Applicant's rights to the collateral, if any, securing the Borrowers' obligations to pay those Advance Notes supports the payment of those Advance Notes and adequately protects the holders of the Medium-Term Notes.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than April 11, 1983, at 5:30 p.m., do so by submitting a written request setting forth the nature of his interest, the reasons for his request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon Applicant at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. Persons who request a hearing will receive any notices and orders issued in this matter. After said date, an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-7385 Filed 3-21-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-19601; File No. SR-AMEX-82-14]

Self-Regulatory Organizations; Proposed Rule Change By American Stock Exchange, Inc., Relating To Facilitation Orders and Registered Option Traders' Activities

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on October 7, 1982, the American Stock Exchange, Inc. filed with the Securities and Exchange Commission the proposed rule change described, as amended by filings of October 13, 1982, and February 2, 1983, in Items I, II, and III below, which items are drawn from materials prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The American Stock Exchange, Inc. proposes to amend Rule 950, as it relates to Rules 111, 126 and 131, and Rule 958, as it relates to Rule 111, as set forth below. *Italics* indicates material proposed to be added; brackets [ ] indicate material proposed to be deleted.

Rule 950. Rules of General Applicability

(a) and (b)—[no change].

(c) The provisions of Rule 111 and Commentary thereto, with the exception of paragraphs *(a)(1),* (b) and (e) of such Rule and Commentary insofar as it relates to such paragraphs, shall apply to Exchange option transactions. In addition, the following commentary shall also apply to an order in a class of options also traded on another exchange which is placed for an account in which a market maker in options registered as such on such other exchanges has an interest (a "covered account"):

* * * Commentary.

.01 and .02—[no change].

.03 The number of Registered Option Traders in a trading crowd who are establishing or increasing a position for accounts in which they have an interest may temporarily be limited when, in the judgment of two Floor Officials, the interests of a fair and orderly market are served by such limitation.

(d) The provisions of Rule 126, with the exception of sub-paragraphs (a) and (b) thereof, shall apply to Exchange option transactions and the following additional commentary shall also apply:

* * * Commentary.

.01—[Relating to spread priority—no change].

.02 A member who holds both an order for a public customer of a member organization and a facilitation order for the proprietary account of a member organization may cross such orders if:

(a) the member organization discloses aon its option order ticket all the terms of the public customer order, including, if applicable, any contingency involving other options, underlying securities, or related securities; and

(b) the member requests bids and offers for the option series subject to facilitation, then discloses the public customer order and any contingency respecting such order and identifies the order as being subject to facilitation; and

(c) after providing an opportunity for such bids and offers to be made, the member, on behalf of the public customer, either bids above the highest bid or offers below the lowest offer in the market. After all other market participants are given an opportunity to accept the bid or offer made on behalf of the public customer, the member may cross all or any remaining part of the public customer order and the facilitation order at the public customer's bid or offer by announcing in public outcry that (s)he is crossing such orders stating the quantity and price(s).

When accepting a bid or offer made on behalf of a public customer, all contingencies of the public customer order must be satisfied. Once the bid or offer has been made on behalf of the public customer, such order has precedence over any other bid or offer in the crowd at the same price, to trade immediately with the facilitation order.

For purposes of this Rule and Rule 950(e)(iv) the term "public customer of a member organization" means a customer that is neither a member nor a broker/dealer.

Rule 950. (e) The types of orders specified in Rule 131 and the following additional types of orders shall be applicable to Exchange option transactions:

(i) through (iii)—[No Change].

(iv) Facilitation Order—A Facilitation order is an order for the proprietary account of a member organization which is only executed, in whole or in part, in a cross transaction with an order for a public customer of the member organization. All facilitation orders must be marked as required by the Exchange.

Rule 958. Options Transactions of Registered Traders—[No Change].

* * * Commentary.

.01 through .05—[No change].

.06 Rule 111 as modified by Rule 950 [(b)] (c) also applies to Exchange option transactions effected by Registered Traders. [Paragraph .01 of the Commentary to Rule 111 shall apply to Registered Traders when effecting transactions in classes of options not assigned to them, but shall not apply to Registered Traders when effecting transactions in classes of options to which they are assigned.]

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Changes

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. Summaries of the most significant aspects of such statements are set forth in sections (A), (B), and (C) below.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for the Proposed Rule Change

Exchange Rule 111 (Restrictions on Registered Traders), paragraphs (a)(1) and Commentary .01 thereto, currently prohibit congregation in a particular stock and limit the number of Registered Traders in a trading crowd to three traders establishing or increasing positions. This restriction is made applicable to options trading and Registered Options Traders ("ROTs") by Rule 950 (Rules of General Applicability). The Exchange's experience with respect to its options trading program has underscored the importance of ROTs in trading crowds. ROTs have demonstrated a positive effect on the markets in which they trade, adding both depth and liquidity to the market place, as well as fulfilling regulatory market-making responsibilities. Given the expanding number of option series available for trading, both puts and calls, any limitations on the number of ROTs permitted in a trading crowd would be counter-productive. Therefore, the Exchange proposes to remove the limitation of three ROTs per trading crowd, but reserve the authority to restrict the number of ROTs in a trading crowd in rare instances when, in the opinion of two Floor Officials, the market would best be served by such restriction.

A portion of Commentary .06 to Rule 958 restates certain provisions of Rule 111 and Commentary .01 thereto regarding the number of Registered Traders permitted in a trading crowd. The Exchange is proposing to delete the repetitive language to be consistent with the changes proposed for Rule 950(c). The change in Commentary .06 from a reference to Rule 950(b) to a reference to Rule 950(c) is also a technical change. Rule 958 was inadvertently not amended to reflect the re-paragraphing of Rule 950 on a prior occasion.

The proposed changes to Rule 950 (d) and (e) would provide for a new type of order, a "facilitation order," to facilitate the crossing of public customer orders with firm proprietary account orders.

Presently, Exchange rules provide a procedure for crossing orders on the Trading Floor. This procedure is frequently used by member firms to cross a customer order with an order for the firm's proprietary account in instances where the firm attempts to accommodate its customer. The crossing procedure, however, permits other Floor members to participate on either side of the cross-transaction. On occasion, this results in other market participants competing with the customer side of the cross-transaction (thereby not permitting the completion of the customer order) while the member firm order (entered solely as an accommodation to its customer) receives a complete execution.

To alleviate this situation, the Exchange proposes adoption of a "facilitation order" to facilitate the crossing of public customer orders with firm proprietary account orders to insure complete execution of such customer orders. As proposed, a facilitation order would be an order for the proprietary account of a member firm which is to be executed, in whole or in part, in a cross-transaction with a public customer order. Facilitation orders would need to be announced as such to the trading crowd and marked appropriately. The procedure for crossing the facilitation order with the customer order would provide that Floor members may only compete with the facilitation order and not the customer order.

In addition, the proposed rule provides that any contingencies attached to or associated with the customer order must be disclosed to the trading crowd. Acceptance of a customer's bid or offer would mean acceptance of the contingency as well. For example, if a customer enters an order to buy 20,000 shares of XYZ stock and simultaneously sell 400 XYZ calls, (a 1 : 2 buy/write), and the firm is willing to accommodate the customer by selling the stock and buying the calls, the firm could enter a facilitation order for the options on the AMEX Floor. Once the stock contingency is disclosed on the Floor, all bids competing with the firm's option facilitation order must also be willing to sell stock at the same (or better) price than that at which the firm is willing to sell the stock. Floor members wishing to participate partially in such a transaction may do so, provided they participate in the same stock/option ratio. (E.g., a member might

participate partially by committing to sell 10,000 shares of stock and buy 200 options.)

A similar procedure, which is intended to facilitate the execution of customer orders, particularly stock/option, option spread and combination orders was recently adopted by the Chicago Board Options Exchange, Incorporated ("CBOE").

The proposed rule changes are consistent with the requirements of the Securities Exchange Act of 1934 (the "1934 Act") and rules and regulations thereunder applicable to the Exchange in that they further a free and open market which will facilitate options transactions.

Therefore, the proposed rule changes are consistent with Section 6(b)(5) of the 1934 Act, which provides in pertinent part, that the rules of the Exchange be designed to promote just and equitable principles of trade.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Amex does not believe that the proposed rule changes will impose any burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Changes Received from Members, Participants, or Others

The Exchange's Options Committee and its Subcommittee on Trading Practices and Procedures considered and approved the proposed rule changes in substance after a review of similar proposals by the Philadelphia Stock Exchange, Inc., and the CBOE.

No written comments were solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted within 21 days after the date of this publication.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: March 15, 1983.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-7383 Filed 3-21-83; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

Region VIII Advisory Council; Meeting

The Casper District Office of the Small Business Administration will hold a public meeting to include the Wyoming Small Business Administration Advisory Council members at the Hitching Post, 1700 Lincolnway, Cheyenne, Wyoming, on Thursday, April 14, 1983, beginning at 1:00 pm and closing April 15, 1983, at 12:00 noon.

For further information, write or call Paul Nemetz, District Director, U.S. Small Business Administration, P.O. Box 2839, Casper, Wyoming 82602, Phone: (307) 261-5761.

Dated: March 14, 1983.

Jean M. Nowak,

Acting Director, Office of Advisory Councils.

[FR Doc. 83-7398 Filed 3-21-83; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF STATE

[Public Notice 854]

Applications for Permit To Fish Off the Coasts of the United States

The Fishery conservation and Management Act of 1976 (Pub. L. 94-265) as amended (the "Act") provides that no fishing shall be conducted by foreign fishing vessels in the Fishery Conservation Zone of the United States after February 28, 1977, except in accordance with a valid and applicable permit issued pursuant to Section 204 of the Act.

The Act also requires that a notice of receipt of all applications for such permits, a summary of the contents of such applications, and the names of the Regional Fishery Management councils that receive copies of these applications, be published in the **Federal Register.**

Individual vessel applications for fishing in 1983 have been received from the Governments of the Union of Soviet Socialist Republics, Spain, Italy, Portugal, Japan and Denmark (Faroe Islands).

If additional information regarding any applications is desired, it may be obtained from: Permits and Regulations Division (F/CM7), National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235 (Telephone: (202) 634-7432).

Dated: March 1, 1983.

James A. Storer,

Director, Office of Fisheries Affairs.

Fishery Codes and Designation of Regional Councils Which Review Applications for Individual Fisheries are as Follows

Code	Fishery	Regional Council
ABS	Atlantic Billfishes and Sharks.	New England, Mid-Atlantic, South Atlantic, Gulf of Mexico, Caribbean.
BSA	Bering Sea and Aleutian Islands Trawl, Longline and Herring Gillnet.	North Pacific.
CRB	Crab (Bering Sea)	North Pacific.
GOA	Gulf of Alaska	North Pacific.
NWA	Northwest Atlantic	New England, Mid-Atlantic.
SMT	Seamount Groundfish (Pacific Ocean).	Western Pacific.
SNA	Snails (Bering Sea)	North Pacific.
WOC	Washington, Oregon, California Trawl.	Pacific.
PBS	Pacific Billfish and Sharks.	Western Pacific.

Activity Codes Specify Categories of Fishing Operations Applied for are as Follows:

Activity code	Fishing operations
1	Catching, processing, and other support.
2	Processing and other support only.
3	Other support only.

Nation/vessel name/vessel type	Application No.	Fishery	Activity
Joint Ventures			
Spain:			
Axaxo, side trawler	SP-83-0104	NWA	2
Nuska, medium stern trawler	SP-83-0043	NWA	2
Andes, medium stern trawler	SP-83-0117	NWA	2
Spain and Sea Harvest Inc., 965 Ocean Drive, Cape May, New Jersey, 08204, Tel: (609) 884-3000, have applied to engage in a joint venture fishery aimed at producing 1400 metric tons of Illex Squid, 1400 mt of Loligo Squid and incidental bycatch during the months of May through December 1983.			
Izarra, medium stern trawler	SP-83-0084	NWA	2
Spain and Sea Harvest Inc., 965 Ocean Drive, Cape May, New Jersey, 08204, Tel: (609) 884-3000, have applied to engage in a joint venture fishery aimed at producing 1000 mt of Illex Squid, 400 mt of Loligo Squid and incidental bycatch during the months of May through December 1983.			
Playa de pesmar, medium stern trawler	SP-83-0113	NWA	2
Teucro, medium stern trawler	SP-83-0101	NWA	2
Spain and Sea Harvest Inc., 965 Ocean Drive, Cape May, New Jersey, 08204, Tel: (609) 884-3000, have applied to engage in a joint venture fishery aimed at producing 900 mt of Illex Squid, 450 mt of Loligo Squid and incidental bycatch during the months of May through December 1983.			
Pescapuerta Segundo, stern trawler/freezer	SP-83-0112	NWA	2
Pescapuerta Tercero, stern trawler/freezer	SP-83-0020	NWA	2
Anever, S.A. of Vigo, Spain and Stonington Seafood Products, Inc., P.O. Box 748, Narragansett, Rhode Island, 02882, Tel: (401) 783-3310, have applied to engage in a joint venture fishery aimed at processing between 3500 and 5000 metric tons of Loligo Squid during the months of April 1, 1983 to March 31, 1984.			
Portugal:			
Vimieiro, stern trawler	PO-83-0013	NWA	2
Sao Rafael, large stern trawler	PO-83-0002	NWA	2
Armazens Jose Luiz do Costa e. Ca. lda. Lisbon, Portugal and Scan Ocean, 42 Rogers Street, Gloucester, Massachusetts 01930, Tel: (617) 283-1004, have applied to engage in a joint venture fishery aimed at producing 5000 metric tons of Illex Squid during the months of May 1, 1983 through October 31, 1983.			
Joau Alvares Fagundes, stern trawler/factory	PO-83-0004	NWA	2
Luis Ferreira De Carvalho, stern trawler/factory	PO-83-0005	NWA	2
Elisabeth, stern trawler/factory	PO-83-0015	NWA	2
Sociedade Nacional Dos Armadores de Bacalhau, Rua de Ferragial, 33-1 4E, 1200 Lisboa, Portugal and William Quinby, President, Joint Trawlers (North America) Ltd., P.O. Box 1209, Gloucester, Massachusetts 01930 have applied to engage in a joint venture fishery aimed at producing 3000 metric tons of Illex Squid during the months of June to October 1983.			
U.S.S.R.:			
Sulak, factory ship	UR-83-0238	WOC	2, 3
18 Syezd Vlksmi, large stern trawler	UR-83-0617	WOC	2, 3
Baganovo, large stern trawler	UR-83-0758	WOC	2, 3
Mys Krchnotsky, large stern trawler	UR-83-0711	WOC	2, 3
Mys Kuriisky, large stern trawler	UR-83-0738	WOC	2, 3
Mys Otradnyi, large stern trawler	UR-83-0073	WOC	2, 3
Mys Onekhova, large stern trawler	UR-83-0017	WOC	2, 3
Ivan Malyakin, large stern trawler	UR-83-0737	WOC	2, 3
Mys Matveva, large stern trawler	UR-83-0192	WOC	2, 3
Khrustelnyi, large stern trawler	UR-83-0710	WOC	2, 3
Armeniya, large stern trawler	UR-83-0016	WOC	2, 3
Plastik, large stern trawler	UR-83-0561	WOC	2, 3
Pirit, large stern trawler	UR-83-0079	WOC	2, 3
Nadezhda, large stern trawler	UR-83-0061	WOC	2, 3
Mramornyi, large stern trawler	UR-83-0713	WOC	2, 3
Aragonit, large stern trawler	UR-83-0224	WOC	2, 3
The U.S.S.R. and Marine Resources Co. (MRC), 192 Nickerson, Suite 307, Seattle, Washington 98109, have applied to engage in a joint venture fishery aimed at producing 35000 metric tons of yellowfin Sole and other flounder, 25000 mt of Atka Mackerel, 25000 mt of Pollock, 17000 mt of Cod, 65000 mt of Hake, 65000 mt of Jack Mackerel, 5000 mt of Shortbelly Rockfish, and 2000 mt of other species in the time frame between February to November 1983.			
Tigil, large stern trawler	UR-83-0102	BSA, GOA	2, 3
Mys Egorova, large stern trawler	UR-83-0097	BSA, GOA	2, 3
Kertalka, large stern trawler	UR-83-0076	BSA, GOA	2, 3
Korenga, large stern trawler	UR-83-0215	BSA, GOA	2, 3
Korsikovskaja Baza Okeanicheskogo Rybolovstva, U.S.S.R. and Marine Resources Co. (MRC), 192 Nickerson, Suite 307, Seattle, Washington 98109, have applied to engage in a joint venture fishery aimed at producing 35000 metric tons of Yellowfins Sole and other flounders, 25000 mt of Atka Mackerel, 25000 mt of Pollock, 17000 mt of Cod, 65000 mt of Hake, 6500 of Jack Mackerel, 5000 mt of Shortbelly Rockfish and 2000 mt of other species in the time frame between February to November 1983.			
Severodonetsk, factory ship	UR-83-0757	BSA, GOA,WOC	2, 3
Baza Tralovogo i Refrigerstornogo Flota, U.S.S.R. and Marine Resources Co. (MRC), 192 Nickerson, Suite 307, Seattle, Washington 98109, have applied to engage in a joint venture fishery aimed at producing 35000 metric tons of Yellowfins Sole and other flounders, 25000 mt of Atka Mackerel, 25000 mt of Pollock, 17000 mt of Cod, 65000 mt of Hake, 6500 of Jack Mackerel, 5000 mt of Shortbelly Rockfish and 2000 mt of other species in the time frame between February to November 1983.			
Zavolhye, allay stern trawler/freezer/processor	UR-83-0751	NWA	2
Karakumy, allay stern trawler/freezer/processor	UR-83-0752	NWA	2
Sevryba, U.S.S.R. and Scan Ocean, 42 Rogers Street, Gloucester, Massachusetts 01930, Tel: (617) 283-1004, have applied to engage in a joint venture fishery aimed at producing 12000 metric tons of Illex Squid, 200 mt of Loligo Squid and 500 mt of Mackerel during the months of June 15 to October 31, 1983.			
Italy:			
Assunta Tontini Madre, large stern trawler	IT-83-0001	NWA	1
Tontini Pesca Terzo, large stern trawler	IT-83-0002	NWA	1
Tontini Pesca Quarto, large stern trawler	IT-83-0003	NWA	1
de Gioia T., medium stern trawler	IT-83-0004	NWA	1
Antonietta Madre, medium stern trawler	IT-83-0013	NWA	1
de Gioia L., medium stern trawler	IT-83-0023	NWA	1
Maria Michela, medium stern trawler	IT-83-0024	NWA	1
de Gioia Giuseppe, medium stern trawler	IT-83-0016	NWA	1
Stanislava, large stern trawler	IT-83-0019	NWA	1
Maria C., medium stern trawler	IT-83-0021	NWA	1
Giovanni C., medium stern trawler	IT-83-0022	NWA	1
Aircha, medium stern trawler	IT-83-0005	NWA	1
Gabriella C., medium stern trawler	IT-83-0010	NWA	1

Nation/vessel name/vessel type	Application No.	Fishery	Activity
Corrado Secondo, medium stern trawler	IT-83-0012	NWA	1
Carlo di Fazio, medium stern trawler	IT-83-0015	NWA	1
Belka, medium stern trawler	IT-83-0006	NWA	1
Tortorelli E., medium stern trawler	IT-83-0011	NWA	1

Italy and the International Seafood Trading Corp., P.O. Box 555, Cape May, New Jersey, 08204, have applied to engage in a joint venture fishery aimed at producing 14000 metric tons of Illex Squid and 12000 mt of Loligo Squid during the months of April 1 to March 31, 1983.

End Joint Ventures

Japan:			
Ene Maru, cargo/transport vessel	JA-83-0577	BSA, NWA, GOA	3
Shinasshi Maru, cargo/transport vessel	JA-83-0578	BSA, GOA, SNA, NWA	3
Yamasan Maru No. 101, medium stern trawler	JA-83-1184	BSA	1, 2
Yamasan Maru No. 102, medium stern trawler	JA-83-1185	BSA	1, 2
Uno Maru No. 7, cargo/transport vessel	JA-83-1166	CRB, BSA, GOA, NWA, ABS, PBS, SMT, SNA	3
Uno Maru No. 17, cargo/transport vessel	JA-83-1206	CRB, BSA, GOA, NWA, ABS, PBS, SMT, SNA	3
Swallow, cargo/transport vessel	JA-83-0032	NWA, BSA, GOA, SMT	3
Daikan Maru, cargo/transport vessel	JA-83-0033	NWA, BSA, GOA, SMT	3
Seagull, cargo/transport vessel	JA-83-0034	NWA, BSA, GOA, SMT	3
Daisno Maru, cargo/transport vessel	JA-83-0035	NWA, BSA, GOA, SMT	3
Akebono Maru No. 31	JA-83-0306	BSA, GOA, SMT	1, 2
U.S.S.R.:			
Bereg Mechty, cargo/transport vessel	UR-83-0753	BSA, GOA, WOC	3
Bereg Nadezdy, cargo/transport vessel	UR-83-0754	BSA, GOA, WOC	3
Kamchatskiy Bereg, cargo/transport vessel	UR-83-0755	BSA, GOA, WOC	3
Sakhalinskie Gory, cargo/transport vessel	UR-83-0261	BSA, GOA, WOC	3
Amurskiy Bereg, cargo/transport vessel	UR-83-0750	BSA, GOA, WOC	3
Marshal Rokossovskiy, cargo/transport vessel	UR-83-0274	BSA, GOA, WOC	3
Abinsk, cargo/transport vessel	UR-83-0756	BSA, GOA, WOC	3
Zolotoi Rog, cargo/transport vessel	UR-83-0270	BSA, GOA, WOC	3
Granitnyi, cargo/transport vessel	UR-83-0268	BSA, GOA, WOC	3
Almaznyi, cargo/transport vessel	UR-83-0264	BSA, GOA, WOC	3
Khudozhnik Vrubel, cargo/transport vessel	UR-83-0276	BSA, GOA, WOC	3
Ust-Kut, tanker fuel/water	UR-83-0727	BSA, GOA, WOC	3
Ust-Ilimsk, tanker fuel/water	UR-83-0748	BSA, GOA, WOC	3
Mys Kodosh, tanker fuel/water	UR-83-0731	BSA, GOA, WOC	3
Galva, tanker fuel/water vessel	UR-83-0733	BSA, GOA, WOC	3
Ust-Karsk, tanker/fuel/water	UR-83-0728	BSA, GOA, WOC	3
Reshitelnyi, repair ship	UR-83-0644	BSA, GOA, WOC	3
Snorovistyi, repair ship	UR-83-0724	BSA, GOA, WOC	3
Denmark (Faroe Islands):			
Bakur TN 468, longline fishing vessel	DA-83-1005	ABS	1, 2
Portugal:			
Joao Alvares Fagundes, large stern trawler	PO-83-0004	NWA	1, 2
Luis Ferreira de Carvalho, large stern trawler	PO-83-0005	NWA	1, 2
Elisabeth, large stern trawler	PO-83-0015	NWA	1, 2

[FR Doc. 83-7314 Filed 3-21-83; 8:45 am]
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[Public Notice 853]

Participation of Private-Sector Representatives on U.S. Delegations

As announced in Public Notice No. 855 (44 FR 17846), March 23, 1979, the Department is submitting its September, October, November, December 1982, January & February 1983 list of U.S. accredited Delegations which included private-sector representatives.

Publication of this list is required by Articles III(c)(5) of the guidelines published in the **Federal Register** on March 23, 1979.

Dated: March 9, 1983.

H. B. Shishkin,

Deputy Director, Office of International Conferences

United States Delegation to the XIV Inter-American Travel Congress (IATC), Organization of American States (OAS), Acapulco, August 29–September 4, 1982

Representative

David L. Edgell, Director, Office of Policy and Planning, U.S. Travel and Tourism Administration, Department of Commerce

Alternate Representative

Leona Bryant, Director of Tourism, Division of Tourism, The Virgin Islands of the United States

Private Sector Adviser

Yezmin Hernandez, Assistant Coordinator for Tourism, University of the Sacred Heart, San Juan, Puerto Rico

United States Delegation to the 34th Session of the Subcommittee on the Carriage of Dangerous Goods, International Maritme Organization (IMO), London, September 6–10, 1982

Representative

Robert L. Storch, Commander, Marine Technical and Hazardous Materials Division, U.S. Coast Guard, Department of Transportation

Alternate Representative

John P. Aherne, Lieutenant, Marine Technical and Hazardous Materials Division, U.S. Coast Guard, Department of Transportation

Advisers

Edward A. Altemos, International Standards Coordinator, Materials Transportation Bureau, Department of Transportation

Harvey Clew, Shipping Attache, American Embassy, London

P.C. Lauridsen, Captain, Planning and Special Projects Staff, U.S. Coast Guard, Department of Transportation

Private Sector Advisers

Michael T. Bohlman, Sea-Land Services, Inc., Elizabeth, New Jersey

Donald W. Gates, Captain, National Cargo Bureau, Inc., New York, New York

United States Delegation To the Forty-Seventh Session of the Maritime Safety Committee (MSC) Intergovernmental Maritime Organization (IMO), London, September 13–17, 1982

Representative

Clyde T. Lusk, Jr., Rear Admiral, Chief, Office of Merchant Marine Safety, U.S. Coast Guard, Department of Transportation

Alternate Representative

Daniel F. Sheehan, Technical Adviser, Office of Merchant Marine Safety, U.S. Coast Guard, Department of Transportation

Advisers

Donald J. Kerlin, Fire Protection Engineer, Ship Design Branch, U.S. Coast Guard, Department of Transportation
Robert Markle, Acting Chief, Survival Systems Branch, U.S. Coast Guard, Department of Transportation
Norman W. Lemley, Deputy Chief, Marine Technical and Hazardous Materials Division, U.S. Coast Guard, Department of Transportation

Private Sector Advisers

William M. Benkert, USCG (Ret), Rear Admiral, President, American Institute of Merchant Shipping, Washington, D.C.
William Hannan, Vice President, American Bureau of Shipping, New York, New York
Donald C. Hintze, USCG (Ret), Captain, National Ocean Industries Association, Washington, D.C.
Edward H. Middletown, Technical Adviser, Maritime Institute for Research and Industrial Development, Washington, D.C.
Lloyd Martin, Captain, Secretary Treasurer, Master, Mates and Pilots, New York, New York
John F. Fay, Captain, Assistant Secretary Treasurer, Seafarers International Union of North America, Brooklyn, New York

United States Delegation To the Committee on Housing, Building and Planning, Forty-Third Session, Economic Commission for Europe (ECE), Geneva, September 13–17, 1982

Representative

The Honorable, Stephen J. Bollinger, Assistant Secretary for Community Planning and Development, Department of Housing and Urban Development

Adviser

John M. Geraghty, ECE Coordinator, Office of International Affairs, Department of Housing and Urban Development

Private Sector Advisers

James F. Aylward, Jr., President and Chairman of the Board, Mortgage Bankers Association, Washington, D.C.
Harry A. Pryde, First Vice President, National Association of Home Builders, Washington, D.C.

United States Delegation Committee on International Investment and Multinational Enterprise Working Group on Accounting Standards, Organization for Economic Cooperation and Development (OECD), Paris, September 27–October 1, 1982

Representative

Philip T. Lincoln, Jr., Deputy Director, Office of Investment Affairs, Bureau of Economic and Business Affairs, Department of State

Alternative Representative

Edmund Coulson, Office of the Chief Accountant, Securities and Exchange Commission

Private Sector Advisers

Richard Fitzgerald, Vice President, Price Waterhouse & Company, New York, New York
E. Raymond Simpson, Project Manager, Financial Accounting Standards Board, Stamford, Connecticut

United States Delegation to the Interrim Committee on a Code of Conduct on the Transfer of Technology, United Nations Conference on Trade and Development (UNCTAD), Geneva, September 20–October 1, 1982

Representative

John P. Riley, Office of Business Practices, Bureau of Economic and Business Affairs, Department of Justice

Advisers

W. David Braun, Anittrust Division, Department of State
John Harter, U.S. Mission, Geneva
Dieter Hoinkes, Patent and Trademark Office, Department of Commerce
Lucy Hummer, Office of the Legal Adviser, Department of State
Richard Schepard, Attorney, Paris, France

Private Sector Adviser

Robert Muir, Director of Patents and Licensing, Catepillar Tractor Company, Peoria, Illinois

United States Delegation to the International Telecommunication Union (ITU) Plenipotentiary Conference, Nairobi, September 28–November 5, 1982

Chairman

The Honorable Michael Gardner, Ambassador, Washington, D.C.

Vice Chairmen

The Honorable William C. Harrop, Ambassabor, United States Embassy, Nairobi
Kalmann Schaeffer, Assistant to the Chairman for International Communications, Federal Communications Commission
Francis Urbany, International Manager, Spectrum Plans and Policies, National Telecommunications and Information Administration, Department of Commerce

Senior Advisers

Henry Rivera, Commissioner, Federal Communications Commission
Matthew Scocozza, Deputy Assistant Secretary for Transportation and Telecommunication Affairs, Bureau of Economic and Business Affairs, Department of State
Michael Uhlmann, Special Assistant to the President, Office of Policy Development, The White House
The Honorable Bernard Wunder, Assistant Secretary for Communications and Information, National Telecommunications and Information Administration, Department of Commerce

Advisers

Dexter Anderson, Office of Science and Technology, Federal Communications Commission
William Cook, Assistant to the Assistant Secretary for Communications Command and Control, Department of Defense
John Gilsenan, Common Carrier Bureau, Federal Communications Commission
Lucy A. Hummer, Deputy Assistant Legal Adviser, Department of State
Wayne Kay, Senior Policy Analyst, Office of Science and Technology Policy, The White House
Harold Kimball, Chief, Communications and Frequency Management, National Aeronautic and Space Administration
David Macuk, Telecommunications Attaché, U.S. Mission, Gevena
D. Clark Norton, Agency Directorate for Transportation and Telecommunications, Bureau of International Organization Affairs, Department of State
Lawrence Palmer, Communications Specialist, Federal Communications Commission
Richard Parlow, Deputy Associate Administrator, Federal Spectrum and Systems Management, National Telecommunications and Information Administration, Department of Commerce
James Pope, Planning and Guidance Staff, International Communication Agency
Richard Shay, Chief Counsel and Acting Director for International Affairs, National Telecommunications and Information Administration, Department of Commerce
Richard E. Shrum, Office of International Communications Policy, Bureau of Economic and Business Affairs, Department of State

Private Sector Advisers

Roy Andres, Vice President of Engineering, Western Union International, New York, New York
Raymond Crowell, Senior Policy Adviser, World Systems Division, Communications Satellite Corporation, Washington, D.C.
Joseph A. DeBlasi, Director of Standards, International Business Machines, Armonk, New York
Richard B. Nichols, Vice President of Overseas Department, American Telephone and Telegraph, Morris Plains, New Jersey
Phillip Onstad, Assistant to the Vice President and General Counsel, Control Data Corporation, Washington, D.C.
Samuel E. Probst, Senior Associate for Spectrum Engineering, Systematics General Corporation, Falls Church, Virginia

Maurice B. Tobin, Attorney-at-Law, Washington, D.C.
Margita White, Communications Consultant, McLean, Virginia

United States Delegation to the General Assembly Meeting of the International Institute for Cotton and Plenary Meeting of the International Cotton Advisory Committee, Cairo, October 2–9, 1982

Representative

Everett Rank, Administrator, Agricultural Stabilization and Conservation Service, Department of Agriculture

Alternate Representatives

John A. Barcas, Topical Products Division, Bureau of Economic and Business Affairs, Department of State
Gordon H. Lloyd, Tobacco, Cotton, and Seeds Division, Foreign Agricultural Service, Department of Agriculture

Advisers

Charles V. Cunningham, Agricultural Stabilization and Conservation Service, Department of Agriculture
Leonard Mobley, Industry Assessment Division, Office of Textiles, Department of Agriculture

Private Sector Advisers

Donald B. Colin, President Emeritus, New York Cotton Exchange, New York, New York
Kevin McDermott, Sales Analyst, AMCOT, Inc., Bakersfield, California
Samuel Reeves, President, American Cotton Shippers Association, Memphis, Tennessee
Lawrence H. Shaw, Cotton Incorporated, Raleigh, North Carolina
Harold Weeth, President, Cotton Council International, Washington, D.C.

United States Delegation to the Chemical Industry Committee, Economic Commission for Europe (ECE), Geneva, October 4–8, 1982

Representative

Vincent J. Kamenicky, Director, Chemical and Rubber Division, Bureau of Industrial Economics, Department of Commerce

Private Sector Adviser

Myron Foveaux, Legislative Representative, International Trade, Chemical Manufacturers Association, Washington, D.C.

