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Thursday
March 24, 1983

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

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Reporting and Recordkeeping Requirements
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The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 52

Processed Fruits and Vegetables, Processed Products Thereof, and Certain Other Processed Food Products;[1] Regulations Governing Inspection and Certification

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This final rule revises the Regulations Governing Inspection and Certification of Processed Fruits and Vegetables and Related Products. This rule was developed at the request of the processed food industry and for clarification purposes. The rule: (1) Deletes the authorization for licensed samplers to collect fees directly from an applicant; (2) deletes the tables of charge for certain micro, chemical and other special analyses; (3) revises the examples of approved identification marks; (4) replaces descriptive grade nomenclature with a uniform, single letter grade designation; (5) provides for the purchase of review samples; and (6) incorporates minor editorial changes.

EFFECTIVE DATE: April 25, 1983.

FOR FURTHER INFORMATION CONTACT: Raymondo O'Neal, Processed Products Branch, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447–521.

SUPPLEMENTARY INFORMATION: This rule has been reviewed under USDA procedures and Executive Order 12291 and has been designated a "non-major" rule. It will not result in an annual effect on the economy of $100 million or more. There will be no major increase in costs or prices to consumers; individual firms; Federal, State, or local government agencies; or geographic regions. It will not result in significant adverse effects on competition, employment, investments, productivity, innovations, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

William T. Manley, Deputy Administrator, Agricultural Marketing Service, has certified that this action will not have a significant economic impact on a substantial number of small entities, as defined in the Regulatory Flexibility Act, Pub. L. 96–534 (5 U.S.C. 601), because it reflects current marketing practices.

The Agricultural Marketing Act of 1946 authorizes the official inspection, grading, and certification of processed food products including processed fruits, vegetables, and processed products thereof. The Agricultural Marketing Service (AMS) makes available an impartial, official inspection service for processed fruits and vegetables. Applicants may make use of this service to obtain inspection of products in which they have a financial interest. The service is voluntary and self-supporting and is offered on a fee-for-service basis.

It is in the interest of both the agency and users of the service to conduct the program on a cost effective basis. "Licensed samplers" are used in the effort to minimize fees for grading services incurred by applicants who are located considerable distances from a central grading facility. Fees can be reduced by using a local licensed sampler who usually incurs less mileage and travel time than a regular full time Federal employee.

These licensed samplers are trained to perform basic sampling, examinations of condition of food containers, and to submit sampling reports. To protect the integrity of the Federal grading service, the rule deletes the provision which permits licensed samplers to collect fees directly from an applicant.

The tables containing charges for micro, chemical and certain other special analyses are deleted and the regulations are revised to provide that charges for analyses be paid on the basis of the regular fee schedule set forth in § 52.42. Changes in analytical procedures may result in an increase or decrease in the time needed for completion of certain types of analytical testing. Time required for analysis may also vary among types of products. The cost of chemicals may also change. Adjustment of the charges to applicants cannot be made rapidly enough to accommodate these changes since it requires a change in the regulations. This revision results in a more cost efficient method of charging fees for micro, chemical, and certain other special analyses.

The regulations set forth official grade and inspection marks of the U.S. Department of Agriculture (USDA) for use by fruit and vegetable processors. These processors contract for the fee-for-service grading programs of the Department and, as permitted, may use various types of official grade and inspection marks for processed fruits and vegetables and other related products. The revision increases utilization of these official marks, provides industry with greater flexibility in marketing, and provides greater consumer awareness.

It was also necessary to provide more flexibility in the type of official marks used for programs within the USDA, such as the Child Nutrition Label Program. Use of the official marks provides the assurance to users of these products that they comply with program requirements. In addition, the revision provides for the use of specified official marks on product labels that are not covered by U.S. grade standards.

The revision eliminates the descriptive grade names such as "fancy," "choice" or "standard" in favor of a single letter grade designation of "A", "B", or "C" within the figures or examples.

Elimination of such descriptive names and adoption of the exclusive use of single letter grade designations not only simplifies industry and consumer understanding of grades but also continues application of a uniform set of terms common to processed fruits, vegetables and related products.

It is necessary for the grading service to review periodically samples of products purchased by the Government for school lunch and other domestic feeding programs. These reviews enable the agency to monitor its specifications and make comparisons with processed

[1] May include the following: Honey; molasses, except for stockfeed; nuts and nut products, except oil; sugar (cane, beet, and maple); sirups (blended), sirups, except from grain; tea, cocoa, coffee, spices, condiments.

fruits and vegetables which are available in the commercial marketplace. In addition, the agency may wish to "sensory test" specific purchases of foods which differ from traditional diet patterns. It is also necessary from to time to perform specific studies on processed fruits and vegetables including, but not limited to, fill weight, drained weight, soluble solids measurement or analysis of nutritional data.

The revision provides for the purchase of review samples acquired from industry and Government sources and eliminates a potential conflict of interest situation or an appearance of such situation.

A notice of proposed rulemaking was published in the **Federal Register** (47 FR 54086–54090) on December 1, 1982. The proposed rule comment period closed January 31, 1983. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the Agricultural Marketing Service.

One letter of public comment was received during the sixty day comment period. The comment favored the proposed revision with some minor suggestions.

It was suggested that figure 7 be designated as "shield with plain background" in § 52.53 (d) *Approved plant-lot inspection grade marks.* In-plant inspection provides for the use of specific inspection contracts requiring a resident inspector. Figure 7 is used as an in-plant inspection and grade mark and, as such, provides for a distinction between the types of inspection services.

It was also suggested that a modification of figure 6 should be allowed. Modification of figure 6 would depart from the intent of the original design (shield with plain background). The designs of the official marks intend to reflect the level of inspection service provided.

The comment suggested that the Department should consider performing lot inspections and allow utilization of the shield on products that are imported. Utilization of official marks such as the shield, contemplates on-sight inspection of facilities and products. The Agricultural Marketing Act of 1946 and the regulations do not provide for inspection in foreign countries.

Since these suggestions would change the intent of the revision, good cause is found not to adopt them.

It was suggested that a choice of color of the shield in figure 6 be allowed if appropriate with the color design of the package. The rule does not prohibit use of a color of the shield compatible with the color design of the package; provided, the use of colors in the official marks do not simulate approved marks for other types of services.

It was further suggested that the terminology "fancy", "choice", etc., should be permitted but not necessarily within the shield itself. The rule eliminates the descriptive names such as "U.S. Fancy", "U.S. Choice" or "U.S. Standard" within the figures, in favor of a single letter grade designation when used with approved identification. It does not prohibit the descriptive names from appearing elsewhere on the package.

Minor editorial changes have been made. Figures were rearranged in § 52.53 (c) and (d) to provide for clarification. Figures 5 through 10 are used in (c) in-plant inspection (other than continuous) grade and inspection marks. Figures 11 through 14 are used in (d) Approved plant lot inspection grade marks. Illustrations were added (Figures 13 and 14) showing the use of the statement "Inspected by the U.S. Department of Agriculture.

List of Subjects in 7 CFR Part 52

Processed fruits and vegetables, Food grades and standards.

Accordingly, the Regulations Governing Inspection and Certification of Processed Fruits and Vegetables, Processed Products Thereof, and Certain Other Processed Food Products (7 CFR 52.43, 52.44, 52.45, 52.47, 52.53, and 52.56) are revised to read as follows:

PART 52—[AMENDED]

1. Section 52.43 is revised to read as follows:

§ 52.43 Fees to be charged and collected for sampling when performed by a licensed sampler.

Such sampling fees as are specifically prescribed by the Administrator in connection with licensing of the particular sampler will be assessed and collected from the applicant by the office of inspection serving the area where services are performed. *Provided,* that if the employee is an employee of a state, the appropriate authority of the state may make the collection.

2. Section 52.44 is revised to read as follows:

§ 52.44 Inspection fees when charges for sampling have been collected.

For any lot of processed products from which a sample in drawn by a licensed sampler and the applicable sampling fee is collected, as provided in § 52.43, the fees for the other inspection services with respect to such lot shall not include charges for sampling.

3. Section 52.45 is revised to read as follows:

§ 52.45 Inspection fees when charges for sampling have not been collected.

For any lot of processed products from which a sample is drawn by a licensed sampler and the sampling fee is not collected by the appropriate authority as provided in § 52.43, the fees and charges for inspection services with respect to such lot shall be the applicable fees and charges prescribed in § 52.42.

4. Section 52.47 is revised to read as follows:

§ 52.47 Fees to be charged for micro, chemical and certain other special analyses.

Fees for micro, chemical and certain other special analyses made at the request of the applicant, or because of additional specification requirements, and whether or not performed in connection with the normal inspection to determine the quality or condition of the product, shall be at the rate specified in § 52.42.

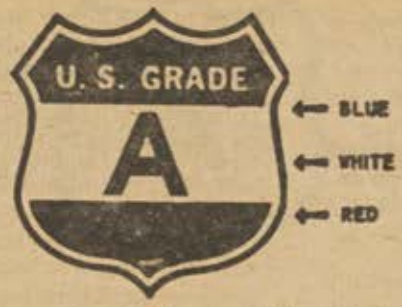
5. Paragraphs (c), (d), and (f)(1) of § 52.53 are revised to read as follows:

§ 52.53 Approved identification.

* * * * *

(c) *In-plant inspection (other than continuous) grade and inspection marks.* The official marks approved for use by plants operating under USDA inspection service contracts (other than continuous) requiring a resident inspector shall be limited to those similar in form and design to the examples in figures 5 through 14 of this section; Provided: That the official marks illustrated by figures 9 and 10 are limited to products packed by plants operating under an approved Quality Assurance type of an inspection contract.

BILLING CODE 3410-02-M



Shield using red, white, and blue background or other colors appropriate for Label.

FIGURE 5

FIGURE 6

PACKED UNDER
INSPECTION
OF THE
U. S. DEPT. OF
AGRICULTURE

Statement without the use of the shield.

FIGURE 7

Statement enclosed within a shield.

FIGURE 8

FIGURE 9

PACKED UNDER
QUALITY ASSURANCE
PROGRAM
of the
U.S. DEPT. OF AGRICULTURE

Statement without the use of the shield.

FIGURE 10

BILLING CODE 3410-02-C

(d) *Approved plant-lot inspection grade marks.* Processed products that are produced in an "approved plant" as defined in § 52.2 and inspected and certified by an inspector on a lot basis may be labeled with an "official mark" as defined in § 52.3 when adequate control and use is approved. The use of "official marks" for this type service is restricted to grade marks (with or without plain shield) and/or the statement "Inspected by the U.S. Department of Agriculture" (with or without plain shield). The official marks shall be similar in form and design as illustrated in figures 11 through 14.

Failure to have all lots bearing official marks either inspected and certified or certified as produced in an "approved plant" shall cause the debarment of the user from receiving subsequent services, and such other actions as provided for in the Agriculture Marketing Act of 1946.

BILLING CODE 3410-02-M

Shield with plain background.

FIGURE 11

(1) U. S. GRADE A

(2) U. S. GRADE B

(3) U. S. GRADE C

FIGURE 12

Statement enclosed within a shield.

FIGURE 13

INSPECTED
BY THE
U.S.DEPT. OF
AGRICULTURE

Statement without the use of the shield

FIGURE 14

BILLING CODE 3410-02-C

(e) * * *

(f) *Removal of labels bearing approved grade or inspection marks.*

(1) At the time a lot of processed products bearing approved grade or inspection marks is found to be mislabeled, the processor shall separate and retain such lot for relabeling. Removal and replacement of labels shall be done, under the supervision of a USDA inspector, within the time specified by the Administrator or as may be mutually agreed by the processor and the Administrator.

* * * * *

6. Section 52.56 will read as follows:

§ 52.56 Purchase of commodity samples for review.

Employees are authorized to purchase commodity samples for review. Employees must pay and obtain receipts for such purchases and keep receipts subject to inspection by supervisory or other authorized Department employees.

* * * * *

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

Done at Washington, D.C. on March 21, 1983.

Eddie F. Kimbrell,

Deputy Administrator.

[FR Doc. 83-7991 Filed 3-23-83; 8:45 am]

BILLING CODE 3410-02-M

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7 CFR Part 907

[Navel Orange Reg. 571]

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

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation establishes the quantity of fresh California-Arizona navel oranges that may be shipped to market during the period March 25–March 31, 1983. Such action is needed to provide for orderly marketing of fresh navel oranges for this period due to the marketing situation confronting the orange industry.

DATE EFFECTIVE: March 25, 1983.

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

SUPPLEMENTARY INFORMATION:

Findings

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

This regulation is issued under the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of navel oranges grown in Arizona and designated part of California. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The action is based upon the recommendation and information submitted by the Navel Orange Administrative Committee and upon other available information. It is hereby found that this action will tend to effectuate the declared policy of the Act.

This action is consistent with the marketing policy for 1982–83. The marketing policy was recommended by the committee following discussion at a public meeting on September 21, 1982. The committee met again publicly on March 22, 1983 at Lindsay, California, to consider the current and prospective conditions of supply and demand and recommended a quantity of navel oranges deemed advisable to be handled during the specified weeks. The committee reports the demand for navel oranges is good.

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

List of Subjects in 7 CFR Part 907

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

1. Section 907.871 is added as follows:

§ 907.871 Navel orange regulation 571.

The quantities of navel oranges grown in California and Arizona which may be handled during the period March 25, 1983 through March 31, 1983, are established as follows:

(1) District 1: 1,700,000 cartons;

(2) District 2: Unlimited cartons;

(3) District 3: Unlimited cartons;

(4) District 4: Unlimited cartons.

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

Dated: March 23, 1983.

Charles R. Brader,

Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 83-7796 Filed 3-23-83; 11:43 am]

BILLING CODE 3410-02-M

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7 CFR Part 1099

[Milk Order No. 99]

Milk in the Paducah, Kentucky, Marketing Area; Order Terminating Certain Provisions

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Termination of rules.

SUMMARY: This action terminates the seasonal incentive producer payment plan (Louisville plan) that was designed to encourage level milk production by dairy farmers throughout the year. The action was requested by Dairymen, Inc., a cooperative representing a large portion of the producers who supply milk for the market. The plan should be terminated because it no longer accomplishes its intended purpose.

EFFECTIVE DATE: May 1, 1983.

FOR FURTHER INFORMATION CONTACT: Richard A. Glandt, Marketing Specialist, Dairy Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, 202–447–4829.

SUPPLEMENTARY INFORMATION: Prior document in this proceeding:

Notice of Proposed Termination: Issued February 9, 1983; published February 14, 1983 (48 FR 6544).

It has been determined that this termination order is not a major action under the criteria set forth in Executive Order 12291.

William T. Manley, Deputy Administrator, Agricultural Marketing Service, has certified that this action will not have a significant economic impact on a substantial number of small entities. Such action will have no effect on the application of the order to regulated handlers, since the action affects only the manner in which the proceeds from milk sales are distributed to producers.

This order of termination is issued pursuant to the provisions of the

Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and of the order regulating the handling of milk in the Paducah, Kentucky, marketing area.

Notice of proposed rulemaking was published in the **Federal Register** (48 FR 6544) concerning a proposed termination of certain provisions of the order. Interested persons were afforded opportunity to file written data, views, and arguments thereon.

After consideration of all relevant material, including the proposal in the notice, the comments received, and other available information, it is hereby found and determined that the following provisions of the order no longer tend to effectuate the declared policy of the Act:

1. In § 1099.61, the provisions in that part of paragraph (e) that read "except for the months specified below, shall be".

2. In § 1099.61, the provisions contained in paragraphs (f) through (j) in their entirety.

3. In § 1099.70, the provisions in paragraph (b) in their entirety.

Statement of Consideration

This termination order removes from the Paducah order those provisions that provide for withholding from payments to producers 50 cents per hundredweight during April through July and distributing the money so accumulated to producers supplying the market during the ensuing September through December. This plan, which is commonly known as the "Louisville plan," was intended to encourage level milk production throughout the year.

Termination of the Louisville plan was requested by Dairymen, Inc., a cooperative association representing a large portion of the producers supplying the market.

When the 50-cent take-out rate was adopted in 1967, it amounted to about 10 percent of the average "blend" prices before reflecting the Louisville plan withholding adjustments. That same rate represented less than 4 percent of such average prices in April–July 1982. Price adjustments of the current magnitude are inadequate to effectively encourage producers to level out their milk production annually. The seasonal payment plan no longer accomplishes its intended purpose.

Interested parties were asked to comment on the proposed termination of the Louisville plan. No opposing views were received.

In view of the foregoing, the Louisville plan should be terminated.

Therefore, good cause exists for making this order effective May 1, 1983.

List of Subjects in 7 CFR Part 1099

Milk marketing orders, Milk, Dairy products.

It is therefore ordered, That the aforesaid provisions of the order are hereby terminated.

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

Effective date: May 1, 1983.

Signed at Washington, D.C., on March 21, 1983.

C. W. McMillan,

Assistant Secretary, Marketing and Inspection Services.

[FR Doc. 83-7892 Filed 3-23-83; 8:45 am]

BILLING CODE 3410-02-M

NUCLEAR REGULATORY COMMISSION

10 CFR Part 32

Consumer Products Containing Small Quantities of Radioactive Material; Modified Reporting and Recordkeeping Requirements

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Nuclear Regulatory Commission (NRC) is amending its regulations to modify the reporting and recordkeeping requirements imposed on persons specifically licensed to distribute consumer products containing byproduct material. The existing annual reporting requirements are amended to require that reports be submitted (1) every five years, or (2) at the time of application for renewal of the specific license, or (3) at the time the licensee notifies the Commission that it is discontinuing distribution of these consumer products. The amendment is intended to reduce the number of reports submitted to the Commission. This amendment pertains only to the submission of reports and recordkeeping requirements and will not affect the safety properties of the products that are distributed.

EFFECTIVE DATE: June 30, 1983.

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

SUPPLEMENTARY INFORMATION:

Background

On November 23, 1982, the NRC published in the **Federal Register** (47 FR 52719) a Notice of Proposed Rulemaking to amend 10 CFR Part 32, "Specific Domestic Licenses to Manufacture or Transfer Certain Items Containing Byproduct Material." The proposed amendments to Part 32 suggested modifications to the reporting and recordkeeping requirements imposed on persons licensed to distribute consumer products containing small quantities of byproduct material (exempt items).

These regulations required licensees to submit an annual report to the NRC specifying the total quantity of byproduct material transferred in each type of consumer product and the total number of each product transferred during the reporting period. An annual report was required even if a licensee made no transfers during the reporting period. This process provided the NRC and other interested parties with information concerning the extent and pattern of consumer product distribution. The NRC has also used this information to estimate the exposure of the general public to radiation from these products.

After reviewing these reporting requirements, the NRC proposed a minor change to the requirements that would reduce paperwork burdens on the affected licensees and the agency without diminishing the value of these reports to the NRC's regulatory program. The NRC proposed that the licensees be required to submit a report every 5 years, or at the time of application for renewal of the specific license, or at the time the licensee notifies the Commission that it is discontinuing distribution of these consumer products. In the notice of proposed rulemaking, the NRC also sought public comment on two alternative actions: (1) Eliminating reporting requirements completely, and (2) establishing a threshold such that if less than 1000 units were distributed annually, a report would not be required. However, the NRC has decided to adopt the approach set out in the proposed rule. The reason for this decision is outlined in the NRC's response to comments received on the proposed rule and the suggested alternatives.

The requirements for the type of records that must be kept is not changed although in certain cases the length of time that these records must be stored is modified to conform with the 5 year reporting period. This is necessary to facilitate the licensee's preparation of summary reports.

Comments

Interested persons were invited to submit written comments. The 30-day comment period expired on December 23, 1982. Eleven letters of comment were

received: ten from private industry and one from a state agency.

Most commenters supported the Commission's effort to reduce the reporting burden on licensees. However, the commenters varied in their views as to which alternative action should be taken. One suggested that the NRC terminate licensing for small distributors of consumer products; four favored complete elimination of reporting requirements; three supported the 5-year reporting period but two of these three also favored eliminating the reporting requirements; two preferred a threshold number and one opposed any change to the existing regulations.

Copies of the comments may be examined in the Commission's Public Document Room at 1717 H Street NW, Washington, DC. A summary of the comments and the NRC staff's responses to these comments is presented below.

1. Most commenters supported complete elimination of reporting requirements because (1) the public exposure to radiation from consumer products is very small and (2) the data contained in the reports could be obtained by other means, such as literature searches or discussions with product manufacturers. Although the public exposure to radiation from consumer products is very small, the Commission must, from time to time, reassess the exposure and verify that the public exposure remains small. Relatively current and accurate data on the types and quantities of products and radionuclides distributed are necessary to inform the Commission of the extent of the distribution of these products and to provide data for performing adequate assessments of public exposure to radiation from these products. Thus, the Commission believes a reasonably accurate data base should be collected by the Commission.

The Commission considered alternative ways of collecting the necessary data. Some data may be collected by literature search or by discussions with product distributors or manufacturers. However, these methods may have the following drawbacks (1) certain information, such as the number of products distributed in a year, might not be available in the literature because of its proprietary nature, (2) the data collected could have a large degree of uncertainty unless information from all licensees who distribute the products is included, and (3) the efforts spent by licensees to locate and report distribution data in response to an unscheduled data collection survey might be more burdensome than the efforts required to prepare one report every five years. Therefore the Commission believes the data obtained from reports submitted at 5-year intervals is more accurate than data collected from literature search or by discussion with manufacturers.

2. One commenter suggested that the NRC should terminate licensing small distributors of consumer products containing byproduct materials. The principal issue in this rulemaking is not whether the NRC should continue to license consumer product distributors; the issue is whether the NRC should modify its existing reporting requirements applicable to this group of licensees. Thus, this comment is not relevant to the issue in this rulemaking proceeding.

3. Two commenters preferred the alternative that would establish a threshold number for the submission of an annual report. Another commenter, on the other hand, stated that a 1000-unit threshold plan would eliminate very few smoke detector manufacturers because it is unlikely that someone would handle such a small number of products. Although the 1000-unit threshold option would result in about 30% reduction in the number of reports, it would also have three major drawbacks: (1) The data would be relatively inaccurate because it is uncertain what percent of the total would be reported, (2) the licensees would still have to summarize product distribution data at the end of a reporting period so that they could determine whether the distribution exceeded the threshold number, and (3) lack of the report from a specific licensee would lead to the uncertainty whether the threshold had not been exceeded or the licensee had neglected to file the report. On the other hand, the 5-year reporting option, as compared to the existing annual reporting requirements, would provide 80% reduction in the number of reports a licensee must submit. Therefore, the Commission believes the threshold option is not as effective in reducing the reporting burden as the 5-year reporting option.

4. One commenter suggested that the existing reporting requirements not be changed. He doubted the efficacy of the change in reducing paperwork. In addition, the turnover in personnel would make the information on a 5-year reporting interval not as valuable as it is on a yearly basis. The Commission believes that, if the reporting period is extended from 1 year to a 5-year period, there would be a significant reduction (by a factor of 5) in the number of reports that must be prepared by licensees. Although the Commission agrees that the information obtained at 5-year reporting intervals would not be as current as the information contained in annual reports, the lack of data on the yearly basis would have little impact in the NRC's effort in assessing of public exposure to radiation from these products because the period between assessments is usually greater than 5 years. Considering the significant reduction in the number of reports, the Commission believes it is cost effective to extend the reporting period from 1 year to 5 years.

5. Several commenters are concerned with extending the recordkeeping requirements. Two stated that the retention of records for another year would impose an additional and unwarranted cost. Another, however, stated that they keep records as live records for a year or two before these records are transferred to archival storage and that there is little difference between the storage of archival records for 3 or 6 years as long as these records do not have to be retrieved on a regular basis. This amendment requires that the record be maintained one year after that record was used in preparation of the 5-year report submitted to the Commission. The average record retention period would be 3 years. This replaces the existing record retention period of 2 years for about 25 licensees and 5 years for about 175 licensees or an average record retention period of 4.5 years, thereby resulting in an overall reduction in recordkeeping requirements. The Commission believes that, although each licensee may have different recordkeeping systems and the changes in recordkeeping requirements will have a different impact on various licensees, the burden on recordkeeping averaged over all the affected licensees would result in a slight reduction in the record retention periods.

The Regulation

The final rule is the same as the proposed rule. It modifies the repofting and recordkeeping requirements in 10 CFR 32.12, 32.16, 32.20, 32.25, and 32.29.

Paperwork Reduction Act Statement

The rule was submitted to the Office of Management and Budget for review in accordance with the Paperwork Reduction Act (Pub. L. 96-511; 42 U.S.C. Ch. 15). The information collection requirements contained in this regulation were approved by OMB. OMB approval No. 3150-0001.

Regulatory Flexibility Certification

Since these amendments generally would reduce present recordkeeping and reporting requirements, the Commission,

in accordance with sec. 605(b) of the Regulatory Flexibility Act of 1980, 5 U.S.C. 605(b), hereby certifies that this rule will not have a significant economic impact on a substantial number of small entities. Persons specifically licensed to distribute consumer products containing byproduct material will no longer be required to submit an annual report to the Commission but will be required to submit reports covering periods of approximately five years. An estimated reduction of about 80 percent of the approximately 200 reports currently submitted annually is expected.

List of Subjects in 10 CFR Part 32

Byproduct materials, Labeling, Nuclear materials, Penalty, Radiation protection, Reporting and recordkeeping requirements.

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended and section 553 of title 5 of the United States Code the following amendment of title 10 chapter 1, Code of Federal Regulations, Part 32, is published as a document subject to codification.

PART 32—SPECIFIC DOMESTIC LICENSES TO MANUFACTURE OR TRANSFER CERTAIN ITEMS CONTAINING BYPRODUCT MATERIAL

1. The authority citation for Part 32 is revised to read as follows:

Authority: Secs. 81, 161, 182, 183, 68 Stat. 935, 948, 953, 954, as amended (42 U.S.C. 2111, 2201, 2232, 2233); sec. 201, 88 Stat. 1242, as amended (42 U.S.C. 5841).

For the purposes of sec. 23, 68 Stat. 958, as amended (42 U.S.C. 2273); secs. 32.13, 32.15 (a), (c) and (d), 32.19, 32.25 (a) and (b), 32.29 (a) and (b), 32.54, 32.55 (a), (b) and (d), 32.58, 32.59, and 32.62 are issued under sec. 161b, 68 Stat. 948, as amended (42 U.S.C. 2201(b)); and secs. 32.12, 32.16, 32.20, 32.25(c), 32.29(c), 32.51a, 32.52 and 32.56 are issued under sec. 161o, 68 Stat. 950, as amended (42 U.S.C. 2201(o)).

2. The authority citations at the end of the following sections in Part 32 are removed: §§ 32.1, 32.14, 32.15, 32.16, 32.17, 32.18, 32.22, 32.25, 32.26, 32.29, 32.40, 32.51, 32.52, 32.53, 32.54, 32.56, 32.57, 32.61, 32.62, 32.71 and 32.110.

3. Section 32.12 is revised to read as follows:

§ 32.12 Same: records and material transfer reports.

(a) Each person licensed under § 32.11 shall maintain records of transfer of material and file a report with the Director of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, with a copy to the appropriate NRC Regional Office listed in Appendix D of Part 20 of this chapter.

(b) The report must identify the—

(1) Type and quantity of each product or material into which byproduct material has been introduced during the reporting period;

(2) Name and address of the person who owned or possessed the product or material, into which byproduct material has been introduced, at the time of introduction;

(3) The type and quantity of radionuclide introduced into each product or material; and

(4) The initial concentrations of the radionuclide in the product or material at time of transfer of the byproduct material by the licensee.

(c) The licensee shall file the report within 30 days following—

(1) Five years after filing the preceding report; or

(2) Filing an application for renewal of the license under § 30.27; or

(3) Notifying the Commission under § 30.34(f) of the licensee's decision to permanently discontinue activities authorized under the license issued under § 32.11.

(d) The report must cover the period between the filing of the preceding report and the occurrence specified in paragraphs (c) (1), (2), or (3) of this section. If no transfers of byproduct material have been made under § 32.11 during the reporting period, the report shall so indicate.

(e) The licensee shall maintain the record of a transfer for a period of one year after the event is included in a report to the Commission.

4. Section 32.16 is revised to read as follows:

§ 32.16 Certain items containing byproduct material: Records and reports of transfer.

(a) Each person licensed under § 32.14 or § 32.17 shall maintain records of transfer of material and report to the Director of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, with a copy to the appropriate NRC Regional Office listed in Appendix D of Part 20 of this chapter.

(b) The report must include the following information on items transferred to other persons for use under § 30.16 of this chapter or equivalent regulations of an Agreement State—

(1) A description or identification of the type of each product;

(2) For each radionuclide in each type of product, the total quantity of the radionuclide; and

(3) The number of units of each type of product transferred during the reporting period.

(c) The licensee shall file the report within 30 days after—

(1) Five years after filing the preceding report; or

(2) Filing an application for renewal of the license under § 30.37; or

(3) Notifying the Commission under § 30.34(f) of the licensee's decision to permanently discontinue activities authorized under the license issued under § 32.14 or § 32.17.

(d) The report must cover the period between the filing of the preceding report and the occurrence specified in paragraphs (c) (1), (2), or (3) of this section. If no transfers of byproduct material have been made under § 32.14 or § 32.17 during the reporting period, the report must so indicate.

(e) The licensee shall maintain the record of a transfer for a period of one year after the event is included in a report to the Commission.

5. Section 32.20 is revised to read as follows:

§ 32.20 Same: Records and material transfer reports.

(a) Each person licensed under § 32.18 of this part shall maintain records of transfer of material identifying, by name and address, each person to whom byproduct material is transferred for use under § 30.18 of this chapter or the equivalent regulations of an Agreement State and stating the kinds and quantities of byproduct material transferred. The licensee shall maintain the record of a transfer for a period of one year after the event is included in a summary report to the Commission.

(b) The licensee shall file a summary report stating the total quantity of each isotope transferred under the specific license with the Director of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, with a copy to the appropriate NRC Regional Office listed in Appendix D of Part 20 of this chapter.

(c) The licensee shall file the summary report within 30 days following—

(1) Five years after filing the preceding report; or

(2) Filing an application for renewal of the license under § 30.37; or

(3) Notifying the Commission under § 30.34(f) of the licensee's decision to permanently discontinue activities authorized under the license issued under § 32.18.

(d) The report must cover the period between the filing of the preceding report and the occurrences specified in

paragraphs (c)(1), (2), or (3) of this section. If no transfers of byproduct material have been made under § 32.18 during the reporting period, the report must so indicate.

6. In § 32.25, paragraph (c) is revised to read as follows:

§ 32.25 Conditions of licenses issued under § 32.22: quality control, labeling, records, and reports of transfer.

Each person licensed under § 32.22 shall:

* * * * *

(c) Maintain records and file reports with the Director of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, with copies to the appropriate NRC Regional Office listed in Appendix D of Part 20 of this chapter.

(1) The report must include the following information on products transferred to other persons for use under § 30.19 of this chapter or equivalent regulations of an Agreement State—

(i) A description or identification of the type of each product;

(ii) For each radionuclide in each type of product, the total quantity of the radionuclide; and

(iii) The number of units of each type of product transferred during the reporting period.

(2) The licensee shall file the report within 30 days following—

(i) Five years after filing the preceding report; or

(ii) Filing an application for renewal of the license under § 30.37; or

(iii) Notifying the Commission under § 30.34(f) of the licensee's decision to permanently discontinue activities authorized under the license issued under § 32.22.

(3) The report must cover the period between the filing of the preceding report and the occurrences specified in paragraphs (c)(2)(i), (ii), or (iii) of this section. If no transfers of byproduct material have been made under 32.22 during the reporting period, the report must so indicate.

(4) The licensee shall maintain the record of a transfer for a period of one year after the event is included in a report to the Commission.

7. In § 32.29, paragraph (c) is revised to read as follows:

§ 32.29 Conditions of licenses issued under § 32.26: Quality control, labeling, records, and reports of transfer.

Each person licensed under § 32.26 shall:

* * * * *

(c) Maintain records and file a report with the Director of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, with copies to the appropriate NRC Regional Office listed in Appendix D of Part 20 of this chapter.

(1) The report must include the following information on products transfered to other persons for use under § 30.20 of this chapter or equivalent regulations of an Agreement State—

(i) A description or identification of the type of each product;

(ii) For each radionuclide in each type of product, the total quantity of the radionuclide; and

(iii) The number of units of each type of product transferred during the reporting period.

(2) The licensee shall file the report within 30 days following—

(i) Five years after filing the preceding report; or

(ii) Filing an application for renewal of the license under § 30.37; or

(iii) Notifying the Commission under § 30.34(f) of the licensee's decision to permanently discontinue activities authorized pursuant to the license issued under § 32.26.

(3) The report must cover the period between the filing of the preceding report and the occurrences specified in paragraphs (c)(2) (i), (ii), or (iii) of this section. If no transfers of byproduct material have been made under § 32.26 during the reporting period, the report must so indicate.

(4) The licensee shall maintain the record of a transfer for a period of one year after the event is included in a report to the Commission.

Dated at Bethesda, Maryland this 4th day of March 1983.

For the Nuclear Regulatory Commission.

William J. Dircks,

Executive Director for Operations.

[FR Doc. 83-7995 Filed 3-23-83; 8:45 am]

BILLING CODE 7590-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 21

[Docket No. NM-1, Special Condition No. 25-ANM-1]

Special Conditions: Canadair CL-600-2A12 (CL-601)

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final Special Conditions.

SUMMARY: This action issues special conditions for the Canadair CL-600-2A12 (CL-601) series airplane. The special conditions originally issued for the CL-600-1A11 are amended for this derivative model (CL-601) because an increase in operating altitude is anticipated. Additionally, the CL-600-2A12 (CL-601) airplane will have novel and unusual design features associated with an automatic takeoff thrust control system (ATTCS) for which the applicable airworthiness regulations do not have adequate or appropriate safety standards. These special conditions contain safety standards which the Administrator finds necessary to establish a level of safety equivalent to that established in the regulations applicable to the Canadair CL-600-2A12 (CL-601) series airplane because of novel and unusual features.

DATES: Effective date: March 8, 1983.

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

ADDRESS: Comments on these special conditions may be mailed in duplicate to: Federal Aviation Administration, Office of the Regional Counsel, Attn: Rules Docket (ANM-7), Docket No. NM-1, 17900 Pacific Highway South, C-68966, Seattle, Washington 98166; or delivered in duplicate to: Office of the Regional Counsel, ANM-7, at the above address. All comments must be marked: Docket No. NM-1. Comments may be inspected in the Rules Docket weekdays, except Federal holidays, between 7:30 a.m. and 4:30 p.m.

FOR FURTHER INFORMATION CONTACT: James Walker (ATTCS) or Mark Quam (High Altitude Operations), Regulations and Policy Office, ANM-110, FAA Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168. Telephone (206) 764-7051/7053.

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA has determined that good cause exists for making these special conditions effective in less than 30 days; however, interested persons are invited to submit such written data, views, or arguments as they may desire. Communications should identify the regulatory docket number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments will be considered by the Administrator, and these special conditions may be changed based on comments received. All comments submitted will be available both before and after the closing date for comments in the Rules Docket for examination by interested persons. A report summarizing each FAA public contact concerned with the substance of these

special conditions will be filed in the Rules Docket. Persons wishing the FAA to acknowledge receipt of their comments submitted in response to this request, must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments on Docket No. NM-1." The postcard will be date/time stamped and returned to the commenter.

Background

On May 1, 1981, Canadair Limited, Post Office Box 6087, Montreal, Quebec, Canada H3C 3G9, applied for an amendment to United States Import Type Certificate No. A21EA for its Canadair CL-600-2A12 (CL-601) series airplane. The Model CL-600-2A12 (CL-601) is a twin engine, pressurized transport category airplane. The airplane is similar to the Model CL-600-1A11 except for installation of winglets and General Electric CF34 turbofan engines. The maximum takeoff gross weight is 42,100 pounds. The General Electric CF34 engines produce 9140 pounds takeoff thrust under sea level standard day conditions. The airplane has a seating capacity of 21 persons, including the crew, and has a maximum anticipated altitude of 45,000 feet.

The major modification covered under this amendment to the type certificate is the installation of an automatic takeoff thrust control system (ATTCS) called Automatic Performance Reserve (APR) system by Canadair. With the ATTCS installed, takeoffs would normally be made with engine thrust set at less than the maximum takeoff thrust approved for the airplane under the existing ambient conditions. In the event of an engine failure on takeoff, the automatic system will reset the fuel schedule on the operating engine to provide the maximum takeoff thrust. Provisions are also made for manual selection of the maximum takeoff thrust. The application of maximum takeoff thrust, whether set by the automatic system or manually, will not result in the takeoff operating limits of the engine being exceeded.

High Altitude Operation

The special conditions issued for high altitude operation for the CL-600-1A11 were Special Condition No. 25-94-EA-12, issued March 26, 1980, and Amendment No. 1 issued September 11, 1981. These same special conditions are being applied to the CL-600-2A12 with the amended portions discussed here.

The CL-600-2A12 will be initially certificated to operate to 41,000 feet. The manufacturer has expressed interest in increasing the operating altitude to 45,000 feet at a later date. To cover that eventuality, special conditions are being applied. The FAA policy is to apply special conditions to Part 25-type executive transports when the certificated altitude exceeds the capability of the oxygen system (in this case, the passenger system). This has been the case for the early Learjet, Lockheed Jetstar and Aero Commander, and Cessna 650 (46 FR 35929 dated July 13, 1981).

Analysis indicates that for some failure conditions, the cabin altitude after failure may exceed the cabin altitude/time curve limits in Special Condition No. 25-94-EA-12. Continuous flow passenger oxygen equipment is certificated for use up to 40,000 feet. Studies have shown for rapid decompressions above 34,000 feet, reverse diffusion leads to low oxygen partial pressures in the lungs to the extent a small percentage of passengers may lose useful consciousness at 35,000 feet to an estimated 60 percent at 40,000 feet, even with the use of the continuous flow system.

To prevent possible brain damage, the cabin altitude is not to exceed 25,000 feet for more than two minutes. The maximum cabin altitude has been set at 40,000 feet to be in agreement with past FAA certification; and, in addition, at these altitudes, the other aspects of decompression sickness have significant detrimental effect on pilot performance (for example, a pilot can be incapacitated by internal expanding gasses).

Decompression above the 37,000 foot limit specified in Special Condition No. 25-94-EA-12 strains man's physiological limits and every effort must be made to provide the pilot with adequate oxygen equipment to withstand these severe decompressions. Reducing the time interval before the pilot receives oxygen will provide a safety margin against being incapaciated and can be accomplished by the action of mask mounted regulators. Item 4(a) of Special Condition No. 25-94-EA-12, therefore, has been amended for the CL-600-2A12 series airplanes to require pressure demand masks with mask mounted regulators for the flightcrew. This combination of equipment will provide the best practical protection for the failures covered by the special conditions and for improbable failures not covered by the special condition, provided the cabin altitude is limited.

Automatic Takeoff Thrust Control System (ATTCS)

The type design of the Model CL-600-2A12 (CL-601) series airplane, with the automatic system installed, contains a number of novel and unusual design features for an airplane type certificated under the airworthiness requirements incorporated by reference in Type Certificate No. A21EA or under the applicable airworthiness requirements in effect on the date of application for change to that type certificate. In either case, the applicable airworthiness requirements do not contain adequate or appropriate safety standards. Special conditions are necessary to provide a level of safety equal to that established by the regulations incorporated by reference in the type certificate and to support a finding by the Administratior that no feature or characteristic of the airplane with the ATTCS installed makes it unsafe for the category in which certification is requested. These special conditions specify limits on the maximum power increment which may be applied to the operating engine(s) by the ATTCS, prescribe system reliability and status monitoring requirements, require provisions for manual selection of the maximum takeoff thrust approved for the airplane under existing conditions, prohibit approval of the system if the automatic or manual application of maximum takeoff thrust would result in an engine operating limit being exceeded, and require the installation of an independent engine failure warning system if the inherent characteristics of the airplane do not provide a clear warning to the crew.

The FAA developed special conditions for an ATTCS for current turbine-powered transport category airplanes, and sent the proposal to U.S. user groups and various foreign Civil Air Authorities for review and comment in November 1977. Comments were received, reviewed, and the special conditions were revised and sent to the same groups in May 1978. This procedure was repeated again in November 1978. Cooperating with the FAA in this development were the Aerospace Industries Association of America (AIA), Air Transport Association of America (ATA), Air Line Pilots Association (ALPA), Allied Pilots Association (APA), Rolls Royce (RR), Hawker Siddeley Aviation Ltd. (HS), British Civil Air Authority (BCAA), the Civil Air Authorities of Australia and Japan, the French Technical Commission Navigation (FTCN) and the French Civil Air Authorities (FCAA), Lockheed, Boeing, McDonnell Douglas, and Rockwell International.

Based on the comments received and on further review by the FAA, a number of changes were made to the special conditions proposal. These provide for consideration of the following specific matters:

1. For the fail-operational (able to perform its intended function after a single failure or combination of failures not shown to be extremely improbable within the ATTCS system) system proposed, a reduction of the ATTCS failure probability from extremely improbable to improbable for the ATTCS alone, the addition of an extremely improbable failure probability for the combined ATTCS and engine failure, and deletion of the all-engine performance criteria.

2. For the nonfail-operational system proposed, a reduction in the failure probability from improbable to 10^{-3} for the ATTCS alone, introduction of a climb gradient for the combined ATTCS and engine failure case, and deletion of an engine failure warning means if the inherent characteristics of the engine failure are clearly made known to the pilot.

3. For clarifying changes, including a graphical presentation to clarify the definition of the term "Critical Time Interval."

The special conditions differ in one major respect from similar special conditions previously issued for other airplane models. The certification basis for the Canadair CL-600-2A12 (CL-601) includes Amendment No. 25-23 to Part 25 which modified the requirements of § 25.1309(b)(2). Previous model airplanes to which special conditions for an ATTCS were applied do not have to meet the current requirements of § 25.1309(b)(2). The current rules in § 25.1309(b)(2) are more stringent than the previous special condition requirements; therefore, the option to provide an ATTCS with reduced reliability if a specific level of minimum performance is available with both the ATTCS and an engine failed has been deleted from these special conditions.

Type Certification Basis

The type certification basis of the Canadair CL-600-2A12 (CL-601) series airplane with the ATTCS and an anticipated increase in operational altitude to 45,000 feet is as follows:

1. Certification basis for the Model CL-600-1A11, shown in Type Certificate Data Sheet A21EA, Revision 1, dated May 26, 1981.

2. Special Conditions No. 25-94-EA-12, Docket No. 16921, issued March 26, 1980.

3. Amendment No. 1 to special conditions No. 25-94-EA-12 for Canadair CL-600-1A11 series airplane, issued September 11, 1981.

4. The special conditions contained herein for the CL-600-2A12 (CL-601) series airplane for the ATTCS and amendments for higher altitude operation above 41,000 feet to 45,000 feet.

The substance of these two special conditions has been the subject of notice and public procedure in several prior instances. See 46 FR 35929, 46 FR 27092, and 46 FR 46118. They are adopted herein without substantive change for the CL-601. Accordingly, and because this application is for an amendment only to an existing type certificate which already contains approved special conditions for high altitude operation, the FAA has determined that additional notice and public procedure are unnecessary and the applicable special conditions are being issued effective immediately.

Special conditions may be issued and amended, as necessary, as part of the type certification basis if the Administrator finds that the airworthiness standards designated in accordance with § 21.17(a)(1) do not contain adequate or appropriate safety standards because of novel or unusual design features of the airplane.

List of Subjects in 14 CFR Part 21

Air transportation, Aircraft, Aviation safety, Safety.

Special Conditions

Accordingly, pursuant to the authority delegated to me by the Administrator, the following special conditions are issued to Canadair Limited for the Canadair CL-600-2A12 (CL-601) series airplanes:

High Altitude Special Condition Amendments

Special Condition No. 25-94-EA-12, issued March 26, 1980, and Amendment No. 1 issued September 11, 1981, as follows:

1. Amend Item 3(a), titled "Pressurization," to read: "The pressurization system must be capable of maintaining the following relationships between specific failure and cabin altitude-time histories for operations above 41,000 feet:" The rest reads the same, except as follows: Revise the referenced Figures 3 and 4 of Item 3, titled "Pressurization," of Special Condition No. 25-94-EA-12 to include the notes as shown on Figures 3 and 4.

2. Amend 4(a) of Item 4, titled "Oxygen Equipment and Supply" to read: "In addition to the requirements of § 25.1441, the following apply: A pressure demand oxygen system with a quick donning mask with mask mounted regulators must be provided for the flightcrew * * *." The rest reads the same.

BILLING CODE 4910-13-M

For Figure 3, time starts at the moment cabin altitude exceeds 8,000 feet during depressurization. After depressurization, the maximum cabin altitude exceedence is limited to 30,000 feet. The maximum time the cabin altitude may exceed 25,000 feet is two minutes; time starting when the cabin altitude exceeds 25,000 feet and ending when it returns to 25,000 feet.

FIGURE 3
CABIN ALTITUDE - TIME HISTORY
(Supplemental oxygen available to all passengers.)

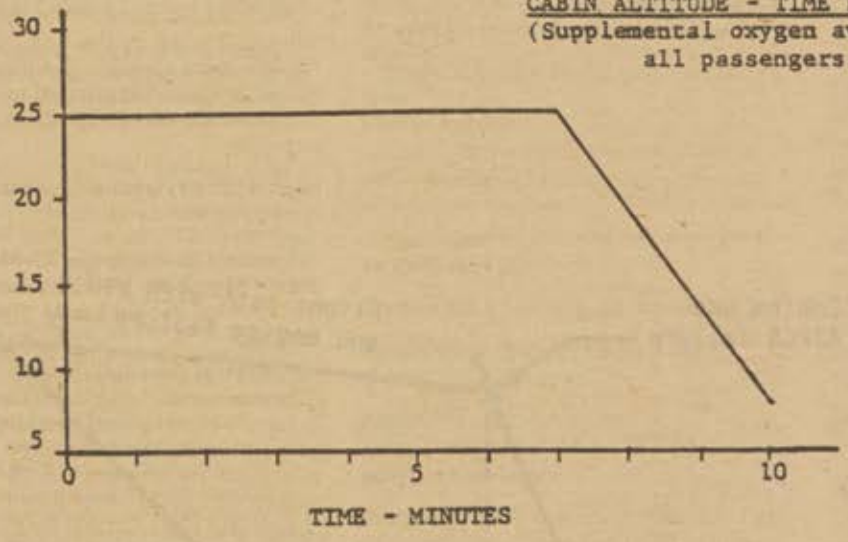
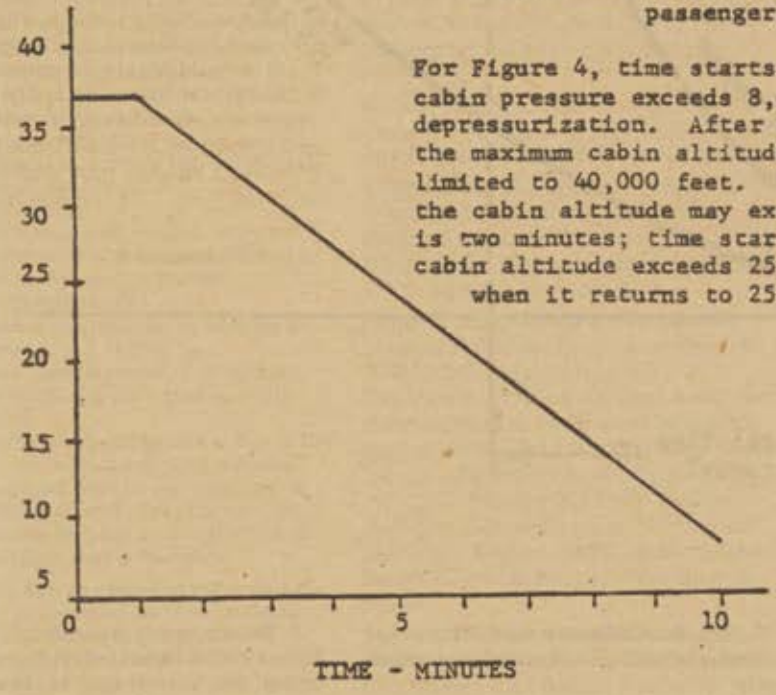


FIGURE 4
CABIN ALTITUDE - TIME HISTORY
(Supplemental oxygen available to all passengers.)

For Figure 4, time starts at the moment cabin pressure exceeds 8,000 feet during depressurization. After depressurization, the maximum cabin altitude exceedence is limited to 40,000 feet. The maximum time the cabin altitude may exceed 25,000 feet is two minutes; time starting when the cabin altitude exceeds 25,000 feet and ending when it returns to 25,000 feet.



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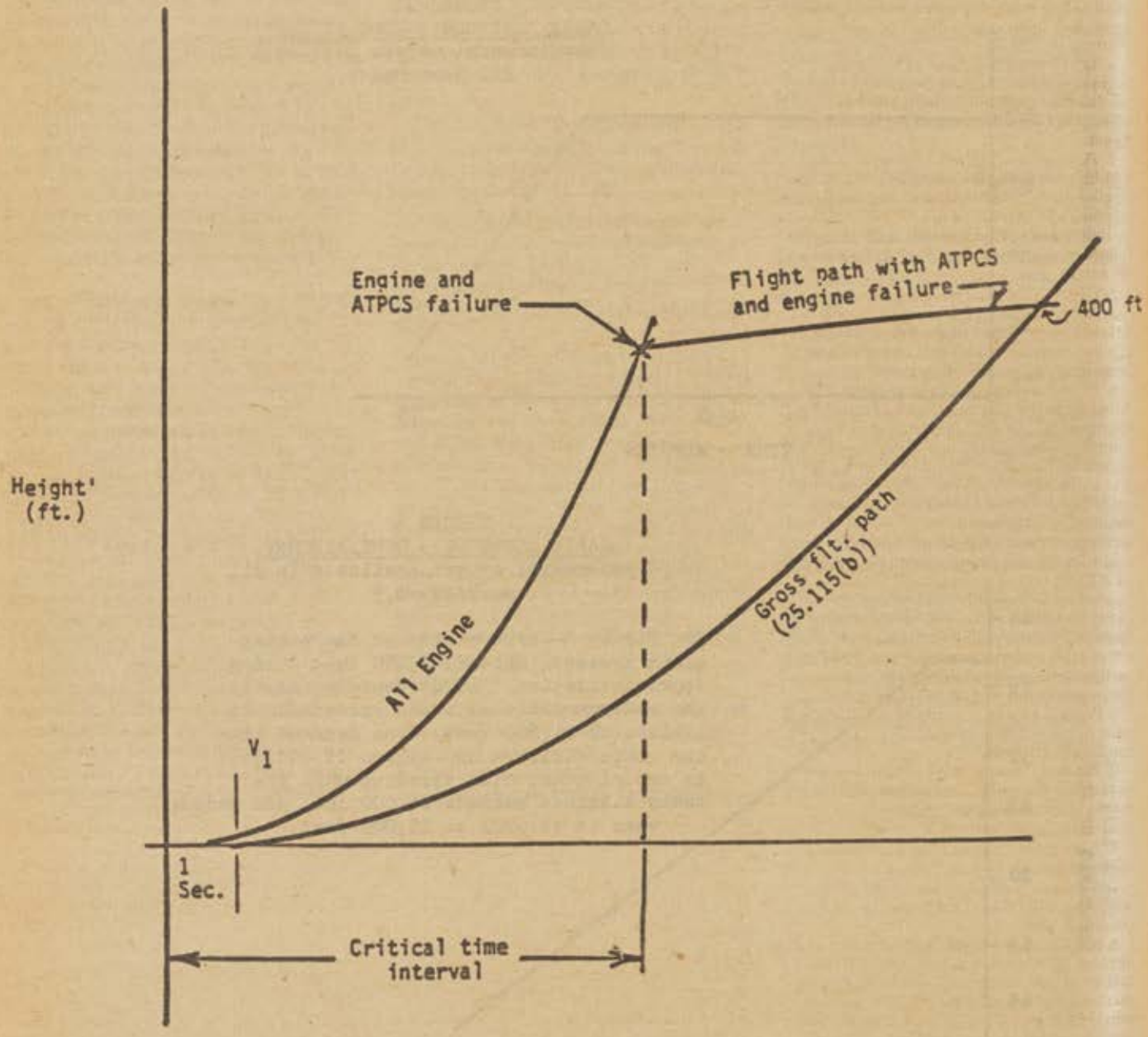
Automatic Takeoff Thrust Control System (ATTCS)

A. *General.* With the ATTCS and associated systems functioning normally as designed, all applicable requirements of Part 25, except as provided in these special conditions, must be met without requiring any action by the crew to increase thrust.

B. *Definitions.* An ATTCS is defined as the entire automatic system used on takeoff, including all devices, both mechanical and electrical, that sense engine failure, transmit signals, actuate fuel controls or power levers on operating engines to achieve scheduled thrust increase, and furnish cockpit information on system operation.

1. *Critical Time Interval.* When conducting an ATTCS takeoff, the critical time interval between V_1 minus 1 second and a point on the minimum performance all-engine flight path, where assuming a simultaneous engine and ATTCS failure, the resulting minimum flight path thereafter intersects the Part 25-required gross flight path at not less than 400 feet from the takeoff surface. This definition is shown in the following graph:



2. *Takeoff Thrust.* Notwithstanding the definition of "Takeoff Thrust" in Part 1 of the Federal Aviation Regulations (FAR), "Takeoff Thrust" means each thrust obtained from each initial thrust setting approved for takeoff under these special conditions.

C. *Performance Requirements.* The following reliability and performance criteria apply:

1. An ATTCS system failure during the critical time interval must be shown to be improbable.

2. The concurrent existence of an ATTCS failure and an engine failure during the critical time interval must be shown to be extremely improbable.

3. All applicable performance requirements of Part 25 must be met with an engine failure

occurring at the most critical point during takeoff with the ATTCS system functioning.

D. *Thrust Setting.* The initial takeoff thrust set on each engine at the beginning of the takeoff roll may not be less than:

1. Ninety (90) percent of the thrust level set by the ATTCS (the maximum takeoff thrust approved for the airplane under existing conditions);

2. That required to permit normal operation of all safety-related systems and equipment dependent upon engine thrust or power lever position; or

3. That shown to be free of hazardous engine response characteristics when thrust is advanced from the initial takeoff thrust level to the maximum approved takeoff thrust.

E. *Powerplant Controls—General.* 1. In addition to the requirements of § 25.1141, no single failure or malfunction, or probable combination thereof, of the ATTCS system, including associated systems, may cause the failure of any powerplant function necessary for safety.

2. The ATTCS must be designed to:

a. Apply thrust on the operating engine(s), following an engine failure during takeoff, to achieve the selected takeoff thrust without exceeding engine operating limits;

b. Permit manual decrease or increase in thrust up to the maximum takeoff thrust approved for the airplane under existing conditions through the use of the power lever, except that for aircraft equipped with limiters that automatically prevent engine operating limits from being exceeded under existing conditions, other means may be used to increase the maximum level of thrust controlled by the power levels in the event of an ATTCS failure provided the means is located on or forward of the power levers, is easily identified and operated under all operating conditions by a single action of either pilot with the hand that is normally used to actuate the power levers, and meets the requirements of § 25.777 (a), (b), and (c).

c. Provide means to verify to the flightcrew prior to takeoff that the ATTCS is in a condition to operate.

d. Provide a means for the flightcrew to deactivate the automatic function. This means must be designed to prevent inadvertent deactivation.

F. *Powerplant Instruments.* In addition to the requirements of § 25.1305,

1. A means must be provided to indicate when the ATTCS is in the armed or ready condition; and

2. If the inherent flight characteristics of the airplane do not provide adequate warning that an engine has failed, a warning system that is independent of the ATTCS must be provided to give the pilot a clear warning of any engine failure during takeoff.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transporation Act (49 U.S.C. 1655(c)); and 14 CFR 11.28 and 11.29(b))

Note. The FAA has determined that this document involves a regulation which is not considered to be significant as defined in Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979), and is not major as defined in Executive Order 12291. In addition, it has been determined under the criteria of the Regulatory Flexibility Act that this regulation, at promulgation, will not have a significant economic impact on a substantial number of small entities. The regulation affects only certain unusual or novel design features of one model series of airplanes. The regulation is necessary for safety and affects primarily the manufacturer who applied to the FAA for approval of these features on the airplane.

Issued in Seattle, Washington, on March 8, 1983.

Charles R. Foster,

Director, Northwest Mountain Region.

[FR Doc. 83-7570 Filed 3-23-83; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 83-NM-06-AD; Amdt. 39-4589]

Airworthiness Directives: Boeing Model 767 Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adds a new Airworthiness Directive (AD) which requires installation of an ice shield on the inboard slat center support link doors of Boeing Model 767 airplanes. Compliance with this AD is required to prevent simultaneous loss of the throttle control on both engines due to ice buildup on the engine power lever cables.

DATES: Effective April 4, 1983. Compliance required within the next 30 days after the effective date of this AD.

ADDRESSES: The applicable Service Bulletin may be obtained from the Boeing Company, P.O. Box 3707, Seattle, Washington 98124, or may be examined at the address shown below.

FOR FURTHER INFORMATION CONTACT: Stewart R. Miller, Propulsion Branch, ANM-140S, Seattle Aircraft Certification Office, Federal Aviation Administration, Northwest Mountain Region, 9010 East Marginal Way South, Seattle, Washington, telephone (206) 767-2520. Mailing Address: Federal Aviation Administration, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

SUPPLEMENTARY INFORMATION: The Federal Aviation Administration has determined that Boeing Model 767 airplanes subjected to operation in icing conditions with leading edge slats extended are subject to ice accumulation on the power lever cables where they are routed through the wing cavity behind the inboard slats. During one flight subsequent to type certification, large amounts of ice formed in both wings and led to binding of the power lever cable on both engines. The flight involved slats extended operation in icing conditions. This condition has the potential for simultaneous loss of power lever control on both engines and is likely to occur on all aircraft of this type.

Boeing has designed an ice shield to prevent the accumulation of ice in the wing with slats extended. This shield is being installed on current production Model 767 airplanes and is available as a kit for retrofit on existing airplanes.

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

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

Adoption of the Amendment

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

Boeing: Applies to Boeing Model 767 Series Airplanes certificated in all categories. To prevent loss of engine throttle control due to power lever cable icing, accomplish the following within 30 days from the effective date of this AD, unless already accomplished.

A. Install ice shields on the number 6 and 7 slats per Boeing Service Bulletin 767-30-2 dated December 13, 1982, or later FAA approved revision.

B. Special Flight permits may be issued in accordance with FAR 21.199 to operate airplanes to a base for the accomplishment of this AD.

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

This amendment becomes effective April 4, 1983.

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

Note.—The FAA has determined that this regulation is an emergency regulation that is not major under Section 8 of Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe

condition in aircraft. It has been further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant/major regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it, when filed, may be obtained by contacting the person identified under the caption "FOR FURTHER INFORMATION CONTACT."

Issued in Seattle, Washington on March 14, 1983.

Charles R. Foster,

Director, Northwest Mountain Region.

[FR Doc. 83-7573 Filed 3-23-83; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 82-CEF-4-AD; Amdt. 39-4586]

British Aerospace Model HP137 Jetstream MK1 and Series 200 Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment revises Airworthiness Directive (AD) 82-20-04, Amendment 39-4468, applicable to British Aerospace Model HP137 Jetstream MK1 and Series 200 airplanes. The manufacturer has conducted additional fatigue testing and, as a result, extended the recommended inspection intervals. This revision changes these intervals to those now specified by the manufacturer.

DATE: Effective: March 28, 1983.

Compliance: As prescribed in the body of the AD.

ADDRESSES: British Aerospace Service Bulletin (SB) No. 7/8, dated May 7, 1982, as revised by Revision 2, dated January 6, 1983, may be obtained from British Aerospace, Inc., P.O. Box 17414, Dulles International Airport, Washington, D.C. 20041. A copy of this service information is also contained in the Rules Docket, Office of the Regional Counsel, FAA, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT: Mr. A. Astorga, Aircraft Certification Staff, AEU-100, Europe, Africa and Middle East Office, FAA, c/o American Embassy, 1000 Brussels, Belgium, telephone 513.38.30, or Mr. P. Cormaci, Manager, Foreign FAR 23 Section, ACE-109, Central Region, FAA, 601 East 12th Street, Kansas City, Missouri 64106, telephone (816) 374-6932.

SUPPLEMENTARY INFORMATION: AD 82-20-04, Amendment 39-4468 (47 FR 43017, 43018), applicable to British Aerospace Model HP137 Jetstream MK1 and Series 200 airplanes requires, in part, certain visual and non-destructive testing (NDT) inspections of the main landing gear (MLG) hinge fitting support angles at intervals specified in British Aerospace Service Bulletins No. 7/5 dated March 31, 1982, and 7/8 dated May 7, 1982, as revised by Revision 1 dated May 20, 1982. Subsequent to the issuance of AD 82-20-04, the manufacturer has continued fatigue testing of the aircraft and, as a result, has issued Revision 2 dated January 6, 1983, to SB No. 7/8. This revision extends the current inspection intervals. Accordingly, this amendment revises the AD by changing the inspection intervals now specified in the AD to those contained in the latest revision to SB No. 7/8.

Since this amendment only eliminates the variance between the current manufacturer's recommended inspection intervals and the AD requirements by increasing the interval between required repetitive inspections, is in the interest of safety, and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and not in the public interest and good cause exists for making this amendment effective in less than 30 days.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

Adoption of the Amendment

Accordingly and pursuant to the authority delegated to me by the Administrator, AD 82-20-04, Amendment 39-4468 (47 FR 43017, 43018), § 39.13 of the Federal Aviation Regulations (14 CFR 39.13) is amended as follows:

(1) Restate paragraphs (b)(1) through (b)(3) to read as follows:

(b) Prior to the accumulation of 4000 landings or on airplanes already having 4000 landings within the next 50 landings after the effective date of this AD:

(1) Using a strong light and eight power lens, visually inspect the MLG hinge fitting support angles for cracks in accordance with British Aerospace Service Bulletin No. 7/8 dated May 7, 1982, as revised by Revision 2, dated January 6, 1983, paragraphs 3.2 and 3.3.

(2) If no cracks are found, return the aircraft to service and thereafter repeat the inspection required by paragraph (b)(1) of this AD at intervals not exceeding 400 landings.

(3) If cracks are found emanating from either end of the support angle, but which have propagated no further than the tooling holes, return the aircraft to service and thereafter repeat the inspection required by paragraph (b)(1) of this AD at intervals not exceeding 400 landings.

(2) Restate paragraph (c)(1) to read as follows:

(c) Prior to the accumulation of 4000 landings or on airplanes already having 4000 landings, within the next 50 landings after the effective date of this AD:

(1) Using a strong light and eight power lens, visually inspect the MLG hinge fitting at the auxiliary spar web for cracks in accordance with British Aerospace Service Bulletin No. 7/8 dated May 7, 1982, as revised by Revision 2 dated January 6, 1983, paragraph 3.2, 3.6, and 3.7

(3) Restate paragraphs (d) through (d)(2) to read as follows:

(d) Conduct an NDT inspection of the MLG hinge fitting per British Aerospace Service Bulletin No. 7/8 dated May 7, 1982, as revised by Revision 2 dated January 6, 1983, paragraphs 3.10 through 3.11.

(1) If cracks are found, prior to further flight, replace the MLG hinge fitting with a new fitting of the same part number.

(2) If no cracks are found, return the aircraft to service and repeat the NDT inspection at intervals not to exceed 1200 landings.

This amendment becomes effective March 28, 1983.

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

Note.—The FAA has determined that this regulation only involves an annual cost reduction of $1,050 on 21 airplanes. Therefore, I certify that this action (1) is not a major rule under Executive Order 12291, and (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979), and because of the cost and few airplanes involved owned by small entities, it will not have significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Kansas City, Missouri, on March 10, 1983.

Murray E. Smith,

Director, Central Region.

[FR Doc. 83-7571 Filed 3-23-83; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 83-NM-10-AD; Amdt. 39-4588]

Airworthiness Directives: McDonnell Douglas Model DC-9-80 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adds a new Airworthiness Directive (AD) which requires a one-time inspection of the

electrical connections of the discharge plugs to fire extinguishing bottles Nos. 1 & 2 on McDonnell Douglas Model DC-9-80 series airplanes. Reports have been received of the plugs installed cross connected. This action is necessary to prevent potential fire extinguisher discharge into the wrong area.

DATES: Effective April 4, 1983. Compliance schedule as prescribed in the body of the AD, unless already accomplished.

ADDRESSES: The applicable service information may be obtained from McDonnell Douglas Corporation, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Director, Publications and Training, Cl-750 (54-60). This information also may be examined at FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle Washington or 4344 Donald Douglas Drive, Long Beach, California.

FOR FURTHER INFORMATION CONTACT: Roy McKinnon, Aerospace Engineer, Propulsion Branch, ANM-140L, FAA, Northwest Mountain Region, Los Angeles Aircraft Certification Office, 4344 Donald Douglas Drive, Long Beach, California 90808, telephone (213) 548-2835.

SUPPLEMENTARY INFORMATION: Two operators have reported finding discharge plugs Pl-74 and Pl-75 on Firex bottle No. 2 in a crossed condition. Pl-74 should connect to the cartridge for agent discharge into the right engine compartment. Plug Pl-75 should connect to the cartridge for agent discharge into the APU compartment. This condition would cause the fire extinguisher to discharge into the wrong compartment.

Since this situation is likely to exist on other airplanes of the same type design, this AD requires inspection of the discharge plug to verify proper installation of electrical connections, correction if necessary, and modification of the clamping method to prevent improper installation.

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

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

Adoption of the Amendment

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

McDonnell Douglas: Applies to McDonnell Douglas Model DC-9-80 series airplanes fuselage numbers through 1086, certificated in all categories. Compliance required as indicated, unless previously accomplished.

To prevent possible discharge of fire extinguishing agent into an unselected area, accomplish the following within 300 flight hours time in service after the effective date of this AD:

A. Inspect for proper installation of electrical connection of plugs, Pl-70, Pl-71 and Pl-72 to Firex bottle No. 1 and plugs Pl-73, Pl-74, and Pl-75 to Firex bottle No. 2 and inspect for proper clamping method and correct if necessary, in accordance with McDonnell Douglas DC-9-80 Alert Service Bulletin A26-13, dated February 2, 1983, or Revision 1, dated February 3, 1983, or later revisions approved by the Manager, Los Angeles Aircraft Certification Office, FAA, Northwest Mountain Region.

B. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base in order to comply with the requirements of this AD.

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

All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to McDonnell Douglas Corporation, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Director, Publications and Training, Cl-750 (54-60). These documents also may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington or at the Los Angeles Aircraft Certification Office, 4344 Donald Douglas Drive, Long Beach, California

This Amendment becomes effective April 4, 1983.

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

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

Issued in Seattle, Washington March 14, 1983.

Charles R. Foster,

Director, Northwest Mountain Region

[FR Doc. 83-7572 Filed 3-23-83; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 82-NM-67-AD; Amdt. 39-4590]

Airworthiness Directives; McDonnell Douglas Model DC-9 Series -30, -40 and -50 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adds a new Airworthiness Directive (AD) that requires inspection and replacement, if necessary, of Main Landing Gear (MLG) shock strut restrictor supports on certain McDonnell Douglas Model DC-9-30, -40 and -50 series airplanes. This action is needed to detect improperly heat treated MLG shock strut restrictor supports; the failure of which could cause a loss of strut pressure and may result in failure of the landing gear support structure.

DATES: Effective April 28, 1983. Compliance schedule as prescribed in the body of the AD, unless already accomplished.

ADDRESSES: The applicable service information may be obtained from: McDonnell Douglas Corporation, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Director, Publications and Training, C1-750 (54-60). This information also may be examined at FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington 98168, or 4344 Donald Douglas Drive, Long Beach, California 90808.

FOR FURTHER INFORMATION CONTACT: Mr. M. N. Asahara, Aerospace Engineer, Airframe Branch, ANM-120L, FAA, Northwest Northwest Mountain Region, Los Angeles Aircraft Certification Office, 4344 Donald Douglas Drive, Long Beach California 90808, telephone (213) 548-2824.

SUPPLEMENTARY INFORMATION: A proposal to amend Part 39 of the Federal Aviation Regulations to include a new Airworthiness Directive (AD) to require inspection and replacement, if necessary, of MLG shock strut restrictor support tubes on certain McDonnell Douglas Model DC-9-30, -40, and -50 series airplanes was published as a Notice of Proposed Rulemaking (NPRM) in the **Federal Register** September 16, 1982 (47 FR 40810). The comment period

for the proposal closed on November 8, 1982.

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to all comments received. The Air Transport Association of America (ATA) commenting on behalf of its member operators requested that the comment period be extended to January 10, 1983. The ATA stated that this would give industry time to develop a reliable eddy current inspection which does not require MLG removal and inspection. ATA requested that the compliance time be increased to 12 months if the comment period is not extended. After due consideration of this request and subsequent evaluation, the FAA determined that the compliance time period can be entended, in lieu of extending the comment period.

The estimated costs associated with this AD are as follows: The proposed AD applies to certain serial numbered MLG shock struts, for the inspection and/or replacement of improperly heat-treated P/N 5925786-501 support tubes. It is estimated that support tubes, in a total of 89 MLG struts, are suspected of being improperly heat treated and, of these, 36 supports will require replacement. It will take approximately 22 manhours per strut (inspection/replacement) to accomplish the required actions at an average labor cost of $35 per manhour. Based on these figures, the total cost impact of this AD is estimated to be $27,720. Few, if any, small entities within the meaning of the Regulatory Flexibility Act would be affected.

After careful review of the available data, including the comment noted above, the FAA has determined that air safety and the public interest require the adoption of the proposed rule, with the change previously noted.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft

Adoption of the Amendment

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

McDonnell Douglas: Applies to McDonnell Douglas Model DC-9-30, -40, and -50 series airplanes, with the following MLG strut serial numbers installed: R4429N, R4430 thru R4436, R4438 thru R4449, R4462 thru R4469, R5415 thru R5420, R7475, R7476, R7478 thru R7526, R8734, R8736, R8742 and R8743, certificated in all categories. Compliance required prior to December 14, 1983, unless previously accomplished.

To prevent failure of the main landing gear support structure, accomplish the following:

A. Perform an eddy current inspection to determine the heat treat condition of the restrictor support tube in accordance with the Accomplishment Instructions of McDonnell Douglas DC-9 Service Bulletin 32-186, original issue, dated January 29, 1982, or later revisions approved by the Manager, Los Angeles Aircraft Certification Office, FAA, Northwest Mountain Region.

B. Replace restrictor tubes if any are found to be improperly heat treated in accordance with the above service bulletin.

C. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base in order to comply with the requirements of this AD.

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

All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to McDonnell Douglas Corporation, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Director, Publications and Training, C1-750 (54-60). These documents also may be examined at FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington 98168, or Los Angeles Aircraft Certification Office, 4344 Donald Douglas Drive, Long Beach, California 90808.

This Amendment becomes effective April 28, 1983.

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

Note.—For the reasons discussed earlier in the preamble, the Federal Aviation Administration has determined that this regulation is not considered to be major under Executive Order 12291 or significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). It is further certified under the criteria of the Regulatory Flexibility Act that this rule will not have a significant economic effect on a substantial number of small entities, since it involves few, if any small entities. A final evaluation has been prepared for this regulation and has been placed in the docket. A copy of it may be obtained by contacting the person identified under the caption **"FOR FURTHER INFORMATION CONTACT."**

Issued in Seattle, Washington on March 14, 1983.

Charles R. Foster,

Director, Northwest Mountain Region.

[FR Doc. 83-7543 Filed 3-23-83; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 83-CE-14-AD; Amdt. 39-4592]

Airworthiness Directives; Short Brothers & Harland, Ltd., Model SC-7 Series 3 Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new Airworthiness Directive (AD), applicable to Short Brothers & Harland, Ltd., Model SC-7 series 3 airplanes. It requires an eddy current inspection and rework or replacement of the main landing gear lever. The Manufacturer's fatigue analysis has shown that the main landing gear lever sub-assembly is subject to cracking. Such cracking could result in structural failure of the main landing gear. The inspections and rework or replacement of the main landing gear lever specified in this AD will prevent structural failure of the main landing gear.

DATES: *Effective Date:* March 31, 1983. Compliance: As prescribed in the body of the AD.

ADDRESSES: Dowty Rotol Service Bulletins (SB's) No. 32-9M dated February 15, 1982, and No. 32-11M dated April 29, 1982, applicable to this AD may be obtained from Dowty Rotol, Inc., Box 5000, Sully Road, Sterling, Virginia 22170. A copy of this information is also contained in the Rules Docket, FAA, Office of the Regional Counsel, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT: Mr. A. Astorga, Aircraft Certification Staff, AEU-100, Europe, Africa and Middle East Office, FAA, c/o American Embassy, 1000 Brussels, Belgium, Telephone 513.38.30; or Mr. P. Cormaci, FAA, ACE-109, 601 East 12th Street, Kansas City, Missouri 64106, Telephone (816) 374-6932.

SUPPLEMENTARY INFORMATION: Fatigue analysis has disclosed that the Model SC-7 Series 3 airplane's main landing gear lever is subject to structural failure due to the development of fatigue cracks. As a result, Dowty Rotol has issued Mandatory SB's No. 32-9M dated February 15, 1982, and No. 32-11M dated April 29, 1982, which provide for an eddy current inspection and rework or replacement of the main landing gear lever. The Civil Aviation Authority (CAA) who has responsibility and authority to maintain the continuing airworthiness of these airplanes in the United Kingdom (U.K.) has classified these SB's and the actions recommended

therein by the manufacturer as mandatory to assure the continued airworthiness of the affected airplanes. On airplanes operated under U.K. registration, this action has the same effect as an AD on airplanes certified for operation in the United States. The FAA relies upon the certification of the CAA combined with FAA review of pertinent documentation in finding compliance of the design of these airplanes with the applicable United States airworthiness requirements and the airworthiness and conformity of products of this design certificated for operation in the United States.

The FAA has examined the available information related to the issuance of SB's No. 32–9M dated February 15, 1982, and No. 32–11M dated April 29, 1982, and the mandatory classification of these SB's by the CAA.

Based on the foregoing, the FAA has determined that the condition addressed by SB's No. 32–9M dated February 15, 1982, and No. 32–11M dated April 29, 1982, is an unsafe condition that may exist on other products of the same type design certificated for operation in the United States.

Therefore, an AD is being issued requiring an eddy current inspection and rework or replacement of the main landing gear levers on Short Brothers & Harland, Ltd., SC–7 Series 3 airplanes in accordance with procedures set forth in the above mentioned SB's.

Because an emergency condition exists that requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impractical and contrary to the public interest, and good cause exists for making this amendment effective in less than 30 days.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

Adoption of the Amendment

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

Short Brothers & Harland, Ltd.: Applies to Model SC–7 Series 3 airplanes certificated in any category.

Compliance: Required as indicated, unless already accomplished.

To prevent structural failure of the main landing gear, accomplish the following:

(a) Upon the accumulation of 12,000 landings or within 200 landings after the effective date of this AD for those airplanes which have already accumulated 12,000 landings, and at 2,000 landing intervals thereafter until the airplane has accumulated 20,000 landings, perform an eddy current crack detection inspection of the main landing gear lever sub-assembly bores at the shock absorber attachment lugs as indicated in paragraph D.1. of Service Bulletin (SB) No. 32–9M dated February 15, 1982.

(b) Upon the accumulation of 14,000 landings or within 200 landings after the effective date of this AD for those airplanes which have already accumulated 14,000 landings, and at 2,000 landing intervals thereafter until the airplane has accumulated 20,000 landings, perform an eddy current crack detection inspection of the main landing gear lever sub-assembly at the area between the bores of the brake torque bolt and axle attachment holes as indicated in paragraph D.1. of SB No. 32–9M dated February 15, 1982.

(c) If cracks are found during the inspections of paragraphs (a) or (b) of this AD, or upon the accumulation of 20,000 landings, accomplish, in their entirety, the procedures of Mod. No. (c) AC.9725 which are available in SB No. 32–11M dated April 29, 1982. If cracks are detected during the post modification inspection required by SB No. 32–11M dated April 29, 1982, replace the lever with a serviceable lever of the part number indicated in paragraph 3 of that SB.

(d) Upon the accumulation of 5,000 landings after incorporation of the modifications required by SB No. 32–11M dated April 29, 1982, and at 1,000 landings intervals thereafter, conduct the inspections required by paragraphs (a) and (b) of this AD.

(e) If a serviceable replacement lever is installed in accordance with paragraph (c) of this AD, the inspections required by paragraphs (a) and (b) of this AD are applicable at the specified accumulated number of landings on the replacement lever rather than the airplane.

(f) The intervals between the repetitive inspections required by this AD may be adjusted up to 10 percent of the specified interval to allow accomplishing these inspections concurrent with other scheduled maintenance of the airplane.

(g) Operators who have not kept records of total number of landings must substitute airplane hours time-in-service at the rate of two landings per hour in lieu thereof.

(h) Aircraft may be flown in accordance with FAR 21.197 to a location where this Airworthiness Directive (AD) can be accomplished.

(i) An equivalent method of compliance with this AD, if used, must be approved by the Manager, Aircraft Certification Staff, AEU–100, Europe, Africa and Middle East Office, FAA, c/o American Embassy, 1000 Brussels, Belgium.

This amendment becomes effective on March 31, 1983.

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

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

Issued in Kansas City, Missouri, on March 10, 1983.

Murray E. Smith,

Director, Central Region.

[FR Doc. 83-7547 Filed 3-23-83; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 83–CE–12–AD; Amendment 39–4591]

Airworthiness Directives; SIAI-Marchetti Models F260, F260B and F260C Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new Airworthiness Directive (AD), applicable to SIAI-Marchetti Models F260, F260B and F260C airplanes. It requires dye-penetrant inspection of the nose-gear barrel joint weld at the attachment plate for cracks and replacement of any nose-gear barrels if cracks are found. There have been reports of cracks at the joint weld of the nose-gear barrel which could result in the failure of the nose-gear. The inspection procedure will detect the presence of these cracks.

DATES: *Effective Date:* March 31, 1983. *Compliance:* As prescribed in the body of the AD.

ADDRESSES: SIAI-Marchetti Service Bulletin (SB) No. 260B34, dated September 21, 1981, applicable to this AD may be obtained from SIAI-Marchetti S.P.A., V-12070 via Indipendenza, 2, 21018 Sesto Calenda, Italy. A copy of this information is also contained in the Rules Docket, FAA, Office of the Regional Counsel, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT: Mr. A. Astorga, Aircraft Certification Staff, AEU–100, Europe, Africa and Middle East Office, FAA, c/o American Embassy, 1000 Brussels, Belgium, Telephone 513.38.30; or Mr. P. Cormaci,

FAA, ACE-109, 601 East 12th Street, Kansas City, Missouri 64106, Telephone (816) 374-6932.

SUPPLEMENTARY INFORMATION: SIAI-Marchetti has received reports of cracks developing in the joint weld of the nose-gear barrel at its attachment plate on Models F260, F260B and F260C airplanes. Undetected cracks in the nose-gear barrel may result in failure of the nose-gear and subsequent damage to the airplane. As a result, SIAI-Marchetti has issued SB No. 260B34, dated September 21, 1981, which provides for initial and repetitive dye-penetrant inspections of the nose-gear barrels. If a crack is found, the part must be replaced prior to further flight. The Registro Aeronautico Italiano (RAI) who has responsibility and authority to maintain the continuing airworthiness of these airplanes in Italy has classified this SB and the actions recommended therein by the manufacturer as mandatory to assure the continued airworthiness of the affected airplanes. On airplanes operated under Italian registration, this action has the same effect as an AD on airplanes certified for operation in the United States. The FAA relies upon the certification of RAI combined with FAA review of pertinent documentation in finding compliance of the design of these airplanes with the applicable United States airworthiness requirements and the airworthiness and conformity of products of this design certificated for operation in the United States. The FAA has examined the available information related to the issuance of SIAI-Marchetti, SB No. 260B34, dated September 21, 1981, and the mandatory classification of this SB by RAI.

Based on the foregoing, the FAA has determined that the condition addressed by SIAI-Marchetti, SB No. 260B34, dated September 21, 1981, is an unsafe condition that may exist or develop on products of the same type design certificated for operation in the United States.

Therefore, an AD is being issued requiring initial and repetitive dye-penetrant inspection of the nose-gear barrel joint weld at its attachment plate and if necessary replacement of any cracked barrels on SIAI-Marchetti Models F260, F260B and F260C airplanes in accordance with procedures set forth in the above mentioned SB.

Because an emergency condition exists that requires immediate adoption of this regulation, it is found that notice and public procedures herein are impractical and contrary to the public's interest, and good cause exists for making this amendment effective in less than 30 days.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

Adoption of the Amendment

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

SIAI-MARCHETTI: Applies to Models F260, F260B and F260C, (Serial Numbers up to 774 inclusive) airplanes certificated in any category.

Compliance: Required as indicated, unless already accomplished. To preclude failure of the nose-gear barrel joint weld, accomplish the following:

(a) Within the next 100 hours time-in-service on those barrels having 400 or more hours time-in-service on the effective date of this AD or prior to the accumulation of 500 hours time-in-service on those barrels having less than 400 hours time-in-service on the effective date of this AD and thereafter at intervals not exceeding 100 hours time-in-service accomplish the following:

(1) Using a dye-penetrant method, inspect the nose-gear barrel (Part Number (PN) 260-14-63-01/-05/-07) joint weld at the attachment plate for cracks. Perform the inspection in accordance with the "Instructions" section of SIAI-MARCHETTI, SB No. 260B34, dated September 21, 1981, or an FAA approved equivalent.

(i) If a crack is found, prior to further flight replace the part (PN 260-14-63-01/-05/-07), in accordance with the applicable paragraph of the Maintenance Manual.

(ii) If no crack is found, repeat the inspection required by paragraph (a)(1) of this AD.

(b) Operators who have not kept records of hours time-in-service for the nose-gear barrel must substitute airplane hours time-in-service.

(c) The intervals between the repetitive inspections required by this AD may be adjusted up to 10 percent of the specified interval to allow accomplishing these inspections concurrent with other scheduled maintenance of the airplane.

(d) Airplanes may be flown in accordance with FAR 21.197 to a location where this AD can be accomplished.

(e) An equivalent method of compliance with this AD may be used if approved by Manager, Aircraft Certification Staff, AEU-100, Europe, Africa and Middle East Office, FAA, c/o American Embassy, 1000 Brussels, Belgium.

This amendment becomes effective on March 31, 1983.

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

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

Issued in Kansas City, Missouri, on March 10, 1983.

Murray E. Smith,

Director, Central Region.

[FR Doc. 83-7548 Filed 3-23-83; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 82-AAL-12]

Designation of Federal Airways, Area Low Routes, Controlled Airspace, and Reporting Points; Designation of Transition Area Shishmaref, AK

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action establishes a 700-foot transition area in the vicinity of Shishmaref, AK. A nondirectional radio beacon (NDB) was installed at Shishmaref and public instrument flight rules (IFR) procedures were developed using that navigation aid. This transition area will provide controlled airspace from 700 feet above the surface for the approach, departure, missed approach, and holding procedures.

EFFECTIVE DATE: June 9, 1983.

FOR FURTHER INFORMATION CONTACT: Bill Hill, Airspace Regulations and Obstructions Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426-8783.

SUPPLEMENTARY INFORMATION:

History

On December 13, 1982 (47 FR 55687), the FAA proposed to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to establish a transition area in the vicinity of Shishmaref, AK, to provide controlled airspace from 700 feet above the surface in conjunction with instrument flight rules (IFR) procedures developed for the Shishmaref Airport. Interested parties

were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No objections to the proposed action were received. This amendment is the same as that proposed in the notice. Section 71.181 of Part 71 of the Federal Aviation Regulations was republished in Advisory Circular AC 70-3A dated January 3, 1983.

The Rule

This amendment to Part 71 of the Federal Aviation Regulations establishes a 700-foot transition area in the vicinity of Shishmaref, AK, for the purpose of providing controlled airspace for approach, departure, holding, and missed approach procedures that have been developed utilizing an NDB installed at Shishmaref.

List of Subjects in 14 CFR Part 71

Transition areas, aviation safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, effective 0901 G.m.t., June 9, 1983, as follows:

Shishmaref, AK [New]

By adding "That airspace extending upward from 700 feet above the surface within 4.5 miles east and 9.5 miles west of the Shishmaref NDB (lat. 66°15'30"N., long. 166°03'12"W.) 336° bearing extending from the NDB to 18.5 miles north and within 5 miles west and 10 miles east of the NDB 186° and 006° bearings extending from 8 miles north to 18.5 miles south."

(Secs. 307(a), 313(a), and 1110, Federal Aviation Act of 1958 (49 U.S.C. 1348(a), 1354(a), and 1510); Executive Order 10854 (24 FR 9565); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69)

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

Issued in Washington, D.C., on March 17, 1983.

B. Keith Potts,

Manager, Airspace-Rules and Aeronautical Information Division.

[FR Doc. 83-7542 Filed 3-23-83; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 83-ASW-10]

Redesignation of VOR Federal Airway V-20; McAllen, TX

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: This action redesignates a 6 NM segment of VOR Federal Airway V-20 between Reynosa, Mexico, and McAllen, TX. Mexican representatives have advised that a duplicate V-20 which begins at Nuevo Laredo, Mexico, approximately 105 miles northwest of McAllen, TX, is causing confusion in their system. The airway segment between Reynosa and McAllen is redesignated as VOR Federal Airway V-387.

DATES: Effective date—June 9, 1983. Comments must be received on or before May 5, 1983.

ADDRESSES: Send comments on the rule in triplicate to: Director, FAA, Southwest Region, Attention: Manager, Air Traffic Division, Docket No. 83-ASW-10, Federal Aviation Administration, P.O. Box 1689, Fort Worth, TX 76101.

The official docket may be examined in the Rules Docket, weekdays, except Federal holidays, between 8:30 a.m. and 5:00 p.m. The FAA Rules Docket is located in the Office of the Chief Counsel, Room 916, 800 Independence Avenue, SW., Washington, D.C.

An informal docket may also be examined during normal business hours at the office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: Bill Hill, Airspace Regulations and Obstructions Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426-8783.

SUPPLEMENTARY INFORMATION:

Request for Comments on the Rule

Although this action is in the form of a final rule, which involves redesignation of a small segment of VOR airway and, thus, was not preceded by notice and public procedure, comments are invited on the rule. When the comment period ends, the FAA will use the comments submitted, together with other available information, to review the regulation. After the review, if the FAA finds that changes are appropriate, it will initiate rulemaking proceedings to amend the regulation. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in evaluating the effects of the rule and determining whether additional rulemaking is needed.

Rule

The purpose of this amendment to § 71.123 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is to redesignate a 6 NM segment of V-20 between McAllen, TX, and Reynosa, Mexico, as V-387. This amendment will eliminate the duplication of an airway number (V-20) in the Mexican airway system. Section 71.123 of Part 71 of the Federal Aviation Regulations was republished in Advisory Circular AC 70-3A dated January 3, 1983.

List of Subjects in 14 CFR Part 71

VOR Federal airways.

Adoption of the Amendment

PART 71—[AMENDED]

Accordingly, pursuant to the authority delegated to me, § 71.123 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended effective 0901 G.m.t., June 9, 1983, as follows:

V-20 [Amended]

By deleting the words "From Reynosa, Mexico, via McAllen, TX;" and substituting for them the words "From McAllen, TX, via"

V-387 [New]

From McAllen, TX, to Reynosa, Mexico.

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

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

Issued in Washington, D.C., on March 14, 1983.

B. Keith Potts,

Manager, Airspace-Rules and Aeronautical Information Division.

[FR Doc. 83-7301 Filed 3-23-83; 8:45 am]

BILLING CODE 4910-13-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 200

[Release No. 34-19613]

Delegation of Authority to Director of the Division of Market Regulation

AGENCY: Securities and Exchange Commission.

ACTION: Final rule amendment.

SUMMARY: The Commission is amending its rules governing delegation of authority with respect to the Securities Exchange Act of 1934 ("Act") to delegate authority to the Director of the Division of Market Regulation to extend unlisted trading privileges and to deny applications for unlisted trading privileges by national securities exchanges pursuant to Section 12(f)(2) of the Act, and Rule 12f-1 thereunder.

EFFECTIVE DATE: March 24, 1983.

FOR FURTHER INFORMATION CONTACT: Michael Cavalier, Esq., Division of Market Regulation, (202) 272-2910.

SUPPLEMENTARY INFORMATION: The Commission is amending its rules governing delegation of authority to delegate to the Director of the Division of Market Regulation and other senior staff members the authority both to extend unlisted trading privileges and to deny applications for unlisted trading privileges by national securities exchanges pursuant to Section 12(f)(2) of the Act and Rule 12f-1 thereunder. The Director of the Division of Market Regulation currently has delegated authority only to extend unlisted trading privileges.

Exchanges denied unlisted trading privileges would be given the right to have such denials reviewed by the Commission. The Commission finds, in accordance with the Administrative Procedure Act ("APA") (5 U.S.C. 533(b)(3)(B)) that this amendment relates solely to agency organization, procedure and practice and that notice and procedure pursuant to the APA are therefore not necessary and that such amendment shall be adopted, effective immediately on publication in the **Federal Register.**

List of Subjects in 17 CFR Part 200

Administrative practice and procedure, Freedom of information, Privacy, Securities.

The Securities and Exchange Commission, pursuant to the Act, and particularly Sections 2, 12 and 23 (15 U.S.C. 78b, 78/ and 78w), thereof, and the Delegation of Functions Act, 15 U.S.C. 78d-1, hereby adopts an amendment to Section 200.30-3(a).

The Commission hereby amends paragraph (a)(2) of § 200.30-3, 17 CFR Chapter II to read as follows:

PART 200—ORGANIZATION; CONDUCT AND ETHICS; AND INFORMATION AND REQUESTS

§ 200.30-3 Delegation of authority to Director of Division of Market Regulation.

* * * * *

(a) * * *

(2) To extend unlisted trading privileges and to deny applications for unlisted trading privileges by national securities exchanges pursuant to Section 12(f)(2) of the Act, 15 U.S.C. 78/(f)(2), and Rule 12f-1 thereunder, 17 CFR 240.12f-1, provided that any applicant exchange denied unlisted trading privileges is advised of its right to have such denial reviewed by the Commission.

(Pub. L. 87-592, 76 Stat. 394, 15 U.S.C. 78d-1, 78d-2).

* * * * *

By the Commission.

Dated: March 18, 1983.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-7693 Filed 3-23-83; 8:45 am]

BILLING CODE 8010-01-M

17 CFR Parts 200, 230, 239, 240 and 249

[Release Nos. 33-6459; 34-19612; File No. S7-953]

American Depositary Receipts

AGENCY: Securities and Exchange Commission.

ACTION: Final rule

SUMMARY: The Commission today announces the adoption of (1) a new form for registering Depositary Shares under the Securities Act of 1933 replacing two existing forms; and (2) a rule allowing depositaries to designate the date and time of effectiveness of registration statements filed on that form. These actions simplify and streamline the registration process of Depositary Shares, codify current practices, and eliminate obsolete provisions.

EFFECTIVE DATE: March 24, 1983. The staff will fully review the initial registration statements on Form F-6 filed by each depositary. Thereafter, the depositary may use the provisions of Rule 466.

FOR FURTHER INFORMATION CONTACT:

Carl T. Bodolus ((202) 272-3246)

or

Ronald Adee ((202) 272-3250), Office of International Corporate Finance, Division of Corporation Finance, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, D.C. 20549.

SUPPLEMENTARY INFORMATION: The Commission is adopting several changes in its regulation of American Depositary Receipts ("ADRs") that include: a definition of the term Depositary Shares; a new Form F-6 to consolidate and replace Forms S-12 (17 CFR 239.19) and C-3 (17 CFR 239.5) for the registration of Depositary Shares under the Securities Act of 1933 (the "Securities Act") (15 U.S.C. 77a et seq. 1976 and Supp. III 1979); and Rule 466 (17 CFR 230.466) that permits depositary banks to designate, under certain circumstances, the effective date and time of registration statements filed on Form F-6.

The Commission solicited public comments on these changes in Release No. 33-6438 (November 19, 1982) (47 FR 53904). Two depositary banks and one law firm commented on the proposals.[1] The form and rules as adopted have been revised to be largely consistent with most of the comments except as explained below.

First, the legal entity created by the agreement for the issuance of ADRs is required to sign a registration statement on Form F-6 although the depositary may sign on behalf of such entity. Two commentators disagreed with the proposal that the entity sign the registration statement even for sponsored arrangements because in those situations the foreign issuer and various officers and directors must sign the registration statement. The Commission believes that the signature of the depositary on behalf of the entity

[1] Copies of these comment letters are in File No. S7-953 and are available for public inspection and copying at the Commission's Public Reference Room.

is necessary because the depositary must undertake to submit certain information to the Commission and must determine the effective date under Rule 466.[2] Signatures of the foreign issuer and its representatives would not bind the depositary.

Second, one condition for the use of Form F–6 is that the foreign issuer be reporting under section 13(a) or 15(d) of the Exchange Act or the deposited shares be exempt under Rule 12g3–2(b) (17 CFR 240.12g3–2(b)). Two commentators opposed this condition because it might preclude a depositary from establishing an ADR arrangement if the foreign issuer had not registered or established the exemption. Form F–6, as adopted, contains the requirement. The Commission wishes to emphasize that the ADR procedure, Form F–6, and old Form S–12, were intended to facilitate trading in foreign securities for which there is an existing market in the United States. Therefore, the foreign private issuer is likely to have an obligation to register its securities under section 12 or to have an exemption from registration.[3] Thus, in many situations the foreign private issuer has an obligation to register or establish the Rule 12g3–2(b) exemption before the ADR arrangement is created. In the past, many foreign private issuers for which an ADR arrangement is created will establish the Rule 12g3–2(b) exemption at the same time so the Commission envisions few practical problems with this eligibility condition.

The typical fee structure for ADRs has remained virtually unchanged since 1928. In view of the significant inflation experienced since then, the Commission believes the ADR procedures should be revised to facilitate changes in fees. Form S–12 required the fee schedule to be printed on the ADR certificate. Although Form F–6 permits this, it also allows another procedure. Basically, the certificate may contain a general description of the fees charged, a statement that the fees may differ among depositaries, a statement that the depositary may change fees upon thirty days' notice, and an undertaking to provide the fee schedule without charge upon request.[4] Thus, if fees are changed, a new fee schedule would be prepared but the outstanding certificates would not need to be replaced.

[2] Item 4 of Form F–6.

[3] Section 12 applies only to equity securities. In rare instances, ADR arrangements have been established for debt securities. In these circumstances, the Commission would expect the foreign issuer to register under section 12 or to establish the exemption in Rule 12g3–2(b).

[4] General Instruction B and Item 4(c) of Form F–6.

List of Subjects in 17 CFR Parts 200, 230, 239, 240, and 249

Administrative practice and procedure, Freedom of information, Privacy, Reporting and recordkeeping requirements, Securities.

Text of Final Rules

17 CFR Chapter II is amended as follows:

PART 200—ORGANIZATION; CONDUCT AND ETHICS; AND INFORMATION AND REQUESTS

1. By adding Form F–6 to paragraph (b) of § 200.800 to read as follows:

§ 200.800 OMB control numbers assigned pursuant to the Paperwork Reduction Act.

* * * * *

(b) *Display.*

Information collection requirement	17 CFR part or section where identified and described	Current OMB control No.	Expiration date
* * *	* * *	*	*
Form F–6	§ 239.36	3235–0292	Jan. 31, 1986
* * *	* * *	*	*

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

2. By revising paragraph (a) of § 230.174 to read as follows:

§ 230.174 Delivery of prospectus by dealers; exemptions under section 4(3) of the Act

* * * * *

(a) No prospectus need be delivered if the registration statement is on Form F–6 (§ 239.36 of this chapter).

* * * * *

3. By adding the definition of "Depositary Share" after the definition of "Control" in § 230.405 to read as follows:

§ 230.405 Definitions of terms.

* * * * *

Depositary share. The term "depositary share" means a security, evidenced by an American Depositary Receipt, that represents a foreign security or a multiple of or fraction thereof deposited with a depositary.

* * * * *

4. By revising paragraph (a)(1)(viii) of § 230.415 to read as follows:

§ 230.415 Delayed or continuous offering and sale of securities.

(a) * * *

(1) * * *

(viii) Securities which are registered on Form F–6 (§ 239.36 of this chapter).

* * * * *

5. By revising paragraph (j) of § 230.457 to read as follows:

§ 230.457 Computation of fee.

* * * * *

(j) Notwithstanding the other provisions of this rule, the proposed maximum aggregate offering price of Depositary Shares evidenced by American Depositary Receipts shall, only for the purpose of calculating the registration fee, be computed upon the basis of the maximum aggregate fees or charges to be imposed in connection with the issuance of such receipts.

* * * * *

6. By adding § 230.466 to read as follows:

§ 230.466 Effective date of certain registration statements on Form F–6.

(a) A depositary that previously has filed a registration statement on Form F–6 (§ 239.36 of this chapter) may designate a date and time for a registration statement (including post-effective amendments) on Form F–6 to become effective and such registration statement shall become effective in accordance with such designation if the following conditions are met:

(1) The depositary previously has filed a registration statement on Form F–6 (§ 239.36 of this chapter), which the Commission has declared effective, with identical terms of deposit, except for the number of foreign securities a Depositary Share represents, and the depositary so certifies; and

(2) The designation of the effective date and time is set forth on the facing-page of the registration statement, or in any pre-effective amendment thereto. A pre-effective amendment containing such a designation properly made shall be deemed to have been filed with the consent of the Commission.

(b)(1) The Commission may, in the manner and under the circumstances set forth in paragraph (b)(2) of this section, suspend the ability of a depositary to designate the date and time of effectiveness of a registration statement, and such suspension shall remain in effect until the Commission furnishes written notice to the depositary that the suspension has been terminated. Any suspension, so long as it is in effect, shall apply to any registration statement that has been filed but has not, at the time of such suspension, become

effective and to any registration statement the depositary files after such suspension. Any such suspension applies only to the ability to designate the date and time of effectiveness under paragraph (a) of this section and does not otherwise affect the registration statement.

(2) Any suspension under paragraph (b)(1) of this section becomes effective when the Commission furnishes written notice thereof to the depositary. The Commission may issue a suspension if it appears to the Commission: (i) that any registration statement containing a designation under this section is incomplete or inaccurate in any material respect, whether or not such registration has become effective, or (ii) that the depositary has not complied with any of the conditions of this section. The depositary may petition the Commission to review the suspension. The Commission will order a hearing on the matter if a request for such a hearing is included in the petition.

PART 239—FORMS PRESCRIBED UNDER THE SECURITIES ACT OF 1933

§ 239.5 [Removed]

7. By removing § 239.5.

§ 239.19 [Removed]

8. By removing § 239.19.

9. By adding registration statement Form F-6 (§ 239.36) to read as follows (The Form does not appear in the Code of Federal Regulations):

§ 239.36 Form F-6, for registration under the Securities Act of 1933 of depositary shares evidenced by American Depositary Receipts.

Form F-6 may be used for the registration under the Securities Act of 1933 (the "Securities Act") of Depositary shares evidenced by American Depositary Receipts ("ADRs") issued by a depositary against the deposit of the securities of a foreign issuer (regardless of the physical location of the certificates) if the following conditions are met:

(a) The holder of the ADRs is entitled to withdraw the deposited securities at any time subject only to (1) temporary delays caused by closing transfer books of the depositary or the issuer of the deposited securities or the deposit of shares in connection with voting at a shareholders' meeting, or the payment of dividends, (2) the payment of fees, taxes, and similar charges, and (3) compliance with any laws or governmental regulations relating to ADRs or to the withdrawal of deposited securities;

(b) The deposited securities are offered or sold in transactions registered under the Securities Act or in transactions that would be exempt therefrom if made in the United States; and

(c) As of the filing date of this registration statement, the issuer of the deposited securities is reporting pursuant to the periodic reporting requirements of section 13(a) or 15(d) of the Securities Exchange Act of 1934 or the deposited securities are exempt therefrom by Rule 12g3-2(b) (§ 240.12g3-2(b) of this chapter) unless the issuer of the deposited securities concurrently files a registration statement on another form for the deposited securities.

Securities and Exchange Commission

Form F-6—Registration Statement Under the Securities Act of 1933 for Depositary Shares Evidenced by American Depositary Receipts

(Exact name of issuer of deposited securities as specified in its charter)

(Translation of issuer's name into English)

(Jurisdiction of incorporation or organization of issuer)

(Exact name of depositary as specified in its charter)

(Address, including zip code, and telephone number including area code, of depositary's principal executive offices)

(Address, including zip code, and telephone number, including area code, of agent for service)

It is proposed that this filing become effective under Rule 466

(check appropriate box)

[ ] immediately upon filing

[ ] on (Date) at (Time).

If a separate registration statement has been filed to register the deposited shares, check the following box. [ ]

CALCULATION OF REGISTRATION FEE

Title of each class of securities to be registered	Amount to be registered	Proposed maximum aggregate price per unit	Proposed maximum aggregate offering price	Amount of registration fee

Form F-6 General Instructions

I. Eligibility Requirements for Use of Form F-6

A. General. Form F-6 may be used for the registration under the Securities Act of 1933 (the "Securities Act") of Depositary Shares evidenced by American Depositary Receipts ("ADRs") issued by a depositary against the deposit of the securities of a foreign issuer (regardless of the physical location of the certificates) if the following conditions are met:

(1) The holder of the ADRs is entitled to withdraw the deposited securities at any time subject only to (i) temporary delays caused by closing transfer books of the depositary or the issuer of the deposited securities or the deposit of shares in connection with voting at a shareholders' meeting, or the payment of dividends, (ii) the payment of fees, taxes, and similar charges, and (iii) compliance with any laws or governmental regulations relating to ADRs or to the withdrawal of deposited securities;

(2) The deposited securities are offered or sold in transactions registered under the Securities Act or in transactions that would be exempt therefrom if made in the United States; and

(3) As of the filing date of this registration statement, the issuer of the deposited securities is reporting pursuant to the periodic reporting requirements of section 13(a) or 15(d) of the Securities Exchange Act of 1934 or the deposited securities are exempt therefrom by Rule 12g3-2(b) (§ 240.12g3-2(b) of this chapter) unless the issuer of the deposited securities concurrently files a registration statement on another form for the deposited securities.

B. Registration of Deposited Securities. Form F-6 is available for registration of the Depositary Shares only. The registration of the deposited securities, if necessary, shall be on any other form the registrant is eligible to use. Alternatively, Depositary Shares may also be registered on any form used to register the deposited securities if such registration statement also conforms to the requirements of Parts I and II of Form F-6 and either the depositary or the legal entity created by the agreement for the issuance of ADRs signs the registration statement with respect to the disclosure and undertakings made in response to such requirements. The amount of fees charged need not be disclosed in the prospectus if the depositary makes and follows the undertakings in Item 4(c) and if the prospectus lists the various services for which fees may be charged.

states that such fees may differ from those other depositaries charge, states that the fee schedule is available without charge from the depositary, and states that each registered holder of an ADR will receive thirty days notice of a change in the fee schedule.

II. *Amount of Securities; Filing Fee*

An ADR evidences one or more Depositary Shares, as defined in Rule 405 (§ 230.405 of this chapter). The registration statement relates to Depositary Shares, not the number of physical certificates issued. For example, if an ADR is issued against a Depositary Share, which equals two common shares in a foreign issuer, the registration of 100,000 Depositary Shares represents 200,000 common shares. If the depositary issues a certificate for 10,000 Depositary Shares and another for 15,000 Depositary Shares, then 75,000 (100,000 minus 25,000) Depositary Shares (not 99,998) remain available for distribution under the registration statement. Rule 457(j) (§ 230.457(j) of this chapter) describes the method of computing the filing fee.

III. *Application of General Rules and Regulations*

A. Attention is directed to the General Rules and Regulations under the Securities Act, particularly Regulation C (§ 230.400 et seq. of this chapter). That Regulation contains general requirements regarding the preparation and filing of registration statements.

B. The prospectus may consist of the ADR certificate if it includes the information required in Part I of this Form. Such prospectus need not confrom to the requirements of Rule 420 (§ 240.420 of this chapter) except that the type shall be roman type at least as large as 5½ point modern type.

C. The number of copies of the registration statement and of each amendment required by Rules 402 and 472 (§ 230.402 and § 230.472 of this chapter) shall be filed with the Commission except that the number of additional copies referred to in Rule 402(b) may be reduced from ten to three and the number of additional copies referred to in Rule 472(a) may be reduced from eight to three.

Part I. Information Required in Prospectus

Item 1. *Description of Securities To Be Registered.*

Furnish the information required by Item 202(f) of Regulation S–K (§ 229.202(f) of this chapter).

Item 2. *Available Information.*

State the information in either (a) or (b) below, whichever is applicable, and that the documents described therein can be inspected by holders of ADRs and copied at public reference facilities maintained by the Commission in Washington, D.C.

(a) The foreign issuer furnishes the Commission with certain public reports and documents required by foreign law or otherwise under Rule 12g3–2(b) under the Securities Exchange Act of 1934.

(b) The foreign issuer is subject to the periodic reporting requirements of the Securities Exchange Act of 1934 and, accordingly, files certain reports with the Commission.

Part II. Information Not Required in Prospectus

Item 3. *Exhibits.*

Subject to the rules as to incorporation by reference, the exhibits specified below shall be filed as a part of the registration statement. Exhibits shall be appropriately lettered or numbered for convenient reference. Exhibits incorporated by reference may bear the designation given in the previous filing. Instruction 1 to Item 601 of Regulation S–K applies to this paragraph.

(a) A copy of the Deposit Agreement or Deposit Agreements under which the securities registered hereunder are issued. If the Deposit Agreement is amended during the offering of the Depositary Shares, such amendments shall be filed as amendments to the registration statement.

(b) Any other agreement, to which the depositary is a party relating to the issuance of the Depositary Shares registered hereby or the custody of the deposited securities represented thereby.

(c) Every material contract relating to the deposited securities between the despositary and the issuer of the deposited securities in effect at any time within the last three years.

(d) An opinion of counsel as to the legality of the securities being registered, indicating whether they will when sold be legally issued, and entitle the holders thereof to the rights specified therein.

(e) Furnish the name of each dealer known to the registrant or depositary who (1) has deposited shares against issuance of ADRs within the past six months, (2) proposes to deposit shares against issuance of ADRs, or (3) assisted or participated in the creation of the plan for the issuance of the ADRs or the selection of the deposited securities. As to each such person indicate the number of securities proposed to be deposited to the extent known. The information furnished pursuant to this item is not to be deemed "filed" as part of the registration statement.

(f) If the procedure in Rule 466 is being used, a certification in the following form:

Certification under Rule 466

The depositary, ————, represents and certifies the following:

(1) That it previously had filed a registration statement on Form F–6 (Name and File No.), which the Commission declared effective, with terms of deposit identical to the terms of deposit of this registration statement except for the number of foreign securities a Depositary Share represents.

(2) That its ability to designate the date and time of effectiveness under Rule 466 has not been suspended.

[Depositary] ————

By [Signature and Title] ————

Item 4. *Undertakings.*

Notwithstanding the provisions of Rule 415(a)(2) (§ 230.415(a)(2) of this chapter), the undertakings in Item 512(a) of Regulation S–K are not required. Furnish the following undertakings:

(a) The depositary undertakes to furnish promptly the following information to the Commission semi-annually, beginning on or before six months after the effective date of the registration statement:

(1) The following information in substantially the tabular form indicated:

Number of Depositary Shares Evidenced by Receipts issued during period covered by report.	Number of Depositary Shares Evidenced by Receipts retired during period covered by report.	Total Amount of Depositary Shares Evidenced by Receipts remaining outstanding at end of six-month period.	Total Number of Holders of Receipts at end of six-month period.

(2) The name of each dealer known to depositary depositing shares against issuance of ADRs during the period covered by the report.

(b) The depositary hereby undertakes to make available at the principal office of the depositary in the United States, for inspection by holders of the ADRs, any reports and communications received from the issuer of the deposited securities which are both (1) received by the depositary as the holder of the deposited securities; and (2) made generally available to the holders of the underlying securities by the issuer.

(c) If the amounts of fees charged are not disclosed in the prospectus, the

depositary undertakes to prepare a separate document stating the amount of any fee charged and describing the service for which it is charged and to deliver promptly a copy of such fee schedule without charge to anyone upon request. The depositary undertakes to notify each registered holder of an ADR thirty days before any change in the fee schedule.

Signatures

Pursuant to the requirements of the Securities Act of 1933, the registrant certifies that it has reasonable grounds to believe that all the requirements for filing on Form F-6 are met and has duly caused this registration statement to be signed on its behalf by the undersigned, thereunto duly authorized, in the City of ——, State of ——, on —— —, 19—.

[Legal entity created by the agreement for the issuance of American Depositary Receipts for shares of ——.] ——

By [Signature and Title]——————
[Registrant] ——————
By [Signature and Title]——————

Pursuant to the requirements of the Securities Act of 1933, this registration statement has been signed by the following persons in the capacities and on the dates indicated.

[Signature] ——————
[Title]——————
[Date]——————

Instructions. 1. The legal entity created by the agreement for the issuance of ADRs shall sign the registration statement as registrant. The depositary may sign on behalf of such entity, but the depositary for the issuance of ADRs itself shall not be deemed to be an issuer, a person signing the registration statement, or a person controlling such issuer. If the issuer of the deposited securities sponsors the ADR arrangement, the registration statement shall also be signed by the issuer and its principal executive officer or officers, its principal financial officer, its controller or principal accounting officer, at least a majority of the board of directors or persons performing similar functions, and its authorized representative in the United States.

2. The name of each person who signs the registration statement shall be typed or printed beneath his signature. Any person who occupies more than one of the specified positions shall indicate each capacity in which he signs the registration statement. Attention is directed to Rule 402 concerning manual signatures and Item 601 of Regulation S-K concerning signatures pursuant to powers of attorney.

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

10. By adding the definition of "Depositary Share" after the definition of "Control" in § 240.12b-2 to read as follows:

§ 240.12b-2 Definitions.

* * * * *

Depositary share. The term "depositary share" means a security, evidenced by an American Depositary Receipt, that represents a foreign security or a multiple of or fraction thereof deposited with a depositary.

* * * * *

11. By adding § 240.15d-3 to read as follows:

§ 240.15d-3 Reports for depositary shares registered on Form F-6.

Annual and other reports are not required with respect to Depositary Shares registered on Form F-6 (§ 230.36 of this chapter) if the depositary furnishes the information required by Item 4(a) of that Form. The exemption in this rule does not apply to any deposited securities registered on any other form under the Securities Act of 1933.

* * * * *

PART 249—FORMS, SECURITIES EXCHANGE ACT OF 1934

12. By adding General Instruction H to Form 20-F (§ 249.220f) (the Form does not appear in the Code of Federal Regulations):

§ 249.220f Registration of securities of foreign private issuers pursuant to Sections 12 (b) or (g) and annual reports pursuant to Sections 13 and 15(d).

General Instructions:

* * * * *

H. American Depositary Receipts (ADRs)

This form, or any other form available for the registration of deposited securities, may be used to register Depositary Shares if either the depositary or the legal entity created by the agreement for ADRs signs the registration statement with regard to the description of the ADRs and the Depositary Shares.

* * * * *

Statutory Basis

These amendments are adopted pursuant to authority in Sections 6, 7, 8, 10, and 19(a) of the Securities Act of 1933; Sections 12, 13, 15(d), and 23(a) of the Securities Exchange Act of 1934.

(Secs. 6, 7, 8, 10, 19(a), 48 Stat. 78, 79, 81, 85; secs. 205, 209, 48 Stat. 906, 908; sec. 301, 54 Stat. 857; sec. 8, 68 Stat. 685; sec. 1, 79 Stat. 1051; sec. 308(a)(2), 90 Stat. 57; secs. 12, 13, 15(d), 23(a), 48 Stat. 892, 894, 895, 901; secs. 1, 3, 8, 49 Stat. 1375, 1377, 1379; sec. 203(a), 49 Stat. 704; sec. 202, 68 Stat. 686; secs. 3, 4, 6, 78 Stat. 565–568, 569, 570–574; secs. 1, 2, 82 Stat. 454; sec. 28(c), 84 Stat. 1435; secs. 1, 2, 84 Stat. 1497; sec. 105(b), 88 Stat. 1503; secs. 8, 9, 10, 18, 89 Stat. 117, 118, 119, 155; sec. 308(b), 90 Stat. 57; secs. 202, 203, 204, 91 Stat. 1494, 1498, 1499, 1500; 15 U.S.C. 77f, 77g, 77h, 77j, 77s(a), 78*l*, 78m, 78*o*(d), 78w(a))

By the Commission.

George A. Fitzsimmons,

Secretary.

FR Doc. 83-7694 Filed 3-23-83; 8:45 am]
BILLING CODE 8010-01-M

DEPARTMENT OF THE TREASURY

Office of the Secretary

31 CFR Part 1

Disclosure of Records; Fees for Specific Services

AGENCY: Office of the Secretary, Department of the Treasury.

ACTION: Final Rule.

SUMMARY: This final rule amends the Department's regulations implementing the Freedom of Information Act (FOIA). The rule increases fees for duplication, search, and unpriced printed materials to reflect increased costs to the Department. No comments were received following publication of the proposed rule on December 3, 1982.

EFFECTIVE DATE: April 25, 1983.

FOR FURTHER INFORMATION CONTACT: Phyllis De Piazza, Departmental Disclosure Officer, Department of the Treasury, Room 5423, 1500 Pennsylvania Avenue, NW, Washington, DC 20220, Telephone: 202-566-2789.

SUPPLEMENTARY INFORMATION: The Department of the Treasury is revising the fee schedule by increasing the amounts charged for duplication, search, and unpriced materials. On December 3, 1982, the Department published a notice of proposed rulemaking (47 FR 54475) concerning the revision of fees charged for services provided under the Freedom of Information Act. No public comments were received with respect to that notice, and this rule basically adopts the proposed revisions. In this final rule we are making a few additional changes based on past experiences. The existing schedule has been in effect since 1975 and the increased fees are an attempt to more closely reflect the actual costs of processing requests for information. Experience has shown searches often must be made by mid-level program or professional staff familiar with the

content of the records. The new fees take into account this experience concerning the cost of records searches as well as the effects of inflation. We are imposing a standard charge—$10.00 an hour—which represents a median salary for Department employees handling FOIA requests. Also, charges for computer searches will reflect the actual direct cost of the search. The fee for computer printouts will also be actual costs. Additionally, duplication charges are increased to $.15 per copy for each page. Unpriced printed material will no longer be available at reduced rates. These printed materials were made available at the convenience and election of the Department and normally consisted of materials surplus to the Department's needs or produced to avoid the necessity of repetitive photocopying of frequently requested records. Since costs have risen and since these printed materials were not always available to all requesters, the uniform rate of $.15 per copy for each page will be charged. Other duplication costs not specifically identified are chargeable at the actual cost to the Department. The Department of Treasury will reserve the right to request prepayment before releasing documents. If fees for previous requests have not been paid, documents will not be released without prepayment.

