

Federal Register

ok
Tuesday
May 17, 1983

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Animal Drugs

Food and Drug Administration

Authority Delegations

Commodity Futures Trading Commission

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Coal Mining

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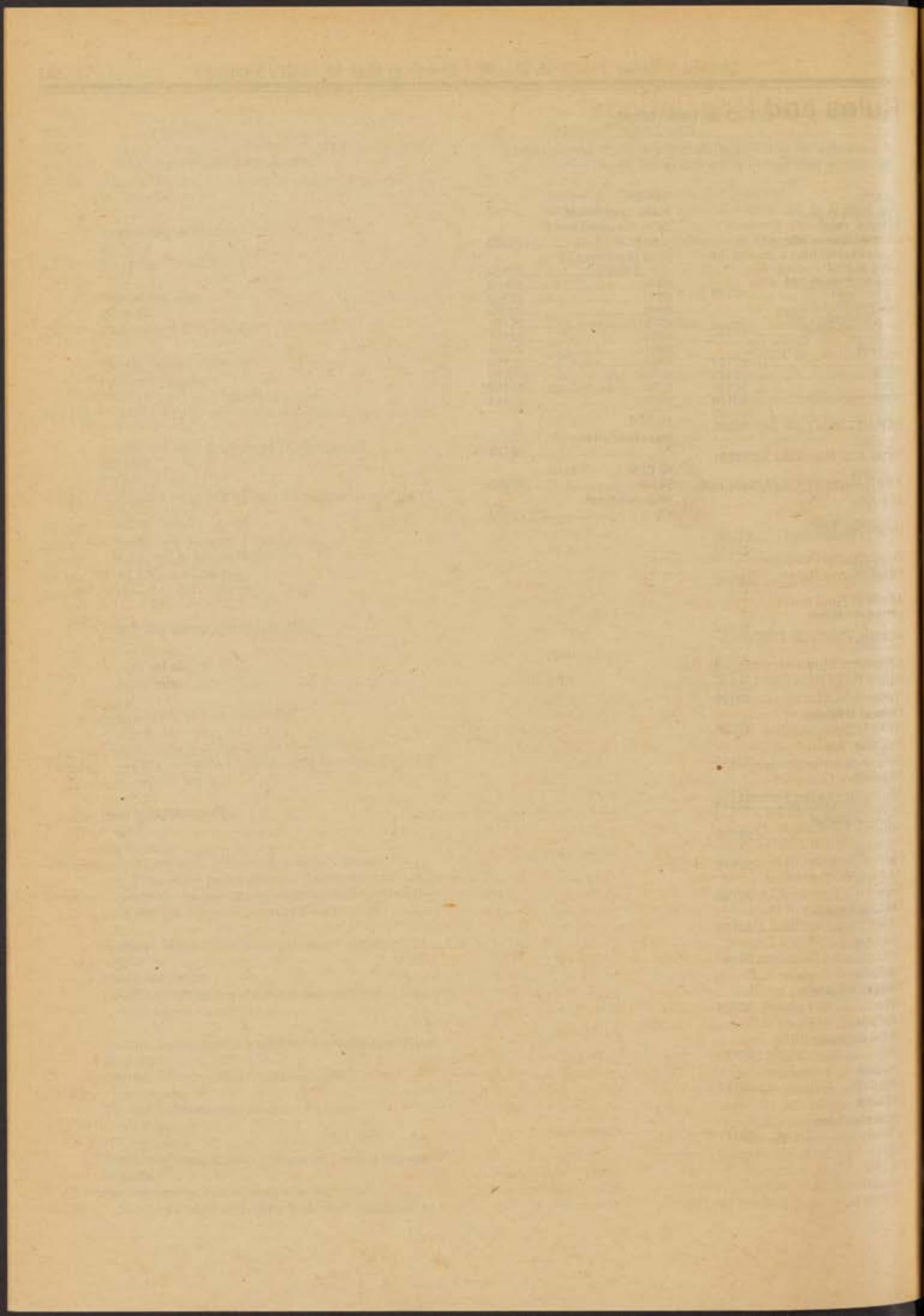
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Federal Register

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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

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DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

7 CFR Parts 271, 272, 273, 274, 275 and 276

[Amdt. No. 250]

Food Stamp Program; Corrections to Food Stamp Rules

AGENCY: Food and Nutrition Service, USDA.

ACTION: Final rule Corrections.

SUMMARY: This action amends Food Stamp Program regulations to correct typographical errors contained in the Federal Register of November 19, 1982 (47 FR 52328), entitled, *Food Stamp Program; Household Composition, Income Standards, Adjustments, Deduction, Outreach and Technical Amendments; the Federal Register of November 26, 1982 (47 FR 53309)*, entitled, *Food Stamp Program; Administrative Flexibility Rule; the Federal Register of November 30, 1982 (47 FR 53828)*, entitled, *Tightened Expedited Service Eligibility; the Federal Register of December 14, 1982 (47 FR 55903)* entitled *Food Stamp Program; Eligibility Criteria and Reduction or Termination of Benefits; the Federal Register of December 28, 1982 (47 FR 57666)*, entitled *Final rule; corrections and clarify revisions; and the Federal Register of February 11, 1983 (48 FR 6313)*, entitled, *Food Stamp Programs; State Plans and Operating Guidelines, Forms and Waivers*. The action also amends the "Effective Date" of the December 28, 1982 rule to clarify that only those provisions which actually amended the Code of Federal Regulations were effective on January 27, 1982. All other provisions of the December 28 rule which amended various individual Federal Register

publications have varying effective dates.

FOR FURTHER INFORMATION CONTACT:

Dan Woodhead, Supervisor, Issuance and Benefit Delivery Section, Program Design and Rulemaking Branch, Program Planning, Development and Support Division, Food and Nutrition Service, USDA, Alexandria, Virginia, 22302, (703) 756-3425.

SUPPLEMENTARY INFORMATION:

Classification

This final rule has been reviewed under Executive Order 12291. The rule will not result in annual economic impacts of more than \$100 million or major increases in costs or prices nor will it have a significant adverse effect on competition, employment, productivity, investment, or foreign trade. Further, the rule is unrelated to the ability of United States-based enterprises to compete with foreign-based enterprises. Therefore, the rule has been classified as "non-major".

Regulatory Flexibility Act

The rule also has been reviewed in relation to the requirements of the Regulatory Flexibility Act of 1980 (Pub. L. 96-354, 94 Stat. 1164, September 19, 1980). Robert E. Leard, the Administrator of the Food and Nutrition Service has certified that this action will not have a significant economic impact on a substantial number of small entities.

Public Participation

As noted above, the amendments made by this final rule are to correct errors and will result in no change of policy. For these reasons, the Department has determined in accordance with 5 U.S.C. 553(b) that notice of proposed rulemaking and public comment of this action is unnecessary.

Paperwork Reduction Act

This rulemaking does not contain reporting or recordkeeping requirements subject to approval by the Office of Management and Budget.

Corrections

An explanation of the corrections being made to Food Stamp Program rules issued on November 19, 1982, November 26, 1982, November 31, 1982,

December 14, 1982, December 28, 1982, and February 11, 1983, follows:

November 19, 1982

At 47 FR 52332, columns 1 and 2 of the preamble explain that the paragraphs listed at the top of column 3 were revised or amended by interim rules issued on September 4, 1981 (47 FR 44712), and were adopted final as unchanged by the November 19, 1982 rule. That portion of the November 19 preamble further explains that the Department was republishing these unchanged paragraphs for the convenience of the reader as they appeared in the September 4 rule. However, paragraph (j) of 7 CFR 273.7 and paragraph (d)(8)(iv) of 7 CFR 273.9 did change on November 19 from the September 4 version and should not have been included in the list of unchanged paragraphs. This action removes the reference to § 273.7(j) and § 273.9(d)(8)(iv) from the list. Also, two other paragraphs ((c)(2) of 7 CFR 272.4 and (a)(2) of 7 CFR 272.2) listed as unchanged and republished in the November 19, 1982 rule for the convenience of the reader contained typographical errors. At 47 FR 52333 (column 3), in the second sentence of paragraph (a)(2) of 7 CFR 272.2, appearing under amendatory instruction No. 4, the phrase "§ 272.2(c) and" should be removed. At 47 FR 52334 (column 1), in paragraph (c)(2) of 7 CFR 272.4, appearing under amendatory instruction no. 6, the word "will" should be "shall". This same typographical word error appeared in rules issued on December 28. At 47 FR 57669 (column 1), the Department amended the November 19 version of paragraph (c)(2) to reflect that an earlier rule had redesignated all of paragraph (c) as (b). In repeating the text of paragraph (c)(2) under the new lettering of (b)(2), the same word error appeared. That error is also being corrected by this action.

November 26, 1982

At 47 FR 53316 (column 2), amendatory instruction No. 1(g) under § 273.2 calls for a revision to the fourth and sixth sentences of 7 CFR 273.2(i)(4)(i), and removal of the fifth sentence under that paragraph. This is incorrect. The fifth and seventh sentences of 7 CFR 273.2(i)(4)(i) are to be revised and the sixth sentence removed. This is being corrected.

At 47 FR 53317 (column 3), the reference to "§ 273.6(a)(2)" in the last sentence of the regulatory text of paragraph (i)(4)(i) under 7 CFR 273.2 should read "§ 273.6(a)." Section 273.2(6)(a) does not contain a paragraph (2).

November 30, 1982

At 47 FR 53830 (column 3), the title line for the regulatory text of § 273.2(i)(3)(i) was unintentionally omitted. This paragraph is being corrected to incorporate the missing title line.

December 14, 1982

At 47 FR 55905 (column 2), the chart is amended to correct typographical errors for two figures that appear in the chart. For Household Sizes "6" and "8" under the first column of the chart, the figure of "1,702" should read "1,703" and the figure of "2,216" should read "2,126."

December 28, 1982

At 47 FR 57666 (column 2), the "Effective Date" line of the preamble is amended to clarify that only those provisions contained in the December 28, 1982 rule which actually amend the Code of Federal Regulations became effective on January 27, 1982. An effective date statement is not required for those provisions of the December 28 rule which corrected individual Federal Register publications. Technical amendments to individual rules including the technical corrections contained in this rulemaking, do not alter the original effective date of the individual publication involved.

At 47 FR 57668 (columns 1 and 2), under Part 272, amendatory instruction No. 4 is being corrected to remove the last line of that instruction regarding a change to paragraph (d)(3). Paragraph (d)(3) was removed from the Code by rules issued on November 26, 1982. Therefore, the December 28th conforming amendment is unnecessary and is being removed by this action.

At 47 FR 57668 (column 1), under Part 271, amendatory instruction no. 2 is amended to correct a typographical error in referencing. The reference to "7 CFR 271.2" appearing in the instruction should read "7 CFR 271.6."

At 47 FR 57669 (column 2), under Part 273, paragraph (e) appearing under amendatory instruction No. 20 is amended to correct typographical errors. The statement to amend the second sentence to paragraph (d)(4) of § 273.9 should state that the third sentence of paragraph (d)(5) is amended. The preamble discussion of this particular amendment (47 FR 57668 top of column 1) contains the same typographical

reference error and is also being corrected by this action.

At 47 FR 57669 (column 2), under Part 273, amendatory instructions 10(a) and 10(b) appearing directly under amendatory instruction No. 22 are amended to correct typographical errors in referencing. The reference to paragraph "(b)(2)(i)(A)" contained in 10(a) should read "(b)(2)(i)(B)" and the reference to paragraph "(b)(2)(ii)" in 10(b) should read "(b)(2)(ii)(B)."

At 47 FR 57669 (column 3), under Part 274, amendatory instruction No. 25 is amended to correct a typographical error in referencing. The references to "§ 273.11(g)(92)" and "(h)(2)" appearing in this instruction should read "§ 273.11(g)(1)" and "(i)(1)" respectively. This same error appears in the preamble discussion of this particular amendment and is also being corrected (47 FR 57667 top of column 1).

February 11, 1983

At 48 FR 6313 (column 3) and 6314 (column 1), the "Effective Date" section and the "Paperwork Reduction Act" section are being corrected to reflect that approval from the Office of Management and Budget was received for the reporting and recordkeeping requirements contained in the rule. OMB approval had been obtained prior to publication of the February 11 rule, thus these two preamble statements are incorrect.

Accordingly, the following corrections are made to Food Stamp Program rules issued on November 19, 1982, November 26, 1982, November 31, 1982, December 14, 1982, December 28, 1982, and February 11, 1983:

PART 271—GENERAL INFORMATION AND DEFINITIONS

1. At 47 FR 57668 (column 1) issued December 28, 1982, amendatory instruction No. 2 is corrected by replacing the reference to "7 CFR 271.2" with a reference to "7 CFR 271.6".

PART 272—REQUIREMENT FOR PARTICIPATING STATE AGENCIES

2. At 47 FR 57668 (column 2), issued December 28, 1982, amendatory instruction No. 4 (which begins in column 1) is corrected by removing the last two lines of that instruction appearing in column 2 directly above Part 273 and replacing the word "and" preceding these lines with a period.

3. At 47 FR 52333 (column 3), issued on November 19, 1982, the second sentence of paragraph (a)(2), appearing under § 272.2 is corrected by removing the phrase "§ 272.2(c) and" in the second sentence.

4. At 47 FR 52334 (column 1), issued on November 19, 1982, paragraph (c)(2), appearing under § 272.4 is corrected by replacing the word "will" with the word "shall".

5. At 47 FR 57669 (end of column 1), issued December 28, 1982, paragraph (b)(2) appearing under § 272.4 is corrected by replacing the word "will" with the word "shall".

PART 273—CERTIFICATION OF ELIGIBLE HOUSEHOLDS

6. At 47 FR 53316 (column 2), issued November 26, 1982, amendatory instruction No. 1(g), appearing under Part 273, is corrected to read as follows: "(g) In paragraph (i)(4)(i), the fifth and seventh sentences are revised. The sixth sentence is removed."

7. At 47 FR 53317 (middle of column 3), issued November 26, 1982, the last sentence of paragraph (i)(4)(i) is corrected by replacing the reference to "§ 273.6(a)(2)" with a reference to "§ 273.6(a)."

8. At 47 FR 53830 (column 3), issued November 30, 1982, the first line of paragraph (i) appearing under the title line of "(3) Processing standards." is corrected by adding the title of "Zero net income and destitute households." between the "(i)" and the words "For households entitled to".

9. At 47 FR 57669 (middle of column 2), issued December 28, 1982 paragraph (e) appearing under amendatory instruction No. 20 is corrected by replacing the reference to paragraph "(d)(4)" with a reference to paragraph "(d)(5)", and replacing the words "second sentence" with the words "third sentence".

10. At 47 FR 57669 (near end of column 2), issued December 28, 1982, paragraph (a) appearing under amendatory instruction No. 22 is corrected by replacing the reference to paragraph "(b)(2)(i)(A)" with a reference to paragraph "(b)(2)(i)(B)".

11. At 47 FR 57669 (column 3), issued December 28, 1982, amendatory instruction No. 25, appearing under § 274.3, is corrected by replacing the references to "§ 273.11(g)(2)" and "(h)(2)" with references to "§ 273.11(g)(1)" and "(i)(1)", respectively.

Other

12. At 47 FR 52332 (column 3), issued on November 19, 1982, the preamble is corrected by removing the reference to "§ 273.7(j)" that appears as line 14 of column 3, and removing the reference to "(d)(8)(iv)" appearing in line 18 of column 3.

13. At 47 FR 55905 (column 2), issued December 14, 1982, the chart appearing

in that column is corrected by replacing the figure of "1,702" with "1,703" for Household Size "6" and by replacing the figure of "2,216" with "2,126" for Household Size "8", respectively. Both figures appear under the first column of the chart.

14. At 47 FR 57666 (column 2), issued December 28, 1982, the "EFFECTIVE DATE" line is corrected to read as follows:

"EFFECTIVE DATE: The amendments to 7 CFR 271.8(b)(1)(i), 271.6(b)(1)(vi), 273.2(f)(1)(i)(A), 273.10, 274.2(h), 274.2(h)(1), 274.2(i), 274.3(c)(1), 274.8(b)(2), 275.3(b), 275.11(f) and 276.1(a)(1) are effective January 27, 1982."

15. At 47 FR 57666 (column 3) and 57667 (column 1), issued December 28, 1982, under the preamble discussion of changes to 7 CFR 274.2, the last two sentences of that section are corrected to read as follows:

"Further, the December 8, 1981 rule redesignated paragraph (g) of 7 CFR 273.11 as (h). However, rules issued December 10, 1982 redesignated paragraph (h) as (i). Therefore, a reference to §273.11(g)(2) appearing in 7 CFR 274.2(h)(1) and a reference to §273.11(g)(1) appearing in 7 CFR 274.3(c)(1) which were overlooked when these redesignations occurred are corrected by the rule to reference §273.11(i)(2) and (i)(1), respectively."

16. At 47 FR 57668 (top of column 1), issued December 28, 1982, the reference to "7 CFR 273.9(d)(4)" is corrected to reference "7 CFR 273.9(d)(5)."

17. At 48 FR 6313 (column 3), issued February 11, 1983, the "Effective Date" section is corrected by removing everything appearing after the date of March 14, 1983, and inserting a period after that date.

18. At 48 FR 6314 (column 1), issued February 11, 1983, the "Paperwork Reduction Act" section is corrected by rewording this section to read "The reporting and recordkeeping requirements contained in §272.3 (b)(1), (2), (3) and (c)(2) of this final rule have been approved by the Office of Management and Budget and have been assigned OMB approval No. 0584-0083."

[91 Stat 958 (7 U.S.C. 2011-2029)]
(Catalog of Federal Domestic Assistance Programs No. 10.551, Food Stamps.)

Dated: May 5, 1983.

Robert E. Leard,
Administrator.

[FR Doc. 83-12916 Filed 5-16-83; 8:45 am]

BILLING CODE 3410-30-M

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Part 214

Nonimmigrant Classes

Correction

In the correction document appearing in the first column of page 19867, in the issue of Tuesday, May 3, 1983, make the following changes:

A. In item 6, the reference to § 214.3(g)(2)(i)(C) should have been to § 214.3(h)(2)(i)(C).

B. In item 7, the reference to § 214.4(a)(2)(x) should have been to § 214.4(a)(1)(x).

BILLING CODE 1505-01-M

NUCLEAR REGULATORY COMMISSION

10 CFR Part 70

Changes In Physical Security Plans; Licensees Possessing or Using Special Nuclear Material of Moderate and Low Strategic Significance

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Nuclear Regulatory Commission is amending its regulations to allow licensees possessing or using special nuclear material of moderate and low strategic significance to make minor modifications to their physical security plans without prior approval by the Commission, provided the changes do not decrease the effectiveness of the plan. This amendment is necessary to remove an inconsistency in the regulations applicable to special nuclear material licensees.

EFFECTIVE DATE: June 16, 1983.

FOR FURTHER INFORMATION CONTACT: Andrea K. Barnold, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555, telephone (301) 443-5976.

SUPPLEMENTARY INFORMATION: On July 24, 1979, the Nuclear Regulatory Commission published a final rule (44 FR 43280) amending 10 CFR Parts 70, 73, and 150 to require physical protection measures to detect theft of special nuclear material of moderate and low strategic significance. One of the requirements of Part 70 is that applicants for licenses to possess or use special nuclear material must submit physical security plans. When Part 70 was amended to require submission of

the plans by applicants for licenses to possess or use special nuclear material of moderate and low strategic significance, they were not included in the provision allowing minor changes to be made to physical security plans without prior Commission approval (see 10 CFR 70.32(e)). It is the Commission's belief that such licensees should be accorded the same privilege to make minor modifications that is accorded to licensees possessing larger quantities of strategic special nuclear material in order to have consistent regulations. Experience has shown the privilege to be a useful form of self-regulation and its extension to licensees possessing special nuclear material of moderate and low strategic significance is a step in reduction of regulatory burden.

Pursuant to 5 U.S.C. 553(b), the Commission for good cause finds that notice and public procedure on the amendment are not necessary, because the amendment confers a privilege on licensees possessing special nuclear material of moderate and low strategic significance that is now enjoyed by licensees possessing larger quantities of strategic special nuclear material. The amendment also relieves the affected licensees of the burden and license fee cost of submitting minor changes to security plans to the Commission for prior approval as formal license amendments.

Paperwork Reduction Act Statement

This final rule amends information collection requirements that are subject to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.). These requirements were approved by the Office of Management and Budget approval number 3150-0009.

List of Subjects in 10 CFR Part 70

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

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

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and Sections 552 and 553 of Title 5 of the United States Code, the following amendment to Title 10, Chapter 1, Code of Federal Regulations, Part 70, is published as a document subject to codification.

PART 70—DOMESTIC LICENSING OF SPECIAL NUCLEAR MATERIAL

1. In § 70.32, paragraph (e) is revised to read as follows:

§ 70.32 Conditions of licenses.

(e) The licensee shall make no change which would decrease the effectiveness of a security plan prepared pursuant to §§ 70.22(h), 70.22(k), or 70.20(c) without the prior approval of the Commission. A licensee desiring to make such a change shall submit an application for an amendment to its license pursuant to § 70.34. The licensee shall maintain records of changes to the plan made without prior Commission approval, for a period of 2 years from the date of the change, and shall furnish to the Director of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555, with a copy to the appropriate NRC Regional Office shown in Appendix A of Part 73 of this chapter, a report containing a description of each change within 2 months after the change is made.

Dated at Bethesda, Maryland, this 12th day of April, 1983.

For the Nuclear Regulatory Commission,
William J. Dircks,

Executive Director for Operations.

[FR Doc. 83-13188 Filed 5-16-83; 8:45 am]

BILLING CODE 7590-01-M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

14 CFR Part 1245

Patents and Other Intellectual Property Rights

AGENCY: National Aeronautics and Space Administration.

ACTION: Interim regulations.

SUMMARY: NASA is amending its patent waiver regulations, 14 CFR Part 1245, Subpart 1, to conform with the February 18, 1983 Presidential Memorandum on Government Patent Policy. NASA has adopted the policy of the Presidential Memorandum as a guide in acting on requests for waiver of rights to inventions made in the performance of work under NASA contract.

EFFECTIVE DATE: May 17, 1983.

ADDRESS: General Counsel, Code G, National Aeronautics and Space Administration, Washington, D.C. 20546.

FOR FURTHER INFORMATION CONTACT: Robert F. Kempf, 202-755-3932.

SUPPLEMENTARY INFORMATION: 14 CFR Part 1245, Subpart 1 is amended by revising § 1245.104, § 1245.105, § 1245.107 and § 1245.110 and § 1245.111. The intended effect is to bring the Patent Waiver Regulations into conformity with the Presidential Memorandum on Government Patent Policy to the Heads of Executive Departments and Agencies, dated February 18, 1983. Pending formal revision of the NASA Patent Waiver Regulations, 14 CFR 1245, Subpart 1 (46 FR 137, July 17, 1981), NASA has adopted the policy of the February 18, 1983, Presidential Memorandum on Government Patent Policy as a guide in acting on requests for waiver of rights to inventions made in the performance of work under a NASA contract under conditions making such inventions subject to Section 305(a) of the National Aeronautics and Space Act of 1958, as amended (42 U.S.C. 2457(a)). Under this policy, requests for waiver of rights normally will be granted as set forth in § 1245.104 and § 1245.105, respectively, as amendments herein to the NASA Patent Waiver Regulations. When waiver is granted, an additional reservation consistent with § 203(d) of Public Law 96-517 (35 U.S.C. 203(d)) will apply, as set forth in amended § 1245.107(f). Procedures for requesting waivers are set forth in amended sections to § 1245.110 and § 1245.111. All other provisions of the NASA Patent Waiver Regulations will remain in effect until further revisions are made.

List of Subjects in 14 CFR Part 1245

Inventions and Contributions Board, Inventions and patents, Scientific and technical contributions, Space Act Monetary Awards Program.

PART 1245—PATENTS AND OTHER INTELLECTUAL PROPERTY RIGHTS

Subpart 1—Patent Waiver Regulations

For reasons set out in the preamble, 14 CFR Part 1245 is amended as follows:

1. By revising paragraphs (a), (b), (c), and (d) of § 1245.104 to read:

§ 1245.104 Advance waivers.

(a) The provisions of this section apply to petitions for waiver of domestic rights to any or all of the inventions which may be made under a contract.

(b) The NASA Inventions and Contributions Board normally will recommend grant of a request for advance waiver of domestic rights submitted prior to execution of contract or within 30 days after execution of the contract unless the Board finds that the interests of the United States will be better served by restricting or

eliminating rights of the contractor in one or more of the following situations:

(1) Where the contract is for the operation of a Government-owned research or production facility;

(2) When a determination has been made by a Government authority which is authorized by statute or Executive Order to conduct foreign intelligence or counter-intelligence activities that the restriction or elimination of the right to retain title to any inventions made in the performance of work under the contract is necessary to protect the security of such activities; or

(3) Where the Board finds that exceptional circumstances exist, such that restriction or elimination of the right to retain title will better promote one or more of the following objectives:

(i) Promoting the utilization of inventions arising from federally supported research and development;

(ii) Encouraging maximum participation of industry in federally-supported research and development efforts;

(iii) Ensuring that inventions are used in a manner to promote free competition and enterprise;

(iv) Promoting the commercialization and public availability of inventions made in the United States by United States industry and labor; and

(v) Ensuring that the Government obtains sufficient rights in federally-supported inventions to meet the needs of the Government and protect the public against nonuse or unreasonable use of inventions.

(c) An advance waiver, when granted, will apply only to inventions reported to NASA under the applicable terms of the contract and a designation made within 6 months of the time of reporting (or a reasonable time thereafter permitted for good cause shown) that the Contractor elects title to the invention and intends to file or has filed a U.S. patent application. Such election will be made by notification in writing to the patent representative designated in the contract.

(d) [Reserved]

2. By revising paragraphs (b) and (c) of § 1245.105 to read:

§ 1245.105 Waiver after reporting inventions.

(b) When an individual identified invention has been reported to NASA under the applicable terms of the contract and waiver of rights has not been granted under § 1245.104, the Board normally will recommend grant of a request for waiver of domestic rights

to such invention if the request is received within 6 months of reporting (or such longer period that the Board may permit for good cause shown), unless the Board finds that exceptional circumstances exist such that restriction or elimination of the right to retain title will better promote one or more of the objectives set forth in § 1245.104(b)(3)(i-v).

(c) [Reserved]

3. By adding paragraph (f) to § 1245.107, to read:

§ 1245.107 **Reservations.**

(f) For any particular invention, each waiver of rights granted will be subject to the additional reservation by the Administrator of the right to require the granting of a nonexclusive or exclusive license for the practice of the invention to any responsible applicant on terms that are reasonable under the circumstances if either the waiver recipient grants to any person the exclusive right to use or sell the invention in the United States without obtaining agreement from such person that any products embodying the invention or produced through use of the invention will be manufactured substantially in the United States, or a licensee of the exclusive right to use or sell the invention in the United States is in breach of such agreement. In individual cases the requirement for such agreement may be waived by the Board upon a showing by the waiver recipient that reasonable but unsuccessful efforts have been made to grant licenses on similar terms to potential licensees that would likely be manufactured in the United States or that under the circumstances domestic manufacture is not commercially feasible.

4. By revising paragraphs (a), (b) and (c) of § 1245.110 to read:

§ 1245.110 **Content of petitions.**

(a) Each request for waiver of domestic or foreign rights under § 1245.104, § 1245.105, or § 1245.106 shall be by petition to the Administrator and shall include an identification of the petitioner, its place of business and address, and if the petitioner is represented by counsel, the name, address, and telephone number of the counsel; the nature and extent of the rights desired and a citation to the section under which the petition is submitted; the signature of the petitioner or its authorized representative, and date of signature. No specific forms need be used, but the request should contain a positive statement that waiver of rights is being requested, including a

clear indication of whether the request is for an advance waiver or waiver of rights for an individual identified invention; information identifying the proposed contract or resulting contract, if any; a copy of the invention disclosure if the request is for an individual, identified invention; and the name, address and telephone number of the party with whom the Board is to communicate when the request is acted upon. Requests for advance waiver should, preferably, be included with the proposal, but in any event in advance of negotiations.

(b) [Reserved]

(c) [Reserved]

5. By revising paragraphs (a) and (c) of § 1245.111, to read:

§ 1245.111 **Submission of petitions.**

(a) During this interim period, petitions (requests) for advance waiver under § 1245.104, prior to contract execution, must be submitted to the contracting officer. Any petition submitted by those organizations selected for negotiation of a contract will be processed and forwarded to the Board for consideration. All other petitions will be submitted to the patent representative designated in the contract for processing prior to forwarding to the Board.

(c) Any request for waiver by a nonprofit organization or small business firm under § 1245.118 shall be submitted to the Chairperson, Inventions and Contributions Board.

(42 U.S.C. 2457)

Hans Mark,

Acting Administrator.

[FR Doc. 83-13119 Filed 5-16-83; 8:45 am]

BILLING CODE 7510-01-M

COMMODITY FUTURES TRADING COMMISSION

17 CFR Parts 140 and 146

Delegation of Authority To Disclose Information and Disclosure of Information Pertaining to Individuals

AGENCY: Commodity Futures Trading Commission.

ACTION: Final rules.

SUMMARY: The Commission is amending Part 140 of its rules, delegating authority to certain Commission officials to disclose information under special circumstances, to any department, agency or political subdivision of a state or foreign government. The Commission is similarly delegating authority to

certain of its employees to disclose information to officials of a registered futures association or a self-regulatory organization as defined in Section 3(a)(26) of the Securities Act of 1934. In addition, the Commission is amending § 146.6(a) of its rules to include disclosure of information concerning individuals to any department, agency or political subdivision of a state or foreign government. These amendments are being made to conform the Commission's rules to the Commodity Exchange Act, as amended by the Futures Trading Act of 1982. The Commission's action relates solely to agency organization, procedure and practice.

EFFECTIVE DATE: May 17, 1983.

FOR FURTHER INFORMATION CONTACT:

Tena Friery, Office of the General Counsel, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581, telephone (202) 254-9880.

SUPPLEMENTARY INFORMATION: The Futures Trading Act of 1982 ("1982 Act"), Pub. L. No. 97-444, 96 Stat. 2294, was signed by President Reagan on January 11, 1983. The 1982 Act adds to Section 8(e) of the Commodity Exchange Act ("Act"), 7 U.S.C. 12(e), the authority for the Commission to furnish any information in its possession which was obtained in connection with the administration of the Act, upon request, to any department or agency of any State or any political subdivision thereof acting within the scope of its jurisdiction.¹ The recently amended version of Section 8(e) also allows the Commission to furnish any such information, upon request, to any department or agency of any foreign government or any political subdivision thereof, acting within the scope of its jurisdiction, if the Commission is satisfied that the information will not be disclosed by such department or agency except in connection with an adjudicatory action or proceeding brought under the laws of such foreign government or political subdivision to which such foreign government or political subdivision or any department or agency thereof is a party.

In addition, the 1982 Act amends Section 8a(6) of the Commodity Exchange Act, 7 U.S.C. 12a(6). This recent amendment authorizes the Commission, notwithstanding the

¹ Any information furnished to such department or agency may not be disclosed by such department or agency except in connection with an adjudicatory action or proceeding brought under the Act or under local law, to which the State, political subdivision, department or agency is a party.

provisions of Section 8 of the Act,³ to communicate the full facts concerning any transaction or market operation, when appropriate,⁴ to an officer or committee of a registered futures association or self-regulatory organization as defined in Section 3(a)(26) of the Securities Exchange Act of 1934.⁴

Further, a provision added by the 1982 Act, Section 8(g), requires the Commission to provide any registration information maintained by the Commission on any registrant upon reasonable request made by any department or agency of any State or any political subdivision thereof. Section 8(g) in addition authorizes the Commission to furnish such registration information without request whenever the Commission determines that the information may be appropriate for use by any department or agency of any State or political subdivision thereof.

To eliminate the necessity for the Commission itself to consider each instance of disclosure allowed by Sections 8(e) and 8a(6), the Commission is amending Rules §§ 140.72 and 140.73 to delegate to certain Commission officials the authority to disclose information pursuant to these sections.⁵ To insure efficient and timely communication of those matters required to be disclosed by Section 8(g), the Commission is amending Part 140 of its rules by adding Rule § 140.75. The added rule delegates to the Director of the Division of Trading and Markets and to such members of the Commission staff as the Director may designate the authority to transmit to any department

or agency of any State or political subdivision thereof information required to be disclosed pursuant to Section 8(g). The Commission in amending Rules §§ 140.72 and 140.73 and in adopting § 140.75, intends that the Commission employees named in those rules make the requisite determinations specified in Sections 8a(6), 8(e), and 8(g) of the Act prior to disclosure.

Recognizing that the disclosures allowed by the 1982 provisions in Sections 8(e) and 8a(6) and those required by Section 8(g) may include information pertaining to individuals⁶ and subject to the provisions of the Privacy Act, 5 U.S.C. 552a,⁷ the Commission is amending Rule § 146.6(a), which controls the disclosure of information maintained on individuals to third parties to reflect the recent amendments to the Act. In addition, Rule § 146.6(a) is being amended to correct a technical error contained in (4) thereunder.

The Commission anticipates that requests for information under Sections 8(e), 8(g) and 8a(6) will ordinarily be written requests. However, the Commission does not intend to thwart the purposes to be served by the disclosures allowed or required by these sections, and for that reason, where circumstances would render a written request impractical, will consider a telephone request provided the requestor furnishes written confirmation of the request via Telex or other expeditious means of written communication. Finally, the Commission notes that the limitations on disclosure of any information received from the Commission by those governmental and self-regulatory entities specified in Sections 8a(6), 8(e), and 8(g) are incorporated into the regulations as amended by this notice.

The Commission has determined that these amendments to Parts 140 and 146 relate solely to agency organization, procedure, and practice. Therefore, the provisions of the Administrative Procedure Act, 5 U.S.C. 553, generally requiring notice of proposed rulemaking

and other opportunity for public participation, are not applicable.⁸ The Commission further finds that, because of the need promptly to update these rules in light of the enactment of the Futures Trading Act of 1982, there is good cause to make these amendments effective immediately upon publication in the Federal Register.

List of Subjects

17 CFR Part 140

Disclosure of information, Contract markets, Registered futures associations, Self-regulatory organizations, State and local governments, Foreign governments.

17 CFR Part 146

Records maintained on individuals, Disclosure of information, State and local governments, Foreign governments.

In consideration of the foregoing, and pursuant to the authority contained in the Commodity Exchange Act and, in particular, Sections 2(a)(11), 8 and 8a, 7 U.S.C. 4a(j), 12 and 12a, as amended by Pub. L. 97-444, the Commission hereby amends Chapter I of Title 17 of the Code of Federal Regulations as specified below:

PART 140—ORGANIZATION, FUNCTIONS, AND PROCEDURES OF THE COMMISSION

1. Section 140.72 is revised to read as follows:

§ 140.72. Delegation of authority to disclose confidential information to a contract market, registered futures association or self-regulatory organization.

(a) Pursuant to the authority granted under sections 2(a)(11), 8a(5) and 8a(6) of the Act, the Commission hereby delegates, until such time as the Commission orders otherwise, to the Executive Director, the Deputy Executive Director, the Special Assistant to the Executive Director, the Director of the Division of Trading and Markets, each Deputy Director of the Division of Trading and Markets, the Chief Accountant, the General Counsel, each Deputy General Counsel, the Director of the Division of Economics and Education, each Deputy Director of the Division of Economics and Education, the Director of the Market Surveillance Section, the Director of the

³ Section 8(a) of the Commodity Exchange Act, 7 U.S.C. 12(a), prohibits the Commission from publishing "data and information that would separately disclose the business transactions or market positions of any person and trade secrets or names of customers."

⁴ Section 8a(6) allows disclosure of information "which in the judgment of the Commission disrupts or tends to disrupt any market or is otherwise harmful or against the best interests of producers, consumers, or investors, or which is necessary or appropriate to effectuate the purposes of [the] Act." Information so furnished may be disclosed by the recipient only in a self-regulatory action or proceeding.

⁵ The version of Section 8a(6) in effect prior to enactment of the 1982 Act allowed the Commission to communicate information only to the proper committee or officer of a contract market. Such communications, of course, continue to be permitted.

⁶ Rules §§ 140.72 and 140.73 are also being amended to include the General Counsel and each Deputy General Counsel among the Commission officials authorized to disclose information pursuant to the newly enacted Sections 8(e) and 8a(6). In addition, the Director of the Division of Economics and Education, the Director of the Division of Trading and Markets and specified designees are delegated authority to disclose information to other government agencies as set forth in Rule § 140.73.

⁷ On October 12, 1982, the Commission amended one of its established routine uses to include release of information to a futures association registered with the Commission. See 47 FR 44831, 44832 (October 12, 1982). Because of this recent amendment, the Commission finds no need to further amend Rule § 146.6(a) to reflect the authority contained in the newly amended Section 8a(6) for release of otherwise confidential information.

⁸ The Commission's notice of systems of records was most recently published in the *Federal Register* on October 4, 1982. See 47 FR 43759 (October 4, 1982). As required by the Privacy Act, this notice details, among other things, the kinds of records maintained by the Commission and the purposes for which they are routinely used.

⁹ Similarly, the provisions of the Regulatory Flexibility Act, Pub. L. 96-354, 94 Stat. 1164, do not apply. See 5 U.S.C. 601(2). In addition, the Commission notes that these rule amendments do not constitute new paperwork collection requirements within the meaning of the Paperwork Reduction Act, 44 U.S.C. 3501, *et seq.*

Division of Enforcement, each Deputy Director of the Division of Enforcement, each of the Regional Coordinators, and each of the Directors of the Market Surveillance Branches, the authority to disclose to an official of any contract market, registered futures association, or self-regulatory organization as defined in Section 3(a) (26) of the Securities Exchange Act of 1934, any information necessary or appropriate to effectuate the purposes of the Act, including, but not limited to the full facts concerning any transaction or market operation, including the names of the parties thereto. This authority to disclose shall be based on a determination that the transaction or market operation disrupts or tends to disrupt any market or is otherwise harmful or against the best interests of producers, consumers, or investors or that disclosure is necessary or appropriate to effectuate the purposes of the Act. The authority to make such a determination is also delegated by the Commission to the Commission employees identified in this section. A Commission employee delegated authority under this section may exercise that authority on his or her own initiative or in response to a request by an official of a contract market, registered futures association or self-regulatory organization.

(b) Disclosure under this section shall only be made to a contract market, registered futures association or self-regulatory organization official who is named in a list filed with the Commission by the chief executive officer of the contract market, registered futures association or self-regulatory organization, which sets forth the official's name, business address and telephone number. The chief executive officer shall thereafter notify the Commission of any deletions or additions to the list of officials authorized to receive disclosures under this section. The original list and any supplemental list required by his paragraph shall be filed with the Secretary of the Commission, and a copy thereof shall also be filed with the Regional Coordinator for the region in which the contract market is located or in which the registered futures association or self-regulatory organization has its principal office.

(c) Notwithstanding the provisions of paragraph (a) of this section, in any case in which a Commission employee delegated authority under this section believes it appropriate, he or she may submit to the Commission for its

consideration the question of whether disclosure of information should be made.

(d) For purposes of this section, the term "official" shall mean any officer or member of a committee of a contract market, registered futures association or self-regulatory organization who is specifically charged with market surveillance or audit or investigative responsibilities, or their duly authorized representative or agent, who is named on the list filed pursuant to paragraph (b) of this section or any supplement thereto.

(e) For the purposes of this section, the term "self-regulatory organization" shall mean the same as that defined in Section 3(a) (26) of the Securities Exchange Act of 1934.

(f) Any contract market, registered futures association or self-regulatory organization receiving information from the Commission under these provisions shall not disclose such information except that disclosure may be made in any self-regulatory action or proceeding.

2. Section 140.73 is revised to read as follows:

§ 140.73 Delegation of authority to disclose information to United States, State and foreign government agencies.

(a) Pursuant to sections 2(a)(11), 8a(5) and 8(e) of the Act, the Commission hereby delegates, until such time as the Commission orders otherwise, to the General Counsel, or in his or her absence to each Deputy General Counsel, the Director of the Division of Enforcement, and in his or her absence to each Deputy Director of the Division, the Director of the Division of Economics and Education or, in his or her absence, each Deputy Director of the Division, the Director of the Market Surveillance Section, the Director of the Division of Trading and Markets or in his or her absence each Deputy Director of the Division of Trading and Markets the authority to furnish information in the possession of the Commission obtained in connection with the administration of the Act, upon written request, to:

(1) Any department or agency of the United States, including for this purpose an independent regulatory agency, acting within the scope of its jurisdiction in the investigation or prosecution of any violation of law;

(2) Any department or agency of any State or any political subdivision thereof, acting within the scope of its jurisdiction; or

(3) Any department or agency of any foreign government or any political subdivision thereof, acting within the

scope of its jurisdiction, provided that the Commission official making the disclosure is satisfied that the information will not be disclosed except in connection with an adjudicatory action or proceeding brought under the laws of such foreign government or political subdivision to which such foreign government or political subdivision or any department or agency thereof is a party.

(b) Any disclosure made pursuant to paragraph (a) of this section shall be made with the concurrence of the Director of the Division of Enforcement or in his or her absence a Deputy Director of the Division of Enforcement. Provided, however, that no such concurrence is necessary for the Director of the Division of Economics and Education or in his or her absence each Deputy Director of the Division or for the Director of the Market Surveillance Section to release information under paragraph (a)(1) of this section concerning current or on-going market transactions or operations.

(c) In furnishing information under this delegation pursuant to Paragraphs (a)(1) and (2) of this section, the Commission official making the disclosure shall remind the department or agency involved that Section 8(e) of the Act prohibits the disclosure by such department or agency of information that would separately disclose the business transactions or market positions of any person and trade secrets or names of customers except in an action or proceeding under the laws of the United States, the State, or a political subdivision thereof to which the department or the agency of either the state or political subdivision, the Commission, or the United States is a party.

(d) This delegation shall not affect any other delegation which the Commission has made or may make, which authorizes any other officer or employee of the Commission to furnish information to governmental bodies on the Commission's behalf.

(e) Notwithstanding the provisions of paragraph (a) of this section, in any case in which any employee delegated authority therein believes it appropriate the matter may be submitted to the Commission for its consideration. Nothing in this section shall prohibit the Commission from exercising the authority delegated in Paragraph (a) of this section.

3. Section 140.75 is added to read as follows:

§ 140.75 Delegation of authority to the Director of the Division of Trading and Markets.

Pursuant to sections 2(a)(11), 8a(5) and 8(g) of the Act, the Commission hereby delegates to the Director of the Division of Trading and Markets and to such members of the Commission's staff acting under his or her direction as the Director may designate from time to time, the authority to disclose any registration information contained in the registration applications filed by Commission registrants or any compilation of such information maintained by the Commission to any department or agency of any State or any political subdivision thereof. Disclosure under this section may be made upon reasonable request made to the Commission or without request whenever the Director of Trading and Markets or any Commission employee designated by the Director to make disclosures under this section determines that such information may be appropriate for use by any department or agency of a State or political subdivision thereof. Notwithstanding the provisions of this section, in any case in which the Director of Division of Trading and Markets deems it appropriate, or in any case in which the Commission so requests, the Director may submit matter to the Commission for its consideration.

PART 146—RECORDS MAINTAINED ON INDIVIDUALS

4. In § 146.6, paragraph (a)(4) is amended by removing the letter "(g)" following "§ 146.2" and inserting in lieu thereof the letter "(i)."

5. Section 146.6 is amended by adding paragraphs (a) (12) and (13) to read as follows:

§ 146.6 Disclosure to Third Parties.

(a) The Commission shall not disclose to any agency or to any person by any means of communication a record pertaining to an individual which is contained in a system of records, except under the following circumstances:

(12) The disclosure is made, upon request, to a department or agency of any state or political subdivision thereof acting within the scope of its jurisdiction as permitted by Section 8(e) of the Act and subject to the limitations of further dissemination as contained in Section 8(e). Information disclosed pursuant to this paragraph may also include registration information maintained by the Commission on any registrant as

authorized to be disclosed by Section 8(g) of the Act. Registration information may be furnished to a department or agency of any state or political subdivision thereof upon reasonable request made by the department or agency or without request whenever the Commission or an employee designated by § 140.75 of this chapter determines that such information may be appropriate for use by the department or agency.

(13) The disclosure is made, upon request, to a department or agency of any foreign government or any political subdivision thereof, acting within the scope of its jurisdiction, provided that, prior to disclosure, the Commission or an employee delegated authority by § 140.73 of this chapter to disclose information pursuant to Section 8(e) of the Act is satisfied that the information will not be disclosed by such department or agency except in connection with an adjudicatory action or proceeding brought under the laws of such foreign government or political subdivision to which such foreign government or political subdivision or any department or agency thereof is a party.

Issued in Washington, D.C. on May 11, 1983, by the Commission.

Jane K. Stuckey,

Secretary to the Commission.

[FR Doc. 83-13176 Filed 5-16-83; 8:45 am]

BILLING CODE 6351-01-M

17 CFR Parts 170 and 180

Regulations Pertaining to Arbitration and Registered Futures Associations

AGENCY: Commodity Futures Trading Commission.

ACTION: Final rules.

SUMMARY: The Commodity Futures Trading Commission is amending its rules governing the arbitration proceedings which must be conducted by contract markets and registered futures associations and the content and effect of the cautionary language which must be included in voluntary pre-dispute arbitration agreements between futures commission merchants ("FCMs"), floor brokers, or associated persons and their customers. The purpose of these amendments is to conform the Commission's rules to recent changes in the Commodity Exchange Act and to further encourage the use of arbitration as a means of dispute resolution by participants in the commodity futures and options markets.

The amendments which the Commission is now adopting will: (1) eliminate the \$15,000 limitation upon disputes which must be accepted for arbitration by exchanges and registered futures associations; (2) broaden the definition of "customer" to include certain FCMs and floor brokers; (3) continue to authorize the use of binding pre-dispute arbitration agreements (provided that the execution of such an agreement would not eliminate the right of a customer who enters into such an agreement to seek reparations pursuant to section 14 of the Commodity Exchange Act with respect to a dispute arising under the agreement), but only where the customer who executes a voluntary pre-dispute arbitration agreement is given a choice of at least two organizations which provide arbitration as a forum for dispute resolution, with at least one organization offering the customer the opportunity to have the arbitration dispute heard in a location reasonably convenient to the customer; and (4) require contract markets and registered futures associations to provide that their members will bear any incremental costs providing arbitration by a "mixed panel."

EFFECTIVE DATE: The amendments to §§ 170.8, 180.1, 180.4, 180.5 and 180.6 will become effective June 16, 1983. The amendments to §§ 180.2 and 180.3 will become effective on August 15, 1983.

FOR FURTHER INFORMATION CONTACT: Robert Rosenfeld, Attorney, Division of Trading and Markets, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581 (202) 254-8955.

SUPPLEMENTARY INFORMATION:

I. Background

On December 14, 1981, the Commission published a proposal to amend parts 12 and 180 of its regulations, which govern reparations and arbitration procedures and requested comment thereon by February 12, 1982.¹ On February 26, 1982, the Commission extended the comment period on the proposed rules until March 15, 1982.² The Commission received thirty-two letters of comment on the proposed amendments: nine from contract markets; eight from FCMs; eight from floor brokers; three from law firms; one from the National Futures Association ("NFA"); one from the

¹ 46 FR 60834 (December 14, 1981).

² 47 FR 9225 (March 4, 1982).

American Arbitration Association ("AAA"); one from the National Association of Securities Dealers ("NASD"); and one from the Futures Industry Association ("FIA"). The Commission has reviewed these comments carefully and, as more fully explained below, modified certain aspects of its original proposal in response to various suggestions made by one or more commentators. In addition, the Commission has modified its proposal to reflect recent amendments to sections 5a(11) and 17(b)(10) of the Commodity Exchange Act made by the Futures Trading Act of 1982, Pub. L. No. 97-444, 96 Stat. 2294, 2307 (1983).*

II. Conforming Amendments

A. Sections 170.8, 180.2 (Introductory Paragraph) and 180.4

The Futures Trading Act of 1982, Pub. L. No. 97-444, § 271, 96 Stat. 2307 (1983), has amended sections 5a(11) and 17(b)(10) of the Commodity Exchange Act, 7 U.S.C. §§ 7a(11), 21(b)(10) by eliminating the \$15,000 limitation upon disputes which must be accepted for arbitration by exchanges and registered futures associations. As noted by the House Committee report concerning such legislation, these changes were made in order to enhance the attractiveness of arbitration as an alternative to reparations.⁴ The Commission believes that removal from the Commission's rules of the \$15,000 limitation upon disputes which must be accepted for arbitration under contract market and registered futures association rules is consistent with the amendments to the Act as well as the purposes which supported the statutory amendments.