United States Delegation to the Assembly of Parties, International Telecommunications Satellite Organization (INTELSAT), Washington, D.C., October 4–8, 1982

Representative

The Honorable Abbott Washburn, Commissioner, Federal Communications Commission

Alternate Representative

Matthew V. Scocozza, Deputy Assistant Secretary for Transportation and Telecommunications, Department of State

Advisers

Melvin Barmat, Deputy of Commerce
Willard Demory, Federal Communications Commission
William J. Lowell, Bureau of Economic and Business Affairs, Department of State

Private Sector Adviser

Andrea D. Maleter, Communications Satellite Corporation, Washington, D.C.

United States Delegation to the First Session of the Programme Group for the Co-operative Investigation in the North and Central Western Indian Ocean (CINCWIO–1), Intergovernmental Oceanographic Commission (UNESCO) (IOC), Nairobi, October 4–9, 1982

Representative

Louis B. Brown, Division of Ocean Sciences, National Science Foundation, Washington, D.C.

Alternate Representative

Paul E. Smith, Southwest Fisheries Center, National Marine Fisheries Service, National Oceanic and Atomospheric Administration, La Jolla, California

Private Sector Advisers

Otis B. Brown, University of Miami, Miami, Florida
Donald R. Johnson, Old Dominion University, Norfolk, Virginia

United States Delegation to the 49th Session of the Legal Committee, International Maritime Organization (IMO), London, October 4–8, 1982

Representative

Frederick F. Burgess, Jr., Captain, Office of Chief Counsel, United States Coast Guard, Department of Transportation

Alternate Representatives

J. Peter Bernhardt, Attorney Adviser, Office of Oceans and Polar Affairs, Bureau of Oceans and International Environmental and Scientific Affairs, Department of State
Frederick D. Presley, Office of Chief Counsel, United States Coast Guard, Department of Transportation

Congressional Staff Adviser

Duncan Smith, Minority Counsel, Subcommittee on Coast Guard Navigation, Committee on Merchant Marine and Fisheries, United States House of Representatives

Advisers

Harvey Clew, Shipping Attache, United States Embassy, London
Charles R. Corbett, Captain, Office of Marine Environment and Systems, United States Coast Guard, Department of Transportation

Private Sector Advisers

Ernest J. Corrado, Vice President, American Institute of Merchant Shipping, Washington, D.C.
Sidney A. Wallace, Rear Admiral (Ret.), Marine Ecology Committee, Maritime Law Association, Washington, D.C.
Office of International Conferences, Department of State, October 8, 1982

United States Delegation to the Third Session of the Diplomatic Conference, Paris Industrial Property Convention, Geneva, October 4–30, 1982

Representative

The Honorable Gerald J. Mossinghoff, Ambassador, Commissioner of Patents and Trademarks, Department of Commerce

Alternate Representatives

Michael K. Kirk, Assistant Commissioner for External Affairs, Patent and Trademark Office, Department of Commerce
Harvey J. Winter, Director, Office of Business Practices, Bureau of Economic and Business Affairs, Department of State

Advisers

George Dempsey, United States mission, Geneva
Lee Schroeder, Office of Legislation and International Affairs, Patent and Trademarks Office, Department of Commerce

Private Sector Advisers

Donald W. Banner, Schuyler, Banner, Birch, McKie and Beckett, Washington, D.C.
Robert B. Benson, Allis-Chalmers Manufacturing Company, Milwaukee, Wisconsin
Donald R. Dunner, Finnegan, Henderson, Farabow, Garrett and Dunner, Washington, D.C.
Larry W. Evans, Standard oil Company, Cleveland, Ohio
W. Thomas Hofstetter, Pattishall, McAuliffe and Hofstetter, Chicago, Illinois
John T. Lanahan, UOP Inc., Des Plaines, Illinois
Alan D. Lourie, Smith Kline Bechman Corp., Philadelphia, Pennsylvania
Leonard B. Mackey, ITT Corporation, New York, New York
Pauline Newman, FMC Corporation, Philadelphia, Pennsylvania
Louis T. Pirkey, Arnold, White and Durkee, Austin, Texas
Thomas F. Smegal, Jr., Townsend and Townsend, San Francisco, California
Richard C. Witte, Proctor and Gamble Company, Cincinnati, Ohio

United States Delegation to the Group of Exports on the Transport of Perishable Foodstuffs, 37th Session, Economic Commission for Europe (ECE), Geneva, October 11–15, 1982

Representative

Robert F. Guilfoy, Jr., Chief, Transportation and Packaging Research Branch, Office of Transportation, Department of Agriculture

Advisers

Anthony Cruit, Agricultural Counselor, United States Mission, Geneva
George Dempsey, United States Mission, Geneva

Private Sector Adviser

James L. Clark, American Maritime Association, Washington, D.C.

United States Delegation to the 26th Session of the Consultative Committee and 16th Ordinary Session of the International Union for the Protection of New Varieties of Plants (UPOV), Geneva, October 12–15, 1982

Representative

Stanley D. Schlosser, Office of Legislation and International Affairs, Patent and Trademark Office, Department of Commerce

Private Sector Advisor

Sidney B. Williams, Jr., Patent Attorney, The Upjohn Company, Kalamazoo, Michigan

United States Delegation to the Study Group XVII, International Telephone and Telegraph Consultative Committee (CITT), International Telecommunication Union (ITU), Geneva, October 18–22, 1982

Representative

Thijs de Haas, National Telecommunications and Information Administration, Department of Commerce, Boulder, Colorado

Adviser

Frank McLelland, National Communications System, Arlington, Virginia

Private Sector Advisers

Claude C. Kleckner, American Telephone and Telegraph Company, Basking Ridge, New Jersey
Virginius N. Vaughn, Chatham, New Jersey
Dale M. Walsh, General DataComm Industries, Danbury, Connecticut

United States Delegation to the International North Pacific Fisheries Commission (NPFC), Tokyo, October 25—November 6, 1982

Commissioners

The Honorable Elmer E. Rasmuson, Chairman, National Bank of Alaska, Anchorage, Alaska
The Honorable Dayton Alverson, Managing Partner, Natural Resources Consultants, Inc., Seattle, Washington
The Honorable Robert W. McVey, Director, Alaska Region, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, Juneau, Alaska
The Honorable Robert M. Thorstenson, Chairman, Icicle Seafoods, Seattle, Washington

Advisers

Christine L. Dawson, Office of Fisheries Affairs, Bureau of Oceans and International Environmental and Scientific Affairs, Department of State
Robert T. B. Iversen, Regional Fisheries Attache, United States Embassy, Tokyo
Douglas W. McCaleb, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce

Private Sector Advisers

Robert Moss, Chairman, Advisory Committee, Commercial Fisherman, Homer, Alaska
Robert Alverson, Fishing Vessel Owner's Association, Seattle, Washington
Joan Bergy, Consumer Product Safety Commission, Seattle, Washington
Alvin Burch, Commercial Fisherman, Kodiak, Alaska
William Dreshler, Pacific Pearl Seafoods, Seattle, Washington
Jessie Foster, Commercial Fisherman, Quinhagek, Alaska
John Gilbert, Bumble Bee Seafoods, Seattle, Washington
Gordon Jensen, Alaska Board of Fisheries, Petersburg, Alaska
Richard B. Lauber, Association of Pacific Fisheries, Juneau, Alaska
Herman McDevitt, Pacific Regional Fishery Management Council, Pocatello, Idaho
Henry Mitchell, Bering Sea Fisherman's Association, Anchorage, Alaska
Keith W. Specking, Alaska State Legislature, Juneau, Alaska
Jeffrey Stephans, United Fisherman's Marketing Association, Kodiak, Alaska
Clement Tillion North Pacific Fisheries Management Council, Homer, Alaska

United States Delegation to the Working Party, Organization for Economic and Cooperative Development (OECD) Paris, November 2–3, 1982

Representative

J. D. Darroch, Director, Office of Basic Industries, Department of Commerce

Advisers

Thomas O'Herron, Office of Special Trade Activities, Bureau of Economic and Business Affairs, Department of State
Jorge Perez Lopez, Bureau of International Labor Affairs, Department of Labor

Private Sector Advisers

Frank Fenton, Vice President, American Iron and Steel Institute, Washington, D.C.
Peter Mulloney, Vice President, United States Steel Company, Pittsburgh, Pennsylvania
Jack Sheehan, Director, Legislative Department, United Steelworkers of America, Washington, D.C.

United States Delegation to the Committee on Administration, International Rubber Organization, Kuala Lumpur, November 8–11, 1982

Representative

Robert Pastorino, Industrial and Strategic Materials Division, Bureau of Economic and Business Affairs, Department of State

Advisers

Gregory Christopolus, Office of the U.S. Trade Representative, Executive Office of the President
Elizabeth Shelton, U.S. Embassy, Kuala Lumpur
Frederic Siesseger, Resources Policy Division, Department of Commerce

Private Sector Advisers

Collier Baird, Baird Rubber Trading Company, Hoboken, New Jersey
Howard Chapell, Goodyear Orient Private Ltd., Singapore
James N. Walsh, Goodyear Tire and Rubber Company, Akron, Ohio

United States, Delegation to the First Preparatory Meeting on Bauxite, United Nations Conference on Trade and Development (UNCTAD), Geneva, November 8–12, 1982

Representative

Robert Goldberg, Industrial and Strategic Materials Division, Bureau of Economic and Business Affairs, Department of State

Alternate Representative

William Sugg, International Resources Division, Department of Commerce

Private Sector Advisers

Frank P. Jones, Jr., Vice President for, Government Affairs, Aluminum Company of America, Washington, D.C.
Alan W. Popp, General Manager, Mineral Resource Development, Reynolds Metals Company, Richmond, Virginia

United States Delegation to the Working Party on Building, Fourteenth Session, Economic Commission for Europe (ECE), Brussels, November 9–12, 1982

Representative

Orville G. Lee, Chief Architect, Building Technology Division, Office of Policy Development and Technology, Housing and Urban Development

Private Sector Adviser

Thomas M. Moses, Director/General Manager, Reedy Creek Improvement District, Orlando, Florida

United States Delegation to the Committee for Coordination of Joint Prospecting for Mineral Resources in the South Pacific Offshore Areas (CCOP/SOPAC), Eleventh Session, Economic and Social Commission for Asia and the Pacific (ESCAP), Wellington, November 9–17, 1982

Representative

Maurice J. Terman, Chief, Asian and Pacific Geology, Office of International Geology, U.S. Geological Service, Department of the Interior

Advisers

H. Gary Green, Pacific and Arctic Geology Branch, U.S. Geological Service, Department of Interior
Kenneth L. Norton, Commercial Attache, U.S. Embassy, Wellington

Private Sector Adviser

Charles Helsley, Director, Hawaiian Institute of Geophysics, University of Hawaii, Honolulu, Hawaii

United States Delegation to the Plenary Session of the International Commission for the Conservation of Atlantic Tuna (ICCAT) Funchal, Madeira Islands, November 10–16, 1982

Commissioners

The Honorable Carmen J. Blondin, Chairman, U.S. Section
National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce

The Honorable Frank B. Carlton, Executive Secretary, National Coalition for Marine Conservation, Savannah, Georgia
The Honorable John McGowan, Astoria, Oregon

Congressional Staff Adviser

George Mannina, Minority Counsel, Subcommittee on Fisheries and Wildlife Conservation and Environment, United States House of Representatives

Advisers

David Fitch, Office of the General Counsel, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce
Gary T. Sakagawa, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce
Stephen Savage, Office of Oceans and Fisheries Affairs, Bureau of Oceans and International Environmental and Scientific Affairs, Department of State
Barbara Rothschild, Office of International Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce

Private Sector Advisers

Gordon C. Broadhead, Living Marine Resources, Inc., San Diego, California
Orra E. Kerns, United States Tuna Foundation, San Diego, California
Christopher M. Weld, New England Fishery Management Council, Boston, Massachusetts

United States Delegation to the Committee on Buffer Stock Operations International Rubber Organization, Kuala Lumpur, November 12–19, 1982

Representative

Frederic Siesseger, Resources Policy Division, Department of Commerce

Advisors

Gregory Christopolous, Office of the U.S. Trade Representative, Executive Office of the President
Robert Pastorino, Industrial and Strategic Materials Division, Bureau of Economic and business Affairs, Department of State
Elizabeth Shelton, U.S. Embassy Kuala Lumpur

Private Sector Advisors

Collier Baird, Baird Rubber Trading Company, Hoboken, New Jersey
Howard Chapell, Goodyear Orient Private Ltd., Singapore
James N. Walsh, Goodyear Tire and Rubber Company, Akron, Ohio

United States Delegation to the Council and Committees on Statistics and Other Measures, International Rubber Organization Kuala Lumpur, November 12–19, 1982

Representative

Gregory Christopolous, Office of the U.S. Trade Representative, Executive Office of the President

Advisors

Robert Pastorino, Industrial and Strategic Materials Division, Bureau of Economic and Business Affairs, Department of State
Elizabeth Shelton, U.S. Embassy, Kuala Lumpur
Frederic Siesseger, Resources Policy Division, Department of Commerce

Private Sector Advisors

Collier Baird, Baird Rubber Trading Company, Hoboken, New Jersey
Howard Chapell, Goodyear Orient Private Ltd., Singapore
James N. Walsh, Goodyear Tire and Rubber Company, Akron, Ohio

United States Delegation to the Meeting of the Administrative and Legal Committees, Union for the Protection of New Plant Varieties, Geneva, November 16–17, 1982

Representative

Stanley D. Schlosser, Office of Legislation and International Affairs, Patent and Trademark Office, Department of Commerce

Private Sector Advisor

Leo Donahue, Executive Director, National Association of Plant Patent Owners, Washington, D.C.
Harold Loden, Executive Director, American Seed Trade Association, Washington, D.C.

United States Delegation to the Insurance Committee and Joint Working Group of the Insurance Committee and the Committee on Invisible Transactions, Organization for Economic and Coopération Development (OECD), Paris, November 16–19, 1982

Representative

Brant Free, Director, Office of Service Industries, Department of Commerce

Alternate Representative

Richard Self, Deputy Assistant Trade Representative for Services and Policy Development, Office of the U.S. Trade Representative, Executive Office of the President

Private Sector Advisers

Bruce Foudree, Commissioner of Insurance, State of Iowa, Des Moines, Iowa
Edith F. Lichota, Vice President, Government Affairs, Insurance Company of North America, New York, New York
Ronald K. Shelp, Vice President, American International Underwriters Corporation, New York, New York

United States Delegation to the Working Group on Tariffs, Inter-American Telecommunications Conference (CITEL), Organization of American States (OAS), Lima, November 22–26, 1982

Delegate

Leon Kestenbaum, Common Carrier Bureau, Federal Communications Commission

Private Sector Advisers

Stanley Araujo, Director for Rates, Western Union International, New York, New York
David Long, Tariff Analyst, RCA Communications, Inc., New York, New York
Nester Ortiz, Regional Vice President, Western Hemisphere, Western Union Telegraph Company, Upper Saddle River, New Jersey

United States Delegation to the Ninth Meeting of the All Weather Operations Panel of the International Civil Aviation Organization (ICAO), Montreal, November 23–December 8, 1982

Panel Member

Douglas Vickers, Systems Research and Development Service, Federal Aviation Administration, Department of Transportation

Advisers

Carl Peterson, Electronics Engineer, Federal Aviation Administration, Department of Transportation
Ralph Vallone, Systems Analyst, Federal Aviation Administration, Department of Transportation
Lyle Wink, Air Space Systems Inspection Pilot, Federal Aviation Administration, Department of Transportation

Private Sector Adviser

Robert J. Kelly, Bendix Corporation, Baltimore, Maryland

United States Delegation to the Commodities: International Wheat Council (IWU), London, November 29–December 1, 1982

Representative

Donald Novotny, Foreign Agricultural Service, Department of Agriculture

Alternate Representative

Donald Hart, Office of Food Policy and Programs, Bureau of Economic and Business Affairs, Department of State

Advisors

Frank C. Coolidge, U.S. Embassy, London
Michael Goldman, Food Policy Division, Bureau of Economic and Business Affairs, Department of State
Turner Oyloe, Agricultural Counsellor, U.S. Embassy, London

Private Sector Advisors

Jack Felgenhauer, National Association of Wheat Growers, Washington, D.C.
Winston Wilson, U.S. Wheat Associates, Washington, D.C.

United States Delegation to the Meeting of the Permanent Technical Committee I of the Inter-American Telecommunications Conference (CITEL), Organization of American States (OSA), Lima, November 29–December 3, 1982

Delegate

Leon Kestenbaum, Common Carrier Bureau, Federal Communication Commission

Alternate Delegate

James K. Smith, Common Carrier Bureau Federal Communications Commision

Private Sector Advisers

Stanley Araujo, Director for Rates, Western Union International, New York, New York

Cecil Crump, Staff Manager, ITU and CITEL Relations, American Telephone and Telegraph Company, Morris Plains, New Jersey
John Lanzelotti, Director, Western Hemisphere Affairs, Western Union Telegraph Company, Upper Saddle River, New Jersey
David Long, Tariff Analyst, RCA Communications, Inc., New York, New York
Nester Ortiz, Regional Vice President—Western Hemisphere, Western Union Telegraph Company, Upper Saddle River, New Jersey
Julio Vasquez, Director for Relations—Central America Western Union, Inc., New York, New York

United States Delegation to the Committee for Coordination of Joint Prospecting for Mineral Resources in Asian Offshore Areas (CCOP), Economic and Social Commission for Asia and the Pacific (ESCAP), Tokyo, November 19–December 10, 1982

Representative

John A. Reinemund, Chief, Office of International Geology, U.S. Geological Survey, Department of the Interior

Alternate Representatives

Tom Owens, National Science Foundation, U.S. Embassy, Tokyo
Murice J. Terman, Chief, Section of Asian and Pacific Geology, Office of International Geology U.S. Geological Survey, Department of the Interior

Adviser

Kenneth L. Pierce, U.S. Geological Survey, Department of the Interior

Private Sector Advisers

Joseph R. Curray, Profesor of Marine and Quaternary Geology, Scripps Institute of Oceanography, La Jolla, California
Dennis E. Hayes, Deputy Director, Lamont-Doherty Geological Observatory, Columbia University Palisades, New York

United States Delegation to the Commodities: Food Aid Committee, London, December 1–2, 1982

Representative

Donald Hart, Office of Food Policy and Programs, Bureau of Economic and Business Affairs, Department of State

Alternate Representatives

Michael Goldman, Food Policy Division, Bureau of Economic and Business Affairs, Department of State
Donald novotny, Foreign Agricultural Service, Department of Agriculture

Advisers

Frank C. Coolidge, U.S. Embassy, London
Turner Oyloe, Agricultural Counsellor, U.S. Embassy, London

Private Sector Advisers

Jack Felgenhauer, National Association of Wheat Growers, Washington, D.C.
Winston Wilson, U.S. Wheat Associates, Washington, D.C.

United States Delegation to the Eleventh Session of the Subcommittee on Bulk Chemicals Intergovernmental maritime Organization (IMO), London, December 6–10, 1982

Representative

Fritz Wybenga, Marine Technical and Hazardous Materials Division, United States Coast Guard, Department of Transportation

Alternate Representative

Thomas R. Dickey, Marine Technical and Hazardous Materials Division, United States Coast Guard, Department of Transportation

Advisers

Harvey Clew, Shipping Attache, United States Embassy, London
Emmanuel P. Pfersich, Marine Technical and Hazardous Materials Division, United States Coast Guard, Department of Transportation
Michael D. Morrissette, Marine Technical and Hazardous Materials Division, United States Coast Guard, Department of Transportation

Private Sector Advisers

Robert H. Conn, Jr., Shell Oil Company, Houston, Texas
William H. Kibbel, FMC Corporation, Princeton, New Jersey

United States Delegation to the Committee of Experts on the Transport of Dangerous Goods, Twelfth Session, Economic and Social Council (UN) (ECOSOC), Geneva, December 6–15, 1982

Representative

Alan I. Roberts, Associate Director for Hazardous Materials Regulation, Research and Special Programs Administration, Department of Transportation

Alternate Representative

Edward A. Altemos, Office of Hazardous Materials Regulation, Research and Special Programs Administration, Department of Transportation

Advisers

John P. Aherne, Lt., USCG, Marine Technical and Hazardous Material Division, U.S. Coast Guard, Department of Transportation
Edward T. Mazzullo, Office of Hazardous Material Regulation, Research and Special Programs Administration, Department of Transportation

Private Sector Adviser

Bruce O. Stuart, Stauffer Environmental Health Center, Stauffer Chemical Company, Farmington, Connecticut

United States Delegation to the Committee on International Investment and Multinational Enterprises, Working Group on the Guidelines, Organization for Economic Cooperation and Development (OECD), Paris, December 8–10, 1982

Representative

John T. McCarthy, Office of Investment Affairs, Bureau of Economic and Business Affairs, Department of State

Adviser

Judith Sever, Investment Policy Division, Department of Commerce

Private Sector Adviser

Richard Rowan, Wharton School of Finance, University of Pennsylvania, Philadelphia, Pennsylvania

United States Delegation to the Ad Hoc Working Group of Legal and Technical Experts for Elaboration of a Global Framework, Convention for Protection of the Ozone Layer (2nd Session), United Nations Environmental Program (UNEP), Geneva, December 10–17, 1982

Representative

Mary Rose Hughes, Deputy Assistant Secretary for Environment, Health and Natural Resources, Bureau of Oceans and International Environmental and Scientific Affairs, Department of State

Alternate Representative

Scott A. Hajost, Office of the Assistant Legal Adviser, Department of State

Adviser

Larry C. Dorsey, Office of Pesticides and Toxic Substances, Environmental Protection Agency

Private Sector Adviser

Robert Watson, Jet Propulsion Laboratory, Pasadena, California

United States Delegation to the Special Session of the Committee for Information Computer and Communications Policy, Organization for Economic Cooperation and Development (OECD), Paris, December 13–15, 1982

Representative

The Honorable Mark S. Fowler, Chairman, Federal Communications Commission

Adviser

Nancy Adams, Office of the U.S. Trade Representative, Executive Office of the President
Earl Barbely, Federal Communications Commission
James L. Gorman, Bureau of Economic and Business Affairs, Department of State
Lucy Hummer, Office of the Legal Adviser, Department of State
Kenneth Leeson, National Telecommunications and Information Administration, Department of Commerce
Joyce Rabens, Bureau of Economic and Business Affairs, Department of State

Private Sector Advisers

B.C. Burgess, Bank of America, San Francisco, California
John O'Boyle, ITT Worldcom, New York, New York
Dennis O'Shea, IBM Armonk, New York
Beverly Sincavage, GTE-Telenet, Vienna, Virginia

United States Delegation to the 25th Session of the Subcommittee on Radio Communications of the Intergovernmental Maritime Organization (IMO), London, December 13–17, 1982

Representative

Marshall E. Gilbert, Captain, USCG, Chief, Plans and Policy Division, United States Coast Guard, Department of Transportation

Alternate Representative

Richard L. Swanson, Plans and Policy Division, United States Coast Guard, Department of Transportation

Advisers

Harvey Clew, Shipping Attache, United States Embassy, London
Gordon F. Hempton, Private Radio Bureau, Federal Communications Commission
Robert C. McIntyre, Engineer, Federal Communications Commission

Private Sector Advisers

Charles Dorian, Communications Satellite Corporation, Washington, D.C.
Harvey Strichartz, American Radio Association, AFL–CIO New York, New York

United States Delegation to the Committee on Invisibles and Financing Related to Trade, United Nations Conference on the Trade and Development (UNCTAD) Geneva, December 13–17, 1982

Representative

Brant Free, Director, Office of Service Industries, Department of Commerce

Private Sector Advisers

Edith F. Lichota, Vice President-Government Affairs, Insurance Company of North America, New York, New York
Richard M. Murray, Vice President-International Operations, The Travellers Companies, Hartford, Connecticut
Ted Tumminello, Vice President and General Counsel, Pan-American Life Insurance Company, New Orleans, Louisiana

United States Delegation to the Subcommittees of the Berne Union Universal Copyright Convention and Rome Convention on Problems Arising From Cable Transmission of TV Programs, UN Educational, Scientific and Cultural Organization/World Intellectual Property Organization (UNESCO/WIPO), Paris, December 13–17, 1982

Representative

David L. Ladd, Register of Copyrights, U.S. Copyright Office

Alternate Representative

Lewis I. Flacks, International Copyright Officer, U.S. Copyright Office

Adviser

David Liebowitz, Senior Attorney, U.S. Copyright Office

Private Sector Advisers

Robert D. Hadl, Vice President, MCA, Inc., Universal city, California
Professor Alan Latman, School of Law, New York University

United States Delegation to the Executive Council of the International Program for Development of Communications (IPDC) (Third Session), UN Educational, Scientific and Cultural Organization (UNESCO), Paris, December 13–20, 1982

Representative

William G. Harley, U.S. National Commission for UNESCO, Department of State

Alternate Representative

Linda Keller-Brown, Associate Director for Educational and Cultural Exchanges, United States Information Agency

Senior Adviser

W. Scott Thompson, Associate Director for Programs, United States Information Agency

Advisers

Clifford Block, Associate Director for Development Communications, Bureau for Development Support, Agency for International Development
Judson Gooding, Attache for Culture and Communications, U.S. Permanent Mission to UNESCO, Paris
Martin Jacobs, Officer in Charge of Communications, Bureau of International Organization Affairs, Department of State
William Read, Communications Counsel, United States Information Agency
Elkin Taylor, United States Deputy Permanent Representative, to UNESCO, Paris

Private Sector Adviser

Tahlman Krumm, Jr., Alliance for Communications Development Abroad, Columbus, Ohio

United States Delegation to the 28th Session of the Subcommittee on Fire Protection, Intergovernmental Maritime Organization (IMO), London, January 17–21, 1983

Representative

Donald J. Kerlin, Office of Merchant Marine Safety, United States Coast Guard, Department of Transportation

Advisers

William G. Boyce, Office of Merchant Marine Safety, United States Coast Guard, Department of Transportation
Harvey Clew, Shipping Attache, United States Embassy, London
Alexander F. Robertson, National Bureau of Standards, Department of Commerce

Private Sector Adviser

Alfred H. Hobelman, Walter Kidde Co., Belleville, New Jersey

United States Delegation to the Committee on Gas Twenty-Ninth Session, Economic Commission for Europe (ECE), Geneva, January 17–21, 1983

Representative

George Dempsey, U.S. Mission, Geneva

Alternate Representative

James Porter, U.S. Mission, Geneva

Private Sector Adviser

Stewart B. Kean, Past President, National LP—Gas Association, Arlington, Virginia

United States Delegation to the Meeting on Antarctic Mineral Resources, Wellington, New Zealand, January 17–28, 1983

Representative

R. Tucker Scully, Director, Office of Oceans and Polar Affairs, Bureau of Oceans and International Environmental and Scientific Affairs, Department of State

Advisers

John Behrendt, United States Geological Survey, Denver, Colorado
Michael Danaher, Office of the Legal Adviser, Department of State
Douglas Hengel, Office of Marine and Polar Minerals, Bureau of Economic and Business Affairs, Department of State
Robert Hofman, Scientific Program Director, Marine Mammal Commission
David R. Telleen, Office of Oceans and Polar Affairs, Bureau of Oceans and International Environmental and Scientific Affairs, Department of State

Private Sector Advisers

Lee Kimball, Citizens for Ocean Law, Washington, D.C.
Robert Rutford, President, University of Texas, Dallas, Texas

United States Delegation to the Meetings of International Telegraph and Telephone Consultative Committee, Working Party III/2, January 24–28, 1983 and Study Group III, of the International Telecommunication Union, Geneva, January 27–February 4, 1983

Representative

Earl S. Barbely, Federal Communications Commission, Washington, D.C.

Private Sector Advisers

John Klotsche, RCA Globcom, New York, New York
Wendel Lind, AT&T, Bedminster, New Jersey
Dennis Mitrano, ComSat Corporation, Washington, D.C.
John O'Boyle, ITT Worldcom, New York, New York
Philip Onstad, Control Data Corporation, Greenwich, Connecticut
Dennis O'Shea, IBM, Armonk, New York
Louis Peterec, Western Union International, New York, New York
Beverly Sincavage, GTE Telenet, Vienna, Virginia

Fred Voege, Western Union Telegraph Company, Upper Saddle River, New Jersey

United States Delegation to the 28th Session of the Subcommittee on Stability, Load Lines and the safety of Fishing Vessels International Maritime Organization (IMO) London, February 7–11, 1983

Representative

William A. Cleary, Jr., Chief, Ship Characteristics Branch, Office of Merchant Marine Safety, United States Coast Guard, Department of Transportation

Alternate Representative

Kevin V. Fenney, Commander, Assistant Branch Chief, Ship Characteristics Branch Office of Merchant Marine Safety, United States Coast Guard, Department of Transportation

Advisers

Harvey Clew, Shipping Attache, United States Embassy, London

Thomas M. Curelli, Ship Characteristics Branch, Office of Merchant Marine Safety, United States Coast Guard, Department of Transportation

Joseph T. Lewis, Chief, Admeasurement Branch Office of Merchant Marine Safety, United States Coast Guard, Department of Transportation

Private Sector Advisor

Edward H. Middleton, Maritime Institute for Research and Industrial Development, Washington, D.C.

United States Delegation to the Meeting of the International Telegraph and Telephone Consultative Committee Study Group I Working Parties of the International Telecommunication Union, Geneva, February 7–18, 1983

Representative

Earl S. Barbely, Federal Communications Commission, Washington, D.C.

Private Sector Advisor

Donald Casey ITT Worldcom, New York, New York
Stephen Engleman, Communications Satellite Corporation, Washington, D.C.
Gary Fereno, MCI Corporation, Washington, D.C.
Ralph E. Grant, 3M Company, St. Paul, Minnesota
Joseph Mendres, WUI, New York, New York
Philip Onstad, Control Data Corporation, Greenwich, Connecticut
Harry Silberman, RCA Globcom, New York, New York
Herman R. Silbiger, American Telephone and Telegraph Company, Morristown, New Jersey
Fred Voege, Western Union Telegraph Company, Upper Saddle River, New Jersey

United States Delegation to the Meeting of the International Telegraphic and Telephone Consultative Committee (CCITT), Study Group XVIII, Group of Experts on Integrated Services Digital Network (ISDN) International Telecommunication Union (ITU) Kyoto, February 14–25, 1983

Representative

Thijs de Haas, National Telecommunications and Information Administration, Boulder, Colorado

Advisers

Wendell Harris, Federal Communications Commission, Washington, D.C.
Frank McClelland, National Communications System, Washington, D.C.

Private Sector Advisers

Robert Amy, IBM, Raleigh, North Carolina
Warre got Gifford, American Telephone & Telegraph, Bedminster, New Jersey
Leslie Klein, Communications Satellite Corporation, Washington, D.C.
Demos Kostas, General Telephone and Electronics, Stamford, Connecticut
William G. Schmidt, Satellite Business Systems, McLean, Virginia

[FR Doc. 83-7319 Filed 3-21-83; 8:45 am]
BILLING CODE 4710-19-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[Delegation Order No. 96 (Rev. 7)]

Delegation of Authority

AGENCY: Internal Revenue Service, Treasury.

ACTION: Delegation of authority.

SUMMARY: This revision extends the authority granted to the Director of each EP/EO Key District to limit the retroactive effect of the revocation of any determination letter issued with respect to certain employee plans from December 31, 1982, to December 31, 1983; and the deadline by which plans must satisfy certain conditions in order to be eligible for such relief from September 30, 1982, to September 30, 1983. The text of the delegation order appears below.

EFFECTIVE DATE: March 15, 1983.

FOR FURTHER INFORMATION CONTACT: Sheila M. Connor, OP:E:EP:T:8, 1111 Constitution Ave., N.W., Washington, D.C. 20224; 202–566–3149 (Not a Toll-Free telephone number).

This document does not meet the criteria for significant regulations set forth in paragraph 8 of the Treasury directive appearing in the **Federal Register** for Wednesday, November 8, 1978.

Samuel A. Greer,
Acting Director, Employee Plans Division.

Order No. 96 (Rev. 7)

Effective date: March 15, 1983.

Application of Rulings Without Retroactive Effect

1. Pursuant to authority granted to the Commissioner of Internal Revenue by 26 CFR 301.7805–1(b):

a. The Associate Chief Counsel (Technical) and the Deputy Associate Chief Counsel (Technical) are hereby authorized to prescribe the extent, if any, to which any ruling issued by or pursuant to authorization from the Chief Counsel relating to the internal revenue laws shall be applied without retroactive effect.

b. The Assistant Commissioner (Employee Plans and Exempt Organizations) and the Deputy Assistant Commissioner (Employee Plans and Exempt Organizations) are hereby authorized to prescribe the extent, if any, to which any ruling issued by or pursuant to authorization from the Assistant Commissioner relating to the internal revenue laws shall be applied without retroactive effect.