Executive Order 12291

This rule is not classified as a "major rule" and therefore does not require a regulatory impact analysis.

Regulatory Flexibility Act

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-354, 94 Stat. 1164, 5 U.S.C. 601-612) the Secretary of the Treasury has certified that these regulations do not have significant economic impact on a substantial number of small entities.

List of Subjects in 31 CFR Part 1

Freedom of Information, Privacy.

For reasons set out in the preamble, Part I of Subtitle A, Title 31 of the Code of Federal Regulations is amended as shown.

PART 1—DISCLOSURE OF RECORDS

Section 1.6 is amended by adding paragraph (f)(3) and revising paragraph (g) (1), (2) and (3) as follows:

§ 1.6 Fees for services.

* * * * *

(f) * * *

(3) The Department of the Treasury reserves the right to request prepayment before releasing documents. If fees for previous requests have not been paid, documents will not be released without prepayment.

(g) * * *

(1) *Copying records.* (i) $.15 per copy of each page, up to 8½" × 14", made by photocopy or similar process.

(ii) Photographs, films, and other materials—actual cost of reproduction.

(iii) Records may be released to a private contractor for copying and the requester will be charged the actual cost of duplication charged by the private contractor.

(2) *Search services.* (i) Searches other than for computerized records—$10.00 for each hour or fraction thereof for time spent by each clerical, professional, and supervisor in finding the records and information within the scope of the request, and for transportation of personnel and records necessary to the search at actual cost.

(ii) Searches for computerized records—Actual direct cost of the search. The fee for computer printouts will be actual costs.

(3) *Other costs.* When other duplications not specifically identified above are requested and provided, their direct cost to the Department shall be charged. Other services and materials requested which are not covered by this part are chargeable at the actual cost to the Department.

Dated: March 17, 1983.

Cora P. Beebe,

Assistant Secretary (Administration).

[FR Doc. 83-7539 Filed 3-23-83; 8:45 am]

BILLING CODE 4810-25-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 100

[CGD12-83-01]

Marine Parade; Pacific Inter-Club Yacht Association Opening Day Parade on San Francisco Bay

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: This notice establishes special local regulations for the annual Pacific Inter-Club Yacht Association Opening Day Parade on San Francisco Bay. The purpose is to control vessel traffic in designated areas and within the vicinity of the marine parade. This rule is necessary due to the confined areas involved and the anticipated vessel congestion during the event.

EFFECTIVE DATE: April 24, 1983.

FOR FURTHER INFORMATION CONTACT: Lieutenant Commander Robert A. Byers, c/o Commander (bt), Twelfth Coast Guard District, Government Island, Alameda, CA 94501, (415) 273-6193 or (415) 437-3309.

SUPPLEMENTARY INFORMATION: On 10 February 1983, the Coast Guard published a notice of proposed rule making in the Federal Register for this regulation (48 FR 6135). Interested persons were requested to submit comments and no comments were received.

This final rule is made effective in less than 30 days in order to provide regulations for the 1983 Parade scheduled for 24 April 1983.

Drafting Information

The drafters of this notice are LCDR Robert A. Byers, Project Officer, Twelfth Coast Guard District, Boating Technical Branch and LT Charles A. Amen, Project Attorney, Twelfth Coast Guard District Legal Office.

Economic Assessment and Certification

This regulation is considered to be nonsignificant in accordance with DOT Policies and Procedures for Simplification, Analysis, and Review of Regulations (DOT Order 2100.5). Its economic impact is expected to be minimal since it involves negligible cost and will not have significant impact on recreational vessels, commercial vessels or other marine interests. Based upon this assessment it is certified in accordance with section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 605(b)), that this regulation will not have a significant economic impact on a substantial number of small entities. Also, the regulation has been reviewed in accordance with Executive Order 12291 of February 17, 1981, on Federal Regulation and has been determined not to be a major rule under the terms of that order.

List of Subjects in 33 CFR Part 100

Marine safety, Navigation (water).

PART 100—[AMENDED]

Final Regulation

In consideration of the foregoing, Part 100 of Title 33, Code of Federal Regulations, is amended by adding § 100.35-1201 to read as follows:

§ 100.35-1201 Opening Day Marine Parade, San Francisco Bay.

(a) This section is effective from 0900 to 1400 PST, 24 April 1983 and thereafter annually on the last Sunday in April as published in the Local Notices to Mariners.

(b) The following areas are designated "regulated areas" during the marine parade.

(1) Northern Area in Raccoon Strait. The area between a line drawn from Bluff Point on the southeastern side of Tiburon Peninsula to Point Campbell on the northern edge of Angel Island, and a line drawn from Peninsula Point on the southern edge of Tiburon Peninsula to Point Stuart on the western edge of Angel Island.

(2) Southern Area. The area defined by a line drawn from Fort Point (37°48'40" N, 122°28'34" W) 079° T approximately 5,000 yards to a point located at 37°49'09" N, 122°25'28" W thence 173° T to the tip of Aquatic Park Peninsula (37°48'39" N, 122°25'24" W).

(c) Regulation. (1) All vessels entering the regulated areas shall follow the parade route and maintain an approximate speed of six knots.

(2) All vessels in the Raccoon Strait area shall proceed in a generally southwesterly direction except in that area immediately adjacent to the shore of Angel Island where vessels may transit in a northeasterly direction.

(3) Vessels departing the San Francisco Yacht Harbor in the southern area may exit through the area subject to direction of Coast Guard patrol boats.

(4) The parade will be interrupted, as necessary, to permit the passage of commercial vessel traffic.

(5) All vessels in the vicinity of the parade shall comply with the instructions of the U.S. Coast Guard patrol personnel.

(46 U.S.C. 454, 49 U.S.C. 1655(b); 33 CFR 100.35, 49 CFR 1.46(b))

Dated: March 15, 1983.

C. E. Larkin,

Vice Admiral, U.S. Coast Guard, Commander, Twelfth Coast Guard District.

[FR Doc. 83-7941 Filed 3-23-83; 8:45 am]

BILLING CODE 4910-14-M

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33 CFR Part 165

[Third Coast Guard District Reg. CCGD3-83-03]

Safety Zone Regulations; New Jersey, New York Harbor, Newark Bay

AGENCY: Coast Guard, DOT.

ACTION: Emergency rule.

SUMMARY: The Coast Guard is establishing a safety zone in the waters of the Newark Bay Southern Reach. The zone is needed to protect vessels from a safety hazard associated with the demolition of the CNJ Newark Bay Bridge. Entry into this zone is prohibited unless authorized by the Captain of the Port.

EFFECTIVE DATES: This regulation is effective on March 10, 1983. It terminates on May 6, 1983.

FOR FURTHER INFORMATION CONTACT: Captain J. L. McDonald, Captain of the Port, New York, (212) 668-7917.

SUPPLEMENTARY INFORMATION: A notice of proposed rulemaking was not published for this regulation and it is being made effective in less than 30 days after **Federal Register** publication. Publishing an NPRM and delaying its effective date would be contrary to public interest since immediate action is needed to respond to (potential) hazard(s) to the vessels involved.

Drafting Information

The drafters of this regulation are Lieutenant Junior Grade G. M. Jacobson, Project Officer for the Captain of the Port, and Lieutenant Commander J. J. D'Alessandro, Project Attorney, Third Coast Guard District Legal Office.

Discussion of Regulation

The circumstances requiring this regulation result from the potential hazards to navigation resulting from the demolition operations on the CNJ Newark Bay Bridge.

List of Subjects in 33 CFR Part 165

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

Regulation

In consideration of the foregoing, Part 165 of Title 33, Code of Federal Regulations, is amended by adding a new section to read as follows:

PART 165—[AMENDED]

§ 165.347 Safety Zone: New Jersey, New York Harbor, Newark Bay.

(a) *Location.* The following area is a safety zone: The waters of the Newark Bay, Southern Reach within a boundary extending from Newark Bay Lighted Channel Buoy 3A(LLN1828.50), thence north on a course of 054 degrees True approximately 270 yards to the southeastern corner on the center island of the CNJ Newark Bay Bridge; thence northwest, from the northeast corner on the center island of the CNJ Newark Bay Bridge on a course of 340 degrees True approximately 175 yards to longitude 74 degrees 08 minutes 47 seconds west, latitude 40 degrees 39 minutes 22.1 seconds north; thence south to the starting point is established as a Safety Zone from March 10, 1983 to May 6, 1983.

(b) *Regulations.* (1) In accordance with the General regulations in § 165.23 of this part, entry into this zone is prohibited unless authorized by the Captain of the Port.

(33 U.S.C. 1225 and 1231; 49 CFR 1.46; 33 CFR 165.3)

Dated: March 21, 1983.

B. P. Novak,

Deputy Executive Secretary, U.S.C.G. Marine Safety Council.

[FR Doc. 83-7944 Filed 3-23-83; 8:45 am]

BILLING CODE 4910-14-M

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33 CFR Part 165

COTP Hampton Roads, VA, Regulation 83-05 Safety Zone Regulations; Back River, Chesapeake Bay, Virginia

AGENCY: Coast Guard, DOT.

ACTION: Emergency rule.

SUMMARY: The Coast Guard established a safety zone in Back River, Chesapeake Bay, Virginia, in the vicinity of the Langley Air Force Base on March 29, 1983. This zone is established to safeguard watercraft from damage during the U.S. Air Force Thunderbirds flight demonstration team air show. Entry into this zone is prohibited except as otherwise stated.

EFFECTIVE DATES: This regulation becomes effective on March 29, 1983, at 2:30 PM local time. It terminates on March 29, 1983, at 4:00 PM local time.

FOR FURTHER INFORMATION CONTACT: Lieutenant Commander W. K. SIX, Chief, Port Operations Department, Coast Guard Marine Safety Office, Hampton Roads, Norfolk, Virginia 23510, (804) 441-3296.

SUPPLEMENTARY INFORMATION: A notice of proposed rulemaking was not published for this regulation and it is being made effective in less than 30 days after **Federal Register** publication. Publishing an NPRM and delaying its effective date would be contrary to the public interest since immediate action is needed to safeguard watercraft and their occupants.

Drafting Information

The drafter of this regulation is Lieutenant Commander W. K. SIX, project officer for the Captain of the Port.

Discussion of Regulation

The Federal Aviation Administration has requested that this safety zone be imposed as a condition for its granting approval for the air show to take place. To prevent possible damage to watercraft and their occupants, no watercraft will be permitted to enter, remain in, moor in, or transit this safety zone unless specifically authorized by

the Captain of the Port, Hampton Roads, Virginia. This rule is in response to a request by the U.S. Air Force for Coast Guard assistance in precluding vessels from transiting the area.

List of Subjects in 33 CFR Part 165

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

PART 165—[AMENDED]

Regulation

In consideration of the foregoing, Part 165 of Title 33, Code of Federal Regulations, is amended by adding a new § 165.516 to read as follows:

§ 165.516 Safety Zone: Back River, Chesapeake Bay, Virginia.

(a) *Location.* The following area is a safety zone: The waters of Back River, Hampton, Virginia, bounded by a line beginning at a point 37–05–30N, 76–20–33W, thence to 37–06–10N, 76–19–05W, thence to 37–05–43N, 76–18–42W, thence to 37–05–00N, 76–20–25W, thence along the shoreline to the point of beginning.

(b) *Regulations.* (1) In accordance with the general regulations in § 165.23 of this part, no person may enter, remain in, moor in, or transit this safety zone between 2:30 PM local time and 4:00 PM local time, 29 March 1983.

(33 U.S.C. 1225 and 1231; 49 CFR 1.46; 33 CFR 165.3)

Dated: March 15, 1983.

J. D. Webb,

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

[FR Doc. 83-7639 Filed 3-23-83; 8:45 am]

BILLING CODE 4910-14-M

GENERAL SERVICES ADMINISTRATION

41 CFR Parts 5–1, 5A–1 and Ch. 5B

[APD 2800.2 CHGE 30; 2800.3 Chge 38, 2800.4 Chge 18]

General Procurement Regulations

AGENCY: General Services Administration.

ACTION: Final rule.

SUMMARY: The General Services Administration Procurement Regulations (GSPR), Chapter 5, are amended by transferring previously issued implementing regulations issued by the Federal Supply Service and the Public Buildings Service (GSPR Chapters 5A and 5B) into Chapter 5. The intended effect is to have a single GSA-wide procurement regulation and improve the procurement system.

EFFECTIVE DATE: February 3, 1983.

FOR FURTHER INFORMATION CONTACT: Mr. Philip G. Read, Director, Office of Federal Procurement Regulations, Office of Acquisition Policy (202–523–4755).

List of Subjects in 41 CFR 5–1

Administrative practices and procedures, Government procurement, Labor surplus areas, Recovered material, Responsible prospective contractors, and Small businesses.

PART 5–1—[AMENDED]

1. The Contents of Part 5–1, General, is amended by adding the following:

Sec.

Subpart 5–1.2—Definition of Terms

* * * * *

5–1.250 Procuring director.

Subpart 5–1.3—General Policies

5–1.305 Specifications.
5–1.305–2 Exceptions to mandatory use of Federal Specifications.
5–1.305–3 Deviations from Federal Specifications.
5–1.305–4 Optional use of Interim Federal Specifications.
5–1.305–50 Use and availability of specifications and standards.
5–1.305–51 Processing waivers and deviations.
5–1.306 Standards.
5–1.307 Purchase descriptions.
5–1.307–1 Applicability.
5–1.307–4 Brand name products or equal.
5–1.307–5 Limitations on use of "brand name or equal" purchase descriptions.
5–1.307–6 Solicitations, "brand name or equal" descriptions.
5–1.307–7 Offer evaluation and award, "brand name or equal" descriptions.
5–1.316 Time of delivery or performance.
5–1.316–2 General.
5–1.316–3 Factors to be considered.
5–1.316–4 Terms.
5–1.317 Noncollusive offers and proposals.
5–1.319 Procurement of items using jewel bearings.
5–1.319–50 Deviation authority.
5–1.350 Advance notices of contract award.
* * * * *
5–1.352 Contract numbering.
5–1.352–1 Contracts required to be numbered.
5–1.352–2 Numbering system.
5–1.352–3 Numbering of small contracts.
5–1.352–4 Contract Register.
5–1.370 Warranties.
5–1.370–1 General.
5–1.370–2 Policy.
5–1.370–3 Use of a warranty.
5–1.370–4 Warranty clause for supply contracts.
5–1.370–5 Warranty statement in purchase orders.
5–1.371 Construction progress payments.
5–1.375 Forms recommending award(s) for supplies and services (excluding construction).

Subpart 5–1.4—Procurement Responsibility and Authority

5–1.400 Scope of subpart.
* * * * *
5–1.402 Authority of contracting officers.
5–1.402–70 General responsibility of contracting officers.
5–1.402–71 Responsibility for assuring the availability of funds.
5–1.402–72 Applicable penal statute.
5–1.450 Legal review and assistance.
5–1.450–1 Applicability.
5–1.450–2 Definitions.
5–1.450–3 Responsibility.
5–1.450–4 Legal review.
5–1.450–5 Legal assistance.
5–1.450–6 Waivers.

Subpart 5–1.5—Contingent Fees

5–1.507 Use of Standard Form 119.
5–1.508 Enforcement.
5–1.508–1 Failure or refusal to furnish representation and agreement.
5–1.508–2 Failure or refusal to furnish Standard Form 119.
5–1.508–3 Misrepresentations or violations of the covenant against contingent fees.

Subpart 5–1.6—Debarred, Suspended, and Ineligible Bidders

* * * * *
5–1.603 Establishment and maintenance of a list of debarred, suspended, or ineligible contractors and agency records.
5–1.603–1 Consolidated list of debarred, suspended, and ineligible contractors.
5–1.603–2 Agency records.
5–1.604 Treatment to be accorded listed contractors.
* * * * *
5–1.604–2 Review procedures.
5–1.604–3 Continuation of current contracts.
5–1.605–3 Procedures.
5–1.606 Suspension.
5–1.606–3 Procedures.

Subpart 5–1.7—Small Business Concerns

5–1.700 General.
5–1.701–8 Set-aside for small business.
5–1.703–2 Protest regarding small business status.
5–1.704 Agency program direction and operations.
5–1.704–1 Program direction.
5–1.704–2 Program operations.
5–1.706 Procurement set-asides for small business.
5–1.706–5 Total set-asides.
5–1.706–6 Partial set-asides.
5–1.706–50 Small business set-aside determinations.
5–1.706–51 Determinations not to set aside.
5–1.706–52 Change of status of unrestricted or set-aside procurements.
* * * * *
5–1.713–60 Data concerning minority business enterprise matters.

Subpart 5–1.9—Reporting Possible Antitrust Violations

5–1.901 General.

Sec.
5-1.902 Documents to be transmitted.

Subpart 5-1.10—Publicizing Procurement Actions

5-1.1003 Synopses of proposed procurements.
5-1.1003-1 Department of Commerce Synopses.
5-1.1003-7 Preparation and transmittal.
5-1.1003-70 Synopses of amendments to solicitations for offers.
5-1.1004 Synopses of contract awards.
5-1.1004-1 Preparation and transmittal.

Subpart 5-1.11—Qualified Products

5-1.1101 Procurement of qualified products.
5-1.1101-70 Solicitations.
5-1.1101-71 Wavier of qualification requirement.

Subpart 5-1.12—Responsible Prospective Contractors

5-1.1204 Determination of responsibility or nonresponsibility
5-1.1205 Procedures for determining responsibility or prospective contractors.
* * * * *
5-1.1205-4 Preaward surveys.
5-1.1206 Subcontractor responsibility.
5-1.1250 Performance records.

Subpart 5-1.16—Reports of Identical Offers

5-1.1603 Reporting requirements.
5-1.1603-3 Submission of reports.

Subpart 5-1.18—Postaward Orientation of Contractors

5-1.1802 Policy.
5-1.1803 Postaward orientation conferences.
5-1.1803-2 Initial action.
5-1.1803-4 Participants.
5-1.1803-5 Conference procedure.
5-1.1805 Reports.

Subpart 5-1.72—Public Relations

5-1.7201 Visitors to procuring activities.

Subpart 5-1.73—Preparation and Distribution of Contract Documents

5-1.7301 Purchase order forms.

Authority: Sec. 205(c), 63 Stat. 390; (40 U.S.C. 48(c)).

2. Part 5-1, General, is amended as follows:

2A. Section 5-1.103 if revised to read as follows:

§ 5-1.103 Authority.

The General Services Administration Procurement Regulations (GSPR 5) are prescribed by the Assistant Administrator for Acquisition Policy in Chapter 5, Title 41, Code of Federal Regulations, under the authority of the Federal Property and Administrative Services Act of 1949, as amended, except that exclusive authority within GSA for implementation and administration of Pub. L 89-306 has been delegated to the Assistant Administrator of Information Resources Management (k) by the Administrator of General Services.

2B. Section § 5-1.107-2(c) is revised to read as follows:

§ 5-1.107-2 Numbering.

* * * * *

(c) When GSPR 5 supplements the FPR and thus deals with subject matter not contained in the FPR, numbers in the group 50 through 89 are assigned to the supplementing part, subpart, section, or subsection.

* * * * *

2C. Section 5-1.109-2(b) is revised to read as follows:

§ 5-1.109-2 Deviation.

* * * * *

(b) * * *

(1) Deviations by GSA activities from GSPR 5 or the FPR in individual cases may be approved at a level no lower than the Head of the procuring activity or Staff Office, except that deviation regarding the implementation and administration of Pub. L. 89-306 may be approved only by the Assistant Administrator (k). The file shall disclose the nature of the deviation and the reasons for the action. A copy of the deviation approval and disclosure shall be furnished to the Office of Acquisition Policy (VR).

(2) Deviations by GSA activities from the FPR in classes of cases may be approved only by the Administrator of General Services, provided that requests for deviations regarding the implementation and administration of Public Law 80-306 shall be forwarded to and reviewed by the Assistant Administrator (K) (see also FPR § 1-1.009-3).

(3) Deviations by GSA activities from GSPR 5 in classes of cases may be approved only by the Assistant Administrator for Acquisition Policy (V), except that deviations regarding the implementation and administration of Pub. L 89-306 may be approved only by the Assistant Administrator (K). These deviations will expire in 12 months if not extended. They may be recinded earlier without prejudice to any action previoulsy taken.

* * * * *

2D. Section 5-1.206 is revised to read as follows:

§ 5-1.206 Head of the procuring activity.

"Head of the procuring activity" means: (a) The Assistant Administrators for Acquisition Policy, Federal Supply and Services, and Information Resources Management; (b) Commissioners of Services, (c) the Archivist of the United States; (d) Director of Oversight; or (e) Regional Administrators.

2E. Section 5-1.250 is added to Subpart 5-1.2 as follows:

§ 5-1.250 Procuring director.

"Procuring director" as used in this GSPR 5 means: (a) Central Office procurement division directors, National Commodity Center procurement division directors; (b) regional directors of procurement divisions; or (c) directors of equivalent organizational elements who have a procurement responsibility. 2F. Subpart 5-1.3 is amended by adding §§ 5-1.305, 5-1.305-2 through 5-1.305-4, 5-1.305-50, 5-1.305-51, 5-1.306 through 5-1.307-7, 5-1.316, 5-1.316-2 through 5-1.316-4, 5-1.317, 5-1.319, 5-1.319-50, 5-1.350, 5-1.352 through 5-1.352-4, 5-1.370 through 5-1.370-5, 5-1.371, and 5-1.375 as follows:

§ 5-1.305 Specifications.

§ 5-1.305-2 Exceptions to mandatory use of Federal Specifications.

In § 1-1.305-2(f), when an Interim Federal Specification exists for a specific item which is also described in a Federal Specification, procuring activities shall use the Interim Federal Specification instead of the Federal Specification upon determination that the Interim Federal Specification is more suitable for the specific application. In the absence of a Federal Specification, an Interim Federal Specification, if any, shall be used.

§ 5-1.305-3 Deviations from Federal Specifications.

Any deviation from the requirements in a Federal Specification or Interim Federal Specification contemplated under § 1-1.305-3 shall be submitted to the appropriate specification manager for approval prior to use in a solicitation or contract modification. The request shall include a statement describing the deviation, with justification therefor, and when appropriate, a recommendation for revision or amendment to the specification.

§ 5-1.305-4 Optional use of Interim Federal Specifications.

Procuring activities shall use Interim Federal Specifications instead of Federal Specifications whenever practical, in accordance with § 5-1.305-2. When a procuring activity finds an Interim Federal Specification is not practical for use, or that changes are desirable, the appropriate specification manager shall be notified by submission of GSA Form 2967, Request for Specification and/or Purchase Description Action, setting forth reasons for the impracticability and recommendations for changes.

§ 5-1.305-50 Use and availability of specifications and standards.

(a) Formal specifications and standards shall be incorporated by reference in solicitations for offers. The reference shall fully identify the specification or standard by the series printed thereon, i.e., Federal, military, or departmental (e.g., Forest Service), followed by the number and date. (The specification number includes the revision indicator.) Amendments shall be separately identified, e.g., Federal Specification PPP-B-636G, dated February 17, 1972, and Interim Amendment 1, dated August 30, 1972.

(b) Canceled or superseded specifications or standards shall not be used.

(c) When formal specifications or standards are referenced in the solicitation for offers, the following clause shall be included in the solicitation:

Copies of Government Specifications and Standards

The Government specification(s) or standard(s), if any, applicable to each article is stated in the Solicitation for Offers in connection with the general description of the article. A single copy of the referenced Federal or Interim Federal Specification or Standard is available without charge from the General Services Administration Business Service Centers in Boston; New York; Philadelphia; Atlanta; Chicago; Kansas City, MO; Ft. Worth; Houston; Denver; San Francisco; Los Angeles; and Seattle; or from Specification Sales Office, GSA, ROB, Room 6039, 7th & D Streets, SW., Washington, DC 20407. Additional copies may be purchased from the Specification Sales Office, Washington, DC. Military Specifications, Standards, and Qualified Products Lists may be obtained from Commanding Officer, Naval Publications and Forms Center, 5801 Tabor Avenue, Philadelphia, PA 19120. If other specifications or standards are applicable, the Solicitation for Offers will state where copies of such specifications may be obtained.

(End of Clause)

(d)(1) In formally advertised procurements, when the contracting officer discovers before the time set for the opening of offers that a specification has been improperly cited (e.g., revision indicator not compatible with date) resulting in an ambiguity concerning the intended specification, the solicitation shall be amended in accordance with § 1-2.207. If the current version of a specification has not been cited (e.g., basic specification cited correctly, but latest interim amendment not shown), the solicitation shall be amended if such action will serve the Government's best interest inclusive of extending the time of the offer period.

(2) If such a discovery is made after offer opening, but before award, the offers should not be rejected and the solicitation canceled unless it is determined that cancellation is in the best interest of the Government. For example, cancellation may be considered when the supplies to be furnished under the cited specification would differ significantly from the Government's current actual requirements or where offerors may have been misled as to the actual specification intended.

(3) When the discovery is not made until after award, the contractor shall be required to comply with the cited specification unless the supplies furnished thereunder would be unsatisfactory to the Government. In such case, the contract may be modified by mutual agreement or by change order, *Provided, however,* That such modification would not change the design, construction, and cost of the item to the extent that it would be unfair to deprive other suppliers of the opportunity to submit offers under the revised specification. If the contracting officer determines that it would be in the best interest of the Government to do so, the contract shall be canceled, with the agreement of the contractor, and new offers solicited.

(e) In negotiated procurements, discoveries made either before the closing date for the receipt of proposals or after award, shall be handled in accordance with the procedure provided in § 5-1.305-50(d) for discoveries made either before the time set for the opening of offers or after award, respectively. When discovery is made after the closing date for receipt of proposals but before award, and it is determined that award on the basis of the cited specification would not be in the best interest of the Government, negotiations on the basis of the specification which would have been cited in the request shall be conducted with offerors as provided in § 1-3.805-1(d), or the request shall be canceled.

§ 5-1.305-51 Processing waivers and deviations.

(a) Section 101-26.100-2 of the Federal Property Management Regulations (FPMR) sets forth instructions to agencies regarding the submission of requests to waive the requirement for use of items available from GSA stock or Federal Supply Schedules and provides that such requests shall be submitted to the Director of Procurement, Office of Federal Supply and Services (FC), for approval or disapproval.

(b) In processing agency requests for waivers, the Office of Contract Management will coordinate with the Office of Procurement (FCP) or the regional procurement division having procurement responsibility for the category of items involved, and any other interested organizational element.

(c) A copy of the F letter in response to the agency request will be forwarded to the Commodity Management Division (FCM). That activity will review waiver actions on a continuing basis and identify any items having substantial value and recurrent demand that should be included in the supply system.

(d) Normally, when an agency submits a request for a waiver, it intends to purchase the proposed item through its own procurement office. Occasionally, an agency may submit a waiver request and at the same time (or subsequent to approval of the waiver) request F to make the procurement. If the purchase request is for a particular make, model, or brand of item, the justification submitted by the agency must meet the requirements of FPMR 101-26.105(b).

§ 5-1.306 Standards.

The provisions of §§ 5-1.305-2 and 5-1.305-3 relating to the mandatory use of Federal Specifications and the processing of requests for deviations from Federal Specifications are also applicable to Federal Standards.

§ 5-1.307 Purchase description.

§ 5-1.307-1 Applicability.

When it has been determined in accordance with § 1-1.307-1(b) that only a particular brand name product has features which are essential to the Government's requirements, the purchase description shall specify the brand name of the product without adding the words "or equal." In such cases, the procurement should be made by negotiation (see also paragraph (a)(1), (2) and (13) of § 1-3.210).

§ 5-1.307-4 Brand name products or equal.

(a) *Referencing of brand name products.* "Brand name or equal" purchase descriptions shall reference all brand name products known to be acceptable and of current manufacture. When the use of a "brand name or equal" purchase description results in the purchase of an acceptable brand name product which was not referenced in the description as an "equal" product, a reference to that brand name product should be included in the purchase description for subsequent procurements. When it is found that a referenced brand name product is no

longer applicable, the reference thereto shall be deleted from the purchase description. Information regarding such additions and deletions coming to the attention of procurement personnel shall be immediately communicated to the appropriate specification manager.

(b) *Specifying salient characteristics.* (1) It is imperative that "brand name or equal" purchase descriptions specify each physical, functional, or other characteristic of the referenced brand name product which is essential to the intended end use. Failure to do so may result in a defective solicitation and the necessity to readvertise the requirements (see § 5–1.307–7). However, care must be taken to avoid specifying characteristics which cannot be reasonably demonstrated as materially affecting the intended end use of the product since this would tend to restrict competition unnecessarily. Depending upon the particular product involved and its intended end use, it may be essential to specify:

(i) Kind of material.

(ii) Dimensions.

(iii) Weight limitations, where weight is significant.

(iv) Electrical or chemical requirements.

(v) Principles of operation.

(vi) Restrictive or significant environmental conditions or safety and health requirements.

(vii) Essential operating or use conditions.

(viii) If part of an assembly, the location within the assembly.

(ix) Equipment with which the item is to be used.

(x) Special features.

(2) When describing salient characteristics, permissible tolerances should be indicated. Care must be taken to avoid specifying an exact characteristic (e.g., a specific dimension) of a particular brand name product as set forth in commercial catalog description, except where that exact characteristic is essential to the Government's need. The contracting officer must be prepared to justify such a requirement.

§ 5–1.307–5 Limitations on use of "brand name or equal" purchase descriptions.

(a) *General.* The use of "brand name or equal" purchase descriptions in solicitations for offers in the limited circumstance described in § 1–1.307–5 is intended to promote maximum competition by encouraging the offering of products which are equal in all material respects to the brand name products referenced in such descriptions. The identification of items by the use of "brand name or equal" descriptions is not intended to indicate a preference for the brand name products referenced in the descriptions, but is to indicate the quality and characteristics of products that will meet the Government's needs (see paragraph (a) of the clause in § 1–1.307–6). Brand name or equal descriptions shall not be used as means of procuring a particular brand name product under the guise of competitive procurement to the exclusion of other products which would meet the actual needs (see § 5–1.307–1).

(b) *Approval required.* A "brand name or equal" purchase description shall not be used unless it has been approved by the head of the procuring activity or his/her designee, with the following exceptions:

(1) Purchase descriptions applicable to Forest Service items shall be approved by the Chief, Forest Service, U.S. Department of Agriculture. (Questions arising in other GSA regions concerning technical aspects of Forest Service requirements will be referred to Region 8 and will ordinarily be resolved between Region 8 and the Forest Service, Division of Fire Control, Washington, DC).

(2) Purchase descriptions covering Veterans Administration items shall be approved by the Director, Supply Service, Veterans Administration, 810 Vermont Avenue, NW., Washington, DC 20420.

(3) Purchase descriptions applicable to public exigency procurements of nonstock items, or other procurements valued at $5,000 or less, may be approved by the procuring director.

§ 5–1.307–6 Solicitations, "brand name or equal" descriptions.

(a) The entries prescribed in § 1–1.307.6(a)(1) shall be prominently inserted in the item listed after each item or component part of an end item to which a "brand name or equal" purchase description applies. In addition, because offerors frequently overlook the requirements of the clause in § 1–1.307–6(a)(2), the following cautionary note shall be inserted in the item listing after each "brand name or equal" item (or component part), or at the bottom of each page listing several "brand name or equal" items, or in a manner which may be otherwise considered appropriate to direct the offeror's attention to this clause:

OFFERORS OFFERING OTHER THAN BRAND NAME ITEMS IDENTIFIED HEREIN SHOULD FURNISH WITH THEIR OFFERS ADEQUATE INFORMATION TO ENSURE THAT DETERMINATION CAN BE MADE AS TO EQUALITY OF THE PRODUCT(S) OFFERED (SEE THE SOLICITATION CLAUSE ENTITLED "BRAND NAME OR EQUAL" SET FORTH IN SECTION 1–1.307–6 OF THE FEDERAL PROCUREMENT REGULATIONS (41 CFR 1–1.307–6)).

(b) If offer samples are requested for "brand name or equal" procurements the above notice shall not be included in the solicitation.

§ 5–1.307–7 Offer evaluation and award, "brand name or equal" descriptions.

An offer may not be rejected for failure of the offered product to equal a characteristic of a referenced brand name product if that characteristic was not specified in the "brand name or equal" description. However, if it is clearly established that such unspecified characteristic is essential to the intended end use, the solicitation is defective and no award may be made. In such cases, the contracting officer should readvertise the requirements, using a purchase description which sets forth fully all essential characteristics.

§ 5–1.316 Time of delivery or performance.

§ 5–1.316–2 General.

(a) Normally, time of delivery provisions in solicitations and resultant contracts, except multiple-award schedules, shall be stated as "required" time of delivery (or shipment), expressed in specific periods from receipt by the contractor of a notice of award (or receipt of a delivery order under term contracts). In multiple-award schedule solicitations, delivery times shall ordinarily be stated as "desired" time of delivery, and offerors shall be requested to indicate in spaces provided in the solicitation a definite number of days within which delivery will be made.

(b) Information shall be included in the contract file to justify the use of unusually short time of delivery requirements. This is particularly important where the time specified is so short that it may limit competition and possibly result in higher prices. Examples of circumstances providing such justification are:

(1) Furniture is required in a short time to outfit quarters scheduled for occupancy on a specific early date,

(2) Construction material is required to meet predetermined job progress schedules, and

(3) Supplies are required at a port to meet scheduled ship sailings for overseas destinations. The contracting officer must be satisfied that the requisitioning office has justified such unusually short time of delivery.

(c) When a portion of the total requirement is needed at an early date,

consideration should be given to requiring delivery of that portion by the required date and the balance later. Determination must be made as to whether the portion required early and the balance of the requirements should be included as separate items in the same solicitation or whether the two portions should be procured under separate solicitations.

(d) Delivery times for requirements-type contract solicitations shall be carefully calculated to ensure that they reflect the most advantageous terms to the Government without imposing an unreasonable burden on potential contractors.

(e) When a particular solicitation contains a mixture of items which require substantially different times for delivery, the delivery periods should be set forth separately and items with similar delivery time requirements should be grouped under the appropriate delivery time shown in the solicitation.

(f) In negotiations for multiple awards, secure the best possible delivery time regardless of the "desired" delivery time(s) shown in the solicitation. For example, where some offers comply with the Government's desired delivery time but others cite delivery times which are substantially shorter, the former should be questioned and negotiated to bring them closer in line with the latter. Variable delivery time offers (e.g., 30–90 days) should be negotiated to keep the time span to a minimum in favor of the shorter end of the span. If the span applies to several items or several quantity breaks for one item, the items or item quantity breaks should be segregated into smaller groups which can be assigned more specific delivery times.

§ 5–1.316–3 Factors to be considered.

In addition to the requirements of § 1–1.316–3, the contracting officer shall, when determining time of delivery or performance, consider the circumstance where lengthy testing is involved and the time for completion of tests cannot be properly estimated. In making a determination, the contracting officer should also consider use of the solicitation clauses set forth in § 5–7.103–87.

§ 5–1.316–4 Terms.

(a) *Definite quantity contracts.* For definite quantity type contracts, other than small purchases, where the delivery period begins upon receipt of the notice of award by the contractor, one of the following methods, as appropriate, shall be used to provide evidence of the actual date the notice of award was received:

(1) Mail the notice of award using certified mail with return receipt requested (see §1–1.316–4(e)).

(2) Forward GSA Form 2497, Contractual Document Transmittal Receipt (see § 5–16.950–2497) with the notice of award for completion and return by the contractor.

(3) Deliver the notice of award to the contractor (for example by contracting officer or Quality Control representative) and obtain a receipt therefor.

(b) *Requirements contracts for stock replenishment, Federal Supply Schedule and other term Contracts.* (1) *Basic contract.* To provide evidence of the actual date of receipt by the contractor of the notice of award on the contract, one of the methods in § 5–1.316–4(a) shall be used.

(2) *Delivery orders placed under the term contract.* Usually, separately documented evidence of the date of receipt by the contractor of delivery orders placed against term contracts is not required. However, if it is believed that circumstances warrant obtaining a receipt, one of the methods in § 5–1.316–4(a), as appropriate, may be utilized to provide the Government with the actual date of receipt of the delivery order.

§ 5–1.317 Noncollusive offers and proposals.

Determinations described in paragraph (d) of the certification prescribed by § 1–1.317 shall be made by the head of the procuring activity after concurrence by legal counsel.

§ 5–1.319 Procurement of items using jewel bearings.

§ 5–1.319–50 Deviation authority.

The provisions of §§ 1–1.009, Deviations, shall not be invoked for the purpose of waiving the requirement to purchase jewel bearings without the prior approval of the Assistant Administrator for Acquisition Policy.

§ 5–1.350 Advance notices of contract award.

Advance notice of award may be given by the contracting officer in writing, by telegraph, or orally. Notices shall include the identification of the solicitation, description of the item quantity, price, and contract number assigned. Advance notices shall be followed as soon as possible by formal contract documents.

(a) *Written notices.* The form and content of written notices may vary, but shall contain all of the essential elements to identify the award, such as, identification of the solicitation, description of the item(s), quantity and price, and contract number.

(b) *Telegraphic notices.* Telegraphic notices, when use, shall contain all of the information discussed in this § 5–1.350. In addition, a statement that written confirmation will follow shall be made.

(c) *Oral notices.* Oral notices may be given only when the circumstances surrounding the procurement do not allow time for telegraphic notice and shall include all information normally included in written notices. Notices shall also include statement that written confirmation will follow.

(d) *Circumstances which warrant advance notice.* Advance notices of contract award may be issued by contracting officers under any of the circumstances listed below.

(1) An offer is about to expire and it is necessary to issue an award promptly.

(2) Prompt action is necessary to give the contractor an opportunity to secure materials.

(3) Delivery or performance is urgent and cannot await release of formal contract documents.

(4) Prompt action is necessary to secure advance pre-delivery samples.

(5) Prompt action is necessary to permit contractors to proceed with the preparation of necessary catalogs and other Federal Supply Schedule data.

(6) Prospective contractor requests early notification and gives sufficient reason to the satisfaction of the contracting officer.

(7) Other circumstances which have been approved by the head of the procuring activity warrant advance notice.

(e) *Prevalidation.* If the contract requires prevalidation, funds shall be obligated prior to the release of the advance notice of award.

§ 5–1.352 Contract numbering.

Contracts shall be numbered as prescribed below.

§ 5–1.352–1 Contracts required to be numbered.

All contracts and agreements involving the payment of $20,000 or more in a single payment and all multiple-payment contracts, regardless of amount, shall be numbered. Contracts involving the payment of less than $20,000 in a single payment may or may not be numbered depending upon the needs of the procuring activity. In case of doubt whether the amount to be paid under a contract will be more or less than $20,000, or whether more than one payment may be necessary the contract shall be numbered.

§ 5-1.352-2 Numbering system.

(a) Contract numbers shall be placed in the space provided on the applicable procurement forms, or if no space is provided in the upper right hand corner of the contract document. Different contract numbers will be assigned for stock and nonstock items when they are combined in the same solicitation for offers.

(b) Contract numbers shall be assigned in sequence from 00001 thru 99999. When all numbers have been assigned, the sequence will begin again at 00001. The procuring activity shall maintain records to ensure continuity and control of issuance of contract numbers (see § 5-1.352-4).

(c) Each contract number shall be prefixed by use of the symbol "GS", and the appropriate activity designation set forth in paragraphs (d) and (e) of this subsection, without dashes.

(d) The following designations shall be used to identify the appropriate activity (Central Office or GSA region) in which the procuring activity is located:

00 Central Office
0W National Capital Region
01 Region 1
02 Region 2
03 Region 3
04 Region 4
05 Region 5
06 Region 6
07 Region 7
08 Region 8
09 Region 9
10 Region 10

(e) The following designations shall be used to identify the procuring office:

B Office of Plans, Programs, and Financial Management
D Federal Property Resources Service
F Office of Federal Supply and Services
K Office of Information Resources Management
N National Archives and Records Service
O Office of Oversight
P Public Buildings Service

(f) An example of the numbering system is: GS02F00001.

(1) The letters "GS" denote the General Services Administration.

(2) The number "02" identifies the location of the procuring office, in this case Region 2.

(3) The letter "F" identifies the procuring office, in this case the Office of Federal Supply and Services.

(4) The number "00001" identifies the first contract made by the procuring office in this series.

(g) Each negotiated contract shall contain the symbol "NEG" inserted immediately above the contract number. Additional identification not inconsistent with that prescribed above may be used if necessary for the internal control and routing of contracts and related documents. Additional identification should be held to the minimum consistent with adequate control of contracts.

§ 5-1.352-3 Numbering of small contracts.

Contracts negotiated under small purchase procedures in § 1-3.203 shall not normally be numbered. However, a contract number may be assigned (for reference and reporting purposes) when the resulting purchase order is to be written by an office other than the office awarding the contract. Purchase orders of this type shall be identified by special entries as provided below.

(a) An assigned contract number and a notation that the number was assigned for reference purposes only.

(b) A reference to the supplier's quotation.

(c) A reference to "Sec. 302(c)(3), 41 U.S.C. 252(c)(3)."

§ 5-1.352-4 Contract Register.

GSA Form 2728, Procurement Contract Register, shall be used to ensure continuity and control of contract numbers and for registering pertinent contract data. See § 5-16.950-2728 for illustration of the form.

§ 5-1.370 Warranties.

§ 5-1.370-1 General.

A warranty clause gives the Government a contractual right to assert claims regarding the deficiency of supplies or services furnished, notwithstanding any other contractual provision pertaining to acceptance by the Government. Such a clause allows the Government additional time after acceptance in which to assert a right to correction of the deficiencies or defects, reperformance, an equitable adjustment in contract price, or other remedies. This additional period of time may begin at the time of delivery or at the occurrence of a specified event, and may run for a given number of days or months or until occurrence of another specified event. The value of a warranty clause depends upon the circumstances of the procurement, and its use, terms, and conditions are influenced by many factors (see § 5-1.370-3(b)). A warranty clause may be tailored to fit the individual procurement or class of procurements and may include special provisions for items shipped to overseas customers.

§ 5-1.370-2 Policy.

(a) A warranty clause shall be used when it is found to be in the best interests of the Government after an analysis of the factors listed in § 5-1.370-3(b).

(b) Any warranty clause included in a contract shall not limit any rights afforded to the Government by the provision of the Inspection clause relating to latent defects, fraud, and gross mistakes that amount to fraud. Care should be taken to ensure that the warranty clause used and any other warranty provision in the contract (e.g., in the specification) are consistent, especially where performance specifications are used.

§ 5-1.370-3 Use of a warranty.

(a) The procuring director shall approve the use of a warranty in supply contracts, except when the warranty is in the specification, or the contractor's commercial warranty is included, or a warranty is prescribed in the GSPR for specific situations. To the extent practicable, a clause substantially similar to that prescribed in § 5-1.370-4 shall be used. Warranty clauses that differ substantially shall be approved or prescribed by the Assistant Administrator for Acquisition Policy.

(b) In deciding whether to use a warranty clause, the following factors shall be considered:

(1) Nature of the item and its end use;

(2) Cost of the warranty and degree of price competition as it may affect this cost;

(3) Criticality of meeting specifications;

(4) Damages to the Government that might be expected to arise in the event of defective performance;

(5) Cost of correction or replacement, either by the contractor or another source, in the absence of a warranty;

(6) Administrative cost and difficulty of enforcing the warranty;

(7) Ability to take advantage of the warranty, as conditioned by storage time, distance of the using agency from the source, or other factors;

(8) Operation of the warranty as a deterrent against deficiencies;

(9) The extent to which the Government acceptance is to be based upon contractor inspection or quality control;

(10) Whether the Government inspection system would not be likely to provide adequate protection without a warranty because of the nature of the items;

(11) Whether the industry's present quality program is reliable enough to provide adequate protection without a warranty, or, if not, whether a warranty would cause the contractor to institute an effective and reliable quality program;

(12) Reliance on "brand-name" integrity;

(13) Whether the warranty is regularly given for a commercial component of the end item being procured;

(14) Criticalness of item for protection of personnel or property;

(15) Extent to which specifications safeguard the interest of the Government;

(16) The stage of development of the item and the state of the art; and

(17) Customary trade practices.

(c) Scope of Warranty clause.

(1) The terms and conditions of a warranty clause vary with the circumstances of the procurement. The clause must state the duration of the warranty. The clause may either provide that the contractor will be liable for defects or nonconformance to contract requirements existing at the time of delivery, or provide that the contractor will be liable for such defects or nonconformance which develop prior to the expiration of a specified period of time or before the occurrence of a specified event.

(2) Where the Government specifies the design of the item and its precise measurements, tolerances, materials, tests, or inspection requirements, the contractor's liability for defects or nonconformance should usually be limited to those in existence at the time of delivery.

(3) Where a contract contains performance specifications and design is of minor importance, the contractor's liability may extend to defects or nonconformance to specifications which may arise after delivery of the supplies or acceptance of the services. Normally, the warranty should be limited to defects or nonconformance existing at the time of delivery of the supplies or acceptance of the services.

(4) Ordinarily, the remedy provided under a warranty clause to return nonconforming supplies to the contractor for correction or replacement should satisfy the Government's needs. However, where the supplies are of such nature (e.g., subsistence or drugs) that correction or replacement does not afford adequate remedy to the Government, the clause should provide (i) that the contracting officer may either return the supplies to the contractor, dispose of them in a reasonable manner, or replace with similar supplies, and (ii) that the contractor shall be liable for any cost to the Government because of the nonconformance.

(5) When it can be foreseen that it will not be practical to return an article for correction or replacement because of the nature of its use or the cost of preparation for its return (e.g., where operating equipment installed in a vessel, automobile, or truck needs only a correction or adjustment, but to return it would require substantial expense of removal from where it is installed), the clause should provide that the contractor or the Government may (i) correct the article in place at its location at the contractor's expense, or (ii) provide that the contractor shall furnish necessary replacement parts.

(6) Where it is determined that a warranty for the entire item is not advisable, a warranty may be required for a particular aspect of the items which may need special protection (e.g., installation, components, accessories, parts, subassemblies and preservation, packaging and packing, etc.).

(7) Warranty clauses applicable to shelf-life items should, to the extent feasible, indicate the nature of and the degree to which deterioration will be permitted during the warranty period, unless such factors are adequately covered in the product specification.

(d) Where a warranty clause is used in a supply contract, consideration shall be given to the inclusion of a provision requiring that the warranted items be so marked or that a warranty notice be furnished with the items. The marking or notice need not state the complete warranty; however, a statement noting that a warranty exists, its duration, and whom to notify concerning defects usually will suffice.

§ 5-1.370-4 Warranty clause for supply contracts.

The following sets forth provisions to be used when developing a warranty clause for a specific commodity. These provisions may be modified to accommodate special requirements.

Warranty of Supplies

(a) Notwithstanding inspection and acceptance by the Government of supplies furnished under the contract or any provision of this contract concerning the conclusiveness thereof, the Contractor warrants that for *(enter specific warranty period such as "one year after specified date," or other applicable warranty provision)* all supplies furnished under this contract will be free from defects in material or workmanship and will conform with the specifications and all other requirements of this contract. Further, the Contractor certifies that the supplies will be suitable for their intended purpose. Unless otherwise provided, this warranty period shall begin 60 days after the date of shipment.

(b) Unless otherwise provided, this warranty is applicable both within and outside the continental limits of the United States.

(c) Within a reasonable time after discovery of any breach of this warranty, the Contracting Officer or other Government Representative shall give written notice to the Contractor and either: (i) Require the prompt correction or replacement of any supplies or part thereof (including preservation, packaging, packing, and marking) that do not conform with the requirements of this contract within the meaning of paragraph (a) of this clause; or (ii) retain such supplies, whereupon the contract price thereof shall be reduced by the Contracting Officer in an amount which is negotiated and agreed upon as being equitable under the circumstances and the contractor shall promptly make appropriate repayment.

(d) When return, correction, or replacement is required, the Contracting Officer or other Government Representative shall return the supplies or part thereof, where feasible, and transportation charges and responsibility for such supplies while in transit shall be borne by the Contractor. However, the Contractor's liability for such transportation charges shall not exceed an amount equal to the cost of transportation by the usual commercial method of shipment between the designated destination point under this contract and the Contractor's plant, and return.

(e) If the contractor fails or refuses to correct or replace the nonconforming supplies within a period of 10 days (or such longer period as the Contracting Officer may authorize in writing) after receipt of notice from the Contracting Officer or other Government Representative specifying such failure or refusal, the Contracting Officer may by contract or otherwise, correct or replace them with similar supplies and charge to the Contractor the cost occasioned to the Government thereby. In addition, if the Contractor fails to furnish timely disposition instructions, the Contracting Officer may dispose of the nonconforming supplies for the Contractor's account in a reasonable manner, in which case the Government is entitled to reimbursement from the Contractor or from the proceeds for the reasonable expenses of the care and disposition of the nonconforming supplies, as well as for excess costs incurred or to be incurred.

(f) Any supplies or parts thereof corrected or furnished in replacement under this clause shall also be subject to all the provisions of this clause to the same extent as supplies initially delivered.

(g) Failure to agree upon any determination to be made under this clause shall be a dispute concerning a question of fact within the meaning of the "Disputes" clause of this contract.

(h) The word "supplies" as used herein includes related services.

(i) The rights and remedies of the Government provided in this clause are in addition to and do not limit any rights afforded to the Government by any other clause of the contract.

(j) In addition to other marking requirements of this contract, the container of all warranted items shall be clearly marked by the Contractor by affixing a cloth tag or durable label which must set forth the contract number and state:

"This item is warranted for * days after ——— (unless otherwise provided.

Contractor will enter effective date computed by adding 60 days to the shipping date.)

(End of Clause)

* Note.—Contracting Officer to insert same warranty period entered in paragraph (a) of this clause.

§ 5-1.370-5 Warranty statement in purchase orders.

The following statement shall be included in purchase orders for warranted items:

Warranty. This order covers warranted items which must be specially marked—see contract terms.

(End of Statement)

§ 5-1.371 Construction progress payments.

When the contracting officer determines that progress on a construction contract is satisfactory, § 1-7.602-7(c) permits full payment of the current monthly progress payment. However, it is the policy of the Public Buildings Service for the contracting officer to retain 5 percent from each progress payment until substantial completion, even when progress is satisfactory, and to retain 10 percent when progress is not satisfactory. When substantially completed, the accumulated retained amounts may be reduced to the minimum that is required to protect the Government's interests and to promote timely completion of the remaining items of work.

§ 5-1.375 Forms for recommending award(s) for supplies and services.

The following forms are required for use by the Office of Federal Supply and Services and optional on all other GSA procuring activities.

(a) GSA Form 1535, Recommendation for Award(s), and GSA Form 1535-A, Recommendation for Award(s)—Continuation Sheet, shall be used to document all proposed awards of more than $10,000 whether resulting from advertised or negotiated procurements. The use of the form for awards of $10,000 or less is at the discretion of the procuring activity. One or more awards may be set forth on each form. All information pertinent to the recommendation shall be furnished on the form. The checklist on the back of the form shall be completed. The forms shall be prepared as indicated in § 5-16.950-1535-I.

(b) GSA Form 1447, Procurement Case Summary, shall be used to detail the analyses of procurements which require concurrence or approval in accordance with the GSA Delegations of Authority Manual, (ADM P 5450.39B, or FSS P 5450.21A).

§ 5-1.400 Scope of subpart.

In addition to the Federal Procurement Regulations Scope, this subpart sets forth contracting officers responsibility for obtaining legal reviews.

2G. Subpart 5-1.4 is amended by adding §§ 5-1.400, 5-1.402, 5-1.402-70 through 5-1.402-72, 5-1.450 through 5-1.450-6 as follows:

§ 5-1.402 Authority of contracting officers.

Contracting officers may enter into, amend, modify, and take other appropriate action with respect to contracts, provided:

(a) The contract is written on a standard or approved contract form;

(b) The contract is authorized by law and complies with the Federal Procurement Regulations and the General Services Procurement Regulations; and

(c) Necessary clearance and approval has been obtained.

§ 5-1.402-70 General responsibility of contracting officers.

Contracting officers shall exercise reasonable care, skill, and judgment in all actions.

§ 5-1.402-71 Responsibility for assuring the availability of funds.

(a) *GSA revolving funds.* Unless otherwise notified, contracting officers may assume that sufficient funds are available for purchases payable from GSA revolving funds upon the reciept of an authenticated requisition citing funds.

(b) *GSA funds, other than revolving funds.* The receipt of an authenticated requisition shall be considered as evidence that the amount of funds cited is available for purchases payable from GSA funds other than revolving funds. Clearance as to the availability of additional funds shall be obtained from the requisitioning activity prior to issuance of a contract or purchase order when the purchase exceeds (by 10 percent or $50, whichever is greater) the amount cited on the purchase requisition.

(c) *Other federal agencies' funds.* On purchases for direct delivery to Federal agencies other than GSA, the receipt of a properly authenticated purchase request shall be considered as sufficient evidence that funds are available. Where, however, the agency's purchase request indicates that a specific dollar amount has been set aside for the procurement, as in the case of a Project Implementation Order/Commodities (PIO/C) from the Agency for International Development, the buying activity shall not exceed the fund limitation except to the extent authorized in supply support agreements. When the funds stated on the purchase request appear to be or are insufficient to cover all applicable costs for the procurement, transportation, export surcharge, and any other expense involved in the delivery of material to designated consignees, additional funds shall be requested from the requiring agency by the activity indicated below.

(1) Requirements submitted by agencies directly to a procurement division in the Central Office (whether the procurement is actually made by the appropriate procurement division in the Central office or subsequently transmitted, in whole or in part, to one or more regions for procurement) the request for additional funds shall be made by the appropriate Central Office procurement division.

(2) Requirements submitted to a regional procurement division (whether procurement is made by that region, forwarded in whole or in part to another regional procurement division or to a procurement division in the Central Office) the request for additional funds shall be made by the order processing and control activity in the region initially receiving the requirement.

(d) In requesting additional funds, GSA Form 1774, Request for Additional Funds and/or Information, shall be used where time permits. Where time does not permit, the request may be made by a more expeditious means of communication. GSA Form 1774 may also be used to obtain information concerning specifications, inadequate purchase descriptions, or other data necessary to prepare a solicitation.

§ 5-1.402-72 Applicable penal statutes.

Certain statutes make it a criminal offense for an officer, employee, or agent of the United States to engage in practices or activities which are at variance with the duty which he owes to the United States. Among applicable criminal statutes are:

(a) Acts affecting a personal financial interest (18 U.S.C. 208).

(b) Activities of officers and employees in claims against the Government, and other matters affecting the Government (18 U.S.C. 205).

(c) Compensation to Members of Congress, officers, and others in matters affecting the government (18 U.S.C. 203).

(d) Fraud in connection with procurement (40 U.S.C. 489(b)).

§ 5-1.450 Legal review and assistance.

This section sets forth the responsibilities of contracting personnel

and assigned legal counsel in obtaining and providing legal review and assistance.

§ 5-1.450-1 Applicability.

The provisions of this section apply to all GSA organizational elements having contracting responsibility, as defined in § 5-1.450-2.

§ 5-1.450-2 Definitions.

(a) *Contracting.* The term "contracting" includes the procurement or disposal by contract or lease of any interest in real or personal property, or services. To the extent that specific language herein reflects terminology used in procurement, it is understood that counterpart disposal terminology is intended for matters involving disposals; likewise, to the extent that specific language herein reflects terminology involving contracts, it is understood that counterpart leasing language is intended for matters involving leases.

(b) *Legal review.* Legal review is a formal process whereby assigned counsel analyzes a matter to ensure legal sufficiency (i.e., that the proposed action is in compliance with applicable laws, regulations, and directives). During this process, counsel is also required to bring to the attention of appropriate contracting officials any problems concerning the matter under review and should object on policy or other grounds where such action appears warranted, notwithstanding approval for legal sufficiency.

(c) *Legal assistance.* Legal assistance is a process whereby assigned counsel provides guidance with respect to questions or problems that arise during the contracting process. Assistance need not be limited to matters of legal sufficiency.

§ 5-1.450-3 Responsibilities.

(a) *Contracting officials.*

(1) Contracting officals are expected to exercise sound judgment in obtaining legal review or assistance before taking any action that would affect the rights or obligations of the Government, a contractor, an offeror, or a potential offeror. Contracting officials should seek legal assistance throughout the contracting cycle, particularly when there is doubt or controversy as to the propriety or legal sufficiency of an action, or the interpretation or application of existing statutes, policies, regulations, and directives.

(2) When legal review or assistance is requested by a contracting official, the official shall provide assigned counsel with all pertinent information. When appropriate, the official shall brief assigned counsel regarding the facts and points at issue and provide a detailed rationale for the proposed action. Legal review or assistance should be requested in a timely fashion in order to allow assigned counsel sufficient time to respond to the matter in issue. Counsel's approval, comments, or objections should be documented and retained as part of the contract file.

(b) *Legal counsel.* It is the responsibility of assigned counsel to provide timely assistance with respect to a broad range of legal and business problems arising during the contracting process and to ensure that proposed contractual actions comply with applicable laws, regulations, and directives. When legal review is required on any contract-related matter, the approval of counsel shall attest to the legal sufficiency of the action or document.

§ 5-1.450-4 Legal review.

The following matters shall be submitted to assigned counsel, before action being taken thereon, for legal review and, where appropriate, written approval. Heads of procuring activities, in conjunction with the assigned counsel, are encouraged to establish more stringent supplemental criteria for legal review when available resources make such supplemental requirements practicable. Copies of supplemental directives shall be forwarded to the Assistant Administrator for Acquisition Policy and to the General Counsel

(a) Solicitations which contain novel provisions or provisions which deviate from standard terms or conditions provided for by regulation or other appropriate authority.

(b) Alleged mistakes in bid.

(c) Protests (including small business size protests).

(d) Determinations and findings required by FPR, GSPR, or other appropriate authority to be reviewed by counsel.

(e) Offers indicating that contingent fee has been, or may be, paid.

(f) Matters involving the disclosure of offers prior to opening and determinations as to whether such disclosure was made with collusive intent.

(g) Decisions involving the nonapplication of, or any exemptions proposed to be taken from, the subcontracting plan requirements of Pub. L. 95-507.

(h) Questions regarding the proper use of appropriations or other funds.

(i) Proposed awards to other than low offerors.

(j) Proposed no-awards for reasons other than excessive prices.

(k) Proposed letter contracts.

(l) Proposed contract awards subject to the requirements of GSA Order APD 2800.1A, Contract Clearance, GSA Order APD 2800.7, Non-competitive contracting procedures, or GSA Order ADM 2800.12B, Procurement of Consulting Services.

(m) Termination actions, including pretermination (i.e., "cure") letters.

(n) Contract disputes of any nature.

(o) Waivers of material contract terms, conditions or specifications.

(p) Assignments of claims or rents, and change of name and novation agreements.

(q) Contract claims, actions taken under the disputes clause (including final decision letters), and memorandums of position and appeal files in case appealed to the General Services Board of Contract Appeals or Court of Claims.

(r) Recommendations relative to suspending or debarring a concern or individual, and notices of suspension or proposed debarment.

(s) Freedom of Information Act (5 U.S.C. 552) and Privacy Act (5 U.S.C. 552a) matters.

(t) Proposed responses to Congressional inquiries, and to General Accounting Office (GAO) and Inspector General audit reports which pertain to the legality of proposed or past actions.

(u) Deviations from the FPR, GSPR, or other directives.

(v) Matters relating to litigation before the courts or the GSA Board of Contract Appeals.

(w) Late bids, offers, and modifications.

§ 5-1.450-5 Legal assistance.

The following matters illustrate areas in which legal issues are likely to arise; accordingly, contracting officials are encouraged to pay special attention to these areas and to present problems or questions relating thereto to assigned counsel for assistance in a timely manner.

(a) Preliminary questions or problems relating to matters requiring legal review.

(b) Meetings scheduled with legal representatives of private parties or meetings where legal issues are likely to be discussed.

(c) Solicitations involving repurchase actions against the account of a defaulted contractor.

(d) Matters concerning nonresponsiveness or nonresponsibility.

(e) Matters involving the application of the Buy American Act (41 U.S.C. 10 et seq.) or related provisions of law.

(f) Matters involving the application of labor statutes (e.g., Walsh-Healey Act, Service Contract Act, etc.).

(g) Matters involving small business or labor surplus area concerns.

(h) Matters involving the consideration of subcontracting plans as required by Pub. L. 95–507.

(i) Matters involving the withholding of payments to contractors for Department of Labor wage/rate violations.

(j) Matters involving the adequacy of offer, payment, or performance bonds.

(k) Matters relating to contractor indebtedness, bankruptcy, or financing.

(l) Matters involving the utilization of special and directed sources of supply, e.g., procurement of supplies and services from Federal Prison Industries or from workshops for the blind and other severely handicapped.

(m) Matters involving eligibility to use GSA supply sources.

(n) Offers received from corporations.

§ 5–1.450–6 Waivers.

The General Counsel may waive the legal review requirements. A request for waiver may be made in writing by an Assistant General Counsel or Regional Counsel in conjunction with the head of a procuring activity, or a Regional Administrator. Under circumstances of extreme urgency, requests for waiver may be made and granted orally but written documentation of the waiver shall be made as soon as time permits.

2H. Subpart 5–1.5 is amended by adding §§ 5–1.507, 5–1.508 through 5–1.508–3 as follows:

§ 5–1.507 Use of Standard Form 119, Statement of Contingent or Other Fees.

Upon receipt of Standard Form 119, the contracting officer shall obtain advice of Counsel as to the legality and general propriety of the relationship disclosed thereon. Also, the contracting officer may request the Office of the Inspector General (Assistant Inspector General for Investigations (JI) for Central Office procuring activities) to develop further information if the facts available are deemed insufficient for a proper decision. After careful review and evaluation of all the information obtained, the contracting officer shall render a decision in writing which shall be made a part of the contract file.

§ 5–1.508 Enforcement.

When the contingent fee representation required by § 1–1.505 is in the affirmative, the prospective contractor shall be required to submit a completed Standard Form 119, in triplicate, except under the circumstances listed in § 1–1.507–3.

§ 5–1.508–1 Failure or refusal to furnish representation and agreement.

The name of each indicated successful bidder proposed contractor who fails or refuses to furnish the representation and agreement after opportunity therefor has been afforded, shall be submitted, with a statement of the pertinent circumstances, to the Office of Inspector General (JI for Central Office procuring activities) for such further action as may be appropriate.

§ 5–1.508–2 Failure or refusal to furnish Standard Form 119.

The name of each prospective contractor who fails or refuses to furnish a completed Standard Form 119 (or a statement in lieu thereof as provided in § 1–1.507–2) shall be submitted, together with pertinent information, to the Office of Inspector General (JI for Central office procuring activities) for appropriate action. If the contract has been awarded or offer accepted, consideration shall be given to the feasibility of terminating the contract, the future eligibility of the firm in question as an offeror or contractor, or other appropriate action.

§ 5–1.508–3 Misrepresentations or violations of the convenant against contingent fees.

If an award has been made, any action to enforce the terms of the convenant shall be taken only upon the recommendation of legal counsel. Whether or not an award has been made, a suspected misrepresentation or anticipatory violation of the convenant against contingent fees shall be reported to the Office of Inspector General (JI for Central Office procuring activities) in the manner prescribed in § 5–1.508–2.

2I. Subpart 5–1.6 is amended by revising § 5–1.604–1 and 5–1.605 and adding §§ 5–1.603 through 5–1.603–2, 5–1.604 through 5–1.604–3, 5–1.605–3, 5–1.606, 5–1.603–3 as follows:

§ 5–1.600 Scope of subpart.

This subpart implements and supplements Subpart 1–1.6 with respect to the debarment and suspension of contractors and the maintenance, distribution, and use of a consolidated list of debarred, suspended, and ineligible contractors. The subpart is applicable to all elements of GSA with respect to the procurement of personal property and nonpersonal services, including construction and leases of real property.

§ 5–1.602 Definitions.

In addition to the definitions set forth in § 1–1.602, the following terms have special meanings as indicated:

(a) The "debarring official" and the "suspending official" for GSA is the Assistant Administrator for Acquisition Policy. The authority to act in these capacities may be delegated to his/her deputy.

(b) "Notice" means a written communication sent by certified mail, return receipt requested, to the last known address of a party, its identified counsel, or agent for service of process. In the case of a business, such notice may be sent to any partner, principal officer, director, owner or co-owner, or joint venturer. If no return receipt is received within 10 calendar days of mailing, receipt shall then be presumed.

(c) The "fact-finding official" for GSA is the Chairman of the General Services Administration Board of Contract Appeals or his/her designee(s).

§ 5–1.603 Establishment and maintenance of a list of debarred, suspended, or ineligible contractors and agency records.

§ 5–1.603–1 Consolidated list of debarred, suspended, and ineligible contractors.

(a) The debarring and suspending official shall be responsible for the compilation, maintenance, revision, and distribution of the Consolidated List, including distribution to GSA contracting activities.

(b) Heads of procuring activities and other interested officials shall notify the debarring and suspending official of their distribution needs and shall ensure that the list is used effectively by agency contracting officers.

§ 5–1.603–2 Agency records.

The debarring and suspending official shall maintain records containing the information required by § 1–1.603–2, in accordance with agency practices.

§ 5–1.604 Treatment to be accorded listed contractors.

§ 5–1.604–1 General—determination of compelling reason.

(a) Heads of procuring activities (see § 5–1.206) may determine that there is a compelling reason to accord debarred or suspended contractors treatment other than that required by § 1–1.604–1. Determinations must be approved by the debarring and suspending official.

(b) A copy of all determinations of compelling reasons shall be forwarded to the debarring and suspending official.

§ 5–1.604–2 Review procedures.

(a) Prior to initiating a pre-award survey or any of the procurement actions set forth in § 1–1.604–1 with respect to a particular bidder, offeror, or proposed subcontractor, the contracting officer shall review the current copy of

the Consolidated List. If the bidder, offeror, or proposed subcontractor is listed, the contracting officer shall accord the contractor such treatment as is appropriate according to the basis for its listing.

(b) Contractors who have been debarred, suspended, or declared ineligible to participate in GSA contracting programs shall be removed from agency bidders mailing lists for the period of the exclusion.

§ 5-1.604-3 Continuation of current contracts.

(a) Notwithstanding the debarment or suspension of a contractor, contracting officers may continue contracts or subcontracts in existence at the time of the debarment or suspension. However, termination of current contracts should be considered under the circumstances set forth in paragraphs (b), (c), and (d) of this section.

(b) Termination for default under a contract's "Default" clause is appropriate where the circumstances giving rise to the debarment or suspension also constitutes a default in the contractor's performance of the contract. Debarment or suspension of the contractor for reasons unrelated to the performance of the contract will not support a termination for default.

(c) Termination for convenience or cancellation under appropriate contract provisions should be considered where the contractor presents a significant risk to the Government in completing a current contract and such action is determined to be in the Government's best interests. In making this determination the contracting officer should consider such factors as the:

(1) Seriousness of the cause for debarment or suspension;

(2) Extent of contract performance;

(3) Potential costs of termination and reprocurement;

(4) Urgency of the requirement and the impact of the delay of reprocurement;

(5) Availability of other safeguards to protect the Government's interests until completion of the contract.

(d) A decision to terminate an existing contract with a debarred or suspended contractor under a "Termination for Convenience" or "Cancellation" clause must be concurred in by assigned legal counsel and approved at a level above the contracting officer.

§ 5-1.605 Debarment.

§ 5-1.605-3 Procedures.

(a) *Investigation and referral.*

(1) Any constituent element of GSA that becomes aware of circumstances which may serve as the basis for a debarment shall refer those circumstances to the debarring official through appropriate channels for consideration of debarment action. However, circumstances that involve possible criminal or fraudulent activities shall first be reported to the Office of the Inspector General (OIG), which shall conduct an investigation and, if appropriate, make a referral to the debarring official.

(2) Referrals for consideration of debarment action at a minimum should include:

(i) The cause for debarment see (§ 1-1.605-2);

(ii) A statement of facts;

(iii) Copies of supporting documentary evidence and a list of all necessary or probable witnesses, including addresses and telephone numbers, together with a statement concerning their availability to appear at a fact-finding proceeding and the subject matter of their testimony;

(iv) A list of all contractors involved, either as principals or as affiliates (including current or last known home and business addresses and zip codes);

(v) A statement of GSA's procurement history with such contractors, including any recent experience under a GSA contract;

(vi) A statement concerning any known pertinent active or potential criminal investigation, criminal or civil court proceeding, or administrative claim before Boards of Contract Appeals;

(vii) A statement from the cognizant contracting activity as to the impact of the debarment action on GSA programs.

(3) Referrals may be returned to the originator for further information, investigation, or development.

(b) *Notice of proposal to debar.* (1) Upon receipt of a completed referral, the debarring official shall decide whether to initiate debarment action, after coordinating the matter with assigned legal counsel.

(2) Where a determination is made to initiate action, affected contractors and any specifically named affiliates shall be given written notice of the information required by § 1-1.605-3(c) and contained in § 5-1.605-3(c).

(3) A copy of the notice shall be given to affected agency components.

(4) Where a determination is made not to initiate action, notice shall be given to the agency official who made the referral.

(c) *Decision-making process.* (1) Contractors shall be given opportunity to submit, in person, in writing, or through a representative, information and arguments in opposition to a proposed debarment. However, if a response to the debarment notice is not received by the debarring official within 30 calendar days of receipt of the notice, the debarment shall become final.

(2) If, in response to the debarment notice, the contractor, or a representative, desires to present information and arguments in person to the debarment official, an oral presentation will be held within 20 calendar days of receipt of the request, unless a longer period of time is requested by the contractor. The oral presentation shall be informally conducted and a transcript need not be made. The contractor may, however, supplement the oral presentation with written information and arguments for inclusion in the administrative record.

(3) In actions not based upon a conviction, civil judgment, or a debarment by another agency, and where the contractor disputes facts relating to the proposed debarment, the contractor may also request, and shall be entitled to, a hearing before the agency fact-finding official. The hearing will be conducted within 20 calendar days of receipt of the contractor's response, unless a longer period of time is requested by the contractor.

(4) The purpose of a hearing is to: (i) Afford the affected contractor the opportunity to dispute facts relating to the proposed debarment through the submission of oral and written evidence; (ii) provide the debarring official with findings of fact based on a preponderance of evidence; and (iii) provide the debarring official with a determination as to whether a cause for debarment exists, based on the facts as found.

(5) Hearings will be conducted by the fact-finding official in accordance with rules promulgated by that official. The rules shall be as informal as is practicable, consistent with principles of fundamental fairness and Subparts 1-1.6 and 5-1.6; they shall provide an opportunity for the affected contractor to appear with counsel, submit documentary evidence, present witnesses, and cross-examine any witness GSA presents. The fact-finding official shall make a transcribed record of the hearing and make it available at cost to the affected contractor upon request, unless the contractor and GSA, by mutual agreement, waive the requirement for a transcript.

(6) The hearing shall be initiated by a formal written transfer of the matter by the debarring official to the fact-finding official.

(7) Upon receipt of such a transfer, the fact-finding official shall notify the affected contractor, schedule a hearing date, and provide the contractor an

opportunity to present written evidence and oral testimony and to cross examine opposing witnesses. The fact-finding official shall deliver written findings to the debarring official (together with a transcription of the proceeding, if made) within 10 calendar days after the hearing. The findings shall resolve any facts in disputes based on a preponderance of the evidence presented and determine whether a cause for debarment exists.

(d) *Debarring official's decision.* The debarring official's final decision shall be made in writing in accordance with § 1–1.605–3(d) and notice of the decision will be given in accordance with § 1–1.605–3(e). A copy of the notice shall be given to affected agency components.

§ 5–1.606 Suspension.

§ 5–1.606–2 Procedures.

(a) Investigation and referral shall be accomplished as provided in § 5–1.605–3(a), except that referrals will be made to the suspending official and will contain information pertinent to a suspension action.

(b) *Notice of suspension.* (1) Upon receipt of a completed referral, the suspending official shall decide whether to suspend, after coordinating the matter with assigned legal counsel.

(2) In cases not based on an indictment or suspension by another agency, the suspending official shall, in appropriate cases, obtain through OIG the written advice of the Department of Justice or state prosecutorial authority as to whether substantial interests of the Federal or state government in pending or comtemplated legal proceedings based on the same facts as the suspension would be prejudiced by the conduct of a hearing before the agency fact-finding official. If, on the basis of advice received, the suspending official determines that substantial interests of the Federal or a state government would be impaired he/she shall so advise the contractor in the notice.

(3) Notice shall be provided as provided in § 5–1.605–3(b) except that notice to the contractor shall contain the information required by § 1–1.606–3(c) and contained in § 5–1.606–3(c).

(c) *Decision-making process.* (1) Contractors shall be given an opportunity to submit, in person, in writing, or through a representative, information and arguments in opposition to a suspension. However, to be considered, a response must be received by the suspending official within 30 calendar days of receipt of the suspension notice.

(2) When requested, an oral presentation before the suspending official shall be conducted as in § 5–1.605–3(c)(2).

(3) In actions not based on an indictment or a suspension by another agency, and where the contractor disputes facts relating to the suspension, the contractor may also request, and shall be entitled to, a hearing before the agency fact-finding official, unless a determination has been made that substantial interests of the Government would be prejudiced by a hearing. The hearing will be conducted within 20 calendar days of receipt of the contractor's response, unless a longer period of time is requested by the contractor.

(4) The purpose of a hearing is to: (i) Afford the affected contractor the opportunity to dispute facts relating to the suspension action through the submission of oral and written evidence, and (ii) provide the suspending official with a determination as to whether adequate evidence exists to support the cause for suspension. Hearings shall be conducted as in § 5–1.605–3(c) (5), (6), and (7).

(d) The suspending official's decision shall be made in writing and notice shall be given in accordance with § 1–1.606(3)(d).

2]. Subpart 5–1.7 is amended by adding §§ 5–1.700, 5–1.701–8, 5–1.703–2, 5–1.704 through 5–1.704–2, 5–1.706, 5–1.706–5, 5–1.706–6, 5–1.706–50 through 5–1.706–52, 5–1.713–60 as follows:

§ 5–1.700 General.

This subpart implements and supplements § 1–1.7 by prescribing procedures for implementing the GSA small business program, including set-asides.

§ 5–1.701–8 Set-aside for small business.

(a) *Clarification of class set-aside definition.* In further explanation of § 1–1.705–3(b), a class set-aside may consist of an item (or service), a group of related items under a Federal Supply Class (FSC), or a whole FSC class when restricted to small business on a continuing, as distinct from a one-time, basis. Under this definition, a single item or a group of items restricted to small business on a continuing basis, even though constituting only a small portion of an FSC class, is defined as class set-aside.

(b) *Determining the set-aside status of an item.* The fact that an item, group of items, or a class is the subject of a class set-aside, and presumptively will be set aside on the next procurement, does not mean that it is automatically set aside without consideration of events which may have occurred since the last procurement. The contracting officer must determine if intervening events have changed the situation so that it is no longer in the best interest of the Government to make a particular set-aside (either individual or class set-aside). When the conclusion is reached that a set-aside should be dissolved, it must be accomplished in accordance with § 1–1.706–3(b) and considered only as one-time dissolution if feasible.

(c) *Class set-aside determination.* Except for construction contracts subject to provisions of § 5–1.706 (b) and (c) small business class set-asides will normally be made on a unilateral basis by the contracting officer and documented in accordance with § 5–1.706–51(a), class set-aside determinations shall be reviewed at least annually.

§ 5–1.703–2 Protest regarding small business status.

(a) Even though an offeror's representation as a small business concern is not protested by another offeror, contracting officers should question the small business status whenever that status is in doubt and shall refer all questionable cases to Small Business Administration (SBA) for determination.

(b) When the solicitation provides for a total or partial small business set-aside, or labor surplus area set-aside, it is essential that the applicable small business size standard be set forth clearly in the schedule (see §§ 1–1.706–5(c) and 1–1.706–6(c)). In addition, the following notice shall be included in all solicitations for supplies and services (other than construction):

Notice Concerning Size Status

The small business representation appearing on page 2 of the solicitation is a material representation of fact upon which the Government relies when making award. If it is later determined that the small business representation was erroneous, and the Contractor was not a small business on the date of award of this contract, the contract may be canceled by the Government and the Contractor charged with any damages sustained by the Government as a result of such cancellation. Any offeror who has a question as to whether he is or is not a small business concern shall contact the nearest office of the Small Business Administration for guidance and assistance. In case of conflict between standards set forth in the solicitation and those of the SBA, the SBA regulations as of the time of bid opening shall control.

(End of Clause)

(c) In addition to the usual preaward actions, the following procedures shall be followed when evaluating offers for supplies or services (other than

construction) involving preference for small business concerns.

(1) When submitting GSA Form 894, Financial Responsibility-Inquiry and Reply (see § 5–1.1205(b)), a notation shall be entered in the "Remarks" block requesting the appropriate GSA finance activity to furnish any available information such as corporate affiliation, franchise arrangements, number of employees, volume sales, and other information which may have a bearing on the small business status of the prospective contractor. A copy of the Standard Form 33, Solicitation, Offer, and Award, executed by the offeror (or an appropriate extract of the offer) shall be attached to the GSA Form 894 in order to provide the finance activity with the necessary information.

(2) When submitting GSA Form 353, Plant Facilities Report (see § 5–1.1205–4) enter in Block 2 of the form "Being considered for preferential award as a small business concern" and request information as to (i) The firm's number of employees, and (ii) evidence of apparent affiliation relationships such as joint occupancy of premises.

(d) In cases involving equal low offers, when requesting the written statement required by § 1–2.407–6(c), a concern which is to receive preference based on its small business representation shall be specifically advised of the applicable small business size standard and requested to confirm that it will perform the contract as a small business concern in accordance with that standard. The procedures in (c) and (e) of this section shall also be followed when applicable.

(e) If a protest regarding small business size status is received after expiration of the 5-day period specified in § 1–1.703–2, or if the protest is received after contract award, the matter shall be presented to SBA (unless there is obviously no validity to the protests as in the case where SBA has recently determined the size status of the firm in question) on the basis that the contracting officer questions the size status of the firm involved. The contracting officer's reasons for raising the question should be stated and copies of the pertinent available documents should be furnished to SBA. If SBA determines that the concern in question is not a small business concern, the following action shall be taken.

(1) If award has not been made, the offer shall be rejected as nonresponsive when the procurement is totally set-aside for small business concerns. When the procurement is partially set-aside, the firm which has misrepresented its size status shall not be considered for preferential award under the set-aside portion.

(2) If award has been made, the contract should be canceled in accordance with the provisions of the clause prescribed in paragraph (b) above, unless cancellation would not be in the best interest of the Government. Prior to final action under this paragraph, the case shall be referred to the cognizant Procuring Directors (for Central Office procuring activities) or Assistant Regional Administrator for approval. Such submissions shall include the status of performance of the contract, the urgency of need for the items covered, any evidence bearing on the issue of whether the erroneous certification was willful or inadvertent, and any other information which would be helpful in determining whether the contract should be terminated and whether the matter should be referred to the Department of Justice.

§ 5–1.704 Agency program direction and operations.

§ 5–1.704–1 Program direction.

The head of each procuring activity and each Regional Administrator is responsible for results under the small business program.

§ 5–1.704–2 Program operations.

(a) Each procuring activity shall use its bests efforts to identify procurements where a potential exists for increasing the small business share of contract awards. Whenever feasible, contracting officers shall seek the assistance of Business Service Center (BSC) personnel and Small Business Administration (SBA) procurement representatives in locating qualified small business sources.

(b) The head of each procuring activity shall develop and continuously maintain a training program as necessary to emphasize the importance of small business set-aside program.

(c) Each BSC will keep all other BSC's and the Office of Small and Disadvantaged Business Utilization (AU) informed on items of mutual interest under the small business program.

(d) Each BSC will:

(1) Take appropriate actions to publicize advance and current information about regional and national GSA business opportunities to the maximum extent feasible.

(2) Provide maximum advance and current information, assistance, and counseling of such nature, extent, and timeliness so as to enable small business concerns to take full advantage of the available business opportunities and to compete for contracts.

(3) Develop publications and public relations techniques designed to obtain maximum interest and participation of small business concerns. This activity will include, but not be limited to, the following:

(i) Arranging for and participating in meetings with business groups such as Chambers of Commerce, trade associations and similar organizations, State development corporations, Governors' and Mayors' advisory groups, local business and civic organizations, and small business councils.

(ii) Developing, preparing, and distributing informational material designed to stimulate interest on the part of small business concerns.

(iii) Developing interest and cooperation on the part of trade publications, the local press, and other media.

(e) Proposed regulations and procedures affecting the operation of the small business program shall be coordinated with the SBA prior to issuance.

§ 5–1.706 Procurement set-asides for small business.

(a) *General.* Procuring activities, to the maximum extenf feasible, shall make unilateral small business set-asides on all procurements qualifying therefor, as provided in Subpart 1–1.7, and as required by paragraphs (b) through (h) below. Priority consideration shall be given to establishing class set-asides. Procuring activities shall periodically review individual set-asides to identify commodities and services suitable for class set-asides.

(b) *Construction contracts from $2,500 to $500,000.* In an understanding with the SBA, every proposed procurement for construction, including alteration, maintenance, and repairs estimated to be in excess of $2,500 and under $500,000 shall be considered individually as though the SBA had initiated a set-aside request and shall be set aside, except as otherwise provided in § 5–1.706(d) and (g).

(c) *Construction contracts from $500,000 to $1 million.* The Commissioner, (P), has unilaterally established a class set-aside for PBS procurements of construction, including alteration, maintance, and repairs estimated to cost between $500,000 and $1 million, except as otherwise provided in § 5–1.706(d) and (h).

(d) *Exemption of certain construction and repair contracts.* All separate construction contracts under a

construction-management-phased construction project and contracts for repair of mechanical systems, such as elevators, steam generators, air-conditioners, or distributing systems, are exempt from the requirements of § 5–1.706(b) or (c). However, contracting officers shall review each such exempt procurement and initiate a small business set aside where it appears that there would be sufficient competition to ensure award at a reasonable price and set-aside is otherwise feasible.

(e) *Building service contracts in excess of $2,500.* Each procuring activity shall, to the maximum extent feasible, arrange for the making of small business set-asides on all contract actions which qualify therefor as provided in Subpart 1–1.7. In the initiation of small business set-asides, procuring activities should give priority consideration to the establishment of class set-asides. Procuring activities shall periodically review individual set-asides to identify services suitable for class set-asides.

(f) *Architect-Engineer contracts.* (1) All architect-engineer contracts for construction projects with an estimated construction contract amount not exceeding $2.5 million shall be set-aside for small business.

(2) A synopsis message indicating that the architect-engineer contract is set-aside for small business shall be prepared and forwarded as provided by § 1–1.1003–7(b)(6).

(g) *All other contracts.* All contracts other than those contracts subject to the provisions of § 5–1.706(b), (c), (e), and (f) are subject to set-aside in accordance with the provisions of § 1–1.706 and § 5–1.706(a).

(h) *Determination not to set aside.* Where the contracting officer determines that a small business set-aside of a procurement is not feasible, the procedures defined in § 1–1.706 and § 5–1.706–5 shall be followed.

§ 5–1.706–5 Total set-asides.

When a total small business-labor surplus area set-aside or a total small business set-aside is made, an appropriate statement to that effect shall be placed on the face of the solicitation.

§ 5–1.706–6 Partial set-asides.

(a) *Initiating partial set-asides.* Contracting officers shall continuously review the items for which they have procurement responsibility (both national and regional requirements) and make partial small business set-aside as provided herein. Particular attention shall be given to high volume items which are not totally set aside and which have a potential for being partially set aside. Partial set-asides for stock items may be made when the following Economic Order Quantity (EOQ) factors are present: (1) For annual contracts, an EOQ factor not exceeding 3 months; and (2) for 6-month contracts, an EOQ factor not exceeding 1 month.

(b) *Preparation of solicitation.* In addition to the requirements of § 1–1.706–6, the following instructions are applicable when preparing solicitations involving requirements-type contracts and partial small business set-asides.

(1) Include the following provision concerning an equitable division of orders placed under resulting contracts:

Allocation of Orders—Partially Set-Aside Items

(Applicable only to requirements type contracts for stock items). Where the set-aside portion of an item or group of items is awarded to a contractor other than to the one receiving the award on the corresponding non-set-aside portion, the Government will make an equitable division of requirements to be ordered between the two contractors with the intent of achieving, as nearly as possible, a 50/50 division of the total value of orders placed under such contracts for the items partially set-aside. In no case should this division vary to more than a 60/40 division, (with either the non-set-aside or set-aside contractor receiving the larger portion). If fluctuations, in demand or other factors cause a variance greater than a 60/40 division, additional orders will be placed by the Government within 30 calendar days following the expiration of the contract to bring division within the 60/40 limits.

(End of Provision)

(2) When a group of items is covered by partial set-aside awards, it is not necessary to order identical quantities of each item from each portion of the award so long as at least a 60/40 division of the total value of the orders issued is attained. Additional orders needed to bring the value division within 60/40 limits can be made for any item included in the partial set-aside awards regardless of previous quantities ordered on that item.

(c) *Evaluation of offers and contract award.* (1) Offers on the non-set-aside portion shall be evaluated under normal procedures while those on the set-aside portion shall be evaluated under § 1–1.706–6. Normally, only one award will be made for each item or subitem whether it be of the non-set-aside or of the set-aside portion.

(2) When the set-aside portion of an item is to be awarded to the same concern which was awarded the corresponding non-set-aside portion of an item, such an award shall be documented by issuing a separate contract in the same manner as if two different concerns are involved.

(3) If offers are received which appear designed to take unfair advantage of other offerors by devices such as unrealistically low offers on mere token quantities the matter shall be referred to the appropriate procuring director for resolution.

(d) *Procurement of unawarded set-aside portions.* If the entire set-aside portion cannot be awarded under the partial set-aside procedures, the unawarded portion shall be procured by advertising or negotiation, as appropriate, in accordance with § 1–1.706–7.

(e) *Partial coverage.* When only the non-set-aside portion of the procurement is awarded prior to the expiration of the current contract, contractual documents covering the transaction shall be distributed to the ordering activities to provide at least partial coverage of the requirements.

(f) *Contract coding.* To assure that set-asides are properly identified for reporting purposes, information regarding awards based on partial or total set-asides as required in Line No. 5 reverse of the GSA Form 1535, shall be completed. Further, if a class set-aside is involved, the face of the GSA Form 1535 shall be annotated as follows: "Class set-asides apply to items——."

(g) *Contract summaries.* GSA Form 1584, Contract Summary, shall be prepared in accordance with § 5–16.950–1584–I. A summary covering the non-set-aside portion of the items awarded will be prepared promptly after award is made and Statement (1) set forth in § 5–16.950–1584–I, Block 12 will be used. When award is made on the set-aside items, Statement (2) set forth in § 5–16.950–1584–I Block 12, will be shown in the summary.

(h) *Ordering procedures.* The Inventory Manager is responsible for ensuring that the specified division of orders is made in those cases where two contractors are to supply one item to one destination.

§ 5–1.706–50 Small business set-aside determinations.

(a) The determination to make a partial or total small business set-aside in connection with an individual procurement shall be noted in the procurement contract file. (See § 1–3.201(c)(2).)

(b) Class set-aside determinations shall be documented substantially in the format set forth below and a copy shall be retained in the "purchase history" file or equivalent record covering the commodity or service involved.

Small Business Class Set-Aside Determination

In accordance with FPR § 1–1.706, it is hereby determined that procurements by the (name of procuring activity) of the following commodities or services shall be set aside for small business concerns on a class basis. This determination shall be reviewed on (date), or, in any event, not later than 1 year after the above determination date. This determination does not apply to any individual procurement for which small purchase procedures are to be used and applies only to the procuring activity named above.

(List items or services)

The above format should be appropriately modified with respect to any class of procurements proposed to be partially set aside. It shall be signed by the contracting officer having procurement responsibility for the class of commodities or services involved and approved by the appropriate Procuring Director or his designee.

§ 5–1.706–51 Determinations not to set aside.

(a) When the contracting officer determines that a procurement cannot be restricted for small business, the reasons for this determination shall be submitted for review.

(b) Responsibility for these reviews shall be as follows:

(1) For supply and service contracts:

(i) The SBA representatives and the regional directors of Business Service Centers have the responsibility for reviewing small business non-set-aside procurements for the Procurement Divisions in their respective regions.

(ii) The SBA representative and the Office of Federal Supply and Services Technical Advisor are responsible for the review of small business non-set-aside procurements for the Central Office Commodity Centers in Washington, DC.

(iii) If SBA representative does not agree to a proposed non-set-aside action, the procedures in §§ 1–1.706–2 and 1–1.706–2 shall be followed.

(2) For construction contracts:

(i) The contracting officer after deciding not to have a set-aside, shall notify the appopriate GSA Regional Director of Business Affairs or, in Central Office procurements, the Director, Procurement Policy Review Staff of his decision.

(ii) The officials designated above are responsible for the review of procurements not to be set-aside and when feasible the review shall be conducted jointly with the Small Business Administration Procurement Center Representative.

(iii) The designated reviewing officials are responsible for any coordination with the Small Business Administration. If the Small Business Administration Procurement Center Representative does not agree to a proposed non-set-aside action, the procedures set forth in §§ 1–1.706–2 and 1–1.706–3 shall be followed.

(c) Reviews of the proposed small business not-set-aside procurement shall be completed by reviewing offices within five workdays. If no response or objection is received within five workdays, the contracting officer may assume concurrence by the reviewing offices in the determination not to make a small business set-aside procurement.

(d) When the reviewing officials mentioned above can provide additional small business sources or if they have other information which might result in a set-aside procurement, the sources and/or information shall be furnished to the contracting officer within the prescribed time. In this connection, reviewing officials who furnish additional small business sources should be completely aware of the capability of these sources to produce the item to be procured. Additionally, the furnishing of these small business sources should be based on information (including firms' interest to bid) obtained through actual contact with them and not merely firms selected from general registers or listings. If time is of the essence, additional small business sources and other pertinent information may be given orally to the contracting officer. The contracting officer shall consider any suggestion received before making a final non-set-aside determination.

(e) If there is a disagreement between the reviewing official and the contracting officer concerning the initiation of a small business set aside, the disagreement shall be referred as follows:

(1) *Supply and service contracts.* If there is disagreement between a Central Office reviewing official or the Regional Director, Business Service Center and the contracting officer concerning the initiation of a small business set-aside, the disagreement shall be referred to the head of the procuring activity, as defined in § 5–1.206. In the event the disagreement is not resolved, the following procedures shall be followed:

(i) In no circumstances will procurement actions be initiated until small business set-aside disagreements have been formally resolved by the appropriate officials in accordance with this regulation.

(ii) In any procurement where a set-aside is not considered feasible, the reasons for not making a set-aside shall be summarized in the procurement contract file. In addition, if the Central office reviewing officials or the Regional Director, Business Service Center has recommended a set-aside for that procurement action, he shall be furnished a copy of the summary of the reasons for not making a set-aside. In other cases, the procurement contract files containing the reasons for not making a set-aside shall be made available for review by the Central Office reviewing official or the Regional Director, Business Service Center or his designee, on an on-site basis.

(iii) In any case where the Central Office reviewing officials or the Regional Director, Business Service Center disagrees with a contracting activity's determination not to make a small business set-aside on a proposed procurement, or in any case where the Central Office reviewing officials or the Regional Director, Business Service Center develops information which indicates that a small business set-aside should be made on a scheduled procurement action, he will promptly so notify the contracting officer.

(2) *Construction contracts.* If there is disagreement between the reviewing official and the contracting officer concerning the initiation of a small business set-aside, the disagreement shall be referred as follows:

(i) *Regional procurement actions.* Refer to the appropriate Division Director or, if the Division Director is the contracting officer, to the Regional Commissioner. In the event the disagreement is not resolved, referral shall be made to the Regional Administrator for decision.

(ii) *Central office procurement actions.* Refer to the appropriate Assistant Commissioner or, if the Assistant Commissioner is the contracting officer, to the Commissioner, P. If the disagreement is not resolved, referral shall be made to the Commissioner, P, for decision.

(3) Actions taken shall be summarized in the contract file.

§ 5–1.706–52 Change of status of unrestricted or set-aside procurements.

(a) The determination not to make a set-aside shall not be changed (except when there is an appeal by the Small Business Administration) once the solicitation is issued even if information subsequently available discloses a basis for setting aside an unrestricted procurement, unless the contracting officer determines in writing that to do so will not unduly delay the procurement process. See § 1–1.706–3.

(b) A set-aside must be dissolved in accordance with § 1–1.706–7. Depending

upon the procurement, a resolicitation may be required.

(c) In accordance with the provisions of § 1–1.1003–6, the notice shall:

(1) Describe the procurement and the fact that it has been changed to an unrestricted procurement; and

(2) Establish a new bid opening date, if necessary.

(d) The contracting officer may remove a set-aside under circumstances where:

(1) It becomes apparent that there will not be adequate competition with the small business community; or

(2) An amendment is issued which will increase materially the scope or extent of the procurement which would diminish participation by small business.

§ 5–1.713–60 Data concerning minority business enterprise matters.

(a) *Responsibilities.* (1) The Office of Small and Disadvantaged Business Utilization (AU) is responsible for collecting Section 8(a) award information from Regional Offices of Small and Disadvantaged Business Utilization (AU) and preparing a cumulative report.

(2) The regional contracting officer is responsible for submitting Section 8(a) contract award information to the regional AU.

(3) The regional OSDBU is responsible for submitting the Section 8(a) contract award information to AU as an attachment to the GSA Form 3077 (See ADM 2800.17). This data is required on the 20th calendar day following the end of each quarter.

(4) Central Office services and commodity center contracting officers are responsible for submitting the Section 8(a) contract award information to AU.

(b) *Reporting procedures.* (1) GSA Form 2677, Minority Contract Fact Sheet, shall be used to report the information required by this section.

(2) Regional OSDBU's shall report Section 8(a) awards when they have been executed. It is difficult to make a correction after the report has been completed and widely distributed.

(3) Regional OSDBU's shall report all amendments or modifications to existing Section 8(a) contracts on a separate GSA Form 2677.

2K. Subparts 5–1.9, 5–1.10, 5–1.11 are added as follows:

Subpart 5–1.9—Reporting Possible Antitrust Violations

§ 5–1.901 General.

(a) When contracting officers become aware of circumstances concerning an offer or offers that may indicate violation of antitrust laws, they shall report the information required by §§ 1–1.902 and 1–1.903 in narrative form, in duplicate, as follows:

(1) Central Office contracting officers shall report to the appropriate head of the procuring activity or his/her designee.

(2) Regional contracting officers shall report to the appropriate Assistant Regional Administrator.

(b) Contracting officers may contact the Office of Inspector General for assistance in preparing formal documents and statements for submission to the Department of Justice.

§ 5–1.902 Documents to be transmitted.

(a) Contracting officers initially shall prepare documents and statements required by §§ 1–1.902 and 1–1.903.

(b) Specific material shall be prepared for each category in §§ 1–1.902 and 1–1.903. When a category has no applicability to a particular procurement, it shall be so stated in the report. Written statements shall indicate if information is unavailable or if contracting officers are ignorant of such matters as for example, the existence of patents.

(c) The Office of Inspector General will determine the need for additional data to meet the requirement of Subpart 1–1.9. Contracting officers shall secure such additional data and complete all documents and statements and forward them to the Inspector General.

(d) If the Inspector General finds that violations of antitrust laws may have been committed, the Inspector General, with the coordination of General Counsel, will refer the matter to the Department of Justice, in accordance with § 4(d) of the Inspector General Act of 1978, 5 U.S.C. Appendix.

Subpart 5–1.10—Publicizing Procurement Actions

§ 5–1.1003 Synopses of proposed procurements.

§ 5–1.1003–1 Department of Commerce Synopsis.

All synopsis messages (single and/or consolidated) for proposed procurements shall be forwarded to the appropriate Business Service Center (BSC). Procuring activities shall ensure that internal procedures for forwarding message to BSC provide for maximum compliance with § 1–1.1003–6, Time of publicizing. Business Service Centers will arrange for prompt submission of information concerning proposed procurements for publication in the Commerce Business Daily. Submission to the Commerce Department shall be in accordance with § 1–1.1003–7.

§ 5–1.1003–7 Preparation and transmittal.

(a) Synopsis messages shall be prepared on informal letterhead stationery.

(b) Texts of synopsis messages shall be prepared as prescribed in § 1–1.1003–7(b), except that the name and address of the contracting office (see § 1–1.1003–7(b)(3)) shall be construed to mean the appropriate BSC. The transmittal number required by § 1–1.1003–7(b)(2) is assigned by BSC. This entry shall be shown as "Transmittal number ———."

§ 5–1.1003–70 Synopses of amendments to solicitations for offers.

All amendments to solicitations for offers shall be reported for publication in the Commerce Business Daily if the initial procurement was published or if the amendment is of a type to bring the procurement within the criteria for publication (e.g., if the quantity is increased).

§ 5–1.1004 Synopses of contract awards.

§ 5–1.1004–1 Preparation and transmittal.

Except that message texts shall be prepared as prescribed in § 1–1.1004–1, all other provisions of §§ 5–1.1003–1 and 5–1.1003–7 are equally applicable to contract award synopsis messages.

Subpart 5–1.11—Qualified products

§ 5–1.1101 Procurement of qualified products.

§ 5–1.1101–70 Solicitations.

(a) *Qualified Products clause.* Qualified Products clause. (For advertised or negotiated procurements, see § 1–1.1101(b) or (c).

(b) *Product removal from qualified products lists.* Products may be removed from qualified products lists for reasons stated in the Federal Standardization Handbook (FPMR 101–29).

(1) When security cabinets, security vault doors, and changeable combination padlocks which have been qualified under applicable Federal or Interim Federal Specifications are to be procured, the following clause shall be included in the solicitation:

Product Removal From Qualified Products List

If, during the performance of this contract, the product being furnished is, for any reason except those outlined in paragraph 3.1.1 of the applicable Federal or Interim Federal Specification, removed from the Qualified Products List, the Government may terminate this contract for default pursuant to Article 11(a)(ii) of Standard Form 32, General Provisions.

(End of Clause)

(2) When other qualified products are to be procured, the following clause shall be included in the solicitation:

Product Removal From Qualified Products List

If, during the performance of this contract, the product being furnished is for any reason removed from the Qualified Products Lists, the Government may terminate this contract for default pursuant to Article 11(a)(ii) of Standard Form 32, General Provisions.

(End of Clause)

§ 5-1.1101-71 Waiver of qualification requirement.

(a) When a procuring activity has a requirement for a product to be procured under a specification which includes a qualification requirement and the contracting officer has evidence to support a conclusion that it is likely that a solicitation for a QPL product would not produce acceptable offers or adequate competition, a request for a waiver from the qualification requirement of the specification shall be submitted by the procuring director to the Director, Commodity Management Division (FCM). The reasons why the waiver is being requested shall be stated on the request.

(b) If a waiver is granted, it shall be stated in the solicitation that the qualification requirement of the specification does not apply. Unless a notification of waiver states otherwise, each waiver granted shall apply only to the specific procurement for which the waiver was requested, and shall not be construed as authorizing a waiver with respect to any other procurement.

2L. Subpart 5-1.12 is amended by adding §§ 5-1.1204, 5-1.1205, 5-1.1205-4, 5-1.1206 and 5-1.1250 as follows:

§ 5-1204 Determination of responsibility or nonresponsibility.

When an offer is rejected because of a determination by the contracting officer that the prospective contractor does not qualify as responsible, the contracting officer shall notify the prospective contractor by letter, setting forth the reasons for the rejection. This will provide opportunity, where applicable, for the correction of the offending practices prior to future offerings.

§ 5-1.1205 Procedures for determining responsibility of prospective contractors.

(a) *Past performance.* Poor past performance can form the basis for a finding of nonresponsibility (§ 1-1.1203-1(c)). It should be emphasized, however, that poor performance is usually a symptom of some other difficulty such as lack of capacity, integrity, or perseverance, and the basic cause of the poor performance must be determined. When poor performance is the basis for a finding of nonresponsibility, such poor performance must have been experienced in the relatively recent past. Emphasis should not be placed on poor performance which occurred during periods so remote in time as to bear little relationship to the bidder's current capabilities or willingness to perform. Where there have been repeated instances of poor performance on the part of a contractor, debarment pursuant to § 1-1.604 should be recommended through appropriate channels.

(b) *Advice and assistance.* Advice and assistance should be obtained from all appropriate activities, including legal counsel, quality control, and finance, in arriving at a determination that an offeror qualifies as responsible under the standards set forth in § 1-1.1203.

(c) *Plant survey.* In the case of large dollar value procurements for supplies which warrant special attention; e.g., a special or critical item not previously produced by the prospective contractor, a current plant facilities report (PFR) shall be requested. (See § 5-1.1205-4.) In advertised procurements, a plant facilities report (PFR) usually shall not be requested until a determination has been made that the bid is responsive and offers a reasonable price. A secondary PFR may be requested for the bidder next in line if there is reason to believe that the otherwise acceptable bidders will not be eligible for award. In such cases, the PFR shall be marked "SECONDARY PFR" in block No. 6 of the request. In competitive negotiated procurements where the position of offerors for award purposes cannot be determined with any degree of certainty until award is made, a PFR shall be requested on all offerors within an acceptable competitive range provided such a report is required under current regulations.

(d) *Financial responsibility.* For any contract of $50,000 or more or which involves Government financial assistance, the contracting officer shall obtain a financial responsibility report regarding the prospective contractor involved from the appropriate credit and finance activity, except with respect to transportation contracts with regulated common carriers under Government bills of lading which are not subject to special terms, conditions, or specifications. Unless notified otherwise, the information furnished should be considered current for a reasonable length of time for use in connection with subsequent offers of the prospective contractor. The request for a financial responsibility report is submitted, in duplicate, on GSA Form 894, Financial Responsibility—Inquiry and Reply (illustrated at § 5-16.950-894).

§ 5-1.1205-4 Preaward surveys. (Applicable to contracts for supplies)

(a) The procuring contracting officer (PCO) shall request a plant facilities report (PFR) as soon as possible after bid opening, if it is determined to be necessary. The PCO shall request a PFR on the apparent low offeror when poor performance has been recently exhibited. A responsibility determination may be made without obtaining a new or updated PFR if the PCO is satisfied the prospective contractor has the facilities, capacity, and quality control system to perform the proposed contract considering the dollar value and critical aspects of the procurement. Before making award without a PFR to a contractor who is performing under other current F contracts, the PCO shall obtain assurance from the responsible administrative contracting officer (ACO) that the contractor's current performance is satisfactory. PFR's for proposed contracts of less than $15,000 shall be requested only with the concurrence of the appropriate procuring activity branch chief.

(b) Requests for a PFR shall be made on GSA Form 353, Plant Facilities Report. The procuring activity making the request shall complete section I of GSA Form 353. Any special reasons for making the request should be stated in block 6 of the form. Any pertinent information which would be helpful in making the Form 353 on hand indicating the contractor is capable, and there is merely a need to determine the proposed contractor's available plant capacity to perform the contract, requests should indicate "capacity only" in block 6 of the form.

(1) Contracting officers shall prepare an original and two copies of GSA Form 353. The original and first copy shall be forwarded to the Contract Management Division, and the second copy retained as a file copy. The original and first shall be accompanied by:

(i) A copy of the solicitation for offers;

(ii) A copy of all pertinent information submitted in the offer, including delivery time and, where applicable, the offeror's indicated monthly production capacity or supply potential (instead of extracting such information from the offer, copies of the offer or pertinent pages thereof may be furnished);

(iii) Any pertinent correspondence between GSA and the offeror; and

(iv) Any other information the procuring activity has which should be

considered by the Contract Management Division in making the evaluation.

(2) the Contract Management Division shall prepare and forward PFR's to the requester within 15 workdays from the date the request is received, except that twenty workdays will be required if the offeror's testing laboratory is located in another region. If a PFR has been requested and it is determined prior to receipt of the report not to make award to the bidder, the office preparing the PFR shall be notified without delay.

(3) When the procuring contracting officer (PCO) does not concur in the PFR recommendation, he/she shall bring the matter to the attention of the branch chief who will, if he/she agrees, contact the regional Quality Control Division Director concerned in an effort to resolve the points in question. If agreement cannot be reached, and it is determined to override the regional Quality Control Division recommendation, the GSA Form 1535, Request for Approval of Awards, shall be documented to include a factual summary and be forwarded to the appropriate Procurement Division Director for concurrence. In all cases involving awards exceeding $100,000 (or below in sensitive cases), if the Procurement Division Director agrees with the override, he/she shall contact the Director, Contract Management Division, in the region performing the survey in an effort to resolve the points in question and to obtain a written concurrence. Should the Director, Contract Management Division, not concur in the proposed override, the Procurement Division Director shall bring the matter to the attention of the Commodity Center Director for Central Office Procurements or the Assistant Regional Administrator for Personal Property in the procuring region for final decision. If award is made to a firm despite an unfavorable PFR, the PCO shall furnish a copy of the rationale/justification for the action to the Office of Contract Management (FQ), the regional Contract Management Division which prepared the PFR, and include a copy in the contract file. Emphasis shall be placed on avoiding award of a contract to a marginal supplier.

§ 5-1.1206 Subcontractor responsibility.

(a) Before authorizing a contractor for supplies to change a designated source of supply or any designated inspection or production point, the contracting officer shall determine that such change will not be detrimental to the ability of the contractor to fulfill his obligations under the terms of the contract.

(b) In making an evaluation of the requested change, contracting officers shall exercise precautions with regard to new sources similar to those taken in determining the acceptability of the initial supply source. If the contracting officer approves a change of supply source, inspection point, or production point, he shall issue an appropriate contract modification specifying the nature of the change and the effective date. Where feasible, the modification shall provide that delivery orders placed prior to the effective date, will remain in effect as written. In determining the effective date, contracting officers shall take into consideration the time necessary for offices concerned to take required actions thereunder.

§ 5-1.1250 Performance records.

Performance records shall include, by contractor, information or data relative to performance, integrity, or judgment. These records shall be consulted by contracting officers of the procuring activity in determining whether prospective contractors meet the responsibility standards prescribed by § 1-1.1203.

2m. Subparts 5-1.16, 5-1.18, 5-1.72 and 5-1.73 are added as follows:

Subpart 5-1.16—Reports of Identical Offers

§ 5-1.1603 Reporting requirements.

§ 5-1.1603-3 Submission of reports.

Identical bid reports shall be prepared by contracting officers, on U.S. Department of Justice Form DJ-1500, Identical Bid Reports for Procurement, in accordance with § 1-1.1603. The report shall be reviewed and submitted to the Attorney General by the Director of the procuring activity and shall be transmitted as follows:

(a) Two copies as required by § 1-1.1603-3(b) shall be sent to the Attorney General, Ref. AT-IBR, Washington, DC 20530 (No transmittal letter is required), and

(b) One copy to the appropriate GSA Special Agent in Charge, Field Investigation Office, Office of Investigations, Office of Inspector General.

Subpart 5-1.18—Postaward orientation of contractors

§ 5-1.1802 Policy.

The policies and procedures in this Subpart 5-1.18 are not to be interpreted as precluding appropriate meetings with personnel of prospective contractors during the course of preaward surveys or otherwise for the purpose of obtaining information regarding the ability of prospective contractors to meet the responsibility standards in § 1-1.1203.

§ 5-1.1803 Postaward orientation conferences.

§ 5-1.1803-2 Initial action.

(a) Upon the award of a contract for which a regional Contract Management Division has responsibility for providing contract administration assistance, that division also has the responsibility for conducting a postaward orientation conference. Ordinarily, such conferences will be conducted by the quality assurance specialist (QAS) on the initial visit to the supplier's plant. When, because of special circumstances, the contracting officer determines that GSA personnel in addition to the QAS should participate in the conference, or that the conference should be held at the office of the contracting activity or at some place other than the supplier's plant, the contracting officer shall make special arrangements with the activity responsible for contract administration assistance.

(b) In the case of contracts other than those referred to in paragraph (a) of this section, the contracting officer shall determine whether there is a need for a postaward orientation conference, giving consideration to the factors in § 1-1.1803-1 and any other pertinent factors. Special consideration as to the feasibility and desirability of postaward orientation conferences shall be given to contracts exceeding $50,000 when the contracts involve new suppliers, suppliers who have given substandard performance under previous contracts, new types of contracts, or important changes in the specifications or test methods from those used in previous purchases. Sound judgment shall be used in determining whether postaward orientation conferences should be conducted. The procuring director shall approve each determination of need for a postaward orientation conference should be conducted. The procuring director shall approve each determination of need for a postaward orientation conference prior to any action toward arranging such a conference.

(c) Whether feasible, the postaward orientation conference shall be held at the contractor's plant or other designated place of business so that the contractor's plant management officials and other representatives responsible for contract performance can participate in the conference. In unusual circumstances, and if agreeable to the contractor, the conference may be held

at the office of the contracting activity, or at the regional office in the region in which the contractor (or contractor's plant) is located.

(1) When it is determined under paragraph (b) of this section, that a postaward orientation conference is to be conducted by the contracting activity, the contracting officer shall make the necessary arrangements (see § 1–1.1803–2). Such conferences shall be conducted by the contracting officer unless otherwise directed.

(2) When it is determined under paragraph (b) of this section, that a postaward orientation conference should be conducted by the region in which the contractor (or contractor's plant) is located, a memorandum request to arrange for and conduct the conference shall be sent to the respective Assistant Regional Administrator. The memorandum shall specify the matters to be included in the conference agenda (see § 1–1.1803–3) and shall be accompanied by the documents and information needed to conduct the conference.

§ 5–1.1803–4 Participants.

Participants in postaward orientation conferences should include, as appropriate, quality assurance personnel, personnel of the office responsible for contract administration, legal counsel, accounting personnel, and other interested government personnel. Personnel attending conferences as representatives of contract management/quality assurance activities shall, whenever possible, be the same individuals who will be responsible for providing contract administration assistance in connection with the contract.

§ 5–1.1803–5 Conference procedure.

During the course of a conference, the contractor shall be fully informed of the contractor responsibilities under the contract and of the desire on the part of GSA to be helpful in answering any questions or in resolving any difficulties which the contractor may encounter. The conference shall also be used as an opportunity to emphasize the close, direct, and continuous interest this agency will display in the contractor's performance under the contract. Also, the contractor should be informed that other than routine questions should be taken up with the contracting officer.

§ 5–1.1805 Reports.

The official who conducts a postaward orientation conference shall be responsible for preparing a summary report in accordance with § 1–1.1805. In those cases where the conference was conducted by one region at the request of another region or a central office procuring activity, the report shall be transmitted to the requesting activity with a covering memorandum.

Subpart 5–1.72—Public relations

§ 5–1.7201 Visitors to procuring activities.

(a) Visitors to procuring activities shall be treated in a business-like manner and with appropriate courtesy. Discussions shall be conducted in a manner to preclude compromise of any information, including the possibility of other visitors overhearing conversations which could influence their actions or present an undue advantage. Care shall be exercised to prevent the visual observance of documents which may be on desks or tables and which are not intended to be shown to the visitor.

(b) To facilitate the above, the following are illustrative of the type of procedures which should be prescribed:

(1) Register all visitors;

(2) Conduct discussions and other business with visitors in a central location, away from the immediate work area of the person visited;

(3) If visitors need to leave the central location area, they should be escorted or should be required to wear some numbered identification tag which should be recorded when issued and again when turned in at the end of the visit;

(4) In the central location, conduct business in special rooms or booth-type facilities; and

(5) Post signs or otherwise make known that visitors are prohibited from entering work areas, unless specifically authorized.

(c) Procuring directors shall be responsible for implementing these procedures.

Subpart 5–1.73—Preparation and Distribution of Contract Documents

§ 5–1.7301 Purchase order forms.

(a) GSA Form 300, Order for Supplies or Services, illustrated in § 5–16.950–300, is a six-part form designed for use as a purchase order or as a delivery order. This form is prescribed for purchases payable by GSA under the National Electronic Accounting and Reporting (NEAR) System of funds control. The form will not be used for stock replenishment or direct delivery purchases payable from GSA revolving supply funds. GSA Form 3025 shall be used as the receiving report. Where origin inspection is required in connection with purchases made under the NEAR system, memorandum copy No. 6 of the GSA Form 300 will be utilized in the preparation of two copies for the appropriate quality control office for origin inspection purposes.

(b) GSA Form 3184, GSA Stock Item Direct Delivery Order, illustrated in § 5–16.950–3184, is a 7-part form for use when ordering stock items that are to be delivered by the vendor direct to the consignee.

(c) GSA Form 3186, Order for Supplies or Services, illustrated in § 5–16.950–3186, is a 7-part form used primarily for stock replenishment and nonstock direct delivery purchase orders.

(d) GSA Form 3433, Marking and Shipping Instructions, illustrated in § 5–16.950–3433, is provided for use as an attachment to GSA Forms 3184 and 3186 when marking and shipping instructions are not otherwise specified.

CHAPTER 5A—OFFICE OF ACQUISITION POLICY, GENERAL SERVICES ADMINISTRATION

PART 5A–1—[REMOVED]

3. 41 CFR Chapter 5A is amended by removing Part 5A–1.

CHAPTER 5B—OFFICE OF ACQUISITION POLICY, GENERAL SERVICES ADMINISTRATION [REMOVED]

4. 41 CFR is amended by removing Chapter 5B in its entirety.

(Sec. 205(c), 63 Stat. 390 (40 U.S.C. 486(c)))

Dated: February 3, 1983.

William B. Ferguson,

Acting Assistant Administrator for Acquisition Policy.

[FR Doc. 83–7505 Filed 3–23–83; 8:45 am]

BILLING CODE 6820–61–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Public Land Order 6365

[AR–011033]

Arizona; Partial Revocation of Public Land Order No. 1626

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order revokes Public Land Order No. 1626 as it affects 72.19 acres in the Show Low Recreation Area of the Sitgreaves National Forest. The lands are not needed for the purpose for which withdrawn and have been determined suitable for disposal to private ownership through exchange. As

a result, the lands will not be restored to surface entry, mining, or mineral leasing.

EFFECTIVE DATE: March 24, 1983.

FOR FURTHER INFORMATION CONTACT: Mario L. Lopez, Arizona State Office, 601-261-4774.