The Commission notes that those statutory amendments received broad-based support⁵ and that comments on

the arbitration rules proposals urged removal of the \$15,000 limitation even though such proposal was not included among the rules initially proposed for amendment.⁶ Accordingly, the Commission is amending § 170.8, the introductory paragraph of § 180.2, and § 180.4 to delete the \$15,000 limit on arbitrable grievances and related counterclaims. The Commission expects that this change may encourage customers with more sizable claims to arbitrate their claims instead of petitioning for reparations hearings. As noted by the House Report on H.R. 5447:

[a]rbitration is an equally viable forum for resolving customer claims in excess of \$15,000 and there is no logical reason why reparations should be the only out-of-court forum for resolution of these disputes.⁷

The Commission also is amending § 170.8 to conform its rule to the underlying requirement of section 17(b)(10) of the Act, as amended by the Futures Trading Act of 1982, that a futures association must provide a fair, equitable, and expeditious procedure through arbitration or otherwise for the settlement of customers' claims and grievances against any member or employee thereof. The Commission notes that the national futures Association ("NFA") is the only futures association currently registered with the Commission. The Commission approved NFA's Code of Arbitration when it initially granted NFA's registration.⁸ The expeditious resolution of disputes always has been an objective of the NFA arbitration program, and the Commission does not believe at this time that any changes in NFA's Code of Arbitration would be required to assure compliance with the newly enacted standard of section 17(b)(10) of the Act or § 170.8 of the Commission's regulations, as amended here. The Commission notes that NFA's arbitration program became operational on March 31, 1983, and that the Commission will monitor that program to assure, among other things, that NFA arbitration provides an expeditious, as well as fair and equitable, means of dispute resolution.

B. Sections 180.5, 180.3(b)(7)

Commission rule 180.5 authorizes a contract market to establish a procedure for settlement of customers' claims and

grievances which were heretofore not covered by §§ 180.1 through 180.4, *i.e.*, claims in excess of \$15,000. As noted above, the Futures Trading Act of 1982 has eliminated that \$15,000 jurisdictional limit. Since all customer claims and grievances are now governed by §§ 180.1-180.4, the language of current § 180.5 is being deleted.

Commission rule 180.5 is also referenced in current § 180.3(b)(5), to assure that any forum for settlement of customer disputes, other than a procedure established pursuant to section 5a(11) of the Act, complies with certain minimal fairness standards. With the elimination of the \$15,000 jurisdictional limit, the Commission believes it is appropriate to directly reference the fairness and equitability standards of § 180.2 in new § 180.3(b)(7) (formerly § 180.3(b)(5)), in lieu of the current indirect reference to those standards via § 180.5. In addition, the language of § 180.3(b)(7) has been revised from the former language of § 180.3(b)(5) for purposes of clarity. Accordingly, § 180.5 is, as discussed above, deleted and the fairness standards which it references, insofar as they apply to arbitration forums other than those established under section 5a(11) or 17(b)(10) of the Act are reincorporated in § 180.3(b)(7). With the deletion of § 180.5, § 180.6 is redesignated as § 180.5.

C. Section 180.1(b)

The Futures Trading Act of 1982 amended section 5a(11) of the Act by deleting the exclusion of futures commission merchants and floor brokers from the definition of "customer" under that subsection.⁹ The definition of "customer" under section 5a(11) has been broadened to include any person for or on behalf of whom a member of a contract market effects a transaction on such contract market, except another of that contract market.¹⁰ The practical effect of this statutory change is to assure that no person is denied the rights of a customer in arbitration under the Act solely on the basis of that person's registration status. The Commission is amending § 180.1(b) to reflect the statutory definition and, accordingly, thereby require contract market rules adopted in conformance with Part 180 to include as customers futures commission merchants and floor brokers who have a claim based on a customer relationship with a contract

* Section 553(b) of the Administrative Procedure Act, 5 U.S.C. 553(b) normally requires that a notice of proposed rulemaking be published in the Federal Register and that opportunity for comment be provided when an agency promulgates new regulations. Section 553(b) does not apply when an agency for good cause finds that notice and public procedure are impracticable, unnecessary or contrary to the public interest. Since the amendments now being made to § 170.8, § 180.1(b), the introductory paragraph of § 180.2, and the amendments to § 180.3(b)(5), § 180.4, and § 180.5 merely conform those sections to recent statutory changes enacted in the Futures Trading Act of 1982, the Commission finds that prior publication and comment are unnecessary with respect to these amendments.

⁴ H. Rep. No. 97-565, Pt. 1, 97th Cong., 2d Sess. 56 (1982).

⁵ *Id.*, see also the testimony of Chairman Phillip McIn. Johnson, CFTC Reauthorization: Hearings on H.R. 5447 before the Subcomm. on Conservation,

Credit and Rural Development of the House Comm. on Agriculture, 97th Cong., 2d Sess. 116 (1982).

⁶ See letters from E. F. Hutton & Company, Inc. (March 4, 1982) and Rosenman, Colin, Freund, Lewis & Cohen (March 6, 1982).

⁷ H. Rep. No. 97-565, Pt. 1, 97th Cong., 2d Sess. 56 (1982).

⁸ Order Granting Registration and Approving Rules (September 22, 1981).

⁹ The Futures Trading Act of 1982 also amended section 17(b)(10) of the Act to conform it to amended section 5a(11).

¹⁰ See H. Rep. No. 97-565 Pt. 1, 97th Cong., 2d Sess. 92 (1982).

market member, provided the futures commission merchant or floor broker initiating the action is not a member of the same contract market as the respondent.

D. Addition of Introducing Brokers, Commodity Pool Operators, and Commodity Trading Advisors to §§ 180.3(b), 180.3(b)(2), 180.3(b)(3), and 180.3(b)(4)

The Futures Trading Act of 1982 established introducing brokers as a new category of Commission registrant and amended the definition of associated person to include associated persons of introducing brokers, commodity pool operators ("CPOs") and commodity trading advisors ("CTAs"). Most of the functions typically to be performed by introducing brokers are those which otherwise would be performed by FCMs or in some instances their agents, while the functions performed by associated persons ("APs") of CPOs and CTAs in many instances are similar to the functions of APs of FCMs. On March 29, 1983 the Commission determined to publish for comment proposed rules which would establish registration requirements and a regulatory framework for introducing brokers and the new AP registrants.¹¹

The notice also observes that the Commission in a separate action would consider application of the Commission's rules governing arbitration procedures to introducing brokers and requests comments concerning such application.¹² The Commission notes that with the identification of introducing brokers as a category of Commission registrant, NFA has proposed rule amendments which would effectively terminate its never-activated agent membership category and substitute in its place an NFA membership category for introducing brokers.¹³ Existing NFA Bylaws and Rules require all NFA members, including CPOs and CTAs, and their APs to be subject to NFA arbitration procedures.¹⁴ Given the likely membership of introducing brokers in NFA and the fact that the functional role of introducing brokers and APs of

introducing brokers, CPOs and CTAs will place them in frequent contact with commodities customers, the Commission today under separate heading is publishing notice of proposed rules to add introducing brokers, CPOs, CTAs and their APs to the list of Commission registrants subject to the requirements of Part 180.¹⁵

II. Amendments to Current Regulations

A. Determination Not To Amend § 12.21

When the Commission proposed amendments to Part 180 of its regulations, one of the primary issues upon which the Commission requested comment was whether to permit a customer to waive his right to initiate a reparations proceeding if the customer had executed a pre-dispute arbitration agreement. The Commission received a wide variety of comments concerning the proposed amendment to § 12.21, ranging from outright opposition to strong support for such waiver.¹⁶ These comments included suggestions for improving the reparations system as a means of reducing the reparations caseload,¹⁷ and suggestions which would clarify or expand the permissible scope of the proposed pre-dispute waiver of one's right to proceed in reparations.¹⁸ Other commentors, particularly the contract markets, expressed concern that if pre-dispute arbitration agreements became widely used as a means of obtaining customers' waivers of their right to reparations, the exchanges' own arbitration facilities would become severely overburdened.¹⁹ Finally, a number of commentors suggested that the self-regulatory organizations were best structured to determine how best to promote their own arbitration systems—including the provisions of fair forums—in order to

encourage the use of arbitration in lieu of reparations.²⁰

These comments, as well as other developments since the amendment to § 12.21 was proposed, have caused the Commission to determine not to permit the use of pre-dispute arbitration agreements by which customers contractually may waive their rights to reparations.²¹ The Commission has not, however, adopted any rule which would prohibit the use of voluntary pre-dispute arbitration agreements by which customers contractually may waive their rights under section 22 of the Act or otherwise to seek resolution of commodities disputes through private litigation.

With respect to its reparations program, the Commission notes that it has made significant progress in reducing the pending reparations caseload and that, both as a result of amendments to section 14 of the Act by the Futures Trading Act of 1982 and further rulemaking by the Commission relating to reparations procedures, further improvements are likely to occur. For example, during 1982, the number of dispositions of reparations proceedings for the first time exceeded the number of new reparations proceedings initiated. Further, the amendments to section 14 of the Act by the Futures Trading Act of 1982 now limit reparations proceedings to those actions involving a violation of the Act, Commission rule or order which is brought only against *actual* Commission registrants, as compared to the previous statutory right to seek reparations against individuals *required* to be registered with the Commission. Finally, the Commission recently published an advance notice of proposed rulemaking suggesting various means by which the conduct of its reparations proceeding might be expedited.²² The Commission's staff has considered the comments received in response to that notice and will shortly present its recommendations to the Commission concerning specific proposed rules.²³

¹¹ As noted previously, the Commission already has given notice of this proposal with respect to introducing brokers. Comments received in response to that notice will be considered in conjunction with this publication of the proposed rule amendments and need not be resubmitted.

¹² See comments of Gary J. Leks, M. Van Smith, and Paine Webber Jackson & Curtis Incorporated in opposition. See comment of E. F. Hutton & Company, Inc. in support.

¹³ See e.g., comments of Drexel Burnham Lambert Incorporated.

¹⁴ See e.g., comments of Merrill Lynch Commodities, Inc., E. F. Hutton & Company, and Memel, Jacobs, Pierno and Gerish on behalf of Monex International, Ltd.

¹⁵ See comments of the Chicago Board of Trade; the Coffee Sugar and Cocoa Exchange, Inc. and various members of that Exchange; the New Orleans Commodities Exchange; the Mid-America Commodities Exchange; and the National Association of Securities Dealers.

²⁰ See comments of the National Futures Association and of the Chicago Board of Trade.

²¹ The Commission notes that, contrary to the view of two commentors (Gary J. Leks and M. Van Smith), it does not believe that any provision of the Community Exchange Act nor any court holdings would preclude the Commission from amending its rules to permit the use of pre-dispute arbitration agreements by which the parties thereto waive their right to reparations. Indeed, the Commission believes that, but for existing provisions in Part 180 of its regulations, such contractual waivers would be permissible.

²² 48 FR 6720 (February 15, 1983).

²³ Commission consideration of such rule proposals has been scheduled for May 24, 1983.

¹¹ 48 FR 14933 (April 6, 1983); see also 48 FR 1590 (April 13, 1983).

¹² *Id.* at 14935. The Commission has not yet had an opportunity to consider any such comments, but will address the issue of whether to include introducing brokers under § 180.3 in conjunction with a rule proposal which the Commission is publishing for comment under separate heading today concerning the inclusion of CPOs and CTAs under the provisions of § 180.3.

¹³ Proposed amendment to sections 1 and 2 of the NFA Code of Arbitration (March 9, 1983).

¹⁴ See Section 2 of the NFA Code of Arbitration.

In the light of the Commission's expectations of further substantial improvements in its ability to hear reparations proceedings on an expeditious basis, and the concerns expressed by various commentators, the Commission has determined not to amend § 12.21 and to retain the existing limitation in § 180.3 on the ability of a party to a pre-dispute arbitration agreement to waive his rights to a reparations proceeding. In reaching this conclusion, the Commission also notes the comments of the NFA and the Futures Industry Association to the effect that arbitration has the potential for relieving the pressure of reparations proceedings only if the public perceives it as a just, speedy and inexpensive forum for the resolution of claims, and that such perception can best be realized through the industry's own efforts.

In this regard, the past year has also seen the advent of NFA's arbitration program. That program, which commenced operation on March 31, 1983, directly involves a very large portion of the commodities industry.²⁴ The NFA program is particularly relevant to consideration of these proposed rules because it requires NFA members to participate in NFA arbitration proceedings initiated by customers, provide customers with the opportunity to have a matter heard by a mixed panel at a cost no greater than the cost of a non-diversified panel, and offers a customer the opportunity to have his complaint heard in a location generally convenient to the customer—typically, most major cities within the United States. In summary, the NFA Code of Arbitration provides customers as a right with the protections which the Commission was proposing to require as a prerequisite to an FCM's use of a pre-dispute arbitration agreement.

Notwithstanding its determination not to remove the existing restrictions on the use of pre-dispute arbitration agreements, the Commission has determined that other reasons support adoption of certain other proposed changes to Part 180. First, the 1982 reauthorization process demonstrated a continuing strong Congressional support for the use of arbitration as a means of dispute resolution and, second,

notwithstanding considerable and significant progress in the Commission's ability to process and resolve reparations matters, the Commission continues to believe that it should pursue all fair and viable means of further reducing its burden of resolving disputes in reparations. The Commission believes the rule changes to Part 180 adopted herein will further enhance the attractiveness of arbitration as a means of dispute resolution, assure that FCMs which offer forums other than NFA for arbitration provide at least one forum with arbitration attributes comparable to NFA,²⁵ and provide an even greater opportunity to assist in controlling the Commission's burden of reparations proceedings.

B. Section 180.2(a)

The Commission is amending § 180.2(a) to require that customers be provided with the choice of a panel or other decision-making body having at least a majority of the persons serving thereon who are not members of or associated with any member of a contract market, or employee thereof, and who are not otherwise associated with a contract market ("unaffiliated arbitrators"). Numerous commentators have stated that this amendment was overbroad and would eliminate large numbers of individuals with commodities market experience from the pool of available unaffiliated arbitrators. The Commission believes, however, that giving customers a choice of a panel whose unaffiliated arbitrators are not members of any contract market is essential to ensure that customers perceive arbitration to be as impartial as a reparations proceeding before an administrative law judge or litigation before a civil court judge. In this regard, the Commission notes that such a requirement reflects panel selection procedures of the National Association of Securities Dealers as well as draft commodities arbitration rules of the American Arbitration Association.²⁶

Moreover, this requirement will have little practical effect if, as anticipated by the Commission, most contract markets designate the National Futures Association as an available arbitration forum under § 180.3(b)(4)(A). Under section 4a of the NFA Code of

Arbitration, customers are entitled to the choice of a panel composed of a majority of persons who are not connected with an NFA member or NFA (except as NFA arbitrators). Since most members of contract markets will also be NFA members, such contract market members will in any case be subject to the panel membership restrictions of NFA rule section 4(a) regardless of Commission revision to § 180.3(b). Thus, the revised language of § 180.3(b) merely puts contract market panel selection procedures on an equal basis with that of NFA.

The Commission also has determined to amend § 180.2(a) in order to make clear that an arbitration panel may consist of one arbitrator. The Commission believes that arbitration organizations should be permitted to use one unaffiliated arbitrator as well as a panel with a majority of unaffiliated panelists in dispute resolution. In this regard, the Commission notes that both the New York Stock Exchange and National Association of Securities Dealers successfully use one person panels and that the arbitration rules of the National Futures Association authorize one person panels in cases in which the customer's claim is less than \$5,000.²⁷ Moreover, the Commission has received comments supporting the use of one person panels.²⁸ Accordingly, the Commission concludes that under appropriate circumstances, one person panels are an acceptable means of arbitration and is amending § 180.2(a) to encourage experimentation by arbitration organizations along these lines. Finally, since § 180.2(e) addresses the issue of costs, the Commission is amending § 180.2(a) to delete the current language which permits costs incurred as a result of electing a mixed panel to be allocated among the parties.

C. Section 180.2(e)

As originally proposed, § 180.2(e) would have provided that contract market rules require contract market members which are parties to an arbitration proceeding to pay all costs other than any applicable initial filing fee, unless the arbitrators in a particular case determine that the customer has acted in bad faith in initiating the proceeding. The Commission has received substantial adverse comment with respect to that proposal. Essentially, the commentators contend that (1) the Commission is without

²⁴ NFA's arbitration program would apply to all FCMs which handle customer accounts and, through NFA Bylaw 1101 (which restricts the ability of NFA members to handle accounts of non-NFA members) all other introducing brokers, CPOs and CTAs which are members of NFA. It should further be noted that the Commission has under consideration a proposed rule which would require all FCMs to be a member of at least one registered futures association. See 47 FR 53031 [November 24, 1982].

²⁵ If, as anticipated, NFA is designated by one or more contract markets as their forum for arbitration, the amendments to Part 180 would operate to provide customers with the choice of at least two forums with these attributes for all matters relating to such contract markets.

²⁶ See section 15 of the NASD Code of Arbitration and sections 11-14 of the 1977 draft AAA Commodities Arbitration rules submitted by AAA in response to the Commission's 1981 proposal.

²⁷ See Section 4(a) of the NASD Code of Arbitration Procedure ("Simplified Arbitration") and Section 4(a) of the NFA Code of Arbitration.

²⁸ See e.g., letter dated February 2, 1982, from Bartlett Commodity Investors, Inc.

statutory authority to impose such a requirement, (2) the unqualified language in § 180.2(e) could be construed to include such expenses as a customer's travel and attorney expenses, and (3) such a requirement could encourage the filing of frivolous grievances and result in "forced" settlements by exchange members who would seek to avoid the expenses of arbitration.

The Commission believes that sections 5a(11) and 8a(5) of the Commodity Exchange Act provide ample authority for the Commission to require contract market members to bear the costs involved in establishing and maintaining an arbitration program as a condition to contract market designation. Nevertheless, the Commission notes that it never intended the words "all costs" to include expenses which are personal to the customer, such as travel expenses, attorney fees or discovery expenses that are not traditionally awarded as "costs" of a proceeding.²⁹ The Commission's essential concern is that customers not be required to bear the burden of any additional expenses, such as higher initial filing fees, resulting from their selection of a mixed panel as opposed to a non-diverse panel.

Accordingly, the Commission is amending § 180.2(e) to require that the rules of a contract market must provide that a contract market member which is a party to an arbitration proceeding shall pay any incremental fees which a contract market may assess for providing a mixed panel, unless the arbitrators in a particular case determine that the customer has acted in bad faith in initiating or conducting the proceeding. The Commission expects that the applicability of a bad faith standard for such an allocation of costs against the customer would be unusual.³⁰ The Commission notes that § 180.2(e) currently provides that any other costs may be apportioned among the parties or may be assessed against the losing party as the panel or other decisionmaking body, in its discretion, sees fit. Thus, while contract market members will be required to pay the direct costs associated with a customer's selection of a mixed panel, the arbitration panel may allocate other expenses only under appropriate circumstances.

D. Section 180.3

As proposed, § 180.3(b)(1) would require the pre-dispute arbitration

agreement to be contained in a separate document. This requirement was premised on the assumption that a separate document would focus customers' attention on the nature of the agreement and thus possibly ensure that the agreement would be entered knowingly. Numerous commentators, however, objected to this requirement. Essentially, those commentators contended that requiring a separate document would add additional costs without any further measure of protection than would be offered by separate endorsement within the customer agreement. Because the Commission has determined not to permit parties to waive their right to reparations through execution of a pre-dispute arbitration agreement, the Commission does not believe that it is essential to provide the additional focus which would be achieved by requiring execution of a separate agreement. Accordingly, the Commission has determined not to amend § 180.3(b)(1).

The Commission's concern that customers make an informed decision with respect to the pre-dispute agreement, however, is reflected in the revised bold face language required on such agreements. Specifically, the Commission is amending the bold face language required by new § 180.3(b)(6) in order to more clearly and simply convey the significance of the arbitration agreement to the customer. In order to assure that customers comprehend the available alternative dispute resolution forums and fully understand that execution of a pre-dispute arbitration agreement is voluntary, the Commission will require the bold face language to emphasize the availability of both reparations and arbitration as means for dispute resolution and the fact that execution of the agreement may preclude the customer from seeking to litigate any disputes arising under the agreement. Moreover, in order to focus customer's attention on the fact that a customer need not sign the arbitration agreement in order to open an account, the Commission has moved such language to the end of the § 180.3(b)(6) paragraph immediately preceding the customer's signature. The Commission thus believes that such modifications in language will improve customer understanding of the arbitration agreement and its voluntary nature. In this regard, the Commission notes that it received a variety of comments regarding the implications of the bold face language and its placement within the paragraph.³¹ The

Commission believes however, that the language it is now adopting conveys the essential nature of the agreement and its significance and that further changes are unnecessary.

In order that a customer will not be bound to arbitrate in an unfavorable or distant forum without his or her consent, amended paragraph (b)(4) states that a pre-dispute agreement must advise the customer that he or she may select an arbitration forum when a dispute arises.³² The FCM, floor broker or AP would be required to supply the customer with a list of at least two arbitration forums and the rules of procedure of those forums within 10 days after the receipt of the customer's notice that he or she intends to submit a dispute to arbitration. Should an FCM, floor broker or AP seek to initiate proceedings, notice to that effect would have to be accompanied by the list of forums and their applicable rules.³³ One of the possible forums on the list would have to be the contract market upon which the transaction giving rise to the dispute was or could have been executed, or a registered futures association designated by such contract market, unless the FCM or AP is not a member of such contract market. Either the contract market, its designee or another organization on the list would have to provide the customer with the opportunity to choose a site for the arbitration proceeding from among several cities throughout the country, in order to permit the customer to cite his preference of a reasonably convenient location. Of course, an FCM, floor broker, or AP would be free to include additional organizations on the list, provided their procedures comply with Commission regulation § 180.2.³⁴

Several commentators correctly observed that as proposed, § 180.3(b)(3) was silent on the effect of a failure by the customer to timely select an

is a biased procedure; some suggested that the pros and cons of arbitration and reparations be included in such language.

²⁹ One commentator suggested that a customer select a forum at the time of signing the agreement. The Commission believes, however, that customers should retain the right to select a forum at the time the dispute arises in order to be able to make an intelligent selection based upon the nature of the dispute and the current capabilities of the arbitration forums.

³⁰ Some commentators objected to the requirement of supplying the listed arbitration forums' rules to customers. The Commission believes, however, that such a requirement is necessary to assure an informed selection of a forum by customers. Moreover, the Commission notes that traditionally, arbitration forums provide copies of their rules at no cost.

³¹ In addition to NFA, other possible alternative arbitration forums include the AAA, NASD and the New York Stock Exchange.

²⁹ See 46 FR 60634, 60637 n.17 (December 14, 1981).

³⁰ See e.g., *Alyeska Pipeline Service Company v. The Wilderness Society*, 421 U.S. 240, 258-59 (1975).

³¹ For example, some commentators believed that the bold face language would imply that arbitration

arbitration forum. In response to these concerns, the Commission is amending §180.3(b)(4) to require a customer to select an arbitration forum within 45 days after receipt of the list of available forums. Failure by the customer to make a selection within the 45 day period will give the opposing party the right to select the organization.

Other commentators stated that giving the customer the right to select the arbitration organization is unfair and may result in an abuse of this right by customers in an attempt to extract unwarranted settlements. The Commission believes, however, that such fears are premised on a misunderstanding of the Commission's intent with respect to the selection of arbitration forums. The Commission requires only that a customer be given the right to select the organization which will conduct the arbitration proceeding. The Commission does not require that the customer be given the absolute right to select the location of the actual proceeding, but rather to select an organization with the capability to provide an opportunity to conduct the proceeding in any of a number of cities. The Commission believes that the selection of the proceeding location should be governed by the rules of the selected organization and that those rules should address how a final determination as to location is made when a complainant and respondent disagree as to the most convenient location. In this regard, the Commission intends to carefully scrutinize the rules of those organizations which provide for arbitration in diverse geographic locations to assure that location selection procedures are fair and are made with due consideration of convenience to all the parties.

Finally, the language of §180.3(b)(4) concerning the requirement to provide a disinterested panel is amended to conform to the language of §180.2(a) (see discussion above) and new paragraph (b)(5) of §180.3 is amended from the version of that paragraph initially proposed to reflect the requirement of §180.2(e) that contract market members bear any incremental fees resulting from providing a mixed panel. Accordingly, this requirement for payment of incremental fees would be a condition of any pre-dispute arbitration agreement with a customer, regardless of whether the party making the agreement is a contract market member.

The language of new paragraph (b)(6) of §180.3 reflects certain revisions in the boldfaced language currently required by current §180.3(b)(4) and is designed to clarify the customer's understanding

of the pre-dispute arbitration agreement. Finally, existing paragraph (b)(5) is renumbered §180.3(b)(7) and amended as discussed above in conjunction with the deletion of §180.5.

III. Proposals for Further Rulemaking

In proposing these amendments, the Commission had expressed its concern that customers who do not sign pre-dispute arbitration agreements may thereby forfeit the possible advantages which would be conferred by such agreements. Thus, the Commission requested comment on whether §180.3 should be amended further to provide that a customer would have the right to elect arbitration in a forum of his choice when a dispute arises, even though the customer did not enter into a pre-dispute agreement and whether, in any event, the cautionary language as proposed in new §180.3(b)(6) should contain a statement to that effect.³⁵

In general, most commentators responding to this request contended that such further rulemaking would be undesirable since it could negate a customer's incentive to enter a pre-dispute agreement by leading the customer to believe he or she has nothing to gain by signing such an agreement. The Commission agrees that such further rulemaking is not necessary. The Commission notes, however, that even if a customer does not sign a pre-dispute arbitration agreement, the customer will retain the right under §180.2 to elect arbitration under the rules of a contract market and, if an NFA member is involved, under NFA arbitration rules. Since most futures commission merchants are NFA members, the resulting arbitration may ultimately be conducted under NFA rules which provide for arbitration on a national basis. Thus, although customers who do not enter a pre-dispute agreement will not be required to be afforded the choice of at least two organizations as provided for in §180.3(b)(4), they will most likely be afforded arbitration through an organization which operates on a national basis and will be subject to direct Commission oversight.

In its 1981 release the Commission also noted that one attribute of reparations is an evolving body of law which may be relied upon by industry participants and customers in ascertaining their rights and responsibilities under the Act and Commission regulations. The Commission questioned whether the use of diverse arbitration forums could result in a non-uniform application of

the commodities laws, regulations and applicable self-regulatory rules and invited comments on this question and whether it should propose or implement any additional rules or procedures designed to assure that such questions of law are uniformly determined and subsequently applied.

While several commentators responded that the Commission should promulgate rules that would ensure uniform development and application of the law, the majority of commentators essentially concluded that the benefits of arbitration (e.g., prompt resolution of disputes without the delay and cost of litigation) outweigh any possible drawbacks resulting from non-uniform decisions. The Commission agrees with those commentators who believe that the benefits of arbitration, which is intentionally structured as an informal proceeding, outweigh any potential problems of non-uniformity in decisions. Moreover, any lack of uniformity which may occur in arbitration decisions will not interfere with the uniform development of the law through court or administrative decisions since arbitration decisions by their nature have no precedential value. This is not to imply, however, that the Commission is in any manner limiting recognized grounds to challenge an arbitration award, such as when the award is in manifest disregard of the commodities laws or fundamentally irrational.³⁶

The Commission believes that the success of any arbitration program rests in large part upon an informality uncomplicated by the procedural rules and legal maneuverings characteristic of civil and administrative proceedings. Indeed, the promulgation of any restrictive procedural requirements may only blur the distinction between arbitration and other more formal dispute resolution forums, add costs, and thereby offset those incentives which exist to use arbitration in lieu of other means of dispute resolution.³⁷

³⁵ See *Wilko v. Swan*, 346 U.S. 427, 436-37 (1953); *Shearson Hayden Stone, Inc. v. Liang*, 493 F. Supp. 104, 108 (N.D. Ill. 1980), *aff'd* 653 F.2d 310 (7th Cir. 1981).

³⁶ The Commission notes that the conduct of arbitration proceedings under Part 180 has not been a significant subject of customer complaints to the Commission and that the Commission to date has declined to take review under section 8c of the Act of the very limited number of requests for review of exchange-sponsored arbitration proceedings which it has received. Should the Commission have reason to believe that a self-regulatory organization is not complying with any of its rules or the rules of the Commission, including those rules governing the conduct of arbitration proceedings, the Commission has ample authority under sections 5a(6), 5a(11), 8(a), and 17(b)(10) of the Act and Commission rules 1.51, 1.53, 170.6 and Part 180 to examine the conduct of such arbitration proceedings and to obtain any

³⁷ 46 FR 60634, 60637 (December 14, 1981).

Finally, the Commission notes that the body of arbitration decisions resulting from the new program will not, in any case, alter the precedential value of reparations and civil court decisions.

III. Certification Under Regulatory Flexibility Act

In its 1981 proposal, the Chairman certified, on behalf of the Commission and pursuant to section 3(a) of the Regulatory Flexibility Act, 5 U.S.C. 605(b), that if the regulations were promulgated as proposed, there would not be a significant economic impact on a substantial number of small entities.³⁸ Subsequently, the Commission determined that contract markets, registered futures commission merchants, registered commodity pool operators and large traders are not "small entities" for purposes of that Act and that the requirements of the Regulatory Flexibility Act therefore did not apply to those entities.³⁹ With respect to other parties affected, the Commission continues to believe that these rules, as subsequently modified, will not have a significant adverse impact.⁴⁰ Accordingly, pursuant to section 3(a) of the Regulatory Flexibility Act, 5 U.S.C. 605(b), the Chairman, on behalf of the Commission, certifies that these rules will not have a significant economic impact on a substantial number of small entities.

IV. Final Rules

List of Subjects

17 CFR Part 170

Arbitration, Futures association.

17 CFR Part 180

Arbitration.

Pursuant to the authority in sections 5(a)(11), 17(b)(10) and 8a(5) of the Commodity Exchange Act, as amended, 7 U.S.C. 7a(11), 21(b)(10) and 12a(5), the Commission is amending §§ 170.8, 180.1, 180.2, 180.3, 180.4, 180.5 and 180.6 of Chapter I of 17 CFR as follows:

PART 170—[AMENDED]

1. Section 170.8 of Part 170 is revised to read as follows:

records maintained by the self-regulatory organization concerning such proceedings.

³⁸ 46 FR 60834, 60837 (Dec. 14, 1981).

³⁹ 47 FR 18618 (April 30, 1982).

⁴⁰ These modifications of the original proposal made to conform Parts 170 and 180 to the Futures Trading Act of 1982 do not change this determination. Moreover, Commission modification of its original § 180.2(e) proposal makes clear that contract market members and other parties to pre-dispute arbitration agreements with customers are only required to pay any incremental costs associated with a customer's selection of a mixed panel and not all costs.

§ 170.8 Settlement of customer disputes (Section 17(b)(10) of the Act).

A futures association must be able to demonstrate its capability to promulgate rules and to conduct proceedings which provide a fair, equitable and expeditious procedure, through arbitration or otherwise, for the voluntary settlement of a customer's claim or grievance brought against any member of the association or any employee of a member of the association. Such rules shall conform to and be consistent with Section 17(b)(10) of the Act and be consistent with Part 180 of the Commission's regulations governing contract market arbitration and dispute settlement procedures.

PART 180—[AMENDED]

2. Section 180.1 of Part 180 is amended by revising paragraph (b) as follows:

§ 180.1 Definitions.

(b) The term "customer" as used in this part includes an option customer (as defined in § 1.3(j) of this chapter) and any person for or on behalf of whom a member of a contract market effects a transaction on such contract market, except another member of that contract market.

3. Section 180.2 of Part 180 is amended by revising the introductory paragraph and paragraphs (a) and (e) as follows:

§ 180.2 Fair and equitable procedure.

Every contract market shall adopt rules which provide for a fair and equitable procedure through arbitration or otherwise for the settlement of customer's claims and grievances against any member or employee thereof which shall include at least the following as *minimum* requirements for a fair and equitable procedure:

(a) The procedure shall be objective and impartial. Customers must be provided with the choice of a panel or other decision-maker composed of one or more persons, of which at least a majority are not members or associated with any member of a contract market, or employee thereof, and are not otherwise associated with a contract market. The rules of a contract market may, with proper notice, require the customer to request such a panel or other such decision-maker at the time of submission of the claim or grievance to the procedure. *Ex parte* contacts by any of the parties with members of any panel or other decision-maker shall not be permitted.

(e) The procedure shall provide adequate notice to the parties in

advance of a submission of a claim or grievance, or counterclaim (permitted by § 180.4 of this Part), of the nature and amount of any fees or costs which may be assessed against customers utilizing the procedure. Fees or costs shall be reasonable, particularly in relation to the complexity and amount of the claim or grievance or counterclaim, if any, presented. Costs may be apportioned among the parties or may be assessed against the losing party as the panel or other decision-maker, in its discretion, sees fit. The rules of a contract market, however, must provide that a contract market member which is a party to an arbitration proceeding shall pay any incremental fees which may be assessed by a qualified forum for provision of a panel or other decision-maker which conforms to the requirements of paragraph (a) of this subsection, unless the arbitrators in a particular proceeding determine that the customer has acted in bad faith in initiating or conducting that proceeding.

4. Section 180.3 of Part 180 is amended by redesignating paragraphs (b)(4) and (b)(5) as paragraphs (b)(6) and (b)(7) and revising them, and new paragraphs (b)(4) and (b)(5) are added as follows:

§ 180.3 Voluntary procedure and compulsory payments.

(b)(4) The agreement must advise the customer that, at such time as he or she may notify the futures commission merchant, floor broker or associated person that he or she intends to submit a claim to arbitration, or at such time as the futures commission merchant, or associated person notifies the customer of its intent to submit a claim to arbitration, the customer will have the opportunity to elect a qualified forum for conducting the proceeding. Within ten business days after receipt of such notice from the customer, or at the time the futures commission merchant, floor broker or associated person so notifies the customer, the futures commission merchant, floor broker or associated person must provide the customer with a list of two or more organizations whose procedures qualify them to conduct arbitrations in accordance with the requirements of § 180.2 of this Part, together with a copy of the rules of each forum listed. The list must include: (A) the contract market, if available, upon which the transaction giving rise to the dispute was executed or could have been executed or a registered futures association designated by such contract market; and (B) at least one other organization which will provide the

customer with the opportunity to select the location of the arbitration proceeding from among several major cities in diverse geographic regions and which will provide the customer with the choice of a panel or other decision-maker composed of at least one or more persons, of which at least a majority are not members or associated with a member of a contract market or employee thereof, and which are not otherwise associated with a contract market (mixed panel). The customer shall, within forty-five days after receipt of such list, notify the opposing party of the organization selected. A customer's failure to provide such notice shall give the opposing party the right to select an organization from the list.

(5) The agreement must acknowledge that the futures commission merchant, floor broker or associated person will pay any incremental fees which may be assessed by a qualified forum for provision of a mixed panel, unless the arbitrators in a particular proceeding determine that the customer has acted in bad faith in initiating or conducting that proceeding.

(6) The agreement must include the following language printed in large boldface type:

THREE FORUMS EXIST FOR THE RESOLUTION OF COMMODITY DISPUTES: CIVIL COURT LITIGATION, REPARATIONS AT THE COMMODITY FUTURES TRADING COMMISSION (CFTC) AND ARBITRATION CONDUCTED BY A SELF-REGULATORY OR OTHER PRIVATE ORGANIZATION.

THE CFTC RECOGNIZES THAT THE OPPORTUNITY TO SETTLE DISPUTES BY ARBITRATION MAY IN SOME CASES PROVIDE MANY BENEFITS TO CUSTOMERS, INCLUDING THE ABILITY TO OBTAIN AN EXPEDITIOUS AND FINAL RESOLUTION OF DISPUTES WITHOUT INCURRING SUBSTANTIAL COSTS. THE CFTC REQUIRES, HOWEVER, THAT EACH CUSTOMER INDIVIDUALLY EXAMINE THE RELATIVE MERITS OF ARBITRATION AND THAT YOUR CONSENT TO THIS ARBITRATION AGREEMENT BE VOLUNTARY.

BY SIGNING THIS AGREEMENT, YOU: (1) MAY BE WAIVING YOUR RIGHT TO SUE IN A COURT OF LAW; AND (2) ARE AGREEING TO BE BOUND BY ARBITRATION OF ANY CLAIMS OR COUNTERCLAIMS WHICH YOU OR [NAME] MAY SUBMIT TO ARBITRATION UNDER THIS AGREEMENT. YOU ARE NOT, HOWEVER, WAIVING YOUR RIGHT TO ELECT INSTEAD TO PETITION THE CFTC TO INSTITUTE

REPARATIONS PROCEEDINGS UNDER SECTION 14 OF THE COMMODITY EXCHANGE ACT WITH RESPECT TO ANY DISPUTE WHICH MAY BE ARBITRATED PURSUANT TO THIS AGREEMENT. IN THE EVENT A DISPUTE ARISES, YOU WILL BE NOTIFIED IF [NAME] INTENDS TO SUBMIT THE DISPUTE TO ARBITRATION. IF YOU BELIEVE A VIOLATION OF THE COMMODITY EXCHANGE ACT IS INVOLVED AND IF YOU PREFER TO REQUEST A SECTION 14 "REPARATIONS" PROCEEDING BEFORE THE CFTC, YOU WILL HAVE 45 DAYS FROM THE DATE OF SUCH NOTICE IN WHICH TO MAKE THAT ELECTION.

YOU NEED NOT SIGN THIS AGREEMENT TO OPEN AN ACCOUNT WITH [NAME]. SEE 17 CFR 180.1-180.5.

Customer

(7) If the agreement specifies a forum for arbitration other than a contract market or registered futures association, the procedures of such forum must be fair and equitable as defined by § 180.2 of this Part.

5. Section 180.4 of Part 180 is revised to read as follows:

§ 180.4 Counterclaims.

A procedure established by a contract market under the Act for the settlement of customers' claims or grievances against a member or employee thereof may permit the submission of a counterclaim in the procedure by a person against whom a claim or grievance is brought. The contract market may permit such a counterclaim where the counterclaim arises out of the transaction or occurrence that is the subject of the customer's claim or grievance and does not require for adjudication the presence of essential witnesses, parties or third persons over whom the contract market does not have jurisdiction. Other counterclaims are permissible only if the customer agrees to the submission after the counterclaim has arisen, and if the aggregate monetary value of the counterclaim is capable of calculation.

§ 180.5 [Removed]

6. Part 180 is amended by removing current § 180.5.

§ 180.6 [Redesignated as § 180.5]

7. Part 180 is amended by redesignating current § 180.6 as § 180.5.

Issued in Washington, D.C., on May 12, 1983.

Jane K. Stuckey,

Secretary of the Commission.

[FR Doc. 83-12150 Filed 5-16-83; 8:45 am]

BILLING CODE 6351-01-M

DEPARTMENT OF LABOR

Employment and Training Administration

20 CFR Part 628

Job Training Partnership Act (Pub. L. 97-300); Announcement of Procedures for Appeals to the Secretary of Labor on Denial of Service Delivery Area Designation Under Title I, Part A, Section 101(a)(4)(C); Job Training Partnership Act; Service Delivery System.

AGENCY: Employment and Training Administration, Labor.

SUMMARY: This notice announces procedures for appeals to the Secretary of Labor on denial of service delivery area (SDA) designation under Section 101(a)(4)(C) of the Job Training Partnership Act (JTPA), pursuant to § 628.1(c) of the final regulations for Titles I, II and III (48 FR 11080, March 15, 1983).

FOR FURTHER INFORMATION CONTACT: Robert Colombo, Acting Director, Office of Employment and Training Programs, 601 D Street, NW., Room 6402, Washington, D.C. 20213, telephone number: (202) 376-8093.

SUPPLEMENTARY INFORMATION: Section 101(a)(4)(C) of JTPA and § 628.1(c) of the final regulations permit certain entities to appeal a Governor's denial of SDA designation to the Secretary. These entities are defined in Section 101(a)(4)(A) of the Act. As indicated in § 628.1(c)(2) of the regulations, the Secretary will only accept appeals dated no later than 30 days after receipt of written notification of denial by the Governor. Decisions will be based strictly on the basis of whether or not the Governor's denial is inconsistent with Section 101 of the Act. The regulations provide the address for appeal submittal and require simultaneous submittal of the appeal to the Governor.

Section 628.1(c)(3) of the final regulations provides that the appealing party shall explain why it believes denial of designation is contrary to the provisions of Section 101 of the Act. In order for the Secretary to make an informed decision, the appealing party should provide all relevant information

in the appeal. This includes, at a minimum:

- An explanation of the provision of Section 101 that is at issue.
- Documentation that the appealing party is an entity provided for under Section 101(a)(4)(A) of the Act.
- A copy of SDA designation procedures provided by the Governor.
- A copy of the Governor's proposed and final SDA designations.
- A copy of the appealing party's request for designation.
- A copy of the Governor's notification of denial of designation and evidence of the date of receipt of such denial.

Governors may wish to submit similar or additional information with their comments on an appeal. Since the Secretary will make a final decision within 30 days of receipt of an appeal, Governors will need to submit their comments to the Secretary very quickly in order for them to be considered. A letter acknowledging the Secretary's receipt of an appeal and establishing a due date for receipt of comments will be sent to the appropriate Governor by the Assistant Secretary of Labor for Employment and Training.

Paperwork Reduction Act Clearance

This notice was submitted to and approved by OMB under the Paperwork Reduction Act. The control number assigned to this document by OMB is 1205-0202.

Signed this 4th day of May 1983.

Joyce Kaiser,

Associate Assistant Secretary for
Employment and Training.

[FR Doc. 83-12927 Filed 5-16-83; 8:45 am]

BILLING CODE 4510-30-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 444

[Docket No. 83N-0074]

Antibiotic Drugs; Netilmicin Sulfate Injection

Correction

In FR Doc. 83-11135, beginning on page 18799, in the issue of Tuesday, April 26, 1983, on page 18800, in the third column, in § 444.46(a)(1), in the fifth line, "B" should read "β".

BILLING CODE 1505-01-M

21 CFR Part 558

New Animal Drugs for Use in Animal Feeds; Virginiamycin

Correction

In FR Doc. 83-11007, appearing on page 18804, in the issue of Tuesday, April 26, 1983, in the first column, the **EFFECTIVE DATE** should read "April 26, 1983".

BILLING CODE 1505-01-M

21 CFR Part 558

New Animal Drugs for Use in Animal Feeds; Virginiamycin

Correction

In FR Doc. 83-11005, appearing on page 18803, in the issue of Tuesday, April 26, 1983, in the second column, in the sixth line from the bottom, "360" should read "360b", and in the third column, in the fourth line "360" should read "360b".

BILLING CODE 1505-01-M

21 CFR Part 558

New Animal Drugs For Use in Animal Feeds; Bambermycins

AGENCY: Food and Drug Administration.
ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a new animal drug application (NADA) filed by Walnut Grove Products providing for use of an 0.08-gram-per-pound bambermycins premix for making finished swine feeds used for increased rate of weight gain and improved feed efficiency in growing-finishing swine.

EFFECTIVE DATE: May 17, 1983.

FOR FURTHER INFORMATION CONTACT: Benjamin A. Puyot, Bureau of Veterinary Medicine (HFV-130), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4913.

SUPPLEMENTARY INFORMATION: Walnut Grove Products, Division of W. R. Grace & Co., 201 Linn St., Atlantic, IA 50022, is sponsor of NADA 132-983 providing for use of an 0.08-gram-per-pound bambermycins premix. The premix is used to manufacture finished feed for growing-finishing swine for increased rate of weight gain and improved feed efficiency. The application is approved and the regulations are amended accordingly. The basis for approval is discussed in the freedom of information (FOI) summary referred to below.

In accordance with the freedom of information provisions of Part 20 (21 CFR Part 20) and § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, from 9 a.m. to 4 p.m., Monday through Friday.

The Bureau of Veterinary Medicine has determined pursuant to 21 CFR 25.24(d)(1)(i) (proposed December 11, 1979; 44 FR 71742) that this action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

List of Subjects in 21 CFR Part 558

Animal drugs, Animal feeds.

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), § 558.95 is amended by adding new paragraph (b)(5) to read as follows:

§ 558.95 Bambermycins.

* * * * *

(b) * * *
(5) Premix level of 0.08 gram of bambermycins activity per pound for use as in paragraph (e)(2) of this section granted to No. 034139 in § 510.600(c) of this chapter.

* * * * *

Effective date. May 17, 1983.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)))

Dated: May 10, 1983.

Gerald B. Guest,

Acting Director, Bureau of Veterinary Medicine.

[FR Doc. 83-12114 Filed 5-16-83; 8:45 am]

BILLING CODE 4160-01-M

21 CFR Part 558

New Animal Drugs For Use in Animal Feeds; Pyrantel Tartrate

AGENCY: Food and Drug Administration.
ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect

approval of a new animal drug application (NADA) filed for Good-Life, Inc., providing for use of a 48-gram-per-pound pyrantel tartrate premix to make a 9.6-gram-per-pound pyrantel tartrate intermediate premix for making complete swine feeds.

EFFECTIVE DATE: May 17, 1983.

FOR FURTHER INFORMATION CONTACT: Benjamin A. Puyot, Bureau of Veterinary Medicine (HFV-130), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4913.

SUPPLEMENTARY INFORMATION: Good-Life, Inc., Good Life Drive, P.O. Box 687, Effingham, IL 62401, is sponsor of NADA 134-286 submitted on its behalf by Pfizer, Inc. The NADA provides for use of a 48-gram-per-pound pyrantel tartrate premix to make a 9.6-gram-per-pound pyrantel tartrate intermediate premix for making complete swine feeds used for aid in prevention of migration and establishment of large roundworm (*Ascaris suum*) infections, for aid in prevention of establishment, removal and control of nodular worm (*Oesophagostomum*) infections, and for removal and control of large roundworm (*Ascaris suum*) infections.

The basis for approval of this NADA is discussed in the freedom of information (FOI) summary. The NADA is approved and the regulations are amended to reflect this approval.

In accordance with the freedom of information provisions of Part 20 (21 CFR Part 20) and § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, from 9 a.m. to 4 p.m., Monday through Friday.

The Bureau of Veterinary Medicine has determined pursuant to 21 CFR 25.24(d)(1)(i) [proposed December 11, 1979; 44 FR 71742] that this action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

List of Subjects in 21 CFR Part 558

Animal drugs, Animal feeds.

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and

re delegated to the Bureau of Veterinary Medicine (21 CFR 5.83), § 558.485 is amended by adding new paragraph (a)(14) to read as follows:

§ 558.485 Pyrantel tartrate.

(a) * * *

(14) To No. 021810: 9.6-grams-per-pound, paragraph (e) (1) through (3) of this section.

* * *

Effective date. May 17, 1983.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)))

Dated: May 10, 1983.

Gerald B. Guest,

Acting Director, Bureau of Veterinary Medicine.

[FR Doc. 83-13115 Filed 5-16-83; 9:45 am]

BILLING CODE 4160-01-M

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

27 CFR Part 9

[T.D. ATF-134; Re: Notice No. 429]

Merritt Island Viticultural Area

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

ACTION: Final rule, Treasury decision.

SUMMARY: This final rule establishes a viticultural area in Yolo County, California, known as "Merritt Island." The establishment of viticultural areas and the subsequent use of viticultural area names as appellations of origin in wine labeling and advertising will help consumers better identify wines they purchase. The use of this viticultural area as an appellation of origin will also help winemakers distinguish their products from wines made in other areas.

EFFECTIVE DATE: June 16, 1983.

FOR FURTHER INFORMATION CONTACT: Lori D. Weins, FAA, Wine, and Beer Branch, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW., Washington, DC 20226 [202-566-7626].

SUPPLEMENTARY INFORMATION:

Background

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

On October 2, 1979, ATF published Treasury Decision ATF-60 [44 FR 56692] which added a new Part 9 to 27 CFR, providing for the listing of approved American viticultural areas, the names of which may be used as appellations of origin.

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

Mr. Chris Bogle, Secretary of Bogle Vineyards, Incorporated, located on Merritt Island, petitioned ATF for the establishment of a viticultural area in Yolo County, California, to be known as "Merritt Island." In response to this Petition, ATF published a notice of proposed rulemaking [Notice No. 429] in the Federal Register on November 3, 1982 [47 FR 49866] proposing the establishment of the Merritt Island viticultural area.

Comments

No comments were received during the 45-day comment period. On the basis of the information contained in the petition, ATF is establishing the Merritt Island viticultural area as proposed. The boundary of the Merritt Island viticultural area is described in § 9.68.

Evidence of the Name

The name of the area, Merritt Island, was well documented by the petitioner. After evaluating the petition, ATF believes that Merritt Island had a unique historical identity and that the viticultural area is known by the name "Merritt Island."