2. a. Pursuant to authority granted to the Commissioner of Internal Revenue by 26 CFR 301.7805–1(b), there is hereby delegated to the Director, Employee Plans Division and to the Director, Actuarial Division of the National Office, and to the Director of each EP/EO Key District, the authority to limit the retroactive effect of the revocation of any determination letter issued with respect to employee plans if the following conditions are met:

(1) The plan sponsor has received a favorable determination letter under the law in effect prior to the date that the Employee Retirement Income Security Act of 1974 (ERISA) applied to the plan, but did not receive a favorable post-ERISA determination letter.

(2) The plan sponsor executed the necessary plan amendments to conform to ERISA retroactively to the first plan year that was subject to ERISA and such amendments are executed no later that 91 days after the issuance of a final determination letter or notice of amendments needed to effect compliance (which notice shall be issued at least 91 days prior to the final examination report).

(3) Employees' and beneficiaries' rights and/or benefits under the plan are restored to levels they would have had to attain if the plan had never failed to qualify under ERISA.

(4) The requirements of section 2b relating to form are satisfied on June 4, 1980, and the requirements of section 2b relating to operation are met beginning with the ERISA effective date for the minimum participation standards determined with regard to each plan.

b. The requirements of this section are:

(1) The plan satisfies the age and service requirements for participation described in section 410(a) of the Code or fails to satisfy such requirements solely because the plan incorrectly credits service for eligibility purposes;

(2) The plan satisfies the requirements of section 411(a) or fails to satisfy such requirements solely because the plan incorrectly credits service for vesting purposes;

(3) In the case of a plan subject to the joint and survivor requirements of section 401(a)(11) such plan provides a joint and survivor annuity;

(4) The plan has not failed to satisfy the requirements of section 414(1);

(5) The plan has not, in operation, violated the limitations of section 415(c) by making excess allocations to individuals who are officiers, shareholders or highly compensated; and

(6) The plan has not, in operation, been discriminatory in coverage or in contributions or benefits under sections 410(b) and 401(a)(4).

c. In the case of a plan that fails to satisfy section 2a solely as a result of not satisfying one or more of the requirements of section 2B, partial relief will be granted through section 7805(b). The employer's contributions will not be deductible as contributions to a qualified plan. However, section 7805(b) relief will be applied to the trust and all employees except to the extent described in the next two sentences. In the case of a plan that does not satisfy section 2b(5), the 7805(b) relief described in the previous sentence will not apply to any officer, shareholder, or highly compensated individual who received annual additions that did not satisfy such section. In the case of a plan which does not satisfy section 2b(6), the 7805(b) relief will not apply to any officer, shareholder or highly compensated individual. Thus, any such officer, shareholder or highly compensated individual will not receive tha tax treatment applicable with respect to qualified plans. In the case of a plan which fails to satisfy applicable requirements for any other reason relief can only be granted pursuant to section 1b.

d. The section 7805(b) relief detailed in sections 2a, 2c and 3 shall be effective for the period beginning with the ERISA effective date for the minimum participation standards determined with regard to each plan and ending on the date of final compliance which shall be no later than the date defined in section 2a(2) of this order.

(e) In determining whether the requirements of this section are satisfied, proposed amendments received by the Service by June 4, 1980, will be taken into account.

3.a. In addition to the authority delegated in section 2 above, there is delegated to the Director of each EP/EO Key District, the Director, Employee Plans Division and the Director, Actuarial Division, the authority to limit the retroactive effect of the revocation, if any, of a favorable post-ERISA determination letter issued for a plan, except issues with respect to which an Alert Guidelines worksheet was completed. If a determination letter was issued erroneously with respect to issues covered by a completed Alert Guidelines worksheet, retroactive relief may only be granted pursuant to section 1b.

b. If a plan described in section 3a is amended in accordance with section 2a(2), restoration will be required and relief will be granted to the extent described below. If the defect did not exist at the time of the prior letter, the sponsor must restore any benefits and relief will be granted in accordance with the principles in section 2c for the period in which the defect existed. If the defect did exist at the time of the prior letter, the related benefits need only be restored for the period during which the plan was, without regard to the defect, not in compliance with Code section 401(a), and full section 7805(b) relief will be granted.

4. The delegation of authority granted pursuant to sections 2 and 3 above does not permit relief to be granted in any case if after September 30, 1983, amendments required for complete compliance have not been executed or a request for a determination letter with proposed ERISA amendments has not been filed. Notwithstanding the above, the Director of each EP/EO Key District is not delegated any section 7805(b) authority in the case of a plan which the Director of each EP/EO Key District determines to have been discriminatory for years before the effective date of section 410 for such plan. Cases described in this section must be referred to the National Office pursuant to procedures governing requests for technical advice.

5. Notwithstanding any of the above, section 7805(b) authority is not delegated to the Director, Employee Plans Division, the Director, Actuarial Division and the Director of each EP/EO Key District in the case of a plan which has been determined to have violated the exclusive benefit rule of section 4019a).

6. The section 7805(b) authority described in sections 2a, 2c or 3 will be exercised except in rare and unusual circumstances. Where rare and unusual circumstances exist, denial of section 7805(b) relief will be applied only if approved by the National Office.

7. The authority delegated section 1 may not be redelegated.

8. The authority to grant 7805(b) relief in certain employee plan matters herein delegated to the Director, Employee Plans Division and to the Director of each EP/EO. Key District may not be redelegated below the level of the Chief, Employee Plans Technical Branch and the Assistant Chief, EP/EO Division, respectively. The authority to grant 7805(b) relief delegated to the Director, Actuarial Division may not be redelegated.

9. This delegation order expires with respect to the Director of each EP/EO Key District on December 31, 1983.

10. To the extent that authority previously exercised consistent with this Order may require ratification, it is hereby affirmed and ratified.

11. Delegation Order No. 96 (Rev. 6), effective March 21, 1982, is superseded.

James I. Owens,

Deputy Commissioner.

[FR Doc. 83-7099 Filed 3-21-83; 8:45 am]
BILLING CODE 4830-01-M

VETERANS ADMINISTRATION

Grant Application for a Veterans Cemetery, Government of Guam; Finding of No Significant Impact

The Veterans Administration (VA), in cooperation with the Government of Guam, has determined that potential environmental impacts will be minimal from the development of a Veterans Cemetery in Piti, Guam.

The project will ultimately include the development of between 20–25 acres of land (17–23 acres of burial sites) with associated roadways, fencing, and essential buildings (chapel, administration, storage, etc.). The site identified is located near the village of Piti and immediately adjacent to and including an existing U.S. Navy operated cemetery.

It is anticipated that there will be temporary impacts associated with the construction of the proposed action. These impacts will include increased noise levels, air quality degradation and

potential erosion problems. These impacts will be temporary in nature and should not have a significant effect on the surrounding environment.

The site will be committed to cemetery land use through the known future. However, since a portion of the land is currently a cemetery, this is not a significant factor.

The temporary construction impacts will be mitigated to incur minimal disruption to the environment. During the construction phase and subsequent operation, the Government of Guam will comply with all applicable Federal and local environmental regulations and codes. Mitigation actions that should be instigated include erosion control, air quality and noise level controls and approved solid waste disposal measures. Should any historic or cultural resources be discovered during the construction of this project, the contractor must contact the Government of Guam. The VA Historic Preservation Office must be contacted immediately by Guam and project work directed away from the area until the resources can be evaluated.

The significance of the identified impacts has been evaluated relative to considerations of both context and intensity as defined by the Council on Environmental Quality Regulations (Title 40 CFR 1508.27).

The Environmental Assessment has been performed in accordance with the requirements of the National Environmental Policy Act Regulations, §§ 1501.3 and 1508.9. A "Finding of No Significant Impact" has been reached based on the information presented in this assessment.

The assessment is being placed for public examination at the Veterans Administration, Washington, D.C. Persons wishing to examine a copy of the document may do so at the following office: Mr. William F. Sullivan, Director, Office of Environmental Affairs (088C), Room 423, Veterans Administration, 811 Vermont Avenue, NW., Washington, D.C. 20420, (202) 389–3316. Questions or requests for single copies of the Environmental Assessment may be addressed to the above office.

Dated: March 14, 1983.

By direction of the Administration.

Everett Alvarez, Jr.,

Deputy Administrator.

[FR Doc. 83-7321 Filed 3-21-83; 8:45 am]

BILLING CODE 8320-01-M

Development of the Oregon Trail State Veterans Cemetery, Evansville, Wyoming; Finding of No Significant Impact

The Veterans Administration (VA), in cooperation with the State of Wyoming, has determined that potential environmental impacts will be minimal from the development of a State Veterans Cemetery in Evansville, Wyoming.

The project will ultimately include the development of approximately 100 acres (Phase I, 11.32 acres) into burial areas, buffer zones and the construction of the required support facilities (i.e. buildings, roadways, entrances, etc.). The site identified for development is located in east-central Wyoming, north of the town of Evansville.

Temporary impacts associated with the construction of the proposed action will occur. It is anticipated that these impact will raise noise levels and air quality degradation from construction operations. These impacts are temporary and should not have a significant effect on the surrounding environment.

A permanent impact will be the change in land use and commitment of the site in perpetuity for the burial of eligible veterans and their dependants. The development will improve the visual appearance of the existing landscape which is very poor pasture land.

Temporary impacts from construction will be mitigated so as to incur minimal disruption to the environment. During the construction phase and subsequent operation, all applicable Federal, State, and local environmental regulations and codes will be adhered to. Mitigation actions that would be instituted include erosion, air quality and noise level controls, as well as, approved solid waste disposal measures. Should any archeological resources be discovered during the construction of this project, the VA Historic Preservation Office will be notified immediately by the contractor and work will be directed away from the area until the resources can be evaluated by the VA. The VA will be responsible for notifications required by Federal law. Subsequently, direct notification will also be made to the State Historic Preservation Officer.

The significance of the identified impacts has been evaluated relative to considerations of both context and intensity as defined by the Council on Environmental Quality (Title 40 CFR 1508.27).

The Environmental Assessment has been performed in accordance with the requirements of the National Environmental Policy Act Regulations, §§ 1501.3 and 1508.9. A "Finding of No Significant Impact" has been reached based on the information presented in this assessment.

The assessment is being placed for public examination at the Veterans Administration, Washington, D.C. Persons wishing to examine a copy of the document may do so at the following office: Mr. William F. Sullivan, Director, Office of Environmental Affairs (088C), Room 423, Veterans Administration, 811 Vermont Avenue, NW., Washington, D.C. 20420, (202) 389–3316. Questions or requests for single copies of the Environmental Assessment may be addressed to the above office.

Dated: March 16, 1983.

By direction of the Administrator.

Everett Alvarez, Jr.,

Deputy Administrator.

[FR Doc. 83-7320 Filed 3-21-83; 8:45 am]

BILLING CODE 8320-01-M

Sunshine Act Meetings

Federal Register
Vol. 48, No. 56
Tuesday, March 22, 1983

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

CONTENTS

1

CIVIL AERONAUTICS BOARD

[M-377, March 17, 1983]

TIME AND DATE: 9:30 a.m., March 24, 1983.

PLACE: Room 1027 (open), room 1012 (closed), 1825 Connecticut Avenue, NW., Washington, D.C. 20428.

SUBJECT:

1. Ratification of Items Adopted by Notation.

2. Docket 41075, *International Air Associates, Inc., Fitness Investigation.* (Memo 1736, OGC)

3. Docket 41032, *Jet USA Airlines, Inc., Fitness Investigation.* (Memo 1519-A, OGC)

4. Docket 41003, *South Pacific Island Airways, Inc.* v. *Mid Pacific Airlines, Inc., and Arrow Airways, Inc.*, Motion for review of Enforcement Division's dismissal of third-party complaint. (OGC)

5. Docket 40841, *South Pacific Island Airways, Inc. Enforcement Proceeding.* Petition to review ALJ's Initial Decision issuing cease and desist order and imposing civil penalties for violation of reporting requirements. (OGC)

6. *Unified Agenda of Federal Regulatons.* (OGC)

7. Docket 40336, New Proposed Charter Rules. (OGC, BDA, BIA, OCCCA)

8. H.R. 54—a bill to prohibit air carriers from offering passengers free alcohol or tobacco on board aircraft. (OGC)

9. Docket 41303, Petition of Flying Tiger to amend the transfer and penalty provisions of Part 320, *Procedures for Awarding Japanese Charter Authorizations*, to permit carriers holding Japan charter authorizations to return them to the board, without penalty, for redistribution. (BIA, OGC)

10. Commuter carrier fitness determination of Resort Air, Inc. (Memo 1744, BDA)

11. Commuter carrier fitness determination of Air Marianas, Inc. (Memo 1748, BDA)

12. Commuter carrier fitness determination of AAR Western Skyways, Inc. (Memo 1747, BDA)

13. Docket 41044, Application of Frontier Flying Service, Inc., for a certificate of public convenience and necessity. Petition of Air North for review of Order 83-1-25, establishing further procedures. (BDA)

14. Dockets 41208 and 41209, Applications of Fleming International Airways, Inc., for certificates of public convenience and necessity to engage in interstate and overseas charter air transportation and foreign charter air transportation; request for 30-day deferral. (BDA)

15. Dockets 41224 and 41225, Notice of Arrow Airways to terminate service at Pago Pago, American Samoa and request for exemption to terminate on less than the statutory notice period. (BDA, OCCCA, OGC)

16. Docket 39244, 90-day Notice of Republic Airlines, Inc., to terminate service at Manistee/Ludington, Michigan. (BDA, OCCCA, OC)

17. Pan American World Airways, Inc.'s reduction of service at Guam effective April 24, 1983. (BDA, OGC, OCCCA)

18. Docket 41029, Six mainline points in Alaska on notice by Wien Air Alaska for which we have deferred requesting proposals. (BDA, OCCCA)

19. Dockets 40824, 40825 and 40826, Replacement service at Chico, Crescent City and Santa Rosa, California. (Memo 1392-A, BDA, OCCCA, OC)

20. Docket 40657, Notice of Pioneer Airways to terminate service at Sidney, Alliance and Chadron, Nebraska. (Memo 1331-C, BDA, OCCCA, OC)

21. Docket 40165, Request for instructions on carrier selection for Pendleton, Oregon. (Memo 1730, BDA, OCCCA)

22. Docket 40437, Request for instructions on carrier selection at Moultrie/Thomasville, Georgia. (BDA, OCCCA)

23. Docket 39353, Air Midwest, Inc., Application for compensation for losses at Alamogordo, New Mexico. (Memo 401-B, BDA, OCCCA, OC, BCAA)

24. Docket 36595, Investigation into the Competitive marketing of Air Transportation. (OGC)

25. Docket 40534, *Braniff South American Route Transfer Case.* Request for Instructions. (OGC)

26. Docket 41163, *Newark-London Backup Case.* Request for Instructions. (OGC)

27. Docket 40857, Application of Air Specialties Corp. For amendment of its certificate of public convenience and necessity to authorize it to engage in worldwide charter air transportation of persons, property, and mail. (Memo 1737, BIA, OGC)

28. Docket 41125, Application of Action Air Cargo Corporation for an amendment to its certificate of public convenience and necessity to operate scheduled cargo service between the United States and Jamaica. (Memo 1746, BIA, OGC, BALJ)

29. Docket 40972, Application of Western Air Lines, Inc., for: (1) The revocation of the primary authority of Pacific Southwest Airlines, Inc., to offer scheduled combination air transportation between Los Angeles, California, and Purerto Vallarta and Mazatlan, Mexico; (2) an amendment to its certificate for Route 152 to award its primary authority over that route; (3) permission to integrate this authority with its other U.S.—Mexico certificate authority; and (4) staying the effectiveness of the backup authority of United Air Lines, Inc., on the route. (Memo 1738, BIA, OGC, BALJ)

30. *Air Florida, Inc., Transatlantic Route Realignment Proceeding.* (BIA, OGC, BALJ)

31. Dockets 40892, 41153, 41117, Applications of Northeastern International Airways, Pan American World Airways, and Wright Air Lines for certificates of public convenience and necessity to provide scheduled foreign air transportation between Erie, Pennsylvania and Toronto, Canada. Dockets 41154, 41183, Applications of Pan American and Northeastern International for exemption authority between Erie, Pennsylvania and Toronto, Canada. (Memo 1742, BIA, OGC)

32. Dockets 41139, 41188, 41129, 41245, Applications of Global International Airways Corporation, United Air Lines, Inc., Western Air Lines, Inc., and Frontier Airlines, Inc., for Los Angeles/San Francisco-Toronto/Montreal certificate authority. (Memo 1749, BIA, OGC, BALJ)

33. Dockets 40921 and 40978, Applications of Capitol Air, Inc., and Transamerica Airlines, Inc., for certificates of public convenience and necessity pursuant to section 401 of the Federal Aviation Act of 1958, as amended. (Memo 1743, BIA, OGC, BALJ)

34. Docket 41131, Application of Korean Air Lines Co., LTD. for an exemption from section 402 of the Federal Aviation Act of 1958, as amended. (Intermodal cargo service) (Memo 1745, BIA, OGC, BALJ)

35. Docket 40768, Application of Air Panama Internacional, S.A. (Air Panama) to renew and amend its foreign air carrier permit. (Memo 1739, BIA, OGC, BALJ)

36. Docket 40960, Intercarrier agreement on U.S.-Ireland fares covering the period March 1983 to March 1984. (Memo 1511-F, BIA)

37. Docket 35634, Agreement C.A.B. 28941 R-1 through R-13, IATA agreement affecting U.S.-Europe cargo rates. (BIA)

38. Docket 35634, Agreement C.A.B. 28947 and Agreement C.A.B. 28948, IATA agreements primarily affecting cargo rates in the Mexico-USA/Canada market. (BIA)

39. Docket 41254, Application of Singapore Airlines (SIA) for an exemption from the frequency limitation condition on its Hong Kong-U.S. services, contained in its foreign air carrier permit. (BIA, OGC)

40. Docket 41236, Application of Pan American World Airways, Inc., for an exemption. (U.S.-Japan-Taiwan; U.S.-Japan-South Korea) (BIA, OGC, BALJ)

41. Report on Negotiations with Brazil. (BIA)

42. Negotiations with Venezuela. (BIA)
43. Negotiations with Argentina. (BIA)
44. Discussion on Trinidad and Tobago. (BIA)
45. Discussion on Canadian Fuel Tax. (BIA)

STATUS: 1–39 open, 40–45 closed.

PERSON TO CONTACT FOR INFORMATION: Phyllis T. Kaylor, *the Secretary, (202) 673–5068.*

[S-380-83 Filed 3-18-83; 3:16 pm]

BILLING CODE 6320-01-M

2

FEDERAL DEPOSIT INSURANCE CORPORATION

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 2:17 p.m. on Wednesday, March 16, 1983, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session, by telephone conference call, to consider a recommendation regarding the liquidation of assets acquired by the Corporation from The Hamilton National Bank of Chattanooga, Chattanooga, Tennessee (Case No. 45,589–L (Amended)).

In calling the meeting, the Board determined, on motion of Chairman William M. Issac, 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 matter 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 matter in a meeting open to public observation; and that the matter could be considered in a closed meeting pursuant to subsections (c)(4), (c)(6), (C)(9)(B), and (c)(10) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(4), (c)(6), (c)(9)(B), and (c)(10)).

Dated: March 17, 1983.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S-389 Filed 3-18-83; 11:20 am]

BILLING CODE 6714-01-M

3

FEDERAL ELECTION COMMISSION

Federal Register No. 357.

PREVIOUSLY ANNOUNCED DATE AND TIME: Thursday, March 24, 1982, 10 a.m.

CHANGE IN MEETING: The following matters have been added to the agenda for this date:

National Council of Farmers Cooperatives Petition for Rulemaking
Proposed Notice of Rulemaking for General Election Regulations (continued from meeting of 3–17–83)
Legislative Recommendations (continued from meeting of 3–17–83)

PERSON TO CONTACT FOR INFORMATION: Mr. Fred Eiland, Information Officer; telephone 202–523–4065.

Marjorie W. Emmons,

Secretary of the Commission.

[S-391-83 Filed 3-18-83; 3:34 pm]

BILLING CODE 6715-01-M

federal register

Tuesday
March 22, 1983

Part II

Department of Health and Human Services

Public Health Service

Health Maintenance Organizations; Amendments of 1981

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Public Health Service

42 CFR Part 110

Health Maintenance Organizations; Amendments of 1981

AGENCY: Health Resources and Services Administration, HHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to amend the Public Health Service rules on health maintenance organizations (HMOs) to conform with the 1981 amendments to the HMO statute regarding member protection in the event of insolvency, community rating by class, and primary care within the service area of a non-metropolitan HMO. In addition, this notice proposes: (a) to remove provisions of the rules that are considered unnecessary or burdensome, such as the regulatory specification of contractual provisions, and (b) to increase one of the regulatory limits on copayments to permit HMOs to become more competitive with alternative forms of health insurance.

DATE: Comments must be received on or before May 23, 1983.

ADDRESSES: Written comments should be sent to the Acting Associate Director for Health Maintenance Organizations, Bureau of Health Maintenance Organizations and Resources Development, Parklawn Building, Room 9-05, 5600 Fishers Lane, Rockville, Maryland 20857. The comments will be available for public inspection between the hours of 8:30 a.m. and 5:00 p.m., Monday through Friday except for Federal holidays.

FOR FURTHER INFORMATION CONTACT: Frank H. Seubold, Ph. D., Acting Associate Director for Health Maintenance Organizations, Bureau of Health Maintenance Organizations and Resources Development, Parklawn Building—Rm. 9-05, 5600 Fishers Lane, Rockville, Maryland 20857, 301/443-4106.

SUPPLEMENTARY INFORMATION: Subtitle F of Title IX of the Omnibus Budget Reconciliation Act of 1981 (Pub. L. 97-35) amended the provisions of Title XIII of the Public Health Service Act (the Act). Subtitle F is entitled the "Health Maintenance Organization Amendments of 1981" (HMO Amendments). On May 5, 1982, the Department published a final rule in the **Federal Register**, 47 FR 19336-44, to make the changes necessary to place the HMO regulations in conformity with the amended Act. In addition, that notice changed the requirement in § 110.211 for the repayment of grant funds and amended the regulations for the award of loans or loan guarantees to qualified HMOs for the acquisition or construction of ambulatory health care facilities and the acquisition of equipment for those facilities (Subpart J). With the exception of the revisions to the grant repayment requirement and to Supart J, the regulatory changes set forth as a final rule on May 5, 1982, reflect and incorporate verbatim statutory changes.

The regulatory changes proposed in this notice clarify provisions of the statute and the regulations, as amended on May 5. In addition, the Secretary proposes to amend several provisions of the regulations that were not altered by the statutory amendments.

Set forth below is a discussion of the proposed changes to the regulations.

1. *Contracts with medical groups, IPAs, and health professionals.* In an effort to identify and delete unnecessary regulations, the Secretary has reviewed § 110.104(b), which deals with provisions that HMOs must include in their contracts with medical groups, individual practice associations (IPAs), and health professionals. The Secretary has determined that the selection of the specific provisions to be included in HMO contracts is a business decision that should be made by the HMO, and that such provisions should not be prescribed by regulation. The Secretary believes that other regulatory provisions, both current and proposed, are adequate to insure the delivery of quality health care services and sound fiscal management without the need to impose requirements that such provisions be included in HMO contracts. For example, "hold harmless" argeements between HMOs and any provider of health services are addressed in the proposed amendment to § 110.106(a)(3), and the establishment of an ongoing quality assurance program is required by § 110.108(h). Accordingly, we are proposing to delete § 110.104(b) in its entirety.

At the same time, the Secretary feels that it is necessary for the regulations to continue to provide that utilization review and cost containment are necessary elements of an HMO's operations. The present § 110.104(c) imposes such a requirement for staff model HMOs. We are proposing to make § 110.104(c) (to be renumbered as § 110.104(b)) apply to all HMOs, and to include examples of provisions, such as risk sharing, that the Secretary would consider to be appropriate mechanisms for monitoring utilization and controlling costs.

2. *Copayment Limit.* Under 1301(b)(1)(D) of the Act, HMOs may charge their members nominal copayments for the provision of specific health services. Section 110.105(a)(4)(ii) imposes on the HMO a copayment limitation for each subscriber in each calendar year of 100 percent of the total annual premium cost which the subscriber would be required to pay if he were enrolled under an option with no copayment. The Department proposes to increase this copayment limitation to 200 percent. This proposal is consistent with the general intent of the HMO Amendments of 1981 to permit HMOs to become more competitive with alternative forms of health insurance. (See H. Rep. No. 208, 97th Cong., 1st Sess. 811 (1981).) The existing level interferes with an HMO's ability to design more flexible pricing arrangements which utilize expanded cost-sharing to produce more competitive premiums. The proposed change would provide HMOs with more flexibility to structure rates in order to compete at various premium levels while maintaining comprehensive benefits.

The Secretary is aware that the proposed amendment would permit HMOs to raise their copayment requirements to a level at which the HMO members are exposed to a risk of paying double the current annual limit on copayments. He recognizes that in some cases HMO members may accordingly have to pay higher copayments, but believes that the lower premium levels that this will permit should offset the risk of the higher copayments. In addition, the Secretary has concluded that the 200 percent limitation is sufficient to insure that copayments do not serve "as a barrier to the delivery of health services," in accordance with section 1301(b)(1)(D) of the Act. The Secretary has surveyed the catastrophic limits established by indemnity and service benefit carriers under the Federal Employees Health Benefit Program. While the limits vary greatly, the 200 percent limitation, if implemented by an HMO, would result in a maximum copayment falling within the range of these catastrophic limits.

The remaining regulatory copayment limitations would not be revised. They provide that copayment charges may not exceed 50 percent of the total cost of providing any single service, nor in the aggregate more than 20 percent of the total cost of providing all basic health services. (See § 110.105(a)(4)(i).

3. *Member Protection.* The Secretary proposes to amend § 110.108(a)(3). The purpose of this paragraph is to

implement section 1301(c)(8) of the Act, which requires the HMO to have in place arrangements that protect its members from being liable for the legal obligations of the HMO. Section 110.108(a)(3) provides that an HMO may meet this requirement in one of several ways: (1) By having financial resources (e.g., reserves, insurance, or both) available for the purpose of meeting the HMO's obligations in the event the HMO becomes insolvent; (2) by showing through contractual arrangements that health care providers will not look to the HMO member for payment of the obligations of the HMO; (3) by adopting other protections acceptable to the Secretary; or (4) by combining any of these arrangements in a manner acceptable to the Secretary.

The Secretary is proposing to amend § 110.108(a)(3) in several respects. First, the Department proposes to revise § 110.108(a)(3) to indicate that the Secretary will consider the existence of hold harmless agreements with any provider of health services, not just hospitals, in determining whether HMOs adequately protect their members from liability. The statutory provision upon which it is based, section 1301(c)(8) of the Act, refers only to "hold harmless" agreements between the HMO and "any hospital regularly used by members of the HMO." While, as noted above, we are proposing to delete the requirement that HMOs include "hold harmless" provisions in their contracts with health professionals (present § 110.104(b)(1)(iii) and § 110.104(b)(2)), the existence of such contract provisions will, of course, be a factor in the Secretary's evaluation of the HMO's member protection arrangments.

Second, we propose to make explicit the fact that the Department will examine the combination of member protection provisions that an HMO has developed. The present language of § 110.108(a)(3) might suggest that a hold harmless clause with only one hospital used by the HMO's members would alone be sufficient member protection. Because, of course, this would not be the case, we propose to state explicitly that the Department will examine the entire range of member protection provisions adopted by the HMO.

As provided at section 1301(c)(8) of the Act, § 110.108(a)(3) states that the HMO need not meet this requirement when under State law the HMO member may not be liable for payment of any fees which are the legal obligation of the HMO. Thus, if State law does not permit a provider of services to HMO members to recover uncompensated costs from the HMO members, there would be no need to adopt any of the arrangements provided in § 110.108(a)(3). The third proposed clarification would make clear that it is the Secretary who decides whether State law protects the members of the HMO.

There is a second requirement regarding insolvency that is related to the requirement of § 110.108(a)(3). Under § 110.108(a)(1)(iv), the HMO is required to have a plan for handling insolvency that allows for continuation of benefits for the duration of the contract period for which payment has been made, continuation of benefits for members who are confined on the date of insolvency in an inpatient facility until their discharge, and payments to unaffiliated providers for services rendered. To meet this requirement, the HMO must show either that it has financial resources available to obtain services for the remainder of the contract period or that the providers have agreed to continue to provide services for that period following the HMO's insolvency. The Secretary proposes to delete the portion of § 110.108(a)(1)(iv) that requires the HMO to have its plan allow for payments to unaffiliated providers for services rendered. This provision is no longer necessary, because arrangements must be in place for payments to unaffiliated providers to meet pre-insolvency liabilities (§ 110.108(a)(3)), and services must be provided to members after insolvency through the period for which premiums have been paid at no additional cost to the members (see the first clause of § 110.108(a)(1)(iv)).

4. *Community Rating System.* The Act requires that HMOs fix their health services payments under a community rating system. The definition of "community rating" was broadened by Congress to permit a system of community rating by class, as explained in § 110.105(b)(2) of the regulations. Section 1302(8) of the Act gives the Secretary the authority to review the factors used by an HMO in such a system and "if the Secretary determines that any such factor may not reasonably be used to predict the use of the health services by individuals and families, the Secretary shall disapprove such factor for such purpose." In order to carry out this responsibility, the Department has developed a review process for evaluating the factors used in a community rating by class system established or proposed by an HMO. The proposed process requires the following: (1) An HMO may not market premiums established under a community rating by class system prior to approval of the factors by the Secretary; (2) HMOs must provide (a) a list of factors to be used in the determination of the rate by class and (b) sufficient rationale or justification to substantiate by reference or submitted statistical data that the factors selected reasonably predict differences in the use of HMO services by the individuals and families in the class; and (3) after all necessary data are made available to the Secretary, a final decision will be issued within 30 days unless the Secretary advises the HMO that he needs additional time to review the written request, in which case the HMO will be notified of the final decision within 90 days.

A rationale or justification is not required to be submitted for the following factors: age, sex, family composition, and marital status, because there is sufficient evidence that these factors are significant predictors of health services utilization. Additional factors that become certified as predictors will be described in notices published in the Federal Register, and will be routinely approved after initial certification without submission of rationale or justification.

Additional information on formulating a system of community rating by class can be found in the paper "Guidance for Community Rating by Class." This guidance paper is available from the Bureau of Health Maintenance Organizations and Resources Development upon request. HMOs that have received approval of factors under the provisions of this guidance will not be required to resubmit such factors for further approval should the regulations be adopted as proposed.

5. *Primary Care.* The HMO Amendments changed section 1301(b)(4) of the Act to exempt HMOs in non-metropolitan areas from the requirement to provide all basic health services entirely within the HMO's service area. A non-metropolitan HMO may now make a basic health service, other than primary care and emergency care, available outside of its service area when there are not enough providers within the service area willing to provide the service to members of the HMO. Primary and emergency care must still be available and accessible wholly within the service area of a non-metropolitan HMO.

After a thorough review of various definitions used by the medical care community, the Secretary believes that the following definition of primary care best meets the provision's intent to give non-metropolitan HMOs maximum operational flexibility: "primary care includes the field of general practice,

family practice, general internal medicine, general pediatrics, and general obstetrics and gynecology. An HMO providing the services that are covered by these fields: (i) Through a general or family practitioner, or (ii) through a pediatrician and a general internist, would be viewed as providing primary care." The Department proposes to amend the regulations by incorporating this definition in § 110.107(b)(1).

6. *Policymaking body.* The Secretary proposes to amend § 110.108(f)(1)(i) to relax restrictions on which members may not be included in the minimum one-third member representation on the policymaking body. Section 110.108(f)(1)(i), with some exceptions, does not allow an HMO member who has ownership of or financial interest in the HMO to be considered for the purposes of determining whether the HMO meets the requirements of 110.108(f) that one-third of the membership of its policymaking body must be members of the HMO. The regulations exempt from this prohibition a member whose financial interest is limited to receiving payment of directors' fees, interest, and dividends derived from membership in an HMO cooperative. The Secretary recognizes that there may be other instances in which a person might have a financial interest in an HMO, but that interest is not significant enough to create a conflict with the responsibility as a board member in representing the enrollees of the HMO. To permit member-representatives on the HMO's policymaking body to have a small equity interest in the HMO, the Secretary proposes to amend 110.108(f)(1)(i) to provide that any person who is not directly or indirectly the beneficial owner of more than 5 percent of the equity of the HMO is deemed not to have ownership of or financial interest in the HMO so as to be precluded from participating on the member portion of the HMO's policymaking body. This percentage is consistent with the definition of "party in interest" conained in section 1318 of the PHS Act.