By virtue of the authority contained in Section 204(a) of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. Public Land Order No. 1626 of May 6, 1958, which withdrew lands within the Sitgreaves National Forest for use by the Forest Service as a recreation area is hereby partially revoked insofar as it affects the following described lands:

Gila and Salt River Meridian, Arizona

Show Low Recreation Area

T. 10 N., R. 22 E.,
Sec. 16, SW¼SW¼NE¼SW¼, W½SW¼SE¼SW¼NE¼SW¼, S½S½NW¼SW¼, SW¼SW¼, W½E½SE¼NW¼SE¼SW¼, W½E½NW¼SE¼SW¼, W½NW¼SE¼SW¼, SW¼SE¼SW¼, SW¼SW¼SE¼SE¼SW¼.

The area described contains 72.19 acres in Navajo County.

2. The lands described in paragraph 1 are currently under Forest Service exchange applications and shall immediately be made available for conveyance to private ownership through a pending Forest exchange. Therefore, the lands will not be restored to operation of the public land laws, including the mining and mineral leasing laws.

Inquiries concerning the land should be addressed to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, 2400 Valley Bank Center, Phoenix, Arizona 85073.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

March 18, 1983.

[FR Doc. 83-7886 Filed 3-23-83; 8:45 am]

BILLING CODE 4310-84-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 61

[CC Docket No. 82-122; FCC 83-85]

Interconnection Arrangements Between and Among Domestic and International Record Carriers: Store-and-Forward and TWX/Telex Conversion

AGENCY: Federal Communications Commission.

ACTION: Interim Order and Waiver of Rules.

SUMMARY: Under the Record Carrier Competition Act, record carriers are required to make facilities available for interconnection. Previous FCC orders had addressed most forms of such interconnection, but not interconnection to the facilities addressed in this order. In this order, the FCC resolves interconnection to record carriers' store-and-forward and service conversion facilities and prescribes interconnection under tariff. Also, the FCC clarifies that interconnection is required to "traditional" record services, even if they are enhanced services which otherwise would be unregulated.

DATES: Effective upon actual notice to the affected record carriers March 15, 1983.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Michael S. Slomin, 202-632-9342.

Memorandum Opinion and Interim Order

In the matter of: Interconnection Arrangements between and among Domestic and International Record Carriers: Store-and-forward and TWX/Telex Conversion; CC Docket No. 82-122; FCC 83-85.

Adopted: March 3, 1983.
Released: March 14, 1983.
By the Commission:

I. Introduction

1. In the Record Carrier Competition Act of 1981 (RCCA), Pub. L. 97-130, 95 Stat. 1687, Congress amended Section 222 of the Communications Act to establish a new structure for full and fair participation in the provision of international and domestic record services. Included is a requirement that facilities for teletypwriter-based (and other traditional) record services by record carriers be made available for interconnection with facilities of other record carriers. The RCCA contemplated that the affected carriers meet and reach interconnection agreements to implement interconnection for others which is equal in type and quality to that provided their own operations, and if they were unable to do so, that the Commission prescribe appropriate tariff, compensation, technical and operational arrangements for such interconnection.

2. The commission sponsored meetings among the carriers thereafter, but the carriers were unable to reach such agreements. Thus, the Commission was forced to prescribe appropriate arrangements in an April 8, 1982 *Interim Order*[1] and in a June *Memorandum Opinion and Order (Rejection Order)*,[2] employing a tariff prescription mechanism to ensure that the prescribed arrangements were effectuated. Pursuant to these orders, the vast bulk of domestic and international teletypewriter-based record services are not fully interconnected.

3. Although the carriers had been unable themselves to reach comprehensive interconnection agreements, and had forced the Commission to embark upon the prescription path, the Commission sponsored additional meetings subsequent to adoption of the *Interim Order* in an effort to promote voluntary resolution of the non-compensation technical and operational details of interconnection. As is summarized in the *Rejection Order*, many such issues were resolved during the course of these meetings, and formed the basis for prescription in the *Rejection Order*. However, the parties were unable to do so with respect to store-and-forward and TWX/Telex conversion interconnection because of their technical complexities and the need for additional Commission guidance.

4. For this reason, contemporaneously with release of the June order, the Chief, Common Carrier Bureau released a *Tentative Decision*[3] which summarized the carriers' discussions of the store-and-forward and TWX/Telex interconnection issues at the meetings and proposed resolution of these issues. Comments filed in response showed that several carriers were prepared to implement the proposals in the *Tentative Decision*. However, one carrier, TRT, claimed that it was unable to do so without extensive and time-consuming facilities modifications. And, two carriers, WUI and ITT, argued in favor of additional meetings among the carriers to discuss these issues further. In these circumstances, the Chief, Common Carrier Bureau concluded that it would be desirable to sponsor additional meetings to resolve the store-and-forward and TWX/Telex conversion interconnection issues, and by *Order* released July 6, 1982, CC5003, convened such meetings July 13 and 14, 1982 (hereafter the July meetings). At the July meetings, the carriers drafted consensus language, but they reserved the right to assent or dissent thereto subsequently. However, their language utilized principles which were inconsistent with those advanced in the *Tentative Decision*, and for that reason

[1] 89 FCC 2d 988 (1982).

[2] —FCC2d—, FCC 82-264, released June 11, 1982.

[3] Tentative Decision, CC4563, released June 11, 1982.

by letter to each of the carriers dated July 21, 1982, further comment was requested on the necessity for the arrangements addressed in the carriers' consensus language.

5. In view of the comprehensive comments before us, filed pursuant to the *Tentative Decision* and in response to the Bureau Chief's July 21, 1982 letter, we are prepared to resolve on an interim basis the store-and-forward and TWX/Telex interconnection issues.

6. However, a related matter has arisen which also must be addressed, namely the relationship of this proceeding to § 64.702(a) of our rules, which became effective January 1, 1983 as the result of the *Second Computer Inquiry*.[4] In Transmittal No. 7992, Western Union has sought to detariff certain store-and-forward and service conversion offerings heretofore tariffed on the theory that these are enhanced services and therefore not properly the subject of tariffs. Certain of the offerings within the scope of Western Union's filing are within the ambit of the store-and-forward and TWX/Telex conversion issues of this proceeding, and we therefore must resolve whether the tariff mechanisms employed to implement the RCCA appropriately may be employed for such store-and-forward and service conversion offerings.

II. The Tentative Decision

7. The *Tentative Decision* identified and proposed resolution of significant complications which foreclosed the ability of the record carriers themselves to resolve interconnection to store-and-forward and TWX/Telex conversion facilities. We briefly summarize the proposals in the *Tentative Decision* below.

A. Proposed Treatment of Store-and-Forward Interconnection

8. The *Tentative Decision* addressed solely interconnection of one carrier's switched telegraph services with the input of another carrier's store-and-forward facilities, the latter of which are integral to the second carrier's telegraph-based and traditional telegraph service offerings. It did not address the correlative possibility that the output of store-and-forward facilities might be connected to another carrier's facilities, as this matter had not been raised or addressed during the course of the carrier's meetings.[5]

9. Several issues were identified in the *Tenatative Decision* which, because of controversy among the carriers, foreclosed their ability to resolve store-and-forward interconnection. These were: Discrepancies in actual input time and output time when store-and-forward messages are handled: disparate treatment by the Commission and the carriers of international and domestic minutes; and identification of which carrier is the "originating carrier" (i.e., the carrier which bills the subscriber and which compensates the interconnected carrier for use of its facilities). A further issue concerned whether a store-and-forward transmission should be treated as two calls (i.e., one to the store-and-forward facilities, and a second from these facilities to the destination) or as a single call (i.e., a single call from the originator to the destination, ignoring the intermediate storage), and whether the carrier compensation arrangements should be consistent with such a two call or one call treatment. And finally, there was an attempt in the *Tentative Decision* to address the claims of several carriers that a unified treatment of store-and-forward interconnection for all carriers alike would be infeasible, as various carriers had claimed that they could not implement various options which had been discussed at the meetings preceding release of the *Tentative Decision*.

10. The *Tentative Decision* proposed that the carrier bringing messages to another carrier's store-and-forward facilities should be compensated on the basis of input time to the store-and-forward facilities, as such time represents the actual usage of the interconnecting first carrier's facilities. One way of achieving this result would be to place such calling on a subscriber-paid basis, i.e., that the subscriber would compensate the first carrier no differently than it would compensate this carrier for any other domestic call. While it appeared that Western Union was able to implement such an arrangement for calls toward its store-and-forward facilities from other carriers' subscribers, the other carriers sought to avoid such a subscriber-paid approach in calling toward their own store-and-forward facilities as they claimed that such an approach could not be implemented using the same interconnection arrangements used for real-time services. The ability of their customers to access their store-and-forward and real-time services alike, using the same carrier-paid access ports, would be foreclosed under a subscriber-paid interconnection arrangement. Moreover, many international store-and-forward calls start as real-time calls and revert to store-and-forward if they cannot be completed real-time (for example, if a busy signal is reached). It would be difficult to permit such reversion if different access arrangements were required for the two types of calls.

11. To meet these concerns, the *Tentative Decision* proposed an additional carrier-paid interconnection option, with compensation by the store-and-forward carrier to the interconnecting carrier for use of the latter's facilities, but subject to certain constraints. First, the Commission had to receive adequate assurance that reporting of usage minutes would be accurate and verifiable in such arrangements. And second, to ensure that subscribers would be treated alike regardless of which of the two arrangements might be selected, *Tentative Decision* proposed non-application of a carrier interconnection discount to the carrier-paid option. Under this latter constraint, the carrier bringing traffic to another carrier's store-and-forward facilities would receive the same compensation regardless of which option might be selected.

12. In sum, both options would achieve domestic treatment of the compensation of the interconnecting carrier (the subscriber's carrier bringing traffic to another carrier's store-and-forward facilities) based on the actual time the interconnecting carrier's facilities are used in interconnected store-and-forward service, that is, based on input minutes. The *Tentative Decision* concluded that such an approach would best comply with the directive in the RCCA that we establish an "equitable allocation of revenues * * * based on the costs of the record communications service or facility *employed*", Section 222(c)(2) [emphasis added], on the theory that such actual time represents the time in which the interconnecting carrier's facilities are "employed." Furthermore, the *Tentative Decision* noted that many

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[4] 77 FCC2d 384, 84 FCC2d 50 (1980), 88 FCC2d 512 (1981), *aff'd sub. nom*, C.C.I.A. v. F.C.C., 693 F.2d 198 (D.C. Cir. 1982), *petitions for certiori filed*, —— USLW —— (U.S. Feb. 9 and 10, 1983, Nos. 82-1351 and 82-1352).

[5] We similarly do not propose to address this case in this order, but without prejudice to whether carriers may, or should, themselves arrive at suitable procedures for interconnecting the outputs of store-and-forward facilities to other carriers' facilities. As was noted in the Tentative Decision, para. 4 note 2, outputs from Western Union's "Infomaster" appear currently to be interconnected to other carriers' international facilities for international handling. Similarly, outputs of international record carriers' store-and-forward facilities may already be connected to other carriers' facilities for message handling on a transit basis. In sum, this form of interconnection appears already to exist, at least to some extent, and may raise no special problems requiring further FCC action.

store-and-forward messages are common text multiple-address messages (so-called "book" messages) in which input time often is far less than output time. In such circumstances, any compensation approach for the interconnecting carrier based on store-and-forward output time might result in excessive compensation to the interconnecting subscriber's carrier. We noted that while the carriers themselves might not be particularly concerned over such potential overcompensation, it is subscribers who would provide the funds and not the carriers. Thus, even if the carriers might not perceive a competitive disadvantage from such rate practices, it was unclear whether such practices could be reconciled with the substantive requirements of Sections 201(b) and 202(a) of the Act.

B. Proposed Treatment of TWX/Telex Conversion Interconnection

14. TWX/Telex conversion presented different problems. For purposes of this discussion we are focusing on real time conversation issues, and not conversions which might be performed as part of a store-and-forward offering.[6]

15. Historically, TWX has been offered solely in the United States and Canada as a teletypewriter exchange service. Telex has been offered worldwide (including the United States and Canada). The two services differ both in speed and in code. TWX operates at 110 baud using the ASCII character set and code, while Telex operates at 50 baud using an older and less versatile character set and code, the so-called "Baudot" code, which does not include many characters found in the ASCII set. While TWX may be a more useful service domestically, for TWX users to be able to send and receive international messages, speed and code conversions are required for crossover between the two services. Such conversions have been performed both by international record carriers (for international calling to TWX subscribers) and by Western Union (for domestic calling as part of its integration of TWX and Telex domestic services). Conversion equipment is in place for these services and is being used.

16. While Western Union sought to continue to offer interconnection to TWX using its normal ASCII coding and 110 baud speed for international interconnection,[7] in its interconnection tariff filings it sought to limit interconnection to TWX for domestic service soley to the Telex-based speed and Baudot code, thereby retaining the TWX/Telex conversion function for domestic interconnection.[8] Western Union did not propose to make any domestic interconnection offering of TWX using the TWX code and speed. This failure to make an actual domestic TWX interconnection offering proved controversial, both to carriers which were contemplating the future offering of competitive domestic TWX services (which argued that the absence of direct TWX interconnection could serve as a barrier to their entering the domestic TWX market), and to at least one other carrier, Graphnet, which claimed already to be offering TWX service. It was argued that by limiting domestic TWX interconnection to the Telex speed and character set, Western Union was nullifying the speed and character set benefits of TWX over Telex through unnecessary and inefficient double conversions (from another carrier's TWX, to Western Union's Telex-like interconnection interface, and back to Western Union's TWX).

17. A number of proposals were made by the carriers during their meetings, and in the *Tentative Decision* we proposed interim adoption of one of Western Union's proposals, without prejudice to determination of broader TWX interconnection issues should controversy remain. Specifically, we proposed acceptance of Western Union's proposal that it continue to offer interconnection to its domestic TWX facilities using the Telex code and speed, and that it additionally offer interconnection to its domestic TWX facilities using TWX code and speed, but "without restraint".[9]

18. The effect of such an interconnection offering would be to permit other carriers' subscribers with TWX terminals to receive the full advantages of TWX interconnection, including avoidance of double conversions of TWX to Telex and back to TWX, but to frustrate the ability of other carriers themselves to perform TWX/Telex conversion in lieu of Western Union if their subscribers are using lower-speed non-TWX terminals to receive messages originating at Western Union's TWX subscribers' terminals.

19. We tentatively concluded that, as a practical matter, the only carrier which might immediately be affected by this proposal is Graphnet (which apparently today offers service to subscribers with TWX terminals), and that a "without restraint" offering by Western Union would be usable for direct domestic TWX interconnection between the TWX facilities of Western Union and Graphnet. We concluded that adoption of Western Union's proposed "without restraint" arrangement would not foreclose provision of additional TWX interconnection "with restraint" in the future should an appropriate showing be made, and we proposed that the "without restraint" interconnection offering be made effective without prejudice to the resolution of the "with restraint" issues under the RCCA and the Communications Act generally.

III. Comments

20. Comments were filed on the *Tentative Decision* which were divided on the proposed treatment of store-and-forward interconnection, but which generally supported adoption of the TWX/Telex conversion proposals (as interim measures, and without prejudice to the "with restraint" issue). Since the latter were not controversial, they are prescribed at para. 70 below, for reasons stated in the *Tentative Decision*, and are not discussed further herein.

A. Comments on the Tentative Decision

21. Two carriers, Western Union and RCA, were prepared to implement the store-and-forward proposals of the *Tentative Decision*, although Western Union argued that any implication that the store-and-forward carrier unbundle the access component (under a carrier-paid access arrangement) for fully domestic calling is not required under the RCCA.[10] CCI and IRI supported the technical and operational proposals for store-and-forward interconnection, claiming that their facilities are fully capable of capturing and utilizing input minutes in calling towards their store-and-forward facilities, but they argued that a carrier-to-carrier interconnection discount should apply in the event that

[6] Store-and-forward facilities do not necessarily store and subsequently deliver messages unchanged. They also ofter change the outputs into different forms than those received at their inputs, and are capable of performing TWX/Telex and other conversions on a store-and-forward basis. We address this latter type of conversion offering in connection with our resolution of store-and-forward interconnection.

[7] This offering would continue to allow the international record carriers to perform the TWX/Telex conversions which they have long performed for international calling by TWX subscribers.

[8] The international carriers had not performed such conversion prior to enactment of the RCCA.

[9] "Restraint" is a technical term which refers to the ability of a facility periodically to stop a higher speed signal source. *See* Tentative Decision, para. 35.

[10] Western Union argued that the equal in type and quality provisions, and the Commission's requirement that the benefits of carrier-to-carrier interconnection discount be passed along to subscribers, apply only to domestic-to-international interconnection, and not to wholly domestic interconnection.

the carrier-paid option of the *Tentative Decision* is selected.

22. TRT and WUI opposed adoption of the store-and-forward interconnection proposals (with ITT specifically concurring in WUI's comments on this point), and argued in favor of utilization of output minutes as a basis for compensation of an interconnecting carrier, an approach which was tentatively rejected in the *Tentative Decision*. They did so on rate structure grounds,[11] and TRT argued further that to implement the *Tentative Decision* it would be required to make major modifications to its facilities (requiring at least one year of effort, at a labor cost exceeding $150,000).[12] WUI noted several ambiguities inherent in the proposals of the *Tentative Decision*, and argued in favor of additional carrier meetings (or an additional round of comments) to resolve these ambiguities. Finally, WUI argued that the disruptive effect of the store-and-forward interconnection proposals was disproportionate to the traffic actually involved.[13]

B. The July Meetings

23. In view of the congressional preference for agreement among the carriers rather than FCC regulatory solutions as a means of effectuating the interconnection requirements of the RCCA, and in view of the specific request for additional meetings by WUI with the concurrence of ITT, we scheduled meetings on July 13, and 14, 1982 to afford the carriers a further opportunity, under our sponsorship, to reach agreement on the store-and-forward interconnection issues.

24. At the meetings, the carriers generally continued to advance positions advanced previously in their filed comments, and TRT and WUI discussed in more detail why facilities modifications would be necessary for implementation of the proposals of the *Tentative Decision* (or, failing that, why existing service features might be affected or curtailed). TRT explained that if interconnection of its store-and-forward services alone were involved, it could implement these proposals without facilities modifications. But, in TRT's view, the RCCA requires equality between the store-and-forward offerings made to its own subscribers and the store-and-forward offerings made to interconnecting carriers. If compensation for carriers' interconnection to its store-and-forward facilities were to be based on input minutes, in TRT's view similar two call treatment would be required for offerings to its own subscribers of store-and-forward services; this latter rate pattern cannot be implemented on TRT's existing facilities.

25. WUI did not specifically claim an inability to implement the proposals of the *Tentative Decision*. Rather, it claimed that there would be subscriber confusion as a consequence of the inability to line up specific input-based access charges with specific store-and-forward (output) messages on subscriber bills, and for that reason argued in favor of allowance of an output-based compensation option. The FTCC and ITT also argued in favor of output-based compensation, primarily on the basis that a change to input-based compensation would disrupt existing rate structures.

26. The remaining participating carriers did not disagree in principle with the TRT, WUI, FTCC and ITT position that output-based compensation should be permitted as an option, so long as the input-based compensation options of the *Tentative Decision* remained available. And, the relatively recent entrants, CCI and IRI, continued to argue that an input-based carrier-paid option (with the store-and-forward carrier providing the total subscriber bill, and compensating the interconnecting carrier for access) should be treated as a carrier-to-carrier interconnection with an appropriate discount. The more traditional carriers argued against such a discount.

27. TRT then proposed creation of a new option which might to some extent create a mechanism for CCI and IRI to utilize input-based compensation in conjunction with an ability for them (rather than the interconnecting carrier) to bill subscribers for the totality of interconnected store-and-forward service, but which in TRT's view would not specifically be classified as a through service justifying a carrier-to-carrier interconnection discount. Under TRT's proposal, the interconnecting carrier's subscriber would make a collect call towards the store-and-forward carrier's facilities; the store-and-forward carrier would be treated as a called party by the interconnecting carrier; but as is the case of any collect call, the called party (i.e., the store-and-forward carrier) would be billed for the call rather then the originator. Since in TRT's view this would be a species of a subscriber-paid approach, no discount would apply. Furthermore, since this would be a domestic call to the interconnecting subscriber's carrier, this approach would largely implement the carrier-paid option of the *Tentative Decision*, but on an end-on-end basis.

28. Not surprisingly, CCI and IRI were unsatisfied with this proposal in view of their strenuous argument that an interconnection discount should apply if the store-and-forward carrier performs full subscriber billing in interconnected store-and-forward calling. However, because of rounding effects they were willing to discuss further the merits of TRT's proposal.[14]

29. Furthermore, CCI and IRI noted that much of their traffic is "book" message traffic, where output times are often greater than input times. If CCI and IRI were to opt for the TRT-proposed approach, while other carriers opted for an output-based compensation approach, CCI and IRI would provide less compensation to the interconnecting carrier for "book" messages independent of the rounding up effects described previously. In sum, both for individual store-and-forward messages, and for "book" messages, a carrier opting for TRT's subscriber-paid-collect proposal, even without a carrier-to-carrier interconnection discount, would be providing less compensation to interconnecting carriers (and could

[11] *I.e.*, that anomalies might be created through an establishment of different rates for the real time and store-and-forward calling to the same point. *See* paras. 10 and 22 of the Tentative Decision.

[12] WUI also argued that certain offerings now available to its store-and-forward subscribers, namely departmental billing (billing disaggregated among a subscriber's departments and functional units) could not be performed if the proposals of the Tentative Decision were implemented.

[13] WUI claimed that store-and-forward traffic is approximately 10% of its total traffic, and that common text multiple-address ("book") messages, which raised policy problems addressed in the *Tentative Decision*, are only about 10% of the store-and-forward traffic. Thus, the messages that create problems with output-based compensation—the preferred approach of WUI, TRT and ITT—are only about 1% of total traffic. In WUI's view, such a *de minimis* problem should not be dealt with in a way which disrupts ratemaking for all of its traffic, real time and store-and-forward.

[14] Specifically, the other carriers noted that international timing includes a rounding up process under which message durations for international messages are rounded to the next whole minute. Because of such rounding, even if a 15% discount is applied to treatment of output based compensation under the existing principles applicable to real time interconnection, for average length messages carriers selecting the TRT-proposed subscriber-paid-collect option would still be providing less compensation to interconnecting carriers for average-length messages than carriers utilizing an output-based compensation option.

An average length store-and-forward message was claimed to be 2.9 minutes at the input of store-and-forward facilities, and 2.4 minutes at their output. Under an output-based compensation approach, the 2.4 minutes would be rounded to 3, multiplied by 1.3 (the current international to domestic conversion factor) and by 0.85 (the current 15% discount) for an international call—the case of interest to CCI and IRI—resulting in 3.315 minutes of compensation to the interconnecting carrier. By contrast, under TRT's proposal, the interconnecting carrier would receive 2.9 minutes of compensation (without a discount).

therefore make its prices more competitive) than a carrier opting for an output-based compensation approach. Since ITT, TRT, WUI and FTCC were specifically advocating the output-based compensation approach, it appeared that many (if not all) of the competitors of CCI and IRI would be subject to the higher compensation costs associated with the output-based compensation approach, thus it appared that CCI and IRI might have a competitive advantage (at least for a time).

30. In view of this discussion, the carriers agreed to draft language embodying the approaches discussed. Their language proposed that a store-and-forward carrier might select "one or more" of the following options: (1) An output-based compensation option under which compensation of the interconnecting carrier would be based on the store-and-forward message outputs (under the factoring and discount principles applicable to real time calls); (2) a subscriber-paid access option under which the interconnecting carrier would place a call to a store-and-forward carrier's facilities no differently than any normal domestic call (with normal domestic billing of the originating subscriber); and (3) a subscriber-paid-collect access option under which the interconnecting carrier would place a call to a store-and-forward carrier's facilities as a domestic call, but would bill the store-and-forward carrier for the call (rather than the originator).

31. Finally, language was drafted to implement an ITT proposal intended to ameliorate the concerns in the *Tentative Decision* about "book" messages if output-based compensation is employed.[15]

32. Specific "agreement" to the drafted language was not reached during the July meetings inasmuch as several carriers indicated that they would be reviewing the consensus results subsequently. As is noted below in the discussion of the responses filed to the Bureau Chief's July 21, 1982 letter, carriers other than CI and IRI subsequently expressed satisfaction with the drafted language. Although CCI and IRI had appeared satisfied during the meetings with TRT's subscriber-paid-collect proposal, they subsequently continued to argue in favor of a carrier interconnection discount for such arrangements. Thus, to this extent it is unclear whether "agreement" as such was the result of the July meetings.[16]

C. Responses to the July 21, 1982 Letter.

33. On July 21, 1982, the Chief, Common Carrier Bureau addressed a letter to each of the participating record carriers requesting additional information which appeared necessary to ultimate resolution of the issues of the *Tentative Decision*. Questions were posed on the following issues: (1) To what extent does the RCCA require a restructuring of a store-and-forward carrier's rates to its own subscribers, if the carrier-to-carrier interconnection proposals of the *Tentative Decision* are adopted, in view of TRT's apparent ability to implement these proposals for interconnection purposes, but not for its own services? (2) What are the bases for TRT's time and cost estimates for modification of its facilities to implement the proposals of the *Tentative Decision?* (3) To what extent would the ability of carriers to perform departmental billing be affected if the proposals of the *Tentative Decision* were made final? (4) What basis is there for distinguishing TRT's subscriber-paid-collect interconnection proposal from other forms of carrier-to-carrier interconnection to which an interconnection discount is applicable, since the interconnection arrangements themselves would appear to be the same as are employed for interconnection purposes? (5) What basis is there for carriers to be able to select "one or more" options simultaneously, rather than a single option, in view of the *prima facie* discrimination which could be the result if multiple options were made available simultaneously?

34. TRT argued that the RCCA requires a direct flowthrough in its subscriber charges for its payout to an interconnecting carrier connecting with the input of its store-and-forward facilities, and that a different rate structure for its own subscribers would be patently discriminatory and neither at "the same rates and upon the same terms and conditions" nor "equal in type and quality" as required by the RCCA.[17] Western Union argued to the contrary.

35. In Western Union's view, the RCCA would not prevent a carrier from disadvantaging its own subscribers as compared with the service offered other carriers through interconnection. More fundamentally, Western Union took issue with TRT's underlying argument that the RCCA requires that the same rate structure utilized for compensation of interconnecting carriers must be applied to a carrier's own subscribers; in Western Union's view, Section 222(c)(2) gives the rate setting carrier freedom to establish its subscriber rates as it sees fit. While Western Union had previously supported the input-based compensation proposals of the *Tentative Decision*, it had done so in the belief that such a rate structure had no bearing on its subscriber rate structure. If the Commission were to require that the subscriber rate structure conform to the interconnection rate structure, Western Union would be compelled to select the same output-based compensation approach advocated by TRT and other international carriers.

36. While TRT provided no additional information on the cost estimates provided previously, it provided detailed time and labor estimates for the tasks which, in its view, would be necessary to implement the proposals of the *Tentative Decision*. TRT noted that its systems are unique, that personnel outside of TRT are incapable of performing the requisite modifications, and that even within TRT the number of persons capable of performing such work are limited. Thus, TRT argued that its time estimates could not be shortened. The estimates assumed that the compensation principles of the *Tentative Decision* would govern store-and-forward offerings to its own subscribers,[18] and would be the same

[15] Briefly, ITT had proposed that output minutes be divided by an industrywide weighted average of the output/input time ratios for "book" messages, to minimize excessive compensation of the interconnecting carrier in the case of "book" messages, if output-based compensation is otherwise employed. When ITT made this proposal at the meetings, FTCC and WUI claimed that their facilities could not distinguish "book" messages from individual messages, making it impossible for them to identify the outputs to which such a factor could be applied. Western Union and TRT argued that any such industrywide averaging could penalize individual carriers with message patterns significantly different from the industry as a whole. In comments filed subsequently, all commenting carriers urged that this proposal not be adopted.

[16] Under the RCCA, only the primary record carriers (which category does not include CCI and IRI) need reach an "agreement." Since the primary carriers appear to have agreed, the result of the July meetings probably qualifies as an "agreement." However, other carriers are free to seek from the Commission modifications to any "agreement" among the primary carriers, and the Commission may modify an "agreement" on its own motion. In this order, we shall treat the objections of CCI and IRI to the drafted language as a request for Commission modification.

[17] In response to a question in the Bureau Chief's letter whether the RCCA could properly be construed as intended to prevent prejudice in interconnection offerings, and not advantage, as compared with service offered a carrier's own subscribers, TRT argued that such construction would be inconsistent with the actual language of the statute (i.e., "same" terms and conditions, and "equal" in type and quality).

[18] As noted, TRT is capable of implementing the Tentative Decision without facilities modification for carrier interconnection purposes. Its time and labor estimates are for the effect required to implement an input-based two call treatment of store-and-forward offerings to its own subscribers, on the theory that the RCCA would require such a result if such an offering were made for interconnection purposes.

regardless of which of the two options therein might be chosen. Under a scenario in which all billing (and related) services now performed would continue to be available, task milestones traverse six month to fifteen month periods (with total labor ranging from 41.5 to 51.5 person-months).

37. Alternatively, under a scenario in which full departmental billing capabilities might be lost (i.e., for a component representing input to store-and-forward facilities), task milestones would not exceed six months (with total labor ranging from 18.5 to 23.5 person-months).[19] It should be noted that not all departmental billing would be lost under the second scenario; departmental billing associated with the outputs of store-and-forward facilities would be unaffected. While we requested information on whether the input (access) portion of overall store-and-forward message billing for typical calls is significant, to determine whether the capabilities which might be lost are important or are *de minimis*, TRT did not provide specific data on this. Rather, it argued that full departmental billing capabilities are important to its subscribers.

38. The fourth group of questions, relating to the rationale for not applying a discount to TRT's proposed subscriber-paid-collect interconnection arrangements, evoked strong argument. TRT argued that discounts should only apply to through service arrangements such as the carrier-paid arrangements employed for real time international services where the second carrier serves as the "originating carrier." TRT's proposal was for an end-on-end service arrangement, on the principle that two calls, rather than a through call, are involved. CCI and IRI argued that the physical and operational arrangements for implementing TRT's proposal are no different than arrangements already employed for real time services to which a discount applies, and that the same economies which justify a discount for the real time arrangements are available for the store-and-forward arrangements as well.

39. Furthermore, these carriers argued that the stated basis of the *Tentative Decision* for not applying a discount to the carrier-paid proposal—that there should be no rate effects on subscribers regardless of which of the options therein might be chosen—would no longer have any force if the output-based compensation proposal advanced by the other carriers were accepted. In such case there would already be different rates to subscribers if both an output-based compensation option and a subscriber-paid access option were available;[20] an additional interconnection option would not exacerbate the discriminatory effects of such disparities.

40. Western Union acknowledged that such a possibility of discrimination would remain were both input-based and output-based compensation options available, but nevertheless it argued that non-applicability of a carrier-to-carrier interconnection discount to TRT's subscriber-paid-collect proposal would not affect the analysis of the *Tentative Decision* on this point. ITT argued that the subscriber-paid-collect arrangements proposed by TRT are no different from subscriber-paid (normally billed) arrangements, and therefore should be treated no differently from the latter, i.e., with no discount.

41. Comment on the last question, whether an offering by a single carrier of multiple options simultaneously would raise discrimination problems, was somewhat divided. TRT acknowledged that such an approach would raise "serious questions under Section 202(a)" of the Act, but it argued that the Commission need not rule on this issue unless and until a given carrier sought to do so. In TRT's view, it would be sufficient that the parties are now on notice that such an approach might be considered unlawful. Western Union and ITT argued that such an approach would not be unlawful, and Western Union observed that a carrier's marketing philosophy might cause it to adopt a different approach for access to domestic and international store-and-forward services; in Western Union's view, a carrier's flexibility to do so should not be foreclosed. CCI argued that use of the different options for which language was drafted would be to provide essentially *different* services, therefore such an approach would not be the offering of *like* services at different charges, the usual case of prima facie discrimination. CCI argued further that the ability of a carrier to pursue multiple approaches would represent a competitive option in the marketplace, and that the purposes of the RCCA in seeking development of a competitive record service marketplace would be better served if such flexibility were retained.

42. Finally, the commenting carriers addressed the merits of adoption of the language drafted at the July meetings. All commentors argued against adoption of ITT's proposal for factored output-based compensation for "book" messages. ITT, TRT and Western Union argued specifically that the remaining three options should be adopted. CCI and IRI agreed that the technical and operational arrangements embodied in the three remaining options should be adopted, provided that the subscriber-paid-collect option proposed by TRT be recognized as a carrier-to-carrier interconnection option to which a discount is applicable.

IV. Discussion

43. We have now received comment on the proposals of the *Tentative Decision*, both in comments filed in response and in the responses to the Bureau Chief's July 21, 1982 letter, and we conclude that we are in a position to resolve the store-and-forward and TWX/Telex interconnection issues now. But first, it is important that we resolve a legal issue which has arisen largely since issuance of the *Tentative Decision*, namely the relationship of implementation of the RCCA to the *Second Computer Inquiry* ("Computer II") which enacted § 64.702(a) of the Commission's rules.

A. Relationship to Computer II

4. Under § 64.702(a) of the Commission's rules, enhanced services are beyond the scope of the FCC's Title II regulatory jurisdiction, and for that reason are not properly the subject of tariffs filed pursuant to Section 203 of the Communications Act. The rule defines enhanced services as:

> "* * * services, offered over common carrier facilities used in interstate communications, which employ computer processing applications that act on the format, content, code, protocol or similar aspects of the subscriber's transmitted information; provide the subscriber additional, different, or restructured information; or involve subscriber interaction with stored information."

Both the store-and-forward and TWX/Telex conversion offerings which are the subject of this proceeding may, to some extent, be classified as enhanced services within the meaning of § 64.702(a).[21]

[19] TRT argued strenuously against utilization of the second scenario, claiming that its departmental billing (and related) offerings are desirable to subscribers, and that they represent TRT's competitive edge over other carriers, developed as a result of considerable effort.

[20] This would particularly be the case with respect to "book" messages. An output-based compensation approach would generally result in considerably more compensation to the interconnecting carrier than an input-based (subscriber-paid) compensation approach to "book" messages.

[21] It should be noted that there is a pending FCC proceeding which is broadly addressing protocol conversion issues under Computer II, *Notice of Inquiry on Digital Communications Protocols*, 83 FCC2d 318 (1980). As is developed below, we

45. We address first the store-and-forward services. In Computer II, the Commission recognized that store-and-forward technology may be used in a carrier's network for the provision of basic services. In so doing, a distinction was made between the offering of store-and-forward service, and the use of store-and-forward technology, *Final Decision*, 77 FCC2d 384, 421, n. 35 (1980). Use of store-and-forward technology in the provision of basic services is subject to the following parameters:

"* * * memory or storage within the network is used only to facilitate the transmission of information from the origination to its destination, and the carrier's basic transmission network is not used as an information storage system. Thus, in a basic service, once information is given to the communications facility, its progress towards the destination is subject to only those delays caused by congestion within the network or transmission priorities given by the originator."

Id. at 420.[22] Record carriers' store-and-forward offerings appear to fall in both such categories.

46. It would appear that many store-and-forward offerings involved in this proceeding are in the nature of use of store-and-forward technology, thus such basic offerings of themselves do not raise Computer II issues. However, many store-and-forward offerings traditionally associated with record services do not necessarily transmit their outputs in the same form as the inputs were received.

47. For example, in the case of "book" messages, a common text transmitted along with a list of addresses. If the common text alone were transmitted to each addressee, the service probably would represent a use store-and-forward technology to support basic service. But, often, each specific addressee's name and address information is appended to the common text when the message is sent to the addressee. In such case, the message which is delivered is reformatted by the store-and-forward facilities. Subject to pending proceedings (n. 21, *supra.*) this would represent an enhanced service, both by providing "additional, different or restructured information" and by acting on the "format, content, code, protocol or similar aspects of the subscriber's transmitted information."

48. Also, some store-and-forward facilities are employed simultaneously both for store and deliver functions, and for service crossover functions. For example, Western Union's "Infomaster" facilities accept inputs from TWX and Telex terminals for delivery to high speed printers at Post Offices for Mailgram™ service. Not only is a store and deliver function performed (which, as noted, of itself would be basic, at least for individual unreformatted messages), but also code and protocol conversion as well. This type of conversion, which is somewhat similar to the TWX/Telex conversions addressed more specifically in this proceeding, i.e. the real time "with restraint" and "without restraint" conversions, is enhanced.

49. Conversion between TWX and Telex, regardless of whether performed at the output of store-and-forward facilities or real time, is a code (and, more broadly, protocol) conversion, as TWX employs the ASCII code, and Telex employs the Baudot code. Thus, the offering of TWX/Telex conversion service is an offering of an enhanced service under our rules.

50. But, while the foregoing forms of store-and-forward service and TWX/Telex conversion are enhanced services within the meaning of § 64.702(a) of the Commission's rules, they also are arguably traditional record service offerings within the meaning of the RCCA, as they long have been offered in association with switched record services. Thus, we must consider whether, in enacting the RCCA subsequent to adoption of the Computer II rules (and presumably, in full awareness of the otherwise applicable unregulated treatment in Computer II of such offerings), Congress intended to establish a special transitional regulatory regime for traditional record services, including even such enhanced service offerings as otherwise might have been deregulated upon implementation of § 64.702(a) of the Commission's rules. As is discussed below, we conclude that such was Congress' intent.

51. The RCCA itself establishes a largely self-contained regulatory plan for the treatment of record carriers and record communications services. Other carriers and their services are not addressed under this plan, and not even all record services are encompassed thereby. For example, the legislative history specifically requires that high speed data offerings not be in any way affected by the RCCA[23]. But, conversely, services "commonly provided by telegraph companies" including "telegraph, telex and TWX service"[24] were intended to be embraced by the subject matter definition of the RCCA. Section 222(a)(3) states:

"The term 'record communications service' means those services traditionally offered by telegraph companies, such as telegraph, telegram, telegram exchange, and similar services involving an interconnected network of teletypewriters."[25]

52. We conclude that the enhanced service offerings by record carriers of certain store-and-forward services associated with TWX and Telex, and TWX/Telex conversion (and other service crossover offerings) are within the subject matter scope of the RCCA if they meet a three-part test as to whether they are encompassed by Section 222(a)(3): (1) the services involved in the offering are switched teletypewriter or telegraph services (and not high-speed data services, or voice services, which were intended by Congress to be excluded from the operation of the RCCA); (2) the offering was made prior to enactment of the RCCA[26]; and (3) if a service crossover offering is involved (e.g., conversion between TWX and Telex, or conversion between either of TWX or Telex and another service) *both* services involved in such crossover, and the crossover offering itself, were offered prior to enactment of the RCCA. Under this three-part test, store-and-forward offerings, the input of which is reached by TWX and Telex, would be covered by the RCCA if their outputs are also TWX or Telex. If their outputs are other traditional telegraph services within the scope of Section 222(a)(3), e.g. public telegraph or Mailgram™ (the latter of which has been considered as public telegraph-like)[27], and the

conclude that the RCCA carves out a limited exception to the broader treatment of such issues in Computer II. Thus, our treatment of such issues herein has no effect on the outcome of this proceeding. Conversely, any order which might be adopted therein will have no effect on the dispositions made in this order.

[22] On reconsideration, we made clear that the phrase "or transmission priorities given by the originator" does not permit the originator or the recipient "to control the progress of information through the network", 84 FCC2d 50, 58 (1980). The phrase was intended to focus on consumer options in obtaining different levels of service quality, and a basic service does not include "the ability of the originator of a message to control storage within the network", *Id.*

[23] Energy and Commerce Committee Report on H.R. 4927 (House Report), H.R. Rept. No. 97-356, 97th Cong. 1st Sess., Dec. 3, 1981, 10.

[24] *Id.*

[25] *See also* discussion of the goal of achieving "universal access to teletypewriter networks" to increase both the level of competition and the utilization of record services. *Id.* at 5.

[26] The Commission will pay close attention to carrier attempts to frustrate the objectives of the RCCA by repackaging traditional record services that are subject to the RCCA under the guise of a "new service", or by offering new services that are so similar to traditional record services that such new services are required to be treated within the special regulatory scheme of the RCCA.

[27] United Telegraph Workers, AFL-CIO v. FCC, 436 F.2d 920, 923 (D.C. Cir. 1970); Western Union Telegraph Co. v. FCC, 665 F.2d 1126 (D.C. Cir. 1981).

crossover itself was offered prior to enactment of the RCCA, such a service crossover use of the store-and-forward facilities involved, notwithstanding the enhanced nature of the offering, is encompassed by the RCCA. If "book" messages have traditionally (i.e., prior to enactment of the RCCA) been reformatted by appending specific address information to the common text for delivery to individual addressees, this offering too would be encompassed by the RCCA, notwithstanding its enhanced nature[28]. Processing for TWX/Telex conversion also would be encompassed by the RCCA.

53. Given this conclusion, that certain otherwise unregulated enhanced sevices were intended to be encompassed by the special regulatory plan of the RCCA, we now consider how we shall treat interconnection to the facilities which are used to provide these services. We conclude that use of the regulatory tools employed previously to implement the RCCA, including the use of tariff and prescription mechanisms, is at this time warranted. First, the RCCA was enacted subsequent to adoption of § 64.702(a) of our rules, and may properly be construed as intentionally carving out a limited, narrow and special treatment for the services and carriers addressed therein. In view of this, there is no legal impediment to the use of tariff mechanisms to address interconnection within the scope of the RCCA, notwithstanding the more general principles under § 64.702(a) of our rules which were established prior to enactment of the RCCA. Second, it is clear that Congress intended that we initially regulate the pricing and other terms of interconnection to record carrier facilities used to provide teletypewriter-based and other traditional record services. Given our previous experience with RCCA interconnection issues, we conclude that tariffs are the most effective tool which might be used, at this time, to carry out Congress' will. Third, there is language in Section 222(c)(2) (which is subject to "sunsetting" in the future) which suggests that Congress intended that the RCCA be implemented initially through the use of tariffs[29]. And finally, inasmuch as the various traditional record services are often substitutable for one another, there is a danger that a failure initially to treat all RCCA interconnection alike, including interconnection to traditional record services which otherwise are enhanced, could lead to frustration of the objectives of the RCCA.

54. It should be emphasized that Congress viewed many aspects of the special regulatory requirements of the RCCA, as transitional and subject to automatic "sunsetting" in less than two years, Section 222(e)(1). Thus, our decision to subject to continued tariff regulation under the RCCA store-and-forward and service conversion offerings which meet the three-part test of paragraph 52 above will only have effect for the remaining two years of vitality of the entire RCCA. Thereafter such offerings would be controlled by our overall Computer II policies and by those portions of the RCCA which are not subject to "sunsetting," including our specific authority to phase down and forebear from regulation as competition develops.[30]

55. The three-part test of paragraph 52 is intended to ensure that new offerings which may arise during the period of full effectiveness of the RCCA are not unnecessarily subjected to comprehensive regulation. We are willing to interpret the RCCA as specially carving out a limited exception to Computer II for "traditional" record services; we are not willing to extend this exception to non-traditional offerings of otherwise enhanced services, particularly in view of the recognition by Congress that not all services provided by record carriers are to be treated specially under the RCCA (*e.g.*, the exclusion of high-speed data services, as discussed previously).

56. In sum, we conclude that the RCCA establishes a limited exception (for no more than two years) from the otherwise applicable ineligibility for tariffing of enhanced services in § 64.702(a) of our rules, for certain store-and-forward offerings and service conversion offerings by record carriers, and that such offerings must be regulated using tariff regulation procedures during the period specified in Section 222(e)(1). In this proceeding, we are considering carrier-to-carrier interconnection issues related to interconnection with the facilities which implement these offerings. We conclude that we are free to utilize the tariff regulation mechanisms previously employed in the *Interim Decision* and in the *Rejection Order* for other forms of RCCA-mandated interconnection to achieve the purposes of the RCCA, that such an approach is required to carry out the intent of Congress, and that such an approach comports with the public interest.

B. Prescription of Store-and-Forward Interconnection

57. As noted, during the July 13–14, 1982 meetings the carriers generally agreed to the concept that three options for interconnection to store-and-forward facilities, at the option of the carrier operating these facilities, should be available: two options under which the interconnecting subscriber's carrier would be compensated on the basis of input minutes (treated as domestic minutes, regardless of whether the output messages are domestic or international), and one option under which the interconnecting subscriber's carrier would be compensated on the basis of output minutes (under principles otherwise applied to real time calling, including factoring of international outputs, and discounting of compensation for all outputs). Where the carriers parted company was over whether a carrier-to-carrier interconnection discount should apply to one of the first group of input-based compensation options (a subscriber-paid-collect option). Several of the traditional record carriers argue that since an end-on-end service offering is contemplated alike by both of the input-based options (i.e., subscriber-paid, and subscriber-paid-collect), a discount should not be applied to either. The more recent entrants, CCI and IRI, argue that the subscriber-paid-collect case is no different than any other form of carrier-to-carrier interconnection under which the second carrier (i.e., the carrier operating the store-and-forward facilities here) is billing the subscriber

[28] However, one form of the historic treatment of "book" messages would not, in our view, properly meet this test. Western Union has traditionally offered a form of "book" message service whereby the subscriber transmits to it a list of addressees which are then retained in storage by Western Union for association with messages not transmitted contemporaneously with such a list. In some cases, the stored list might be accessed months and even years after its transmission, for association with common text messages transmitted then. We conclude that such a service offering truly involves the offering of "an information storage system", 77 FCC2d at 420, and that it is not sufficiently related to the record carrier communications "services" encompassed by the RCCA to be treated as an exception to Computer II. The distinction is whether the multiple addresses are transmitted contemporaneously with the common text, or not.

[29] See also, House Report, supra, n. 23, 11.

[30] Therefore, traditional store-and-forward offerings which meet the three-part test of para. 52 will be required to be offered on a tariffed basis. Although the RCCA generally requires relatively comprehensive regulation of carrier-to-carrier interconnection, because the costs of interconnection compensation are generally contained in carriers' subscriber tariffs, and because of the requirement that carriers pass along to subscribers the benefits of interconnection savings, subscriber tariffs also have been affected by the RCCA. We therefore are ordering that tariffs for store-and-forward services and service conversion offerings within the boundaries established by para. 52 will be maintained, notwithstanding the provisions of § 64.702(a) of the Commission's rules.

for the through call and compensating the first interconnecting carrier. Thus, they argue for a discount.

58. In the *Tentative Decision*, paras. 18–22, we discussed at length our tentative view that output-based compensation is inconsistent both with the terms of the RCCA, and the Communications Act generally. It can lead to overcompensation of an interconnecting carrier in the case of "book" messages, and it does not properly reflect the economies (or costs) associated with use of store-and-forward facilities in lieu of real-time facilities for message completion. We still believe that the analysis in the *Tentative Decision* was correct, and that the compensation principles discussed therein are appropriate.

59. However, in interpreting the RCCA we have applied a "rule of reason" to minimize excessive disruption of carriers' existing operations. While the RCCA requires interconnection which is "equal in type and quality", we previously have utilized the normal Communications Act standard of reasonableness in interpreting this requirement. Here, similar analysis has some bearing upon the result. TRT argues that it cannot implement input-based compensation without extensive facilities modifications; other carriers argue that they can, but only by sacrificing departmental billing capabilities which they are now providing and their subscribers desire.

60. In these circumstances, we are prepared to permit the output-based compensation option to be make available.[31] But, if we do so other problems are created. The *Tentative Decision* proposed two input-based compensation options and, to reach the result that subscribers would be indifferent to which of these options might be chosen by a carrier, it proposed further that compensation to the interconnecting subscriber's carrier be the *same* under either such approach (by proposing that a carrier-to-carrier discount not be applied in one of these approaches). If the new output-based compensation option is made available, compensation will be different under such an approach than under *either* of the input-based compensation approaches previously proposed, regardless of whether a discount is applied to one of the latter approaches or not. Thus, the thrust of the proposal in the *Tentative Decision* that a subscriber be indifferent to which compensation approach might be chosen by the store-and-forward carrier is lost. In these circumstances, there is no basis for not applying a carrier-to-carrier discount to input-based compensation approaches, just as the carriers have proposed to do with respect to the output-based approach which they have requested us to sanction.

61. One of the input-based approaches is a subscriber-paid access approach where a store-and-forward call is literally treated as two separate calls. The subscriber places a domestic call on the interconnecting carrier's network, and that network completes the call to a store-and-forward carrier's facilities the same as it might complete any other domestic call, and it provides timing and billing to the subscriber for the call just as it would for any other domestic call. For such calling, no discount is justified as the store-and-forward carrier is assuming no functions or costs otherwise assumed by the interconnecting carrier.

62. But, the other input-based approach advanced at the July meetings, the subscriber-paid-collect approach, appears to represent end-on-end service in name only. The subscriber does not receive a bill from the interconnecting carrier for a call towards another carrier's store-and-forward facilities; it receives one bill from the store-and-forward carrier for a through call. The store-and-forward carrier in fact is providing compensation to the interconnecting carrier, albeit in lieu of the subscriber, under the proposed "collect" billing arrangements. This is no different than other forms of carrier-to-carrier interconnection where the second carrier is deemed the "originating carrier", except in name. Indeed, it is unclear which carrier would actually perform the timing of such calls. The new entrants argue that the actual physical interconnection arrangements to implement this interconnection would be identical to those employed for carrier-paid real-time interconnection, which suggests that the store-and-forward carrier would provide timing as well as billing in lieu of the interconnecting subscriber's carrier.

63. We conclude that there is much force to the arguments of CCI and IRI that the so-called subscriber-paid-collect option should be deemed a carrier-paid interconnection option to which discounting is applicable. The basis in the *Tentative Decision* for not applying such discounting is no longer present if the output-based compensation option is made available, and the actual interconnection arrangements appear no different than those for other carrier-paid access interconnection to which discounting is applied. Furthermore, no distinction should be made between international and domestic messages transmitted over such arrangements. The conversion factor (currently 1.3) is not intended to create different compensation for international and domestic message; it is intended to convert measured international minutes to minutes which represent actual use of the interconnecting carrier's domestic facilities, in circumstances where the actual domestic minutes are not ordinarily measured and captured. Here, such a proxy for the minutes of use of the interconnecting carrier's facilities in unnecessary; the actual minutes are measured when input-based compensation is used.

64. Thus, we shall treat this form of carrier-to-carrier interconnection no differently than other forms of such interconnection are treated, including application of a carrier-to-carrier discount (currently 15%). We recognize that under such circumstances, a given carrier might be placed in the position of interconnecting with another carrier's store-and-forward services on a different basis than it provides domestic service toward its own store-and-forward services. (For example, based on the comments, it is likely that TRT would select an output-based billing arrangement for its own store-and forward subscribers, while CCI or IRI would select an input-based arrangement for calling by TRT's subscribers toward their store-and-forward facilities.) However, under a "rule of reason" approach, such inequality would be permissible under the RCCA, and we need not resort to a legal fiction of deeming the input-based compensation arrangement a species of subscriber-paid access to avoid this issue. In essence, the proper compensation approach in our view is the input-based one. We are willing to permit carriers to opt for a less desirable output-based one for their own store-and-forward services to avoid major facilities changes. But, we will not permit such carriers—which retain the option of employing the more desirable approach—to use this choice as a basis for denying other carriers the more

[31] We believe that this result will be transitional. The newer entrants, CCI and IRI, primarily offer store-and-forward international message services. These carriers have make it clear that they will opt for input-based compensation approaches, and under universal interconnection subscribers will be able to access their offerings with relative ease. To the extent that such approaches are more efficient and will result in lower subscriber rates than those of competitors opting for output-based compensation, the new entrants will make competitive inroads. At some point, their more traditional competitors will have incentives to change their facilities to implement the input-based compensation approaches.

desirable compensation approach, or for denying them discounts.

65. Furthermore, upon review of the merits of allowing for two forms of "carrier-paid" access and a third "subscriber-paid" access option (as originally was proposed in the *Tentative Decision* and as was retained in the carriers' consensus language), we conclude that the "subscriber-paid" access option need not, and should not, be available. While we are prepared, under a "rule of reason" principle, to allow a given carrier's domestic facilities to be connected with the store-and-forward facilities of another carrier on a different basis than to its own store-and-forward facilities—at the option of the store-and-forward carrier and presumably without prejudice thereto—we are unwilling to allow for any more inequality than is absolutely necessary. The RCCA requires interconnection by a carrier with others which is "equal in quality in type" to that used by the carrier in its own operations. Unnecessarily diverse interconnection options would be difficult for carriers and for the Commission to monitor, and may give rise to disputes, particularly if the availability of such options might be manipulated effectively to deny carriers the benefits of the interconnection requirements of the RCCA.

66. In view of the foregoing, we hereby prescribe the following options for carrier-to-carrier interconnection to store-and-forward facilities, at the option of each store-and-forward carrier:

A. The store-and-forward carrier shall compensate the carrier on whose network the call is initiated on the basis of the billable minutes of output from the store-and-forward facility occasioned by the customer's input. The basis of compensation will be the initiating carrier's domestic intra-network rate as discounted by Commission prescription (currently 15%), provided that in the case of international output, the output minutes shall be multiplied by the conversion factor for international-to-domestic billable minutes then in effect between the initiating carrier and the store-and-forward carrier. The initiating carrier shall make no charge to its subscriber for such calls, and the store-and-forward carrier shall bill the subscriber for the through call.[32]

B. The store-and-forward carrier shall compensate the carrier on whose network the call is initiated on the basis of the measured minutes of input to the store-and-forward carrier's facilities occasioned by the customer's input. The basis of compensation will be the initiating carrier's domestic intra-network rate as discounted by Commission presciption (currently 15%). The initiating carrier shall make no charge to its subscriber for such calls, and the store-and-forward carrier shall bill the subscriber for the through call.[33]

67. Finally, we must address the desire of certain carriers to be able to select "one or more" options simultaneously. As was acknowledged in TRT's response to the Bureau Chief's July 21, 1982 letter, simultaneous selection by a store-and-forward carrier of multiple options would raise serious questions under Section 202(a) of the Act. Under either of the options, the same store-and-forward message service would be made available to subscribers through interconnection, but the charges therefor would be different, which certainly raises the spectre that like service at unlike charges (in violation of Section 202(a)) would be involved. Under options A and B above, the store-and-forward carrier providing a bill for through service to the subscriber in interconnected service must pass through to the subscriber the access compensation provided the interconnecting carrier unchanged in the case of an international message. Since the compensation would differ depending upon which of these options might be utilized, it is obvious that different subscriber charges would be involved. And, since the services provided over either option, as perceived by the subscriber, would be identical (except with respect to price), they would be "like."

68. TRT argues that it is sufficient that we place the carriers on notice of these potential problems, and that we face this issue only if a given carrier seeks to utilize multiple options. However, CCI argues that it is free to utilize multiple options now (and that it expects to do so). We hereby conclude that in the clear cases of interconnection for international calling under options A and B, both may not be selected simultaneously; because of the pass along requirement, such simultaneous selection of these options will create offerings of like service at different charges in violation of Section 202(a).

69. In sum, we have prescribed the principles under which carrier-to-carrier interconnection to store-and-forward facilities will proceed, at the option of each carrier operating store-and-forward facilities. We conclude that interconnection to store-and-forward facilities which meet the three-part test established in para. 52 above is required by the RCCA, and that such interconnection is required in the public interest. Accordingly, we order each carrier operating store-and-forward facilities to offer access thereto through interconnection with the facilities of other record carriers, by filing revisions in its tariffs as follows. Each carrier operating store-and-forward facilities must file revisions in its public *international* tariff including: a description of the offering of store-and-forward access through interconnection; an appropriate access code for use by other record carriers and their subscribers; an indication that subscribers will be billed by the store-and-forward carrier for the total end-to-end charge; a domestic component which is unbundled from an international component (the latter of which may include a store-and-forward component); a statement indicating that the domestic component of another record carrier will be applied in lieu of the store-and-forward carrier's domestic charge if the customer is calling from another domestic network, and a reference to the interconnection tariffs of other carriers to facilitate the determination by subscribers of applicable charges; and a single chosen basis for computation of domestic minutes or equivalents thereto in the case of telegram or similar service (that is, input minutes or factored output minutes). Each carrier operating store-and-forward facilities must file revisions in its public *domestic* tariff including: a description of the offering of store-and-forward access through interconnection; an appropriate access code for use by other record carriers and their subscribers; an indication that subscribers will be billed by the store-and-forward carrier for the total end-to-end charge; and a single chosen basis for computation of message timing or equivalents thereto in the case of telegram or similar service (that is, input minutes or output minutes). The store-and-forward carrier may make a single choice between input-based compensation and output-based compensation, which will apply equally to international and to domestic service.

70. Furthermore, interconnecting record carriers are ordered to revise their interconnection tariffs to reflect compensation for use of their facilities, in interconnected service to store-and-

[32] This language was drafted by the carriers at the July 14, 1982 meeting.

[33] This language, which is patterned after the carriers' option A language above, is ours, and it implements an input-based compensation approach subject to carrier-to-carrier interconnection discounting. The controversial language drafted by the carriers at the July 14, 1982 meeting to implement their subscriber-paid-collect proposal was: "The subscriber of the initiating carrier shall pay the store-and-forward carrier for the entire service. Carrier-to-carrier billing shall be done based on actual domestic connect time times the tariffed domestic intra-network rate. The initiating carrier shall make no charge to its subscriber for such calls.

forward carriers' facilities, under both compensation options made available in this decision, as specified in each store-and-forward carrier's public tariffs (as is required in the previous paragraph). Specifically, an output-based compensation option and an input-based compensation option must be specified, as outlined in paragraph 66 above. Since both of these options are "carrier-paid" interconnection options, interconnecting carriers are ordered to ensure that subscriber billing is suppressed during interconnected calling by their subscribers to another carrier's store-and-forward facilities. Moreover, store-and-forward carriers are ordered to maintain accurate and verifiable records of compensation due interconnecting carriers, and to settle with such carriers expeditiously.[35]

C. 110 Baud ASCII Access to TWX

71. In the *Tentative Decision* we proposed that "without restraint" domestic interconnection to TWX (using the TWX code and protocol, in addition to the current telex code and protocol access to TWX) be made available, without prejudice to consideration in the future of whether, and to what extent, "with restraint" TWX interconnection also should be made available. The comments support this proposal, although several advert to the possibility that the "with restraint" issue will be required to be faced in the future. Accordingly, we prescribe that domestic interconnection to TWX be made available using the TWX code and protocol but "without restraint", in addition to telex-like domestic interconnection to TWX using the telex code and protocol, as proposed in the *Tentative Decision*.

V. Ordering Clauses

72. Accordingly, *it is hereby ordered*, pursuant to Sections 4(i), 4(j), 201, 202, 203, 205, 222 and 416(c) of the Communications Act of 1934 as amended, That Western Union Telegraph Company, RCA Global Communications, Inc., Western Union International, Inc., FTC Communications, Inc., TRT Telecommunications Corp., and ITT World Communications Inc., *shall comply with this order and file tariff revisions consistent therewith* no later than twenty days from release of this order, to be effective on no more than ninety days notice.

73. *It is further ordered*, That, the foregoing carriers *shall not detariff* any store-and-forward or service conversion offering which meets the three-part test of para. 52 of this order, and which therefore is within the subject matter of the Record Carrier Competition Act of 1981, notwithstanding the provisions of § 64.702(a) of the Commission's Rules, 47 CFR 64.702(a), which otherwise might be applicable.

74. *It is further ordered*, That §§ 61.58, 61.59 and 61.74 of the Commission's Rules *are hereby waived to the extent necessary* to permit the filing of tariff revisions implementing the prescriptive provisions and specific prescribed language as set forth in this order.

75. *It is further ordered*, That the filing of data required by §61.38 of the Commission's Rules for the filings necessary to implement this order *is hereby deferred* until such time as may be required by the Chief, Common Carrier Bureau.

76. *It is further ordered*, That the public interest as expressed in the Record Carrier Competition Act of 1981 and the Communications Act requires that this *order be effective immediately* upon actual notice to the affected carriers.

77. *It is further ordered*, That this order be printed in the **Federal Register**.[36]

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 83-7500 Filed 3-23-83; 8:45 am]

BILLING CODE 6712-01-M

[35] A final matter was resolved by the carriers in their comments. To implement any interconnection to store-and-forward facilities, it is assumed that the store-and-forward carrier will bill the originating subscriber for message outputs, and for access as well. Carriers operating store-and-forward facilities require access to interconnecting carriers' "answerback" data, to identify the subscribers to whom bills may be sent. It was proposed in the Tentative Decision that such information be exchanged among the record carriers without charge. This concept was agreed to by the carriers, and is hereby prescribed.

[36] Pursuant to Section 605(b) of the Regulatory Flexibility Act, 5 U.S.C. 605(b), *it is certified*, That Sections 603 and 604 of that Act do not apply because this prescription will not have a significant economic impact on a substantial number of small entities. The primary economic impact of this order will be upon carriers, not users.

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

49 CFR Part 98

[Docket No. 75]

Administrative Enforcement of Restrictions on Post-Employment Activities

AGENCY: Transportation Department.

ACTION: Final rule.

SUMMARY: The Department of Transportation is publishing this final regulation to add to title 49, Code of Federal Regulations, a new Part 98, setting forth procedures for the administrative enforcement of restrictions upon post-employment activities of former DOT employees. The procedures will be used in the Department in cases of possible violations of the post-employment restrictions in 18 U.S.C. 207. The rules are necessary to implement Title V of the Ethics in Government Act if 1978, as amended, and to set forth the procedures used in defining violations and sanctioning violators under the Act.

DATE: This rule is effective on March 24, 1983.

FOR FURTHER INFORMATION CONTACT: Marc C. Owen, Office of Environmental, Civil Rights, and General Law; Room 10424, Department of Transportation, 400 Seventh Street, S.W., Washington, D.C. 20590 (202) 426-4710.

SUPPLEMENTARY INFORMATION:

Background

Title V of the Ethics in Government Act of 1978, as amended (Pub. L. 96-28), imposes new restrictions on the post-employment activities of former federal employees (18 U.S.C. 207). Under the Act, agencies are responsible for enforcing these restrictions and are required to promulgate procedures for bringing administrative proceedings against persons suspected of violating them (18 U.S.C. 207(j), 5 CFR 737.27). The regulations set forth the Department of Transportation's procedures for the conduct of these proceedings. The regulations state the steps involved in determining whether or not a possible violation has occurred, specify the procedures used in prosecuting an alleged violation, specify the defense and appeal rights of an accused former employee, and establish the sanctions that will be imposed against a former employee who is found to have committed a violation.

The Department of Transportation published this regulation as a proposed rule on July 29, 1982 (47 FR 32747). Comments from the public were solicited in the notice of proposed rulemaking; however, no comments were received.

The Director, Office of Government Ethics, Office of Personnel Management, has approved, as required by 18 U.S.C. 207(j) and 5 CFR 737.27(a)(11), this regulation as conforming to the law and to that Office's implementing regulations.

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

The Department has considered the economic effect that this final rule will have on small entities (i.e., small businesses, small organizations, and small governments) pursuant to the Regulatory Flexibiliby Act (5 U.S.C. 601, *et seq.*) There is no evidence that would lead the Department to believe that the economic impact would be significant. Because the regulations will affect only individual violators of a conflict of interest statute, I certify that the regulation will not have a significant economic impact upon a substantial number of small entities.

Regulatory Evaluation

This rule is not covered by Executive Order 12291—"Federal Regulation"—as it pertains to agency management and personnel. This regulation has also been evaluated under the Department of Transportation's Regulatory Policies and Procedures; the regulation is not significant under those procedures, and its economic impact is expected to be so minimal that a full economic evaluation is not warranted.

Issued in Washington, D.C. on March 15, 1983.

Elizabeth Hanford Dole,

Secretary of Transportation.

List of Subjects in 49 CFR Part 98

Ethical conduct, Conflict of Interests.

Accordingly, title 49, Code of Federal Regulations, is amended by adding a new Part 98 to read as follows:

PART 98—ENFORCEMENT OF RESTRICTIONS ON POST-EMPLOYMENT ACTIVITIES

Subpart A—Administration of Enforcement Proceedings

Sec.

98.1 Purpose.
98.2 Definitions.
98.3 Reports of apparent violations.
98.4 Initiation of administrative disciplinary proceeding.
98.5 Former employee response to notice.
98.6 Examiner.
98.7 Hearing.
98.8 Decision by examiner.
98.9 Decision if hearing waived.
98.10 Appeal.
98.11 Final administrative decision.

Subpart B—Administrative Sanctions

98.12 Administrative sanctions.

Subpart C—Judicial Review

98.13 Judicial review.

Authority: 18 U.S.C. 207; Pub. L. 96-28.

Subpart A—Administration of Enforcement Proceedings

§ 98.1 Purpose.

The purpose of this Part is to set forth the administrative enforcement procedures that the Department of Transportation will follow when there is an allegation that a former employee of the Department has violated 18 U.S.C. 207.

§ 98.2 Definitions.

For the purposes of this Part, the following definitions apply:

(a) "Administration" means each of the following:

(1) The United States Coast Guard.

(2) The Federal Aviation Administration.

(3) The Federal Highway Administration.

(4) The Federal Railroad Administration.

(5) The National Highway Traffic Safety Administration.

(6) The Urban Mass Transportation Administration.

(7) The Saint Lawrence Seaway Development Corporation.

(8) The Research and Special Programs Administration.

(9) The Maritime Administration.

(b) "Department" means the Department of Transportation.

(c) "18 U.S.C. 207" means 18 U.S.C. 207 (a), (b), or (c) or any regulations issued under 18 U.S.C. 207.

(d) "Secretary" means the Secretary of Transportation.

§ 98.3 Reports of apparent violations.

Any person may report, to the Assistant General Counsel for Environmental, Civil Rights and General Law, an apparent violation by a former employee of the Department of 18 U.S.C. 207.

§ 98.4 Initiation of administrative disciplinary proceeding.

(a) Whenever the Assistant General Counsel for Environmental, Civil Rights and General Law has determined that there is reasonable cause to believe that a former Departmental employee has violated 18 U.S.C. 207, the Assistant General Counsel for Environmental, Civil Rights, and General Law—

(1) Shall expeditiously provide that information to the Director, Office of Government Ethics, and to the Criminal Division, Department of Justice; and

(2) After coordinating any proceeding with the Criminal Division, Department of Justice, to avoid prejudicing criminal proceedings, may institute an administrative disciplinary proceeding in accordance with this Part.

(b) The person who shall provide for the prosecution of the alleged violation in an administrative disciplinary proceeding under this Part (hereinafter referred to as the "Departmental counsel") is—

(1) In a case where the last Departmental employer of the alleged violator is the Office of the Secretary, the Assistant General Counsel for Environmental, Civil Rights and General Law, or his or her designee; or

(2) In a case where the last Departmental employer of the alleged violator is an administration, the Chief Counsel, or his or her designee, for that administration.

(c) Before beginning an administrative disciplinary proceeding, the Departmental counsel shall provide the former employee with actual notice of the institution of a proceeding. This notice must include—

(1) A statement of allegations and the basis for those allegations, which statement must be sufficiently detailed to enable the former employee to prepare an adequate defense;

(2) Notification of the right to a hearing;

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

(4) A statement of the possible sanctions that may be imposed if a violation by the former employee is found to have occurred.

§ 98.5 Former employee response to notice.

(a) Within 30 working days after service of a notice pursuant to § 98.4(c), the former employee may submit to the Departmental counsel in writing—

(1) A request for a hearing, which, if not all issues are disputed by the former employee, should specify those issues that are;

(2) Any evidence and arguments in lieu of a hearing or

(3) A statement that the allegations are true and set forth any factors that should be considered in determining the administrative sanction to be imposed.

(b) The Department shall deem the right to a hearing to have been waived by the former employee if the former employee does not submit a request under paragraph (b)(1) of this section within 30 working days after service of notice pursuant to § 98.4(c).

§ 98.6 Examiner.

(a) The presiding official at a hearing held under this Part and the deciding official under § 98.9 of this Part (hereinafter referred to as the

"examiner") shall be designated by the Secretary.

(b) The examiner shall not have been involved in any of the events specified in the allegations, shall not have been involved in the investigation of the allegations and the institution of the proceedings under this Part, and shall not be or have been employed by the administration, or the Office of the Secretary if applicable, in which the alleged violation occurred.

§ 98.7 Hearing.

(a) The examiner shall, within 30 working days of a request for a hearing under § 98.5(b), schedule the hearing for a reasonable time, date, and place. The examiner shall grant any delays or continuances that the examiner determines to be necessary and appropriate for fair resolution of the case, with due regard to the former employee's need for adequate time to prepare a defense and for expeditious resolution of allegations that may be damaging to that former employee's reputation.

(b) The following rights shall be granted to a former employee who requests a hearing under § 98.5(b):

(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.

(5) To obtain a transcript or recording of the hearing on request from the official reporter upon payment of the fees fixed therefor.

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

§ 98.8 Decision by examiner.

(a) In a hearing under § 98.7 of this Part, the Departmental counsel must establish a violation by a preponderance of the evidence.

(b) The examiner shall make a decision exclusively on matters of record in the proceeding and shall set forth in the decision—

(1) All findings of fact relevant to the matters at issue;

(2) All conclusions of law relevant to the matters at issue; and

(3) The sanction to be imposed, if any.

§ 98.9 Decision if hearing waived.

(a) If the former employee waives or, in accordance wth § 98.5(b) of this Part, is deemed to have waived a hearing under this Part, the examiner shall, after review of the record as it exists, make a decision as to whether the former employee is in violation of 18 U.S.C. 207.

(b) In a decision under paragraph (a) of this section, the requirements of § 98.8 of this Part apply.

§ 98.10 Appeal.

(a) Within 30 working days after receipt of a decision issued under § 98.8 or § 98.9 of this Part, either the Departmental counsel or the former employee may appeal the decision to the Secretary.

(b) In making a decision on an appeal, the Secretary shall consider only the evidence admitted during the prior proceeding and contained in the record of that proceeding.

(c) If the Secretary modifies or reverses the initial decision, the Secretary shall specify the findings of fact and conclusions of law that are different from those of the examiner.

§ 98.11 Final administrative decision.

The final administrative decision under this Part shall be—

(a) The decision of the examiner under § 98.8(b), if there is no appeal under § 98.10;

(b) The decision by the examiner under § 98.9, if a hearing is waived or is deemed to have been waived and there is no appeal under § 98.10; or

(c) The decision of the Secretary on an appeal under § 98.10.

Subpart B—Administrative Sanctions

§ 98.12 Administrative sanctions.

(a) The Secretary, in decisions under § 98.10 of this Part, and the examiner, in decisions under § 98.8 and § 98.9 of this Part, may impose an administrative sanction against a former employee who, after a final administrative decision under this Part, is found to be in violation of 18 U.S.C. 207.

(b) The administrative sanctions that may be imposed under subsection (a) of this section are—

(1) Prohibiting the former employee 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 any of its administrations on any matter of business for a period not to exceed five years; or

(2) Taking other appropriate disciplinary action, such as a reprimand or suspension from participation in a particular matter or matters before the Department.

Subpart C—Judicial Review

§ 98.13 Judicial review.

Any former employee found to have violated 18 U.S.C. 207 by a final administrative decision under this Part may seek judicial review of disciplinary action imposed under this Part.

[FR Doc. 83-7616 Filed 3-23-83; 8:45 am]
BILLING CODE 4910-62-M

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. 73-3; Notice 15]

Federal Motor Vehicle Safety Standards; School Bus Passenger Seating and Crash Protection

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Final rule.

SUMMARY: This notice amends the agency's school bus seating standard to increase seat spacing from 21 to 24 inches. This amendment is being issued to resolve problems experienced by users, i.e., school districts and contract carriers, to the effect that mandatory seat spacing at the prior level inhibited some necessary uses. The agency finds that an additional space seating option will not inhibit safety.

DATE: This amendment is effective March 24, 1983.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Williams, Crashworthiness Division, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, D.C. 20590 (202-426-2264).

SUPPLEMENTARY INFORMATION: Standard No. 222, *School Bus Passenger Seating and Crash Protection*, was one of several standards implemented pursuant to the Motor Vehicle and School Bus Safety Amendments of 1974 (Pub. L. 93-492). The standard regulates the performance aspects of school bus seats. One portion of the standard limits the longitudinal spacing between seats in buses with gross vehicle weight ratings (GVWR) of more than 10,000 pounds. No seat may be positioned more than 21 inches from the seat immediately to the front, measured from the seating reference point to the seat back or restraining barrier located in front of the seat.

The initial version of Standard 222 which became effective on April 1, 1977,

limited school bus seat spacing to 20 inches. Soon after school buses began to be produced in compliance with this requirement, users began to experience problems of inadequate spacing. Because of quality control and other production problems affecting seat spacing, manufacturers were spacing seats significantly less than the 20 inches permitted by the standard to ensure compliance. As manufacturers improved their production techniques, seat spacing was extended.

The agency upon examination of its then existing data concluded later that same year that it could extend seat spacing to 21 inches without adversely affecting the compartmentalization concept that was the key to protecting children in the buses. Compartmentalization attempts to protect children between well-padded high-backed seats. The agency amended the rule accordingly (42 FR 64119, December 22, 1977) and undertook to study further the appropriateness of the required seat spacing.

Both the amendment and improved manufacturer production methods reduced the number of spacing problems significantly. Some problems continue to exist, however, especially concerning buses used to transport children long distances to and from school, or to and from school-related events which may be located far from the school itself. The agency has conducted tests to see whether it could improve seat spacing to respond to these continuing problems, without compromise of safety. The tests, which are available in the Technical Reference Section of the agency under H73-3 "School Bus Passenger Seat and Lap Belt Sled Tests", DOT-HS-804985, December 1978, show that seat spacing could be increased up to 24 inches without impairing the concept of compartmentalization. An increase in seat spacing beyond 24 inches might impair the ability of the seats to absorb energy in the manner required by the Standard. Accordingly, on February 25, 1982, the Agency proposed a further increase in seat spacing to 24 inches (47 FR 8231).

The agency received numerous comments in response to the notice of proposed rulemaking. Virtually all of those comments supported the agency's action. In accordance with the comments and the existing agency information, the agency, by this notice, makes final the increased seat spacing to 24 inches.

Three school districts out of the more than 140 commenters on the February notice objected to the increased seat spacing. It appears that these commenters were afraid that the increased seat spacing was mandatory and that this would in turn reduce the seating capacity in their vehicles resulting in the need to purchase additional buses or realign school routes. This understanding is not accurate. The increased seat spacing is merely optional. If a school chooses to have additional spacing in some or all of its buses, up to 24 inches, this would be permitted. Otherwise, schools may continue to purchase buses with seats spaced as they are today. Seat spacing less than 24 inches is completely within the discretion of the school that is purchasing the vehicles.

Commenters to the February notice raised another issue that is somewhat related to seat spacing. They requested more comfortable seats and additional leg room for long distance school buses. These are the vehicles that frequently have been involved in transporting children to and from activities or, in some instances, carry children over long distances to schools in some of the Western States. The commenters in general would prefer to have recliner seats or some other seating system that would be more comfortable for these uses.

The agency has explored the possibility of establishing another optional seating mode in school vehicles that would accommodate the concerns of these commenters. The agency concludes that recliner seats could not provide the same level of safety as provided by existing seat requirements in school buses. Accordingly, the agency declines to adopt this suggestion. NHTSA believes that the seat spacing extension being made today should address adequately the problem of comfort in buses used for school activities.

This amendment is being made effective immediately. It relieves a restriction, and is completely optional, and does not require any manufacturer or purchaser to alter present practices. Further, the agency has learned that many companies and purchasers are waiting for this amendment before purchasing new vehicles. Therefore, an immediate effective date is in the public interest.

The agency has considered the economic and other impacts of this final rule and has determined that the rule is not major within the meaning of Executive Order 12291 or significant within the meaning of the Department of Transportation's regulatory procedures. The basis for these determinations is that the rule will have little or no impact on most school buses. Any impact that will occur would result from schools' exercise of their increased freedom to order buses with improved seat spacing. However, no mandated changes will occur as a result of this notice. Accordingly, the cost impact of this proposal would be minimal. Nevertheless, a final regulatory evaluation has been prepared and placed in the public docket. A copy may be obtained from the Docket Section.

The agency has considered the effects of the final rule in relation to the Regulatory Flexibility Act. I certify that it will not have a significant economic effect on a substantial number of small entities. The rule will mandate absolutely no change in existing school buses. Accordingly, small manufacturers will not be required to produce buses any differently than current production buses. To the extent that some schools might elect to purchase buses with greater seat spacing, the small manufacturers in the school bus industry will benefit from the increased business resulting from the sale of these buses.

The amendment will not have a significant effect on a substantial number of small government jurisdictions or small organizations. While small jurisdictions or groups may purchase buses, it will be their choice as to whether to continue to purchase buses identical to those manufactured today or to select ones with greater seat spacing. Since any impact on small entities from this amendment will be minimal and will only result from the exercise of choice on the part of the purchaser, no initial regulatory flexibility analysis has been prepared.

Finally, the agency has analyzed this amendment for purposes of the National Environmental Policy Act. The agency has determined that the implementation of this amendment will have no significant effect on the human environment.

List of Subjects in 49 CFR Part 571

Imports, Motor vehicle safety, Motor vehicles, Rubber and rubber products, Tires.

§ 571.222 [Amended]

To accomplish the increased seat spacing option, Title 49 of the Code of Federal Regulations, § 571.222, Standard No. 222, *School Bus Passenger Seating and Crash Protection*, is amended by removing the number "21" in paragraphs S5.2 and S5.2.1 and replacing it with the number "24".

(Secs. 103 and 119, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392 and 1407); sec. 202, Pub. L. 93-492, 88 Stat. 1470 (15 U.S.C. 1392); delegation of authority at 49 CFR 1.50)

Issued on March 17, 1983.

Raymond A. Peck, Jr.,

Administrator.

[FR Doc. 83-7403 Filed 3-23-83; 8:45 am]

BILLING CODE 4910-59-M

Proposed Rules

Federal Register
Vol. 48, No. 58
Thursday, March 24, 1983

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

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Parts 1033 and 1036

Milk in the Ohio Valley and Eastern Ohio-Western Pennsylvania Marketing Areas; Proposed Suspension of Certain Provisions of the Orders

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed suspension of rule.

SUMMARY: This notice invites written comments on a proposal to suspend for April through December 1983 the seasonal producer payment plans (Louisville plans) under the Ohio Valley and Eastern Ohio-Western Pennsylvania milk orders that were designed to encourage dairy farmers to maintain more stable milk production levels throughout the year. The action was requested by Milk Marketing, Inc., a cooperative association representing producers supplying milk to both markets. The association contends that the proposed suspension of the seasonal payment plans in the Indiana and Louisville-Lexington-Evansville orders will cause serious price misalignment due to intermingling of producers shipping to handlers regulated under those adjoining Federal orders.

DATE: Comments are due on or before March 31, 1983.

ADDRESS: Comments (two copies) should be filed with the Hearing Clerk, Room 1077, South Building, U.S. Department of Agriculture, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT: Clayton H. Plumb, Marketing Specialist, Dairy Division, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447-6273.

SUPPLEMENTARY INFORMATION: This proposed action has been reviewed under USDA procedures established to implement Executive Order 12291 and has been classified as a "non-major" action.

It also has been determined that any need for suspending certain provisions of the orders on an emergency basis precludes following certain review procedures set forth in Executive Order 12291. Such procedures would require that this document be submitted for review to the Office of Management and Budget at least 10 days prior to its publication in the Federal Register. However, this would not permit the completion of the required suspension procedures and the inclusion of April 1983 in the suspension period if this is found necessary. The initial request for the action was received on March 14, 1983.

William T. Manley, Deputy Administrator, Agricultural Marketing Service, has certified that this proposed action would not have a significant economic impact on a substantial number of small entities. Such action would lessen the regulatory impact of the orders on dairy farmers and would not affect milk handlers.

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), the suspension of the following provisions of the orders regulating the handling of milk in the Ohio Valley and Eastern Ohio-Western Pennsylvania marketing areas is being considered for April through December 1983:

1. In § 1033.61, paragraph (g), the words ", except for the months specified below,"; and all of paragraphs (h) through (l).

2. In § 1033.70, all of paragraph (b); and in paragraph (c), the words "or (l)".

3. In § 1036.61, paragraph (f), the words "For the months of January through March and August,"; and all of paragraphs (g) through (l).

4. In § 1036.70, all of paragraph (b).

All persons who want to send written data, views, or arguments about the proposed suspension should send two copies to the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, by the 7th day after publication of this notice in the Federal Register. The period for filing comments is limited to 7 days because a longer period would not provide the time needed to complete the required procedures and include April 1983 in the suspension period.

The comments that are sent will be made available for public inspection in the Hearing Clerk's office during normal business hours (7 CFR 1.27(b)).

Statement of Consideration

The proposed suspension would make inoperative for 1983 the provisions of the Ohio Valley and Eastern Ohio-Western Pennsylvania milk orders that contain the seasonal producer payment plans, or "Louisville" plans, for those orders. Under those provisions, 25 cents per hundredweight of producer milk is deducted from the pooled value of milk in computing the uniform prices to producers during the months of April through July. The monies so accumulated are added to the pool funds in computing the uniform prices to producers for each month of September through December. This payment plan is intended to encourage a more stable level of milk production throughout the year.

Suspension of the Louisville plans on or before April 1, 1983, was requested by Milk Marketing, Inc. (MMI), a cooperative association representing a large proportion of the producers supplying both markets. In supporting its request, the cooperative claims that proposed suspensions of the Louisville plans in the Indiana and Louisville-Lexington-Evansville orders would cause serious price misalignment between Federal orders and could result in disorderly marketing unless the seasonal payment plans for Ohio Valley and Eastern Ohio-Western Pennsylvania are also suspended. The cooperative stated that producers shipping to handlers regulated by the Ohio Valley, Louisville-Lexington-Evansville, and Indiana orders are intermingled geographically, as are producers shipping to handlers regulated by the Ohio Valley and Eastern Ohio-Western Pennsylvania orders. According to the cooperative, misalignment between pay prices to producers in these orders would occur for eight of the twelve months of 1983 and could result in disorderly marketing as producers change markets for temporary gains.

The cooperative also claims that the seasonal payment plans have become less effective in leveling out producer deliveries as the seasonal adjustment has become a smaller percentage of the total price received by producers. In 1970, for instance, the 25-cent "take-out" represented approximately 4.3 percent of the blend price paid to producers in

Eastern Ohio-Western Pennsylvania while in 1981, the same deduction was less than 2 percent of the blend price.

A further consideration cited by MMI in support of its suspension request is the impact on dairy farmers' cash flow of the April through July 25-cent reduction of the producer pay prices when combined with the $1 per hundredweight assessment under the Dairy Price Support Program, which was proposed to begin with April milk deliveries. The cooperative asserts that suspension of the seasonal payment plans will absorb some of the impact of that assessment, if implemented, and allow dairy farmers time to adjust their operations.

For the foregoing reasons, the petitioning cooperative proposes that the provisions of the Louisville plans be suspended from the Ohio Valley and Eastern Ohio-Western Pennsylvania milk orders.

List of Subjects in 7 CFR Parts 1033 and 1036

Milk marketing orders, Milk, Dairy Products.

Signed at Washington, D.C., on March 18, 1983.

William T. Manley,

Deputy Administrator, Marketing Program Operations.

[FR Doc. 83-7849 Filed 3-23-83; 8:45 am]

BILLING CODE 3410-02-M

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7 CFR Part 1139

Milk in the Lake Mead Marketing Area; Proposed Suspension of Certain Provisions

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed suspension of rule.

SUMMARY: This notice invites written comments on a proposal to continue through July 1983 a suspension of certain provisions of the Lake Mead Federal milk order. The proposed suspension would remove the limit on the amount of milk not needed for fluid (bottling) use that may be moved directly from farms to nonpool manufacturing plants and still be priced and pooled under the order. The continuation of the earlier suspension for December 1982 through March 1983 was requested by a cooperative association to assure the efficiency disposition of milk not needed for fluid use and still maintain producer status under the order for its dairy farmer members regularly associated with the market.

DATE: Comments are due not later than March 31, 1983.

ADDRESS: Comments (two copies) should be filed with the Hearing Clerk, Room 1077, South Building, U.S. Department of Agriculture, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT: Maurice M. Martin, Marketing Specialist, Dairy Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447-7183.

SUPPLEMENTARY INFORMATION: This proposed action has been reviewed under USDA procedures established to implement Executive Order 12291 and has been classified as a "non-major" action.

It also has been determined that any need for suspending certain provisions of the order on an emergency basis precludes following certain review procedures set forth in Executive Order 12291. Such procedures would require that this document be submitted for review to the Office of Management and Budget at least 10 days prior to its publication in the **Federal Register.** However, this would not permit the completion of the required suspension procedures and the inclusion of April 1983 in the suspension period if this is found necessary. The initial request for this action was received March 9, 1983.

William T. Manley, Deputy Administrator, Agricultural Marketing Service, has certified that this proposed action would not have a significant economic impact on a substantial number of small entities. Such action would tend to ensure that dairy farmers would continue to have their milk priced under the order and thereby receive the benefits that accrue from such pricing.

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), the suspension of the following provisions of the order regulating the handling of milk in the Lake Mead marketing area is being considered for the months of April 1983 through July 1983:

1. In § 1139.13(d)(2), the sentence "The total quantity of milk so diverted may not exceed 30 percent in the months of March through July and 20 percent in other months of the producer milk which the association causes to be delivered to pool plants during the months".

2. In § 1139.13(d)(3), the sentence "The total quantity of milk so diverted may not exceed 30 percent in the months of March through July and 20 percent in other months of the milk received at such pool plants from producers and for which the operator of such plant is the handler during the month".

All persons who want to send written data, views, or arguments about the proposed suspension should send two copies of them to the Hearing Clerk, United States Department of Agriculture, Washington, D.C. 20250, by the 7th day after publication of this notice in the **Federal Register.** The period for filing comments is limited to 7 days because a longer period would not provide the time needed to complete the required procedures and include April 1983 in the suspension period.

The comments that are received will be made available for public inspection in the Hearing Clerk's office during normal business hours (7 CFR 1.27 (b)).

Statement of Consideration

This proposed action would make inoperative for April through July 1983 the limit on the amount of producer milk that a cooperative association or other handlers may divert from pool plants to nonpool plants. The order now provides that a cooperative association may divert up to 30 percent of its total member milk received at all pool plants or diverted therefrom during the months of March through July and 20 percent during all other months. Similarly, the operator of a pool plant may divert up to 30 percent of its receipts of producer milk (for which the operator of such plant is the handler during the month) during the months of March through July and 20 percent during all other months. A similar suspension has been in effect since April 1982 (47 FR 17036, 47 FR 38496, 47 FR 55201).

The proposed suspension was requested by the Lake Mead Cooperative Association, a cooperative association that supplies a substantial part of the market's fluid milk needs and handles most of the market's reserve supplies. The basis of the cooperative's request for a continuation of the suspension is because of a continuing imbalance between the market's fluid milk requirements and the milk supplies available from producers. The same marketing conditions that prompted the previous suspension request is expected to prevail for many months. The cooperative indicates that milk production continues to be heavy without a corresponding increase in sales to fluid milk outlets. Consequently, the cooperative expects its reserve milk supplies to continue indefinitely to exceed the quantity of producer milk that may be diverted to nonpool manufacturing plants under the order's present diversion limitations. Unless the

suspension is continued, the cooperative asserts that some of the milk of its member producers who have regularly supplied the fluid market would have to be moved, uneconomically, first to pool plants and then to nonpool manufacturing plants, in order to continue producer status for such milk.

The cooperative association requested continuation of the current suspension until a more permanent regulatory solution to the supply-demand imbalance in the market could be formulated based on the record of a public hearing. The cooperative association has filed appropriate proposed amendments to the order that would accommodate present marketing conditions. It is expected that a hearing will be held in the near future on these as well as other proposals to amend the order.

List of Subjects in 7 CFR Part 1139

Milk marketing orders, Milk, Dairy products.

Signed at Washington, D.C. on March 18, 1983.

William T. Manley,

Deputy Administrator, Marketing Program Operations.

[FR Doc. 83-7648 Filed 3-23-83; 8:45 am]

BILLING CODE 3410-01-3

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Ch. I

[Summary Notice No. PR-83-2]

Petitions for Rulemaking; Summary of Petitions Received and Dispositions of Petitions Denied or Withdrawn

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for rulemaking and of dispositions of petitions denied or withdrawn.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for rulemaking (14 CFR Part 11), this notice contains a summary of certain petitions requesting the initiation of rulemaking procedures for the amendment of specified provisions of the Federal Aviation Regulations and of denials or withdrawals of certain petitions previously received. The purpose of this notice is to improve the public's awareness of this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

DATE: Comments on petitions received must identify the petition docket number involved and be received on or before May 23, 1983.

ADDRESSES: Send comments on the petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-204), Petition Docket No. 23498, 800 Independence Avenue, SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT: The petition, any comments received, and a copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the Rules Docket (AGC-204), Room 916, FAA Headquarters Building (FOB-10A), Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone (202) 426-3644.

This notice is published pursuant to paragraphs (b) and (f) of § 11.27 of Part 11 of the Federal Aviation Regulations (14 CFR Part 11).

Issued in Washington, D.C., on March 18, 1983.

John H. Cassady,

Assistant Chief Counsel, Regulations and Enforcement Division.

PETITIONS FOR RULEMAKING

Docket No.	Petitioner	Description of the petition
23498	Paul F. Kelley, Air Crewmember.	*Description of Petition:* To move crewmember identification from § 121.721 to Part 61 to broaden its use and ultimately reduce the proliferation of unreliable and unauthorized identification cards and make all airports more accessible and less of a bottleneck while increasing security with the use of a positive standard aircrew identification. *Regulations Affected:* 14 CFR 121.721 and Part 61. *Petitioner's Reason for Rule:* The need for airport security, both at the large international airports and the smaller metropolitan airports, has given rise to many different schemes of airport security. This has produced an ever-increasing number of identifications used at the same airport at which each company flies. Add to this all the service companies each originating their own identifications. Since these same people may transit many different airports in the same day, the need for a standard identification becomes more apparent. These same problems become more evident from state to state and country to country. The general aviation pilot (whether he be corporate, charter, or private) is even in more of a position to be inconvenienced by the fact that he is forced to use many different identifications, some having practically no actual value.

[FR Doc. 83-7569 Filed 3-23-83; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Parts 21 and 23

[Docket No. 23557; Notice No. SC-83-1-CE]

Special Conditions; Cessna Model 208 Airplane

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed special conditions.

SUMMARY: This notice proposes special conditions as a part of the type certification basis for the new turbopropeller powered Cessna Model 208 airplane. The airplane will have novel and unusual design features with regard to the propulsion system in a single engine airplane for which the applicable airworthiness standards of Part 23 of the Federal Aviation Regulations (FAR) do not contain adequate or appropriate safety standards. This notice contains the safety standards which the Administrator finds necessary to establish a level of safety equivalent to that provided in the regulations for reciprocating engine powered single engine airplanes.

DATE: Comments must be received on or before April 25, 1983.

ADDRESS: Comments on this proposal may be mailed in duplicate to: Federal Aviation Administration, Office of the Regional Counsel, ACE-7, Attn: Rules Docket Clerk, Docket No. 23557, Room 1558, Federal Office Building, 601 East 12th Street, Kansas City, MO 64106; or delivered in duplicate to the Rules Docket Clerk, Room 1558, 601 East 12th Street, Kansas City, MO 64106. All comments must be marked: Docket No. 23557. Comments received in response to this notice may be inspected in the Rules Docket file weekdays, between 7:30 a.m. and 4:00 p.m., except Federal holidays.

FOR FURTHER INFORMATION CONTACT:
J. Robert Ball, Aerospace Engineer, Regulations and Policy Office, ACE-110, Aircraft Certification Division, Federal Aviation Administration, Room 1656, Federal Office Building, 601 East 12th Street, Kansas City, MO 64106; Telephone (816) 374-5688.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of these special conditions by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the address specified above. All comments received in response to this notice will be considered by the Administrator before taking action on this proposal. Persons wishing the FAA to acknowledge receipt of their comments in response to this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. 23557". The postcard will be date/time stamped and returned to the person submitting the comment. All comments received will be available both before and after the closing date for comments for examination by interested persons.

Type Certification Basis

The type certification basis for the Cessna Model 208 airplane is Part 23 of the Federal Aviation Regulation (FAR), effective February 1, 1965, as amended by Amendments 23-1 through 23-28; Part 36 of the FAR, effective December 1, 1969, as amended by Amendments 36-1 through 36-12; Special Federal Aviation Regulation (SFAR) No. 27, effective February 1, 1974, as amended by Amendment 27-1 through 27-4 and any special conditions adopted as a result of this notice.

Background

On June 2, 1982, Cessna Aircraft Company, Pawnee Division, 5800 East Pawnee, Wichita, Kansas 67201, submitted an application for a Type Certificate for a new model airplane identified as the Cessna Model 208. The Model 208 is a single engine, turbopropeller powered, unpressurized, 9 passenger seating configuration excluding pilot seats, high wing monoplane which can be configured as a landplane, a floatplane, a skiplane, or an amphibian.

Special conditions may be issued and amended, as necessary, as a part of the type certification basis if the Administrator finds that the airworthiness standards designated in accordance with § 21.17(a)(1) of the FAR do not contain adequate or appropriate safety standards because of novel or unusual design features of the airplane. Special conditions, as appropriate, are issued after public notice in accordance with §§ 11.28, and 11.29(b) of the FAR, and will become a part of the type certification basis, when adopted, in accordance with § 21.17(a) of the FAR.

In 1969, the flutter requirements of § 23.629 of the FAR were amended to set forth requirements for turbopropeller engine installations on small multiengine airplanes. Turbopropeller engine installations being greater in length than those of reciprocating engines are more critical with regard to engine mount flexibility. This forward displacement of the propeller in conjunction with the high rotational speed of the turbine engine causes significant elastic, inertial, and aerodynamic forces plus dymamic instabilities which can adversely affect airplane flutter stability. Turbine engine installations on a single engine airplane were not envisioned when § 23.629 of the FAR was amended to include a dynamic evaluation of engine/propeller stiffness and damping variations in multiengine turbine powered airplanes. The mount flexibility in this new Cessna Model 208 airplane appears to be of the same order of magnitude as that on multiengine airplanes with wing mounted engines. The FAA is of the opinion that this characteristic should be evaluated with regard to the Cessna Model 208 airplane.

List of Subjects

14 CFR Part 21

Air transportation, Aircraft, Aviation safety, Safety.

14 CFR Part 23

Air transportation, Aircraft, Aviation safety, Safety, Tires.

The Proposed Special Conditions

Accordingly, the Federal Aviation Administration proposes the following special conditions as a part of the type certification basis for the Cessna Model 208 airplane.

Dynamic Evaluation, Engine Installation

In addition to the applicable requirements of § 23.629, *Flutter*, of the FAR, the dynamic evaluation of the airplane must include:

1. Whirl mode degree of freedom which takes into account the stability of the plane of rotation of the propeller and significant elastic, inertial, and aerodyamic forces; and

2. Engine-propeller-engine mount stiffness and damping variations appropriate to the particular configuration.

(Sec. 313(a), 601, and 603 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)); and Sec. 11.28 and 11.29(b) of the Federal Aviation Regulations (14 CFR 11.28 and 11.29(b)))

Issued in Kansas City, Missouri, on March 4, 1983.

Murray E. Smith,

Director, Central Region

[FR Doc. 83-7548 Filed 3-23-83; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Docket No. 82-AAL-6]

Proposed Establishment of Control Zone; Palmer, Alaska

AGENCY: Federal Aviation Administration (FFA), DOT.

ACTION: Withdrawal of notice of propsoed rulemaking.

SUMMARY: On June 3, 1982, the Federal Aviation Administration (FFA), DOT, published in the **Federal Register** (47 FR 24140) a notice of proposed rulemaking to designate controlled airspace to protect the prescribed instrument approach procedure to the Palmer, Alaska, Airport. Because no correspondence was received supporting the proposal, the notice of proposed rulemaking (82-AAL-6) to establish the Palmer control zone is being withdrawn.

FOR FURTHER INFORMATION CONTACT:
Jerry M. Wylie (907) 271-5903.

SUPPLEMENTARY INFORMATION:

Background

Because of a proposed prescribed instrument approach procedure to the Palmer, Alaska, Airport, the FFA published a notice of proposed rulemaking (82-AAL-6) to establish controlled airspace for the procedure. After publishing the notice of proposed rulemaking, the FFA received two conditional concurrences and three objections to the proposal. One of the concurrences was conditioned on a confliction with a VFR route being first resolved and the other upon excluding three landing areas (Butte Airport, B and B Boy's Ranch Airport, and Finger Lake Seaplane Base) from the control zone.

The objections received stated that many of the aircraft based at Palmer

Airport were not equipped to fly IFR; that most of the pilots operating out of Palmer were not IFR rated; that several aircraft operating from the Palmer Airport had no radio communications capability; and that the establishment of a control zone would create a hardship for a majority of operators at the airport. Therefore, and because no correspondence was received supporting the proposal, the notice of proposed rulemaking (82-AAL-6) to establish the Palmer control zone is being withdrawn.

Withdrawal of the Proposal

Accordingly, pursuant to the authority delegated to me by the Administrator, the notice of proposed rulemaking, docket number 82-AAL-6, published in the **Federal Register** on June 3, 1982 (47 FR 24140) is hereby withdrawn.

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

Issued in Anchorage, Alaska, on March 9, 1983.

Franklin L. Cunningham,

Acting Director, Alaskan Region.

[FR Doc. 83-7628 Filed 3-23-83; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 83-AWA-6]

Alteration of VOR Federal Airways, Albuquerque, NM, Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to revoke certain alternate VOR Federal Airways and renumber other alternate airway segments in the Albuquerque, NM, area. This action would eliminate the assignment of alternate airway segments for the affected airways and support our commitment to the International Civil Aviation Organization (ICAO) to phase out alternate airway descriptions from the National Airspace System.

DATES: Comments must be received on or before May 5, 1983.

ADDRESSES: Send comments on the proposal in triplicate to: Director, FAA, Southwest Region, Attention: Manager, Air Traffic Division, Docket No. 83-AWA-6, Federal Aviation Administration, P.O. Box 1689, Fort Worth, TX 76101.

The official docket may be examined in the Rules Docket, weekdays, except Federal holidays, between 8:30 a.m. and 5:00 p.m. The FAA Rules Docket is located in the Office of the Chief Counsel, Room 916, 800 Independence Avenue, SW., Washington, D.C.

An informal docket may also be examined during normal business hours at the office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: Bill Hill, Airspace Regulations and Obstructions Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426-8783.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 83-AWA-6." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this relemaking will be filed in the docket.

Availability of NPRM's

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue, SW., Washington, D.C. 20591, or by calling (202) 426-8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11-2 which describes the application procedure.

Proposal

The FAA is considering an amendment to § 71.123 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to: (1) revoke V-12S between Zuni, NM, and Albuquerque, NM; (2) revoke V-421W between Gallup, NM, and Farmington, NM; (3) redesignate V-190S between St. Johns, AZ, and Albuquerque, NM, as V-234; (4) redesignate V-12S between Albuquerque, NM, and Anton Chico, NM, as V-234; (5) revoke V-83E between Otto, NM, and Santa, Fe NM; (6) revoke V-19W between Socorro, NM, and Albuquerque, NM; and (7) redesignate V-19E between Socorro, NM, and Albuquerque, NM, as V-187. This action will reduce chart clutter by eliminating airway segments that are no longer needed for flight planning or for air traffic control and also support our commitment to ICAO to phase out alternate airway descriptions in the North American Airway System. Section 71.123 of Part 71 of the Federal Aviation Regulations was republished in Advisory Circular AC 70-3A dated January 3, 1983.

List of Subjects in 14 CFR Part 71

VOR Federal airways.

Proposed Amendment

PART 71—[AMENDED]

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend § 71.123 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as follows:

V-12 [Amended]

By deleting the words ", including a south alternate via INT Zuni 104° and Albuquerque 253° radials" and ", including a S alternate from Albuquerque to Anton Chico via INT Albuquerque 103° and Anton Chico 249° radials"

V-190 [Amended]

By deleting the words ", including a south alternate via INT St. Johns 085° and Albuquerque 229° radials"

V-421 [Amended]

By deleting the words ", including a west alternate via INT Gallup 008° and Farmington 233° radials"

V-83 [Amended]

By deleting the words ", including an east alternate via INT Otto 019° and Santa Fe 117° radials"

V-234 [Amended]

By deleting the words "From Anton Chico, NM;" and substituting for them the words "From St. Johns, AZ, via INT St. Johns 085°T(073°M) and Albuquerque, NM, 229°T(216°M) radials; Albuquerque; INT Albuquerque 103°T(090°M) and Anton Chico, NM, 249°T(237°M) radials; Anton Chico;"

V-19 [Amended]

By deleting the words ", including a W alternate via INT Socorro 343° and Albuquerque 199° radials and also an E alternate via INT Socorro 015° and Albuquerque 160° radials"

V-187 [Amended]

By deleting the words ", From Albuquerque, NM, via" and substituting for them the words "From Socorro, NM, via INT Socorro 015°T(002°M) and Albuquerque, NM, 160°T(147°M) radials; Albuquerque;"

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

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

Issued in Washington, D.C., on March 14, 1983.

B. Keith Potts,

Manager, Airspace Rules and Aeronautical Information Division.

[FR Doc. 83-7302 Filed 3-23-83; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 271

[Docket No. RM79-76-129 (Missouri—1)]

High-Cost Gas Produced From Tight Formations, Missouri; Withdrawal of Proposed Rule

AGENCY: Federal Energy Regulatory Commission.

ACTION: Withdrawal of proposed rule.

SUMMARY: The Federal Energy Regulatory Commission is authorized by section 107(c)(5) of the Natural Gas Policy Act of 1978 to designate certain types of natural gas as high-cost gas where the Commission determines that the gas is produced under conditions which present extraordinary risks or costs. Under section 107(c)(5), the Commission issued a final regulation designating natural gas produced from tight formations as high-cost gas which may receive an incentive price (18 CFR 271.703). This rule established procedures for jurisdictional agencies to submit to the Commission recommendations of areas for designation as tight formations. The Commission received a request from the Missouri Department of Natural Resources to withdraw a recommendation previously submitted to the Commission and published as a proposed rule (47 FR 36436, August 20, 1982) that the Pennsylvanian System located in Cass and Bates Counties, Missouri, be designated as a tight formation. The Commission grants the request for withdrawal of the recommendation, withdraws its proposed rulemaking and terminates this docket.

EFFECTIVE DATE: This rulemaking is terminated effective March 16, 1983.

FOR FURTHER INFORMATION CONTACT: Webster Gray, (202) 357-8731 or Randall Rich, (202) 357-8511.

SUPPLEMENTARY INFORMATION:

Issued: March 16, 1983.

On July 14, 1982, the Federal Energy Regulatory Commission (Commission) received from the Missouri Department of Natural Resources (Missouri) a recommendation in accordance with § 271.703 of the Commission's regulations that the Pennsylvanian System located in portions of Cass and Bates Counties, Missouri, be designated as a tight formation. Pursuant to § 271.703(c)(4), a Notice of Proposed Rulemaking was issued by the Director of the Commission's Office of Pipeline and Producer Regulation on August 17, 1982 (47 FR 36436, August 20, 1982), to determine whether the recommendation should be adopted. No comments were received in response to the Notice of Proposed Rulemaking, nor did any party request that a public hearing be held.

On January 3, 1983, the Commission received a request from Missouri to withdraw the recommendation that the Pennsylvanian System be designated as a tight formation.

The Commission hereby grants Missouri's request that the recommendation be withdrawn and, accordingly, the Commission hereby withdraws its Proposed Rulemaking in this docket and terminates this docket. Such termination is without prejudice to any subsequent recommendation that Missouri may submit that the Pennsylvanian System be designated as a tight formation under § 271.703.

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-7567 Filed 3-23-83; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

25 CFR Part 114

Special Deposits

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Proposed rule.

SUMMARY: The Bureau of Indian Affairs is publishing a proposed rule document which will provide procedures required to determine final ownership of funds which are on deposit in account 14X6703 "Indian Moneys, Proceeds of Labor Escrow Account—Pending Determination of Ownership." These funds are balances as of September 30, 1982, and interest accrued prior to that date, which have been transferred from account 14X8500 "Indian Moneys, Proceeds of Labor" pursuant to the Interior Department's FY 1982 Supplemental Appropriation Act. These rules will set forth procedures for the final determination of ownership of the funds and their eventual distribution to the rightful individual Indians and/or tribes.

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

ADDRESSES: Submit written comments to the Bureau of Indian Affairs, Financial Management, Division of Program Development and Implementation (Code 720), Room 4612, 1951 Constitution Avenue, NW., Washington, D.C. 20245.

FOR FURTHER INFORMATION CONTACT: Marilyn Youngbird, Division of Program Development & Implementation, Bureau of Indian Affairs, Room 4622, 1951 Constitution Avenue, NW., Washington, D.C. 20245, telephone number (202) 343-3630.

SUPPLEMENTARY INFORMATION: This proposed rule is published in exercise of authority delegated by the Secretary of

the Interior to the Assistant Secretary—Indian Affairs by 209 DM 8. "Indian Moneys, Proceeds of Labor," (IMPL, account 14X8500) are miscellaneous receipts collected by the Bureau of Indian Affairs (BIA) at BIA agencies and schools. Under authority found in 25 U.S.C. 162a, IMPL funds were included as a part of the BIA investment program. Prior to publication of 25 CFR Part 114 (formerly numbered 25 CFR Part 103b), interest earned from the investment of "special deposits" was deposited into the IMPL accounts.

Subsequent to publication of 25 CFR Part 114, interest earned on "special deposits" for the period beginning April 1, 1981, has been credited to the particular "special deposit" account on which the interest was earned. These proposed regulations are being developed to prescribe the procedures to be followed to determine ownership of the funds in account 14X8500 "Indian Moneys, Proceeds of Labor" as of September 30, 1982 which represents interest earned on "special deposits" and deposited into the IMPL accounts prior to the period ending March 31, 1981.

The following Acts have been passed leading to these regulations: (1) Pub. L. 97-100, dated December 23, 1981, 95 Stat. 1391 (the Fiscal Year 1982 Interior Department Appropriations Act); and (2) Pub. L. 97-257, dated September 10, 1982, 96 Stat. 83 (the Fiscal Year 1982 Interior Department Supplemental Appropriations Act).

Public Law 97-257 amended Pub. L. 97-100 and directs that: "No funds shall be deposited in such 'Indian money, proceeds of labor' (IMPL) accounts after September 30, 1982. The unobligated balance in IMPL accounts as of the close of business on September 30, 1982, including the income resulting from the investment of funds from such accounts prior to such date, shall be transferred to and held in escrow accounts at the locations of the IMPL accounts from which they are transferred. Funds in such escrow accounts may be invested * * * and the investment income added to such accounts. The Secretary shall determine no later than September 30, 1985 (after consultation with appropriate tribes and individual Indians) the extent to which the funds held in such escrow accounts represent income from the investment of special deposits relating to specific tribes or individual Indians. Upon such determination by the Secretary and express acceptance of the determination by the beneficiary, the Secretary shall transfer such funds to trust accounts for such tribes or individual Indians * * *". The Act authorizes the utilization of up to 10% of the funds transferred for costs of legal or other representation relating to claims for such funds; and up to 2% to reimburse the BIA for administrative expenses incurred in determining ownership of the funds. The Act further authorizes the expenditure during the period of October 1, 1985 through September 30, 1987, of the funds remaining in such escrow accounts, "* * * subject to the approval of the Secretary for any purpose authorized under the Act of November 2, 1921 (42 Stat. 208; 25 U.S.C. 13) and requested by the respective governing bodies of the tribes at the locations where such accounts are maintained." (The funds may be expended before October 1, 1985 if a Secretarial determination on ownership and appropriate fund transfers have been completed.) The Act finally provides that any unobligated balances in the escrow accounts as of the close of business on September 30, 1987 shall be deposited into miscellaneous receipts of the U.S. Treasury.

These regulations are being published to set forth the procedures governing the determination of ownership and final distribution of funds which were on deposit in account 14X8500 "Indian Moneys, Proceeds of Labor" as of September 30, 1982 (including interest accrued prior to that date) and which have been transferred to account 14X6703 "Indian Moneys, Proceeds of Labor Escrow Account—Pending Determination of Ownership" at the same locations where they are on deposit. Publication of these procedures as proposed regulations constitutes part of the consultation with interested tribes and individual Indians required by Pub. L. 97-257.

The policy of the Department of the Interior is, whenever practical, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments, suggestions or objections regarding the proposed rule. The primary author of this rule is Peggy Daniels, Division of Program Development and Implementation (Code 720), Room 4070, 19th and C Streets, NW., Washington, D.C. 20245.

The Department of the Interior has determined that this document is not a major rule under the criteria established by Executive Order 12291 and does not have a significant economic effect on a substantial number of small entities under the criteria established by the Regulatory Flexibility Act. It is estimated that it involves the disposition of less than $20 million which will be distributed among some 200,000 individual Indians, as well as a number of Indian tribes.

This proposed rule does not contain information collection requirements which require approval by the Office of Management and Budget under 44 U.S.C. 3507.

The Department of Interior has determined that this document does not constitute a major Federal action significantly affecting the quality of the human environment under the National Environmental Policy Act of 1969.

List of Subjects in 25 CFR Part 114

Accounting, Indian—Business and finance.

Part 114 of Chapter I of Title 25 of the Code of Federal Regulations is proposed to be revised to read as follows:

PART 114—SPECIAL DEPOSITS

Sec.

114.1 Purpose and scope.
114.2 Definitions.
114.3 Investment of special deposit funds.
114.4 Payment and distribution of interest on special deposit funds.
114.5 Distribution of IMPL Escrow Account.

Authority: 25 U.S.C. 2; 25 U.S.C. 9; Pub. L. 97-100; and Pub. L. 97-257.

§ 114.1 Purpose and scope.

The purpose of these regulations is to set forth the conditions governing the deposit, investment, and distribution of interest on funds held by the Bureau in special deposits; and to provide procedures required for determination of ownership and distribution of funds which are on deposit in account 14X6703, "Indian Moneys Proceeds of Labor Escrow Account—Pending Determination of Ownership".

§ 114.2 Definitions.

(a) "Agency" means any field office of the Bureau officially designated as an Indian agency and which provides direct services at the local level to Indians and Indian tribes, who are recognized by the Bureau as eligible for federal services to Indians because of their status as Indians.

(b) "Agency IMPL Escrow Account" means that portion of the funds in 14X6703 identifiable to that agency.

(c) "Beneficiary" means a potential beneficiary who has signed an acceptance.

(d) "Bureau" or "BIA" means the Bureau of Indian Affairs, Department of the Interior.

(e) "Claimant" means an individual (or a tribe) who asserts an entitlement to a share of the IMPL Escrow Account but has not been determined as a potential beneficiary.

(f) "IMPL Escrow Account" means account 14X6703, Indian Moneys, Proceeds of Labor Escrow Account—Pending Determination of Beneficiaries, U.S. Treasury.

(g) "Potential Beneficiary" means an individual or tribe determined eligible to share in the IMPL Escrow Account provided a proper acceptance is received on behalf of the individual or tribe involved.

(h) "Principal account" means each separate payment or deposit of money to the Bureau which is held as a special deposit.

(i) "Special deposit" means any suspense account used for the temporary deposit of funds which cannot be credited to specific accounts or readily distributed, including, but not limited to:

(1) Advance deposits;

(2) Advance deposits on other leases and permits for such Indian lands;

(3) Advance payments and advance deposits required on sales of timber and other natural resources from such Indian lands;

(4) Deposits for rights of way over such Indian lands and anticipated right-of-way damages held until such damages are determined; and

(5) Deposits for grazing fees on such Indian lands.

(j) "Special deposit funds" means those funds held in special deposits.

(k) "Superintendent" means the Bureau official in charge of a Bureau agency.

§ 114.3 Investment of special deposit funds.

It is the policy of the Bureau to invest all special deposit funds which have been paid to the Bureau on behalf of Indians or Indian tribes pending the eventual payment for the sale, lease, or other transfer of tribal or individual Indian property and funds which are deposited solely for the purpose of guaranteeing performance.

§ 114.4 Payment and distribution of interest on special deposit funds.

(a) It is the general policy of the Bureau that interest and earnings from the investment of special deposit funds be credited to the principal accounts upon which the interest was earned.

(b) At the time that a withdrawal is made from a special deposit account, the interest earned by the principal account being withdrawn will be computed and withdrawn from the account as a part of the same transaction. The interest earned by the subject principal amount will be computed into two parts:

(1) The portion of interest credited during the prior interest period which was attributable to this principal, and

(2) The portion of interest which has been earned by this principal amount but has not yet been credited to the account because the interest period is not complete. This will be computed by using the month-end balances since the last interest period times the last period's factor.

(c) No interest will be distributed to accounts which have less than the minimum average month-end balances as determined by the Division of Accounting Management. Any such interest not distributed would remain in the undistributed interest account at the Bureau level to be included in determining the next six month interest factor.

§ 114.5 Distribution of IMPL Escrow Account.

(a) *Determination of potential beneficiaries.* Each agency will determine the potential beneficiaries and their respective shares of the IMPL Escrow Account at that agency by the following method:

(1) Identify the unobligated balance in the agency IMPL account as of September 30, 1982, and interest accrued for the period ending September 30, 1982, which has subsequently been transferred into account 14X6703 IMPL Escrow Account Pending Determination of Ownership. This amount will be called the agency IMPL Escrow Account balance.

(2)(i) Identify the length of time which has been required to accumulate actual income into the former IMPL account to equal the current agency IMPL escrow account balance.

(ii) To determine the beginning date for ownership computations, subtract the length of time identified in paragraph (a)(2)(i) of this section from April 1, 1981. (Subsequent to April 1, 1981, interest earned on special deposits has been credited directly to each special deposit account rather than to an IMPL account.)

(3) Examine the Individual Indian Money (IIM) accounts to determine the total dollars transferred to each account from the principal in special deposit accounts during the period identified in paragraph (a)(2) of this section.

(4) Examine tribal treasury account records to determine the total dollars transferred to each tribal trust account from the principal in special deposit accounts during the period identified in paragraph (a)(2) of this section.

(5) Determine the percentage of the principal transferred from special deposit accounts into each IIM and tribal trust account. This is done by dividing the total amount of principal transferred from special deposit accounts into all accounts at the agency into the total computed for each IIM and tribal trust account pursuant to paragraphs (a)(3) and (4) of this section. The formula is as follows:

$$\frac{\text{Dollars transferred into an account}}{\text{Total dollars transferred by agency into all accounts}} = \text{Percent share for that account}$$

(6) Multiply this percentage by the agency IMPL Escrow Account balance to determine each potential beneficiary's share of that balance. Should this determined share be less than ten dollars ($10.00) no transfer of funds will be made.