Geographical Evidence

The petition contained geographical and climatic information which distinguished the area from surrounding areas, based on the fact that:

(a) The area consists of an island, bounded on the west and north by Elk Slough, Sutter Slough on the south, and the Sacramento River on the east.

(b) The type of soil primarily consists of Columbian Sandy Loam, while areas to the east consist of Sierra loam type soils, areas to the west consist of adobe and clay type soils, and areas to the south consist of Peat Dirt (an organically structured soil).

(c) The climate of Merritt Island is tempered by cooling southwesterly breezes from the Carquinez Straits near San Francisco. The influence of this breeze creates a 10 degree Fahrenheit

cooler median temperature than the City of Sacramento, located six miles north. The climate of the islands to the south are often influenced by fog cover from San Francisco Bay, whereas, Merritt Island very seldom receives this fog cover since it is the northern most island in the Sacramento Delta.

Executive Order 12291

In compliance with Executive Order 12291, ATF has determined that this regulation is not a "major rule" since it will not result in—

- (a) An annual effect on the economy of \$100 million or more;
- (b) A major increase in cost or prices for consumers, individual industries, Federal, State, or local government agencies, or geographical regions; or
- (c) Significant adverse effects on competition, employment, investment, productivity, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Regulatory Flexibility Act

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

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

List of Subjects in 27 CFR Part 9

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

Drafting Information

The principal author of this document is Lori D. Weins, FAA, Wine, and Beer Branch, Bureau of Alcohol, Tobacco and Firearms.

Authority

This regulation is issued under the authority in 27 U.S.C. 205. Accordingly, 27 CFR Part 9 is amended as follows:

PART 9—AMERICAN VITICULTURAL AREAS

Paragraph 1. The table of sections in 27 CFR Part 9, Subpart C, is amended to add the title of § 9.68 to read as follows:

Subpart C—Approved American Viticultural Areas

Sec.

9.68 Merritt Island.

Par. 2. Subpart C, is amended to add the title of § 9.68 to read as follows:

Subpart C—Approved American Viticultural Areas

§ 9.68 Merritt Island.

(a) *Name.* The name of the viticultural area described in this section is "Merritt Island."

(b) *Approved maps.* The appropriate maps for determining the boundaries of the Merritt Island viticultural area are two U.S.G.S. maps, 7.5 minute series. They are entitled:

- (1) "Clarksburg Quadrangle, California," 1967 (Photo revised 1980); and
- (2) "Courtland Quadrangle, California," 1978.

(c) *Boundaries.* The Merritt Island viticultural area includes approximately 5,000 acres, located in Yolo County, California, six miles south of the City of Sacramento. The boundaries of the Merritt Island viticultural area, using landmarks and points of reference found on the U.S.G.S. maps submitted with the petition, are as follows: starting at the most southerly point, the intersection of Sutter Slough with the Sacramento River, west along the course of Sutter Slough for 0.54 miles until it intersects Elk Slough; northeast along the course of Elk Slough for 9.58 miles to the community of Clarksburg and the intersection of the Sacramento River; southwesterly along the course of the Sacramento River for 7.8 miles to the beginning point.

Signed: April 12, 1983.

Stephen E. Higgins,

Director.

Approved: April 29, 1983.

David Q. Bates,

Deputy Assistant Secretary (Operations).

[FR Doc. 83-13026 Filed 5-16-83; 8:45 am]

BILLING CODE 4810-31-M

DEPARTMENT OF THE INTERIOR

Minerals Management Service

30 CFR Part 250

Outer Continental Shelf; Notice of Interpretation of Rules Concerning Extension of a Lease Beyond Its Primary Term

Correction

In FR Doc. 83-11923 beginning on page 20227 in the issue of Thursday, May 5, 1983, make the following correction.

On page 20228, first column, twelfth line, "Section 250.2" should read "Section 250.12".

BILLING CODE 1505-01-M

DEPARTMENT OF EDUCATION

34 CFR Part 73

Post Employment Conflicts of Interest; Procedures for Enforcement of Disciplinary Actions

AGENCY: Department of Education.

ACTION: Final rule.

SUMMARY: The Secretary amends the Standards of Conduct regulations by establishing procedures to be used in enforcing disciplinary actions in cases where post employment conflicts of interest are found to exist. The Ethics in Government Act of 1978 (the Act) defines and prohibits conflicts of interest that a former Federal employee must avoid. These regulations apply to the Department of Education's management practices and former employees.

EFFECTIVE DATE: May 17, 1983.

FOR FURTHER INFORMATION CONTACT: Richard Werksman, Division of Business and Administrative Law, Office of the General Counsel, Department of Education, 400 Maryland Avenue, S.W. (Room 4129, FOB-6), Washington, D.C. 20202. Telephone: (202) 755-1106.

SUPPLEMENTARY INFORMATION:

Background

Under the sections of the Act that address the problem of post employment conflicts of interest, two prohibitions (sections 207 (a) and (b)(i)) apply to all former Federal employees.

The first prohibition (section 207(a)) permanently prohibits every former Federal employee from serving as another person's representative before the Government on a case, grant, or contractual matter, or other similar

proceeding or application in which the employee participated personally and substantially while a Government employee.

The second prohibition (section 207(b)(1)) is basically the same bar as the first, except that it prohibits representation by personal presence on all such matters which were actually pending under the former employee's "official responsibility" in his or her last year of Government service. This prohibition applies for two years from the date of separation.

Briefly, to have participated "personally and substantially" means that the former employee must have been directly involved and that that involvement must have been significant to the matter, i.e., more than just knowledge or perfunctory involvement. "Official responsibility" means the direct authority, either personally or through subordinates, to approve, disapprove, or otherwise direct Government actions. These terms are fully defined in regulations issued by the Office of Government Ethics at 5 CFR Part 737.

The other prohibitions under the Act apply only to "Senior Employees," that is, Presidential Appointees and those designated by the Director of the Office of Government Ethics pursuant to the Act. To be so designated a position must involve significant decisionmaking or supervisory responsibility and be at a basic rate of pay of GS-17 or above or within the Senior Executive Service.

The first of these prohibitions forbids Senior Employees from representing or making any oral or written communication on behalf of anybody in connection with a particular matter before the Department, regardless of the extent of their prior involvement with the matter, for one year from the date of separation. This is known as the "cooling off" requirement.

An important exception to the "cooling off" requirement applies to former Senior Employees whose principal occupation or employment is with an agency of a State or local government, including public school systems, or with an accredited, degree-granting institution of higher education, as defined in section 1201(a) of the Higher Education Act of 1965. The exception also applies to those former Senior Employees elected to a State or local government office.

The second prohibition bars former Senior Employees from representing, or assisting in representing, any person before the Government, or in any proceedings involving the Government, in any particular matter involving specific parties and which was actually

pending under the former employee's official responsibility in his last year of Government service. This prohibition lasts for two years.

For violation of these prohibitions, the Act imposes criminal penalties including fines of up to \$10,000 or imprisonment of up to two years or both (18 U.S.C. 207 (a), (b), (c)). But, the Act also contemplates that many conflict of interest cases will not be egregious enough to merit criminal prosecution.

As a result, the Act provides that the former employee's agency may take appropriate disciplinary action when the prohibitions are violated (18 U.S.C. 207(j)). Disciplinary action could include barring the former employee from doing business with the agency for up to five years.

*Amendment to § 73.735-1207:
Restrictions—conflicts-of-interest statutes:*

These regulations establish the procedures that the Department will use in enforcing prohibitions under the Act that apply to post employment conflicts of interest. More specifically, they provide—

- Preliminary notification—under the Act whenever the Secretary or the Secretary's designee has reason to believe that a former Department employee has violated the prohibitions in the Act, a disciplinary proceeding may be instituted but not without first providing a written preliminary notice.

- Conferences—a former Department employee may confer with the Secretary's designee concerning allegations of misconduct regardless of whether a disciplinary proceeding has already been instituted against him or her.

- Initiation of Disciplinary Proceedings—if after an investigation is made and preliminary notice is given, it is determined that there is reasonable cause to believe that a former employee has violated any prohibitions in the Act, a copy of formal written charges of the violation is served upon the former employee.

- Hearing—after a former employee receives the notice of charges made, he or she may request a hearing.

- Appeal—after a written decision is made by the Secretary, the former employee has fifteen (15) days in which to appeal the decision.

Exception to Rulemaking Requirements

It is the policy of the Department to allow time for interested parties to participate in the rulemaking process. However, these regulations are excepted from requirements for the publication of proposed rules under 5 U.S.C. 553 (a)(2) and 553(b)(A).

List of Subjects in 34 CFR Part 73

Conflict of interest, Government employees, Standards of conduct, Post employment conflicts of interest, Former Federal employees,

Dated: May 12, 1983.

T. H. Bell,

Secretary of Education.

(Catalog of Federal Domestic Assistance number not applicable)

The Secretary amends Subpart L of Part 73, Subtitle A of Title 34 as follows:

PART 73—STANDARDS OF CONDUCT

Subpart L—Special Provisions Relating to Special Government Employees and Consultants

1. In § 73.735-1207, paragraph (c) is amended by inserting "(1)" following "18 U.S.C. 207", and by adding subparagraphs (2) through (8) to read as follows:

§ 73.735-1207 Restrictions—Conflict-of-interest statutes.

* * *

(c) * * *

(2) *Scope.* The Secretary establishes the procedures that will govern the discipline of a former employee of the Department of Education because of his or her involvement in a post employment conflict of interest.

(3) *Definitions.* The following definitions apply to this section—

"Act" means the Ethics in

Government Act of 1978.

"Department" means the Department of Education.

"Days" means calendar days.

"Former employee" means any person who had previously worked for the Department whether in a permanent or temporary position, paid or unpaid, e.g., consultants, but does not include an individual who performed services for the Department as an independent contractor under a personal service contract.

"Secretary" means the Secretary of Education.

"Secretary's designee" means the General Counsel of the Department, unless the former employee was a member of the staff of the Office of the General Counsel. In that case, the Secretary designates some other person, not connected with the Office of the General Counsel, but working within the Department, to carry out the duties of the "Secretary's designee."

(4) *Preliminary Notification.* (i) Whenever the Secretary or the Secretary's designee has reason to believe that a former employee of the Department has violated the Act under

18 U.S.C. 207(a), (b), or (c), the Secretary or the Secretary's designee may institute a disciplinary proceeding against that former employee in accord with these procedures.

(ii) Except in cases of willfulness, or where time, the nature of the proceeding, or the public interest does not permit, a proceeding is not to be instituted under this section until the facts which may warrant such action have been called to the attention of the former employee, in writing, in a preliminary notice, and he or she has been accorded the opportunity to provide, either personally, at a conference, or in writing, his or her position on the matter.

(iii)(A) If the Secretary's designee determines that a former employee has violated the Act under 18 U.S.C. 207(a), (b), or (c), and that a preliminary notice would be appropriate, the Secretary's designee sends, by certified mail return receipt requested, a preliminary notice within ten (10) days of such determination.

(B) If a former employee wishes to provide a statement or arrange for a conference, he or she is to do so within ten (10) days of receipt of the preliminary notice.

(C) If the Secretary's designee receives no answer to the preliminary notice within twenty (20) days of the date it was sent, the Secretary's designee institutes disciplinary proceedings against the former employee in accord with these procedures.

(5) *Conferences.* (i) The Secretary's designee may confer with a former employee of the Department concerning allegations of misconduct regardless of whether a disciplinary proceeding has already been instituted against him or her.

(ii) The former employee is to be permitted to have his or her attorney, or other representative of his or her choosing, present during the conference.

(iii) If such conference results in a stipulation in connection with a proceeding in which the former employee is the respondent, the stipulation may be entered in the record at the instance of either party to the proceeding.

(iv) A former employee, in order to avoid the institution of a disciplinary proceeding, may offer his or her consent to any appropriate disciplinary action suggested during the course of the conference.

(v) A former employee against whom a disciplinary proceeding has already been commenced may consent to any appropriate disciplinary action authorized by paragraph (c)(8)(v) of this

section and suggested during the course of the conference.

(vi) The Secretary's designee may discipline the former employee in accord with the consent offered during the conference within the limits of the Act at 18 U.S.C. 207(j).

(6) *Initiation of disciplinary proceedings.* (i) If the Secretary's designee determines, after investigation and preliminary notice where appropriate, that there is reasonable cause to believe that a former employee of the Department has violated the Act under 18 U.S.C. 207 (a), (b), or (c), the Secretary's designee causes a copy of the formal written charges of the violation(s) to be served upon the former employee, either in person or by registered mail.

(ii) The formal charges must incorporate or be accompanied by an order to the former employee to show cause why disciplinary measures should not be taken against him or her under the Act. The show cause order must be answered within thirty (30) days of receipt of the order. If, five (5) days after expiration of the thirty (30) day period, no answer has been received, the Secretary's designee renders a decision by default against the former employee.

(iii) The order to show cause must include:

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

(B) Notification of the right to a hearing if requested within thirty (30) days of receipt of the show cause order;

(C) An explanation of the method by which a hearing may be requested; and

(D) Notice that a decision by default may be rendered against the former employee if he or she fails to submit an answer within thirty (30) days of receipt of the order.

(iv) The Secretary's designee takes appropriate disciplinary action, based on the record, in the case of the former employee who answers the charges but fails to request a hearing within thirty (30) days after receiving the notice and order to show cause.

(7) *Hearing.* (i) When the former employee, after receiving the notice of the charges made against him or her, requests a hearing, the Secretary's designee appoints a presiding official, entitled Examiner, to make an initial decision.

(ii) The Examiner is to be a responsible person who—

(A) Is a member of the Bar of a State or of the District of Columbia;

(B) Is impartial; and

(C) Has not participated in any manner in the decision to initiate the proceedings.

(iii) The Examiner establishes the time, date, and place of the hearing, giving due regard to the former employee's need for adequate time to prepare a defense properly, and to the expeditious resolution of the allegations that may be damaging to the former employee's reputation.

(iv) The hearing must include, but is not limited to, the following rights for both parties:

(A) To represent oneself or to be represented by counsel;

(B) To introduce and to examine witnesses and to submit physical evidence;

(C) To confront and to cross-examine adverse witnesses;

(D) To present oral argument; and

(E) To receive a transcript or recording of the hearing on request.

(v) The Department has the burden of proof in any hearing under this section and establishes the violation based on substantial evidence.

(vi) The Examiner has thirty (30) days after the hearing ends in which to submit a written decision based exclusively upon matters of record in the proceedings. The Examiner sets forth in the decision all findings of fact and conclusions of law relevant to the matters in issue.

(vii) The Examiner causes at least one (1) copy of the written decision to be delivered to the Secretary's designee, and one (1) copy to the former employee, either in person or by registered mail.

(viii) The Examiner is provided administrative and secretarial support by the Deputy Under Secretary for Management.

(8) *Appeal.* (i) Either party has fifteen (15) days from the date of the written decision in which to appeal to the Secretary. The Secretary renders a decision, based solely upon the record of the proceedings, or on that portion of the record cited by the parties in order to limit the issues, within forty-five (45) days of receiving the appeal.

(ii) If the Secretary finds, based on the record, that the respondent former employee has not violated the Act under 18 U.S.C. 207 (a), (b), or (c), the Secretary dismisses the case.

(iii) If the Secretary dismisses the case, the former employee may be entitled to an award of attorney's fees and other fees and expenses incurred during the proceedings under the Equal Access to Justice Act, 5 U.S.C. 504.

(iv) If the Secretary finds, based on the record, that the former employee is

in violation of the Act under 18 U.S.C. 207 (a), (b), or (c), the Secretary issues an order prescribing appropriate disciplinary action authorized by paragraph (c)(8)(v) of this section.

(v) Appropriate disciplinary action comports with the requirements of the Act under 18 U.S.C. 207(j). Thus, the Secretary may—

(A) Prohibit the former employee from making, on behalf of any other person (except the United States), any informal or formal appearance before, or, with the intent to influence, any oral or written communication to, the Department on a pending matter of business for a period not to exceed five (5) years, or

(B) Take other appropriate disciplinary action, such as issuance of a formal reprimand, designed to deter unlawful conduct and to encourage officials to exercise a high degree of caution in their subsequent activities as private citizens.

(vi) If a former employee is subjected to appropriate disciplinary action, the Secretary's designee issues a directive to all employees of the Department cautioning them not to engage in conduct in regard to the former employee which would contravene the disciplinary order.

(vii) The directive to all employees of the Department will contain the name of the former employee and a statement of the disciplinary action.

(viii) A former employee who is subject to disciplinary action under this section may, within thirty (30) days of the date of the order, appeal such order to an appropriate United States District Court as guaranteed by the Act under 18 U.S.C. 207(j).

[FR Doc. 83-13221 Filed 5-16-83; 8:45 am]
BILLING CODE 4000-01-M

GENERAL SERVICES ADMINISTRATION

41 CFR Ch. 101

[FPMR Temp. Reg. G-47]

Use of Cash To Procure Emergency Passenger Transportation Services Costing More Than \$100

Correction

In FR Doc. 83-12736 appearing on page 21327 in the issue of Thursday, May 12, 1983, make the following correction:

In the first column of page 21327, under "DATES", the expiration date now

given as "May 13, 1983" should have been "May 13, 1985".

BILLING CODE 1505-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Public Land Order 6376

[CA-7377]

California; Revocation of Stock Driveway Withdrawal

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order revokes a Secretarial Order which withdrew 790.20 acres for use as Stock Driveway. This action will restore the public land to operation of the public land laws generally.

EFFECTIVE DATE: June 14, 1983.

FOR FURTHER INFORMATION CONTACT: Elizabeth Hoefler, California State Office, 916-484-4431.

SUPPLEMENTARY INFORMATION: By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. The Secretarial Order dated January 15, 1937, which established Stock Driveway No. 249, California No. 18, is hereby revoked:

San Bernardino Meridian

T. 1 N., R. 3 E.,

Sec. 34, lots 1 to 4, inclusive, S $\frac{1}{2}$ NW $\frac{1}{4}$, and N $\frac{1}{2}$ S $\frac{1}{2}$.

T. 1 S., R. 3 E.,

Sec. 2, lots 3, 4, SW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, and SE $\frac{1}{4}$;

Sec. 12, NW $\frac{1}{4}$ NW $\frac{1}{4}$.

The above described lands aggregate 790.20 acres in San Bernardino County.

2. At 10 a.m. on June 14, 1983, the lands will be open to operation of the public land laws generally, subject to any valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on June 14, 1983, shall be considered as simultaneously filed at that time. Those received thereafter will be considered in the order of filing.

The lands have been and continue to be open to applications and offers under the mineral leasing laws, and to location under the United States mining laws.

Inquiries concerning the land should be addressed to the State Director, Bureau of Land Management, Room E-

2941, Federal Building, 2800 Cottage Way, Sacramento, California 95825.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

May 9, 1983.

[FR Doc. 83-13176 Filed 5-16-83; 8:45 am]

BILLING CODE 4310-04-M

43 CFR Public Land Order 6377

[W-56830]

Wyoming; Partial Revocation of Phosphate Withdrawal

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order partially revokes the Executive Order of July 2, 1910, as it affects 13,470.59 acres withdrawn for phosphate classification. This action will restore 12,550.42 acres to such uses as may be made of national forest lands. A total of 12,610.87 acres will be opened to nonmetalliferous mining. The remaining 859.72 acres will not be opened to surface entry or mining due to overlapping withdrawals and private ownership.

EFFECTIVE DATE: June 14, 1983.

FOR FURTHER INFORMATION CONTACT: W. Scott Gilmer, Wyoming State Office, 307-778-2220, extension 2336.

SUPPLEMENTARY INFORMATION: By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751, 43 U.S.C. 1714, and the request of the U.S. Geological Survey, it is ordered as follows:

1. The Executive Order of July 2, 1910, creating Phosphate Reserve No. 4 (Wyoming No. 1), is hereby revoked insofar as it affects the following described lands:

Sixth Principal Meridian, Wyoming

T. 39 N., R. 116 W.,

(Partially Surveyed);

Sec. 3, SE $\frac{1}{4}$ NW $\frac{1}{4}$ (west part of lot 4), SW $\frac{1}{4}$ NW $\frac{1}{4}$, and SW $\frac{1}{4}$;

Sec. 4, NW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, and S $\frac{1}{2}$;

Secs. 5 to 9, inclusive;

Sec. 10, W $\frac{1}{2}$;

Sec. 14, W $\frac{1}{2}$;

Secs. 15 to 22, inclusive;

Sec. 23, W $\frac{1}{2}$ NW $\frac{1}{4}$;

Sec. 27, lot 5, W $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, N $\frac{1}{4}$ SW $\frac{1}{4}$, and SW $\frac{1}{4}$ SW $\frac{1}{4}$;

Secs. 28 to 30, inclusive;

Sec. 31, W $\frac{1}{2}$ E $\frac{1}{2}$, and W $\frac{1}{2}$;

Sec. 32, lots 1, 2, N $\frac{1}{2}$ NE $\frac{1}{4}$, and NE $\frac{1}{4}$ NW $\frac{1}{4}$;

Sec. 33, E $\frac{1}{2}$ W $\frac{1}{2}$, and NW $\frac{1}{4}$ NW $\frac{1}{4}$;

Sec. 34.

The area described aggregates 13,470.59 acres of land in Teton County, Wyoming.

2. At 10:00 a.m., on June 14, 1983, all of the lands described in paragraph 1, except the following lands, shall be open to nonmetalliferous mineral location. Appropriation of lands under the general mining laws prior to the date and time of restoration is unauthorized. Any such attempted appropriation, including attempted adverse possession under 30 U.S.C. Section 38, shall vest no rights against the United States. Acts required to establish a location and to initiate a right of possession are governed by State law where not in conflict with Federal law. The Bureau of Land Management will intervene in disputes between rival locators over possessory rights since Congress has provided for such determinations in local courts.

T. 39 N., R. 116 W.,

Sec. 3, SE $\frac{1}{4}$ NW $\frac{1}{4}$ (west part of lot 4), SW $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, and E $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$;

Sec. 14, HES 188;

Sec. 17, E $\frac{1}{2}$ SE $\frac{1}{4}$;

Secs. 18 and 19, HES 38;

Sec. 19, N $\frac{1}{2}$ of lot 1, NE $\frac{1}{4}$, and E $\frac{1}{2}$ NW $\frac{1}{4}$ of lot 3, SW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, and NW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$;

Secs. 18, 19, 20, 27, 30, and 31; (that part of the lands included in Forest Service withdrawals, PLO's 1923 and 2726)

Sec. 27, S $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$;

Sec. 34, HES 198.

The area being open to nonmetalliferous mineral location contains approximately 12,610.87 acres in Teton County, Wyoming.

3. At 10:00 a.m., on June 14, 1983, all of the lands described in paragraph 1, except as provided in paragraph 2, and those lands included in Powersite Classification Withdrawal No. 286 in Sections 3, 4, 14, 22, 23, 27, 32 and 34; and lot 2, W $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 19, which have been conveyed from United States ownership, shall be opened to such forms of disposition as may by law be made of national forest lands.

All of the lands described in paragraph 1, except as provided in paragraph 2, have been and will continue to be open to applications and offers under the mineral leasing laws and to metalliferous mineral location.

Inquiries concerning the lands should be addressed to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, P.O. Box 1828, Cheyenne, Wyoming 82001.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

May 9, 1983.

[FR Doc. 83-12169 Filed 5-16-83; 8:45 am]

BILLING CODE 4310-84-M

43 CFR Public Land Order 6378

[U-0139388]

Utah; Revocation of Reservoir Site No. 9

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order revokes a Secretarial order which withdrew 3,360 acres for the Otter Creek Reservoir Site. This action will restore 1,720 acres to operation of the public land laws generally, including the mining laws. Approximately 1,560 acres are privately owned and not subject to disposition under the public land laws. Another 80 acres, owned by the State of Utah with all minerals reserved to the United States, will also be opened to mining. All public and State lands affected by this order have been and will remain open to mineral leasing.

EFFECTIVE DATE: June 14, 1983.

FOR FURTHER INFORMATION CONTACT: Deen Bowden, Utah State Office, 801-524-4245.

SUPPLEMENTARY INFORMATION: By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. The Secretarial Order dated April 19, 1982, which created Reservoir Site No. 9 is hereby revoked in its entirety as to the following described lands:

Salt Lake Meridian, Utah

T. 30 S., R. 2 W.,

Sec. 1, SW $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$;

Sec. 2, S $\frac{1}{2}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$;

Sec. 10, E $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$;

Sec. 11, N $\frac{1}{2}$, SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$;

Sec. 14, N $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$;

Sec. 15, E $\frac{1}{2}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$;

Sec. 21, E $\frac{1}{2}$ E $\frac{1}{2}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$;

Sec. 22, N $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$, W $\frac{1}{2}$ SE $\frac{1}{4}$;

Sec. 27, NW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$;

Sec. 28, N $\frac{1}{2}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$.

The area described aggregates 3,360 acres in Piute County.

2. The public lands listed in this paragraph will be open to operation of the public land laws.

Salt Lake Meridian

T. 30 S., R. 2 W.,

Sec. 1, SW $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$;

Sec. 2, S $\frac{1}{2}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$;

Sec. 10, E $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$;

Sec. 11, N $\frac{1}{2}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$;

Sec. 14, N $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$;

Sec. 15, E $\frac{1}{2}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$.

The area described aggregates 1,720 acres in Piute County.

3. The lands described in this paragraph are privately owned and will not be restored to operation of the public land laws.

Salt Lake Meridian

T. 30 S., R. 2 W.,

Sec. 1, SW $\frac{1}{4}$ NW $\frac{1}{4}$;

Sec. 2, S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$;

Sec. 11, W $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$;

Sec. 14, N $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$;

Sec. 15, NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$;

Sec. 21, SE $\frac{1}{4}$ SE $\frac{1}{4}$;

Sec. 22, E $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$;

Sec. 27, W $\frac{1}{2}$ NW $\frac{1}{4}$;

Sec. 28, NE $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$.

The area described aggregates 1,560 acres in Piute County.

4. The lands described in this paragraph are owned by the State of Utah with all minerals reserved to the United States.

T. 30 S., R. 2 W.,

Sec. 28, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$.

The area described aggregates 80 acres in Piute County.

5. At 10 a.m. on June 14, 1983, the public lands, except as provided for in paragraphs three and four, shall 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 10 a.m. on June 14, 1983, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

6. At 10 a.m. on June 14, 1983 the lands described in paragraphs two and four shall be open to location for minerals under the mining laws. Appropriation of lands under the general mining laws prior to the date and time of restoration is unauthorized. Any such attempted appropriation, including attempted adverse possession under 30 U.S.C. Section 38, shall vest no rights against the United States. Acts required to establish a location and to initiate a right of possession are governed by State law where not in conflict with Federal law. The Bureau of Land Management will intervene in disputes between rival locators over possessory rights since Congress has provided for such determinations in local courts.

The lands described in paragraphs 2 and 4 have been and will remain 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, University Club Building, 136 East Temple, Salt Lake City, Utah 84111.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

May 9, 1983.

[FR Doc. 83-13177 Filed 5-16-83; 8:45 am]

BILLING CODE 4310-84-M

43 CFR Public Land Order 6379

[I-010828]

Idaho; Partial Revocation of a Stock Driveway Withdrawal

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order partially revokes a public land order as it affects 120 acres of land withdrawn for stock driveway purposes. This action will restore the land to surface entry. It has been and will remain open to mining and mineral leasing.

EFFECTIVE DATE: June 14, 1983.

FOR FURTHER INFORMATION CONTACT: William E. Ireland, Idaho State Office, 206-334-1597.

SUPPLEMENTARY INFORMATION: By virtue of the authority contained in Section 204 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. 2634 of March 20, 1962, which withdrew land for use as a livestock driveway is hereby partially revoked insofar as it affects the following described lands:

Boise Meridian, Idaho

[I-01828]

Public Land Order No. 2634

T. 14 S., R. 16 E.,

Sec. 10, N $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$.

The area described contains 120 acres of public land in Twin Falls County.

2. At 7:45 a.m. on June 14, 1983, the land described will be open to operation of the public land laws subject to valid existing rights, the provisions of existing withdrawals and classifications, and the requirements of applicable law. All valid applications received at or prior to 7:45 a.m. on June 14, 1983, shall be considered simultaneously filed at that time. Those received thereafter shall be considered in the order of filing. The land has been and will remain open to 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, Federal Building Box 042, Boise, Idaho 83724.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

May 9, 1983.

[FR Doc. 83-13168 Filed 5-16-83; 8:45 am]

BILLING CODE 4310-84-M

43 CFR Public Land Order 6380

[W-41022]

Wyoming; Partial Revocation of Military Withdrawal

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order will partially revoke a military withdrawal insofar as it affects 226.75 acres at Fort Riley, Kansas. This action will restore 13.90 acres to operation of the public land laws, but not the mining laws. The remaining 212.85 acres are located within a Recreation and Public Purposes lease and, as such, will not be subject to other use or disposition under the public land laws. All lands revoked have been and will remain open to mineral leasing.

EFFECTIVE DATE: June 14, 1983.

FOR FURTHER INFORMATION CONTACT: W. Scott Gilmer, Wyoming State Office, 307-772-2540.

SUPPLEMENTARY INFORMATION: By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. The Executive Order of May 5, 1855, which withdrew public lands for the Fort Riley Military Reservation is hereby partially revoked insofar as it affects the following described lands:

Sixth Principal Meridian, Kansas

T. 11 S., R. 5 E.,

A tract of land situated in Sections 22 and 27 described by metes and bounds as follows: Commencing at the triangulation station "Corner", having coordinates N. 273.770.15 E. 2.323.384.55, in the Fort Riley Military Reservation, from which station the first angle point northerly in said boundary bears N. 16°25'25" E., 5463 ft., and the northwest corner of said Section 22 bears approximately N. 39°47' W., 4057 ft., horizontal datum herein being the Kansas State (Lambert) Plane Coordinate System, North Zone; thence S. 70°46'20" W. along said boundary, 1,365 ft.; thence S. 4°06'10" E. along said boundary, 367.28 ft.; thence S. 30°24'10" W. along said boundary, 477.98 ft. to the center of U.S. Highway No. 77, being the point of beginning of the tract herein described; thence S. 3°57'20" W. along the center of said highway,

approximately 1,627 ft. to the center of the Republican River; thence N. 50°12'40" W. in a northwesterly direction upstream along the center of said river, being said reservation boundary, approximately 818 ft. to a line which bears S. 30°07'40" W. from the point of beginning; thence N. 30°07'40" E. along said reservation boundary, approximately 1,503 ft. to the point of beginning.

T. 11 S., R. 6 E.,

Tract 38 (Section 34).

T. 12 S., R. 6 E.,

Tract 38 (Sections 3 and 4).

The area described contains 226.75 acres in Geary County, Kansas.

2. At 10 a.m. on June 14, 1983, the lands described in T. 11 S., R. 5 E., shall be open to the operation of the public land laws, subject to valid existing rights, the provisions of existing withdrawals and classifications, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on June 14, 1983, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. The above described Tract 38 in Tps. 11 and 12 S., R. 6 E., has been classified under the Recreation and Public Purposes Act of June 14, 1926, as amended (43 U.S.C. 869 et seq.). Therefore, the land will not be subject to other use or disposition under the public land laws.

All of the lands described in paragraph one have been and will remain open to applications and offers under the mineral leasing laws.

Inquiries concerning the lands should be addressed to the Chief, Branch of Lands and Minerals Operations, P.O. Box 1828, Cheyenne, Wyoming 82001.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

May 9, 1983.

[FR Doc. 83-13172 Filed 5-16-83; 8:45 am]

BILLING CODE 4310-84-M

43 CFR Public Land Order 6381

[OR-20291 (WASH)]

Oregon; Revocation of Stock Driveway Withdrawal No. 268

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order revokes a Secretarial order which withdrew 160.45 acres of public land for use as a stock driveway. The land is included in two powersite classifications, a power project and a reclamation project and will remain closed to surface entry and

mining. It has been and remains open to mineral leasing.

EFFECTIVE DATE: June 14, 1983.

FOR FURTHER INFORMATION CONTACT: Champ C. Vaughan, Jr., Oregon State Office, 503-231-6905.

SUPPLEMENTARY INFORMATION: By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. The Secretarial Order of April 8, 1943, which withdrew the following described public land for stock driveway purposes is hereby revoked in its entirety:

Willamette Meridian

Stock Driveway No. 268

T. 17 N., R. 23 E.,

Sec. 20, lots 4 and 5;

Sec. 28, lots 1, 2, 3, and 4.

The area described contains 160.45 acres in Grant County.

2. The land remains closed to operation of the public land laws including location under the United States mining laws by Power Project No. 2114 of July 22, 1952, Columbia Basin Reclamation Project of June 18, 1947, Powersite Classification No. 349 of June 22, 1944, and Powersite Classification No. 405 of April 4, 1950.

3. The land has been and remains open to applications and offers under the mineral leasing laws.

Inquiries concerning the land should be addressed to the State Director, Bureau of Land Management, P.O. Box 2965, Portland, Oregon 97208.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

May 9, 1983.

[FR Doc. 83-13174 Filed 5-16-83; 8:45 am]

BILLING CODE 4310-84-M

43 CFR Public Land Order 6382

[U-13099]

Utah; Partial Revocation of Reclamation Withdrawals

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order partially revokes two Secretarial Reclamation Withdrawal Orders for the Central Utah Project. This action will restore 550 acres to surface entry and mining. The land has been and will remain open to mineral leasing.

EFFECTIVE DATE: June 14, 1983.

FOR FURTHER INFORMATION CONTACT: Deen Bowden, Utah State Office, 801-524-4245.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. The Secretarial First Form Reclamation Withdrawal Orders of June 11, 1943, and November 14, 1955, for the Vernal Unit, Central Utah Project, are hereby revoked insofar as they affect the following described lands:

Salt Lake Meridian, Utah

T. 3 S., R. 21 E.,

Sec. 24, E $\frac{1}{2}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$;

Sec. 25, NW $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$.

T. 4 S., R. 21 E.,

Sec. 3 SW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ N $\frac{1}{2}$

SE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$;

Sec. 4, SW $\frac{1}{4}$ SE $\frac{1}{4}$.

The area described aggregates 550 acres in Uintah County.

2. At 10 a.m. on June 14, 1983, the public lands described above shall be open to operation of the public land laws generally, subject to valid existing rights, provisions of existing withdrawals, and requirements of applicable law. All valid applications received at or prior to 10 a.m. on June 14, 1983, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. The public lands described above will be open to location and entry under the United States mining laws at 10 a.m. on June 14, 1983. Appropriation of lands under the general mining laws prior to the date and time of restoration is unauthorized. Any such attempted appropriation, including attempted adverse possession under 30 U.S.C. Section 38, shall vest no rights against the United States. Acts required to establish a location and to initiate a right of possession are governed by State law where not in conflict with Federal law. The Bureau of Land Management will not intervene in disputes between rival locators over possessory rights since Congress has provided for such determinations in local courts.

The lands have been open to applications and offers under the mineral leasing laws.

Inquiries concerning the lands should be addressed to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, University Club

Building, 136 East South Temple, Salt Lake City, Utah 84111.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

May 9, 1983.

[FR Doc. 83-13171 Filed 5-16-83; 8:45 am]

BILLING CODE 4310-84-M

43 CFR Public Land Order 6383

[W-71436]

Wyoming; Public Land Order No. 6335, Correction

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order will correct an error in a description of lands contained in Public Land Order No. 6335 of September 10, 1982, which partially revoked a Secretarial order as it affected 3,851.86 acres of public land withdrawn for reclamation purposes.

EFFECTIVE DATE: May 17, 1983.

FOR FURTHER INFORMATION CONTACT: W. Scott Gilmer, Wyoming State Office 307-772-2540.

SUPPLEMENTARY INFORMATION: By virtue of the authority vested in the Secretary of the Interior by Section 204 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. 6335 of September 10, 1982, as published in FR Doc. 82-24850, appearing at page 39826 in the issue of Friday, September 10, 1982, in the first column, thirtieth line reads "T. 58 S." It is hereby corrected to read "T. 58 N."

Garrey E. Carruthers,

Assistant Secretary of the Interior.

May 9, 1983.

[FR Doc. 83-13175 Filed 5-16-83; 8:45 am]

BILLING CODE 4310-84-M

43 CFR Public Land Order 6384

[C-28611]

Colorado; Powersite Restoration No. 777; Partial Revocation of Powersite Reserve No. 496

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order partially revokes an Executive Order, as amended, as to 27.97 acres of land withdrawn for powersite reserve purposes. This action will remove the withdrawal and permit consummation of the pending Forest Service Exchange. The land will remain

closed to surface entry and mining by the exchange application, but remains open to mineral leasing.

EFFECTIVE DATE: June 14, 1983.

FOR FURTHER INFORMATION CONTACT: Richard D. Tate, Colorado State Office, 303-837-2535.

SUPPLEMENTARY INFORMATION: By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, and pursuant to the determination of the Federal Energy Regulatory Commission in DA-517-Colorado, dated April 14, 1982, it is ordered as follows:

1. The Executive Order of August 25, 1915, as amended by Secretarial Order of July 19, 1930, which withdrew national forest land for powersite reserve purposes is hereby revoked as to the following described land:

Sixth Principal Meridian

Roosevelt National Forest

Powersite Reserve No. 496

T. 1 S., R. 71 W.,
Sec. 6, lots 38 and 48.

The area described contains 27.97 acres.

2. Effective immediately, the 27.97 acres of land herein described shall be available for disposal under the General Exchange Act of March 20, 1922, 44 Stat. 465, as amended, 16 U.S.C. 485, 486, subject to any valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. The land has been and remains open to mineral leasing but is closed to surface entry and entry under the U.S. Mining Laws by Forest Service Exchange Application C-30117.

Inquiries concerning the land should be addressed to the State Director, Bureau of Land Management, 1037-20th Street, Denver, Colorado 80202.

Garrey E. Carruthers,
Assistant Secretary of the Interior.
May 9, 1983.

[FR Doc. 83-13170 Filed 5-16-83; 8:45 am]
BILLING CODE 4310-84-M

43 CFR Public Land Order 6385

[Nev-042819]

Nevada; Partial Revocation of Two Secretarial Orders and Five Departmental Orders

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order will partially

revoke two Secretarial orders and five Departmental orders as far as they affect approximately 5,120 acres of public land withdrawn for reclamation purposes. Approximately 4,572 acres are under other withdrawals, and will remain closed to the public land laws, including mining and mineral leasing. The remainder will be opened to operation of the surface land laws. This portion has been and will remain open to mining and mineral leasing.

EFFECTIVE DATE: June 15, 1983.

FOR FURTHER INFORMATION CONTACT: Vienna Wolder, Nevada State Office, 702-784-5703.

SUPPLEMENTARY INFORMATION: By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. Secretarial Orders of July 2, 1902, and September 30, 1907, and Departmental Orders of July 2, 1902, July 9, 1904, April 20, 1907, December 2, 1907, and March 6, 1908, are hereby revoked as far as they affect the following described land:

Mount Diablo Meridian

T. 20 N., R. 24 E.,

Sec. 4;

Sec. 5, Lots 10 thru 17, S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$;

Sec. 8, Lots 10 and 11, NE $\frac{1}{4}$ NE $\frac{1}{4}$;

Sec. 9, Lots 13 thru 16, 18 thru 20, 22, and 23;

Sec. 10, Lots 6 thru 9.

T. 19 N., R. 28 E.,

Sec. 7, All except lots 1 thru 12, NE $\frac{1}{4}$ NW $\frac{1}{4}$;

Sec. 8, All except lots 1 thru 4, E $\frac{1}{2}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$;

T. 18 N., R. 29 E.,

Sec. 16, NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$;

T. 19 N., R. 30 E.,

Sec. 2, Lots 3, 4, S $\frac{1}{2}$ NW $\frac{1}{4}$;

Sec. 3, N $\frac{1}{2}$, SW $\frac{1}{4}$;

Sec. 4;

Sec. 8, N $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$;

Sec. 9, SW $\frac{1}{4}$ SE $\frac{1}{4}$;

Sec. 16, SW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$;

Sec. 17, NE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$;

Sec. 20, NW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$;

Sec. 21, N $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$;

T. 20 N., R. 30 E.,

Sec. 33, S $\frac{1}{2}$;

Sec. 34, S $\frac{1}{2}$;

Sec. 35, SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$.

The area described contain 5,119.78 acres.

Approximately 4,572 acres are located either in the Pyramid Lake Indian Reservation or the Fallon Indian Reservation. The areas described in T. 18 N., R. 29E., and T. 19 N., R. 28 E., contain 548 acres of public land.

2. At 9:00 a.m. on June 15, 1983, the public lands shall be open to the operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received from the date of publication to 9:00 on June 15, 1983, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. The public lands have been and will continue to be open to location and entry under the United States mining laws and to applications and offers under the mineral leasing laws. The remaining lands are within the Pyramid Lake and Fallon Indian reservations and will remain segregated from operation of the public land laws generally, including mining and mineral leasing.

Inquiries concerning the lands should be addressed to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, P.O. Box 12000, Reno, Nevada 89520.

Garrey E. Carruthers,
Assistant Secretary of the Interior.
May 10, 1983.

[FR Doc. 83-13173 Filed 5-16-83; 8:45 am]

BILLING CODE 4310-84-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 611

[Docket No. 30506-76]

Foreign Fishing; Correction

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Final rule; technical correction.

SUMMARY: This rule updates the tables of radio frequencies which the U.S. Coast Guard monitors for foreign fishing reports. It also announces a new location and telex number for the Pacific Area, caused by the relocation of the Coast Guard's Pacific Area offices from San Francisco to Alameda, California.

EFFECTIVE DATE: May 17, 1983.

FOR FURTHER INFORMATION CONTACT:

Susan E. Jelley, F/M12, National Marine Fisheries Service, 3300 Whitehaven Street, N.W., Washington, D.C. 20235, 202-634-7432.

Dated: May 12, 1983.

William H. Stevenson,
Deputy Assistant Administrator for Fisheries,
National Marine Fisheries Service.

(16 U.S.C. 1801 et seq.)

PART 611—[AMENDED]

§ 611.4 [Amended]

50 CFR Part 611, § 611.4, Tables I and II, are revised to read as follows:

(b) * * *

TABLE I

Area	National Marine Fisheries Service	U.S. Coast Guard	Telex
Pacific Ocean:			
Off Hawaii and insular possessions in the Pacific	Southwest Region, Terminal Island, CA	14th District, Honolulu, HI	392401
Off California, Oregon, and Washington	Northwest Region, Seattle, WA	Pacific Area, Alameda, CA	172343
Off Alaska	Alaska Region, Juneau, AK	17th District, Juneau, AK	099-45305
Atlantic Ocean:			
North of Cape Hatteras	Northeast Region, Gloucester, MA	Atlantic Area, New York, NY	126831
South of Cape Hatteras, the Gulf of Mexico, and the Caribbean Sea	Southeast Region, St. Petersburg, FL		

TABLE II

Station	Call sign	Radiotelegraphy			Voice	
		kHz	MHz	Time ¹	Channel ²	GMT time
Boston	NMF	500		All	B	All
Portsmouth	NMN	500	8, 12	All	A	0200-1200
					B, C	All
					D	1200-0200
					E	(On request)
Miami	NMA	500		All	B	All
San Juan	NMR	500	8, 12	All	None	
			16	Day		
New Orleans	NMG	500		All	A	0200-1200
					B, C	All
					D	1200-0200
					E	(On request)
Alameda	NMC	500	8	All	A, B, C	All
			6	Night	D, E	(On request)
			16	Day		
Honolulu	NMO	500	8, 12	All	A, B, C	All
			22	Day	D, E	(On request)
Guam	NRV	500		All	None	
			8, 12	Night		
Kodiak	NOJ	500		All	B	All
					A, C, D and E	(On request)

¹ Day means 2 hours after sunrise until 2 hours before sunset, local time. Night means 2 hours before sunset until 2 hours after sunrise, local time.² Carrier frequencies of duplex, high-frequency single-sideband channels are:

Letter	Shore transmit	Ship transmit
A	4428.7	4134.3
B	6506.4	6200.0
C	8765.4	8241.5
D	13113.2	12342.4
E	17307.3	16534.4

[FR Doc. 83-13249 Filed 5-16-83; 8:45 am]

BILLING CODE 3510-22-M

Proposed Rules

Federal Register

Vol. 48, No. 96

Tuesday, May 17, 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.

FEDERAL DEPOSIT INSURANCE CORPORATION

12 CFR Part 337

Unsafe and Unsound Banking Practices

AGENCY: Federal Deposit Insurance Corporation ("FDIC").

ACTION: Proposed rule.

SUMMARY: The FDIC, having determined that it is not unlawful under the Glass-Steagall Act for an insured nonmember bank to establish or acquire a bona fide subsidiary that engages in securities activities nor for an insured nonmember bank to become affiliated with a company engaged in securities activities, proposes to: (1) Define bona fide subsidiary, (2) limit a bank's permissible investment in a securities subsidiary, (3) require notice of intent to invest in such a subsidiary, (4) limit the permissible securities activities of nonmember bank subsidiaries, and (5) place certain other restrictions on loans, extensions of credit, and other transactions between nonmember banks and their subsidiaries or affiliates that engage in securities activities.

DATE: Comments must be received by July 18, 1983.

ADDRESS: Send comments to Hoyle L. Robinson, Executive Secretary, Federal Deposit Insurance Corporation, 550 17th Street, NW., Washington, D.C. Comments may be hand delivered to Room 6108 between the hours of 8:30 a.m. and 5:00 p.m.

FOR FURTHER INFORMATION CONTACT: Pamela E. F. LeCren, Senior Attorney, Legal Division (202-389-4171), Room 4126E, 550 17th Street, NW., Washington, D.C. 20429.

SUPPLEMENTARY INFORMATION: On August 23, 1982, the Board of Directors of the FDIC adopted a policy statement concerning the applicability of the Glass-Steagall Act to securities activities of subsidiaries of insured nonmember banks. The policy statement

which was published in the Federal Register on September 3, 1982 (47 FR 38984) concluded that, in the opinion of the Board of Directors, the Banking Act of 1933 (popularly known as the Glass-Steagall Act and codified in various provisions of title 12 of the United States Code) does not by its express terms prohibit an insured nonmember bank from establishing an affiliate relationship with or organizing or acquiring a subsidiary corporation that engages in the business of issuing, underwriting, selling or distributing stocks, bonds, debentures, notes, or other securities. Although the policy statement was not designed to address the safety or soundness of such activities, it did state that the FDIC recognized its ongoing responsibility to ensure the safe and sound operation of banks and that, depending on the facts, potential risks can be inherent in a bank subsidiary's involvement in particular securities activities. In keeping with that statement, on September 20, 1982, the FDIC adopted an Advance Notice of Proposed Rulemaking (47 FR 42121; September 24, 1982) designed to solicit comment on the need, if any, for rulemaking with regard to securities activities of subsidiaries of nonmember banks and affiliates of nonmember banks. The notice requested comment on "whether or not it is inherently unsafe or unsound for a bank's subsidiaries to engage in securities or whether there is a need to condition or restrict such activities (on a case-by-case basis or by regulation) even though they may not be inherently unsafe or unsound in all instances."

Comment was specifically directed to the following: (1) Whether it is inherently unsafe or unsound for insured nonmember banks to establish or acquire subsidiaries that will engage in securities activities or for insured nonmember banks to be affiliated with the business engaged in securities activities; (2) whether certain securities activities when engaged in by subsidiaries of insured nonmember banks pose safety and soundness problems whereas others do not; (3) whether, and in what circumstances, securities activities of insured nonmember banks should be considered unsafe or unsound; (4) whether securities activities of subsidiaries present conflicts of interest that warrant restricting the manner in which the bank

may deal with its securities subsidiary (or its securities affiliate), or the manner in which common officers or employees may function, etc.; (5) should securities activities be limited to subsidiaries of banks of a certain asset size, banks with a certain composite rating, etc.; (6) should nonmember banks obtain FDIC's prior approval before establishing or acquiring subsidiaries that engage in securities activities (in all cases, in some cases, or not at all); (7) do the potential benefits, if any, that would be available to insured nonmember banks as a result of competing in the securities area through subsidiaries offset potential disadvantages to the bank; and (8) are there any perceived public harms in insured nonmember banks embarking on such activities. Additionally, comment was requested on the propriety of defining the term "bona fide subsidiary" and whether certain listed criteria should be included in that definition.

In conjunction with this proposal, and in addition to carefully considering the comments received in response to the advance notice, the FDIC closely reviewed the purposes of the Glass-Steagall Act. The Glass-Steagall Act was, in many respects, a reaction to the collapse of the banking industry in the 1930's. The legislative history of that statute documents numerous securities related practices prevalent at that time which were felt to pose hazards to the safety and soundness of banks and which were further seen as contributing to, if not causing, the banking collapse. The Supreme Court in *Investment Co. Institute v. Camp*, 401 U.S. 617, 630-633 (1971) reviewed and determined to be invalid a regulation by the Comptroller of the Currency permitting national banks to establish and operate "collective investment funds". The Court in doing so discussed the legislative history of the Glass-Steagall Act and articulated the hazards associated with the direct and indirect involvement of banks in securities activities.