7. *Subpart A.* The Department reviewed the Subpart A regulations and proposes to eliminate certain nonstatutory requirements that are no longer necessary. These provisions are as follows:

a. Section 110.104(a)(2) states that a staff or medical group model HMO may have physician providers who have also entered into arrangements with IPAs, but only if these physicians number less than 50 percent of the IPA's physicians. In specified circumstances, section 1310 of the Act requires that employers offer their employees a choice of membership in either: (1) A staff or medical group model HMO or (2) and IPA model HMO. The original intent of 110.104(a)(2) was to assure that employers dealing with HMOs under section 1310 of the Act would definitely have a choice of HMO providers to offer their employees. Initially, the Secretary was concerned that a significant overlap of physicians between a staff or medical group model HMO and an IPA model HMO would not represent a choice of offerings. However, because there has been no adverse experience to date with different model HMOs using the same physicians, the Secretary concludes that this provision is no longer required.

b. Section 110.105(d) and § 110.106(c) provide information on charges for benefits covered by worker's compensation laws or insurance policies. These provisions are informational, not regulatory, and even in their absence an HMO can seek reimbursement for benefits covered under a worker's compensation law or insurance policies. The statutory provision to this effect remains a part of the Act, and is found at section 1301(b)(1), and thus the Secretary has determined that §§ 110.105(d) and 110.106(c) are no longer necessary.

c. Section 110.106(a)(1)(vii) is proposed for deletion since every HMO can be expected to maximize enrollment in a manner consistent with sound management, as presently required by that provision.

d. Within § 110.108(h)(1)(ii), the Secretary proposes deleting the "except clause," which states that if the membership from medically underserved populations is at least 5 percent of the total enrollment, then those populations shall not be without representation on the member portion of the policymaking body. The Department now believes that it is unnecessary to set a specific mimimum requirement for equitable representation on the policymaking body of members from medically underserved populations and that HMOs should be given greater flexibility in meeting this requirement.

e. Section 110.108(k) is proposed for deletion, since the Secretary is confident that all HMOs seek to preserve human dignity without the need for a Federal regulation directing them to do so.

f. The Secretary proposes deleting § 110.109 "Prohibited Activities" from the regulations. This section was added to the regulations published in the Federal Register on October 31, 1980. This section prohibits an HMO or its employees from selling, marketing, or promoting health insurance or health service benefit plans for health benefits that are part of the HMO's prepaid health benefits package. The Department now believes that this requirement is too restrictive and proposes to remove it from the regulations. While it is proposed that this requirement be removed, the Department notes that an HMO may not offer prepaid health benefits which do not meet the requirements of § 110.102(a). This prohibition would remain a part of the regulations at § 110.102(e).

8. *Subpart B.* The present regulations require the submission of documents pertaining to reviews of financial assistance applications by the appropriate health planning agencies to the Department's Regional Office. (§§ 110.203(e) and 110.204(a).) Because the Regional Offices no longer have a role in reviewing these applications, we are proposing to delete the references to the Regional Offices in Subpart B.

9. *Subpart C.* The regulations of Subpart C apply to grants awarded under section 1303 of the Act for projects to determine the feasibility of developing and operating or expanding the operation of health maintenance organizations. Because feasibility grants are no longer being made and the Secretary does not anticipate that any existing grant will be extended beyond September 30, 1982, the Secretary proposes to delete Subpart C.

10. *Subpart H.* The Secretary proposes the deletion of the following sections:

a. Section 110.803(g) discusses the employer's right to offer the HMO benefit at any time agreeable with the HMO. This provision is only informational, and the Secretary has determined that it is no longer necessary.

b. Section 110.808(h) requires the employer to retain for three years the data used to compute its level of contribution to the alternatives included in the health benefits plan. The purpose of this requirement was to have available the data necessary to determine whether the employer's contribution to an HMO selected by his employees was calculated in accordance with the regulations. The Department's experience has been that no major problems resulting from the computation of contribution levels have arisen. Therefore, we view this data retention requirement as unnecessary and burdensome, and in keeping with the goals of the Paperwork Reduction Act of 1980, we propose that it be deleted.

c. Section 110.810 states that employers shall make the HMO offer to eligible employees consistent with obligations under the National Labor Relations Act, the Railway Labor Act and other laws of similar effect. This section simply makes clear that the employer's obligations under those Acts are not superseded by the HMO Act. Because it is only informational, the Secretary proposes to delete it.

11. *Subpart I.* The Secretary proposes to change the timing of the effective date of revocation of HMO qualification from the fifth working day after the HMO receives the notice of relocation to the tenth calendar day after the date of the notice. See § 110.904(d). This method will provide for certainty in determining the actual effective date of revocation. In addition, we are proposing to delete § 110.905(d) because it duplicates the effective date provision in § 110.904(d).

Executive Order 12291, Federal Regulation

The Department of Health and Human Services has determined that this proposed rule is not "a major rule" for the purposes of Executive Order 12291, Federal Regulation. The provision in the proposed rule which doubles the current copayment cap will have some impact on HMO enrollees. However, as is discussed earlier in the preamble, the Secretary believes that the lower premium levels this will permit can offset the higher copayment, resulting in a minor net economic impact. Because the remainder of this document would simply remove some restrictions in the present regulations, clarify other provisions, and set forth procedures under which this Department will administer other provisions, we have concluded that it will not result in: (1) An annual effect on the economy of $100 million or more; (2) A major increase in cost or prices for consumers, individual industries, Federal, State, or local government agencies or geograhic regions, 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.

Regulatory Flexibility Act

For the same reasons, the Department of Health and Human Services certifies that these proposed rules would have no significant economic impact on a substantial number of small entities, including HMOs, small business, small organizational units, and small governmental jurisdictions.

Paperwork Reduction Act

Section 110.105(e) of this proposed rule contains information collection requirements. As required by section 3504(h) the Paperwork Reduction Act of 1980, we have submitted a copy of this proposed rule to the Office of Management and Budget (OMB) for its review of these information collection requirements. Other organizations and individuals desiring to submit comments on the information collection requirements should direct them to the agency official designated for this purpose whose name appears in the preamble, and to the Office of Information and Regulatory Affairs, OMB, New Executive Office Building (Room 3208), Washington, D.C. 20503, Attn: Desk Officer for HHS.

List of Subjects in 42 CFR Part 110

Grant programs/health, Health care, Health facilities, Health insurance, Health Maintenance Organizations, Loan programs/health.

Accordingly, the Assistant Secretary for Health of the Department of Health and Human Services, with the approval of the Secretary of Health and Human Services, hereby proposes to amend 42 CFR Part 110, as set forth below.

(Sec. 215 of the Public Health Service Act, as amended, 58 Stat. 690 (42 U.S.C. 216); secs. 1301–1318, as amended, Pub. L. 97–35, 95 Stat. 572–578 (42 U.S.C. 300e–300e–17)

Dated: December 21, 1982.

Edward N. Brandt, Jr.

Assistant Secretary for Health.

Approved: February 9, 1983.

Thomas R. Donnelly, Jr.,

Acting Secretary.

PART 110—HEALTH MAINTENANCE ORGANIZATIONS

Subpart A—Requirements for a Health Maintenance Organization

It is proposed to amend 42 CFR Part 110 as follows:

§ 110.104 [Amended]

1. In § 110.104(a)(1), change the reference to paragraph "(e)" in the first sentence to paragraph "(c)".

2. In § 110.104, remove paragraph (a)(2) and redesignate paragraph (a)(3) as (2).

3. In § 110.104, remove paragraph (b) and redesignate paragraphs (c) as (b), (d) as (c), (e) as (d) and (f) as (e).

4. In § 110.104, amend the paragraph redesignated (e)(2) by replacing the reference to paragraph "(g)(1)" with "(e)(1)".

5. In § 110.104, amend paragraph (b) as redesignated above to read as follows: (b) HMOs shall have effective procedures to monitor utilization and to control cost of basic and supplemental health services and to achieve utilization goals, which may include mechanisms such as risk sharing, financial incentives, or other provisions agreed to by providers.

* * * * *

§ 110.105 [Amended]

6. In § 110.105(a)(4)(ii), change the percentage in the first sentence from "100" to "200."

* * * * *

7. In § 110.105, remove paragraph (d) and redesignate paragraph (e) as (d).

8. In § 110.105, a new paragraph (e) is added to read:

* * * * *

(e) *Review procedures for evaluating the community rating by class system under paragraph (b)(2).*[1] An HMO may establish a community rating system under paragraph (b)(2) of this section or revise factors used to establish classes after it receives written approval of the factors from the Secretary. The Secretary will give approval if he concludes that the factors can reasonably be used to predict the use of health services by individuals and families.

(1) An HMO must make a written request to the Secretary, listing the factors to be used in the community rating by class system under paragraph (b)(2) of this section.

(2) The Secretary will notify each HMO within 30 days of receipt of the request and application of one of the following:

(i) The application is approved;

(ii) Additional information or data are required and the Secretary will notify the HMO of his decision within 30 days from the date of receipt of this information or data; or

(iii) The Secretary needs additional time to review the written request and the HMO will be notified of the Secretary's decision within 90 days.

§ 110.106 [Amended]

9. In § 110.106, remove paragraph (c).

§ 110.107 [Amended]

10. In § 110.107, amend paragraph (b)(1) by adding at the end, the following:

* * * * *

(b) * * *

[1] Further information entitled "Guidelines for Rating by Class" may be obtained by requesting it from the Acting Associate Director for Health Maintenance Organizations, Parklawn Building, Rm. 9–05, 5600 Fishers Lane, Rockville, Maryland 20857.

(1) * * * For purposes of this paragraph, the term primary care includes the field of general practice, family practice, general internal medicine, general pediatrics, and general obstetrics and gynecology. An HMO providing the services that are covered by these fields: (i) Through a general or family practitioner, or (ii) through a pediatrician and a general internist, would be viewed as providing primary care.

* * * * *

§ 110.108 [Amended]

11. In § 110.108, revise paragraph (a)(1)(iv) to read:

(a) * * *

(1) * * *

(iv) A plan for handling insolvency which allows for continuation of benefits for the duration of the contract period for which payment has been made and continuation of benefits to members who are confined on the date of insolvency in an inpatient facility until their discharge.

* * * * *

12. In § 110.108, remove paragraph (a)(1)(vii).

13. In § 110.108, revise paragraph (a)(3) to read:

(a) * * *

(3) *Protection of members.* (i) Each HMO shall adopt and maintain arrangements satisfactory to the Secretary to protect its members from incurring liability for payment of any fees which are the legal obligation of the HMO. These arrangements may include:

(A) Contractual arrangements with health care providers used by the members of the HMO prohibiting the providers from holding any member liable for payment of any fees which are the legal obligation of the HMO;

(B) Insurance, acceptable to the Secretary;

(C) Financial reserves, acceptable to the Secretary, that are held for the HMO and restricted for use only in the event of insolvency; or

(D) Any other arrangements acceptable to the Secretary.

(ii) The requirements of this paragraph do not apply to an HMO if the Secretary determines that applicable State law provides that members of the HMO may not be liable for payment of any fees which are the legal obligation of the HMO.

* * * * *

14. In § 110.108, revise paragraph (f)(1)(i) to read:

* * * * *

(f) * * *

(1) * * *

(i) No member having ownership of or financial interest in, or employed by, or gaining financial reward from direct dealings with, the HMO or a plan-affiliated institution or organization, and no members of the immediate family of such member shall be included in the minimum one-third representation on the policymaking body. However, none of the foregoing prohibits the payments of directors' fees or other similar fees, or interest and dividends derived from membership in an HMO cooperative, to persons serving on the policymaking body. Any person who is not directly or indirectly the beneficial owner of more than five percent of the equity of the HMO is deemed not to have ownership of or financial interest in the HMO.

* * * * *

15. In § 110.108, revise paragraph (f)(1)(ii) to read:

* * * * *

(f) * * *

(1) * * *

(i) * * *

(ii) There shall be equitable representation on the member portion of the policymaking body of members from the medically underserved populations served by the HMO in proportion to their enrollment relative to the entire enrollment.

* * * * *

16. In § 110.108, remove paragraph (k) and redesignate paragraphs (l) as (k), (m) as (l), and (n) as (m).

§ 110.109 [Amended]

17. Remove § 110.109 and redesignate § 110.110 as § 110.109 and § 10.111 as § 110.110.

Subpart B—Federal Financial Assistance: General

§ 110.203 [Amended]

18. In § 110.203, revise paragraph (a) to read:

(a) *Financial information.* On the basis of the information submitted by the applicant, the Secretary will determine whether the applicant would not be able to complete the project without the assistance for which it has applied.

* * * * *

19. In § 110.203, revise paragraph (e) to read:

* * * * *

(e) *Health planning agency reviews.* Each applicant must show in its application that it has sent to each health systems agency whose health service area covers any part of the area to be served by the HMO for which the application is submitted (or if there is no such agency, the State health planning and development agency whose State includes any part of the area to be served) a copy of the application. The agency may then review and comment on the application in accordance with § 110.204.

* * * * *

§ 110.204 [Amended]

20. In § 110.204, revise the introductory language of paragraph (a) to read:

(a) *Time, manner, and considerations for review and comment.* If the appropriate health systems agency or State health planning and development agency elects to review and comment upon the application, it shall within 67 days receiving an application for financial assistance under this part provide to the Secretary comments and recommendations regarding the application. Except as provided in paragraph (c) of this section, the agency shall base its review and comment solely on the following considerations:

* * * * *

§ 110.207 [Removed]

§§ 110.207, 110.208, 110.209. 110.210 [Redesignated from §§ 110.208, 110.209. 110.210 and 110.211]

21. Remove § 110.207 and redesignate § 110.208 as § 110.207, § 110.209 as § 110.208, § 110.210 as § 110.209, and § 110.211 as § 110.210.

Subpart C—Grants for Feasibility

Subpart C—[Removed]

22. Remove Subpart C.

Subpart H—Emloyees' Health Benefit Plans

§ 110.803 [Amended]

23. In § 110.803, remove paragraph (g).

§ 110.808 [Amended]

24. In § 110.808, remove paragraph (h).

§ 110.810 [Removed]

25. Remove § 110.810.

Subpart I—Continued Regulation of Health Maintenance Organizations and Other Entities

§ 110.904 [Amended]

26. In § 110.94, amend paragraph (d)(1) by replacing the words "fifth working day after the HMO receives" with the words "tenth calendar day after the date of", and replacing the words "fifth working day after the HMO received" with the words "tenth calendar day after the date of the".

§ 110.905 [Amended]

27. In § 110.905, remove paragraph (d).

[FR Doc. 83-7202 Filed 3-21-83; 8:45 am]

BILLING CODE 4160-16-M

federal register

Tuesday
March 22, 1983

Part III

Department of Energy

Federal Energy Regulatory Commission

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Volume 849]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: March 17, 1982.

The following notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF).

The applications for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission within fifteen days after publication of notice in the Federal Register.

Source data from the Form 121 for this and all previous notices 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.

Categories within each NGPA section are indicated by the following codes:

Section 102-1: New OCS lease
102-2: New well (2.5) Mile rule)
102-3: New well (1000 Ft trule)
102-4: New onshore reservoir
102-5: New reservoir on old OCS lease
Section 107-DP: 15,000 feet or deeper
107-GB: Geopressured brine
107-CS: Coal Seams
107-DV: Devonian Shale
107-PE: Production enhancement
107-TF: New tight formation
107-RT: Recompletion tight formation
Section 108: Stripper well
108-SA: Seasonally affected
108-ER: Enhanced recovery
108-PB: Pressure buildup.

Kenneth F. Plumb,

Secretary.

BILLING CODE 6717-01-M

NOTICE OF DETERMINATIONS — VOLUME 849

ISSUED MARCH 17, 1983

JD NO	JA DKT	API NO	D SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
ALASKA OIL & GAS CONSERVATION COMMISSION								
-UNION OIL COMPANY OF CALIF			RECEIVED:	02/16/83	JA: AK			
8322819		5086300000	103		KENAI BELUGA WELL #13-8	KENAI	0.0	
8322820		5086300000	103		KENAI BELUGA WELL #41-7	KENAI	0.0	
8322816		5086300000	103		KENAI DEEP WELL #5	KENAI	0.0	
8322817		5086300000	103		KENAI DEEP WELL #6	KENAI	0.0	
8322818		5086300000	103		KENAI DEEP WELL #8	KENAI	0.0	
8322821		5086300000	103		KENAI TYONEK WELL #43-6X	KENAI	0.0	
8322811		5086300000	103		KU WELL # 14-32	KENAI	0.0	
8322813		5086300000	103		KU WELL # 24-7	KENAI	0.0	
8322809		5086300000	103		KU WELL #11-17	KENAI	0.0	
8322808		5086300000	103		KU WELL #11-8	KENAI	0.0	
8322812		5086300000	103		KU WELL #24-5	KENAI	0.0	
8322814		5086300000	103		KU WELL #31-7	KENAI	0.0	
8322815		5086300000	103		KU WELL #34-32	KENAI	0.0	
8322810		5086300000	103		KU WELL# 13-6	KENAI	0.0	
MICHIGAN DEPARTMENT OF NATURAL RESOURCES								
-INDUSTRIAL NATURAL GAS CORP			RECEIVED:	02/16/83	JA: MI			
8322852		2116500000	102-4	103	STATE-KAPLAN #2-28		54.8	
PENNSYLVANIA DEPARTMENT OF ENVIRONMENTAL RESOURCES								
-ADOBE OIL & GAS CORPORATION			RECEIVED:	02/17/83	JA: PA			
8322706	18969	3702120173	102-2		ALLAN VARNER #1	HASTINGS	26.0	COLUMBIA GAS TRAN
8322718	19150	3706327247	103		CARL KALUS #1	BURNSIDE	25.0	T W PHILLIPS GAS
-C & C TROYER BROTHERS			RECEIVED:	02/17/83	JA: PA			
8322681	17912	3704922016	102-2		DAVID A KNIGHT #1	FRANKLIN	10.0	NATIONAL FUEL GAS
8322680	17911	3704922016	107-TF		DAVID A KNIGHT #1	FRANKLIN	10.0	NATION FUEL GAS S
8322685	17920	3704921991	102-2		HURST-CAIRNS #1 (#62)	WATERFORD	12.0	NATIONAL FUEL GAS
8322684	17919	3704921991	107-TF		HURST-CAIRNS #1 (#62)	WATERFORD	12.0	NATIONAL FUEL GAS
8322683	17916	3704921992	102-2		ROGER A WOODS #1	WASHINGTON	13.0	NATIONAL FUEL GAS
8322682	17915	3704921992	107-TF		ROGER A WOODS #1	WASHINGTON	13.0	NATIONAL FUEL GAS
-CARDINAL OIL CO			RECEIVED:	02/17/83	JA: PA			
8322721	19193	3704900000	107-TF		HUDACKY-WADSWORTH #1 82-3 ERI-21894	CONNEAUT	0.0	NATIONAL FUEL GAS
8322708	19069	3703921907	107-TF		JOHN KORI #3 82-35 PA PER CRA-21907	CONNEAUT	0.0	COLUMBIA GAS TRAN
8322709	19070	3703921858	107-TF		WALTER BAYUS #2 82-32 PA CRA-21858	CONNEAUT	0.0	COLUMBIA GAS TRAN
-CONSOLIDATED GAS SUPPLY CORPORATION			RECEIVED:	02/17/83	JA: PA			
8322678	15163	3706521720	108		ANITA COAL MINING CO #1 WN 1726	WINSLOW TOWNSHIP	24.0	GENERAL SYSTEM PU
8322666	18624	3703320998	102-4		DONALD FLEMING #1 WN-1812	BRADY	5.0	GENERAL SYSTEM PU
8322674	12068	3706523183	108		L E STARTZELL WN 1452	BANKS TOWNSHIP	21.0	GENERAL SYSTEM PU
8322677	15162	3706521223	108		MELISSA E MOORE #1 WN 1469	WINSLOW TOWNSHIP	26.0	GENERAL SYSTEM PU
8322687	18623	3703321350	102-4		PAUL FULTON #1 WN-1889	BURNSIDE	45.0	GENERAL SYSTEM PU
-DELTA DRILLING CO			RECEIVED:	02/17/83	JA: PA			
8322720	19152	3706321220	103		KAZCUR-JARVIE UNIT #1 IND 27220	CHERRYHILL	0.0	COLUMBIA GAS TRAN
8322719	19151	3706300000	102-4		KAZCUR/JARVIE UNIT #1 IND 27220	CHERRYHILL	0.0	COLUMBIA GAS TRAN

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-EASTERN STATES EXPLORATION CO				RECEIVED:	02/17/83	JA: PA			
8322717	19137	3706522488		103		C MARUCA #1	MCCALMONT	30.0	CONSOLIDATED GAS
-ENDEAVOR VENTURES				RECEIVED:	02/17/83	JA: PA			
8322669	10419	3705300000		108		EV 1980-26	QUEEN SAND GLADE FORM	5.0	NATIONAL FUEL GAS
8322671	10421	3705300000		108		EV 1980-27	QUEEN SAND GLADE FORM	5.0	NATIONAL FUEL GAS
8322670	10420	3705300000		108		EV 1980-28	QUEEN SAND GLADE FORM	5.0	NATIONAL FUEL GAS
-ENVIROGAS INC				RECEIVED:	02/17/83	JA: PA			
8322707	18965	3704922062		107-PE		G MORRIS #3	WATERFORD	18.0	COLUMBIA GAS TRAN
-FAIRMAN DRILLING CO				RECEIVED:	02/17/83	JA: PA			
8322713	19117	3703300000		102-2		MELVIN MCCULLEY #1 F-3610	CHERRY TREE	40.0	COLUMBIA GAS TRAN
-FOX OIL & GAS INC				RECEIVED:	02/17/83	JA: PA			
8322711	19107	3706326903		103		C O BUTERBAUGH #2 279	CHERRYHILL TOWNSHIP	25.5	COLUMBIA GAS TRAN
8322679	15214	3706324927		102-2		CARL DECKER #2	GREEN TOWNSHIP	25.5	COLUMBIA GAS TRAN
8322712	19108	3706327117		103		LOIS O TREESE #1 278	MONTGOMERY TOWNSHIP	25.5	COLUMBIA GAS TRAN
-LUBY ENERGY INC				RECEIVED:	02/17/83	JA: PA			
8322686	18481	3705921778		102-4		STOCKDALE #1	RUFF CREEK	12.0	CARNEGIE NATURAL
-MAYS GAS & COAL CO				RECEIVED:	02/17/83	JA: PA			
8322691	18928	3703100000		107-PE		A RUFFNER #1 31411	KINGSVILLE-FROGTOWN	0.0	PEOPLES NATURAL G
8322696	18933	3703100000		107-PE		ALTMAN #1 29952	KINGSVILLE-FROGTOWN	0.0	PEOPLES NATURAL G
8322698	18935	3703100000		107-PE		ALTMAN #2 29533	KINGSVILLE-FROGTOWN	0.0	PEOPLES NATURAL G
8322699	18936	3703100000		107-PE		BRADEN #1 26751	KINGSVILLE-FROGTOWN	0.0	PEOPLES NATURAL G
8322700	18937	3703100000		107-PE		BRADEN #2 21241	KINGSVILLE-FROGTOWN	0.0	PEOPLES NATURAL G
8322705	18942	3703100000		107-PE		BRADEN #3 30971	KINGSVILLE-FROGTOWN	0.0	PEOPLES NATURAL G
8322692	18929	3703100000		107-PE		DAVE MILLER #1 27705	KINGSVILLE-FROGTOWN	0.0	PEOPLES NATURAL G
8322693	18930	3703100000		107-PE		DAVE MILLER #2 27742	KINGSVILLE-FROGTOWN	0.0	PEOPLES NATURAL G
8322694	18931	3703100000		107-PE		DAVE MILLER #3 27883	KINGSVILLE-FROGTOWN	0.0	PEOPLES NATURAL G
8322695	18932	3703100000		107-PE		DAVE MILLER #4 30163	KINGSVILLE-FROGTOWN	0.0	PEOPLES NATURAL G
8322701	18938	3703100000		107-PE		DAVIS #1 27380	KINGSVILLE-FROGTOWN	0.0	PEOPLES NATURAL G
8322660	18917	3703100000		107-PE		F C RHOADES #1 30770	KINGSVILLE-FROGTOWN	0.0	PEOPLES NATURAL G
8322697	18934	3703120720		107-PE		GEORGE #1 20720	KINGSVILLE-FROGTOWN	0.0	PEOPLES NATURAL G
8322704	18941	3703100000		107-PE		GEORGE #2 21839	KINGSVILLE-FROGTOWN	0.0	PEOPLES NATURAL G
8322657	18924	3703100000		107-PE		GUTHRIE #1 31059	KINGSVILLE-FROGTOWN	0.0	PEOPLES NATURAL G
8322656	18923	3703100000		107-PE		J H EMHOFF #1 30839	KINGSVILLE-FROGTOWN	0.0	PEOPLES NATURAL G
8322661	18918	3703100000		107-PE		J M KELLY #1 28602	KINGSVILLE-FROGTOWN	0.0	PEOPLES NATURAL G
8322662	18919	3703100000		107-PE		J M KELLY #2 28876	KINGSVILLE-FROGTOWN	0.0	PEOPLES NATURAL G
8322653	18920	3703100000		107-PE		LETTIE MCEWAN #1 29412	KINGSVILLE-FROGTOWN	0.0	PEOPLES NATURAL G
8322654	18921	3703100000		107-PE		MILLER #1 27652	KINGSVILLE-FROGTOWN	0.0	PEOPLES NATURAL G
8322659	18916	3703100000		107-PE		MILLER #2 27794	KINGSVILLE-FROGTOWN	0.0	PEOPLES NATURAL G
8322703	18940	3703100000		107-PE		REINSEL #1 20511	KINGSVILLE-FROGTOWN	0.0	PEOPLES NATURAL G
8322702	18939	3703100000		107-PE		REINSEL #2 23060	KINGSVILLE-FROGTOWN	0.0	PEOPLES NATURAL G
8322664	18913	3703100000		107-PE		REINSEL #3 23454	KINGSVILLE-FROGTOWN	0.0	PEOPLES NATURAL G
8322668	18911	3703100000		107-PE		REINSEL #4 23666	KINGSVILLE-FROGTOWN	0.0	PEOPLES NATURAL G
8322663	18912	3703100000		107-PE		REINSEL #5 26640	KINGSVILLE-FROGTOWN	0.0	PEOPLES NATURAL G
8322665	18914	3703100000		107-PE		W A SMITH #1 29904	KINGSVILLE-FROGTOWN	0.0	PEOPLES NATURAL G
8322658	18915	3703100000		107-PE		W A SMITH #2 23951	KINGSVILLE-FRONGTOWN	0.0	PEOPLES NATURAL G
8322690	18927	3703100000		107-PE		W J HUMPHREY #1 31143	KINGSVILLE-FROGTOWN	0.0	PEOPLES NATURAL G
8322688	18925	3703100000		107-PE		W J HUMPHREY #2 31237	KINGSVILLE-FROGTOWN	0.0	PEOPLES NATURAL G
8322689	18926	3703100000		107-PE		W J HUMPHREY #3 31324	KINGSVILLE-FROGTOWN	0.0	PEOPLES NATURAL G
8322655	18922	3703100000		107-PE		W J HUMPHREY #4 31364	KINGSVILLE-FROGTOWN	0.0	PEOPLES NATURAL G
-NATIONAL FUEL GAS SUPPLY CORP				RECEIVED:	02/17/83	JA: PA			
8322676	13702	3703100000		108		J P & S K REED #3320	HIGHLAND TOWNSHIP	0.4	GENERAL SYSTEM PU
8322675	13700	3703100000		108		MYER & LUTZ #3324	PAINT TOWNSHIP	1.4	GENERAL SYSTEM PU
-REX-HIDE REALTY INC				RECEIVED:	02/17/83	JA: PA			
8322667	18773	3706327252		103		JOSEPH BRUZDA #1	LIMESTONE	50.0	
-VICTORY DEVELOPMENT CO				RECEIVED:	02/17/83	JA: PA			
8322715	19133	3702120183		103		LIONS REC #1	SUSQUEHANNA	36.0	COLUMBIA GAS TRAN
8322716	19134	3702120182		103		LIONS REC #2	SUSQUEHANNA	36.0	COLUMBIA GAS TRAN
8322714	19132	3703321458		102-2		SAM BROTHERS #5	BURNSIDE	36.0	COLUMBIA GAS TRAN
-VINEYARD OIL & GAS CO				RECEIVED:	02/17/83	JA: PA			
8322673	11118	3704921644		107-TF		BECK #2	EDINBORO - WASHINGTON	18.0	COLUMBIA GAS TRAN
8322672	11119	3704921644		102-2		BECK #2	EDINBORO - WASHINGTON	18.0	COLUMBIA GAS TRAN
-WBC EXPLORATION & DEVELOPMENT INC				RECEIVED:	02/17/83	JA: PA			
8322710	19074	3704900226		108		STEVENS #1		37.0	CONSOLIDATED GAS
**********									
WEST VIRGINIA DEPARTMENT OF MINES									
**********									
-CARSON PETROLEUM CORP				RECEIVED:	02/16/83	JA: WV			
8322846		4702103498		108		CONNER #1	BIG ELLIS	19.0	CARNEGIE NATURAL
8322835		4701703055		103		GEORGE ADRIAN #1	FALLEN TIMBER	25.0	CONSOLIDATED GAS
8322847		4702102999		108		T F REED #3	GLENVILLE	17.0	EQUITABLE GAS CO
-FRANCIS E CAIN				RECEIVED:	02/16/83	JA: WV			
8322833		4701300444		108		JACOB DEEMS #1	CENTER	0.0	CABOT CORP
8322834		4701302045		108		JACOB DEEMS #2	CENTER	0.0	CABOT CORP
-J & J ENTERPRISES INC				RECEIVED:	02/16/83	JA: WV			
8322850		4701702786		107-DV		J-130	NEW MILTON	0.0	CONSOLIDATED GAS
8322849		4701702700		107-DV		J-140	NEW MILTON	0.0	CONSOLIDATED GAS
8322828		4701702815		107-DV		J-144	CENTRAL	0.0	CONSOLIDATED GAS
8322832		4701702814		107-DV		J-17	CENTRAL	0.0	CONSOLIDATED GAS
8322824		4703302430		107-DV		J-195	SARDIS	0.0	CONSOLIDATED GAS
8322831		4701702879		107-DV		J-204	GREENBRIER	0.0	CONSOLIDATED GAS
8322823		4702103618		107-DV		J-253	TROY	0.0	CONSOLIDATED GAS
8322827		4701702702		107-DV		J-276	WEST UNION	0.0	CONSOLIDATED GAS
8322826		4701702842		107-DV		J-334	GREENBRIER	0.0	CONSOLIDATED GAS
8322851		4702103696		107-DV		J-376	TROY	0.0	CONSOLIDATED GAS
8322822		4701702784		107-DV		J-40	NEW MILTON	0.0	CONSOLIDATED GAS
8322825		4701702701		107-DV		J-41	NEW MILTON	0.0	CONSOLIDATED GAS
8322829		4701702734		107-DV		J-42	NEW MILTON	0.0	CONSOLIDATED GAS
8322830		4701702769		107-DV		J-43	NEW MILTON	0.0	CONSOLIDATED GAS
-MERT DEVELOPMENT INC				RECEIVED:	02/16/83	JA: WV			
8322837		4702103691		103		BURTON #1	TROY	73.0	CONSOLIDATED GAS
8322836		4700101574		103		CARPENTER #1	BARKER	20.0	CONSOLIDATED GAS
8322838		4702103801		103		COLE #1	TROY DISTRICT	25.0	CONSOLIDATED GAS
8322848		4708505056		103		HALE LANGFORD #1	UNION	35.0	CONSOLIDATED GAS
8322842		4701702933		103		LEMLEY-SMITH #1	GRANT	40.0	CONSOLIDATED GAS
8322844		4701702853		103		MATHENY #1	COVE DISTRICT	65.0	CONSOLIDATED GAS
8322841		4702103692		103		MATHENY #1	COVE CREEK	70.0	CONSOLIDATED GAS
8322843		4701702570		103		PANSY HEFLIN #1	WEST UNION	75.0	CONSOLIDATED GAS
8322840		4702103783		103		REED #1	TROY DISTRICT	25.0	CONSOLIDATED GAS
8322839		4702103792		103		REED #3	TROY DISTRICT	25.0	CONSOLIDATED GAS
8322845		4704900708		103		WILMOTH #1	MANNINGTON DISTRICT	30.0	CONSOLIDATED GAS
**********									
** DEPARTMENT OF THE INTERIOR, MINERALS MANAGEMENT SERVICE, ALBUQUERQUE,NM									
**********									
-BLACKWOOD & NICHOLS CO LTD				RECEIVED:	02/17/83	JA: NM 4			