(b) *Notification of Determination of Potential Beneficiaries.* Upon completion of the determination of all potential beneficiaries of an agency IMPL Escrow Account, the Superintendent shall publish a general notice which shall contain the following:

(1) Brief history of agency IMPL Escrow account;

(2) Explanation of method of determination of potential beneficiaries;

(3) Information on availability of specific data;

(4) Instruction to potential beneficiaries on completion of acceptance forms, explaining that only those who complete the acceptance forms can receive any funds; and

(5) Establishment of deadline date by which potential beneficiaries must complete the acceptance forms to receive the funds. This deadline will be 180 days from the date of the general notice. This general notice shall be published in the usual and customary manner for making public such documents. If such usual and customary publication does not include posting on the agency bulletin board and publication in at least one local newspaper of general distribution, the posting on the bulletin board and local newspaper publication shall be done in addition to the usual and customary manner of publication.

(c) *Acceptance by potential beneficiary.* Before the funds identified in paragraph (a) of this section as transferable to an individual or tribal beneficiary can be deposited into that beneficiary's account the following must be completed:

(1) The beneficiary must sign an acceptance of the determination by the Secretary which shall constitute a complete release and waiver of any and all claims by the beneficiary against the United States relating to the unobligated balance of IMPL accounts as of the close of business on September 30, 1982.

(2) The acceptance must be signed during the 180 days between the date of the general notice provided for in paragraph (b) of this section and the deadline date established therein.

(3) In the case of a tribal beneficiary, the acceptance must be accompanied by a resolution of the appropriate tribal entity approving the acceptance and authorizing designated tribal representative(s) to sign the acceptance. An acceptance on behalf of an estate account may be signed by the Superintendent if the determination of heirs has not become final and may be signed on behalf of individual inherited shares by each heir if the probate determination has become final. An acceptance on behalf of a minor may be signed by a parent, guardian or a person acting *in loco parentis*. An acceptance on behalf of an adult who has been determined legally incompetent or in need of assistance in managing his/her affairs pursuant to 25 CFR 115.9 may be signed by his/her authorized representative.

(d) *Distribution.* (1) After the expiration of the deadline established in paragraph (b) of this section, funds of individual beneficiaries who have completed the acceptance forms will be transferred from the IMPL Escrow Account into each beneficiary's IIM account. Funds derived from beneficiary estate accounts for which the heirs have been determined will be transferred into the heirs' accounts. Funds derived from beneficiary estate accounts for which the heirs have not been determined will be transferred into the estate account.

(2) Interest accrued for any period after October 1, 1982 will be credited to the beneficiary accounts on the same percentage basis as the original share.

(3) After the expiration of the deadline established in paragraph (b) of this section, funds of a tribal beneficiary and interest earned thereon since October 1, 1982 will be transferred into the appropriate tribal treasury account.

(4) Not more than ten percent (10%) of the funds which may be transferred to a trust account for any tribe, or to an IIM account for an individual, may be utilized to pay for legal or other representation relating to claims for such funds.

(5) Not more than two percent (2%) of the funds which may be transferred to a trust account for any tribe, or to an IIM account for an individual, may be utilized by the BIA to reimburse the BIA for administrative expenses incurred in determining ownership of the funds.

(e) *Appeals.* (1) Any potential beneficiary or claimant may appeal any decision made or action taken by a Superintendent under this section. Such appeal shall be made in writing and submitted as provided in 25 CFR Part 2.

(2) As provided in Part 2, the appeal must be received within 30 days after receipt of the written notice advising the potential beneficiary of his/her share of the IMPL Escrow account or advising the claimant that no share has been determined for him/her. No appeals will be accepted under this section after September 30, 1985.

(f) *Distribution of residual funds.* (1) After final administrative determination of ownership, including final determination of all appeals, and the completion of all appropriate fund transfers, but not later than October 1, 1985, any funds remaining in an agency IMPL escrow account may be expended subject to the approval of the Secretary for any purpose authorized under the Act of November 2, 1921 (42 Stat. 208; 25 U.S.C. 13) and requested by the governing body(s) of the tribe(s) at the location(s) where such agency IMPL escrow account is maintained. This authority to expend the escrow account funds ends September 30, 1987.

(2) The unobligated balances of all IMPL escrow accounts as of the close of business on September 30, 1987, shall be deposited into miscellaneous receipts of the U.S. Treasury.

Dated: February 25, 1983.

John W. Fritz,

Acting Assistant Secretary, Indian Affairs.

[FR Doc. 83-7860 Filed 3-23-83; 8:45 am]

BILLING CODE 4310-02-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Ch. I

[CGD 78-035]

Waste Reception Facilities

AGENCY: Coast Guard, DOT.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: The purpose of this notice is to solicit public comment on all aspects of a suggested regulatory scheme for implementing the waste reception facility requirements of the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the 1978 Protocol relating thereto (MARPOL 73/78), and to solicit information for use in analysis of the various alternatives presented. Any resulting regulations will address criteria of adequacy for reception facilities and administrative procedures for a Certificate of Adequacy, as mandated by The Act to Prevent Pollution from Ships, 1980 (the Act). This notice is the first step in a rulemaking procedure that implements the requirements of MARPOL 73/78 that would reduce open ocean discharge of pollutants, by ensuring the provision of reception facilities to receive pollutants retained onboard seagoing ships.

DATE: Comments must be received on or before June 22, 1983.

ADDRESS: Comments may be submitted to Commandant (G-CMC/44), U.S. Coast Guard, 2100 Second Street SW, Washington, D.C. 20593. Comments will be available for examination and copying at the Marine Safety Council, Room 4402, U.S. Coast Guard Headquarters, 2100 Second Street SW, Washington, D.C. 20593, between 8:00 a.m. and 4:00 p.m. Monday through Friday, except holidays.

FOR FURTHER INFORMATION CONTACT: Lieutenant Ellis H. Davison, II, Project Manager, Office of Marine Environment and Systems, (G-WPE-3), telephone 202-426-9578. Normal working hours are between 7:30 a.m. and 4:00 p.m. Monday through Friday, except holidays.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this proposed rulemaking by submitting written views, data, or arguments. Persons submitting comments should include their names and addresses, identify this notice (CGD 78-035) and the specific issues of this Advance Notice to which their comments apply, and give reasons for each comment. If acknowledgment is desired, a self-addressed, stamped post card should be enclosed. All comments received will be considered before further rulemaking action is taken on this proposal. No public meeting is planned, but one may be held at a time and place to be set in a later notice in the Federal Register if requested in writing by a sufficient number of interested persons raising genuine issues and the Coast Guard determines that the opportunity to make oral presentation will aid the rulemaking process.

Need

This rulemaking will implement those parts of MARPOL 73/78 which require contracting states to ensure that reception facilities are available to

receive wastes from ships. These wastes contain oil deriving from bulk oil shipment and the accumulation of oil in machinery space bilges and noxious liquid substances deriving from their bulk shipment. The Act (Sec. 6, 94 Stat. 2299; 33 USC 1905), which is the implementing legislation for MARPOL 73/78, specifically directed the establishment of regulations setting criteria for determining adequacy of reception facilities and procedures for certifying a port or terminal as having adequate reception facilities.

Background

The purpose of MARPOL 73/78 is the reduction of accidental and operational pollution from ships. In order to reduce operational pollution, the Convention requires that some ship wastes be discharged to reception facilities. It contains two annexes, concerning Oil (Annex I) and Noxious Liquid Substances (Annex II), that must be implemented by countries ratifying the Convention when it enters into force. MARPOL 73/78, including Annex I, will enter into force on October 2, 1983. The requirements for reception facilities in Annex I must be in effect no later than October 2, 1984. Annex II will enter into force on October 2, 1986, unless the parties to the Convention postpone that date, and the requirements for reception facilities in Annex II will be effective when it enters into force.

Waste which may be anticipated as a consequence of Annex I will be derived from the bulk shipment of oil and from the use of oil as a fuel and lubricant in ships' propulsion systems. Oil tankers may have a néed to dispose of oily ballast water, and tank cleaning water. Annex I limits the amount of oily wastes that can be discharged into the sea. Reception facilities must be available to receive oily ballast water, oil-contaminated wash water and concentrated oil slops which cannot be discharged in accordance with the Annex. All self-propelled vessels accumulate bilge water in their enginerooms, and this bilge water often contains high concentrations of oil resulting from lubricant drippings and other routine losses. Under Annex I, vessels may either process this contaiminated bilge water to remove the oil, which is then retained onboard as a residue for discharge to a reception facility, or they may discharge the contaminated water itself to a reception facility. Fuel oils for diesel propulsion systems and lubricants for both steam and diesel propulsion systems when processed onborad ship usually produce an oily residue. Such residues which cannot be discharged into the sea in compliance with Annex I must be retained onboard or discharged to reception facilities.

Regulation 12 of Annex I requires that adequate oily waste reception facilities be provided in:

(a) All ports and terminals in which crude oil is loaded into oil tankers where such tankers have immediately prior to arrival completed a ballast voyage of not more than 72 hours or of not more than 1,200 nautical miles;

(b) All ports and terminals in which oil other than crude oil in bulk (product) is loaded at an average quantity of more than 1,000 metric tons (7,000 barrels) per day;

(c) All ports having ship repair yards or tank cleaning facilities;

(d) All ports and terminals which handle ships provided with a sludge tank;

(e) All ports which handle ships retaining oily bilge water and other residues; and

(f) All loading ports handling combination carriers retaining oily residue onboard.

Wastes anticipated as a consequence of Annex II of MARPOL 73/78 will be derived from the bulk shipment of "noxious liquid substances". Under Annex II, chemicals shipped in bulk presenting sufficient threat to the marine environment are assigned to one of four noxious liquid substance categories, A, B, C and D, with Category A substances presenting the greatest threat. On chemical tankers, tanks are normally prepared for carriage of the next cargo by performing a water wash. The resultant waste wash water is typically discharged at sea. Annex II will prohibit the discharge of wash water containing Category A substances and limit the discharge of Category B and C substances. Reception facilities are required by Annex II to be available to receive wastes stemming from the washing of tanks having contained Category A substances and tanks having retained excessive quantities of Cateory B and C substances.

Regulation 7 of Annex II of MARPOL 73/78 requires that adequate chemical waste reception facilities be provided in:

(a) Ports and terminals in which noxious liquid substances are loaded and unloaded; and

(b) Ports where ship repairs are undertaken on chemical tankers.

Regulatory Scheme

The Coast Guard intends to issue any reception facility regulations resulting from this ANPRM in a new Part 158 in Title 33 of the Code of Federal Regulations under Subpart O, Pollution. The Coast Guard also intends to make the regulations implementing Annex I effective after October 2, 1983, but not later than October 2, 1984, and regulations implementing Annex II effective not later than when that Annex enters into force.

The Act requires the Coast Guard to ensure that reception facilities are adequate to service seagoing ships, as described in Regulation 12 of Annex I and Regulation 7 of Annex II of MARPOL 73/78. According to the Act, the Coast Guard must deny seagoing ships entry to ports and terminals required by MARPOL 73/78 to have adequate reception facilities and not holding a valid certificate issued under the Act. The Coast Guard will deny any seagoing ship of over 400 gross tons entry to any port or terminal under Regulation 12, Annex I, or Regulation 7, Annex II, that does not hold a valid Certificate of Adequacy. The Coast Guard will use its authority to deny entry as the means of ensuring that adequate reception facilities are available. In addition, the law provides civil and criminal penalties for violations of the convention, law, or regulations for the purpose of this ANPRM, the Coast Guard intends to define "ship" the same as it is defined in MARPOL 73/78 (Article 2(4)). It is contemplated that denial of entry would be limited to seagoing ships of 400 tons gross tonnage and above. The Coast Guard is interested in learning about commenters' need for any exceptions to this approach.

MARPOL 73/78 and the Act both call for the provision of adequate reception facilities at ports and terminals. Terminal is defined in the Act as "* * * an onshore facility or an offshore structure located in the navigable waters of the United States or subject to the jurisdiction of the United States and used, or intended to be used, as a port or facility for the transfer or other handling of a harmful substance" (33 U.S.C. 1901(9)). The Coast Guard intends to consider the adequacy of reception facilities available to ships at each terminal. However, the Coast Guard also intends to allow groups of terminals that, in the normal course of business, are used as a port to apply as a group and be considered as a port. For the purpose of this ANPRM, the Coast Guard uses the word "terminal" as an abbreviation of the term "ports and terminals", as used in the Convention and the Act.

As part of the regulatory scheme, the Coast Guard intends to:

1. Specify criteria for adequacy;

2. Establish procedures to apply for certification;

3. Establish procedures for issuing the Certificate of Adequacy;

4. Authorize the Captain of the Port to issue the Certificate of Adequacy; and

5. Deny seagoing ships of 400 tons gross tonnage or greater entry into terminals not having a Certificate of Adequacy.

There are a number of issues that need to be resolved for the Coast Guard to develop regulations. The following is a discussion of these issues, which the public is encouraged to comment on.

(1) *Reception Facilities.* The Coast Guard could define "reception facility" as any system capable of receiving shipboard oil or chemical wastes. This might include a fixed facility with piping conveying wastes from a vessel directly to a treatment system, and the facility could be located at the specific terminal applying for a Certificate of Adequacy or located a reasonable distance from the terminal. This reception facility definition could also include a mobile facility such as a tank barge, railroad tank car, or tank truck, which in turn transports wastes to a regional storage or processing facility. It is anticipated that in many cases reception facilities made available at a terminal will be owned by someone other than the terminal owner or operator. In these cases proving adequacy would entail demonstrating that in the event a vessel visiting the terminal has a need for disposing of wastes, there is a means of receiving wastes in a reasonable time.

(2) *Adequacy.* Both the Act and MARPOL 73/78 require that "adequate" reception facilities be provided. The Coast Guard considers the following to be essential for "adequacy":

(a) A terminal should have reception facilities capable of receiving the kinds of wastes which would normally be expected to be received from seagoing ships visiting the terminal. The International Maritime Organization (IMO), has published *Guidelines on the Provision of Adequate Reception Facilities in Ports* for both Annex I and Annex II. (Copies of these guidelines can be obtained from the Coast Guard at the address specified in **ADDRESSES.**) The Coast Guard could use these guidelines to develop criteria for the types and volumes of wastes various terminals should be capable of receiving from ships. The criteria stemming from the guidelines may have to be updated to reflect recent amendments to tank vessel rules such as segregated ballast requirements, and to reflect that some seagoing ships, such as tank barges, do not normally discharge cargo residues at sea. It is also recognized that in applying these criteria to terminals the regulations would have to allow for suitable substitutions. To provide the necessary flexibility in the certification program, the Coast Guard intends to authorize the Captain of the Port to issue Certificates of Adequacy because local problems could be resolved with a minimum of delay.

(b) The reception facilities must be capable of receiving the waste without causing undue delay to ships. With regard to avoiding undue delay, two criteria are presently being considered: The response time and the transfer time.

(i) *Response Time.* A reception facility should be available for receiving vessel waste after receiving advance notification of a need for the services of the facility. Information is solicited as to what should be considered a reasonable response time from the point of view of terminal operators, fixed and mobile reception facility operators, and from the point of view of ship operators.

(ii) *Transfer Time.* Transfer of wastes should be conducted in a timely fashion. Information is solicited as to the minimum receiving rate or time limit for receiving waste for the various reception facilities under Regulation 12 of Annex I, and Regulation 7 of Annex II of MARPOL 73/78.

(c) The reception facilities must be capable of disposing of the waste in an environmentally acceptable manner. To determine the environmental acceptability of the waste disposal process employed to handle vessel generated wastes, the Coast Guard intends to rely on the existing Environmental Protection Agency permitting system. Presentation of appropriate permits issued under the Clean Water Act (33 U.S.C. 1342) or the Resource Conservation and Recovery Act of 1976 (42 U.S.C. 6925) by an applicant for certification would be sufficient evidence of environmentally acceptable waste disposal.

(3) *Reception Facility Needs for Terminals.* The following discussion presents some of the issues that have been identified regarding reception facilities for terminals, and suggests possible approaches for resolving these issues.

(a) *Crude Oil Loading Terminals.* Regulation 12(2)(a) of Annex I requires reception facilities at crude oil loading terminals serving tankers returning from a ballast voyage of not more than 1,200 nautical miles or of not more than 72 hours. The intent of this regulation is to provide reception facilities to receive oil contaminated ballast water from crude oil tankers which, due to the length of their voyage, do not have the opportunity to clean cargo tanks sufficiently to reach a "clean ballast" condition prior to arrival at the loading terminal. In the United States, crude oil loading terminals serve a trade that is almost entirely domestic, and most loading terminals serve at least some vessels completing a short ballast voyage. Therefore, the Coast Guard intends to restrict vessel access to any crude oil loading terminal that does not have a Certificate of Adequacy. The owners or operators of crude oil loading terminals who believe they do not need reception facilities stemming from crude oil loading are requested to identify themselves and give the reasons why they do not need reception facilities.

(b) *Product Oil Loading Terminals.* Regulation 12(2)(b) of Annex I requires reception facilities at product oil loading terminals which handle an average quantity in excess of 1,000 metric tons per day (about 7,000 barrels per day). Reception facilities at such terminals are expected to receive concentrated oily waste, tank cleaning wash water, and like crude oil loading terminals, ballast water from ships on short ballast voyages. Only oil loaded onto seagoing ships should be considered in calculating the quantity loaded. MARPOL 73/78 does not indicate how the average quantity loaded per day is to be determined. The Coast Guard is considering using an average daily rate determined from annual data. What data the Coast Guard should use to substantiate the quantity loaded annually is another problem that needs to be addressed. The public is encouraged to advise the Coast Guard if there are reports to other government agencies that can be used to substantiate the quantity of product oil loaded at a terminal, or if the Coast Guard should establish new reporting requirements.

The Coast Guard intends to restrict vessel access to any terminal loading product oil that does not have a Certificate of Adequacy. The Coast Guard recognizes that not all of these terminals would need reception facilities because their loading rate would be less than 1,000 metric tons per day using annual data. The owners or operators of terminals loading refined products are requested to identify themselves and give their annual loading rates.

(c) *Ship Repair Yards and Tank Cleaning Facilities.* Regulation 12(2)(c) of Annex I requires reception facilities to be available at ports containing ship repair yards or tank cleaning facilities. These reception facilities could be expected to receive the same types of wastes as would be received by product oil loading terminals and crude loading terminals. The Coast Guard intends to restrict vessel access to any ship repair

yard and tank cleaning facility that does not have a Certificate of Adequacy.

(d) *Terminals Handling Combination Carriers.* Regulation 12(2)(f) of Annex I requires reception facilities to be available at ports that handle combination carriers that are changing over from liquid to dry bulk cargoes, and consequently must discharge oily residues stemming from tank cleaning. To determine what terminals in this category should be given consideration for having adequate reception facilities, a number of points must be considered. First, it is necessary to define what is meant by a combination carrier. MARPOL 73/78 defines combination carrier as ". . . a ship designed to carry either oil or solid cargoes in bulk" (Annex I, Regulation 1(5)). Second, it is necessary to determine what dry bulk terminals combination carriers normally visit. Third, it is necessary to determine whether these combination carriers normally have a need to discharge oily residues at such dry bulk terminals.

Tank cleaning wastes in combination carriers can be discharged at sea in accordance with MARPOL 73/78, and only concentrated oil residues are expected to remain. Reception facilities capable of receiving bilge water from ships are expected to be capable of receiving oil residues from combination carriers. Reception facilities for bilge water should be available at terminals loading dry bulk cargoes. Therefore, the Coast Guard intends to consider a Certificate of Adequacy issued under paragraph (e) as evidence that terminals handling combination carriers are provided with adequate reception facilities. Comments on this approach are solicited.

(e) *Terminals Handling Ships with Sludge Tanks and Bilge Water Residues.* Regulation 12(2)(d) of Annex I requires reception facilities to be available at ports and terminals which handle ships provided with a sludge tank. Regulation 12(2)(e) requires reception facilities to be available at ports which handle ships retaining oily bilge water and other residues. Both of these categories involve wastes which can most easily be serviced by mobile reception facilities. In any port area, the Coast Guard expects that existing industry capacity will be able to service the waste volumes anticipated. The Coast Guard intends to restrict vessel access to any of these terminals that do not have a Certificate of Adequacy. It is terminals that require reception facilities only for bilge water and sludge that would probably apply as a group and be considered as a port. Comments are solicited on the aspects of this approach.

(f) *Chemical Terminals.* Regulation 7(1)(a) of Annex II requires that reception facilities be available at terminals where "noxious liquid substances" are loaded or unloaded. Reception facilities at such terminals will be expected to receive Category A, B and C noxious substance residues when ships carrying such substances are prohibited from discharging these residues at sea. The Coast Guard intends to restrict vessel access to any of these terminals that do not have a Certificate of Adequacy. Comments on this approach are solicited.

(g) *Shipyards Repairing Chemical Tankers.* Regulation 7(1)(b) of Annex II requires that ports with shipyards undertaking repairs made to chemical tankers be provided with adequate reception facilities. Shipyards will be expected to receive the same types of wastes handling chemical tankers as described for chemical ports and terminals. It is anticipated that these wastes would be received by a waste disposal contractor who is permitted to dispose of a range of hazardous wastes encompassing all the category A, B and C substances that may be anticipated to be generated by chemical tankers undergoing repairs. It is recognized that it would be a problem to predict the specific noxious substances which will be received; however, the Coast Guard intends to restrict vessel access to any of these shipyards that do not have a Certificate of Adequacy. By showing evidence of having an acceptable contractor available prior to undertaking repairs to a chemical tanker, a shipyard could be issued a Certificate of Adequacy. Comments are solicited on the problems identified in this paragraph.

Economic Assessment

In addition to providing comments on the regulatory scheme, the public is also invited to submit the information necessary for an economic assessment of the impact of these regulations. Specific topics include, but are not limited to:

(a) *Costs.* The costs associated with delays for ships and terminals.

(b) *Capital Expenditures.* Capital expenditures anticipated where there are no existing reception facilities, or facilities that can be converted to use as reception facilities.

(c) *Small Entities.* The Coast Guard intends to consider, for purposes of this regulation, a "small entity" as a terminal at which less than $50,000 in commercial transactions occur annually.

List of Subjects in 33 CFR Part 158

Ports, Reception facilities, Terminals, Vessels.

B. F. Hollingsworth,

Rear Admiral, U.S. Coast Guard Chief, Office of Marine Environment and Systems.

March 18, 1983.

[FR Doc. 83-7645 Filed 3-23-83; 8:45 am]

BILLING CODE 4910-14-M

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33 CFR Part 100

[CGD 5-83-02]

Regatta; Norfolk Harborfest

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rule making.

SUMMARY: The Coast Guard is considering a proposal that would establish special local regulations for the City of Norfolk Harborfest regatta. These special local regulations are considered necessary to control vessel traffic within the immediate vicinity of the regatta due to the confined nature of the waterway and the expected congestion at the time of the regatta. The intended effect will be to restrict general navigation in the area for the safety of spectators and participants in the event.

DATE: Comments must be received on or before May 9, 1983.

ADDRESSES: Comments should be mailed to Commander (bb), Fifth Coast Guard District, 431 Crawford Street, Portsmouth, Virginia 23705. The comments will be available for inspection and copying at 431 Crawford Street, Room 209, Portsmouth, Virginia. Normal office hours are between 8:00 a.m. and 4:30 p.m., Monday through Friday, except holidays. Comments may also be hand delivered to this address.

FOR FURTHER INFORMATION CONTACT: Lieutenant Commander Duane I. Preston, Chief, Boating Affairs Branch, Fifth Coast Guard District, 431 Crawford Street, Portsmouth, Virginia 23705 (804-398-6204).

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this rule making by submitting written views, data, or arguments. Persons submitting comments should include their names and addresses, identify this notice (CGD 5-83-02) and the specific section of the proposal to which their comments apply, and give reasons for each comment. Receipt of comments will be acknowledged if a stamped self-addressed postcard or envelope is enclosed.

The rules may be changed in light of comments received. All comments received before the expiration of the comment period will be considered before final action is taken on this proposal. No public hearing is planned, but one may be held if written requests for a hearing are received and it is determined that the opportunity to make oral presentations will aid the rule making process.

Drafting Information

The drafters of this notice are LCDR Duane I. Preston, project officer, Chief, Boating Affairs Branch, Fifth Coast Guard District, and CDR David J. Kantor, project attorney, Fifth Coast Guard District Legal Office.

Discussion of Proposed Regulation

These regulations are necessary due to the confined nature of the waterway and the expected congestion at the time of the regatta. The area subject to the special local regulations is identical to that area which has been subject to the regulations for the past five Norfolk Harborfests. The special local regulations are substantially the same as those established in the past. Norfolk Harborfest is an annual event designed to promote and enhance the city of Norfolk's nautical heritage. Harborfest regulations will be in effect from 10–12 June 1983. The events held during the period are a combination of land and water events centered about the downtown portion of Norfolk and typically include speedboat races, air-sea rescue demonstrations by the Coast Guard, demonstrations of military vessels and riverine warfare craft, and fireworks displays. The celebrations have also included a parade of tall ships into the Harborfest area and subsequent open house periods for public viewing of the ships. The events have drawn large numbers of boats to the Town Point Reach area creating a congestion in the area. Additionally, the movement of the tall ships into the harbor under sail presents a potential hazzard if the spectator fleet which is attracted is not regulated in some manner.

Economic Assessment and Certification

This proposed regulation is considered to be nonsignificant in accordance with DOT Policies and Procedures for Simplification, Analysis and Review of Regulations (DOT ORDER 2100.5) Its economic impact is expected to be minimal since, as in the past, closure of the waterway for any extended period is not anticipated and thus commercial traffic should not be severely disrupted at any given time. Comments received concerning past Harbor fests indicate that commercial interests normally using the waterways can adapt to the minor restrictions they may encounter. Based upon this assessment it is certified in accordance with section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 605(b)) that this regulation, if promulgated, will not have a significant economic impact on a substantial number of small entities. Also, the regulation has been reviewed in accordance with Executive Order 12291 of February 17, 1981, on Federal Regulation and has been determined not to be a major rule under the terms of that order.

List of Subjects in 33 CFR Part 100

Marine safety, Navigation (water).

Proposed Regulation

PART 33—[AMENDED]

In consideration of the foregoing, the Coast Guard proposes to amend Part 100 of Title 33, code of Federal Regulations, by adding § 100.35–501 to read as follows:

§ 100–35.501 Elizabeth River, Norfolk, Virginia.

(a) Except for participants in the Norfolk Harborfest or persons or vessels authorized by the Coast Guard Patrol Officer, no person or vessel may enter or remain in the area of the waters of the Elizabeth River and its branches from shore to shore and bounded by the Midtown tunnel on the north, the Downtown tunnel on the south, and the Berkley Bridge on the east.

(b) The operator of any vessel in the immediate vicinity of this area shall:

(1) Stop his vessel immediately upon being directed to do so by any Coast Guard officer or petty officer on board a vessel displaying a Coast Guard ensign, and

(2) Proceed as directed by any Coast Guard officer or petty officer.

(c) Any spectator vessel may anchor outside of the area specified in paragraph (a) of these regulations;

(d) The Coast Guard Patrol Officer is a commissioned officer of the Coast Guard who has been designated by the Commander, Fifth Coast Guard District. The Partol Commander will be stationed at the reviewing platform at Town Point; and

(e) These regulations and other applicable laws and regulations shall be enforced by Coast Guard officers and petty officers on board Coast Guard and private vessels displaying the Coast Guard ensign.

(46 U.S.C. 454; 49 U.S.C. 1655(b); 49 CFR 1.46(b); and 33 CFR 100.35)

Dated: March 11, 1983.

J. D. Costello,

Rear Admiral, U.S. Coast Guard, Commander, Fifth Coast Guard District.

[FR Doc. 83–7638 Filed 3–23–83; 8:45 am]

BILLING CODE 4910–14–M

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33 CFR Part 117

[CGD13 83–05]

Drawbridge Operation Regulations; North Fork Willapa River, Washington

AGENCY: Coast Guard, DOT.

ACTION: Proposed rule.

SUMMARY: At the request of the Washington State Department of Transportation, the Coast Guard is considering a change to the regulations governing the highway drawbridge across the North Fork Willapa River, at Raymond, Washington, to provide that the draw need not open. This proposal is being made because no requests have been made to open the draw since December 1980. This action should relieve the bridge owner of the burden of maintaining the machinery and of having a person available to open the draw and should still provide for the reasonable needs of navigation.

DATE: Comments must be received on or before May 9, 1983.

ADDRESS: Comments should be submitted to and are available for examination from 8:00 a.m. to 4:30 p.m., Monday through Friday, except holidays, at the office of the Commander (oan), Thirteenth Coast Guard District, Room 3564, 915 Second Avenue, Seattle, Washington 98174. Comments may also be hand-delivered to this address.

FOR FURTHER INFORMATION CONTACT: John E. Mikesell, Chief, Bridge Section, Aids to Navigation Branch, (Telephone: (206) 442–5864).

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this proposed rulemaking by submitting written views, comments, data, or arguments. Persons submitting comments should include their names and addresses, identify the bridge, and give reasons for concurrence with or any recommended change in the proposal. Persons desiring acknowledgment that their comments have been received should enclose a stamped, self-addressed postcard or envelope.

The Commander, Thirteenth Coast Guard District, will evaluate all communications received and determine a course of final action on this proposal. The proposed regulations may be changed in light of comments received.

Drafting Information

The drafters of this notice are John E. Mikesell, project officer, and Lieutenant Commander D. Gary Beck, project attorney.

Discussion of the Proposed Regulations

The Washington State highway drawbridge across the North Fork Willapa River at Raymond, Washington, was completed in 1934. The bridge replaced an older swing span bridge which was located slightly downstream. The present bridge also was constructed with a swing span to accomodate the passage of vessels to and from upstream locations. At the time the bridge was constructed, the waterway was used extensively for log storage and towing. This activity has steadily declined to the point that it has ceased altogether. Although anticipated at the time of its construction, navigation by ocean going vessels to points upstream of the bridge has never materialized. The only waterway user which has required bridge openings over the past several years has been the Weyerhaeuser Company, which ceased using the waterway as of December 31, 1980.

Existing regulations require the draw of the bridge to open for the passage of vessels when advance notice of not less than 2 hours is given for openings between 8:00 a.m. and 5:00 p.m. on all days except Saturdays, Sundays, and federal holidays, and advance notice of not less than 8 hours for openings at any other time.

The proposed change would allow the Washington State Department of Transportation, to maintain the bridge in the closed position without a drawtender in attendance; however, the bridge must be returned to an operable condition within six months after notification from the Commandant, U.S. Coast Guard. This would result in significant savings in operating costs to the bridge owner and would not unreasonably affect the limited navigation on the waterway.

Other than the Washington State Department of Transportation and the City of Raymond, there are no known businesses, including small entities, that would be affected by the proposed change. There are only minimal economic impacts on navigation or other interests. Therefore, an economic evaluation has not been prepared for this action. The Washington State Department of Transportation, would benefit because it would be relieved of the burden of providing a salaried operator and maintaining machinery for a bridge for which no openings are required.

Economic Assessment and Certification

These proposed regulations have been reviewed under the provisions of Executive Order 12291 and have been determined not to be a major rule. In addition, these proposed regulations are considered to be nonsignificant in accordance with guidelines set out in the Policies and Procedures for Simplification, Analysis, and Review of Regulations (DOT Order 2100.5 of 5–22–80). As explained above, an economic evaluation has not been conducted since its impact is expected to be minimal. In accordance with section 605(b) of the regulatory Flexibility Act (5 U.S.C. 605(b)), it is certified that these rules, if promulgated, would not have a significant economic impact on a substantial number of small entities.

List of Subject in 33 CFR Part 117

Bridges.

Proposed Regulations

In consideration of the foregoing, the Coast Guard proposes to amend Part 117 of Title 33, Code of Federal Regulations, by reserving § 117.770(b)(1)(i) and revising § 117.770(b)(2) and adding a new § 117.770(b)(3) to read as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

§ 117.770 Willapa Harbor and navigable tributaries, Wash.; bridges.

* * * * *

(b) * * *

(1) * * *

(i) [Reserved]

(ii) * * *

(iii) * * *

(iv) * * *

(2) Vessels requiring openings of the Washington State highway bridge across the Naselle River about 6 miles downstream from Naselle shall give at least 2 hours advance notice for openings between 8 a.m. and 5 p.m. on all days except Saturdays, Sundays, and Federal holidays, and at least 8 hours advance notice for openings at any other time. Vessels requiring openings of the Burlington Northern railroad bridge across the South Fork Willapa River at Raymond shall give at least 24 hours advance notice. The owners of these bridges shall keep conspicuously posted on both the upstream and downstream sides, in such a manner that they can be easily read at any time, summaries of the regulations of this section, together with notices stating exactly how the bridge operators may be reached to obtain openings of the bridges, including names, addresses, and telephone numbers.

(3) The draw of the Washington State highway bridge across the North Fork Willapa River at Raymond need not open. However, the draw shall be returned to an operable condition within six months after notification by the Commandant, U.S. Coast Guard, to take such action.

(33 U.S.C. 499; 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5); 33 CFR 1.05–1(g)(3)).

Dated: March 11, 1983.

R. J. Copin

Captain, U.S. Coast Guard, Commander, 13th Coast Guard District, Acting.

[FR Doc. 83-7640 Filed 3-23-83; 8:45 am]

BILLING CODE 4910-14-M

COPYRIGHT ROYALTY TRIBUNAL

37 CFR Part 304

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

AGENCY: Copyright Tribunal (Tribunal).

ACTION: Proposed rule.

SUMMARY: The Tribunal proposes to amend its noncommercial broadcasting rule to provide for the payment of the required copyright royalty to the performing rights societies by certain public broadcasting entities not later than January 31 of each calendar year rather than by December 31 of each year as is required under the Tribunal's current rule.

DATES: Comments should be submitted no later than April 19, 1983, and reply comments by April 26, 1983.

ADDRESS: Comments should be addressed to Chairman, Copyright Royalty Tribunal, 1111 20th Street NW., Room 450, Washington, D.C. 20036.

FOR FURTHER INFORMATION CONTACT: Edward W. Ray, Chairman, Copyright Royalty Tribunal, 202–653–5175.

SUPPLEMENTARY INFORMATION: 17 U.S.C. 118 establishes a noncommercial broadcasting copyright compulsory license for the use of certain copyrighted works by noncommercial broadcasting, and authorizes the Tribunal to establish the rates and terms for such uses. The Tribunal published in the **Federal Register** (47 FR 57923–29, December 29, 1982) its Final Rule establishing such rates and terms through December 31, 1987. Part 304.6(d) of this rule provides that the royalty fee for the performance of certain musical compositions by certain public broadcasting entities shall

be paid to the performing rights societies not later than December 31 for performances during that calendar year. The Tribunal has determined to reconsider *sua sponte* that portion of its regulation fixing the date of the required copyright payment.

List of Subjects in 37 CFR Part 304

Copyright, Radio, Television.

The Tribunal proposes to amend § 304.6 by revising paragraph (d) to read as follows:

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

* * * * *

(d) *Payment of royalty rate.* The public broadcasting entity shall pay the required royalty rate to ASCAP, BMI, and SESAC not later than July 31, 1983, for the calendar year 1983, and not later than January 31 for each calendar year thereafter.

* * * * *

(17 U.S.C. 118)

Dated: March 15, 1983.

Edward W. Ray,

Commissioner, Chairman, Copyright Royalty Tribunal.

[FR Doc. 83-7630 Filed 3-23-83; 8:45 am]

BILLING CODE 1410-01-M

POSTAL SERVICE

39 CFR Part 111

Bundling and Palletizing Second-, Third- and Fourth-Class Bulk Mailings

AGENCY: Postal Service.

ACTION: Proposed rule.

SUMMARY: This proposed rule would amend the regulations governing bundling and palletizing instead of sacking for second-, third-, and fourth-class bulk mailings.

New regulations for mailers who both bundle and palletize second- or third-class bulk mailings would be added that will: (1) Prescribe lower minimum and maximum bundle sizes that will better enable mailers to take advantage of presort level rates discounts, (2) prohibit the preparation of state distribution center, state and mixed states bundles (packages for these destinations must be sacked), and (3) modify the destinations to which mailers must prepare pallets.

The existing regulations governing bundling instead of sacking of second- and third-class bulk mail would be modified to correct references, amend the labeling requirements, prohibit use of wire and metal strapping to secure bundles, and change the machinability testing requirements to reflect operational considerations.

The existing regulations governing palletization instead of sacking of second- and third-class bulk mail would be revised so that they pertain to palletization of sacks and of third-class machinable parcels. Labeling requirements for pallets would be revised for second- and third-class bulk mailings and added to the regulations for preparation of bulk fourth-class bound printed matter mailings. The application procedures for authorizations to bundle, palletize, or both would be revised or added so that the mailer need submit only one application to the Regional Postmaster General of the region in which the mailer is located rather than submit separate applications to the postmasters at each office where mailings are entered.

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

ADDRESS: Written comments should be addressed to the Director, Office of Mail Classification, Rates and Classification Department, U.S. Postal Service, Washington, D.C. 20260-5360. Copies of all written comments will be available for public inspection and photocopying between 9 a.m. and 4 p.m., Monday through Friday, in Room 8430, U.S. Postal Service Headquarters, 475 L'Enfant Plaza West, SW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Lynn M. Martin, Office of Mail Classification, 202/245-4353.

SUPPLEMENTARY INFORMATION: The minimum quantity requirements for which second- and third-class bulk mailers must prepare sacks were changed from 20 pounds or 1,000 cubic inches to four packages for second-class and 12 packages for third-class mailings effective February 3, 1980. These changes enabled mailers to take greater advantage of presort level rate discounts and provided incentives to prepare sacks as close to the final destination of the enclosed mail as possible. Although the minimum quantities for preparing sacks were modified, the minimum quantity requirements for preparing bundles in lieu of sacks has remained at 20 pounds or 1,000 cubic inches. This minimum quantity requirement has made bundling instead of sacking unattractive to many mailers, since they must forego presort level rate discounts that they could take advantage of if they prepared sacked mailings. The tendency of many mailers to cease bundling and return to sacking to avail themselves of reduced rates has further aggravated the Bulk Mail Center sack sorting work load.

The Postal Service has recently completed a study to determine if changes to the bundling requirements could be made that would benefit both the mailer and the Postal Service. The amount of work required to handle sacked mailings vs. those that are bundled and bedloaded and those that are bundled and palletized was examined. It should be noted that lowering the minimum bundle size requirement generally will result in the number of bundles in a mailing exeeding the number of sacks that otherwise would be prepared since the maximum weight of a bundle necessarily must be lower than that of a sack.

The study showed that bedloaded bundles usually are not cost effective if the number of bundles exceeds the number of sacks that would otherwise be prepared for a mailing. Therefore, no changes to the basic make-up requirements for bedloaded bundles are being proposed at this time, since the 20 pound or 1,000 cubic inch minimum quantity requirement serves to assure that the number of bundles in such a mailing does not exceed the number of sacks that would otherwise be prepared. Further studies are planned in this area, however, and it is possible we will propose changes to these requirements in the future.

Bundles placed on pallets were determined to be cost effective under certain conditions. In general, the ratio of the number of bundles in a mailing to the number of sacks that otherwise would have been prepared can be higher than one to one when the bundles are placed on pallets since an entire pallet of bundles can be loaded, transported to a destination, and unloaded as a unit. This eliminates the costs of sorting, loading, and unloading the individual bundles.

The handling advantage for palletized bundles is dependent upon both the bundle and pallet make-up requirements. Analyses were performed to determine the ratio of bundles to the number of sacks that otherwise would be prepared for second- and third-class mailings that is cost effective for the Postal Service at different levels of pallet preparation.

The preparation of State Distribution Center (SDC), state and mixed states pallets were only marginally advantageous when compared to sacked mailings. To be cost effective, an SDC pallet could contain no more than twice the number of bundles as the number of sacks that otherwise would be prepared. State and mixed states pallets also were

found not to be advantageous. However, preparation of BMC pallets were found to be very cost effective. Accordingly, the proposed regulations require pallets for second- and third-class mailings to be prepared to 5-digit, optional, city, 3-digit, Sectional Center Facility (SCF), and bulk mail center (BMC) destinations. It should be noted that SCF pallets will be a required level of pallet preparation. In addition, an SCF pallet will be the largest authorized level of pallet preparation for newspaper treatment publications because BMC pallets are not compatible with the distribution network for second-class publications authorized newspaper treatment. Preparation of BMC pallets could therefore cause delays in delivery of this type of publication.

The current regulation requiring a minimum of 650 pounds of mail per pallet and a maximum total pallet weight (including the weight of the pallet) of 2,000 pounds was determined to be adequate and will remain in the proposed regulation. Also remaining is the requirement that whenever there are 650 pounds of mail for a pallet destination, a pallet for that destination must be prepared. Pallets for the finest level of preparation (5-digit) must be prepared before pallets are prepared for the next higher level of sort.

It would not be efficient from a mail processing standpoint to place SDC, state and mixed states bundles on BMC pallets. Mixed states mail is generally processed at the SCF of the post office of entry. Therefore, bundling mixed states packages and placing them on BMC pallets would simply add an additional step in processing. It is also more efficient from a service standpoint to process SDC or state packages in sacks that can be routed directly to the appropriate SDC, rather than in bundles on a BMC pallet that must be sorted to an SDC at the BMC. Accordingly, these proposed regulations will require that packages for SDC, state or mixed state destinations be sacked. Sacks for these destinations may be presented simultaneously with the pallets and reported on the same mailing statement as the bundled and palletized portion of the mailing.

The minimum bundle size was determined to be limited only by the parameters of the machinability requirements and the ratios of the number of bundles to sacks that otherwise would be prepared for the different levels of pallet preparation that were determined to be cost effective. Therefore, the minimum bundle size for bundles presented on pallets was made equal to the minimum quantity requirement for which packages must be prepared, i.e., 6 pieces for second-class mailings and 10 pieces for third-class bulk mailings. This will make it possible for mailers to prepare 'skin' bundles (bundles consisting of only one package). For rate purposes, a bundle will equate to a sack regardless of the type of pallet the bundle is placed on. This will enable mailers who bundle and palletize to take the same advantage of presort level rates as those who sack. Of course, all other requirements for the presort level rates, including minimum quantity requirements must be met.

However, in order to reduce the overall number of bundles, mailers will be required to combine packages into bundles whenever there are two or more packages for a required level of sort up to the maximum size for a bundle. The optimum maximum bundle size was determined to be 25 pounds since heavier bundles have the potential to cause damage to other parcels on runouts and slides at BMCs.

Use of shrink wrap over banding is recommended to secure all bundles. Bundles placed on BMC pallets must be prepared using shrink wrap. It is recommended that BMC bundles be banded around the length and girth before shrink wrap is applied. For bundles placed on 5-digit, optional city, 3-digit and SCF pallets, use of only banding material at least once around the length and girth, or use of only shrink wrap is acceptable. The use of metal strapping and wire to secure bundles will be prohibited for safety reasons.

All bundles, regardless of the type of pallet they are placed on, must be labeled with a facing slip showing a destination, contents, and office of origin line as required for sacks. The bundle labels must completely cover the address and package label on the top piece in the bundle to prevent confusion concerning the contents of the bundle. Two zeros must be added to the end of all 3-digit ZIP Code prefixes that may appear on the top line of labels on bundles placed on BMC pallets to assist processing on BMC parcel sorters. Pallets must be labeled on two adjacent sides. The pallet labels must be at least 8 inches by 11 inches with letters at least ½ of an inch high.

Minor changes to the existing bundling regulations in sections 467.3 and 667.5, Domestic Mail Manual, also are proposed. The changes will: (1) specify that these regulations pertain only to the preparation of bedloaded bundles; (2) add a requirement that an office of origin line appear on bundle labels for bedloaded bundles; and (3) make the machinability testing requirements consistent with those prescribed for bundles placed on BMC pallets.

Revisions are also proposed to sections 467.5 and 667.7, Domestic Mail Manual, that presently pertain to palletizing instead of sacking. These sections will be rewritten so that they provide only for palletizing sacks and third-class machinable parcels. The pallet labeling requirements also will be made consistent with those proposed for bundles placed on pallets. This will mean that any palletized second- and third-class mailings, other than third-class machinable parcels, that are prepared outside of mail sacks must be prepared in accordance with the proposed provisions for bundling and palletizing.

The application procedures for bundling, palletizing, or bundling and palletizing second- and third-class bulk mailings and fourth-class bulk bound printed matter mailings are also revised to require that the mailer need submit only one application to the Regional Postmaster General of the region in which the publisher is located rather than submitting separate applications to each post office of entry. This will simplify application procedures for the mailer. The Regional Postmaster General of the region where the application is submitted will be required to coordinate the application with other postal regions where such mailings will be submitted. This will ensure uniform application of the criteria for authorizing bundling or palletization, or both, in all regions. In addition, regulations concerning labeling of pallets have been added to section 767.5, Domestic Mail Manual. Although exempt from the requirements of the Administrative Procedure Act (5 U.S.C. 553 (b), (c)) regarding proposed rulemaking by 39 U.S.C. 410(a), the Postal Service invites comment on the following proposed revision of the Domestic Mail Manual, which is incorporated by reference in the **Federal Register**. See 39 CFR 111.1.

List of Subjects in 39 CFR Part 111

Postal Service.

Part 467—Presort Requirements

Amend 467.3 through 467.5 to read as follows:

467.3 Bundling Instead of Sacking (Bedloaded Bundles).

.31 Regional Authorization.

.311 The Regional Postmaster General for the post office of mailing may authorize preparation of second-

class mail in bundles outside of mail sacks if such preparation is beneficial to the Postal Service. The publisher must submit an application to the Regional Postmaster General of the region where the publisher is located. The following information must be furnished with the application:

a. Name of publication and frequency of mailing;

b. Identity of post offices to which shipments will be made; and

c. Approximate quantity of copies and number of bundles to each office.

.312 The Regional Postmaster General to whom the application is submitted will coordinate the request with any other region in which mailings will be entered. Each Regional Postmaster General involved will forward copies of the application to all affected entry post offices within that region requesting a detailed explanation of the projected transportation and processing arrangements. The application and supporting material from the entry post offices will be reviewed by the General Manager, Logistics Division, the General Manager, Accounting and Revenue Protection Division, and by others concerned in all regions in which mailings will be entered. The review will determine whether intermediate or destination offices are capable of receiving and processing the bundles without increasing the overall processing costs. The Regional Postmaster General to whom the application was originally submitted will issue to the publisher the authorization or denial of the request to bundle instead of sack for all post offices of entry. Copies of the authorization will be forwarded to all affected entry post offices and Regional Postmasters by the authorizing Regional Postmaster General.

.32 *Bundling Requirements.* Mailers bundling instead of sacking publications who do not palletize the bundles, must observe the following procedures:

a. Packages. Mailers must presort copies and prepare packages as required in 467.1.

b. Prepared Like Sacks. Packages must be consolidated into bundles on the same basis as sacks (see 467.2) and individual package separations within a bundle must be appropriately wrapped or tied to maintain the identity of the separation. The number of bundles should not exceed the number of sacks which would otherwise be used in a mailing. This may require bundling up to the 40 pound maximum when volume warrants.

c. Weight and Numbers. The weight of a bundle must not exceed 40 pounds. A bundle must weigh at least 20 pounds or be of at least 1,000 cubic inches of volume. Lesser quantities must be included in bundles for the next lower level of sortation.

d. Labeling. All bundles must be appropriately labeled on top with a non-standard facing slip to show destination, contents and origin as required with sacks (see 467.22). Similarly, each package separation within a bundle must be identified by labels in accordance with 467.22 or 468.

e. Machinable Mailings. Mailings must be machinable by Postal Service sack-sorting equipment unless they consist of publications intended only for local area delivery (same 3-digit ZIP Code prefix). The mailer must satisfy the Postal Service that mailings are machinable. This can be verified by having the mailing post office test process ten or more bundles of each representative bundle size expected in the mailings on two or more passes through a bulk mail center (BMC). The potential of the bundles to cause damage to other mail must also be tested. Ordinarily, bundles require cross strapping and heavy-gauge shrink or stretch wrap to insure their integrity in the mailstream.

f. Local Processing and Delivery. When second-class publications are entered for local processing and delivery (i.e., same 3-digit ZIP Code prefix), they need not meet the requirements of 467.32e. However, bundles must be securely bound to withstand handling without breakage or damage and to prevent injury to postal personnel or damage to mechanized sorting systems. Binding material must be applied at least once around the length and girth. The use of metal strapping and wire to secure bundles is prohibited.

467.4 Bundled Mailings Presented on Pallets.

.41 Regional Authorization.

.411 The Regional Postmaster General for the post office of mailing may authorize the preparation of second-class mail in bundles outside of mail sacks presented on pallets if such preparation is beneficial to the Postal Service. Generally, authorization for this type of mail preparation will be granted only when: 1) the number of bundles to be prepared is not more than four times the number of sacks which would otherwise be prepared for 3-digit and SCF destinations, and not more than five times the number of sacks that would otherwise be prepared for 5-digit, optional city and BMC destinations, and 2) when the amount of mail on each pallet is equivalent to or greater than 30 sacks which would otherwise be prepared. Applications for bundling in conjunction with palletization must be submitted to the Regional Postmaster General of the region where the publisher is located and must include the following information:

a. The name of the publication, frequency of mailing and approximate mailing dates;

b. A list of the post offices of entry;

c. The approximate weight of a single copy;

d. A breakdown of mail preparation for each entry post office that shows the destination of each pallet to be prepared for the mailings submitted at that postal facility;

e. The approximate number of bundles and pieces for each pallet make-up;

f. The average weight of a pallet load;

g. The approximate number of pallets in the mailing that will weigh less than 650 pounds;

h. The number of sacks that would otherwise be needed in the mailing; and

i. The number of pallets required.

.412 The Regional Postmaster General to whom the application is submitted will coordinate and authorize or deny the request in accordance with 467.312.

.42 Package Preparation. The mailer must prepare and label packages in accordance with 467.1. A package must not exceed 25 pounds. Packages of fewer than six pieces may be prepared only if the package will be consolidated with at least one other package into a bundle that contains at least six pieces in accordance with 467.43. If pressure sensitive labels are used to label packages they must be affixed immediately adjacent to the address on the top piece in a manner which will assure they are completely covered by bundle labels.

.43 Bundle Preparation.

.431 Weight and Volume. Bundles must contain a minimum of six pieces. The maximum weight of an individual bundle is 25 pounds.

.432 Sortation. When there are two or more packages for a destination in 467.221 through 467.225, mailers must wrap or tie them securely together in a single bundle. Bundles must be prepared to allow for the finest levels of sort possible. That is, all possible bundles of two or more packages for the finest level of sort in the mailing must be prepared before preparing bundles for the next higher level of sort. If the combined weight of packages for a destination is more than 25 pounds, the mailer must make two or more bundles to that destination. Example: If there are 30 pounds of packages for a five-digit ZIP Code area, the mailer should prepare

two 5-digit bundles. SDC, state and mixed states bundles must not be prepared. Packages for SDC, state and mixed states sortations must be sacked in accordance with 467.226 through 467.228.

.433 Exceptions to Bundling. Packages are not required to be bundled if they are placed on a 5-digit pallet in accordance with 467.442a.

.434 Labeling. Bundles must be labeled with a facing slip containing the information required for sack labels in 467.221 through 467.225. Two zeros must be added to the end of all 3-digit ZIP Code prefixes that may appear on the top line of bundle labels for bundles placed on BMC pallets to assist processing on BMC parcel sorters. The bundle labels must completely cover the address and package label on the top piece in the bundle to prevent confusion concerning the contents of the bundle.

.435 Physical Characteristics.

a. Bundles on Other Than BMC Pallets. Bundles must be securely bound to withstand handling without breakage or damage and to prevent injury to postal personnel. The use of heavy gauge shrink wrap over banding is the recommended method of securing bundles. However, use of only banding material, or only shrink wrap is acceptable. Banding material, if used, must be applied at least once around the length and once around the girth of each bundle. The use of metal strapping and wire to secure bundles is prohibited.

b. Bundles on BMC Pallets. Bundles which are placed on BMC pallets must be machinable on BMC parcel sorters and must be prepared using shrink wrap. Since shrink wrap alone may not result in a machinable bundle, it is recommended that each bundle be both banded around the length and girth and shrink wrapped. The mailer must satisfy the Postal Service that the bundles are machinable. This will be verified by having the mailing post office test process 10 or more bundles of each representative bundle size expected in the mailings on two or more passes through the BMC. The potential of the bundles to cause damage to other mail must also be tested while being processed on BMC primary and secondary parcel sorters.

.441 Pallet Preparation.

.44 Weight and Volume. The minimum mail load of a pallet is 650 pounds. The maximum gross weight of a pallet (the pallet and the mail) is 2,000 pounds. Exception: Up to 10 percent of the pallets in a mailing may contain less than 650 pounds of mail, if the mailer provides the pallets for those pallets containing less than 650 pounds.

.442 Sortation. Bundles must be placed on pallets as described below, beginning with pallets for the finest sortation level (5-digit) through the largest authorized level (SCF for publications authorized newspaper treatment and Destination BMC for ordinary papers).

a. 5-Digit Pallets. Whenever there are 650 or more pounds of bundles (or packages as provided in 467.433) for the same 5-digit ZIP Code area they must be placed on a pallet labeled to that 5-digit destination. A physical barrier sheet must be used to separate 5-digit bundles from carrier route and carrier routes bundles (or to separate 5-digit packages from carrier route packages as provided in 467.433). Pallet labels must be prepared and affixed to the pallet in accordance with 467.443. The labels must contain the information required for 5-digit sack labels in 467.222 in the format required by that section if the pallet contains only firm and 5-digit packages or bundles. If a 5-digit pallet contains only carrier route packages or carrier route or carrier routes bundles, the pallet label contain the information required for carrier routes sacks in 467.221b. If a 5-digit pallet contains both 5-digit and carrier route rated packages or bundles, the pallet label must contain the information required for 5-digit sack labels in 467.222 except that the second line must contain the words "Mixed 5-Digit/Carrier Routes" after the contents description.

b. Optional Multi-Coded City Pallets. After making up all required 5-digit pallets mailers may, at their option, place any bundles remaining that are destined for the same optional multi-coded city included in 467.114, on a pallet labeled to that city, provided the minimum and maximum weight requirements in 467.441 are met. The pallet labels must be prepared and affixed to the pallet in accordance with 467.443. The labels must contain the information required for optional multi-coded city sack labels in 467.223, in the format required by that section.

c. 3-Digit Pallets. If, after preparing all required 5-digit pallets (and optional multi-coded city pallets if the mailer chooses to prepare them) there are 650 pounds or more of bundles remaining that are destined for the same 3-digit ZIP Code prefix area, they must be placed on a pallet labeled to that 3-digit destination. The pallet labels must be prepared and affixed to the pallet in accordance with 467.443. The labels must contain the information required for 3-digit sacks in 467.224, in the format required by that section.

d. SCF Pallets. If, after preparing all required 5-digit pallets, optional multi-coded city pallets, and required 3-digit pallets, there are 650 pounds or more of bundles remaining that are destined for ZIP Codes served by the same Sectional Center Facility, they must be placed on a pallet labeled to that Sectional Center Facility. The pallet labels must be prepared and affixed to the pallet in accordance with 467.443. The labels must contain the information required for SCF sacks in 467.225, in the format required by that section. Note: This is the largest level of sort allowed for publications authorized newspaper treatment. Mail for newspaper treatment second-class publications that cannot be placed on SCF pallets must be sacked in accordance with 467.2.

e. BMC Pallets (Ordinary Papers only). If, after preparing all required 5-digit pallets, optional multi-coded city pallets (optional), required 3-digit pallets and required SCF pallets, there are 650 pounds or more of bundles remaining that are destined for ZIP Codes served by the same BMC, they must be placed on a pallet labeled to that destination BMC. Bundles placed on BMC pallets must be machinable (see 467.435b). The pallet labels must be prepared and affixed to the pallet in accordance with 467.443. The labels must contain the information required for destination BMC pallets in 667.222, in the format required by that section, except that the contents line must show ORD P.

.443 Labeling. All pallets must be provided with two clearly visible labels. Labels must be at least 8 inches by 11 inches in size, with letters at least ½ of an inch in height. Labels must be placed on two adjacent sides of the pallet. See 467.442a–e, concerning the information which must appear on the labels.

.444 Physical Characteristics. Pallets must be constructed of high quality material, designed to handle loads equal to a gross weight of 2000 pounds with volumes up to 65 cubic feet. The dimensions must be 48 inches by 40 inches. The pallets must be designed for four way entry by fork trucks and two way entry for pallet jacks. Pallet mailings must be flush wrapped with shrinkable or stretchable plastic and prepared to retain integrity throughout transportation and handling. Top caps are required on pallets with gross weights of less than 1000 pounds.

.45 Presentation of Mailings. Sacks may be presented along with palletized bundles as part of the same mailing (i.e., on the same mailing statement), if the sacks are physically segregated from the bundled and palletized portion of the mailing.

467.5 Palletizing Sacks.

.51 Regional Authorization. The Regional Postmaster General for the post office of mailing may authorize the preparation of sacked second-class mail on pallets, if such preparation is beneficial to the Postal Service. Applications for palletizing sacks must be made and processed as prescribed for bundling in 467.31, except that mailers must indicate the approximate quantity of copies and sacks to be entered at each post office rather than the quantity of copies and bundles.

.52 Palletizing Requirements. Mailers palletizing sacked publications must observe the following procedures:

a. Mailers must presort publications and prepare packages and sacks as prescribed in 467.1 and 467.2. The Regional Postmaster General may waive sacking requirements for 5-digit ZIP Code pallets when mailers effectively demonstrate that they will prepare pallets to remain intact to the destination and if carrier route packages are separated from firm and 5-digit packages by a physical barrier sheet.

b. Pallets must be made up to the destination required in 467.2 when the mail load to a destination is either 650 pounds or three feet high. Pallets may also be prepared for the optional destinations described in 467.2. Pallets must not be addressed to more than one zone. The maximum gross weight of a pallet (the pallet and the mail) is 2,000 pounds.

c. Pallets must be labeled in the format described in 467.2. These labels must be at least eight inches by eleven inches in size with characters at least one-half of an inch high. All pallets must be provided with two clearly visible labels placed on two adjacent sides of the pallet.

d. Pallets must be constructed of high quality material, designed to handle loads equal to a gross weight of 2000 pounds with volumes up to 65 cubic feet. The dimensions must be 48 inches by 40 inches. The pallets must be designed for four way entry by fork trucks and two way entry for pallet jacks. Sacks must be evenly loaded on pallets. The pallets must be prepared with top caps and flush wrapped with shrinkable or stretchable plastic to retain integrity throughout transportation and handling.

Amend the title of section 467.7 and section 467.72c to read as follows:

467.7 Preparing Presort Rated Pieces.

(Levels B, C, E, F, H, I and K.)

* * * * *

467.72 Qualification Requirements.

* * * * *

c. Bundling Instead of Sacking. Pieces presented in bundles instead of sacks (see 467.3 and 467.4) are eligible for presort rates providing they meet all other requirements for the presort rates. For purpose of eligibility for presort level rates in 467.72 a and b, a bundle is equivalent to a sack. A bundle meeting the requirements in 467.72 a or b will qualify for the appropriate presort level rate regardless of the type of pallet it is placed upon if prepared in accordance with 467.4.

Part 667—Preparation of Bulk Rate Mailings

(See Exhibit 667)

Amend sections 667.5 through 667.7 to read as follows:

667.5 Bundling Instead of Sacking (Bedloaded Bundles).

.51 Regional Authorization.

.511 The Regional Postmaster General for the post office of mailing may authorize preparation of third-class mail in bundles outside of mail sacks if such preparation is beneficial to the Postal Service. The mailer must submit an application to the Regional Postmaster General of the region where the mailer is located. The following information must be furnished with the application:

a. Name of publication and frequency of mailing;

b. Identity of post offices to which shipments will be made; and

c. Approximate quantity of copies and number of bundles to each office.

.512 The Regional Postmaster General to whom the application is submitted will coordinate the request with any other region in which mailings will be entered. Each regional Postmaster General involved will forward copies of the application to all affected entry post offices within that region requesting a detailed explanation of the projected transportation and processing arrangements. The application and supporting material from the entry post offices will be reviewed by the General Manager, Logistics Division, the General Manager, Accounting and Revenue Protection Division, and by others concerned in all regions in which mailings will be entered. The review will determine whether intermediate or destination offices are capable of receiving and processing the bundles without increasing the overall processing costs. The Regional Postmaster General to whom the application was originally submitted will issue to the mailer the authorization or denial of the request to bundle instead of sack for all post offices of entry. Copies of the authorization will be forwarded to all affected entry post offices and Regional Postmasters General by the authorizing Regional Postmaster General.

.52 *Bundling Requirements.* Mailers bundling instead of sacking mailings, who do not palletize the bundles, must observe the following procedures.

a. Packages. Mailers must presort pieces and prepare packages as prescribed in 667.12, 667.311, or 667.41.

b. Prepared Like Sacks. Packages must be consolidated into bundles on the same basis as sacks (see 667.13, 667.32, or 667.42) and individual package separations within a bundle must be appropriately wrapped or tied to maintain the identity of the separation. The number of bundles should not exceed the number of sacks which would otherwise be used in a mailing, except when those bundles are used in an approved palletized mailing. This may require bundling up to the 40 pound maximum when volume warrants and the mailing is not palletized.

c. Weight and Numbers. The weight of a bundle must not exceed 40 pounds. A bundle must weigh at least 20 pounds or be of at least 1,000 cubic inches in volume. Lesser quantities must be included in bundles for the next lower level of sortation.

d. Labeling. All bundles must be appropriately labeled on top to show destination, contents and origin as required with sacks. Similarly, each separation within a bundle must be identified by labels in accordance with 667.12, 667.311, 667.41, or 468.

e. Machinable Mailings. Mailings must be machinable by Postal Service sack-sorting equipment unless they consist of matter intended only for local area delivery (same 3-digit ZIP Code prefix). It is the responsibility of the mailer to satisfy the Postal Service that mailings are machinable. This can be verified by having the mailing post office test process ten or more bundles of each representative bundle size expected in the mailings on two or more passes through a bulk mail center (BMC). The potential of the bundles to cause damage to other mail must also be tested. Ordinarily, bundles require cross strapping and heavy-gauge shrink or stretch wrap to insure their integrity in the mailstream.

f. Local Processing and Delivery. Third-class pieces entered for local processing and delivery (i.e., same 3-digit ZIP Code prefix) need not meet the requirements of 667.52e.

However, bundles must be securely bound to withstand handling without breakage or damage and to prevent

injury to postal personnel or damage to mechanized sorting systems. Binding material must be applied at least once around the length and girth. The use of metal strapping and wire to secure bundles is prohibited.

667.6 Bundled Mailings Presented on Pallets.

.61 Regional Authorization.

.611 The Regional Postmaster General for the post office of mailing may authorize the preparation of third-class mail in bundles outside of mail sacks presented on pallets if such preparation is beneficial to the Postal Service. Generally, authorization for this type of mail preparation will be granted only when: (1) The number of bundles to be prepared is not more than four times the number of sacks which would otherwise be prepared for 3-digit and SCF destinations, and not more than five times the number of sacks that would otherwise be prepared for 5-digit, optional city and BMC destinations, and (2) when the amount of mail on each pallet is equivalent to or greater than 30 sacks which would otherwise be prepared. Applications for bundling in conjunction with palletization must be submitted to the Regional Postmaster General of the region where the mailer is located and must include the following information:

a. The name of the mailer, frequency of mailing and approximate mailing dates;

b. A list of the post offices of entry;

c. The approximate weight of a single piece;

d. A breakdown of mail preparation for each entry post office that shows the destination of each pallet to be prepared for the mailing submitted at that postal facility;

e. The approximate number of bundles and pieces for each pallet make-up;

f. The average weight of a pallet load;

g. The approximate number of pallets in the mailing that will weigh less than 650 pounds;

h. The number of sacks that would otherwise be needed in the mailing; and

i. The number of pallets required.

.612 The Regional Postmaster General to whom the application is submitted will coordinate and authorize or deny the request in accordance with 667.512.

.62 *Package Preparation.* The mailer must prepare and label packages in accordance with 667.12, 667.31 or 667.41. A package must not exceed 25 pounds. Packages of fewer than 10 pieces may be prepared only if the package will be consolidated with at least one other package into a bundle that contains at least 10 pieces in accordance with 667.63. If pressure sensitive labels are used to label packages, they must be affixed immediately adjacent to the address on the top piece in a manner which will assure they are completely covered by bundle labels.

.63 Bundle Preparation.

.631 Weight and Volume. Bundles must contain a minimum of 10 pieces. The maximum weight of an individual bundle is 25 pounds.

.632 Sortation.

a. Basic Level Rate. When there are two or more packages for a destination in 667.132 a through d, mailers must wrap or tie them securely together in a single bundle. Bundles must be prepared to allow for the finest levels of sort possible. That is, all possible bundles of two or more packages for the finest level of sort in the mailing must be prepared before preparing bundles for the next higher level of sort. If the combined weight of packages for a destination is more than 25 pounds, the mailer must make two or more bundles to that destination. *Example:* If there are 30 pounds of packages for a 5-digit ZIP Code area, the mailer should prepare two 5-digit bundles. SDC, state and mixed states bundles must not be prepared. Packages for SDC, state and mixed states sortations must be sacked in accordance with 677.132e–g.

b. 5-Digit Level Rate. (1) 5-Digit Bundles. A package or packages containing 50 pieces or 10 pounds of mail or more for the same 5-digit ZIP Code destination must be prepared in a single bundle labeled to the 5-digit ZIP Code destination (see 667.634). If a qualifying package or group of packages for the same 5-digit ZIP Code destination (50 or more pieces or 10 or more pounds) will exceed the 25 pound maximum weight limit for bundles, the mailer must prepare two or more bundles to that 5-digit destination. Bundles for the same 5-digit ZIP Code destination must be placed next to each other on the same pallet.

(2) Bundles for Unique 3-Digit Cities Containing 5-Digit Packages. If, after preparing all qualifying 5-digit bundles required in 667.632b(1), there are at least 50 pieces or 10 pounds of 5-digit packages remaining for the same unique 3-digit ZIP Code area, they must be placed in a bundle labeled in accordance with 667.42(2) and 667.634, to qualify for the 5-digit level rate. Each 5-digit package within such a bundle must contain a minimum of 10 pieces, but the total number of pieces to each 5-digit area must be less than 50 pieces or 10 pounds. If preparation of such groups of 5-digit packages for the same unique three-digit ZIP Code area in a single bundle would require a bundle in excess of the 25 pound maximum weight limit, two or more bundles labeled in accordance with 667.42(2) and 667.634 must be prepared, and placed next to each other on the same pallet, to qualify for the 5-digit level rate.

c. Carrier Route Level Rate. When there are two or more qualifying packages for the same carrier route, the packages must be placed in a bundle labeled to that route in accordance with 667.321 and 667.634. Bundles containing lesser quantities of qualifying packages for the same carrier route may be prepared. If the combined weight of packages for a single carrier route is more than 25 pounds, the mailer must make two or more bundles to that destination. All qualifying carrier route packages that are not placed in carrier route bundles must be placed in carrier routes bundles labeled to a 5-digit ZIP Code destination in accordance with 667.322 and 667.634. Five-digit packages of residual pieces (see 667.312) must be prepared in separate 5-digit bundles labeled in accordance with 667.132a and 667.634.

.633 Exceptions to Bundling. Packages are not required to be bundled if they are placed on a 5-digit pallet in accordance with 667.642a.

.634 Labeling. Bundles must be labeled with a facing slip which contains the information required for sack labels in 667.132a–d if mailed at the basic level rates, 667.32 if mailed at the carrier route level rates, or 667.42 if mailed at 5-digit level rates. Two zeroes must be added to the end of all 3-digit ZIP Code prefixes that may appear on the top line of bundle labels for bundles placed on BMC pallets to assist processing on BMC parcel sorters. The bundle labels must completely cover the address and package label on the top piece in the bundle to prevent confusion concerning the contents of the bundle.

.635 Physical Characteristics.

a. Bundles on other than BMC pallets. Bundles must be securely bound to withstand handling without breakage or damage and to prevent injury to postal personnel. The use of heavy gauge shrink wrap over banding is the recommended method of securing bundles. However, use of only banding material, or only shrink wrap is acceptable. Banding material, if used, must be applied at least once around the length and once around the girth of each bundle. The use of metal strapping and wire to secure bundles is prohibited.

b. Bundles on BMC pallets. Bundles which are placed on BMC pallets must be machinable on BMC parcel sorters and must be prepared using shrink wrap. Since shrink wrap alone may not result in a machinable bundle, it is recommended that each bundle be both banded around the length and girth and shrink wrapped. The mailer must satisfy the Postal Service that the bundles are machinable. This will be verified by having the mailing post office test process 10 or more bundles of each representative bundle size expected in the mailings on two or more passes through the BMC. The potential of the bundles to cause damage to other mail must also be tested while being processed on the BMC primary and secondary parcel sorters.

.64 Pallet Preparation.

.641 Weight and Volume. The minimum mail load of a pallet is 650 pounds. The maximum gross weight of a pallet (the pallet and the mail) is 2,000 pounds. Exception: Up to 10 percent of the pallets in a mailing may contain less than 650 pounds of mail, if the mailer provides the pallets for those pallets containing less than 650 pounds.

.642 Sortation. Bundles must be placed on pallets as described below, beginning with pallets for the finest sortation level (5-digit) through the largest authorized level (Destination BMC).

a. 5-Digit Pallets. (1) 5-Digit Level and Basic Level Rate Mailings.

Whenever there are 650 pounds or more of firm or 5-digit bundles (or packages as provided in 667.633) for the same 5-digit ZIP Code area they must be placed on a pallet labeled to that 5-digit destination. Pallet labels must be prepared and affixed to the pallet in accordance with 667.643. The labels must contain the information required for 5-digit sack labels in 667.132a in the format required by that section.

(2) Carrier Route Presort Level Rate Mailings. Whenever there are 650 pounds or more of carrier route, carrier routes, or 5-digit (residual) bundles for the same 5-digit ZIP Code area (or carrier route and residual 5-digit packages as provided in 667.633) they must be placed on a pallet labeled to that 5-digit destination. A physical barrier sheet must be used to separate 5-digit bundles of residual pieces from carrier route and carrier routes bundles (or to separate 5-digit residual packages from carrier route packages as provided in 667.633). Pallet labels must be prepared and affixed to the pallet in accordance with 667.643. The labels must contain the information required for carrier routes sacks in DMM 667.322, in the format required by that section.

b. Optional Multi-Coded City Pallets. After making up all required 5-digit pallets mailers may, at their option, place any bundles remaining that are destined for the same optional multi-coded city included in 467.114 on a pallet labeled to that city, provided the minimum and maximum weight requirements in 667.641 are met. The pallet labels must be prepared and affixed to the pallet in accordance with 667.643. The labels must contain the information required for optional multi-coded city sack labels in 667.132b, in the format required by that section.

c. 3-Digit Pallets. If, after preparing all required 5-digit pallets (and optional multi-coded city pallets if the mailer chooses to prepare them) there are 650 pounds or more of bundles remaining that are destined for the same 3-digit ZIP Code prefix area, they must be placed on a pallet labeled to that 3-digit destination. The pallet labels must be prepared and affixed to the pallet in accordance with 667.643. The labels must contain the information required for 3-digit sacks in 667.132c, in the format required by that section.

d. SCF Pallets. If, after preparing all required 5-digit pallets, optional multi-coded city pallets, and required 3-digit pallets, there are 650 pounds or more of bundles remaining that are destined for ZIP Codes served by the same Sectional Center Facility, they must be placed on a pallet labeled to that Sectional Center Facility. The pallet labels must be prepared and affixed to the pallet in accordance with 667.643. The labels must contain the information required for SCF sacks in 667.132d, in the format required by that section.

e. BMC Pallets. If, after preparing all required 5-digit pallets, optional multi-coded city pallets, required 3-digit pallets and required SCF pallets, there are 650 pounds or more of bundles remaining that are destined for ZIP Codes served by the same BMC, they must be placed on a pallet labeled to that destination BMC. Bundles placed on BMC pallets must be machinable (see 667.635b). The pallet labels must be prepared and affixed to the pallet in accordance with 667.643. The labels must contain the information required for destination BMC sacks in 667.222, in the format required by that section.

.643 Labeling. All pallets must be provided with two clearly visible labels. Labels must be at least 8 inches by 11 inches in size, with letters at least ½ of an inch in height. Labels must be placed on two adjacent sides of the pallet. See 667.642a–e, concerning the information which must appear on the labels.

.644 Physical Characteristics. Pallets must be constructed of high quality material, designed to handle loads equal to a gross weight of 2000 pounds with volumes up to 65 cubic feet. The dimensions must be 48 inches by 40 inches. The pallets must be designed for four way entry by fork trucks and two way entry for pallet jacks. Pallet mailings must be flush wrapped with shrinkable or stretchable plastic and prepared to retain integrity throughout transportation and handling. Top caps are required on pallets with gross weights of less than 1000 pounds.

.65 Presentation of Mailings.

a. Pieces to be mailed at the carrier route presort level rate must not be included in a mailing with pieces at the 5-digit level rate (see 672.3). The requirements in 622.11b concerning the number of residual pieces allowed in a carrier route mailing and the rate at which they are paid must also be met.

b. Sacks may be presented along with palletized bundles as part of the same mailing (i.e., on the same mailing statement), if the sacks are physically segregated from the bundled and palletized portion of the mailing.

667.7 Palletizing Sacks and Machinable Parcels.

.71 Regional Authorization. The Regional Postmaster General for the post office of mailing may authorize the preparation of third-class sacks or machinable parcels on pallets, if such preparation is beneficial to the Postal Service. Applications for palletizing sacks or machinable parcels must be made and processed as prescribed in 667.51, except that mailers must indicate the approximate quantity of pieces and quantity of sacks or machinable parcels to be entered at each post office, rather than the number of copies and bundles.

.72 Palletizing Requirements.

.721 Standard Preparation Requirements. All palletized bulk third-class mailings other than machinable parcels, as defined in 128, and mailings prepared in accordance with 667.6, must be prepared in accordance with the following standard preparation requirements.

a. Packages and Sacks. Mailers must presort pieces and prepare packages and sacks as required in 667.1, 667.3, or 667.4. The Regional Postmaster General may waive sacking requirements for 5-digit pallets when mailers effectively demonstrate they will prepare pallets to remain intact to their destinations.

b. Pallets. Pallets must be made up to the required destinations in 667.13,

667.322, or 667.42 when the mail load to a destination is either 650 pounds or three feet high. Pallets may also be prepared for the optional destinations described in 667.1. The maximum gross weight of a pallet (the pallet and the mail) is 2,000 pounds.

c. Labels. Pallets must be labeled in the format required by 667.13, 667.322 or 667.42. The labels must be at least eight inches by eleven inches in size with characters at least one-half of an inch high. All pallets must be provided with two clearly visible labels placed on two adjacent sides of the pallet.

d. Physical Characteristics of Pallets. Pallets must be constructed of high quality material, designed to handle loads equal to a gross weight of 2000 pounds with volumes up to 65 cubic feet. The dimensions must be 48 inches by 40 inches. The pallets must be designed for four way entry by fork trucks and two way entry for pallet jacks. Sacks must be evenly loaded on pallets. The pallets must be prepared with top caps and be flush wrapped with shrinkable or stretchable plastic to retain integrity throughout transportation and handling.

.722 Machinable Parcel Preparation Requirements.

Pallets must be made up to the required destinations described in 667.2 when the mail load to a destination is either 650 pounds or three feet high. The maximum gross weight of a pallet (the pallet and the mail) is 2,000 pounds. Pallets must be labeled in the format required by 667.2. These labels must be at least eight inches by eleven inches in size with characters at least one-half of an inch high. All pallets must be provided with two clearly visible labels placed on two adjacent sides of the pallet. Pallets must be constructed of high quality material, designed to handle loads equal to a gross weight of 2000 pounds with volumes up to 65 cubic feet. The dimensions must be 48 inches by 40 inches. The pallets must be designed for four way entry by fork trucks and two way entry for pallet jacks. Pallet mailings must be flush wrapped with shrinkable or stretchable plastic and prepared to retain integrity throughout transportation and handling. Top caps are required on pallets with gross weights of less than 1000 pounds.

Part 767—Preparation of Bound Printed Matter

Amend section 767.41 to read as follows:

767.4 Bundling Instead of Sacking.

.41 Regional Authorization.

.411 The Regional Postmaster General for the post office of mailing may authorize the preparation of bound printed matter in bundles outside of mail sacks if such preparation is beneficial to the Postal Service. The mailer must submit an application to prepare mail in bundles instead of sacks to the Regional Postmaster General of the region where the mailer is located. The following information must be furnished with the application:

a. Name and frequency of mailing;

b. Identity of post offices to which shipments will be made; and

c. Approximate quantity of pieces and number of bundles to each office.

.412 The Regional Postmaster General to whom the application is submitted will coordinate the request with any other region in which mailings will be entered. Each Regional Postmaster General involved will forward copies of the application to all affected entry post offices within that region, requesting a detailed explanation of the projected transportation and processing arrangements. The application and supporting material from the entry post offices will be reviewed by the General Manager, Logistics Division, the General Manager, Accounting and Revenue Protection Division, and by others concerned in all regions in which mailings will be entered. The review will determine whether intermediate or destination offices are capable of receiving and processing the bundles without increasing the overall processing costs. The Regional Postmaster General to whom the application was originally submitted will issue to the mailer the authorization or denial of the request to bundle instead of sack for all post offices of entry. Copies of the authorization will be forwarded to all affected entry post offices and Regional Postmasters General by the authorizing Regional Postmaster General.

* * * * *

Revise 767.521c and add 767.521 d and e to read as follows:

767.521 Standard Preparation Requirements.

* * * * *

c. Pallets. Pallets must be made up to the mandatory destinations in 767.2 when the mail load to a destination is either 650 pounds or three feet high. Pallets may also be prepared for the optional destinations in 767.2. Pallets must not contain mail addressed to more than one zone. The maximum gross weight of a pallet (the pallet and the mail) is 2,000 pounds.

d. Labels. Pallets must be labeled in the format required by 767.2. These labels must be at least eight inches by eleven inches in size with characters at least one-half of an inch high. All pallets must be provided with two clearly visible labels placed on two adjacent sides of the pallet.

e. Physical Characteristics. Pallets must be constructed of high quality material, designed to handle loads equal to a gross weight of 2,000 pounds with volumes up to 65 cubic feet. The dimensions must be 48 inches by 40 inches. The pallets must be designed for four way entry by fork trucks and two way entry for pallet jacks. Pallet mailings must be flush wrapped with shrinkable or stretchable plastic and prepared to retain integrity throughout transportation and handling. Top caps are required on pallets with gross weights of less than 1,000 pounds.

Revise 767.522 to read as follows:

.522 Machinable Parcel Preparation Requirements. Pallets must be made up to the required destinations in 767.3 when the mail load to a destination is either 650 pounds or three feet high. Pallets must not contain mail addressed to more than one zone. The maximum gross weight of a pallet (the pallet and the mail) is 2,000 pounds. Pallets must be labeled in the format required by 767.3. These labels must be at least eight inches by eleven inches in size with characters at least one-half of an inch high. All pallets must be provided with two clearly visible labels placed on two adjacent sides of the pallet. Pallets must be constructed of high quality material, designed to handle loads equal to a gross weight of 2,000 pounds with volumes up to 65 cubic feet. The dimensions must be 48 inches by 40 inches. The pallets must be designed for four way entry by fork trucks and two way entry for pallet jacks. Pallet mailings must be flush wrapped with shrinkable or stretchable plastic and prepared to retain integrity throughout transportation and handling. Top caps are required on pallets with gross weights of less than 1,000 pounds.

An appropriate amendment to 39 CFR 111.3 to reflect these changes will be published if the proposal is adopted.

(39 U.S.C. 402(2), 404(a)(2))

W. Allen Sanders,

Associate General Counsel, Office of General Law and Administration.

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control

42 CFR Parts 85 and 85a

Use of Personal Sampling Devices During NIOSH Investigations

Correction

In FR Doc. 83-6354 beginning on page 10377 in the issue of Friday, March 11, 1983, make the following correction.

On page 10378, first column, the first line reading "Approved: February 18, 1983." should have appeared below the line reading "*Assistant Secretary for Health.*".

BILLING CODE 1505-01-M

DEPARTMENT OF THE INTERIOR

Office of the Secretary

43 CFR Part 9

Intergovernmental Review of Department of the Interior Programs and Activities

AGENCY: Office of the Secretary, Interior.

ACTION: Extension of comment period on NPRM for Executive Order 12372.

SUMMARY: In the Notice of Proposed Rulemaking published January 24, 1983, (48 FR 3125) the Department proposed to continue its existing consultation processes and indicated that a list of programs with existing consultation processes would be available. It was, and is, the Department's intent to consider comments about those programs and the existing consultation processes. A number of parties have requested the list of such programs, indicating their intent to comment on them. For several reasons, the final list was not ready for distribution until the end of February. The Department has now distributed the list of all states and territories on the Office of Management and Budget's list of governors' contacts for implementation of Executive Order 12372. See Attachments A and B. Therefore, in order to permit meaningful comment on the list, the Department is extending the comment period for program coverage effective with this notice and closing April 1, 1983.

DATE: Comments on the proposed program coverage and the existing consultation processes must be received in writing on or before April 1, 1983.

ADDRESS: Department of the Interior, Office of Acquisition and Property Management, Division of Acquisition and Grants, 18th and C Streets, NW., Room 5526, Washington, D.C. 20240; (202) 343-6431.

FOR FURTHER INFORMATION CONTACT: Colonel C. Armstrong (202) 343-6431.

Dated: March 18, 1983.

Richard R. Hite,

Deputy Assistant Secretary of the Interior.

Attachment A.—Interior Programs (State Process)

Programs Under Which States May Opt To Use E.O. 12372 Process

Bureau: *National Park Service*

Program and Authority

1. Historic Preservation—Grants-in-Aid—16 U.S.C. 470
2. Outdoor Recreation Acquisition, Development and Planning (Land and Water Conservation Fund)—16 U.S.C. 4601-4-11
3. Urban Park and Recreation Recovery Program—16 U.S.C. 2501-2514

Bureau: *Office of Surface Mining*

Program and Authority

1. Regulation of Surface Coal Mining and Surface Effects of Underground Coal Mining—Pub. L. 95-87
2. Abandoned Mine Land Reclamation Program—Pub. L. 95-87

Bureau: *Fish and Wildlife Service*

Program and Authority

1. Anadromous Fish Conservation—16 U.S.C. 757a-757g
2. Fish Restoration—16 U.S.C. 777-777k
3. Wildlife Restoration—16 U.S.C. 669-669i
4. Endangered Species Conservation—16 U.S.C. 1531 *et seq.*
5. Marine Mammal Grants—16 U.S.C. 1361 *et seq.*
6. Fish and Wildlife Conservation Act—16 U.S.C. 2901 *et seq.*

Bureau: *Bureau of Reclamation*

Program and Authority

1. Atmospheric Water Resources Management Program Research
2. Irrigation Distribution System Loans—43 U.S.C. 421b,c
3. Irrigation Systems Rehabilitation and Betterment—43 U.S.C. 504
4. Small Reclamation Projects—43 U.S.C. 422a-k

Attachment B.—Interior Programs With Existing Consultation Processes

Bureau: *National Park Service*

Program and Authority

1. Wilderness System—16 U.S.C. 1132
2. Local Zoning By-Laws—16 U.S.C. 459b-4, 16 U.S.C. 460s-11
3. Land Resources Division Acquisition of Lands for Airports—16 U.S.C. 7b
4. Alaska Land Use Council—16 U.S.C. 3181
5. Air Quality Plans—42 U.S.C. 7421, 40 CFR 51.240-.252
6. Historic Preservation Certification Process—16 U.S.C. 470a1(a), 36 CFR Part 67
7. Dispoal of Surplus Wildlife—40 U.S.C. 471, 36 CFR Part 10
8. Disposal of Federal Surplus Property—40 U.S.C. 484(k)(2)(C)
9. National Wild & Scenic & Recreational Rivers System—16 U.S.C. 1271
10. Comprehensive Conservation Plan—16 U.S.C. 1301
11. National Trails System—16 U.S.C. 1241
12. Construction Projects—*no cite*
13. Cooperative Management Program—16 U.S.C. 670c

Bureau: *Fish and Wildlife Service*

Program and Authority

1. Conveyance of Bird Refuge Lands—16 U.S.C. 715f
2. Preservation, Use, Management of Fish & Wildlife Resources—43 CFR 24.3
3. Taking & Using Eagles for Scientific, Exhibition & Religious Purposes—16 U.S.C. 668a
4. Subsistence Resources (Alaska Only)—16 U.S.C. 3115
5. Hunting and Fishing—Natl. Wildlife Refuges & Seashores—16 U.S.C. 459, *et seq.*
6. Migratory Bird Conservation Fund—16 U.S.C. 715k-5
7. Conservation Law Enforcement—16 U.S.C. 661-666c
8. Farm Fish Pond Management—16 U.S.C. 661 *et seq.* 742a-742j
9. Environmental Contaminant Evaluation—16 U.S.C. 661 *et seq.* 742a *et seq.*
10. Sport Fish Technical Assistance—16 U.S.C. 661 *et seq.* 742a-747j
11. Wildlife Technical Assistance—16 U.S.C. 661 *et seq.*
12. Federal Wildlife and Plant Permits—16 U.S.C. 1531 *et seq.*, 703 *et seq.*, 668 *et seq.*, 371 *et seq.*; 50 CFR Parts 10, 13-18, 21-23
13. Fish and Wildlife Resources—16 U.S.C. 661 *et seq.*, 668 dd, and 50 CFR Parts 25-36, 70
14. Established Research—16 U.S.C. 661-661c, 742a-742j, 757a-757f, 778-778c, 931-939c
15. Research at Cooperative Units—16 U.S.C. 753a-b
16. Research and Development Program requiring State Permits—16 U.S.C. 778-778c, 742a-742e, 661-666c, 931-939c, 757a-757f

Bureau: *Bureau of Mines*

Program and Authority

1. State Mining & Mineral Resources & Research Institutes—Pub. L. 95–87

Bureau: *Bureau of Reclamation*

Program and Authority

1. Research and Development Planning Reports—43 U.S.C. 1593
2. Modification of Contracts Water Projects—43 U.S.C. 1598
3. Planning Programs—Water & Related Land—33 U.S.C. 701–1

Bureau: *Office of Water Policy*

Program and Authority

1. Water Resources Research & Development—42 U.S.C. 7811–19
2. Water Resources Scientific Information Center—42 U.S.C. 7851

Bureau: *Minerals Management Service*

Program and Authority

1. Outer Continental Shelf Oil & Gas Leasing—30 CFR Part 250, 43 CFR Part 3300

Bureau: *United States Geological Survey*

Program and Authority

1. Geologic & Mineral Resource Surveys & Mapping—43 U.S.C. 31, 48, 49
2. National Mapping, Geography & Surveys—43 U.S.C. 31, 48, 49 & 50
3. Water Resources Investigations—43 U.S.C. 31, 48, 49 & 50

Bureau: *Bureau of Land Management*

Program and Authority

1. Sale of Forest Products—43 CFR Part 5400
2. Alaska Resource Management Decisions—Pub. L. 96–487
3. Land Withdrawals—Pub. L. 94–579, 43 CFR Part 2300
4. Land Exchanges—Pub. L. 94–579, 43 CFR Part 2200
5. Petition—Application Decisions—Pub. L. 94–579, 43 CFR Part 2200
6. Sales of Public Lands—Pub. L. 94–579, 43 CFR Part 2710
7. Conveyance of Omitted/Unsurveyed Lands—Pub. L. 94–579, 43 CFR Part 2547, 43 CFR Part 2742
8. Rights-of-Way and Temporary Use Permits—43 CFR Part 2800
9. Oil and Gas Pipeline Rights-of-Way—43 CFR Part 2800
10. Resource Management Plans—Pub. L. 94–579, 43 CFR Part 1601
11. Wilderness Studies—Pub. L. 88–577, FR 2–3–82, p. 5119
12. Forest Fire Protection (Oregon)—50 Stat. 875
13. Wild Horse & Burro Management—Pub. L. 92–195, 43 CFR Part 4720
14. Conservation of Wildlife in Grazing Districts—62 Stat. 533
15. Establishment of Forest Master Units—O & C Lands (Oregon)—43 CFR Part 5042
16. Public Easements (Alaska)—Pub. L. 96–487, 43 CFR Part 2650
17. Federal Coal Leasing & Management—43 CFR Part 3420
18. Onshore Oil & Gas Lease Facilities—30 CFR Part 250
19. Grazing Privileges—43 U.S.C. 315a, 43 CFR Part 4000
20. Mineral Leasing—30 U.S.C. 81, 351 *et seq;* 1001, 43 CFR Parts 1840; 3000–3500; 23
21. Non-Sale Disposals of Mineral Material—30 U.S.C. 601–604; 611, 43 CFR Part 21; Part 4
22. Sale of Mineral Material—30 U.S.C. 601–4; 611, 43 CFR Parts 23; 1840; 3600
23. Wildlife Habitat Management (Sikes Act)—16 U.S.C. 79 *et seq.*, 43 U.S.C. 1737; 1738
24. Law Enforcement—Pub. L. 94–579
25. Alaska State and Native Land Conveyances—Alaska Statehood Act, Alaska Native Claims Settlement Act.
26. Timber Sales—30 U.S.C. 601–604, 43 U.S.C. 118
27. Wilderness—16 U.S.C. 1132(d)(1)(c)
28. Grazing Leases and Permits—43 U.S.C. 315; 1181
29. Onshore Oil and Gas Leasing

[FR Doc. 83-7496 Filed 3-23-83; 8:45 am]
BILLING CODE 4310-10-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 83–117; RM–4086; FCC 83–80]

Amendment of Part 73 of the Commission's Rules and Regulations To Permit Stations in the Television Broadcast Service To Operate With an Aural Power of Less Than 10 Percent of the Visual Power

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission has proposed to delete the minimum aural power limit for stations in the TV broadcast service. This rule change is necessary so that station licensees can select the sound transmitter operating power best suited to their needs. The rule, if amended, would permit licensees greater flexibility in selecting transmitting equipment and reduce operating costs.

DATES: Comments must be filed on or before May 9, 1983, and reply comments on or before June 8, 1983.

ADDRESS: Address comments to Secretary, Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: John W. Reiser, Mass Media Bureau (202) 632–9660

List of Subjects in 47 CFR Part 73

Television broadcast stations.

Proposed Rule Making

In the Matter of an amendment of Part 73 of the Commission's Rules and Regulations to permit stations in the television broadcast service to operate with an aural power of less than 10% of the visual power; MM Docket No. 83–117, RM–4086.

Adopted: February 17, 1983.

Released: March 9, 1983.

By the Commission.

Introduction

1. The Commission has before it a petition for rule making (RM–4086) filed by Durhan Life Broadcasting, Inc. ("Durham"), licensee of UHF–TV Station WPTF–TV, Durham, North Carolina. The petition requests the amendment of § 73.682(a)(15) of the Rules to permit television stations to operate at less than ten percent aural power relative to a station's peak visual power. The present rules require that the effective radiated power of the aural transmitter be not less than 10% nor more than 20% of the peak radiated power of the visual transmitter.[1]

2. According to petitioner, the primary reason in requesting the lower power is the "skyrocketing" costs of electrical energy. Taking into account its recent utility rate increase, petitioner states that operating with an aural power of 5% of visual instead of 10% would save the station $13,500 per year, or almost $300,000 over the twenty year expected life of a transmitter. It contends that this is a sizeable savings for a UHF station competing in a VHF market. In addition to the savings on utility bills, operating at a lower aural power would increase the life expectancy of equipment and thereby save additional money.[2] Finally, petitioner states that reducing the aural transmitter power will make it possible to use tetrodes in the aural amplifier. Currently, a Klyston tube with an efficiency of approximately twelve percent usually is used. However, petitioner asserts that tetrodes provide an efficiency of over twenty percent.

3. In further support of the proposal, petitioner states that it has been

[1] When transmitted at the same power, the usable service range of the aural signal (FM) extends well beyond the usable service range of the visual signal (AM), hence the limits on the aural power.

[2] Operating at 5% of visual power, petitioner projects a savings of six years in tube life and $24,000 in tube replacement costs. These estimates are based on the use of a Klyston tube over the twenty year life of a transmitter.

conducting tests using an aural power of 5% of visual under an experimental authorization granted by the Commission. According to petitioner, there has been no negative viewer reaction when operating at the reduced power level nor has there been any incompatibility problem detected with receivers, old or new. Further, it notes that a check of the local cable companies and television service shops in the area revealed no negative responses with regard to operating at the lower aural power.

Discussion

4. The current rule requiring the minimum aural power for UHF–TV stations to be 10% of visual was adopted in 1963 in docket proceeding 14229, *Second Report and Order* (28 FR 3394).[3] Information concerning a further reduction of the minimum aural power limit was sought in 1978 in the *Notice of Inquiry* in docket proceeding 78–392 (44 FR 3663). The main thrust of that proceeding, however, concerned TV receiver characteristics and, in particular, a High Performance Television Receiver constructed under contract for the Commission by Texas Instruments, Incorporated. Consequently, comments did not focus on the issue of reduced aural power. In fact, the only comments received were filed by the Electronic Industries Association ("EIA"). It expressed the same concerns it had in the docket 14229 proceeding, essentially that reduced power would not be compatible with current receiver design.

5. The UHF–TV Comparability Task Force ("task force") also addressed this issue. In its final report, the task force suggested reducing aural transmitter power as a possibility for improving the energy efficiency of UHF–TV stations.[4] In doing so, it noted EIA's concerns expressed in docket proceeding 78–392. However, it dismissed them as not being accepted universally. The task force believed that the use of a lower aural power was an open question and that experimentation would provide the evidence needed to determine its feasibility.

6. In evaluating the Durham petition, we find that the Commission is in a similar position to the one existing in 1963 when we considered lowering the UHF–TV aural power ratio from 50% to 10%. Those opposing the reduction (receiver manufacturers) again contend that a lower aural power will affect adversely the performance of their product, while those supporting it (TV broadcasters) similarly see it as a means of saving money. The limited testing conducted by petitioner appears to indicate that stations can operate at a lower aural power ratio with no adverse effects. In addition, the independent study of the UHF task force supports an aural power reduction to a certain extent.

7. After considering the needs of their viewers, we believe that licensees of both commercial and non-commercial educational TV stations should be responsible for deciding on the appropriate aural power level rather than having the rules specify a lower limit based strictly on receiver performance. In the past, licensees have had the discretion to make such a determination within the limits set by the rules. Now, we believe they should have wider latitude in choosing their aural power. Thus, we are proposing to eliminate the minimum limit. Under this proposal licensees would be able to operate at any aural power up to 20% of the peak radiated power of the visual transmitter.[5] We believe licensees will choose an aural power so as to match their visual coverage. To do otherwise and broadcast at a lower level would not be in their best interests.

8. Under our proposal, we would not license a specific aural power because licensees may need to experiment with different power levels to determine the optimum one for their individual situations. Other circumstances also could exist during regular operation that might dictate the need to change aural power. In any case, we propose to eliminate any requirement to specify the aural power figure on applications for construction permits and station licenses. This requirement appears to be unnecessary whether the minimum aural power limit rule is deleted or retained.

9. We also are proposing at this time to modify the language in §§ 73.663 and 73.1560 of the rules. The new language corresponds with our proposal to delete the minimum aural power limit.

10. As noted previously, the issue of reducing the minimum aural power limit was brought up in docket proceeding 78–392. However, that proceeding is primarily concerned with technical improvements to television receivers, a controversial matter that is not likely to be finalized in the very near future. In addition, we would anticipate that any further comments in that proceeding would again concentrate on the main issue, receiver characteristics. Consequently, we believe the minimum aural power question should be deleted from docket proceeding 78–392 and addressed individually in a separate proceeding because it appears that lowering the limit could provide some immediate benefit.

11. Comments are requested on all aspects of the proposal to delete the minimum aural transmitter power relative to the visual power of TV stations, particularly with respect to the potential increased susceptibility of TV receivers and cable television receiving equipment to interference problems. Although we recognize that many cable systems actually further attenuate the aural signal by several decibels to avoid system interchannel interference, adequate signal levels are required at the off air receiving site for quality service. We seek information on the actual potential interference susceptibility and service deterioration in both home TV and cable receiving equipment should TV stations operate at lower relative power of sound carriers, the on procedures the Commission could or should take when faced with viewer complaints of unsatisfactory service.

12. Regulatory Flexibility Act Initial Analysis.

I. Reasons for actions

Reducing the minimum aural transmitter power limit would allow UHF–TV station to improve their energy efficiency and thereby lower operating costs.

II. The objective

The objective is to lessen the regulatory burden on television stations and allow, to a greater extent, the broadcast marketplace to regulate licensee conduct.

III. Legal basis

Action is proposed in accordance with Section 303 of the Communications Act of 1934, as amended.

IV. Description, potential impact and number of small entities affected

The proposed rule change would have its direct effect on approximately 1100 television broadcast stations licensed by the Commission, with UHF–TV stations benefitting the most.

V. Recording, record keeping and other compliance requirements

The proposal would eliminate the requirement that applicants for TV

[3] The 10% minimum was adopted for VHF stations one year later, Docket 15208, *Report and Order* (29 FR 484 (1964)).

[4] *Comparability for UHF Television: Final Report*, FCC Office of Plans and Policy, September, 1980.

[5] We have not proposed changing the maximum aural transmitter power limit since that is one of the issues raised in the *Further Notice of Proposed Rule Making* in Docket No. 21323 ( ). This proceeding involves consideration of the means of providing stereophonic and other services on the aural carrier of a TV broadcast station.

construction permits and licenses specify an aural power figure.

VI. Federal rules which overlap, duplicate or conflict with this rule

None.

VII. Any significant alternative minimizing impact on small entities and consistent with stated objectives

The Commission's alternative is to maintain the status quo. This alternative would not accomplish the beneficial objective sought in this rule making.

13. The Secretary shall cause a copy of this *Notice of Proposed Rule Making* including the initial Regulatory Flexibility Analysis, to be sent to the Chief Counsel for Advocacy of the Small Business Administration in accordance with section 603(a) of the Regulatory Flexibility Act (Pub. L. No. 96-354, 94 Stat. 1164, 50 U.S.C. *et seq.).*

14. For purposes of this non-restricted notice and comment rule making proceeding, members of the public are advised that *ex parte* contacts are permitted from the time the Commission adopts a Notice of Proposed Rule Making until the time a public notice is issued stating that a substantive disposition of the matter is to be considered at a forthcoming meeting or until a final order disposing of the matter is adopted by the Commission, whichever is earlier. In general, an *ex parte* presentation is any written or oral communication (other than formal written comments/pleadings and formal oral arguments) between a person outside the Commission and a Commissioner or a member of the Commission's staff which addresses the merits of the proceeding. Any person who submits a written *ex parte* presentation must serve a copy of that presentation on the Commission's Secretary for inclusion in the public file. Any person who makes an oral *ex parte* presentation addressing matters not fully covered in any previously-filed written comments for the proceeding must prepare a written summary of that presentation; and 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 official receiving the oral presentation. Each *ex parte* presentation decribed 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.

15. This action is taken pursuant to authority found in Sections 4(i), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended.

16. Pursuant to applicable procedures set forth in § 1.415 of the Commission's Rules, interested parties may file comments on or before May 9, 1983, and reply comments on or before June 8, 1983. All relevant and timely comments will be considered by the Commission before further action is taken in this proceeding.

17. In accordance with provisions of § 1.419 of the Commission's Rules and Regulations, an original and five copies of all comments, replies, or other documents filed in this proceeding shall be furnished to the Commission. Participants filing the required copies who also wish each Commissioner to have a personal copy of the comment may file an additional six copies. Members of the general public who wish to express their interest by participating informally in this proceeding may do so by submitting one copy of their comments, without regard to form, provided that the docket number is specified. Such informal participants who wish members of the staff to have a personal copy and to have an extra copy available for the Commissioners may file an additional five copies. In reaching its decision, the Commission may take into consideration information and ideas not contained in comments, provided that such information or a statement 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. Responses will be available for public inspection during regular business hours in the Commission's Public Reference Room (Room 239) at its headquarters in Washington, D.C. (1919 M Street, NW.).

18. For further information concerning this proceeding contact John Reiser, Mass Media Bureau, (202) 632-9660.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

William J. Tricarico,

Secretary.

Appendix

PART 73—[AMENDED]

It is proposed to amend Part 73 of the Commission's Rules and Regulations as follows:

1. In § 73.682 paragraph (a)(15) would be revised to read as follows:

§ 73.682 Transmission standards.

* * * * *

(a) * * *

(15) The effective radiated power of the aural transmission shall not exceed 20 percent of the peak radiated power of the visual transmitter.

* * * * *

2. In § 73.663, paragraph (c)(3) would be revised to read as follows:

§ 73.663 Determining operating power.

* * * * *

(c) * * *

(3) The meter must be calibrated at intervals not exceeding six months so that an indication of 100% aural operating power on the power meter scale represents 20% of the authorized peak visual transmitter output power. If the aural transmitter is not capable of operating at this power level, the calibration must be made at the highest aural transmitter output power attainable with the meter indication adjusted to show the relative percentage of output power referenced to 100% as the maximum permissible aural power (20% of peak visual power). However, where this is done, the output meter must be marked at the point of calibration of maximum power output, and the station will be deemed to be in violation of the maximum permissible operating power if this power level is exceeded. This marking must be checked and changed, if necesssary, each time the meter is calibrated.

* * * * *

3. In § 73.1560, paragraph (c) would be revised to read as follows:

§ 73.1560 Operating power tolerance.

* * * * *

(c) *TV stations.* Except as provided in paragraph (d), the visual output power of a TV transmitter, as determined by the procedures specified in §73.663, must be maintained as near as is practicable to the authorized transmitter output power and may not be less than 80% nor more than 110% of the authorized power. The output power of the aural transmitter, as determined by the procedures specified in § 73.663 may not exceed 20% of the authorized visual transmitter peak output power at any time. The FCC may specify deviation from the power of tolerance requirements for subscription television operations to the extent it deems necessary to permit proper operation.

[FR Doc. 83-7127 Filed 3-23-83; 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

Note.—This document originally appeared in the **Federal Register** of Tuesday, March 22, 1983. It is reprinted in this issue to meet requirements for publication on the Monday/Thursday schedule assigned to the Department of Transportation.

AGENCY: Department of Transportation.

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.

DATES: 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 4810-25-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Reopening of Comment Period on Proposal To List Senecio Franciscanus as a Threatened Species and Determine Its Critical Habitat

Correction

In FR Doc. 83-6609 beginning on page 10896 in the issue of Tuesday, March 15, 1983, make the following correction:

On page 10896 in the third column in the **DATES** caption, fourth line, the comment due date is corrected to read "May 16, 1983."

BILLING CODE 1505-01-M

Notices

Federal Register
Vol. 48, No. 58
Thursday, March 24, 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

Malheur National Forest Grazing Advisory Board; Meeting

The Malheur National Forest Grazing Advisory Board will meet at 7:00 p.m. on April 27, at Alec Gay Hall, 172 SE Dayton Street, John Day, Oregon 97845.

The purpose of this meeting is to discuss allotment management plans and expenditure of Range Betterment funds.

The meeting will be open to the general public. Persons interested in presenting a subject at the meeting may file a request and brief before the meeting with: Forest Supervisor, Malheur National Forest, 139 NE Dayton Street, John Day, OR 97845.

Written statements may be filed with the board before or after the meeting.

Dated: March 16, 1983.

Kenneth L. Evans,

Forest Supervisor.

[FR Doc. 83-7635 Filed 3-23-83; 8:45 am]

BILLING CODE 3410-11-M

DEPARTMENT OF COMMERCE

Bureau of the Census

Census Advisory Committeee of the American Statistical Association; Public Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463 as amended by Pub. L. 94-409), notice is hereby given that the Census Advisory Committee of the American Statistical Association will convene on April 13 and 14, 1983. The Committee will meet in Room 2424, Federal Building 3, at the Bureau of the Census in Suitland, Maryland.

The Census Advisory Committee of the American Statistical Association was established in 1919. It advises the Director, Bureau of the Census, on the Bureau's programs as a whole and on their various parts, considers priority issues in the planning of censuses and surveys, examines guiding principles, advises on questions of policy and procedures, and responds to Bureau requests for opinions concerning its operations.

The Committee is composed of 15 members appointed by the President of the American Statistical Association. The agenda for the April 13 meeting, which will begin at 1 p.m. and adjourn at 5:15 p.m., is: (1) Introductory remarks by the Director of the Bureau of the Census, including (a) staff changes and Bureau organization, (b) major budget and program developments, and (c) other topics of current interests; (2) update on planning for the 1990 census; (3) improvement in the methodology of the Commodity Transportation Survey; and (4) research plans for the Survey of Income and Program Participation.

The agenda for the April 14 meeting, which will begin at 9 a.m. and adjourn at 4:45 p.m., is: (1) 1980 census research and evaluation program; (2) Committee meeting to develop recommendations; (3) report on the Census Bureau's international statistical programs; (4) Committee discussion of recommendations; (5) Committee and Census Bureau Staff discussion of (a) Bureau responses to previous Committee recommendations, (b) status of specific Bureau activities, and (c) Bureau activities described at earlier Committee meetings; and (6) recommendations, plans, and suggested agenda items for the next meeting.

The meeting will be open to the public, and an brief period will be set aside on April 14 for pubic comment and questions. Extensive questions or statements must be submitted in writing at least 3 days prior to the meeting.

Persons wishing additional information concerning this meeting or who wish to submit written statements may contact Dr. David W. Chapman, Bureau of the Census, Room 3540, Federal Building 3, Suitland, Maryland. (Mail address: Washington, D.C. 20233). Telephone (301) 763-1292.

Dated: March 18, 1983.

Bruce Chapman,

Director, Bureau of the Census.

[FR Doc. 83-7609 Filed 3-23-83; 8:45 am]

BILLING CODE 3510-07-M

Census Advisory Committee on Agriculture Statistics; Public Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463 as amended by Pub. L. 94-409), notice is hereby given that the Census Advisory Committee on Agriculture Statistics will convene on April 19, 1983, at 9:15 a.m. The Committee will meet in Room 2424, Federal Building 3, at the Bureau of the Census in Suitland, Maryland.

This Committee was established in 1962 to advise the Director, Bureau of the Census, concerning the kind of information that should be obtained from respondents associated with agricultural production; to prepare recommendations regarding the contents of agricultural reports; and to present the views and needs for data of major agricultural organizations and their members, and other suppliers of agricultural statistics.

The Committee is composed of 20 members appointed by the presidents of the nonprofit organizations having representatives on the Committee, and a representative from the U.S. Department of Agriculture.

The agenda for the meeting, which is scheduled to adjourn at 3:45 p.m. is: (1) Introductory remarks by the Director, Bureau of the Census; (2) current Census Bureau activities and legislative situation; (3) update on the 1982 Census of Agriculture; (4) 1982 Economic Censuses Program; (5) use of computer-assisted telephone interviewing (CATI) in the agriculture census; (6) 1978-1982 agriculture census comparability; (7) 1982 Agriculture Census Data User Program; (8) video of data processing in Jeffersonville, Indiana; and (9) Committee recommendations.

The meeting will be open to the public, and a brief period will be set aside for public comment and questions. Extensive questions or statements must be submitted in writing to the Committee Control Officer at least 3 days prior to the meeting.

Persons planning to attend and wishing additional information concerning this meeting or who wish to submit written statements may contact the Committee Control Officer, Mr. George Pierce, Agriculture Division, Bureau of the Census, Room 3009, Federal Building 4, Suitland, Maryland. (Mail address: Washington, D.C. 20233.) Telephone (301) 763-7731.

Dated: March 21, 1983.

Bruce Chapman,

Director, Bureau of the Census.

[FR Doc. 83-7673 Filed 3-23-83; 8:45 am]

BILLING CODE 3510-07-M

Number of Employees, Payrolls, Geographic Location, Current Status, and Kind of Business for the Establishments of Multiestablishment Companies; Consideration for Surveys

Notice is hereby given that the Bureau of the Census proposes to conduct a Company Organization Survey for 1983 under the provisions of Title 13, United States Code, Sections 182, 224, and 225. This survey, which has been conducted for many years, is designed to collect information on the number of employees, payrolls, geographic location, current status, and kind of business for the establishments of multiestablishment companies. The information will be used to make company and establishment changes to the data for multiestablishment companies in the Standard Statistical Establishment List. The data will have significant application to the needs of the public and to governmental agencies and are not publicly available from nongovernmental or governmental sources.

The survey, if conducted, shall begin not earlier than December 1, 1983.

Copies of the proposed forms are available on request to the Director, Bureau of the Census, Washington, D.C. 20233.

Any suggestions or recommendations concerning the subject of the proposed survey submitted to the Director in writing within 60 days after the date of this publication will receive consideration.

Dated: March 21, 1983.

Bruce Chapman,

Director, Bureau of the Census.

[FR Doc. 83-7674 Filed 3-23-83; 8:45 am]

BILLING CODE 3510-07-M

Foreign-Trade Zones Board

[Docket No. 19-82]

Proposed Foreign-Trade Zone Great Falls, Montana; Amendment to Application

Notice is hereby given that the application submitted to the Foreign-Trade Zones Board (the Board) in August 1982 by the Economic Growth Council of Great Falls for a general-purpose foreign-trade zone at the Great Falls International Airport (47 FR 35544, August 16, 1982), has been amended to include an additional 164 acres of open space at the airport. The change is designed to expand the project from its original public warehouse orientation to include space that can accommodate assembly and processing operations. The need for more space became evident at the September 16 public hearing.

Because of this amendment, the record is reopened for comments until April 25, 1983. The application, hearing transcript, and amendment material are available for public inspection at the following locations:

U.S. Customs Service District Office, 600 Central Avenue, P.O. Box 791, Great Falls, Montana 59403

Office of the Executive Secretary, Foreign-Trade Zones Board, U.S. Department of Commerce, 14th and Pennsylvania NW., Room 1872, Washington, D.C. 20230.

Dated: March 18, 1983.

John J. Da Ponte, Jr.,

Executive Secretary, Foreign-Trade Zones Board.

[FR Doc. 83-7470 Filed 3-23-83; 8:45 am]

BILLING CODE 3510-25-M

International Trade Administration

[A-433-064]

Railway Track Maintenance Equipment From Austria; Preliminary Results of Administrative Review of Antidumping Finding

AGENCY: International Trade Administration, Commerce.

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

SUMMARY: The Department of Commerce has conducted an administrative review of the antidumping finding on railway track maintenance equipment from Austria. The review covers the one known exporter of this merchandise to the United States, Plasser and Theurer, GmbH, and the period February 1, 1981 through January 31, 1982. There were no known shipments to the United States during the period and there are no known unliquidated entries.

As a result of the review, the Department has preliminarily determined to require no cash deposit of estimated antidumping duties on future entries, based on the margin calculated on the last known shipments. Interested parties are invited to comment on these preliminary results.

EFFECTIVE DATE: March 24, 1983.

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

SUPPLEMENTARY INFORMATION:

Background

On February 17, 1982, the Department of Commerce ("the Department") published in the **Federal Register** (47 FR 6912-13) the final results of its last administrative review of the antidumping finding on railway track maintenance equipment from Austria (43 FR 6937, February 17, 1978) and announced its intent to conduct the next administrative review by the end of February 1983. As required by section 751 of the Tariff Act of 1930 ("the Tariff Act"), the Department has now conducted that administrative review.

Scope of the Review

Imports covered by the review are shipments of ballast regulators and tamping machines, two specific types of railway track maintenance equipment. Any other types of machinery used in the maintenance of railway track are excluded from this finding. All railway track maintenance equipment is currently classifiable under item 690.2000 of the Tariff Schedules of the United States Annotated.

The Department knows of only one exporter of Austrian railway track maintenance equipment to the United States, Plasser and Theurer, GmbH. The review covers the period February 1, 1981 through January 31, 1982. There were no known shipments to the United States during the period and there are no known unliquidated entries.

Preliminary Results of the Review

As a result of our review, we preliminarily determine that, as provided for in §353.48(b) of the Commerce Regulations, a cash deposit of estimated antidumping duties, of zero percent based on the margin calculated on the last known shipments of this merchandise, shall be required on all shipments of Austrian railway track maintenance equipment entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this administrative review. This deposit requirement shall remain in effect until publication of the final results of the next administrative review.

Interested parties may submit written comments on these preliminary results within 30 days of the date of publication of this notice and may request

disclosure and/or a hearing within 10 days of the date of publication. Any hearing, if requested, will be held 45 days after the date of publication or the first workday thereafter. The Department will publish the final results of the administrative review including the results of its analysis of any such comments or hearing.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and §353.53 of the Commerce Regulations (19 CFR 353.53).

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

March 15, 1983.

[FR Doc. 83-7544 Filed 3-23-83; 8:45 am]

BILLING CODE 3510-25-M

National Oceanic and Atomspheric Administration

Emergency Meetings of the Pacific Fishery Management Council and its Salmon Plan Development Team; Public Meetings

AGENCY: National Oceanic and Atmospheric Administration, Commerce.

SUMMARY: The Pacific Fishery Management Council was established by section 302 of the Magnuson Fishery Conservation and Management Act (Pub. L. 94-265, as amended), and the Council has also established a Salmon Plan Development Team to assist the Council in carrying out its responsibilities.

After its March 15-17, 1983, public meeting, the Council proposed separate, emergency meetings to be held as soon as possible by the Council and its Salmon Plan Development Team. The Council's public meeting on Wednesday, March 23, 1983, was convened to review the Salmon Plan Development Team's analysis of impacts of proposed 1983 management measures for coho, pink, and sockeye salmon coastwide and for chinook salmon north of Cape Blanco, Oregon, to the U.S./Canada border; decide on the 1983 ocean salmon spawning and ocean escapement goals to the Secretary of Commerce; consider other matters that may have come before the Council before that date; and provide a public comment period that day beginning at 11 a.m. The Council's public meeting took place at the Cosmopolitan Hotel, 1030 N.E. Union Avenue, Capri-Del-Rio-Bombay Room, Portland, Oregon.

The Council's Salmon Plan Development Team public meeting was convened on Monday, March 21, and Tuesday, March 22, to review the draft impact analysis of proposed 1983 management measures for coho, pink, and sockeye salmon coastwide, and for chinook salmon north of Cape Blanco, Oregon to the U.S./Canada border; and to provide a public comment period on March 21. The Salmon Plan Development Team's public meeting took place at the Oregon Department of Fish and Wildlife Building, Beaver Room, 506 S.W. Mill Street, Portland, Oregon.