The legislative history of the Glass-Steagall Act shows that Congress . . . had in mind and repeatedly focused on the more subtle hazards that arise when a commercial bank goes beyond the business of acting as fiduciary or managing agent and enters the investment banking business either directly or indirectly by establishing an affiliate to hold and sell particular investments. The course places new promotional and other

pressures on the bank which in turn create new temptations. *Camp* at 630.

The temptations identified by the Supreme Court were: (1) The association of the affiliate and the bank in the public's mind could impair public confidence in the bank should the affiliate fare badly; (2) the temptation to shore up the affiliate through bad loans; (3) the temptation to readily make the bank's credit facilities available and make unsound loans to companies in whose stock the affiliate has invested; (4) loss of customer good will if a customer suffers loss after investment in a stock or security associated with a bank affiliate; (5) the promotional interest of investment banking might cause a bank to lend its reputation to the sale of particular stocks and thus risk the undercutting of its reputation; (6) the temptation to make loans for the purpose of acquiring stock or securities sold by the bank's affiliate; (7) the inherent conflict between a bank's promotional interest and its obligation to render impartial investment advice; and (8) the unloading of poor issues by securities affiliates into the trust department of the bank.

The propriety of, and hazards associated with, direct and indirect involvement of banks in securities activities has been the focus of recent legislative proposals, much debate and testimony, and several legal challenges. This proposal is a recognition by the FDIC that at least some of those hazards can and do exist even though, in the FDIC's opinion, a bank's involvement in securities activities is not unsafe or unsound in all instances. This is so especially in view of the highly regulated atmosphere in which the banking and securities industries function today which was not present in 1930. Rather than deny insured nonmember banks the opportunity of acquiring or forming securities subsidiaries because of the presence of some risk, the FDIC is proposing to eliminate or lessen the risks that can be present by placing a number of restrictions on a nonmember bank's indirect involvement in the securities area.

The proposed regulation was prepared with the aid of comments submitted in response to FDIC's Advance Notice of Proposed Rulemaking. Thirty-eight comments were received over the sixty-day comment period which ended on October 25, 1982. The comments were generally favorable to FDIC's position as set forth in the September 3 policy statement. Three comments were received, however, that were of the opinion that FDIC's policy statement is

legally incorrect. The comments were about evenly divided on the need for rulemaking. The most prevalent comment from those opposing any rulemaking was that existing supervisory mechanisms (including FDIC's cease-and-desist authority) are sufficient tools to safeguard bank safety in light of existing securities law and regulations. Some commentors rejected rulemaking as premature and recommended that the FDIC strike a wait-and-see attitude. Those who recognized some purpose to be served by a regulation at this point in time generally observed that securities activities by bank subsidiaries (and/or a bank's relationship with a securities affiliate) are not necessarily unsafe or unsound but can present conflicts of interest.

The conflicts of interest were generally identified by the commentors as connected with the lending function of a bank. Suggested ways to deal with the conflict of interests and ensure the safe and sound operation of banks that are affiliated with and/or have subsidiaries that engage in securities activities included: (1) Disclosure, (2) limiting insider dealing, (3) limiting permissible investments in a securities subsidiary, (4) simply requiring that all dealings with the subsidiary or affiliate be on an "arms length basis", (5) establishing capital guidelines for the subsidiary, (6) prohibiting a bank with a securities subsidiary or affiliate from giving investment advice to its customers, (7) restricting bank entry into the securities area by use of composite rating, asset size, etc., (8) prohibiting a bank from establishing or acquiring a subsidiary that underwrites securities, (9) prohibiting a bank from establishing or acquiring a subsidiary that underwrites equity securities, (10) requiring banks to obtain FDIC approval prior to establishing or acquiring a securities subsidiary, and (11) requiring banks to establish written procedures governing the operation of the subsidiary and the bank's relationship thereto. Five commentors opposed any approval requirement as well as the use of asset size or composite rating to limit entry.

On the issue of defining "bona fide subsidiary" only four of those commenting felt a definition was inappropriate. Seven commentors felt that the bank's subsidiary should be able to use the bank's facilities in order to reduce the cost of operation. All those addressing a capital requirement and the need for separate corporate formalities were in favor of both. Five commentors felt that the bank and the

subsidiary should be able to use the same or similar names and the same management. Three commentors suggested that the FDIC adopt the standard corporate law test in determining whether a corporation is a separate entity similar names and the same management. Three commentors suggested that the FDIC adopt the standard corporate law test in determining whether a corporation is a separate entity or an alter ego of another corporation.

After due consideration, the FDIC has determined to propose a regulation the basic features of which are: (1) Notice of intent to invest in a securities subsidiary; (2) no prior approval requirement; (3) no formalized restrictions on bank entry based on asset size or composite rating; (4) a prohibition on a nonmember bank establishing or acquiring a subsidiary that underwrites securities unless the underwriting activity is on a "best efforts" basis, is restricted to top rated debt securities, or is the underwriting of a money market fund type mutual fund; (5) a twenty percent of capital ceiling on a bank's investment in one or more securities subsidiaries; (6) a limit on the amount of loans or extensions of credit that a bank may make to its securities subsidiary or affiliate; (7) a prohibition on loans for the purpose of acquiring securities underwritten or distributed by the bank's subsidiary or affiliate or the acceptance of such securities as collateral on a loan or extension of credit; (8) prohibiting loans or extensions of credit to companies whose securities are underwritten by the bank's subsidiary or affiliate unless the securities are highly rated; (9) prohibiting the purchase by the bank's trust department in its sole discretion of securities distributed, underwritten or issued by the bank's subsidiary or affiliate; and (10) prohibiting the transaction of business through the bank's trust department with the bank's securities subsidiary or affiliate unless those transactions are comparable to transactions with an unaffiliated securities company. Additionally, the proposed regulation contains a definition of bona fide subsidiary which requires that, in order for the subsidiary to be considered bona fide, the subsidiary be adequately capitalized; its operations be physically separate from that of the bank; separate records and corporate formalities be observed; separate employees be maintained; and that the subsidiary function independently from, and not be identified with the bank. Further

explanation of the provisions of the proposed regulation follow.

1. Bona Fide Subsidiary

The proposed definition of bona fide subsidiary includes elements typically used by courts in determining whether or not an entity is the alter ego of another corporation. In defining bona fide subsidiary as it has, the FDIC is not necessarily indicating that any association between a bank and its securities subsidiary in the public mind could harm the reputation of the bank. The definition is designed rather to ensure the separateness of the subsidiary and the bank inasmuch as the bank is prohibited by the Glass-Steagall Act from engaging in many securities activities that would otherwise be permissible to a nonbanking corporation. If the subsidiary is not sufficiently distinct from the parent bank, the subsidiary may be found to be the alter ego of the bank and the bank held to be engaging in securities activities in violation of the Glass-Steagall Act.

Among the listed criteria contained in the definition is that the operation of the subsidiary be physically separate from that of the bank. The subsidiary's operations need not be conducted in a building other than the one in which the parent bank is located or one not owned or leased by the parent bank so long as it is clear from the location of the subsidiary's offices, and access thereto, that the subsidiary's operation is distinct from that of the bank. Just how physically separate the operations are will play a role in determining whether or not the subsidiary conducts business separately from, and is not identified with, the banking business of the parent bank. Separate employees, observance of separate corporate formalities, and maintenance of separate records also play a role in that determination.

The FDIC is presently of the opinion that the subsidiary should have a different name from the bank in order for the subsidiary's business not to be identified with the banking operations of its parent. A different name is not only relevant in determining whether the subsidiary will be considered an alter ego of the bank, it is seen by the FDIC as important in preventing public confusion as to the insured status of investments placed with the subsidiary. Insured nonmember banks should note that if the subsidiary conducts only activities that the bank could itself conduct, the need for the subsidiary not to be identified with the bank is reduced. The FDIC would still, however, require that there be sufficient differentiation between the bank and its subsidiary in

advertisements, promotions, etc. so as to avoid any public misconception as to the insured status of any accounts or other investments held by the subsidiary. Comment is specifically requested as to whether or not the proposed regulation should expressly reflect the above or whether a different name than the parent bank is not necessary in order for the securities activities of the subsidiary not to be identified with the bank.

As articulated by the courts, the presence of adequate capital is one of the most important factors in the inquiry as to the bona fide status of a separate corporation. Adequate capital is also very important from a safety and soundness point of view as the parent bank is less likely to be harmed if the subsidiary has adequate capital and thus can itself absorb losses as well as liabilities arising from the securities operations. The FDIC has not proposed a definition of adequate capital inasmuch as the adequacy of any particular subsidiary's capital can vary from a safety and soundness point of view. The FDIC would, of course, expect that the bank's subsidiary will comply with any applicable capital requirements imposed by the Securities and Exchange Commission ("SEC") or imposed under State law. This is merely a starting point, however, and the FDIC reserves the right to determine that the subsidiary's activities and/or the parent bank's condition warrant that the subsidiary be capitalized over and above any such requirement. It is FDIC's intention to make such an assessment during the "notice" period (see subparagraph d of the proposal) and to inform the bank whether in FDIC's opinion the capital position of the subsidiary is adequate. It is FDIC's belief that such a flexible approach will better serve FDIC's supervisory interest of ensuring the safety and soundness of insured nonmember banks.

2. Underwriting

The proposal is designed, in part, to limit a bank's indirect exposure to the risks associated with the underwriting of securities. Subparagraph b(1)(i) of the proposal prohibits a bank from establishing or acquiring a subsidiary that underwrites securities unless the subsidiary's underwriting activities in which the bank itself cannot lawfully engage meet one of three alternative requirements: (1) The subsidiary's underwriting activities are on a "best efforts" basis; (2) the subsidiary's underwriting activities are confined to underwriting of top rated debt securities, or (3) the subsidiary underwrites shares in mutual funds that

invest solely in investments traditionally associated with money market funds.

"Best efforts" underwriting within the meaning of this proposal is an underwriting wherein the underwriter agrees only to use best efforts to sell an issue but does not agree to purchase any unsold securities for its own account. Inasmuch as the subsidiary will not be at risk in underwriting a security (be it debt or equity, rated or unrated) if the underwriting is on a "best efforts" basis, the possibility of any adverse impact to the parent bank arising from the "best efforts" underwriting of its subsidiary is lessened, if not removed. Furthermore, the conflicts of interest as articulated by the Supreme Court in *ICI v. Camp* are also minimized especially when the lending restrictions contained elsewhere in this proposal are taken into consideration.

If a bank subsidiary chooses to engage in firm commitment or any other non-"best efforts" underwriting, the proposal limits the underwriting to top rated debt obligations. Equity securities may not be underwritten on other than a "best efforts" basis. Equity securities as a class pose more risk to an underwriter than do debt securities. It is because of the relative safety of debt obligations, coupled with the fact that many insured nonmember banks are themselves familiar with the underwriting of debt obligations, that the FDIC opted to distinguish between debt and equity securities and prohibit nonmember banks from establishing or acquiring a subsidiary that underwrites the latter. No similar restriction on the affiliation of nonmember banks with securities companies that underwrite equity securities is being proposed. There would appear to be less of a possibility that losses suffered by the bank's parent or sister affiliate due to the underwriting of equity securities will have adverse impact on the bank. This is so especially if the parent's ability to move funds out of the bank is limited. One of the purposes of the restrictions imposed by this proposal on insured nonmember banks when lending to securities affiliates is to limit the parent's ability to do so.

The proposal alternatively permits the establishment or acquisition of a subsidiary that underwrites mutual funds if the fund's investments are exclusively limited to the types of investments associated with money market funds, *i.e.*, bank certificates of deposit, bankers' acceptances, United States government obligations, obligations of the United States government agencies, etc. Mutual funds that are more speculative in nature, *i.e.*,

whose value per share tend to fluctuate more due to the nature of the investments (commodities, futures contracts, oil leases, equity securities) may not be underwritten other than on a "best efforts" basis. The distinction is being drawn as to money market fund type mutual funds under the proposal as it is FDIC's belief that such funds tend to be more stable. The underwriting of such funds by insured nonmember bank subsidiaries should therefore pose less risk to insured nonmember banks.

The proposal represents a compromise from among a number of alternatives which included prohibiting securities underwriting altogether or limiting underwriting solely to "best efforts". The proposal as structured permits insured nonmember bank subsidiaries some flexibility in their securities activities and yet offers more protection to the parent bank than would, for example, a totally open-ended approach. The FDIC is specifically interested in receiving comments on whether an insured nonmember bank's ability to establish or acquire a securities underwriting subsidiary should be limited in the fashion described above, should be limited in some other manner, should be prohibited entirely, or does not need to be restricted so long as the subsidiary is bona fide.

3. Filing of Notice

The written notice requirement is designed to apprise the FDIC of a bank's intent to establish or acquire a subsidiary that engages in any securities activity including acting as an adviser to an investment company. Notice is to be filed with the regional office for the region in which the bank is located. Notice of intent is not limited to underwriting activities as from a supervisory standpoint, the FDIC has an interest in being aware of any indirect securities activities of an insured nonmember bank. The proposal further requires that, in addition to the 60-day advance notice, a bank file written notice with the regional office within 10 days after the acquisition is consummated or the subsidiary commences operation, whichever is first. This will provide FDIC with information as to which insured nonmember banks pursued to completion their planned acquisition or establishment of a securities subsidiary.

The proposal does not specify the content of the written notice of intent. By not specifying the content of the notice, the FDIC is permitting a bank to satisfy the notice requirement in any way it finds most convenient. For example, if the subsidiary will be

registered with the SEC, a copy of the SEC filing may simply be forwarded to the appropriate FDIC regional office.

It is the FDIC's intent to use the notice as a point of reference and for the regional office to contact the bank seeking further information if the bank's condition or other facts warrant a closer review. The proposal thus requires that the notice be received in the regional office at least 60 days prior to the acquisition or commencement of operation, whichever is first. The 60-day notice period can be waived at the FDIC's discretion where such period is impracticable, *i.e.*, where the acquisition is the result of a purchase and assumption transaction or an emergency merger. The notice requirement is not an approval process although the FDIC would not be precluded from intervening in the intended acquisition or establishment of the subsidiary if such intervention was warranted (for example, if the subsidiary would not appear to meet the requirements for a bona fide subsidiary).

The proposal does not require written notice when a bank becomes affiliated with a securities company. For the most part, affiliation with a securities company will arise out of a change in bank control or come to FDIC's attention when a bank seeks deposit insurance. As the FDIC will become aware of the affiliation in both instances prior to consummation, there is no need to create an additional notice requirement under this proposal.

4. Lending Restrictions

Paragraph (e) contains several restrictions designed to prevent the abuse of a bank's credit facilities. Such abuse can arise in several ways, such as, the making of loans in order to maintain or create a market for securities underwritten or distributed by the bank's subsidiary or affiliate. The proposal thus prohibits both the acceptance of securities distributed or underwritten by the bank's subsidiary or affiliate as collateral on loans and the making of loans for the purpose of acquiring such securities. It also seeks to address the temptation for a bank to make unsound loans to companies whose securities are underwritten or distributed by the bank subsidiary or affiliate in an effort to improve the condition of the company and the marketability of the securities that are underwritten or distributed. The FDIC considered prohibiting all loans to companies whose securities are underwritten by a bank's subsidiary or affiliate but rejected that approach as overly broad. Instead the proposal prohibits a bank from lending to any

such company unless the securities are rated (prior to the loan) by a nationally recognized rating service and the rating is in the top four rating categories. As there would seem to be less of an incentive to make questionable loans for the purpose of maintaining or creating a market for a company's securities where the securities are highly rated and thus marketable, there would appear to be little or no reason to prohibit lending to such companies.

It should be noted that paragraph (e)(3) of the proposal will have the effect of prohibiting loans to mutual funds whose shares are underwritten or distributed by a bank's subsidiary or affiliate. This is so because a mutual fund is a "company" within the meaning of that term under the proposal and the shares of a mutual fund are not rated. Loans to mutual funds that are money market funds are separately treated under paragraph (e)(4). Consideration was given to exempting mutual funds and money market funds from the reach of paragraphs (e)(3) and (e)(4). Such an exemption was rejected inasmuch as such a fund's credit needs are most likely to arise when the fund is having liquidity problems. (If interest rates should rise sharply and large numbers of shareholders, especially institutional investors, redeem their shares to put their money directly into higher-paying investments, a fund could face a liquidity crisis.) A bank may be tempted to make an unsound loan to the fund in order to prevent the fund from suffering a loss by selling portfolio assets at a depressed price to meet liquidity needs.

Money market funds have been targeted within the lending prohibition despite the relative stability of most money market funds. At present there is no self-regulatory organization such as the National Association of Securities Dealers ("NASD") to watchdog money market funds, *i.e.*, inspect funds to make sure their books are in order and that they are obeying SEC rules barring such things as management self-dealing and misleading advertising. The SEC has urged that such a group be formed so that bookkeeping problems and fraudulent conduct can be detected early, avoiding loss to investors. Presently the SEC has only 45 fund inspectors to cope with 1,830 mutual funds (including money market funds) registered with the SEC as of September 1982. As of that date those funds had total assets of \$315 billion which represented a growth from \$74 billion in assets over a seven-year period. (As of February 1983 the total asset figure for mutual funds dropped to \$291.1 billion.)

Paragraph (e)(7), rather than (e) (3) or (4), is controlling when considering loans or extensions of credit to a mutual fund or a money market fund that is a subsidiary of an insured nonmember bank as that term is defined in the proposal. The bank is permitted to lend to the fund but the loans are subject to the restrictions found in section 23A of the Federal Reserve Act (12 U.S.C. 371c). The difference in treatment is being proposed as it was initially felt that the protections supplied by the restrictions of section 23A when a bank lends to a related mutual fund, that are not present when lending to an unrelated fund, may warrant permitting loans to the former under paragraph (e)(7) while not permitting loans to the latter under subparagraphs (e) (3) or (4). Comment is specifically directed to whether unrelated and related funds alike should be treated the same and given the benefit of being able to obtain loans if the provisions of section 23A are observed.

Paragraphs (b)(1)(i), (e)(3), and (e)(4) of the proposal when read together provide that a bank may lend to all companies whose debt securities are underwritten by the bank's subsidiary and all companies whose non-debt securities are rated and are underwritten by the bank's subsidiary. (The non-debt securities must be underwritten on a "best efforts" basis in order to comply with (b)(1)(i)). Paragraphs (e)(3) and (e)(4) also expressly cover indirect as well as direct loans. The prohibition thus covers a situation where an individual obtains a loan and transfers the proceeds to a company whose securities are underwritten or distributed by the bank's subsidiary or affiliate, *i.e.*, the language of paragraphs (e)(3) and (e)(4) is designed to prevent evasion of the prohibition simply by running the loan through another party.

Paragraph (e)(7) subjects extensions of credit to the bank's subsidiary to the same loan ceiling that would be applicable under section 23A of the Federal Reserve Act if the subsidiary were an affiliate for the purposes of that statute. Loans or extensions of credit to the bank's affiliate as that term is defined herein are already covered by the language of section 23A and thus placing affiliates under the restrictions of paragraph (e)(7) does not establish any additional requirements. Paragraph (e)(8) covers loans or extensions of credit to an investment company advised by a bank's subsidiary and places those extensions of credit under the same restrictions that would have been applicable under section 23A of the

Federal Reserve Act had that subsidiary been an affiliate within the meaning of section 23A. Risks can be present even where a bank subsidiary merely advises an investment company. Section 23A covers extensions of credit to investment companies advised by bank affiliates thus placing affiliates under the restrictions of subparagraph (e)(8) does not establish any additional requirements. The FDIC is interested in receiving public comment on whether or not the proposed regulation should prohibit the making of any extension of credit to the bank's securities subsidiary or a subsidiary that acts as an investment adviser to an investment company rather than permitting such extensions of credit if they comply with section 23A.

5. Trust Department Restrictions

One of the safety and soundness problems associated with securities activities of subsidiaries and affiliates of nonmember banks is dumping of poor securities into the bank's trust department. The proposal seeks to eliminate that risk by prohibiting an insured nonmember bank from purchasing, in its sole discretion as fiduciary or co-fiduciary on behalf of any trust account, securities distributed, underwritten or issued by the bank's subsidiary or affiliate. Purchasing of securities distributed or underwritten by an investment company advised by the bank's subsidiary or affiliate is also prohibited. The proposal would permit either purchase if the bank is directed to do so. This provision of the proposal, as well as the provision which requires all trust department transactions with the bank's subsidiary or affiliate to be comparable to transactions with unrelated securities companies (see paragraph (e)(2)), merely restates the common law obligation of a fiduciary to refrain from any self-dealing in the administration of a trust account. As stated in FDIC's manual of examination policies with respect to trust department examinations, "It is a general axiom that a bank has a definite moral responsibility, as well as legal, not to deal with itself in the administration of a fiduciary account." The manual also goes on to state that a bank should not invest fiduciary funds in its own obligations or stock unless court order, local law or the trust instrument authorizes the purchase and retention of the obligation or stock or specific authority for the investment is obtained from all interested parties.

The proposal does not prohibit a bank's trust department from using the broker/dealer services of its subsidiary or affiliate to execute transactions on

behalf of its fiduciary accounts. The trust department's decision to utilize the related broker/dealer must fully comport, however, with the bank's fiduciary obligation to its trust department customers. The transactions must also be executed on comparable terms with transactions with unrelated securities companies so that the trust department will not derive any additional benefits from the administration of the trust above and beyond its normal fee for trust account administration. This requirement will also insulate the bank from the possibility that its securities affiliate will drain off profits from the bank by setting a higher than normal fee for executing transactions.

6. Investment Ceiling

Paragraph (b)(2) limits the permissible investment by an insured nonmember bank in one or more securities subsidiaries to twenty percent of the bank's equity capital as defined by FDIC's statement on capital adequacy. The limit is subject, however, to any lesser investment cap established by State law. The proposed investment limitation is designed to create a buffer between the operation of a subsidiary (or subsidiaries) and the bank in addition to the buffer provided by the subsidiary's capital position. Although the FDIC will have the authority under section 10 of the FDI Act (12 U.S.C. 1820) to examine the affairs of the securities subsidiaries or affiliate as shall be necessary to disclose fully the relations between the bank and those subsidiaries or affiliates and the effect of such relations upon the bank, the FDIC does not actually "supervise" the subsidiaries or affiliates. It will be difficult for the FDIC to accurately judge the adequacy of a subsidiary's capital from a safety and soundness point of view on a daily basis, especially as factual circumstances may vary. The FDIC therefore has determined that the possibility of adverse impact to the bank should the subsidiary fail or suffer extreme loss is appropriately limited by placing a limit on the bank's investment in the subsidiary. Twenty percent of equity capital was chosen rather than a smaller figure in order to accommodate smaller banks that would otherwise be precluded from investing, *i.e.*, the resulting investment ceiling would have been unrealistically small thus precluding any investment by smaller insured nonmember banks. An insured nonmember bank's investment in a securities subsidiary will not be counted toward the bank's regulatory capital.

7. Affiliation with a Securities Company

Paragraph (c) of the proposal is merely a restatement of FDIC's interpretive ruling that the Glass-Steagall Act does not reach the affiliation of an insured nonmember bank with a securities company. The lawfulness of such an affiliation is subject, however, to any other applicable Federal or State law. For example, the Change of Bank Control Act (12 U.S.C. 1817) or the Bank Holding Company Act (12 U.S.C. 1841) may be applicable where a securities company seeks to acquire control of an insured nonmember bank. Insured nonmember banks are reminded that the securities activities of any affiliate should be separate and distinct from the bank in order to avoid any public confusion and/or a finding that the bank is itself engaging in securities activities not permitted to it under the Glass-Steagall Act.

8. Construction of the Terms "Underwrite", "Distribute", and "Security"

It is not FDIC's intent by this proposal to prevent a bank subsidiary from engaging in any securities underwriting activity that an insured nonmember bank may itself lawfully pursue. Those activities are set forth in 12 U.S.C. 24(7th) and include underwriting obligations of the United States, general obligations of any state or political subdivision thereof, and numerous other obligations specifically named therein. Insured nonmember banks should keep in mind while assessing this proposal that the terms "underwrite" and "distribute", and the phrase "stocks, bonds, debentures, notes, or other securities" are to be construed consistently with the securities laws and regulations except where the context requires otherwise. A securities subsidiary or affiliate of an insured nonmember bank while engaged in the conduct of securities activity will be subject to the securities laws and regulations, the oversight of the Securities and Exchange Commission, and oversight by entities such as the NASD. The above terms are therefore to have the meaning proscribed by the securities laws and regulations when used in connection with the subsidiary or affiliate. References in the proposal to these terms as used in conjunction with an insured nonmember bank (see paragraphs (b)(1) (i), (f) and (g)) are to be construed consistently with the Glass-Steagall Act.

The courts have repeatedly stated that the prohibitions of the Glass-Steagall Act are to be defined with reference to

the purposes of that statute and that the definitions of the terms used therein (*i.e.*, distribute, underwrite, security) do not necessarily coincide with the definition of the same terms as used in the securities laws. (See *A. G. Becker Inc. v. Board of Governors of the Federal Reserve System*, 693 F.2d 136 (D.C. Cir. 1982); *National Association of Securities Dealers Inc. v. Securities and Exchange Commission*, 420 F.2d 83 (D.C. Cir. 1969); *New York Stock Exchange Inc. v. Smith*, 404 F. Supp. 1091 (D.D.C. 1975), *vacated on other grounds*, 562 F.2d 736 (D.C. Cir. 1977)). The FDIC therefore intends to utilize a functional analysis in determining whether a particular activity constitutes underwriting or distributing of a security under the Glass-Steagall Act. In this regard, insured nonmember banks should note that the United States District Court for the District of Columbia recently concluded that short term commercial paper does not constitute a security for the purposes of the Glass-Steagall Act and therefore it is not unlawful for a bank to act as an agent in the sale thereof if the guidelines established by the Federal Reserve Board are observed. (See *A. G. Becker, supra.*) The FDIC will follow this and any interpretive ruling by the courts concerning the scope of the Glass-Steagall Act in applying this regulation.

9. Definition of "Affiliate", "Subsidiary", and "Extension of Credit"

The proposal defines the term "affiliate" to mean a company that directly or indirectly controls an insured nonmember bank and any company that is in turn controlled by such a company. "Control" is defined as the power to directly or indirectly vote 25 percent of a bank or company's stock; the ability to control the election of a majority of a bank's or company's directors or trustees; or the ability to exercise a controlling influence over the management and policies of a bank or company. At a minimum the proposal would reach a bank's parent company, a company that controls 25% or more of the bank's stock, and companies controlled by either of the above, *i.e.*, sister affiliates.

The term "subsidiary" is defined to mean a company controlled by a bank. As "company" is defined to include corporations other than banks, partnerships, business trusts, associations, joint ventures, pool syndicates or other similar business organizations, a mutual fund (*i.e.*, a business trust) can be a subsidiary of a bank and a securities company operated by several banks in a co-operative effort can be considered a subsidiary of each

of the banks. The term "extension of credit" has the same meaning as found in Federal Reserve Board Regulation O (12 CFR 215.3) which concerns insider transactions.

10. Public Hearing on Proposed Regulation

The Board of Directors has concluded that it is appropriate for the FDIC to hold a public hearing at which it will accept both oral and written comments regarding this proposal. A formal notice of agency hearing setting forth the date, time, and other particulars regarding that hearing appears elsewhere in today's Federal Register.

11. Regulatory Flexibility Analysis/Paperwork Reduction Act

In accordance with FDIC's policy statement entitled "Development and Review of FDIC Rules and Regulations" and the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the FDIC conducted an analysis of the impact of the proposed regulation. The result of that analysis follows:

The proposed regulation would prohibit a nonmember bank from establishing or acquiring a subsidiary that underwrites equity securities. As equity underwriting is, on the average, more profitable than underwriting of debt securities, limiting the bank subsidiary's ability to underwrite securities to underwriting of debt obligations reduces the subsidiary's potential income. The increased income associated with equity underwriting is, however, directly a measure of the increased difficulty of a successful underwriting, *i.e.*, debt issues are easier to move and thus the underwriter tends to receive less compensation. Underwriting profits range from less than 1% to 5% of issue size for debt, with the average being less than 1%, and from 4% to 10% for common stock with preferred stock being less profitable than common stock. Profits will depend upon issue size (economies of scale reduce the percentage as issue size increases) and risk (credit rating of issuer). Although a bank subsidiary could underwrite equity securities on a "best efforts" basis, the underwriting profits from any best efforts undertaking would be lessened (even in the case of an equity issue), as a "best efforts" underwriting involves less risk to the underwriter and thus generates a smaller fee.

Setting the investment cap in the subsidiary at 20% of equity capital will enable even relatively small nonmember banks to indirectly compete in the securities market through a subsidiary.

These new entrants into the market can be expected to: (1) Provide increased access to capital markets where access may have been previously limited (*i.e.*, the smaller issuer generally finds it difficult to attract underwriters), and (2) lower issuer cost of tapping into the capital markets. As the number of entrants increases, competitive bid offerings are likely to increase. Competitive bid offerings tend to be less expensive than negotiated offerings.

Additionally, the increase of entrants into the securities underwriting market would tend to increase the liquidity of any new issue thus permitting underwriters (bank related and non-bank related alike) to distribute securities at higher prices as the securities will be more attractive. The resulting increased activity in the secondary market raises the possibility that an investor can unload a security quickly at a reasonable price. This should mean that an investor is willing to pay more for the security.

We expect most nonmember banks to form subsidiaries that engage in some form of discount brokerage rather than underwriting. The presence of new entrants into this market can be expected to further decrease costs to investors (both users of discount brokerage and full service brokerage) as fee and service competition increases. A bank subsidiary would not appear to have any advantage in this area. Increased advertising that should result from the increased competition should raise investor awareness and participation with an overall benefit to the economy as more money moves into the capital markets.

Under the proposal a bank subsidiary will be able to underwrite or distribute shares in a money market fund and/or act as an investment adviser to a money market fund. If the new money market funds that are established as a result of the proposal invest in bank certificates of deposits or other bank-issued money instruments such as repurchase agreements, we can expect an increase in the amount of loanable funds. Additionally, it can be expected that the presence of new bank-related money market funds would reduce the existing flow of funds to the money center banks. A bank subsidiary-sponsored money market fund should not have any advantages over a non-bank related money market fund as competition between the two types of funds should be on the basis of competitive pricing and services. Banks cannot lawfully utilize their market power to obtain any advantages for their underwriting subsidiary as banks are subject to the

anti-tying provisions of the Bank Holding Company Act Amendments of 1970 (12 U.S.C. 1972).

Although some observers have alleged that banks, if permitted to underwrite municipal revenue bonds or other securities, would have an unfair tax advantage as banks may deduct interest paid on funds borrowed to hold tax-exempt securities, that advantage would not extend to the bank's subsidiary. Nor can the bank subsidiary use the liberal loan loss calculation available to banks that will itself be phased out for banks by 1988. Nor do we find that banks will have lower capital costs in establishing or acquiring securities subsidiaries. Although in the past banks have had lower average interest costs due to Regulation Q ceilings, those ceilings will be completely phased out on or before January 1, 1984 and the advent of the new money market rate account authorized by the Garn-St Germain Depository Institutions Act increases the cost of funds available to banks. Even then the relevant cost consideration is not the average cost of funds but the marginal cost. Commercial banks that enter new product markets by establishing or acquiring subsidiaries must borrow at market rates and therefore do not have a lower marginal cost of funds. Last, the charge that a bank subsidiary would have an unfair advantage in attracting investors because of the bank's name recognition and the bank's knowledge of existing customers' is not valid due to the restrictions in the proposal.

There might be overall cost to the economy if the advent of bank securities subsidiaries can be expected to jeopardize the viability of the nation's banking institutions. That does not appear to be the case, however, and certainly is not the case when the structure of the proposal is taken into consideration. For example, the proposal is structured so as to insulate the bank from the activities of the subsidiary as well as any financial repercussions generated by losses on the part of the subsidiary. The subsidiary will only be able to underwrite top rated debt securities; underwrite on a "best efforts" basis which does not put its capital at risk; or underwrite shares in money market funds which are recognized as relatively sound investments. There is, thus, less of a likelihood that the subsidiary will incur losses that it could not safely absorb. The bank is further insulated as it will not be able to make purpose loans; prop up companies whose securities are underwritten by the bank's subsidiary or affiliate; make

excessive loans to its securities subsidiary or affiliate; invest an excessive amount of capital in the subsidiary; or move poor issues into the bank's trust department.

The notice requirements contained in this proposal do not constitute "collections of information" for purposes of the Paperwork Reduction Act (44 U.S.C. 3501 et seq.) and therefore are not subject to the Office of Management and Budget ("OMB") clearance provisions of that Act. This is because the notice requirements fall within the exception to the definition of "information" set out in § 1320.7(k)(1) of the recently issued OMB regulations implementing the "collection of information clearance" provisions of the Act (5 CFR 1320). It is recognized, however, that the notice requirements do place an affirmative obligation on a bank to notify the FDIC of its intended action and to confirm whether or not the subsidiary was acquired or established. Costs associated with these notices would appear to be minimal. The proposed regulation does not specify the content of the written notices or require the bank to provide any specific information. Inasmuch as the bank subsidiary will likely be filing with the Securities and Exchange Commission, no additional paperwork burdens of any kind should be created.

The proposal may duplicate, overlap, or conflict with existing Federal laws and regulations governing the establishment and operation of securities companies; Section 23A of the Federal Reserve Act (12 U.S.C. 371c); the Bank Service Corporation Act, as amended by the Garn-St Germain Depository Institutions Act (12 U.S.C. 1861 et seq.); and the Bank Holding Company Act of 1956 (12 U.S.C. 1841 et seq.).

List of Subjects in 12 CFR Part 337

Banks, banking, Securities, State nonmember banks.

In consideration of the foregoing, the FDIC hereby proposes to amend Part 337 of title 12 of the Code of Federal Regulations as follows:

PART 337—UNSAFE AND UNSOUND BANKING PRACTICES

1. The authority citation for Part 337 is as follows:

Authority: Sec. 6, 64 Stat. 876, 12 U.S.C. 1816; sec. 9, 64 Stat. 881-882, 12 U.S.C. 1819; sec. 18(j)(2); 92 Stat. 3664, 12 U.S.C. 1828(j)(2); sec. 422, 96 Stat. 1469, (Pub. L. 97-320).

2. It is proposed that Part 337 be amended by adding the following new § 337.4:

§ 337.4 Securities activities of subsidiaries of insured nonmember banks: Bank transactions with affiliated securities companies.

(a) Definitions: for the purposes of this section.

(1) "Affiliate" shall mean any company that directly or indirectly, through one or more intermediaries, controls an insured nonmember bank and shall include any company controlled by a company that controls an insured nonmember bank.

(2) "Bona fide subsidiary" means a subsidiary of an insured nonmember bank that at a minimum: (i) is adequately capitalized; (ii) is physically separate in its operations from the operation of the bank; (iii) maintains separate accounting and other corporate records; (iv) observes separate formalities such as separate board of directors meetings; (v) maintains separate employees who are compensated by the subsidiary; and (vi) conducts business separately from, functions independently of, and is not identified with, the banking business of the insured nonmember bank.

(3) "Company" shall mean any corporation (other than a bank), any partnership, business trust, association, joint venture, pool syndicate, or other similar business organization.

(4) "Control" shall mean the power to directly or indirectly vote 25 per centum or more of the voting stock of a bank or company; the ability to control in any manner the election of a majority of a bank's or company's directors or trustees; or the ability to exercise a controlling influence over the management and policies of a bank or company.

(5) "Extension of credit" shall mean the making or renewal of any loan, a grant of a line of credit, or an extending of credit in any manner whatsoever and includes, but is not limited to:

(i) A purchase whether or not under repurchase agreement, of securities, other assets, or obligations;

(ii) An advance by means of an overdraft, cash item, or otherwise;

(iii) Issuance of a standby letter of credit (or other similar arrangement regardless of name or description);

(iv) An acquisition by discount, purchase, exchange, or otherwise of any note draft, bill of exchange, or other evidence of indebtedness upon which a natural person or company may be liable as maker, drawer, endorser, guarantor, or surety;

(v) A discount of promissory notes, bills of exchange, conditional sales contracts, or similar paper, whether with or without recourse;

(vi) An increase of an existing indebtedness, but not if the additional funds are advanced by the bank for its own protection for: (A) Accrued interest or (B) taxes, insurance, or other expenses incidental to the existing indebtedness;

(vii) And any other transaction as a result of which a natural person or company becomes obligated to pay money (or its equivalent) to a bank, whether the obligation arises directly or indirectly, or because of an endorsement on an obligation or otherwise, or by any means whatsoever.

(6) "Investment quality debt security" shall mean a marketable obligation in the form of a bond, note, or debenture the investment characteristics of which are not predominantly speculative and shall include obligations rated by a nationally recognized rating service that have a rating in the top four rating categories.

(7) "Subsidiary" shall mean any company controlled by an insured nonmember bank and any company a majority of whose directors or trustees are directors or trustees of an insured nonmember bank.

(b) Investment in securities subsidiaries.

(1) An insured nonmember bank may not establish or acquire a subsidiary that engages in the sale, distribution, or underwriting of stocks, bonds, debentures, notes or other securities; conducts any activities for which the subsidiary is required to register with the Securities and Exchange Commission as a broker/dealer; acts as an investment adviser to any investment company; or engages in any other securities activity unless:

(i) The subsidiary's underwriting activities that would not be authorized to the bank under section 16 of the Glass-Steagall Act (12 U.S.C. 24(7th)) as made applicable to insured nonmember banks by section 21 of the Glass-Steagall Act (12 U.S.C. 378) are, and thereafter continue to be: (A) On a "best efforts" basis, or (B) are limited to, and thereafter continue to be limited to, underwriting of investment quality debt securities or underwriting of mutual funds whose investments are exclusively limited to obligations of the United States or United States government agencies, repurchase agreements involving such obligations, bank certificates of deposit, banker's acceptances and other bank money instruments, short-term corporate debt instruments, and other similar investments normally associated with a money market fund.

(ii) The subsidiary is, and thereafter continues to be, a bona fide subsidiary.

(2) An insured nonmember bank's investment in a subsidiary under (b)(1) shall not exceed in the aggregate 20 per centum of the bank's equity capital as defined in FDIC's statement on capital adequacy (46 FR 62694) unless prior approval for a greater investment is obtained from the FDIC.

(c) *Affiliation with securities company.* Subject to any other applicable federal or state law, an insured nonmember bank is not prohibited by anything in this section from becoming affiliated with any company that directly or indirectly engages in the sale, distribution, or underwriting of stocks, bonds, debentures, notes, or other securities; acts as an investment adviser to any investment company; conducts any activity for which the affiliate must register with the Securities and Exchange Commission as a broker/dealer; or engages in any other securities activity so long as the securities business of the affiliate is kept separate and distinct from the banking business of the insured nonmember bank.

(d) *Filing of Notice.* Every insured nonmember bank that intends to acquire or establish a subsidiary that: (1) Engages in the sale, distribution, or underwriting of stocks, bonds, debentures, notes, or other securities; (2) acts as an investment adviser to any investment company that sells, distributes, or underwrites any such security; (3) conducts any activity for which the subsidiary is required to register with the Securities and Exchange Commission as a broker/dealer; or (4) engages in any other securities activity, shall notify the regional director of the region in which the bank is located. Notice shall be in writing and must be received in the regional office at least 60 days prior to consummation of the acquisition or commencement of the operation of the subsidiary, whichever is earlier. The bank shall also notify the regional office in writing within 10 days after the consummation of the acquisition or commencement of the operation of the subsidiary, whichever is earlier. The 60-day notice requirement may be waived, in FDIC's discretion, where such notice would be impracticable such as in the case of a purchase and assumption transaction or an emergency merger.

(e) *Restrictions.* An insured nonmember bank which has a subsidiary or affiliate that engages in the sale, distribution, or underwriting of stocks, bonds, debentures, notes, or other securities; or acts as an investment adviser to any investment

company that sells, distributes, or underwrites any such security shall not:

(1) Purchase in its sole discretion as fiduciary or co-fiduciary any security currently being distributed, underwritten, or issued by such subsidiary or affiliate or purchase in its sole discretion as fiduciary or co-fiduciary any security currently being distributed, underwritten or issued by any investment company advised by such subsidiary or affiliate;

(2) Transact business through its trust department with such subsidiary or affiliate unless the transactions are comparable to transactions with an unaffiliated securities company or a securities company that is not a subsidiary of the bank;

(3) Extend credit or make any loan directly or indirectly to any company the stocks, bonds, debentures, notes, or other securities of which are currently being underwritten or distributed by a subsidiary or affiliate of the bank unless the company's stocks, bonds, debentures, notes, or other securities that are underwritten or distributed are rated by a nationally recognized rating service and fall within the top four rated categories;

(4) Extend credit or make any loan directly or indirectly to any money market fund whose shares are currently being distributed or underwritten by a subsidiary or affiliate of the bank;

(5) Make loans for the purpose of acquiring: (i) Any stock, bond, debenture, note, or other security currently being distributed or underwritten by such subsidiary or affiliate; (ii) any stock, bond, debenture, note, or other security currently being distributed or underwritten by an investment company advised by such subsidiary or affiliate; or (iii) stock in, or shares of, such subsidiary or affiliate;

(6) Accept as collateral on a loan: (i) Stock or shares of any company whose stock or shares are currently being distributed or underwritten by such subsidiary or affiliate or (ii) stock or shares of any company which are currently being distributed or underwritten by an investment company advised by such subsidiary or affiliate;

(7) Make any loan or extension of credit to a subsidiary or affiliate of the bank that: (i) Distributes or underwrites stocks, bonds, debentures, notes, or other securities, or (ii) advises any investment company that distributes or underwrites stocks, bonds, debentures, notes, or other securities, if such loans or extensions of credit would be in excess of the limit as to amount, and not in accordance with the restrictions as to collateral, etc., imposed on "covered

transactions" established by section 23A of the Federal Reserve Act (12 U.S.C. 371c);

(8) Make any loan or extension of credit to any investment company for which the bank's subsidiary or affiliate acts as an investment adviser if the loan or extension of credit would be in excess of the limit as to amount, and not in accordance with the restrictions as to collateral, etc., imposed on "covered transactions" established by section 23A of the Federal Reserve Act (12 U.S.C. 371c).

(f) Nothing in this section prohibits an insured nonmember bank from establishing or acquiring a subsidiary that sells, distributes, or underwrites stocks, bonds, debentures, notes, or other securities or engages in any other securities activity, if those activities would be permitted to an insured nonmember bank by sections 16 and 21 of the Glass-Steagall Act (12 U.S.C. 24(7th) and 378).

(g) Nothing in this section authorizes an insured nonmember bank to directly engage in any securities activity not authorized to it under section 16 and 21 of the Glass-Steagall Act (12 U.S.C. 24(7th) and 378).

By Order of the Board of Directors, this 9th day of May 1983.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 83-13187 Filed 5-16-83; 6:45 am]

BILLING CODE 6714-01-M

12 CFR Part 337

Unsafe and Unsound Banking Practices; Public Hearing

AGENCY: Federal Deposit Insurance Corporation ("FDIC").

ACTION: Notice of public hearing on proposed amendments to agency regulations.

SUMMARY: This notice sets forth the time and other particulars concerning a public hearing on proposed amendments to Part 337 (Unsafe and Unsound Banking Practices) of FDIC's regulations. The proposed amendments to Part 337 are set out as a notice of proposed rulemaking elsewhere in today's Federal Register.

DATE: Friday, June 17, 1983, 9:00 a.m.-5:00 p.m.

ADDRESS: Written requests to participate should be sent to Hoyle L. Robinson, Executive Secretary, Room 6108, Federal Deposit Insurance Corporation, 550 17th Street, NW.,

Washington, D.C. or hand delivered to the same address between the hours of 9:00 a.m. and 5:00 p.m. Monday through Friday.

Hearing location: FDIC's Board of Directors Room, 6th Floor, Federal Deposit Insurance Corporation, 550 17th Street, NW., Washington, D.C. 20429.

FOR FURTHER INFORMATION CONTACT: Pamela E. F. LeCren, Senior Attorney, Legal Division, (202-389-4171), or Alan J. Kaplan, Deputy Executive Secretary, (202-389-4446), Federal Deposit Insurance Corporation, 550 17th Street, NW., Washington, D.C. 20429.

SUPPLEMENTARY INFORMATION: On May 9, 1983 the Board of Directors of the FDIC authorized for publication for comment a proposed amendment to Part 337 of FDIC's regulations (12 CFR Part 337). The proposal, which is set forth as a notice of proposed rulemaking elsewhere in today's Federal Register, deals with securities activities of subsidiaries of insured nonmember banks and transactions by insured nonmember banks with their affiliated securities companies. The basic features of the proposal are: (1) Notice of intent to invest in a securities subsidiary; (2) no prior approval requirement; (3) no formalized restrictions on bank entry based on asset size or composite rating; (4) a prohibition on a nonmember bank establishing or acquiring a subsidiary that underwrites securities unless the underwriting activity is on a "best efforts" basis, is restricted to top rated debt securities, or is the underwriting of a money market fund type mutual fund; (5) a twenty percent of capital ceiling on a bank's investment in one or more securities subsidiaries; (6) a limit on the amount of loans or extensions of credit that a bank may make to its securities subsidiary or affiliates; (7) a prohibition on loans for the purpose of acquiring securities underwritten or distributed by the bank's subsidiary or affiliate or the acceptance of such securities as collateral on a loan or extension of credit; (8) a prohibition on loans or extensions of credit to companies whose securities are underwritten by the bank's subsidiary or affiliate unless the securities are highly rated; (9) prohibiting the purchase by the bank's trust department in its sole discretion of securities distributed, underwritten or issued by the bank's subsidiary or affiliate; (10) prohibiting the transaction of business through the bank's trust department with the banks; securities subsidiary or affiliate unless those transactions are comparable to transactions with an unaffiliated

securities company; and (11) a requirement that the bank subsidiary be a "bona fide" subsidiary. The proposed regulation contains a definition of bona fide subsidiary which requires that, in order for the subsidiary to be considered bona fide, the subsidiary be adequately capitalized; its operations be physically separate from that of the bank; separate records and corporate formalities be observed; separate employees be maintained; and that the subsidiary function independently from, and not be identified with the banking business of the bank.

The Board, at its May 9, 1983 meeting, voted to hold a one-day public hearing at which representatives of the Board of Directors (the Director of the Division of Bank Supervision and the General Counsel) would receive the oral comments of any interested person with regard to the proposed amendment to Part 337. Persons wishing to participate in the hearing should send a written request to participate to Hoyle L. Robinson, Executive Secretary, Room 6108, Federal Deposit Insurance Corporation, 550 17th Street, NW., Washington, D.C. 20429. Requests may be hand delivered between the hours of 9:00 a.m. and 5:00 p.m. Monday through Friday. All requests will be time and date stamped upon receipt and oral presentations will be scheduled in the order in which requests are received. Participants will be limited to a fifteen minute oral presentation and will be advised in writing of the time scheduled for their presentation. All requests to participate must be received no later than the close of business Friday, June 10. This requirement is necessary so that: (1) The hearing officers may adjust their schedules accordingly, (2) alternative arrangements for the hearing may be made if more persons are expected to attend than the Board of Directors room will accommodate, and (3) sufficient time is available to acknowledge receipt of the notices and inform participants of scheduling.

Copies of the notice of proposed rulemaking can be obtained upon request from FDIC's Office of Public Information, (202-389-4221), Room 6061, Federal Deposit Insurance Corporation, 550 17th Street, NW., Washington, D.C. 20429.

By Order of the Board of Directors this 9th day of May 1983.

Hoyle L. Robinson,
Executive Secretary.

[FR Doc. 83-12186 Filed 5-16-83; 8:45 am]

BILLING CODE 6714-01-M

FEDERAL TRADE COMMISSION

16 CFR Part 13

[File No. 821-0047]

Michigan Association of Osteopathic Physicians & Surgeons, Inc.; Proposed Consent Agreement With Analysis To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Proposed consent agreement.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent agreement, accepted subject to final Commission approval, would require a Michigan professional association, among other things, to cease inhibiting competition by restricting or advising member physicians against the truthful advertising of fees and services, and by declaring such activities unethical. The association would be required to timely repeal any provision of its Code of Ethics and policy statements which are inconsistent with the prohibitions contained in the order, and publish revised versions of these documents. The order would also require the Association to mail to all present and future members a letter notifying them of the consent agreement and its provisions, and send to each of its component and affiliate societies a copy of the order.