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME
8322780	NM 0217-82PB	3004501058		108-PB		NORTHEAST BLANCO UNIT #59-24
8322784	NM 0218-82PB	3004522528		108-PB		NORTHEAST BLANCO UNIT #65
-CONOCO INC				RECEIVED:	02/17/83	JA: NM 4
8322807	NM 2987-79	3002500000		108-PB		ELLIOTT B-15 #1
-CONSOLIDATED OIL & GAS INC				RECEIVED:	02/17/83	JA: NM 4
8322797	NM0203-82PB	3003921510		108-PB		TRIBAL "C" #11
-DEPCO INC				RECEIVED:	02/17/83	JA: NM
8322806	NM 0188-82PB	3003911733		108-PB		MAL #14
-DUGAN PRODUCTION CORP				RECEIVED:	02/17/83	JA: NM 4
8322743	NM 1631-82	3004524482		103		PINEY #2
-EL PASO EXPLORATION CO				RECEIVED:	02/17/83	JA: NM 4
8322788	NM 0215-82PB	3003906671		108-PB		JICARILLA 119 N #3
8322795	NM0200-82PB	3003921189		108-PB		JICARILLA 123 C #21
-EL PASO NATURAL GAS COMPANY				RECEIVED:	02/17/83	JA: NM 4
8322749	NM-1608-82	3003920407		108		CANYON LARGO UNIT #165
8322780	NM 0223-82PB	3003920783		108-PB		CANYON LARGO UNIT #230
8322753	NM 1301-82	3003920953		108		CANYON LARGO UNIT #269
8322793	NM0211-82PB	3004560060		108-PB		MOORE #3
8322746	NM1303-82	3004521024		108		MUDGE #39 PC
8322757	NM-0849-82	3003920497		108		RINCON UNIT #192
8322803	NM 0189-82PB	3003906939		108-PB		SAN JUAN 27-4 UNIT #29
8322779	NM 0222-82PB	3003920688		108-PB		SAN JUAN 27-4 UNIT #65
8322758	NM-0245-82PB	3003920719		108-PB		SAN JUAN 27-4 UNIT #70
8322759	NM-024-82PB	3003920719		108-PB		SAN JUAN 27-4 UNIT #70
8322786	NM 0221-82PB	3003920827		108-PB		SAN JUAN 27-4 UNIT #88
8322792	NM 0207-82PB	3003920837		108-PB		SAN JUAN 27-4 UNIT #98
8322802	NM0188-82PB	3003906862		108-PB		SAN JUAN 27-4 UT #25
8322763	NM 0243-82PB	3003920825		108-PB		SAN JUAN 27-4 WAIT #84
8322762	NM-0242-82PB	3003920672		108-PB		SAN JUAN 27-5 UNIT #158
8322791	NM 0206-82PB	3003906964		108-PB		SAN JUAN 27-5 UNIT #16
8322798	NM0190-82PB	3003906878		108-PB		SAN JUAN 27-5 UNIT #66
8322787	NM 0213-82PB	3003907191		108-PB		SAN JUAN 27-5 UT #61
8322756	NM-0690-82	3003907281		108		SAN JUAN 28-4 UNIT #20
8322760	NM 0247-82PB	3003920518		108-PB		SAN JUAN 28-4 UNIT #35
8322800	NM0192-82PB	3003920674		108-PB		SAN JUAN 28-4 UNIT #36
8322785	NM 0220-82PB	3003920878		108-PB		SAN JUAN 28-5 UNIT #95
8322754	NM 1299-82	3003920574		108-PB		SAN JUAN 28-6 UNIT #130
8322750	NM-0910-82	3003907875		108		SAN JUAN 30-4 UNIT #11
8322768	NM 0241-82PB	3003920525		108-PB		SAN JUAN 30-6 UNIT #103
8322789	NM-0216-82PB	3003907844		108-PB		SAN JUAN 30-6 UNIT #66
8322764	NM 0244-82PB	3003907858		108-PB		SAN JUAN 30-6-UNIT #39
8322755	NM-0683-82	3004524875		108		SAN JUAN 32-9 UNIT #95R
8322796	NM0201-82PB	3003907206		108-PB		SJ 27-4 UNIT #19 PC & MV
8322794	NM0198-82PB	3003902130		108-PB		SJ 2866 UNIT #80 MV & PC
8322761	NM 0248-82PB	3004511955		108-PB		STOREY B #8
8322805	NM-0129-PB	3003922081		108-PB		VALDEZ #4
8322799	NM0191-82PB	3003907902		108-PB		SJ 30-4 UNIT #23
-GLENN COPE				RECEIVED:	02/17/83	JA: NM 4
8322722	NM0733-82102	3001524086		102-4	103	FEDERAL 30 COM #1
-GULF OIL CORPORATION				RECEIVED:	02/17/83	JA: NM 4
8322742	NM 1613-82	3003923040		103		APACHE FEDERAL #8E
-HNG OIL COMPANY				RECEIVED:	02/17/83	JA: NM 4
8322745	NM1677-82102	3002527826		102-2	103	MADERA "28" FEDERAL COM #1
-LAGUNA PETROLEUM CO				RECEIVED:	02/17/83	JA: NM 4
8322752	NM 1136-82	3002527658		103		FEDERAL 7 #1
-NORTHWEST EXPLORATION COMPANY				RECEIVED:	02/17/83	JA: NM 4
8322782	NM 0225-82PB	3004523894		108-PB		MIDDLE MESA #1
-NORTHWEST PIPELINE CORPORATION				RECEIVED:	02/17/83	JA: NM 4
8322771	NM 0233-82PB	3004521488		108-PB		COX CANYON UNIT #12
8322774	NM 0227-82PB	3003906897		108-PB		JICARILLA 92 #2
8322783	NM 0226-82PB	3003921130		108-PB		JICARILLA 92 #5
8322770	NM 0232-82PB	3003921133		108-PB		JICARILLA 93 #10
8322776	NM 0228-82PB	3003907951		108-PB		ROSA #21
8322772	NM 0234-82PB	3003907964		108-PB		ROSA UNIT #10
8322801	NM0187-82PB	3003907963		108-PB		ROSA UNIT #16
8322765	NM 0238-82PB	3003907963		108-PB		ROSA UNIT #16
8322781	NM 0224-82PB	3003907981		108-PB		ROSA UNIT #41
8322769	NM 0231-82PB	3003921397		108-PB		ROSA 62
8322767	NM 0240-82PB	3003907971		108-PB		ROSE UNIT #22
8322778	NM-0230-82PB	3003900000		108-PB		S/J 30-5 UNIT #2 R
8322777	NM 0229-82PB	3003907916		108-PB		S/J 31-6 UNIT #22
8322751	NM-1047-82	3003907581		108		SAN JUAN 29-6 UNIT 77
8322775	NM 0227-82PB	3003921791		108-PB		SAN JUAN 30-3 #63
8322773	NM 0236-82PB	3003907907		108-PB		SAN JUAN 31-6 #14
8322766	NM 0239-82PB	3004511125		108-PB		SAN JUAN 32-8 UNIT #14
-PIONEER PRODUCTION CORPORATION				RECEIVED:	02/17/83	JA: NM 4
8322804	NM0822-82ER	3004500000		105-ER		LUCERNE A #1
-SOUTHERN UNION EXPLORATION COMPANY				RECEIVED:	02/17/83	JA: NM 4
8322724	NM-1696-82	3003920626		108		JICARILLA "D" #12
8322731	NM-1697-82	3003921000		108		JICARILLA "D" #15
8322725	NM-1698-82	3003920999		108		JICARILLA "D" #16
8322740	NM 1684-82	3003906276		108		JICARILLA "D" #2
8322741	NM 1685-82	3003900000		108		JICARILLA "D" #3
8322736	NM-1686-82	3003906301		108		JICARILLA "D" #4
8322737	NM 1687-82	3003900000		108		JICARILLA "D" #5
8322730	NM-1695-82	3003922038		108		JICARILLA "D" #6
8322738	NM 1688-82	3003900000		108		JICARILLA "E" #1
8322732	NM-1689-82	3003900000		108		JICARILLA "E" #2
8322733	NM-1690-82	3003900000		108		JICARILLA "E" #3
8322723	NM-1701-82	3003921509		108		JICARILLA "K" #19
8322734	NM-1691-82	3003900000		108		JICARILLA "K" #2
8322726	NM 1699-82	3003921540		108		JICARILLA "K" #20
8322727	NM-1700-82	3003922037		108		JICARILLA "K" #21
8322735	NM-1692-82	3003900000		108		JICARILLA "K" #4
8322728	NM-1693-82	3003900000		108		JICARILLA "K" #7
8322729	NM 1694-82	3003900000		108		JICARILLA "K" #9
-SOUTHLAND ROYALTY CO				RECEIVED:	02/17/83	JA: NM 4
8322744	NM-1675-82	3004508592		108		HARE #12
-YATES PETROLEUM CORPORATION				RECEIVED:	02/17/83	JA: NM 4
8322739	NM1683-82107	3000561520		102-3	107-TF	FEDERAL "HY" #4
-PLAINS PRODUCTION INC				RECEIVED:	02/17/83	JA: OK 4
8322747	OKA-1574-82	3511921462		103		DEWITT LITTLECHIEF #1
8322748	OKA-1575-82	3511900000		103		DEWITT LITTLECHIEF #2

FIELD NAME	PROD	PURCHASER
BLANCO MESAVERDE NE 2	1.8	EL PASO NATURAL G
BLANCO MESAVERDE NE/4	20.0	EL PASO NATURAL G
DRINKARD	0.0	GETTY OIL CO
BLANCO MESAVERDE	21.0	NORTHWEST PIPELIN
SOUTH BLANCO PICTURED	0.0	EL PASO NATURAL G
WAW FRUITLAND PC	18.0	EL PASO NATURAL G
TAPACITO-PICTURED CLI	5.6	NORTHWEST PIPELIN
SOUTH BLANCO-PICTURED	17.0	NORTHWEST PIPELIN
OTERO CHACRA	22.0	EL PASO NATURAL G
SOUTH BLANCO - PICTUR	20.0	EL PASO NATURAL G
BALLARD - PICTURED CL	22.0	EL PASO NATURAL G
BLANCO-MESAVERDE	16.0	EL PASO NATURAL G
BLANCO - PICTURED CLI	21.0	EL PASO NATURAL G
BASIN DAKOTA	15.0	EL PASO NATURAL G
BLANCO-MESA VERDE	15.0	EL PASO NATURAL G
TAPACITO PICTURED CLI	0.0	EL PASO NATURAL G
BASIN DAKOTA	0.0	EL PASO NATURAL G
BASIN DAKOTA	0.0	EL PASO NATURAL G
TAPACITO-PICTURED CLI	20.0	EL PASO NATURAL G
BASIN-DAKOTA	15.0	EL PASO NATURAL G
BLANCO MESAVERDE	0.0	EL PASO NATURAL G
TAPACITO - PICTURED C	18.0	EL PASO NATURAL G
TAPACITO - PICTURED C	16.0	EL PASO NATURAL G
BLANCO-MESAVERDE	14.0	EL PASO NATURAL G
BLANCO-MESAVERDE	15.0	EL PASO NATURAL G
BLANCO MESAVERDE	0.0	EL PASO NATURAL G
BLANCO - MESA VERDE	15.0	EL PASO NATURAL G
BASIN - DAKOTA	16.0	EL PASO NATURAL G
BASIN DAKOTA	14.0	EL PASO NATURAL G
TAPACITO-PICTURED CLI	10.0	EL PASO NATURAL G
BASIN - DAKOTA	20.0	EL PASO NATURAL G
EAST BLANCO - PICTURE	10.0	EL PASO NATURAL G
BLANCO - MESA VERDE	11.0	EL PASO NATURAL G
BLANCO MESAVERDE	20.0	EL PASO NATURAL G
BLANCO MESAVERDE	0.0	EL PASO NATURAL G
BLANCO - PICTURED CLI	10.0	EL PASO NATURAL G
TAPACITO-PICTURED CLI	18.0	EL PASO NATURAL G
BLANCO-MESAVERDE AND	23.0	EL PASO NATURAL G
BLANCO MESAVERDE GAS	18.0	EL PASO NATURAL G
CHOZA MESA PICTURED C	18.0	EL PASO NATURAL G
BLANCO EAST-PICTURED	14.6	EL PASO NATURAL G
UNDESIGNATED	213.3	EL PASO NATURAL G
BASIN DAKOTA	0.0	EL PASO NATURAL G
WILDCAT MORROW	164.0	TRANSWESTERN PIPE
WANTZ (ABO DRINKARD)	52.6	GETTY OIL CO
SO LOS PINOS FRUITLAN	0.0	NORTHWEST PIPELIN
BLANCO PICTURED CLIFF	21.0	NORTHWEST PIPELIN
BLANCO	12.0	NORTHWEST PIPELIN
BLANCO MESAVERDE	24.0	NORTHWEST PIPELIN
TAPACITO PICTURED CLI	0.0	NORTHWEST PIPELIN
BLANCO MESAVERDE	21.0	NORTHWEST PIPELIN
BLANCO MESAVERDE	0.0	EL PASO NATURAL G
BLANCO MV	0.0	EL PASO NATURAL G
BLANCO MV	0.0	EL PASO NATURAL G
BLANCO MESAVERDE	25.0	EL PASO NATURAL G
BASIN DAKOTA	0.0	NORTHWEST PIPELIN
BLANCO	9.0	NORTHWEST PIPELIN
BLANCO	19.0	NORTHWEST PIPELIN
BLANCO	13.0	NORTHWEST PIPELIN
BASIN DAKOTA	0.0	NORTHWEST PIPELIN
BLANCO PICTURED CLIFF	0.0	NORTHWEST PIPELIN
BLANCO MESAVERDE	0.0	EL PASO NATURAL G
BLANCO	19.0	NORTHWEST PIPELIN
BASIN DAKOTA	0.0	WESTAR TRANSMISSI
TAPACITO PICTURE CLIF	9.0	GAS CO OF NEW MEX
TAPACITO PICTURE CLIF	8.8	GAS CO OF NEW MEX
TAPACITO PICTURE CLIF	4.3	GAS CO OF NEW MEX
TAPACITO PICTURE CLIF	10.0	GAS CO OF NEW MEX
TAPACITO PICTURE CLIF	9.8	GAS CO OF NEW MEX
TAPACITO PICTURE CLIF	8.4	GAS CO OF NEW MEX
TAPACITO PICTURE CLIF	5.8	GAS CO OF NEW MEX
TAPACITO PICTURE CLIF	1.5	GAS CO OF NEW MEX
TAPACITO PICTURE CLIF	5.0	GAS CO OF NEW MEX
TAPACITO PICTURE CLIF	7.0	GAS CO OF NEW MEX
TAPACITO PICTURE CLIF	8.0	GAS CO OF NEW MEX
SOUTH BLANCO PICTURE	10.0	GAS CO OF NEW MEX
SOUTH BLANCO PICTURE	9.7	GAS CO OF NEW MEX
SOUTH BLANCO PICTURE	12.8	GAS CO OF NEW MEX
SOUTH BLANCO PICTURE	11.2	GAS CO OF NEW MEX
SOUTH BLANCO PICTURE	6.8	GAS CO OF NEW MEX
SOUTH BLANCO PICTURE	3.6	GAS CO OF NEW MEX
SOUTH BLANCO PICTURE	0.9	GAS CO OF NEW MEX
AZTEC	15.6	SOUTHERN UNION GA
PECOS SLOPE ABO	0.0	TRANSWESTERN PIPE
YALE	25.0	PHILLIPS PETROLEU
YALE	25.0	PHILLIPS PETROLEU

[FR Doc. 83-7351 Filed 3-18-83; 8:45 am]
BILLING CODE 6717-01-C

[Volume 850]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: March 17, 1983.

The following notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF).

The applications for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission within fifteen days after publication of notice in the **Federal Register.**

Source data from the Form 121 for this and all previous notices 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.

Categories within each NGPA section are indicated by the following codes:

Section 102–1: New OCS lease
102–2: New well (2.5 Mile rule)
102–3: New well (1000 Ft rule)
102–4: New onshore reservoir
102–5: New reservoir on old OCS lease
Section 107–DP: 15,000 feet or deeper
107–GB: Geopressured brine
107–CS: Coal Seams
107–DV: Devonian Shale
107–PE: Production enhancement
107–TF: New tight formation
107–RT: Recompletion tight formation
Section 108: Stripper well
108–SA: Seasonally affected
108–ER: Enhanced recovery
108–PB: Pressure buildup

Kenneth F. Plumb,

Secretary.

BILLING CODE 6717-01-M

NOTICE OF DETERMINATIONS — VOLUME 850

ISSUED MARCH 17, 1983

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
CALIFORNIA DEPARTMENT OF CONSERVATION									
-CHALLENGER MINERALS INC				RECEIVED:	02/17/83	JA: CA			
8322866	83-4-0199	0402966037		102-4		JENSEN #45X-32	WEST BELLEVUE	0.0	PACIFIC LIGHTING
8322867	83-4-0200	0402966720		102-4		JENSEN #46X-32	WEST BELLEVUE	0.0	PACIFIC LIGHTING
8322868	83-4-0201	0402966341		102-4		KIMMEL #56-32	WEST BELLEVUE	0.0	PACIFIC LIGHTING
8322869	83-4-0202	0402966322		102-4		PAUL #2X-A-32	WEST BELLEVUE	0.0	PACIFIC LIGHTING
8322870	83-4-0203	0402967095		102-4		THORNTON #27X-32	WEST BELLEVUE	0.0	PACIFIC LIGHTING
-PETRO-LEWIS CORPORATION				RECEIVED:	02/17/83	JA: CA			
8322865	83-4-0205	0402966538		108		KING #7H-19	SOUTH BELRIDGE	6.0	MOBIL OIL CORP
-IXO PRODUCTION CORP				RECEIVED:	02/17/83	JA: CA			
8322864	83-6-0084	0410320136		102-4		"WEBER" 21-1	EAST RICE CREEK GAS	300.0	PACIFIC GAS & ELE
8322863	82-6-0085	0401100345		102-4		HALL F-2	STEGEMAN GAS	300.0	PACIFIC GAS & ELE
NEW MEXICO DEPARTMENT OF ENERGY & MINERALS									
-AMOCO PRODUCTION CO				RECEIVED:	02/17/83	JA: NM			
8322860		3004520953		108		CANEPLE GAS COM "B" #1	BLANCO-PICTURED CLIFF	18.0	EL PASO NATURAL G
8322861		3004509680		108		CHRISMAN GAS COM #1 (2ND FILING)	BASIN DAKOTA	18.0	EL PASO NATURAL G
-ARCO OIL AND GAS COMPANY				RECEIVED:	02/18/83	JA: NM			
8322873		3002527954		103		MAE F CURRY #2	EUMONT YATES (SEVEN R	92.0	PHILLIPS PETROLEU
-GULF OIL CORPORATION				RECEIVED:	02/17/83	JA: NM			
8322854		3002527902		103		NANCY STEPHENS #4	TUBB	0.0	GETTY OIL CO
-MARBOB ENERGY CORPORATION				RECEIVED:	02/17/83	JA: NM			
8322858		3001524309		103		S R C STATE #1	RED LAKE QUEEN GRAYBU	47.0	PHILLIPS PETROLEU
-MESA PETROLEUM CO				RECEIVED:	02/17/83	JA: NM			
8322855		3001524068		103		OGDEN STATE COM #2E	WHITE CITY PENN	1584.0	NATURAL GAS PIPEL
-NORTHWEST PIPELINE CORPORATION				RECEIVED:	02/17/83	JA: NM			
8322859		3004521484		108		HOLT #4	BLANCO PICTURED CLIFF	21.5	NORTHWEST PIPELIN
-SOUTHLAND ROYALTY CO				RECEIVED:	02/17/83	JA: NM			
8322857		3004525337		103		CALLOWAY #3	BASIN	74.0	SOUTHERN UNION GA
8322856		3004525337		103		CALLOWAY #3	BLANCO PICTURED CLIFF	0.0	
-SUN EXPLORATION & PRODUCTION CO				RECEIVED:	02/17/83	JA: NM			
8322862		3002500000		108		STATE "A" A/C1 #90	LANGLIE MATTIX (7 RVR	10.0	PHILLIPS PETROLEU
-TEXACO INC				RECEIVED:	02/17/83	JA: NM			
8322853		3002500000		103		NEW MEXICO "AT" STATE #9	SAUNDERS-PERMO UPPER	210.0	WARREN PETROLEUM
-WARRIOR INC				RECEIVED:	02/18/83	JA: NM			
8322872		3002524164		108		STATE #2	EUMONT YATES SEVEN RI	19.0	PHILLIPS PETROLEU
8322871		3002525040		108		STATE WE "B" #2	EUMONT YATES SEVEN RI	3.0	PHILLIPS PETROLEU
OHIO DEPARTMENT OF NATURAL RESOURCES									
-AMERICAN PETROEL INC				RECEIVED:	02/14/83	JA: OH			
8322934		3416726886		107-DV		BLANEY LUMBER #2	GRANDVIEW	50.0	
-ATLAS ENERGY GROUP INC				RECEIVED:	02/14/83	JA: OH			
8322936		3415521815		103-2		F MELONI #1	GUSTAVUS	0.0	COLUMBIA GAS TRAN
8322935		3415521658		102-2		F MILLER #1	GUSTAVUS	0.0	COLUMBIA GAS TRAN
8322943		3415522136		102-2		GOULDTHORPE #1	GUSTAVUS	0.0	COLUMBIA GAS TRAN

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8322937		3415521944		102-2		LEJEUNE #1	GREEN	0.0	COLUMBIA GAS TRAN
8322942		3415522112		102-2		QUIGGLE #1	GUSTAVUS	0.0	COLUMBIA GAS TRAN
8322938		3415521982		102-2		S MELONI #1	GUSTAVUS	0.0	COLUMBIA GAS TRAN
8322941		3415522066		102-2		SHON #1	GUSTAVUS	0.0	COLUMBIA GAS TRAN
8322939		3415521983		102-2		SPANGENBERG #1	GREENE	0.0	COLUMBIA GAS TRAN
8322940		3415522038		102-2		YUNKMAN UNIT #1	GREENE	0.0	COLUMBIA GAS TRAN
-BAY STATE EXPLORATION CO				RECEIVED:	02/14/83	JA: OH			
8322944		3416328492		103		ANKROM #2	JACKSON	0.0	COLUMBIA GAS TRAN
8322946		3416328544		103		MINION #1	JACKSON	0.0	COLUMBIA GAS TRAN
8322945		3416328495		103		W W APPLEMAN #1	VINTON	18.5	COLUMBIA GAS TRAN
-BELDEN & BLAKE & CO #79				RECEIVED:	02/14/83	JA: OH			
8322951		3416323471		103	107-TF	F & M WRIGHT #1-341292	CHESTER	36.5	
-BELDEN & BLAKE & CO 80				RECEIVED:	02/14/83	JA: OH			
8322947		3418323057		103	107-TF	A J MACDONALD #1-341213	GRANGER	36.5	
8322948		3413322928		103	107-TF	HUGO SAND CO INC #2-341258	FRANKLIN	36.5	
8322950A		3415123764		103		J & M SEIFERT #2-341256	MARLBORO	36.5	
8322950B		3415123764	D	107-TF		J & M SEIFERT #2-341256	MARLBORO	36.5	
8322949		3413522933		103	107-TF	SUNSHINE SAND CO - #1-341259	STREETSBORO	36.5	
-BERMAN J SHAFER				RECEIVED:	02/14/83	JA: OH			
8322953		3411122751		107-DV		GARNES #1	MALAGA	7.5	NATIONAL PETROLEU
8322952		3410323187		107-TF		MURRAY #1	WESTFIELD	7.5	COLUMBIA GAS TRAN
8322954		3411122752		107-DV		STEPHEN #1	SENECA	7.5	NATIONAL PETROLEU
-BILL BLAIR INCORPORATED				RECEIVED:	02/14/83	JA: OH			
8322955		3402920882		103	107-TF	GROVE #1	HOMEWORTH	18.0	EAST OHIO GAS CO
8322956		3402920914		103	107-TF	SANOR #6	HANOVERTON	12.0	EAST OHIO GAS CO
8322957		3402920915		103	107-TF	STOFFER #8	HANOVERTON	11.0	EAST OHIO GAS CO
-BRUSK JOINT VENTURE				RECEIVED:	02/14/83	JA: OH			
8322958		3411921817		107-TF		MURPHY #2	MALTA	1.6	COLUMBIA GAS TRAN
-CALLANDER & KIMBREL INC				RECEIVED:	02/14/83	JA: OH			
8322959		3403126510		103		BOWERS #1	COPPERSDALE	5.0	
8322960		3411122873		103		LANDEFELD #1A	MILTONBURG	27.0	
-CHARLES O LIGHTHIZER				RECEIVED:	02/14/83	JA: OH			
8322969		3411926461		107-TF		FORAKER #2	PERRY	0.0	COLUMBIA GAS TRAN
-CLINTON OIL CO				RECEIVED:	02/14/83	JA: OH			
8323105		3411925156		103	107-TF	J BRIGGS #4-546	WASHINGTON	10.0	
-CLOVER OIL CO				RECEIVED:	02/14/83	JA: OH			
8323106		3410322961		103		R & C RAW #2	SPENCER	0.0	
-DAN-DEE OIL CO				RECEIVED:	02/14/83	JA: OH			
8322970		3416727137		103		PHILIP E PERDUE #1	BARLOW	4.0	RIVER GAS CO
-DOME ENERGY 82				RECEIVED:	02/14/83	JA: OH			
8322972		3409321170		107-TF		PDK #2	COLUMBIA	15.0	COLUMBIA GAS TRAN
8322971		3403521164		107-TF		SHADY-RATAJCAK #1	OLMSTED	9.0	COLUMBIA GAS TRAN
-DORAN & ASSOCIATES INC				RECEIVED:	02/14/83	JA: OH			
8322974		3408720278		107-DV		AVERILL BAMMER #1	FAYETTE	12.0	COLUMBIA GAS TRAN
8322976		3408720295		107-DV		DELBERT SARK #1	PERRY	12.0	COLUMBIA GAS TRAN
8322977		3408720299		107-DV		DONALD WILSON #1	FAYETTE	12.0	COLUMBIA GAS TRAN
8322981		3408720323		107-DV		ISAAC YANCY #1A	LAWRENCE	12.0	COLUMBIA GAS TRAN
8322980		3408720320		107-DV		J KERMIT HOWELL #1	FAYETTE	12.0	COLUMBIA GAS TRAN
8322973		3408720275		107-DV		JAMES ADKINS #1	PERRY	12.0	COLUMBIA GAS TRAN
8322982		3408720333		107-DV		JOHN MOLTON #2	LAWRENCE	12.0	COLUMBIA GAS TRAN
8322978		3408720308		107-DV		R C DUDDING #1	FAYETTE	12.0	COLUMBIA GAS TRAN
8322979		3408720302		107-DV		SYLVIA MELVIN #1	PERRY	12.0	COLUMBIA GAS TRAN
8322975		3408720293		107-DV		WILBUR D KENNEY #1	FAYETTE	12.0	COLUMBIA GAS TRAN
-EAGLE MOUNTAIN ENERGY CORP				RECEIVED:	02/14/83	JA: OH			
8322984		3411522979		103	107-TF	LACEY HEIRS #1	BRISTOL	20.0	COLUMBIA GAS TRAN
8322983		3411522965		103	107-TF	LEEPER (BRISTOL) UNIT #2	BRISTOL	20.0	COLUMBIA GAS TRAN
-ELKHEAD GAS & OIL COMPANY				RECEIVED:	02/14/83	JA: OH			
8322985		3408323188		103		CARTER #2	KNOX	50.0	COLUMBIA GAS TRAN
-ENERGY DEVELOPMENT CORP				RECEIVED:	02/14/83	JA: OH			
8322987		3408722034		103	107-TF	MILLS #1	NEW LYME	18.0	
8322986		3408722033		103	107-TF	NEALEN #2	NEW LYME	19.0	
8322988		3408722043		103	107-TF	SMAUS #1	NEW LYME	20.0	
8322989		3408722060		103	107-TF	SYKES #1	ROME	18.0	
-EVERFLOW EASTERN INC				RECEIVED:	02/14/83	JA: OH			
8322990		3415723658		103	107-TF	BOUDITCH #1	RUSH	0.0	
8322991		3415723747		103	107-TF	EDWARDS-BEDWAY #1	RUSH	0.0	
-FRONTIER PETROLEUM LTD				RECEIVED:	02/14/83	JA: OH			
8323048		3411122859		107-DV		CLYDE WECKBACHER #1	WASHINGTON	12.0	COLUMBIA GAS TRAN
-GASEARCH INC				RECEIVED:	02/14/83	JA: OH			
8323049		3409921470		103	107-TF	NATIONAL NORTHERN INC (JACKSON) #2	JACKSON	20.0	YANKEE RESOURCES
-GREEN GAS COMPANY				RECEIVED:	02/14/83	JA: OH			
8323050		3409321186		107-TF		BARTTER #3	COLUMBIA	15.0	COLUMBIA GAS TRAN
8323051		3416923427		107-TF		JACQUET #1-A	CANAAN	25.0	COLUMBIA GAS TRAN
-GWF CORP				RECEIVED:	02/14/83	JA: OH			
8323052		3416726560		107-DV		SARGENT-WILSON #1	DECATUR	15.0	COLUMBIA GAS TRAN
-H & K ENERGY CORP				RECEIVED:	02/14/83	JA: OH			
8323053		3412725718		103		GIVENS #1	PIKE	5.0	
-HOPEWELL OIL AND GAS DEVELOPMENT CO				RECEIVED:	02/14/83	JA: OH			
8323056		3411122774		107-DV		GILBERT & LUCILLE HUFFMAN #1	SENECA	20.0	COLUMBIA GAS TRAN
8323059		3411122782		107-DV		H G & T L SCOTT #1	SENECA	10.0	COLUMBIA GAS TRAN
8323057		3411122725		107-DV		JAMES & MARY D SCOTT #2	SENECA	10.0	COLUMBIA GAS TRAN
8323054		3411122221		107-DV		URBAN HEFT JR #1	SENECA	10.0	COLUMBIA GAS TRAN
8323055		3411122281		107-DV		URBAN L & RUBY HEFT #2	SENECA	8.0	COLUMBIA GAS TRAN
8323058		3411122781		107-DV		VIRGIL & PAULINE MORRIS #1	SENECA	10.0	COLUMBIA GAS TRAN
-J D DRILLING CO				RECEIVED:	02/14/83	JA: OH			
8323061		3410322478		107-DV		ROSS & LEORA OPIMES #1	LEBANON	7.0	COLUMBIA GAS TRAN
-JANCO WELL OPERATIONS LTD 82-3				RECEIVED:	02/14/83	JA: OH			
8323060		3410323267		107-TF		HARDOHY UNIT #1	GRANGER	250.0	COLUMBIA GAS TRAN
-K S T OIL & GAS CO INC				RECEIVED:	02/14/83	JA: OH			
8323062		3415321887		103	107-TF	BOLTZ-LEITER #1	NORTHAMPTON	0.0	
-L & S OIL & GAS				RECEIVED:	02/14/83	JA: OH			
8323063		3411926538		107-TF		JIM WILSON #1	WILSON	0.0	
-LAKE REGION OIL INC				RECEIVED:	02/14/83	JA: OH			
8323065		3415123685	D	107-TF		CHESTER CHRISTMAN #1	PERRY	10.0	EAST OHIO GAS CO
8323064B		3407523763	D	107-TF		RICHARD HENRY #1	RICHLAND	15.0	COLUMBIA GAS TRAN
8323064A		3407523763		103		RICHARD HENRY #1	RICHLAND	15.0	COLUMBIA GAS TRAN
-LANGASCO DRILLING CO				RECEIVED:	02/14/83	JA: OH			
8323073		3402920931		107-TF		CHARLES WOOLF #1	BUTLER	42.0	COLUMBIA GAS TRAN
8323067		3402920923		107-TF		KARL SUMMER #1	WEST	50.0	COLUMBIA GAS TRAN
8323072		3402920930		107-TF		LARRY ROSENBERGER #1	WEST	45.0	COLUMBIA GAS TRAN
8323071		3402920929		107-TF		PAUL DROTLEFF #1	BUTLER	45.0	COLUMBIA GAS TRAN
8323066		3402920889		107-TF		ROBERT POWELL #1	HANOVER	45.0	COLUMBIA GAS TRAN
8323070		3402920926		107-TF		RONALD BERGER #1	BUTLER	46.0	COLUMBIA GAS TRAN
8323069		3402920925		107-TF		RUDOLPH DROTLEFF #1	BUTLER	45.0	COLUMBIA GAS TRAN