In an effort to allow the public the opportunity to become aware of the topics discussed at the meetings, the Council will make detailed minutes of the public meetings available free of charge. Any item on the meeting agendas may be rescheduled at subsequent meetings upon written request to the Council.

The National Marine Fisheries Service regrets that timely publication of the meetings was not possible.

FOR FURTHER INFORMATION CONTACT: Pacific Fishery Management Council, 526 S.W. Mill Street, Portland, Oregon 97201; telephone: (503) 221-6352.

Dated: March 21, 1983.

Richard B. Stone,

Acting Chief, Operations Coordination Group, Office of Fisheries Management, National Marine Fisheries Service.

[FR Doc. 83-7688 Filed 3-23-83; 8:45 am]

BILLING CODE 3510-22-M

Issuance of Permit

On January 28, 1983, Notice was published in the **Federal Register** (48 FR 4022), that an application had been filed with the National Marine Fisheries Service by Knowsley Safari Park, Prescot, Nr. Liverpool, Merseyside L34 4AN, United Kingdom, for a Permit to take three (3) Atlantic bottlenose dolphins (*Tursiops truncatus*) for the purpose of public display. The application was later amended to request only two (2) dolphins.

Notice is hereby given that on March 17, 1983, and as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), the National Marine Fisheries Service issued a Permit for the above taking to Knowsleyh Safari Park subject to certain conditions set forth therein.

The Permit is available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, NW., Washington, D.C.; and

Regional Director, National Marine Fisheries Service, Southeast Region, 9450 Koger Boulevard, Duval Building, St. Petersburg, Florida 33702.

Dated: March 17, 1983.

Richard B. Roe,

Acting Director, Office of Protected Species & Habitat Conservation National Marine Fisheries Service.

[FR Doc. 83-7668 Filed 3-23-83; 8:45 am]

BILLING CODE 3510-22-M

Receipt of Application for Permit

Notice is hereby given that an Applicant has applied in due form for a Permit to take marine mammals as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), and the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216).

1. Applicant: Ocean Park Ltd. (P43B), Wong Chuk Hang Road, Aberdeen, Hong Kong.

2. Type of Permit: Public Display.

3. Name and Number of Animals: Bottlenose dolphins (*Tursiops truncatus*)—5.

4. Type of Take: Capture and maintain in captivity.

5. Location of Activity: West Coast of Florida.

6. Period of Activity: 2 years.

As a request for a permit to take living marine mammals to be maintained in areas outside the jurisdiction of the United States, this application has been submitted in accordance with National Marine Fisheries Service policy concerning such applications (40 FR 11619, March 12, 1975). In this regard, no application will be considered unless:

(a) It is submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, through the appropriate agency of the foreign government;

(b) It includes:

i. A certification from such appropriate government agency verifying the information set forth in the application;

ii. A certification from such government agency that the laws and regulations of the government involved permit enforcement of the terms of the conditions of the permit, and that the government will enforce such terms;

iii. A statement that the government concerned will afford comity to a National Marine Fisheries Service decision to amend, suspend or revoke a permit.

In accordance with the above cited policy, the certification and statements of the Agriculture and Fisheries Department, Hong Kong have been found appropriate and sufficient to

allow consideration of this permit application.

The arrangements and facilities for transporting and maintaining the marine mammals requested in the above described application have been inspected by a licensed veterinarian, who has certified that such arrangements and facilities are adequate to provide for the well-being of the marine mammals involved.

Concurrent with the publication of this notice in the **Federal Register**, the Secretary of Commerce is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Written data or views, or requests for a public hearing on this application should be submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, U.S. Department of Commerce, Washington, D.C. 20235, within 30 days of the publication of this notice. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. The holding of such hearing is at the discretion of the Assistant Administrator for Fisheries.

All statements and opinions contained in this application are summaries of those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

Documents submitted in connection with the above application are available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, NW., Washington, D.C.; and

Regional Director, National Marine Fisheries Service, Southeast Region, 9450 Koger Boulevard, Duval Building, St. Petersburg, Florida 33702.

Dated: March 21, 1983.

R. B. Brumsted,

Acting Chief, Protected Species Division, National Marine Fisheries Service.

[FR Doc. 83-7687 Filed 3-23-83; 8:45 am]

BILLING CODE 3510-22-M

Receipt of Modification Request to Permit No. 335 (P274)

Notice is hereby given that Dr. James R. Gilbert, Associate Professor of Wildlife, University of Main at Orono, 240 Nutting Hall, Orono, Maine 04469, has requested a modification of Permit No. 335 issued on May 13, 1981 (46 FR 27514) as modified on February 5, 1982 (47 FR 6317) under the authority of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407), and the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216).

Permit No. 335 authorizes 30 adult harbor seals *(Phoca vitulina concolor)* to be instrumented with epoxy-attached radio tags. The Permit Holder is requesting to instrument 30 seals of any age.

Concurrent with the publication of this notice in the **Federal Register** the Secretary of Commerce is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Written data or views, or requests for a public hearing on this application should be submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, U.S. Department of Commerce, Washington, D.C. 20235, within 30 days of the publication of this notice. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. The holding of such hearing is at the discretion of the Assistant Administrator for Fisheries.

All statement and opinions contained in this application are summaries of those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

Documents submitted in connection with the above application are available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, NW., Washington, D.C.; and

Regional Director, National Marine Fisheries Service, Northeast Region, 14 Elm Street, Federal Building, Gloucester, Massachusetts 01930.

Dated: March 17, 1983.

Richard B. Roe,

Acting Director, Office of Protected Species and Habitat Conservation, National Marine Fisheries Service.

[FR Doc. 83-7689 Filed 3-23-83; 8:45 am]

BILLING CODE 3510-22-M

COMMODITY FUTURES TRADING COMMISSION

Use of a Criminal Conviction for Which Appeal Is Pending in Making Fitness Determinations for Registration

AGENCY: Commodity Futures Trading Commission.

ACTION: Statement of interpretative position.

SUMMARY: The Commodity Futures Trading Commission ("Commission") is publishing its position as to the effect which may be accorded a criminal conviction which is being appealed in determining fitness for registration with the Commission. The purpose of this release is to provide notice to applicants for registration with the Commission as well as to current registrants that, notwithstanding the pendency of an appeal of a criminal conviction, such conviction may be considered by the staff in connection with fitness determinations for registration, and further, that registration may be denied, conditioned, suspended, restricted or revoked in appropriate circumstances based on a judgment of conviction for which the appellate process is not completed. In addition, the Commission believes that the recent enactment of a statutory disqualification scheme which establishes a bar from registration based on certain misdemeanor and felony convictions makes it advisable for the Commission to publish this interpretative position which makes express the policy the Commission has consistently followed as to the effect to be accorded a criminal conviction on appeal and which clarifies its position with respect to a conviction which has been reversed.

FOR FURTHER INFORMATION CONTACT: Suzanne W. Ryder, Attorney, Division of Trading and Markets, Commodity Futures Trading Commission, 2033 K Street, NW. Washington, D.C. 20581. Telephone: (202) 254–8955.

SUPPLEMENTARY INFORMATION:

I. Present Commission Policy

The Commission has consistently given effect to convictions for which appeals are pending in making fitness determinations with respect to registration. In view of the recent amendments to the Commodity Exchange Act ("Act") establishing a system of statutory disqualifications, the Commission wishes to make clear that, despite the authority granted the Commission in Sections 8a (2) and (3) of the Act [1] to bar a person from registration for a prescribed period of time based on a conviction for certain crimes enumerated therein, [2] upon reversal of a criminal conviction which is the basis for such a bar, reapplication to the Commission for registration, reinstatement, or removal of conditions or restrictions will be permitted.

[1] 7 U.S.C. 12a (2) and (3) (1976), *as amended.* Section 224 of the Futures Trading Act of 1982, Pub. L. No. 97–444, 96 Stat. 2294 (1983), extensively amended Section 8a(2) of the Act and expanded it to two provisions—Sections 8a (2) and (3), and also renumbered former Section 8a(3) as Section 8a(4).

[2] *See* note 19 *infra.*

II. Policy Reasons for Using, in Registration Determinations, a Conviction for Which an Appeal Is Pending

The public interest requires that, in appropriate cases, persons convicted of crimes which would ordinarily constitute grounds for denying, conditioning, suspending, restricting or revoking their licenses to engage in the commodity business not be permitted to continue in business simply because they have sought to appeal their convictions. This is because the highest standard of conduct is required of all commodity professionals. A futures commission merchant ("FCM"), for example, stands in a position of particular responsibility and trust with respect to his customers in that an FCM may actively solicit customer business, advise customers as to trades and investments, and is entrusted with customer funds for the purpose of executing futures transactions on their behalf. This special relationship has been repeatedly recognized by the Commission and the courts.[3] Similar standards of behavior are imposed on other Commission registrants due to similar duties owed to their customers.[4] Congress had acknowledged the nature of the relationship between commodity professionals and their customers by, among other things, entrusting the Commission with the responsibility, under the Act, to deny or condition a license (or revoke, suspend, or place restrictions upon a license previously granted) to persons whose behavior demonstrates an inability to conform to high moral standards.[5] Thus, the Commission's use of a final judgment of conviction rendered by a lower court as a bar to engaging in the commodity business prior to a successful appeal is consistent with the strict standard of conduct required of commodity professionals. Indeed, to do otherwise could result in a dilution of these rigorous standards.

Although the criminal justice system provides several opportunities for the review of a criminal conviction, other principles of law would permit a regulatory agency such as the Commission to make fitness judgments based on such convictions pending consideration by an appellate tribunal. As a matter of law, a judgment of conviction is entitled to be regarded as a final judgment on the merits unless and until reversed on appeal, and a strong presumption of regularity regulatory attaches to such a judgment. A person who has been convicted of a crime has had an opportunity to present arguments and defenses in his behalf in a forum in which the full protections of the legal system are accorded him.

The Commission believes that if persons with criminal records are allowed to continue to function as commodity professionals notwithstanding an existing conviction, public confidence in the commodity industry may be undermined. In addition, the possibility of future wrongdoing by such persons exists. Most important, however, a significant amount of time may elapse until the appeals which are undertaken are concluded, which strongly suggests that withholding action until that time may be against the public interest. As the Commission's licensing procedures are intended to ensure the highest standards on the part of persons engaged in the commodity business, the Commission believes that it may duly condition the right of persons to assume a position of public trust upon their having a virtually unblemished record. This means that the Commission may properly elect to protect the public by giving effect to criminal convictions pending exhaustion of the appellate process.

III. Authority Under the Act to Refuse, Condition, Suspend, Place Restrictions Upon, or Revoke a Registration for Conviction of Certain Crimes.

The Act establishes the Commission's authority to deny, condition, suspend, place restrictions upon, or revoke a person's registration pursuant to appropriate procedures based upon certain criminal "convictions" without qualifying such authority and, as such, supports the Commission's determination that, as a matter of policy, a conviction should be used in making fitness decisions, notwithstanding a pending appeal. Specifically Section 8a(2) of the Act [6] authorizes the Commission:

> Upon notice, but without a hearing * * * to refuse to register, to register conditionally, or to suspend or place restrictions upon the registration of, any person and with such a hearing as may be appropriate to revoke the registration of any person—
>
> (D) if such person has been *convicted* within ten years preceding the filing of the application for registration or at any time thereafter of any felony that: (i) Involves any transactions or advice concerning any contract of sale of a commodity for future delivery, or any activity subject to Commission regulation under section 4c or 19 of this Act, or concerning a security, (ii) arises out of the conduct of the business of a futures commission merchant, introducing broker, floor broker, commodity trading advisor, commodity pool operator, associated person of any registrant under this Act, securities broker, securities dealer, municipal securities broker, municipal securities dealer, transfer agent, clearing agency, securities information processor, investment adviser, investment company, or an affiliated person or employee of any of the foregoing, (iii) involves embezzlement, theft, extortion, fraud, fraudulent conversion, misappropriation of funds, securities or property, forgery, counterfeiting, false pretenses, bribery, or gambling, or (iv) involves the violation of section 152, 1341, 1342, or 1343, or chapter 25, 47, 95, or 96 of title 18, United States Code. (*Italics added*).

In addition, Section 8a(3) of the Act [7] permits the Commission:

> To refuse to register or to register or to register conditionally any person, if it is found, after opportunity for hearing, that—
>
> (D) such person was *convicted* of a felony other than a felony of the type specified in paragraph (2)(D) of this section within ten years preceding the filing of the application or at any time thereafter, or was convicted of a felony, including a felony of the type specified in paragraph (2)(D) of this section, more than ten years preceding the filing of the application;
>
> (E) such person was *convicted* within ten years preceding the filing of the application for registration or at any time thereafter of any misdemeanor which: (i) Involves any transaction or advice concerning any contract of sale of a commodity for future delivery or any activity subject to Commission regulation under section 4c or 19 of this Act or concerning a security, (ii) arises out of the conduct of the business of a futures commission merchant, introducing broker, floor broker, commodity trading advisor, commodity pool operator, associated person of any registrant under this Act, securities broker, securities dealer, municipal securities broker, municipal securities dealer, transfer agent, clearing agency, securities information processor, investment adviser, investment company, or an affiliated person or employee of any of the foregoing, (iii) involves embezzlement, theft, extortion, fraud fraudulent conversion, misappropriation of funds, securities or property, forgery, counterfeiting, false pretenses, bribery, or

[3] *See, e.g.*, Section 2(a)(1) of the Act (definition of futures commission merchant), Section 4b (prohibition against fraud), Section 4d(2) (segregation of customer funds), 7 U.S.C. 2, 6b, 6d(2) (1976 and Supp. V 1981 *as amended by* Pub. L. No. 97-444 (1983)); and *Gordon v. Shearson Hayden Stone Inc.*, 2 Comm. Fut. L. Rep. ¶ 21,018 (CFTC 1980), *aff'd sub nom. Shearson Loeb Rhoades, Inc., et al., v. CFTC*, No. 80-7212 (9th Cir., February 12, 1982).

[4] *See, e.g., Commodity Futures Trading Commission v. J. S. Love & Associates Options, Ltd., et al.*, 422 F. Supp. 652 (S.D.N.Y. 1976) (options salesmen); *Larry R. Williams and Michelle L. Noseworthy*, Nos. 76-4 and 76-13 (CFTC, November 8, 1976) [1975-1977 Transfer Binder] Comm. Fut. L. Rep. (CCH) ¶ 20,231 (commodity trading advisor).

[5] Sections 8a (2), (3), and (4) of the Act, *supra* note 1.

[6] *Supra* note 1.

[7] *Id.*

gambling, (iv) involves the violation of section 152, 1341, 1342, or 1343 or chapter 25, 47, 95, or 96 of title 18, United States Code;

(H) such person * * * has been *convicted* in a State court or in a foreign court of conduct which would constitute a felony under Federal law if the offense had been committed under Federal jurisdiction. (*Italics added*).

Moreover, Section 8a(4) of the Act permits the Commission to suspend, revoke, or place restriction upon the registration of any person registered under the Act, in accordance with appropriate procedure, if cause exists under paragraph (3) of Section 8a.[8] Thus, the Act makes the fact of certain convictions the basis for disqualification from registration, without excluding or otherwise limiting the use of a conviction for which an appeal is pending. The Commission therefore believes that Congress intended that all such convictions, whether or not the subject of an appeal, be considered in applying the licensing procedures under the Act.

IV. Court Decisions Construing Requirements That Licenses of Professionals Be Revoked or Suspended Upon Conviction for Certain Crimes

The position that a conviction on appeal should be given effect in evaluating a person's fitness to be licensed as a professional is consistent with judicial precedent. While there are no cases which specifically address the question of whether a Commission determination of unfitness for registration may be based on a conviction for which an appeal is pending, or which otherwise interpret the meaning of the work "conviction" in Sections 8a(2) or 8a(3) of the Act prior to the recent amendments thereto,[9] or the Good Cause Standards which had been issued thereunder, [10] there are cases which consider the permissibility of using such a conviction in connection with the licensing of other professionals.

A. There is No Constitutional Bar to Use of Convictions on Appeal

Under existing case law concerning the refusal or removal of professional licenses the weight of authority is, in general, that there is no constitutional barrier to the use of a conviction for which an appeal has been taken provided a subsequent reversal will be recognized.[11] For example, a unanimous New York Court of Appeals held in a case involving John N. Mitchell, a former Attorney General of the United States, that "an attorney convicted of a felony has no constitutional right to practice law pending an appeal of his conviction" under a New York statute which that court had earlier construed as "accomplishing the *automatic* removal from the professional of a lawyer convicted of a felony." (Italics added).[12] The Maryland Court of Appeals similarly concluded that "the interest of the public, the legal profession, and the judicial system itself far outweigh the convicted attorney's interest in continuing to practice law. We think that the interim suspension provisions of [the governing] rule * * * are an appropriate response to society's interest in protecting and safeguarding its legal and judicial systems, and that the rule does not violate any of [the attorney's] * * * constitutionally protected property or other due process rights." [13]

B. Other Arguments Against Use of an Appealed Conviction in Fitness Determinations Have Been Generally Rejected

Without specifically considering the constitutional implications, several other courts also have concluded that a pending appeal of a conviction does not preclude the use of that conviction in disbarment proceedings.[14]

For example, with respect to a rule providing for suspension of a lawyer upon conviction of a felony in a case in which the conviction was on appeal, the Florida Supreme Court explained that "[t]he immediate suspension procedure set forth in our rules is designed to remove from public counseling and from the court system as promptly as possible, but not irrevocably, individuals who stand convicted of a felony offense. All events in an attorney's life prior to his conviction are, in effect, overwhelmed by a felony conviction. The purpose of the rule is to cleanse the profession of those who cannot themseles abide by the law." [15] Basing its conclusion upon an analysis of the language of the applicable court rule, the rule's intended purposes, and other case law, the Alabama Supreme Court likewise held in a decision rendered in 1970 that the Alabama rule required an attorney to be disbarred upon conviction of a felony.[16]

C. Effect of Reversal of a Conviction on its Use in Disciplinary Proceedings of Professionals

Although there does not appear to be a constitutional impediment to the use of a conviction for which an appeal is pending in license revocation or suspension proceedings, the courts have expressed concern as to the availability of reinstatement of a license if the appeal is ultimately successful. Thus, in several cases where the controlling rule or statute was silent concerning the consequences of a reversal of a conviction, the courts permitted convictions on appeal to serve as grounds for disciplinary action, but specifically read into the rule or statute a requirement that if the conviction which provided the predicate for the sanction were subsequently reversed, reinstatement of the license should result.[17] In these cases, the courts found that the power to reinstate was either implicit in the particular statute, itself, or where a court rule was involved, found such power to be vested in the courts by virtue of their inherent

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[8] *Id.*

[9] *See* 7 U.S. 12a (2) and (3) (1976) (amended 1983).

[10] *See* "Interpretative Statement Regarding Good Cause Standards for Denial of Registration" ("Good Cause Standards"), 17 CFR Appendix A to Part 3 of the Commission's regulations (1982). Most of these standards have now been incorporated in the Act, itself, by the recent amendments although Section 8a(3)(M) of the Act, as amended, preserves the "good cause" criterion in registration fitness determinations.

[11] *See In re Stoner*, 507 F. Supp. 490 (N.D.Ga. 1981); *U.S. v. Friedland*, 502 F. Supp. 611 (D.N.J. 1980); *In re Stoner*, 246 Ga. 581, 272 S.E.2d 313 (1980); *Attorney Grievance Commission v. Reamer*, 281 Md. 323, 379 A.2d 171 (1977); *Mitchell v. Association of Bar of City of New York*, 40 N.Y. 2d 153, 386 NY.S.2d 95, 351 N.E.2d 743 (1976).

[12] *Mitchell v. Association of Bar of City of New York*, 351 N.E.2d at 746, *id.*

[13] *Attorney Grievance Commission v. Reamer*, *supra* note 11.

[14] *See The Florida Bar v. Prior*, 330 So.2d 697 (Fla. 1976); *In re Sauer*, 390 Mich. 449, 213 N.W.2d 102 (1973); *Ex Parte Alabama State Bar*, 285 Ala. 191, 230 So.2d 519 (1970); *In re Minner*, 133 Kan. 789, 3 P.2d 473 (1931); *Ex Parte Cohen*, 72 Or. 570, 144 P. 79 (1914).

[15] *The Florida Bar v. Prior*, *id.*

[16] *Ex Parte Alabama State Bar*, 230 So.2d at 523, 525, *supra* note 14. In a 1972 decision by the United Stated Court of Appeals for the Seventh Circuit disallowing the use of a conviction to suspend an attorney's license to practice law until the exhaustion of direct appeals for mismemeanor convictions, the court appears to have been significantly influenced by concerns as to the fairness of the district court's procedure in addition to the mere fact of a pending appeal. *In re Ming*, 469 F.2d 1352 (7th Cir. 1972). However, the court also noted that it was interpreting procedural rules which authorized a hearing under the circumstances of the particular case. The court additionally held the hearing procedure to be constitutionally deficient because the attorney was only provided with a "paper hearing" on the facts surrounding his conviction which was a misdemeanor and not a felony. It seems unlikely, however, that the Seventh Circuit would today arrive at the same result as case law since the decision in *Goldberg v. Kelly* in 1970 (397 U.S. 254), on which the court strongly relied, has significantly circumscribed the extent to which due process requirements mandate an oral, evidentiary-type hearing prior to a deprivation of a property interest. *See, e.g., Board of Curators of the University of Missouri v. Horowitz*, 435 U.S. 78 (1978); *Ingraham v. Wright*, 430 U.S. 651 (1977); *Mathews v. Eldridge*, 424 U.S. 319 (1976).

[17] *U.S. v. Friedland*, *Mitchell v. Association of Bar of City of New York*, *supra* note 11; *Ex Parte Alabama State Bar*, *supra* note 14.

jurisdiction over their member attorneys. In several other cases in which disbarment or suspension of a law license was upheld notwithstanding an appeal of the disqualifying conviction, the pertinent rule or law merely authorized suspension of the license pending exhaustion of the appellate process, thereby implicitly acknowledging that a reversal of the conviction would necessitate a reappraisal of the sanction.[18] Due to its appreciation of this generally-recognized constraint on the use of convictions on appeal in making determinations of fitness to engage in a profession, the Commission has determined to make public the limitations it intends to observe in using such convictions in its licensing procedures. Specifically, the Commission has determined that it will not exercise its authority under Section 8a (2) and (3) of the Act to bar persons unconditionally from registration with the Commission for the time periods prescribed in these sections [19] if their disqualification from registration is based on a conviction which is overturned on appeal. In such a case, a new application for registration may be submitted to the Commission for its consideration.[20]

V. Reasons Against Permitting State Law to Control Effect to be Given a Conviction on Appeal in Registration Determinations

Rather than adopting, in its licensing determinations, a uniform approach to the treatment of a conviction for which an appeal is pending, the Commission could instead look to state law in each case which this issue may be presented. However, the Commission has decided against such an approach for several reasons.

First, as previously noted, the Act itself does not require the Commission to disregard a criminal conviction which is on appeal in evaluating fitness for registeration as a commodity professional.[21] Thus, even though a particular state procedure might so require, Congress has not mandated such a result under the Act. Second, the legislative history of the Act makes clear that one of the principal reasons for the extensive amendments to the Act effected in 1974 was Congress' concern over the then-growing trend to apply state laws to commodity matters and its desire to establish a single federal authority to regulate this area.[22] In this connection, Congress specifically gave the Commission exclusive jurisdiction with respect to commodity-related matters such as determining the fitness of commodity professionals to be registered with the Commission.[23] To permit state law to control in matters concerning the licensing of commodity professionals might undercut the exclusivity of the Commission's jurisdiction in this area and, more importantly, might frustrate Congress' purpose which was to ensure that one body of law would develop and govern. Additionally, to apply state law in each case which arises would result in the application of different standards to persons otherwise in the same posture, a result at odds with the regulatory scheme adopted by Congress.[24]

Finally, as a federal regulatory agency charged by Congress with the administration and enforcement of a federal statute, the Supremacy Clause of the Constitution and the priciples of federalism embodied therein authorize the Commission to override state law in federal registration matters.

VI. Conclusion

The Commission, therefore, has determined as a matter of policy to give effect in fitness determinations to criminal convictions notwithstanding pending appeals. The Commission is nonetheless mindful of the need for a meaningful opportunity for reinstatement if an appeal proves successful. Consequently, the Commission has also determined not to exercise its authority under the Act to bar a person from registration with the Commission for the prescribed 10-year period based upon a conviction as set forth in Section 8a(2)(D),[25] for the 5-year period prescribed by Section 8a(2)(B) subsequent to a denial based upon certain felony or misdemeanor convictions as set forth in Sections 8a(3)(D), (E), and (H),[26] or for the various periods prescribed in Sections 9 (a), (b), and (c) based upon certain criminal convictions set forth therein,[27] if the conviction upon which the disqualification from registration depends is reversed on appeal. Upon such a reversal, the Commission will accept from such person a new application for registration, reinstatement, or removal of conditions or restrictions. Accordingly, all applicants for registration with the Commission and current registrants are hereby advised that the Commission has directed its staff to administer the registration provisions of the Act in accordance with this Statement.

Issued in Washington, D.C. on March 18, 1983, by the Commission.

Jane K. Stuckey,

Secretary of the Commission.

[FR Doc. 83-7829 Filed 3-23-83; 8:45 am]

BILLING CODE 6351-01-M

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[18] *In re Stoner*, 507 F. Supp. 490, *In re Stoner*, 246 Ga. 581, *supra* note 11; *The Florida Bar v. Prior*, *supra* note 14.

[19] *See, e.g.*, Section 8a(2)(D) of the Act, *as enacted by* the Futures Trading Act of 1982, *supra* note 1, which generally establishes a 10-year bar from registration for certain commodities or securities-related felony convictions; and Section 8a(2)(B) of the Act, *as enacted by* the Futures Trading Act of 1982, *supra* note 1, which generally establishes a 5-year bar from registration subsequent to a Commission denial of registration after opportunity for a hearing based on certain convictions which constitute grounds for findings of unfitness under the Act. *See also* Sections 9 (a), (b), and (c) of the Act, *as amended by* the Futures Trading Act of 1982, *supra*, section 227 (1), (2), and (3), which provide for registration bars upon the conviction of specified commodity-related crimes unless the Commission determines that their imposition is not required to protect the public interest.

[20] The Commission notes, however, that reversal of a conviction would not automatically require registration as the reversal may be the result of technicalities unrelated to the merits of the case. *See, e.g., In re Ming*, 469F.2d at 1354, *supra* n. 16.

[21] *See* Section III *supra*.

[22] *See* H.R. Rep. No. 93-975, 93d Cong., 2d Sess. 48 (1974); H.R. Rep. No. 93-1383 (Conference Report), 93d Cong., 2d Sess. 35-36 (1974).

[23] 7 U.S.C. 2, 12a (2) and (3) (1976 & Supp. V 1981 *as amended by* Pub. L. 97-444).

[24] Moreover, as a practical matters, it may be difficult and time-consuming to ascertain the correct interpretation to be accorded to the laws of each of the fifty states on this issue.

[25] *See* n. 19 *supra*.

[26] *See* n. 19 *supra*.

[27] *See* n. 19 *supra*.

DEPARTMENT OF DEFENSE

Defense Nuclear Agency

Scientific Advisory Group on Effects (SAGE); Meeting

The Scientific Advisory Group on Effects (SAGE) will meet in closed session May 3 to May 6, 1983 in the Washington, DC area.

Agenda: May 3 to 6 (0830-1700): Presentations, Discussions and Executive Sessions on Issues Related to Pulse Power and Radiation Simulator Source Development.

The presentations and discussions in the above cited agenda will focus on current and planned RDT&E programs sponsored by the Defense Nuclear Agency (DNA). Executive sessions will be held for the primary purpose of advising the Director, DNA as to the adequacy of ongoing and planned programs. All planned presentations, discussions, and executive sessions will include classified defense information; therefore, under the provisions of Sections 552b(c) (1) and (3), Title 5, U.S.C., this meeting is closed to the public.

Any additional information concerning the meeting may be obtained from: Lt Col Robert A. Rissell, USAF, Scientific Secretary, SAGE, Headquarters, Defense Nuclear Agency, ATTN: DDST, Washington, DC 20305.

M. S. Healy,

OSD Federal Register Liaison Officer, Department of Defense.

March 21, 1983.

[FR Doc. 83-7690 Filed 3-23-83; 8:45 am]

BILLING CODE 3810-01-M

Department of the Air Force

USAF Scientific Advisory Board; Meeting

March 11, 1983.

The USAF Scientific Advisory Board Ad Hoc Committee on the Potential Military Utility of a Manned National Space Station will meet at the Pentagon, Washington, DC on April 13–14, 1983. The purpose of the meeting will be to review NASA contractors' studies. The meeting will convene at 8:30 a.m. and adjourn at 5:00 p.m. each day.

The meeting concerns matters listed in Section 552b(c) of Title 5, United States Code, specifically subparagraph (1) thereof, and accordingly, will be closed to the public.

For further information, contact the Scientific Advisory Board Secretariat at 202–697–8845.

Winnibel F. Holmes,

Air Force Federal Register Liaison Officer.

[FR Doc. 83-7636 Filed 3-23-83; 8:45 am]

BILLING CODE 3910-01-M

USAF Scientific Advisory Board; Meeting

March 11, 1983.

The USAF Scientific Advisory Board will meet in general session at Headquarters SAC, Offutt AFB, NE on April 27–28, 1983. The purpose of the meeting will be to review Strategic Command, Control, and Communications (C^3). The meeting will convene at 8:00 a.m. and adjourn at 5:00 p.m. each day.

The meeting concerns matters listed in Section 552b(c) of Title 5, United States Code, specifically subparagraph (1) thereof, and accordingly, will be closed to the public.

For further information, contact the Scientific Advisory Board Secretariat at 202–697–8845.

Winnibel F. Holmes,

Air Force Federal Register Liaision Officer.

[FR Doc. 83-7637 Filed 3-23-83; 8:45 am]

BILLING CODE 3910-01-M

Air Force Academy Board of Visitors; Meeting

Pursuant to section 9355, Title 10, United States Code, the Air Force Academy Board of Visitors will meet at the Air Force Academy, Colorado Springs, Colorado, April 14–16, 1983. The purpose of the meeting is to consider morale and discipline, the curriculum, instruction, physical equipment, fiscal affairs, academic methods, and other matters relating to the Academy.

A portion of the meeting will be open to the public on April 15, 1982 from 1:00 p.m. to 3:50 p.m. Other portions of this meeting will be closed to the public to discuss matters analogous to those listed in subsections (2), (4) and (6) of section 552b(c), Title 5, United States Code. These closed sessionss will include: attendance at cadet classes and panel discussions with groups of cadets and military staff and faculty officers involving personal information and opinions the disclosure of which would result in a clearly unwarranted invasion of personal privacy. Closed sessions will also include executive sessions involving discussions of personal information, including financial information, and information relating solely to internal personnel rules and practices of the Board of Visitors and the Academy. Meeting sessions will be held in the Superintendent's Conference Room, Harmon Hall, USAF Academy.

In addition to open meeting sessions, the public is welcome to attend a press conference scheduled for 12:00 p.m. on April 16 in the Falcom Room, USAF Academy Officers' Open Mess.

For further information, contact Captain David W. Keith, Headquarters, U.S. Air Force (MPPA), Washington, D.C. 20330, at (202) 697–7116.

Winnibel F. Holmes,

Air Force Federal Register, Liaison Officer.

[FR Doc. 83-7635 Filed 3-23-83; 8:45 am]

BILLING CODE 3910-01-M

Public Information Collection Requirement Submitted to OMB for Review

The Department of Defense has submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Each entry contains the following: (1) Type of Submission; (2) Title of Information Collection and Form Number, if applicable; (3) Abstract statement of the need for and the uses to be made of the information collected; (4) Type of respondents; (5) An estimate of the number of responses; (6) An estimate of the total number of hours needed to provide the information; (7) To whom comments regarding the information collection are to be forwarded; (8) The point of contact from whom a copy of the information proposal may be obtained.

RENEWAL NO CHANGE.

Turbine Wheel Historical Record, AFTO Form 44.

This form is used to document operating time accumulated cycles and maintenance history of jet engine turbine wheels. The documented data is then used to establish replacement time intervals in an effort to promote safety.

Depot maintenance contractors: 1200 responses, 396 hours.

Forward comments to Edward Springer, OMB Desk Officer, Room 3235, NEOB, Washington, D.C. 20503, and John V. Wenderoth, DOD Clearance Officer, OASD, DIRMS, IRAD, Room 1A658, Pentagon, Washington, D.C. 20301, telephone (202) 697–1195.

A copy of the information collection proposal may be obtained from T. G. Stewart, HQ AFLC/LOLMG, Wright Patterson AFB OH 45433, telephone (513) 257–4896.

M. S. Healy,

OSD Federal Register Liaison Officer, Department of Defense.

March 18, 1983.

[FR Doc. 83-7603 Filed 3-23-83; 8:45 am]

BILLING CODE 3910-01-M

Corps of Engineers; Department of the Army

Intent To Prepare a Draft Environmental Impact Statement (DEIS) for Flood Damage Reduction, Kahawainui Stream, Laie, Oahu, Hawaii

February 28, 1983.

AGENCY: Army Corps of Engineers, DOD, Honolulu District.

ACTION: Notice of intent to prepare a DEIS.

SUMMARY:

1. The proposed action involves reduction of flood damages in the community of Laie, Oahu, Hawaii.

2. Reasonable alternatives to be investigated in detail during the survey study for this project include the following structural and non-structural measures:

a. *Bridge and Channel Modifications.* This structural alternative would increase flood flow capacity by enlarging the channel and removing constrictive points in the stream.

b. *Levee System Development.* This structural alternative would reduce flood damage by confining flood waters to a designated floodway.

c. *Levee Construction and Channel Modifications.* This structural alternative would reduce flood damage by both confining flood waters and enlarging the channel.

d. *Floodproofing and Floodplain Management.* This nonstructural alternative would reduce flood damage by removing, floodproofing or prohibiting certain damageable property within the flooding zone.

3. The study involves coordination with sponsoring agencies, other government agencies, community organizations and the general public. Activities include informal meetings, workshops, formal public meetings, issuance of public notices and letter responses. All pertinent agencies have been notified of study initiation. A public workshop was held with interested agencies and the public on 4 February 1981. A formal public meeting was held on 27 May 1981. Another public meeting will be held after the public has an opportunity to review the draft survey report and DEIS for this project.

a. *Significant Issues To Be Analyzed:*

(1) Comparative environmental impacts of the proposed alternatives.

(2) Project impacts on cultural resources.

(3) Project impacts on stream water quality aquatic resources, including wetlands.

(4) Assessment of community responses to alternative plans.

b. *Possible Assignments for Input Into the EIS Among the Lead and Cooperating Agencies:*

(1) *US Fish and Wildlife Service.* Provision of a Fish and Wildlife Coordination Act section 2b report to assist in assessment of ecological impacts.

(2) *State Historic Preservation Officer.* Identification and evaluation of previous cultural resource surveys.

(3) *County of Hawaii.* Socio-economic data.

(4) *State Department of Health.* Water Quality data.

c. *Identification of Other Environmental Review and Consultation Requirements.*

(1) Section 106 of the National Historic Preservation Act of 1966 requires survey and coordination regarding potential impact on significant cultural resources.

(2) Section 404 of the Clean Water Act of 1977 requires evaluation of projects to assess impacts resulting from deposition of dredged or fill materials into waters of the U.S.

(3) Coastal Zone Management Act of 1972 requires that a project must comply with the federal law as well as be consistent with the Coastal Zone Management program for the State of Hawaii.

4. A scoping meeting will not be held on the project. Pertinent Federal, State and local agencies responsible for planning assessment have already been informed of the proposed action.

5. Under the present schedule, the DEIS will be made available to the public in July 1983.

ADDRESS: Questions about the proposed action and DEIS can be answered by: Mr. James Maragos, EIS Coordinator, US Army Engineer District, Honolulu, Building 230, Fort Shafter, Hawaii 96858, Telephone: (808) 438–2263.

Dated: March 16, 1983.

John O. Roach II,

DA Liaison Officer with the Federal Register.

[FR Doc. 83-7602 Filed 3-23-83; 8:45 am]

BILLING CODE 3710-NN-M

Intent To Prepare a Draft Environmental Impact Statement (DEIS) for Possible Deepening of the Existing Navigation Channel From Tongue Point Near River Mile 18 to the Mouth of the Columbia River, Oregon and Washington

AGENCY: Army Corps of Engineers, DOD.

ACTION: Notice of intent to prepare a DEIS.

The Portland District, Corps of Engineers is currently studying the feasibility of deepening the existing navigation channel from Tongue Point to the mouth of the Columbia River (River Mile 18.2 to River Mile –2).

Channel deepening might become necessary if local planning to construct large-scale coal or bulk-cargo export facilities is successful. Pacific-rim nations are expected to import larger volumes of coal in the future to meet their energy needs. Large reserves of coal in several western states are linked directly be rail to the Columbia River navigation channel. The State of Oregon is seeking development of a large coal-export facility on state-owned land at Tongue Point, which is located about 18 miles from the river's mouth. Such a facility would require a turning basin and deepening of the existing navigation channel downstream from Tongue Point including the entrance channel over the ocean bar, to accommodate coal-carrying vessels. These vessels could draw as much as 55 feet of water. The Port of Astoria is also planning to develop a similar coal-export facility at Astoria, about 13 miles from the river's entrance, with a possible over-flow site at Skipanon, approximately two miles west of Astoria.

Initiation of the scoping process started in March 1982 with meetings between appropriate resource agencies. In March 1983 a formal scoping letter will be issued containing a draft outline of significant issues which will be discussed in the DEIS, and studies being conducted by the Corps to address the identified issues. Federal, State and local agencies, Indian tribes, interested organizations and individuals will be requested to comment on the scoping letter and to identify significant issues relating to the proposed dredging. Scoping meetings will be held if necessary for public participation in the preparation of the EIS. The DEIS is scheduled for agency and public review and comment in December 1984. The final EIS is tentatively scheduled for publication in the fall of 1985.

ADDRESS: If you have any further questions, please contact Byron Blankenship or Nandraine Tuck, (503) 221–6437 (FTS 423–6437), U.S. Army Corps of Engineers, Natural Resources Branch, P.O. Box 2946, Portland, Oregon 97208.

John O. Roach II,

DA Liaison Officer with the Federal Register.

[FR Doc. 83-7601 Filed 3-23-83; 8:45 am]

BILLING CODE 3710-GB-M

Intent To Prepare a Draft Environmental Impact Statement (DEIS) for the Proposed Aloha-Rigolette Area, Louisiana, Project

AGENCY: U.S. Army Corps of Engineers, DOD, New Orleans District.

ACTION: Notice of intent to prepare a draft environmental impact statement (DEIS).

SUMMARY: *Proposed Action.* The proposed acton is to determine what drainage improvements will be necessary to address flooding problems presently being experienced in the Aloha-Rigolette Area, located in central Louisiana on the left descending bank of the Red River between the towns of Winnfield and Pineville, Louisiana.

2. *Reasonable Alternatives.* Alternatives under consideration include:

a. Enlargement of major bayous in the floodplain (i.e., Bayous Rigolette, Darow, Marteau, DuGrappe, Surgarhouse, Caney, Saline and Walden) and the diversion channels constructed as part of the existing 1955 Aloha-Rigolette Area Project;

b. Construction of additional floodgates adjacent to the existing Bayou Rigolette floodgate site;

c. Clearing and snagging major bayous and the diversion channels and construction of additional floodgates adjacent to the existing floodgate;

d. Construction of a pumping station adjacent to the existing floodgate;

e. Construction of additional floodgates adjacent to the existing floodgate and acquiring in fee or easement lands subject to flooding when the floodgates must be closed.

3. *Scoping Process.*

a. The initial public meeting for this study was held in Colfax, Louisiana, on May 16, 1979. The purpose of this meeting was to allow the public an opportunity to express their views about the problems and needs of the basin and any possible solutions considered appropriate for investigation. On February 10, 1981, during review of the draft reconnaissance report, a meeting was held with Grant Soil and Water Conservation District personnel and area residents in Colfax, Louisiana, to discuss results of the draft report. There are additional public involvement activities tentatively planned for the latter pat of 1983, but no dates have been established.

b. Significant issues to be analyzed in the DEIS include: passage of floodwaters through the drainage basin and into the Red River, easements versus fee purchased to achieve project purposes, impacts of the proposed plan on biological, cultural, historical, social, economic, and water quality resources and project costs.

c. The Environmental Protection Agency will provide water quality imput for the DEIS. The U.S. Fish and Wildlife Service will provide Planning Aid data for the DEIS and a Coordination Act Report for the Final EIS. The Service will also conduct a Habitat Evaluation Procedure (HEP) in conjunction with representatives from the Corps and the Louisiana Department of Wildlife and Fisheries. This study will assess the quality and value of the habitats which would be affected by the proposed project.

d. The DEIS will be coordinated with all required Federal, State, and local agencies, environmental groups, landowners, and interested individuals.

4. *Scoping Meetings.* No future scoping meeting have been scheduled.

5. *Estimated Availability Date of DEIS.* The DEIS is expected to be available to the public in March 1984.

ADDRESS: Questions concerning the proposed action and DEIS can be directed to Dr. Peter S. Mathies, U.S. Army Corps of Engineers, Environmental Quality Section (LMNPD-RE), Post Office Box 60267, New Orleans, Louisiana 70160, (504) 838–2525.

Dated February 28, 1983.

Robert C. Lee,

Colonel, Corps of Engineers, District Engineer.

[FR Doc. 83-7605 Filed 3-23-83; 8:45 am]

BILLING CODE 3710-92-M

DEPARTMENT OF ENERGY

Energy Information Administration

Agency Forms Under Review by the Office of Management and Budget

AGENCY: Energy Information Administration, DOE.

ACTION: Notice of submission of request for clearance to the Office of Management and Budget.

SUMMARY: Under provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35), Department of Energy (DOE) notices of proposed collections under review will be published in the **Federal Register** on the Thursday of the week following their submission to the Office of Management and Budget (OMB). Following this notice is a list of DOE proposals sent to OMB for approval since Thursday, March 17, 1983. The listing does not contain information collection requirements contained in regulations which are to be submitted under 3504(h) of the Paperwork Reduction Act.

Each entry contains the following information and is listed by the DOE sponsoring office: (1) The form number; (2) Form title; (3) Type of request, e.g., new, revision, or extension; (4) Frequency of collection; (5) Response obligation, i.e., mandatory, voluntary, or required to obtain or retain benefit; (6) Type of respondent; (7) An estimate of the number of respondents; (8) Annual respondent burden, i.e., an estimate of the total number of hours needed to fill out the form; and (9) A brief abstract describing the proposed collection.

DATES: Last notice published Thursday, March 17, 1983.

FOR FURTHER INFORMATION CONTACT:

John Gross, Director, Forms Clearance and Burden Control Division, Energy Information Administration, M.S. 1H-023, Forrestal Building, 1000 Independence Ave., NW., Washington, DC 20585; (202) 252–2308;

Jefferson B. Hill, Department of Energy Desk Officer, Office of Management and Budget, 726 Jackson Place, NW., Washington, DC 20503; (202) 395–7340; or

Vartkes Broussalian, Federal Energy Regulatory Commission Desk Officer, Office of Management and Budget, 726 Jackson Place, NW., Washington, DC 20503; (202) 395–3087.

SUPPLEMENTARY INFORMATION: Copies of proposed collections and supporting documents may be obtained from Mr. Gross. Comments and questions about the items on this list should be directed to the OMB reviewer; comments should also be provided Mr. Gross. If you anticipate commenting on a form, but find that time to prepare these comments will prevent you from submitting comments promptly, you should advise the OMB reviewer of your intent as early as possible.

Issued in Washington, D.C., March 18, 1983.

Yvonne M. Bishop,

Director, Statistical Standards, Energy Information Administration.

DOE Forms Under Review by OMB

Former No.	Form title	Type of request	Response frequency	Response obligation	Respondent description	Estimated number of respondents	Annual respondent burden	Abstract
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
FERC: FERC-519	Application for Approval of Disposition of Facilities, Merger, etc.	Extension	On occasion	Mandatory	Public utilities	15	1275	The information provided in these filings is used to determine whether an applicant should be permitted to dispose of jurisdictional facilities merge such facilities owned by another person, or acquire the securities of another public utility pursuant to the Federal Power Act, Section 203.

DOE FORMS UNDER REVIEW BY OMB—Continued

Former No. (1)	Form title (2)	Type of request (3)	Response frequency (4)	Response obligation (5)	Respondent description (6)	Estimated number of respondents (7)	Annual respondent burden (8)	Abstract (9)
FERC-533	Gas Producer Rates: Special Relief Petition.	Extension	On occasion	Mandatory	Natural gas producers	70	5600	Information is collected to allow commission review of producer claims for relief from provisions of the Natural Gas Policy Act in order to continue the production of flowing gas.

[FR Doc.83-7579 Filed 3-23-83; 8:45 am]
BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket No. CP83-138-001]

Columbia Gas Transmission Corp.; Amendment to Application

March 18, 1983.

Take notice that on February 23, 1982, Columbia Gas Transmission Corporation (Applicant), 1700 MacCorkle Avenue, S.E., Charleston, West Virginia 25314, filed in Docket No. CP83-138-001 an amendment to its pending application filed in Docket No. CP83-138-000 pursuant to Section 7(b) of the Natural Gas Act so as to include the proposed abandonment of a delivery point to Delta Natural Gas Company, Inc. (Delta), all as more fully set forth in the amendment which is on file with the Commission and open to public inspection.

In its application, Applicant proposes to revise its service agreement with Delta which would effectuate a consolidation of its contract demand under Rate Schedule CDS to Delta (Cumberland) of 3,800 dt equivalent of gas per day and Delta (Wiser) of 1,600 dt equivalent of gas per day for a total of 5,400 dt equivalent of gas per day to Delta (Cumberland). Applicant also proposes in the application to revise a service agreement with the Suburban Fuel Gas, Inc. that would provide an additional delivery point in Middleton Township, Wood County, Ohio.

Applicant states in its application it omitted to request authorization for the abandonment of the delivery point at Delta (Wiser) and accordingly now requests such abandonment authorization.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before April 8 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to to intervene in accordance with the Commission's Rules. All persons who have heretofore filed need not file again.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-7551 Filed 3-23-83; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. CP83-198-000]

Michigan Wisconsin Pipe Line Co.; Application

March 18, 1983.

Take notice that on February 15, 1983, Michigan Wisconsin Pipe Line Company (Applicant), One Woodward Avenue, Detroit, Michigan 48226, filed in Docket No. CP83-198-000 an application pursuant to Section 7(b) of the Natural Gas Act for permission and approval to abandon by transfer to its affiliate, ANR Production Company (ANR), production properties and related facilities which are used by Applicant in the sale of natural gas to its customers, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant requests authority to abandon by transfer, effective January 1, 1983, those properties owned by it in the state of Oklahoma that, it states, produce natural gas subject to the pricing provisions of sections 104 and 108 of the Natural Gas Policy Act of 1978 (NGPA) and over which the Commission retains jurisdiction under the Natural Gas Act. Applicant states that the transfer is being made as part of a corporate reorganization and that it would continue to receive the natural gas here involved from ANR pursuant to contracts entered into between Applicant and ANR. Applicant further states that there would be no change in the service provided to Applicant's customers since the same service which Applicant provides would be provided by ANR, there would be no change in the price of the natural gas Applicant includes in its cost-of-service since Applicant has been authorized by the Commission to value its production at NGPA prices and the gas would be sold to Applicant by ANR at such prices. Further, Applicant states that by consolidating all exploration and production activities in one corporate unit that unit would be able to continue to serve Applicant and its customers now and in the future in an adequate, economic, and reliable manner.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 8, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if

the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-7552 Filed 3-23-83; 8:45 am]
BILLING CODE 6717-01-M

[Docket Nos. CP83-219-000 and CP60-44-002]

Michigan Wisconsin Pipe Line Co. and Texas Gas Transmission Corp.; Application and Petition To Amend

March 18, 1983.

Take notice that on March 7, 1983, Michigan Wisconsin Pipe Line Company (Mich Wisc), One Woodward Avenue, Detroit, Michigan 48226 and Texas Gas Transmission Corporation (Texas Gas), P.O. Box 1160, Owensboro, Kentucky, filed in Docket No. CP83-219-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Texas Gas to transport up to 500,000 Mcf of natural gas per day for Mich Wisc from an existing interconnection in Acadia Parish, Louisiana, to a processing plant owned and operated by Texas Gas Exploration Corporation (Exploration), also in Acadia Parish, and incident therewith, the construction and operation of pipeline and associated facilities by Mich Wisc necessary to effectuate delivery of gas to Texas Gas and to permit redelivery of equivalent volumes less shrinkage and fuel use to Mich Wisc near Mich Wisc's Eunice compressor station, Acadia Parish, Louisiana. Further, applicants request in Docket No. CP60-44-002 further amendment of the order issued August 11, 1960,[1] in Docket No. CP60-44 pursuant to Section 7(c) of the Natural Gas Act so as to authorize an additional exchange point between Applicants at the tailgate of Exploration's processing plant. The subject proposals are more fully set forth in the application and petition which are on file with the Commission and open to public inspection.

Applicants indicate that Mich Wisc has entered into a gas processing agreement with Exploration dated February 16, 1983, which provides that Exploration would have the exclusive right to process Mich Wisc's gas stream proximate its Eunice, Louisiana, compressor station for the extraction of liquefiable hydrocarbons including the right to purchase and thereafter market the extracted products. Applicants request certificate authorization to implement the processing agreement. Mich Wisc states that pursuant to the agreement, it is responsible to Exploration for its *pro rata* share of plant fuel and shrinkage incident to the processing of its gas stream, including reimbursement to Exploration for all production, severance, use, and/or similar taxes (if any) attributable to Mich Wisc's gas. Mich Wisc states that the purchase price which Exploration has agreed to pay it is predicated on Mich Wisc's allocated share of the plant products f.o.b. the plant. Mich Wisc further states that it has reserved the option to take all, or a portion of its extracted products in kind provided it gives Exploration at least a six-month prior written notice. Moreover, Mich Wisc states that it has reserved the right to suspend deliveries of its gas stream to the plant in the event the value of the natural gas to be processed if greater than the value of the thermal equivalent of the shrinkage. Applicants also indicate that the primary term of the agreement is for ten years commencing from the date of initial deliveries and may be extended thereafter from year to year unless cancelled by either Mich Wisc or Exploration by at least a one-year advance notification. Mich Wisc indicated that with respect to the revenues received by it from Exploration incident to the processing of its gas, it proposes to credit such revenues to the cost of service borne by its resale customers.

Mich Wisc indicates that the capacity of the existing custody transfer meters at Mich Wisc's Eunice compressor station is presently inadequate to measure the quantities of gas proposed to be delivered under various existing arrangements plus the quantities of gas destined for processing. Accordingly, Mich Wisc states that it proposes to increase the capacity of the custody transfer meters to Texas Gas by adding two new 16-inch orifice meter runs and associated appurtenances. Moreover, to enable Mich Wisc to effectuate receipt of the residue of its gas stream from the processing plant, Mich Wisc states that it further proposes to construct and operate approximately 4,700 feet of 30-inch O.D. pipeline and associated facilities which would connect the tailgate of the processing plant with Mich Wisc's transmission system.

Mich Wisc indicates that the estimated cost of the line and related facilities in addition to the measurement facilities is $3,156,690 which Mich Wisc indicates would be financed by a contribution in aid of construction by Exploration in an amount covering the entire actual cost of the proposed facilities.

It is indicated that Texas Gas would charge Mich Wisc a transportation rate of 0.2 cent per Mcf of gas redelivered to Exploration for the account of Mich Wisc.

Additionally, Applicants request that the order issued August 11, 1960, in Docket No. CP60-44 be further amended so as to authorize the addition of an exchange point at the tailgate of the processing plant which would enable Mich Wisc to effectuate new deliveries by exchange of the residue gas during the period before the construction of the interconnection of pipeline facilities proposed in Docket No. CP83-219-000.

Any person desiring to be heard or to make any protest with reference to said application and petition should on or before April 8, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 or 385.214) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if

[1] This proceeding was commenced before the FPC. By joint regulation of October 1, 1977 (10 CFR 1000.1), it was transferred to the Commission.

the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-7553 Filed 3-23-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP83-209-000]

Natural Gas Pipeline Company of America; Application

March 18, 1983.

Take notice that on February 28, 1983, Natural Gas Pipeline Company of America (Applicant), 122 South Michigan Avenue, Chicago, Illinois 60603, filed in Docket No. CP83-209-000 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the tranportation of natural gas for Michigan Wisconsin Pipe Line Company (Mich Wis), all as more fully set forth in the application which is on file with the Commission and open for public inspection.

Applicant states that it has entered into a gas transportation agreement with Mich Wis dated December 15, 1982, under which it would transport daily volumes of natural gas equal to 1.5 billion Btu per day of contract demand quantity on a firm basis and up to 375 million Btu of overrun gas on a best-efforts basis for Mich Wis. It is further asserted that Mich Wis would deliver said volumes to Applicant at existing points of receipt in the Southwest Burns Flat area of Washita County, Oklahoma. It is stated that Applicant would redeliver equivalent volumes less reduction for fuel and unaccounted-for gas, to Mich Wis at the existing point of interconnection between the facilities of Mich Wis and Applicant in Hansford County, Texas.

Applicant further states that it initially proposes to charge Mich Wis a monthly demand charge of $3.04 times the demand quantity and a monthly charge of 10.0 cents per million Btu for overrun gas delivered to Applicant's receipt point. Applicant states further that it proposes to charge Mich Wis for the transportation and handling of liquefiables at a monthly fee equal to the sum of the products of the pipeline miles for each of the wells in the Southwest Burns Flat Area times 35.0 cents per Mcf of liquefiables from each well connected before January 1, 1982, and 45.0 cents per million Btu of liquefiables from each well connected after January 1, 1982. Applicant also states it proposes to credit 10.0 cents per million Btu of gas equal to the volumes of Mich Wis' liquefiables transported. Applicant further proposes that such fee be adjusted retroactively, if necessary, as a result of any relevant final order of the Commission and other governmental body, to the extent that such fee does not fully compensate Applicant for all cost incurred.

Applicant further requests blanket authorization to add receipt points from Mich Wis in the Southwest Burns Flat Area.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 8, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-7554 Filed 3-23-83; 8:45 a.m]

BILLING CODE 6717-01-M

[Docket No. CP83-205-000]

Northwest Central Pipeline Corp.; Application

March 18, 1983.

Take notice that on February 24, 1983, Northwest Central Pipeline Corporation (Applicant), P.O. Box 25128, Oklahoma City, Oklahoma 73125, filed in Docket No. CP83-205-000 an application pursuant to Section 7(b) of the Natural Gas Act for permission and approval to abandon by reclaim the McLouth Booster Station and appurtenant facilities in Jefferson County, Kansas, and to abandon the transportation of gas through these facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to abandon by reclaim the McLouth Booster Station consisting of one 360 horsepower rental compressor unit, approximately 0.16 mile of 6-inch gas pipeline and appurtenant facilities which were installed in 1981 to recover natural gas which escaped from its McLouth Storage Field storage formation into a deeper formation due to drilling being done in deeper formations. Such facilities, it is asserted, are no longer necessary. Applicant asserts that the pressure and quantity of the gas which escaped from the storage formation has now declined to the point that it cannot be economically compressed.

No service to any customers would be terminated as a result of this proposed abandonment, it is explained.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 18, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held

without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-7555 Filed 3-23-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-363-000]

Southern California Edison Co., Filing

March 18, 1983.

Take notice that on March 10, 1983, Southern California Edison Company (Edison) tendered for filing, as a Supplement to its Rate Schedule FPC No. 38, the "Agreement Between Southern California Edison Company and the State of California Department of Water Resources" ("Agreement"), executed as of December 31, 1982.

Edison states the Agreement modifies its Rate Schedule FPC No. 38, in pertinent part, by establishing and modifying terms, conditions, and charges for certain interstate and intrastate transmission services.

Edison requests an effective date of April 1, 1983, and therefore request waiver of the Commission's notice requirements.

Copies of this filing were served upon the Public Utilities Commission of the State of California, State of California Department of Water Resources, Pacific Gas and Electric Company, and San Diego Gas and Electric Company.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before April 5, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-7556 Filed 3-23-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-379-000]

Tampa Electric Co.; Filing

March 18, 1983.

Take notice that on March 10, 1983, Tampa Electric Company ("Tampa Electric") tendered for filing an Agreement for Interchange Service between Tampa Electric and Seminole Electric Cooperative ("Seminole"), together with Service Schedules A, B, and C thereunder.

Tampa Electric states that Service Schedules A, B, and C provide for emergency, scheduled, and economy energy interchange service, respectively, between Tampa Electric and Seminole.

Tampa Electric proposes an effective date of March 15, 1983, and therefore requests waiver of the Commission's notice requirements.

Copies of the filing have been served on Seminole and the Florida Public Service Commission.

Any person desiring to be heard or protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before April 5, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-7557 Filed 3-23-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP83-64-001]

Tennessee Gas Pipeline Company, a Division of Tenneco Inc.; Amendment To Application

March 18, 1983.

Take notice that on February 25, 1983, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Applicant), P.O. Box 2511, Houston, Texas 77001, filed in Docket No. CP83-64-001 an amendment to its pending application filed in Docket No. CP83-64-000 pursuant to Section 7(c) of the Natural Gas Act so as to reflect a change in its proposed transportation of natural gas for the account of Columbia Gas Transmission Corporation (Columbia), all as more fully set forth in the amendment which is on file with the Commission and open to public inspection.

Pursuant to a gas transportation agreement with Columbia dated January 19, 1981, as amended July 17, 1981, and October 21, 1981, Applicant proposes in its application to transport up to a total of 10,000 Mcf of natural gas per day for Columbia which is produced from the New Ulm Field, Austin County, Texas. Applicant states that the volumes to be purchased by Columbia and transported by Applicant would be made available to Applicant at points of receipt on Applicant's system in the New Ulm Field and at the tailgate of the Amerada-Hess gas processing plant, Austin County, Texas. Applicant asserts that it would deliver equivalent volumes, less transportation and fuel use volumes, to Columbia at "Egan B," an existing point of interconnection with Columbia located in Acadia Parish, Louisiana.

Applicant now amends its application to reflect a reduction in the maximum transportation volume of 10,000 Mcf of gas per day to 5,000 Mcf of gas per day. Applicant states that in all other respects, its application remains unchanged.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before April 8, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules. All persons

who have heretofore filed need not file again.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-7558 Filed 3-23-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP83-225-000]

Tennessee Gas Pipeline Company, a Division of Tenneco Inc.; Request Under Blanket Authorization

March 18, 1983.

Take notice that on March 9, 1983, Tennessee, Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee), P.O. Box 2511, Houston, Texas 77001, filed in Docket No. CP83-225-000 a request pursuant to Section 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) that Tennessee proposes to reduce natural gas service to East Tennessee Natural Gas Company (East Tennessee) under the authorization issued in Docket No. CP82-413-000 pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in the request on file with the Commission and open to public inspection.

Tennessee proposes to reduce East Tennessee's annual volumetric limitation (AVL), as established by Opinion Nos. 712 and 712-A in Docket Nos. CP73-115 and CP74-27, by 6,090,000 Mcf. By letter dated March 8, 1983, East Tennessee has consented to the partial reduction in service to enable Tennessee to lower its total system AVL by an amount equal to the total increase of AVL to certain of Tennessee's customers as authorized in Docket No. CP82-107, it is stated. It is further stated that Tennessee would reduce deliveries to East Tennessee as follows:

Month	Priority 4 (Mcf)	Priority 5 (Mcf)	Priority 6 (Mcf)	Priority 7 (Mcf)	Priority 8 (Mcf)	Total
April				295,161		295,161
May	533,938	176,440	131,533	732,056		1,573,967
June				674,470	240,032	938,502
July			131,533	784,201	197,459	1,113,193
August			131,533	656,673		788,206
September			73,477	759,940	104,809	938,226
October				366,405	84,238	450,643
Total	533,938	176,440	468,076	4,268,906	650,538	6,097,898

Tennessee avers that a number of Tennessee's customers expressed concern with the impact of granting the application in Docket No. CP82-107 on Tennessee' long-term gas supply and capacity requirements. It is further avered that although the Commission granted the application in Docket No. CP82-107, Tennessee is sensitive to the concern of its customers and, thus, is willing to reduce East Tennessee's AVL because the reduction would offset the impact of the increase in the small customers' AVL and, further, would permit Tennessee to realign its total system AVL to a level no lower than the level established in Opinion Nos. 712 and 712-A.

Finally, Tennessee states that the Commissions of the states of Tennessee and Virginia, having regulatory authority over retail sales to East Tennessee's indirect customers, are being notified in writing of the action proposed herein.

Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to Section 7 of the Natural Gas Act.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-7559 Filed 3-23-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP83-206-000]

Texas Eastern Transmission Corp.; Request Under Blanket Authorization

March 18, 1983.

Take notice that on February 24, 1983, Texas Eastern Transmission Corporation (Applicant), P.O. Box 7521, Houston, Texas 77252, filed in Docket No. CP83-206-000, a request, as supplemented on March 4, 1983, pursuant to Section 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) that Applicant proposes to construct and operate a sales meter station necessary to provide a new delivery point to National Gas and Oil Corporation (National) in Fairfield County, Ohio, under the authorization issued in Docket No. CP82-535-000 pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in the request on file with the Commission and open to public inspection.

Applicant states that up to 7,000 dt equivalent of natural gas per day would be delivered to Anchor Hocking Corporation (Anchor) for the account of National at the proposed delivery point under Applicant's Rate Schedules DCQ-C and I-C. It is further stated that Anchor, a customer of National, would use the gas as a source of heat in the manufacture of glass products. National would reimburse Applicant for the cost of constructing the proposed sales meter station, it is asserted.

It is further avered that the proposed sales meter station would have no effect on Applicant's peak day or annual deliveries to National. However, it is asserted that deliveries to Applicant's Meter Station #062 would be decreased from 22,655 dt equivalent per day to 15,655 dt equivalent per day. The gas delivered to Meter Station #062 is used by National for general system supply, it is alleged. Furthermore, it is stated that the proposed construction would be accomplished without detriment or disadvantage to Applicant's other customers.

Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to Section 7 of the Natural Gas Act.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-7560 Filed 3-23-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP83-210-000]

Transcontinental Gas Pipe Line Corp.; Application

March 18, 1983.

Take notice that on February 28, 1983, Transcontinental Gas Pipe Line Corporation (Applicant), P.O. Box 1396, Houston, Texas 77251, filed in Docket No. CP83-210-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain pipeline and appurtenant facilities in the offshore Texas area, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate approximately 32.64 miles of 20-inch pipeline in the Matagorda Island area, offshore Texas, extending from the existing Cities Service Company (Cities) production platform located in Matagorda Island Block 669 to a connection with Applicant's Central Texas Gathering System at Cities' "A" production platform in Block A-76, Brazos area, South Addition, offshore Texas. Applicant further proposes to construct and operate metering, regulating, and other appurtenant facilities on the Matagorda 669 platform.

Applicant states that the proposed facilities would be designed to provide a maximum capacity of 80,000 Mcf per day. It is anticipated that such facilities would enable Applicant to transport reserves which Applicant has purchased or is negotiating to purchase in Matagorda Blocks 653, 654, and 669. Applicant states that it has executed a contract with Getty Oil Company to purchase 50 percent of the reserves in the subject blocks and is negotiating with Cities to purchase the remaining 50 percent. Applicant proposes to commence construction of the facilities in the summer of 1984 and completion would be scheduled coincident with the beginning of production in October 1984.

Applicant estimates that the proposed facilities would cost $27,536,000. Such costs, it is asserted, would be financed initially through revolving credit arrangements, short-term loans, or funds on hand with permanent financing to be undertaken at a later date as part of Applicant's overall long-term financing program.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 8, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-7561 Filed 3-23-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-87-002]

United Gas Pipe Line Co.; Petition To Amend

March 18, 1983.

Take notice that on February 25, 1983, United Gas Pipe Line Company (United), P.O. Box 1478, Houston, Texas 77001, filed in Docket No. CP82-87-002 a petition to amend the order issued May 5, 1982, in Docket No. CP82-87-000 pursuant to Section 7(c) of the Natural Gas Act so as to authorize the transportation of natural gas at an additional delivery point whereby Amoco Production Company (Amoco) would make deliveries to the utilities Board of Foley, Alabama, commonly known as Riveria Utilities (Board) on behalf of United, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

By order issued May 5, 1982, United was authorized to transport natural gas for the account of Amoco from Foley Field, Baldwin County, Alabama, and redeliver equivalent quantities by displacement to Florida Gas Transmission Company at an existing interconnection in St. Landry Parish, Louisiana, pursuant to the terms of a September 21, 1981, gas transportation agreement.

United now requests amendment of the May 5, 1982, order so as to authorize an additional delivery point near Summerdale, Baldwin County, Alabama, which, it is stated, would only be used in the event of an emergency which prevents United from delivering to Board or, due to a break in Board's line, which prevents Board from receiving its full requirement under a June 5, 1979, gas service agreement. If such an emergency occurs, then Amoco would make deliveries to Board on behalf of United, it is explained. Facilities necessary to establish the emergency delivery point would be provided by and at the sole expense of Board, it is stated.

United asserts that the establishment of the proposed emergency delivery point would not cause an increase in Board's maximum daily quantity, nor its assigned allocation under United's existing curtailment program, and it would not cause Amoco to sell gas to Board, nor Board to become a customer of Amoco. Further, it is indicated that any deliveries for the account of United by Amoco would not result in any loss of gas on a daily or annual basis for delivery by Amoco to Florida Power and Light Company under Amoco's warranty obligation.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before April 8, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the processing. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to

intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-7562 Filed 3-23-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP83-207-000]

United Gas Pipe Line Co.; Request Under Blanket Authorization

March 18, 1983.

Take notice that on February 24, 1983, United Gas Pipe Line Company (United), P.O. Box 1478, Houston, Texas 77001, filed in Docket No. CP83-207-000 a request pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) that United proposes to install a 2-inch sales tap for the delivery of gas to Louisiana Gas Service Company (LGS) for resale to the Watts Corporation (Watts) under the authorization issued in Docket No. CP82-430-000 pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in the request on file with the Commission and open to public inspection.

United proposes the installation of a 2-inch sales tap on its 12-inch Barataria Line in Crown Point, Jefferson Parish, Louisiana. This tap would be utilized to deliver an estimated 10,000 Mcf of natural gas per year, through the distributor, LGS, it is stated. It is further stated that LGS would resell such gas to Watts, an industrial customer, which would use natural gas approximately 4 to 6 times per year to facilitate offshore compressor package testing.

United also claims that there would be no increase in the customers' contractual maximum daily quantity nor its entitlement under its effective curtailment plan. Gas flowing through this tap would be sold under United's Rate Schedule G-S, it is stated.

United estimates the cost of the tap to be $10,300 and states that LGS would reimburse United for the cost of construction.

Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to Section 7 of the Natural Gas Act.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-7563 Filed 3-23-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP81-330-002]

United Gas Pipe Line Co., Columbia Gulf Transmission Co. and Southern Natural Gas Co.; Petition To Amend

March 18, 1983.

Take notice that on February 23, 1983, United Gas Pipe Line Company (United), P.O. Box 1478, Houston, Texas 77001, Columbia Gulf Transmission Company (Columbia Gulf), P.O. Box 683, Houston, Texas 77001, and Southern Natural Gas Company (Southern) P.O. Box 2563, Birmingham, Alabama 35202, filed in Docket No. CP81-330-002 a joint petition to amend the order issued March 12, 1982, in Docket No. CP81-330-000 pursuant to Section 7(c) of the Natural Gas Act so as to authorize the participation of United as an original owner in the South Pass 57 Project, offshore Louisiana, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioners state that the South Pass Block 57 facilities were constructed as authorized in Docket No. CP81-330-000 and placed in service on July 22, 1982. Petitioners further state that the ownership of such facilities was allocated according to Columbia Gulf's and Southern's respective interests in the gas reserves underlying South Pass Blocks 57 and 58 and that, in addition, Columbia Gulf's 80 percent ownership reflected uncommitted reserves in those blocks. It is stated that the final ownership interests for gas reserves underlying South Pass Blocks 57 and 58 are Columbia Gulf—25.75 percent, Southern—20.60 percent, United—20 percent, and Louisiana Intrastate Gas Company—33.65 percent.

Petitioners state that in order for United to attach its reserves to its system, United would participate as an orignial owner in the South Pass Block 57 facilities with a 20 percent undivided interest therein.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before April 8, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-7564 Filed 3-23-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. GP83-19-000]

U.S. Department of The Interior, Bureau of Land Mangement (Formerly Minerals Management Service), Section 108 NGPA Determination, El Paso Natural Gas Company, San Juan 27-4 Unit #79, FERC J.D. No. 83-00553, Petition To Reopen Final Well Category Determination and Request To Withdraw

Issued: March 18, 1983.

On March 4, 1983, El Paso Natural Gas Company (El Paso) filed with the Federal Energy Regulatory Commission (Commission) a petition to reopen and a request to withdraw its application for a final well category determination, that gas from the San Juan 27-4 Unit #79 qualifies as stripper well natural gas pursuant to section 108 of the Natural Gas Policy Act of 1978 (NGPA), 15 U.S.C. 3301-3432 (Supp. V 1982). This determination made by the Minerals Management Service (MMS) became final on November 18, 1982, pursuant to NGPA section 503(d) and 18 CFR 275.202(a).

El Paso requests reopening of this final determination so that it can withdraw its application for said determination based upon a review of the production data originally submitted to qualify the well. After checking its field records, it was discovered that only six shut-in days should have been included as production days rather than the thirteen shut-in days which were recorded.

The Commission hereby gives notice that the question of whether refunds, plus interest as computed under § 154.102(d), will be required is a matter which is subject to the review and final determination of the Commission.

Any person desiring to be heard or to make any protest to the requested reopening and withdrawal should file, within 30 days after this notice is published in the **Federal Register**, with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of Rules 214 or 211 of the Rules of Practice and Procedure. All protests filed will be considered in determining the appropriate action to be taken, but will not make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene in accordance with the Commission's rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-7565 Filed 3-23-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-378-000]

Virginia Electric and Power Co.; Filing

March 18, 1983.

Take notice that on March 10, 1983, the Virginia Electric and Power Company (VEPCO) tendered for filing a new contract supplement for Appomattox Delivery Point dated October 27, 1982. VEPCO states that this supplement supersedes FERC Rate Schedule 94-1 dated March 20, 1967.

VEPCO requests an effective date of October 6, 1982, and therefore requests waiver of the Commission's notice requirements.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before April 5, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-7566 Filed 3-23-83; 8:45 am]

BILLING CODE 6717-01-M

Office of the Secretary

Voluntary Agreement and Plan of Action To Implement the International Energy Program; Meeting

In accordance with section 252(c)(1)(A)(i) of the Energy Policy and Conservation Act (42 U.S.C. 6272), the following meeting notice is provided:

. A meeting of Subcommittee A of the Industry Advisory Board to the International Energy Agency (IEA) will be held in Washington, D.C. on March 31, 1983, at the Department of Energy, Room GJ-015, 1000 Independence Avenue, SW., Washington, D.C. This meeting is being held in order to permit participation of representatives of members of Subcommittee A at a briefing meeting being held by the IEA in Washington, D.C., on that date for Government members of the United States, Canadian and other National Emergency Sharing Organizations who will participate in the Fourth Test of the IEA Allocation Systems.

As provided in section 252(c)(1)(A)(ii) of the Energy Policy and Conservation Act, this meeting will not be open to the public.

Issued in Washington, D.C. March 21, 1983.

Craig S. Bamberger,

Assistant General Counsel, International Trade and Emergency Preparedness.

[FR Doc. 83-7633 Filed 3-23-83; 8:45 am]

BILLING CODE 6450-01-M

International Atomic Energy Agreements; Proposed Subsequent Arrangements; European Atomic Energy Community (EURATOM)

Pursuant to section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of proposed "subsequent arrangements" under the Additional Agreement for Cooperation Between the Government of the United States of America and the European Atomic Energy Community (EURATOM) Concerning Peaceful Uses of Atomic Energy, as amended and the Agreement for Cooperation Between the Government of the United States of America and the Government of Switzerland Concerning Civil Uses of Atomic Energy, as amended.

These subsequent arrangements would give approval, which must be obtained under the above mentioned agreements, for the following transfers of special nuclear materials of United States origin, or of special nuclear materials produced through the use of materials of United States origin, as follows: from Switzerland to France (Compagnie Generale des Matieres Nuclearies), for the purpose of reprocessing, 68 irradiated fuel assemblies, containing 11,995 kilograms of uranium, enriched to 0.9% in U-235; and 101 kilograms of plutonium from the Muehleberg Power Station (this subsequent arrangement is designated as RTD/EU(SD)-45); and 120 irradiated fuel assemblies, containing 46,950 kilograms of uranium enriched to 0.8% in U-235, and 440 kilograms of plutonium from the Gosgen Power Station (this subsequent arrangement is designated as RTD/EU(SD)-46).

The Department of Energy has received letters of assurance from the Government of Switzerland that the recovered uranium and plutonium will be stored in France, and will not be transferred from France, nor put to any use, without the prior consent of the United States Government.

In accordance with section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that these subsequent arrangements will not be inimical to the common defense and security.

These subsequent arrangements will take effect no sooner that fifteen days after the date of publication of this notice and after fifteen days of continuous session of the Congress, beginning the day after the date on which the reports required by section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) are submitted to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate. The two time periods referred to above shall run concurrently.

Dated: March 21, 1983.

For the Department of Energy.

George J. Bradley, Jr.,

Principal Deputy Assistant Secretary for International Affairs.

[FR Doc. 83-7634 Filed 3-23-83; 8:45 am]

BILLING CODE 6450-01-M

Southeastern Power Administration

Proposed Rate Adjustment, Public Forum, and Opportunities for Public Review and Comment

AGENCY: Southeastern Power Administration (Southeastern), DOE.

ACTION: Notice of proposed rate adjustment for Cumberland Basin Projects, notice of public forum and opportunity for review and comment.

SUMMARY: Southeastern proposes to replace Rate Schedules CR-1-D and CR-2-D currently applicable to Cumberland Basin Projects power, and seeks approval of Replacement

Schedules CR–1–E and CR–2–E for a one-year period, July 1, 1983, through June 30, 1984.

Opportunities will be available for interested persons to review the present rates, the proposed rates and supporting studies, to participate in a forum and to submit written comments. Southeastern will evalute all comments received in this process.

DATES: Written comments are due on or before May 13, 1983. A public information and comment forum will be held in Nashville, Tennessee, on April 26, 1983.

ADDRESSES: Five copies of written comments should be submitted to: Administrator, Southeastern Power Administration, Department of Energy, Samuel Elbert Building, Elberton, Georgia 30635. The public information and comment forum for the Cumberland Basin Projects will begin at 10 a.m. on April 26, 1983, in Room 115, U.S. Courthouse, 801 Broadway, Nashville, Tennessee 37203.

FOR FURTHER INFORMATION CONTACT: Leon Jourolmon, Jr., Chief, Division of Fiscal Operations, Southeastern Power Administration, Department of Energy, Samuel Elbert Building, Elberton, Georgia 30635; (404) 283–3261.

SUPPLEMENTARY INFORMATION: The Federal Energy Regulatory Commission by order issued February 27, 1981, in Docket No. EF79–3021, confirmed and approved Wholesale Power Rate Schedules CR–1–D and CR–2–D applicable to Cumberland Basin Projects' power for a period ending June 30, 1983.

Additional time is needed to negotiate contracts to implement the recently issued new written power marketing policy for the Cumberland System of Projects. Therefore, Southeastern is proposing to establish short-term rates to allow time to negotiate contracts and permit development of appropriate rates applicable to the new policy.

Discussion: Existing rate schedules are predicated upon an April 1979 repayment study and other supporting data all of which are contained in FERC Docket No. EF79–3021. The current repayment study prepared in March of 1983 shows that existing rates are not adequate to recover all costs required by present repayment criteria.

A revised repayment study with a $2,415,000 revenue increase in each future year over the current repayment study demonstrates that all costs are paid within their repayment life. Therefore, Southeastern is proposing to revise existing rates so as to recover that additional $2,415,000. The increase is primarily due to escalated costs at the generating projects.

The overall increase amounts to a 13 percent increase in revenues. SEPA is proposing to increase all rates in CR–1–D and CR–2–D by an identical percentage of 13 percent. It is proposed that revised rate schedules applicable to TVA and Other Customers contain the following unit rates:

TVA Rate Schedule

Basic annual charge	$20,840,000
Retention credits:	
Peaking capacity/yr	$20.20
Peaking energy/kwh (mills)	3.68
Standby capacity:	
Annual charge/year (3 customers)	$12.81
Use charge/day (during November, April, May, June, September and October)	$0.072
Use charge/day (during other months)	$0.112
Standby energy:	
Maintenance energy/kwh (mills)	3.68
Emergency energy/kwh (mills)	6.01
Excess power:	
Per kw	$28.80
Per kwh (mills)	6.01

Other Customers Rate Schedule

Peaking capacity/kw/yr	$18.98
Peaking energy/kwh (mills)	4.75
Standby capacity/kw/yr	$4.80
Use charge/day (during November, April, May, June, September and October)	$0.072
Use charge/day (during other months)	$0.112
Standby energy:	
Maintenance energy/kwh (mills)	3.68
Emergency energy/kwh (mills)	6.01
Excess power:	
Per kw	$28.80
Per kwh (mills)	6.01

The referenced March 1983 current repayment study along with a revised repayment study dated March 1983 and previous system repayment studies are available for examination at the Samuel Elbert Building, Elberton, Gerogia 30635. Proposed Rate Schedules CR–1–E and CR–2–E are also available.

Issued at Elberton, Georgia, March 15, 1983.

Harry C. Geisinger,

Administrator.

[FR Doc. 83–7577 Filed 3–23–83; 8:45 am]

BILLING CODE 6450–01–M

Proposed Rate Adjustment, Public Forum, and Opportunities for Public Review and Comment

AGENCY: Southeastern Power Administration (Southeastern), DOE.

ACTION: Notice of proposed rate adjustment for Laurel Project, notice of public forum and opportunity for review and comment.

SUMMARY: Southeastern proposes to replace Rate Schedule LP–1 currently applicable to Laurel Project power, and seeks approval of Replacement Schedule LP–1–A for a one-year period July 1, 1983, through June 30, 1984.

Opportunities will be available for interested persons to review the present rates, the proposed rates and supporting studies, to participate in a forum and to submit written comments. Southeastern will evaluate all comments received in this process.

DATES: Written comments are due on or before May 13, 1983. A public information and public comment forum will be held in Nashville, Tennessee, on April 26, 1983.

ADDRESSES: Five copies of written comments should be submitted to: Administrator, Southeastern Power Administration, Department of Energy, Samuel Elbert Building, Elberton, Georgia 30635. The public information and comment forum for the Laurel Project will begin at 1 p.m. on April 26, 1983, in Room 115, U.S. Courthouse, 801 Broadway, Nashville, Tennessee 37203.

FOR FURTHER INFORMATION CONTACT: Leon Jourolmon, Jr., Chief, Division of Fiscal Operations, Southeastern Power Administration, Department of Energy, Samuel Elbert Building, Elberton, Georgia 30635; (404) 283–3261.

SUPPLEMENTARY INFORMATION: The Federal Energy Regulatory Commission by order issued October 25, 1979, in Docket No. EF79–3052 confirmed and approved Wholesale Power Rate Schedule LP–1 applicable to the Laurel Project power for a period ending June 30, 1983.

Additional time is needed to negotiate contracts to implement the recently issued new written power marketing policy for the Cumberland System of Projects. Therefore, Southeastern is proposing to establish short-term rates to allow time to negotiate contracts and permit development of appropriate rates applicable to the new policy. The Laurel Project is included in the Cumberland System Power Marketing Policy.

DISCUSSION: The existing rate schedule is predicated upon a January 1979 repayment study and other supporting data all of which are contained in FERC Docket No. EF79–3052. The current repayment study prepared in March 1983 shows that existing rates are not adequate to recover all costs required by present repayment criteria. A revised repayment study with a $223,000 revenue increase in each future year over the current repayment study demonstrates that are paid within their repayment life. Therefore, Southeastern is proposing to revise existing rates so as to recover that additional $223,000. The increase is primarily due to escalated costs at the Laurel Project. The overall increase amounts to a 16 percent increase in revenues. Southeastern is proposing to increase the capacity rate to $1.58 per month, an increase of approximately 16

percent and increase the energy rate to 4.89 mills per kwh, an increase of approximately 16 percent.

The referenced March 1983 current repayment study along with a revised repayment study dated March 1983 and previous system repayment studies are available for examination at the Samuel Elbert Building, Elberton, Georgia 30635. Proposed Rate Schedule LP-1-A is also available.

Issued at Elberton, Georgia, March 15, 1983.

Harry C. Geisinger,

Administrator.

[FR Doc. 83-7578 Filed 3-23-83; 8:45 am]

BILLING CODE 6450-01-M

[SA-FRL 2328-6]

ENVIRONMENTAL PROTECTION AGENCY

Science Advisory Board; Environmental Engineering Committee; Open Meeting

Under Pub. L. 92-463, notice is hereby given that a one-day meeting of the Pesticides Effluent Guidelines Subcommittee of the Environmental Engineering Committee (EEC) of the Science Advisory Board will be held in Conference Room S247, U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C., on April 12, 1983. The meeting will begin at 9:00 a.m. and last until approximately 5:30 p.m.

The purpose of the meeting will be to continue the review of technical data supporting the development of proposed effluent guidelines for the pesticides industry.

The proposed guidelines cover 137 active ingredient pesticides. For many of those, either treatability data do not exist, or where data does exist the treatment systems were not adequately designed or operated. In these cases, EPA transferred technology to establish treatment limits. This technology transfer involved the transfer of treatment technology "types" which were appropriate for pesticide removal, and the transfer of treatment "levels" from data available for pesticides with similar physical, chemical, and structural characteristics. The main issue for review by the Subcommittee will be the validity of the assumptions and methods used in the transfer of "types" and "levels" of technology.

The meeting is open to the public. Any member of the public wishing to attend or obtain further information about the meeting should contact Harry C. Torno, Executive Secretary, at (202) 382-2552, or Terry F. Yosie, Staff Director, Science Advisory Board, at (202) 382-4126. Public comment will be accepted at the meeting. Written comment will be accepted in any form, and there will be opportunity for brief oral statements. Anyone wishing to make such comment must contact Mr. Torno prior to April 6, 1983, in order to be placed on the agenda.

Terry F. Yosie,

Staff Director, Science Advisory Board.

March 16, 1983.

[FR Doc. 83-7621 Filed 3-23-83; 8:45 am]

BILLING CODE 6560-50-M

[WH-FRL 2316-6]

Reallotment of Funds Under Wastewater Treatment Works Construction Grants Program

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of reallotment of funds under Wastewater Treatment Works Construction Grants Program (40 CFR Part 35, Subpart I).

SUMMARY: This notice announces the distribution of unobligated fiscal year (FY) 1981 construction grant funds subject to reallotment after September 30, 1982, under section 205 of the Clean Water Act, 33 U.S.C. 1285; and explains the procedure by which the reallotment distribution was determined.

Section 205(d) of the Clean Water Act (the Act) requires that funds allotted for FY 1978 and beyond which are not obligated by the end of the initial allotment availability period "* * * shall be immediately reallotted by the Administrator * * *." This notice advises the public of the amounts available to the eligible States to be added to their allotments for grants for the construction of municipal wastewater treatment facilities. Under section 205(d), these funds are available for obligation until September 30, 1984.

DATE: Available for obligation upon issuance by the EPA Comptroller.

FOR FURTHER INFORMATION CONTACT: Mr. Albert L. Pelmoter, Chief, Program Policy Branch, Municipal Construction Division (WH-547), Office of Water Program Operations; (202) 382-7359.

SUPPLEMENTARY INFORMATION: Sums allotted to a State under section 205 of the Act remain available for obligation during the fiscal year in which appropriated and the next succeeding 12 months (40 CFR 35.2010(b)). Funds not obligated at the end of the period of availability are reallotted to the States which fully obligated their allotments. $3,400,000,000 were appropriated by Pub. L. 96-526 for fiscal year (FY) 1981, of which $3,304,837,000 were apportioned for allotment and $756,000,000 were rescinded by Pub. L. 97-12 on June 5, 1981. At the close of the availability period for the FY 1981 allotment (September 30, 1982), 20 States and territories had not obligated $36,246,380 of the $2,548,837,000 available in FY 1981 allotments.

Deobligated funds from appropriations made prior to FY 1981, which were issued or reissued between the dates of the FY 1981 and FY 1982 allotments ("recoveries") and which remained unobligated on September 30, 1982 are, in accordance with § 35.2010(d), also subject to reallotments with the unobligated FY 1981 allotments. As of October 1, 1982, a total of $3,307,103 in recoveries remained unobligated.

As explained below, not all of the unobligated funds remaining after the period of availability are subject to reallotment at this time. Due to several exceptions, the total amount reallotted is $8,046,999. These exceptions are as follows:

1. *Puerto Rico:* Of Puerto Rico's allotments, $27,676,944 in FY 1981 funds and $3,301,256 of its recovered FY 1978 supplemental allotment remained unobligated after the September 30, 1982 deadline. Section 501 of Pub. L. 97-357 (1982) extends the availability of Puerto Rico's FY 1981 unobligated balance to September 30, 1983. In keeping with the intent of Section 501 of Pub. L. 97-357, EPA granted Puerto Rico a deviation from 40 CFR 35.2010(d) in order to also preserve the recovered funds from reallotment until October 1, 1983. However, because Puerto Rico would have lost these funds to reallotment under section 205(d) without these exceptions, section 205(d) prohibits Puerto Rico from receiving any funds of other States being reallotted.

2. *Northern Mariana Islands:* Section 3(b)(2) of Pub. L. 95-348 (1978) provides that any funds made available to the Northern Mariana Islands (NMI) by the Congress after March 24, 1976 "* * * are hereby authorized to remain available until expended." Accordingly, construction grant funds allotted to the NMI which remain unobligated at the close of the period of availability prescribed by section 205(d) of the Act are not subject to reallotment. The amounts remaining are $5,847 in recovered FY 1980 funds and $10,411 in FY 1981 funds. Because the NMI would have lost these funds to reallotment without this statutory provision, section 205(d) prevents the NMI from receiving

any funds of other States being reallotted.

3. *New York State:* In September of 1982, $512,026 in FY 1981 funds were reissued for the State of New York. Because these funds were reissued during their original period of availability, they became subject to reallotment as of October 1, 1982. EPA mistakenly believed these funds to be recoveries which would not be subject to reallotment until FY 1984. So as not to penalize the State for an EPA administrative error, these funds are not being reallotted.

4. *Court Ordered Set-Asides:* In several States, State or Federal courts have ordered that certain amounts be set-aside for specific projects to be funded at a later date. Since these set-asides could only be used for the projects designated by the courts, the court ordered set-asides are treated as obligated funds. Included in this category are $3,064,722 in FY 1979 funds for the District of Columbia; $46,065,050 in FY 1979 funds for the State of Maryland; $18,277,367 in contract authority funds for New York and $32,068,117 in FY 1981 funds for projects in Detroit, Michigan.

Reallotment Procedure

To distribute the $8,046,999 balance subject to reallotment in accordance with the requirements of section 205(d) of the Act, the following procedure was used:

1. The percentages listed in section 205(c)(2) of the Act (as amended by Pub. L. 97-117) were adjusted to reflect the absence of States which had not fully obligated their funds (§ 35.2010(b)).

2. The resulting percentages were applied to the $8,046,999 to arrive at the individual State allotments.

3. The resulting figures (rounded to the nearest $100) are listed in the table which follows. The table also identifies the States which did not fully obligate their funds and the amounts subject to reallotment.

State	Subject to reallotment	Not subject to reallotment	Reallotment
Alabama			111,700
Alaska	879,720		
Arizona			67,500
Arkansas			65,400
California			714,600
Colorado	115,498		
Connecticut			122,400
Delaware	93,439		
District of Columbia	348,107		
Florida			377,300
Georgia			168,900
Hawaii	99,637		@
Idaho	11,278		
Illinois			451,900
Indiana			240,600
Iowa	585,574		
Kansas			90,200
Kentucky			127,200
Louisiana	736,911		@
Maine			76,300
Maryland			241,700
Massachusetts			339,300
Michigan			429,600
Minnesota			180,100
Mississippi			90,000
Missouri			277,000
Montana			48,700
Nebraska			51,100
Nevada			48,700
New Hampshire	825,010		
New Jersey			406,300
New Mexico			48,700
New York		512,026	1,108,799
North Carolina			180,300
North Dakota	255,478		
Ohio			562,500
Oklahoma			80,700
Oregon			112,900
Pennsylvania	2,148,832		
Rhode Island			66,200
South Carolina	351,539		
South Dakota			48,700
Tennessee			145,200
Texas			379,600
Utah			52,700
Vermont			48,700
Virginia			204,500
Washington	329,782		
West Virginia	1,079,609		
Wisconsin			270,100
Wyoming			48,700
Guam	56,108		
Puerto Rico		30,976,200	
Virgin Islands	66,512		
American Samoa	46,459		
Trust Territory of Pacific Islands	17,496		
Northern Mariana Islands		16,256	
Total	8,046,999	[1]31,506,484	[2]8,046,999

[1] Includes fiscal year 1981 and prior year funds.
[2] Individual reallotments rounded to $100 except for New York which received the $99 difference between the true total ($8,046,999) and the rounded total ($8,046,900).

These allotments are available for obligation until September 30, 1984. After that date, unobligated balances will be reallotted under section 205(d) of the Act (35.2010). Grants from the allotments may be awarded as of the date of issuance of advices of allowance to the EPA Regional Administrators by the Comptroller of EPA.

Dated: March 16, 1983.

John W. Hernandez, Jr.,

Acting Administrator.

[FR Doc. 83-7624 Filed 3-23-83; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL DEPOSIT INSURANCE CORPORATION

Penn Square Bank, N.A., Oklahoma City, Oklahoma; Issuance of Powers of Attorney

AGENCY: Federal Deposit Insurance Corporation.

ACTION: Public notice.

SUMMARY: On October 27, 1982, the Federal Deposit Insurance Corporation (hereinafter "FDIC") published notice of its appointment as Receiver of the Penn Square Bank, N.A., Oklahoma City, Oklahoma, and of the issuance by the FDIC of general powers of attorney in favor of Thomas R. Procopio, Liquidator, and six Assistant Liquidators (see 47 FR 47677, October 27, 1982). The notice was published in order to facilitate FDIC's discharge of its responsibilities as Receiver and specifically to comply with the provisions of Title 16, Section 20 of the Oklahoma Statutes (16 O.S. Section 20), which creates an exception, based upon such publication, to the otherwise applicable requirement that powers of attorney be recorded locally in order to effect conveyances of interests in property. A supplemental notice updating that notice was published on January 21, 1983 (see 48 FR 2829). This notice supplements the prior two notices.

SUPPLEMENTARY INFORMATION: On February 22, 1983, the Director of the FDIC's Division of Liquidation appointed Paul C. Heafy Assistant Liquidator and provided him with power of attorney to act on behalf of the FDIC. On the same date, a power of attorney that had previously been issued to Gregory P. Murphy was revoked. Accordingly, with respect to Mr. Heafy, he has been authorized and empowered to:

Sign, seal, and deliver as the act and deed of the FDIC any instrument in writing, and to do every other thing necessary and proper for the collection and recovery by the FDIC of any and all sums, moneys and properties of every kind and nature whatsoever for and on behalf of the FDIC and to give receipts and acquittances therefor in the name and on behalf of the FDIC, for any and all such sums, moneys and properties received or taken into his possession; further, without limitation on the generality of the foregoing, he is authorized and empowered for and in the name of the FDIC, to release, discharge or assign any and all judgments, mortgages on real estate or personal property, including the release and discharge of the same of record in the office of any prothonotary or register of deeds wherever located where payments on account of the same in redemption or otherwise may have been made by the parties debtor, to endorse receipt of such payment upon the records in any such office or in any other appropriate public office; also to receipt, collect and give all proper acquittances for any other sums of money owing the FDIC or payable to the FDIC for any asset which he may sell or dispose of; also to execute any and all

transfers and assignments as may be necessary to assign any shares, bonds, securities or other choses in action; also to sign, seal, acknowledge and deliver any and all leases and agreements as he shall deem necessary or proper in the care and management of the foregoing assets; to sign effectual receipts for the payment of all rents and profits due or to become due thereon; also to extend, postpone, release and satisfy or do any other thing advisable in his discretion affecting the lien of any mortgage or mortgages now or hereafter held, standing or appearing upon the records in any public office wherever located; also to execute, acknowledge, and deliver, in the name of the FDIC, a power of attorney wherever necessary or required by law to any attorney employed by the FDIC, and in its name and stead, to foreclose any mortgages, or other securities on either real or personal property, wherever located, which it may now own or hereafter acquire, and generally to do and perform every act necessary, convenient or desirable in the use, liquidation and collection of the foregoing assets held by the FDIC wherever located.

Dated: March 15, 1983.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 83-7598 Filed 3-23-83; 8:45 am]

BILLING CODE 6714-01-M

Forms Submitted to OMB for Review

AGENCY: Federal Deposit Insurance Corporation.

ACTION: Notice of forms submitted to OMB for review and approval under the Paperwork Reduction Act of 1980.

Title of Information Collection: Summary of Deposits (Commerical and Mutual Savings Banks).

Background: In accordance with requirements of the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35), the FDIC hereby gives notice that it has submitted to the Office of Management and Budget a Form SF-83, "Request for OMB Review," for the information collection system identified above.

Address: Written comments may be sent to Mr. Hoyle L. Robinson, Executive Secretary, Federal Deposit Insurance Corporation, 550 17th Street, N.W., Washington, D.C. 20429 and to Mr. Richard Sheppard, Reports Management Branch, Office of Management and Budget, New Executive Office Building, Room 3208, Washington, D.C. 20503.

For Futher Information Contact: For a complete copy of the "Request for OMB Review" or related information, contact the Office of the Executive Secretary, FDIC, telephone (202) 389-4351.

Summary: The information collection obtains account balances on a "bank office" basis by type of deposit account at commercial and mutual savings banks. All banks that have branches in the U.S. are surveyed. Four types of accounts are specified: demand, savings, and time deposits for individuals, partnerships and corporations; and accounts for public funds. The data, which provide a basis for measuring the competitive impact of bank mergers, will be reported as of June 30, 1983. All of this information will be made available to the public after it has been processed and edited for errors, which should occur toward the end of 1983.

The information asked for in this year's collection is identical to that requested in last year's survey, which represented a substantial reduction from the 1981 levels of this survey. We estimate that the required reporting time expended by the respondent institutions this year will be about 49,000 hours.

Dated: March 18, 1983.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 83-7580 Filed 3-23-83; 8:45 am]

BILLING CODE 6714-01-M

FEDERAL MARITIME COMMISSION

Level of Military Rates; Filing of Petition for Rulemaking

March 18, 1983.

Notice is given that a petition has been filed by Trans Freight Lines, Inc., for reinstitution of Federal Maritime Commission General Order No. 29, Regulations Governing Level of Military Rates. General Order No. 29 is, at present, suspended. Trans Freight alleges that recent decreases in military rates necessitate reinstatement of that Order.

Interested persons may inspect and obtain a copy of the petition at the Washington Office of the Federal Maritime Commission, 1100 L Street NW., Room 11101.

Interested persons may submit replies to the petition to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before April 22, 1983. The Commission would also accept comments and suggestions for changes in General Order 29. An *original and fifteen copies* of such replies and/or comments shall be submitted.

Francis C. Hurney,

Secretary.

[FR Doc. 83-7538 Filed 3-23-83; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Bank Holding Company; Proposed de Novo Nonbank Activities; Northwest Bancorporation

The organization identified in this notice has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage de novo (or continue to engage in an activity earlier commenced de novo), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to the application, 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 concentrations of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any comment on the application 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 the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated. Comments and requests for hearings 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 Minneapolis** (Bruce J. Hedblom, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. *Northwest Bancorporation,* Minneapolis, Minnesota (financing and insurance activities; Georgia): To engage through its subsidiary, Dial Finance Company of Georgia, in the activities of consumer and commercial finance, and

the sale of credit life and credit accident and health insurance, related to extensions of credit by Dial Fiance Company of Georgia. These activities will be conducted from an office in Atlanta, Georgia. This notification is for the relocation of an existing office in Decatur, Georgia, which office, upon relocation, will serve Atlanta, Georgia. Comments on this application must be received not later than April 18, 1983.

Board of Governors of the Federal Reserve System, March 18, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-7575 Filed 3-23-83; 8:45 am]

BILLING CODE 6210-01-M

Formation of Bank Holding Companies; Bancshares of Gleason, Inc., 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 St. Louis** (Delmer P. Weisz, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. *Bancshares of Gleason, Inc.*, Gleason, Tennessee; to become a bank holding company by acquiring 80 percent of the voting shares of Bank of Gleason, Gleason, Tennessee. Comments on this application must be received not later than April 18, 1983.

2. *Oakland City Bancshares Corp.*, Oakland City, Indiana; to become a bank holding company by acquiring 80 percent of the voting shares of The First Bank and Trust Company of Oakland City, Oakland City, Indiana. Comments on this application must be received not later than April 18, 1983.

B. **Federal Reserve Bank of Minneapolis** (Bruce J. Hedblom, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. *Cottage Grove BanCorporation, Inc.*, St. Paul, Minnesota; to become a bank holding company by acquiring 100 percent of the voting shares of Minnesota National Bank of Cottage Grove, Cottage Grove, Minnesota. Comments on this application must be received not later than April 18, 1983.

C. **Board of Governors of the Federal Reserve System** (William W. Wiles, Secretary) Washington, D.C. 20551:

1. *The Manila Banking Corporation*, Manila, Philippines; to become a bank holding company by acquiring 100 percent of the voting shares of Manilabank California, Los Angeles, California. This application may be inspected at the offices of the Board of Governors or the Federal Reserve Bank of San Francisco. Comments on this application must be received not later than April 18, 1983.

Board of Governors of the Federal Reserve System, March 18, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-7574 Filed 3-23-83; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

[Docket No. N-83-1221]

Submission of Proposed Information Collection to OMB

AGENCY: Office of Administration, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below has been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proosal.

ADDRESS: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and should be sent to: Robert Neal, OMB Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, D.C. 20503.

FOR FURTHER INFORMATION CONTACT: David S. Cristy, Acting Reports Management Officer, Department of Housing and Urban Development, 451 7th Street, SW., Washington, D.C. 20410, telephone (202) 755-5310. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: The Department has submitted the proposal described below for the collection of information to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. Chapter 35).

The Notice lists the following information: (1) The title of the information collection proposal; (2) the office of the agency to collect the information; (3) the agency form number, if applicable; (4) how frequently information submissions will be required; (5) what members of the public will be affected by the proposal; (6) an estimate of the total number of hours needed to prepare the information submission; (7) whether the proposal is new or an extension or reinstatement of an information collection requirement; and (8) the names and telephone numbers of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

Copies of the proposed forms and other available documents submitted to OMB may be obtained from David S. Cristy, Acting Reports Management Officer for the Department. His address and telephone number are listed above. Comments regarding the proposal should be sent to the OMB Desk Officer at the address listed above.

The proposed information collection requirement is described as follows:

Notice of Submission of Proposed Information Collection to OMB

Proposal: Compliance Inspection Report.

Office: Housing.

Form No.: HUD-92051.

Frequency of Submission: On Occasion.

Affected Public: Businesses or Other Institutions (except farms).

Estimated Burden Hours: 125,000.

Status: Extension.

Contact: John C. Coonts, HUD, (202) 755-6720, or Robert Neal, OMB, (202) 395-7316.

Authority: Sec. 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; Sec. 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Dated: February 18, 1983.

Notice of Submission of Proposed Information Collection to OMB

Proposal: Application for Insurance of Advance of Mortgage Proceeds

Office: Housing.

Form No.: FHA-2043.

Frequency of Submission: On Occasion.

Affected Public: Businesses or Other Institutions (except farms).

Estimated Burden Hours: 1,080.

Status: Extension.
Contact: Linda D. Cheatham, HUD, (202) 426–7113, or Robert Neal, OMB, (202) 395–7316.

Authority: Sec. 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; Sec. 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Dated: February 18, 1983.

Notice of Submission of Proposed Information Collection to OMB

Proposal: Public Housing Authority Development Program.
Office: Housing.
Form No.: HUD–52483.
Frequency of Submission: On Occasion.
Affected Public: State and Local Governments.
Estimated Burden Hours: 250.
Status: Extension.
Contact: Raymond W. Hamilton, HUD, (202) 755–8199, or Robert Neal, OMB, (202) 395–7316.

Authority: Sec. 3507 of the Paperwork Reduction Act, 44 U.S.C 3507; Sec. 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Dated: February 18, 1983.

Notice of Submission of Proposed Information Collection to OMB

Proposal: Section 202 Application Package.
Office: Housing.
Form No.: None.
Frequency of Submission: Annually.
Affected Public: Businesses or Other Institutions (except Farms).
Estimated Burden Hours: 106,730.
Status: New
Contact: Robert W. Wilden, HUD, (202) 426–8730, or Robert Neal, OMB, (202) 395–7316.

Authority: Sec. 3507 of the Paperwork Reduction Act, 44 U.S.C 3507; Sec. 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Dated: February 18, 1983.

Judith L. Tardy,
Assistant Secretary for Administration.

[FR Doc. 83-7682 Filed 3-23-83; 8:45 am]
BILLING CODE 4210-01-M

[Docket No. N–83–1220]

Submission of Proposed Information Collections to OMB

AGENCY: Office of Administration, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirements described below have been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments of the subject proposals.

ADDRESS: Interested persons are invited to submit comments regarding these proposals. Comments should refer to the proposal by name and should be sent to: Robert Neal, OMB Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, D.C. 20503.

FOR FURTHER INFORMATION CONTACT: David S. Cristy, Acting Reports Management Officer, Department of Housing and Urban Development, 451 7th Street, SW., Washington, D.C. 20410, telephone (202) 755–5310. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: The Department has submitted the proposals described below for the collection of information to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. Chapter 35).

The notice lists the following information: (1) The title of the information collection proposal; (2) the office of the agency to collect the information; (3) the agency form number, if applicable; (4) how frequently information submissions will be required; (5) what members of the public will be affected by the proposal; (6) an estimate of the total number of hours needed to prepare the information submission; (7) whether the proposal is new or an extention or reinstatement of an information collection requirement; and (8) the names and telephone numbers of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

Copies of the proposed forms and other available documents submitted to OMB may be obtained from David S. Cristy, Acting Reports Management Officer for the Department. His address and telephone number are listed above. Comments regarding the proposals should be sent to the OMB Desk Officer at the address listed above.

The proposed information collection requirements are described as follows:

Notice of Submission of Proposed Information Collection to OMB

Proposal: Energy Conservation Requirement Handbook 4350.1, Chapter 12.
Office: Housing.
Form No.: None.
Frequency of Submission: On Occasion.
Affected Public: Businesses or Other Institutions (except farms).
Estimated Burden Hours: 17,000.
Status: New.
Contact: James J. Tahash, HUD, (202) 755–5654, or Robert Neal, OMB, (202) 395–7316.

Authority: Sec. 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; Sec. 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Dated: March 8, 1983.

Notice of Submission of Proposed Information Collection to OMB

Proposal: Request for Approval of Advances Under Preliminary Loan Contract.
Office: Housing.
Form No.: HUD–51991.
Frequency of Submission: On Occasion.
Affected Public: State or Local Governments.
Estimated Burden Hours: 519.
Status: Reinstatement.
Contact: Edmund Carrera, HUD, (202) 755–6522, or Robert Neal, OMB, (202) 395–7316.

Authority: Sec. 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; Sec. 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Dated: March 8, 1983.

Notice of Submission of Proposed Information Collection to OMB

Proposal: Title I Financial Statement.
Office: Housing.
Form No.: HUD–56142.
Frequency of Submission: On Occasion.
Affected Public: Individuals or Households.
Estimated Burden Hours: 450.
Status: Extension.
Contact: Jane Scott, HUD, (202) 755–6857, or Robert Neal, OMB, (202) 395–7316.

Authority: Sec. 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; Sec. 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Dated: March 8, 1983.

Judith L. Tardy,
Assistant Secretary for Administration.

[FR Doc. 83-7683 Filed 3-23-83; 8:45 am]
BILLING CODE 4210-01-M

[Docket No. N–83–1222]

Submission of Proposed Information Collection to OMB

AGENCY: Office of Administration, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below has been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

ADDRESS: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and should be sent to: Robert Neal, OMB Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, D.C. 20503.

FOR FURTHER INFORMATION CONTACT: David S. Cristy, Acting Reports Management Officer, Department of Housing and Urban Development, 451 7th Street, SW., Washington, D.C. 20410, telephone (202) 755-5310. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: The Department has submitted the proposal described below for the collection of information to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. Chapter 35).

The Notice lists the following information: (1) The title of the information collection proposal; (2) the office of the agency to collect the information; (3) the agency form number, if applicable; (4) how frequently information submissions will be required; (5) what members of the public will be affected by the proposal; (6) and estimate of the total number of hours needed to prepare the information submission; (7) whether the proposal is new or an extension or reinstatement of an information collection requirement; and (8) the names and telephone numbers of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

Copies of the proposed forms and other available documents submitted to OMB may be obtained from David S. Cristy, Acting Reports Management Officer for the Department. His address and telephone number are listed above. Comments regarding the proposal should be sent to the OMB Desk Officer at the address listed above.

The proposed information collection requirement is described as follows:

Notice of Submission of Proposed Information Collection to OMB

Proposal: Mortgagee Questionnaire and Case File Review.
Office: Housing.
Form No.: HUD-9080.
Frequency of Submission: Annually.
Affected Public: Businesses or Other Institutions (except farms).
Estimated Burden Hours: 4,800.
Status: New.
Contact: Gwendolyn Chandler, HUD, (202) 426-0070, or Robert Neal, OMB, (202) 395-7316.

Authority: Sec. 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; Sec. 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Dated: January 31, 1983.

Judith L. Tardy,

Assistant Secretary for Administration.

[FR Doc. 83-7684 Filed 3-23-83; 8:45 am]

BILLING CODE 4210-01-M

[Docket No. N-83-1223]

Submission of Proposed Information Collection to OMB

AGENCY: Office of Administration, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below has been submitted to the Office of Management and Budget (OMB) for review as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

ADDRESS: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and should be sent to: Robert Neal, OMB Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, D.C. 20503.

FOR FURTHER INFORMATION CONTACT: David S. Cristy, Acting Reports Management Officer, Department of Housing and Urban Development, 451 7th Street, SW., Washington, D.C. 20410, telephone (202) 755-5310. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: The Department has submitted the proposal described below for the collection of information to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. Chapter 35).

The Notice lists the following information: (1) The title of the information collection proposal; (2) the office of the agency to collect the information; (3) the agency form number, if applicable; (4) how frequently information submissions will be required; (5) what members of the public will be affected by the proposal; (6) an estimate of the total number of hours needed to prepare the information submission; (7) whether the proposal is new or an extension or reinstatement of an information collection requirement; and (8) the names and telephone numbers of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

Copies of the proposed forms and other available documents submitted to OMB may be obtained from David S. Cristy, Acting Reports Management Officer for the Department. His address and telephone number are listed above. Comments regarding the proposal should be sent to the OMB Desk Officer at the address listed above.

The proposed information collection requirement is described as follows:

Notice of Submission of Proposed Information Collection to OMB

Proposal: Public Housing Agency Recovery of Section 8 Funds Obtained through Fraud and Abuse.
Office: Housing.
Form: None.
Frequency of Submission: On Occasion.
Affected Public: State or Local Governments.
Estimated Burden Hours: 90.
Status: New.
Contact: Howard Schmeltzer, HUD, (202) 755-1300, or Robert Neal, OMB, (202) 395-7316.

Authority: Sec. 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; Sec. 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Dated: February 16, 1983.

Judith L. Tardy,

Assistant Secretary for Administration.

[FR Doc. 83-7685 Filed 3-23-83; 8:45 am]

BILLING CODE 4210-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Realty Action I-18928]

Competitive Sale of Public Lands; Idaho

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Realty Action, I-18928, Modified Competitive Sale of Public Lands in Owyhee County, Idaho.

SUMMARY: The following described land has been examined, and through the development of land use decisions based on public input, it has been determined that the sale of the tract is consistent with Section 203(a) of the Federal Land Policy and Management Act of 1976. The land will be offered for sale at public auction for no less than the appraised fair market value indicated below. Both sealed and oral bids will be accepted.

Legal Description

Boise Meridian, Idaho

T. 6 S., R. 6 W.,
Sec. 13, N½NW¼NW¼SW¼, N½SE¼ NW¼NW¼SW¼.
6.25 Acres.
Value $1,550.

Upon publication of this Notice in the **Federal Register** (March 24, 1983), the

lands described above will be segregated from all forms of appropriation under the public land laws, including the mining laws, but excepting the mineral leasing laws, for a period of two years, or until the land is sold. The segregative effect may otherwise be terminated by the Authorized Officer by publication of a termination notice in the Federal Register prior to the expiration of the two-year period.

The lands will be subject to the following reservations when patented:

1. Ditches or canals.
2. All minerals.
3. Subject to all existing rights and reservations of record.

DATE: The public auction will be held on Tuesday, May 24, 1983, beginning at 10:00 a.m.

ADDRESS: The public auction will be held at the Boise District Office, 3948 Development Avenue, Boise, Idaho 83705. Additional information concerning these lands, terms and conditions of the sale, and bidding instructions may be obtained from Sally Carpenter, Legal Clerk, at the above address or by calling 208–334–1582.

SUPPLEMENTARY INFORMATION: The land will be sold at public auction by modified competitive bidding. Terry Warn, Jordan Valley, Oregon 97910, the adjoining landowner, will be the designated bidder to have a preference right to purchase the parcel at the highest bid price. Such preference right is offered because Mr. Warn is the historical user and has irrigated hay ground and irrigation ditches on the land that are an integral part of his farm operation. For a period of 45 days from the date of this notice, interested parties may submit comments to the District Manager regarding the proposed action. Any adverse comments will be evaluated by the District Manager who may vacate or modify this realty action and issue a final determination. In the absence of any action by the District Manager, this realty action will become the final determination of the Department of the Interior.

FOR FURTHER INFORMATION CONTACT: Oscar Anderson, Owyhee Area Manager.

Dated: March 4, 1983.

J. David Brunner,

Associate District Manager.

[FR Doc. 83-6807 Filed 3-23-83; 8:45 am]

BILLING CODE 4310-84-M

[Realty Action I–18929]

Competitive Sale of Public Lands; Idaho

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Realty Action, I–18929, Competitive Sale of Public Lands in Owyhee County, Idaho.

SUMMARY: The following described lands have been examined, and through the development of land use decisions based on public input, it has been determined that the sale of these tracts is consistent with Section 203(a) of the Federal Land Policy and Management Act of 1976. The lands will be offered for sale at public auction for no less than the appraised fair market value indicated below. Both sealed and oral bids will be accepted.

Legal Descriptions:

Parcel No. 1

Boise Meridian, Idaho

T. 6 S., R. 6 W.
Sec. 13. NW¼NE¼NW¼SW¼.
2.5 Acres.
Value $750.00.

Parcel No. 2

Boise Meridian, Idaho

T. 6 S., R. 6 W.
Sec. 13, SW¼NW¼NW¼SW¼, W½SW¼NW¼SW¼.
7.5 Acres.
Value $1,900.00.

The above aggregates 10 acres.

Upon publication of this Notice in the **Federal Register** (March 24, 1983), the lands described above will be segregated from all forms of appropriation under the public land laws, including the mining laws, but excepting the mineral leasing laws, for a period of two years, or until the lands are sold. The segregative effect may otherwise be terminated by the Authorized Officer by publication of a termination notice in the **Federal Register** prior to the expiration of the two-year period.

The land of each parcel will be subject to the following reservations when patented:

1. Ditches or canals.
2. All minerals.
3. Subject to all existing rights and reservations of record.

DATE: The public auction will be held on Tuesday, May 24, 1983, beginning at 10:00 a.m.

ADDRESSESS: The public auction will be held at the Boise District Office, 3948 Development Avenue, Boise, Idaho 83705. Additional information concerning these lands, terms and conditions of the sale, and bidding instructions may be obtained from Sally Carpenter, Legal Clerk, at the above address or by calling 208–334–1582.

SUPPLEMENTARY INFORMATION: For a period of 45 days from the date of this notice, interested parties may submit comments to the District Manager regarding the proposed action. Any adverse comments will be evaluated by the District Manager who may vacate or modify this realty action and issue a final determination. In the absence of any action by the District Manager, this realty action will become the final determination of the Department of the Interior.

FOR FURTHER INFORMATION CONTACT: Oscar Anderson, Owyhee Area Manager.

Dated: March 4, 1983.

J. David Brunner,

Associate District Manager.

[FR Doc. 83-6808 Filed 3-23-83; 8:45 am]

BILLING CODE 4310-84-M

[Realty Action I–20049]

Competitive Sale of Public Land; Idaho

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Realty Action, I–20049, Modified Competitive Sale of Public Lands in Owyhee County, Idaho.

SUMMARY: The following described land has been examined, and through the development of land use decisions based on public input, it has been determined that the sale of the tract is consistent with Section 203(a) of the Federal Land Policy and Management Act of 1976. The land will be offered for sale at public auction for no less than the appraised fair market value indicated below. Both sealed and oral bids will be accepted.

Legal Description

Boise Meridian, Idaho

T. 6 S., R. 5 W.,
Sec. 20, SW¼SW¼SE¼SW¼.
Sec. 28, SE¼SW¼NW¼NW¼, SW¼SW¼NE¼, S½SE¼NE¼NW¼, NW¼NW¼SE¼;
Sec. 29, NE¼SW¼NE¼, E½NW¼SW¼NE¼, SE¼NE¼NE¼SE¼.
47.5 Acres.
Value $9,500.00.

Upon publication of this Notice in the **Federal Register** (March 24, 1983), the lands described above will be segregated from all forms of appropriation under the public land laws, including the mining laws, but excepting the mineral leasing laws, for a period of two years, or until the land is sold. The segregative effect may

otherwise be terminated by the Authorized Officer by publication of a termination notice in the **Federal Register** prior to the expiration of the two-year period.

The lands will be subject to the following reservations when patented:

1. Ditches or canals.
2. All minerals.
3. Subject to all existing rights and reservations of record.

DATE: The public auction will be held on Tuesday, May 24, 1983, beginning at 10:00 a.m.