DATE: Comments must be received on or before July 18, 1983.

ADDRESS: Comments should be directed to: FTC/S, Office of the Secretary, Washington, D.C. 20580.

FOR FURTHER INFORMATION CONTACT: Barbara E. Arnold, Acting Director, 4R, Cleveland Regional Office, Federal Trade Commission, Suite 500-Mall Bldg., 118 St. Clair Ave., Cleveland, OH 44114. (216) 522-4207.

SUPPLEMENTARY INFORMATION: Pursuant to Section 6(f) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46 and 2.34 of the Commission's Rules of Practice (16 CFR 2.34), notice is hereby given that the following consent agreement containing a consent order to cease and desist and an explanation thereof, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of sixty (60) days. Public comment is invited. Such comments or views will be considered by the Commission and will be available for inspection and copying at its principal office in accordance with Section 4.9(b)(14) of the Commission's Rules of Practice (16 CFR 4.9(b)(14)).

List of Subjects in 16 CFR Part 13

Advertising, Physicians.

In the Matter of Michigan Association of Osteopathic Physicians & Surgeons, Inc., a corporation; File No. 821 0047; agreement containing consent order to cease and desist.

The Federal Trade Commission having initiated an investigation of certain acts and practices of the Michigan Association of Osteopathic Physicians & Surgeons, Inc., a non-profit corporation, and it now appearing that the Michigan Association of Osteopathic Physicians & Surgeons, Inc. ("MAOP&S") is willing to enter into an agreement containing an order to cease and desist from the use of the acts and practices being investigated.

It is hereby agreed by and between MAOP&S, by its duly authorized officer, and its attorney, and counsel for the Federal Trade Commission that:

1. MAOP&S is a non-profit corporation organized, existing, and doing business under and by virtue of the laws of the State of Michigan, with its mailing address at 33100 Freedom Road, Farmington, Michigan 48024.
2. MAOP&S admits all the jurisdictional facts set forth in the draft of the complaint here attached.
3. MAOP&S waives:
 - (a) Any further procedural steps;
 - (b) The requirement that the Commission's decision contain a statement of findings of fact and conclusions of law;
 - (c) All rights to seek judicial review or otherwise to challenge or contest the validity of the order entered pursuant to this agreement; and
 - (d) Any claim under the Equal Access to Justice Act.

4. This agreement shall not become part of the public record of the proceeding unless and until it is accepted by the Commission. If this agreement is accepted by the Commission, it, together with the draft of complaint contemplated thereby, will be placed on the public record for a period of sixty (60) days and information in respect thereto publicly released. The Commission thereafter may either withdraw its acceptance of this agreement and so notify MAOP&S, in which event it will take such action as it may consider appropriate, or issue and serve its complaint (in such form as the circumstances may require) and decision, in disposition of the proceeding.

5. This agreement is for settlement purposes only and does not constitute an admission by MAOP&S that the law

has been violated as alleged in the draft of complaint here attached.

6. This agreement contemplates that, if it is accepted by the Commission, and if such acceptance is not subsequently withdrawn by the Commission pursuant to the provisions of Section 2.34 of the Commission's Rules, the Commission may, without further notice to MAOP&S: (1) Issue its complaint corresponding in form and substance with the draft of complaint here attached and its decision containing the following order to cease and desist in disposition of the proceeding, and (2) make information public in respect thereto. When so entered, the order to cease and desist shall have the same force and effect and may be altered, modified, or set aside in the same manner and within the same time provided by statute for other orders. The order shall become final upon service. Delivery by the U.S. Postal Service of the complaint and decision containing the agreed-to order to MAOP&S' address as stated in this agreement shall constitute service. MAOP&S waives any right it may have to any manner of service. The complaint attached hereto, and the Commission's Opinion in *American Medical Association*, 94 F.T.C. 701 (1980) (hereinafter, "AMA"), as modified by the opinion of the U.S. Court of Appeals for the Second Circuit, 638 F.2d 443 (1980), may be used in construing the terms of the order. No agreement, understanding, representation, or interpretation not contained in the order or the agreement may be used to vary or contradict the terms of the order.

7. MAOP&S has read the proposed complaint and order contemplated hereby. It understands that once the order has been issued, it will be required to file one or more compliance reports showing that it has fully complied with the order. MAOP&S further understands that it may be liable for civil penalties in the amount provided by law for each violation of the order after it becomes final.

Order

I. For purposes of this Order, the following definitions shall apply:

A. "MAOP&S" means respondent Michigan Association of Osteopathic Physicians & Surgeons, Inc., its component and affiliate societies, its delegates, trustees, councils, committees, Bureau of Ethics, officers, representatives, agents, employees, successors, and assigns.

B. "Physician" means any individual duly licensed to engage in the practice of osteopathic medicine and/or surgery.

II. It is ordered that MAOP&S shall cease and desist from, directly or

indirectly or through any corporate or other device:

A. Restricting, regulating, impeding, declaring unethical, interfering with, or advising against the advertising or publishing by any person of the prices, terms, or conditions of sale of physicians' services, or of information about physicians' services, facilities, or equipment which are offered for sale or made available by physicians or by any organization with which physicians are affiliated;

B. Restricting, regulating, impeding, declaring unethical, interfering with, or advising against the solicitation, through advertising or by any other means, of patients, patronage, or contracts to supply physicians' services, by any physician or by any organization with which physicians are affiliated; or

C. Inducing, urging, encouraging, or assisting any physician or any medical association, group of physicians, hospital, insurance carrier, telephone company, or any other non-governmental organization, to take any of the actions prohibited by this part of the Order.

Nothing contained in this part of the Order shall prohibit MAOP&S from formulating, adopting, disseminating to its members, and enforcing reasonable ethical guidelines governing the conduct of its members with respect to representations, including unsubstantiated representations, that MAOP&S reasonably believes would be false or deceptive within the meaning of Section 5 of the Federal Trade Commission Act, or with respect to uninvited, in-person solicitation of actual or potential patients who, because of their particular circumstances, are vulnerable to undue influence.

III. It is further ordered that MAOP&S shall:

A. For a period of three (3) years after this Order becomes final, provide each new member of MAOP&S with a copy of the letter in the form shown in Appendix A at the time the member is accepted into membership;

B. Within sixty (60) days after this Order becomes final, send by first-class mail to each of its present members a copy of the letter in the form shown in Appendix B;

C. Within sixty (60) days after this Order becomes final, send by first-class mail to the Michigan Bell Telephone Company supervisor in charge of professional advertising a copy of the letter in the form shown in Appendix C;

D. Within sixty (60) days after this Order becomes final, publish a copy of the Order, with such prominence as feature articles are regularly published,

in the *Michigan Osteopathic Journal* and the *MAOP&S Newsletter*, or in any successor publications;

E. Within sixty (60) days after this Order becomes final, send by first-class mail to each of its component and affiliate societies, a copy of this Order;

F. Within ninety (90) days after this Order becomes final, remove from its *Code of Ethics*, its *Interpretations of the Code of Ethics*, and any other existing policy statements or guidelines of MAOP&S, any provision, interpretation, or policy statement which is inconsistent with this Order; and, within one hundred twenty (120) days after this Order becomes final, publish in the *Michigan Osteopathic Journal* and the *MAOP&S Newsletter* or in any successor publications, the revised versions of such documents, statements, or guidelines;

G. Within one hundred twenty (120) days after this Order becomes final, file a written report with the Federal Trade Commission setting forth in detail the manner and form in which MAOP&S has complied with this Order;

H. For a period of five (5) years after this Order becomes final, maintain records adequate to describe in detail any action taken in connection with the activities covered by Part II and Part III.A of this Order, including, but not limited to, any advice or interpretations rendered with respect to advertising or solicitation involving any of its members;

I. One year after this Order becomes final, and annually thereafter for a period of two (2) years, file a written report with the Federal Trade Commission setting forth in detail any action taken in connection with the activities covered by Part II and Part III.A of this Order, including, but not limited to, any advice or interpretations rendered with respect to advertising or solicitation involving any of MAOP&S' members; and

J. Include in all compliance reports, as required by Part III. G and I, such information and documentation as may be required to show compliance with this Order.

IV. It is further ordered that MAOP&S shall notify the Commission at least thirty (30) days prior to any proposed change in the respondent, such as dissolution, assignment, or sale resulting in the emergence of a successor corporation or association, or any other change in the corporation or association which may affect compliance obligations arising out of this Order.

Appendix A

Dear Doctor: This letter is to inform you of recent developments concerning the issue of physician advertising. In March, 1982, the Supreme court upheld the Federal Trade Commission's Order prohibiting the American Medical Association from restricting physician advertising and solicitation.

In recognition of this precedent, the Michigan Association of Osteopathic Physicians & Surgeons, Inc. entered into a Consent Agreement with the Federal Trade Commission on November 1, 1982. This Agreement was entered into as a result of an investigation initiated by the FTC concerning MAOP&S' alleged restraint of competition by means of its ethical restrictions on physician advertising and solicitation. The Agreement is for settlement purposes only and does not constitute an admission by MAOP&S that the law has been violated.

In accordance with this Consent Agreement, MAOP&S revised its Code of Ethics in October, 1982. Under the revised code, MAOP&S does not restrict its members from advertising or soliciting patients. MAOP&S does not restrict its members from advertising the prices, terms, or conditions of sale of physicians' services, facilities, or equipment. MAOP&S may, however, enforce reasonable guidelines governing advertising or solicitation which MAOP&S reasonably believes to be false or deceptive.

As a new member, you have received a copy of the revised Code of Ethics.

Thank you for your cooperation.
Sincerely,

President.

Appendix B

Dear Doctor: This letter is to inform you of recent developments concerning the issue of physician advertising. The Supreme Court recently affirmed the Federal Trade Commission's Order, as modified by the U.S. Court of Appeals for the Second Circuit, prohibiting the American Medical Association from restricting physician advertising and solicitation.

In recognition of this precedent, the Michigan Association of Osteopathic Physicians & Surgeons, Inc. is in the process of revising its Code of Ethics.

Under the new code, MAOP&S will not restrict its members from advertising or soliciting patients. MAOP&S will not restrict its members from advertising the prices, terms, or conditions of sale of physicians' services, or information about physicians' services, facilities, or equipment. MAOP&S may, however, enforce reasonable guidelines governing advertising or solicitation which MAOP&S reasonably believes to be false or deceptive.

The revisions to the Code of Ethics will appear in the *Michigan Osteopathic Journal* and in MAOP&S Newsletter.

Thank you for your cooperation.
Sincerely,

President.

Appendix C

Dear ———: This letter is to inform you of recent developments concerning the issue of physician advertising. The Supreme Court recently affirmed the Federal Trade Commission's Order, as modified by the U.S. Court of Appeals for the Second Circuit, prohibiting the American Medical Association from restricting physician advertising and solicitation.

In recognition of this precedent, the Michigan Association of Osteopathic Physicians & Surgeons, Inc. is in the process of revising its Code of Ethics.

Under the new code, MAOP&S will not restrict its members from advertising or soliciting patients. MAOP&S will not restrict its members from advertising the prices, terms, or conditions of sale of physicians' services, or information about physicians' services, facilities, or equipment. MAOP&S may, however, enforce reasonable guidelines governing advertising or solicitation which MAOP&S reasonably believes to be false or deceptive.

Accordingly, MAOP&S will not seek to restrict truthful advertising in the telephone book. In particular, MAOP&S will not seek to restrict such things as the size, color, or format of such advertising.

Thank you for your cooperation.
Sincerely,

Chairman, Department of Judiciary and Ethics.

File No. 821 0047, Michigan Association of Osteopathic Physicians & Surgeons, Inc.

Analysis of Proposed Consent Order To Aid Public Comment

The Federal Trade Commission has accepted an Agreement to a Proposed Consent Order from the Michigan Association of Osteopathic Physicians & Surgeons, Inc. ("MAOP&S").

The proposed Consent Order has been placed on the public record for sixty (60) days for reception of comments by interested persons. Comments received during this period will become part of the public record. After sixty (60) days, the Commission will again review the Agreement and the comments received and will decide whether it should withdraw from the Agreement or make final the Agreement's proposed Order.

The Complaint. A Complaint prepared for issuance by the Commission along with the proposed Order alleges that:

• MAOP&S has acted as a combination of at least some of its members, or has conspired with at least some of its members, to restrain competition among osteopathic physicians and surgeons in Michigan by prohibiting its members from truthfully advertising their fees and services to the public and from otherwise soliciting patients' business, and by coercing individual members into abandoning their efforts to truthfully advertise and to otherwise solicit patients' business. These activities are alleged to be unfair methods of competition or unfair or deceptive acts or practices in

violation of Section 5 of the Federal Trade Commission Act.

• MAOP&S is a professional association formed to represent the interests of osteopathic physicians and surgeons who practice in Michigan. MAOP&S has approximately 2,147 members, constituting a substantial majority of the osteopathic physicians and surgeons in Michigan.

• Members of MAOP&S are engaged in the business of providing medical health care services for a fee, and that, except to the extent that competition has been restrained as alleged in the Complaint, MAOP&S members have been, and are now, in competition among themselves and with other physicians and surgeons.

• In furtherance of the combination or conspiracy, MAOP&S adopted and implemented written and unwritten codes of ethics that prohibit efforts by its members to truthfully advertise their services in the Yellow Pages or in other media, or to otherwise distribute to the public truthful information, including, among other things: their fees, whether they accept Medicare assignment of benefits or credit cards, their professional training and experience, their business hours and office locations, and their knowledge of languages other than English.

• MAOP&S allegedly published statements by some of its officials advising members that advertising was unethical. The Complaint further asserts that MAOP&S sent letters to members who truthfully advertise or otherwise solicit their patients' business that tended to discourage such advertising, and that MAOP&S summoned members to certain of its meetings at which disciplinary actions were threatened against these members in order to compel them to cease truthfully advertising or otherwise soliciting patients' business.

• MAOP&S attempted to prohibit sellers of advertising space from accepting truthful advertisement from MAOP&S members.

• As a result of MAOP&S' actions, its members have agreed not to, and do not, advertise their services or otherwise solicit patients' business, and its members have been coerced into abandoning efforts to advertise or otherwise solicit patients' business.

• Truthful advertising and solicitation enable physicians to compete on the basis of price, quality, and convenience and enable individual patients to choose among osteopathic physicians and surgeons on the basis of price, quality, or convenience. Consequently, it is alleged, competition among osteopathic physicians and surgeons for patients has been frustrated and eliminated, and consumers have been deprived of truthful information about osteopathic physicians' and surgeons' fees and services and the benefits of competition among such physicians and surgeons.

The Proposed Consent Order. The proposed Order would:

• Prohibit MAOP&S from restricting, regulating, impeding, declaring unethical, interfering with, or advising against the advertising of osteopathic physicians' and surgeons' services or the solicitation by

osteopathic physicians and surgeons of patients, patronage, or contracts.

- Prohibit MAOP&S from inducing, urging, encouraging, or assisting others to take any of the actions prohibited by the Order.

- Permit MAOP&S to formulate, adopt and disseminate to its members, and enforce reasonable ethical guidelines governing advertising which would be false or deceptive within the meaning of Section 5 of the Federal Trade Commission Act, or with respect to uninvited, in-person solicitation of patients who, because of their particular circumstances, are vulnerable to undue influence.

- Require that MAOP&S remove from its Code of Ethics, policy statements, and guidelines any provision or statement which is inconsistent with the prohibitions of the Order and thereafter publish revised versions of such documents, statements, or guidelines.

- Require that MAOP&S, within sixty (60) days after the Order becomes final, publish a copy of the Order in its official publications and send letters, by first-class mail, to each current MAOP&S member and to the Michigan Bell Telephone Company.

- Require that, for a period of three (3) years, MAOP&S provide each of its new members with a letter notifying them of the Consent Agreement and stating that osteopathic physicians and surgeons may advertise so long as it is not false or deceptive. To ensure compliance with the proposed Order, MAOP&S would be required, within one hundred twenty (120) days after the Order becomes final, to file a written report with the Commission setting forth the manner and form of its compliance with the Order. MAOP&S would also be required, for a period of five (5) years, to maintain records and, annually for a period of three (3) years, to file a written report with the Commission setting forth any action taken in connection with the activities covered by the Order.

The purpose of this analysis is to facilitate public comment on the proposed Order, and it is not intended to constitute an official interpretation of the Agreement and proposed Order or to modify in any way their terms.

Emily H. Rock,
Secretary.

FR Doc. 83-13164 Filed 5-10-83; 8:45 am
BILLING CODE 6750-01-M

COMMODITY FUTURES TRADING COMMISSION

17 CFR Part 180

Regulations Pertaining to Arbitration

AGENCY: Commodity Futures Trading Commission.

ACTION: Proposed rules.

SUMMARY: The Commodity Futures Trading Commission ("Commission") is proposing to amend its rules governing the content of pre-dispute arbitration agreements entered into by futures commission merchants ("FCMs"), floor

brokers or associated persons and their customers. The proposed amendments would extend the requirements of such rule to introducing brokers ("IBs"), commodity pool operators ("CPOs") and commodity trading advisors ("CTAs") and make clear that the rules apply to the associated persons ("APs") of such registrants.¹

DATE: Comments must be received by July 18, 1983.

ADDRESS: Comments on the proposal should be sent to: Office of the Secretariat, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581.

FOR FURTHER INFORMATION CONTACT: Robert H. Rosenfeld, Attorney, Division of Trading and Markets, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581 (202) 254-8955.

SUPPLEMENTARY INFORMATION:

I. Background

As part of its recently adopted final rules concerning arbitration procedures provided by contract markets and registered futures associations,² the Commission amended § 180.3 governing the content and effect of pre-dispute arbitration agreements entered into by FCMs, floor brokers or APs and their customers. During the period within which such rules were being considered by the Commission, Congress amended sections 4d, 4f and 4k of the Commodity Exchange Act to require, *inter alia*, the registration of introducing brokers and three new categories of associated persons: APs of introducing brokers, commodity pool operators and commodity trading advisors.³ The Commission recently proposed rules to implement those new registration requirements by, *inter alia*, amending the definition of "associated person" in rule 1.3(aa) to include APs of introducing brokers, commodity pool operators and commodity trading advisors.⁴ The adoption by the Commission of such proposed rules could result in the following anomalous interpretation of § 180.3(b): APs of IBs, CPOs and CTAs would apparently be required to comply with the requirements of § 180.3(b) in the event they enter a pre-dispute

arbitration agreement with their customers,⁵ while their principles would not be under any direct requirement to comply with that rule.⁶

In order to avoid such an inconsistent application of its rules, and to assure that all classes of registrants who deal with the trading public will be subject to the same constraints concerning the use of pre-dispute arbitration agreements, the Commission is proposing to amend § 180.3(b) to include pre-dispute arbitration agreements entered into by introducing brokers, commodity pool operators and commodity trading advisors and to make clear that the rule applies to APs of such registrants.

The Commission notes that the proposed amendment would not require that any registrant enter into a pre-dispute arbitration agreement. The proposed amendment would require, however, that in the event a registrant enters into such an agreement, the agreement comply with the provisions of § 180.3. Moreover, the Commission believes that as a practical matter, adoption of the proposed amendment would not result in any unreasonable regulatory burdens since, as previously noted, most members of the registrant class are already indirectly subject to the requirements of Part 180 of the Commission's regulations by virtue of their membership in the National Futures Association ("NFA").⁷ Finally, the Commission notes that it cannot make any regulatory distinctions among the above-mentioned registrant classes that would warrant their exclusion from the requirements of rule 180.3(b). The Commission welcomes comments, however, from any affected party which

¹ This result is consistent with the Congressional recognition that such persons essentially function in the same capacity with respect to IBs, CPOs, and CTAs, as persons associated with FCMs. See H. Rep. NO. 97-565, Pt. 1, 97th Cong., 2d Sess. 48-49 (1982).

² Members of the National Futures Association, however, are required to comply with § 180.3(b) pursuant to § 170.8, which requires that such a futures association's rules concerning arbitration conform to and be consistent with Part 180 of the Commission's regulations. Thus, some of the above new registrants as well as their principles are already indirectly subject to § 180.3(b).

³ See n. 6 above. NFA Bylaw 1101, which prohibits NFA members from doing business with any non-members of NFA, acts as an incentive for FCMs, CPOs, and CTAs to become members. The Commission also understands that NFA intends to submit for Commission consideration an amendment to Bylaw 1101 which would extend the applicability of that Bylaw to IBs. The membership incentive of Bylaw 1101 also would increase in the event the Commission adopts a rule, petitioned for by NFA, requiring all FCMs to become members of a registered futures association. See NFA petition for commission rulemaking, 47 FR 53031 (November 24, 1982).

⁴ The Commission previously requested comment on whether introducing brokers and their associated persons similarly should be subject to these requirements of Part 180 of the Commission's regulation. See 48 FR 14933, 14935 (April 6, 1983).

⁵ The Commission is publishing notice of these final rules under separate heading in today's Federal Register.

⁶ 7 U.S.C. 6d, 6f, 6k, as amended by the Futures Trading Act of 1982, Pub. L. No. 97-444, sections 207, 208 and 212.

⁷ See 48 FR 14933, 14956 (April 6, 1983).

believes it should not be included within the scope of this rule.

II. Regulatory Flexibility

The Regulatory Flexibility Act ("RFA"), 5 U.S.C. 601 *et seq.*, requires that agencies, in proposing rules, consider the impact of those rules on small business. In this regard, the Commission has already established that neither FCMS nor registered CPOs should be considered to be small entities for purposes of the RFA.* Accordingly, the requirements of the RFA do not apply to those entities. With respect to the remaining entities, the Commission believes, as noted above, that the proposed rule would not impose an unreasonable burden upon such parties since most members of the registrant class are already indirectly subject to the requirements of Part 180 of the Commission's regulations by virtue of their membership in NFA. Furthermore, the Commission again notes that the proposal would not require any of the affected parties to offer a pre-dispute arbitration agreement. Accordingly, pursuant to section 3(a) of the Regulatory Flexibility Act, 5 U.S.C. 605(b), the Chairman certifies that § 180.3(b), as amended, would not have a significant economic impact on a substantial number of small entities. The Commission, however, particularly invites comment from any firm which believes that this proposal would have a significant economic impact on it.*

List of Subjects in 17 CFR Part 180

Arbitration.

In consideration of the foregoing, and pursuant to the authority of the Commodity Exchange Act, and in particular, sections 4d, 4f, 4k, 5a(11) and 8a, thereof, 7 U.S.C. 6d, 6f, 6k, 7a(11) and 12a, as amended by the Futures Trading Act of 1982, Pub. L No. 97-44, 96 Stat. 2294 (1983), the Commission proposes to amend Chapter I of Title 17 of the CFR as follows:

* See 47 FR 18618 (April 30, 1982).

* Commission rule 180.3 has been assigned OMB Control No. 3038-0022, for purposes of the Paperwork Reduction Act, 44 U.S.C. A copy of this proposal has been submitted to the Director of the Office of Management and Budget. Interested members of the public may obtain a complete copy of the information collection proposals relating to the proposed rules contained herein by contacting Joseph Salazar at (202) 254-9735. Persons wishing to comment on the Paperwork Reduction Act implications of this proposal are asked to send a copy of their comments to Mr. Salazar at the Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C., 20581, and to the OMB Desk Officer for the agency, Robert Vender, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, D.C. 20503.

PART 180—ARBITRATION OF OTHER DISPUTE SETTLEMENT PROCEDURES

1. The authority citation for Part 180 is proposed to be revised to read as follows:

Authority: 7 U.S.C. 6c, 6d, 6f, 6k, 7a(11) and 12a.

2. Section 180.3 Part 180 is proposed to be amended by revising the introductory paragraph (b) and paragraphs (b)(1), (3), (4) and (5) as follows:

§ 180.3 Voluntary procedure and compulsory payments.

(b) No futures commission merchant, introducing broker, floor broker, commodity pool operator, commodity trading advisor, or associated person shall enter into any agreement or understanding with a customer in which the customer agrees, prior to the time the claim or grievance arises, to submit such claim or grievance to any settlement procedure except as follows:

(1) Signing the agreement must not be made a condition for the customer to utilize the services offered by the futures commission merchant, introducing broker, commodity pool operator, commodity trading advisor or associated person.

(3) The agreement may not require the customer to waive the right to seek reparations under Section 14 of the Act and Part 12 of these regulations. Accordingly, the customer must be advised in writing that he or she may seek reparations under Section 14 of the Act by an election made within 45 days after the futures commission merchant, introducing broker, floor broker, commodity pool operator, commodity trading advisor or associated person notifies the customer that arbitration will be demanded under the agreement. This notice must be given at the time when such person notifies the customer of an intention to arbitrate. The customer must also be advised that if he or she seeks reparations under Section 14 of the Act and the Commission declines to institute reparation proceedings, the claim or grievance will be subject to the preexisting arbitration agreement and must also be advised that aspects of the claims or grievances that are not subject to the reparations procedure (i.e. do not constitute a violation of the Act or rules thereunder) may be required to be submitted to the arbitration or other dispute settlement procedure set forth in the preexisting arbitration agreement.

(4) The agreement must advise the customer that, at such time as he or she

may notify the futures commission merchant, introducing broker, floor broker, commodity pool operator, commodity trading advisor or associated person that he or she intends to submit a claim to arbitration, or at such time as such person notifies the customer of its intent to submit a claim to arbitration, the customer will have the opportunity to elect a qualified forum for conducting the proceeding. Within ten business days after receipt of such notice from the customer, or at the time the futures commission merchant, introducing broker, floor broker, commodity pool operator, commodity trading advisor or associated person so notifies the customer, the futures commission merchant, introducing broker, floor broker, commodity pool operator, commodity trading advisor or associated person must provide the customer with a list of two or more organizations whose procedures qualify them to conduct arbitrations in accordance with the requirements of § 180.2 of this Part, together with a copy of the rules of each forum listed. The list must include: (A) the contract market, if available, upon which the transaction giving rise to the dispute was executed or could have been executed or a registered futures association designated by such contract market; and (B) at least one other organization which will provide the customer with the opportunity to select the location of the arbitration proceeding from among several major cities in diverse geographic regions and which will provide the customer with the choice of a panel or other decision-maker composed of at least one or more persons, of which at least a majority are not members or associated with a member of a contract market or employee thereof, and which are not otherwise associated with a contract market (mixed panel). The customer shall, within forty-five days after receipt of such list, notify the opposing party of the organization selected. A customer's failure to provide such notice shall give the opposing party the right to select an organization from the list.

(5) The agreement must acknowledge that the futures commission merchant, introducing broker, floor broker, commodity pool operator, commodity trading advisor or associated person will pay any incremental fees which may be assessed by a qualified forum for provision of a mixed panel, unless the arbitrators in a particular proceeding determine that the customer has acted in bad faith in initiating or conducting that proceeding.

Issued in Washington, D.C. on May 12, 1983.

Jane K. Stuckey,

Secretary of the Commission.

[FR Doc. 83-13149 Filed 5-16-83; 9:45 am]

BILLING CODE 6351-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 184

[Docket No. 82N-0393]

Sodium Metasilicate and Sodium Zinc Metasilicate; Proposed GRAS Status

Correction

In FR Doc. 83-10995, beginning on page 18831, in the issue of Tuesday, April 26, 1983, make the following corrections:

1. On page 18831, in the second column, in the fourth full paragraph, in the third line, "(NAS/FRC)" should read "(NAS/NRC)"

2. On page 18833, in § 184.1769a(a), the fourth line from the top of the second column of the page should read "(Na₂SiO₃·9H₂O)."

BILLING CODE 1505-01-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 914

Permanent State Regulatory Program of Indiana

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

ACTION: Proposed rule.

SUMMARY: OSM is announcing procedures for the public comment period and for a public hearing on the substantive adequacy of a program amendment submitted by Indiana to satisfy certain conditions imposed by the Secretary of the Interior on the approval of the Indiana State Program under the Surface Mining Control and Reclamation Act of 1977 (SMCRA).

The amendment consists of a set of modifications to Indiana's surface and underground coal mining statute and is intended to satisfy specific parts of three conditions of the Secretary's approval relating to petitions to designate lands unsuitable for mining, award of attorney and expert witness fees, and administrative review of a

permit or any final decision of the regulatory authority. The amendment also consists of other changes to the Indiana statute, not related to the conditions of approval, which deal with conflict of interest rules and coal exploration.

This document sets forth the times and locations that the Indiana program and proposed amendment are available for public inspection, the comment period during which interested persons may submit written comments on the proposed amendment (IN-0325), and information pertinent to the public hearing.

DATE: Written comments relating to Indiana's proposed modification of its program not received on or before 4:00 p.m. on June 16, 1983, will not necessarily be considered in the Secretary's decision on whether the proposed program amendment satisfies the above conditions.

If requested, a public hearing will be held on June 13, 1983, beginning at 10:00 a.m. at the location shown below under "ADDRESSES."

ADDRESSES: Written comments should be mailed or hand-delivered to: Mr. Richard D. McNabb, Director, Indianapolis Field Office, Office of Surface Mining Reclamation and Enforcement, Federal Building and U.S. Courthouse, Room 522, 46 East Ohio Street, Indianapolis, Indiana 46204. Telephone: (317) 269-2600.

If a public hearing is held, its location will be at: OSM Indianapolis Field Office, Federal Building and U.S. Courthouse, Room 522, 46 East Ohio Street, Indianapolis, Indiana. Telephone: (317) 269-2600.

FOR FURTHER INFORMATION CONTACT: Mr. Richard D. McNabb, Director, Indianapolis Field Office, Office of Surface Mining Reclamation and Enforcement, Federal Building and U.S. Courthouse, Room 522, 46 East Ohio Street, Indianapolis, Indiana 46204. Telephone: (317) 269-2600.

SUPPLEMENTARY INFORMATION:

I. Public Comment Procedures

Availability of Copies

Copies of the Indiana program, the proposed amendment, and a listing of any scheduled public meeting and all written comments received in response to this notice will be available for review at the OSM offices and the Office of the State Regulatory Authority listed below, Monday through Friday, 8:00 a.m. to 4:00 p.m., excluding holidays.

Office of Surface Mining Reclamation and Enforcement, Room 5315, 1100 L Street, NW., Washington, D.C. 20240

Office of Surface Mining Reclamation and Enforcement, Federal Building and U.S. Courthouse, Room 522, 46 East Ohio Street, Indianapolis, Indiana

Written Comments

Written comments should be specific, pertain only to the issues proposed in this rulemaking, and include explanations in support of the commenter's recommendations. Comments received after the time indicated under "DATES" or at locations other than Indianapolis, Indiana, will not necessarily be considered and included in the Administrative Record for the final rulemaking.

Public Hearing

Persons wishing to comment at the public hearing should contact the person listed under "FOR FURTHER INFORMATION CONTACT" by the close of business three working days before the date of the hearing. If no one requests to comment at the public hearing, the hearing will not be held.

If only one person requests to comment, a public meeting, rather than a public hearing, may be held and the results of the meeting included in the Administrative Record.

Filing of a written statement at the time of the hearing is requested and will greatly assist the transcriber. Submission of written statements in advance of the hearing will allow OSM officials to prepare appropriate questions.

The public hearing will continue on the specified date until all persons scheduled to comment have been heard. Persons in the audience who have not been scheduled to comment and wish to do so will be heard following those scheduled. The hearing will end after all persons scheduled to comment and persons present in the audience who wish to comment, have been heard.

Public Meeting

Persons wishing to meet the OSM representatives to discuss the proposed amendment may request a meeting at the OSM office listed in "ADDRESSES" by contacting the person listed under "FOR FURTHER INFORMATION CONTACT."

All such meetings are open to the public and, if possible, notices of meetings will be posted in advance in the Administrative Record. A written

summary of each public meeting will be made a part of the Administrative Record.

II. Background on Conditional Approval

Under 30 CFR 727.13(j), the Secretary may conditionally approve a State permanent regulatory program which contains minor deficiencies where the deficiencies are of such a size and nature as to render no part of the program incomplete, the State is actively proceeding with the steps to correct the deficiencies, and the State agrees to correct the deficiencies according to a schedule set in the notice of conditional approval.

III. Background on the Indiana State Program

Information regarding the general background on the Indiana State Program, including the Secretary's Findings, the disposition of comments and a detailed explanation of the conditions of approval of the Indiana program can be found in the July 26, 1982, Federal Register (47 FR 32071-32108).

At the time of the Secretary's conditional approval, Indiana agreed to meet nine minor conditions, many of which contained several parts. Most of the conditions and their parts have been removed through the approval of amendments to the Indiana program. For additional information on the prior removal of conditions, see the December 17, 1982, Federal Register at 47 FR 56493, and the March 4, 1983, Federal Register at 48 FR 9248.

The remaining conditions on the Indiana program are as follows:

Condition (a)(2) requires Indiana to require the design criteria for stream channel diversions as required by 30 CFR 816.44 and 817.44.

Condition (b)(3) requires Indiana to require that each permit application contain a list of all other licenses and permits needed by the applicant to conduct the proposed surface or underground mining activities indicating all the information required by 30 CFR 782.19.

The deadline for Indiana to address these conditions is July 1, 1983. Both of these conditions have been proposed to be addressed by Indiana modifications (IN-0323) announced in a separate Federal Register notice which was published recently.

Condition (g)(1) requires Indiana to amend its statute to require that a petitioner would only have to present evidence which would "tend to establish allegations of fact" in a petition to designate lands as unsuitable for mining in accordance with the provisions of

Section 527(c) of SMCRA and in a manner no less effective than the requirements of 30 CFR 764.13(b)(2).

Condition (h)(1) requires Indiana to amend its statute to provide for the award of attorney and expert witness fees in surface mining related common law damage actions in accordance with the provisions of Section 510(f) of SMCRA.

Condition (h)(2) requires Indiana to amend its statute to provide for administrative review of a permit or any final decision of the regulatory authority in accordance with the provisions of Section 514(c) of SMCRA and in a manner no less effective than the requirements of 30 CFR 787.

The deadline for Indiana to address these conditions is September 30, 1983. These three conditions are proposed to be addressed by the Indiana modifications being announced in this notice.

IV. Discussion of the Proposed Amendment

On April 28, 1983, OSM received a set of statutory amendments from the Indiana Department of Natural Resources intended to meet conditions (g)(1), (h)(1) and (h)(2). See IN-0325. Indiana has proposed changes to its statute at IC 13-4.1-14-2(a) to meet condition (g)(1), added a new Section (i) to IC 13-4.1-11-11 to meet condition (h)(1), and proposed changes to IC 13-4.1-4-5(c) to meet condition (h)(2).

In addition, Indiana has proposed changes to other statutory sections that are unrelated to the conditions. These provisions are:

1. IC 13-4.1-2-3 to provide an exception to the conflict of interest rules for appointees to the Indiana Natural Resources Commission (a multi-interest board established by State law); and

2. IC 13-4.1-7-5 to provide that persons engaging in coal exploration that substantially disturbs the natural land surface are subject to the inspection and civil penalty provisions of State law at IC 13-4.1-11 and IC 13-4.1-12.

Thus, the Secretary requests comments on the substantive adequacy of the proposed amendments to satisfy the conditions listed above and on the substantive adequacy of the proposed changes to the other Indiana statutory provisions.

Procedural Matters

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

statement need be prepared on this rulemaking.

2. *Executive Order No. 12291 and the Regulatory Flexibility Act:* On August 28, 1981, the Office of Management and Budget (OMB) granted OSM an exemption from Sections 3, 4, 7, and 8 of Executive Order 12291 for actions directly related to approval or conditional approval of State regulatory programs. Therefore, this action is exempt from preparation of a Regulatory Impact Analysis and regulatory review by OMB.

The Department of the Interior has determined that this rule would not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). This rule would not impose any new requirements; rather, it would ensure that existing requirements established by SMCRA and the Federal rules will be met by the State.

3. *Paperwork Reduction Act:* This rule does not contain information collection requirements which require approval by the Office of Management and Budget under 44 U.S.C. 3507.

List of Subjects in 30 CFR Part 914

Coal mining Intergovernmental relations, Surface mining, Underground mining.

Dated: May 11, 1983.

J. Steven Griles,
Acting Director, Office of Surface Mining.
[FR Doc. 83-13255 Filed 5-16-83; 8:45 am]
BILLING CODE 4310-05-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 261

[SWH-FRL 2363-6]

Hazardous Waste Management System: Identification and Listing of Hazardous Waste

AGENCY: Environmental Protection Agency.

ACTION: Reopening of comment period.

SUMMARY: On October 30, 1980, EPA proposed to amend the Extraction Procedure (EP) toxicity characteristic to apply to hexavalent chromium instead of total chromium. After evaluating both the information available to the Agency as well as the comments received, the Agency was still left with a number of unanswered questions. Today's action reopens the comment period in order to solicit any information the public may have which will help to resolve the questions.

DATE: Comment Date: EPA will accept comments on this proposed amendment until August 15, 1983.

ADDRESSES: Comments on this proposed rule should be sent to the Docket Clerk, Docket No. 261-83-4 Hexavalent Chromium, Office of Solid Waste (WH-565), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: David Friedman, Office of Solid Waste (WH-565B), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460, (202) 382-4770.

SUPPLEMENTARY INFORMATION: On October 30, 1980, EPA proposed to amend the Extraction Procedure (EP) toxicity characteristic (40 CFR 261.24) to apply to hexavalent chromium instead of total chromium (45 FR 72029-72033). EPA proposed this amendment because the two normally occurring valence states of chromium, tri- and hexavalent, present sufficiently different levels of environmental risk to warrant a regulatory distinction. Trivalent chromium is less toxic than the hexavalent form and the Agency did not believe it to be of regulatory concern at EP characteristic levels. The carcinogenicity and mutagenicity of hexavalent chromium are well established; the only well-documented adverse consequence of exposure to trivalent chromium is allergic dermatitis. In addition, trivalent chromium has significantly lower migratory potential than hexavalent chromium, and is less mobile should it migrate from a waste matrix. Moreover, there appears to be little likelihood that trivalent chromium will oxidize to hexavalent chromium under most plausible occurring types of improper waste management.

After evaluating the information that was available to the Agency (including the comments submitted in response to the October 30, 1980 proposal) the Agency believes that additional comment would be of assistance in clarifying several issues. The Agency therefore is today soliciting from the public any information which would answer the following questions:

1. There may be some environmental settings in which trivalent chromium would be converted to hexavalent chromium if released from a land disposal or storage site. Are there documented instances where this has actually occurred?

2. The Agency has some data showing that trivalent chromium is apparently not migrating out of land disposal sites, or, if it is, the migration is very slow. Are there documented instances where trivalent chromium has, in fact, been

found to leach from a landfill, surface impoundment or land treatment facility?

3. Trivalent chromium appears not to pose a health risk to humans. Is there any evidence to indicate that trivalent chromium is toxic to humans when ingested?

4. Is the hazard posed by trivalent chromium to the aquatic environment of sufficient magnitude to warrant regulations under RCRA? What is the risk posed by trivalent chromium? What would be an appropriate RCRA threshold to prevent such damage?

List of Subjects in 40 CFR Part 261

Hazardous material, Recycling waste treatment and disposal.

Dated: May 6, 1983.

Lee M. Thomas,

Acting Assistant Administrator for Solid Waste and Emergency Response.

[FR Doc. 83-13142 Filed 5-15-83; 8:45 am]

BILLING CODE 6550-50-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Public Health Service

42 CFR Part 36

Indian Health Care Improvement Act Programs

AGENCY: Public Health Service, HHS.

ACTION: Proposed rule.

SUMMARY: These rules propose requirements for a new Indian health pregraduate scholarship program of up to four years which is intended to encourage Indians to enter the health professions and to insure the availability of Indian health professionals to serve Indians. The proposal would also change the current regulation governing the Preparatory Scholarship Program: (1) To provide for the contingency that the stipend could be reduced if Federal salaries were reduced; and (2) to remove the requirement that an annual list of scholarship recipients be published in the Federal Register.

DATE: Comments must be received on or before July 1, 1983.

ADDRESS: Address written comments to: Richard J. McCloskey, Indian Health Service, Room 6A-14, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857.

FOR FURTHER INFORMATION CONTACT: Pierre Colombel, Indian Health Service, 5600 Fishers Lane, Room 6A-23, Rockville, Maryland 20857, Telephone (301) 443-5441.

SUPPLEMENTARY INFORMATION: The Indian Health Service (IHS) is proposing editorial and technical changes to Subpart J and to add a new Subdivision J-8 to implement the new pregraduate scholarship program authorized by the Indian Health Care Amendments of 1980, section 3(b)(1) of Pub. L. 96-537. That section (which amended section 103(b) of the Indian Health Care Improvement Act (25 U.S.C. 1613(b)), left unchanged the two-year scholarship program for "compensatory preprofessional education" but added a new scholarship program for persons enrolled in preprofessional curricula leading to a baccalaureate degree in an approved premedicine, predentistry, preosteopathy, preveterinary medicine, preoptometry, or prepodiatry program. Up to four years of scholarship assistance is authorized by the new law.

The application and selection criteria that we are proposing for the new scholarship program are essentially the same as for the two-year Health Professions Preparatory Scholarship Program contained in Subdivision J-3. An incorrect cross-reference contained in § 36.322(a)(2) is changed from § 36.333 to § 36.332. This was an inadvertent typographical error.

The current regulation for the two-year scholarship program at § 36.323 provides for a stipend of \$400 per month subject to annual increases based on rates of pay in the General Schedule (5 U.S.C. 5332). It is proposed to correct § 36.323(c) to provide that the stipend shall be "adjusted" rather than "increased" to take into account the possibility of reductions as well as increases in the rates of pay under the General Schedule. The proposed regulation for the four-year pregraduate scholarship program will have a similar provision. The amount of the monthly stipend would be the same for both scholarship programs.

The current regulation at § 36.324 requires the Agency to publish an annual list of scholarship recipients in the Federal Register. It is proposed to amend § 36.324 to provide that an annual list of scholarship recipients, showing their tribal affiliation and school attended, will be provided to anyone requesting a copy. The proposed regulation for the pregraduate scholarship program will have a similar provision. Experience shows that anyone interested in such information is more likely to request it from the Agency rather than to read the Federal Register.

The Secretary certifies, pursuant to section 605(b) of the Regulatory Flexibility Act, that this regulation will

not have a significant economic impact or a substantial number of small entities. The reason for the Secretary's certification is that this regulation will affect relatively few students at colleges and universities and thus will not have a significant impact on educational institutions.

The reporting requirements in § 36.372 will be submitted to the Office of Management and Budget for review and approval under section 3507 of the Paperwork Reduction Act of 1980.

Of an FY 1983 Appropriation of \$5.8 million for both the two year preparatory and the four year pregraduate program, about 60 percent is estimated to be allocated for the four year pregraduate scholarship program. Therefore, the Secretary has determined that this rule does not meet the criteria specified in Executive Order 12291 for a major rule and no regulatory impact analyses is required.

List of Subjects in 42 CFR Part 36

Grant programs—education, Health, Indians, Health care, Indians; Indians—education, Scholarships and fellowships, Student aid.

Dated: February 9, 1983.

Edward N. Brandt, Jr.,

Assistant Secretary for Health.

Approved: April 26, 1983.

Margaret M. Heckler,

Secretary.

PART 36—[AMENDED]

For the reasons set out in the preamble, it is proposed to amend 42 CFR Part 36, Subpart J as follows:

1. The Table of Contents for Subpart J is amended to add a new subdivision J-8 to read as follows:

Subdivision J-8—Health Professions Pregraduate Scholarship Program for Indians

- Sec.
- 36.370 Pregraduate scholarship grants.
 - 36.371 Eligibility.
 - 36.372 Application and selection.
 - 36.373 Scholarship and tuition.
 - 36.374 Availability of list of recipients.

2. The Authority citation is amended by removing the last period, inserting in its place a semicolon, and adding thereafter "sec. 3(b)(1) of Pub. L. 96-537, which amended sec. 103(b) of Pub. L. 94-437 (25 U.S.C. 1613(b))."

§ 36.301 [Amended]

3. Paragraph (b)(2) of § 36.301 is revised to read as follows:

(b) * * *

(2) The award of preparatory scholarship grants and pregraduate scholarship grants under section 103 of the Act, as amended, to Indians undertaking compensatory and preprofessional education [Subdivisions J-3 and J-8];

4. Paragraph (b)(3) of § 36.301 is revised to read as follows:

(b) * * *

(3) The award of Indian Health Scholarship grants pursuant to section 338G of the Public Health Service Act, initially added by section 104 of the Act, to Indian or other students in health professions schools (Subdivision J-4);

§ 36.302 [Amended]

5. Paragraph (h) of § 36.302 is amended by removing the word "and" after "J-3" and inserting a comma and the words "and J-8" after "J-4".

§ 36.322 [Amended]

6. Paragraph (a)(2) of § 36.322 is amended by removing "36.333" and inserting in its place "36.332."

7. Paragraph (c) of § 36.323 is revised to read as follows:

§ 36.323 Scholarship and tuition.

(c) The amount of the monthly stipend specified in paragraph (a)(1) of this section shall be adjusted by the Secretary for each academic year ending in a fiscal year beginning after September 30, 1978, by an amount (rounded down to the next lowest multiple of \$1) equal to the amount of such stipend multiplied by the overall percentage (as set forth in the report transmitted to the Congress under section 5305 of Title 5, United States Code) of the adjustment in the rates of pay under the General Schedule made effective in the fiscal year in which such academic year ends.

8. Section 36.324 is revised to read as follows:

§ 36.324 Availability of list of recipients.

The Indian Health Service will provide to any person requesting it a list of the recipients of scholarship grants under this subdivision, including the school attended and tribal affiliation of each recipient.

9. Subpart J, is amended by adding a new Subdivision J-8 to read as follows:

Subdivision J-8—Health Professions Pregraduate Scholarship Program for Indians

§ 36.370 Pregraduate scholarship grants.

(a) Pregraduate scholarship grants may be awarded under this subdivision and section 103 of the Act for the period (not to exceed four academic years) necessary to complete a recipient's pregraduate education leading to a baccalaureate degree in a premedicine, preoptometry, predentistry, preosteopathy, preveterinary medicine, or podiatry curriculum or equivalent.

(b) Students enrolled in accredited health professional or allied health professional programs which lead to eligibility for licensure, certification, registration or other types of credentials required for the practice of a health or allied health profession are ineligible for scholarships under this subdivision. Examples of health professions and allied health professions that will not be considered for funding include but are not limited to: nursing, audiology, medical technology, dental hygiene, dental technicians, engineering, radiologic technology, dietitian, nutritionist, social work, health education, physical therapy, occupational therapy and pharmacy. Scholarships for students in these programs are provided under Subdivision J-4.

§ 36.371 Eligibility.

To be eligible for a pregraduate scholarship grant under this subdivision an applicant must:

- (a) Be an Indian;
- (b) Have successfully completed high school education or high school equivalency;
- (c) Have demonstrated to the satisfaction of the Secretary the desire and capability to successfully complete courses of study in a pregraduate education program meeting the criteria in § 36.370;
- (d) Be accepted for enrollment in or be enrolled in any accredited pregraduate education curriculum meeting the criteria in § 36.370 of this subdivision; and
- (e) Be a citizen of the United States.

§ 36.372 Application and selection.

(a) An application for a pregraduate scholarship grant under this subdivision shall be submitted in such form and at such time as the Secretary may prescribe. However, an application must indicate:

- (1) The pregraduate program in which the applicant is or wishes to enter, and
- (2) Whether the applicant intends to provide health services to Indians upon completion of health professions

education or training by serving as described in § 36.332 or otherwise as indicated on the application.

(b) Within the limits of available funds, the Director, IHS shall make pregraduate scholarship grant awards for a period not to exceed four academic years of an individual's pregraduate education to eligible applicants taking into consideration:

- (1) Academic performance;
- (2) Work experience;
- (3) Faculty or employer recommendation;
- (4) Stated reasons for asking for the scholarship; and
- (5) The relative needs of the IHS and Indian health organizations for persons in specific health professions.

§ 36.373 Scholarship and tuition.

§ 36.373 Scholarship and tuition.

(a) Scholarship grant awards under this subdivision shall consist of:

(1) A stipend of \$400 per month adjusted in accordance with paragraph (c) of this section; and

(2) An amount determined by the Secretary for transportation, tuition, fees, books, laboratory expenses and other necessary educational expenses.

(b) The portion of the scholarship for the costs of tuition and fees as indicated in the grant award will be paid directly to the school upon receipt of an invoice from the school. The stipend and remainder of the scholarship grant award will be paid monthly to the grantee under the conditions specified in the grant award.

(c) The amount of the monthly stipend specified in paragraph (a)(1) of this section shall be adjusted by the Secretary for each academic year ending in a fiscal year beginning after September 30, 1978, by an amount (rounded down to the next lowest multiple of \$1) equal to the amount of such stipend multiplied by the overall percentage (as set forth in the report transmitted to the Congress under section 5305 of Title 5, United States Code) of the adjustment in the rates of pay under the General Schedule made effective in the fiscal year in which such academic year ends.