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8323068		3402920924		107-TF		RUSSELL KIKO #1	BUTLER	47.0	COLUMBIA GAS TRAN
8323074		3402920939		107-TF		WILLIAM ALTENHOF #1	BUTLER	45.0	COLUMBIA GAS TRAN
-LEADER EQUITIES INC				RECEIVED:	02/14/83	JA: OH			
8323075		3408923695	D	107-TF		BAUGHMAN #1-A	PERRY	12.0	
8323076		3411522983		103	107-TF	DOTY #4	MEIGSVILLE	13.0	
-LIBERTY OIL & GAS CORP				RECEIVED:	02/14/83	JA: OH			
8323077		3410522424		103		LAURA A O C GILPIN #2	OLIVE	18.0	COLUMBIA GAS TRAN
-MARK RESOURCES CORP				RECEIVED:	02/14/83	JA: OH			
8323078		3400722118		107-TF		MCQUILLAN-CHILDS UNIT #1	KINGSVILLE	30.0	
-MINNESOTA-OHIO OIL CORP				RECEIVED:	02/14/83	JA: OH			
8323080		3416727197		107-DV		LAWRENCE BOWERSOCK #1	LUDLOW	12.0	COLUMBIA GAS TRAN
8323079		3416727196		107-DV		U S A #6 WARD CLINE	LUDLOW	12.0	COLUMBIA GAS TRAN
-NORTHEASTERN ENERGY				RECEIVED:	02/14/83	JA: OH			
8323081		3410323025		105	107-TF	CANTER WELL #1	WADSWORTH	25.0	EAST OHIO GAS CO
-OHIO OIL & GAS CO				RECEIVED:	02/14/83	JA: OH			
8323085		3415522137		107-TF		BRONSON #1	KINSMAN	20.0	COLUMBIA GAS TRAN
8323089		3415522227		107-TF		CONSUMER #8	FOWLER	20.0	COLUMBIA GAS TRAN
8323091		3415522262		107-TF		COVER #1	FOWLER	20.0	COLUMBIA GAS TRAN
8323090		3415522259		107-TF		DAVIS #1	FOWLER	20.0	COLUMBIA GAS TRAN
8323084		3415522132		107-TF		DUNNIGAN #1	KINSMAN	20.0	COLUMBIA GAS TRAN
8323087		3415522139		107-TF		FITCH #1	KINSMAN	20.0	COLUMBIA GAS TRAN
8323088		3415522140		107-TF		FITCH #2	KINSMAN	20.0	COLUMBIA GAS TRAN
8323082		3415522032		107-TF		GRIFFIN #6	KINSMAN	20.0	COLUMBIA GAS TRAN
8323083		3415522033		107-TF		KIDWELL #1	KINSMAN	20.0	COLUMBIA GAS TRAN
8323086		3415522138		107-TF		SAVAKIS #1	KINSMAN	20.0	COLUMBIA GAS TRAN
-RED HILL DEVELOPMENT				RECEIVED:	02/14/83	JA: OH			
8323031		3415723111		108		A ANDREWS - #1		7.0	
8323034		3415723413		108		BAAB-HERSHBERGER - #1		9.0	
8323028		3415723085		108		C ORR - WELL #1		10.0	
8323006		3415722888		108		D KINSER - #2		9.0	
8323032		3415723124		108		D SCHREBELEN - WELL #1		16.0	
8323019		3415723009		108		E FLEMING - #1		10.0	
8323041		3415723469		108		E FUNK - #1		10.0	
8323004		3415722885		108		E KEIM - #1		6.0	
8323043		3415723503		108		E MILLER - #6		10.0	
8323012		3415722934		108		EICHEL - WISE - #1		10.0	
8323024		3415723040		108		F KARL - #3		12.0	
8323009		3415722925		108		F KARL - WELL #2		11.0	
8323007		3415722909		108		F KIMBLE - #1		11.0	
8322994		3415722686		108		F MAURER - #1		8.0	
8322995		3415722687		108		F SCHNEITER - #1		10.0	
8323008		3415722910		108		G AUMAN - #1		13.0	
8323042		3415723487		108		G SCHERER - WELL #1		1.0	
8323026		3415723083		108		H CASEBEER - #4		18.0	
8323005		3415722887		108		H KINSER - WELL #1		7.0	
8323015		3415722998		108		J GRAEF - #1		2.0	
8322992		3415722680		108		J PYLE #1		17.0	
8323014		3415722943		108		J SHEA - #1		9.0	
8323025		3415723082		108		JOHN MILLER - #1		6.0	
8323001		3415722805		108		L BAAB - #2		14.0	
8323040		3415723468		108		L GOEDEL - #1		7.0	
8322993		3415722681		108		LIFE SCIENCE CHURCH - #1		8.0	
8323030		3415723097		108		M GRAY - #1		4.0	
8322999		3415722727		108		M WENGER - #2		6.0	
8323000		3415722726		108		M WENGER - WELL #1		8.0	
8323045		3415723533		108		MARVIN MILLER - #7		17.0	
8323022		3415723020		108		MERVIN MILLER - #4		8.0	
8323039		3415723448		108		MERVIN MILLER - #5		11.0	
8323033		3415723374		108		N ROEMER - #1		7.0	
8323016		3415722991		108		O HUNSERICKHOUSE - #1		9.0	
8322997		3415722701		108		P SNYDER - WELL #1		7.0	
8323023		3415723039		108		R BAMBECK - #1		16.0	
8323002		3415722860		108		R BLEININGER - WELL #1		13.0	
8323011		3415722932		108		R FINCHER - #1		3.0	
8323010		3415722931		108		R LAMMERS - #1		4.0	
8323038		3415723429		108		R SEIKEL - #1		2.0	
8323003		3415722862		108		R SHONGER - #1		9.0	
8323013		3415722939		108		R WILLIAMSON - #1		9.0	
8323018		3415723008		108		RABER-LUTHY - #1		8.0	
8323046		3415723536		108		REYNOLDS-STUCKY - #2		11.0	
8323036		3415723417		108		S BRENISER - #1		0.0	
8323037		3415723428		108		SUGARCREEK LAND CO - #1		12.0	
8322998		3415722707		108		T KANE - #1		10.0	
8323020		3415723016		108		W CAP - #1		4.0	
8323029		3415723096		108		W LIESER - #1		9.0	
8323035		3415723414		108		W MYERS - #1		2.0	
8323044		3415723532		108		W YOUNGEN - #1		12.0	
8323027		3415723084		108		WARDELL-CAUGHEY - #1		13.0	
8322996		3415722699		108		WM KLEIN - #1		9.0	
8323017		3415722997		108		WM MARINO - #1		8.0	
8323021		3415723017		108		WM SAUERNHEIMER - #1		18.0	
8323047		3415723548		108		WM SNYDER - #2		18.0	
-REPUBLIC STEEL CORP				RECEIVED:	02/14/83	JA: OH			
8323092		3409921507		103	107-TF	AMERICAN FIRE CLAY - AFC #4	GREEN	6.0	REPUBLIC STEEL CO
-ROBERT D CHARLEBOIS				RECEIVED:	02/14/83	JA: OH			
8323093		3415522125		107-TF		GINTERT #1	BRACEVILLE	15.0	COLUMBIA GAS TRAN
-ROCKWELL RESOURCES INC				RECEIVED:	02/14/83	JA: OH			
8323094		3411122747		107-DV		PHENA PIATT #1	WASHINGTON	12.0	COLUMBIA GAS TRAN
-SANDHILL ENERGY INC (OH)				RECEIVED:	02/14/83	JA: OH			
8323095		3416726952		103		FLAHERTY #2	GRANDVIEW	36.5	
8323096		3416726983		103		SHAPLEY/USA #1	GRANDVIEW	12.0	
8323097		3416726984		103		SHAPLEY/USA #2	GRANDVIEW	12.0	
-STOCKER&SITTLER INC				RECEIVED:	02/14/83	JA: OH			
8323100		3407920165		107-TF		B KRIEBEL #1	MILTON	45.0	COLUMBIA GAS TRAN
8323103		3407920169		107-TF		BIERHUP #1	MILTON	37.0	COLUMBIA GAS TRAN
8323102		3407920168		107-TF		LEACH #1	MILTON	29.0	COLUMBIA GAS TRAN
8323101		3407920166		107-TF		P JOHNSON #1	MILTON	41.0	COLUMBIA GAS TRAN
-STONE OIL & GAS CO				RECEIVED:	02/14/83	JA: OH			
8323104		3410322673		107-TF		SARAH STONE #1	GUILFORD	3.0	EAST OHIO GAS CO
-SUN EXPLORATION & PRODUCTION CO				RECEIVED:	02/14/83	JA: OH			
8323098		3416727253		103		H ROARK #1	WESLEY	0.0	
8323099		3416727254		103		P HARSHBERGER #1	WESLEY	0.0	
-TIGER OIL INC				RECEIVED:	02/14/83	JA: OH			
8323107		3411122665		107-DV		E HALL #1	WASHINGTON	5.0	COLUMBIA GAS TRAN

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-TITAN ENERGY CORP				RECEIVED: 02/14/83 JA: OH					
8323108		3415522238		103	107-TF	KETTLER-HACKETT-UNIT #1	BROOKFIELD	20.0	COLUMBIA GAS TRAN
-VIKING RESOURCES CORPORATION				RECEIVED: 02/14/83 JA: OH					
8323109		3408520334		103	107-TF	LAKE COUNTY NURSERY #3	PERR	30.0	
-W J LYDIC INC				RECEIVED: 02/14/83 JA: OH					
8323115		3411122548		103		HENTHORN #1	JACKSON	35.0	COLUMBIA GAS TRAN
8323117		3411122940		107-DV		HINDERLONG #1	SUMMIT	20.0	
8323114		3411122399		107-DV		J RITCHIE #1	JACKSON	0.0	COLUMBIA GAS TRAN
8323118		3412725637		103	107-TF	RICKETTS #1	READING	12.0	NATIONAL GAS & OI
8323116		3411122656		103		ROUSENBERG #3	MALAGA	35.0	
8323113		3411122398		107-DV		WANDA BYERS #1	JACKSON	0.0	COLUMBIA GAS TRAN
-WALLICK PETROLEUM CO				RECEIVED: 02/14/83 JA: OH					
8323110		3411522969		103	107-TF	ROBERT HALLEY #1	PENN	10.0	
8323111		3411522984		103	107-TF	RON WEBER #1	MARION	10.0	
-WISP ENERGY INC				RECEIVED: 02/14/83 JA: OH					
8323112		3411122945		107-DV		RITCHIE #2	WOODSFIELD	73.0	COLUMBIA GAS TRAN
-WORTHINGTON OIL COMPANY INC				RECEIVED: 02/14/83 JA: OH					
8322965		3411522398		103	107-TF	DEAN & ELOISE MUMMEY #2	BRISTOL	10.0	COLUMBIA GAS TRAN
8322966		3411522399		103	107-TF	ETHEL WILSON #1	BRISTOL	10.0	COLUMBIA GAS TRAN
8322963		3411522396		103	107-TF	J O MILLER #1	BRISTOL	10.0	COLUMBIA GAS TRAN
8322964		3411522397		103	107-TF	J O MILLER #2	BRISTOL	10.0	COLUMBIA GAS TRAN
8322962		3411522395		103	107-TF	JAMES R CAMPBELL #1	BRISTOL	10.0	COLUMBIA GAS TRAN
8322961		3411522258		103	107-TF	SAMUEL W RAY #1	BRISTOL	10.0	COLUMBIA GAS TRAN
8322967		3411522586		103	107-TF	WILBUR MATSON #2	BRISTOL	10.0	COLUMBIA GAS TRAN
8322968		3411522587		103	107-TF	WILBUR MATSON ET AL #3	BRISTOL	10.0	COLUMBIA GAS TRAN
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WEST VIRGINIA DEPARTMENT OF MINES									
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-ASHLAND EXPLORATION INC				RECEIVED: 02/17/83 JA: WV					
8322933		4708100860		103		EAGLE LAND CO #4 - 093471	PAINT CREEK	10.1	
8322898		4708100585		107-DV		EAGLE LAND COMPANY #6 - 093471	PAINT CREEK	10.1	
8322912		4701900163		108		W A RHODES #1 - 155800	LOUP CREEK	12.0	ELKEM METALS CO
-BEREA OIL AND GAS CORPORATION				RECEIVED: 02/17/83 JA: WV					
8322909		4709320856		102-4		RUTH ALLMAN UNIT #1	CANAAN VALLEY	275.0	COLUMBIA GAS TRAN
8322902		4700121593		102-4		SEWELL #1	BARKER DISTRICT	25.0	BROOKLYN UNION GA
8322932		4700121593		103		SEWELL #1	BARKER DISTRICT	25.0	BROOKLYN UNION GA
-CHASE PETROLEUM				RECEIVED: 02/17/83 JA: WV					
8322897		4708505261		107-DV		HELEN MCCULLOUGH #1	CLAY DISTRICT	18.0	
-D C MALCOLM INC				RECEIVED: 02/17/83 JA: WV					
8322903		4703903810		107-DV		SOVICK #1	CLENDENIN	27.0	COLUMBIA GAS TRAN
-FRANKLIN ADKINS				RECEIVED: 02/17/83 JA: WV					
8322899		4708524449		108		CONRAD #2	MURPHY DISTRICT	3.7	CONSOLIDATED GAS
8322901		4702122452		108		R MARSHALL HRS 1-A	GLENVILLE DISTRICT	3.7	CONSOLIDATED GAS
8322900		4702123548		108		T M MARSHALL HRS 1-B	GLENVILLE DISTRICT	3.7	CONSOLIDATED GAS
-FUEL RESOURCES DEVELOPMENT CO				RECEIVED: 02/17/83 JA: WV					
8322911		4700120645		108		P FERGUSON	VALLEY DISTRICT	19.2	CONSOLIDATED GAS
8322910		4700120730		108		R POLING	VALLEY DISTRICT	20.1	CONSOLIDATED GAS
-MERT DEVELOPMENT INC				RECEIVED: 02/17/83 JA: WV					
8322881		4700101508		103		BOLYARD #1	GLADE	280.0	COLUMBIA GAS TRAN
8322924		4700701709		103		BOSTIC #1	OTTER	35.0	COLUMBIA GAS TRAN
8322931		4708300519		103		BROSCHART #1	ROARING CREEK	30.0	COLUMBIA GAS TRAN
8322880		4700101509		103		BULATKO #1	GLADE	0.0	COLUMBIA GAS TRAN
8322921		4700101599		103		C HARRIS #1	BARKER	25.0	COLUMBIA GAS TRAN
8322885		4700101470		103		CANNON #1	BELINGTON	45.0	COLUMBIA GAS TRAN
8322896		4700101364		103		CONRAD/STANLEY #1	GLADE	35.0	COLUMBIA GAS TRAN
8322920		4700101598		103		DELAUDER #3	BELINGTON	35.0	COLUMBIA GAS TRAN
8322874		4700101435		103		E COONTZ #1	BARKER	20.0	COLUMBIA GAS TRAN
8322929		4701501889		103		EARL L BOGGS #1	OTTER DISTRICT	50.0	COLUMBIA GAS TRAN
8322889		4700101420		103		EISMON #1	GLADE	21.0	COLUMBIA GAS TRAN
8322922		4700101614		103		G BOOTH #1	VALLEY DISTRICT	30.0	COLUMBIA GAS TRAN
8322884		4700101452		103		GAINER #1	GLADE	28.0	COLUMBIA GAS TRAN
8322875		4700101451		103		H BOOTH #1	GLADE	220.0	COLUMBIA GAS TRAN
8322882		4700101507		103		HARRIS #1	GLADE	20.0	COLUMBIA GAS TRAN
8322888		4700101429		103		HOLSBERRY #1	GLADE	24.0	COLUMBIA GAS TRAN
8322877		4700101579		103		JAMES MARSH #1	GLADE	35.0	COLUMBIA GAS TRAN
8322879		4700101510		103		KENNEDY-MAYLE #1	GLADE	22.0	COLUMBIA GAS TRAN
8322895		4700101375		103		KIMES #1	GLADE	23.0	COLUMBIA GAS TRAN
8322876		4700101461		103		LEWIS #1	GLADE	20.0	COLUMBIA GAS TRAN
8322915		4700701784		103		LLOYD #3	OTTER	35.0	COLUMBIA GAS TRAN
8322917		4700101561		103		MARTIN #1	GLADE	30.0	COLUMBIA GAS TRAN
8322887		4700101436		103		PITTMAN #1	BARKER	30.0	COLUMBIA GAS TRAN
8322923		4700701591		103		PUTNAM FARM & LAND #1	OTTER DISTRICT	30.0	COLUMBIA GAS TRAN
8322893		4700101389		103		R BOOTH #1	GLADE	23.0	COLUMBIA GAS TRAN
8322919		4700101612		103		RADABAUGH #1	UNION DISTRICT	30.0	COLUMBIA GAS TRAN
8322927		4700701789		103		ROBERT & HELEN TRAUGH #1	OTTER DISTRICT	35.0	COLUMBIA GAS TRAN
8322930		4704900687		103		SANDY DEMARK #4	MANNINGTON DISTRICT	30.0	COLUMBIA GAS TRAN
8322913		4700101521		103		SEECH MOORE #1	BARKER	10.0	COLUMBIA GAS TRAN
8322892		4700101398		103		SHUPP #1	GLADE	18.0	COLUMBIA GAS TRAN
8322883		4700101501		103		SIMPSON #1	BARKER	30.0	COLUMBIA GAS TRAN
8322890		4700101408		103		SIPE #1	GLADE	24.0	COLUMBIA GAS TRAN
8322886		4700101437		103		SKIDMORE-JONES #1	BARKER	30.0	COLUMBIA GAS TRAN
8322891		4700101399		103		STRAUGHN #1	GLADE	270.0	COLUMBIA GAS TRAN
8322894		4700101376		103		UPTON #1	GLADE	22.0	COLUMBIA GAS TRAN
8322925		4700701727		103		W B & S T PERRINE #1	OTTER DISTRICT	35.0	COLUMBIA GAS TRAN
8322878		4700101514		103		WARE #1	GLADE	25.0	COLUMBIA GAS TRAN
8322916		4700101560		103		WARREN KOONTZ #1	GLADE	20.0	COLUMBIA GAS TRAN
8322918		4700101578		103		WILSON #1	GLADE	30.0	COLUMBIA GAS TRAN
8322914		4700701728		103		YEDLOSKY #2	OTTER DISTRICT	45.0	COLUMBIA GAS TRAN
8322926		4700701729		103		YEDLOSKY #3	OTTER DISTRICT	35.0	COLUMBIA GAS TRAN
8322928		4700701791		103		YEDLOSKY #5	OTTER DISTRICT	45.0	COLUMBIA GAS TRAN
-PEAKE OPERATING CO				RECEIVED: 02/17/83 JA: WV					
8322908		4708100578		103		CUCKLER #1-A	(TOWN DISTRICT)	5.0	
8322906		4708100566		103		JONES & GIBSON #1-AJ	(TRAP HILL DISTRICT)	5.0	
8322907		4708100584		103		RAGLAND #1-A	(CLEAR FORK DISTRICT)	5.0	
-UNITED OPERATING COMPANY				RECEIVED: 02/17/83 JA: WV					
8322904		4700101765		103		FINDLEY #2	BELINGTON	0.0	PARTNERSHIP PROPE
8322905		4700101766		103		HOLBERT #2	BELINGTON	0.0	PARTNERSHIP PROPE

[FR Doc. 83-7352 Filed 3-18-83; 8:45 am]

BILLING CODE 6717-01-C

[Volume 851]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: March 17, 1983.

The following notices of determination were received from the indicated juridictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF).

The application for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission within fifteen days after publication of notice in the **Federal Register.**

Source data from the Form 121 for this and all previous notices 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.

Categories within each NGPA section are indicated by the following codes:

Section 102–1: New OCS lease
102–2: New well (2.5 Mile rule)
102–3: New well (1000 Ft rule)
102–4: New onshore reservoir
102–5: New reservoir on old OCS lease
Section 107–DP: 15,000 feet or deeper
107–GB: Geopressued brine
107–CS: Coal Seams
107–DV: Devonian Shale
107–PE: Production enhancement
107–TF: New tight formation
107–RT: Recompletion tight formation
Section 108: Stripper well
108–SA: Seasonally affected
108–ER: Enhanced recovery
108–PB: Pressure buildup

Kenneth F. Plumb,

Secretary.

BILLING CODE 6717-01-M

NOTICE OF DETERMINATIONS VOLUME 851
ISSUED MARCH 17, 1983

KENTUCKY DEPARTMENT OF MINES & MINERALS

-KENTUCKY WEST VIRGINIA GAS CO RECEIVED: 02/15/83 JA: KY

JD NO	JA DKT	API NO	D SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8323284	503329	1607100000	107-DV		A C HOWARD #1415	KENTUCKY EAST	3.8	
8323148	503195	1619500000	107-DV		A J AKERS #910	KENTUCKY EAST	1.7	
8323390	503435	1607100000	107-DV		A L MARTIN -#398	KENTUCKY EAST	11.3	
8323354	503399	1607100000	107-DV		A MOORE -#310	KENTUCKY EAST	8.2	
8323434	503479	1607100000	107-DV		ABIGAL AKERS #519	KENTUCKY EAST	6.8	
8323395	503440	1607100000	107-DV		ADAM SKEANS -#412	KENTUCKY EAST	5.0	
8323229	503274	1619500000	107-DV		ADRON LOUE - #1253	KENTUCKY EAST	3.2	
8323216	503261	1607100000	107-DV		ALEX BOYD #1205	KENTUCKY EAST	20.9	
8323389	503434	1607100000	107-DV		ALEX CLICK -#393	KENTUCKY EAST	6.7	
8323394	503439	1607100000	107-DV		ALEX CLICK -#406	KENTUCKY EAST	12.2	
8323350	503395	1607100000	107-DV		ALEX MARTIN -#297	KENTUCKY EAST	1.7	
8323458	503500	1607100000	107-DV		ALEX MARTIN #637	KENTUCKY EAST	16.6	
8323347	503392	1607100000	107-DV		ALICE MAY -#291D	KENTUCKY EAST	7.1	
8323305	503350	1619300000	107-DV		AMANDA BRASHEAR - #1489	KENTUCKY EAST	1.6	
8323173	503218	1607100000	107-DV		AMANDA CRUTB #1050	KENTUCKY EAST	1.2	
8323167	503212	1615300000	107-DV		AMOS WIREMAN #1003D	KENTUCKY EAST	8.4	
8323373	503418	1607100000	107-DV		ANDERSON HOOVER -#357	KENTUCKY EAST	9.1	
8323383	503428	1607100000	107-DV		ANDY MOORE - #382	KENTUCKY EAST	10.1	
8323333	503378	1607100000	107-DV		ANDY MOORE -#208	KENTUCKY EAST	19.0	
8323318	503363	1607100000	107-DV		ANNA MAYO - #26D	KENTUCKY EAST	20.7	
8323164	503209	1619500000	107-DV		ANNIE MAYNARD #987	KENTUCKY EAST	17.4	
8323428	503473	1607100000	107-DV		ARMINA AKERS #500	KENTUCKY EAST	18.8	
8323266	503311	1619300000	107-DV		ASBEL CORNETT -#1363	KENTUCKY EAST	6.7	
8323168	503213	1619500000	107-DV		B F JOHNSON #1009	KENTUCKY EAST	2.8	
8323157	503202	1619500000	107-DV		B F JOHNSON #966	KENTUCKY EAST	13.6	
8323163	503208	1619500000	107-DV		B F JOHNSON #979	KENTUCKY EAST	8.5	
8323137	503182	1611900000	107-DV		B F KING #878	KENTUCKY EAST	3.5	
8323331	503376	1607100000	107-DV		B JOHNSON -#183	KENTUCKY EAST	5.4	
8323392	503437	1607100000	107-DV		B L C MAY -#400	KENTUCKY EAST	9.7	
8323396	503441	1607100000	107-DV		B L C MAY -#413	KENTUCKY EAST	14.2	
8323235	503280	1619300000	107-DV		B T MCDANIEL - #1268	KENTUCKY EAST	6.8	
8323236	503281	1619300000	107-DV		B T MCDANIEL - #1271	KENTUCKY EAST	8.8	
8323139	503184	1619500000	107-DV		BALLARD WEDDINGTON - #881	KENTUCKY EAST	1.4	
8323150	503195	1619500000	107-DV		BALLARD WEDDINGTON #914	KENTUCKY EAST	9.1	
8323152	503197	1619500000	107-DV		BALLARD WEDDINGTON #930	KENTUCKY EAST	7.9	
8323356	503401	1607100000	107-DV		BANNER LESLIE -#313	KENTUCKY EAST	12.7	
8323185	503230	1619500000	107-DV		BEATRICE S THOMPSON -#1110	KENTUCKY EAST	1.2	
8323162	503207	1619500000	107-DV		BEN F YOUNG #978	KENTUCKY EAST	6.4	
8323378	503423	1607100000	107-DV		BETHSHEBA DINGUS -#368	KENTUCKY EAST	2.8	
8323230	503275	1611900000	107-DV		BETTIE AMBURGEY - #1254 D	KENTUCKY EAST	0.9	
8323232	503277	1611900000	107-DV		BETTIE AMBURGEY - #1259D	KENTUCKY EAST	3.4	
8323237	503282	1607100000	107-DV		BUEL JOHNSON - #1279	KENTUCKY EAST	4.8	
8323307	503352	1607100000	107-DV		C C HORTON #1491	KENTUCKY EAST	5.5	
8323411	503456	1607100000	107-DV		C C HORTON #460	KENTUCKY EAST	12.4	
8323321	503366	1607100000	107-DV		CARR HAYS -#118D	KENTUCKY EAST	18.4	

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8323258	503303	1619300000		107-DV		CARRIE CORNETT #1345	KENTUCKY EAST	11.2	
8323384	503429	1607100000		107-DV		CARROLL & GOULD - #383	KENTUCKY EAST	7.8	
8323391	503436	1607100000		107-DV		CARROLL & GOULD - #399	KENTUCKY EAST	8.9	
8323419	503464	1607100000		107-DV		CARTER MARTIN #479	KENTUCKY EAST	13.6	
8323460	503505	1607100000		107-DV		CELIMA BRANHAM #642	KENTUCKY EAST	18.5	
8323291	503336	1619300000		107-DV		CHARLES FARLER #1433	KENTUCKY EAST	3.5	
8323339	503384	1607100000		107-DV		CHAS GOBLE -#235	KENTUCKY EAST	5.6	
8323340	503385	1607100000		107-DV		CHAS GOBLE -#250D	KENTUCKY EAST	8.7	
8323343	503388	1607100000		107-DV		CHAS GOBLE -#274	KENTUCKY EAST	2.1	
8323227	503272	1611900000		107-DV		CHESTER COMBS - #1250	KENTUCKY EAST	6.1	
8323178	503223	1611900000		107-DV		CHESTER COMBS #1065	KENTUCKY EAST	16.3	
8323251	503296	1619300000		107-DV		CHLOE C BRASHEAR - #1333	KENTUCKY EAST	2.8	
8323134	503179	1619500000		107-DV		CLYDE TAYLOR #867	KENTUCKY EAST	2.9	
8323309	503354	1619300000		107-DV		CORDELL MARTIN - #1510	KENTUCKY EAST	3.0	
8323296	503341	1613300000		107-DV		COY WATTS #1454	KENTUCKY EAST	2.4	
8323144	503189	1619500000		107-DV		CUSTER JONES #900	KENTUCKY EAST	2.8	
8323334	503379	1607100000		107-DV		DAN GIBSON -#212	KENTUCKY EAST	9.0	
8323119	503164	1619500000		107-DV		DAN J SYCK #767	KENTUCKY EAST	6.8	
8323355	503400	1607100000		107-DV		DAN SCOTT -#312	KENTUCKY EAST	7.9	
8323142	503187	1619500000		107-DV		DAN W SYCK #835	KENTUCKY EAST	1.7	
8323423	503468	1611900000		107-DV		DANIEL WILLIAMS #487	KENTUCKY EAST	0.1	
8323316	503361	1619300000		107-DV		DENVER MINIARD - #1558	KENTUCKY EAST	6.6	
8323335	503380	1607100000		107-DV		DOCK MEADOWS -#214	KENTUCKY EAST	6.9	
8323314	503359	1607100000		107-DV		E K MARTIN - #1543	KENTUCKY EAST	5.0	
8323324	503369	1607100000		107-DV		E K MARTIN -#136D	KENTUCKY EAST	3.3	
8323326	503371	1607100000		107-DV		E K MARTIN -#141D	KENTUCKY EAST	13.5	
8323327	503372	1607100000		107-DV		E K MARTIN -#143D	KENTUCKY EAST	8.3	
8323328	503373	1607100000		107-DV		E K MARTIN -#144D	KENTUCKY EAST	14.1	
8323180	503225	1619500000		107-DV		E L PINSON -#1077D	KENTUCKY EAST	6.5	
8323136	503181	1619500000		107-DV		E L PINSON #876	KENTUCKY EAST	2.5	
8323365	503410	1607100000		107-DV		E P MERRITT -#357	KENTUCKY EAST	9.0	
8323408	503453	1607100000		107-DV		E V HALL #450	KENTUCKY EAST	20.3	
8323402	503447	1611900000		107-DV		E V HOPKINS #423	KENTUCKY EAST	11.1	
8323409	503454	1611900000		107-DV		E V HOPKINS #452	KENTUCKY EAST	4.3	
8323457	503502	1607100000		107-DV		EDMOND CLARK #636	KENTUCKY EAST	5.1	
8323275	503320	1613300000		107-DV		ELIHU REYNOLDS -#1390	KENTUCKY EAST	11.8	
8323278	503323	1613300000		107-DV		ELIHU REYNOLDS -#1398	KENTUCKY EAST	4.4	
8323289	503334	1613300000		107-DV		ELIHU REYNOLDS #1427	KENTUCKY EAST	2.5	
8323225	503270	1607100000		107-DV		ELIJAH AKERS #1239	KENTUCKY EAST	5.6	
8323401	503446	1607100000		107-DV		ELIJAH MALLEN #420	KENTUCKY EAST	3.7	
8323214	503259	1611900000		107-DV		ELIZABETH COLLINS #1197	KENTUCKY EAST	7.1	
8323270	503315	1607100000		107-DV		ELIZABETH SELLARDS -#1372	KENTUCKY EAST	7.1	
8323439	503484	1607100000		107-DV		ELIZABETH SELLARDS #543	KENTUCKY EAST	8.5	
8323260	503305	1619500000		107-DV		ELLA F BENTLEY -#1351	KENTUCKY EAST	1.0	
8323155	503200	1619500000		107-DV		ELLA F BENTLEY #944	KENTUCKY EAST	16.9	
8323252	503297	1619300000		107-DV		EUGENE BRASHEAR - #1336	KENTUCKY EAST	8.5	
8323217	503262	1607100000		107-DV		EUGENE HALL #1209	KENTUCKY EAST	16.1	
8323344	503389	1607100000		107-DV		EVA MEADE HALL -#281	KENTUCKY EAST	7.9	
8323233	503278	1619300000		107-DV		EZEKIEL BRASHEAR - #1260	KENTUCKY EAST	12.7	
8323420	503465	1611900000		107-DV		F A HALL #480	KENTUCKY EAST	9.9	
8323271	503316	1613300000		107-DV		F C LUSK - #1379	KENTUCKY EAST	7.8	
8323300	503345	1619300000		107-DV		FLORA RATLIFF - #1464	KENTUCKY EAST	1.9	
8323218	503263	1619500000		107-DV		FLOYD BURCHETT #1215	KENTUCKY EAST	2.9	
8323459	503504	1619500000		107-DV		FLOYD BURCHETT #638	KENTUCKY EAST	2.8	
8323282	503327	1619300000		107-DV		FORDSON COAL CO #1408	KENTUCKY EAST	3.7	
8323286	503331	1619300000		107-DV		FORDSON COAL CO #1424	KENTUCKY EAST	3.5	
8323313	503358	1619300000		107-DV		FORDSON COAL CO #1526	KENTUCKY EAST	2.1	
8323222	503267	1619500000		107-DV		FRANCIS L RICE - #1230	KENTUCKY EAST	1.2	
8323231	503276	1619500000		107-DV		FRANCIS L RICE - #1257	KENTUCKY EAST	1.8	
8323245	503290	1619300000		107-DV		G D BRASHEAR - #1306	KENTUCKY EAST	6.5	
8323204	503249	1607100000		107-DV		G P DAVIDSON #1173	KENTUCKY EAST	8.6	
8323367	503412	1607100000		107-DV		GEORGE FRAZIER -#344	KENTUCKY EAST	7.9	
8323336	503381	1607100000		107-DV		GEORGE HOOVER -#217	KENTUCKY EAST	14.5	
8323312	503357	1611900000		107-DV		GOODLOE BROTHERS CO INC - #1517	KENTUCKY EAST	1.0	
8323456	503501	1619500000		107-DV		GORDY WALKER #631	KENTUCKY EAST	3.1	
8323418	503463	1607100000		107-DV		GRANT WEDDINGTON #478	KENTUCKY EAST	15.2	
8323205	503250	1611900000		107-DV		GURNEY ADAMS #1176	KENTUCKY EAST	4.1	
8323422	503467	1611900000		107-DV		H C SLONE #483	KENTUCKY EAST	17.3	
8323359	503404	1607100000		107-DV		H D JOHNS -#326	KENTUCKY EAST	0.7	
8323131	503176	1611900000		107-DV		H H SMITH #851	KENTUCKY EAST	5.7	
8323158	503203	1611900000		107-DV		H H SMITH #968D	KENTUCKY EAST	17.2	
8323181	503226	1607100000		107-DV		H K CRUM -#1078	KENTUCKY EAST	7.6	
8323238	503283	1619300000		107-DV		H M HALL - #1286	KENTUCKY EAST	1.7	
8323430	503475	1607100000		107-DV		HAMILTON COAL & LAND CO #502	KENTUCKY EAST	5.9	
8323257	503302	1619300000		107-DV		HAZARD COAL CORP #1343	KENTUCKY EAST	12.5	
8323248	503293	1619300000		107-DV		HAZARD COAL CORPORATION - #1321	KENTUCKY EAST	16.7	
8323387	503432	1607100000		107-DV		HELEN GEARHEART -#387	KENTUCKY EAST	1.4	
8323332	503377	1607100000		107-DV		HELEN MARTIN -#192	KENTUCKY EAST	3.1	
8323243	503288	1619500000		107-DV		HENRY BRASHEAR - #1303	KENTUCKY EAST	17.9	
8323160	503205	1607100000		107-DV		HIRAM SLONE #972	KENTUCKY EAST	0.3	
8323445	503490	1607100000		107-DV		INGRAM STEPP #557	KENTUCKY EAST	1.3	
8323446	503491	1607100000		107-DV		INGRAM STEPP #565	KENTUCKY EAST	3.1	
8323451	503496	1611900000		107-DV		IRA G SPARKMAN #596	KENTUCKY EAST	4.0	
8323397	503442	1607100000		107-DV		ISAIAH CONN -#414	KENTUCKY EAST	5.7	
8323443	503488	1611900000		107-DV		ISOM GIBSON #553	KENTUCKY EAST	7.2	
8323455	503500	1611900000		107-DV		ISOM GIBSON #607	KENTUCKY EAST	3.1	
8323363	503408	1607100000		107-DV		ISOM MOORE -#335	KENTUCKY EAST	9.7	
8323256	503301	1619300000		107-DV		IVORY CRAFT - #1340	KENTUCKY EAST	6.6	
8323254	503299	1619300000		107-DV		J A LUSK - #1333	KENTUCKY EAST	8.5	
8323360	503405	1607100000		107-DV		J B HOLBERT -#331	KENTUCKY EAST	15.5	
8323317	503362	1607100000		107-DV		J B MARTIN - #18D	KENTUCKY EAST	21.4	
8323274	5033319	1607100000		107-DV		J C CLARK #1387	KENTUCKY EAST	11.8	
8323358	503403	1607100000		107-DV		J C LAFFERTY -#322	KENTUCKY EAST	3.8	
8323215	503260	1619500000		107-DV		J C MULLINS #1204D	KENTUCKY EAST	4.2	
8323135	503180	1619500000		107-DV		J C MULLINS #869	KENTUCKY EAST	20.5	
8323201	503246	1607100000		107-DV		J M DAVIDSON #1164	KENTUCKY EAST	12.5	
8323410	503455	1607100000		107-DV		J M HALL #455	KENTUCKY EAST	6.1	
8323191	503236	1611900000		107-DV		J MARCUS COMBS -#1136	KENTUCKY EAST	9.8	
8323319	503364	1607100000		107-DV		J N ALLEN -#105	KENTUCKY EAST	9.2	
8323345	503390	1607100000		107-DV		J N ALLEN -#283D	KENTUCKY EAST	15.2	
8323364	503409	1607100000		107-DV		J N ALLEN -#336	KENTUCKY EAST	11.8	
8323320	503365	1607100000		107-DV		J P AKERS -#107D	KENTUCKY EAST	11.8	
8323414	503459	1607100000		107-DV		J P M DAVIDSON #467D	KENTUCKY EAST	5.5	
8323261	503306	1613300000		107-DV		J R LUSK -#1354	KENTUCKY EAST	4.2	