ADDRESS: The public auction will be held at the Boise District Office, 3948 Development Avenue, Boise, Idaho 83705. Additional information concerning these lands, terms and conditions of the sale, and bidding instructions may be obtained from Sally Carpenter, Legal Clerk, at the above address or by calling 208–334–1582.

SUPPLEMENTARY INFORMATION: The land will be sold at public auction by modified competitive bidding. Walter E. Morgan, Jordan Valley, Oregon 97910, the adjoining landowner, will be the designated bidder to have a preference right to purchase the parcels at the highest bid price. Such preference right is offered because Mr. Morgan is the historical user and has irrigated hay ground, irrigation ditches, a barn and corrals that are an integral part of his farm operation. For a period of 45 days from the date of this notice, interested parties may submit comments to the District Manager regarding the proposed action. Any adverse comments will be evaluated by the District Manager who may vacate or modify this realty action and issue a final determination. In the absence of any action by the District Manager, this realty action will become the final determination of the Department of the Interior.

FOR FURTHER INFORMATION CONTACT: Oscar Anderson, Owyhee Area Manager.

Dated: March 4, 1983.

J. David Brunner,

Associate District Manager.

[FR Doc. 83-6809 Filed 3-23-83; 8:45 am]

BILLING CODE 4310-84-M

[Realty Action I-20050]

Competitive Sale of Public Lands; Idaho

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Realty Action, I–20050, Competitive Sale of Public Lands in Owyhee County, Idaho.

SUMMARY: The following described land has been examined, and through the development of land use decisions based on public input, it has been determined that the sale of the tract is consistent with Section 203(a) of the Federal Land Policy and Management Act of 1976. The land will be offered for sale at public auction for no less than the appraised fair market value indicated below. Both sealed and oral bids will be accepted.

Legal Description

Boise Meridian, Idaho

T. 7 S., R. 4 W.,

Sec. 30, Lot 4.
39.41 Acres.
Value $4,700.00.

Upon publication of this Notice in the **Federal Register** (March 24, 1983), the land described above will be segregated from all forms of appropriation under the public land laws, including the mining laws, but excepting the mineral leasing laws, for a period of two years, or until the land is sold. The segregative effect may otherwise be terminated by the Authorized Officer by publication of a termination notice in the **Federal Register** prior to the expiration of the two-year period.

The lands will be subject to the following reservations when patented:

1. Ditches or canals.
2. All minerals.
3. Subject to all existing rights and reservations of record.

DATE: The public auction will be held on Tuesday, May 24, 1983, beginning at 10:00 a.m.

ADDRESS: The public auction will be held at the Boise District Office, 3948 Development Avenue, Boise, Idaho 83705. Additional information concerning these lands, terms and conditions of the sale, and bidding instructions may be obtained from Sally Carpenter, Legal Clerk, at the above address or by calling 208–334–1582.

SUPPLEMENTARY INFORMATION: For a period of 45 days from the date of this notice, interested parties may submit comments to the District Manager regarding the proposed action. Any adverse comments will be evaluated by the District Manager who may vacate or modify this realty action and issue a final determination. In the absence of any action by the District Manager, this realty action will become the final determination of the Department of the Interior.

FOR FURTHER INFORMATION CONTACT: Oscar Anderson, Owyhee Area Manager.

Dated: March 4, 1983.

J. David Brunner,

Associate District Manger.

[FR Doc. 83-6810 Filed 3-23-83 8:45 am]

Billing Code 4310-84-M

[Realty Action I-20051]

Competitive Sale of Public Lands; Idaho

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Realty Action, I–20051, Modified Competitive Sale of Public Lands in Owyhee County, Idaho.

SUMMARY: The following described land has been examined, and through the development of land use decisions based on public input, it has been determined that the sale of the tract is consistent with Section 203(a) of the Federal Land Policy and Management Act of 1976. The land will be offered for sale at public auction for no less than the appraised fair market value indicated below. Both sealed and oral bids will be accepted.

Legal Description

Boise Meridian, Idaho T. 7 S., R. 4 W.,

Sec. 30, W½W½NW¼SE¼.
10.0 Acres.
Value $1,200.00.

Upon publication of this Notice in the **Federal Register** (March 24, 1983), the lands described above will be segregated from all forms of appropriation under the public land laws, including the mining laws, but excepting the mineral leasing laws, for a period of two years, or until the land is sold. The segregative effect may otherwise be terminated by the Authorized Officer by publication of a termination notice in the **Federal Register** prior to the expiration of the two-year period.

The lands will be subject to the following reservations when patented:

1. Ditches or canals.
2. All minerals.
3. Subject to all existing rights and reservations of record.

DATE: The public auction will be held on Tuesday, May 24, 1983, beginning at 10:00 a.m.

ADDRESS: The public auction will be held at the Boise District Office, 3948 Development Avenue, Boise, Idaho 83705. Additional information concerning these lands, terms and conditions of the sale, and bidding instructions may be obtained from Sally Carpenter, Legal Clerk, at the above address or by calling 208–334–1582.

SUPPLEMENTARY INFORMATION: The land will be sold at public auction by modified competitive bidding. George Johnstone, Homedale, Idaho 83628, the adjoining landowner, will be the designated bidder to have a preference right to purchase the parcel at the highest bid price. Such preference right is offered because Mr. Johnstone is the historical user and has irrigated hay ground and irrigation ditches on the land that are an integral part of his farm operation. For a period of 45 days from the date of this notice, interested parties may submit comments to the District Manager regarding the proposed action. Any adverse comments will be evaluated by the District Manager who may vacate or modify this realty action and issue a final determination. In the absence of any action by the District Manager, this realty action will become the final determination of the Department of the Interior.

FOR FURTHER INFORMATION CONTACT: Oscar Anderson, Owyhee Area Manager.

Dated: March 4, 1983.

J. David Brunner,

Associate District Manager.

[FR Doc. 83-6811 Filed 3-23-83; 8:45 am]

BILLING CODE 4310-84-M

[Serial No. I-012996]

Idaho; Notice of Termination of Proposed Withdrawal and Reservation of Lands

March 15, 1983.

Notice of an application, serial number I-012996, for withdrawal and reservation of lands was published as **Federal Register** Document No. 62-1193 on page 1076 of the issue for February 6, 1962. The applicant agency has cancelled its application insofar as it involved the lands described below. Therefore, pursuant to the regulations contained in 43 CFR, Subpart 2091, such lands will be at 9:00 a.m. on April 20, 1983, relieved of the segregative effect of the above mentioned application.

The lands involved in this notice of termination are:

Boise Meridian

T. 2 S., R. 35 E.,
Sec. 12, lots 7, 9, 10, 11;
Sec. 13, lot 6;
Sec. 14, lot 5;
Sec. 23, lots 8, 9, 11, 14, 15, 18;
Sec. 26, lot 2;
Sec. 27, lots 10, 15;
Sec. 32, lot 3;
Sec. 33, lots 10, 11, 14, 17.

T. 3 S., R. 35 E.,
Sec. 5, lots 11, 14, 15, 16 (except 0.837 acres in City of Blackfoot lease Idaho 012742);
Sec. 7, lot 10;
Sec. 8, lots 17, 18.

The area described aggregates 424.89 acres of public land in Bingham County.

William Ireland,

Chief, Lands Section.

[FR Doc. 83-7593 Filed 3-23-83; 8:45 am]

BILLING CODE 4310-84-M

[New Mexico 87401]

New Mexico; Realty Action Non-Competitive Sale of Public Lands in San Juan County

The following described land has been examined and identified as suitable for disposal by sale under Section 203 of the Federal Land Policy and Management Act of 1976 (90 Stat. 2750, 43 U.S.C. 1713), at not less than the appraised fair market value.

New Mexico Principal Meridian

T. 29 N., R. 14 W.,
Sec. 11, lots 8, 9.

The land described aggregates 8.75 acres in San Juan County.

The above described land is being offered as a direct non-competitive sale at fair market value to Paul and Carlotte Gordy. The Gordy's are current owners of a salvage yard that has occupied this public land for many years. In 1981 the Gordy's purchased the salvage business and ten acres of land, believing the salvage business was on the land that they had purchased. Further checking revealed that the land the Gordy's purchased is located in two separate tracts; one immediately east of the 8.75 acre public land tract, and one approximately 1000 feet ENE of the public land. Disposal by direct sale will legalize the occupancy of this land, protect the Gordy's investment in the improvements, eliminate an undue hardship if the Gordy's were required to remove the improvements and rid the United States of a completely isolated tract of public land. The Bureau's San Juan Management Framework Plan (Decision L-4.2) identified the public land values and natural resources involved. This document was approved by the New Mexico State Director on August 17, 1979. No public comments pertaining to this MFP Decision were received.

The subject public land tract is not required for any other Federal purpose and meets the disposal criteria of the regulations contained in 43 CFR 2710.0-3(a)(3).

A Notice of Realty Action, describing the tract and conditions of the disposal shall be published once in the **Federal Register** and once a week for three consecutive weeks in a newspaper of general circulation.

The BLM has not effectively managed this land in the past and will not be capable of such management in the future. The location as well as the physical characteristics and the private ownership of adjoining lands, make it difficult and uneconomical to manage as public land.

The land will not be offered for sale for at least 60 days after the date of this notice.

The terms and conditions applicable to the sale are:

1. The patent will include a reservation of a right-of-way for ditches and canals constructed by the authority of the United States in accordance with 43 U.S.C. 945.

2. The sale of these lands will be subject to all existing rights.

3. Mineral rights will be reserved to the United States.

4. Geothermal resources will be reserved to the United States.

Detailed information concerning the sale, including the combined Environmental Assessment and Land Report, is available for review at the Farmington Resource Area Office, 900 La Plata Hwy, Farmington, New Mexico and the Albuquerque District Office, 3550 Pan American Freeway, Albuquerque, New Mexico.

For a period of 45 days from the date of this notice, interested parties may submit comments to the District Manager at 3550 Pan American Freeway, Albuquerque, New Mexico 87107. Any adverse comments will be evaluated by the District Manager who may vacate or modify this realty action and issue a final determination. In the absence of any action by the District Manager, this realty action will become the final determination of the Department of the Interior.

L. Paul Applegate,

District Manager.

[FR Doc. 83-7592 Filed 3-23-83; 8:45 am]

BILLING CODE 4310-84-M

[New Mexico 87401]

New Mexico; Realty Action Non-Competitive Sale of Public Lands in San Juan County

The following described land has been examined and identified as suitable for disposal by sale under Section 203 of the Federal Land Policy and Management Act of 1976 (90 Stat. 2750, 43 U.S.C. 1713), at no less than the appraised fair market value.

New Mexico Principal Meridian

T. 29 N., R. 14 W.,
Sec. 11, lot 7.

The land described aggregates 4.35 acres in San Juan County.

The above described land is being offered to Mrs. Loretta Cornelison at a direct non-competitive sale at fair market value. Mrs. Cornelison owner of the meat processing business that occupies the public land, has owned the business for over ten years. The business was inadvertently constructed on public land due to an inaccurate survey. Mrs. Cornelison owns the land tract immediately east of the subject land parcel. Disposal by direct sale will legalize the occupancy of the land, protect the owner's investment, and rid the United States of a small, completely isloated parcel of public land. The Bureau's San Juan Management Framework Plan (Decision L-4.2) identified the public land values and natural resources involved. This document was approved by the New Mexico State Director on August 17, 1979. No public comments pertaining to this MFP Decision were received.

The subject public land tract is not required for any other Federal purpose and meets the disposal criteria of the regulations contained in 43 CFR 2710.0-3(a)(3).

A Notice of Realty Action, describing the tract and conditions of the disposal shall be published once in the **Federal Register** and once a week for three consecutive weeks in a newspaper of general circulation.

The BLM has not effectively managed this land in the past and will not be capable of such management in the future. The location as well as the physical characteristics and the private ownership of adjoining lands, make it difficult and uneconomical to manage as public land.

The land will not be offered for sale for at least 60 days after the date of this notice.

The terms and conditions applicable to the sale are:

1. The patent will include a reservation of a right-of-way for ditches and canals constructed by the authority of the United States in accordance with 43 U.S.C. 945.

2. The sale of these lands will be subject to all existing rights.

3. Mineral rights will be reserved to the United States.

4. Geothermal resources will be reserved to the United States.

Detailed information concerning the sale, including the combined Environmental Assessment and Land Report, is available for review at the Farmington Resource Area Office, 900 La Plata Hwy, Farmington, New Mexico and the Albuquerque District Office, 3550 Pan American Freeway, Albuquerque, New Mexico.

For a period of 45 days from the date of this notice interested parties may submit comments to the District Manager at 3550 Pan American Freeway, Albuquerque, New Mexico 87107. Any adverse comments will be evaluated by the District Manager who may vacate or modify this realty action and issue a final determination. In the absence of any action by the District Manager, this realty action will become the final determination of the Department of the Interior.

L. Paul Applegate,

District Manager.

[FR Doc. 83-7591 Filed 3-23-83; 8:45 am]

BILLING CODE 4310-84-M

Asset Management Program; Meeting

Notice is hereby given in accordance with section 203 of the Federal Land Policy and Management Act of 1976 that the Roswell District will hold Open House meetings concerning the Asset Management Program.

The meetings will discuss sales procedures. Maps and materials will be available at the Open Houses to be held at the following locations:

Carlsbad: April 21, 1983, 6 to 8 p.m., Rodeway Inn, 3804 National Parks Highway, Carlsbad, New Mexico.

Roswell: April 25, 1983, 6 to 8 p.m., Roswell Inn, 1815 North Main, Roswell, New Mexico.

For Further Information Contact: Phil Kirk, Area Manager, or Mike Taylor, Realty Specialist, Roswell District Office, 1717 West Second Street, Roswell, New Mexico 88201 or call (505) 622-7670 or (FTS) 476-9251. In Carlsbad, contact Ben Koski, Area Manager or Jack Ragsdale, Realty Specialist, Carlsbad Resource Area Headquarters, 101 East Mermod, Carlsbad, New Mexico 88220 or call (505) 887-6544.

Richard Bastin,

District Manager.

[FR Doc. 83-7594 Filed 3-23-83; 8:45 am]

BILLING CODE 4310-84-M

Washington; Emergency Closure of Public Lands

Notice is hereby given that effective on April 2, 1983, all public lands in Sections 2, 10, 12, 14, 22, 24, 25, 26, 27, and 35, of T. 15N., R. 24E., and all public lands in T. 15N., R. 25E., T. 15N., R. 26E., and T. 15N., R. 27E., Willamette Meridian, Washington, are closed to all off-road vehicles.

The purpose of this closure is to protect the soil and vegetation from damage by motor vehicles.

The authority for this closure is 43 CFR 8341.2. The closure will remain in effect until April 10, 1983, both dates inclusive.

Dated: March 15, 1983.

Albert L. Martin,

Acting District Manager.

[FR Doc. 83-7590 Filed 3-23-83; 8:45 am]

BILLING CODE 4310-84-M

Meeting and Field Tour; District Grazing Advisory Board Meeting; Roswell District Office; Roswell, New Mexico

SUMMARY: In accordance with Pub. L. 94-579, this notice sets forth the schedule and proposed agenda of a forthcoming meeting of the Roswell District Grazing Advisory Board.

DATE: April 21, 1983, beginning at 9:30 a.m. A public comment period will begin at 3:00 p.m.

ADDRESS: U.S. Bureau of Land Management, Roswell District Office, 1717 West Second Street, Roswell, New Mexico 88201. Roswell District Office Conference Room.

FOR FURTHER INFORMATION CONTACT: Richard Bastin, District Manager or Tim Kreager, Chief, Planning and Environmental Assistance Staff, U.S. Bureau of Land Management, P.O. Box 1397, Roswell, New Mexico 88201 (505-622-7670 or FTS 476-9251).

SUPPLEMENTAL INFORMATION: The proposed agenda will include: (1) Brush Control tour east of Roswell. Tour will start from BLM District Office at 9:30 a.m. Formal meeting will begin at 1:30 p.m., Roswell District Office Conference Room (2) Election of officers (3) Discussion on allotment management plans (4) Categorization and prioritization of allotments for range improvements (5) Benefit/cost analysis using computer model for range improvements.—This meeting is open to the public. Interested persons may make oral statements to the board during the public comment period or may file written statements. Anyone wishing to make an oral statement must notify the District Manager by April 18, 1983. Summary minutes will be maintained in the District Office and will be available for public inspection during regular

business hours within 30 days following the meeting.

Richard Bastin,

District Manager, Roswell, New Mexico.

[FR Doc. 83-7587 Filed 3-23-83; 8:45 am]

BILLING CODE 4310-84-M

Vale District Advisory Council; Meeting

Notice is hereby given in accordance with Pub. L. 92-463 that an organizational meeting of the Vale District Advisory Council will be held April 14, 1983.

The meeting will begin at 9:00 a.m. in the conference room of the Bureau of Land Management Office at 100 Oregon Street West, Vale, Oregon, 97918.

Agenda items scheduled for advisory council briefing are (1) Southern Malheur EIS Area preferred alternative, (2) FY 1984 Asset Management Program and (3) Owyhee River Final Management Plan.

The meeting is open to the public. Interested persons may make oral statements to the Board or may file written statements for the Board's consideration. Anyone wishing to make oral statements may do so at 3:00 p.m. the day of the meeting.

Summary minutes of the Board meeting will be maintained in the district office and be available during regular business hours for public inspection, for the cost of duplication, within 30 days following the meeting.

Pearl M. Parker,

District Manager.

[FR Doc. 83-7589 Filed 3-23-83; 8:45 am]

BILLING CODE 4310-84-M

[OR 7278]

Oregon; Order Providing for Opening of Public Lands

1. In exchanges of lands made pursuant to Section 206 of the Act of October 21, 1976, 90 Stat. 2756; 43 U.S.C. 1716 (1976), the following lands have been reconveyed to the United States:

Willamette Meridian

T. 33 S., R. 22 E.,
Sec. 36.
T. 34 S., R. 22 E.,
Sec. 16.
T. 36 S., R. 22 E.,
Sec. 16, S½N½ and S½.
T. 35 S., R. 23 E.,
Sec. 16.
T. 36 S., R. 23 E.,
Sec. 36.
T. 37 S., R. 23 E.,
Sec. 16.
Sec. 36, N½ and N½S½.
T. 32 S., R. 24 E.,
Sec. 16, W½.
T. 35 S., R. 24 E.,
Sec. 23, W½SW¼;
Sec. 26, W½W½;
Sec. 27 E½NE¼ and SE¼;
Sec. 34, SE¼SW¼.
T. 30 S., R. 25 E.,
Sec. 36.
T. 31 S., R. 25 E.,
Secs. 16 and 36.
T. 32 S., R. 25 E.,
Sec. 16.
T. 34 S., R. 25 E.,
Sec. 36, S½SW¼ and SE¼.
T. 30 S., R. 26 E.,
Secs. 16 and 36.
T. 31 S., R. 26 E.,
Secs. 16 and 36.
T. 29 S., R. 27 E.,
Secs. 16 and 36.
T. 30 S., R. 27 E.,
Secs. 16 and 36.
T. 31 S., R. 27 E.,
Sec. 16;
Sec. 36, E½ and E½W½.
T. 32 S., R. 27 E.,
Sec. 36.
T. 30 S., R. 28 E.,
Sec. 16;
Sec. 36, lots 1, 2, 3, and 4, N½, and N½S½.
T. 31 S., R. 28 E.,
Secs. 16 and 36.
T. 32 S., R. 28 E.,
Secs. 16 and 36.
T. 34 S., R. 28 E.,
Secs. 16 and 36.
T. 35 S., R. 28 E.,
Sec. 16.

The areas described aggregate approximately 19,315.96 acres in Harney and Lake Counties, Oregon.

2. At 9:30 a.m., on April 20, 1983, the land will be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 9:30 a.m., on April 20, 1983, will be considered as simultaneously filed at that time. Those received thereafter will be considered in the order of filing.

3. At 9:30 a.m. on April 20, 1983, the public lands will be open to location under the United States mining laws. Appropriation of lands under the general mining laws prior to the date and time of restoration is unauthorized. Any such attempted appropriation, including attempted adverse possession under 30 U.S.C. Sec. 38, shall vest no rights against the United States. Acts required to establish a location and to initiate a right of possession are governed by State law where not in conflict with Federal law. The Bureau of Land Management will not intervene in disputes between rival locators over possessory rights since Congress has provided for such determinations in local courts.

4. At 9:30 a.m., on April 20, 1983, the lands will be open to applications and offers under the mineral leasing laws.

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

Dated: March 15, 1983.

Robert E. Mollohan,

Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc. 83-7588 Filed 3-23-83; 8:45 am]

BILLING CODE 4310-84-M

[ES 32058, Survey Group 124]

Minnesota; Filing of Plat of Survey

1. On October 5, 1982, the plat representing the survey of an island in Lake Belle Taine, T. 140 N., R. 33 W., Fifth Principal Meridian, Minnesota, was accepted. It will be officially filed in the Eastern States Office, Alexandria, Virginia, at 7:30 a.m. on May 9, 1983.

The island listed below describes the land omitted from the original survey.

Fifth Principal Meridian, Minnesota

T. 140 N., R. 33 W.,
Tract No. 37.

2. The island Tract No. 37 rises to an elevation of up to 3 feet above the ordinary high water mark of Lake Belle Taine. The island is composed of boulders and other material of glacial origin, covered with a shallow layer of soil. Forest vegetation consists of pole size aspen, pine, birch, and elm. Old tree stumps were also found on the island.

The similarity between the edaphic and vegetative characteristics of Tract No. 37 and adjoining surveyed uplands located at equal elevation attest to the fact that it existed as upland in 1870 when the township was originally surveyed and on May 11, 1858, when Minnesota was admitted into the Union. The succession of tree growth as evidenced by stumps and present tree cover attest to the fact that Tract No. 37 existed as upland at all subsequent dates.

3. The Tract No. 37 was found to be over 50 percent upland in character within the purview of the Swamp Lands Act of September 28, 1850. It is therefore held to be public land.

4. All inquiries relating to this island should be sent to the Deputy State Director for Lands and Minerals Operations, Bureau of Land Management, 350 South Pickett Street,

Alexandria, Virginia 22304 on or before May 9, 1983.

Jeff O. Holdren,

Deputy State Director for Lands and Minerals Operations.

[FR Doc. 83-7581 Filed 3-23-83; 8:45 am]

BILLING CODE 4310-84-M

[ES 32059, Survey Group 124]

Minnesota; Filing of Plats of Survey

1. On October 5, 1982, the plats representing the survey of four islands in T. 140 N., R. 34 W., Fifth Principal Meridian, Minnesota, were accepted. They will be officially filed in the Eastern States Office, Alexandria, Virginia, at 7:30 a.m. on May 9–1983.

The islands listed below describe the lands omitted from the original survey.

Fifth Principal Meridian, Minnesota

T. 140 N., R. 34 W.,
Tract Nos. 37, 38, 39, and 40.

2. The tract No. 37 rises to an elevation of 5 feet above the ordinary high water mark of Boulder Lake. The island is composed of boulders ranging up to 3 feet in diameter and other material of glacial origin covered with a shallow layer of soil. Forest vegetation consists of Norway pine, aspen, birch, spruce, and red oak with an understory of Norway pine, aspen, and birch.

Tract No. 38 rises to an elevation of 2 feet above the ordinary high water mark of Boulder Lake and is composed of boulders ranging up to 4 feet in diameter and other material of glacial origin covered with a shallow layer of soil. Forest vegetation consists of willow, aspen and birch.

Tract No. 39 rises 5 feet in elevation above the ordinary high water mark of Peysenske Lake. It is composed of glacial material covered with a shallow layer of soil. Forest vegetation consists of basswood, birch, oak, aspen, and ash with an understory consisting of alder, sumac, dogwood, and fir.

Tract No. 40 rises to an elevation of 6 feet above the ordinary high water mark of Peysenske Lake and is composed of material of glacial origin covered with a medium layer of soil. Forest vegetation consists of pine, birch, basswood, oak, and willow. The understory consists of sumac, alder, hazel, pine, and aspen.

3. The elevation of the islands and the forest vegetation attest to the fact that they existed as islands on May 11, 1858, when Minnesota was admitted into the Union and all subsequent dates.

4. The islands described as Tract Nos. 37, 38, 39, and 40 were found to be more than 50% upland in character within the purview of the Swamp Lands Act of September 28, 1850.

5. All inquiries relating to these islands should be sent to the Deputy State Director for Lands and Minerals Operations, Bureau of Land Management, 350 South Pickett Street, Alexandria, Virginia 22304 on or before May 9, 1983.

Jeff O. Holdren,

Deputy State Director for Lands and Minerals Operations.

[FR Doc. 83-7582 Filed 3-23-83; 8:45 am]

BILLING CODE 4310-84-M

[ES 32060, Survey Group 124]

Minnesota; Filing of Plats of Survey

1. On October 5, 1982, the plats representing the survey of 12 islands in T. 141 N., R. 33 W., Fifth Principal Meridian, Minnesota, were accepted. They will be officially filed in the Eastern States Office, Alexandria, Virginia, at 7:30 a.m. on May 9, 1983.

The islands listed below describe the lands omitted from the original survey.

Fifth Principal Meridian, Minnesota

T. 141 N., R. 33 W.,
Tract Nos. 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, and 48.

2. Tract No. 37 rises to an elevation of 9 feet above the ordinary high water mark of West Crooked Lake. It is composed of glacial till parent material covered with a shallow layer of soil. Forest vegetation is similar to the surrounding mainland which consists of Norway pine, white spruce and birch. Tree borings indicated that some trees ranged up to 120 years old. Stumps were found on the island ranging up to 18 inches in diameter with stump depressions that measured 3 feet in diameter.

Tract No. 38 rises up to 20 feet above the ordinary high water mark of Middle Crooked Lake. The island is composed of glacial till parent material covered with a shallow layer of soil. Granite boulders measuring up to 3 feet in diameter were found on this tract. Forest vegetation found on the island is similar to that of the surrounding mainland consisting of Norway pine, white pine, aspen, and birch. The understory consists of white pine, alder, and hazel. Borings indicate that the oldest pine trees were 135 years old.

Tract No. 39 rises to an elevation of up to 35 feet above the ordinary high water mark of Middle Crooked Lake. It is composed of glacial till parent material covered with a shallow layer of soil. Forest vegetation consists of Norway and white pine, aspen, birch, spruce, and basswood, with an understory of oak, hazel, aspen, and alder. A pine tree measuring 30 inches in diameter was aged between 120 and 135 years old.

Tract No. 40 rises an elevation of 2 feet above the ordinary high water mark of West Crooked Lake. The island is composed of granite glacial till with a very shallow soil coverage. Granite boulders ranging up to 3 feet in diameter are scattered about the island. Vegetation consists primarily of lowland brush.

Tract No 41. rises to an elevation of up to 10 feet above the ordinary high water mark of Dead (Ojibway) Lake. It is composed of glacial till parent material covered with a shallow layer of soil. Forest vegetation similar to the surrounding mainland consisting of pole size Norway pine, white spruce, fir, and birch, while the understory consists of hazel, alder, and choke cherry. Tree stumps of 15 inches in diameter have been logged in the past 30 to 40 years and are also present on the nearby surveyed uplands.

The island Tract No. 42 rises to an elevation of 4 feet above the ordinary high water mark of Spider Lake. It is composed of boulders up to 3 feet in diameter and other material of glacial origin covered with a shallow layer of soil. Forest vegetation consists of pole size Norway, white and jack pine, and birch, while the understory is composed of willow, alder and birch.

Track No. 43 rises to an elevation of up to 3 feet above the ordinary high water mark of Spider Lake. The island is composed of boulders and other material of glacial origin, covered with a shallow layer of soil. Forest vegetation consists of Norway, white and jack pine, aspen and birch, while the understory is mainly white pine, hazel, and alder.

Tract No. 44 rises to an elevation of 8 feet above the ordinary high water mark of Spider Lake. The island is composed of boulders up to 5 feet in diameter and other material of glacial origin and is covered with a shallow layer of soil. Forest vegetation consists of saw class elm, white pine, spruce, birch, aspen, basswood, and ash, while the understory is mainly composed of spruce, aspen, ironwood, birch, alder, and hazel.

The island Tract No. 45 rises to an elevation of 3 feet above the ordinary high water mark of Spider Lake. It is composed of glacial till covered with a shallow layer of soil. Forest vegetation is similar to that on the surrounding mainland consisting of pole size jack pine, tamarack, and birch. The understory consists of alder and hazel.

The island Tract No. 46 rises to an elevation of up to 3 feet above the ordinary high water mark of Spider

Lake. The island is composed of boulders and other material of glacial origin covered with a shallow layer of soil. Forest vegetation is similar to that of the adjacent surveyed upland which consists of pole size Norway, white and jack pine, and birch. The understory consists of alder, hazel, and white pine.

Tract No. 47 rises to an elevation of 15 feet above the ordinary high water mark of Spider Lake. The island is composed of glacial till covered with a shallow to medium layer of soil. Forest vegetation is similar to that of the adjoining surveyed upland which consists of Norway and white pine, birch, and aspen. The understory is composed of pine, alder, hazel, and oak. Borings indicate that the larger pine trees range up to 150 years of age.

Tract No. 48 rises 2 feet above the ordinary high water mark of Spider Lake. The island is composed of granite glacial till rubble. The vegetation on this tract consists of underbrush.

3. The elevation of the islands, similarity of timber succession on the islands and the opposing mainland, age of timber present, composition of soil, and the character of the channel show conclusively that those tracts of land existed as an islands on May 11, 1858, when Minnesota was admitted into the Union, and at all subsequent dates.

4. The tracts 37–48 were found to be over 50 percent upland in character within the purview of the Swamp Lands Act of September 28, 1850 (9 Stat. 519). Therefore, they are held to be public land.

5. All inquiries relating to these tracts should be sent to the Deputy State Director for Lands and Minerals Operations, Bureau of Land Management, 350 South Pickett Street, Alexandria, Virginia 22304 on or before May 9, 1983.

Jeff O. Holdren,

Deputy State Director for Lands and Minerals Operations.

[FR Doc. 83-7583 Filed 3-23-83; 8:45 am]

BILLING CODE 4310-84-M

[ES 32061, Survey Group 124]

Minnesota; Filing of Plats of Survey

1. On October 5, 1982, the plats representing the survey of two islands in T. 142 N., R. 34 W., Fifth Principal Meridian, Minnesota, was accepted. It will be officially filed in the Eastern States Office, Alexandria, Virginia, at 7:30 a.m. on May 9, 1983.

The islands listed below describe the lands omitted from the original survey.

Fifth Principal Meridian, Minnesota

T. 142 N., R. 34 W.,

Tract Nos. 37 and 38.

2. The island Tract No. 37 rises in elevation from 2 to 20 feet above the ordinary high water mark of Mantrap Lake. Its character is similar in all respects to that of the adjacent surveyed lands. The island is composed of boulders and other material of glacial origin, covered with a medium layer of soil. Timber on this Tract consists of basswood, ash, tamarack, spruce, aspen, and birch, with a ground cover consisting primarily of willow, hazel, dogwood, and alder. Many large tree stumps were found on the island Tract No. 37.

The elevation of Tract No. 38 rises 2 feet above the ordinary high water mark of Skunk Lake. The island is composed of glacial till covered with a shallow layer of soil, with granite boulders scattered over the Tract. Forest vegetation consists of birch, aspen, and jack pine, while the understory consists of alder and hazel.

3. The elevation of the islands, similarity of timber and vegetation on the tracts and the mainland, composition of the soil, and the character of the channels, show conclusively that the island Tract Nos. 37 and 38 existed as islands on May 11, 1858, when Minnesota was admitted into the Union, and at all subsequent dates.

4. Tract Nos. 37 and 38 were found to be over 50 percent upland in character within the purview of the Swamp Lands Act of September 28, 1850 (9 Stat. 519). They are, therefore, held to be public land.

5. All inquiries relating to these islands should be sent to the Deputy State Director for Lands and Minerals Operations, Bureau of Land Management, 350 South Pickett Street, Alexandria, Virginia 22304 on or before May 9, 1983.

Jeff O. Holdren,

Deputy State Director for Lands and Minerals Operations.

[FR Doc. 83-7584 Filed 3-23-83; 8:45 am]

BILLING CODE 4310-84-M

[AR 032166]

Arizona; Proposed Modifications of Withdrawal and Opportunity for Public Hearing

March 18, 1983.

As a result of the review made pursuant to Section 204(l) of the Federal Land Policy and Management Act of 1976, 90 Stat. 2754; 43 U.S.C. 1714, the Bureau of Land Management, Department of the Interior, proposes to modify Public Land Order 3238 of September 27, 1963, withdrawing the following described public land from all forms of appropriation under the public land laws, including the mining laws, but not the mineral leasing laws:

Gila and Salt River Meridian, Arizona

T. 14 S., R. 13 E.,
Sec. 27, SW¼SW¼SE¼SW¼, S½S½NW¼SW¼SE¼,SW¼, E½E½SE¼SE¼SW¼ SW¼, SE¼SE¼NE¼SE¼SW¼SW¼.

The area described aggregates 3.91 acres in Pima County.

The purpose of the withdrawal is for use by the Immigration and Naturalization Service as a border patrol sector headquarters site. The Bureau of Land Management proposes to modify the period of withdrawal from an indefinite period to a period of 20 years. No change is proposed in the purpose or segregative effect of the withdrawal.

Notice is hereby given that an opportunity for a public hearing is afforded in connection with the proposed withdrawal modification. All interested persons who desire to be heard on the proposal must submit a written request for a hearing to the undersigned on or before June 30, 1983. Upon determination by the State Director, Bureau of Land Management, that a public hearing will be held, a notice will be published in the **Federal Register** giving the time and place of such hearing. In lieu of or in addition to attendance at a scheduled public hearing, written comments or objection to the proposed modification may be filed with the undersigned officer on or before June 30, 1983.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the land and its resources. The authorized Officer will review the withdrawal rejustification to ensure that the modification would be consistent with the statutory objectives of the programs for which the land is dedicated; the area involved is the minimum essential to meet the desired needs; the maximum concurrent utilization of the land is provided for and an agreement is reached on the concurrent management of the land and its resources. The authorized Officer will also prepare a report for consideration by the Secretrary of the Interior who will determine whether or not the withdrawal will be modified and if so, for how long. The final determination of the modification 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 modification should be addressed to the undersigned officer, Bureau of Land Management, Department of the Interior, 2400 Valley Bank Center, Phoenix, Arizona, 85073.

Mario L. Lopez,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 83-7585 Filed 3-23-83; 8:45 am]

BILLING CODE 4310-84-M

Minerals Management Service

Oil and Gas and Sulphur Operations in the Outer Continental Shelf

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the Receipt of a Proposed Development and Production Plan.

SUMMARY: Notice is hereby given that Amoco Production Company (USA) has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS–G 0987, Block 273, Eugene Island Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the Plan and that it is available for public review at the Office of the Regional Manager, Gulf of Mexico OCS Region, Minerals Management Service, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: Minerals Management Service, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837–4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: March 18, 1983.

John L. Rankin,

Acting Regional Manager, Gulf of Mexico OCS Region.

[FR Doc. 83-7606 Filed 3-23-83; 8:45 am]

BILLING CODE 4310-MR-M

Oil and Gas and Sulphur Operations in the Outer Continental Shelf

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the Receipt of a Proposed Development and Production Plan.

SUMMARY: Notice is hereby given that The Superior Oil Company has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS 0253, Block 149,West Cameron Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the Plan and that it is available for public review at the Office of the Regional Manager, Gulf of Mexico OCS Region, Minerals Management Service, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: Minerals Management Service, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837–4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: March 18, 1983.

John L. Rankin,

Acting Regional Manager, Gulf of Mexico OCS Region.

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Office of the Secretary

Central Arizona Project, Arizona; Water Allocations and Water Service Contracting; Record of Decision

AGENCY: Office of the Secretary, Interior.

ACTION: Notice of final water allocations to Indian and non-Indian water users and related decisions.

SUMMARY: The purpose of this action is to provide notice of final decisions made by the Secretary of the Interior concerning the allocation of water developed by the Central Arizona Project (CAP) to Indian and non-Indian water users, the conditions upon which those allocations were made, and water service contracting.

FOR FURTHER INFORMATION CONTACT: David G. Houston, Deputy Assistant Secretary, Land and Water Resources, U.S. Department of the Interior, Washington, D.C. 20240. Telephone: (202) 343–5676.

SUPPLEMENTARY INFORMATION: Previous Department of the Interior notices concerning CAP water allocations were published in the **Federal Register** on December 20, 1972, April 18, 1975, October 18, 1976, August 8, 1980 and December 10, 1980. Previous notices concerning compliance with the National Environmental Policy Act of 1969 in connection with CAP water allocations were published on June 2, 1981, December 4, 1981, December 11, 1981, and March 24, 1982.

These decisions were made pursuant to the authority vested in the Secretary of the Interior by the Reclamation Act of 1902, as amended and supplemented (32 Stat. 388, 43 U.S.C. 391) and the Colorado River Basin Project Act of September 30, 1968 (82 Stat. 885, 43 U.S.C. 1501), the Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act (40 CFR Part 1505) and the Implementing Procedures of the U.S. Department of the Interior (516 DM 5.4), and in recognition of the Secretary's trust responsibilities to the Indian tribes of central Arizona. They were made after full consideration by the Secretary and his staff of the decisionmaking records and activities of previous Secretaries of the Interior on the subject of CAP water allocations, the draft and final environmental impact statements prepared on Water Allocations and Water Service Contracting, Central Arizona Project (INT–DES 81–50 and INT–FES 82–7 respectively), and the views of members of the public, officials of other Federal agencies and the State of Arizona, Members of the Congress, Indian tribes and environmental organizations presented in the form of written comments and correspondence or orally at meetings and public hearings held in connection with the allocations and environmental impact statements.

Decision

The Secretary of the Interior has elected to allocate waters developed by the Central Arizona Project (CAP) and to proceed with water service contracting with Indian and non-Indian users for the delivery of Arizona's remaining entitlement to Colorado River water. This decision allocates 309,828 acre-feet annually of water for Indian use (see Table 1) and 640,000 acre-feet annually for municipal and industrial (M&I) use (see Table 2), with the remaining supply for non-Indian agricultural use (see Table 3).

These allocations will, however, be subject to the following conditions:

1. The Gila River Indian Community will be offered a water service contract for 173,100 acre-feet per year for irrigation purposes on the reservation subject to acceptance of feasible non-potable water exchanges and subject to a 25 percent reduction in water short years with the remaining 75 percent of the irrigation allocation on a priority basis with 510,000 acre-feet of non-Indian M&I allocations.

2. Indian entities with existing contracts which provide for non-potable water exchanges will be required to accept non-potable water exchanges where feasible and consistent with contractual provisions.

3. Allocations to tribal homelands are intended to serve irrigation, domestic, municipal, and industrial uses on the Reservations and repayment of allocated project costs will be based on actual uses of the water and will be in accordance with applicable statutes.

4. The M&I allocation of 640,000 acre-feet per year can be made more firm by executing feasible non-potable effluent exchanges with Indian tribes. This allocation is subject to adoption of a pooling concept whereby all M&I allottees share in the benefits of effluent exchanges.

5. Water service contracting with M&I entities will proceed in accordance with this decision and based on quantities delineated on Table 2 herein.

6. An initial contracting period extending for 6 months will be provided and, in the absence of extenuating circumstances, the expiration of such period will lead to a request on behalf of the Secretary for the Arizona Department of Water Resources (DWR) to recommend reallocation of any remaining M&I and non-Indian agricultural water not contracted for during the initial contract period.

7. All water not contracted for, or contracted for but not expected to be utilized during interim periods, will be retained under jurisdiction of the Secretary and will be marketed on an interim basis to expedite repayment of the CAP.

CAP Water Allocation Description

The decision is to allocate 309,828 acre-feet of CAP water annually to 12 Indian entities for irrigation or for maintaining tribal homelands; and to accept the State of Arizona's 1982 allocation recommendations for non-Indian users, which provide 640,000 acre-feet annually for M&I use, with the remaining supply for non-Indian agricultural use.

The quantities allocated to Indian users and the purposes they will serve are shown in Table 1.

TABLE 1.—CAP WATER ALLOCATIONS, INDIAN COMMUNITIES

Units: Acre-feet

Entity	Irrigation	Tribal homeland [1]	Total
Ak Chin	58,300		58,300
Camp Verde		1,200	1,200
Fort McDowell		4,300	4,300
Gila River	173,100		173,100
Papago-Chuichu	8,000		8,000
Papago-San Xavier		27,000	27,000
Papago-Schuk Toak		10,800	10,800
Pasqua Yaqui		500	500
Salt River	13,300		13,300
San Carlos	2,700	10,000	12,700
Tonto Apache		128	128
Yavapai		500	500
Total	255,400	54,428	309,828

[1] Includes irrigation, domestic, municipal, and industrial uses on the Reservation.

To ensure that maximum beneficial use is made of CAP water supplies in conjunction with available Arizona water supplies, Indian entities with existing contracts which provide for non-potable water exchanges will be required to accept non-potable water in exchange for CAP Indian irrigation allocations where feasible and consistent with contractual provisions. During years of water supply shortages, Indian users and non-Indian M&I users would share a first priority on project water supplies. Depending upon severity of shortages, project water delivery for miscellaneous uses would be reduced pro rata until exhausted; next, non-Indian agricultural uses would be reduced the same way until exhausted; next, the Gila Tribe allocation would be reduced 25 percent and other Indian irrigation uses would be reduced 10 percent on a pro rata basis until exhausted. Thereafter, the remaining water contracted for by 11 Indian entities under existing contracts and 75 percent of the Gila River Tribe allocation would share a priority with 510,000 acre-feet of non-Indian M&I uses (the 510,000 acre-feet of M&I supply is exclusive of water obtained through effluent exchange agreements with Indian entities) and would be reduced on a proportional basis, and within each class on a prorated basis, based on the amount of water actually delivered to each entity in the latest non-shortage year.

It is further decided that the water allocated to tribal homelands, under provisions of these CAP water allocations, shall be defined to serve irrigation, domestic, municipal, and industrial uses and purposes on the Reservations and repayment shall be subject to applicable law based on the actual use of the water.

The Secretary of the Interior will retain the right to contract for water sales on an interim basis where Indian water allottees are not utilizing the full CAP allotment as provided herein.

The quantities allocated to the M&I entities recommended for CAP water by the DWR in 1982 are shown in Table 2 below. The allocations include 71 municipal users, 2 power companies, 8 mining companies, 2 recreational entities, and 2 other applicants that do not fall under any of these categories.

TABLE 2.—CAP WATER ALLOCATIONS MUNICIPAL AND INDUSTRIAL [1]

[Units: Acre-feet]

Entity	Schedule of demand			
	County	1985	2005	2034
M&I (municipal): [1]				
Aqua Fria (Citizens Util. Co.)	Mar			1,439
Apache Jct. (Az. Water Co.)	Pinal			6,000
Avondale	Mar			4,099
Bernell Water Co	Mar			432
Buckeye	Mar			[2]25
Camp Verde Water Co	Other			1,443
Casa Grande (Az. Water Co.)	Mar			6,884

TABLE 2.—CAP WATER ALLOCATIONS MUNICIPAL AND INDUSTRIAL[1]—Continued

[Units: Acre-feet]

Entity	Schedule of demand			
	County	1985	2005	2034
Carefree Ranch Water Co	Mar			954
Carefree Water Co	Mar			400
Cave Creek Water Co	Mar			1,600
Chandler	Mar			3,668
Chandler Heights I.D	Mar			315
Chaparral City Water Co	Mar			6,978
Clearwater Co	Mar			2,849
Coolidge (Az. Water Co.)	Pinal			2,000
Community Water Co. (Grn. Vly.)	Pima			1,100
Consolidated Water Co	Mar			3,932
Cortaro-Marana I.D	Pima			47
Cottonwood Water Co	Other			1,789
Crescent Valley Water Co	Mar			2,697
Del Lago	Pima			788
Desert Ranch Water Co	Mar			139
Desert Sage Water Co	Mar			5,933
Desert Sands Water Co	Mar			788
Eloy	Pinal			2,171
E&R Water Co	Other			161
Florence	Pinal			1,641
Florence Gardens	Pinal			407
Flowing Wells I.D	Pima			4,354
Foothills Water Co	Pima			1,652
Gilbert	Mar			7,235
Glendale	Mar			14,083
Globe	Other			3,480
Goodyear	Mar			2,374
Green Valley Water Co	Pima			1,900
Ironwood Water Co	Mar			393
Litchfield Park Serv. Co	Mar			5,560
Maricopa Mtn. Water Co	Pinal			108
Mayer-Humboldt Water Co	Other			332
McMicken I.D	Mar			9,513
Mesa	Mar			20,129
Miami-Claypool (Az. Water Co)	Other			1,829
Midvale Farms Water Co	Pima			1,500
New Pueblo	Pima			237
New River Utility Co	Mar			2,359
Nogales	Other			3,948
North Valley Water Co	Mar			393
Palm Springs Water Co	Pinal			2,919
Paradise Valley Water Co	Mar			3,231
Payson	Other			4,995
Peoria	Mar			15,000
Phoenix	Mar			113,882
Prescott	Other			7,127
Queen Creek I.D	Mar			944
Ranch Lands Water Co	Pima			393
Rio Rico (Citizens Util. Co.)	Pima			2,683
Rio Verde Util. Inc	Mar			812
San Tan I.D	Mar			236
Scottsdale	Mar			19,702
Sun City (Citizens Util Co.)	Mar			15,835
Sunrise Water Co	Mar			944
Sunshine Water Co	Mar			16
Tempe	Mar			4,315
Trails End Water Service	Other			226
Tucson	Pima			151,064
Turner Ranches	Mar			3,932
West End Water Co	Mar			157
West Phoenix Water Co	Mar			91
White Tank (Az. Water Co.)	Mar			968
William A. F. Base	Mar			833
Youngtown	Mar			390
Subtotal				494,742
M&I (Power):				
Az. Publ. Serv./Salt Rv. Proj		55,400	*	*43,218
M&I (Mines):				
Anamax, Twin Buttes	Pima	6,105	*	4,444
Asarco—Hayden	Other	833	*	582
—Mission	Pima	4,161	*	*0
Cities Serv. Co	Other	3,265	*	2,271
Cyprus-Pima	Pima	7,263	*	5,339
Duval	Pima	11,628	*	8,549
Inspiration Copper	Other	4,647	*	2,906
Kennecott	Other	28,611	*	22,028
Phelps-Dodge	Other	20,866	*	14,665
Subtotal Mines				60,784
M&I (Recreation):				
Az. Game & Fish Dept	Mar	755	*	324
Maricopa County	Mar	852	*	665
Subtotal—Rec				989
M&I (Other):				
Phx. Memorial Park	Mar			84
State Land Department				39,006

TABLE 2.—CAP WATER ALLOCATIONS MUNICIPAL AND INDUSTRIAL [1]—Continued

[Units: Acre-feet]

Entity	Schedule of demand			
	County	1985	2005	2034
Subtotal—Other				39,090
Total				[6]638,823

[1] Municipal subcontractors will be allowed to use up to the amount of water identified for the year 2034 at any time during the contract repayment period.
[2] The maximum allocation shall be 434 acre-feet until 2005, then reducing to 25 acre-feet per year for the year 2034.
[3] Subcontractors will be allowed to utilize the indicated amount until such time that all M&I use totals 640,000 acre-feet.
[4] Distribution between the two entities to be determined during contract negotiations.
[5] No request for water in the year 2034.
[6] Rounded to 640,000.

To ensure that maximum use is made of available CAP water supplies, the Secretary of the Interior will retain the right to contract for water sales on an interim basis where water allottees are not utilizing the full CAP allotment as provided herein.

The allocations to M&I users can be made more firm by, and are premised on expectations that, municipal effluent in quantities of least 100,000 acre-feet per year will be exchanged with Indian users. These expectations are consistent with the Indian allocations where this decision provides that exchanges will be required where feasible and consistent with contractual provisions. Exchanges will be treated under a pooling concept whereby benefits of exchange will accrue to all M&I users.

The CAP water allocations to the non-Indian agricultural users shall include the remaining supplies and are expressed as percentages of water available to non-Indian agriculture. These agricultural entities range in size from 90 acres to over 150,000 acres and include 23 irrigation districts or farming operations. Table 3 below provides the percent of supply available for each entity.

As previously noted for Indian allottees and non-Indian municipal and industrial allottees, the Secretary of the Interior will retain the right to contract for water sales on an interim basis where water allottees are not utilizing the full CAP allotment as provided herein.

TABLE 3.—CAP WATER ALLOCATION NON-INDIAN IRRIGATION [1]

	Percent of supply available for non-Indian agriculture		
	1985	2005 [2]	2034 [3]
Arcadia Water Company	0.13		
Ava Valley Association	3.69		
Central Arizona Irrigation District	18.01		
Chandler Heights Irrigation District	.28		
Cortaro-Marana Irrigation District	2.14		
FICO	1.39		
Harquahala Valley Irrigation District	7.67		
Hohokam Irrigation District	6.36		
La Croix	.04		

TABLE 3.—CAP WATER ALLOCATION NON-INDIAN IRRIGATION [1]—Continued

	Percent of supply available for non-Indian agriculture		
	1985	2005 [2]	2034 [3]
Maricopa-Stanfield Irrigation District	20.46		
Marley, Jamper Jr.	.04		
McMicken Irrigation District	7.28		
MCMWCD #1	4.66		
New Magma Irrigation District	4.34		
Queen Creek Irrigation District	4.83		
Rood, W. E.	.04		
Roosevelt Irrigation District	2.61		
RWCD	5.98		
Salt River Project	2.97		
San Carlos Irrigation District [3]	4.09		
San Tan Irrigation District	.77		
Tonopah Irrigation District	1.98		
U.S. Forest Service	.22		
Total	100.00		

[1] During shortages, all M&I and Indian uses would have priority over non-Indian irrigation. When available, non-Indian irrigation shares the project supply available for this purpose according to the listed percentages. Those allocations are based in part on recommendations from the State of Arizona and percentages shown are reflective of those provided in correspondence to the Secretary of the Interior dated January 18, 1982, and November 10, 1982, from the Arizona Department of Water Resources.
[2] The allocation for years subsequent to 1985 will be based on the 1985 allocation minus the supply that would have been delivered to eligible lands that have been converted to M&I or otherwise removed from irrigation. Contract language similar to that contained in the letter to the Secretary of the Interior from the Arizona Department of Water Resources dated November 10, 1982, will be included in all non-Indian irrigation subcontracts.
[3] The water service subcontract among the United States, the Central Arizona Water Conservation District (CAWCD) and the San Carlos Irrigation District (District) will not require the District to reduce the amount of groundwater pumped by the amount of CAP water received. However, the subcontract will require that the District continue to employ measures adequate in the judgment of the Secretary and the CAWCD to control expansion of irrigation in the contract service area and to reduce pumping of groundwater consistent with, and to comply in all other respects with, Arizona's statutory requirements.

During years of water supply shortages, Indian users and non-Indian M&I users would share a first priority on project water supplies. Depending upon severity of shortages, miscellaneous uses would be reduced pro rata until exhausted; next, non-Indian agricultural uses would be reduced the same way until exhausted; next, 25 percent of the Gila Tribe allocation and 10 percent of the irrigation amount allocated to Indian contractors other than the Gila Tribe would be reduced pro rata until exhausted. Finally, the remaining water contracted for by 11 Indian entities under existing contracts and 75 percent of the Gila River Tribe allocation would share a priority with 510,000 acre-feet of non-Indian M&I uses (510,000 acre-feet for M&I is exclusive of water obtained through effluent exchange agreements with Indian entities) and would be reduced on a proportional basis, and within each class on a prorated basis, based on the amount of water actually delivered to each entity in the latest non-shortage year.

Description of Alternative Allocations

The following alternatives were considered by the Department in reaching its decision:

A. *Options*—Water Allocation

A.1. *No Action.* The "No Action" alternative would allocate CAP water based upon the demands anticipated during the planning stages of the project: M&I deliveries at 82,000 acre-feet, 232,000 acre-feet, and 312,000 acre-feet, in years 1975, 1990, and 2000 and after, respectively, in the metropolitan Phoenix and Tucson areas. The remainder would go to agricultural users (both Indian and non-Indian) shared pro rata on acreage developed for irrigation.

A.2. *Kleppe Allocation With 1981 State Recommendations.* Five central Arizona Indian tribes would be allocated 257,000 acre-feet annually for irrigation use until 2005, thereafter 10 percent of total project supplies or 20 percent of project agricultural supplies, whichever was to their advantage. M&I users would be allocated from 190,242 acre-feet (1985) to 719,992 acre-feet (2034) annually. The remainder of the CAP supplies would be shared by 23 irrigation districts or farming operations pro rata based on eligible acres.

A.3. *Andrus Allocation With 1981 State Recommendations.* This provides 12 Indian tribes or communities with a total of 309,828 acre-feet annually for irrigation or for maintaining tribal homelands. The 1981 State recommendations provide from 190,242 (1985) to 514,000 (2034) acre-feet annually to 81 M&I entities, with the remaining supply to 23 irrigation districts or farming operations. During shortages, CAP deliveries are reduced

until exhausted first to all miscellaneous uses and then to non-Indian irrigation uses, then 10 percent of the Indian irrigation amount is reduced until exhausted. Finally, the remaining Indian irrigation and tribal homeland amounts are reduced pro rata with no more than 510,000 acre-feet per year of M&I uses, based on amount of water actually delivered to each entity in the most recent past year of full deliveries to these entities.

A.4. *Andrus Allocation Modified To Favor M&I Use.* The Indian allocations are the same as Alternative 3, the differences being in the distribution in times of shortage. The alternative allocates from 190,242 acre-feet (1985) to 697,020 acre-feet (2034) annually to 81 M&I entities, with the remaining supply to 23 irrigation districts or farming operations. During shortages, CAP deliveries are reduced until exhausted first to all miscellaneous uses and then to non-Indian irrigation uses, then 25 percent of the Indian irrigation amount is reduced until exhausted. Finally the remaining Indian irrigation and tribal homeland amounts are reduced pro rata with all M&I uses, based on the scheduled amounts of water (demand) for each entity in the current year. In addition, effluent exchanges (full time) of not less than 100,000 acre-feet per year are assumed for the Salt River and Gila River reservations in amounts not to exceed 20 percent of the individual tribe's allocation prior to 2005, nor more than 50 percent after 2005.

A.5. *Andrus Allocation Modified To Favor Indian Use.* The Indian allocations are the same as Alternative 3, the differences being in the distribution in times of shortages. This alternative allocated from 190,242 acre-feet (1985) to 578,010 acre-feet (2034) annually to 81 M&I entities with the remaining supply to 23 irrigation districts or farming operations. During shortages, CAP deliveries are reduced until exhausted first to all miscellaneous uses and then to non-Indian irrigation and non-municipal M&I use. Finally, the Indian allocated amounts are reduced pro rata with the M&I (municipal only) amounts based on the quantity of water actually delivered to each entity in the most recent past year of full deliveries. There is no prior 10 percent reduction in Indian agricultural use.

A.6. *Agency Proposed Action With 1982 State Recommendations.* The Agency Proposed Action is to allocate 309,828 acre-feet annually to 12 Indian tribes for irrigation or for maintaining tribal homelands. The 1982 State Recommendations provide 640,000 acre-feet annually (2034) to 85 M&I entities, with the remaining supply to 23 irrigation districts or farming operations. During shortages, CAP deliveries would be reduced until exhausted first to all miscellaneous uses and then to non-Indian agricultural use, next, 25 percent of the Gila Tribe allocation and 10 percent of the irrigation amount allocated to Indian contractors other than the Gila Tribe would be reduced pro rata until exhausted. Finally, the remaining water contracted for by 11 Indian entities under existing contracts and 75 percent of the Gila River Tribe allocation would share a priority with 510,000 acre-feet of non-Indian M&I uses (510,000 acre-feet for M&I is exclusive of water obtained through effluent exchange agreements with Indian entities) and would be reduced on a proportional basis, and within each class on a prorated basis, based on the amount of water actually delivered to each entity in the latest non-shortage year. In addition, effluent exchanges would be required for tribal entities where feasible and consistent with contractual provisions.

B. *Options*—Effluent Exchange

B.1. Effluent exchanges optional for tribal contractors, but not required.

B.2. Effluent exchanges with Indian tribes required where feasible and consistent with contractual provisions (i.e., where conditions specified in individual Indian contracts are met).

B.3. Allocations made consistent with option B.2., with the proviso that CAWCD will implement the "pooling concept."

B.4. Allocations made consistent with Option B.3., with added contractual provision that M&I allocations will be adjusted if effluent exchanges are not implemented.

B.5. Allocations made consistent with Option B.2., but cities would be allowed to individually exchange effluent with Indian users.

C. *Options*—Tribal Homeland

C.1. Do not define purpose of water allocated to tribal homeland at this time.

C.2. Define purpose of water allocated to tribal homeland as domestic, municipal, and industrial.

C.3. Define purpose of water allocated to tribal homeland as agricultural irrigation and therefore capital costs would be deferred under the Leavitt Act.

C.4. Define purposes of water allocated to tribal homeland as any use necessary to ensure intended purpose of the reservation including irrigation, domestic, municipal, and industrial. Contracts would be interpreted pursuant to the *Rules, Regulations, and Determinations* provisions of the contracts to provide for appropriate repayment consistent with the actual use of the water.

C.5. Define and interpret purposes of water allocated to tribal homelands consistent with option C.4 with added clarification that agricultural irrigation uses would be subject to priority reduction of 10 percent in water short years before sharing a priority basis with non-Indian M&I.

Background for Decision

Authorized as part of the Colorado River Basin Project Act (Pub. L. 90-537) in 1968, the CAP is a multi-purpose water project which will deliver water for irrigation, municipal and industrial uses in central and southern Arizona, and by exchange, to users in western New Mexico and on Gila River tributaries upstream for CAP facilities in Arizona.

The water users can be divided into four categories: Indian agricultural irrigation, tribal homeland, non-Indian agriculture, and non-Indian M&I.

The Secretary of the Interior has the responsibility for allocating CAP waters. A final allocation of CAP water and a contract with the Secretary for delivery of the water is required so that facilities can be designed and constructed to treat (where necessary) and deliver the CAP water to the point of use. In many cases, the delivery facilities will be extensive, or will require negotiation for joint use of existing facilities, and adequate lead time is required if the users will be able to take water when the CAP comes on-line.

The main CAP aqueduct system is currently scheduled to make water deliveries to the Phoenix and Pinal county areas in 1985, and to the Tucson area in 1989 or 1990. Even if the allocations are made without delay, it is likely that some of the eventual recipients of CAP water will be unable to take delivery when the water is first made available.

On November 12, 1981, Secretary Watt provided guidance to the Bureau of Reclamation with regard to his proposed action on CAP allocations to the Indian sector. Based on the Secretary's proposal, the DWR prepared final recommendations for the allocation of CAP water to the non-Indian sector. The recommendations were forwarded to the Secretary in letters dated January 18, 1982, April 6, 1982, and November 10, 1982. These proposed Indian allocations, along with the State's recommendations for non-Indian allocations, comprised the Agency Proposed Action in the final EIS on Water Allocations and Water Service Contracting, Central Arizona

Project, which was prepared by the Bureau of Reclamation and filed with the Environmental Protection Agency on March 19, 1982.

Non-Indian agricultural water users are expected to contract for and receive water available from the CAP facilities which is not being utilized in the early years by the M&I and Indian contractors. The amount of this water will be relatively substantial in the early years of the project and during years of high runoff in the Colorado River Basin. Amounts are expected to decrease during the project life as the M&I use increases.

The Department's allocation (Alternative 6) contains elements of Alternatives 3 (Andrus) and 4 (Andrus Modified for M&I). The magnitude of the alternative allocations is identical, but the distribution of the project water during times of shortage combines elements of both. Under the Andrus allocation (Alternative 3) during shortages, 10 percent of Indian allocations for irrigation use would be reduced until exhausted prior to a pro rata reduction of the remaining Indian irrigation and tribal homelands amounts on a shared priority basis with 510,000 acre-feet per year of non-Indian M&I uses. The Andrus Modified for M&I Alternative (Alternative 4), provides that during shortages, 25 percent of the Indian irrigation amount would be reduced until exhausted prior to a pro rata reduction of the remaining Indian irrigation and tribal homeland amounts with all non-Indian M&I uses. The Department's Indian allocation is a combination of these two shortage distribution formulas. Like the Andrus allocation, the shortage distribution maintains the 510,000 acre-feet per year formula value for non-Indian M&I use, as well as the 10 percent reduction in Indian irrigation use for the 11 tribes or communities affected by water service contracts executed in December 1980 (all except the Gila River Indian Reservation). However, like Alternative 4 (Andrus Modified for M&I Use), the Gila River Indian Reservation's allocation would be reduced by 25 percent prior to the pro rata reduction.

Like Alternative 4, the Department's allocation will require effluent exchanges where feasible and consistent with contract provisions. However, in addition to the exchanges with the Salt River and Gila River Reservations described for Alternative 4, the analysis also assumes exchanges between the city of Tucson and the San Xavier Indian Reservation.

Discussion of the Environmental Consequences of the Alternatives

The requirements of the National Environmental Policy Act have been integrated into all phases of planning and development of the Central Arizona Project. A programmatic Environmental Impact Statement (EIS) was completed in 1972 and several site-specific statements have been or are in the process of being done on individual features of the project. The Bureau of Reclamation prepared a final EIS on Water Allocations and Water Service Contracting, Central Arizona Project in March 1982. Copies of the final EIS are available to the public upon request.

The Bureau addressed two general categories of impacts: The first category was impacts due to demographic and land use changes resulting from the availability or unavailability of CAP water; or due to the varying amount of CAP water made available. The second category was due to distribution system construction and development of lands for irrigation. Such actions impact wildlife and wildlife habitat, cultural resources, social/economic conditions, groundwater quantity, population, and land use.

The agency-proposed action was derived from an institutional process that involved soliciting expressions of interest to contract for CAP water from the Arizona Indian tribes; and from requesting the State of Arizona to make recommedations on allocating CAP water for M&I use and non-Indian agriculture.

On November 12, 1981, the Secretary selected a proposed Indian allocation (Proposed Action) in order to facilitate the timely completion of the EIS. In light of the Secretary's proposed action to allocate CAP water to Indians, the State of Arizona was asked to make recommendations on allocating CAP water to non-Indians. By letters to the Secretary dated January 18, 1982, April 6, 1982, and November 10, 1982, the DWR made such recommendations after extensive public involvement procedures.

The relative differences in environmental impacts among the allocation alternatives generally are not significant. The Proposed Action provides a significant benefit to the tribes by assuring a relatively stable and predictable water supply for domestic and economic development. However, by making a reasonable reduction in the Gila Indian Reservation's allocation during times of water supply shortage, additional water is made available for non-Indian municipal and industrial use. Compared to alternatives 3 and 5 over the 50-year repayment period of the CAP, the Proposed Action is projected to deliver about 2,500,000 acre-feet more to the M&I sector, and over 1,000,000 acre-feet more to the non-Indian agricultural sector, while maintaining the essential benefits of CAP water deliveries to the tribes. The increased delivery to the M&I sector avoids locally severe impacts of water supply shortfalls in Apache Junction under alternatives 3 and 5, and to the Kennecott and Phelps Dodge mining operations under alternatives 1 and 5. Under the Proposed Action significantly less farmland would be retired for acquisition of ground-water rights by municipalities than under alternatives 1 and 2. Hence, the Proposed Action, which falls within the range of alternatives 3 and 4 and the resulting environmental impacts is considered to be the environmentally preferred alternative.

There will also be some differing levels of environmental impacts, associated with constructing canals and laterals to deliver CAP water to Indian and non-Indian users. Future environmental analysis of individual delivery systems will include, where appropriate, the evaluation of all reasonable alternatives. All practical means to avoid or minimize adverse environmental impacts will be achieved through specific mitigation measures and monitoring provisions imposed upon the water user in the subcontract and construction specifications.

1. *Impacts from Demographic and Land Use Changes.* The Bureau's analysis indicates that there would be no significant difference in the acreage of undeveloped desert that would be converted to urban use over the 50-year project period under any of the alternative CAP water allocations (about 165,000 acres under each of the alternatives). A loss of that wildlife now associated with that desert habitat would also be expected. The amount of habitat is part of almost 20 million acres of Sonoran Desert scrub vegetation estimated to exist in Arizona.

The amount of farmland to be converted to urban use within the project service area over the 50-year project period would be about 34,500 acres for each of the alternatives. This would mean a loss of crops grown on converted farmland, predominantly cotton. The significance of impact is revealed by comparing about 34,500 acres of irrigated farmland to be lost as a result of urbanization of the estimated 792,500 harvested acres now being irrigated in the project area. The amount

of irrigated farmland to be lost amounts to about 5 percent of the total farmland now being irrigated.

Some agricultural lands may be retired to make water available (grandfathered water rights) to nearby municipalities if required to sustain projected population growth. Since the alternative CAP allocations would provide water in varying quantities for municipal use, in some cases, the combination of CAP and other dependable water supplies would not meet the demands of the projected population of a given municipality. In those cases, retirement of farmland was assumed as the most likely means for increasing the water supplies. It is estimated that a maximum of 6,900 acres would be retired from cultivation under any of the CAP allocation alternatives to meet the water demands of the municipal sector. It will take a period of time before any kind of natural vegetation is reestablished on this land. In addition, it will mean the loss of farm revenues for those now cultivating the land.

Another impact of retiring farmland is the added particulate matter in the area of abandoned fields. Retiring farmland would exacerbate the already existing problem of dust storms and fugitive dust until vegetation has recovered sufficiently to alleviate the problem.

Anticipated changes in land use on the 10 Indian reservations are not expected to be significant. While in excess of 90,000 acres have been developed for irrigation on the ten reservations, it is estimated that 50,100 acres of land are under irrigation at the present time. An additional 28,149 acres of land could be developed for irrigation under the CAP action alternatives.

Much of the irrigation use of CAP water on Indian reservations would take place on lands previously developed for irrigation. However, some of these lands were subsequently abandoned and have reverted to native vegetation, and the redevelopment of this acreage would cause wildlife habitat losses. It is also possible that the redevelopment of these lands could have adverse impacts on cultural resources that may remain partially intact.

In all cases there will be a beneficial economic impact to tribes with any of the CAP action alternatives. Alternatives 3, 4, 5, and 6 provide an added significant benefit to the tribes by assuring a relatively stable and predictable water supply for domestic and economic development on Indian reservations. Additional jobs would be generated, per capita income would be increased, and the life style of the reservation residents would be upgraded.

Since CAP water would be used primarily as a substitute for groundwater, no changes in land use or other impacts are expected as a direct result of the non-Indian agricultural allocations. However, differences in allocations to M&I users could lead to farmland retirement within agricultural districts. There will also be some impacts on fish and wildlife, as well as land use, as irrigation delivery facilities such as canals and laterals are constructed to deliver CAP water to these entities.

2. *Impacts of Constructing Distribution Systems.* There will be some environmental impacts associated with constructing canals and laterals to deliver CAP water to Indian and non-Indian users. At least 40 to 50 miles of canals will be required to deliver the Indian allocation of CAP water. Most of this land will be Sonoran Desert, but some will be retired agricultural land, existing irrigated agricultural land, or undeveloped urban lands. In addition, perhaps as much as 500 miles of canals and pipelines will be required to deliver irrigation and M&I water to non-Indian entities. Under a "worst case" scenario, assuming a 66-foot construction right-of-way, 4,400 acres would be disturbed, including both developed and undeveloped land.

No adverse impacts on special status species are anticipated as a result of CAP water allocations. Changes in land use, such as development of undisturbed wildlife habitat, were projected for each of the action alternatives. The difference among the alternatives is minimal, certainly not significant in the context of endangered species habitat.

The abundance of cultural resources in the CAP area is disappearing at an increasing rate as population grows and development continues. Exact inventories of the cultural resources and an analysis of impacts can be made only when the precise areal extent of projected land use modifications are defined. At that time, intensive archaeological/historical surveys of the above defined areas would be conducted. Generally, however, of the possible scenarios, only the conversion of lands to agriculture could have significant impact.

In some cases, where planning for delivery facilities is incomplete and it appears that such facilities would be extensive, or would be constructed in environmentally sensitive areas, further environmental analysis may be required prior to execution of a water service subcontract.

Summary

Since CAP water would be used primarily as a substitute for ground water, no major changes in population, land use, or other social indicators are expected as a result of the water allocations. Without the delivery of M&I water, the CAP service area population is projected to be just under 2.5 million by 2034. The area is projected to increase by an additional 100,000 persons by 2034 as a result of M&I water availability, representing an increase of approximately 4 percent over projected growth without CAP. The land use effects identified are of relatively minor magnitude and will not likely impose major economic effects on neighboring communities or lands.

In conclusion, the effect of CAP water would be twofold. First, the water would enable certain existing activities to be maintained at near-current levels. For example, agriculture would be able to sustain production while reducing the serious overdrafting of the ground water supplies. Second, CAP water would help to accommodate the population and economic growth that is projected for central Arizona.

Effect on Previous Decision

The decisions contained herein supersede those made by Secretary Andrus on December 5, 1980, and to the extent those decisions are inconsistent with these decisions, they are rescinded.

Dated: February 10, 1983.

James G. Watt,

Secretary of the Interior.

[FR Doc. 83-7543 Filed 3-23-83; 8:45 am]

BILLING CODE 4310-10-M

INTERSTATE COMMERCE COMMISSION

[No. 39076 et al.] [1]

Motor Carriers; Atlantic Coast Express, Inc.; Petition for Exemption From Tariff Filing Requirements

AGENCY: Interstate Commerce Commission.

ACTION: Notice of proposed exemption.

SUMMARY: Three motor contract carriers have each request 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.

[1] This proceeding embraces three petitions for exemption filed by motor contract carriers: No. 39076, Atlantic Coast Express, Inc.; No. 39077, Trans-United, Inc.; and No. 39081, Valdez Transfer, Inc.

DATES: Comments are due on April 8, 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 further decision withdrawing this relief.

ADDRESS: Send an original and, if possible, 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 minumum 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).

The three motor contract carriers identified in footnote one of this text filed individual petitions requesting exemptions under the three exemption provisions mentioned above. As the issues presented and the relief sought by these petitioners are substantially similar, we are consolidating them for notice purposes.

The petitioners hold a number of contract carrier permits to serve various shippers transporting a wide variety of commodities. They argue, generally, that the tariff filing requirements represent an undue burden on their ability to compete effectively and to offer their shippers the immediate service often required. Citing lost business opportunities because of the tariff publishing and filing requirements, petitioners request that they be allowed the flexibility to quickly negotiate rates. Petitioners assert that they are interested in avoiding unnecessary expenses which handicap their efforts to provide economical and efficient service. They also argue that the Motor Carrier Act of 1980 encourages the Commission to remove obstacles which keep contract carriers from realizing their full potential. A number of petitioners offer to provide interested parties with copies of their rates if requested but wish to be free of this expense if allowed.

Petitioners' requests are well grounded. We see no reason to deny these carriers the savings to be realized from a tariff filing exemption for existing contracts.[2] It appears that the exemption of these carriers from the requirement that they file tariffs covering their existing contract operations is consistent with the public interest and the transportation policy of 49 U.S.C. 10101. We will not order these carriers to provide copies of their 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 these carriers from the requirement that they file tariffs governing their future contract operations, is warranted.[3] 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 these carriers and their 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 these contract carriers to participate more freely in the marketplace is in public interest and is consistent with the national transportation policy.

We provisionally grant each petitioner exemption from the tariff filing requirements for future as well as existing contracts. This provisional relief will become final unless the Commission issues a further decision modifying or withdrawing the relief in response to adverse comments that may be filed.

This decision does not appear to have a significant effect on either 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 17, 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. 83-7610 Filed 3-23-83; 8:45 am]

BILLING CODE 7035-01-M

[2] A proceeding to investigate exemption of 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).

[3] See No. 38983, *Red & Tan Tours—Petition for Exemption from Tariff Filing Requirements*, decided Febuary 24, 1983.

[No. 39018]

Motor Carriers; Case Heavy Hauling, Inc.; Petition for Exemption From Tariff Filing Requirements

AGENCY: Interstate Commerce Commission.

ACTION: Notice of provisional exemption.

SUMMARY: Case Heavy Hauling, 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 by April 8, 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, 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).

Case Heavy Hauling, Inc. was recently granted motor contract carrier authority in No. MC–145242 (Sub-No. 21) to transport general commodities (with

exceptions) between points in the United States (except Alaska and Hawaii) under contract with a single shipper. It is requesting an exemption from the tariff filing requirements inasmuch as it seeks to provide a service to meet the distinct transportation requirements of its shipper. In order to do so, it contends that it must be able to reduce or modify its rates on short notice so it can respond to its shipper's request for changes in price and service. Petitioner argues that the delays caused by the tariff filing requirements are not only costly, but also jeopardize its ability to remain a viable, competitive entity and prohibits it from meeting its shipper's needs.

Petitioner's requests are well grounded. We see no reason to deny this motor contract carrier the savings to be realized from a tariff filing exemption. [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 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 17, 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. 83-7618 Filed 3-23-83; 8:45 am]

BILLING CODE 7035-01-M

[1] A proceeding to investigate the exemption of motor 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.

[No. MC-F-15168]

Motor Carriers; Transport America, Inc.; Purchase Exemption; Chicago-St. Louis Transport Co.

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—Handling Exemptions Filed by Motor Carriers*, 367 ICC 113 (1982), Transport America, Inc. (Transport) (No. MC-163660), and, in turn, Sam Kovacevich, Jr. who controls Transport, seek an exemption from the requirements under section 11343 of prior regulatory approval for the purchase of a portion of the operating rights of Chicago-St. Louis Transport Co. (No. MC-134493), authorizing (over regular routes), the transportation of: (1) General commodities (with exceptions), between Chicago, IL and St. Louis, MO, and (2) food and related products, and machinery, between St. Louis, MO and Waukegan, IL.

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; or

(2) Petitioner's representative, James C. Hardman, Suite 2108, 33 N. LaSalle Street, Chicago, IL 60602.

Comments should refer to No. MC-F-15168.

FOR FURTHER INFORMATION CONTACT: Warren C. Wood, (202) 275-7977.

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. 83-7613 Filed 3-23-83; 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 carrier of property—that the service proposed will serve a useful public purpose, responsive to a public demand or need; water common carrier—that the transportation to be provided under the certificate is or will be required by the public convenience and necessity; water contract carrier, motor contract carrier of property, freight forwarder, and household goods broker—that the transportation will be consistent with the public interest and the transportation policy of section 10101 of chapter 101 of Title 49 of the United States Code.

These presumptions shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to 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.

Please direct status inquiries to Team One at (202) 275-7992.

Volume No. OP1-93

Decided: March 15, 1983.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 2890 (Sub-62(A)), filed March 2, 1983. Applicant: AMERICAN BUSLINES, INC., 1500 Jackson St., Dallas, TX 75201. Representative: G. W. Hanthorn (same address as applicant), (214)-655-7937. Transporting over regular routes, *passengers;* (1) Between Dallas, TX and Fort Worth, TX, over Interstate Hwy 30, serving all intermediate points, (2) between Davenport, IA and Hastings, NE, from Davenport over Interstate Hwy 80 to junction U.S. Hwy 34/281, then over U.S. Hwy 34/281 to Hastings, and return over the same route, serving all intermediate points, and (3) between the junction of Interstate Hwy 80 and U.S. Hwy 34/281 and Grand Island, NE, from the junction of Interstate Hwy 80 and U.S. Hwy 34/281, over U.S. Hwy 34/281 to junction U.S. Hwy 30, then over U.S. Hwy 30 to Grand Island, NE, and return over the same route.

Note.—Applicant has also requested authority in MC-2890 Sub 62(B) published in this same **Federal Register** issue.

MC 2900 (Sub-466), filed March 1, 1983. Applicant: RYDER TRUCK LINES, INC., P.O. Box 2408, Jacksonville, FL 32203. Representative: S. E. Somers, Jr. (same address as applicant), (904) 353-3111. 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 Rohm & Haas Company, of Philadelphia, PA.

MC 34631 (Sub-13), filed February 24, 1983. Applicant: A. ARNOLD & SON TRANSFER & STORAGE CO., INC., 12201 Westport Road, Louisville, KY 40223. Representative: Robert J. Gallagher, 1000 Connecticut Ave., NW., Suite 1200, Washington, DC 20036, (202) 785-0024. 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 U.S. Traffic Coordinators, Inc., of Louisville, KY, and Collins Moving Systems, Inc., of Kokomo, IN.

MC 47171 (Sub-229), filed March 9, 1983. Applicant: COOPER MOTOR LINES, INC., P.O. Box 2820, Greenville, SC 29602. Representative: Harris G. Andrews (same address as applicant), (803) 879-2101. Transporting *general commodities* (except classes A and B explosives, commodities in bulk, and household goods), between points in the U.S. (except AK and HI), under continuing contract(s) with Smith Container Corporation, of Atlanta, GA.

MC 82101 (Sub-22), filed February 23, 1983. Applicant: WESTWOOD CARTAGE, INC., 62 Everett St., Westwood, MA 02090. Representative: David M. Marshall, Sixth Floor, 95 State St., Springfield, MA 01103, (413) 732-1136. Transporting *such commodities* as are dealt in by manufacturers and distributors of food products and hotel and restaurant items, between points in the U.S. (except AK and HI), under continuing contract(s) with Howard Johnson Company, of Braintree, MA.

MC 93840 (Sub-69), filed March 7, 1983. Applicant: GLESS BROS., INC., P.O. Box 219, Blue Grass, IA 52726. Representative: Larry D. Knox, 600 Hubbell Bldg., Des Moines, IA 50309; (515) 244-2329. Transporting *commodities in bulk*, between points in IA, IL, WI, MN, MO, NE, and KS, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 114781 (Sub-8), filed March 8, 1983. Applicant: WARFEL TRUCKING, INC., R.D. #2, Peach Bottom, PA 17563. Representative: Christian V. Graf, 407 North Front Street, Harrisburg, PA 17101; (717) 236-9318. Transporting *petroleum products*, between points in Allegheny, Butler and McKean Counties, PA, on the one hand, and, on the other, points in DE, MD, NJ, NY, and VA.

MC 117940 (Sub-378), filed March 8, 1983. Applicant: NATIONWIDE CARRIERS, INC., P.O. Box 104, Maple Plain, MN 55359. Representative: Allan L. Timmerman, 5300 Highway 12, Maple Plain, MN 55359; (612)-479-1984. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI), under continuing

contract(s) with Kraft, Inc., of Glenview, IL.

MC 123790 (Sub-9), filed March 9, 1983. Applicant: WHITEHURST TRANSPORT, INC., 2800 Deepwater Terminal Rd., P.O. Box 3H, Richmond, VA 23206. Representative: Francis W. McInerny, Suite 502, Solar Bldg., 1000 16th St., NW., Washington, DC 20036; (202)–783–8131. Transporting *bituminous materials,* between points in OH and VA.

MC 133811 (Sub-9), filed March 10, 1983. Applicant: H. E. McCONNELL and H.E. McCONNELL, II, a partnership, d.b.a. McCONNELL & SON TRUCKING COMPANY, 5117½ East Broadway, North Little Rock, AR 72114. Representative: James M. Duckett, 221 W. 2nd Street, Suite 411, Little, Rock AR 72201; (501) 375–3022. Transporting *roofing granules and stone dust,* between points in Pulaski County, AR, on the one hand, and, on the other, points in TN, LA, OK, MS and TX.

MC 134721 (Sub-10), filed March 2, 1983. Applicant: GEORGE M. DZIAK d.b.a. SUPER SERVICE TRANSPORT, P.O. Box 3494 TA, Spokane, WA 99220. Representative: Richard H. Streeter, 1729 H St., N.W., Washington, DC 20006; (202)–337–6500. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in AZ, CA, CO, ID, MT, NM, OR, NV, TX, UT, WA and WY.

MC 142040 (Sub-9), filed February 28, 1983. Applicant: AMBER DELIVERY SERVICE, INC., P.O. Box 361, Malden, MA 02148. Representative: Joseph T. Bambrick, Jr., P.O. Box 216, Douglassville, PA 19518; (215)–385–6086. Transporting *general commodities* (except classes A and B explosives and household goods), between points in CT, ME, MA, NH, RI and VT.

MC 142040 (Sub-10), filed March 8, 1983. Applicant: AMBER DELIVERY SERVICE, INC., P.O. Box 361, Malden, MA 02148. Representative: Joseph T. Bambrick, Jr., P.O. Box 216, Douglassville, PA 19518; (215) 385–6086. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S. (except AK and HI), under continuing contract(s) with New England Package Delivery, Inc., of Medford, MA.

MC 142181 (Sub-28), filed March 2, 1983. Applicant: COBLE EXPRESS, INC., P.O. Box 1104, 214 Hermitage Ave., Nashville, TN 37202. Representative: Robert L. Baker, Sixth Floor, U.S. Bank Bldg., Nashville, TN 37219; (615)–244–8100. Transporting *general commodities* (except classes A and B explosives, and household goods and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Peyton's Distribution, Inc., of Bluffton, IN.

MC 146121 (Sub-5), filed March 8, 1983. Applicant: BAY CARTAGE COMPANY, 1122 E. Barney Ave., Muskegon, MI 49444. Representative: Edward Malinzak, 900 Old Kent Bldg., Grand Rapids, MI 49503; (616)–459–6121. Transporting *general commodities* (except classes A and B explosives, and household goods and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Viking Foods Company, of Muskegon, MI.

MC 146651 (Sub-6), filed March 1, 1983. Applicant: ARTHUR W. COULTER d.b.a. A. W. COULTER TRUCKING, P.O. Box 504, Terra Bella, CA 93270. Representative: Earl N. Miles, 3704 Candlewood Dr., Bakersfield, CA 93306; (805) 872–1106. Transporting (1) *lumber and wood products,* and (2) *pulp, paper and related products and printed matter,* between points in the U.S. (except AK and HI), under continuing contract(s) in (1) above with Sierra Forest Products, of Terra Bella, CA, and in (2) above with Weyerhaeuser Company, of Santa Paula, CA.

MC 148791 (Sub-41), filed February 25, 1983. Applicant: TRANSPORT-WEST, INC., 1850 South 1100 West, Woods Cross, UT 84087. Representative: Rick J. Hall, P.O. Box 2465, Salt Lake City, UT 84110; (801) 531–1777. Transporting *rubber products,* between points in the U.S. (except AK and HI), under continuing contract(s) with The Gates Corporation, of Denver, CO.

MC 150981 (Sub-3), filed February 28, 1983. Applicant: EDWARD L. PARKER d.b.a. ED PARKER TRUCKING, Box 388, Monona, IA 52159. Representative: Carl E. Munson, 469 Fischer Bldg., P.O. Box 796, Dubuque, IA 52001; (319) 557–1320. Transporting *food and related products,* between points in IA, MN, WI, Bannock County, ID and Stephenson County, IL, on the one hand, and, on the other, points in CA, Denver County, CO, Bernalillo County, NM, Multnomah County, OR and Bexar County, TX.

MC 152840 (Sub-3), filed February 25, 1983. Applicant: PATRICIA & JAMES KEELER d.b.a. P & J TRANSPORTATION CO., Route #295, Berkey, OH 43504. Representative: John P. Diel (same address as applicant) (419) 829–5011. Transporting *such commodities* as are dealt in or used by a distributor of automobile and truck parts and accessories, between points in IL, OH, MI, MO, OK, PA, KY and GA.

MC 155231 (Sub-3), filed March 7, 1983. Applicant: MAXAM TRUCKING, INC., R.D. #2, Bassette Road, Interlaken, NY 4847. Representative: Donald C. Carmien, Suite 501, Midtown Mall, 15 Chenango Street, Binghamton, NY 13902–1922; (607) 772–6993. Transporting *commodities in bulk,* between those points in the United States on and east of a line beginning at the mouth of the Mississippi River and extending along the Mississippi River to its junction with the western boundary of Itasca County, MN, then northward along the western boundaries of Itasca and Koochiching Counties, MN, to the United States-Canada Boundary line.

MC 159581 (Sub-1), filed March 7, 1983. Applicant: TRANS CARGO, INC., P.O. Box 1019, Turnersville, NJ 08012. Representative: Edward L. Ciemniecki, 1800 Penn Mutual Tower, 510 Walnut Street, Philadelphia, PA 19106; (215) 925–8300. Transporting *furniture and fixtures,* between points in Camden County, NJ, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 161690 (Republication), filed April 26, 1982, previously published in the **Federal Register** on May 7, 1982. Applicant: TIMBER PRODUCTS SALES CO., OREGON LTD., P.O. Box 269, Springfield, OR 97501. Representative: Kerry D. Montgomery, 400 Pacific Bldg., 520 S.W. Yamhill St., Portland , OR 97204; (503)–228–5275. Transporting *general commodities* (except classes A and B explosives and household goods), between points in CA, CO, ID, MT, NV, OR, TX, WA, WY and UT.

Note.—Issuance of a certificate in this proceeding is conditioned upon cancellation of Certificate No. MC–161690, issued July 1, 1982. The purpose of this republication is to delete the exception of commodities in bulk.

MC 162610 (Sub-3), filed March 7, 1983. Applicant: JETM DISTRIBUTION SYSTEMS, INC., 8424 W. 47th St., Lyons, IL 60534. Representative: Thomas M. O'Brien, 180 N. Michigan Ave., Suite 1700, Chicago, IL 60601; (312)–263–1600. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with: (1) Express Forwarding and Storage, Inc. and Otto Wolff America Chicago, Incorporated each of Des Plaines, IL, (2) W. Braun Co. and Grand Exhaust Systems, Inc., each of Chicago, IL, (3) Lever Brothers Company, of New York, NY, (4) James Moyles & Associates, Inc., of Elk Grove Village, IL, (5) Crown Controls, of LaGrange, IL, and (6) Forest City Enterprises, Inc., of Cleveland, OH.

MC 163620, filed February 28, 1983. Applicant: HARRY T. BROOKS, SR., Route 1, Box 166–J, Cascade, VA 24069. Representative: David W. Erdman, P.O. Box 37378, Charlotte, NC 28237; (704) 372–7664. Transporting *furniture and furniture parts*, between points in the U.S. (except AK and HI), under continuing contract(s) with La-Z-Boy Chair Company, of Monroe, MI.

MC 164030 (Sub-1), filed March 7, 1983. Applicant: ALBERTI VAN & STORAGE CO., INC., 18930 Gaithersburg-Laytonsville Rd., Gaithersburg, MD 20879–4197. Representative: Thomas R. Kingsley, 10614 Amherst Ave., Silver Spring, MD 20902; (301)–649–5074. Transporting (1) *household goods*, and (2) *furniture and fixtures*, (a) between points in CT, DE, FL, GA, MD, MA, NJ, NY, NC, PA, RI, SC, VA, WV and DC, and (b) between points in CT, DE, FL, GA, MD, MA, NJ, NY, NC, PA, RI, SC, VA, WV and DC, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 164100 (Sub-1), filed March 4, 1983. Applicant: HANNAFORD TRUCKING COMPANY, 54 Hannaford Street, South Portland, ME 04106. Representative: Beth Dodson, P.O. Box 586, Portland, ME 04112; (207) 774–4000. 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 165620, filed March 1, 1983. Applicant: A & J TRUCKING, INC., 7110 Zenobia Street, Westminster, CO 80030. Representative Richard P. Kissinger, 50 South Steele Street, Suite 330, Denver, CO 80209; (303) 320–6100. 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 (1) All American Bottling Corporation, of Coral Gables, FL and its subsidiaries, (2) Beatrice Foods Company, of Chicago, IL and its subsidiaries and divisions, and (3) Mastercraft Industries Corporation, of Denver, CO.

MC 165931, filed March 1, 1983. Applicant: JAMES L. CARTER d.b.a. CARTERS, 1046 N. County Rd. 17 (POB 765), Berthoud, CO 80513. Representative: Robert W. Wright, Jr., 5711 Ammons St., Arvada, CO 80002; (303)–424–1761. 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 (1) Snavely Forest Products Company, of Denver, CO, (2) Mountain States Standards, Inc., of Berthoud, CO, and (3) Sekich Equipment Co., of Longmont, CO.

MC 166430, filed February 23, 1983. Applicant: HAHN TRANSPORT SERVICE, 45 NE Middlefield Rd., Portland, OR 97217. Representative: Jim Hahn (same address as applicant), (503) 285–7214. Transporting (1) *lumber and wood products*, between points in Whatcom, Skagit, Snomish, Cowlitz, Clark, Gray's Harbor, Jefferson and Clallam Counties, WA, and Lane, Clatsop, Tillamook, Polk, Lincoln, Benton, Marion and Dougias Counties, OR, on the one hand, and, on the other, points in CA, NV, AZ, NM, TX, LA, AR, MO, IA, IL, WI, ND, MN, SD, MT, WY, ID, UT, CO, KS, NE and OK, and (2) *bananas*, between points in Ventura and Los Angeles Counties, CA, on the one hand, and, on the other, points in CA, OR, WA, NV, AZ, NM, TX, LA, AR, MO, IA, IL, WI, ND, MN, SD, MT, WY, ID, UT, CO, KS, NE and OK.

MC 166470, filed February 24, 1983. Applicant: PENN-JERSEY INDUSTRIES, INC., P.O. Box 207, Mt. Bethel, PA 18343. Representative: Raymond Talipski, 121 S. Main St., Taylor, PA 18517; (717) 344–8030. Transporting *construction materials*, between points in CT, NY, PA, NJ, DE, MD, OH, MA, RI, VT and NH.

MC 166491, filed February 28, 1983. Applicant: ERWIN KIRBACH d.b.a. PONY EXPRESS, P.O. Box 159, Elkhart, IN 46515. Representative: Paul D. Borghesani, Suite 300, Communicana Bldg, 421 South Second St., Elkhart, IN 46516; (219) 293–3597. 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 Superior Steel Door & Trim Co., Inc., Of College Point, NY, and its subsidiary, Superior Marine Products, Inc., of Hopewell Junction, NY.

MC 166510, filed March 2, 1983. Applicant: D & S SUPPLY, INC., 4308 SE 143rd, Oklahoma City, OK 73160. Representative: C. L. Phillips, Room 248, Classen Terrace Bldg., 1411 N. Classen, Oklahoma City, OK 73106, (405) 528–3884. Transporting (1) *lumber and wood products*, between points in OK, on the one hand, and, on the other, points in AR, AZ, CA, CO, ID, LA, MT, NM, OR, TX, UT, WA and WY, and (2) *drywall and drywall materials*, between points in AR, AL, FL, NE, LA, OK, TN and TX.

MC 166541, filed March 2, 1983. Applicant: D & L LEASING AND DIESEL, INC., 610 West "D" St. Extension, N., Wilkesboro, NC 28659. Representative: Terrell Price, 800 Briar Creek Rd., Ste. DD504, Charlotte, NC 28205; (704) 372–8212. Transporting (1) *textile mill products*, and (2) *apparel, or other finished textile products, or knit apparel*, between points in NC, SC, GA, and AZ, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 166581, filed March 1, 1983. Applicant: WABER TRANSPORT, INC., 20 Enterprise Ave., Secaucus, NJ 07094. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934; (201) 234–0301. Transporting *such commodities* as are dealt in or used by retail department stores and discount houses, between points in Mecklenburg County, NC, and Hudson County, NJ, on the one hand, and, on the other, points in TX, AZ, CA, UT, OR, WA and CO.

MC 166600, filed March 4, 1983. Applicant: M &R TRUCKING, INC., 17351 Halsted Drive, So. Holland, IL 60473. Representative: Philip A. Lee, 120 West Madison St, Suite 618, Chicago, IL 60602; (312) 236–8225. Transporting *iron and steel products*, between Chicago, IL, on the one hand, and, on the other, points in IL, IN, MI, WI, OH, PA, KY, TN and AL.

MC 166641, filed March 8, 1983. Applicant: M.G.L. TRANSPORT, INC., 1 Hoffman St., Poughkeepsie, NY 12603. Representative: James M. Burns, 1365 Main St., Suite 403, Springfield, MA 01103; (413) 781–8205. 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 Phil-Mar Lumber Company, of Poughkeepsie, NY.

MC 166671, filed March 7, 1983. Applicant: WIESER TRANSPORTATION, INC., Route 2, Maiden Rock, WI 54750. Representative: Lester Heise, Route 2, Maiden Rock, WI 54750; (715) 647–231. Transporting *commodities in bulk*, between points in WI, MN, IA, IL, ND, SD, and NE.

MC 166710, filed March 9, 1983. Applicant: MASON TRUCKING, P.O. Box 2561, Omaha, NE 68103. Representative: Max H. Johnston, P.O. Box 6597, Lincoln, NE 68506; (402) 488–4841. Transporting (1) *salt and salt products, chemicals and chemical products*, and *fertilizers*, between points in Weber County UT and Douglas County, NE, on the one hand, and, on the other, points in ID, NE, SD, ND, IA, MN, and KS, (2) *lumber and lumber products*, between points in ID, MT, OR, WA, and CA, on the one hand, and, on the other, points in ID, MT, OR, WA, CA, NV, AZ, UT, CO, NM, WY, ND, SD, NE, OK, TX and KS, (3) *such*

commodities as are dealt in by manufacturers of automotive exhaust systems, between points in Jasper County, IA, on the one hand, and, on the other, points in CO, WY and TX, and (4) *cast iron pipe, fittings and accessories,* between points in Pottawattamie County, IA, on the one hand, and, on the other, points in ID and UT.

MC 166711, filed March 9, 1983. Applicant: CIRCLE C TRUCK BROKERAGE, INC., P.O. Box 53, Malin, OR 97632. Representative: James H. Gulseth, 100 Bush Street, 21st Floor, San Francisco, CA 94104; (415) 986–5778. Transporting *general commodities* (except classes A and B explosives and household goods), between points in AR, AZ, CA, CO, ID, KS, MO, MT, NV, NM, OK, OR, TX, UT, WA, and WY.

For the following, please direct status calls to Team 4 at 202–275–7669.

Volume No. OP4–163

Decided: March 18, 1983.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing.

MC 128256 (Sub-36), filed March 7, 1983. Applicant: E & J FREIGHT LINES, INC., P.O. Box 532, Middlebury, IN 46540. Representative: Richard K. Muntz, 109 S. Detroit Street, LaGrange, IN 46761; (219) 463–2151. Transporting *metal, metal products, well-drilling equipment, and materials, equipment and supplies used in the installation of well drilling equipment,* between points in the U.S., under continuing contract(s) with Midway Supply Company of Jackson, MI.

MC 139837 (Sub-4), filed March 8, 1983. Applicant: K & I DISTRIBUTORS, INC., P.O. Box 29, New Haven, IN 46774. Representative: Robert W. Loser, II, 512 Chamber of Commerce Bldg., Indianapolis, IN 46204; (317) 635–2339. Transporting *such commodities as are dealt in or used by retail appliance stores,* between points in the U.S. (except AK and HI), under continuing contract(s) with Highland Appliance Company, Inc. of Taylor, MI.

MC 143956 (Sub-37), filed March 7, 1983. Applicant: GARDNER TRUCKING CO., INC., P. O. Drawer 493, Walterboro, SC 29488. Representative: Steven W. Gardner, P.O. Box 393, Berne, IN 46711; (219) 589–8883. Transporting *textile mill and rubber products, electrical products, and glass and concrete products,* between points in DeKalb and Fulton Counties, GA, Davidson County, TN, and Allen County, IN, on the one hand, and on the other, points in the U.S. (except AK and HI).

MC 145516 (Sub-31), filed March 7, 1983. Applicant: T. G. STEGALL TRUCKING COMPANY, INC., 8100 E Independence Blvd., P.O. Box 1286, Matthews, NC 28105–1286. Representative: T. Gene Stegall, Jr. (same address as applicant) (704) 536–1122. 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 145827 (Sub-8), filed March 8, 1983. Applicant: LONG ROCK CO., Box 188, Princeville, IL 61559. Representative: W. Gale Pheiffer (same address as applicant) (309) 385–4516. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S. (except AK and HI).

MC 151056 (Sub-6), filed March 11, 1983. Applicant: SUPER SERVICE, INC., P.O. Box 538, Burnside, KY 42519. Representative: Herbert D. Liebman, 403 West Main St., P.O. Box 478, Frankfort, KY 40602; (502) 875–3493. Transporting *general commodities* (except classed A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI). Condition: The person or persons who appear to be engaged in common control of another regulated carrier must either file an application under 49 U.S.C. 11343(A), or 49 U.S.C. 11343(e), or submit an affidavit indicating why such approval is unnecessary to the Secretarys office. In order to expedite issuance of any authority please submit a copy of the affidavit or proof of filing the application(s) for common control to Team 4, Room 2410.

MC 159026 (Sub-3), filed March 8, 1983. Applicant: U.S. CONTRACT TRUCKING, INC., P.O. Box 2120, Irving, TX 75062. Representative: B. W. Huie, 2730 Carl Rd., Irving, TX 75062; (214) 438–0550. 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 T. P. S. Freight Distributors, Inc., of Irving, TX.

MC 164037 (Sub-1), filed March 11, 1983. Applicant: GBL TRANSPORT, INC., 300 Interstate N. Parkway, Atlanta, GA 30339. Representative: Mark C. Ellison (same address as applicant), (404) 955–4020. Transporting *household goods,* between points in AL, FL, GA, MI, NC, SC, and TN.

MC 166747, filed March 11, 1983. Applicant: DIAMOND RENTAL, INC., P.O. Box 5275, Hobbs, NM 88241. Representative: Paul D. Angenend, P.O. Box 2207, 1806 Rio Grande, Austin, TX 78768; (512) 476–6391. Transporting *Mercer commodities,* between points in NM, on the one hand, and, on the other, points in CO, OK and TX.

For the following, please direct status calls to Team 5 at 202–275–7289.

Volume No. OP5–124

Decided: March 15, 1983.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 15859 (Sub-16), filed March 3, 1983. Applicant: THE HINE LINE, 247 Emmet St., Newark, NJ 07114. Representative: Michael D. McCormick, 1301 Merchants Plaza, East Tower, Indianapolis, IN 46204–3491; (317) 638–1301. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between Chicago, IL, on the one hand, and, on the other, points in IA, IN, GA, KY, MI, NE, NC, OH, SC, TN, and WI.

MC 35628 (Sub-450), filed March 7, 1983. Applicant: IMFS, INC. d.b.a. INTERSTATE SYSTEM, 110 Ionia Avenue, N.W., Grand Rapids, MI 49503. Representative: Michael P. Zell (same address as applicant), (616) 774–0400. 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 The Quaker Oats Company, of Chicago, IL; Anaconda-Ericsson, Inc., of Greenwich, CT; Wagner Division, McGraw-Edison Company, of Berkeley, MO; The General Tire & Rubber Company, of Akron, OH; Garden Way Manufacturing Company, of Troy, NY; K mart Corporation, of Troy, MI; The Sherwin-Williams Co., of Cleveland, OH; and Schenectady Chemicals, Inc., of Schenectady, NY.

MC 75369 (Sub-2(b)), filed March 4, 1983. Applicant: ST. PAUL & SUBURBAN BUS CO., 2866 White Bear Ave., St. Paul, MN 55109. Representative: Stanley C. Olsen, Jr., 5200 Willson Rd., Suite 307, Edina, MN 55424; (612) 927–8855. Over regular routes, in interstate, intrastate and foreign commerce, transporting *passengers,* between Superior, WI, and Minneapolis, MN, and points in its commercial zone: From Superior over U.S. Hwy 2 to junction Interstate Hwy 535, then over Interstate Hwy 535 to junction Interstate Hwy 35, then over Interstate Hwy 35 to Minneapolis, serving all intermediate points.

Note (1).—Applicant seeks to provide regular-route service in interstate or foreign commerce and in intrastate commerce under 49 U.S.C. 10922(c)(2)(B) over the same route.

Note (2).—Applicant also seeks authority in MC-75369 Sub 2(a), published in this same issue.

MC 96448 (Sub-10), filed March 4, 1983. Applicant: BROOK LEDGE, INC., P.O. Box 56, Oley, PA 19547. Representative: Eugene M. Malkin, Suite 1832, Two World Trade Center, New York, NY 10048; (212) 466-0220. Transporting *farm products, leather and leather products, metal products, rubber and plastic products, food and related products, clay, concrete, glass or stone products, and transportation equipment,* between points in the U.S. (except AK and HI).

MC 111729 (Sub-774), filed March 4, 1983. Applicant: PUROLATOR COURIER CORP., 3333 New Hyde Park Rd., New Hyde Park, NY 11042. Representative: Peter A. Greene, 1920 N St., NW., Washington, DC 20036; (202) 331-8800. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Wal-Mart Stores, Inc., of Bentonville, AR.

MC 127799 (Sub-13), filed March 4, 1983. Applicant: LUPPES TRANSPORT COMPANY, INC., Box 101, Webster City, IA 50595. Representative: William L. Fairbank, 2400 Financial Center, Des Moines, IA 50309; 515-282-3525. Transporting (1) *metal products,* (2) *waste or scrap materials not identified by industry producing,* between points in IL, IA, KS, MN, MO, NE and SD.

MC 141758 (Sub-22), filed March 7, 1983. Applicant: LYDALL EXPRESS, INC., 615 Parker Street, Manchester, CT 06040. Representative: Robert J. Dunbar (same address as applicant) (203) 646-1233. Transporting *pulpboard,* between points in the U.S. (except AK and HI), under continuing contract(s) with Owens-Illinois Corporation of Big Island, VA.

MC 145468 (Sub-55), filed March 7, 1983. Applicant: KSS TRANSPORTATION CORP., Route 1 and Adams Station Rd., North Brunswick, NJ 08902. Representative: Arlyn L. Westergren, Suite 201, 9202 West Dodge Rd., Omaha, NE 68114; 402-397-7033. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk, between points in the U.S. (except AK and HI).

MC 149588 (Sub-2), filed March 7, 1983. Applicant: HIEL TRUCKING, INC., R.R. #2, Prairie City, IL 61470. Representative: Robert T. Lawley, 300 Reisch Bldg., Springfield, IL 62701; (217) 544-5468. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between St. Louis, MO, and points in IL, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 150249 (Sub-3), filed March 4, 1983. Applicant: RICHLAND TRUCKING, INC., Route 1, Tillar, AR 71670. Representative: William L. Fairbank, 2400 Financial Center, Des Moines, IA 50309, (515) 282-3525. Transporting *general commodities* (except classes A & B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI).

MC 153229 (Sub-1), filed March 2, 1983. Applicant: FOUNDREN ENTERPRISES, INC., 4713 King Rd., Sylvania, OH 43560. Representative: Michael M. Briley, P.O. Box 2088, Toledo, OH 43604; 419-255-8220. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in IL, MI, NY and OH, on the one hand, and, on the other, those points in the U.S. in and east of ND, SD, NE, KS, OK and TX.

MC 160609 (Sub-1), filed March 2, 1983. Applicant: TOMAR, INC., Rt. 2, Box 274, Ridgeley, WV 26753. Representative: Dixie C. Newhouse, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, MD 21740; (301) 797-6060. Transporting *malt beverages,* between points in the U.S. (except AK and HI), under continuing contract(s) with Ridgeley Distributors, Inc., of Ridgeley, WV.

MC 164539, filed March 8, 1983. Applicant: BRUMATH HORSE TRANSPORT, INC., 7022 N. Highway 83, Hartland, WI 53029. Representative: Bernie Traurig (same as address applicant) (414) 966-2286. Transporting *horses,* other than ordinary, and in the same vehicle with such horses, stable supplies and equipment used in their care and exhibition, mascots and the personal effects of their attendants, trainers, and exhibtors between points in U.S. (except AK and HI.)

MC 165039 (Sub-2), filed March 8, 1983. Applicant: CFI TRANSPORT, INC., P.O. Box 40, Valdese, NC 28690. Representative: William P. Farthing, Jr., 1100 Cameron-Brown Building, Charlotte, NC 28204; (704) 372-6730. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between point in the U.S., under continuing contract(s) with Corson Furniture Industries, Inc., and Hickory Hill Furniture Company, Inc., both of Valdese, NC.

MC 166079, filed March 7, 1983. Applicant: ALFRED B. JACKSON d.b.a. AL'S SAUSAGE COMPANY 7510 Northwest Blvd., Davenport, IA 52806. Representative: Richard D. Howe, 600 Hubbell Bldg., Des Moines, IA 50309-3596; 515-244-2329. Transporting *food and related products,* between point in Scott and Polk Counties, IA, on the one hand, and on the other, Chicago, Ill.

MC 166459, filed February 28, 1983. Applicant: GULF CENTRAL TRANSPORTATION, INC., 5605 SW Shore Blvd., Tampa, FL 33616. Representative: James E. Wharton, Suite 811, Metcalf Building, 100 South Orange Avenue, Orlando, FL 32801; (305) 425-2213. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between point in FL, GA, AL, MS, NC, SC, TN, KY, and LA.

MC 166559, filed March 2, 1983. Applicant: GEORGE R. HEMSTREET, 13th and Bushkill Drive, Easton, PA 18042. Representative: James H. Sweeney, P.O. Box 9023, Lester, PA 19113; (215) 365-5141. Transporting *coal,* between points in U.S. under continuing contract(s) with Centralia Coal Sales Co., Inc., of Wilkes Barre, PA.

MC 166618, filed March 7, 1983. Applicant: DONALD A. WOOD d.b.a. SOUTHEASTERN TRANSPORTATION SYSTEM, 205 North First St., Manistique, MI 49852. Representative: Paul M. Ross, 3104 S. Cedar St., Lansing, MI 48910; 517-394-4220. Transporting *lumber and wood products,* between points in the U.S. under continuing contract(s) with Jim White Lumber Sales, of Bay City, MI; Otsego Manufacturing, Inc., of Yadkinville, NC; Manistique Dimensions and Dry Kiln Company and O'Connor Industries Limited both of Manistique, MI; E. H. Mauk and Sons, Inc., of Pontiac, MI; Aga, Inc., of Amasa, MI; Schultz-Synder & Steele Lumber Company, of Lansing, MI; Continental Forest Industries of Columbus, OH; and Forestply Industries, Inc., of Kincheloe, MI.

MC 166619, filed February 25, 1983. Applicant: SERVICE CARTAGE CO., INC., 429 Talcott Ave., Lemont, IL 60439. Representative: Patrick H. Smyth, 105 West Madison St., Suite 1008, Chicago, IL 60602; 312-263-2397. Transporting (1) *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between Jeffersonville, IN, Davenport, IA and points in IL, on the one hand, and, on the other, points in IL, IN, IA, KY, MI, MN, MO, OH, TN and WI and (2) *paper and plastic articles,* between points in the U.S. (except AK and HI).

Volume No. OP5–126

Decided: March 17, 1983.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 79658 (Sub-63), filed March 7, 1983. Applicant: ATLAS VAN LINES, INC., 1212 St. George Rd., P.O. Box 509, Evansville, IN 47711. Representative: Michael L. Harvey (same address as applicant) (812) 424–2222. Transporting *household goods* between points in the U.S. (except AK and HI), under continuing contract(s) with Allergan Pharmaceuticals, of Irvine, CA.

MC 117589 (Sub-79), filed March 1, 1983. Applicant: PROVISIONERS BROKERAGE, INC., 3801 7th Ave. S., Seattle, WA 98108. Representative: Michael D. Duppenthaler, 211 S. Washington St., Seattle, WA 98104; (206) 622–3220. Transporting *such commodities* as are dealt in or used by grocery stores, drug stores, hardware stores and food business houses, between points in the U.S. (except AK and HI).

MC 141758 (Sub-23), filed March 4, 1983. Applicant: LYDALL EXPRESS, INC., 615 Parker St., Manchester, CT 06040. Representative: Robert J. Dunbar (same address as applicant) 203–646–1233. Transporting *metal products,* between points in the U.S. (except AK and HI), under continuing contract(s) with Barnes Group, Inc., Associated Spring Division of Bristol, CT.

MC 144369 (Sub-4), filed March 4, 1983. Applicant: GERARDO & SON MOTOR SERVICE, INC., 9850 Balmoral Avenue, Rosemont, IL 60018. Representative: Donald S. Mullins, 1033 Graceland Avenue, Des Plaines, IL 60016; (312) 298–1094. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in Chicago, IL, Milwaukee, WI, and McHenry County, IL, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 145608 (Sub-8), filed March 4, 1983. Applicant: HENRY JOHNSON, 7701 Greenleaf Dr., Omaha, NE 68128. Representative: Jack H. Blanshan, 1009 Parkway Dr., Apt 10, Boone, IA 50036; 515–432–9651. Transporting (1) *pulp, paper and related products,* between points in Branch County, MI, on the one hand, and, on the other, points in CA, and (2) *food and related products,* between Chicago, IL, points in Freeborn County, MN, Cass County, IN, Saline County, MO, Warren County, IL, Douglas County, NE and points in IA, on the one hand, and, on the other, points in AZ, CA and NE.

MC 150078 (Sub-3), filed March 8, 1983. Applicant: FALL MOUNTAIN TRANSPORT, INC., P.O. Box 170, Charlestown, NH 03603. Representative: James M. Burns, 1365 Main St., Suite 403, Springfield, MA 01103; (413) 781–8205. Transporting *petroleum and related products,* between points in ME, MA, NH, and NY, on the one hand, and, on the other, ME, NH, and VT.

MC 162898, filed March 7, 1983. Applicant: COJAN CORPORATION, P.O. Box 253, Westmont, IL 60559. Representative: Martin J. Kennedy, 120 W. Madison St., Suite 1306, Chicago, IL 60602; 312–726–0375. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in IL, IN and WI.

MC 164398 (Sub-1), filed March 7, 1983. Applicant: CAMION'S INC., 744 Forestdale Blvd., Birmingham, AL 35214. Representative: Gerald D. Colvin, Jr., 601–09 Frank Nelson Bldg., Birmingham, AL 35203–3668; 205–251–2881. Transporting *building materials,* between points in the U.S. (except AK and HI).

MC 166538, filed March 8, 1983. Applicant: ACE EXPRESS TRANSPORTATION, P.O. Box 9380, Salt Lake City, UT 84109. Representative: Tim W. Anderson (same address as applicant) 801–374–0331. Transporting *building materials,* between points in the U.S. (except AK, CT, DE, HI, MA, ME, NH, NJ, NY, PA, RI, VT and DC).

MC 166638, filed March 7, 1983. Applicant: REAM TRANSPORT, INC., 329 Mt. Joy Rd, Box 57, Clearfield, PA 16830. Representative: Dwight L. Koerber, Jr., 110 North Second St., P.O. Box 1320, Clearfield, PA 16830; 814–765–9611. Transporting (1) *coal and coal products,* (2) *sand and gravel,* between points in Elk and Clearfield Counties, PA, on the one hand, and, on the other, points in OH, MD, DE, NJ and NY.

MC 166678, filed March 7, 1983. Applicant: MOTOR CARRIER CORPORATION OF AMERICA, 750 Virginia Ave., El Segundo, CA 90245. Representative: David Robinson, 2228 W. Northern Ave., Suite B–201, Phoenix, AZ 85021; 602–864–0999. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in AZ, CA, CO, MT, MN, NV, OK, OR, TX, UT, WA and WY.

[FR Doc. 83–7831 Filed 3–23–83; 8:45 am]

BILLING CODE 7035–01–M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

Motor Common and Contract Carriers of Property (fitness-only); Motor Common Carriers of Passengers (fitness-only); Motor Contract Carriers of Passengers; Property Brokers (other than household goods). The following applications for motor common or contract carriage of property and for a broker of property (other than household goods) are governed by Subpart A of Part 1160 of the Commission's General Rules of Practice. See 49 CFR Part 1160, Subpart A, published in the **Federal Register** on November 1, 1982, at 47 FR 49583, which redesignated the regulations at 49 CFR 1100.251, published in the **Federal Register** on December 31, 1980. For compliance procedures, see 49 CFR 1160.19. Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart B.

The following applications for motor common or contract carriage of passengers filed on or after November 19, 1982, are governed by Subpart D of the Commission's Rules of Practice. See 49 CFR Part 1160, Subpart D, published in the **Federal Register** on November 24, 1982, at 49 FR 53271. For compliance procedures, see 49 CFR 1160.86. Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart E.

These applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations.

Applicant's representative is required to mail a copy of an application, including all supporting evidence, within three days of a request and upon payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This

presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Engery 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 document will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce, over irregular routes unless noted otherwise. Applications for motor contract carrier authority are those where service in for a named shipper "under contract."

Please direct status inquiries to Team 1, (202) 275–7992.

Volume No. OP1–94

Decided: March 14, 1983.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 2890 (Sub-62(B)), filed March 2, 1983. Applicant: AMERICAN BUSLINES, INC., 1500 Jackson St., Dallas, TX 75201. Representative: G. W. Hanthron (same address as applicant) (214) 655–7937. Transporting (1) *passengers,* in charter and special operations, between points in the U.S. (except HI), and (2) *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S. (except AK and HI).

Note.—Applicant has also requested authority in MC–2890 Sub 62(A) published in this same **Federal Register** issue.

Note.—Applicant seeks in (1) above to provide privately funded charter and special transportation.

MC 106120 (Sub-5), filed March 1, 1983. Applicant: BADGER COACHES, INC., 200 W. Beltline Hwy., P.O. Box 72, Madison, WI 53701. Representative: John L. Bruemmer, P.O. Box 927, Madison, WI 53701; (608) 257–9521. Transporting *passengers,* in charter and special operations, between points in the U.S. (except AK and HI).

Note.—Applicant seeks to provide privately funded charter and special transportation.

MC 133171 (Sub-2), filed March 10, 1983. Applicant: INDUSTRIAL BUS LINES, INC., 106 S. Main, Carlsbad, NM 88220. Representative: Steven L. Weiman, Suite 200, 444 N. Frederick Ave., Gaithersburg, MD 20877; (301) 840–8565. 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 138880 (Sub-4), filed March 2, 1983. Applicant: RED RIVER TRANSPORT & DEVELOPMENT CO., INC. d.b.a. AIR FREIGHT EXPRESS, 7600 24th Ave. So., Minneapolis, MN 55450. Representative: Richard P. Anderson, Federal Square, 112 Roberts St., P.O. Box 2581, Fargo, ND 58108; (701) 235–3300. Transporting *shipments weighing 100 pounds* or less if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S. (except AK and HI).

MC 161171 (Sub-2), filed February 28, 1983. Applicant: V. K. PUTNAM, 509 North Grand, Bozeman, MT 50715. Representative: James Robert Evans, 145 W. Wisconsin Ave., Neenah, WI 54956; (414) 722–2848. Transporting for or on behalf of the U.S. 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 161210 (Sub-3), filed February 25, 1983. Applicant: J–R TRANSPORTATION SERVICES, INC., R.D. No. 6, Box 385, Hammonton, NJ 08037. Representative: James H. Sweeney, P.O. Box 9023, Lester, PA 19113; (215)–365–5141. 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 161301 (Sub-1), filed March 1, 1983. Applicant: TOTEM COACHES, INC., P.O. Box 1283, Puyallup, WA 98371. Representative: George LaBissoniere, 15 S. Grady Way, Suite 239, Renton, WA 98055; (206)–228–3807. 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 166291, filed February 15, 1983. Applicant: GEM CHIP AND TRADING CO., LTD., P.O. Box 146, Clarkston, WA 99403. Representative: Michael G. Campbell (same address as applicant) (208) 746–1783. As a *broker,* of *general commodities* (except household goods) between points in the U.S. (except HI).