§ 36.374 Availability of list of recipients.

The IHS will provide to any person requesting it a list of the recipients of scholarship grants under this subdivision, including the school attended and tribal affiliation of each recipient.

[FR Doc. 83-13137 Filed 5-16-83; 8:45 am]

BILLING CODE 4160-16-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 83-153; RM-4219]

FM Broadcast Station in Cuba, New Mexico; Order Extending Time for Filing Comments and Reply Comments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; extension of comment/reply comment period.

SUMMARY: Action taken herein extends the time for filing comments and reply comments in response to a request filed by counsel for D. Matthew Runnels, in a proceeding involving the proposed assignment of an FM channel to Cuba, New Mexico. Runnels has indicated an interest in the assignment of an FM channel to Cuba, New Mexico, but states that additional time is needed to evaluate the Commission's proposal and to formulate a proper response.

DATES: Comments must be filed on or before May 16, 1983, and reply comments on or before May 31, 1983.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Nancy V. Joyner, Mass Media Bureau, (202) 634-6530.

Order Extending Time for Filing Comments and Reply Comments

In the matter of: Amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations (Cuba, New Mexico), MM Docket No. 83-153, RM-4219.

Adopted: April 26, 1983.

Released: May 5, 1983.

By the Chief, Policy and Rules Division.

1. On March 10, 1983, the Commission issued a *Notice of Proposed Rule Making* ("Notice"), 48 FR 11472, published March 18, 1983, in the above-referenced proceeding. Comments were due April 25, 1983, and reply comments are currently due May 10, 1983.

2. We now have before us a motion for extension of time in which to file comments and reply comments herein filed by counsel for D. Matthew Runnels ("Runnels"). In response to the *Notice*, Runnels also indicates an interest in applying for a new FM channel at Cuba, New Mexico, but states that additional time is necessary to review the Commission's proposal and relevant facts pertinent thereto.

3. Runnels asserts that he has been unable to contact petitioner by telephone to obtain his consent to this requested extension. However, Runnels

certifies that he has served petitioner with a copy of the motion.

4. Section 1.46(b) of the Commission's Rules states that extension requests must be filed seven days in advance of the deadline. Counsel states that since it has been retained only recently, it was not possible to file an extension in advance of the deadline. In view of the circumstances we will waive the requirements of Section 1.46(b) since such extension will assure development of a sound and comprehensive record on which to base a decision in this proceeding. Additionally, such extension will afford the petitioner an opportunity to respond to Runnels comments by the date set forth below for filing reply comments.

5. Accordingly, *it is ordered*, That the time for filing comments and reply comments in MM Docket No. 83-153 (RM-4219), *is extended* to and including May 16 and May 31, 1983, respectively.

6. This action is taken pursuant to authority contained in Sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and Sections 0.204(b) and 0.281 of the Commission's Rules.

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 83-13124 Filed 5-16-83; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Review of Vertebrate Wildlife for Listing As Endangered or Threatened Species

Correction

In FR Doc. 82-34992, beginning on page 58454, in the issue of Thursday, December 30, 1982, make the following changes:

1. On page 58456, in the entry for "Smoky madtom", the second column should read "*Noturus baileyi*".

2. In the entry for "Preston White River Springfish", the second column should read "*Crenichthys baileyi albivallis*".

3. The entry now reading "Pecos pupfish" should read "Pecos pupfish".

4. In the entry for "Guadalupe bass", the second column should read "*Micropterus treculi*".

5. On page 58457, in the entry for "Wyoming toad", the second column should read "*Bufo hemiophrys baxteri*".

6. On page 58459, in the entry for "Dismal Swamp short-tailed shrew", the second column should read "*Blarina brevicauda telmalestes*".

7. In the entry for "White-sided jack rabbit", the fourth column should read "NM, Mexico."

8. In the first column "2" should read "3A", in the "Sherman's pocket gopher" entry.

9. In the first column "2" should read "3A", in the "Goff's pocket gopher" entry.

10. In the first column "2" should read "3B", in the "Colonial pocket gopher" entry.

11. In the first column "2" should read "3B", in the "Cumberland pocket gopher" entry.

Notices

Federal Register

Vol. 48, No. 96

Tuesday, May 17, 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

Soil Conservation Service

Little Elk Creek Critical Area Treatment RC&D Measure, Oklahoma; Environmental Impact

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of a finding of no significant impact.

SUMMARY: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Little Elk Creek Critical Area Treatment RC&D Measure, Kiowa County, Oklahoma.

FOR FURTHER INFORMATION CONTACT: Roland R. Willis, State Conservationist, Soil Conservation Service, Agricultural Center Building, Stillwater, Oklahoma 74074, telephone 405-624-4360.

SUPPLEMENTARY INFORMATION: The environmental assessment of this

federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Roland R. Willis, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns reducing the rate of soil erosion and sedimentation. The planned works of improvement include gully shaping, grade stabilization structures, diversions, etc., with vegetation planned after installation.

The Notice of a Finding of No Significant Impact (FONSI) has been forwarded to the Environmental Protection Agency and to various Federal, State, and local agencies and interested parties. A limited number of copies of the FONSI are available to fill single copy requests at the above address. Basic data developed during the environmental assessment are on file and may be reviewed by contacting Roland R. Willis.

No administrative action on implementation of the proposal will be taken until 30 days after the date of this publication in the Federal Register.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Dated: May 9, 1983.

Billy R. Littlefield,
Assistant State Conservationist.

[FR Doc. 83-13027 Filed 5-16-83; 8:45 am]

BILLING CODE 3410-16-M

CIVIL AERONAUTICS BOARD Announcement of Proposed Collection of Information Under Provisions of the Paperwork Reduction Act (44 U.S.C. 35)

Agency clearance officer from whom a copy of the collection of information and supporting documents is available: Robin A. Caldwell, (202) 673-5922.

Extension

Title of the Collection of Information: Foreign Air Carrier Application for Statement of Authorization for Intermodal Services
Agency Form Number: 222
How often the Collection of Information must be filed: On occasion
Who is asked or required to report: Foreign Air Carriers
Estimate of number of annual responses: 20
Estimate of number of annual hours needed to complete the collection of information: 10
Dated: May 10, 1983.

Robin A. Caldwell,
Chief, Information Management Division,
Office of Comptroller.

[FR Doc. 83-13230 Filed 5-16-83; 8:45 am]

BILLING CODE 6320-01-M

Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed Under Subpart Q of the Board's Procedural Regulations; (See, 14 CFR 302.1701 et seq.); Week Ended May 6, 1983

Subpart Q Applications

The due date for answers, conforming application, or motion to modify scope are set forth below for each application. Following the answer period the board may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings.

Date filed	Docket No.	Description
5-2-83	41448	Audi Air, Inc., c/o Walt Audi, P.O. Box 40, Kaktovik (Barter Island), Alaska 99747. Application of Audi Air, Inc., pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural Regulations requests a certificate of public convenience and necessity for an indefinite term to perform scheduled interstate air transportation of persons, property and mail between the terminal point Prudhoe Bay and the terminal point Nulqsut, Alaska. Conforming Applications, Motions to Modify Scope and Answers may be filed by May 31, 1983.
5-3-83	41453	Midwest Express Airlines, Inc., c/o Robert E. Freer, Jr., 1000 Wilson Boulevard, Suite 2200, Arlington, Virginia 22209. Application of Midwest Express Airlines, Inc. pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural Regulations requests a certificate of public convenience and necessity proposing convenient, innovative and competitively priced service from Appleton, Wisconsin to Chicago, Illinois' O'Hare Field and Atlanta, Georgia's Fulton County Airport-Brown Field. Conforming Applications, Motions to Modify Scope and Answers may be filed by May 31, 1983.
5-3-83	41457	Empress Ecuatoriana de Aviacion (Ecuatoriana), c/o John A. Hodges, McDermott, Will & Emery, 1850 K Street, N.W., Washington, D.C. 20006.

Date filed	Docket No.	Description
5-6-83	41465	Application of Ecuatoriana pursuant to Section 402 of the Act and Subpart Q of the Board's Procedural Regulations requests renewal of its existing foreign Air Carrier permit issued in Order 81-6-12. The routes to be covered by the permit for which application is made are as follows: Between a point or points in Ecuador; the intermediate points Cali and Bogota, Colombia, Panama City, Panama, and Havana, Cuba; and the co-terminal points Miami, Florida and New York, New York. Between a point or points in Ecuador; the intermediate points Cali and Bogota, Colombia, Panama City, Panama, and Mexico City, Mexico; and the terminal point Los Angeles, California. Answers may be filed by May 31, 1983.
5-2-83	41353	Cascade Airways, Inc., c/o Nathaniel P. Breed, Jr., Shaw, Pittman, Potts & Trowbridge, 1800 M Street, N.W., Washington, D.C. 20036. Conforming Application of Cascade Airways, Inc., pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural Regulations requests a certificate of public convenience and necessity authorizing it to provide foreign air transportation between Spokane, Washington and Calgary, Alberta, Canada. Cascade requests that its applications be considered simultaneously with that of American Airlines in Docket 41423 for the same authority. Answers may be filed by June 1, 1983. Bellair, Incorporated, c/o Hank Myers, Myers & Company, P.O. Box 7341, Bellevue, Washington 98008. Supplemental information of Bellair, Incorporated pursuant to Order 83-3-152. Answers may be filed by May 31, 1983.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 83-13231 Filed 5-16-83; 8:45 am]

BILLING CODE 6320-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

[A-583-080]

Carbon Steel Plate From Taiwan; 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 carbon steel plate from Taiwan. The review covers the only known exporter of this merchandise to the United States, China Steel Corporation, and the period June 1, 1981 through May 31, 1982. The review indicates the existence of no dumping margins for the period.

As a result of the review, the Department has preliminarily determined not to assess dumping duties on entries with purchase dates during the period of review nor to require cash deposits of estimated antidumping duties on future entries. Interested parties are invited to comment on these preliminary results.

EFFECTIVE DATE: May 17, 1983.

FOR FURTHER INFORMATION CONTACT:

Alfredo Montemayor or Susan M. Crawford, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230, telephone: (202) 377-5505/5255.

SUPPLEMENTARY INFORMATION:

Background

On March 31, 1982, the Department of

Commerce ("the Department") published in the *Federal Register* (47 FR 13547) the final results of its last administrative review of the antidumping finding on carbon steel plate from Taiwan (38 FR 33877-8, June 13, 1979) and announced its intent to conduct the next administrative review by the end of June 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 hot rolled carbon steel plate, 0.1875 inch or more in thickness, over 8 inches in width, not in coils, not pickled, not coated or plated with metal, not clad and not pressed or stamped to a non-rectangular shape. Carbon steel plate is currently classifiable under item 607.6615 of the Tariff Schedules of the United States Annotated.

The review covers the only known exporter of Taiwanese carbon steel plate to the United States, China Steel Corporation, and the period June 1, 1981 through May 31, 1982.

United States Price

In calculating United States price, the Department used purchase price, as defined in section 772 of the Tariff Act since all sales were made to unrelated purchasers in the United States prior to the date of importation. Purchase price was based on the CIF or C&F price with deductions, where applicable, for ocean freight and insurance. No other adjustments were claimed or allowed.

Foreign Market Value

In calculating foreign market value, the Department used home market price, as defined in section 773 of the Tariff Act, since sufficient quantities of such or similar merchandise were sold in the home market to provide a basis of comparison. Home market price was based on the home market list base

price for shipbuilding plate. We made an adjustment for differences in physical characteristics using the list prices for extras. Our review indicates that China Steel Corporation adhered to its list prices for the base price and extras during the review period. No other adjustments were claimed or allowed.

Preliminary Results of the Review

As a result of our comparison of United States price to foreign market value, we preliminarily determine that no dumping margins exist for the period June 1, 1981 through May 31, 1982.

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. Any request for an administrative protective order must be made no later than five days after the date of publication. The Department will publish the final results of the administrative review including the results of its analysis of any such comments or hearing.

The Department shall instruct the U.S. Customs Service not to assess dumping duties on entries made with purchase dates during the period of review.

Further, the Department shall not require a cash deposit of estimated antidumping duties, as provided for in § 353.48(b) of the Commerce Regulations, on shipments of Taiwanese carbon steel plate entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results. This deposit requirement shall remain in effect until publication of the final results of the next administrative review.

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.

May 9, 1983.

[FR Doc. 83-13224 Filed 5-16-83; 8:45 am]

BILLING CODE 3510-25-M

[A-122-057]

Replacement Parts for Self-Propelled Bituminous Paving Equipment From Canada;

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 replacement parts for self-propelled bituminous paving equipment from Canada. The review covers six of the seven known exporters of this merchandise to the United States and generally the period September 1, 1980 through August 31, 1981. Due to additional time needed for analysis, we are deferring National Paver Parts until our next review. The review indicates the existence of dumping margins for certain firms.

As a result of this review, the Department has preliminarily determined to assess dumping duties for individual exporters equal to the calculated differences between United States price and foreign market value on each of the shipments during the period of review.

Interested parties are invited to comment on these preliminary results.

EFFECTIVE DATE: May 17, 1983.

FOR FURTHER INFORMATION CONTACT: Betty H. Laxague or Susan Crawford, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230, telephone (202) 377-3601.

SUPPLEMENTARY INFORMATION:

Background

On February 16, 1982, the Department of Commerce ("the Department") published in the Federal Register (47 FR 6681-2) the final results of its last administrative review of the antidumping finding on replacement parts for self-propelled bituminous paving equipment from Canada (42 FR 44811, September 7, 1977) and

announced its intent to conduct its next administrative review. As required by section 751 of the Tariff Act of 1930 ("the Tariff Act"), the Department has now conducted that administrative review. The substantive provisions of the Antidumping Act of 1921 ("the 1921 Act") and the appropriate Customs Service regulations apply to all unliquidated entries made prior to January 1, 1980.

Scope of the Review

Imports covered by the review are shipments of replacement parts for self-propelled bituminous paving equipment. The review covers six of the seven known exporters of this merchandise to the United States and generally the period September 1, 1980 through August 31, 1981. In addition we are publishing revised preliminary results for the period December 1, 1979 through August 31, 1980 for one exporter, Babcock Allatt, Ltd., which we deferred in our last review. Due to additional time needed for analysis, we are deferring National Paver Parts until our next review.

Five firms had no shipments of replacement parts for self-propelled bituminous paving equipment to the U.S. during the period reviewed. The estimated antidumping duty cash deposit rates for these firms will be the most recent information for each firm.

United States Price

In calculating United States price, the Department used purchase price or exporter's sales price ("ESP"), as defined in section 772 of the Tariff Act or sections 203 or 204 of the 1921 Act, as appropriate.

Purchase price was based on the packed, f.o.b. price to unrelated purchasers in the United States. ESP was based on the packed, f.o.b. warehouse price to unrelated purchasers in the United States. Where applicable, deductions were made for U.S. and foreign inland freight, U.S. duty, brokerage charges, discounts, commissions to unrelated parties, and selling expenses. We added Canadian sales tax not collected by reason of the exportation of the merchandise to the United States. All deductions and additions, where applicable, are in accordance with § 353.10 of the Commerce Regulations. No other adjustments were claimed or allowed.

Foreign Market Value

In calculating foreign market value the Department used home market price as defined in section 773 of the Tariff Act, or section 205 of the 1921 Act, as appropriate, since sufficient quantities

of such or similar merchandise were sold in the home market to provide a basis of comparison. Home market price was based on the packed, ex-factory price to unrelated customers. We adjusted home market prices downward using commissions to unrelated parties and indirect selling expenses to offset U.S. selling expenses for ESP calculations, in accordance with § 353.15 of the Commerce Regulations and § 153.10 of the Customs Regulations (1979). Claims that further downward adjustments be made to offset expenses incurred for selling in the U.S. were disallowed because the expenses were either not indirect selling expenses, or were not applicable to sales solely in the home market. No other adjustments were claimed or allowed.

Preliminary Results of the Review

As a result of our comparison of United States price to foreign market value, we preliminarily determine that the following margins exist:

Manufacturer	Time period	Margin (percent)
Anvil Manufacturing Co.	9/1/80 to 8/31/81.....	120.12
Babcock Allatt, Ltd.	12/1/78 to 8/31/79.....	0
Barber-Greene Canada Ltd.	9/1/79 to 8/31/81.....	5.30
General Construction Equipment Manufacturing Ltd.	9/1/80 to 8/31/81.....	0
Parker Hannifin	9/1/80 to 8/31/81.....	120.12
S.F. Tubing Ltd.	9/1/80 to 8/31/81.....	0

¹ No shipments during the period.

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. Any request for an administrative protective order must be made no later than 5 days after the date of publication. The Department will publish the final results of the administrative review including the results of its analysis of any such comments or hearing.

The Department shall determine, and the U.S. Customs Service shall assess, dumping duties on all entries made with purchase dates or export dates, as appropriate, during the time periods involved. Individual differences between United States price and foreign market value may vary from the percentages stated above. The Department will issue appraisement

instructions directly to the Customs Service.

Further, as provided for by § 353.48(b) of the Commerce Regulations, a cash deposit of estimated antidumping duties based on the above margins shall be required on all shipments of Canadian replacement parts for self-propelled bituminous paving equipment from these firms entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results. The deposit rate for National Paver Parts shall be 1.05 percent, based on our preliminary analysis of shipments made between February 1, 1981 and May 31, 1981. For any future shipment from a new exporter not covered in this or prior reviews, whose first shipments occurred after August 31, 1981 and who is unrelated to any reviewed firm, a deposit shall be required at the highest rate for responding firms with shipments during the review period, that is 5.30 percent. These deposit requirements shall remain in effect until publication of the final results of the next administrative review.

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.

May 9, 1983.

[FR Doc. 83-13225 Filed 5-16-83; 8:45 am]

BILLING CODE 3510-25-M

[A-122-040]

Steel Reinforcing Bars From Canada; Preliminary Results 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 steel reinforcing bars from Canada. The review covers the only manufacturer covered by the finding, Western Canada Steel Limited, and the two other known exporters to the United States of this merchandise manufactured by Western Canada Steel Limited. The review period is April 1, 1981 through March 31, 1982.

As a result of the review, because Western Canada Steel did not respond to the Department's questionnaire, the Department has preliminarily determined to assess dumping duties on

that firm's sales during the period of review using the best information available. Interested parties are invited to comment on these preliminary results.

EFFECTIVE DATE: May 17, 1983.

FOR FURTHER INFORMATION CONTACT: Alfredo R. Montemayor or Susan M. Crawford, Office of Compliance, International Trade Administration, Department of Commerce, Washington, D.C. 20230, telephone: 202-377-3601/5255.

SUPPLEMENTARY INFORMATION:

Background

On December 8, 1982, the Department of Commerce ("the Department") published in the *Federal Register* (47 FR 55261) the final results of its last administrative review of the antidumping finding on steel reinforcing bars from Canada (29 FR 5341-42, April 21, 1964) and announced its intent to conduct the next administrative review by the end of April 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 steel reinforcing bars from Canada, manufactured by Western Canada Steel Limited, currently classifiable under items 606.7900 and 606.8100 of the Tariff Schedules of the United States Annotated.

The review covers Western Canada Steel Limited and the two other known exporters to the United States of Canadian steel reinforcing bars manufactured by Western Canada Steel Limited. The review period is April 1, 1981 through March 31, 1982.

Western Canada Steel failed to respond to the Department's questionnaire. For this non-responsive firm, the Department will use the best information available for assessment and estimated antidumping duty cash deposit rate purposes. The best information available is the most recent rate for this firm.

The other exporters did not export this merchandise to the United States during the review period. The Department will use the most recent information for each exporter for the estimated antidumping duty cash deposit rates.

Preliminary Results of the Review

As a result of our review, we preliminarily determine that the following margins exist for the period April 1, 1981 through March 31, 1982:

Manufacturer/exporter	Margin (per cent)
Western Canada Steel Limited.....	6.40
Western Canada Steel Limited/Rhodes Vaughan & Co., Ltd.....	* 6.40
Western Canada Steel Limited/Russelsteel Limited.....	* 6.40

* No shipments during the period.

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. Any request for an administrative protective order must be made within 5 days of the date of publication. The Department will publish the final results of the administrative review including the results of its analysis of any such comments or hearing.

The Department shall determine, and the U.S. Customs Service shall assess, dumping duties on all appropriate entries with purchase dates during the time period involved. The Department will issue assessment instructions on each exporter directly to the Customs Service.

Further, as provided for in § 353.48(b) of the Commerce Regulations, a cash deposit of estimated antidumping duties of 6.40 percent shall be required on all shipments of Canadian steel reinforcing bars manufactured by Western Canada Steel Limited entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results. This deposit requirement shall remain in effect until publication of the final results of the next administrative review.

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.

May 10, 1983.

[FR Doc. 83-13223 Filed 5-16-83; 8:45 am]

BILLING CODE 3510-25-M

[A-429-101]

Unrefined Montan Wax From the German Democratic Republic; Preliminary Results of Administrative Review of Antidumping Duty Order

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of Preliminary Results of Administrative Review of Antidumping Duty Order.

SUMMARY: The Department of Commerce has conducted an administrative review of the antidumping duty order on unrefined montan wax from the German Democratic Republic. The review covers the one known exporter of this merchandise to the United States and the period September 1, 1981 through August 31, 1982. The review indicates the existence of no dumping margins for the period.

As a result of the review, the department has preliminarily determined not to assess dumping duties on entries with purchase dates during the period of review nor to require cash deposits of estimated antidumping duties.

Interested parties are invited to comment on these preliminary results.

EFFECTIVE DATE: May 17, 1983.

FOR FURTHER INFORMATION CONTACT: Linda L. Pasden 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 September 10, 1981, the department of Commerce ("the Department") published in the *Federal Register* (46 FR 45177-8) the antidumping duty order on unrefined montan wax from the German Democratic Republic ("the GDR"). On January 28, 1982, the Department published in the *Federal Register* (47 FR 3579-80) an early determination of antidumping duty and announced its intent to conduct the next administrative review by the end of September 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 unrefined montan wax which is a non-oxidized mineral extracted from lignite, not advanced beyond extraction or cleaning by solvent. This product is primarily used in the United States as a flow agent in one-time carbon ink formulas. It is also used for producing polishes, mold release agents and for casting, and is currently classifiable under item 494.2000 of the Tariff Schedules of the United States Annotated.

The Department knows of only one exporter of unrefined montan wax from the GDR, VEB Braunkohlenkombinat "Gustav Sobottka". The review covers the period September 1, 1981 through August 31, 1982.

United States Price

In calculating United States price the department used purchases price, as defined in section 772 of the Tariff Act. Purchase price was based on the FOB price to unrelated purchasers in the United States. Where applicable, deductions were made for foreign inland freight and harbor charges. No other adjustments were claimed or allowed.

Foreign Market value

Since the GDR is a state-controlled-economy country, the department used the provisions in section 773(c) of the Tariff Act to establish foreign market value. We constructed a value based on specific components or factors of production in the GDR, valued on the basis of prices in the Federal Republic of Germany, a non-state-controlled-economy country. For purposes of the review we constructed a value for unrefined wax, equal to the sum of materials, fabrication costs, general expenses, profit, and the cost of packing. The amount added for general expenses constituted at least ten percent of the sum of materials and fabrication costs. Because profit in the Federal Republic of Germany was less than eight percent, we used the statutory minimum as provided for in section 773(e) of the Tariff Act.

Preliminary Results of the Review

As a result of our review, we preliminarily determine that no dumping margins exist for the period.

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 publication or the first workday thereafter. Any request for an administrative protective order must be made no later than 5 days after the date of publication. The Department will publish the final results of the administrative review including the results of its analysis of any such comments or hearing.

The Department shall instruct the Customs Service not to assess dumping duties on entries made with purchase dates during the period of review.

Further, the Department shall not require a cash deposit of estimated antidumping duties, as provided for in

section 353.48(b) of the Commerce Regulations, on any shipments of unrefined montan wax from the GDR entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results. This deposit requirement shall remain in effect until publication of the final results of the next administrative review.

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.

May 10, 1983.

[FR Doc. 83-13228 Filed 5-16-83; 8:45 am]

BILLING CODE 3510-25-M

Initiation of Antidumping Investigations; Certain Welded Carbon Steel Pipes and Tubes From the Republic of Korea and Taiwan

AGENCY: United States Department of Commerce, International Trade Administration.

ACTION: Initiation of antidumping investigations.

SUMMARY: On the basis of a petition filed in proper form with the United States Department of Commerce, we are initiating antidumping investigations to determine whether certain welded carbon steel pipes and tubes from the Republic of Korea (Korea) and Taiwan are being, or are likely to be, sold in the United States at less than fair value. We are notifying the United States International Trade Commission (ITC) of these actions so that it may determine whether imports of this merchandise are materially injuring, or threatening to materially injure, a United States industry. If the investigations proceed normally, the ITC will make its preliminary determinations on or before June 6, 1983 and we will make ours on or before September 28, 1983.

EFFECTIVE DATE: May 17, 1983.

FOR FURTHER INFORMATION CONTACT: Mary S. Clapp, Office of Investigations, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230 telephone: (202) 377-2438.

SUPPLEMENTARY INFORMATION: On April 21, 1983, we received a petition in proper form from counsel for the Committee on Pipe and Tube Imports (CPTI). The CPTI represents the following domestic manufacturers of welded carbon steel

pipes and tubes: Allied Tube and Conduit Corp., American Tube Co., Inc., Bull Moose Tube Co., Copperweld Tubing Group, Kaiser Steel Corp., Merchants Metals, Inc., Pittsburgh-International, Southwestern Pipe, Inc., and Western Tube and Conduit.

In compliance with the filing requirements of section 353.36 of the Commerce Regulations (19 CFR 353.36), the petition alleges that imports of the subject merchandise from Korea and Taiwan are being, or are likely to be, sold in the United States at less than fair value within the meaning of section 731 of the Tariff Act of 1930, as amended (19 U.S.C. 1673) (the Act), and that these imports are materially injuring, or are threatening to materially injure, a United States industry. The allegation of sales at less than fair value of the merchandise under investigation from Korea is supported by comparisons of offered United States prices with the foreign market value based on the constructed value of the merchandise using publicly available financial statements of two Korean producers of pipes and tubes. The allegation of sales at less than fair value of the merchandise under investigation from Taiwan is supported by comparisons of offered United States prices with the foreign market value based on an average of home market sale prices for pipes and tubes.

Initiation of Investigations

Under section 732(c) of the Act, we must determine, within 20 days after a petition is filed, whether it sets forth the allegations necessary for the initiation of an antidumping investigation and whether it contains information reasonably available to the petitioners supporting the allegations. We have examined the petition filed by the representatives of the domestic manufacturers of welded carbon steel pipes and tubes, and we have found that it meets the requirements of section 732(b) of the Act. Therefore, we are initiating antidumping investigations to determine whether certain welded carbon steel pipes and tubes from Korea and Taiwan are being, or are likely to be, sold at less than fair value in the United States. If our investigations proceed normally, we will make our preliminary determinations by September 28, 1983.

Scope of the Investigations

The merchandise covered by these investigations are certain welded carbon steel pipes and tubes, which are defined for purposes of this proceeding as: welded carbon steel pipes and tubes, of circular cross section, with walls not

thinner than 0.065 inch, 0.375 inch or more but not over 4.5 inches in outside diameter, provided for in items 610.3231, 610.3232, 610.3241 and 610.3244 of the Tariff Schedules of the United States Annotated (1983) (TSUSA) or of rectangular (including square) cross section, provided for in TSUSA items 610.3955 and 610.4975.

Notification to the ITC

Section 732(d) of the Act requires us to notify the United States International Trade Commission of these actions and to provide it with the information we used to arrive at these determinations. We will notify the ITC and make available to it all nonprivileged and nonconfidential information. We will also allow the ITC access to all privileged and confidential information in our files, provided it confirms that it will not disclose such information either publicly or under an administrative protective order without the written consent of the Deputy Assistant Secretary for Import Administration.

Preliminary Determinations by ITC

The ITC will determine within 45 days of the date the petition was received whether there is a reasonable indication that imports of certain welded carbon steel pipes and tubes from Korea and Taiwan are materially injuring, or are likely to materially injure, a United States industry. If its determinations are negative, these investigations will terminate; otherwise they will proceed according to the statutory procedures.

Dated: May 11, 1983.

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 83-13229 Filed 5-16-83; 8:45 am]

BILLING CODE 3510-25-M

Minority Business Development Agency

Financial Assistance Application; New York

AGENCY: Minority Business Development Agency, Commerce.

ACTION: Notice.

SUMMARY: The Minority Business Development Agency (MBDA) announces that it is soliciting applications under its Technology Commercialization Center (TCC) Program to operate a Technology Commercialization Center for a period of 12 months beginning on or about September 1, 1983 in the New York City Area. Federal funds are estimated at

\$150,000 for the center with a 10% cost sharing requirement (any combination of cash, in-kind or fees for services). Reference may be made to Catalog of Federal Domestic Assistance—11.814 Minority Business Development. It is anticipated that the funding instrument will be a grant as defined by the Federal Grant and Cooperative Agreement Act of 1977. The applicant shall be expected to provide and/or broker those services necessary to move technology-based projects from the initial evaluation stage through the product development phase into commercialization. These services shall benefit those minorities capable of engaging in technology-based and growth oriented businesses, inventors, innovators and sources of financial assistance. Experience/capability is required in technology commercialization. There are no restrictions (any profit or non-profit institution is eligible to submit an application).

CLOSING DATE: The closing date for receipt of applications is June 24, 1983 with a postmark date on or before June 24, 1983.

ADDRESS: New York Regional Office, Minority Business Development Agency, 26 Federal Plaza, Room 36-116, New York, New York 10278.

FOR FURTHER INFORMATION CONTACT: Joseph F. Korpsak, Telephone: (212) 264-3262.

SUPPLEMENTARY INFORMATION: This program is subject to OMB Circular A-95 requirements.

Questions concerning the preceding information, copies of application forms, and applicable regulations can be obtained at the above address.

(Catalog of Federal Domestic Assistance: 11.814 Minority Business Development)

Dated: May 10, 1983.

Joseph F. Korpsak,
Acting Regional Director.

[FR Doc. 83-13146 Filed 5-16-83; 8:45 am]

BILLING CODE 3510-21-M

Financial Assistance Application; Puerto Rico

AGENCY: Minority Business Development Agency, Commerce.

ACTION: Notice.

SUMMARY: The Minority Business Development Agency (MBDA) announces that it is soliciting applications under its Technology Commercialization Center (TCC) Program to operate a Technology Commercialization Center for a period of 12 months beginning on or about

September 1, 1983 in the Puerto Rico area. Federal funds are estimated at \$150,000 for the center with a 10% cost sharing requirement (any combination of cash, in-kind or fees for services). Reference may be made to Catalog of Federal Domestic Assistance—11.814 Minority Business Development. It is anticipated that the funding instrument will be a grant as defined by the Federal Grant and Cooperative Agreement Act of 1977. The applicant shall be expected to provide and/or broker those services necessary to move technology-based projects from the initial evaluation stage through the product development phase into commercialization. These services shall benefit those minorities capable of engaging in technology-based and growth oriented businesses, inventors, innovators and sources of financial assistance. Experience/capability is required in technology commercialization. There are no restrictions (any profit or non-profit institution is eligible to submit an application.)

CLOSING DATE: The closing date for receipt of applications is June 24, 1983 with a postmark date on or before June 24, 1983.

ADDRESS: New York Regional Office, Minority Business Development Agency, 28 Federal Plaza, Room 36-116, New York, New York 10278.

FOR FURTHER INFORMATION CONTACT: Joseph F. Korpsak, Telephone: (212) 264-3262.

SUPPLEMENTARY INFORMATION: This program is subject to OMB Circular A-95 requirements.

Questions concerning the preceding information, copies of application forms, and applicable regulations can be obtained at the above address.

(Catalog of Federal Domestic Assistance; 11.814 Minority Business Development)

Dated: May 10, 1983.

Joseph F. Korpsak,
Acting Regional Director.

(FR Doc. 83-13147 Filed 5-16-83; 8:45 am)

BILLING CODE 3510-21-M

National Oceanic and Atmospheric Administration

Issuance of Permit; Dolphin Biology Research Associates, Inc.

On March 11, 1983, Notice was published in the *Federal Register* (48 FR 10421), that an application had been filed with the National Marine Fisheries Service by Mr. Randall S. Wells, Dolphin Biology Research Associates, Inc., 163 Siesta Drive, Sarasota, Florida 33581, to capture, sample, mark and

release up to 105 Atlantic bottlenose dolphins (*Tursiops truncatus*) for the purpose of scientific research.

Notice is hereby given that on May 10, 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 Scientific Research Permit for the above taking to Mr. Randall S. Wells 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, Southeast Region, National Marine Fisheries Service, Duval Building, 9450 Koger Boulevard, St. Petersburg, Florida 33702.

Dated: May 10, 1983.

Richard B. Roe,

Acting Director, Office of Protected Species and Habitat Conservation, National Marine Fisheries Service.

(FR Doc. 83-13206 Filed 5-16-83; 8:45 am)

BILLING CODE 3510-22-M

Receipt of Application for Permit; Sherman C. Jones

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:
 - a. Name: Mr. Sherman C. Jones (P321).
 - b. Address: P.O. Box 1981, Room 4-270, Galveston, Texas 77553.
2. Type of Permit: Scientific Research.
3. Name and Number of Animals: Bottlenose dolphins (*Tursiops truncatus*)—Unspecified. Spinner dolphins (*Stenella longirostris*)—Unspecified.
4. Type of Take:

An unspecified number of the dolphins may be potentially harassed while studying population densities, group movements and migrations and behavior.

5. Location of Activity: Galveston Bay area; Texas.

6. Period of Activity: 2 years.

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, St. Petersburg, Florida 33702.

Dated: May 11, 1983.

R. B. Brumsted,

Acting Chief, Protected Species Division, National Marine Fisheries Service.

(FR Doc. 83-13205 Filed 5-16-83; 8:45 am)

BILLING CODE 3510-22-M

Office of the Secretary

President's Private Sector Survey on Cost Control

AGENCY: U.S. Department of Commerce, Office of the Secretary.

ACTION: Notice of Open Meeting of the Subcommittee of the President's Private Sector Survey on Cost Control (PPSSCC).

SUMMARY: The Subcommittee was established by the Executive Committee of the PPSSCC to: (i) review the recommendations submitted, including task force reports and public comments, and (ii) determine which recommendations should be made to the President and the Departments and Agencies.

Time and place: May 26, 1983, beginning at 11 a.m. The meeting will be held at the U.S. Department of Commerce Auditorium, First Floor, Herbert C. Hoover Building, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230.

Agenda

1. Draft reports from the following Task Forces of the Survey will be discussed by Subcommittee members:

- A. Boards/Commissions—Business.
- B. Boards/Commissions—Banking.

C. User charges.

D. Low Income Standards.

E. Department of State/AID/USIA.

F. Land/Facilities/Personal Property.

2. Comments and recommendations received from public and other interested parties will be discussed by Subcommittee members.

In compliance with Federal Advisory Committee Act and Freedom of Information Act requirements, copies of the draft reports will be available on May 16 at the Department's Central Reference and Records Inspection Facility, Room 628, Hoover Building, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230. Please call Ms. Geraldine P. LeBoo on (202) 377-3271 for information concerning fees and procedures for obtaining copies by mail.

SUPPLEMENTARY INFORMATION: The Subcommittee will hold additional public meetings in May and June, 1983. Exact dates will be noticed in the *Federal Register*. Copies of all materials, including Task Force reports, to be considered at these meetings will be available approximately two weeks prior to each meeting at the Department's Central Reference and Records Inspection Facility, address above.

Public Participation

The May 26 meeting will be open to the public. Seating will be on a first-come, first-served basis, up to the safe capacity of the meeting room. Media representatives are encouraged to call Mr. Malcolm Barr, Director, News Relations, Department of Commerce, 377-4901 to arrange for coverage of the meeting.

The public may file written statements for consideration by the Subcommittee any time before, at, or after the meeting. It is strongly recommended that statements concerning the matters to be considered at each meeting be filed before such meeting to ensure that they are considered by the Subcommittee before adoption of a report. The statements should be filed at the Department of Commerce's Central Reference and Records Inspection Facility, address and phone number as above. Because of the number of recommendations to be discussed, the meeting agenda will not include time for oral statements from public attendees. All public statements received will be available for public review.

FOR FURTHER INFORMATION CONTACT: Ms. Janet Colson, Committee Control Officer for the Executive Committee of the President's Private Sector Survey on Cost Control, telephone (202) 466-4665.

Dated: May 13, 1983.

Marilyn S. McLennan,
Chief, Information Policy and Management
Division, Office of the Secretary.

[FR Doc. 83-13285 Filed 5-13-83; 11:53 am]

BILLING CODE 3510-CW-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Announcement of Increase in the Import Restraint Level for Certain Cotton Apparel from Indonesia

May 11, 1983.

AGENCY: Committee for the
Implementation of Textile Agreements.

ACTION: Increasing the import level of men's and boys' woven cotton shirts in Category 340 from 321,000 dozen to 340,260 dozen, produced or manufactured in Indonesia and exported during the twelve-month period which began on July 1, 1982 by the application of carryforward.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the *Federal Register* on December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15175) and May 3, 1983 (48 FR 19924).

SUMMARY: The Bilateral Cotton, Wool, and Man-Made Fiber Textile Agreement of November 9, 1982 between the Governments of the United States and Indonesia provides, among other things, for the borrowing of yardage from the succeeding year's level (carryforward) with the amount used being deducted from the level in the succeeding year. At the request of the Government of Indonesia, an increase for carryforward is being applied to the level of restraint for cotton textile products in Category 340.

EFFECTIVE DATE: May 17, 1983.

FOR FURTHER INFORMATION CONTACT: Claire McDermott, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, D.C. 20230 (202/377-4212).

SUPPLEMENTARY INFORMATION: On November 17, 1982, there was published in the *Federal Register* (47 FR 51782) a letter dated November 15, 1982 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs, which established levels of restraint for certain categories of cotton textile products, including Category 340, produced or manufactured in Indonesia and exported to the United States during the twelve-month period which began on July 1, 1982 and extends through June 30, 1983. In accordance with the terms of the

bilateral agreement, and at the request of the Government of Indonesia, the United States Government has agreed to increase the level for cotton textile products in Category 340. Accordingly, in the letter published below the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to increase the level to 340,260 dozen.

Paul T. O'Day,

Acting Chairman, Committee for the
Implementation of Textile Agreements.

May 11, 1983.

Committee for the Implementation of Textile Agreements

Commissioner of Customs,

Department of the Treasury, Washington,
D.C.

Dear Mr. Commissioner: On November 15, 1982, the Chairman, Committee for the Implementation of Textile Agreements, directed you to prohibit entry during the twelve-month period beginning on July 1, 1982 and extending through June 30, 1983 of certain cotton textile products, produced or manufactured in Indonesia, in excess of designated levels of restraint. The Chairman further advised you that the levels of restraint are subject to adjustment.¹

Effective on May 17, 1983, paragraph 2 of the directive of November 15, 1982 is amended to include an adjusted twelve-month level of restraint of 340,260 dozen² for cotton textile products in Category 340, produced or manufactured in Indonesia and exported during the twelve-month period which began on July 1, 1982.

The action taken with respect to the Government of Indonesia and with respect to cotton textile products from Indonesia has been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, these directions to the Commissioner of Customs, which are necessary for the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the *Federal Register*.

Sincerely,

Paul T. O'Day,

Acting Chairman, Committee for the
Implementation of Textile Agreements.

[FR Doc. 83-13120 Filed 5-16-83; 8:45 am]

BILLING CODE 3510-25-M

¹ The term "adjustment" refers to those provisions of the Bilateral Cotton, Wool, and Man-Made Fiber Textile Agreement of November 9, 1982, between the Governments of the United States and Indonesia, which provide, in part, that: (1) specific levels of restraint may be increased for carryover and carryforward up to 11 percent of the applicable category limit; and (2) administrative arrangements or adjustments may be made to resolve minor problems arising in the implementation of the agreement.

² The level of restraint has not been adjusted to reflect any imports after June 30, 1982.

**Request for Public Comments on
Bilateral Textile Consultations With the
Government of Mexico To Review
Trade in Category 604 pt. (Only
T.S.U.S.A. 310.5049)**

May 12, 1983.

On March 31, 1983 the Government of the United States requested consultations with the Government of Mexico with respect to acrylic spun yarn in Category 604 pt (only T.S.U.S.A. No. 310.5049). This request was made on the basis of paragraph 6 of the Bilateral Cotton, Wool, and Man-Made Fiber Textile Agreement of February 26, 1979, as amended, between the two governments. Paragraph 6 provides for consultations when the orderly development of trade between the two countries may be impeded by imports due to market disruption or the threat thereof.

The purpose of this notice is to advise the public that if no solution is agreed upon in consultation between the two governments within 90 days of the request for consultations, the Committee for the Implementation of Textile Agreements, pursuant to paragraph 6 of the agreement, may establish a limit of 759,421 pounds for the entry and withdrawal from warehouse for consumption of man-made fiber textile products in Category 604 pt. (only T.S.U.S.A. Number 310.5049), produced or manufactured in Mexico and exported to the United States during the twelve-month period beginning on January 1, 1983 and extending through December 31, 1983.

The Government of the United States reserves the right under the agreement to invoke import controls on this category during the 90-day consultation period (April 1, 1983—June 29, 1983) at a level of 256,609 pounds and during the twelve-month period which began on January 1, 1983 at a level of 759,421 pounds.

Any party wishing to comment or provide data or information regarding the treatment of Category 604 pt. (only T.S.U.S.A. Number 310.5049) under the bilateral Cotton, Wool, and Man-Made Fiber Textile Agreement with the Government of Mexico, or on any other aspect thereof, or to comment on domestic production or availability of textile products included in Category 604 pt. (only T.S.U.S.A. Number 310.5049), is invited to submit such comments or information in ten copies to Walter C. Lenahan, Chairman, Committee for the Implementation of Textile Agreements, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230. Since the exact timing of the

consultations is not yet certain, comments should be submitted promptly. Comments or information submitted in response to this notice will be available for public inspection in the Office of Textiles and Apparel, Room 3100, U.S. Department of Commerce, 14th and Constitution Avenue, N.W., Washington, D.C. 20230, and may be obtained upon written request.

Further comment may be invited regarding particular comments or information received from the public which the Committee for the Implementation of Textile Agreements considers appropriate for further consideration.

The solicitation of comments regarding any aspect of the agreements or the implementation thereof is not a waiver in any respect of the exemption contained in 5 U.S.C. 553(a)(1) relating to matters which constitute "a foreign affairs function of the United States."

Paul T. O'Day,

*Acting Chairman, Committee for the
Implementation of Textile Agreements.*

[FR Doc. 83-13228 Filed 5-16-83; 8:45 am]

BILLING CODE 3510-25-M

**COMMODITY FUTURES TRADING
COMMISSION**

**Chicago Board of Trade Treasury
Repo Futures Contract**

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice of availability of the terms and conditions of proposed commodity futures contract.

SUMMARY: The Chicago Board of Trade ("CBOT") has applied for designation as a contract market in Treasury Repos. The Commission has determined that the terms and conditions of the proposed futures contract are of major economic significance and that, accordingly, making available the proposed contract for public inspection and comment is in the public interest, will assist the Commission in considering the views of interested persons, and is consistent with the purposes of the Commodity Exchange Act.

DATE: Comments must be received on or before July 18, 1983.

ADDRESS: Interested persons should submit their views and comments to Jane K. Stuckey, Secretary, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581. Reference should be made to the CBOT Treasury Repo futures contract.

FOR FURTHER INFORMATION CONTACT: Ronald Hobson, Division of Economics

and Education, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C., (202) 254-7303.

A copy of the terms and conditions of the CBOT proposed Treasury Repo futures contract will be available for inspection at the Office of the Secretariat, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581. Copies of the terms and conditions can be obtained through the Office of the Secretariat by mail at the above address or by phone at (202) 254-6314.

Other materials submitted by the CBOT in support of its application for contract market designation may be available upon request pursuant to the Freedom of Information Act (5 U.S.C. 552) and the Commission's regulations thereunder (17 CFR Part 145 (1982)), except to the extent that they are entitled to confidential treatment as set forth in 17 CFR 145.5 and 145.9. Requests for copies of such materials should be made to the FOIA, Privacy and Sunshine Acts Compliance Staff of the Office of the Secretariat at the Commission's headquarters in accordance with 17 CFR 145.7 and 145.8.

Any person interested in submitting written data, views or arguments on the terms and conditions of the proposed futures contract, or with respect to other materials submitted by the CBOT in support of its application, should send such comments to Jane K. Stuckey, Secretary, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581, by July 18, 1983. Such comment letters will be publicly available except to the extent that they are entitled to confidential treatment as set forth in 17 CFR 145.5 and 145.9.

Issued in Washington, D.C., on May 12, 1983.

Jane K. Stuckey,

Secretary of the Commission.

[FR Doc. 83-13159 Filed 5-16-83; 8:45 am]

BILLING CODE 6351-01-M

DEPARTMENT OF DEFENSE

**Department of the Army, Corps of
Engineers**

**Intent To Prepare Draft Environmental
Impact Statement (DEIS) for
Hydropower Development of the North
Santiam River, Oregon**

LEAD AGENCY: U.S. Army Corps of Engineers, DOD.

ACTION: Notice of intent to prepare a DEIS.

The Corps of Engineers, Portland District, is currently investigating the feasibility of additional hydropower

development on North Santiam River, Marion County, Oregon. Alternatives being considered include the Mill City Diversion, Minto Dam, and a combination of both. The Mill City Diversion would consist of diverting water from the Big Cliff Reservoir, carrying it along the hillside to the north of the river to a headpond where it would be dropped about 400 feet to a powerhouse on North Santiam River about 2 miles west (downstream) of Mill City. The Minto Dam is an impoundment and powerhouse on the North Santiam River approximately 2 miles downstream from Big Cliff Dam being considered independently by the Eugene Water and Electric Board (EWEB). EWEB is also preparing an Environmental Impact Statement (EIS) to assess the possible impacts of the Minto Dam. The Corps EIS will take into consideration information made available by the EWEB EIS.

The scoping process will formally commence in the summer (May/June) of 1983, with the issuance of a public notice containing a draft outline of alternatives and potential effects which will be discussed in the DEIS. Federal, State, and local agencies, Indian tribes, and interested organizations and individuals will be asked to comment on the draft outline and to identify significant issues relating to the effects of the alternatives. The DEIS is scheduled for agency and public review in the fall of 1985. The Final EIS is scheduled for publication in the fall of 1986.

ADDRESS: If you have any questions or need additional information, please contact Mr. Eric Braun, telephone (503) 221-6438, (FTS 423-6438), U.S. Army Corps of Engineers, Natural Resources Branch, P.O. Box 2946, Portland, Oregon 97208.

Dated: May 9, 1983.

R. L. Friedenwald,
Colonel, Corps of Engineers, District Engineer.

[FR Doc. 83-13148 Filed 5-16-83; 8:45 am]

BILLING CODE 3710-06-M

Military Traffic Management Command Military Personal Property Claims Symposium; Open Meeting

Announcement is made of a meeting of the Military Personal Property Claims Symposium. This meeting will be held on 16 June 1983 at Headquarters, Military Traffic Management Command, 5611 Columbia Pike, Falls Church, Virginia, and will convene at 0930 hours and adjourn at approximately 1600 hours.

Proposed Agenda: The purpose of the Symposium is to provide an open discussion and free exchange of ideas with the public on procedural changes to the Personal Property Traffic Management Regulation (DOD 4500.34-R), and the handling of other matters of mutual interest relating to claims actions concerning the Department of Defense Personal Property Movement and Storage Program.

All interested persons desiring to submit topics to be discussed should contact the Commander, Military Traffic Management Command, ATTN: MT-PPM, at telephone number 756-1600, between 0800-1600 hours. Topics to be discussed should be received on or before 20 May 1983.

Nathan R. Berkley,

Colonel, GS, Director of Personal Property.

[FR Doc. 83-13253 Filed 5-16-83; 8:45 am]

BILLING CODE 3710-06-M

Military Personal Property Symposium; Open Meeting; "Correction"

Announcement is made of a meeting of the Military Personal Property Symposium. This meeting will be held on 19 May 1983 at Headquarters, Military Traffic Management Command, 5611 Columbia Pike, Falls Church, Virginia, and will convene at 0800 hours.

Proposed Agenda: The purpose of the Symposium is to provide an open discussion and free exchange of ideas with the public on procedural changes to the Personal Property Traffic Management Regulation (DOD 4500.34-R), and the handling of other matters of mutual interest relating to the movement and/or storage of household goods and unaccompanied baggage, as well as proposed changes and innovations in the Department of Defense Personal Property Movement and Storage Program.