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8323264	503389	1613300000		107-DV		J R LUSK -#1361	KENTUCKY EAST	8.9	
8323239	503284	1619500000		107-DV		J S CLINE - #1287	KENTUCKY EAST	5.7	
8323453	503498	1619500000		107-DV		J S CLINE #600	KENTUCKY EAST	3.6	
8323121	503166	1619500000		107-DV		J S CLINE #793	KENTUCKY EAST	3.4	
8323122	503167	1619500000		107-DV		J S CLINE #804	KENTUCKY EAST	10.0	
8323125	503170	1619500000		107-DV		J S CLINE #827	KENTUCKY EAST	6.4	
8323138	503183	1619500000		107-DV		J S CLINE #879	KENTUCKY EAST	7.8	
8323141	503186	1619500000		107-DV		J S CLINE #894	KENTUCKY EAST	4.9	
8323154	503199	1619500000		107-DV		J S CLINE #939	KENTUCKY EAST	8.7	
8323159	503204	1619500000		107-DV		J S CLINE #969	KENTUCKY EAST	19.4	
8323170	503215	1619500000		107-DV		J S CLINE JR ETC #1035	KENTUCKY EAST	7.6	
8323172	503217	1619500000		107-DV		J S CLINE JR ETC #1046	KENTUCKY EAST	3.4	
8323330	503375	1607100000		107-DV		J SALISBURY -#175	KENTUCKY EAST	4.4	
8323322	503367	1607100000		107-DV		J W WEBB -#127	KENTUCKY EAST	5.8	
8323438	503483	1607100000		107-DV		JACOB DAMRON #542D	KENTUCKY EAST	8.3	
8323374	503419	1607100000		107-DV		JACOB P AKERS -#359	KENTUCKY EAST	3.6	
8323287	503332	1613300000		107-DV		JAMES BACK #1425	KENTUCKY EAST	17.4	
8323145	503190	1619500000		107-DV		JAMES DAMRON #902	KENTUCKY EAST	12.2	
8323175	503220	1607100000		107-DV		JAMES F HARRIS #1058	KENTUCKY EAST	3.0	
8323242	503287	1619300000		107-DV		JANE MCINTYRE - #1297	KENTUCKYEAST	8.1	
8323246	503291	1611900000		107-DV		JASON RICHIE #1311	KENTUCKY EAST	3.0	
8323268	503313	1607100000		107-DV		JENNIE CALDWELL -#1369	KENTUCKY EAST	4.8	
8323435	503480	1607100000		107-DV		JENNIE CALDWELL #523	KENTUCKY EAST	9.6	
8323277	503322	1619300000		107-DV		JESSIE HORN & LUCRETIA COMBS -#1396	KENTUCKY EAST	0.8	
8323283	503328	1619300000		107-DV		JESSIE HORN & LUCRETIA COMBS #1413	KENTUCKY EAST	2.8	
8323285	503330	1619300000		107-DV		JESSIE HORN & LUCRETIA COMBS #1421	KENTUCKY EAST	2.8	
8323193	503238	1619500000		107-DV		JOHN B LESLIE -#1142	KENTUCKY EAST	5.5	
8323353	503398	1615300000		107-DV		JOHN B SHEPHERD -#308	KENTUCKY EAST	19.5	
8323450	503495	1611900000		107-DV		JOHN CAMPBELL #587	KENTUCKY EAST	6.1	
8323156	503201	1619500000		107-DV		JOHN E TAYLOR #958	KENTUCKY EAST	20.8	
8323441	503486	1607100000		107-DV		JOHN H & BENJAMIN SELLARDS #548D	KENTUCKY EAST	1.8	
8323187	503232	1613300000		107-DV		JOHN HALL -#1118	KENTUCKY EAST	5.2	
8323273	503318	1613100000		107-DV		JOHN HAMILTON -#1386	KENTUCKY EAST	2.6	
8323292	503337	1613100000		107-DV		JOHN HAMILTON #1434	KENTUCKY EAST	3.4	
8323433	503478	1607100000		107-DV		JOHN M HALL #516	KENTUCKY EAST	3.2	
8323149	503194	1619500000		107-DV		JOHN NICHOLS #911	KENTUCKY EAST	6.2	
8323393	503438	1607100000		107-DV		JOHN W HARRIS -#405	KENTUCKY EAST	6.3	
8323276	503321	1611900000		107-DV		JOHN WICKER -#1393	KENTUCKY EAST	5.8	
8323417	503462	1611900000		107-DV		JOS HALL #477	KENTUCKY EAST	1.8	
8323432	503477	1611900000		107-DV		JOSEPH HALL #589	KENTUCKY EAST	13.7	
8323436	503481	1611900000		107-DV		JOSEPH HALL #528D	KENTUCKY EAST	5.3	
8323448	503485	1611900000		107-DV		JOSEPH OWENS #544	KENTUCKY EAST	12.7	
8323325	503370	1607100000		107-DV		JULIA MARTIN -#137D	KENTUCKY EAST	13.2	
8323399	503444	1607100000		107-DV		JULIA MARTIN #417D	KENTUCKY EAST	7.9	
8323426	503471	1607100000		107-DV		JULIA MARTIN #496	KENTUCKY EAST	14.1	
8323329	503374	1607100000		107-DV		KELSE GAYHEART -#150D	KENTUCKY EAST	6.2	
8323403	503448	1607100000		107-DV		KELSE GAYHEART #426	KENTUCKY EAST	18.4	
8323249	503294	1619500000		107-DV		KENTUCKY BLOCK FUEL CO #1326	KENTUCKY EAST	6.2	
8323189	503234	1619300000		107-DV		KENTUCKY RIVER COAL CORP -#1128	KENTUCKY EAST	7.3	
8323197	503242	1619300000		107-DV		KENTUCKY RIVER COAL CORP -#1156	KENTUCKY EAST	5.6	
8323198	503243	1619300000		107-DV		KENTUCKY RIVER COAL CORP -#1158	KENTUCKY EAST	5.2	
8323200	503245	1619300000		107-DV		KENTUCKY RIVER COAL CORP #1161	KENTUCKY EAST	2.0	
8323202	503247	1619300000		107-DV		KENTUCKY RIVER COAL CORP #1165	KENTUCKY EAST	2.7	
8323203	503248	1619300000		107-DV		KENTUCKY RIVER COAL CORP #1171	KENTUCKY EAST	8.4	
8323208	503253	1619300000		107-DV		KENTUCKY RIVER COAL CORP #1185	KENTUCKY EAST	5.3	
8323209	503254	1619300000		107-DV		KENTUCKY RIVER COAL CORP #1186	KENTUCKY EAST	6.9	
8323210	503255	1619300000		107-DV		KENTUCKY RIVER COAL CORP #1188	KENTUCKY EAST	14.1	
8323211	503256	1619300000		107-DV		KENTUCKY RIVER COAL CORP #1190	KENTUCKY EAST	15.9	
8323212	503257	1619300000		107-DV		KENTUCKY RIVER COAL CORP #1192	KENTUCKY EAST	9.7	
8323255	503300	1613300000		107-DV		KYCOGA LAND CO - #1339	KENTUCKY EAST	6.3	
8323303	503348	1613300000		107-DV		KYCOGA LAND CO - #1475	KENTUCKY EAST	3.6	
8323308	503353	1613300000		107-DV		KYCOGA LAND CO - #1498	KENTUCKY EAST	4.7	
8323315	503360	1613300000		107-DV		KYCOGA LAND CO - #1547	KENTUCKY EAST	1.2	
8323295	503340	1613300000		107-DV		KYCOGA LAND CO #1446	KENTUCKY EAST	3.7	
8323298	503343	1613300000		107-DV		KYCOGA LAND CO #1462	KENTUCKY EAST	11.3	
8323126	503171	1611900000		107-DV		L D PARKS #834	KENTUCKY EAST	4.5	
8323174	503219	1619500000		107-DV		LAFE BURRIS #1055	KENTUCKY EAST	2.4	
8323177	503222	1619500000		107-DV		LAFE BURRIS #1063	KENTUCKY EAST	3.1	
8323444	503489	1611900000		107-DV		LARK SLONE #554	KENTUCKY EAST	11.2	
8323297	503342	1613300000		107-DV		LAURA CAMPBELL #1456	KENTUCKY EAST	8.0	
8323398	503443	1607100000		107-DV		LEE HALL -#416	KENTUCKY EAST	14.8	
8323352	503397	1607100000		107-DV		LEVI HIGNITE -#307	KENTUCKY EAST	9.5	
8323449	503494	1607100000		107-DV		LEVI MITCHELL #586	KENTUCKY EAST	14.8	
8323385	503430	1607100000		107-DV		LINDSAY P JOHNS - #384	KENTUCKY EAST	20.8	
8323361	503406	1607100000		107-DV		LINDSAY P JOHNS -#333D	KENTUCKY EAST	7.6	
8323362	503407	1607100000		107-DV		LINDSAY P JOHNS -#334D	KENTUCKY EAST	19.9	
8323381	503426	1607100000		107-DV		LINDSAY P JOHNS #374	KENTUCKY EAST	2.0	
8323165	503210	1619500000		107-DV		LOTTIE SMALLWOOD #989	KENTUCKY EAST	2.7	
8323412	503457	1607100000		107-DV		M A DAVIDSON #463	KENTUCKY EAST	6.1	
8323182	503227	1613300000		107-DV		M D LEWIS -#1081	KENTUCKY EAST	4.0	
8323183	503228	1613300000		107-DV		M D LEWIS -#1090	KENTUCKY EAST	12.2	
8323338	503383	1607100000		107-DV		M F MARTIN - #226	KENTUCKY EAST	10.7	
8323280	503325	1619300000		107-DV		M K EDLEN #1403	KENTUCKY EAST	1.1	
8323290	503335	1619300000		107-DV		M K EDLEN #1430	KENTUCKY EAST	7.5	
8323139	503175	1615300000		107-DV		M M COLLINS #858	KENTUCKY EAST	6.2	
8323431	503476	1607100000		107-DV		MARY STRATTON #505	KENTUCKY EAST	11.3	
8323306	503351	1613300000		107-DV		MAUDE DIXON STEELE #1490	KENTUCKY EAST	4.0	
8323310	503355	1613300000		107-DV		MELDIE CAMPBELL - #1515	KENTUCKY EAST	3.9	
8323323	503368	1607100000		107-DV		MELVIN HOOVER-138D	KENTUCKY EAST	11.1	
8323413	503458	1607100000		107-DV		MICHAEL CRUM #466	KENTUCKY EAST	11.7	
8323342	503387	1607100000		107-DV		MILFORD HALL -#263	KENTUCKY EAST	21.7	
8323371	503416	1607100000		107-DV		MILFORD HALL -#351	KENTUCKY EAST	9.7	
8323382	503427	1607100000		107-DV		MILFORD HALL #375	KENTUCKY EAST	11.1	
8323263	503308	1619300000		107-DV		MILFORD YOUNG -#135A	KENTUCKY EAST	3.3	
8323341	503386	1607100000		107-DV		MINTA GOBLE -#261D	KENTUCKY EAST	4.2	
8323240	503285	1619300000		107-DV		MONROE BRASHEAR - #1288	KENTUCKY EAST	8.8	
8323241	503286	1619300000		107-DV		MONROE BRASHEAR - #1294	KENTUCKY EAST	9.6	
8323221	503266	1611900000		107-DV		MONROE FUGATE - #1229	KENTUCKY EAST	5.8	
8323226	503271	1611900000		107-DV		MONROE FUGATE - #1244	KENTUCKY EAST	4.6	
8323337	503382	1607100000		107-DV		MORGAN SALISBURY -#218	KENTUCKY EAST	4.0	
8323369	503414	1607100000		107-DV		MORGAN SALISBURY -#347	KENTUCKY EAST	6.1	
8323379	503424	1607100000		107-DV		MOUSIE & ISOM MOORE #369	KENTUCKY EAST	4.2	
8323234	503279	1607100000		107-DV		MYRTLE PORTER - #1265	KENTUCKY EAST	3.6	
8323176	503221	1607100000		107-DV		MYRTLE PORTER #1060	KENTUCKY EAST	1.2	

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8323207	503252	1611900000		107-DV		N W SIMPSON #1182	KENTUCKY EAST	16.1	
8323213	503258	1611900000		107-DV		N W SIMPSON #1193	KENTUCKY EAST	6.9	
8323349	503394	1615300000		107-DV		NANCY JANE WIREMAN -#2960	KENTUCKY EAST	10.5	
8323404	503449	1607100000		107-DV		NANCY STEWART #427	KENTUCKY EAST	12.3	
8323293	503338	1613300000		107-DV		NOAH CAMPBELL #1441	KENTUCKY EAST	2.5	
8323370	503415	1607100000		107-DV		O C HALL -#350	KENTUCKY EAST	10.4	
8323253	503298	1619300000		107-DV		OSCAR BRASHEAR - #1337	KENTUCKY EAST	5.5	
8323377	503422	1607100000		107-DV		PARMER SCUTCHFIELD -#362	KENTUCKY EAST	7.6	
8323129	503174	1619500000		107-DV		PERRY CLINE #841	KENTUCKY EAST	17.2	
8323169	503214	1619500000		107-DV		PITTSBURGH CONSOLID COAL CO #1029	KENTUCKY EAST	7.6	
8323346	503391	1615300000		107-DV		R B HALE -#289	KENTUCKY EAST	9.4	
8323179	503224	1619500000		107-DV		R THOMPSON -#1070	KENTUCKY EAST	20.0	
8323405	503450	1607100000		107-DV		REBECCA CLARK #435	KENTUCKY EAST	7.3	
8323286	503251	1607100000		107-DV		REBECCA HOBSON #1180	KENTUCKY EAST	3.1	
8323425	503470	1611900000		107-DV		REUBEN SLONE #491	KENTUCKY EAST	8.4	
8323388	503433	1611900000		107-DV		RICHARD HALL-#390	KENTUCKY EAST	0.6	
8323375	503420	1607100000		107-DV		RICHARD SALISBURY -#360	KENTUCKY EAST	5.3	
8323416	503461	1611900000		107-DV		RILEY CASEBOLT #474	KENTUCKY EAST	0.4	
8323429	503474	1611900000		107-DV		RILEY CASEBOLT #503	KENTUCKY EAST	11.3	
8323224	503269	1619500000		107-DV		ROBERT DAMRON - #1236	KENTUCKY EAST	7.5	
8323376	503421	1607100000		107-DV		ROBERT DWSLEY -#361D	KENTUCKY EAST	16.3	
8323171	503216	1619500000		107-DV		ROBERT WILLIAMS #1041	KENTUCKY EAST	4.7	
8323161	503206	1619500000		107-DV		ROBERT WILLIAMS #973	KENTUCKY EAST	22.8	
8323301	503346	1613300000		107-DV		ROBERTA COAL CO - #1467	KENTUCKY EAST	2.3	
8323304	503349	1613300000		107-DV		ROBERTA COAL CO - #1478	KENTUCKY EAST	6.1	
8323272	503317	1613300000		107-DV		ROBERTA COAL CO -#1383	KENTUCKY EAST	2.8	
8323279	503324	1613300000		107-DV		ROBERTA COAL CO #1399	KENTUCKY EAST	10.0	
8323281	503326	1613300000		107-DV		ROBERTA COAL CO #1405	KENTUCKY EAST	2.3	
8323294	503339	1613300000		107-DV		ROBERTA COAL CO #1443	KENTUCKY EAST	7.6	
8323288	503333	1613300000		107-DV		ROBERTA COAL COMPANY #1426	KENTUCKY EAST	15.8	
8323188	503233	1611900000		107-DV		S B SMITH -#1119	KENTUCKY EAST	12.3	
8323194	503239	1619500000		107-DV		S H LESLIE -#1145	KENTUCKY EAST	1.4	
8323199	503244	1607100000		107-DV		S P DAVIDSON #1159	KENTUCKY EAST	16.6	
8323147	503192	1619500000		107-DV		SALLIE HATFIELD #905	KENTUCKY EAST	1.3	
8323447	503492	1607100000		107-DV		SAMUEL DILLON #566D	KENTUCKY EAST	7.9	
8323151	503196	1611900000		107-DV		SANDY RIDGE LANDS CORP #921	KENTUCKY EAST	10.1	
8323372	503417	1607100000		107-DV		SANFORD ALLEN -#354	KENTUCKY EAST	3.7	
8323424	503469	1611900000		107-DV		SHERWOOD OSBORN #490	KENTUCKY EAST	8.2	
8323448	503493	1611900000		107-DV		SHERWOOD OSBORN #578	KENTUCKY EAST	12.3	
8323262	503307	1619300000		107-DV		SIZEMORE MINING CORP -#1356	KENTUCKY EAST	4.6	
8323265	503310	1619300000		107-DV		SIZEMORE MINING CORP -#1362	KENTUCKY EAST	3.0	
8323267	503312	1619300000		107-DV		SIZEMORE MINING CORP -#1365	KENTUCKY EAST	4.7	
8323120	503165	1619500000		107-DV		SOPHRONIA BARTLEY #785	KENTUCKY EAST	2.7	
8323190	503235	1611900000		107-DV		T B WOLFE & ELIZ R JENNINGS -#129	KENTUCKY EAST	2.4	
8323184	503229	1613300000		107-DV		T B WOLFE -#1097	KENTUCKY EAST	4.3	
8323442	503487	1611900000		107-DV		T J HAGANS GDN #549	KENTUCKY EAST	15.5	
8323348	503393	1607100000		107-DV		T J WEBB -#292	KENTUCKY EAST	8.7	
8323357	503402	1607100000		107-DV		T J WEBB -#318	KENTUCKY EAST	6.1	
8323421	503466	1607100000		107-DV		T P HENSON #481	KENTUCKY EAST	6.8	
8323427	503472	1607100000		107-DV		T P HENSON #499	KENTUCKY EAST	9.5	
8323311	503356	1619500000		107-DV		THADEUS SCOTT - #1516	KENTUCKY EAST	6.4	
8323299	503344	1619500000		107-DV		THADEUS SCOTT #1463	KENTUCKY EAST	4.0	
8323153	503198	1619500000		107-DV		THOMAS E SCOTT #936	KENTUCKY EAST	3.8	
8323247	503292	1619300000		107-DV		TROY L BACK - #1320	KENTUCKY EAST	2.7	
8323228	503273	1611900000		107-DV		VICTOR SPURLOCK - #1251	KENTUCKY EAST	3.8	
8323166	503211	1619500000		107-DV		W A YOUNG #992	KENTUCKY EAST	7.2	
8323223	503268	1611900000		107-DV		W B CORNETT - #1234	KENTUCKY EAST	11.7	
8323140	503185	1611900000		107-DV		W D HALL - #888	KENTUCKY EAST	4.9	
8323186	503231	1611900000		107-DV		W D HALL -#1112	KENTUCKY EAST	6.0	
8323124	503169	1611900000		107-DV		W D HALL #826	KENTUCKY EAST	10.6	
8323128	503173	1611900000		107-DV		W D HALL #839	KENTUCKY EAST	12.6	
8323133	503178	1611900000		107-DV		W D HALL #861	KENTUCKY EAST	14.3	
8323143	503188	1611900000		107-DV		W D HALL #896	KENTUCKY EAST	2.8	
8323146	503191	1611900000		107-DV		W D HALL #903	KENTUCKY EAST	10.0	
8323302	503347	1619300000		107-DV		W H BRASHEAR #1474	KENTUCKY EAST	7.5	
8323400	503445	1607100000		107-DV		W J GUBLE #419D	KENTUCKY EAST	8.1	
8323244	503289	1619300000		107-DV		W M BROWNING - #1305	KENTUCKY EAST	4.7	
8323406	503451	1607100000		107-DV		W P BEVINS #438	KENTUCKY EAST	9.3	
8323407	503452	1607100000		107-DV		W P BEVINS #447	KENTUCKY EAST	5.2	
8323123	503168	1607100000		107-DV		W R HALL SR #807	KENTUCKY EAST	11.4	
8323127	503172	1607100000		107-DV		W R HALL SR #838	KENTUCKY EAST	6.4	
8323132	503177	1607100000		107-DV		W R HALL SR #858	KENTUCKY EAST	2.8	
8323437	503482	1611900000		107-DV		W W BOLEN #530	KENTUCKY EAST	12.2	
8323366	503411	1607100000		107-DV		WARDEN COLLINS -#340	KENTUCKY EAST	19.0	
8323415	503460	1611900000		107-DV		WILLIAM B ISAACS #468D	KENTUCKY EAST	15.2	
8323380	503425	1607100000		107-DV		WILLIAM JARRELL #371	KENTUCKY EAST	14.5	
8323250	503295	1619300000		107-DV		WILLIAM O ZIEBOLD - #1332	KENTUCKY EAST	6.0	
8323192	503237	1611900000		107-DV		WILLIAM O ZIEBOLD -#1139	KENTUCKY EAST	4.5	
8323195	503240	1611900000		107-DV		WILLIAM O ZIEBOLD -#1149	KENTUCKY EAST	11.3	
8323196	503241	1611900000		107-DV		WILLIAM O ZIEBOLD -#1154	KENTUCKY EAST	17.4	
8323259	503304	1619300000		107-DV		WILLIAM O ZIEBOLD -#1348	KENTUCKY EAST	3.1	
8323269	503314	1619300000		107-DV		WILLIAM O ZIEBOLD -#1371	KENTUCKY EAST	11.9	
8323220	503265	1611900000		107-DV		WILLIAM PATRICK #1225	KENTUCKY EAST	4.3	
8323351	503396	1607100000		107-DV		WILLIAM STUMBO -#304	KENTUCKY EAST	6.1	
8323452	503497	1611900000		107-DV		WILLIE D HALL #599	KENTUCKY EAST	8.3	
8323454	503499	1611900000		107-DV		WILLIE D HALL #602	KENTUCKY EAST	3.8	
8323386	503431	1607100000		107-DV		WM HUBBARD -#386	KENTUCKY EAST	4.9	
8323368	503413	1607100000		107-DV		WM J WICKER -#345	KENTUCKY EAST	2.9	
8323219	503264	1607100000		107-DV		WYLIE SLONE - #1222	KENTUCKY EAST	4.8	

[FR Doc. 83-7354 Filed 3-18-83; 8:45 am]

BILLING CODE 6717-01-C

[Volume 852]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: March 17, 1983.

The following notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF).

The applications for determination are available for inspection except to the extent such material is confidential under 19 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission within fifteen days after publication of notice in the Federal Register.

Source data from the Form 121 for this and all previous notices 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.

Categories within each NGPA section are indicated by the following codes:

Section 102–1: New OCS lease
102–2: New well (2.5 Mile rule)
102–3: New well (1000 Ft rule)
102–4: New onshor reservoir
102–5: New reservoir on old OCS lease
Section 107–DP: 15,000 feet or deeper
107–GB: Geopressured brine
107–CS: Coal Seams
107–DV: Devonian Shale
107–PE: Production enhancement
107–TF: New tight formation
107–RT: Recompletion tight formation
Section 108: Stripper well
108–SA: Seasonally affected
108–ER: Enhanced recovery
108–PB: Pressure buildup

Kenneth F. Plub,
Secretary.

BILLING CODE 6717-01-M

NOTICE OF DETERMINATIONS ISSUED MARCH 17, 1983 VOLUME 852

KENTUCKY DEPARTMENT OF MINES & MINERALS

-KENTUCKY WEST VIRGINIA GAS CO RECEIVED: 02/15/83 JA: KY

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8323737	503787	1611900000		107-DV		A J KELLEY -#5688	KENTUCKY EAST	6.7	
8323633	503683	1619500000		107-DV		A J MAY #5395	KENTUCKY EAST	14.7	
8323648	503698	1619500000		107-DV		A J MAY #5444	KENTUCKY EAST	5.0	
8323599	503649	1611900000		107-DV		A JOHNSON -#5312	KENTUCKY EAST	7.2	
8323689	503739	1611500000		107-DV		A M SPEARS #5571	KENTUCKY EAST	1.6	
8323605	503655	1619500000		107-DV		AARON JUSTICE #5324	KENTUCKY EAST	6.0	
8323485	503550	1607100000		107-DV		ABIGAIL AKERS - #734D	KENTUCKY EAST	8.7	
8323639	503689	1607100000		107-DV		ABRIGAL HALL #5411	KENTUCKY EAST	10.7	
8323684	503529	1619500000		107-DV		ADRON LOWE - #731	KENTUCKY EAST	17.7	
8323731	503781	1611900000		107-DV		ALAMANDER CAUDILL -#5670	KENTUCKY EAST	2.1	
8323701	503751	1611900000		107-DV		ALAMANDER CAUDILL #5594	KENTUCKY EAST	4.6	
8323708	503758	1611900000		107-DV		ALAMANDER CAUDILL #5611	KENTUCKY EAST	4.3	
8323700	503750	1611900000		107-DV		ALBERT CONLEY #5592	KENTUCKY EAST	7.6	
8323743	503793	1619500000		107-DV		ALBERT THACKER -#5720 D	KENTUCKY EAST	1.1	
8323512	503562	1607100000		107-DV		ALEX J STUMBO - #5099	KENTUCKY EAST	4.3	
8323671	503721	1607100000		107-DV		ALEXANDER HALL #5518	KENTUCKY EAST	4.4	
8323569	503619	1607100000		107-DV		ALIE WARD -#5246	KENTUCKY EAST	4.7	
8323570	503620	1607100000		107-DV		ALIE WARD -#5249	KENTUCKY EAST	5.5	
8323469	503514	1607100000		107-DV		ALLEN CLINE - #682D	KENTUCKY EAST	3.9	
8323630	503680	1619500000		107-DV		AMOS SCALF #5381	KENTUCKY EAST	11.6	
8323787	503837	1611900000		107-DV		ANDY FRANKLIN -#5837	KENTUCKY EAST	13.4	
8323684	503734	1607100000		107-DV		ANTHONY HOWELL -#5552	KENTUCKY EAST	8.7	
8323752	503802	1619500000		107-DV		B F GILLIAM -#5747	KENTUCKY EAST	2.5	
8323587	503637	1611900000		107-DV		B G DYER -#5291	KENTUCKY EAST	1.9	
8323578	503628	1611900000		107-DV		BENJAMIN SMITH -#5272	KENTUCKY EAST	10.1	
8323582	503632	1611900000		107-DV		BENJAMIN SMITH -#5282	KENTUCKY EAST	4.6	
8323595	503645	1611900000		107-DV		BENJAMIN SMITH -#5304	KENTUCKY EAST	3.7	
8323734	503784	1611900000		107-DV		BENJAMIN SMITH -#5677	KENTUCKY EAST	12.7	
8323552	503602	1607100000		107-DV		BIG MUD COAL CO -#5202	KENTUCKY EAST	1.3	
8323554	503604	1607100000		107-DV		BIG MUD COAL CO -#5205	KENTUCKY EAST	13.1	
8323556	503606	1607100000		107-DV		BIG MUD COAL CO -#5208	KENTUCKY EAST	3.4	
8323791	503841	1611900000		107-DV		BURDINE GIBSON -#5856	KENTUCKY EAST	2.9	
8323757	503807	1611900000		107-DV		C C MARTIN -#5757	KENTUCKY EAST	4.7	
8323661	503711	1611900000		107-DV		C C MARTIN #5482	KENTUCKY EAST	3.6	
8323580	503550	1607100000		107-DV		C C SLONE - #5061 D	KENTUCKY EAST	9.4	
8323562	503612	1607100000		107-DV		C F CONN ETAL -#5215	KENTUCKY EAST	7.2	
8323564	503614	1615900000		107-DV		C W PREECE -#5218D	KENTUCKY EAST	17.6	
8323670	503720	1619500000		107-DV		CHAS BARTLEY #5514	KENTUCKY EAST	5.4	
8323678	503728	1619500000		107-DV		CHAS BARTLEY #5531	KENTUCKY EAST	17.0	
8323728	503778	1611900000		107-DV		CHAS SHORT -#5657	KENTUCKY EAST	2.9	
8323503	503553	1611900000		107-DV		CLABOURNE CONLEY #5078	KENTUCKY EAST	16.3	
8323651	503701	1615900000		107-DV		CLERY TAYLOR #5453	KENTUCKY EAST	4.1	
8323540	503590	1611900000		107-DV		COLUMBUS BATES #5178	KENTUCKY EAST	6.6	
8323628	503678	1607100000		107-DV		CYROS FRASURE #5373	KENTUCKY EAST	14.2	
8323509	503559	1607100000		107-DV		D C MAY - #5091 D	KENTUCKY EAST	10.5	