MC 166460, filed February 28, 1983. Applicant: JERRY C. ALVEREZ d.b.a. J. ALVEREZ TRUCKING, 6415 N.E. Pettibone Dr., Corvallis, OR 97330. Representative: Jerry C. Alverez (same address as applicant) (503)–745–7504. Transporting *food and other edible products and by-products intended for human consumption* (except alcoholic beverages and drugs) *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

MC 166480, filed February 28, 1983. Applicant: MICHAEL C. AND BARBARA LAMB d.b.a. JER-DAN TRUCKING, 402 24th St. North, Moorhead, MN 56560. Representative: Michael C. Lamb (same address as applicant) (218)–236–6622. Transporting *food and other edible products and by-products intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

MC 166551, filed March 3, 1983. Applicant: WILLIAM R. JEFFERSON, 5380 Jerome Prairie, Grants Pass, OR 97526. Representative: William R. Jefferson (same address as applicant). Transporting *food and other edible products and by-products intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

MC 166571, filed March 3, 1983. Applicant: H & M ENTERPRISES, P.O. Box 673, Selmer, TN 38375. Representative: C. Jack Pearce, 1000 Connecticut Ave., NW., Suite 1200, Washington, DC 20036; (202) 785–0048. As a *broker* of *general commodities*

(except household goods), between points in the U.S. (except AK and HI).

MC 166631, filed March 8, 1983. Applicant: WALTON LEASING CO., INC., 1620 44th Street, Pennsauken, NJ 08110. Representative: James H. Sweeney, 468 Kentucky Avenue, Williamstown, NJ 08094; (609) 629-2354. As a *broker* of *general commodities* (except household goods), between points in the U.S.

MC 166680, filed March 4, 1983. Applicant: CROSS COUNTRY CHARTER BUS COMPANY, P.O. Box 3153, Ontario, CA 91761. Representative: Jerry B. Cross, 853 Madera Ave., Ontario, CA 91761; (714) 983-7070. 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.

For the following, please direct status calls to Team 4 at 202-275-7669.

Volume No. OP4-164

Decided: March 18, 1983.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing.

MC 166746, filed March 11, 1983. Applicant: TERRY GRAY, INC., Rt. 2, Box 41-A, Utica, MS 39175. Representative: Martin Terry Gray, (same address as applicant), (601) 885-8174. Transporting *passengers*, in charter and special operations, beginning and ending at points in MS, and extending to points in the U.S. (except AK and HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 166756, filed March 11, 1983. Applicant: EMMA BUS LINES, INC., 1780 Old Haywood Rd., Asheville, NC 28806. Representative: Lawrence E. Ballard (same address as applicant) (704) 274-5719. Transporting *passengers*, in charter and special operations beginning and ending at points in NC, SC, and GA, and extending to points in the U.S. (except HI).

Note—Applicant seeks to provide privately-funded charter and special transportation.

MC 166776, filed March 14, 1983. Applicant: RONALD W. ALT, Route #1, Box 5, Flintstone, MD 21530. Representative: William L. Wilson, 100 So. Liberty St., Cumberland, MD 21502; (301) 722-2515. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners*, by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

MC 166777, filed March 14, 1983. Applicant: MICHAEL J. DOLLY, Route #1, Box 6, Flintstone, MD 21530. Representative: William L. Wilson, 100 So. Liberty St., Cumberland, MD 21502; (301) 722-2515. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners*, by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

For the following, please direct status calls to Team 5 at 202-275-7289.

Volume No. OP5-125

Decided: March 15, 1983.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 75369 (Sub-2(a)), filed March 4, 1983. Applicant: ST. PAUL & SUBURBAN BUS CO., 2866 White Bear Ave., St. Paul, MN 55109. Representative: Stanley C. Olsen, Jr., 5200 Willson Rd., Suite 307, Edina, MN 55424; (612) 927-8855. Transporting *passengers*, in charter and special operations, between points in the U.S. (except HI).

Note (1).— Applicant seeks to provide privately-funded charter and special transportation.

Note (2).— Applicant also seeks authority in MC-75369 Sub 2(b), published in the same issue.

MC 138348 (Sub-2), filed March 3, 1983. Applicant: ATLAS TRAVEL TOURS LTD., Whitehorse Travelodge, P.O. Box 4340, Whitehorse, Yukon, Canada YIA 3T5. Representative: Jeremy Kahn, Suite 733 Investment Bldg., 1511 K St., N.W., Washington, DC 20005; 202-783-3525. Transporting in foreign commerce, *passengers*, in charter and special operations, beginning and ending at ports of entry on the international boundary line between the U.S. and Canada, and extending to points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 138348 (Sub-3), filed March 4, 1983. Applicant: ATLAS TRAVEL TOURS LTD., P.O. Box 4340, Whitehorse, Yukon, Canada YIA 3T5. Representative: John R. Simms, Jr., 915 Pennsylvania Bldg., 425 13th St., N.W., Washington, DC 20004; 202-737-1030. Transporting in foreign commerce, over regular routes, *passengers* between ports of entry on the international boundary line between the U.S. and Canada and Skagway, AK, over Klondike Hwy 2, serving all intermediate points.

Note.—The purpose of this application is to substitute motor carrier service for complete abandonment of rail carrier service.

MC 161538 (Sub-1), filed March 7, 1983. Applicant: FIVE MILE BEACH ELECTRIC RAILWAY COMPANY, 5 Mile Beach, Hornet and Ranger Rds., Rio Grande, NJ 08242. Representative: Martin R. Martino, 333 So. Glebe Rd., Arlington, VA 22204; 703-979-1627. Transporting *passengers*, in charter and special operations, between points in the U.S. (except AK and HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 166488, filed February 25, 1983. Applicant: ED THOMPSON d.b.a. ED THOMPSON TRUCKING, P.O. Box 159, 820 S.W. Clay, Dallas, OR 97338. Representative: Ed Thompson (same address as applicant), (503) 623-4758. Transporting *food and other edible products and byproducts intended for human comsumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners*, by the owner of the motor vehicle in such vehicle, between points in the U.S. (except HI).

MC 166558, filed March 2, 1983. Applicant: WILLIS H. EARLY, Route 2, Box 83-A, Bealeton, VA 22712. Representative: Willis H. Early (same address as applicant), (703) 439-8251. Transporting *food and other edible products and byproducts intended for human comsumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners*, by the owner of the motor vehicle, in such vehicle, between points in the U.S. (except AK and HI).

MC 166599, filed March 4, 1983. Applicant: COUNTRY & WESTERN ROUND-UP TOURS, INC., 2416 Music Valley Drive, Nashville, TN 37214. Representative: Robert L. Baker, U.S. Bank Bldg., Sixth Floor, Nashville, TN 37219; (616) 244-8100. Transporting *passengers*, in charter and special operations, between points in the U.S.

Note.—Applicant seeks to provide privately-funded charter and special transportation.

Volume No. OP5-127

Decided: March 17, 1983.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 144519 (Sub-2), filed March 7, 1983. Applicant: BOND WAREHOUSING, INC., 235 Cook Ave., Oconto, WI 54153. Representative:

James A. Spiegel, Olde Towne Office Park, 6333 Odana Rd., Madison, WI 53719; (608) 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 147028 (Sub-6), filed March 2, 1983. Applicant: MICHAEL L. GINEVRA TRUCKING, 1500 South Zarzamora St., Room 228, San Antonio, TX 78207. Representative: Greg P. Steffire, 3620 Long Beach Blvd., Long Beach, CA 90807; 213–595–0766. As a *broker of general commodities* (except household goods), between points in the U.S. (except AK and HI).

MC 166518, filed February 24, 1983. Applicant: ROTOR, INC., P.O. Box 1073, Old Higgins Rd., Des Plaines, IL 60018. Representative: James O'Grady, 8550 W. Golf Rd., Niles, IL 60648; (312) 827–6191. To operate as a *broker* of *general commodities* (except household goods), between points in the U.S. (except AK and HI).

MC 166539, filed March 2, 1983. Applicant: STEVE DRABISH AND NICHOLAS COMANICI d.b.a. THE E AND M TRANSIT COMPANY, 7740 Dunham Road, Walton Hills, OH 44146. Representative: A. Charles Tell, Suite 1800, 100 East Broad Street, Columbus, OH 43215; (614) 228–1541. Transporting *passsengers*, 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 166668, filed March 8, 1983. Applicant: JOHN HENRY JACKSON, Route 2, Box 331–C, Wilmington, NC 28403. Representative: Thomas J. Morgan, 206 Princess St., P.O. Box 1388, Wilmington, NC 28401; 919–762–5271. Transporting *passengers*, in charter and special operations, beginning and ending at points in New Hanover County, NC and extending to points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

[FR Doc. 83-7812 Filed 3-23-83; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-6 (Sub-136F)]

Rail Carriers; Burlington Northern Railroad Co.; Abandonment in Grant County, WA; Findings

The Commission has issued a certificate authorizing the Burlington Northern Railroad Company to abandon its 19.8-mile rail line between Adrian (milepost 125.70) and Wheeler (milepost 145.50) in Grant County, WA. The abandonment certificate will become effective 30 days after this publication unless the Commission also finds that (1) a financially responsible person has offered financial assistance (through subsidy or purchase) to enable the rail service to be continued; and (2) it is likely that the assistance would fully compensate the railroad.

Any financial assistance offer must be filed with the Commission and served concurrently on the applicant, with copies to Louis Gitomer, Room 5417, Interstate Commerce Commission, Washington, DC 20423, no later than 10 days from publication of this Notice. Any offer previously made must be remade within this 10-day period.

Information and procedures regarding financial assistance for continued rail service are contained in 49 U.S.C. 10905 and 49 CFR 1152.27.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-7815 Filed 3-23-83; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 30145]

Rail Carriers; Providence and Worcester Railroad Co.; Passenger Service Exemption From 49 U.S.C. Subtitle IV

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: The Interstate Commerce Commission exempts the Providence and Worcester Railroad Company from 49 U.S.C. Subtitle IV for its proposed scenic excursion passenger service.

DATES: This exemption is effective on April 25, 1983. Petitions to stay must be filed by April 4, 1983, and petitions for reconsideration must be filed by April 13, 1983.

ADDRESSES: Send pleadings referring to Finance Docket No. 30145 to:

(1) Rail Section, Room 5349, Interstate Commerce Commission, Washington, DC 20423; or

(2) Petitioner's representative: Heidi J. Seebauer, 37 Lewis Street, Suite 107, Hartford CT 06103.

FOR FURTHER INFORMATION CONTACT: Louis E. Gitomer (202) 275–7245.

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. To purchase a copy of the full decision, write to T.S. InfoSystems, Inc., Room 2227, Interstate Commerce Commission, Washington, DC 20423, or call 289–4357 (D.C. Metropolitan Area) or toll free (800) 424–5403.

Decided: March 17, 1983.

By the Commission, Chairman Taylor, Vice Chairman Sterrett, Commissioners Andre and Gradison. Commissioner Andre was absent and did not participate.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-7817 Filed 3-23-83; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 30139]

Rail Carriers; Southeastern Pennsylvania Transportation Authority; Exemption From 49 U.S.C. Subtitle IV

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: Pursuant to 49 U.S.C. 10505, the Interstate Commerce Commission exempts the Southeastern Pennsylvania Transportation Authority from the requirements of 49 U.S.C. Subtitle IV in respect to the commuter rail operations it commenced on January 1, 1983.

DATES: This exemption is effective on March 24, 1983, and shall extend retroactively to January 1, 1983. Petitions to reopen this proceeding must be filed by April 13, 1983.

ADDRESSES: Send pleadings to:

(1) Rail Section, Room 5349, Interstate Commerce Commission, Washington, DC 20423; or

(2) Petitioner's Representative: Robert C. Wert, 130 South 9th Street, Philadelphia, PA 19107.

FOR FURTHER INFORMATION CONTACT: Louis E. Gitomer, (202) 275–7245.

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. To purchase a copy of the full decision, write to T.S. InfoSystems, Inc., Room 2227, Interstate Commerce Commission, Washington, DC 20423, or call 289–4357 (D.C. Metropolitan Area) or toll free (800) 424–5403.

Decided: March 17, 1983.

By the Commission, Chairman Taylor, Vice Chairman Sterrett, Commissioners Andre and Gradison. Commissioner Andre was absent and did not participate.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-7819 Filed 3-23-83; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 30122]

Rail Carriers; Southern Pacific Transportation Co.; Abandonment Exemption—Cochise County, AZ

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: The Interstate Commerce Commission exempts the abandonment by the Southern Pacific Transportation Company over 3.82 miles of its Don Luis Branch from milepost 1091.057 at the end of the Branch, in Cochise County, AZ, subject to conditions for protection of employees.

DATES: This exemption is effective on April 22, 1983. Petitions to stay must be filed by April 4, 1983; and petitions for reconsideration must be filed by April 13, 1983.

ADDRESS: Send pleadings to:

(1) Rail Section, Room 5349, Interstate Commerce Commission, Washington, DC 20423

(2) Petitioner's representative: Gary A. Laakso, Southern Pacific Transportation Company, Southern Pacific Building, One Market Plaza, San Francisco, CA 94105

Pleadings should refer to Finance Docket No. 30122.

FOR FURTHER INFORMATION CONTACT: Louis E. Gitomer, (202) 275-7245.

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. To purchase a copy of the full decision contact:

T.S. InfoSystems, Inc., Room 2227, c/o Interstate Commerce Commission, 12th & Constitution Ave., NW., Washington, DC 20423

or telephone:

(202) 289-4357 (D.C. Metropolitan area)
(800) 424-5403 (toll free—outside the D.C. area)

Decided: March 17, 1983.

By the Commission, Chairman Taylor, Vice Chairman Sterrett, Commissioners Andre and Gradison. Commissioner Andre was absent and did not participate.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-7614 Filed 3-23-83; 8:45 am]

BILLING CODE 7035-01-M

NORTHERN MARIANA ISLANDS COMMISSION ON FEDERAL LAWS

Meeting

The Northern Mariana Islands Commission on Federal Laws, established pursuant to Section 504 of the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America (Pub. L. 94-241, 48 U.S.C. 1681 note), will meet on Tuesday, March 29, 1983, at 9:00 a.m., in room C270 of the Federal Building, 300 Ala Moana Boulevard, Honolulu, Hawaii. The meeting may extend into the following day, at the same location.

The purpose of the Commission is "to survey the laws of the United States and to make recommendations to the United States Congress as to which laws of the United States not applicable to the Northern Mariana Islands should be made applicable and to what extent and in what manner, and which applicable laws should be made inapplicable and to what extent and in what manner."

The intended agenda for this meeting is a review of the Commission's work to date on its final report to Congress, and consideration of pending staff recommendations on the application of particular federal laws in the Northern Mariana Islands.

The meeting will be open to the public. Attendance by the public will be limited to space available.

For Further information about this meeting contact Daniel H. MacMeekin, Executive Director, Northern Mariana Islands Commission on Federal Laws, Washington, D.C. 20240; (202) 343-5617, or Jose S. Dela Cruz, Liaison Attorney, Northern Mariana Islands Commission on Federal Laws, P.O. Box 326 (3rd Floor, Nauru Building) Saipan, CM 96950 (telephone number 6892).

Interested persons may make oral presentations to the Commission or file written statements with respect to particular federal laws. Persons desiring to make oral presentations should make arrangements with Mr. Dela Cruz or Mr. MacMeekin at least seven days prior to the meeting.

Dated: March 17, 1983.

James A. Joseph,

Chair.

[FR Doc. 83-7597 Filed 3-23-83; 8:45 am]

BILLING CODE 4310-93-M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards, Subcommittee on Seabrook Nuclear Power Station Units 1 and 2; Date Change

The ACRS Subcommittee on Seabrook Nuclear Power Station Units 1 and 2 scheduled for March 31 and April 1, 1983 has been changed to April 1 and 2, 1983, at the Ashworth By The Sea, 295 Ocean Blvd., Hampton Beach, NH.

The agenda for subject meeting shall be as follows: *Friday, April 1, 1983—1:00 p.m. until the conclusion of business. Saturday, April 2, 1983—8:30 a.m. until the conclusion of business.*

All other items regarding this meeting remain the same as announced in the **Federal Register** published Tuesday, March 15, 1983 (48 FR 10962).

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 Major (telephone 202/634-1414) between 8:15 a.m. and 5:00 p.m., EST.

Dated: March 18, 1983.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 83-7631 Filed 3-23-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-368]

Arkansas Power & Light Co. (Arkansas Nuclear One, Unit 2); Order Confirming Licensee Commitments on Post-TMI Related Issues

I

Arkansas Power and Light Company (the licensee) is the holder of Facility Operating License No. NPF-6 which authorizes the operation of Arkansas Nuclear One, Unit 2 (the facility) at steady-state power levels not in excess of 2815 megawatts thermal. The facility is a pressurized water reactor (PWR) located at the licensee's site in Pope County, Arkansas.

II

Following the accident at Three Mile Island No. 2 (TMI-2) on March 28, 1979, the Nuclear Regulatory Commission (NRC) staff developed a number of proposed requirements to be implemented on operating reactors and on plants under construction. These requirements include Operational Safety, Siting and Design, and Emergency Preparedness and are intended to provide substantial additional protection in the operation of nuclear facilities based on the experience from the accident at TMI-2 and the official studies and investigations of the accident. The staff's proposed requirements and schedule for implementation are set forth in NUREG-0737, "Clarification of TMI Action Plan Requirements." Among these requirements are a number of items, consisting of hardware modifications, administrative procedure

implementation and specific information to be submitted by the licensee, scheduled to be completed on or after July 1, 1981. On March 17, 1982, a letter (Generic Letter 82–05) was sent to all licensees of operating power reactors for those items that were scheduled to be implemented from July 1, 1981 through March 1, 1982. Subsequently, on May 5, 1982, a letter (Generic Letter 82–10) was also sent to all licensees of operating power reactors for those items that were scheduled for implementation after March 1, 1982. On June 15, 1982, a letter (Generic Letter 82–12) was sent to all licensees of operating power reactors to revise requirements relating to NUREG–0737 Item I.A.1.3.1, Overtime Limitations. These letters are hereby incorporated by reference. In the first two letters each licensee was requested to furnish within 30 days pursuant to 10 CFR 50.54(f) the following information for items which the staff had proposed for completion on or after July 1, 1981:

(1) For applicable items that have been completed, confirmation of completion and the date of completion, (2) For items that have not been completed, a specific schedule for implementation, which the licensee committed to meet, and (3) Justification for delay, demonstration of need for the proposed schedule, and a description of the interim compensatory measures being taken.

III

Arkansas Power & Light Company (AP&L) responded to Generic Letter 82–05 by letters dated May 17, and November 23, 1982. In these submittals AP&L confirmed that all of the items identified in the March 17 letter have been completed for Arkansas Nuclear One, Unit 2. AP&L responded to Generic Letter 82–10 by letter dated September 10, 1982. In these submittals, AP&L confirmed that some of the items identified in the Generic Letters had been completed and made firm commitments to complete the remainder. The attached Tables summarizing the licensee's schedular commitments or status were developed by the staff from the Generic Letters and the licensee-provided information.

Generic Letters 82–05 and 82–10 addressed thirteen and sixteen items, respectively. Of the ten items listed in Generic Letter 82–10 requiring a response, six items are not included in this Order. Item I.A.1.3.2 is part of a separate rulemaking; Items I.C.1, III.A.1.2 (2 items), and III.A.2.2 will be handled separately following Commission actions that would proceed as a result of its consideration of Commission Paper SECY 82–111, as amended; for Items II.K.3.30 and II.K.3.31 (one item), the staff review of the generic models under II.K.3.30 has not been completed, and II.K.3.31 is not required until one year after staff approval of the generic models.

All of the items addressed in this Order are considered by the licensee to be completed or to require no modifications.

In view of the foregoing, I have determined that these modifications and actions are required in the interest of public health and safety and should, therefore, be confirmed by Order.

IV

Accordingly, pursuant to sections 103, 161i, and 161o of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Parts 2 and 50, it is hereby ordered effective immediately that the licensee shall:

Implement and maintain the specific items described as complete in the attachments to this Order. Incomplete items shall be completed by no later than the dates shown in the attachments (as described in the licensee's submittals noted in Section III herein) and maintained thereafter.

V

The licensee may request a hearing on this Order within 20 days of the date of publication of this Order in the **Federal Register**. A request for a hearing shall be addressed to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy shall also be sent to the Executive Legal Director at the same address. A request for hearing shall not stay the immediate effectiveness of this order.

If a hearing is requested by the licensee, the Commission will issue an Order designating the time and place of any such hearing.

If a hearing is held concerning this Order, the issue to be considered at the hearing shall be whether the licensee should comply with the requirements set forth in Section IV of this Order.

Dated at Bethesda, Maryland, this 14th day of March, 1983.

This Order is effective upon issuance.

For the Nuclear Regulatory Commission.

Robert A. Purple,

Deputy Director, Division of Licensing, Office of Nuclear Reactor Regulation.

LICENSEE COMMITMENTS ON APPLICABLE NUREG–0737 ITEMS FROM GENERIC LETTER 82–05

Item	Title	NUREG–0737 schedule	Requirement	Licensee's completion schedule (or status)[1]
I.A.3.1	Simulator Exams	Oct. 1, 1981	Include simulator exams in licensing examinations	Complete
II.B.2	Plant Shielding	Jan. 1, 1982	Modify facility to provide access to vital areas under accident conditions.	Do.
II.B.3	Post-accident sampling	do	Install upgrade post-accident sampling capability	Do.
II.B.4	Training for Mitigating Core Damage.	Oct. 1, 1981	Complete training program	Do.
II.E.1.2	Aux FW Indication & Flow Indicator.	July 1, 1981	Modify instrumentation to level of safety grade	Do.
II.E.4.2	Containment Isolation Dependability.	do	Part 5—Lower containment pressure setpoint to level compatible with normal operatio.	Do.
II.E.4.2	Containment Isolation Dependability.	do	Part 7—Isolate purge and vent values on radiation signal.	Do.
II.F.1	Accident Monitoring	Jan. 1, 1982	(1) Install noble gas effluent monitors	Do.
		do	(2) Provide capability for effluent monitoring of iodine	Do.
		do	(3) Install in-containment radiation-level monitor	Do.
		do	(4) Provide continuous indication of containment pressure.	Do.
		do	(5) Provide continuous indication of containment water level.	Do.
		do	(6) Provide continuous indication of hydrogen concentration in containment.	Do.

[1] Where completion date refers to a refueling outage (the estimated date when the outage begins), the item will be completed prior to the restart of the facility.

LICENSEE'S COMMITMENTS ON APPLICABLE NUREG-0737 ITEMS FROM GENERIC LETTER 82-10

Item	Title	NUREG-0737 schedule	Requirement	Licensee's completion schedule (or status) [1]
I.A.1.3.1	Limit Overtime	Oct. 1, 1982 per Gen. Ltr. 82-12 dtd. 6/15/82.	Revise administrative procedures to limit overtime in accordance w/NRC Policy Statement issued by Gen. Ltr. No. 82-12, dtd. June 15, 1982.	Complete.
I.A.1.3.2	Minimum Shift Crew [2]	To be superseded by Proposed Rule.	To be addressed in the Final Rule on Licensed Operator Staffing at Nuclear Power Units.	To be addressed when Final Rule is issued.
I.C.1	Revise Emergency Procedures [2]	Superseded by SECY 82-111	Reference SECY 82-111, Requirements for Emergency Response Capability.	To be determined.
II.D.1.2	RV and SV Test Programs	July 1, 1982	Submit plant-specific reports on relief and safety valve program.	Complete.
II.D.1.3	Block Valve Test Program	do	Submit report of results of test program	Do.
II.K.3.30 & 31	SBLOCA Analysis [2]	1 yr. after staff approval of model.	Submit plant specific analyses	To be determined following staff approval of model.
III.A.1.2	Staffing Levels for Emergency Situations [2].	Superseded by SECY 82-111	Reference SECY 82-111, Requirements for Emergency Response Capability.	To be determined.
III.A.1.2	Upgrade Emergency Support Facilities [2].	do	do	Do.
III.A.2.2	Meteorological Data [2]	do	do	Do.
III.D.3.4	Control Room Habitability	To be determined by licensee	Modify facility as identified by licensee study	Complete.

[1] Where completion date refers to a refueling outage (the estimated date when the outage begins), the item will be completed prior to the restart of the facility.
[2] Not Part of Confirmatory Order

[FR Doc. 83-7652 Filed 3-23-83; 8:45 am]
BILLING CODE 7590-01-M

[Docket Nos. 50-313 and 50-368]

Arkansas Power & Light Co.; Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment Nos. 72 and 40 to Facility Operating License Nos. DPR-51 and NPF-6 issued to Arkansas Power & Light Company (the licensee), which revised the Technical Specifications for operation of Arkansas Nuclear One, Unit Nos. 1 and 2 respectively, located in Pope County, Arkansas. 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 requirements, as required by the Federal Water Pollution Control Act Amendments of 1972. Also, for Unit 1, those water quality related special surveillance, research or study activities contained in ETS 6.0 are deleted.

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 will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of the amendments.

For further details with respect to this action, see (1) the application for amendments dated February 15, 1983, (2) Amendment Nos. 72 and 40 to Facility Operating License Nos. DPR-51 and NPF-6, and (3) the Commission's letter dated March 11, 1983. All of these items are available for public inspection at the Commission's Public Document Room at 1717 H Street NW., Washington, D.C. 20555 and at the Tomlinson Library, Arkansas Tech University, Russellville, Arkansas 72801. 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.

Robert A. Clark,

Chief, Operating Reactors Branch No. 3, Division of Licensing.

[FR Doc. 83-7653 Filed 3-23-83; 8:45 am]
BILLING CODE 7590-01-M

[Docket Nos. 50-317 and 50-318]

Baltimore Gas and Electric Co. (Calvert Cliffs Nuclear Power Plant, Unit Nos. 1 and 2); Exemption

I

The Baltimore Gas and Electric Company (the licensee) is the holder of Facility Operating License Nos. DPR-53 and DPR-69 which authorize operation of the Calvert Cliffs Nuclear Power Plant, Unit Nos. 1 and 2. These licenses provide, among other things that they are subject to all rules, regulations and Orders of the Commission now or hereafter in effect.

The facility comprises two pressurized water reactors at the licensee's site located in Calvert County, Maryland.

II

On November 19, 1980, the Commission published a revised Section 10 CFR 50.48 and a new Appendix R to 10 CFR Part 50 regarding fire protection features of nuclear power plants (45 FR 76602). The revised § 50.48 and Appendix R became effective on February 17, 1981. Section 50.48(c) established the schedules for satisfying the provisions of Appendix R. Section III of Appendix R contains fifteen subsections, lettered A through O, each of which specifies requirements for a particular aspect of the fire protection features at a nuclear power plant.

Subsection III.J specifies that emergency lighting units with at least an 8-hour battery power supply shall be provided in all areas needed for operation of safe shutdown equipment in access and egress routes thereto.

Section 50.48(c) requires completion of all modifications to meet the provisions of Appendix R within a specified time from the effective date of this fire protection rule, February 17, 1981, except for modifications to provide alternative safe shutdown capability. On September 27, 1982, the NRC issued Supplement 3 to the Calvert Cliffs Fire Protection Safety Evaluation Report (FPSER), dated September 14, 1979, which provided NRC approval of the licensee's Interactive Cable Analysis (ICA). This approval was required by

the licensee in order to identify areas within Units 1 and 2 which require emergency lighting in accordance with 10 CFR Part 50, Appendix R, Subsection III.J. In accordance with 10 CFR 50.48(c)(4), these modifications are required to be completed within six (6) months of NRC approval if plant shutdown is not required. Since Supplement 3 to the FPSER was issued on September 27, 1982, the associated modifications not requiring plant shutdown are required to be completed by March 27, 1983.

By application dated February 23, 1983, the licensee requested an exemption from the schedular requirements of 10 CFR 50.48(c)(4) in that the installation of emergency lighting, not requiring plant shutdown, could not be completed prior to September 1, 1983. By way of explanation, the licensee indicated in its application of February 23, 1983 that at the time of the September 27, 1982 FPSER supplement, engineering and planning resources were heavily committed to the imminent Unit No. 2 refueling outage, which commenced on October 16, 1982 and was completed on January 16, 1983. The licensee was not able to include any emergency lighting modification work in that outage interval, but did begin making the modifications after the completion of the outrage.

III

Based on our consideration of these circumstances, we conclude that the licensee made proper application of available resources in a best effort to provide the required emergency lighting. However, the time allowed proved to be insufficient to permit full implementation. In addition, we have determined that as an interim compensatory measure the existing emergency lighting in conjunction with the portable lighting units that are available for use by the operators and members of the fire brigade can provide emergency lighting as needed until the installation of the required units is achieved. On this basis, the staff has judged that the request for exemption to allow additional time to complete the installation of the emergency lighting for both units until September 1, 1983 should be granted.

IV

Accordingly, the Commission has determined that, pursuant to 10 CFR 50.12, an exemption is authorized by law and will not endanger life or property or the common defense and security and is otherwise in the public interest and hereby grants the following exemption with respect to the schedular requirements of 10 CFR Part 50, § 50.48(c):

Extend the implementation date in paragraph (c)(4) for installation of modifications required by Appendix R, Subsection III.J for both units, that require prior NRC approval but not plant shutdown, from March 27, 1983 to September 1, 1983.

The NRC staff had 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.

Dated at Bethesda, Maryland this 15th day of March, 1983.

For the Nuclear Regulatory Commission.

Harold R. Denton,

Director, Office of Nuclear Reactor Regulation.

[FR Doc. 83-7654 Filed 3-23-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-325]

Carolina Power & Light 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. DPR-71 issued to Carolina Power & Light Company (The licensee) which revised the Technical Specifications for operation of the Brunswick Steam Electric Plant, Unit 1 (the facility), located in Brunswick County, North Carolina. The amendment is effective as of the date of issuance.

The amendment changes the Technical Specifications to permit postponement of a flow test of the core spray system until within 48 hours after restoration of the suppression chamber to operable status, but, in any case no later than June 15, 1983.

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 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)(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 November 8, 1982 with supplements dated January 6th and February 8, 1983. (2) Amendment No. 55 to License No. DPR-71 and (3) the Commission's related Safety Evaluation. These items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Southport-Brunswick County Library, 109 West Moore Street, Southport, North Carolina 28461. 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 15th day of March 1983.

For the Nuclear Regulatory Commission.

Vernon L. Rooney,

Acting Chief, Operating Reactors Branch No. 2, Division of Licensing.

[FR Doc. 83-7655 Filed 3-23-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-336]

Connecticut Light and Power Co., et al., Order Confirming Licensee Commitments on Post-TMI Related Issues

I

In the matter of The Connecticut Light and Power Company, The Hartford Electric Light Company, Western Massachusetts Electric Company, and Northeast Nuclear Energy Company (Millstone Nuclear Power Station, Unit 2).

Northeast Nuclear Energy Company, et al. (the licensee) is the holder of Facility Operating License No. DPR-65 which authorizes the operation of the Millstone Nuclear Power Station, Unit No. 2 (the facility) at steady-state power levels not in excess of 2700 megawatts thermal. The facility is a pressurized water reactor (PWR) located at the licensee's site in Waterford, Connecticut.

II

Following the accident at Three Mile Island No. 2 (TMI-2) on March 28, 1979, the Nuclear Regulatory Commission (NRC) staff developed a number of proposed requirements to be implemented on operating reactors and

on plants under construction. These requirements include Operational Safety, Siting and Design, and Emergency Preparedness and are intended to provide substantial additional protection in the operation of nuclear facilities based on the experience from the accident at TMI–2 and the official studies and investigations of the accident. The staff's proposed requirements and schedule for implementation are set forth in NUREG–0737, "Clarification of TMI Action Plan Requirements." Among these requirements are a number of items, consisting of hardware modifications, administrative procedure implementation and specific information to be submitted by the licensee, scheduled to be completed on or after July 1, 1981. On March 17, 1982, a letter (Generic Letter 82–05) was sent to all licensees of operating power reactors for those items that were scheduled to be implemented from July 1, 1981 through March 1, 1982. Subsequently, on May 5, 1982, a letter (Generic Letter 82–10) was also sent to all licensees of operating power reactors for those items that were scheduled for implementation after March 1, 1982. These letters are hereby incorporated by reference. In these letters each licensee was requested to furnish within 30 days pursuant to 10 CFR 50.54(f) the following information for items which the staff had proposed for completion on or after July 1, 1981:

(1) For applicable items that have been completed, confirmation of completion and the date of completion, (2) For items that have not been completed, a specific schedule for implementation, which the licensee committed to meet, and (3) Justification for delay, demonstration of need for the proposed schedule, and a description of the interim compensatory measures being taken.

III

Northeast Nuclear Energy Company responded to Generic Letter 82–05 by letters dated April 16, June 10 and 24, September 28, December 30, 1982 and February 11, 1983, and the references stated therein. They also responded to Generic Letter 82–10 by letters dated June 4, July 9, and October 1, 1982 and the references stated therein. In these submittals, Northeast Nuclear Energy Company confirmed that some of the items identified in the Generic Letters had been completed and made firm commitments to complete the remainder. The attached Tables summarizing the licensee's schedular commitments or status were developed by the staff from the Generic Letters and the licensee-provided information.

Generic Letters 82–05 and 82–10 addressed thirteen and sixteen items, respectively. Of the ten items listed in Generic Letter 82–10 requiring a response, six items are not included in this Order. Item I.A.1.3.2 is part of a separate rulemaking; Items I.C.1, III.A.1.2 (2 items), and III.A.2.2 will be handled separately following Commission actions that would proceed as a result of its consideration of Commission Paper SECY 82–111, as amended. For Items II.K.3.30 and II.K.3.31 (one item), the staff review of the generic models under II.K.3.30 has not been completed, and II.K.3.31 is not required until one year after staff approval of the generic models.

Eleven of the 17 items addressed in this Order are considered by the licensee to be completed or to require no modifications. The staff's evaluation of the licensee's delays for the remaining six items is provided herein:

I.A.1.3.1—Limit Overtime

The licensee's adminsitrative procedure ADM 1.1–65 ("Operations Department Shift Staffing Requirements", March 27, 1981) follows the guidance of IE Circular No. 80–02 ("Nuclear Power Plant Staff Work Hours"), dated February 1, 1980. This procedure was found acceptable by the staff as stated in its letter to the licensee dated February 8, 1982. Subsequently, the staff's Generic Letter No. 82–12, dated June 15, 1982, states guidelines limiting overtime and specifies that deviations "shall be authorized by the plant manager or his deputy, or higher levels of management." However, the licensee's position (as stated in its letter dated October 1, 1982) is that infrequent or short-term deviations from these guidelines do not require approval by the plant superintendent (manager) or his deputy. this item is being reviewed by the staff and is therefore not included in this Order.

II.B.2—Plant Shielding

The licensee has completed all modifications required in those areas of the plant where personnel access would be required following an accident except for remote operation of four valves (Ref. April 16, 1982 Response). Operation of these four valves would be required only for long term boron precipitation control following a large break loss-of-coolant accident in which the break is located in the cold leg. The licensee has committed to have remote operation installed on these valves prior to startup from the Cycle 6 refueling outage scheduled to commence in April 1983. In the interim, required operation of the four valves in accordance with Plant Operating Procedure 2214 could be performed manually by operators. The licensee estimates the exposure required for such manual operation during accident conditions to be approximately 28 person rem (Ref. September 28, 1982 Response).

II.B.3.—Post Accident Sampling

The inservice date for the post accident sampling system, with the exception of accident chloride analysis, was June 1, 1982 (Ref. April 16, 1982 Response). The licensee identified suitable chloride monitoring equipment and completed installation before January 1, 1983. However, because of late arrival of equipment, the training on the Polographic Analyzer will not be completed until March 31, 1983 (Ref. December 30, 1982 Response).

II.F.1.1.—Post Accident Noble Gas Effluent Monitors and II.F.1.2—Sampling and Analysis of Plant Effluents

The licensee completed the installation of all equipment required to fulfill Items II.F.1.1 and II.F.1.2 by March 11, 1982 (Ref. April 16, 1982 Response). However, there has been a serious problem with the preliminary isotopic calibration in that the Unit 1 stack (normal discharge point for both units) and the Unit 2 auxiliary building stack monitors would grossly over-estimate any accidental radioactive release. The licensee is modifying the equipment in accordance with the supplier's recommendations. They expect to have the high range noble gas monitors and the iodine and particulate monitors operational by September 1, 1983 (Ref. February 11, 1983 Response).

III.D.3.4—Control Room Habitability

The licensee has provided their control room habitability analysis and proposes to complete all modifications required before startup from the 1984 Cycle 7 refueling outage presently scheduled for October 1984 (Ref. June 4, 1982 Response).

We find, based on the above evaluation, that (1) the licensee has taken corrective actions regarding the delays and has made a responsible effort to implement the NUREG–0737 requirements noted; (2) there is good cause for the several delays; and (3) as noted above, interim compensatory measures have been provided.

In view of the foregoing, I have determined that these modifications and actions are required in the interest of public health and safety and should, therefore, be conformed by Order.

IV

Accordingly, pursuant to Sections 103, 161i, and 161o of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Parts 2 and 50, it is Hereby Ordered Effective Immediately That the Licensee Shall:

Implement and maintain the specific items described in the attachments to this Order in the manner described in the licenseee's submittals noted in Section III herein no later than the dates in the attachments.

V

The licensee may request a hearing on this Order within 20 days of the date of publication of this Order in the **Federal Register**. A request for a hearing shall be addressed to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A Copy shall also be sent to the Executive Legal Director at the same address. A Request for Hearing Shall Not Stay the Immediate Effectiveness of This Order.

If a hearing is requested by the licensee, the Commission will issue an Order designating the time and place of any such hearing.

If a hearing is held concerning this Order, the issue to be considered at the hearing shall be whether the licensee should comply with the requirements set forth in Section IV of this Order.

This Order is effective upon issuance.

Dated at Bethesda, Maryland this 14th day of March, 1983.

For the Nuclear Regulatory Commission.

Robert A. Purple,

Deputy Director, Division of Licensing, Office of Nuclear Reactor Regulation.

LICENSEE COMMITMENTS ON APPLICABLE NUREG-0737 ITEMS FROM GENERIC LETTER 82-05

Item	Title	NUREG-0737 schedule	Requirement	Licensee's completion schedule (or status)*
I.A.3.1	Simulator Exams	Oct. 1, 1981	Include simulator exams in licensing examinations	Complete.
II.B.2	Plant Shielding	Jan. 1, 1982	Modify facility to provide access to vital areas under accident conditions.	Cycle 6 Refueling Outage April 1983.
II.B.3	Post-accident sampling	do	Install upgrade post-accident sampling capability	Installation Complete. Training on Pologranhic Analyzer—Mar. 31, 1983.
II.B.4	Training for Mitigating Core Damage.	Oct. 1, 1981	Complete training program	Complete.
II.E.1.2	Aux FW Indication & Flow Indicator.	July 1, 1981	Modify instrumentation to level of safey grade	Do.
II.E.4.2	Containment Isolation Dependability.	do	Part 5—lower containment pressure setpoint to level compatible with normal operation.	Do.
II.E.4.2	Containment Isolation Dependability.	do	Part 7—isolate purge and vent valves on radiation signal.	Do.
II.F.1	Accident Monitoring	Jan.1, 1982	(1) Install noble gas effluent monitor	September 1983.
		do	(2) Provide capability for effluent monitoring of iodine	Do.
		do	(3) Instal in-containment radiation-level monitor	Complete.
		do	(4) Provide continuous indication of containment pressure.	Do.
		do	(5) Provide continuous indication of containment water level.	Do.
		do	(6) Provide continuous indication of hydrogen concentration in containment.	Do.

*Where completion date refers to a refueling outage (the estimated date when the outage begin is shown), the item will be completed prior to the restart of the facility.

LICENSEE'S COMMITMENTS ON APPLICABLE NUREG-0737 ITEMS FROM GENERIC LETTER 82-10

Item	Title	NUREG-0737 schedule	Requirement	Licensee's completion schedule (or status)*
I.A.1.3.1	**Limit Overtime	Oct. 1, 1982 per Gen. Ltr. 82-12 dtd. June 15, 1982.	Revise administrative procedures to limit overtime in accordance w/NRC Policy Statement issued by Gen. Ltr. No. 82-12, dtd. June 15, 1982.	Deviations from working hours are delineated by NU letter of Oct. 1, 1982. Item is currently under review.
I.A.1.3.2	**Minimum Shift Crew	To be superseded by Proposed Rule.	To be addressed in the Final Rule on Licensed Operator Staffing at Nuclear Power Units.	To be addressed when Final Rule is issued.
I.C.1	**Revise Emergency Procedures.	Superseded by SECY 82-111	Reference SECY 82-111, Requirements for Emergency Response Capability.	To be determined.
II.D.1.2	RV and SV Test Programs	July 1, 1982	Submit plant specific reports on relief and safety valve program.	Complete.
II.D.1.3	Block Valve Test Program	do	Submit report of results of test program	Do.
II.K.3.30 & 31	**SBLOCA Analysis	One year after staff approval of model.	Submit plant specific analyses	To be determined following staff approval of model.
III.A.1.2	**Staffing Levels for Emergency Situations.	Superseded by SECY 82-111	Reference SECY 82-111, Requirements for Emergency Response Capability.	To be determined.
III.A.1.2	**Upgrade Emergency Support Facilities.	do	do	Do.
III.A.2.2	**Meteorological Data	do	do	Do.
III.D.3.4	Control Room Habitability	To be determined by licensee	Modify facility as identified by licensee study	Cycle 8 Refueling Outage (October 1984).

*Where completion date refers to a refueling outage (the estimated date when the outage begins is shown), the item will be completed prior to the restart of the facility.
**Not Part of Confirmatory Order.

[FR Doc. 83-7660 Filed 3-23-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-247]

Consolidated Edison Co. of New York, Inc. (Indian Point Nuclear Generating Station, Unit No. 2); Order Confirming Licensee Commitments on Post-TMI Related Issues

I

Consolidated Edison Company of New York, Inc. (the licensee) is the holder of Facility Operating License No. DPR-26 which authorizes the operation of the Indian Point Nuclear Generating Station, Unit No. 2 (the facility) at steady-state power level not in excess of 2758 megawatts thermal. The facility is a pressurized water reactor (PWR) located at the licensee's site in Westchester County, New York.

II

Following the accident at Three Mile Island Unit No. 2 (TMI-2) on March 28, 1979, the Nuclear Regulatory Commission (NRC) staff developed a number of proposed requirements to be implemented on operating reactors and on plants under construction. These requirements include Operational Safety, Siting and Design, and Emergency Preparedness and are intended to provide substantial additional protection in the operation of nuclear facilities based on the experience from the accident at TMI-2 and the official studies and investigations of the accident. The staff's proposed requirements and schedule for implementation are set forth in NUREG-0737, "Clarification of TMI Action Plan Requirements." Among these requirements are a number of items, consisting of hardware modifications, administrative procedure implementation and specific information to be submitted by the licensee, scheduled to be completed on or after July 1, 1981. On March 17, 1982, a letter (Generic Letter 82-05) was sent to all licensees of operating power reactors for those items that were scheduled to be implemented from July 1, 1981 through March 1, 1982. Subsequently, on May 5, 1982, a letter (Generic Letter 82-10) was also sent to all licensees of operating power reactors for those items that were scheduled for implementation after March 1, 1982. These letters are hereby incorporated by reference. In these letters each licensee was requested to furnish within 30 days pursuant to 10 CFR 50.54(f) the following information for items which the staff had proposed for completion on or after July 1, 1981:

(1) For applicable items that have been completed, confirmation of completion and the date of completion, (2) for items that have not been completed, a specific schedule for implementation, which the licensee committed to meet, and (3) justification for delay, demonstration of need for the proposed schedule, and a description of the interim compensatory measures being taken.

III

Consolidated Edison responded to Generic Letter 82-05 by letter dated April 16, 1982; Consolidated Edison responded to Generic Letter 82-10 by letter dated June 17, 1982. Subsequently, by letters dated October 19, 1982 and December 23, 1982, Consolidated Edison modified their previous commitments. In these submittals, Consolidated Edison confirmed that some of the items identified in the Generic Letters had been completed and made firm commitments to complete the remainder. The attached Tables summarizing the licensee's schedular commitments or status were developed by the staff from the Generic Letters and the licensee-provided information.

There are no items from Generic Letter 82-05 for which schedules have not been determined. However, there are six items from Generic Letter 82-10 that, as noted in Attachment 2, have licensee schedules to be determined and are therefore not included in this Order. Some of the items addressed in this Order are considered by the licensee to be completed or to require no modifications. The staff's evaluation of the licensee's delays for the remaining items is provided herein:

II.B.3 Post-Accident Sampling

To date the sampling system installed is capable of inline sampling and analysis of dissolved hydrogen and oxygen concentration, conductivity, pH, and chloride concentration. The remaining item, a boron analyzer, will be installed by March 31, 1983. This analyzer had been previously installed, but a failed detector necessitated repairs. Therefore, Item II.B.3 will be completed upon receipt of and installation of a functional detector.

II.F.1(6) Accident Monitoring—Containment Hydrogen Concentration

A containment hydrogen concentration monitor has been installed with a direct indicator read-out in the Motor Control Center E1.98' with redundant recorders in the Control Room. The hydrogen concentration monitor is a qualified unit up to the indicator. The two (2) installed control room redundant recorders are of high commerical grade construction. New Class 1E type recorders have been ordered and will be installed by April 15, 1983.

III.D.3.4 Control Room Habitability

The radiation monitors, toxic gas monitors, smoke detectors, redundant circulation fan and isolation dampers have been installed in the control room filtration system, and operational testing and calibration remaining will be completed by March 31, 1983.

We find, based on upon the above evaluation, that: (1) The licensee has taken corrective actions regarding the delays and has made a responsible effort to implement the NUREG-0737 requirements noted; (2) there is good cause for the several delays as noted above; and the (3) interim compensatory measures have been provided.

In view of the foregoing, I have determined that these modifications and actions are required in the interest of public health and safety and, therefore, the licensee's commitment should be confirmed by Order.

IV

Accordingly, pursuant to Sections 103, 161i, and 161o of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Parts 2 and 50, It Is Hereby Ordered Effective Immediately That the Licensee Shall:

Implement and maintain the specific items described in the Attachments to this Order in the manner described in the licensee's submittals noted in Section III herein no later than the dates in the Attachments.

V

The licensee may request a hearing on this Order within 20 days of the date of publication of this Order in the **Federal Register**. A request for a hearing shall be addressed to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy shall also be sent to the Executive Legal Director at the same address. A Request For Hearing Shall not Stay the Immediate Effectiveness of This Order.

If a hearing is requested by the licensee, the Commission will issue an Order designating the time and place of any such hearing.

If a hearing is held concerning this Order, the issue to be considered at the hearing shall be whether the licensee should comply with the requirements set forth in Section IV of this Order. This Order is effective upon issuance.

Dated at Bethesda, Maryland, this 18th day of March, 1983.

For the Nuclear Regulatory Commission.

Robert A. Purple,

Deputy Director, Division of Licensing, Office of Nuclear Reactor Regulation.

LICENSEE COMMITMENTS ON APPLICABLE NUREG-0737 ITEMS FROM GENERIC LETTER 82-05

Item	Title	NUREG-0737 schedule	Requirement	Licensee's completion schedule (or status) [1]
I.A.3.1	Simulator Exams	Oct. 1, 1981	Include simulator exams in licensing examinations	Complete.
II.B.2	Plant Shielding	Jan. 1, 1982	Modify facility to provide access to vital areas under accident conditions.	Do.
II.B.3	Post-accident sampling	do	Install upgrade post-accident sampling capability	Apr. 15, 1983.
II.B.4	Training for Mitigating Core Damage.	Oct. 1, 1981	Complete training program	Complete.
II.E.1.2	Aux FW Indication & Flow Indicator.	July 1, 1981	Modify instrumentation to level of safety grade	Do.
II.E.4.2	Containment Isolation Dependability.	do	Part 5—lower containment pressure setpoint to level compatible with normal operation.	Do.
II.E.4.2	do	do	Part 7—isolate purge and vent valves on radiation signal.	Do.
II.F.1	Accident Monitoring	Jan. 1, 1982	(1) Install noble gas effluent monitors	Do.
		do	(2) Provide capability for effluent monitoring of iodine	Do.
		do	(3) Install in-containment radiation-level monitor	Do.
		do	(4) Provide continuous indication of containment pressure.	Do.
		do	(5) Provide continuous indication of containment water level.	Do.
		do	(6) Provide continuous indication of hydrogen concentration in containment	Apr. 15, 1983.

[1] Where completion date refers to a refueling outage (the estimated date when the outage begins), the item will be completed prior to the restart of the facility.

LICENSEE'S COMMITMENTS ON APPLICABLE NUREG-0737 ITEMS FROM GENERIC LETTER 82-10

Item	Title	NUREG-0737 schedule	Requirement	Licensee's completion schedule (or status) [1]
I.A.1.3.1	Limit Overtime	Oct. 1, 1982 per Gen. Ltr. 82-12 dtd. June 15, 1982.	Revise administrative procedures to limit overtime in accordance w/NRC Policy Statement issued by Gen. Ltr. No. 82-12, dtd. June 15, 1982.	Complete.
I.A.1.3.2	Minimum Shift Crew [2]	To be superseded by Proposed Rule.	To be addressed in the Final Rule on Licensed Operator Staffing at Nuclear Power Units.	To be addressed when Final Rule is issued.
I.C.1	Revise Emergency Procedures [2]	Superseded by SECY 82-111	Reference SECY 82-111, Requirements for Emergency Response Capability.	To be determined.
II.D.1.2	RV and SV Test Programs	July 1, 1982	Submit plant specific reports on relief and safety valve program.	Complete.
II.D.1.3	Block Valve Test Program	do	Submit report of results of tests program	Do.
II.K.3.30 & 31	SBLOCA Analysis [2]	1 yr after staff approval of model.	Submit plant specific analyses	To be determined following staff approval of model.
III.A.1.2	Staffing Levels for Emergency Situations [2].	Superseded by SECY 82-111	Reference SECY 82-111, Requirements for Emergency Response Capability.	To be determined.
III.A.1.2	Upgrade Emergency Support Facilities [2].	do	do	Do.
III.A.2.2	Meteorological Data [2]	do	do	Do.
III.D.3.4	Control Room Habitability	To be determined by licensee	(1) Review	(1) Complete.
			(2) Modify facility as identified by licensee study	(2) Mar. 31, 1983.

[1] Where completion data refers to a refueling outage (the estimated date when the outage begins), the item will be completed prior to the restart of the facility.
[2] Not part of Confirmatory Order.

[FR Doc. 83-7656 Filed 3-23-83; 8:45 am]
BILLING CODE 7590-01-M

[Docket No. 50-335]

Florida Power & Light Co. (St. Lucie Plant, Unit No. 1); Order Confirming Licensee Commitments on Post-TMI Related Issues

I

The Florida Power & Light Company (the licensee) is the holder of Facility Operating License No. DPR-67 which authorizes the operation of the St. Lucie Plant, Unit No. 1 (the facility) at steady-state power levels not in excess of 2700 megawatts thermal. The facility is a pressurized water reactor (PWR) located at the licensee's site on Hutchinson Island in St. Lucie County, Florida.

II

Following the accident at Three Mile Island No. 2 (TMI-2) on March 28, 1979, the Nuclear Regulatory Commission (NRC) staff developed a number of proposed requirements to be implemented on operating reactors and on plants under construction. These requirements include Operational Safety, Siting and Design, and Emergency Preparedness and are intended to provide substantial additional protection in the operation of nuclear facilities based on the experience from the accident at TMI-2 and the official studies and investigations of the accident. The staff's proposed requirements and schedule for implementation are set forth in NUREG-0737, "Clarification of TMI Action Plan Requirements." Among these requirements are a number of items, consisting of hardware modifications, administrative procedure implementation and specific information to be submitted by the licensee, scheduled to be completed on or after July 1, 1981. On March 17, 1982, a letter (Generic Letter 82-05) was sent to all licensees of operating power reactors for those items that were scheduled to be implemented from July 1, 1981 through March 1, 1982. Subsequently, on May 5, 1982, a letter (Generic Letter 82-10) was also sent to all licensees of operating power reactors for those items that were

scheduled for implementation after March 1, 1982. These letters are hereby incorporated by reference. In these letters each licensee was requested to furnish within 30 days pursuant to 10 CFR 50.54(f) the following information for items which the staff had proposed for completion on or after July 1, 1981:

(1) For applicable items that have been completed, confirmation of completion and the date of completion, (2) For items that have not been completed, a specific schedule for implementation, which the licensee committed to meet, and (3) Justification for delay, demonstration of need for the proposed schedule, and a description of the interim compensatory measures being taken.

III

Florida Power & Light Company responded to Generic Letter 82-05 by letter dated April 19, 1982, and the references stated therein. They also responded to Generic Letter 82-10 by letters dated July 2 and 9, August 13, 1982 and the references stated therein. In these submittals, Florida Power & Light Company confirmed that some of the items identified in the Generic Letters had been completed and made firm commitments to complete the remainder. The attached Tables summarizing the licensee's schedular commitments or status were developed by the staff from the Generic Letters and the licensee-provide information.

Generic Letters 82-05 and 82-10 addressed thirteen and sixteen items, respectively. Of the ten items listed in Generic Letter 82-10 requiring a response, six items are not included in this Order. Item I.A.1.3.2. is part of a separate rulemaking; Items I.C.1, III.A.1.2 (2 items), and III.A.2.2 will be handled separately following Commission actions that would proceed as a result of its consideration of Commission Paper SECY 82-111, as amended; for Items II.K.3.30 and II.K.3.31 (one item), the staff review of the generic models under II.K.3.30 has not been completed, and II.K.3.31 is not required until one year after staff aproval of the generic models.

All of the items addressed in this Order are considered by the licensee to be completed or to require no modifications.

In view of the foregoing, I have determined that these modifications and actions are required in the interest of public health and safety and should, therefore, be confirmed by Order.

IV

Accordingly, pursuant to Sections 103, 161i, and 161o of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Parts 2 and 50, it is Hereby Ordered Effective Immediately That The Licensee Shall:

Implement and maintain the specific items described as complete in the attachments to this Order. Incomplete items shall be completed by no later than the dates shown in the attachments (as described in the licensee's submittals noted in Section III herein) and maintained thereafter.

V

The licensee may request a hearing on this Order within 20 days of the date of publication of this Order in the **Federal Register.** A Request for a hearing shall be addressed to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy shall also be sent to the Executive Legal Director at the same address. A Request for Hearing Shall Not Stay the Immediate Effectiveness of This Order.

If a hearing is requested by the licensee, the Commission will issue an Order designating the time and place of any such hearing.

If a hearing is held concerning this Order, the issue to be considered at the hearing shall be whether the licensee should comply with the requirements set forth in Section IV of this Order.

This Order is effective upon issuance.

Dated at Bethesda, Maryland, this 14th day of March, 1983.

For the Nuclear Regulatory Commission.

Robert A. Purple,

Deputy Director, Division of Licensing, Office of Nuclear Reactor Regulation.

ATTACHMENT 1—LICENSEE COMMITMENTS ON APPLICABLE NUREG-0737 ITEMS FROM GENERIC LETTER 82-05

Item	Title	NUREG-0737 schedule	Requirement	Licensee's completion schedule (or status) [1]
I.A.3.1	Simulator Exams	Oct. 1, 1981	Include simulator exams in licensing examinations	Complete.
II.B.2	Plant Shielding	Jan. 1, 1982	Modify facility to provide access to vital areas under accident conditions.	Do.
II.B.3	Post-accident sampling	...do	Install upgrade post-accident sampling capability	Do.
II.B.4	Training for Mitigating Core Damage.	Oct. 1, 1981	Complete training program	Do.
II.E.1.2	Aux FW Indication & Flow Indicator.	July 1, 1981	Modify instrumentation to level of safety grade	Do.
II.E.4.2	Containment Isolation Dependibility.	...do	Part 5—lower containment pressure setpoint to level compatible with normal operation.	Do.
II.E.4.2	...do	...do	Part 7—isolate purge and vent valves on radiation signal.	Do.
II.F.1	Accident Monitoring	Jan. 1, 1982	(1) Install noble gas effluent monitors	Do.
		...do	(2) Provide capability for effluent monitoring of iodine	Do.
		...do	(3) Install in-containment radiation-level monitor	Do.
		...do	(4) Provide continuous indication of containment pressure.	Do.
		...do	(5) Provide continuous indication of containment water level.	Do.
		...do	(6) Provide continuous indication of hydrogen concentration in containment.	Do.

[1] Where completion date refers to a refueling outage (the estimated date when the outage begins), the item will be completed prior to the restart of the facility.

ATTACHMENT 2—LICENSEE'S COMMITMENTS ON APPLICABLE NUREG-0737 ITEMS FROM GENERIC LETTER 82-10

Item	Title	NUREG-0737 schedule	Requirements	Licensee's completion schedule (or status) [1]
I.A.1.3.1	Limit Overtime	Oct. 1, 1982 per Gen. Ltr. 82-12 dtd. June 15, 1982.	Revise administrative procedures to limit overtime in accordance w/NRC Policy Statement issued by Gen. Ltr. No. 82-12, dtd. June 15, 1982.	Complete.
I.A.1.3.2	Minimum Shift Crew [1]	To be superseded by Proposed Rule.	To be addressed in the Final Rule on Licensed Operator Staffing at Nuclear Power Units.	To be addressed when Final Rule is issued.

ATTACHMENT 2—LICENSEE'S COMMITMENTS ON APPLICABLE NUREG-0737 ITEMS FROM GENERIC LETTER 82-10—Continued

Item	Title	NUREG-0737 schedule	Requirements	Licensee's completion schedule (or status)[1]
I.C.1	Revise Emergency Procedures [2]	Superseded by SECY 82-111	Reference SECY 82-111, Requirements for Emergency Response Capability.	To be determined.
II.D.1.2	RV and SV Test Programs	July 1, 1982	Submit plant specific reports on relief and safety valve program.	Complete.
II.D.1.3	Block Valve Test Program	do	Submit report of results of test program	Do.
II.K.3.30 & 31	SBLOCA Analysis [2]	1 yr. after staff approval of model.	Submit plant specific analyses	To be determined following staff approval of model.
III.A.1.2	Staffing Levels for Emergency Situations [2].	Superseded by SECY 82-111	Reference SECY 82-111, Requirements for Emergency Response Capability.	To be determined.
III.A.1.2	Upgrade Emergency Support Facilities [2].	do	do	Do.
III.A.2.2	Meteorological Data [2]	do	do	Do.
III.D.3.4	Control Room Habitability	To be determined by licensee	Modify facility as identified by licensee study	Complete.

[1] Where completion date refers to a refueling outage (the estimated date when the outage begins), the item will be completed prior to the restart of the facility.
[2] Not Part of Confirmatory Order.

[FR Doc. 83-7637 Filed 3-23-83; 8:45 am]
BILLING CODE 7590-01-M

[Docket No. 50-309]

Maine Yankee Atomic Power Co. (Maine Yankee Atomic Power Station); Order Confirming Licensee Commitments on Post-TMI Related Issues

I

Maine Yankee Atomic Power Company (the licensee) is the holder of Facility Operating License No. DPR-36 which authorizes the operation of Maine Yankee Atomic Power Station (the facility) at a steady-state power level not in excess of 2630 megawatts thermal. The facility is a pressurized water reactor (PWR) located at the licensee's site in Lincoln County, Maine.

II

Following the accident at Three Mile Island No. 2 (TMI-2) on March 28, 1979, the Nuclear Regulatory Commission (NRC) staff develolped a number of proposed requirements to be implemented on operating reactors and on plants under construction. These requirements include Operational Safety, Siting and Design, and Emergency Preparedeness and are intended to provide substantial additional protection in the operation of nuclear facilities based on the experience from the accident at TMI-2 and the official studies and investigations of the accident. The staff's proposed requirements and schedule for implementation are set forth in NUREG-0737, "Clarification of TMI Action Plan Requirements." Among these requirements are a number of items, consisting of hardware modifications, administrative procedure implementation and specific information to be submitted by the licensee, scheduled to be completed on or after July 1, 1981. On March 17, 1982, a letter (Generic Letter 82-05) was sent to all licensees of operating power reactors for those items that were scheduled to be implemented from July 1, 1981 through March 1, 1982. Subsequently, on May 5, 1982, a letter (Generic Letter 82-10) was also sent to all licensees of operating power reactors for those items that were scheduled for implementation after March 1, 1982. These letters are hereby incorporated by reference. In these letters each licensee was requested to furnished within 30 days pursuant to 10 CFR 50.54(f) the following information for items which the staff had proposed for completion on or after July 1, 1981:

(1) For applicable items that have been completed, confirmation of completion and the date of completion. (2) For items that have not been completed, a specific schedule for implementation, which the licensee committed to meet, and (3) Justification for delay, demonstration of need for the proposed schedule, and a description of the interim compensatory measure being taken.

III

Maine Yankee Atomic Power Company responded to Generic Letter 82-05 by letters dated April 16, May 10, June 3, and November 30, 1982. Maine Yankee Atomic Power Company responded to Generic Letter 82-10 by letters dated June 25, and November 30, 1982. In these submittals, Maine Yankee Atomic Power Company confirmed that some of the items identified in the Generic Letters had been completed and made firm commitments to complete the remainder. The attached Tables summarizing the licensee's schedular commitments or status were developed by the staff from the Generic Letters and the licensee-provided informaton.

Generic Letters 82-05 and 82-10 addressed thirteen and sixteen items, respectively. Of the ten items listed in Generic Letter 82-10 requiring a response, six items are not included in this Order. Item I.A.1.3.2 is part of a separate rulemaking; Items I.C.1, III.A.1.2 (2 items), and III.A.2.2 will be handled separately following Commission actions that would proceed as a result of its consideration of Commission Paper SECY 82-111, as amended; for Items II.K.3.30 and II.K.3.31 (one item), the staff review of the generic models under II.K.3.30 has not been completed, and II.K.3.31 is not required until one year after staff approval of the generic models.

Fifteen of the 17 items addressed in this Order are considered by the licensee to be completed or to require no modifications. The staff's evaluation of the licensee's delays for the remaining item is provided herein:

II.F.1.1 Noble Gas Monitor

Installation was complete as of March 1, 1982. The licensee states numerous problems have been encountered during calibration caused by defective components in the monitors. The licensee states he is continuing his efforts to trouble shoot and repair these monitors so they can be calibrated and declared operable by June 30, 1983.

II.D.1.2 RV and SV Test Program

RVs—The licensee states that information on PORV operability was contained in CEN-213—"Summary Report on the Operability of Power Operated Relief Valves in C-E Designed Plants." This report was previously forwarded to the NRC by the C-E Owner's Group. The licensee considers Report CEN-213 to provide the required information on PORV operability for Maine Yankee.

SVs—The licensee states that a report is being developed by the C-E Owner's Group which will address safety valve operability for Maine Yankee. His intent

is to provide the NRC with a partial report by January 1, 1983. A final report which will serve as his final submittal will be provided by April 1, 1983.

Additional information on plant specific piping evaluation will be provided by January 1, 1983. This will be followed by a final report by April 1, 1983.

We find, based on the above evaluation, that (1) the licensee has taken corrective actions regarding the delays and has made a responsible effort to implement the NUREG–0737 requirements noted; (2) there is good cause for the several delays; and (3) as noted above, interim compensatory measures have been provided.

In view of the foregoing, I have determined that these modifications and actions are required in the interest of public health and safety and should, therefore, be confirmed by Order.

Accordingly, pursuant to Sections 103, 161i, and 161o of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Parts 2 and 50, it is Hereby Ordered Effective Immediately That the Licensee Shall:

Implement and maintain the specific items described as complete in the attachments to this Order. Incomplete items shall be completed by no later than the dates shown in the attachments (as described in the licensee's submittals noted in Section III herein) and maintained thereafter.

V

The licensee may request a hearing on this Order within 20 days of the date of publication of this Order in the **Federal Register.** A request for a hearing shall be addressed to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy shall also be sent to the Executive Legal Director at the same address. A Request for Hearing Shall not Stay the Immediate Effectiveness of This Order.

If a hearing is requested by the licensee, the Commission will issue an Order designating the time and place of any such hearing.

If a hearing is held concerning this Order, the issue to be considered at the hearing shall be whether the licensee should comply with the requirements set forth in Section IV of this Order.

This Order is effective upon issuance.

Dated at Bethesda, Maryland this 14th day of March, 1983.

For the Nuclear Regulatory Commission.

Robert A. Purple,

Deputy Director, Division of Licensing, Office of Nuclear Reactor Regulation.

LICENSEE COMMITMENTS ON APPLICABLE NUREG–0737 ITEMS FROM GENERIC LETTER 82–05

Item	Title	NUREG–0737 schedule	Requirement	Licensee's completion schedule (or status) [1]
I.A.3.1	Simulator Exams	Oct. 1, 1981	Include simulator exams in licensing examinations	Complete.
II.B.2	Plant Shielding	Jan. 1, 1982	Modify facility to provide access to vital areas under accident conditions.	Do.
II.B.3	Post-accident sampling	do	Install upgrade post-accident sampling capability	Do.
II.B.4	Traning for Mitigating Core Damage.	Oct. 1, 1981	Complete training program	Do.
II.E.1.2	Aux FW Indication & Flow Indicator.	July 1, 1981	Modify instrumentation to level of safety grade	Do.
II.E.4.2	Containment Isolation Dependability.	do	Part 5—Lower containment pressure setpoint to level compatible with normal operation.	Do.
II.E.4.2	Containment Isolation Dependability.	do	Part 7—Isolate purge and vent valves on radiation signal.	Do.
II.F.1	Accident Monitoring	Jan. 1, 1982	(1) Install noble gas effluent monitors	June 30, 1983.
		do	(2) Provide capability for effluent monitoring iodine	Complete.
		do	(3) Install in-containment radiation-level monitor	Do.
		do	(4) Provide continuous indication of containment pressure.	Do.
		do	(5) Provide continuous indication of containment water level.	Do.
		do	(6) Provide continuous indication of hydrogen concentration, in containment.	Do.

[1] Where completion date refers to a refueling outage (the estimated date when the outage begins), the item will be completed prior to the restart of the facility.

LICENSEE'S COMMITMENTS ON APPLICABLE NUREG–0737 ITEMS FROM GENERIC LETTER 82–10

Item	Title	NUREG–0737 schedule	Requirement	Licensee's completion schedule (or status) [1]
I.A.1.3.1	Limit Overtime	Act. 1, 1982 per Gen. Ltr. 82–12 dtd. 6/15/82.	Revise administrative procedures to limit overtime in accordance w/NRC Policy Statement issued by Gen. Ltr. No. 82–12, dtd. June 15, 1982.	Complete.
I.A.1.3.2	Minimum Shift Crew [2]	To be superseded by Proposed Rule.	To be addressed in the Final Rule on Licensed Operator Staffing at Nuclear Power Units.	To be addressed when Final Rule is issued.
I.C.1	Revise Emergency Procedures [2]	Superseded by SECY 32–111	Reference SECY 32–111, Requirements for Emergency Response Capability.	To be determined.
II.D.1.2	PV and SV Test Progams	July 1,1982	Submit plant specific reports on relief and safety valve program.	Apr. 1, 1983.
II.D.1.3	Block Valve Test Program	do	Submit report of results of test program.	Complete.
IIK.3.30 & 31	SBLOCA Analysis [2]	1 yr. after staff approval of model.	Submit plant specific analyses.	To be determined following staff approval of model.
III.A.1.2	Staffing Levels for Emergency Situations [2].	Superseded by SECY 82–111	Reference SECY 82–111, Requirements for Emergency Response Capability.	To be determined.
III.A.1.2	Upgrade Emergency Support Facilities [2].	do	do	Do
III.A.2.2	Meteorological Data	do	do	Do
III.D.3.4	Control Room Habitability	To be determined by licensee	Modify facility as identified by licensee study	Complete.

[1] Where completion date refers to a refueling outage (the estimated date when the outage begins), the item will be completed prior to the restart of the facility.
[2] Not Part of Confirmatory Order

[FR Doc. 83 7658 Filed 3–23–83; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50-245]

Northeast Nuclear Energy Co., Systematic Evaluation Program; Availability of Final Integrated Plant Safety Assessment Report for the Millstone Nuclear Power Station, Unit 1

The Nuclear Regulatory Commission's (NRC) Office of Nuclear Reactor Regulation (NRR) has published its Final Integrated Plant Safety Assessment Report (IPSAR) (NUREG-0824) related to the Northeast Nuclear Energy Company's (licensee) Millstone Nuclear Power Station, Unit 1, located in Waterford, Connecticut.

The Systematic Evaluation Program (SEP) was initiated by the NRC to review the design of older operating nuclear reactor plants to reconfirm and document their safety. This report documents the review completed under the Systematic Evaluation Program for the Millstone 1 Plant. Areas in the report identified as requiring further analysis or evaluation and required modifications for which design descriptions have not yet been provided by the licensee to the NRC will be reviewed as part of the operating license conversion review. Supplements to the Final IPSAR will be issued addressing items requiring further analysis and review. The review has provided for (1) an assessment of the significance of differences between current technical positions on selected safety issues and those that existed when the Millstone 1 Plant was licensed, (2) a basis for deciding how these differences should be resolved in an integrated plant review, and (3) a documented evaluation of plant safety when all supplements to the IPSAR and the Safety Valuation Report for converting the license from a provisional to a full-term licensee have been issued. Equipment and procedural changes have been identified as a result of the review. The report also addresses the comments and recommendations made by the Advisory Committee on Reactor Safeguards (ACRS) in connection with its review of the Draft Report, issued in November 1982. These comments and recommendations, as contained in reports by the ACRS dated December 13, 1982 and January 11, 1983, and the NRC staff's related response are included in Appendix H of this report.

The Final IPSAR and its supplements will form part of the bases for considering the conversion of the existing provisional operating license to a full-term operating license.

Pursuant to 10 CFR 50.71(e)(3)(ii), the licensee is required within 24 months after receipt of the letter dated March 1983, from the Director of the Office of Nuclear Reactor Regulation to the licensee transmitting the Final IPSAR, to file a complete Final Safety Analysis Report (FSAR), which is up to date as of a maximum of six months prior to the date of filing the revision. The Final IPSAR is being made available at the NRC's Public Document Room, 1717 H Street, NW., Washington, D.C. 20555 and at the Waterford Public Library, Rope Ferry Road, Route 156, Waterford, Connecticut 06385 for inspection and copying. Copies of this Final Report (Document No. NUREG-0824) may be purchased at current rates from the National Technical Information Service, Department of Commerce, 5285 Port Royal Road, Springfield, Virginia 22161, and from the Sales Office, U.S. Nuclear Regulatory Commission, Director, Division of Technical Information and Document Control, Washington, D.C. 20555, Attention: Publications Unit.

Dated at Bethesda, Maryland, this 16th day of March, 1983.

For the Nuclear Regulatory Commission.

Dennis M. Crutchfield,

Chief, Operating Reactors Branch No. 5, Division of Licensing.

[FR Doc. 83-7659 Filed 3-23-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-245 and 50-336]

Northeast Nuclear Energy Co., et al.; Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 89 to Provisional Operating License No. DPR-21 and Amendment No. 81 to Facility Operating License No. DPR-65, issued to Connecticut Yankee Atomic Power Company, The Connecticut Light and Power Company, The Hartford Electric Light Company, Western Massachusetts Electric Company, and Northeast Nuclear Energy Company (the licensees), which revised the Environmental Technical Specifications (TS) for operation of the Millstone Nuclear Power Station, Unit Nos. 1 and 2 (the facilities) located in the Town of Waterford, Connecticut. 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 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 these amendments is a ministerial action required as a matter of law and therefore an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) the application for amendments dated February 16, 1983, (2) Amendment Nos. 89 and 81 to License Nos. DPR-21 and DPR-65, and (3) the Commission's 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 Waterford Public Library, Rope Ferry Road, Waterford, Connecticut. 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.

Robert A. Clark,

Chief, Operating Reactors Branch No. 3, Division of Licensing.

[FR Doc. 83-7661 Filed 3-23-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-336]

Northeast Nuclear Energy Company, et al., Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 82 to Facility Operating License No. DPR-65, issued to The Connecticut Light and Power Company, The Hartford Electric Light Company, Western Massachusetts Electric Company, and Northeast Nuclear Energy Company (the licensees), which temporarily revised the Technical Specifications (TS) for operation of the Millstone Nuclear Power Station Unit No. 2 (the Facility) located in the Town of Waterford, Connecticut.

The amendment was authorized by telephone on March 1, 1983 and was confirmed by letter dated March 2, 1983. The amendment added a footnote to the TS 3.4.6.2.b Action statement to allow an additional 24 hours before the unit must be in COLD SHUTDOWN after the plant personnel determined that the 1 gpm Reactor Coolant System unidentified leakage limit was exceeded on March 1, 1983. The amendment was issued on an expedited basis to permit plant operation in HOT STANDBY for a sufficient period to identify the source(s) of the leakage.

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)(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 March 1, 1983, (2) the Commission's letter to licensee dated March 2, 1983, (3) Amendment No. 82 to License no. DPR-65 and (4) 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 Waterford Public Library, Rope Ferry Road, Waterford, Connecticut. A copy of items (2), (3), and (4) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 2055, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 11th day of March 1983.

For the Nuclear Regulatory Commission.

Robert A. Clark,

Chief, Operating Reactors Branch No. 3, Division of Licensing.

[FR Doc. 83-7982 Filed 3-23-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-282 and 50-306]

Northern States Power Co. (Prairie Island Nuclear Generating Plant, Unit Nos. 1 and 2); Order Confirming Licensee Commitments on Post-TMI Related Issues

I

The Northern States Power Company (the licensee) is the holder of Facility Operating License Nos. DPR-42 and DPR-60 which authorize the operation of the Prairie Island Nuclear Generating Plant Unit Nos. 1 and 2 at steady-state power levels not in excess of 1650 megawatts thermal for each unit. The facilities consist of two pressurized water reactors (PWR) located at the licensee's site in Goodhue County, Minnesota.

II

Following the accident at Three Mile Island No. 2 (TMI-2) on March 28, 1979, the Nuclear Regulatory Commission (NRC) staff developed a number of proposed requirements to be implemented on operating reactors and on plants under construction. These requirements include Operational Safety, Siting and Design, and Emergency Preparedness and are intended to provide substantial additional protection in the operation of nuclear facilities based on the experience from the accident at TMI-2 and the official studies and investigations of the accident. The staff's proposed requirements and schedule for implementation are set forth in NUREG-0737, "Clarification of TMI Action Plan Requirements." Among these requirements are a number of items, consisting of hardware modifications, administrative procedure implementation and specific information to be submitted by the licensee, scheduled to be completed on or after July 1, 1981. On March 17, 1982, a letter (Generic Letter 82-05) was sent to all licensees of operating power reactors for those items that were scheduled to be implemented from July 1, 1981 through March 1, 1982. Subsequently, on May 5, 1982, a letter (Generic Letter 82-10) was also sent to all licensees of operating power reactors for those items that were scheduled for implementation after March 1, 1982. These letters are hereby incorporated by reference. In these letters each licensee was requested to furnish within 30 days pursuant to 10 CFR 50.54(f) the following information for items which the staff had proposed for completion on or after July 1, 1981:

(1) For applicable items that have been completed, confirmation of completion and the date of completion, (2) For items that have not been completed, a specific schedule for implementation, which the licensee committed to meet, and (3) Justification for delay, demonstration of need for the proposed schedule, and a description of the interim compensatory measures being taken.

III

Northern States Power Company responded to Generic Letter 82-05 by letter dated April 16, 1982. They also responded to Generic Letter 82-10 by letters dated June 4, and October 22, 1982. In these submittals, Northern States Power Company confirmed that some of the items identified in the Generic Letters had been completed and made firm commitments to complete the remainder. The attached Tables summarizing the licensee's schedular commitments or status were developed by the staff from the Generic Letters and the licensee-provided information.

Generic Letters 82-05 and 82-10 addressed thirteen and sixteen items, respectively. Of the ten items listed in Generic Letter 82-10 requiring a response, six items are not included in this Order. Item I.A.1.3.2 is part of a separate rulemaking; Items I.C.1, III.A.1.2 (2 items), and III.A.2.2 will be handled separately following Commission actions that would proceed as a result of its consideration of Commission Paper SECY 82-111, as amended; for Items II.K.3.30 and II.K.3.31 (one item), the staff review of the generic models under II.K.3.30 has not been completed, and II.K.3.31 is not required until one year after staff approval of the generic models.

Fifteen of the 17 items addressed in this Order are considered by the licensee to be completed or to require no modifications. The staff's evaluation of the licensee's delays for the remaining items is provided herein:

I.A.1.3.1 Limit Overtime

By letter dated November 16, 1982, the licensee requested NRC approval on a proposed alternative related to the limitation of the maximum hours worked per week. This proposed alternative is presently under staff review and is therefore not included in this Order.

III.D.3.4 Control Room habitability

The licensee is not required by NUREG-0737 to adhere to an implementation date for this item. However, the licensee is required to furnish a schedule showing the completion date for this activity. By the licensee's letter dated June 4, 1982, in responding to Generic Letter 82-10, the

licensee committed to a completion date of January 1, 1983. By letter dated October 22, 1982, the licensee revised this completion date to March 15, 1983. The two and one-half months delay in completing the installation was caused by (a) engineering delays in the design of the sampling equipment requiring extensive redesign, (b) material and equipment delivery delays, and (c) limited manpower availability due to the Prairie Island Unit 1 refueling outage scheduled to begin on November 15, 1982 and end on December 20, 1982. An implementation date for this item is not required; however the revised schedule submitted by the licensee is reasonable and indicates that the licensee made proper application of available resources on a best effort basis. we find that the revised schedule submitted for this item is acceptable.

IV

In view of the foregoing, I have determined that these modifications and actions are required in the interest of public health and safety and should, therefore, be confirmed by Order.

Accordingly, pursuant to sections 103, 161i, and 161o of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Parts 2 and 50, it is Hereby Ordered Effective Immediately That the Licensee Shall:

Implement and maintain the specific items described as complete in the attachments to this Order. Incomplete items shall be completed by no later than the dates shown in the attachments (as described in the licensee's submittals noted in Section III herein) and maintained thereafter.

V

The licensee may request a hearing on this Order within 20 days of the date of publication of this Order in the **Federal Register.** A request for a hearing shall be addressed to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory commission, Washington, D.C. 20555. A copy shall also be sent to the executive Legal Director at the same address. A Request for Hearing Shall not stay the Immediate Effectiveness of This Order.

If a hearing is requested by the licensee, the Commission will issue an Order designating the time and place of any such hearing.

If a hearing is held concerning this Order, the issue to be considered at the hearing shall be whether the licensee should comply with the requirements set forth in Section IV of this Order.

This Order is effective upon issuance.

Dated at Bethesda, Maryland this 14th day of March, 1983.

For the Nuclear Regulatory Commission.

Robert A. Purple,

Deputy Director, Division of Licensing, Office of Nuclear Reactor Regulation.

ATTACHMENT 1—LICENSEE COMMITMENTS ON APPLICABLE NUREG-0737 ITEMS FROM GENERIC LETTER 82-05

Item	Title	NUREG-0737 schedule	Requirement	Licensee's completion schedule (or status) [1]
I.A.3.1	Simulator Exams	Oct. 1, 1981	Include simulator exams in licensing examinations	Complete Oct. 1, 1981.
II.B.2	Plant Shielding	Jan. 1, 1982	Modify facility to provide access to vital areas under accident conditions.	Unit 2 complete, July 1982. Unit 1 complete, Nov. 15, 1982 (Refueling outage).
II.B.3	Post-accident sampling	do	Install upgrade post-accident sampling capability	Unit 1 complete, November 1981. Unit 2 complete, July 1982.
II.B.4	Training for Mitigating Core Damage.	Oct. 1, 1981	Complete training program	Complete Mar. 1, 1982.
II.E.1.2	Aux FW Indication & Flow Indicator.	July 1, 1981	Modify instrumentation to level of safety grade	Complete part of original plant design.
II.E.4.2	Containment Isolation Dependability.	do	Part 5—lower containment pressure setpoint to level compatible with normal operation.	Do.
II.E.4.2	Containment Isolation Dependability.	do	Part 7—isolate purge and vent valves on radiation signal.	Do.
II.F.1	Accident Monitoring	Jan. 1, 1982	(1) Install noble gas effluent monitors	Complete Apr. 30, 1982.
		do	(2) Provide capability for effluent monitoring of iodine	Complete Sept. 30, 1982.
		do	(3) Install in-containment radiation-level monitor	Complete Feb. 28, 1982.
		do	(4) Provide continuous indication of containment pressure.	Complete Jan. 15, 1982.
		do	(5) Provide continuous indication of containment water level.	Complete Dec. 30, 1981.
		do	(6) Provide continuous indication of hydrogen concentration in containment.	Do.

[1] Where completion date refers to a refueling outage (the estimated date when the outage begins), the item will be completed prior to the restart of the facility.

LICENSEE'S COMMITMENTS ON APPLICABLE NUREG-0737 ITEMS FROM GENERIC LETTER 82-10

Item	Title	NUREG-0737 schedule	Requirement	Licensee's completion schedule (or status)
I.A.1.3.1	**Limit Overtime	Oct. 1, 1982 per Gen. Ltr. 82-12 dtd. June 15, 1982.	Revise administrative procedures to limit overtime in accordance w/NRC Policy Statement issued by Gen. Ltr. No. 82-12, dtd. June 15, 1982.	Licensee requested deviation from staff position (letter dated No. 16, 1982). Licensee submittal under review.
I.A.1.3.2	**Minimum Shift Crew	To be superseded by Proposed Rule.	To be addressed in the Final Rule on Licensed Operator Staffing at Nuclear Power Units.	To be addressed when Final Rule is issued.
I.C.1	**Revise Emergency Procedures	Superseded by SECY 82-111	Reference SECY 82-111, Requirements for Emergency Response Capability.	To be determined.
II.D.1.2	RV and SV Test Programs	July 1, 1982	Submit plant specific reports on relief and safety valve program.	Complete.
II.D.1.3	Block Valve Test Program	do	Submit report of results of test program.	Do.
II.K.3.30 & 31	**SBLOCA Analysis	1 yr. after staff approval of model.	Submit plant specific analyses	To be determined following staff approval of model.

LICENSEE'S COMMITMENTS ON APPLICABLE NUREG-0737 ITEMS FROM GENERIC LETTER 82-10—Continued

Item	Title	NUREG-0737 schedule	Requirement	Licensee's completion schedule (or status)
III.A.1.2	**Staffing Levels for Emergency Situations.	Superseded by SECY 82-111	Reference SECY 82-111, Requirements for Emergency Response Capability.	To be determined.
III.A.1.2	**Upgrade Emergency Support Facilities.	do	do	Do.
III.A.2.2	**Meteorological Data	do	do	Do.
III.D.3.4	Control Room Habitability	To be determined by licensee	Modify facility as identified by licensee study.	Mar. 15, 1983.

**Not Part of Confirmatory Order.

[FR Doc. 83-7963 Filed 3-23-83; 8:45 am]
BILLING CODE 7590-01-M

[Docket No. 50-285]

Omaha Public Power District; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 69 to Facility Operating License No. DPR-40, issued to the Omaha Public Power District (the licensee), which revised Technical Specifications for operation of the Fort Calhoun Station, Unit No. 1. 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 requirements, as permitted 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 the 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 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 May 4, 1979, (2) Amendment No. 69 to License No. DPR-40, 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 W. Dale Clark Public Library, 215 South 15th Street, Omaha, Nebraska 68102. 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.

Robert A. Clark,

Chief, Operating Reactors Branch No. 3, Division of Licensing.

[FR Doc. 83-7964 Filed 3-23-83; 8:45 am]
BILLING CODE 7590-01-M

[Docket No. 50-260]

Tennessee Valley Authority; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 85 to Facility Operating License No. DPR-52 issued to Tennessee Valley Authority (the licensee), which revised the Technical Specifications for operation of the Browns Ferry Nuclear Plant, Unit 2 (the facility), located in Limestone County, Alabama. The amendment is effective as of the date of issuance.

The amendment revises the Technical Specifications to: (1) Incorporate the limiting conditions for operation during fuel Cycle 5, and (2) reflect changes resulting from design, equipment and procedural modifications made during the current refueling outage.

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 pursuant to 10 CFR 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in conection with issuance of the amendment.

For further details with respect to this action, see: (1) The application for amendment dated October 15, 1982, as supplemented by letters dated November 17, 1982, December 10, 1982 and January 7, 1983, (2) Amendment No. to License No. DPR-52, 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 Athens Public Library, South and Forrest, Athens, Alabama 35611. 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.

Domenic B. Vassallo,

Chief Operating Reactors Branch No. 2 Division of Licensing.

[FR Doc. 7965- Filed 3-23-83; 8:45 am]
BILLING CODE 7590-01-M

[Docket No. 50-259]

Tennessee Valley Authority; Issuance of Amendment To Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 88 to Facility Operating License No. DPR-33 issued to Tennessee Valley Authority (the licensee), which revised the Technical Specifications for operation of the

Browns Ferry Nuclear Plant, Unit No. 1 (the facility) located in Limestone County, Alabama. The amendment is effective as of the date of issuance.

This amendment changes the Technical Specifications to permit operation of Browns Ferry, Unit 1 with increased core flow during the remainder of Cycle 5.

The application for this 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 February 1, 1983, (2) Amendment No. 88 to license No. DPR-33, 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 Athens Public Library, South and Forrest, Athens, Alabama 35611. 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 Operating Reactors.

Dated at Bethesda, Maryland, this 14th day of March 1983.

For the Nuclear Regulatory Commission.

Vernon L. Rooney,

Acting Chief, Operating Reactors Branch No. 2, Division of Licensing.

[FR Doc. 83-7669 Filed 3-23-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-266 and 50-301]

Wisconsin Electric Power Co.; Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 69 to Facility Operating License No. DPR-24, and Amendment No. 74 to Facility Operating License No. DPR-27 issued to Wisconsin Electric Power Company (the licensee), which revised Technical Specifications for operation of Point Beach Nuclear Plant, Unit Nos. 1 and 2 (the facilities) located in the Town of Two Creeks, Manitowoc County, Wisconsin. The amendments are effective as of the date of issuance.

The amendments revise the Appendix B Environmental Technical Specifications to delete non-radiological water quality requirements as permitted 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 these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see: (1) The application for amendments dated September 21, 1978 as modified October 1, 1981, (2) Amendment Nos. 69 and 74 to License Nos. DPR-24 and DPR-27, 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, N.W., Washington, D.C. 20555, and at the Joseph Mann Library, 1516 16th Street, Two Rivers, Wisconsin 54241. 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.

Robert A. Clark,

Chief, Operating Reactors Branch No. 3, Division of Licensing.

[FR Doc. 83-7670 Filed 3-23-83; 8:45 am]

BILLING CODE 7590-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 22883; (70-6666)]

American Electric Power Co., Inc., et al.; Proposed Capital Contributions to Subsidiary

March 18, 1983.

In the matter of American Electric Power Company, Inc., 180 East Broad Street, Columbus, Ohio 43215; Kingsport Power Company, Appalachian Power Company, 40 Franklin Road, S.W., Roanoke, Virginia 24011; Columbus and Southern Ohio Electric Company, 215 Front Street, Columbus, Ohio 43215; Indiana and Michigan Electric Company, One Summit Square, P.O. Box 60, Fort Wayne, Indiana 46801; Kentucky Power Company, 1701 Central Avenue, Ashland, Kentucky 41101; Ohio Power Company, 301 Cleveland Avenue, S.W., Canton, Ohio 26003 and Wheeling Electric Company, 51 Sixteenth Street, Wheeling, West Virginia 26003.

American Electric Power Company, Inc. ("American"), a registered holding company, and Appalachian Power Company ("Appalachian"), Columbus and Southern Ohio Electric Company ("CSOE"), Indiana and Michigan Electric Company ("I&M"), Kentucky Power Company ("Kentucky"), Ohio Power Company ("Ohio"), Kingsport Power Company ("Kingsport"), and Wheeling Electric Company ("Wheeling"), electric utility subsidiaries of American, have filed with this Commission a post-effective amendment to their application-declaration previously filed and amended pursuant to Sections 6 and 12(b) of the Public Utility Holding Company Act of 1935 ("Act") and Rules 45, 50(a)(2), and 50(a)(5) promulgated thereunder.

By order dated December 22, 1982 (HCAR No. 22798), American was authorized to issue and sell up to $165 million of short-term notes to banks and commercial paper to a dealer prior to January 1, 1984. American was also authorized to make capital contributions in the designated period in the following amounts: $30 million to CSOE, $30 million to I&M, $45 million to Kentucky and $10 million to Ohio. By order dated January 21, 1983 (HCAR No. 22830), the Commission authorized, and released jurisdiction over, capital contributions of up to $30 million by American to Appalachian.

By post-effective amendment, American proposes to make cash capital contributions from time to time prior to January 1, 1984 to Kingsport, in an aggregate amount of up to $1.5 million.

The investment by American will be added to the general funds of Kingsport and used to pay maturing and general obligations, to provide needed working capital, and for other corporate purposes.

The application-declaration as amended by the post-effective amendment 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 April 11, 1983, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the applicant-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 amended by the post-effective amendment or as it may be further 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. 83-7680 Filed 3-23-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 13102; (811-2938)]

IPI—Income & Price Index Fund; Filing of an Application

March 16, 1983.

Notice is hereby given that IPI—Income & Price Index Fund ("Applicant"), one Boston Place, Boston, Massachusetts 02106, an open-end, non-diversified, management investment company registered under the Investment Company Act of 1940 ("Act"), filed an application on January 3, 1983, for an order declaring that Applicant has ceased to be an investment company. All interested persons are referred to the application on file with the Commission for a statement of the representations made therein, which are summarized below.

Organized as a limited partnership under California law, Applicant made its initial public offering on January 22, 1980. Applicant states that, at a meeting held on August 19, 1982, its managing directors adopted resolutions to the effect that, among other things, liquidation and dissolution would be in the best interests of Applicant and its shareholders. Applicant submitted its plan of dissolution, by proxy materials, to its partners, who approved the plan at a special meeting held on November 15, 1982. Applicant states that, as of December 22, 1982, it had redeemed all its outstanding shares, but has not yet been able to complete its distribution of the liquidation proceeds because share certificates representing 58,050 shares ($654,833) have not yet been returned to it. Applicant attempted to contact former shareholders twice before filing the application, and represents that it is continually making efforts to contact such shareholders.

Applicant declares that when it filed its application it was not engaged nor did it propose to engage in any business activities other than those necessary for the winding-up of its affairs, that its investment adviser has undertaken to satisfy any expenses associated with liquidation and dissolution that exceed the Applicant's liquidation reserve, that it is not a party to any litigation or administrative proceeding, that it has no securityholders other than those who have not returned their share certificates in exchange for the proceeds of liquidation, and that it has filed a certificate of cancellation (dissolution) under California law. Following such cancellation, any assets remaining will be held by The Boston Company Income Securities Advisors, Inc., Applicant's investment adviser and non-managing general partner, for distribution to former shareholders. Such assets will be invested in cash or cash equivalents, not in securities.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order and, upon the taking effect of such order, the registation of such company under the Act shall terminate.

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/her interest, the reasons for his/her request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20509. 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. 83-7681 Filed 3-23-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 22884; (70-6592)]

Middle South Energy, Inc., et al.; Proposed Increase in Authorized Amount of Notes To Be Issued and Sold Pursuant to Bank Loan Agreement; Assignment of Rights as Security for Such Loan

March 18, 1983.

In the matter of Middle South Energy, Inc., P.O. Box 61000, New Orleans, Louisiana 70161; Arkansas Power & Light Company, P.O. Box 551, Little Rock, Arkansas 72203; Louisiana Power & Light Company, 142 Delaronde Street, New Orleans, Louisiana 70174; Middle South Utilities, Inc., 225 Barone Street, New Orleans, Louisiana 70112; Mississippi Power & Light Company, P.O. Box 1640, Jackson, Mississippi 39205 and New Orleans Public Service Inc., 317 Baronne Street, P.O. Box 60340, New Orleans, Louisiana 70160.

Middle South Utilities, Inc. ("MSU"), a registered holding company, and five of its wholly-owned subsidiary companies, Middle South Energy, Inc. ("MSE"), Arkansas Power & Light Company ("AP&L"), Louisiana Power & Light Company ("LP&L"), Mississippi Power & Light Company ("MP&L"), and New Orleans Public Service, Inc. ("NOPSI") have filed with this Commission post-effective amendments to their application-declaration previously filed and amended pursuant to Sections 6(a), 7, and 12 of the Public Utility Holding Company Act of 1935 ("Act") and Rule 50 promulgated thereunder.

MSE is a special purpose subsidiary of MSU whose sole activity is construction of Grand Gulf Units No. 1 and No. 2, a nuclear-fired generating facility near Natchez, Mississippi. By order dated June 22, 1981 (HCAR No. 22098), MSE was authorized to borrow up to $1.4 billion through December 31, 1986 from a group of domestic banks ("Banks"), with Manufacturers Hanover Trust Company, as agent, pursuant to a bank loan agreement ("Bank Loan

Agreement)", dated June 15, 1981. Pursuant to the Bank Loan Agreement, the Banks committed to lend MSE, on a revolving credit and term loan basis, the aggregate principal amount of up to $1.311 billion, such borrowings to mature on December 31, 1986. As of January 20, 1983, approximately $1.095 billion had been borrowed by MSE and was outstanding under the Bank Loan Agreement.

Proceeds of such borrowings have been applied in connection with the financing of MSE's 90% share of the costs of constructing two 1,250 megawatt nuclear generating units located at Grand Gulf, Mississippi. The first of these units was scheduled to go into commercial operation by February 1983 with MSE's estimated share of completed costs (based on an assumed 87.52% share of costs) to be approximately $2,070 million. Due to minor delays incurred while nuclear fuel was being loaded in Grand Gulf No. 1 and to the rescheduling of certain work previously planned to be accomplished during Grand Gulf No. 1's first scheduled refuelling, Grand Gulf No. 1 is presently scheduled to be placed in commercial operation in the fourth quarter of 1983. Due to these factors and to a decision to base MSE's projected costs on a 90% assumed ownership share of Grand Gulf No. 1 rather than the 87.52% share previously assumed, the estimated cost of MSE for its 90% share in the Unit has been increased to $2,551.5 million. For planning purposes, MSE is not presently assuming the 2.48% participation of Municipal Energy Agency of Mississippi ("MEAM") in the Grand Gulf Project. MEAM's participation is still a possibility and is under further consideration. Substantial work on the second of the two Grand Gulf Units has been suspended for several years pending completion and commercial operation of Grand Gulf No. 1:

The following table identifies by category the approximate costs associated with the increased estimated completed cost of Grand Gulf No. 1:

	Dollars in millions	
Previous disclosure		2,070
Increase from 87.52 to 90% ownership	61(13%)	
Increase in basic cost	162(38%)	
Increase in taxes and other items	21(4%)	
Incrase in allowance for funds used during construction	217(45%)	
	481(100%)	
Current disclosure		2,551

MSE estimates that it will need to borrow an aggregate additional amount of $400 million from foreign and domestic lenders. MSE has fully utilized its $315 million loan agreement, dated February 5, 1982, ("Foreign Loan Agreement") with a group of foreign banks and Credit Suisse First Boston Limited, as agent. The Commission issued an order on February 17, 1983, (HCAR No. 22858) authorizing a $63 million increase in MSE's borrowings under this Foreign Loan Agreement.

Accordingly, MSE hereby requests authority to enter into an amended and restated bank loan agreement ("Restated Loan Agreement") so that the aggregate amount it may borrow under the agreement will increase by up to $340 million from $1.311 billion to approximately $1.651 billion.

MSE also proposes to change the interest rate applicable to borrowings under the Bank Loan Agreement. The Bank Loan Agreement currently provides that all borrowings thereunder will bear a rate equal to 110% of the sum of the prime rate at Manufacturers Hanover Trust Company ("MHTCo") plus 1.3%. Based on a prime rate of 11% as of January 21, 1983, MSE's borrowings under the Bank Loan Agreement bear an effective interest cost of 13.53%. Under the revisions proposed herein, this rate would decrease upon the occurrence of designated events, as follows:

Rate	Period	Effective rate (11 percent prime rate assumed)
110% × (MHTCo. Prime Rate + 1.3%).	Until receipt of full power NRC operating license for Grand Gulf No. 1.	13.53
105% × (MHTCo. Prime Rate + 1.3%).	Upon receipt of full power NRC operating license for Grand Gulf No. 1 until commercial operation of Grand Gulf No. 1.	12.92
MHTCo. Prime Rate + 1.3%.	From commercial operation until maturity.	12.30

MSE currently expects a full power operating license for Grand Gulf No. 1 to be issued during the second quarter of 1983, and to place Grand Gulf No. 1 in commercial operation during the fourth quarter of 1983.

The Bank Loan Agreement is proposed to be amended in certain other respects, including extending the revolving period by approximately six months and modifying the prepayment schedule.

As security for its obligations under the Restated Bank Loan Agreement, MSE proposes to assign, for the benefit of the Banks, its rights under the Availability Agreement, dated as of June 21, 1974, as amended ("Availability Agreement"), pursuant to the terms of an assignment agreement ("Assignment Agreement"). AP&L, LP&L, MP&L and NOPSI, parties and the Availability Agreement, will consent to and join in the Assignment Agreement.

As additional security for its obligations under the Restated Loan Agreement, MSE proposes to assign, for the benefit of the Banks, its rights under the Capital Funds Agreement, dated as of June 21, 1974 ("Capital Funds Agreement"), pursuant to the terms of a supplement to that agreement ("Supplementary Agreement"). MSU, a party to the Capital Funds Agreement, will consent to and join in the Supplementary Agreement.

By Commission order dated June 22, 1981 (HCAR No. 22098), MSE and the system operating companies were authorized to enter into a Power Purchase Advance Payment Agreement ("Power Purchase Agreement") pursuant to which the system operating companies agreed to make certain monthly advance payments to MSE for power from the Grand Gulf Plant in the event that Grand Gulf No. 1 was not in commercial operation on December 31, 1983. These payments were to commence on January 3, 1984 and continue until the earlier of (i) December 31, 1984 or (ii) the date of commercial operation of Grand Gulf No. 1. As a result of the proposed extension of the revolving borrowing period in the Bank Loan Agreement, the date for commencement of such payments will be similarly extended. Accordingly, it is proposed that MSE and the system operation companies enter into an amendment to the Power Purchase Agreement to provide that advance payments for power will be deferred for approximately six months. The scheduled termination date for such payments will remain unchanged. All other terms of the Power Purchase Agreement would remain the same. The Banks will consent to this amendment.

The application-declaration as amended by the post-effective amendments 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 applicant-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 amended by the post-effective amendments or as it may be further 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. 83-7677 Filed 3-23-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 19611; (SR-NYSE-82-4)]

New York Stock Exchange, Inc.; Order Approving Proposed Rule Change

March 17, 1983.

The New York Stock Exchange, Inc. ("NYSE"), 11 Wall Street, New York, NY 10005, submitted on March 22, 1982, copies of a proposed rule changes pursuant to Section 19 (b)(1) of the Securities exchange Act of 1934 (the "Act") and Rule 19b-4 thereunder, to amend NYSE Rule 402(b) by deleting from that rule the provision that requires member firms to obtain from a customer a separate written authorization (*i.e.*, a consent to lend agreement) before hypothecating or lending any of the customer's securities held in a margin account. The rule change would permit member firms to incorporate consent to lend agreements within the margin agreements that must be signed by all margin customers.[1]

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by the issuance of a Commission Release (Securities Exchange Act Release No. 18608, March 30, 1982) and by publication in the **Federal Register** (47 FR 14992, April 7, 1982). All written statements filed with the Commission and all written communications between the Commission and any person relating to the proposed rule change were considered and (with the exception of those statements or communications which may be withheld from the public in accordance with the provisions of 5 U.S.C. 552) were made available to the public at the Commission's Public Reference Room.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange and, in particular, the requirements of Section 6 and the rules and the regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and hereby is, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-7678 Filed 3-23-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 13103; (812-5422)]

Sierra Pacific Group, Inc.; Filing of an Application

March 16, 1983.

Notice is hereby given that Sierra Pacific Group, Inc. ("Applicant"), No. 6 The Commons, 3512 Silverside Road, Wilmington, Delaware 19810, registered under the Investment Company Act of 1940 ("Act") as an open-end, diversified investment company, filed an application on January 6, 1983, and an amendment thereto on February 24, 1983, for an order of the Commission, pursuant to Section 6(c) of the Act, exempting Applicant from the provisions of Section 2(a)(41) of the Act and Rules 2a-4 and 22c-1 thereunder to the extent necessary to permit Applicant to value its portfolio securities using the amortized cost method of valuation. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below, and are referred to the Act and the rules thereunder for further information as to the provisions to which the exemption applies.

Applicant currently intends to offer classes of shares, each class representing interests in one of four separate investment portfolios: the Government Portfolio, Money-Market Portfolio, Fixed Income Portfolio, and The Growth Portfolio. the former two portfolios (the "Portfolios"), the subject of this application, seek current income and stability of principal. The Government Portfolio will invest exclusively in obligations issued or guaranteed by the U.S. Government, its agencies or instrumentalities. The Money-Market Portfolio will invest in high quality money-market instruments such as certificates of deposit, bankers' acceptances, commerical paper, and variable rate demand notes, in addition to obligations issued or guaranteed by the U.S. Government, its agencies and instrumentalities. Securities held by the Portfolios may be subject to repurchase agreements, and any such agreement entered into with a broker/dealer will be fully collateralized in accordance with Investment Company Act Release No. 10666.

All of the portfolios will be sold exclusively to customers of Security Pacific National Bank, Los Angeles, California ("Security Pacific") and its correspondent banks, including clients of Security Pacific's Financial Management Group and other individuals and businesses which maintain accounts at Security Pacific or its correspondent banks. Applicant states that it does not intend to purchase or otherwise acquire certificates of deposit or other securities of Security Pacific or any of its affiliates.

Section 6(c) of the Act permits the Commission, among other things, to grant an exemption by order upon application from any provision or provisions of the Act, provided such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

In support of the relief requested, Applicant submits that the amortized cost method of valuation will enable it to maintain the stable net asset value and steady income which vitally concern investors. By valuing its securities at amortized cost and declaring dividends daily, Applicant

[1] In response to the Commission's concern that elimination of the separate signature requirement under Rule 402(b) would eliminate or reduce informed customer consent to the hypothecation of his securities, the NYSE has agreed to issue an Information Memo and, in addition, an interpretation to the NYSE's Interpretation Handbook, to be filed with the Commission pursuant to Rule 19b-4. Such interpretation would require NYSE members and member organizations to include, directly above the signature line, a bold type face legend acknowledging such consent, where a customer's consent to loan margin eligible securities is included in a document in which the customer's signature provides agreement as to any other aspect of his securities account relationship with such member or member organization. Alternatively, member firms could comply with amended Rule 402(b) by using a loan consent form speparate from any other forms signed by or given to customers. *See* letter from Donald van Weezel, Managing Director, Regulatory Standards, NYSE, to Michael Cavalier, Division of Market Regulation, SEC, dated February 22, 1983.

asserts that it can expect its net asset value to remain constant in the absence of unusual market conditions. Applicant contends that potential shareholders are not concerned with the theoretical differences which might occur between the yield achieved through market pricing and the yield computed on the basis of amortized cost for instruments which Applicant expects to hold until maturity. Prior to adopting the amortized cost method of valuation, Applicant's board of directors will determine in good faith that, absent unusual or extraordinary circumstances, the amortized cost method of valuing securities will reflect the fair value of such securities. Applicant believes that the requested exemption is 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 expressly agrees that the following conditions may be imposed in any order of the Commission granting the exemption requested:

1. In supervising Applicant's operations and delegating special responsibilities involving portfolio management to Applicant's investment adviser, Applicant's board of directors undertakes—as a particular responsibility within its overall duty of care owed to Applicant's shareholders—to establish procedures reasonably designed, taking into account current market conditions and the investment objectives of Applicant's Portfolios, to stabilize the net asset value per share of each of the Portfolios, as computed for the purpose of distribution, redemption, and repurchase, at $1.00 per share.

2. Included among the procedures to be adopted by the board of directors shall be the following:

(a) Review by the board of directors, as it deems appropriate and at such intervals as are reasonable in light of current market conditions, to determine the extent of deviation, if any, of the net asset value per share as determined by using available market quotations from each Portfolio's amortized cost price per share, and the maintenance of records of such review.[1]

(b) In the event such deviation from either Portfolio's $1.00 amortized cost price per share exceeds ½ of 1 Percent, a requirement that the board of directors will promptly consider what action, if any, should be initiated.

(c) Where the board of directors believes that the extent of any deviation from either Portfolio's amortized cost price per share may result in material dilution or other unfair results to investors or existing shareholders, it shall take such action as it deems appropriate to eliminate or to reduce to the greatest extent reasonably practicable such dilution or unfair results, which action may include: redeeming shares in kind; selling portfolio instruments prior to maturity to realize capital gains or losses or to shorten the average portfolio maturity of such Portfolio; withholding dividends; or utilizing a net asset value per share as determined by using available market quotations.

3. Applicant will maintain a dollar-weighted average portfolio maturity appropriate to the Portfolios' objective of maintaining a stable price per share; provided, however, that the Portfolios will neither (a) purchase any instrument with a remaining maturity greater than one year (although instruments subject to repurchase agreements may bear longer maturities),[2] nor (b) maintain a dollar-weighted average portfolio maturity which exceeds 120 days.[3]

4. Applicant will record, maintain, and preserve permanently in an easily accessible place a written copy of the procedures (and any modifications thereto) described in condition 1 above, and Applicant will record, maintain, and preserve for a period of not less than six years (the first two years in an easily accessible place) a written record of the board of directors' considerations and actions taken in connection with the discharge of its responsibilities, as set forth above, to be included in the minutes of the board of directors' meetings. The documents preserved pursuant to this condition shall be subject to inspection by the Commission in accordance with Section 31(b) of the Act as though such documents were records required to be maintained pursuant to rules adopted under Section 31(a) of the Act.

5. Applicant will limit its portfolio investments in the Portfolios to those U.S. dollar-denominated instruments which, as determined by its board of directors, present minimal credit risks, and which are of "high quality" as determined by any major rating service, or, in the case of any instruments that are not rated, of comparable quality, as determined by the board of directors.

6. Applicant will include in each quarterly report, as an attachment to Form N–1Q, a statement indicating whether any action pursuant to condition 2(c) was taken during the preceding fiscal quarter, and, if any such action was taken, Applicant will describe the nature and circumstances of such action.

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/her interest, the reasons for his/her request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon Applicant at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by

[1] To fulfill this condition, Applicant states that it intends to use actual quotations or estimates of market value reflecting current market conditions chosen by the board of directors in the exercise of its discretion to be appropriate indicators of value, which may include, among others, (i) quotations or estimates of market value for individual portfolio instruments, or (ii) values obtained from yield data relating to classes of instruments published by reputable sources.

[2] As disclosed in its prospectus, Applicant's Portfolios may purchase variable rate demand notes which have maturities of more than one year, provided the Portfolios are entitled to the payment of principal and accrued interest upon not more than seven days' notice. The rate of interest on such notes is to be adjusted automatically at intervals which normally do not exceed thirty-one days but may extend up to one year. Each variable rate demand note purchased by Applicant would be determined under procedures prescribed by Applicant's board of trustees to present minimal credit risks and will be rated "high quality" at the time of purchase (i.e., within the two highest ratings assigned by any major rating service) or, if unrated, will be determined by Applicant's investment adviser to be of comparable quality, and thereafter the quality of such notes will be monitored by Applicant. In computing its dollar-weighted average portfolio maturity, Applicant states that it will consider the maturity of such notes as the longer of the notice period required before Applicant is entitled to prepayment under the note, or the period remaining until the note's next interest rate adjustment. In connection with such variable rate demand notes purchased by the Portfolios, Applicant's board of directors (or Applicant's investment adviser to the extent permitted by Rule 2a–7 under the Act as proposed or as ultimately adopted) will: (i) determine that whenever a new interest rate on a variable rate demand note is established it will then cause the note to have a current market value which approximates its par value; (ii) determine no less frequently than quarterly that variable rate demand notes held by the Portfolios are of "high quality;" and (iii) cause the Portfolios, absent extenuating circumstances, to dispose of any variable rate note as soon as practicable should the quality of the note fall below "high quality." In addition, the issuer's obligation to pay the principal of a variable rate demand note purchased by the Applicant will be supported by an irrevocable, unconditional bank letter of credit where necessary to ensure that the note is of "high quality" (*i.e.*, in all cases where the Applicant's board of director and investment adviser cannot determine that a note of "high quality" without a letter of credit).

[3] In fulfilling this condition, if the disposition of a portfolio security results in a dollar-weighted average portfolio maturity in excess of 120 days, Applicant will invest its available cash in such a manner as to reduce such dollar-weighted average portfolio maturity to 120 days or less as soon as reasonably practicable.

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. 83-7876 Filed 3-23-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 19609; File No. 7-6393]

Xonics, Inc., Common Stock, $.10 Par Value; Order Denying Application for Unlisted Trading Privileges

March 17, 1983.

I. Introduction

On November 29, 1982, the Commission approved an application by Xonics, Inc. ("Xonics") under Section 12(d) of the Act to withdraw its securities from listing and registration on the Pacific Stock Exchange ("PSE"), the only exchange on which Xonics was traded.[1] Over-the-counter ("OTC") trading in Xonics through the NASDAQ System commenced the following day. On December 1, 1982, the PSE applied for unlisted trading privileges ("UTP") in Xonics common stock pursuant to Section 12(f)(1)(C) of the Act.[2]

Because Xonics does not substantially meet either the New York Stock Exchange ("NYSE") or American Stock Exchange ("Amex") listing standards, it was not, prior to the delisting, a reported security and did not, after delisting, qualify as a national market system security. As a result, it is not subject to the current last sale reporting requirements of Rule 11Aa3-1. The PSE's application for UTP is Xonics, therefore, represents the first instance in which the Commission has been confronted with the issue of granting UTP pursuant to Section 12(f)(1)(C) in a non-reported security traded solely in the OTC market.

II. Background

Congress, in amending Section 12(f) to permit the grant of UTP for non-listed stocks, recognized that concurrent OTC and exchange trading raised difficult competitive issues. For that reason, Congress directly tied the Commission's authority in that area to consideration of existing competitive impediments and the development and implementation of needed national market system facilities. Because of these statutory standards, the Commission's general policy has been to defer resolution of the market structure issues associated with granting UTP in OTC securities pending further development of the national market system.

In a February 27, 1981 order, however, the Commission created a limited exception to this general policy in the case of the common stock of Pacific Resources, Inc. ("PRI"), a reported security solely listed on the PSE that was subject to an issuer delisting application.[3] In the PRI approval order, the Commission reiterated its general policy of deferring decisions on UTP in OTC securities pending further developments in the national market system, but concluded that it was appropriate to create a limited exception in the narrow situation involving a solely listed reported security subject to an issuer delisting application. The Commission stated in the order that granting UTP in such circumstances would preserve existing competition among exchange and third market makers and result in a trading environment which would permit exchange specialists to continue to compete with OTC market makers in previously listed securities in much the same way that OTC market makers are permitted to compete with exchange specialists in Rule 19c-3 securities.[4]

In reaching its determination in the PRI case, the Commission attached particular importance to the fact that PRI was a reported security.[5] Because both the exchanges on which reported securities are traded and OTC market makers in reported securities are required to make last sale and quotation information available on a current basis, the Commission determined that the increased competition resulting from trading in PRI on both the PSE and OTC markets should result in increased liquidity and continuity. Moreover, the Commission determined that transaction and quotation reporting would militate against any possible adverse consequences of market fragmentation or the development of hidden markets in PRI common stock. Finally, the PRI approval order stated that, because transaction reporting would enable the Commission to review the effects of trading on the markets for the subject securities and would facilitate Commission surveillance of those markets, restricting the PRI exception to reported securities was consistent with the Congress' directive in Section 12(f)(2) that, in granting UTP in OTC securities, the Commission consider the probable impact of such trading on existing markets.

III. Discussion

The Commission received three public letters commenting on the PSE application for UTP in Xonics common stock. Two letters, from Xonics and a PSE member who is making an OTC

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[1] Securities Exchange Act Release No. 19279 (November 29, 1982).

[2] Securities Exchange Act Release No. 19320 (December 13, 1982). Section 12(f)(1)(C) of the act, added as part of the Securities Act Amendments of 1975 permits an exchange to seek UTP in securities traded solely OTC. Section 12(f)(2) specifically directs the Commission, in determining whether an application for UTP in a stock traded solely OTC is consistent with the maintenance of fair and orderly markets, to take account of the public trading activity in such security, the character of such trading, the impact of such extension on the existing markets for such securities, and the desirability of removing impediments to and the progress that has been made toward the development of a national market system * * *.

That section further provides that the Commission shall not grant such applications * * * if any rule of the national securities exchange making application would unreasonably impair the ability of any dealer to solicit or effect transactions in such security for his own account, or would unreasonably restrict competition among dealers in such security or between such dealers acting in the capacity of market makers who are specialist and such dealers who are not specialists.

[3] Securities Exchange Act Release No. 17584 (February 27, 1981). The issuer filed an application with the Commission on March 23, 1977, to delist its common stock from the PSE based on the belief that investors would be served better by trading in the OTC market rather than on the exchange. Although the PSE did not oppose the delisting application, it did request UTP in PRI if the delisting application were granted. In response, the Commission approved PRI's delisting application on June 22, 1977, but stayed its effectiveness pending a determination on the PSE's application for UTP. Securities Exchange Act Release No. 13657 (June 22, 1977). Due in part to the difficult market structure issues relating to UTP in OTC securities, the Commission deferred final resolution of the matter until February 27, 1981, when it issued an order removing the stay and granting the PSE's application for UTP.

[4] In this regard, the PSE waived all off-board trading restrictions with respect to the subject security.

Rule 19c-3 under the Act amended the rules of national securities exchanges which limit or condition the ability of members of the exchanges to effect transactions otherwise than on an exchange in securities which are listed or admitted to UTP on those exchanges ("off-board trading restrictions"). Rule 19c-3 precludes off-board trading restrictions from applying to any reported security in which trading on an exchange was begun after April 26, 1979, the date of the proposal of the rule, or which was traded on an exchange on April 26, 1979, but ceased to be traded on an exchange for any period of time thereafter. Securities Exchange Act Release No. 16888 (June 11, 1980), 45 FR 41125 (June 18, 1980).