All interested persons desiring to submit topics to be discussed should submit them in writing to the Commander, Military Traffic Management Command, ATTN: MT-PPM, Washington, DC 20315.

Nathan R. Berkley,

Colonel, GS, Director of Personal Property.

[FR Doc. 83-13252 Filed 5-16-83; 8:45 am]

BILLING CODE 3710-06-M

Department of the Navy

Navy Resale System Advisory Committee; Partially Closed Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (5

U.S.C. App. I), notice is hereby given that the Navy Resale System Advisory Committee will meet on June 13, 1983, at the Maile Terrace Room, the Kahala Hilton Hotel, 5000 Kahala Avenue, Honolulu, Hawaii. The meeting will consist of two sessions; the first from 8:00 a.m. to 8:50 a.m., and the second from 9:00 a.m. until 1:00 p.m. Topics to be discussed at the meeting will include organization of the Resale System, planning, financial management, merchandising, field support, and industrial relations.

The Secretary of the Navy has determined in writing that the public interest requires that the second session of the meeting be closed to the public because it will involve discussion of matters relating solely either to internal agency personnel rules and practices, or to trade secrets and confidential commercial or financial information. These matters fall within the exemptions listed in sections 552b (c)(2), (c)(4), and (c)(9)(B) of title 5, *United States Code*. The first session of the meeting, which will involve other nonprivileged matters relating to the Navy Exchange Resale System, will be open to the public.

For further information concerning this meeting, contact: Captain J. R. Akers, SC, USN, Naval Supply Systems Command, NAVSUP 09B, Room 516, Crystal Mall, Building No. 3, Arlington, Virginia 22202. Telephone: (202) 695-5457.

Dated: May 12, 1983.

F. N. Ottie,

*Lieutenant Commander, JAGC, U.S. Navy,
Alternate Federal Register, Liaison Officer.*

[FR Doc. 83-13166 Filed 5-16-83; 8:45 am]

BILLING CODE 3810-AE-M

Naval Research Advisory Committee; Partially Closed Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. App. I), notice is hereby given that the Naval Research Advisory Committee will meet on June 14, 1983, at the Office of Naval Research, Arlington, Virginia, and on June 15, 1983, at the Naval Research Laboratory, Washington, D.C. The meeting will consist of five sessions. The first session will commence at 8:30 a.m. and terminate at 10:10 a.m. on June 14, 1983. The second session will commence at 10:10 a.m. and terminate at 11:10 a.m. on June 14, 1983. The third session will commence at 11:10 a.m. and terminate at 4:00 p.m. on June 14, 1983. The fourth session will commence at 4:00 p.m. and terminate at 5:00 p.m. on June 14, 1983.

Finally, the fifth session will commence at 8:00 a.m. on June 15, 1983, and continue to completion. The first, second, third and fourth sessions of the meeting will be held in Room 915, Office of Naval Research. The fifth session will be held at the Naval Research Laboratory. The second and fourth sessions will be open to the public. The first, third, and fifth sessions will be closed to the public.

The purpose of the meeting is to discuss basic and advanced research in the Navy as well as a review of the status of all ongoing Committee studies and discussion of the 1983 Summer Study. The open sessions will generally cover presentations and discussions relating to environmental hazards onboard ship, evaluation of hospital care, acquisition directives, future training space, and laboratory oversight. The remaining sessions of the meeting will consist of classified information that is specifically authorized under criteria established by Executive order to be kept secret in the interest of national defense and is in fact properly classified pursuant to such Executive order. The Secretary of the Navy has therefore determined in writing that the public interest requires the first, third, and fifth sessions of the meeting be closed to the public because they will be concerned with matters listed in section 552b(c)(1) of title 5, United States Code.

For further information concerning this meeting contact: Commander P. D. Quinton, U.S. Navy, Office of Naval Research (Code 100N), 800 North Quincy Street, Arlington, VA 22217, Telephone number (202) 696-4870.

Dated: May 12, 1983.

F. N. Ottie,

Lieutenant Commander, JAGC, U.S. Navy,
Alternate Federal Register Liaison Officer.

[FR Doc. 83-13144 Filed 5-16-83; 8:45 am]

BILLING CODE 3510-AE-M

DELAWARE RIVER BASIN COMMISSION

Commission Meeting and Public Hearing

Notice is hereby given that the Delaware River Basin Commission will hold a public hearing on Wednesday, May 25, 1983, beginning at 1:30 p.m. The hearing will be part of the Commission's regular May business meeting, which is open to the public.

An informal pre-meeting conference among the Commissioners and staff will be open for public observation beginning at 11:00 p.m.

The hearing, meeting and conference will be held in the Pennsylvania West

Room of the Philadelphia Centre Hotel, 1725 Kennedy Boulevard, Philadelphia, Pennsylvania.

The subjects of the hearing will be as follows:

Applications for approval of the following projects pursuant to Article 10.3, Article II, and/or Section 3.8 of the Compact:

1. *Holdover Project—Pennsylvania Fish Commission (D-80-32 CP).* A well water supply project at the Fish Commission's Pleasant Mount Fish Cultural Station in Mount Pleasant Township, Wayne County, Pennsylvania. Well Nos. 2 and 3 will provide a combined yield of about 403,000 gallons per day (gpd) for augmented supply during spring months, and as a backup for an existing well. This hearing continues that of April 20, 1983.

2. *Indian Rock Water Company—Newtown Artesian Water Company (D-80-78 CP).* A ground water withdrawal project to supply approximately 252,000 gpd of water to the proposed Golden Acres residential development in the applicant's service area. Designated as Well No. 21, the project is located in Newtown Township, Bucks County, Pennsylvania and is in the Southeastern Pennsylvania Ground water Protected Area.

3. *Schuylkill Haven Bleach and Dye Works, Inc., (D-81-30).* A well water supply project to serve the applicant's bleach and dye plant in Schuylkill Haven Borough, Schuylkill County, Pennsylvania. Three wells would be utilized to supplement water supplied by the Borough of Schuylkill Haven. The new wells are expected to supply up to 237,000 gpd during periods of municipal water shortage.

4. *U.S. Department of Justice—Otisville FCI (D-83-7 CP).* A ground water withdrawal project to supply approximately 0.24 million gallons per day (mgd) of water to the Otisville Federal Correctional Institution in the Town of Mt. Hope, New York. The new wells, designated as PW-1, PW-2 and ES-1, will replace existing wells which have proven unreliable. The wells are located in the Town of Deerpark, in Orange County, New York.

5. *Diamond Shamrock Corporation (D-83-9).* Modification of an industrial waste treatment facility at the applicant's Delaware City plant in New Castle County, Delaware. Diamond Shamrock has sold its polyvinyl chloride manufacturing plant and will no longer treat wastes from this facility. The applicant will continue to operate its chlorine plant and associated waste treatment facility—designed to remove mercury from a waste stream of

approximately 0.3 mgd. Treated effluent will continue to discharge to the Delaware River.

6. *Ethyl Corporation (D-83-13).* Modification of an industrial waste treatment facility at the applicant's newly acquired polyvinyl chloride plant near Delaware City, New Castle County, Delaware. Ethyl Corporation has purchased the PVC portion of the existing Diamond Shamrock Corporation facilities. The project will include piping modifications to allow Ethyl to treat the waste water streams from the PVC plant and the incinerator neutralization. New chlorination facilities will be added to the treatment units purchased by Ethyl. Up to 0.3 mgd of waste water from the Ethyl facilities will be mixed with the waste water from Diamond Shamrock and discharged via the existing outfall line to the Delaware River.

Documents relating to these projects may be examined at the Commission's offices and are available in single copies upon request. Please contact David B. Everett. Persons wishing to testify at this hearing are requested to register with the Secretary prior to the hearing.

Dated: May 10, 1983.

Susan M. Weisman,
Secretary.

[FR Doc. 83-13144 Filed 5-16-83; 8:45 am]

BILLING CODE 6360-01-M

DEPARTMENT OF ENERGY

Energy Information Administration

Proposal for "Annual Report of the Origin of Natural Gas Liquids Production," Form EIA-64A

AGENCY: Energy Information
Administration, DOE.

ACTION: Request for Comments on
Revised Form EIA-64A, "Annual Report
of the Origin of Natural Gas Liquids
Production."

SUMMARY: The Energy Information
Administration (EIA) of the Department
of Energy (DOE), is proposing a revision
to Form EIA-64A, "Annual Report of the
Origin of Natural Gas Liquids
Production." If approved by the Office of
Management and Budget, EIMA would
implement the revised for the 1983
annual filing which will be due on April
1, 1984.

DATE: Written comments must be
received by EIA within 30 days
following the publication of this notice.

ADDRESS: Comments should be sent to Ms. Nancy Leach at the address listed immediately below.

FOR FURTHER INFORMATION CONTACT: Ms. Nancy L. Leach, EI-441, Office of Oil and Gas, Energy Information Administration, Room BE-064, 1000 Independence Avenue, SW., Washington, D.C. 20585, (202) 252-6018.

SUPPLEMENTARY INFORMATION:

- I. Current Action
- II. Changes in the Revised Form EIA-64A
- III. Request for Comments

I. Current Action

EIA proposes implementation of revised Form EIA-64A, "Annual Report of the Origin of Natural Gas Liquids Production," which expires August 1983. Clearance of this form will enable EIA to continue the data series. The data will be collected and processed by the Reserves and Natural Gas Operations Office at Norman, Oklahoma. After processing is completed, the aggregation of the natural gas receipts, natural gas liquids production, and gas shrinkage volumes is performed by EIA. These volumes are used in conjunction with lease condensate and natural gas reserves and production data collected independently on Form EIA-23, "Annual Reserves of Domestic Oil and Gas Reserves," to develop national and regional estimates of proved reserves of crude oil, dry natural gas, and natural gas liquids. EIA will publish these data in the annual report entitled "U.S. Crude Oil, Natural Gas, and Natural Gas Liquids Reserves." The aggregate data are now widely used by Federal and State agencies, by industry, and by other interested parties for analysis.

II. Changes in the Revised Form EIA-64A

A number of changes have been made in the form which should lower respondent burden, improve the quality of the information submitted, and increase the compatibility of the required volumes with other EIA forms. Among these changes are:

- Item 1.0, "Plant and Report Identification," has been expanded to collect current operational status information for the plant, and to establish whether or not the reported data covers the entire report year.
- Item 3.0 has been expanded to facilitate the reporting of up to twelve areas of origin.
- Two previously required data items have been eliminated: "Total Dry Natural Gas Processed" and "Dry Natural Gas Delivered for Cycling or Reinjection."

- A newly designated Item 4.0 is now required: "Gas Shrinkage Resulting from Natural Gas Liquids Extracted."

- Natural gas liquid volumes previously reported in barrels, are now required to be reported in thousands of barrels in order to be consistent with the reporting requirements of Form EIA-816 (formerly EIA-64), "Monthly Natural Gas Liquids Report."

III. Request for Comments

Form EIA-64A is reproduced following the notice, with the exception of the area of origin codes and subdivision maps which remain unchanged. Prospective respondents and other interested parties should comment on the planned revisions within 30 days following the publication of this notice. The following general guidelines are provided to assist in the preparation of responses:

As a potential data provider:

A. Are the instructions and definitions clear and sufficient?

B. Can the data be submitted using definitions included in the instructions?

C. Can the data be submitted in accordance with the response time specified in the instructions?

D. How many hours, including time for preparation and administrative review, will your company require to complete and submit the form?

E. What is the estimated cost of completing this form, including direct and indirect costs associated with the data collections? Direct costs should include all costs, such as administrative costs, directly attributable to providing this information.

F. How can the form be improved?

G. Do you know of other Federal, State, or local agencies that collect similar data?

As a potential data user:

A. Can your company analysts use data at the levels of detail indicated on the form?

B. For what purposes would you use these data? (Be specific)

C. How could the form be improved to better meet your specific data needs?

D. Are there alternative sources of data and do you now use them? What are their deficiencies?

EIA is also interested in receiving comments from persons as to their views on the need for the collection of this information at all.

Comments submitted in response to this Notice will be included in the request for Office of Management and Budget approval of this data collection and will become a matter of public record.

Issued in Washington, D.C., May 10, 1983.

Yvonne M. Bishop,
Director, Statistical Standards, Energy Information Administration.

DEPARTMENT OF ENERGY—ENERGY INFORMATION ADMINISTRATION OFFICE OF OIL AND GAS

Annual Report of the Origin of Natural Gas Liquids Production Form EIA-64A for Report Year 1983

General Instructions

A. Purpose

The collection of basic, verifiable information on the Nation's reserves and production of natural gas liquids (NGL) is mandated by the Federal Energy Administration Act of 1974 (FEAA, Pub. L. 93-275). NGL production and gas shrinkage volumes reported on Form EIA-64A by natural gas processing plant operators are used in conjunction with lease condensate and natural gas reserves and production data collected independently on Form EIA-23, "Annual Survey of Domestic Oil and Gas Reserves." The Energy Information Administration of the Department of Energy (DOE) develops, from the information collected on these two companion forms, national and regional estimates of proved reserves of crude oil, natural gas, and natural gas liquids. This basic energy information is required by DOE to assist in the formulation of national energy policies.

The data collected on Form EIA-64A include the volumes of natural gas received and the natural gas liquids extracted at gas processing plants, by areas of origin, and the total gas shrinkage resulting from the natural gas liquids extracted by the plants.

B. Who Must Submit

Each operator of one or more domestic natural gas processing plant(s) is required to file a Form EIA-64A for each plant operated as of December 31 of the report year. If a plant was shut down as of December 31 of the report year but was operated earlier in the report year, a Form EIA-64A must be submitted for that plant. In cases in which a plant was operated by two or more operators during the report year, the operator as of December 31 of the report year should file a Form EIA-64A that covers the entire report year. If the operator is unable to obtain from previous operators the information required to compile accurate data covering the entire report year, the operator should file a Form EIA-64A covering only that portion of the report year during which he operated the plant.

If there is some question whether a plant is a "natural gas processing plant" or "field separation facility," contact your company's responsible preparer for Form EIA-23, "Annual Survey of Domestic Oil and Gas Reserves," in order to internally coordinate your responses. This will ensure that double reporting or nonreporting of liquids data does not occur. If you need assistance in identifying the EIA-23 responsible preparer, contact the EIA-64A Coordinator at (405) 360-3614.

C. What Must be Submitted

Each operator is required to complete a separate Form EIA-64A for each gas processing plant. If you had a plant in operation as of December 31 of the report year and did not receive a Form EIA-64A for it, a completed form should still be filed for the plant. Additional forms may be obtained by contacting the EIA-64A Coordinator at (405) 360-3614, or photocopies of the schedule may be used. Respondents need submit only one copy of the completed form for each plant. Form EIA-64A solicits annual data by area of origin not required on Form EIA-816, "Monthly Natural Gas Liquids Report" (formerly Form EIA-64). Form EIA-64A does not replace or supersede Form EIA-816 which is still required on a monthly basis.

D. When and Where to Submit

Form EIA-64A must be submitted on or before April 1, 1984 for the 1983 report year data. Completed forms should be addressed to: U.S. Department of Energy, Box OK, Norman, Oklahoma 73070.

For information concerning requests for extension of time to file or for exception from filing Form EIA-64A, contact the EIA-64A Coordinator at (405) 360-3614.

E. Record Keeping Requirements

All records necessary to reconstruct the data reported on this form must be kept for a period of three (3) years.

F. Sanctions

Failure to make the information requested on Form EIA-64A available to the Secretary of DOE, or failure to allow the Secretary to verify the accuracy of the information submitted on that form, will result in penalties as provided in the FEAA of 1974 (FEAA, Pub. L. 93-275), Section 13(i) as amended.

G. Confidentiality

The information contained on these forms may be (i) information which is exempt from disclosure to the public under the exemption for trade secrets and confidential commercial information specified in the Freedom of Information Act, 5 U.S.C. 552(b)(4) (FOIA) or (ii) prohibited from public release by 18 U.S.C. 1905. However, before a determination can be made that particular information is within the coverage of either of these statutory provisions, the person submitting the information must make a showing satisfactory to the Department concerning its confidential nature.

Therefore, respondents should state briefly and specifically (on an element-by-element basis if possible), in a letter accompanying the submission of the form why they consider the information concerned to be a trade secret or other proprietary information, whether such information is customarily treated as confidential information by their companies and the industry, and the type of competitive hardship that would result from disclosure of the information. In accordance with the provisions of 10 CFR 1004.11 of DOE's FOIA regulations, DOE will determine whether any information submitted should be withheld from public disclosure.

If DOE receives a response and does not receive a request, with substantive

justification, that the information submitted should not be released to the public, DOE may assume that the respondent does not object to disclosure to the public of any information submitted on the form.

A new written justification need not be submitted each time the Form EIA-64A is submitted if:

a. Views concerning information items identified as privileged or confidential have not changed; and

b. A written justification setting forth respondent's views in this regard was previously submitted.

In accordance with the cited statutes and other applicable authority, the information must be made available, upon request, to the Congress or any committee of Congress, to the General Accounting Office, and other Congressional agencies authorized by law to receive such information.

H. Data Entry Standards

1. **Total Operated Basis**—All data are to be reported on a total operated basis (commonly known as the "gross operated" or "8/8ths" basis) by the operator of the natural gas processing plant.

2. **Units of Measurement**—Natural gas liquid volumes are to be reported in thousands of barrels (MBbls) of 42 U.S. gallons at 60° Fahrenheit. Natural gas volumes are to be reported in millions of cubic feet (MMcf) at 14.73 psia and 60° Fahrenheit.

3. **Rounding**—Liquid volumes should be rounded to the nearest thousand barrels. When rounding liquid volumes, round quantities of 500 barrels and above to the next higher MBbl, and round quantities of less than 500 barrels down to the next lower MBbl. Similarly, when rounding natural gas volumes, round quantities of 500 Mcf and above to the next higher MMcf and round quantities of less than 500 Mcf down to the next lower MMcf.

Examples

For Liquids, report: 7,500 barrels as: 8 MBbls;
467 barrels as: 0 MBbls

For Gas, report: 8,500,000 cubic feet as: 9
MMcf; 10,459,000 cubic feet as: 10 MMcf

4. **Schedule Preparation**—In order to facilitate the processing of data, reproduced forms are requested to be on the same size paper (8 1/2 x 11"). Enter responses by typing, or by printing in black ink using all capital letters.

Specific Instructions**Section 1.0: Plant and Report Identification**

Item 1.1. Insert an "X" in the appropriate box to indicate whether this Form EIA-64A report reflects active natural gas processing at the facility for the entire report year. If you check "No", enter the months to which the data filed in this report pertain and explain in detail. Specify the facility type (e.g., fractionator, compressor station, etc.) if the facility is not a natural gas processing plant as defined in the Glossary on page 9. Specify if the plant was shut down, and the anticipated start-up date, if known. Specify if the plant was dismantled. If there was a change in operatorship during the year and this report does not cover operations for the

entire year, please supply any specific information concerning the previous operator which you may have, such as corporate name, mailing address, and telephone number.

Item 1.2. **Plant Identification Number**—Copy from the mailing label into this space the six-digit DOE plant identification number assigned to your facility.

Item 1.3. **Plant Name**—Enter the name of the natural gas processing facility covered by this report. (See NATURAL GAS PROCESSING PLANT in the Glossary.)

Item 1.4. **Geographic Location of Plant**—Enter the Area of Origin Code pertaining to the State or State subdivision in which the reporting plant is located. (See AREA OF ORIGIN CODES AND SUBDIVISION MAPS, pages 10-17.)

Item 1.5a. If the company name or address as it appears on the mailing label does not match your response to Items 1.5b through 1.5f, insert an "X" in the box.

Items 1.5b through 1.5g. **Operator's Name and Address**—Provide the corporate name of the facility operator responsible for the day-to-day operation of the plant including street address, city, State, and Zip Code. Future forms will be mailed to this address. Enter the name of the parent company, if any, in Item 1.5g.

Item 1.6. **Responsible Preparer**—Enter the name, title and business telephone number of the individual who is responsible for the preparation of the data submitted. This person should be familiar with the data provided and will be the person to whom inquiries will be directed, if necessary, and to whom Form EIA-64A will be mailed in the future at the above address.

Item 1.7. **Submission Status: Original/Amended**—Insert an "X" in the proper box to indicate that this is the first submission of data for the report year or that it amends data previously submitted for this report year.

Section 2.0: Certification

The certification must be completed for each form that is submitted. Enter the name and title of the individual designated by the company to sign the certification. This individual must sign in the space provided on the form and enter the date of signing.

Section 3.0: Origin of Natural Gas Received and Natural Gas Liquids Produced

The total volume of natural gas received by this natural gas processing plant during the report year, and the natural gas liquids extracted from this gas, should be attributed to the State(s) or State subdivision(s) of origin as accurately as possible.

Items 3.1 through 3.12. **Area of Origin Code, Column (A)**—Column (A) is to be used to indicate the areas of origin as specified in the list of areas contained in AREA OF ORIGIN CODES AND SUBDIVISION MAPS, pages 10-17. Please enter the correct code for each geographic area which contributed gas to be processed during the report year. If there are more than twelve areas of origin involved for the same plant, complete an additional Form EIA-64A schedule, and return the two schedules as one filing.

Items 3.1 through 3.13, *Natural Gas Received (MMcf)*, Column (B)—Estimate as accurately as possible the volumes of gas received for processing by area of origin and report these volumes in Column (B) adjacent to the appropriate Area of Origin Code in Column (A). These estimates should consider all relevant information available to the respondent and should be as precise as possible. Do not include refinery offgases. The total gas processed by the plant during the report year should be entered on line 3.13. The sum of the volumes reported in lines 3.1 through 3.12 should be the same as the total volume reported on line 3.13. (See NATURAL GAS in the Glossary).

Items 3.1 through 3.13, *Natural Gas Liquids Production (MMbbls)*, Column (C)—Estimate as accurately as possible the volumes of natural gas liquids attributed to the gas volumes reported in Column (B) and enter these amounts on the appropriate line of Column (C). The estimates of natural gas liquids recovered by area of origin should consider, to the fullest extent practical, all information available to the respondent concerning the relative liquid yields of the gas processed. Report on line 3.13 the total natural gas liquids recovered from the natural gas processed by the plant during the report year. Include only liquids production resulting from on-site processing. Include all volumes of plant condensate and scrubber oil recovered from natural gas at the plant.

The sum of the volumes reported in lines 3.1 through 3.12 should be the same as the total volume on line 3.13. This total should also equal the sum of the monthly volumes reported on Form EIA-816, "Monthly Natural Gas Liquids Report" (formerly Form EIA-64), unless the plant processed unfractionated

streams. If these volumes are not equal, Form EIA-816 should be resubmitted to properly reflect the correct volumes for those months in which volumes have been revised. (See NATURAL GAS LIQUIDS in the Glossary.)

Section 4.0: Gas Shrinkage Resulting From Natural Gas Liquids Extracted (MMcf)

Estimate the volume of gas shrinkage resulting only from the removal of natural gas liquids from the natural gas received at the plant. Do not include gas shrinkage attributable to nonhydrocarbon gases, gas used for fuel, gas which was vented or flared, or gas which was unaccounted for.

The ratio of the shrinkage volume to the total plant NGL volume reported in Item 3.13 (Column C) should range from 1.558 MMcf per thousand barrels, which is the vapor equivalent for pure ethane, to about .900 MMcf per thousand barrels, which is the approximate vapor equivalent for natural gasolines, and plant condensate.

Glossary

Field Separation Facility—A surface installation designed to recover lease condensate from a produced natural gas stream, frequently originating from more than one lease, and managed by the operator of one or more of these leases.

Natural Gas—A mixture of hydrocarbon compounds and small quantities of various nonhydrocarbons existing in the gaseous phase or in solution with crude oil in natural underground reservoirs at reservoir conditions. The principal hydrocarbons usually contained in the mixture are methane, ethane, propane, butanes, and pentanes. Typical nonhydrocarbon gases which may be present in reservoir natural gas are carbon

dioxide, helium, hydrogen sulfide, and nitrogen.

Natural Gas Liquids—Those hydrocarbons in natural gas which are separated from the gas through the processes of absorption, condensation, adsorption, or other methods in gas processing or cycling plants. Generally such liquids consist of propane and heavier hydrocarbons and are commonly referred to as condensate, natural gasoline, and liquefied petroleum gases. Where hydrocarbon components lighter than propane are recovered as liquids, these components should also be included with natural gas liquids.

Natural Gas Processing Plant—A facility designed to recover natural gas liquids from a stream of natural gas which may or may not have passed through lease separators and/or field separation facilities. Another function of natural gas processing plants is to control the quality of the processed natural gas stream. Cycling plants are to be considered natural gas processing plants.

Operator—The person responsible for the management and day-to-day operation of one or more natural gas processing plants as of December 31 of the report year. The operator is generally a working interest owner of a company under contract to the working interest owner(s). Plants shut down during the report year are also considered "operated" as of December 31. (see "Person.")

Person—An individual, a corporation, a partnership, an association, a joint-stock company, a business trust, or an unincorporated organization.

BILLING CODE 6450-01-M

Economic Regulatory Administration

[ERA Docket No. 83-CERT-026]

Continental Grain Co.; Application for Certification of the Use of Natural Gas To Displace Fuel Oil

Continental Grain Company (CONTINENTAL), 277 Park Avenue, New York, New York 10172, filed an application on April 18, 1983, with the Economic Regulatory Administration (ERA) for certification of an eligible use of natural gas to displace fuel oil at its soybean processing facility in Taylorville, Illinois, pursuant to 10 CFR Part 595 (44 FR 47920, August 16, 1979). More detailed information is contained in the application on file and available for public inspection at the ERA Natural Gas Division Docket Room, RG-43, Room GA-007, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585, from 8:00 a.m. to 4:30 p.m., Monday through Friday, except Federal holidays.

In its application, CONTINENTAL indicates that the volume of natural gas for which it requests certification is approximately 2,500 Mcf per day. This volume is estimated to displace the use of approximately 18,000 gallons of No. 2 fuel oil (0.29 percent sulfur) per day (5,150,000 gallons per year).

The eligible seller is Stauffer-Wyoming Pipeline Company, P.O. Box 513, Green River, Wyoming 82935. The gas will be transported by Colorado Interstate Gas Company, P.O. Box 1087, Colorado Springs, Colorado 80944; Panhandle Eastern Pipeline Company, P.O. Box 1348, Kansas City, Missouri 64141; and by Central Illinois Public Service Company, 607 E. Adams Street, Springfield, Illinois, a local distribution company.

In order to provide the public with as much opportunity to participate in this proceeding as is practicable under the circumstances, we are inviting any person wishing to comment concerning this application to submit comments in writing to the Economic Regulatory Administration, Office of Fuels Programs, Natural Gas Division, RG-43, Room GA-007, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585, Attention: Paula A. Daigneault, within ten (10) calendar days of the date of publication of this notice in the **Federal Register**.

An opportunity to make an oral presentation of data, views, and arguments either against or in support of this application may be requested by any interested person in writing within the ten (10) day comment period. The request should state the person's interest and, if appropriate, why the person is a proper representative of a group or class of persons that has such an interest. The request should include a summary of the proposed oral presentation and a statement as to why an oral presentation is necessary.

If ERA determines that an oral presentation is necessary, further notice will be given to CONTINENTAL and any person filing comments and will be published in the **Federal Register**.

Issued in Washington, D.C., on May 11, 1983.

James W. Workman,

Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 83-13181 Filed 5-16-83; 8:45 am]

BILLING CODE 6450-01-M

[ERA Docket No. 83-CERT-049, etc.]

Crompton & Knowles Corp. et al.; Application for Certification of the Use of Natural Gas To Displace Fuel Oil

In the matter of Crompton & Knowles Corporation [ERA Docket No. 83-CERT-049]; The F & M Schaefer Brewing Company [ERA Docket No. 83-CERT-050]; Sure Fit Products Company [ERA Docket No. 83-CERT-051]; Harrisburg Hospital [ERA Docket No. 83-CERT-052]; General Electric Company [ERA Docket No. 83-CERT-053]; ITT Grinnell Corporation [ERA Docket No. 83-CERT-054]; North American Refractories Company [ERA Docket No. 83-CERT-055]; Interstate Intercorr Corporation [ERA Docket No. 83-CERT-056]; Talbott Knitting Mills [ERA Docket No. 83-CERT-057]; Easton Hospital [ERA Docket No. 83-CERT-058]; Franklin and Marshall College [ERA Docket No. 83-CERT-059]; Zausner Foods Corporation [ERA Docket No. 83-CERT-060]; Appleton Papers Inc. [ERA Docket No. 83-CERT-062.]

On May 2, 1983, Crompton & Knowles Corporation, Dyes and Chemicals Division (C&K), P.O. Box 341, Reading, Pennsylvania 19603; The F & M Schaefer Brewing Company, Lehigh Valley Brewery (SCHAEFER), P.O. Box 2568, Allentown, Pennsylvania 18001; Sure Fit Products Company (SFP), East Broad &

Wood Streets, Bethlehem, Pennsylvania 18016; Harrisburg Hospital (H.HOSP), South Front Street, Harrisburg, Pennsylvania 17101; General Electric Company, Housewares and Audio Business Division (GE), P.O. Box 629, Allentown, Pennsylvania 18105; ITT Grinnell Corporation (ITT), 1411 Lancaster Avenue, Columbia, Pennsylvania 17512; North American Refractories Company (NARC), R. D., Womelsdorf, Pennsylvania 19567; Interstate Intercorr Corporation (INTERCORR), P.O. Box 317, Reading, Pennsylvania 19603; Talbott Knitting Mills (TALBOTT), North 6th Street and Hiesters Lane, Reading, Pennsylvania 19605; Easton Hospital (E. HOSP), 21st and Lehigh Streets, Easton, Pennsylvania 18042; Franklin and Marshall College (F & M COL.), P.O. Box 3003, Lancaster, Pennsylvania 17604; Zausner Foods Corporation (ZAUSNER), 150 West Jackson Street, New Holland, Pennsylvania 17557; and Appleton Papers Inc. (APPLETON), 2850 Appleton Street, Camp Hill, Pennsylvania 17011, filed with the Administrator of the Economic Regulatory Administration (ERA) for certification of an eligible use of natural gas to displace fuel oil at one college, two hospitals and eleven manufacturing facilities in Pennsylvania, pursuant to 10 CFR Part 595 (44 FR 47920, August 16, 1979). More detailed information is contained in the applications on file and available for public inspection at the ERA Natural Gas Division Docket Room, RG-43, Room GA-007, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585, from 8:00 a.m. to 4:30 p.m., Monday through Friday, except Federal holidays.

In their applications, the Applicants indicate the total volume of natural gas for the fourteen Pennsylvania facilities for which they request certification is approximately 1,849,210 Mcf per year. This volume is estimated to displace the use of approximately 2,704,120 gallons of No. 6 fuel oil (0.2-2.8 percent sulfur), approximately 7,963,150 gallons of No. 2 fuel oil (0.1-1.0 percent sulfur), approximately 2,000,000 gallons of No. 4 fuel oil (0.2 percent sulfur), and approximately 685,360 gallons of No. 5 fuel oil (0.5 percent sulfur) per year.

The quantities at each location are subject to variation with changes in demand, but estimated gas usage and resulting oil displacement volumes are listed below:

Estimated Oil Displacement (Gallon) Per Year

ERA docket No. 83-CERT-	Location	Estimated volume (Mcf) per year	No. 6	Percent sulfur content	No. 2	Percent sulfur content	No. 4	Percent sulfur content	No. 5	Percent sulfur content
-049 (CAK)	1. Reading Plant, Reading, Pa.	54,750	367,450	2.0						
	2. Gibraltar Plant, Gibraltar, Pa.	91,250	612,000	2.8						
-050 (SCHAEFER)	1. Lehigh Valley Brewery Allentown, Pa.	81,120							685,360	0.5
-051 (SEP)	1. Bethlehem Facility, Bethlehem, Pa.	23,725	156,000	2.0						
-052 (H. HOSP)	1. Harrisburg Hospital, Harrisburg, Pa.	54,750			405,150	0.5				
-053 (GE)	1. Allentown Facility, Allentown, Pa.	90,000	614,970	2.0						
-054 (ITT)	1. Grinnell Facility, Columbia, Pa.	255,500			2,000,000	0.1				
-055 (MARC)	1. Womeledorf Facility, Womeledorf, Pa.	182,500			1,300,000	0.2				
-056 (INTERCORR)	1. Intercorr Division Facility, Reading Pa.	277,765					2,000,000	0.2		
-057 (TALBOTT)	1. Reading Mills, Reading, Pa.	73,000	503,700	0.2						
-058 (E.HOSP)	1. Easton Hospital	32,850			245,000	0.2				
-059 (F&M COL)	1. Franklin & Marshall College, Lancaster, Pa.	85,000			613,000	1.0				
-060 (ZAUSNER)	1. Zausner Facility, New Holland, Pa.	65,000	450,000	2.3						
-062 (APPLETON)	1. Harrisburg Plant, Camp Hill, Pa.	482,000			3,400,000	0.3				
Total		1,849,210	2,704,120		7,963,150		2,000,000		685,360	

For each application noted above, the eligible seller is Exxon-USA, P.O. Box 2180, Houston, Texas 77001. The gas will be transported by Columbia Gas Transmission Corporation, 1700 MacCorkle Avenue, S.E., Charleston, West Virginia 25314, and UGI Corporation (Gas Utility Division), 225 Morgantown Road, Reading, Pennsylvania 19611, a local distribution company.

In order to provide the public with as much opportunity to participate in the proceeding as is practicable under the circumstances, we are inviting any person wishing to comment concerning any of these applications to submit comments in writing to the Economic Regulatory Administration, Office of Fuels Programs, Natural Gas Division, RG-43, Room GA-007, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585, Attention: Paula A. Daigneault, within ten (10) calendar days of the date of publication of this notice in the Federal Register.

An opportunity to make an oral presentation of data, views, and argument either against or in support of any of these applications may be requested by any interested person in writing within the ten (10) day comment period. The request should state the person's interest and, if appropriate, why the person is a proper representative of a group or class of persons that has such an interest. The request should include a summary of the proposed oral presentation and a statement as to why an oral presentation is necessary. If ERA determines that an oral presentation is necessary, further notice will be given to the Applicant and any person filing comments and will be published in the Federal Register.

Issued in Washington, D.C., on May 11, 1983.

James W. Workman,

Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 83-13179 Filed 5-16-83; 8:45 am]

BILLING CODE 6450-01-M

[ERA Docket No. 83-CERT-024]

Union Camp Corp.; Application for Certification of the Use of Natural Gas To Displace Fuel Oil

Union Camp Corporation (UNION), P.O. Box 326, Montgomery, Alabama 36101, filed an application on April 13, 1983, with the Economic Regulatory Administration (ERA) for certification of an eligible use of natural gas to displace fuel oil at its pulp and paper mill near Montgomery, Alabama, pursuant to 10 CFR Part 595 (44 FR 47920, August 16, 1979). More detailed information is contained in the application on file and available for public inspection at the ERA Natural Gas Division Docket Room, RG-43, Room GA-007, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585, from 8:00 a.m. to 4:30 p.m., Monday through Friday, except Federal holidays.

In its application, UNION indicates that the volume of natural gas for which it requests certification is approximately 16,000 Mcf per day. This volume is estimated to displace the use of approximately 106,000 gallons of No. 6 fuel oil (3.0 percent sulfur) per day.

The eligible seller is Terra Resources, Inc., 5416 South Yale Avenue, Tulsa, Oklahoma 74135. The gas will be transported by Southern Natural Gas Company, 1900 Fifth Avenue North, Birmingham, Alabama 35203; and by Alabama Gas Corporation, 1918 First Avenue North, Birmingham, Alabama 35295, a local distribution company.

In order to provide the public with as much opportunity to participate in this

proceeding as is practicable under the circumstances, we are inviting any person wishing to comment concerning this application to submit comments in writing to the Economic Regulatory Administration, Office of Fuels Programs, Natural Gas Division, RG-43, Room GA-007, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585, Attention: Paula A. Daigneault, within ten (10) calendar days of the date of publication of this notice in the Federal Register.

An opportunity to make an oral presentation of data, views, and arguments either against or in support of this application may be requested by any interested person in writing within the ten (10) day comment period. The request should state the person's interest and, if appropriate, why the person is a proper representative of a group or class of persons that has such an interest.

If ERA determines that an oral presentation is necessary, further notice will be given to UNION and any person filing comments and will be published in the Federal Register.

Issued in Washington, D.C., on May 11, 1983.

James W. Workman,

Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 83-13182 Filed 5-16-83; 8:45 am]

BILLING CODE 6450-01-M

[ERA Docket No. 83-CERT-006]

United States Steel Corp.; Certification of Eligible Use of Natural Gas To Displace Fuel Oil

On March 7, 1983, United States Steel Corporation (USS), 600 Grant Street, Pittsburgh, Pennsylvania 15230, filed with the Administrator of the Economic Regulatory Administration (ERA), pursuant to 10 CFR Part 595, an

application for certification of an eligible use of approximately 6.807 billion cubic feet (Bcf) of natural gas at its steel manufacturing facility in Lorain, Ohio, and 3.478 Bcf at its chemical plant in Haverhill, Ohio. This volume of gas is expected to displace the use of approximately 16,979,000 gallons of No. 2 fuel oil (0.50 percent sulfur) and 716,000 barrels of No. 6 fuel oil (1.53 percent sulfur) per year at its facility in Lorain and the use of approximately 797,000 gallons of No. 2 fuel oil (0.5 percent sulfur) and 535,000 barrels of No. 6 fuel oil (0.3 percent sulfur) per year at its plant in Haverhill.

The application was amended on April 25, 1983, and again on May 10, 1983, to add four eligible sellers and two interstate pipelines; the volumes remain the same. The eligible sellers of the natural gas are Energy Buyers Service Corporation, P.O. Box 19832, Houston, Texas 77224; Cabot Corporation, P.O. Box 8807, South Charleston, West Virginia 25303; Exxon Company, U.S.A., P.O. Box 2180, Houston, Texas 77001; Texas Oil & Gas Corporation, 2700 Fidelity Union Tower, Dallas, Texas 75201; and Delhi Gas Pipeline Corporation, Fidelity Union Tower, Dallas, Texas 75201. The gas will be transported by Panhandle Eastern Pipe Line Company, P.O. Box 1642, Houston, Texas 77001; Columbia Gas Transmission Corporation, 1700 MacCorkle Avenue, S.E., Charleston, West Virginia 25325; Tennessee Gas Transmission, Inc., P.O. Box 254, Houston, Texas 77001; Ozark Gas Pipeline Corporation, P.O. Box 566, Route 5, Fort Smith, Arkansas 72901; and Natural Gas Pipeline Company of America, 122 South Michigan Avenue, Chicago, Illinois 60603. Local distributors will be Columbia Gas of Ohio, Inc., 99 North Front Street, Columbus, Ohio 43215, and East Ohio Gas Company, Cleveland, Ohio 44101.

Notice of that application was published in the *Federal Register* (48 FR 16101, April 14, 1983) and an opportunity for public comment was provided for a period of ten (10) calendar days from the date of publication. No comments were received.

The ERA has carefully reviewed USS's application for certification in accordance with 10 CFR Part 595 and the policy considerations expressed in the Final Rulemaking Regarding Procedures for Certification of the Use of Natural Gas to Displace Fuel Oil (44 FR 47920, August 16, 1979). The ERA has determined that USS's application satisfies the criteria enumerated in 10 CFR Part 595 and, therefore, has granted the certification and transmitted that

certification to the Federal Energy Regulatory Commission. More detailed information, including a copy of the application, two amendments, transmittal letter, and the actual certification, is available for public inspection at the ERA Natural Gas Division Docket Room, RG-43, Room GA-007, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585, from 8:00 a.m. to 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, D.C., May 11, 1983.
James W. Workman,
Director, Office of Fuels Programs, Economic
Regulatory Administration.

[FR Doc. 83-13180 Filed 5-16-83 8:45 am]
BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket No. QF83-181-000]

John P. Barr; Errata Notice to Notice of Application for Commission Certification of Qualifying Status of a Cogeneration Facility; Correction

May 11, 1983

In Docket No. QF83-181-000 appearing in the *Federal Register* issue of April 26, 1983 on page 18868, make the following correction: On page 18868 column one in the third complete paragraph, line seven.

"capacity of the facility will be 15.6" is corrected to read "capacity of the facility will be 7.8".

Kenneth F. Plumb,
Secretary.

[FR Doc. 83-13102 Filed 5-16-83 8:45 am]
BILLING CODE 6717-01-M

[Docket No. QF83-266-000]

City of Palm Springs; Application for Commission Certification of Qualifying Status of a Small Power Production Facility

May 11, 1983.

On April 26, 1983, City of Palm Springs, (Applicant) of City of Palm Springs Wastewater Treatment Plant 4375 Mesquite Avenue, Palm Springs, California 92264, filed with the Federal Energy Regulatory Commission (Commission) an application for certification of a facility as a qualifying small power production facility pursuant to § 292.207 of the Commission's rules.

The facility will be located at the Wastewater Treatment Plant in Palm Springs, California. The generating capacity of the facility will be 250 kilowatts. The primary energy source

will be sludge digester gas. There are no other facilities owned by the Applicant located within one mile of the facility. No electric utility, electric utility holding company or any combination thereof has any ownership interest in the facility.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed within 30 days after the date of publication of this notice and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 83-13089 Filed 5-16-83 8:45 am]
BILLING CODE 6717-01-M

[Docket No. CP83-272-000]

Columbia Gas Transmission Corp.; Notice of Application

May 11, 1983.

Take notice that on April 13, 1983, Columbia Gas Transmission Corporation (Applicant), P.O. Box 1273, Charleston, West Virginia 25325, filed in Docket No. CP83-272-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the interruptible transportation of natural gas for Sohio Chemical Company (Sohio) and the transportation and exchange of natural gas with 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 to public inspection.

The application indicates that pursuant to an agreement dated March 21, 1983, Michigan Consolidated Gas Company (Mich Con) has agreed to sell to Sohio an annual quantity of 25,000,000 dt equivalent of natural gas at a maximum daily delivery rate not to exceed 90,000 dt equivalent without the concurrence of Mich Con. The agreement states that this service is subject to interruption to the extent the gas supplies are required by Mich Con

to provide adequate service to its own distribution customers. It is stated that the term of this agreement is for an initial period of two years commencing from the date of first deliveries and is automatically extendable for successive two year periods unless cancelled by either party by notification within 30 days of the end of the initial term or any two-year extension.

It is indicated that Sohio's Lima, Ohio, ammonia-products plant has lost its ability to compete with manufacturers of similar products due to the cost of natural gas from its present supplier. It is further stated that even small changes in the cost of natural gas have a direct impact on production costs and the economic well being of this plant since natural gas constitutes approximately 80 percent of the cost of ammonia production. It is indicated that production of ammonia, urea, and carbon dioxide at its Lima plant were shut down on July 21, 1982, and that subsequently 70 of its 271 employees have been laid off and additional layoffs are likely if the facility cannot be restored to full operations.

Applicant states that it has entered into an agreement with Sohio dated April 8, 1983, which provides for the transportation on a best-efforts basis of up to 90,000 dt equivalent of natural gas per day for Sohio. It is stated that Applicant's obligation to transport this gas is subject to the limits of available capacity in its existing facilities, its obligation to customers served pursuant to its FERC Gas Tariff, Original Volume No. 1, the transportation of its own gas production and purchases, and precedent transportation or exchange arrangements. Applicant states that it would receive the natural gas supplies from Panhandle Eastern Pipe Line Company (Panhandle) at an existing interconnection located in Emerald Township, Paulding County, Ohio. Such supplies would have previously been delivered from Mich Con to Mich Wis, by displacement, and from Mich Wis to Panhandle. It is stated that once a new interconnection between Mich Wis and Applicant, proposed in Docket No. CP83-253-000, is placed into service deliveries would be made directly from Mich Wis to Applicant. Redeliveries of such volumes, less company use and loss, would be made at an existing interconnection with Columbia Gas of Ohio, Inc. (Columbia of Ohio), located in Shawnee Township, Allen County, Ohio, for subsequent delivery by Columbia of Ohio to Sohio at an existing point of delivery near Lima, Ohio, it is asserted.

Applicant's proposed transportation rate consists of: (1) A charge of 40.11

cents per dt equivalent of gas received for transportation which Applicant states reflects its average systemwide unit storage and transmission costs, exclusive of company use and unaccounted-for gas, and subject to adjustment to reflect revised costs; (2) a 0.70 cent per dt equivalent surcharge associated with the General R&D Funding Unit of the Gas Research Institute; plus (3) a 2.85 percent retention of all volumes transported for company use and unaccounted-for gas.

It is stated that the new interconnection proposed in Docket No. CP83-253-000 would be utilized to effectuate direct deliveries to Applicant of the gas volumes transported for Sohio and to effectuate a proposed gas exchange service between Applicant and Mich Wis. According to the terms of an agreement dated March 23, 1983, Applicant and Mich Wis have agreed, upon request, and to meet an emergency, to deliver up to 100,000 Mcf of natural gas per day to the other if the deliveries of such can be made without impairment of the service obligations of the delivering party. Applicant states that this gas exchange arrangement will allow it to achieve additional operating flexibility and will assist in alleviating emergency situations for both companies. The agreement states that as soon as possible, but within a period of 60 days thereafter, the party which received the emergency gas supplies would be obligated to redeliver thermally equivalent quantities at the new interconnection.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 1, 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. 83-13100 Filed 5-16-83; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 6127-001]

Energenics Systems, Inc.; Surrender of Preliminary Permit

May 11, 1983.

Take notice that Energenics Systems, Inc. (Energenics), Permittee for the proposed Union City Dam Project No. 6127, requested by petition dated April 12, 1983, that its preliminary permit be surrendered. The preliminary permit was issued on October 18, 1982, and would have expired on October 31, 1984. Energenics has determined that hydroelectric development is infeasible due to lack of adequate head and flow.

The surrender of the preliminary permit for Project No. 6127 is accepted as of the date of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-13109 Filed 5-16-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP83-285-000]

Gasdel Pipeline System Inc., Notice of Application

May 11, 1983.

Take notice that on April 22, 1983, Gasdel Pipeline System Incorporated (Applicant), P.O. Box 570, 80 Park Plaza, Newark, New Jersey 07101, filed in Docket No. CP83-285-000 an application pursuant to Section 7 (c) of the Natural Gas Act and Section 284.221 of the Commission's Regulations for a certificate of public convenience and necessity for blanket authorization to transport natural gas for other interstate pipeline companies, all as more fully set forth in the application which is on file

with the Commission and open to public inspection.

Applicant requests blanket authorization to transport gas for other interstate pipeline companies for periods of up to two years. It states it would comply with § 284.221 (d) of the Commission's Regulations.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 1, 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. 83-13101 Filed 5-16-83; 8:45 a.m.]
BILLING CODE 6717-01-M

[Docket No. CP83-287-000]

Northwest Pipeline Corp; Notice of Application

May 11, 1982.

Take notice that on April 22, 1983, Northwest Pipeline Corporation (Applicant), P.O. Box 1526, Salt Lake City, Utah 84110, filed in Docket No.

CP83-287-000 an application pursuant to Section 7(b) of the Natural Gas Act for permission and approval to abandon service at an exchange balancing point with El Paso Natural Gas Company (El Paso) located in La Plata County, Colorado, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it is authorized to undertake certain activities pursuant to a San Juan gathering agreement dated January 31, 1974, as amended, between Applicant and El Paso. The gathering agreement, it is said, provides for the mutual gathering and exchange of natural gas in the San Juan Basin area of northwestern New Mexico and southwestern Colorado. Such authorization, it is stated, permitted Applicant and El Paso to utilize, among other things, a point of interconnection between their respective gathering systems in the San Juan Basin area referred to as the Point of Interconnection No. 2 in order to achieve the balancing of deliveries of exchange gas under the gathering agreement. Said Point of Interconnection No. 2 is located at the intersection of El Paso's Trunk 4A-39 pipeline and Applicant's Trunk K pipeline in La Plata County, Colorado, it is asserted.

Applicant states further that subsequent to the installation and initial operation of the Point of Interconnection No. 2, pressure differentials between gathering pipelines of Applicant and El Paso developed which made the exchange of balancing gas at that point impractical. Applicant asserts that as a direct consequence no balancing gas has been delivered by the parties at the Point on Interconnection No. 2 since December 1976. Moreover, it is stated, since the gathering agreement currently provides for four additional balancing points, Applicant and El Paso do not anticipate the need for the Point of Interconnection No. 2 in the future. Applicant and El Paso, it is said, have therefore entered into an amendatory agreement dated December 21, 1982, wherein the parties have mutually agreed to delete said balancing point from the gathering agreement. Accordingly, Applicant request permission and approval to abandon the use of Point of Interconnection No. 2 as an exchange balancing point under the gathering agreement.