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8323741	503791	1607100000		107-DV		D D MARTIN -#5703	KENTUCKY EAST	17.0	
8323474	503519	1619500000		107-DV		D W JAMES - #695	KENTUCKY EAST	12.5	
8323504	503554	1607100000		107-DV		DAN HOWARD - #5074	KENTUCKY EAST	7.9	
8323490	503535	1619500000		107-DV		DAN J SYCK - #760D	KENTUCKY EAST	9.4	
8323493	503538	1619500000		107-DV		DAN J SYCK - #769	KENTUCKY EAST	3.3	
8323584	503634	1611900000		107-DV		DAVID MARTIN -#5288	KENTUCKY EAST	5.8	
8323658	503708	1611900000		107-DV		DAVID MARTIN #5476	KENTUCKY EAST	21.1	
8323758	503808	1619500000		107-DV		DAVID NEWSOM -#5760	KENTUCKY EAST	5.8	
8323660	503710	1607100000		107-DV		E S FRASURE - #5481	KENTUCKY EAST	18.1	
8323706	503756	1615900000		107-DV		ELI CRUM #5607	KENTUCKY EAST	2.2	
8323693	503743	1611900000		107-DV		ELIJAH COMBS #5582	KENTUCKY EAST	10.4	
8323750	503800	1607100000		107-DV		ELIJAH JOHNSON -#5744	KENTUCKY EAST	2.5	
8323769	503819	1607100000		107-DV		ELIJAH JOHNSON -#5792	KENTUCKY EAST	5.4	
8323634	503684	1607100000		107-DV		ELIJAH MCKINNEY #5399	KENTUCKY EAST	4.0	
8323629	503679	1611900000		107-DV		ELIJAH WALLEN #5374	KENTUCKY EAST	2.5	
8323514	503564	1607100000		107-DV		ELISHA HALL #5105	KENTUCKY EAST	10.8	
8323626	503676	1619500000		107-DV		ELIZABETH ROBINSON #5369	KENTUCKY EAST	9.9	
8323547	503597	1607100000		107-DV		EMERT HAMILTON -#5188	KENTUCKY EAST	6.9	
8323672	503722	1619500000		107-DV		EMILY THACKER #5519	KENTUCKY EAST	6.5	
8323771	503821	1619500000		107-DV		EUEL ELLIS -#5794	KENTUCKY EAST	10.1	
8323785	503835	1619500000		107-DV		EUEL ELLIS -#5834	KENTUCKY EAST	4.7	
8323627	503677	1611900000		107-DV		F C AKERS - #5371	KENTUCKY EAST	15.5	
8323617	503667	1611900000		107-DV		F C AKERS #5350 D	KENTUCKY EAST	16.6	
8323463	503508	1607100000		107-DV		F M RICE - #648	KENTUCKY EAST	13.2	
8323624	503674	1607100000		107-DV		F N TACKETT #5366	KENTUCKY EAST	17.0	
8323783	503833	1619500000		107-DV		FERRELL & HATCHER -#5823	KENTUCKY EAST	12.7	
8323792	503842	1619500000		107-DV		FERRELL & HATCHER -#5858	KENTUCKY EAST	2.9	
8323476	503521	1611900000		107-DV		FLORENCE & ROBERT WICKER - #702	KENTUCKY EAST	19.9	
8323468	503513	1611900000		107-DV		FLORENCE AND ROBERT WICKER - #680	KENTUCKY EAST	2.6	
8323518	503568	1611900000		107-DV		FLORENCE HALL - #5113	KENTUCKY EAST	5.1	
8323572	503622	1611900000		107-DV		FLORENCE HALL -#5260	KENTUCKY EAST	20.1	
8323535	503585	1607100000		107-DV		G B HALL #5161	KENTUCKY EAST	16.6	
8323511	503561	1607100000		107-DV		G B STURGILL - #5098	KENTUCKY EAST	8.1	SEE EXHIBIT A
8323736	503786	1611900000		107-DV		G J SHORT -#5686	KENTUCKY EAST	5.4	
8323674	503724	1611500000		107-DV		G W DAVIS #5522	KENTUCKY EAST	1.5	
8323505	503555	1607100000		107-DV		G W RATLIFF - #5080	KENTUCKY EAST	1.1	
8323506	503556	1607100000		107-DV		G W RATLIFF - #5081	KENTUCKY EAST	5.5	
8323507	503557	1607100000		107-DV		G W RATLIFF - #5082 D	KENTUCKY EAST	5.5	
8323664	503714	1611500000		107-DV		G W WELLS #5493	KENTUCKY EAST	3.0	
8323702	503752	1619500000		107-DV		GEO W MAYNARD #5595	KENTUCKY EAST	1.8	
8323499	503549	1607100000		107-DV		GEORGE MCGUIRE - #5057	KENTUCKY EAST	2.9	
8323526	503576	1607100000		107-DV		GEORGE MOORE #5141 D	KENTUCKY EAST	18.5	
8323691	503741	1607100000		107-DV		GEORGE MOORE #5573	KENTUCKY EAST	14.1	
8323690	503740	1619500000		107-DV		GEORGE W ELSWICK #5572	KENTUCKY EAST	11.9	
8323614	503664	1611900000		107-DV		GILBERT MARTIN #5345	KENTUCKY EAST	1.1	
8323650	503700	1611900000		107-DV		GILBERT MARTIN #5449	KENTUCKY EAST	9.8	
8323688	503738	1611900000		107-DV		GILBERT MARTIN #5568	KENTUCKY EAST	6.5	
8323585	503635	1619500000		107-DV		GREEN THACKER -#5289	KENTUCKY EAST	7.8	
8323644	503694	1619500000		107-DV		GREENVILLE CHARLES #5435D	KENTUCKY EAST	1.4	
8323524	503574	1615900000		107-DV		H B WARD #5134	KENTUCKY EAST	3.5	
8323521	503571	1607100000		107-DV		H E STEWART - #5129	KENTUCKY EAST	2.9	
8323679	503729	1607100000		107-DV		H R JOHNSON #5533	KENTUCKY EAST	6.9	
8323466	503511	1607100000		107-DV		H W MCCOY - #665	KENTUCKY EAST	3.2	
8323772	503822	1611900000		107-DV		HARDIN SLONE -#5796	KENTUCKY EAST	4.7	
8323799	503849	1619500000		107-DV		HARMON NEWSON -#5881	KENTUCKY EAST	6.7	
8323759	503809	1611900000		107-DV		HARRISON SLONE -#5761	KENTUCKY EAST	0.7	
8323682	503732	1619500000		107-DV		HARVEY HOWARD #5543	KENTUCKY EAST	2.9	
8323738	503788	1607100000		107-DV		HARVEY JOHNSON -#5691	KENTUCKY EAST	10.5	
8323698	503748	1607100000		107-DV		HARVEY JOHNSON #5590	KENTUCKY EAST	10.5	
8323704	503754	1607100000		107-DV		HARVEY JOHNSON #5602	KENTUCKY EAST	19.2	
8323748	503798	1611900000		107-DV		HAWK HALL -#5737	KENTUCKY EAST	10.7	
8323542	503592	1607100000		107-DV		HENDERSON ROBERTS -#5180	KENTUCKY EAST	6.1	
8323580	503630	1607100000		107-DV		HENDERSON ROBERTS -#5279	KENTUCKY EAST	2.1	
8323716	503766	1611500000		107-DV		HENRY C WELLS HRS #5629	KENTUCKY EAST	1.2	
8323795	503845	1607100000		107-DV		HENRY JOHNSON -#5864	KENTUCKY EAST	10.1	
8323696	503746	1611900000		107-DV		HENRY THORNSBERRY #5588 D	KENTUCKY EAST	18.8	
8323718	503768	1611900000		107-DV		HENRY THORNSBERRY #5636	KENTUCKY EAST	5.7	
8323576	503626	1611900000		107-DV		HENRY WATSON -#5266	KENTUCKY EAST	6.5	
8323782	503832	1619500000		107-DV		HIBBARD WILLIAMSON -#5822 D	KENTUCKY EAST	5.8	
8323689	503554	1611900000		107-DV		HIRAM GIBSON - #753	KENTUCKY EAST	13.3	
8323537	503587	1607100000		107-DV		HIRAM LAWSON #5166	KENTUCKY EAST	30.7	
8323563	503613	1611900000		107-DV		ISAAC SLONE -#5217	KENTUCKY EAST	15.9	
8323565	503615	1611900000		107-DV		ISAAC SLONE -#5221	KENTUCKY EAST	2.1	
8323534	503584	1611900000		107-DV		ISAAC TERRY #5159	KENTUCKY EAST	3.6	
8323481	503526	1611900000		107-DV		ISOM SLONE - #724	KENTUCKY EAST	7.5	
8323775	503825	1611900000		107-DV		ISOM SLONE -#5805	KENTUCKY EAST	3.6	
8323475	503520	1619500000		107-DV		J A SCOTT - #697	KENTUCKY EAST	6.1	
8323478	503523	1619500000		107-DV		J A SCOTT - #708	KENTUCKY EAST	8.2	
8323480	503525	1619500000		107-DV		J A SCOTT - #715	KENTUCKY EAST	8.9	
8323486	503531	1619500000		107-DV		J A SCOTT - #737D	KENTUCKY EAST	5.4	
8323483	503528	1619500000		107-DV		J A TAYLOR - #728	KENTUCKY EAST	2.4	
8323786	503836	1619500000		107-DV		J C OSBORN -#5835	KENTUCKY EAST	3.8	
8323767	503817	1611500000		107-DV		J F YORK -#5785	KENTUCKY EAST	2.8	
8323583	503633	1615900000		107-DV		J G CARLISLE -#5284	KENTUCKY EAST	20.4	
8323727	503777	1615900000		107-DV		J G CARLISLE -#5656	KENTUCKY EAST	22.0	
8323784	503834	1611900000		107-DV		J M BAILEY -#5832	KENTUCKY EAST	5.4	
8323606	503656	1611900000		107-DV		J M GIBSON #5325	KENTUCKY EAST	1.0	
8323612	503662	1607100000		107-DV		J M PORTER #5340	KENTUCKY EAST	1.0	
8323471	503516	1619500000		107-DV		J M TAYLOR - #684	KENTUCKY EAST	3.9	
8323473	503518	1619500000		107-DV		J M TAYLOR - #692D	KENTUCKY EAST	6.1	
8323573	503623	1607100000		107-DV		J P STURGILL -#5261	KENTUCKY EAST	11.6	
8323549	503599	1615900000		107-DV		J S CASSADY -#5195D	KENTUCKY EAST	5.4	
8323482	503527	1619500000		107-DV		J S CLINE - #725	KENTUCKY EAST	3.6	
8323492	503537	1619500000		107-DV		J S CLINE #766	KENTUCKY EAST	11.3	
8323789	503839	1611900000		107-DV		J S FRANKLIN -#5844	KENTUCKY EAST	6.5	
8323594	503644	1619500000		107-DV		J W VICARS -#5303	KENTUCKY EAST	6.5	
8323610	503660	1619500000		107-DV		J W VICARS #5331	KENTUCKY EAST	2.4	
8323801	503851	1619500000		107-DV		JACKSON DESKINS -#5884	KENTUCKY EAST	12.3	
8323510	503560	1607100000		107-DV		JACKSON MOORE - #5097 D	KENTUCKY EAST	2.1	
8323559	503609	1607100000		107-DV		JACOB AKERS -#5211	KENTUCKY EAST	2.1	
8323676	503726	1619500000		107-DV		JAMES A GREER #5527	KENTUCKY EAST	7.6	
8323592	503642	1607100000		107-DV		JAMES C JONES -#5301	KENTUCKY EAST	5.8	
8323802	503852	1611900000		107-DV		JAMES FRANKLIN -#5885	KENTUCKY EAST	5.8	
8323543	503593	1607100000		107-DV		JAMES NEWMAN -#5181	KENTUCKY EAST	6.9	

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8323470	503515	1607100000		107-DV		JAMES HUNNERY - #683D	KENTUCKY EAST	3.7	
8323555	503605	1607100000		107-DV		JAMES OSBORNE -#5206	KENTUCKY EAST	9.0	
8323598	503648	1607100000		107-DV		JAMES OSBORNE -#5311	KENTUCKY EAST	15.9	
8323608	503658	1607100000		107-DV		JAMES S STRATTON #5327	KENTUCKY EAST	3.6	
8323561	503611	1607100000		107-DV		JAMES STURGILL -#5213	KENTUCKY EAST	10.7	
8323593	503643	1619500000		107-DV		JAMES W BEVINS -#5302	KENTUCKY EAST	10.5	
8323611	503661	1619500000		107-DV		JAMES W BEVINS #5333	KENTUCKY EAST	3.6	
8323498	503548	1607100000		107-DV		JAMES WRIGHT #5048 D	KENTUCKY EAST	10.8	
8323527	503577	1611900000		107-DV		JAS C MULLINS #5145	KENTUCKY EAST	6.5	
8323588	503638	1607100000		107-DV		JAS HAROLD -#5295	KENTUCKY EAST	7.2	
8323744	503794	1607100000		107-DV		JAS HOPKINS -#5722	KENTUCKY EAST	12.3	
8323777	503827	1607100000		107-DV		JAS HOPKINS -#5809	KENTUCKY EAST	10.1	
8323732	503782	1611900000		107-DV		JAS NICHOLS -#5671	KENTUCKY EAST	8.3	
8323730	503780	1607100000		107-DV		JAS P REYNOLDS -#5667	KENTUCKY EAST	8.3	
8323740	503790	1607100000		107-DV		JAS P REYNOLDS -#5701D	KENTUCKY EAST	21.0	
8323760	503810	1607100000		107-DV		JAS P REYNOLDS -#5762	KENTUCKY EAST	10.5	
8323623	503673	1607100000		107-DV		JASPER JOHNSON - #5364	KENTUCKY EAST	3.6	
8323513	503563	1607100000		107-DV		JEFFERSON ROBINSON - #5100	KENTUCKY EAST	5.4	
8323516	503566	1607100000		107-DV		JEFFERSON ROBINSON #5108	KENTUCKY EAST	2.9	
8323724	503774	1611900000		107-DV		JEPTHA HAGINS -#5646	KENTUCKY EAST	8.5	
8323712	503762	1611900000		107-DV		JEPTHA HAGINS #5628	KENTUCKY EAST	9.6	
8323589	503639	1611900000		107-DV		JESSE BATES -#5297	KENTUCKY EAST	3.4	
8323602	503652	1611900000		107-DV		JESSE BATES #5317	KENTUCKY EAST	1.0	
8323494	503544	1611900000		107-DV		JOE CONLEY - #5005 D	KENTUCKY EAST	26.4	
8323656	503706	1607100000		107-DV		JOEL HAMILTON -#5468	KENTUCKY EAST	11.8	
8323581	503631	1607100000		107-DV		JOEL STUMBO #5281	KENTUCKY EAST	11.1	
8323620	503670	1619500000		107-DV		JOHN BEVINS #5360	KENTUCKY EAST	5.4	
8323515	503565	1607100000		107-DV		JOHN D HALBERT - #5106	KENTUCKY EAST	1.4	
8323567	503617	1607100000		107-DV		JOHN F BURCHETT -#5233	KENTUCKY EAST	2.5	
8323558	503608	1607100000		107-DV		JOHN H AKERS -#5210	KENTUCKY EAST	8.7	
8323655	503705	1619500000		107-DV		JOHN H BRANHAM #5467	KENTUCKY EAST	9.0	
8323742	503792	1619500000		107-DV		JOHN H LOWE -#5716	KENTUCKY EAST	19.2	
8323669	503719	1607100000		107-DV		JOHN HALL #5510	KENTUCKY EAST	12.7	
8323546	503596	1607100000		107-DV		JOHN LITTLE -#5187D	KENTUCKY EAST	13.4	
8323726	503776	1611900000		107-DV		JOHN M GIBSON -#5653	KENTUCKY EAST	10.8	
8323497	503547	1611900000		107-DV		JOHN MOORE - #5015 D	KENTUCKY EAST	3.2	
8323532	503582	1607100000		107-DV		JOHN MOORE #5157	KENTUCKY EAST	10.8	
8323541	503591	1607100000		107-DV		JOHN NEIZMAN -#5179	KENTUCKY EAST	7.6	
8323773	503823	1607100000		107-DV		JOHN W JONES -#5797	KENTUCKY EAST	11.9	
8323640	503690	1607100000		107-DV		JOHN W MITCHELL #5417	KENTUCKY EAST	7.6	
8323713	503763	1611900000		107-DV		JOHN W SHORT #5621	KENTUCKY EAST	9.8	
8323571	503621	1607100000		107-DV		JOHN W TAYLOR -#5259	KENTUCKY EAST	14.8	
8323566	503616	1607100000		107-DV		JOHN W WOOD -#5229	KENTUCKY EAST	10.8	
8323551	503601	1611900000		107-DV		JONATHAN ISAACS -#5198	KENTUCKY EAST	5.4	
8323788	503838	1611900000		107-DV		JOS KING -#5839 D	KENTUCKY EAST	3.2	
8323699	503749	1611900000		107-DV		JOS REYNOLDS #5591	KENTUCKY EAST	7.2	
8323756	503806	1611900000		107-DV		JOSEPH STEWART -#5755	KENTUCKY EAST	1.0	
8323464	503509	1619500000		107-DV		JULIUS STEPP - #661D	KENTUCKY EAST	7.6	
8323781	503831	1619500000		107-DV		K F LESLIE -#5821 D	KENTUCKY EAST	12.7	
8323794	503844	1619500000		107-DV		K F LESLIE -#5862 D	KENTUCKY EAST	8.4	
8323477	503522	1607100000		107-DV		KEENAS AKERS - #705	KENTUCKY EAST	16.6	
8323719	503769	1615900000		107-DV		L D HINKLE #5637	KENTUCKY EAST	3.5	
8323641	503691	1607100000		107-DV		LAFAYETTE CLARK #5420	KENTUCKY EAST	3.2	
8323491	503536	1619500000		107-DV		LAFE SPEARS #764	KENTUCKY EAST	2.9	
8323764	503814	1611900000		107-DV		LEE HALL -#5778 D	KENTUCKY EAST	10.8	
8323643	503693	1611900000		107-DV		LEE HALL #5434	KENTUCKY EAST	3.2	
8323751	503801	1611900000		107-DV		LEE HALL #5745	KENTUCKY EAST	10.8	
8323717	503767	1611900000		107-DV		LEE SLONE #5631	KENTUCKY EAST	16.7	
8323709	503759	1619500000		107-DV		LEONARD BRANHAM #5616	KENTUCKY EAST	5.8	
8323662	503712	1611900000		107-DV		LEONARD GIBSON #5483	KENTUCKY EAST	5.0	
8323793	503843	1619500000		107-DV		LEVI TRIVETT -#5860D	KENTUCKY EAST	11.9	
8323667	503717	1619500000		107-DV		LEVI TRIVETT #5504	KENTUCKY EAST	15.2	
8323763	503813	1615900000		107-DV		M B GOBLE -#5774 D	KENTUCKY EAST	2.9	
8323568	503618	1611900000		107-DV		M M PRATT -#5238	KENTUCKY EAST	12.6	
8323687	503737	1611900000		107-DV		MARION REYNOLDS -#5566	KENTUCKY EAST	12.3	
8323586	503636	1607100000		107-DV		MARTHA ALLEY -#5290	KENTUCKY EAST	9.2	
8323597	503647	1607100000		107-DV		MARTHA ALLEY -#5310	KENTUCKY EAST	12.3	
8323539	503589	1607100000		107-DV		MARTHA ALLEY #5175	KENTUCKY EAST	16.6	
8323488	503533	1619500000		107-DV		MARTIN COLLINSWORTH - #744	KENTUCKY EAST	4.9	
8323675	503725	1611500000		107-DV		MARY C PORTER #5523	KENTUCKY EAST	2.8	
8323472	503517	1607100000		107-DV		MARY STRATTON - #687	KENTUCKY EAST	17.9	
8323657	503707	1619500000		107-DV		MORGAN SLONE -#5475	KENTUCKY EAST	3.5	
8323796	503846	1619500000		107-DV		N T HOPKINS -#5865	KENTUCKY EAST	2.5	
8323697	503747	1619500000		107-DV		NATHANIEL THACKER #5589	KENTUCKY EAST	4.6	
8323647	503697	1607100000		107-DV		NIMROD AKERS #5441	KENTUCKY EAST	5.1	
8323683	503713	1611900000		107-DV		NOAH BOLEN #5484	KENTUCKY EAST	2.1	
8323800	503850	1619500000		107-DV		NOAH HELSOM -#5883	KENTUCKY EAST	14.5	
8323544	503594	1607100000		107-DV		PRESTON TACKETT -#5183	KENTUCKY EAST	3.5	
8323553	503603	1611900000		107-DV		R B TATE -#5204	KENTUCKY EAST	5.8	
8323766	503816	1619500000		107-DV		R E ROBINSON -#5785	KENTUCKY EAST	9.8	
8323695	503545	1607100000		107-DV		R J RATLIFF #5006 D	KENTUCKY EAST	1.8	
8323517	503567	1607100000		107-DV		REUBEN MOORE - #5109	KENTUCKY EAST	7.9	
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8323529	503579	1607100000		107-DV		RHODA MOORE #5150	KENTUCKY EAST	15.9	
8323591	503641	1611900000		107-DV		RICHARD HALL -#5299D	KENTUCKY EAST	15.5	
8323558	503588	1611900000		107-DV		RICHARD HALL #5169	KENTUCKY EAST	5.4	
8323601	503651	1611900000		107-DV		RICHARD HALL #5315	KENTUCKY EAST	12.5	
8323609	503659	1611900000		107-DV		RICHARD HALL #5329	KENTUCKY EAST	14.4	
8323616	503666	1611900000		107-DV		RICHARD HALL #5349	KENTUCKY EAST	5.8	
8323619	503669	1611900000		107-DV		RICHARD HALL #5358	KENTUCKY EAST	5.1	
8323625	503675	1611900000		107-DV		RICHARD HALL #5367	KENTUCKY EAST	3.6	
8323638	503688	1611900000		107-DV		RICHARD HALL #5410	KENTUCKY EAST	4.3	
8323768	503818	1619500000		107-DV		RICHARD KEESEE -#5791	KENTUCKY EAST	10.1	
8323711	503761	1611900000		107-DV		ROACH THORNSBERRY #5619	KENTUCKY EAST	4.5	
8323739	503789	1611900000		107-DV		ROBERT BATES -#5692	KENTUCKY EAST	7.2	
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8323673	503723	1611900000		107-DV		ROBERT THACKER #5520	KENTUCKY EAST	1.4	
8323746	503796	1619500000		107-DV		ROBT MITCHELL -#5735 D	KENTUCKY EAST	5.8	
8323683	503733	1619500000		107-DV		S B LESLIE -#5547	KENTUCKY EAST	7.6	
8323747	503797	1619500000		107-DV		S B LESLIE -#5736	KENTUCKY EAST	7.2	
8323665	503715	1619500000		107-DV		S B LESLIE #5496	KENTUCKY EAST	4.3	
8323798	503848	1611900000		107-DV		S H ISAACS -#5879 D	KENTUCKY EAST	2.1	
8323749	503799	1611900000		107-DV		S N BENTLEY -#5743	KENTUCKY EAST	1.4	
8323507	503552	1607100000		107-DV		SALLIE SHEPHERD #5069	KENTUCKY EAST	17.0	

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8323694	503744	1611500000		107-DV		SAM CLARK -#5584	KENTUCKY EAST	3.0	
8323707	503757	1611500000		107-DV		SAM CLARK #5610	KENTUCKY EAST	3.5	
8323735	503785	1611500000		107-DV		SAM CLARK #5679	KENTUCKY EAST	0.8	
8323501	503551	1607100000		107-DV		SAM CLICK - #5063	KENTUCKY EAST	3.2	
8323531	503581	1607100000		107-DV		SAMUEL COOK #5156 D	KENTUCKY EAST	16.6	
8323659	503709	1619500000		107-DV		SAMUEL NEWSOM #5480 D	KENTUCKY EAST	4.7	
8323467	503512	1611900000		107-DV		SHERWOOD OSBORNE - #671	KENTUCKY EAST	16.9	
8323479	503524	1611900000		107-DV		SHERWOOD OSBORNE - #714	KENTUCKY EAST	5.6	
8323721	503771	1611900000		107-DV		SILAS FRANCIS -#5640	KENTUCKY EAST	6.1	
8323520	503570	1607100000		107-DV		SOLOMAN ALLEN - #5127	KENTUCKY EAST	3.2	
8323522	503572	1607100000		107-DV		SOLOMAN SALMONDS - #5131	KENTUCKY EAST	11.2	
8323666	503716	1619500000		107-DV		SPURLOCK ADKINS #5503 D	KENTUCKY EAST	7.6	
8323668	503718	1611900000		107-DV		SUSAN HAYS #5508	KENTUCKY EAST	1.4	
8323525	503575	1607100000		107-DV		SYLVESTER GEARHEART - #5140	KENTUCKY EAST	2.5	
8323705	503755	1611900000		107-DV		T A DAVIS #5606	KENTUCKY EAST	6.7	
8323729	503779	1611900000		107-DV		T G-BATES -#5661 D	KENTUCKY EAST	6.1	
8323686	503736	1611900000		107-DV		T G BATES # 5563	KENTUCKY EAST	9.7	
8323645	503695	1607100000		107-DV		T J LITTLE #5437	KENTUCKY EAST	4.7	
8323685	503735	1619500000		107-DV		T J MAYNARD -#5555	KENTUCKY EAST	6.3	
8323533	503583	1607100000		107-DV		T N NEWSOM - #5158	KENTUCKY EAST	16.3	
8323649	503699	1611900000		107-DV		TAYLOR AND REED #5446	KENTUCKY EAST	0.9	
8323646	503696	1619500000		107-DV		THOMAS CHARLES #5440	KENTUCKY EAST	3.4	
8323632	503682	1607100000		107-DV		THOMAS CRUM #5385	KENTUCKY EAST	8.7	
8323780	503830	1619500000		107-DV		THOMAS LITTLE -#5818	KENTUCKY EAST	7.2	
8323790	503840	1619500000		107-DV		THOMAS LITTLE -#5849	KENTUCKY EAST	9.4	
8323720	503770	1611900000		107-DV		THOMAS WADDLE #5639	KENTUCKY EAST	5.1	
8323637	503687	1619500000		107-DV		THOS CHARLES #5409	KENTUCKY EAST	17.3	
8323465	503510	1619500000		107-DV		THOS DESKINS - #664	KENTUCKY EAST	3.2	
8323615	503665	1607100000		107-DV		TOLBERT AKERS #5347	KENTUCKY EAST	15.2	
8323604	503654	1619500000		107-DV		W A CAMPBELL #5322	KENTUCKY EAST	5.2	
8323677	503727	1607100000		107-DV		W B HALL #5530	KENTUCKY EAST	3.6	
8323608	503658	1615900000		107-DV		W B PREECE -#5313D	KENTUCKY EAST	12.6	
8323613	503663	1615900000		107-DV		W B PREECE #5341	KENTUCKY EAST	15.2	
8323636	503686	1615900000		107-DV		W B PREECE #5407	KENTUCKY EAST	4.0	
8323714	503764	1615900000		107-DV		W B PREECE #5622	KENTUCKY EAST	8.5	
8323621	503671	1619500000		107-DV		W H BURCHETT -#5361	KENTUCKY EAST	8.3	
8323607	503657	1619500000		107-DV		W H BURCHETT #5326	KENTUCKY EAST	10.0	
8323778	503828	1619500000		107-DV		W H KENDRICK -#5813	KENTUCKY EAST	8.9	
8323575	503625	1611900000		107-DV		W H MAY -#5264	KENTUCKY EAST	9.4	
8323695	503745	1611900000		107-DV		W H MAY #5585	KENTUCKY EAST	1.0	
8323703	503753	1611900000		107-DV		W H MAY #5596	KENTUCKY EAST	0.7	
8323715	503765	1611900000		107-DV		W H MAY #5626	KENTUCKY EAST	3.1	
8323762	503812	1611900000		107-DV		W J HALL -#5771	KENTUCKY EAST	2.5	
8323579	503629	1611900000		107-DV		W J SLONE -#5273	KENTUCKY EAST	6.3	
8323733	503783	1611900000		107-DV		W J SLONE -#5675	KENTUCKY EAST	12.3	
8323753	503803	1611900000		107-DV		W J SLONE -#5748	KENTUCKY EAST	7.2	
8323462	503507	1607100000		107-DV		W L LEWIS - #644	KENTUCKY EAST	5.1	
8323496	503546	1611900000		107-DV		W O COBURN - #5012 D	KENTUCKY EAST	13.7	
8323774	503821	1611900000		107-DV		W P QUENS -#5802	KENTUCKY EAST	5.8	
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8323548	503598	1615900000		107-DV		W R CRUM -#5194	KENTUCKY EAST	3.6	
8323508	503558	1607100000		107-DV		W R HALL #5086	KENTUCKY EAST	12.6	
8323574	503624	1607100000		107-DV		W R HALL JR -#5262	KENTUCKY EAST	16.6	
8323652	503702	1607100000		107-DV		W R HOPKINS #5460	KENTUCKY EAST	9.1	
8323635	503685	1611900000		107-DV		W R MARTIN #5405	KENTUCKY EAST	2.9	
8323680	503730	1611900000		107-DV		WESLEY HICKS #5537	KENTUCKY EAST	8.7	
8323779	503829	1611500000		107-DV		WHITEHOUSE CANNEL COAL CO -#5817	KENTUCKY EAST	3.2	
8323550	503600	1607100000		107-DV		WILBURN ADKINS -#5196	KENTUCKY EAST	8.7	
8323590	503640	1619500000		107-DV		WILBURN FARMER -#5298D	KENTUCKY EAST	15.2	
8323622	503672	1611900000		107-DV		WILBURN PRATT #5362	KENTUCKY EAST	5.1	
8323745	503795	1611900000		107-DV		WILEY TOLLIVER -#5725	KENTUCKY EAST	3.9	
8323536	503586	1607100000		107-DV		WILL WEIGHAN #5165	KENTUCKY EAST	0.3	
8323530	503580	1607100000		107-DV		WILLARD NEUMAN #5154	KENTUCKY EAST	12.7	
8323653	503703	1619500000		107-DV		WILLIAM BEVINS -#5461	KENTUCKY EAST	5.8	
8323557	503607	1611900000		107-DV		WILLIAM COX -#5209D	KENTUCKY EAST	3.6	
8323603	503653	1619500000		107-DV		WILLIAM FORD #5320	KENTUCKY EAST	4.3	
8323618	503668	1619500000		107-DV		WILLIAM FORD #5351	KENTUCKY EAST	5.8	
8323681	503731	1607100000		107-DV		WILLIAM HAMILTON -#5542D	KENTUCKY EAST	5.5	
8323722	503772	1607100000		107-DV		WILLIAM HAMILTON #5641	KENTUCKY EAST	12.1	
8323654	503704	1619500000		107-DV		WILLIAM HINKLE #5464	KENTUCKY EAST	7.1	
8323797	503847	1619500000		107-DV		WILLIAM SESTER -#5872	KENTUCKY EAST	2.9	
8323596	503646	1611900000		107-DV		WILLIAM TRIPLETT -#5308	KENTUCKY EAST	4.6	
8323725	503775	1619500000		107-DV		WILSON DAMRON -#5647 D	KENTUCKY EAST	9.4	
8323754	503804	1619500000		107-DV		WILSON DAMRON -#5749 D	KENTUCKY EAST	16.6	
8323770	503820	1619500000		107-DV		WILSON DAMRON -#5793 D	KENTUCKY EAST	7.9	
8323642	503692	1611900000		107-DV		WILSON KING #5431	KENTUCKY EAST	5.1	
8323761	503811	1611900000		107-DV		WILSON TRIPLETT -#5763	KENTUCKY EAST	4.7	
8323776	503826	1611900000		107-DV		WILSON TRIPLETT -#5806	KENTUCKY EAST	4.3	
8323487	503532	1611900000		107-DV		WINSTON THORNSBURY - #742	KENTUCKY EAST	13.8	
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8323710	503760	1611900000		107-DV		WM KELLY #5618	KENTUCKY EAST	8.7	
8323528	503578	1607100000		107-DV		WM MOORE #5147	KENTUCKY EAST	10.8	
8323755	503805	1619500000		107-DV		WM OSBORN -#5753	KENTUCKY EAST	11.2	
8323765	503815	1619500000		107-DV		WM OSBORN -#5779	KENTUCKY EAST	12.7	
8323560	503610	1611900000		107-DV		WM SPARKMAN -#5212	KENTUCKY EAST	11.2	
8323723	503773	1619500000		107-DV		WM TACKETT -#5645	KENTUCKY EAST	7.9	
8323523	503573	1611900000		107-DV		WYATT MARTIN #5133	KENTUCKY EAST	17.0	

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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.) Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
DOT/COAST GUARD	USDA/FNS		DOT/COAST GUARD	USDA/FNS
DOT/FAA	USDA/REA		DOT/FAA	USDA/REA
DOT/FHWA	USDA/SCS		DOT/FHWA	USDA/SCS
DOT/FRA	MSPB/OPM		DOT/FRA	MSPB/OPM
DOT/MA	LABOR		DOT/MA	LABOR
DOT/NHTSA	HHS/FDA		DOT/NHTSA	HHS/FDA
DOT/RSPA			DOT/RSPA	
DOT/SLSDC			DOT/SLSDC	
DOT/UMTA			DOT/UMTA	

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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.**

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