[5] A reported security includes one in which transactions are reported by the Consolidated Tape Association ("CTA"). To have transactions reported by the CTA, the security must be listed on the New York Stock Exchange ("NYSE") or the American Stock Exchange, ("Amex") or listed or admitted to UTP on one of the regional exchanges and substantially meet the Amex listing standards.

market in Xonics,[6] requested that the PSE application be denied. These commentators stated that granting UTP would be inconsistent with fair and orderly markets and the protection of investors. In particular, the letters stated that approving the application would create a more fragmented market, and, as a result, obtaining information necessary for effectuating trades and order routing within and between firms might become inefficient, causing delays in trades and hindering investors' chances to achieve best execution.

In addition, the PSE submitted a comment letter [7] requesting that its application be approved. The PSE reiterated the view expressed in its application that the possible negative effects of market fragmentation would be overridden by the benefits of competition between market centers. Moreover, PSE argued that the absence of transaction reports in the OTC market would not substantially reduce trading efficiency in Xonics because of the availability of transactional quotation information from the PSE floor, and quotation information from the OTC market. In this connection, PSE asserted that it would not be an onerous burden for market participants to consult two different ticker symbols on their vendor retrieval systems to determine the best market in Xonics.[8] The letter further cited Rule 19c–3 as evidence of Commission support for competition between the OTC and exchange markets.

UTP in Xonics, Inc.

The PSE application for UTP in Xonics does not fit within the narrow PRI exception discussed above because the Security involved is not a "reported" security. The Commission concluded in the PRI order, and continues to believe, that continous last sale reporting from both the exchange and OTC markets would result in certain benefits, *i.e.*, increased pricing efficiency and continuity, that should militate against market fragmentation or hidden markets. The PSE application for UTP in Xonics contends that "the concern for market fragmentation is unwarranted as Quote and Last Sale information [would be] disseminated [by the exchange] to all major vendors and available on the exchange floor." However, because Xonics is not a reported security, If UTP were granted in Xonics, OTC market makers would not be required to report last sale information on a real time basis under Rule 11Aa3–1. Thus, the potential benefits of last sale reporting from both exchange and OTC markets would not be present to counteract the potential negative effects of increased market fragmentation. Moreover, while quotation information would be available from both markets, PSE quotations would not be available on the same service as OTC quotation information, thus raising an additional potential for confusion among market participants and making more difficult the task of obtaining the type of complete and accurate information necessary for efficient execution of orders. Consequently, the Commission is unable to find at this time that the grant of UTP in Xonics would be consistent with the standards set forth in Section 12(f)(2) of the Act.

In addition, the Commission believes that denying the PSE's application would be consistent with the Congress' directive that, in granting UTP in OTC securities, the Commission consider the evolution of a national market system and evaluate the effects that UTP in OTC securities would have on that system. Transaction reporting, including both quote and last sale information, has always been considered a fundamental element of the national market system and critical to the effort to provide for efficient concurrent trading of securities in both exchange and OTC markets.[9] Since complete real time quotation and transaction reporting enables market professionals and investors to better evalute execution opportunities, thereby alleviating concerns regarding market fragmentation, the Commission is unable to make the necessary findings under Section 12(f)(2) to approve UTP in a non-reported stock such as Xonics. In this connection, the Commission notes that Rule 19c–3 is applicable only to reported securities and therefore the rough competitive balance which the Commission struck in PRI is not applicable here. Finally, pending further developments in the national market system,[10] the Commission believes that consideration of OTC UTP generally is premature and should not be expanded beyond the narrow scope of the PRI exception discussed above.

Conclusion and Findings

The Commission has determined to deny the PSE application for UTP in Xonics, Inc. common stock because it does not find that a grant of UTP in non-reported securities not listed on another exchange would be consistent with the requirement of Section 12(f)(2) that such UTP be consistent with the maintenance of fair and orderly markets and the protection of investors. The Commission has taken into account the public trading activity of the security, the character of such trading, the impact that an extension of UTP would have on existing markets for such security, and the desirability of removing impediments to and the progress that has been made toward the development of a national market system. Because transactions in Xonics, as a non-reported security, would not be required to be reported on a real time basis pursuant to Rule 11Aa3–1 under the Act, increased potential exists for market fragmentation and for the creation of hidden markets, with the further potential for decreased pricing efficiency and continuity. The Commission is therefore concerned that granting UTP in Xonics could have a significant adverse impact on existing trading markets. Insofar as complete transaction reporting, including quote and last sale information, is a fundamental element of the national market system and critical to efficient concurrent trading of securities in both exchange and OTC markets, the Commission is unable to determine that the national market system has evolved to such an extent as to make the grant of UTP appropriate in the context of non-reported securities not listed on an exchange.

Accordingly, it is ordered that, pursuant to Section 12(f)(2) of the Act, the PSE application for unlisted trading privileges in common stock of Xonics, Inc. be denied.

[6] *See* letters from Jeffrey D. Izeman, Esq. of Katten, Muchin, Zavis, Pearl & Galler on behalf of Xonics, and Robert D. Payne III, First Vice President of Shearson/American Express, dated December 20 and 22, 1982, respectively.

[7] See letter from Robert Case Jennings, Manager of Listings, PSE, dated January 5, 1983.

[8] If UTP were granted, complete OTC quotation information would only be available on the NASD's NASDAQ System while PSE quotation and transaction information would continue to be available on the NASDAQ CQS (Listed Stock Service) as well as the listed stock services of other vendors. Thus, market participants would have to separately recall PSE and OTC quotation information for Xonics in NASDAQ and the CQS, and in some cases, two retrieval devices would have to be consulted in order to obtain quotation information from both markets.

[9] *See* e.g., Securities Exchange Act Rules 11Aa2–1 (designation of national market system securities), 11Aa3–1 (relating to dissemination of transaction reports and last sale data with respect to transactions in reported securities), and 19c–3.

[10] *See*, Securities Exchange Act Release No. 17549 (February 17, 1981); 46 FR 13992 (February 25, 1981) for a discussion of the national market system developments necessary before implementation of OTC UTP.

By the Commission.
George A. Fitzsimmons,
Secretary.
[FR Doc. 83-7675 Filed 3-23-83; 8:45 am]
BILLING CODE 8010-01-M

[Release No. 34-19610; File No. SR-AMEX-82-22, Amdt. No. 1]

Self-Regulatory Organizations; Proposed Rule Change by the American Stock Exchange, Inc.

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 March 15, 1983, the American Stock Exchange, Inc. filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The American Stock Exchange, Inc. ("Amex" or the "Exchange") is amending File No. SR-AMEX-82-22 to propose, by Amendment No. 1, to list options on a stock index with has been designed to represent a borad cross-section of American business (hereinafter referred to as the "Major Market Index" or "MMI"). The Major Market Index initially would be based on the following stocks: American Express Company; American Telephone & Telegraph; Coca Cola Company; Dow Chemical Company; DuPont E. I. DeNemours; Eastman Kodak Company; Exxon Corporation; General Electric; General Motors; International Business Machines Corp.; International Paper Company; Johnson and Johnson; Merck and Company; Minnesota Mining & Manufacturing Company; Mobil Corporation; Philip Morris Incorporated; Procter and Gamble Company; Sears, Roebuck Company; Standard Oil of California; and United States Steel Corp.

Transactions in MMI options would be governed by the rules of the Exchange which apply to stock index options generally (Part V, Section 11 of the Exchange's rules, captioned "Stock Index Options").

Three of those rules are the subjects of proposed rule changes now pending before the Commission (File No. SR-AMEX-82-22, original submission). In that submission, the Exchange proposed to trade options on certain narrow-based stock indices (hereinafter referred to as "industry group indices"), and, in connection therewith, proposed to amend Rule 901C (Designation of Stock Index Options), Rule 904C (Position Limits) and Rule 905C (Exercise Limits).

The Exchange intends for the proposed amendments to Rule 901C to apply to MMI options as well as to options on industry group indices.

The Exchange is proposing to amend its position and exercise limit rules applicable to stock index options to permit the Exchange to establish appropriate position and exercise limits for the various classes of stock index options which may be traded on the Exchange. The limits established by the Exchange with respect to options on any particular stock index would be expressed in terms of a maximum number of contracts on the same side of the market. The limits selected by the Exchange would not be permitted to exceed the equivalent of a $300 million underlying position.

* * * * *

The Exchange is proposing to establish the following contract specifications for MMI options:

The numerical index value (defined in Exchange Rule 900C) would be the actual index value. For example, if the MMI were at 120, the numerical index value would be 120 and the exercise price of an at-the-money option would also be 120.

Exerices prices would be established at five point intervals. Exercise prices world bracket the current numerical index value, and new exercise prices would be introduced as the numerical index value changed. The procedure for introducing new exercise prices would be the same as the procedure now used with respect to individual stock options.

The index multiplier for each MMI option contract would be 100.

MMI options would be traded on a March-June-September-December expiration cycle, with three expiration dates available for trading at any given time (*i.e.*, the options would be introduced with three, six and nine months to expiration).

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C), below, of the most significant aspects of such statements.

A. *Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change.* The Exchange has developed the Major Market Index in order to make available, for options trading, a stock index which would be broad-based in terms of representing the overall stock market, yet based on the stock prices of a relatively small number of issuers.

The MMI has been designed to reflect changes in the prices of stocks of a wide spectrum of large United States business corporations. The MMI is based on the prices of the 20 stocks set forth above, which represent major American companies involved in such diverse fields as merchandising, electronics, computers, oil and gas, communications, chemicals, pharmaceuticals, and consumer products. Since each of these companies is a leader in its field and has a broad public following, the Exchange believes that an index based on price changes in their shares will reflect price trends in the market for industrial stocks as a whole.

The MMI would be an equally weighted price index, meaning that the index would be based on equal numbers of shares of the component stocks and that changes in the index number would represent changes in the average price per share of those stocks. Such an index is often referred to (and will be referred to herein) as a "price-weighted" index.

The concept of a price-weighted index may easily be understood by comparing it with a market-value index, another frequently used type of stock index. A market-value index also represents the average of the prices of the component stocks, but it differs from a price-weighted index in that the price of each component stock is weighted by its number of shares outstanding. A price-weighted index corresponds, in concept, with a portfolio comprised of equal numbers of shares of all of the stocks represented, while a market-value index corresponds, in concept, with a portfolio in which stocks are represented in proportion to their respective shares outstanding.

The price-weighted index system utilized by the Exchange involves summing the respective prices per share of each of the stocks included in the index and dividing by a constant. The constant divisor ordinarily will be revised in the event of a stock dividend, stock distribution, stock split or reverse split, rights offering, distribution, reorganization, recapitalization or reclassification or similar event in

respect of any component stock, or in the event a stock is added to or deleted from the index, or one stock is substituted for another. The purpose of adjusting the index divisor in the context of such events is to maintain continuity of index values; the index divisor will not be revised for any other purpose.

The Exchange has selected the number 10 as the initial divisor for the MMI, and has selected March 8, 1983 as the "base" date for the index. At the close of trading on that date, the prices of the 20 component stocks totalled $1,133.13, so that the index value at the time was 113.31. All of the MMI values, either before of after that time, would be calculated with reference to the base value, on March 8, 1983, of 113.31.

The Exchange has determined that changes in the MMI correlate well with changes in other well-known stock indices which are thought to reflect broad economic trends, including the Standard and Poor's 500 Composite Index, the Dow Jones Industrial Average, the New York Stock Exchange Composite Index, and the Value Line Composite Index. These correlations indicate that options on the MMI should be highly useful as tools for capitalizing on, or hedging against, broad market price changes.

The fact that the MMI is based on only 20 stocks and is price-weighted would facilitate the use of MMI options for various types of hedging transactions. For example, it would be possible to establish the functional equivalent of a covered stock option by owning equal amounts of all of the stocks on which the MMI is based and writing MMI call options such that the short option position and long stock positions were of equivalent size. In addition, since the relationship between the value of the MMI and the prices of the individual component stocks is relatively straightforward (a one-point rise or fall in the price of any component stock would cause a $\frac{1}{20}$-point rise or fall in the level of the MMI [1]), market participants would be able to engage in limited risk option/stock hedges more easily than would be possible with options on a market-value index. Such a hedging transaction might result from an investor's belief that a particular MMI option was overpriced or underpriced in relation to the prices of one or more stocks on which the MMI is based.

As in the case of the indices underlying the other stock index options which it has proposed to trade, the Exchange intends to disseminate updated values of the MMI at least once per minute. The updated values would be available on broker-dealer interrogation devices.

As stated above, transactions in MMI options would be governed by all of the rules which apply to stock index options generally, as well as certain additional provisions proposed under SR-AMEX-82-22, as amended by Amendment No. 1, concerning the composition of underlying indices (Section (b) of Rule 901C) and position and exercise limits (Rules 904C and 905C, respectively).

Proposed Section (b) under Rule 901C would authorize the Exchange to alter the composition of the group of stocks on which an index is based if "necessary or appropriate to maintain the quality and/or character of the index * * *" The Exchange would use this authority with respect to the MMI in order to assure that that index continued optimally to fulfull its intended role of representing a broad spectrum of major American businesses. The Exchange does not expect that the composition of the MMI would be changed frequently.

The proposed amendments to Rules 904C and 905C are intended to simplify the language of those rules and to establish an outer parameter for position and exercise limits for stock index options.

Originally, the Exchange had intended to follow the approach of specifying position and exercise limits for stock index options in terms of a number of contracts which would be set forth in Rules 904C and 905C. The current language of those rules, already approved by the Commission, which establishes position and exercise limits of 40,000 contracts for options on stock indices based on 50 stocks or more reflects that approach. The Exchange understands that, in evaluating any proposal by the Exchange to express position and exercise limits for stock index options in terms of a number of contracts, the Commission will refer to the underlying dollar value to which the proposed position and exercise limits would correspond. The Exchange further understands that, with respect to options or broad-based indices, the Commission may not be inclined to approve any position or exercise limit which would cover an underlying dollar value in excess of $300 million. Accordingly, the Exchange proposes to incorporate this guideline in its rules in lieu of setting forth therein the more specific limits applicable to the various classes of stock index options which may be traded on the Exchange. The Exchange intends, however, to continue to establish such specific position and exercise limits, expressed in terms of numbers of contracts, with respect to options on the various underlying stock indices which may be traded on the Exchange.

The Exchange intends to establish position and exercise limits of 20,000 contracts for MMI options. The total market value of the stocks on which the MMI is based was $306 billion at the close of the market on March 8, 1983. The individual market values of the component stocks on that date ranged from $2.3 billion for U.S. Steel to $60.2 billion for IBM. On the basis of an index value of 113.31 on that date, a 20,000 contract position would have covered $226.6 million. This figure is well below the outer parameter of $300 million set forth in the Exchange's proposed rule change.

It should also be noted that $226.6 million (the dollar value underlying the proposed 20,000 contract position limit) is approximately .07% of $300 billion (the total market value of the stocks on which the MMI is based). This ratio compares favorably with similar ratios which may be calculated with respect to individual stock options traded on the several options exchanges.

The option contract specifications which the Exchange has developed for MMI options correspond closely with those proposed for options on industry group indices. The specifications selected by the Exchange—particularly those which establish contract size—are intended to make MMI options maximally useful to retail and institutional customers, as well as Exchange members.

The implementation of trading in options on the Major Market Index under the Exchange's stock index option rules, as proposed to be amended by SR-AMEX-82-22, including Amendment No. 1 thereto, would be consistent with the requirements of the Securities Exchange Act of 1934 (the "Act") and the rules and regulations thereunder applicable to the Exchange, and, in particular, Section 6(b)(5) of the Act. Such options would provide members of the public with useful new hedging and trading opportunities under a scheme of regulation designed to facilitate the maintenance of a fair and orderly market, prevent fraudulent and manipulative acts and practices, and promote just and equitable principles of trade.

B. *Self-Regulatory Organization's Statement on Burden on Competition.* The Exchange believes that the

[1] This particular numerical correspondence assumes a divisor of 10 for the MMI. A different ratio of stock price changes would result from the use of any other divisor.

introduction of options on the Major Market Index under the Exchange's existing and proposed rules will not impose any burden on competition, but, rather, will foster competition among exchanges trading derivative contracts involving stock indices.

C. *Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others.* The Exchange neither solicited nor received written comments on the proposed rule changes set forth herein.

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, Judiciary Plaza, 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 17, 1983.

George A. Fitzsimmons,

Secretary.

Exhibit A—American Stock Exchange, Inc.

The Exchange is amending the rule changes proposed in SR-AMEX-82-22 as set forth below. Italics and single brackets [ ] indicate, respectively, the additions to, and deletions from, the current texts of Rule 904C and Rule 905C proposed in the original submission of SR-AMEX-82-22. Arrows► ◄and double brackets [[ ]] indicate, respectively, the additions to, and deletions from, the rule changes proposed in the original submission, which additions and deletions are made by this Amendment No. 1.

Rule 904C *Position Limits*—

(a) Position limits relating to stock index options shall be governed by the provisions of Rule 904 except that the position limit applicable to each account with respect to each stock index group [[*comprised of 50 or more stocks*]] shall be [[40,000 contracts [.], *and the postion limit applicable to each account with respect to each stock index group comprised of less than 50 stocks shall be 30,000 contracts.*]] ►established by the Exchange pursuant to this Rule 904C. The Exchange shall establish a position limit for options on each stock index group, which position limit shall be expressed in terms of a number of option contracts; provided, however, that the position limit applicable to options on a stock index group may not exceed the equivalent of a $300 million position. For this purpose, the dollar value of a position shall be deemed to be the product of the current index group value and the index multiplier, times the number of contracts on the same side of the market.◄

(b) No change.

Rule 905C *Exercise Limits*—

Exercise limits relating to stock index options shall be governed by the provisions of Rule 905 except that the exercise limit applicable to each account with respect to ►options on◄ each stock index group [[*comprised of 50 or more stocks*]] shall be [[40,000 contracts [.], *and the exercise limit applicable to each account with respect to each stock index group comprised of less than 50 stocks shall be 30,000 contracts.*]] ►the same number of contracts as that established pursuant to Rule 904C as the position limit for such options.◄

[FR Doc. 83-7679 Filed 3-23-83; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

National Airspace Review; Meeting

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of meeting.

SUMMARY: Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. 1) notice is hereby given of a meeting of Task Group 1-2 of the Federal Aviation Administration (FAA) National Airspace Review Advisory Committee. The agenda for this meeting is as follows: A review of additional services provided to IFR/VFR by the ATC system.

DATE: Beginning April 11, 1983, at 11 a.m., continuing daily, except Saturdays, Sundays, and holidays, not to exceed two weeks.

ADDRESS: The meeting will be held at the Federal Aviation Administration, conference room 7 A/B, 800 Independence Avenue, SW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: National Airspace Review Program Management Staff, Room 1005, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; (202) 426-3560. Attendance is open to the interested public, but limited to the space available. To insure consideration, persons desiring to make statements at the meeting should submit them in writing to the Executive Director, National Airspace Review Advisory Committee, Air Traffic Service, AAT-1, 800 Independence Avenue, SW., Washington, D.C. 20591, by April 7, 1983. Time permitting and subject to the approval of the chairman, these individuals may make oral presentations of their previously submitted statements.

Issued in Washington, D.C. on March 11, 1983.

Karl D. Trautmann,

Manager, Special Projects Staff.

[FR Doc. 83-7011 Filed 3-23-83; 8:45 am]

BILLING CODE 4910-13-M

Air Traffic Procedures Advisory Committee; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. 1), notice is hereby given of a meeting of the Federal Aviation Administration Air Traffic Procedures Advisory Committee to be

held from April 25, at 1 p.m., through April 29, 1983, at 1 p.m., in conference room 1014, at FAA Headquarters, Federal Office Building 10A, 800 Independence Avenue, SW., Washington, D.C.

The agenda for this meeting is as follows: A continuation of the Committee's review of present air traffic control procedures and practices for standardization, clarification, and upgrading of terminology and procedures.

Attendance is open to the interested public but limited to the space available. With the approval of the Chairman, members of the public may present oral statements at the meeting. Persons desiring to attend and persons desiring to present oral statements should notify, not later than the day before the meeting, Mr. Wayne C. Newcomb, Executive Director, Air Traffic Procedures Advisory Committee, Air Traffic Service, AAT-301, 800 Independence Avenue, SW., Washington, D.C. 20591, telephone (202) 426-3725. Information may be obtained from the same source.

Any member of the public may present a written statement to the Committee at any time.

Issued in Washington, D.C., on March 16, 1983.

Wayne C. Newcomb,

Executive Director, Air Traffic Procedures Advisory Committee.

[FR Doc. 83-7539 Filed 3-23-83; 8:45 am]

BILLING CODE 4910-13-M

[Summary Notice No. PE-83-7]

Petitions for Exemption; Summary of Petitions Received, Dispositions of Petitions Issued

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for exemption received and of dispositions of prior petitions.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption (14 CFR Part 11), this notice contains a summary of certain petitions seeking relief from specified requirements of the Federal Aviation Regulations (14 CFR Chapter I), dispositions of certain petitions previously received and corrections. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

DATE: Comments on petitions received must identify the petition docket number involved and must be received on or before April 13, 1983.

ADDRESS: Send comments on any petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-204), Petition Docket No.———, 800 Independence Avenue, SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT: The petition, any comments received and a copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the Rules Docket (AGC-204), Room 916, FAA Headquarters Building (FOB 10A), 800 Independence Avenue, SW., Washington, D.C. 20591; telephone (202) 426-3644.

This notice is published pursuant to paragraphs (c), (e), and (g) of § 11.27 of Part 11 of the Federal Aviation Regulations (14 CFR Part 11).

Issued in Washington, D.C., on March 18, 1983.

John H. Cassady,

Assistant Chief Counsel, Regulations and Enforcement Division.

PETITIONS FOR EXEMPTION

Docket No.	Petitioner	Regulations affected	Description of relief sought
23541	Frontier Airlines, Inc	14 CFR 121.579(a)	To permit petitioner to engage the autopilot on its DC-9-80 aircraft at 400 feet above ground level during climb.
23542	Empire Airlines, Inc	14 CFR 121.589 (a) and (b)	To permit petitioner to stow briefcases, small overnight bags, and light valet bags in other than prescribed manner during takeoff and landing.
23451	Congoleum Corp	14 CFR Portions of Parts 21 and 91	To permit petitioner, a Part 91 operator, to operate certain aircraft using a minimum equipment list.
23514	Farrington Aircraft Corp	14 CFR 61.121(b)(3)	To permit pilots of petitioner to obtain a gyroplane rating without meeting the flight and instruction time requirements for a gyroplane rating.
22820	Kodiak Western Alaska Airlines, Inc. (KWA)	14 CFR 91.39 and 121.157	Reconsideration of Denial of Exemption 3324 to permit petitioner to operate two restricted category C-119L aircraft for compensation or hire in a unique outsize cargo-carrying operation in the State of Alaska.
23545	Robert J. Rechs	14 CFR 61.39, 61.45, 61.105, and 61.107	To permit petitioner to take a flight test for an airship pilot rating in an experimental aircraft that uses hot air for buoyancy rather than helium.
23543	Arnautical, Inc	14 CFR 61.63(d)(2) and (3), and 61.157(d)(1)	To permit petitioner's trainees to complete a practical test in an airplane simulator, as set forth in Appendix A to Part 61, for the issuance of a type rating to be added to any grade of pilot certificate.
20410	Midwest Truxton Int'l	14 CFR 135.261(b)	To amend and extend Exemption 3034A to permit petitioner to operate a helicopter in hospital emergency service from Borgess Medical Center without complying with the duty-time limitations of that section. The amendment would permit MTI to perform hospital emergency service for other hospitals.
23547	Piper Aircraft Corp	14 CFR 45.21(c)(3) and 45.29(b)(1)	To permit petitioner to operate, during testing, two Enforcer PA-48 aircraft marked and painted in accordance with the standard USAF gray/green camouflage scheme with 3-inch numbers.
23576	Florida Marine Patrol	14 CFR 91.79(c) and 91.85(b)	To permit operation of law enforcement aircraft below minimum safe altitudes and through airport traffic areas without landing or taking-off.

DISPOSITIONS OF PETITIONS FOR EXEMPTION

Docket No.	Petitioner	Regulations affected	Description of relief sought disposition
22567	Republic Airlines	14 CFR 25.785	To extend the expiration date of Exemption 3481 to permit petitioner to operate nine DC-9 airplanes after March 6 and until September 6 without each flight attendant having a seat for takeoff and landing in the passenger compartment that meets the seat requirements of this section. On March 1, petitioner reported, by telecon, that REP had received the additional kits to complete the modification of the flight attendant seats on the remainder of its DC-9 airplanes and that it could complete the modification program well within the six-month period requested. Granted Mar. 9, 1983.
22795	The Go Group	14 CFR 91.200(b)	To relieve the petitioner from the shoulder harness requirements for jump seats on its Viscount aircraft. Granted Mar. 9, 1983.
23227	Ports-Of-Call	14 CFR 91.170	To permit petitioner to use an alternate inspection program rather than remove, test, inspect and calibrate each altimeter instrument every 24 calendar months. Denied Mar. 10, 1983.
23221	Neil E. Potts	14 CFR 121.383(c)	To permit petitioner to serve as a pilot in operations under Part 121 beyond the date of his 60th birthday. Denied Mar. 15, 1983.
23529	Aggie Aircraft Corp.; Anson Aircraft Corp.; Bellomy-Lawson Aviation, Hemisphere Aviation Service Co.; and Wylie Aircraft Corp.	14 CFR 91.200(a)	To permit petitioners to operate certain of their transport catgegory aircraft without being equipped with the required combined safety belt and shoulder harness. Granted Mar. 11, 1983.
23416	Empire Airlines, Inc.	14 CFR 121.371 and 121.378	To permit petitioner to utilize Braathens S.A.F.E. of Sola, Norway, to repair and overhaul equipment on its F-28 aircraft. Granted Mar. 4, 1983.
22466	Western Airlines	14 CFR 61.57	To permit petitioner's non-Western pilot candidates for 727 rating to use Western's Phase II Boeing B-727 simulator in lieu of an aircraft for certain pilot flight checks. Partial Grant Mar. 7, 1983.
23409	Riley Aircraft Mfg	14 CFR 23.1505(c)	To permit the Supplemental Type Certification of a turbopropeller Cessna Model P-210 without establishing a maximum operating limit speed. Denied Mar. 4, 1983.

[FR Doc. 83-7540 Filed 3-23-83; 8:45 am]
BILLING CODE 4910-13-M

Proposed Television Broadcast Antenna, Davenport, IA; Informal Airspace Meeting No. 1

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Informal Airspace Meeting.

SUMMARY: The purpose of this meeting is to hear comments concerning the proposed construction of a television broadcast antenna 7.5 miles ENE of the Davenport, Iowa Airport.

Four proponents have forwarded FAA Form 7460-1 (Notice of Proposed Construction or Alteration) proposing to construct broadcast antennas in the same general area. All are for Channel 18.

Two proposals have been circularized and two others may be relocated. Before issuing a determination, the FAA wishes to afford all interested parties the opportunity to comment on the proposals at the meeting. Attendance is open to the interested public.

Written statements in addition to or in lieu of oral presentations will be accepted. These should be submitted to the chairman or as directed at the meeting.

DATE AND LOCATION: April 28, 1983, 6:30 PM at the Iowa Army National Guard Aviation Support Facility, National Guard Hangar Conference Room, Davenport Municipal Airport, Davenport, Iowa.

FOR FURTHER INFORMATION CONTACT: Dwaine Hiland, Airspace Specialist, Operations Procedures, and Airspace Branch, Air Traffic Division, ACE-532, Central Region, 601 East 12th Street, Kansas City, Missouri 64106, Telephone (816) 374-3408. Issued in Kansas City, Missouri on March 16, 1983.

John E. Shaw,

Acting Director, Central Region.

[FR Doc. 83-7625 Filed 3-23-83; 8:45 am]
BILLING CODE 4910-13-M

Federal Highway Administration

Environmental Impact Statement: Blair County, Pennsylvania

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an Environmental Impact Statement will be prepared for a proposed highway project in the southern part of Blair County, Pennsylvania.

FOR FURTHER INFORMATION CONTACT: John R. Krause, Division Environmental Engineer, Federal Highway Administration, 228 Walnut Street, P.O. Box 1086, Harrisburg, Pennsylvania 17108-1086; telephone: (717) 782-2276, or John E. Matthews, P.E., District Engineer, Pennsylvania Department of Transportation, North Juniata Street, Hollidaysburg, Pennsylvania 16648, telephone: (814) 695-9801.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the Pennsylvania Department of Transportation, will be preparing an Enviornmental Impact Statement (EIS) on a proposal to construct a portion of U.S. Traffic Route 220 on new location as part of the U.S. primary system and the Appalachian regional highway network.

The proposal would involve construction of approximately eight miles of U.S. Traffic Route 220 as a four-lane limited access divided highway. The proposed facility would extend from a portion of U.S. 220 which presently terminates at the Blair-Bedford County line, northward to a point just north of Traffic Route 164 near the village of Leamersville, where it will connect with a section of U.S. 220 to be constructed.

Completion of this highway section will link the Altoona area with the Pennsylvania Turnpike via a modern highway facility. The proposed facility will be constructed as a demonstration project using 100% Federal funds as authorized in Section 131(b) of the Surface Transportation Assistance Act of 1982. The proposed project shall demonstrate the latest high-type geometric design features and new advances in highway traffic control and safety hardware.

The project has been under consideration for many years, with three (3) alignments regarded as viable. Upgrading the existing roadway to four-lane limited access, has been eliminated from further consideration because of severe right-of-way costs, environmental and economic impacts and community opposition. Four alternates will now be

considered. They are an alignment east of existing U.S. 220, two alignments west of existing U.S. 220, and taking no action. Each alternate will be studied in detail in the areas of air quality, noise pollution, preliminary engineering, historical and archeological resources, traffic/transportation/energy, water resources, social-economics and land use, soils and geology, wildlife, cost analysis of the alternatives and consultation and coordination.

Letters describing the proposed action and soliciting comments will be sent to appropriate Federal, State, and local agencies, and to private organizations and citizens who have expressed interest in the proposal. Scoping meetings are planned with the agencies between March and May 1983. Public meeting(s) will be held in the town of Claysburg in the spring and/or summer, if necessary, of 1983. In addition, the opportunity to request a public hearing will be advertised. Public notice will be given of the time and place of these meetings and the hearing. The draft EIS will be available for public and agency review and comments.

To ensure that the full range of issues related to this proposed action is addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the EIS should be directed to the FHWA at the address provided.

Louis M. Papet,

Division Administrator, Harrisburg, Pennsylvania.

[FR Doc. 83-7599 Filed 3-23-83; 8:45 am]

BILLING CODE 4910-22-M

Sunshine Act Meetings

Federal Register
Vol. 48, No. 58
Thursday, March 24, 1983

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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1

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 2:02 p.m. on Monday, March 21, 1983, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session, by telephone conference call, to consider a resolution making funds available for the payment of insured deposits in Columbia Pacific Bank & Trust Company, Portland, Oregon, which was closed by the Superintendent of Banks for the State of Oregon on Friday, March 18, 1983.

In calling the meeting, the Board determined, on motion of Chairman William M. Isaac, seconded by Director Irvine H. Sprague (Appointive), concurred in by Director C. T. Conover (Comptroller of the Currency), that Corporation business required its consideration of the 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)(8) and (c)(9)(B) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(8) and (c)(9)(B)).

Dated: March 22, 1983.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S-406-83 Filed 3-22-83; 2:48 pm]

BILLING CODE 6714-01-M

2

FEDERAL ELECTION COMMISSION

DATE AND TIME: Tuesday, March 29, 1983, 10 a.m.

PLACE: 1325 K Street, NW., Washington, D.C.

STATUS: This meeting will be closed to the public.

MATTERS TO BE CONSIDERED:

Compliance. Personnel. Litigation. Audits.

* * * * *

DATE AND TIME: Thursday, March 31, 1983, 10 a.m.

PLACE: 1325 K Street, NW., Washington, D.C. (fifth floor).

STATUS: This meeting will be open to the public.

MATTERS TO BE CONSIDERED:

Setting of dates for future meetings
Correction and approval of minutes
Proposed notice of rulemaking for general election regulations, (continued from meeting of March 24, 1983, if necessary)
Legislative recommendations (continued from meeting of March 24, 1983, if necessary)
Budget execution report for February 1983
Finance Committee report
EEO complaint processing procedures (tentative)
Routine Administrative matters

PERSON TO CONTACT FOR INFORMATION: Mr. Fred Eiland, Information Officer; telephone: 202-523-4065.

Lena L. Stafford,

Acting Secretary of the Commission.

[S-405-83 Filed 3-22-83; 3:24 pm]

BILLING CODE 6715-01-M

3

FEDERAL MARITIME COMMISSION

TIME AND DATE: 9 a.m., March 30, 1983.

PLACE: Hearing Room One, 1100 L Street, NW., Washington, D.C. 20573.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Agreement No. 10391-1: Modification of the United States Florida/Ecuador Freight Association to provide for right of independent action and revise telephone poll procedures.

2. Agreements Nos. 10266-4, 10266-5, 10374-2, 10374-3 and 10374-4: Amendments to joint venture and space charter agreements.

3. Petition of Trans Freight Lines for investgation of military cargo rates of Sea-land Service and United States Lines and responses to Section 21 orders.

4. Discussion of 50-Mile Rules.

5. Docket No. 80-61: Chumet Shipping Co., Inc.—Compliance with Commission Order.

CONTACT PERSON FOR MORE INFORMATION: Francis C. Hurney, Secretary (202) 523-5725.

[S-407-83 Filed 3-22-83; 3:50 pm]

BILLING CODE 6730-01-M

4

FOREIGN CLAIMS SETTLEMENT COMMISSION

[Meeting Notice No. 4-83]

Commission Meetings and hearings

The Foreign Claims Settlement Commission, pursuant to its regulations (45 CFR Part 504), and the Government in the Sunshine Act (5 U.S.C. 552b), hereby gives notice in regard to the scheduling of open meetings and oral hearings for the transaction of Commission business and other matters specified, as follows:

Date, Time, and Subject Matter

Tuesday, April 5, 1983, at 10:30 a.m.
Consideration of decisions involving claims against the Government of the Czechoslovak Socialist Republic.
Tuesday, April 5, 1983, at 10:30 a.m.
Oral Hearing on denial of request for redetermination under Section 6b of the Czechoslovakian Claims Settlement Act of 1981: CZ-2699—Gene Jirina Krasa Attorney: Catherine E. Bocskor

Subject matter listed above, not disposed of at the scheduled meeting, may be carried over to the agenda of the following meeting.

All meetings are held at the Foreign Claims Settlement Commission, 1111 20th Street, NW., Washington, D.C. Requests for information, or advance notices of intention to observe a meeting, may be directed to: Administrative Officer, Foreign Claims Settlement Commission, 1111 20th

Street, NW., Room 409, Washington, D.C. 20579. Telephone: (202) 653–6155.

Dated at Washington, D.C. on March 21, 1983.

Judith H. Lock,

Administrative Officer.

[S-404-83 Filed 3-22-83; 12:02 pm]

BILLING CODE 4410-01-M

5

INTERNATIONAL TRADE COMMISSION

USITC SE-83-14]

TIME AND DATE: 10 a.m., Thursday, March 31, 1983.

PLACE: Room 117, 701 E Street, NW., Washington, D.C. 20436.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Agenda.
2. Minutes.
3. Ratifications.
4. Petitions and complaints, if necessary:
   a. Certain electronic chromatogram analyzers and components thereof (Docket No. 918).
5. Investigations 731–TA–125 and –126 (Preliminary) (Potassium Permanganate from China and Spain)—briefing and vote.
6. Any items left over from previous agenda.

CONTACT PERSON FOR MORE INFORMATION: Kenneth R. Mason, Secretary, (202) 523–0161.

[S-405-83 Filed 3-22-83; 4:00 pm]

BILLING CODE 7020-02-M

6

NATIONAL TRANSPORTATION SAFETY BOARD

[NM-83-8]

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 48 FR 10517, March 11, 1983.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 9:30 a.m., Monday, March 21, 1983.

CHANGE IN MEETING: A majority of the Board determined by recorded vote that the business of the Board required revising the agenda of this meeting and that no earlier announcement was possible. The following item was discussed in open session:

2. *Recommendations* to Federal Aviation Administration re Pan American World Airways, Inc., Boeing 727–235, N4737, New Orleans International Airport, Kenner, Louisiana, July 9, 1982.

CONTACT PERSON FOR MORE INFORMATION: Sharon Flemming (202) 382–6525.

March 22, 1983.

[S-402-83 Filed 3-22-83; 10:36 am]

BILLING CODE 4910-58-M

7

PACIFIC NORTHWEST ELECTRIC POWER AND CONSERVATION PLANNING COUNCIL

(Northwest Power Planning Council)

ACTION: Meeting notice.

STATUS: Open.

TIME AND DATE: 9 a.m., March 30–31, 1983.

PLACE: Northwest Power Planning Council, 700 S.W. Taylor, Suite 200, Portland, Oregon.

MATTERS TO BE CONSIDERED:

- Discussion of comments received in response to the Council's draft energy plan.
- Adoption of Fish Propagation Panel Charter.
- Approval of Council minutes.
- Council administrative matters.

FOR FURTHER INFORMATION CONTACT: Ms. Bess Wong (503) 222–5161.

Edward Sheets,

Executive Director.

[S-403-83 Filed 3-22-83; 11:39 am]

BILLING CODE 0000-00-M

federal register

Thursday
March 24, 1983

Part II

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 854]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: March 18, 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 (1,000 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 854

ISSUED MARCH 18, 1983

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
KANSAS CORPORATION COMMISSION									
-AMERICAN CONTINENTAL ENERGY INC				RECEIVED:	02/22/83	JA: KS			
8324292	K 82-1121	1509320754		102-2		ELLA #1	PANOMA COUNCIL GROVE	15.0	INTER NORTH INC
8324291	K 82-1120	1509320753		102-2		PEARL #2	PANOMA COUNCIL GROVE	15.0	INTER NORTH INC
8324295	K-82-1117	1520320061		102-2		SPRADLING #1	PANOMA COUNCIL GROVE	64.0	INTER NORTH INC
-BARTLING OIL CO				RECEIVED:	02/22/83	JA: KS			
8324305	K 82-1254	1507120178		108		NATION #1	BYERLY	10.0	SUNFLOWER ELECTRI
-GRAHAM-MICHAELIS CORP				RECEIVED:	02/22/83	JA: KS			
8324295	K-82-0634	1502500000		108-SA		THEIS "C" #1		0.0	INTER NORTH INC
-GULF OIL CORPORATION				RECEIVED:	02/22/83	JA: KS			
8324296	K 80-0191	1500700000		108-PB		INSLEE #1	NORTH RHODES	0.0	CITIES SERVICE GA
8324300	K 80-0191	1500700000		108-PB		ISLEE #1	NORTH RHODES	0.0	CITIES SERVICE GA
8324299	K 80-0191	1500700000		108-PB		ISLEE #1	NORTH RHODES	0.0	CITIES SERVICE GA
8324298	K 80-0191	1500700000		108-PB		ISLEE #1	NORTH RHODES	0.0	CITIES SERVICE GA
8324297	K 80-0334	1500700000		108-PB		VERNON G COLEMAN #1	RHODES N E	0.0	CITIES SERVICE GA
8324294	K-80-00334	1500700000		108-PB		VERNON G COLEMAN #1	RHODES NE	0.0	CITIES SERVICE GA
-KANSAS-NEBRASKA NATURAL GAS CO INC				RECEIVED:	02/22/83	JA: KS			
8324304	K 82-1248	1509320759		103		J GRABER 1-A	HUGOTON	50.0	KANSAS-NEBRASKA N
-RINE DRILLING CO				RECEIVED:	02/22/83	JA: KS			
8324303	K 82-1423	1502520465		102-4		SHUPE 1-21A	SHAKE CREEK	26.0	INTER NORTH INC
-ROBERT E CAMPBELL				RECEIVED:	02/22/83	JA: KS			
8324306	K 82-1256	1509520285		108		BIRKENBAUGH #1	SPIVEY-GRABBS BASIL	5.0	PEOPLES NATURAL G
-TXO PRODUCTION CORP				RECEIVED:	02/22/83	JA: KS			
8324301	K 82-1425	1509521302		102-2		ALBERS "B" #1	WILDCAT	180.0	DELHI CORP
8324302	K 82-1424	1509521301		102-2		ALDELHARDT "A" #1	WILDCAT	180.0	DELHI CORP
NEBRASKA OIL & GAS CONSERVATION COMMISSION									
-MARATHON OIL COMPANY				RECEIVED:	02/18/83	JA: NB			
8324201		2603322158		103		CRUISE "A" #12	HUNTSMAN	4.0	KANSAS NEBRASKA N
8324202		2603322152		103		CRWISE "A" #13	HUNTSMAN	7.0	KANSAS NEBRASKA N
OKLAHOMA CORPORATION COMMISSION									
-AMERICAN BISON PETROLEUM CORP				RECEIVED:	02/16/83	JA: OK			
8324191	17364	3510121080		103		KARLER #1	SOUTH OKEMAH	72.0	TRANSOK PIPELINE
-AM-SON CORPORATION				RECEIVED:	02/16/83	JA: OK			
8324194	19210	3501121715		102-4		LUBINUS #1-15	N E HYDRO	1223.0	DELHI GAS PIPELIN
-ANADARKO PRODUCTION COMPANY				RECEIVED:	02/16/83	JA: OK			
8324189	15607	3500702205		102-4		BENNETT "C" #1	FLORIS	91.0	PANHANDLE EASTERN
8324190	15608	3500722100		102-4		SUNYARD "A" #1	DOMBEY NORTH	146.0	PANHANDLE EASTERN
-ANADARKO PRODUCTION COMPANY				RECEIVED:	02/18/83	JA: OK			
8324214	18585	3500722230		102-4		BLAKEMORE "M" #1	FLORIS	55.0	PANHANDLE EASTERN
-ANR PRODUCTION CO				RECEIVED:	02/18/83	JA: OK			
8324211	23143	3500920486		107-DP		DOVELL #1-8	NORTH SAYRE	587.3	
-APACHE CORPORATION				RECEIVED:	02/18/83	JA: OK			
8324242	19976	3501722144		103		GRELLNER #2		73.0	PHILLIPS PETROLEU

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-ARCO OIL AND GAS COMPANY				RECEIVED:	02/18/83	JA: OK			
8324241	19957	3508520485		103		A L TUCKER UNIT #2	WEST ENVILLE	182.0	CIMARRON TRANSMIS
-ASPEN OIL COMPANY				RECEIVED:	02/16/83	JA: OK			
8324177	19827	3504723053		103		MARTHA J #1	SOONER TREND	65.0	PHILLIPS PETROLEU
-B & C DRILLING CO INC				RECEIVED:	02/18/83	JA: OK			
8324226	19923	3512321506		103		B & C #2	ALLEN DISTRICT	38.0	ARKANSAS LOUISIAN
8324228	19925	3512321505		103		B & C #5	ALLEN DISTRICT	50.0	ARKANSAS LOUISIAN
-BECK BILL G				RECEIVED:	02/18/83	JA: OK			
8324227	19924	3512321925		103		DAVIS B & C #8	ALLEN DISTRICT	1.0	ARKANSAS LOUISIAN
-BRACKEN EXPLORATION CO				RECEIVED:	02/16/83	JA: OK			
8324187	18845	3512920612		102-4		MATHERS #1-21	N W HAMBURG	88.0	
-CANADIAN EXPLORATION CORP				RECEIVED:	02/16/83	JA: OK			
8324159	19809	3501722369		103		BERKLEY #30-1	NORTHWEST MUSTANG	30.0	DELHI GAS PIPELIN
-COBRA OIL AND GAS CORPORATION				RECEIVED:	02/16/83	JA: OK			
8324200	19760	3504921907		103		TETER "18" #1	N W ELMORE	25.0	WARREN PETROLEUM
-COMMERCIAL ENERGY CORP				RECEIVED:	02/18/83	JA: OK			
8324231	19933	3504722976		103		BETTY LOU 1-29	SOONER TREND	0.0	PANHANDLE EASTERN
-CONTINENTAL RESOURCES CORP				RECEIVED:	02/16/83	JA: OK		0.0	PHILLIPS PETROLEU
8324152	19908	3504321491		103		WEEMS #2-1			
-COVINGTON OIL CO INC				RECEIVED:	02/16/83	JA: OK			
8324193	19193	3508322033		102-4		TELLARO #1	WEST LAWRIE	108.0	EASON OIL CO
-DAVIS OIL COMPANY				RECEIVED:	02/16/83	JA: OK			
8324176	19811	3501722350		103		EPISCOPAL CHURCH #1	FORT RENO II	0.0	PHILLIPS PETROLEU
8324175	19810	3501121662		103		HAFFNER #1	COOPER	0.0	PHILLIPS PETROLEU
8324155	19838	3501121711		103		SARAH #1	COOPER	0.0	PHILLIPS PETROLEU
8324174	19761	3501722070		103		WIEDEMANN #1	FORT RENO	0.0	PHILLIPS PETROLEU
-DEM OPERATIONS				RECEIVED:	02/18/83	JA: OK		25.0	CRA INC
8324235	18694	3505300000		103		BOOHER #2			
-DEMCO OIL & GAS COMPANY				RECEIVED:	02/16/83	JA: OK		13.0	CITIES SERVICE GA
8324198	19667	3507122290		108		KAHLE 2-35		12.0	CITIES SERVICE GA
8324196	19665	3507121988		108		PATTEN #2		3.4	CITIES SERVICE GA
8324197	19666	3507122289		108		PATTEN #3-26			
-DOGWATCH PETROLEUM INC				RECEIVED:	02/16/83	JA: OK			
8324163	19825	3510721091		103		SIMMONS #2	S W OKEMAH	26.5	TRANSOK PIPE LINE
8324164	19826	3510720566		103		STEVENS #1	S W OKEMAH	26.5	TRANSOK PIPE LINE
-EARTH ENERGY RESOURCES INC				RECEIVED:	02/18/83	JA: OK			
8324238	18725	3508100000		103		O'HERN #2	EAST SPORN	96.0	SUN GAS CO
-EL PASO NATURAL GAS COMPANY				RECEIVED:	02/16/83	JA: OK			
8324157	23052	3512920773		107-DP		MCLEAN #2	NEW LIBERTY MORROW UP	104.0	EL PASO NATURAL G
-ENERGY LOCATION & DEVELOPMENT				RECEIVED:	02/16/83	JA: OK			
8324161	19899	3514722101		103		CRAHOR #1		0.0	PHILLIPS PETROLEU
8324151	19900	3514700000		103		PHILLIPS #1		0.0	PHILLIPS PETROLEU
-FOREST OIL CORPORATION				RECEIVED:	02/18/83	JA: OK			
8324212	23151	3501521438		107-DP		BELCHER UNIT #2	EAST APACHE	980.0	OKLAHOMA NATURAL
-FUNK EXPLORATION INC				RECEIVED:	02/18/83	JA: OK			
8324205	19239	3513921613		102-4		ADENA #1	DOMBEY	300.0	PANHANDLE EASTERN
-GENIE OIL & GAS CORP				RECEIVED:	02/16/83	JA: OK			
8324166	19891	3508320737		103		KETCH #3	EAST HULL	5.5	EASON OIL CO
-GILL JOHN K				RECEIVED:	02/16/83	JA: OK			
8324183	19918	3511121865		108		JOHNS #1	SOUTH MORRIS	7.0	PHILLIPS PETROLEU
8324185	19919	3511121040		108		MORONEY #20	COALTON	15.5	PHILLIPS PETROLEU
8324186	19920	3511121232		108		REED #3-A	COALTON	3.0	PHILLIPS PETROLEU
-GILL JOHN K				RECEIVED:	02/18/83	JA: OK			
8324224	19921	3511121939		108		BEIDLEMAN #1-A	BALD HILL	7.8	PHILLIPS PETROLEU
8324225	19922	3511121674		108		DANKER #1	S MORRIS	9.7	PHILLIPS PETROLEU
-H G & G INC				RECEIVED:	02/16/83	JA: OK		0.0	
8324147	22278	3513722862		107-DP		LANG #1-20			
-HADSON PETROLEUM CORP				RECEIVED:	02/16/83	JA: OK	GOLDEN TREND	185.0	WARREN PETROLEUM
8324167	19888	3504921873		103		KENNEDY #1-5	S FORT RENO	365.0	MICHIGAN WISCONSI
8324168	19887	3501721992		103		PETREE #1-8	SOONER TREND	54.0	PHILLIPS PETROLEU
-HARPER OIL COMPANY				RECEIVED:	02/16/83	JA: OK			
8324146	19832	3507323659		103		EVA #2	SOUTH THOMAS	690.0	WESTERN FARMERS E
-HPC INC				RECEIVED:	02/18/83	JA: OK			
8324203	18788	3503920331		102-2		DECK #1	WILSON	75.0	EASON OIL CO
-JET OIL COMPANY				RECEIVED:	02/16/83	JA: OK			
8324154	19836	3504722878		103		BOSTICK #1	WILSON	145.0	EASON OIL CO
-JET OIL COMPANY				RECEIVED:	02/18/83	JA: OK			
8324230	19930	3504723050		103		MURPHY #3	N W TATUMS	475.0	MOBIL OIL CORP
-JONES & PELLOW OIL CO				RECEIVED:	02/16/83	JA: OK			
8324165	19830	3501922480		103		DON MITCHELL 2-1	HOOKER SOUTHWEST	270.0	NATURAL GAS PIPEL
-KAISER-FRANCIS OIL COMPANY				RECEIVED:	02/18/83	JA: OK			
8324215	18620	3513921561		103		WHITE #2		350.0	KANSAS NEBRASKA N
-KELLOIL INC				RECEIVED:	02/16/83	JA: OK			
8324149	19804	3500722262		103		DANIEL STRICKLAND #1	FLETCHER	40.0	TRANSWESTERN PIPE
-KERR-MCGEE CORPORATION				RECEIVED:	02/18/83	JA: OK	FLETCHER	131.0	TRANSWESTERN PIPE
8324210	23129	3505121289		107-DP		PENDLEY #1-20			
8324220	23126	3503121023		107-DP		SEYMOUR #1-9	SOONER TREND	68.0	DELHI GAS PIPELIN
-L P ENERGY				RECEIVED:	02/16/83	JA: OK			
8324169	19886	3509333215		103		KUSCH #2	RINGWOOD	54.8	PIONEER GAS PRODU
-LADD PETROLEUM CORPORATION				RECEIVED:	02/16/83	JA: OK	RINGWOOD	164.3	PIONEER GAS PRODU
8324160	19914	3509322493		103		DIETZ #2 (MANNING)		0.0	CITIES SERVICE GA
8324181	19915	3509322493		103		DIETZ #2 (MISSISSIPPI)	WAYSIDE N E	1.4	CITIES SERVICE GA
8324184	19917	3514723173		103		UNION OIL #3			
8324182	19916	3514723274		103		UNION OIL #4	ENID NORTHEAST	100.0	CRA INC
-LOUIS KAHAN				RECEIVED:	02/16/83	JA: OK			
8324178	19853	3504722800		103		WAYNE CINNAMON		132.0	
-MAPCO PRODUCTION COMPANY				RECEIVED:	02/18/83	JA: OK			
8324204	18951	3503920426		102-2		G KLEMME #1-7	NE MAYFIELD	1095.0	EL PASO NATURAL G
-MESA PETROLEUM CO				RECEIVED:	02/18/83	JA: OK	WILDCAT HUNTON	4680.0	
8324213	23185	3500920312		107-DP		CROOK #1-32			
8324219	22164	3500920437		107-DP		TIPTON #2-29	SHO VEL TUM	14.9	AMINOIL USA INC
-MOBIL OIL CORP				RECEIVED:	02/18/83	JA: OK			
8324240	19950	3513700000		108		ASHSHALINTUBBI UNIT #1	S E TALOGA	20.0	MOBIL OIL CORP
-MONSANTO COMPANY				RECEIVED:	02/16/83	JA: OK			
8324179	19854	3504321517		103		HICKS #1	SOONER TREND	100.0	PANHANDLE EASTERN
-MURCHISON OIL & GAS INC				RECEIVED:	02/18/83	JA: OK			
8324221	19905	3500320959		103		JOHNSON #1	N W GUTHRIE	638.0	EASON OIL CO
-NONDORF OIL & GAS INC				RECEIVED:	02/16/83	JA: OK	N W GUTHRIE	63.0	EASON OIL CO
8324170	19885	3508322081		103		PATTERSON #1-20			
8324171	19884	3508321996		103		PROSSER #2-18	CRESENT	183.0	EASON OIL CO
-NONDORF OIL & GAS INC				RECEIVED:	02/18/83	JA: OK			
8324237	18768	3508321942		103		BROYLES 16-1	SOONER TREND	3.5	PARTNERSHIP PROPE
-PETRO-LEWIS CORPORATION				RECEIVED:	02/16/83	JA: OK			
8324192	18550	3509300000		108		FULLER 5-1			

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-PHILLIPS PETROLEUM COMPANY				RECEIVED:	02/16/83	JA: OK			
8324173	19877	3504500000		108		ARCHIE B #1	SOUTH BISHOP	9.8	CITIES SERVICE CO
-PHILLIPS PETROLEUM COMPANY				RECEIVED:	02/18/83	JA: OK			
8324209	19787	3508700000		108		STEVENS CH #1	LAVERNE MORROW	0.0	INTER NORTH INC
-RED RESOURCES				RECEIVED:	02/16/83	JA: OK			
8324172	19883	3504723093		103		EARNEST #1	SOONER TREND	76.7	EXXON CO USA
-RESERVE ENERGY CORP				RECEIVED:	02/18/83	JA: OK			
8324229	19929	3504521078		103		MESSNER #1	EAST SLAPOUT	150.0	TRANSWESTERN PIPE
-RICKS EXPLORATION CO				RECEIVED:	02/16/83	JA: OK			
8324199	19673	3507323541		103		HENNESSEY REALTY 2A	S ALTONA	810.0	PHILLIPS PETROLEU
-SAMEDAN OIL CORPORATION				RECEIVED:	02/16/83	JA: OK			
8324156	23028	3501521306		107-DP		CRISSMAN #1-34	NO NAME	0.0	
-SOUTHWEST EXPLORATION INC				RECEIVED:	02/16/83	JA: OK			
8324148	19803	3501700000		103		LITTLE #1	YUKON	11.0	MOBIL OIL CORP
-SUN EXPLORATION & PRODUCTION CO				RECEIVED:	02/18/83	JA: OK			
8324223	19988	3504722798		103		ANDERSON-BROOKS #2	SOONER TREND	35.0	EXXON CO USA
8324216	19989	3511921887		103		G H HOLDERREAD #1	BROYLES	8.0	SUN GAS TRANSMISS
8324217	19999	3511921888		103		G H HOLDERREAD #2	BROYLES	8.0	SUN GAS TRANSMISS
8324222	19987	3501922587		103		J E KENDRICK #2	SHO-VEL-TUM	44.0	MOBIL OIL CORP
8324233	16723	3505121177		102-2		METHVIN #1		0.0	ARKANSAS LOUISIAN
8324234	16724	3505121136		102-2		MOORE #1	CHICKASHA	0.0	ARKANSAS LOUISIAN
8324218	19991	3505320871		103		SCHMITZ #3	OREAD	0.0	CITIES SERVICE GA
-TOWNER PETROLEUM CO				RECEIVED:	02/18/83	JA: OK			
8324207	19242	3501722282		102-2		RUTH #19-1		0.0	
8324206	19240	3501722287		102-2		THOMPSON #5-1		0.0	
-TRANS-WESTERN EXPLORATION INC				RECEIVED:	02/16/83	JA: OK			
8324162	19892	3500772217		103		LESTER PYLE #1-2		0.4	
-TXO PRODUCTION CORP				RECEIVED:	02/16/83	JA: OK			
8324158	19824	3512920563		103		THURMOND RANCH #1	W CHEYENNE	107.0	DELHI GAS PIPELIN
8324195	19213	3500722295		102-4		TRETBAR "A" #1	E LORENA	525.0	PHILLIPS PETROLEU
-UNION OIL COMPANY OF CALIF				RECEIVED:	02/18/83	JA: OK			
8324208	19687	3509520170		108		METZ 105 #12	CUMBERLAND	12.0	LONE STAR GAS CO
-UNIT DRILLING & EXPLORATION CO				RECEIVED:	02/16/83	JA: OK			
8324188	19186	3505121239		102-2 103		AST #1	NORTH WASHITA CREEK	300.0	ARKANSAS LOUISIAN
-UNITED DRILLING FUND INC				RECEIVED:	02/16/83	JA: OK			
8324145	19835	3511100000		103		BELL #2		36.5	PHILLIPS PETROLEU
-VAUGHN GOOD OIL CO				RECEIVED:	02/16/83	JA: OK			
8324153	19903	3508100000		103		JON #1	WEST AGRA	40.0	SUN GAS CO
8324180	19859	3508100000		103		MARTIN #2	W AGRA	22.0	SUN GAS CO
8324158	19904	3500300000		103		SINGREE #2	SOONER TREND	27.0	AMINOIL USA INC
-VAUGHN GOOD OIL CO				RECEIVED:	02/18/83	JA: OK			
8324239	19948	3508100000		103		HOPKINS #1	WEST AGRA	76.0	SUN GAS CO
-VIERSEN & COCHRAN				RECEIVED:	02/18/83	JA: OK			
8324232	19939	3501121747		103		PADEN HEIRS #2-31	WATONGA TREND	75.0	DELHI GAS PIPELIN
-WOODS PETROLEUM CORPORATION				RECEIVED:	02/18/83	JA: OK			
8324236	18616	3505121257		103		MITCHUM #20-1	S W MINCO	1314.0	TRANSOK PIPE LINE

UTAH DIVISION OF OIL,GAS, & MINING

-BOWERS OIL & GAS EXPLORATION INC				RECEIVED:	02/22/83	JA: UT			
8324290	K-115-4	4301930491		108		BOWERS STATE #1-36	GREATER CISCO	25.0	NORTHWEST PIPELIN
-THE ANSCHUTZ CORPORATION				RECEIVED:	02/22/83	JA: UT			
8324288	K-126-8	4304330185		102-2		ANSCHUTZ RANCH E 14-30U AKA W-30-14	ANSCHUTZ RANCH EAST	1825.0	NATURAL GAS PIPEL
8324289	K-126-8	4304330183		102-2		ANSCHUTZ RANCH E 8-30UA AKA W-30-8A	ANSCHUTZ RANCH EAST	1825.0	NATURAL GAS PIPEL

WEST VIRGINIA DEPARTMENT OF MINES

-ALLSTATE ENERGY CORP				RECEIVED:	02/22/83	JA: WV			
8324317		4708504734		108		COX #1	UNION DISTRICT	0.7	CARNEGIE NATURAL
8324316		4701303201		108		GOODNIGHT #1	SHERIDAN DISTRICT	3.8	COLUMBIA GAS TRAN
-BEREA OIL AND GAS CORPORATION				RECEIVED:	02/22/83	JA: WV			
8324309		4708121779		102-4		L TENNEY #1	VALLEY DISTRICT	19.7	CONSOLIDATED GAS
8324308		4708121645		102-4		WARE #1	VALLEY	24.8	CONSOLIDATED GAS
-BOW VALLEY PETROLEUM INC				RECEIVED:	02/22/83	JA: WV			
8324311		4705050540		107-DV		CANARY #913	GRANT DISTRICT	0.8	COLUMBIA GAS TRAN
-BURNS & ELIKAN DRILLING CO				RECEIVED:	02/22/83	JA: WV			
8324335		4703300903		108		ODELL #1		7.5	CARNEGIE NATURAL
-CARSON PETROLEUM CORP				RECEIVED:	02/22/83	JA: WV			
8324332		4702103426		108		FIDDLER #1	ELLIS RUN	17.5	CONSOLIDATED GAS
-CHASE PETROLEUM				RECEIVED:	02/22/83	JA: WV			
8324353		4708505417		107-DV		DANIEL RAYMOND #1	CLAY DISTRICT	18.0	
-CONTINENTAL PETROLEUM CO				RECEIVED:	02/22/83	JA: WV			
8324339		4702103662		107-DV		JONES #4-A	GLENVILLE NORTH	100.0	CONSOLIDATED GAS
8324340		4702103663		107-DV		JONES #5-A	GLENVILLE NORTH	45.0	CONSOLIDATED GAS
8324341		4702103669		107-DV		JONES #6-A	GLENVILLE NORTH	55.0	CONSOLIDATED GAS
8324342		4702103695		107-DV		MCHENRY #1	GLENVILLE NORTH	13.0	CONSOLIDATED GAS
8324343		4702103754		107-DV		STELLA LOWTHER #1-A	GLENVILLE NORTH	32.0	CONSOLIDATED GAS
8324344		4702103835		107-DV		STELLA LOWTHER #2-A	GLENVILLE NORTH	110.0	CONSOLIDATED GAS
-DEVON ENERGY CORP				RECEIVED:	02/22/83	JA: WV			
8324331		4703501604		103		JANET WINTER #995	RIPLEY	31.0	DEVON PIPELINE CO
-FAIRFAX OIL & GAS CO				RECEIVED:	02/22/83	JA: WV			
8324310		4701100094		108		FAIRFAX OIL & GAS CO 2D-3320	FAIRFAX OIL & GAS CO	22.9	COLUMBIA GAS TRAN
-FERRELL L PRIOR				RECEIVED:	02/22/83	JA: WV			
8324334		4702103448		108		BARKER ONE (1)	GLENVILLE DISTRICT	0.0	CONSOLIDATED GAS
-FIVE STAR GAS CO INC				RECEIVED:	02/22/83	JA: WV			
8324357		4708703544		103		J W FERRELL #4	UNION	0.0	COLUMBIA GAS TRAN
-FRANCIS E CAIN				RECEIVED:	02/22/83	JA: WV			
8324346		4701302579		108		HARDMAN MATHEWS #1	CENTER	0.0	CONSOLIDATED GAS
8324337		4701303074		108		W S FERRELL #2	SHERIDAN	0.0	CABOT CORP
8324336		4701303110		108		W S FERRELL #3	SHERIDAN	0.0	CABOT CORP
-GULF OIL CORPORATION				RECEIVED:	02/22/83	JA: WV			
8324318		4702103194		108		MAXWELL /B/ #6	VADIS	1.0	EQUITABLE GAS CO
-HYDROCARBON ENERGIES INC				RECEIVED:	02/22/83	JA: WV			
8324330		4709300055		103		ALLEGHENY PROPERTIES/TIMBERLINE #1	DRY FORK	0.0	COLUMBIA GAS TRAN
-J & J ENTERPRISES INC				RECEIVED:	02/22/83	JA: WV			
8324312		4701722448		108		B-276	WEST UNION	0.0	COLUMBIA GAS TRAN
8324313		4709702081		108		J-18	BANKS	0.0	COLUMBIA GAS TRAN
8324355		4701702804		108		J-220	SOUTHWEST	0.0	EQUITABLE NATURAL
8324314		4701702702		108		J-276	WEST UNION	0.0	CONSOLIDATED GAS
8324352		4709702083		107-DV		J-281	BANKS	0.0	COLUMBIA GAS TRAN
8324324		4701702772		103		J-47	NEW MILTON	0.0	CONSOLIDATED GAS
8324351		4701703047		107-DV		J-484	GRANT	0.0	COLUMBIA GAS TRAN
8324349		4701703078		107-DV		J-604	SOUTHWEST	0.0	COLUMBIA GAS TRAN
8324359		4701703078		103		J-604	SOUTHWEST	0.0	COLUMBIA GAS TRAN

JD NO	JA DKT	API NO	O	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8324350		4701703079		107-DV		J-609	SOUTHWEST	0.0	COLUMBIA GAS TRAN
8324319		4701703079		103		J-609	SOUTHWEST	0.0	COLUMBIA GAS TRAN
8324322		4707720220		103		J-623	PORTLAND	0.0	COLUMBIA GAS TRAN
8324323		4703527690		103		J-629	SIMPSON	0.0	PETRO-LEWIS CORP
8324321		4707720213		103		J-631	PORTLAND	0.0	COLUMBIA GAS TRAN
8324358		4707720224		103		J-649	RENO	0.0	CONSOLIDATED GAS
8324347		4701703104		107-DV		J-694	WEST UNION	0.0	COLUMBIA GAS TRAN
8324320		4701703104		103		J-694	WEST UNION	0.0	COLUMBIA GAS TRAN
-JAMES F SCOTT				RECEIVED:	02/22/83	JA: WV			
8324307		4706700588		102-4		JOHN RADER SW-411	HAMILTON	19.0	CONSOLIDATED GAS
8324315		4700101557		108		OLEN NUTTER S-373	ELK	55.0	CONSOLIDATED GAS
-MAX BRITTON OIL & GAS CO				RECEIVED:	02/22/83	JA: WV			
8324356		4710700557		108		AFFOLTER #1	WILLIAMS DISTRICT	1.0	GAS TRANSPORT INC
-MONITOR PETROLEUM CORP				RECEIVED:	02/22/83	JA: WV			
8324325		4700121546		103		WESTVACO #3	VALLEY	54.0	COLUMBIA GAS TRAN
-PACE PIPE LINE COMPANY				RECEIVED:	02/22/83	JA: WV			
8324345		4708703559		107-DV		SHOULDIS #1	HARPER DISTRICT	18.0	ROARING FORK GAS
-PATRICK H CUNNINGHAM				RECEIVED:	02/22/83	JA: WV			
8324333		4703302278		108		MAY #1	EAGLE DISTRICT	17.0	CONSOLIDATED GAS
-PRENCO				RECEIVED:	02/22/83	JA: WV			
8324329		4707301406		103		POWELL HRS #1 - SER #2	BRUSHY FORK	18.0	CONSOLIDATED GAS
-R & B PETROLEUM INC				RECEIVED:	02/22/83	JA: WV			
8324338		4708300254		108		SKIDMORE #1	ROARING CREEK	16.4	PARTNERSHIP PROPE
-SMITH PRODUCTION CO				RECEIVED:	02/22/83	JA: WV			
8324354		4707301426		107-DV		HOWARD & STORTS #1	UNION	36.0	HAUGHT INC
-STAN LEE OIL & GAS				RECEIVED:	02/22/83	JA: WV			
8324328		4708505604		103		H H GOFF HEIRS	MURPHY DISTRICT	20.0	CONSOLIDATED GAS
-STONEWALL GAS CO INC				RECEIVED:	02/22/83	JA: WV			
8324327		4708505202		103		GENE CRISS #1	GRANT DISTRICT	603.0	CONSOLIDATED GAS
-UNION OIL COMPANY OF CALIF				RECEIVED:	02/22/83	JA: WV			
8324326		4703903787		103		WILLIAMS COAL CO #380	CHARLESTON	7.0	CONSOLIDATED GAS
-ZION GAS CO				RECEIVED:	02/22/83	JA: WV			
8324348		4704322539		107-DV		S W OXLEY HRS #1	UNION DISTRICT	0.0	COLUMBIA GAS TRAN
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** DEPARTMENT OF THE INTERIOR, MINERALS MANAGEMENT SERVICE, CASPER,WY									
**********									
-FALCON-COLORADO EXPLORATION INC				RECEIVED:	02/22/83	JA: MT 5			
8324257 M 252-2		2510521183		108		FEDERAL 1-5			
8324258 M 211-2		2510521171		108		STUFF 1-33			
-MIDLANDS GAS CORPORATION				RECEIVED:	02/22/83	JA: MT 5			
8324282 M 284-2		2507121641		108		FEDERAL #1 0170	UNNAMED	22.0	KANSAS-NEBRASKA N
8324284 M 287-2		2507121437		108		FEDERAL #1 0351	BOWDOIN	20.0	KANSAS-NEBRASKA N
8324247 M 190-2		2507121702		108		FEDERAL #1 0462	BOWDOIN	0.0	KANSAS-NEBRASKA N
8324283 M-285-2		2507121597		108		FEDERAL #1 1113	BOWDOIN	22.0	KANSAS-NEBRASKA N
8324246 M 189-2		2507121341		108		FEDERAL #1 1332	WILDCAT	6.0	KANSAS-NEBRASKA N
8324245 M 188-2		2507121278		108		FEDERAL #1 2513	WILDCAT	9.0	KANSAS-NEBRASKA N
8324244 M 167-2		2507121167		108		MIAMI-FEDERAL 570-31 3114	WILDCAT	10.0	KANSAS-NEBRASKA N
-SOUTHLAND ROYALTY CO				RECEIVED:	02/22/83	JA: MT 5			
8324255 M 250-2		2507121701		108		FEDERAL 1-17-25NE	BOWDOIN-SWANSON CREEK	11.0	KANSAS NEBRASKA N
8324256 M 251-2		2507121709		108		FEDERAL 2-6-25NE	BOWDOIN-SWANSON CREEK	9.0	MONTANA DAKOTA UT
-AMOCO PRODUCTION CO				RECEIVED:	02/22/83	JA: ND 5			
8324274 ND 275-2		3302500270		102-2		LONE BUTTE FEDERAL "B" #1	LONE BUTTE	323.5	KOCH HYDROCARBON
8324273 ND 274-2		3300700737		103		NORTHRUP FEDERAL "D" #1	ANDERSON - COULEE	89.0	KOCH-HYDROCARBON
-CITIES SERVICE COMPANY				RECEIVED:	02/22/83	JA: ND 5			
8324253 ND 248-2		3300700714		102-2		FEDERAL "DF" #1	UNNAMED	45.8	
-JERRY CHAMBERS EXPLORATION CO				RECEIVED:	02/22/83	JA: ND 5			
8324277 ND 279-2		3300700368		102-2		BLACKTAIL FEDERAL #1-28	ELKHORN RANCH	1.0	NORTHERN GAS PROD
8324281 ND 283-2		3300700727		102-2		BLACKTAIL FEDERAL 1-30	ELKHORN RANCH	1.0	NORTHERN GAS PROD
8324279 ND 281-2		3300700552		102-2		BLACKTAIL FEDERAL 3-19	ELKHORN RANCH	0.0	NORTHERN GAS PROD
8324278 ND 280-2		3300700393		102-2		BLACKTAIL-FEDERAL 1-20	ELKHORN RANCH	0.0	NORTHERN GAS PROD
8324280 ND 282-2		3300700645		102-2		CITGO 1-24	ELKHORN RANCH	1.0	NORTHERN GAS PROD
-AMOCO PRODUCTION CO				RECEIVED:	02/22/83	JA: WY 5			
8324286 W 289-2		4903721452		103		LOST SOLDIER UNIT #126 (TENSLEEP)	LOST SOLDIER - TENSLE	2.4	NORTHERN GAS CO
8324285 W 288-2		4902320424		103		SHUTE CREEK UNIT #8 (FRONTIER)	SHUTE CREEK (FRONTIER	181.0	
-BELCO PETROLEUM CORPORATION				RECEIVED:	02/22/83	JA: WY 5			
8324267 W 268-2		4902320451		103		ELBU 37-4		0.0	NORTHWEST PIPELIN
-CIG EXPLORATION INC				RECEIVED:	02/22/83	JA: WY 5			
8324252 W 247-2		4903720947		102-2		HAYSTACK UNIT 1-28 (LANCE)	HAYSTACK (LANCE)	219.0	COLORADO INTERSTA
-CITIES SERVICE COMPANY				RECEIVED:	02/22/83	JA: WY 5			
8324266 W 267-2		4902720564		102-2		FEDERAL "D" #1	UNNAMED	22.0	
-DAVIS OIL COMPANY				RECEIVED:	02/22/83	JA: WY 5			
8324264 W 264-2		4900526201		103		AMINI FEDERAL #1	WILDCAT	9.5	BIG HORN FRACTION
8324248 W 196-2		4900525848		102-4		MARATHON FED #1	WILDCAT	88.4	MGPC INC
8324263 W 263-2		4904521701		102-2		PLOVER FEDERAL #1	TODD	13.8	PHILLIPS PETROLEU
8324249 W 197-2		4900526240		103		WM F TANNER #3	WILDCAT	25.4	PHILLIPS PETROLEU
-DIAMOND SHAMROCK CORPORATION				RECEIVED:	02/22/83	JA: WY 5			
8324287 W 290-2		4903721808		102-2		SIBERIA RIDGE UNIT #12	WILDCAT	45.0	COLORADO INTERSTA
-ENERGETICS INC				RECEIVED:	02/22/83	JA: WY 5			
8324265 W 266-2		4903520513		103		FEDERAL 30-15	BIRD CANYON	25.0	NORTHWEST PIPELIN
-HPC INC				RECEIVED:	02/22/83	JA: WY 5			
8324269 W 256-2		4903721767		107-TF		J HAYS FEDERAL #1	WILDCAT	27.8	PANHANDLE EASTERN
-LADD & LUKOWICZ INC				RECEIVED:	02/22/83	JA: WY 5			
8324276 W 278-2		4900526471		103		EXXON-FEDERAL 1-27	PORCUPINE	75.0	
-MICHIGAN WISCONSIN PIPE LINE CO				RECEIVED:	02/22/83	JA: WY 5			
8324251 W-226-2		4900700000		102-4		CRESTON #1-28	CRESTON NOSE	145.0	MICHIGAN WISCONSI
-MONSANTO COMPANY				RECEIVED:	02/22/83	JA: WY 5			
8324271 W 272-2		4901321144		107-DP		LONG BUTTE UNIT #7	LONG BUTTE UNIT	2150.0	MICHIGAN-WISCONSI
-PETRO-LEWIS CORPORATION				RECEIVED:	02/22/83	JA: WY 5			
8324243 W 134-2		4900720684		103		FEDERAL 2-12	BROWNING	0.0	WESTERN TRANSMISS
-PHILLIPS PETROLEUM COMPANY				RECEIVED:	02/22/83	JA: WY 5			
8324259 W 255-2		4900526060		102-2		THUNDER CREEK FED G #1	SCHOOL CREEK	6.9	PANHANDLE EASTERN
8324272 W 273-2		4900526493		102-2		THUNDER CREEK FED S #1	SCHOOL CREEK	50.4	PANHANDLE EASTERN
-ROBERT KLABZUBA				RECEIVED:	02/22/83	JA: WY 5			
8324275 W 277-2		4902720316		102-4		FEDERAL 1-31	BOGGY CREEK	36.5	MGPC INC
-SNYDER OIL CO				RECEIVED:	02/22/83	JA: WY 5			
8324270 W 271-2		4900720738		107-TF		CIGE FEDERAL 1A-20-14-92	ROBBERS GULCH FIELD	380.0	COLORADO INTERSTA
8324269 W 270-2		4900720738		103		CIGE FEDERAL 1A-20-14-92	ROBBERS GULCH	300.0	COLORADO INTERSTA
8324268 W 269-2		4900720785		107-TF		CIGE FEDERAL 1A-33-15-92	ROBBERS GULCH	500.0	COLORADO INTERSTA
8324254 W 249-2		4900720811		107-TF		CIGE FEDERAL 1C-7-15-92	ROBBERS GULCH FIELD	340.0	COLORADO INTERSTA
8324258 W 254-2		4900720817		107-TF		CIGE FEDERAL 1C-8-15-92	ROBBERS GULCH	345.0	COLORADO INTERSTA
-WOODS PETROLEUM CORPORATION				RECEIVED:	02/22/83	JA: WY 5			
8324261 W 257-2		4900526374		103		PINE TREE UNIT 29-35	PINE TREE	1.0	WESTERN GAS PROCE
8324262 W 259-2		4900526405		103		PINE TREE UNIT 4-40	PINE TREE	1.0	WESTERN GAS PROCE

[FR Doc. 83-7549 Filed 3-23-83; 8:45 am]

BILLING CODE 6717-01-C

[Volume 853]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: March 18, 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 (1,000 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 853

ISSUED MARCH 18, 1983

JD NO	JA DKT	API NO	D SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
KENTUCKY DEPARTMENT OF MINES & MINERALS								
-KENTUCKY WEST VIRGINIA GAS CO		RECEIVED: 02/15/83		JA: KY				
8324058	504108	1619500000	107-DV		A H PINSON - #6433	KENTUCKY EAST	4.3	
8323896	503946	1619500000	107-DV		A H TACKITT - #6074	KENTUCKY EAST	1.1	
8324105	504155	1619500000	107-DV		A J ABSHIRE - #6537	KENTUCKY EAST	6.1	
8324110	504160	1619500000	107-DV		A J ABSHIRE - #6546	KENTUCKY EAST	4.8	
8324115	504165	1619500000	107-DV		A J ABSHIRE - #6568	KENTUCKY EAST	7.8	
8324083	504133	1619500000	107-DV		A J ABSHIRE #6490	KENTUCKY EAST	4.0	
8324080	504130	1619500000	107-DV		A J BEVINS #6481	KENTUCKY EAST	2.1	
8323861	503911	1615900000	107-DV		A J MILLS - #5999	KENTUCKY EAST	4.9	
8323988	504038	1611900000	107-DV		A L RICHIE #6278	KENTUCKY EAST	11.2	
8324089	504139	1611900000	107-DV		A L SMITH #6504	KENTUCKY EAST	1.8	
8324092	504142	1611900000	107-DV		A L SMITH #6508	KENTUCKY EAST	8.7	
8324095	504145	1611900000	107-DV		A L SMITH #6511	KENTUCKY EAST	2.5	
8323921	503971	1619500000	107-DV		AARON JUSTICE - #6125D	KENTUCKY EAST	7.2	
8323924	503974	1619500000	107-DV		ABEL TACKITT - #6129	KENTUCKY EAST	5.7	
8323932	503982	1619500000	107-DV		ABEL TACKITT #6145	KENTUCKY EAST	3.2	
8324053	504103	1611900000	107-DV		ALEX COMBS - #6422	KENTUCKY EAST	5.4	
8323987	503957	1611900000	107-DV		ALEX MULLINS #6090	KENTUCKY EAST	9.7	
8323953	504003	1611900000	107-DV		ALEX RICHIE #6199	KENTUCKY EAST	4.3	
8324065	504115	1611900000	107-DV		ALEX YOUNG #6448	KENTUCKY EAST	12.7	
8324067	504117	1611900000	107-DV		ALEX YOUNG #6450	KENTUCKY EAST	6.1	
8323976	504026	1611900000	107-DV		ALEXANDER GEARHEART #6248	KENTUCKY EAST	9.4	
8323820	503870	1611900000	107-DV		ALEXANDER HALL - #5915	KENTUCKY EAST	8.3	
8323997	504047	1611900000	107-DV		ALEXANDER RITCHIE #6301	KENTUCKY EAST	4.0	
8324087	504057	1619500000	107-DV		ALLEN MAYNARD - #6321	KENTUCKY EAST	4.3	
8324128	504178	1619300000	107-DV		ALVIN EVANS - #6598	KENTUCKY EAST	3.6	
8324130	504180	1619300000	107-DV		ALVIN EVANS - #6600	KENTUCKY EAST	12.7	
8324131	504181	1619300000	107-DV		ALVIN EVANS - #6601	KENTUCKY EAST	5.8	
8324134	504184	1619300000	107-DV		ALVIN EVANS - #6617	KENTUCKY EAST	5.8	
8324140	504190	1619300000	107-DV		ALVIN EVANS - #6627	KENTUCKY EAST	10.1	
8324118	504168	1611900000	107-DV		ANDERSON COMBS - #6575	KENTUCKY EAST	7.6	
8324047	504097	1611900000	107-DV		ANDREW COMBS - #6412	KENTUCKY EAST	6.9	
8324054	504104	1611900000	107-DV		ANDREW COMBS - #6426	KENTUCKY EAST	12.7	
8323869	503919	1619500000	107-DV		ANDREW JOHNSON - #6019	KENTUCKY EAST	9.4	
8323836	503886	1619500000	107-DV		B F JOHNSON - #5936	KENTUCKY EAST	6.1	
8323850	503900	1619500000	107-DV		B F JOHNSON - #5975	KENTUCKY EAST	11.7	
8324026	504076	1619500000	107-DV		B F JOHNSON - #6368	KENTUCKY EAST	8.3	
8323969	504019	1619500000	107-DV		B F JOHNSON #6236	KENTUCKY EAST	7.2	
8323971	504021	1619500000	107-DV		B F JOHNSON #6239	KENTUCKY EAST	3.2	
8323973	504023	1619500000	107-DV		B F JOHNSON #6242	KENTUCKY EAST	2.1	
8323906	503956	1619500000	107-DV		BAILEY JOHNSON #6088	KENTUCKY EAST	5.4	
8323965	504015	1611900000	107-DV		BALIS RITCHIE #6229	KENTUCKY EAST	9.0	
8324107	504157	1611900000	107-DV		BATES & COMBS - #6539	KENTUCKY EAST	13.8	
8324114	504164	1611900000	107-DV		BATES & COMBS - #6563	KENTUCKY EAST	1.1	
8324128	504178	1611900000	107-DV		BATES & COMBS - #6581	KENTUCKY EAST	9.4	
8324129	504179	1611900000	107-DV		BATES & COMBS - #6599	KENTUCKY EAST	2.1	

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8324098	504148	1611900000		107-DV		BATES & COMBS #6523	KENTUCKY EAST	6.1	
8324108	504150	1611900000		107-DV		BATES & COMBS #6527	KENTUCKY EAST	7.2	
8324018	504060	1611900000		107-DV		BAYLIS GAYHEART - #6328	KENTUCKY EAST	7.9	
8324106	504156	1619300000		107-DV		BEN ENGLE - #6538	KENTUCKY EAST	1.0	
8324032	504082	1611900000		107-DV		BEN STACY - #6382	KENTUCKY EAST	3.2	
8324004	504054	1611900000		107-DV		BENJ RICHIE - #6317	KENTUCKY EAST	1.4	
8324121	504171	1607100000		107-DV		BENJAMIN A CONLEY - #6584	KENTUCKY EAST	4.7	
8324084	504134	1613300000		107-DV		BENJAMIN MCCRAY #6494	KENTUCKY EAST	3.6	
8323920	503970	1619500000		107-DV		BOWLES & RATIFF - #6128	KENTUCKY EAST	4.7	
8323879	503929	1619500000		107-DV		BOWLES & RATLIFF - #6040	KENTUCKY EAST	8.7	
8323962	504012	1619500000		107-DV		BOWLES & RATLIFF #6216D	KENTUCKY EAST	1.8	
8323982	504032	1619500000		107-DV		BOWLES & RATLIFF #6263	KENTUCKY EAST	6.9	
8323891	503941	1611900000		107-DV		C L NAPIER #6059	KENTUCKY EAST	5.4	
8323829	503879	1619500000		107-DV		C T LEE - #5925	KENTUCKY EAST	4.0	
8323949	503999	1611900000		107-DV		CATHARINE FRENCH #6189	KENTUCKY EAST	4.8	
8323964	504014	1611900000		107-DV		CATHARINE FRENCH #6220	KENTUCKY EAST	9.8	
8323825	503875	1611900000		107-DV		CHARLES SHORT - #5921	KENTUCKY EAST	3.6	
8323821	503871	1619500000		107-DV		D C COLEMAN - #5916	KENTUCKY EAST	4.7	
8323994	504044	1611900000		107-DV		D L FULLER #6289	KENTUCKY EAST	2.5	
8324113	504163	1611900000		107-DV		DANIEL ADAMS - #6555	KENTUCKY EAST	1.9	
8324049	504099	1619500000		107-DV		DANIEL COLEMAN - #6415	KENTUCKY EAST	6.5	
8323805	503855	1607100000		107-DV		DANIEL JOHNSON - #5890	KENTUCKY EAST	0.3	
8324039	504089	1619500000		107-DV		DAVID C JUSTICE - #6401	KENTUCKY EAST	5.5	
8324006	504056	1619500000		107-DV		DAVID COLEMAN - #6319	KENTUCKY EAST	0.7	
8324036	504086	1619500000		107-DV		DAVID COLEMAN - #6392	KENTUCKY EAST	3.5	
8324035	504085	1619500000		107-DV		DAVID HYLTON - #6390	KENTUCKY EAST	7.6	
8323815	503865	1607100000		107-DV		DAVID JOHNSON - #5909	KENTUCKY EAST	7.2	
8324031	504081	1619500000		107-DV		DAVID SMITH - #6381D	KENTUCKY EAST	5.1	
8324003	504053	1611900000		107-DV		DELPHIA COMBS - #6316	KENTUCKY EAST	7.9	
8323946	503996	1611900000		107-DV		DELPHIA COMBS #6181	KENTUCKY EAST	6.5	
8324043	504093	1619500000		107-DV		DILLS & PATTERSON - #6407	KENTUCKY EAST	11.2	
8323925	503975	1611900000		107-DV		E W RITCHIE #6133	KENTUCKY EAST	5.1	
8323947	503997	1619500000		107-DV		ELENDER & THURSEY HALL #6184	KENTUCKY EAST	5.8	
8324013	504063	1619500000		107-DV		ELIJAH FRANCIS - #6334	KENTUCKY EAST	2.5	
8324021	504071	1619500000		107-DV		ELIJAH FRANCIS - #6351	KENTUCKY EAST	8.7	
8324116	504166	1611900000		107-DV		ELIJAH HOLLIDAY - #6570	KENTUCKY EAST	2.9	
8324127	504177	1611900000		107-DV		ELIJAH HOLLIDAY - #6597	KENTUCKY EAST	8.8	
8324133	504183	1611900000		107-DV		ELIJAH HOLLIDAY - #6616	KENTUCKY EAST	4.7	
8324141	504191	1611900000		107-DV		ELIJAH HOLLIDAY - #6631	KENTUCKY EAST	1.0	
8323904	503954	1613300000		107-DV		ELIJAH ISON #6086	KENTUCKY EAST	1.0	
8323941	503991	1613300000		107-DV		ELIJAH ISON #6165	KENTUCKY EAST	4.3	
8323827	503877	1619500000		107-DV		ELISHA THACKER - #5923	KENTUCKY EAST	8.3	
8324094	504144	1611900000		107-DV		ELIZA SMITH #6510	KENTUCKY EAST	4.3	
8323852	503902	1619500000		107-DV		ELIZABETH ELSWICK - #5979	KENTUCKY EAST	6.1	
8323877	503927	1607100000		107-DV		EMMET HAMILTON - #6034	KENTUCKY EAST	2.5	
8323938	503988	1619500000		107-DV		ENOCH TACKETT #6154	KENTUCKY EAST	2.9	
8323944	503994	1619500000		107-DV		ENON TACKITT #6173D	KENTUCKY EAST	19.5	
8324108	504158	1613300000		107-DV		EZEKIEL HALL - #6540	KENTUCKY EAST	5.1	
8323876	503926	1611900000		107-DV		F C ROARK - #6033	KENTUCKYEAST	11.6	
8323979	504029	1611900000		107-DV		FELIX COMBS #6254	KENTUCKY EAST	4.7	
8323832	503882	1619500000		107-DV		FERRELL & HATCHER - #5929	KENTUCKY EAST	2.5	
8323863	503913	1619500000		107-DV		FERRELL & HATCHER - #6003	KENTUCKY EAST	5.4	
8324051	504101	1619500000		107-DV		FLOYD MAY - #6419	KENTUCKY EAST	7.6	
8323975	504025	1611900000		107-DV		G LEE BEGLEY #6246	KENTUCKY EAST	4.3	
8323816	503866	1607100000		107-DV		G W HALL - #5910	KENTUCKY EAST	7.6	
8324024	504074	1611900000		107-DV		G W MARTIN - #6356	KENTUCKY EAST	12.3	
8323842	503892	1619500000		107-DV		GEO MCPEAK - #5955	KENTUCKY EAST	14.8	
8323966	504016	1619500000		107-DV		GEO W JOHNSON #6231	KENTUCKY EAST	6.8	
8323872	503922	1619500000		107-DV		GEO W OSBORN - #6028	KENTUCKY EAST	14.8	
8323887	503957	1619500000		107-DV		GEO W OSBORN - #6051	KENTUCKY EAST	5.9	
8324030	504080	1619500000		107-DV		GEO W POWELL - #6379	KENTUCKY EAST	7.2	
8323813	503863	1619500000		107-DV		GEO W PRIEST - #5907D	KENTUCKY EAST	3.6	
8323986	504036	1613300000		107-DV		GEO WRIGHT # 6274	KENTUCKY EAST	1.8	
8323826	503876	1611900000		107-DV		GRANT HONEYCUTT - #5922	KENTUCKY EAST	2.9	
8323910	503960	1611900000		107-DV		GRANT HONEYCUTT - #6102	KENTUCKY EAST	6.1	
8324071	504121	1619500000		107-DV		GRIGSBY HEIRS #6458	KENTUCKY EAST	4.0	
8324079	504129	1619300000		107-DV		GRIGSBY HEIRS #6480	KENTUCKY EAST	9.0	
8324091	504141	1619300000		107-DV		GRIGSBY HEIRS #6506	KENTUCKY EAST	3.3	
8324038	504088	1613300000		107-DV		GUS PIGMAN - #6397	KENTUCKY EAST	1.6	
8323929	503979	1619500000		107-DV		H G CHARLES #6138	KENTUCKY EAST	0.7	
8324046	504096	1619500000		107-DV		HARVEY COLEMAN - #6411	KENTUCKY EAST	4.7	
8323809	503859	1607100000		107-DV		HARVEY G JOHNSON - #5896	KENTUCKY EAST	10.1	
8324020	504070	1619300000		107-DV		HARVEY-OWENS - #6347	KENTUCKY EAST	1.0	
8323889	503939	1611900000		107-DV		HAWK HALL - #6057	KENTUCKY EAST	6.1	
8324086	504136	1613300000		107-DV		HAWK HALL #6496	KENTUCKY EAST	3.6	
8323865	503915	1611900000		107-DV		HAZEL COLLINS - #6005	KENTUCKY EAST	16.3	
8323871	503921	1611900000		107-DV		HAZEL COLLINS - #6022	KENTUCKY EAST	6.9	
8323874	503924	1619500000		107-DV		HENDERSON FRANCIS - #6030	KENTUCKY EAST	0.7	
8323893	503943	1611900000		107-DV		HENDERSON HALL - #6063	KENTUCKY EAST	2.1	
8323972	504022	1607100000		107-DV		HENRY ADAMS #6240	KENTUCKY EAST	4.7	
8323866	503916	1619500000		107-DV		HENRY AKERS - #6007	KENTUCKY EAST	5.1	
8323995	504045	1619300000		107-DV		HENRY FUGATE #6291	KENTUCKY EAST	1.6	
8324093	504143	1613300000		107-DV		HENRY HALL #6509	KENTUCKY EAST	7.9	
8323989	504039	1619500000		107-DV		HENRY T ADDINGTON #6279	KENTUCKY EAST	5.8	
8324087	504137	1619500000		107-DV		HEZEKIAH SCALF #6498	KENTUCKY EAST	4.7	
8323935	503985	1611900000		107-DV		HILLARD SMITH #6148	KENTUCKY EAST	5.1	
8323844	503894	1619500000		107-DV		HIRAM CASEBOLT - #5966	KENTUCKY EAST	3.2	
8323855	503905	1619500000		107-DV		HIRAM OSBORN - #5986	KENTUCKY EAST	2.5	
8324090	504140	1611900000		107-DV		HIRAM P BRASHEAR #6505	KENTUCKY EAST	10.8	
8323854	503904	1619500000		107-DV		HIRAM ROBINETT - #5985	KENTUCKY EAST	9.4	
8323901	503951	1611900000		107-DV		HIRAM YOUNG - #6082	KENTUCKY EAST	6.9	
8323954	504004	1611900000		107-DV		ISAAC RITCHIE #6200	KENTUCKY EAST	6.9	
8324061	504111	1619500000		107-DV		J A BARTLEY - #6438	KENTUCKY EAST	2.1	
8323807	503857	1619500000		107-DV		J C GILLIAM - #5892 D	KENTUCKY EAST	2.9	
8324005	504055	1619500000		107-DV		J H RATLIFF - #6318	KENTUCKY EAST	12.6	
8323892	503942	1619500000		107-DV		J I ROBERTS - #6060 D	KENTUCKY EAST	17.3	
8323883	503933	1611900000		107-DV		J L KEMMERER - #6046	KENTUCKY EAST	6.9	
8323899	503949	1611900000		107-DV		J L KEMMERER - #6078 D	KENTUCKY EAST	4.7	
8323834	503884	1619500000		107-DV		J LEE FERGUSON - #5933	KENTUCKY EAST	13.0	
8324017	504067	1619500000		107-DV		J M VENTERS - #6344	KENTUCKY EAST	5.1	
8323945	503995	1619500000		107-DV		J MONROE JOHNSON #6174	KENTUCKY EAST	7.6	
8324009	504059	1611900000		107-DV		J R RICHIE - #6326D	KENTUCKY EAST	6.8	
8324014	504064	1611900000		107-DV		J R SHEPHERD - #6335	KENTUCKY EAST	5.1	
8323818	503868	1611900000		107-DV		J S FRANKLIN - #5912	KENTUCKY EAST	10.0	

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8324137	504187	1619500000		107-DV		J W VICARS - #6623	KENTUCKY EAST	6.1	
8323841	503891	1611900000		107-DV		JACKSON COMBS - #5953	KENTUCKY EAST	1.8	
8323974	504024	1619500000		107-DV		JACOB SANDERS #6249	KENTUCKY EAST	7.1	
8323984	504034	1619500000		107-DV		JAMES A MULLINS #5266	KENTUCKY EAST	8.3	
8324044	504094	1619300000		107-DV		JAMES E MAY - #6409	KENTUCKY EAST	4.3	
8323913	503963	1613300000		107-DV		JAMES H COLLINS #6108	KENTUCKY EAST	13.8	
8324074	504124	1611900000		107-DV		JAMES HURT #6463	KENTUCKY EAST	4.3	
8324081	504131	1613300000		107-DV		JAMES ISON #6487	KENTUCKY EAST	6.9	
8323803	503853	1619500000		107-DV		JAMES JOHNSON - #5886	KENTUCKY EAST	2.5	
8323835	503885	1619500000		107-DV		JAMES JOHNSON - #5935 D	KENTUCKY EAST	5.9	
8323851	503901	1619500000		107-DV		JAMES JOHNSON - #5977 D	KENTUCKY EAST	1.1	
8323823	503873	1611900000		107-DV		JAMES MULKINS - #5919	KENTUCKY EAST	5.1	
8323847	503897	1611900000		107-DV		JAMES SEALS - #5969	KENTUCKY EAST	11.5	
8323928	503978	1613300000		107-DV		JAMES W HAMPTON #6137	KENTUCKY EAST	1.8	
8323890	503940	1611900000		107-DV		JAS BREEDING - #6058	KENTUCKY EAST	4.7	
8323902	503952	1611900000		107-DV		JAS BREEDING - #6084	KENTUCKY EAST	7.2	
8323873	503923	1611900000		107-DV		JAS F PIGMAN - #6029	KENTUCKY EAST	13.4	
8323880	503930	1611900000		107-DV		JAS MULLINS - #6042	KENTUCKY EAST	9.0	
8323870	503920	1611900000		107-DV		JAS W COLLINS - #6020	KENTUCKY EAST	9.7	
8324025	504075	1607100000		107-DV		JASPER JOHNSON - #6364	KENTUCKY EAST	2.5	
8323958	504008	1611900000		107-DV		JASPER STEWART #6203	KENTUCKY EAST	11.6	
8323955	504005	1619500000		107-DV		JASPER TACKITT #6202	KENTUCKY EAST	3.2	
8323998	504040	1619300000		107-DV		JEFF ENGLE #6280	KENTUCKY EAST	5.1	
8323998	504048	1619300000		107-DV		JEFF ENGLE #6302	KENTUCKY EAST	2.9	
8323957	504007	1619500000		107-DV		JEFF F RIDDLE #6207	KENTUCKY EAST	3.2	
8323970	504020	1619500000		107-DV		JEFF F RIDDLE #6238	KENTUCKY EAST	10.4	
8324076	504126	1611900000		107-DV		JEREMIAH SMITH #6476	KENTUCKY EAST	18.8	
8324077	504127	1611900000		107-DV		JEREMIAH SMITH #6477	KENTUCKY EAST	6.1	
8323912	503962	1611900000		107-DV		JERRY COMBS - #6105	KENTUCKY EAST	9.4	
8324101	504151	1619300000		107-DV		JES FELINER #6528	KENTUCKY EAST	1.1	
8323903	503953	1619500000		107-DV		JESSE B OSBORN #6085	KENTUCKY EAST	7.2	
8324045	504095	1619500000		107-DV		JESSE BARTLEY - #6410	KENTUCKY EAST	2.9	
8324056	504106	1619500000		107-DV		JESSE BARTLEY - #6431	KENTUCKY EAST	4.3	
8323900	503950	1611900000		107-DV		JNO DAVIDSON - #6079	KENTUCKY EAST	6.9	
8324142	504192	1611900000		107-DV		JNO DAVIDSON - #6635	KENTUCKY EAST	8.3	
8323991	504041	1619300000		107-DV		JNO G COMBS #6281	KENTUCKY EAST	4.7	
8324068	504118	1611900000		107-DV		JNO M SMITH #6451	KENTUCKY EAST	6.1	
8324079	504120	1611900000		107-DV		JNO M SMITH #6456	KENTUCKY EAST	7.2	
8324072	504122	1611900000		107-DP		JNO M SMITH #6461	KENTUCKY EAST	11.6	
8323931	503981	1611900000		107-DV		JNO YOUNG #6143	KENTUCKY EAST	4.0	
8324033	504083	1619300000		107-DV		JOHN & ADAM FELTNER - #6384	KENTUCKY EAST	5.5	
8324041	504091	1619300000		107-DV		JOHN & ADAM FELTNER - #6404	KENTUCKY EAST	7.8	
8324050	504100	1619500000		107-DV		JOHN B MORRIS - #6418D	KENTUCKY EAST	5.1	
8324062	504112	1619500000		107-DV		JOHN B MORRIS - #6443	KENTUCKY EAST	4.0	
8323992	504042	1619500000		107-DV		JOHN COLEMAN #6284	KENTUCKY EAST	4.7	
8324064	504114	1613300000		107-DV		JOHN COLLINS #6447	KENTUCKY EAST	5.8	
8324099	504149	1611900000		107-DV		JOHN D SMITH #6524	KENTUCKY EAST	5.1	
8323858	503908	1619500000		107-DV		JOHN H ADKINS - #5993D	KENTUCKY EAST	4.0	
8323881	503931	1611900000		107-DV		JOHN HALE - #6043	KENTUCKY EAST	2.2	
8323894	503944	1611900000		107-DV		JOHN HALE - #6064	KENTUCKY EAST	3.8	
8323853	503903	1607100000		107-DV		JOHN HAMILTON - #5981	KENTUCKY EAST	1.8	
8323804	503854	1619500000		107-DV		JOHN HOPKINS - #5889	KENTUCKY EAST	18.4	
8323812	503862	1619500000		107-DV		JOHN MAYNARD - #5905	KENTUCKY EAST	14.1	
8323859	503909	1619500000		107-DV		JOHN MAYNARD - #5997	KENTUCKY EAST	2.9	
8323933	503983	1619500000		107-DV		JOHN TACKITT #6146	KENTUCKY EAST	2.9	
8323860	503910	1607100000		107-DV		JOHN W MITCHELL - #5998	KENTUCKY EAST	3.6	
8325978	504028	1607100000		107-DV		JOHN W SPRADLIN #6251	KENTUCKY EAST	7.2	
8324069	504119	1613300000		107-DV		JOHN W WRIGHT #6453	KENTUCKY EAST	5.1	
8324037	504087	1611900000		107-DV		JOS SINGLETON - #6395	KENTUCKY EAST	5.4	
8324088	504138	1607100000		107-DV		JOSEPH R LANGLEY #6499D	KENTUCKY EAST	8.7	
8323951	504001	1611900000		107-DV		JOSEPH RICHIE #6196	KENTUCKY EAST	4.0	
8323948	503998	1611900000		107-DV		JOSHUA RITCHIE #6186	KENTUCKY EAST	11.9	
8323963	504013	1611900000		107-DV		JOSHUA RITCHIE #6217	KENTUCKY EAST	9.0	
8323908	503958	1612300000		107-DV		L D COLLINS #6093	KENTUCKY EAST	3.2	
8323838	503888	1611900000		107-DV		LIZZIE KING - #5941	KENTUCKY EAST	12.9	
8324003	504058	1619500000		107-DV		LOUISA MAGGARD - #6325	KENTUCKY EAST	7.8	
8323862	503912	1607100000		107-DV		LUCIAN F BURPEE - #6001	KENTUCKY EAST	6.5	
8323886	503936	1619500000		107-DV		M D L GREER - #6050	KENTUCKY EAST	6.1	
8323909	503959	1619500000		107-DV		M D L GREER - #6096	KENTUCKY EAST	5.1	
8323943	503993	1619500000		107-DV		M D L GREER #6170	KENTUCKY EAST	5.8	
8323968	504018	1619500000		107-DV		M D L GREER #6234D	KENTUCKY EAST	4.6	
8323977	504027	1619500000		107-DV		M D L GREER #6259 D	KENTUCKY EAST	3.7	
8323934	503984	1611900000		107-DV		MADISON COMBS #6147	KENTUCKY EAST	14.1	
8323942	503992	1611900000		107-DV		MAHLON S KEMMERER #6168	KENTUCKY EAST	4.7	
8324057	504107	1611900000		107-DV		MANFRED YOUNG - #6432	KENTUCKY EAST	5.1	
8324066	504116	1611900000		107-DV		MANFRED YOUNG #6449	KENTUCKY EAST	2.5	
8323936	503986	1611900000		107-DV		MANION CORNETT #6149	KENTUCKY EAST	2.9	
8323905	503955	1619500000		107-DV		MARGARET WRIGHT - #6087 D	KENTUCKY EAST	5.8	
8323927	503977	1611900000		107-DV		MARION CORNETT #6135	KENTUCKY EAST	3.6	
8324126	504176	1613300000		107-DV		MARION MEADE - #6595	KENTUCKY EAST	6.9	
8323837	503887	1619500000		107-DV		MARION TACKITT - #5937	KENTUCKY EAST	4.6	
8323845	503895	1619500000		107-DV		MARION TACKITT - #5967	KENTUCKY EAST	4.3	
8323923	503973	1619500000		107-DV		MARION TACKITT - #6127D	KENTUCKY EAST	8.3	
8323961	504011	1611900000		107-DV		MARTIN FULLER #6215	KENTUCKY EAST	5.1	
8324034	504084	1611900000		107-DV		MARTIN GAYHEART - #6388	KENTUCKY EAST	3.2	
8324042	504092	1611900000		107-DV		MARTIN GAYHEART - #6406	KENTUCKY EAST	5.8	
8324132	504182	1615900000		107-DV		MARY FITZPATRICK - #6612	KENTUCKY EAST	15.2	
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8323878	503928	1619500000		107-DV		MILES SWINNEY - #6038	KENTUCKY EAST	2.1	
8324075	504125	1613300000		107-DV		MOSES STAMPER #6469	KENTUCKY EAST	3.2	
8323828	503878	1611900000		107-DV		N B TRIPLETT - #5924	KENTUCKY EAST	3.6	
8323819	503869	1619500000		107-DV		NATHANIEL GILLIAM - #5914D	KENTUCKY EAST	2.5	
8323875	503925	1611900000		107-DV		NEWTON CORNETT - #6031	KENTUCKY EAST	9.4	
8323918	503968	1611900000		107-DV		NOAH JENT - #6118	KENTUCKY EAST	3.0	
8323919	503969	1611900000		107-DV		NOAH JENT - #6119	KENTUCKY EAST	3.6	
8323856	503906	1619500000		107-DV		P W DAY - #5987	KENTUCKY EAST	9.7	
8323839	503889	1619500000		107-DV		PAULINE YATES - #5946	KENTUCKY EAST	4.3	
8324122	504172	1619300000		107-DV		PEYTON HURT - #6585	KENTUCKY EAST	7.9	
8324012	504062	1607100000		107-DV		PHILLIP DINGUS - #6333	KENTUCKY EAST	2.5	
8323983	504033	1619500000		107-DV		PLEASANT JOHNSON #6265	KENTUCKY EAST	4.3	
8324000	504050	1607100000		107-DV		RANDOLPH HOLBROOK #6310	KENTUCKY EAST	5.1	
8323985	504035	1619500000		107-DV		RATHBURN BURK #6267	KENTUCKY EAST	2.1	
8323930	503980	1619500000		107-DV		REBECCA CALHOUN #6141	KENTUCKY EAST	5.8	
8323952	504002	1619500000		107-DV		REUBEN JOHNSON #6198	KENTUCKY EAST	1.7	

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8323810	503860	1619500000		107-DV		REUBEN LITTLE - #5900	KENTUCKY EAST	3.6	
8323830	503880	1619500000		107-DV		REUBEN LITTLE - #5926	KENTUCKY EAST	5.1	
8324138	504188	1619500000		107-DV		RICHARD RATLIFF - #6624	KENTUCKY EAST	5.8	
8324063	504113	1619500000		107-DV		RISELY ROBERTS #6445	KENTUCKY EAST	7.2	
8324103	504153	1613300000		107-DV		ROBERT BATES - #6530	KENTUCKY EAST	4.0	
8324102	504152	1619300000		107-DV		ROBERT C REAM TRS #6529	KENTUCKY EAST	7.2	
8323843	503893	1619500000		107-DV		ROBERT HYLTON - #5961	KENTUCKY EAST	5.8	
8323868	503918	1619500000		107-DV		ROBERT HYLTON #6018	KENTUCKY EAST	9.0	
8323956	504006	1619500000		107-DV		ROBT JOHNSON #6205	KENTUCKY EAST	3.1	
8323898	503948	1619500000		107-DV		ROSELAN HALL - #6077	KENTUCKY EAST	11.9	
8323939	503989	1611900000		107-DV		RUSSELL BEGLEY #6161	KENTUCKY EAST	4.3	
8323840	503890	1611900000		107-DV		RUSSELL COLLINS - #5952 D	KENTUCKY EAST	11.9	
8324135	504185	1619300000		107-DV		S D NAPIER - #6620	KENTUCKY EAST	2.1	
8323914	503964	1613300000		107-DV		SAM BLAIR - #6110	KENTUCKY EAST	4.3	
8323849	503899	1611900000		107-DV		SAM EVERIDGE - #5975	KENTUCKY EAST	3.6	
8324139	504189	1611900000		107-DV		SAM HURT - #6625	KENTUCKY EAST	8.3	
8324055	504105	1613300000		107-DV		SAM WRIGHT - #6430	KENTUCKY EAST	3.9	
8324124	504174	1613300000		107-DV		SAMUEL B BLAIR - #6588	KENTUCKY EAST	4.7	
8324096	504146	1611900000		107-DV		SAMUEL FRANCIS #6516	KENTUCKY EAST	1.0	
8323950	504000	1619500000		107-DV		SAMUEL J ELKINS #6191D	KENTUCKY EAST	8.9	
8323967	504017	1619500000		107-DV		SAMUEL J ELKINS #6233	KENTUCKY EAST	18.1	
8323980	504030	1619500000		107-DV		SAMUEL J ELKINS #6256	KENTUCKY EAST	7.9	
8323987	504037	1619500000		107-DV		SAMUEL J ELKINS #6276	KENTUCKY EAST	6.5	
8324143	504193	1619300000		107-DV		SHADE B COMBS - #6639	KENTUCKY EAST	1.8	
8324109	504159	1619500000		107-DV		SHERMAN KING - #6543	KENTUCKY EAST	18.8	
8324023	504073	1619500000		107-DV		SHERWOOD OSBORN - #6355	KENTUCKY EAST	7.9	
8323884	503934	1611900000		107-DV		SILAS BOGGS - #6048	KENTUCKY EAST	7.2	
8323888	503938	1619500000		107-DV		SILAS JOHNSON - #6055 D	KENTUCKY EAST	3.2	
8323895	503945	1619500000		107-DV		SILAS JOHNSON - #6069 D	KENTUCKY EAST	7.6	
8323926	503976	1619500000		107-DV		SILAS JOHNSON #6134D	KENTUCKY EAST	5.4	
8323940	503990	1619500000		107-DV		SILAS JOHNSON #6163	KENTUCKY EAST	4.3	
8324028	504078	1619500000		107-DV		SOLOMON DAMRON - #6371	KENTUCKY EAST	6.9	
8324011	504061	1611900000		107-DV		SOLOMON FULLER - #6330	KENTUCKY EAST	6.9	
8324104	504154	1613300000		107-DV		SOLOMON HALL - #6533	KENTUCKY EAST	1.0	
8323857	503907	1619500000		107-DV		STEPHEN OSBORN - #5991	KENTUCKY EAST	14.4	
8323885	503935	1619500000		107-DV		STEPHEN OSBORN - #6049	KENTUCKY EAST	3.2	
8323993	504043	1619500000		107-DV		TANDY JOHNSON #6288	KENTUCKY EAST	3.2	
8323917	503967	1619500000		107-DV		TANDY W MULLINS - #6117	KENTUCKY EAST	4.7	
8324082	504132	1619500000		107-DV		THOMAS BENTLEY #6489	KENTUCKY EAST	2.1	
8323811	503861	1619500000		107-DV		THOMAS BEVINS - #5903	KENTUCKY EAST	8.7	
8323897	503947	1611900000		107-DV		THOMAS HAGAN - #6075	KENTUCKY EAST	1.7	
8324125	504175	1611900000		107-DV		THOMAS KELLY - #6593	KENTUCKY EAST	5.2	
8324136	504186	1611900000		107-DV		THOMAS KELLY - #6622	KENTUCKY EAST	1.8	
8324073	504123	1611900000		107-DV		THOMAS KELLY #6462	KENTUCKY EAST	4.7	
8324078	504128	1611900000		107-DV		THOMAS KELLY #6479	KENTUCKY EAST	2.5	
8323957	503987	1611900000		107-DV		THOMAS RICHIE #6153	KENTUCKY EAST	9.8	
8323959	504009	1619500000		107-DV		THOS J BLEVINS #6209	KENTUCKY EAST	6.1	
8323808	503858	1619500000		107-DV		THOS P MAY - #5895	KENTUCKY EAST	1.8	
8324018	504068	1619500000		107-DV		TOBIAS BURK - #6345	KENTUCKY EAST	7.5	
8324019	504069	1619500000		107-DV		TOBIAS BURK - #6346	KENTUCKY EAST	5.4	
8324117	504167	1619300000		107-DV		W B ENGLE - #6571	KENTUCKY EAST	5.8	
8323981	504031	1619300000		107-DV		W B ENGLE #6262	KENTUCKY EAST	4.7	
8324097	504147	1619300000		107-DV		W B ENGLE #6520	KENTUCKY EAST	3.6	
8324022	504072	1619500000		107-DV		W B MULLINS - #6354	KENTUCKY EAST	3.2	
8323999	504049	1619500000		107-DV		W B MULLINS #6308	KENTUCKY EAST	15.9	
8324029	504079	1613300000		107-DV		W H NICKLES - #6376	KENTUCKY EAST	15.0	
8324002	504052	1619500000		107-DV		W H SMALLWOOD #6314	KENTUCKY EAST	1.2	
8323867	503917	1611900000		107-DV		W J BATES - #6008	KENTUCKY EAST	3.1	
8323864	503914	1611900000		107-DV		W R MULLINS - #6004	KENTUCKY EAST	5.8	
8323911	503961	1613300000		107-DV		W R POLLY #6103	KENTUCKY EAST	6.1	
8324049	504090	1619500000		107-DV		WALTER VANCE - #6403	KENTUCKY EAST	2.8	
8324016	504066	1611900000		107-DV		WATSON COLLINS - #6343	KENTUCKY EAST	1.0	
8324027	504077	1611900000		107-DV		WATSON COLLINS - #6369	KENTUCKY EAST	11.6	
8323922	503972	1619500000		107-DV		WAYNE JOHNSON - #6126	KENTUCKY EAST	7.1	
8323833	503883	1611900000		107-DV		WESLEY MADDEN - #5932	KENTUCKY EAST	10.5	
8323846	503896	1619500000		107-DV		WILBURN NEWSOM - #5968	KENTUCKY EAST	14.8	
8324112	504162	1619300000		107-DV		WILLIAM GRIGSBY - #6551	KENTUCKY EAST	5.8	
8324052	504102	1619500000		107-DV		WILLIAM JOHNSON - #6420	KENTUCKY EAST	7.9	
8323960	504010	1619500000		107-DV		WILLIAM JOHNSON #6214	KENTUCKY EAST	7.2	
8324085	504135	1619500000		107-DV		WILLIAM RAMEY #6495	KENTUCKY EAST	2.5	
8324001	504051	1619500000		107-DV		WILLIAM REECE #6313	KENTUCKY EAST	1.6	
8324111	504161	1611900000		107-DV		WILLIAM SMITH - #6550	KENTUCKY EAST	0.7	
8324119	504169	1611900000		107-DV		WILLIAM SMITH - #6578	KENTUCKY EAST	4.0	
8324123	504173	1619300000		107-DP		WILLIAM STACY - #6586	KENTUCKY EAST	5.6	
8324060	504110	1611900000		107-DV		WM B NOBLE - #6437	KENTUCKY EAST	7.2	
8323915	503965	1611900000		107-DV		WM COMBS - #6113D	KENTUCKY EAST	6.1	
8324144	504194	1611900000		107-DV		WM COMBS - #6642	KENTUCKY EAST	8.7	
8323848	503898	1619500000		107-DV		WM DAMRON - #5972	KENTUCKY EAST	8.3	
8323882	503932	1619500000		107-DV		WM DAMRON - #6045	KENTUCKY EAST	6.5	
8323814	503864	1619500000		107-DV		WM FORD - #5908	KENTUCKY EAST	7.6	
8323806	503856	1615300000		107-DV		WM HOWARD - #5891 D	KENTUCKY EAST	5.4	
8323817	503867	1615300000		107-DV		WM HOWARD - #5911	KENTUCKY EAST	5.8	
8323831	503881	1615300000		107-DV		WM HOWARD - #5928	KENTUCKY EAST	8.7	
8323916	503966	1611900000		107-DV		WM J HALL - #6114	KENTUCKY EAST	5.8	
8324059	504109	1613300000		107-DV		WM J WRIGHT - #6434	KENTUCKY EAST	1.0	
8323822	503872	1619500000		107-DV		WM OSBORN - #5917	KENTUCKY EAST	3.2	
8324048	504098	1611900000		107-DV		WM RICHIE - #6414	KENTUCKY EAST	3.9	
8324015	504065	1611900000		107-DV		WM RITCHIE - #6338	KENTUCKY EAST	17.0	
8323824	503874	1619500000		107-DV		WM SCALF - #5920	KENTUCKY EAST	6.9	

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