Applicant states that no interruption, reduction or termination of natural gas service presently rendered by Applicant to any of its customers would result from the proposed abandonment.

Any person desiring to be heard or to make any protest with reference to said

amendment should on or before June 1, 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 protestants parties to the proceedings. 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. 83-13100 Filed 5-16-83; 8:45 a.m.]
BILLING CODE 6717-01-M

[Docket No. CP78-532-010]

Ozark Gas Transmission System; Notice of Amendment

May 11, 1983.

Take notice that on April 18, 1983, Ozark Gas Transmission System (Applicant), 2700 Fidelity Union Tower, Dallas, Texas 75201, filed in Docket No. CP78-532-010 an amendment to its pending application filed in Docket No. CP78-532-009 pursuant to Section 7(c) of the Natural Gas Act so as to reflect the inclusion of the Turkey Flat Compressor Station in Applicant's request for waiver of certain noise limitations, all as more fully set forth in the amendment which is on file with the Commission and open to public inspection.

Applicant asserts that the Turkey Flat and the ONG compressor stations are located on the same yard site. It is stated that the existing ambient noise level at the site exceeds the 55dB(a) limit ordered by the Commission and that without the requested waiver Applicant would be unable to operate either of the compressor stations at the location.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before June 1, 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. 83-13104 Filed 5-16-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP83-295-000]

Seagull Pipeline Corp.; Notice of Application

May 11, 1983.

Take notice that on April 27, 1983, Seagull Pipeline Corporation (Applicant), 1100 Louisiana, Houston, Texas 77002, filed in Docket No. CP83-295-000 an application pursuant to Section 311(a)(2) of the Natural Gas Policy Act of 1978 and § 284.127 of the Commission's Regulations for authority to transport certain quantities of natural gas for El Paso Natural Gas Company (El Paso), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it is currently engaged in the transportation of natural gas on behalf of El Paso pursuant to a transportation agreement dated June 8, 1979. It is stated that service under this agreement commenced July 27, 1979, for an initial term of two years under the self-implementing provisions of § 284.122(a) of the Commission's Regulations and was extended for a period of two years commencing July 27, 1981, pursuant to § 284.125 of the Commission's Regulations. In order that the transportation service might be continued on an uninterrupted basis, Applicant has requested the Commission issue an order authorizing a continuation of the transportation arrangement for a period of two years commencing July 28, 1983, and ending July 27, 1985.

Applicant proposes to transport up to 36,000 Mcf of natural gas per day. Applicant states that it would transport El Paso's volumes from points located on Applicant's pipeline facilities in Live Oak County, Texas, to a point near the East Chapa Plant also in Live Oak County, Texas, or other mutually agreeable points. It is stated that pursuant to the original transportation

agreement dated June 8, 1979, Applicant proposes to charge 4.25 cents per Mcf for the service.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 1, 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). 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. 83-13105 Filed 5-16-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. RP81-86-009 and RP80-102]

Southern Natural Gas Co.; Filing of Pipeline Refund Plan

May 10, 1983.

Take notice that on March 24, 1983, Southern Natural Gas Company (Company) submitted for filing a proposed refund plan in the above-captioned dockets.

Any person desiring to be heard or to protest said complaint should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such petitions or protests should be filed on or before May 17, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this complaint are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-13106 Filed 5-16-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP80-440-002]

Transcontinental Gas Pipe Line Corp.; Petition To Amend

May 11, 1983.

Take notice that on April 6, 1983, Transcontinental Gas Pipe Line Corporation (Petitioner), P.O. Box 1396, Houston, Texas 77251, filed in Docket No. CP 80-440-002 a petition to amend the order issued November 6, 1980, in Docket No. CP80-440 pursuant to Section 7(c) of the Natural Gas Act so as to authorize an increase in the amount of natural gas to be transported for the account of Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee), individually and as agent for Tenneco Oil Company (TOC), 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 November 6, 1980, Petitioner states that it was authorized to transport up to the dekatherm equivalent of 12,000 Mcf of natural gas per day on an interruptible basis for Tennessee individually and as an agent for TOC. It is further stated that the established point of delivery for gas received by Petitioner from Tennessee is Petitioner's metering station at East Lake DeCade in Terrebonne Parish, Louisiana.

Petitioner states that pursuant to a February 15, 1983, amended transportation agreement, Petitioner proposes to increase its transportation volume on behalf of Tennessee, individually and as agent for TOC, on an interruptible basis up to the dekatherm equivalent of 20,000 Mcf per day as a result of an anticipated increase in deliverability from wells. Secondly, it is asserted that a new point of receipt for gas tendered by Tennessee would be added to include the point of interconnection between TOC or TOC's agent, Tennessee, on Petitioner's Southeast Louisiana Gathering System in Terrebonne Parish, Louisiana. Thirdly, Petitioner states that a new point of measurement for gas received by Petitioner would be established at or near Petitioner's Southeast Louisiana Gathering System in Terrebonne Parish, Louisiana. It is stated that Petitioner would construct the above referenced facilities, subject to reimbursement by Tennessee, under its blanket certificate issued in Docket No. CP82-426-000.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before June 1, 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. 83-13107 Filed 5-16-83; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. CP83-271-000]

United Gas Pipeline Co.; Request Under Blanket Authorization

May 11, 1983.

Take notice that on April 12, 1983, United Gas Pipe Line Company (United), P.O. Box 1478, Houston, Texas 77001, filed in Docket No. CP83-271-000 a request pursuant to Section 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) that United proposes to install a 1-inch sales tap for the delivery of gas to Entex, Inc. (Entex), for resale to the residence of Richard Wilkinson (Wilkinson) 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 1-inch sales tap on its 1-inch Longview-Palestine Line in the Francisco Cordova Survey A-7, Overton, Texas. This tap would be utilized to deliver an estimated 80 Mcf of gas annually, through the distributor, Entex, it is stated. It is further stated that Entex would resell such gas to Wilkinson, a residential customer.

United also asserts that there would be no increase in the customer's 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 DG-N, it is stated.

United estimates the cost of the tap to be \$533.00 and states that Entex 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. 83-13108 Filed 5-16-83; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. EL83-21-000]

Basin Electric Power Cooperative and Merrill Lynch Leasing, Inc.; Filing

May 12, 1983.

Take notice that on May 3, 1983, Basin Electric Power Cooperative ("Basin Electric") and Merrill Lynch Leasing Inc. ("Merrill Lynch") filed a request for a declaratory order that neither Merrill Lynch nor St. Paul Bank for Cooperatives ("Lender") would be considered to be a "public utility" under Section 201(e) of the Federal Power Act by reason of its participation in a leveraged lease transaction with Basin Electric. Basin Electric and Merrill Lynch state that Basin Electric is required to comply with a rate design covenant in its mortgage with the Rural Electrification Administration ("REA") and is subject to the direction of the REA in its administration of such covenant. According to Basin Electric and Merrill Lynch, as an "REA coop", Basin Electric is not subject to regulation as a "public utility" under Part II of the Federal Power Act.

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 and 385.214). All such motions or protests should be filed on or before May 20, 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. 83-13207 Filed 5-16-83; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. QF83-220-000]

Chevron U.S.A. Inc.; Application for Commission Certification of Qualifying Status of a Cogeneration Facility

May 12, 1983.

On March 14, 1983, Chevron U.S.A. Inc. (Applicant), Manufacturing Department, 575 Market Street, San Francisco, California 94105, Attention: Mr. C. S. Smith, filed with the Federal Energy Regulatory Commission (Commission) an application for certification of a facility as a qualifying cogeneration facility pursuant to § 292.207 of the Commission's rules.

The bottoming cycle cogeneration facility will be located in Jackson County, Mississippi. Waste heat from refinery processes will be recovered in waste heat boilers and supplies to a condensing steam turbine generator. The primary energy sources to the thermal processes are natural gas and oil. No supplementary fuel will be used in the waste heat boilers. The electric power production capacity of the facility will be 6,000 kilowatts.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street N.E., Washington, D.C. 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed within 20 days after the date of publication of this notice and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 83-13208 Filed 5-16-83; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. CP82-485-000]

**Columbia Gas Transmission Corp.;
Withdrawal of Application and
Termination of Proceedings**

May 12, 1983

Take notice that on February 28, 1983, Columbia Gas Transmission Corporation (Columbia) filed in Docket No. CP82-485-000 a notice of withdrawal pursuant to Rule 216 of the Commission's Rules of Practice and Procedure (18 CFR 385.216) of its application for a certificate of public convenience and necessity pursuant to Section 7(c) of the Natural Gas Act, filed August 13, 1982, in the above mentioned docket.

In its application, Columbia proposed to provide its wholesale customers for a period of one year a special sales incentive service under the provisions of a new rate schedule (SSI) to be incorporated in Columbia's FERC Gas Tariff, Original Volume No. 1. Under its new rate schedule, Columbia proposed to make available to eligible customers certain quantities of natural gas at a rate designed to enable Columbia's customers to regain consumers lost to alternate fuels, as well as to prevent further market erosion and to reduce Columbia's exposure to take-or-pay obligations.

On December 22, 1982, the Commission issued an order in Docket No. CP82-485-000 (21 FERC § 61,326) which among other things set the matter of permanent certification for formal hearing. By order issued February 3, 1983 (22 FERC § 63,058), the presiding Administrative Law Judge denied a request to certify an offer of settlement to the Commission and scheduled a hearing at 10:00 a.m. on May 17, 1983, at the FERC, 825 North Capitol Street, Washington, D.C. On February 28, 1983, Columbia filed the instant notice of withdrawal of its application.

Take further notice that, within the time period specified in Rule 216, no participant, or other person filing a timely motion to intervene has filed a motion in opposition, nor has the Commission or the presiding Administrative Law Judge issued an order disallowing the withdrawal. Accordingly, Columbia's application in Docket No. CP82-485-000 is effectively withdrawn and related proceedings are terminated.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-13209 Filed 5-16-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-482-000]

**Connecticut Light and Power Co.;
Filing**

May 12, 1983.

The filing Company submits the following:

Take notice that on April 28, 1983, Connecticut Light and Power Company (CL&P) tendered for filing as an initial rate schedule an agreement (the Agreement) between CL&P, the Hartford Electric Light Company (HELCO), Western Massachusetts Electric Company (WMECO, and together with CL&P and HELCO, the NU Companies) and Green Mountain Power Corporation (GMP). The Agreement, dated as of May 4, 1982, provides for the NU Companies to sell to GMP excess power from the system of the NU Companies ("system power") that may be available on a daily or weekly basis ("a transaction"). CL&P states that the timing of transactions cannot be accurately estimated but that the NU Companies would offer to sell such system power to GMP only when it was economic for them to do so. GMP would accept such an offer only if it was economic for GMP to do so.

CL&P states that GMP will pay a capacity to the NU Companies for each transaction in an amount equal to the kilowatts of system capacity utilized by the NU Companies to supply system power to GMP during each hour of a transaction, times a rate negotiated between the parties prior to each transaction, not to exceed \$0.0175 per kilowatt. GMP will also pay an energy charge to the NU Companies for each transaction in an amount equal to the kilowatt hours provided by the NU Companies during such transaction times an energy charge rate. The energy charge rate is based on the heat rate and the replacement fuel price of the generating unit(s) which the NU Companies determine to be available to provide power at the time a transaction is agreed to by the parties.

CL&P requests an effective date of June 1, 1982, and therefore requests waiver of the Commission's notice requirements.

Copies of this filing have been served upon HELCO, WMECO and GMP.

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 May 27, 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. 83-13210 Filed 5-16-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-483-000]

Duke Power Co.; Filing

May 12, 1983.

The filing Company submits the following:

Take notice that on April 28, 1983, the Duke Power Company tendered for filing amendments dated November 12, 1982 to the Restated Interconnection Agreement date June 21, 1982, which Restated Interconnection Agreement superseded the Interconnection Agreement dated March 6, 1978 between the Company and North Carolina Municipal Power Agency Number 1 (Power Agency). Power Agency owns 75 percent of Unit No. 2 of the Company's Catawba Nuclear Station. Under the terms of the Agreement, Duke will interconnect its generation and transmission system with the Catawba Nuclear Station, presently being constructed, and wheel electric power and energy to the members of Power Agency. Duke states that service under the Restated Interconnection Agreement, as amended, is expected to begin on July 1, 1983.

Duke further states that these amendments to the Restated Interconnection Agreement, which Agreement is on file with the Commission, do not substantively change the pricing provisions for Duke's services to Power Agency.

Duke indicates that the modifications to the Restated Interconnection Agreement were requested by Power Agency following the inclusion of similar provisions in the Interconnection Agreement dated August 1, 1980, as amended October 22, 1982, between the Company and Piedmont Municipal Power Agency, a joint agency proposing to purchase the remaining 25 percent of Unit No. 2 of the Company's Catawba Nuclear Station.

Duke requests an effective date of November 12, 1982, and therefore requests waiver of the Commission's notice requirements.

Copies of the filing were mailed to Power Agency, the North Carolina Utilities Commission, and the South Carolina Public Service Commission.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before May 27, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party must file a 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. 83-13211 Filed 5-16-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ES83-41-000]

El Paso Electric Co.; Application

May 12, 1983.

Take notice that on May 5, 1983, El Paso Electric Company filed an application with the Federal Energy Regulatory Commission (Commission) seeking authority pursuant to Section 204 of the Federal Power Act to issue unsecured short-term promissory notes and commercial paper, such notes and commercial paper not to exceed in the aggregate \$200,000,000 face value at any one time outstanding and to mature not later than December 31, 1984.

Any persons desiring to be heard or to make any protest with reference to said application should, on or before May 23, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-13212 Filed 5-16-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP83-276-000]

Gasdel Pipeline System Inc.; Application

May 12, 1983

Take notice that on April 14, 1983, Gasdel Pipeline System Incorporated (Applicant), P.O. Box 570, 80 Park Plaza, Newark, New Jersey 07101, filed in Docket No. CP83-276-000 an application pursuant to Section 7 of the Natural Gas Act and Subpart F of Part 157 of the Commission's Regulations for a blanket certificate of public convenience and necessity authorizing the construction, acquisition, and operation of certain facilities and the transportation and sale of natural gas and for permission and approval to abandon certain facilities and service, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 2, 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 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. 83-13213 Filed 5-16-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP83-278-000]

Montana-Dakota Utilities Co.; Application

May 12, 1983.

Take notice that on April 15, 1983, Montana-Dakota Utilities Co. (Applicant), 400 North Fourth Street, Bismarck, North Dakota 58501, filed in Docket No. CP83-278-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Applicant to continue to sell natural gas to Michael W. Scott, d/b/a Byron Gas Service (Byron), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it has been serving Byron under its Rate Schedule G-1 since 1969 but upon investigation realizes that it does not possess certificate authorization from the Commission. Applicant requests here authorization to continue to sell approximately 60,000 Mcf of natural gas annually to Byron, an intrastate natural gas distribution company, for resale. Service to Byron would be continued under Applicant's Rate Schedule G-1, it is asserted. No new facilities would be required to render this service. Applicant states.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 2, 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. 83-13214 Filed 5-16-83; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. ER83-485-000]

Montaup Electric Co.; Filing

May 12, 1983.

The filing Company submits the following:

Take notice that on April 29, 1983, Montaup Electric Company (Montaup) tendered for filing a revised contract demand agreement between Montaup and the Town of Middleborough, Massachusetts (Middleborough). The revised agreement supersedes an agreement for contract demand service between Montaup and Middleborough. Under the revised agreement Montaup will make specified amounts of capacity and associated energy available to Middleborough through October 31, 1983 and will provide service thereafter in accordance with the conditions of the agreement.

Montaup requests waiver of the Commission's notice requirements in order to allow an effective date of May 1, 1983.

Copies of this filing have been served on Middleborough and the Massachusetts Department of Public Utilities.

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 May 27, 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. 83-13215 Filed 5-16-83; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. ER83-484-000]

Potomac Electric Power Co., Filing

May 12, 1983.

The filing Company submits the following:

Take notice that on April 28, 1983, Potomac Electric Power Company (Potomac) tendered for filing the following rate agreements:

(1) Power Supply Agreement, dated as of May 2, 1983 among Ohio Edison Company (Ohio Edison), Pennsylvania Power Company (Penn Power), Monongahela Power Company (Monongahela), West Penn Power Company (West Penn), and the Potomac Edison Company (Potomac Edison).

(2) Power Resale Agreement, dated as of May 2, 1983 among Monongahela, West Penn, Potomac Edison, and Potomac Electric Power Company (PEPCO).

The Agreements set forth terms pursuant to which Ohio Edison and Penn Power will deliver to Monongahela, West Penn and Potomac Edison 150 megawatts per hour of energy for resale to PEPCO for the period May 2, 1983 until amended or terminated.

Potomac requests an effective date of May 2, 1983, 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 May 27, 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. 83-13216 Filed 5-16-83; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. ER83-487-000]

South Carolina Electric & Gas Co.; Filing

May 12, 1983.

The filing Company submits the following:

Take notice that on April 29, 1983, South Carolina Electric & Gas Company (SCE&G) tendered for filing Ninth Revised Sheet No. 5, Ninth Revised Sheet No. 6, Tenth Revised Sheet No. 5 and Tenth Revised Sheet No. 6 to its FERC Electric Tariff, Original Volume No. 1. These sheets contain proposed changes to SCE&G's rates and charges to its municipal, rural electric cooperative and public power body sales-for-resale customers.

SCE&G proposes to place the revised tariff sheets containing the first phase of the proposed rate increase into effect on June 28, 1983, sixty days after filing. SCE&G proposes that the second phase of the rate increase take effect on June 29, 1983, sixty-one days after filing.

SCE&G states that the proposed rates would increase revenues by approximately \$16,200,000 for the 12 month period ending June 30, 1984. The first phase of the proposed rates would increase revenues by approximately \$9,000,000 over the same period.

SCE&G states that the proposed increased rates are necessitated by the fact that it is realizing an unreasonably low rate of return on sales to its jurisdictional customers. This return will be even lower with the placing into service of the Company's V.C. Summer Nuclear Plant, in which the Company's investment is approximately \$858,000,000.

Copies of the filing have been served upon SCE&G's jurisdictional customers and the South Carolina Public Service Commission.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before May 31, 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. 83-13217 Filed 5-16-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. EF83-4011-000]

**Southwestern Power Administration;
Filing**

May 12, 1983.

The filing Company submits the following:

- Take notice that the Assistant Secretary for Conservation and Renewable Energy of the Department of Energy on April 27, 1983, submitted to the Commission pursuant to Delegation Order No. 0204-33, the following proposed System rate schedules of the Southwestern Power Administration:
- Rate Schedule P-4, Hydro Peaking and Seasonal Peaking Power
- Rate Schedule F-4A, Firm Power from Integrated System
- Rate Schedule F-4B, Firm Power through Oklahoma Utilities Companies
- Rate Schedule EE-2 (Revised), Excess Energy
- Rate Schedule IC-2 (Revised) Interruptible Capacity

The Assistant Secretary requests that these System rate schedules be confirmed and approved on a final basis by the Commission to be effective for the period October 1, 1983, through September 30, 1986. The Assistant Secretary also requests that Commission confirmation and approval of the existing rate to Tex-La Electric Cooperative, Inc., under Section 2 of Contract No. 14-02-001-864 be extended for the period October 1, 1983, through April 1, 1984. The Assistant Secretary indicates that 1982 Power Repayment Studies show the need for a 38.3 percent increase in annual revenues from the Integrated System to meet present cost recovery criteria. The Assistant Secretary states that the proposed rate schedules would produce ultimate average annual System gross revenues of approximately \$90.2 million. This would be an increase of approximately \$25 million above the revenues produced by the existing rate schedules which have been in effect since April 1, 1979, according to the Assistant Secretary.

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 May 31, 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.

Keanety F. Plumb,
Secretary.

[FR Doc. 83-13218 Filed 5-16-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP83-260-000]

**Tennessee Gas Pipeline Co., a Division
of Tenneco Inc. and Columbia Gas
Transmission Corp.; Application**

May 12, 1983.

Take notice that on March 31, 1983, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee), P.O. Box 2511, Houston, Texas 77001, and Columbia Gas Transmission Corporation (Columbia), P.O. Box 1273, Charleston, West Virginia 25325, filed in Docket No. CP83-260-000 a joint application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas through the Ozark Gas Transmission System (Ozark) for Mississippi River Transmission Corporation (MRT), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

It is stated that pursuant to an agreement between Applicants and MRT dated November 9, 1982, Applicants would receive a contract quantity of up to 25,000 Mcf of natural gas per day produced in the Arkoma Basin in Arkansas at various points along Ozark and delivery equivalent volumes to Natural Gas Pipeline Company of America for the account of MRT. It is asserted that each Applicant would utilize an equivalent portion of its respective capacity entitlement in Ozark.

Applicants states that in accordance with the agreement MRT has agreed to pay Applicants a monthly demand charge plus a commodity charge applicable to Ozark's FERC Tariff Rate Schedule T-1.

It is asserted that the proposed service would be beneficial to MRT in that it would provide MRT with a means

of transporting an additional supply of natural gas without its having to construct additional duplicative facilities.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 2, 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 Applicants to appear or be represented at the hearing.

Kenneth F. Plumb,
Secretary.

[FR Doc. 83-13219 Filed 5-16-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-489-000]

Union Electric Co.; Filing

May 12, 1983.

The filing Company submits the following:

Take notice that on May 2, 1983, Union Electric Company tendered for filing an Electric Service Agreement dated April 26, 1983 between Missouri Utilities Company and Union Electric Company. Said Electric Service Agreement provides for the continued

delivery of electric service to Missouri Utilities Company at the present rate.

The parties propose that said Agreement and Service Schedule supersede FERC Electric Tariff W-3 for the reason that they have made application for approval of the merging of their facilities.

The proposed effective date of the new agreements and rate schedules is July 1, 1983.

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 May 27, 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. 83-13220 Filed 5-16-83; 8:45 am]
BILLING CODE 6717-01-M

Office of Hearings and Appeals

Issuance of Decisions and Orders; Week of April 4 Through April 8, 1983

During the week of April 4 through April 8, 1983, the decisions and orders summarized below were issued with respect to appeals and applications for exception or other relief filed with the Office of Hearings and Appeals of the Department of Energy. The following summary also contains a list of submissions that were dismissed by the Office of Hearings and Appeals.

Appeals

Fred C. Hart Associates, Inc., 4/4/83, HFA-0124

On April 1, 1983 the DOE issued a Decision and Order concerning an Appeal from a Freedom of Information Act (FOIA) request that was denied in part by the Assistant Manager for Administration of the Albuquerque Operations Office. The appellant sought the release of a successful proposal to operate a DOE nuclear facility, much of which had been withheld pursuant to the FOIA's Exemption 4. In considering the appeal, the Office of Hearings and Appeals determined that some of the previously withheld material was properly withheld, some should be released, and the remainder should be remanded to the Assistant

Manager for a more complete determination. Accordingly, the Appeal was granted in part.

Systematic Management Services, Inc., 4/07/83, HFA-0113

Systematic Management Service, Inc. filed an Appeal from a partial denial by the Manager of the Chicago Operations Office of a Request for Information which the firm had submitted under the Freedom of Information Act (the FOIA). In considering the Appeal, the DOE found that (1) numerical weights employed by a Source Evaluation Board in evaluating contract proposals became nondeliberative final determinations upon the receipt of contract proposals and could not be withheld under Exemption 5, (2) the total cost of a concurrent DOE contract should be released but component costs that revealed the contractor's allocation of costs and were exempt from disclosure under Exemption 4, (3) confidential commercial information obtained from a person and incorporated in agency documents may be withheld under Exemption 4, (4) DOE officials are not required to provide "yes" or "no" answers or similarly direct responses to questions contained in a Request for Information submitted under the FOIA, and (5) the search for responsive documents conducted by the Authorizing Official was adequate.

Request for Exception

Texas Armada Refining Co., 4/6/83; BEE-1696

Texas Armada Refining Co. filed an Application for Exception from the provisions of 10 CFR 211.67 in which the firm sought relief from entitlements obligations incurred due to errors made in the firm's purchase invoices. In considering the request, the DOE found that the firm's invoicing errors occurred during the period March through September 1980, and were not subject to the provisions of the clean-up rule. Furthermore, the impact of the errors was insignificant. Accordingly, exception relief was denied.

Interlocutory Order

Office of Special Counsel, 4/4/83; HRZ-0141

The Office of Special Counsel sought an order directing Texaco Inc. to file a Statement of Legal Objection to a Proposed Remedial Order which OSC issued to the firm on May 1, 1979. Finding that the filing of the Statement of Legal Objections was necessary to bring the case to an orderly resolution, OHA granted the request.

Supplemental Order

Huntway Refining Co., 4/5/83; HCX-0059

Huntway Refining Company filed, pursuant to a District Court's Remand Order, supplemental material to its earlier Application for Exception from the provisions of 10 CFR 211.67, in which the firm had sought exception relief from entitlements purchase obligations pertaining to crude oil purchased for starting inventory for a new refinery. In considering the supplemental material, DOE found that the firm was not entitled to any greater exception relief than was previously granted.

Accordingly, DOE found that no modification of the previous Decision and Order, which granted Huntway only part of

the exception relief requested, was warranted. The important issues discussed in the Decision and Order were (i) the effect of improper grants by ERA of starting inventory exclusion adjustments to new refiners and (ii) the specific criteria used by OHA in evaluating exception relief to firms that purchased new or expanded inventories.

Refund Applications

Standard Oil Company (Indiana)/Akin Oil Company, Inc. et al., 4/4/83; RF21-144 et al.

The DOE issued a Decision and Order concerning 89 Applications for Refund filed by wholesalers of Amoco motor gasoline. All of these firms elected to apply for a refund based upon the presumption of the injury and the formula outlined in *Office of Special Counsel*, 10 DOE ¶85,048 (1982). In considering these applications, the DOE concluded that each of the 89 applicants should receive a refund based upon the total volume of their Amoco motor gasoline purchases. The refunds granted in this proceeding total \$945,190.

Standard Oil Co. (Indiana)/Bentley's Amoco, 4/5/83; RF21-3312

On February 14, 1983, the Office of Hearings and Appeals of the Department of Energy issued a Decision and Order approving refunds from the Standard Oil Company (Indiana) consent order fund for 206 claimants. *Standard Oil Co. (Indiana)/Jim Gandy Service*, 10 DOE ¶— (February 14, 1983) (Case No. RF21-780). One of those claimants, Bentley's Amoco (Bentley), was granted a refund on the basis of a total purchase volume of 2,451,429 gallons of motor gasoline. Subsequent to the issuance of the February 14 Decision, Bentley informed the DOE that incorrect volume figures had been submitted in its refund application, and that the correct volume of motor gasoline it purchased from Standard Oil which qualified for a refund was only 1,529,879 gallons. In considering the material submitted by Bentley, the DOE determined that Bentley should be granted a refund on the basis of its purchases of 1,529,879 gallons of motor gasoline. Accordingly, since Bentley elected to apply for a refund based on the presumption of injury methodology, see *Office of Special Counsel*, 10 DOE ¶ 85,048 (1982), the DOE approved a refund of \$557 rather than \$892 as set forth in the February 14 Decision. The \$557 refund is equal to 40 percent of 1,529,879 gallons of motor gasoline purchased times the applicable *pro rata* share of the Standard Oil consent order fund as of February 14, 1983 (\$0.0009097 per gallon including interest).

Standard Oil Company (Indiana)/Carl J. Preisler, et al., 4/6/83; RF21-1601 et al.

The DOE issued a Decision and Order concerning 192 Applications for Refund from branded retailers of Amoco motor gasoline. All of these firms elected to apply for a refund based upon the presumption of injury and the formulae outlined in *Office of Special Counsel*, 10 DOE ¶ 85,048 (1982). Each retailer therefore submitted detailed information concerning its Amoco purchase volumes. After analyzing this information, the DOE

concluded that each of the 192 applicants should receive a refund based upon the total volume of their Amoco motor gasoline purchases during the consent order period. Accordingly, these applications were granted in full.

Standard Oil Company (Indiana)/Jerry's Norwalk Standard, et al., 4/5/83; RF21-1921 et al.

On Decision 23, 1982 the Office of Hearings and Appeals issued a Decision and Order implementing special refund procedures for the distribution of a 72,000,408 fund obtained by the DOE through a consent order with the Standard Oil Company (Indiana) (Amoco). *Office of Special Counsel*, 10 DOE ¶ 85,048 (1982). On April 5, 1983 the DOE issued a Decision and Order concerning 24 Applications for Refund filed by retailers of Amoco motor gasoline. All of these firms elected to apply for a refund based upon the presumption of injury and the formulae outlined in the December 23 Decision. In considering these applications, the DOE concluded that each of the 24 applicants should receive a refund based upon the total volume of their Amoco motor gasoline purchases. The refunds granted in this proceeding totaled \$17,687.

Standard Oil Company (Indiana)/Russ' Super Standard, 4/4/83; RF21-1606

The DOE issued a Decision and Order concerning 176 Applications for Refund by retailers of Amoco motor gasoline. All of these firms elected to apply for a refund based upon the presumption of injury and the formulae outlined in *Office of Special Counsel*, 10 DOE ¶ 85,048 (1982). In considering these applications, the DOE concluded that each of the 176 applications should receive a refund based upon the total volume of their Amoco middle distillate purchases. The refunds granted in this proceeding totaled \$162,846.

Dismissals

The following submissions were dismissed:

Name and Case No.

Burgess Marketing, Inc.—HRO-0097, HRD-0102
 Burren Transfer Co.—RF21-2473
 Cape Cod Hospital—HEE-0064
 Crst, Inc.—RF21-3809
 Epes Transport System, Inc.—RF21-2573
 Florida Rock & Tank Lines, Inc.—RF21-2087
 Gary Slepser's Oil Co.—RF21-2097
 Gilliland Transfer Co.—RF21-4498
 Gil-MC Oil Corp.—HRO-0075, HRO-0076
 Glennon's Milk Service, Inc.—RF21-3859
 Graham Ship By Truck Co.—RF21-2581
 Green Bay & Western RR—RF21-2788
 Houle Oil Co., Inc.—RF21-2408
 Lindell Drop Forge Co.—RF21-4517
 Mid Seven Transportation Company—RF21-2416
 Motor Convoy, Inc.—RF21-4066
 Onondaga Oil Co., Inc.—RF21-3799
 Stahly Cartage Co.—RF21-2277
 Turks Bulk Service—RF21-2280

Copies of the full text of these decisions and orders are available in the Public Docket Room of the Office of Hearings and Appeals, Room 1111, New

Post Office Building, 12th and Pennsylvania Ave., NW., Washington, D.C. 20461, Monday through Friday, between the hours of 1:00 and 5:00 p.m., except federal holidays. They are also available in *Energy Management: Federal Energy Guidelines*, a commercially published loose leaf reporter system.

Dated: May 10, 1983.

George B. Breznay,

Director, Office of Hearings and Appeals.

[FR Doc. 83-13006 Filed 5-16-83; 8:45 am]

BILLING CODE 6450-01-M

Issuance of Decisions and Orders; Week of April 11, Through April 25, 1983

During the week of April 11 through April 15, 1983 the decisions and orders summarized below were issued with respect to appeals and applications for other relief filed with the Office of Hearings and Appeals of the Department of Energy. The following summary also contains a list of submissions that were dismissed by the Office of Hearings and Appeals.

Appeal

Physical Sciences, Inc., 4/15/83; HFA-0122

Physical Sciences, Inc. filed an Appeal from a partial denial by the Morgantown Energy Technology Center of a Request for Information which the firm had submitted under the Freedom of Information Act (the FOIA). In considering the Appeal, the DOE found that the denying official properly withheld certain material pursuant to exemptions four and five of the FOIA. An important issue considered in the Decision and Order was whether release of portions of the withheld material would harm the competitive position of the firm that submitted the information.

Remedial Order

Timco Oil Co., 4/11/83; HRD-0061

Timco Oil Company (Timco) objected to a Proposed Remedial Order which the Los Angeles Office of the Economic Regulatory Administration (ERA) issued to the firm on April 30, 1982. In the Proposed Remedial Order, the ERA found that Timco improperly certified one of its leases as qualified for stripper status and sold crude oil produced from that lease at prices in excess of those calculated pursuant to the Mandatory Petroleum Price Regulations. The DOE therefore concluded that the Proposed Remedial Order should be issued as a final Order. The important issues discussed in the Decision and Order include (i) whether Timco properly aggregated the rights to produce crude oil from its three leases and (ii) whether Timco's alleged ignorance of DOE regulations excused its non-compliance with those regulations.

Request for Modification and/or Rescission

Economic Regulatory Administration, 4/11/83; HRR-0048

The DOE's Office of Special Counsel of the Economic Regulatory Administration (ERA) filed Motions for Reconsideration of an Evidentiary Hearing and Discovery which was granted to Exxon Company, U.S.A. in a Decision and Order issued to the firm on December 8, 1982. *Exxon Company, U.S.A.*, 10 DOE ¶ 84,022 (1982). In considering the request for reconsideration, the DOE found that the ERA had failed to show that any modifications in the December 8 determinations were necessary in order to ensure that the underlying proceeding was conducted in an appropriate manner. Accordingly, the Motions for Reconsideration were denied.

Motion for Discovery

Exxon Company, U.S.A., Gulf Oil Corporation, Cities Service Co., 4/13/83; HED-0119, HEH-0016

Exxon Company, U.S.A., Gulf Oil Corporation, and Cities Service Company filed a joint Motion for Discovery and Evidentiary Hearing in connection with a Proposed Decision and Order issued to Husky Oil Company on February 4, 1983, in Case No. BEX-0210. In their Motion, the intervenors asserted that a full understanding of Husky's financial position during the base period as well as during the period January 1978 through January 1981 is crucial for an evaluation of Husky's eligibility for exception relief. The intervenors therefore requested access to detailed data related to Husky's financial and operating results during the subject periods. The parties also requested an evidentiary hearing to resolve certain disputed factual issues. In this Decision and Order, the Office of Hearings and Appeals stated that it had requested from Husky certain information which was similar in scope and character with data requested by the intervenors. The OHA denied the discovery request because it would be redundant to the data that Husky had submitted or would submit pursuant to the OHA's requests. The OHA, however, determined that an evidentiary hearing would be useful in resolving certain factual issues. Accordingly, the request for Evidentiary hearing was granted.

Interlocutory Order

Texaco Inc., 4/12/83; HRZ-0142

Texaco Inc. sought an order relieving it from the obligation to comply with a discovery stipulation it had entered into with the Office of Special Counsel. The Office of Hearings and Appeals (OHA) found that the discovery sought by OSC was no longer relevant in view of Texaco's withdrawal of affirmative defenses to which the discovery related. Although it found that Texaco had failed to show that manifest injustice would result from requiring it to abide by the terms of the stipulation, OHA granted the motion, finding that the continuation of the discovery process would delay the resolution of the case on its merits.

Refund Application

Standard Oil Company (Indiana)/Fercreek Amoco, et al., 4/15/83; RF21-4264 et al.

The DOE issued a Decision and Order concerning 180 Applications for Refund from retailers of Amoco motor gasoline. All of these firms elected to apply for a refund based upon the presumption of injury and the formulae outlined in *Office of Special Counsel*, 10 DOE ¶ 85,048 (1982). In considering these applications, the DOE concluded that each of the 180 applicants should receive a refund based upon the total volume of their Amoco motor gasoline purchases. The refunds granted in this proceeding total \$174,254.

Standard Oil Company (Indiana)/Retzer Oil Company, et al., 4/15/83; RF21-1015 et al.

The DOE issued a Decision and Order concerning 8 Applications for Refund filed by applicants who operate as both wholesalers and retailers of Amoco motor gasoline. All of these firms elected to apply for a refund based upon the presumption of injury and the formulae outlined in *Office of Special Counsel*, 10 DOE ¶ 85,048 (1982). In considering these applications, the DOE concluded that each of the 8 applicants should receive a refund based upon the total volume of their Amoco motor gasoline purchases. The refunds granted in this proceeding total \$300,605.

Dismissals

The following submissions were dismissed:

Name and Case No.

A & J Oil Co.—RF21-3822
 Associated Transports, Inc.—RF21-3695, RF21-3696
 Blue Arrow, Inc.—RF21-4405
 Burton Hgts Moving & Transfer—RF21-3802
 Carolina Freight Carriers, Corp.—RF21-2914
 Coastal Tank Lines, Inc.—RF21-2208
 Frederick Bultman, Inc.—RF21-3068
 Hare Leasing, Inc.—RF21-3055
 Inland Crude Purchasing Co.—HRO-0090
 Jet Gas Corp.—RF21-2935
 Kendle Oil Co.—RF21-2785
 Lepier Oil Co., Inc.—RF21-3778
 Leroy L. Wade & Son, Inc.—RF21-3806
 Merle Boess, Inc.—RF21-2901
 Nelms Oil Co., Inc.—RF21-2122
 O'Boyle Tank Lines, Inc.—RF21-4698, RF21-4699
 Rasmussen Fuel Co.—RF21-3041
 Reese Bros. Oil Co.—RF21-2923
 Saveway Service Stations, Inc. & Auto Flite Co., Inc.—DRO-0288
 Southeastern Freight—RF21-4534
 Stapelkamp Oil Co.—RF21-2743
 The Mason and Dixon Lines, Inc.—RF21-3402
 W. R. Hughey Operating Co.—HRO-0011
 W. R. Meadows, Inc.—RF21-3824
 Zook Inc.—RF21-4113

Copies of the full text of these decisions and orders are available in the

Public Docket Room of the Office of Hearings and Appeals, Room 1111, New Post Office Building, 12th and Pennsylvania Ave., NW., Washington, D.C. 20461, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., except federal holidays. They are also available in *Energy Management: Federal Energy Guidelines*, a commercially published loose leaf reporter system.

Dated: May 10, 1983

George B. Breznay,
 Director, Office of Hearings and Appeals.

[FR Doc. 83-13096 Filed 5-16-83; 8:45 a.m.]

BILLING CODE 6450-01-M

Issuance of Proposed Decision and Order; Week of April 25 Through April 29, 1983

During the Week of April 25 through April 29, 1983 the proposed decision and order summarized below was issued by the Office of Hearings and Appeals of the Department of Energy with regard to an application for exception.

Under the procedural regulations that apply to exception proceedings (10 CFR Part 205, Subpart D), any person who will be aggrieved by the issuance of a proposed decision and order in final form may file a written notice of objection within ten days of service. For purposes of the procedural regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date an aggrieved person receives actual notice, whichever occurs first.

The procedural regulations provide that an aggrieved party who fails to file a Notice of Objection within the time period specified in the regulations will be deemed to consent to the issuance of the proposed decision and order in final form. An aggrieved party who wishes to contest a determination made in a proposed decision and order must also file a detailed statement of objections within 30 days of the date of service of the proposed decision and order. In the statement of objections, the aggrieved party must specify each issue of fact or law that it intends to contest in any further proceeding involving the exception matter.

Copies of full text of this proposed decision and order are available in the

Public Docket Room of the Office of Hearings and Appeals, Room 1111, New Post Office Building, 12th and Pennsylvania Ave., NW., Washington, D.C. 20461, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., except federal holidays.

Dated: May 10, 1983.

George B. Breznay,
 Director, Office of Hearings and Appeals.
 Transcontinental Oil Corp., Shreveport,
 Louisiana; HEE-0062 Petroleum

Transcontinental Oil Corporation (Transcontinental) filed an Application for Exception from the provisions of the EIA reporting requirements. The exception request, if granted, would permit Transcontinental to be relieved of the obligation to file Form EIA-23, "Annual Survey of Domestic Oil and Gas Reserves," for the report year 1982. On April 29, 1983, the Department of Energy issued a Proposed Decision and Order which determined that the exception request be denied.

[FR Doc. 83-13097 Filed 5-16-83; 8:45 am]

BILLING CODE 6450-01-M

Cases Filed; Week of April 22 Through April 29, 1983

During the week of April 22 through April 29, 1983, the appeals and applications for exception or other relief listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Under DOE procedural regulations, 10 CFR Part 205, any person who will be aggrieved by the DOE action sought in these cases may file written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of the regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. All such comments shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20461.

George B. Breznay,
 Director, Office of Hearings and Appeals.
 May 12, 1983.

LIST OF CASES RECEIVED BY THE OFFICE OF HEARINGS AND APPEALS

[Week of Apr. 22 through Apr. 29, 1983]

Date	Name and location of applicant	Case No.	Type of submission
Apr. 22, 1983	Otis Ainsworth, Washington, D.C.	HEE-0066	Price Exception. If Granted: Otis Ainsworth would receive retroactive exception relief from the provisions of 10 CFR Part 212, Subpart D, regarding the sales of crude oil produced from the Thompson Creek, Bentonina, and Sandersville fields during the period 1973 to 1981.

LIST OF CASES RECEIVED BY THE OFFICE OF HEARINGS AND APPEALS—Continued

[Week of Apr. 22 through Apr. 29, 1983]

Date	Name and location of applicant	Case No.	Type of submission
Do	Plateau, Inc., Washington, D.C.	HED-0128	Motion for Discovery. If granted: Discovery would be granted to Plateau, Inc. in connection with the Application for Exception filed by the U.S. Department of Interior and the Minerals Management Service (Case No. HEE-0063).
Do	Texaco Inc., White Plains, N.Y.	HRZ-0147	Interlocutory Order. If granted: The Office of Special Counsel would be deemed to have admitted certain facts concerning Texaco Inc.'s West Cote Blanche Bay producing area.
Do	Charles Barnes, Lawrence, Kans.	HFA-0141	Appeal of an Information Request Denial. If granted: Charles Barnes would not be required to pay fees incurred in his Freedom of Information Request for documents relating to Spencer Chemical Company.
Do	Corpening Enterprises, Inc., Washington, D.C.	HRH-0017	Request for Evidentiary Hearing. If Granted: An evidentiary hearing would be convened in connection with the Statement of Objections submitted by Corpening Enterprises to the Proposed Remedial Order issued to the firm (Case No. HRO-0136).
Do	Ergon, Inc., Washington, D.C.	HER-0056	Request of Modification/Rescission. If Granted: The February 24, 1981, Decision and Order issued to Ergon, Inc. would be modified to consolidate the Entitlements exception relief previously granted in Decision and Orders issued on March 19, 1981 (Case Nos. BEE-1611 and BEE-1620) and January 6, 1982 (Case No. BEX-0191).
Do	Resources Extraction & Processing, Inc., Washington, D.C.	HRO-0129, HRH-0129	Motion for Discovery and Request for Evidentiary Hearing. If granted: Discovery would be granted and an evidentiary hearing would be convened in connection with the Statement of Objections submitted by Resources Extraction & Processing, Inc. to a Proposed Remedial Order (Case No. HRO-0121) issued to the firm.

NOTICES OF OBJECTION RECEIVED

[Week of Apr. 22 to Apr. 25, 1983]

Date	Name and location of applicant	Case No.
4/25/82	Navajo Refining Company, Washington, D.C.	BYX-0204.
4/25/83	Thriftway Company, Washington, D.C.	HYX-0019.

REFUND APPLICATIONS RECEIVED

[Week of Apr. 22 to Apr. 29, 1983]

Date	Name of refund proceeding/ name of refund applicant	Case No.
4/25/83	Ozona Gas Processing (I)/International Drilling and Energy Corporation.	RF27-2.
4/25/83	Ozona Gas Processing (I)/Nalley, Inc.	RF27-3.
4/28/83	Tenneco/Chesapeake Oil.	RF7-106.
4/29/83	Sid Richardson/Hoovers, Inc.	RF26-4.
4/27/83	Ozone Gas Processing (I)/Odessa L. P. G. Transport.	RF26-1.
4/25/83	Ozona Gas Processing (II)/Nalley, Inc.	RF26-1.
4/27/83	Ozona Gas Processing (III)/Odessa L. P. G. Transport.	RF26-2.
4/25/83	Ozona Gas Processing II/International Drilling & Energy Co.	RF26-3.
4/28/83	Tenneco Oil/Chesapeake Industrial Oil Co.	RF7-107.
4/25/83 through 4/29/83.	Amoco Refund Applications	RF21-7275 through RF21-8363.

[PR Doc. 83-13184 Filed 5-16-83; 8:45 am]

BILLING CODE 6450-01-M

FEDERAL COMMUNICATIONS COMMISSION

[MM Docket No. 83-446, File No. BPH-810226AC, etc.]

Athens Broadcasting Corp. et al.;
Hearing Designation Order

Adopted: April 29, 1983.

Released: May 9, 1983.

In re applications of Athens
Broadcasting Corporation, Clarksville,

Virginia, Req: 98.3 MHz, Channel 252, 3.0 kW (H&V), 220 feet, MM Docket No. 83-446, File No. BPH-810226AC; Clarksville Broadcasting Company Inc., Clarksville, Virginia, Req: 98.3 MHz, Channel 252, 3.0 kW (H&V), 213 feet, MM Docket No. 83-447, File No. BPH-810812AH; Mecklenburg Broadcasting Company, Inc., Clarksville, Virginia, Req: 98.3 MHz, Channel 252, 3.0 kW (H&V), 300 feet, MM Docket No. 83-448, File No. BPH-820212AL; for construction permit for a new FM station; designating applications for consolidated hearing on stated issues.

By the Chief, Mass Media Bureau.

1. The Commission, by the Chief, Mass Media Bureau, acting pursuant to delegated authority, has under consideration the above-captioned mutually exclusive applications filed by Athens Broadcasting Corporation (Athens), Clarksville Broadcasting Company, Inc. (Clarksville) and Mecklenburg Broadcasting Company, Inc. (Mecklenburg).

2. Athens. Section 73.1125 of the Commission's Rules requires that the main studio of an FM station be located within the city of license, but that on a showing of good cause may be located outside that community. Athens proposes to locate its main studio at its transmitter site, which is outside the city limits of Clarksville. Because applicant has not submitted a request to locate its main studio outside the community of license, pursuant to § 73.1125(a)(3) of the Commission's Rules, an issue will be specified.

3. Mecklenburg. The information submitted by applicant concerning the overall height of its tower above ground does not agree with the data filed with the Federal Aviation Administration. Therefore, applicant must amend its

application or amend the data filed with the FAA, whichever is appropriate. Because of this discrepancy, no determination has been reached that the antenna proposed by Mecklenburg would not constitute a menace to air navigation. Therefore, an issue regarding this matter is required.

4. Clarksville and Mecklenburg. Applicants for new broadcast stations are required to give local notice of the filing of their applications in accordance with § 73.3580 of the Commission's Rules. They must then file proof of such notice or certify that they have or will comply with the public notice requirement. We have no evidence, however, that Clarksville or Mecklenburg have done either. If they have not already done so, they will be required to file a statement that they have complied with the public notice requirement with the Administrative Law Judge within 30 days of the release of this Order.

5. Data submitted by the applicants indicate that there would be a significant difference in the size of the areas and populations which would receive service from the proposals. Consequently, the areas and populations which would receive FM service of 1 mV/m or greater intensity, together with the availability of other primary aural services in such areas, will be considered under the standard comparative issue for the purpose of determining whether a comparative preference should accrue to any of the applicants.

6. Other matters. Mecklenburg filed its application for construction permit on August 18, 1981. A preliminary engineering study revealed that the proposed antenna site was separated

from WGOL-FM, Lynchburg, Virginia, by 64 miles instead of the required minimum of 65 miles as specified in § 73.207 of the Rules. Accompanying Mecklenburg's application was a request for waiver of § 73.207. The Mecklenburg application was returned as unacceptable for filing on January 26, 1982 because of short-spacing. Since this was not in accordance with established Commission procedure which, in a competitive proceeding, allows the applicant 30 days in which to cure the deficiency, *Trend Broadcasting, Inc.*, 18 F.C.C. 2d 749 (1963); *Nelson County Broadcasting Co., Inc.*, 64 F.C.C. 2d 1932 (1977), the Commission, on its own motion, reaccepted the Mecklenburg proposal *nunc pro tunc*, waived the minimum mileage rule for the purpose of acceptability only, and placed the application on the March 12, 1982 "B" cut-off list. On March 11, 1982, prior to the Commission issuing the 30 day letter requiring the applicant to amend, Mecklenburg amended its application on its own specifying an antenna site in compliance with § 73.207.

7. On March 8, 1982, Clarksville filed a motion to dismiss the Mecklenburg application, as reaccepted on February 10, 1982. The substance of Clarksville's motion to dismiss is that Mecklenburg had filed neither a petition for reconsideration nor an application for review of the Commission action returning its application. Additionally, a petition to deny, dated February 11, 1982, was filed by Jamparo Corporation (Jamparo), licensee of WGOL-FM, the station with which Mecklenburg was originally short-spaced. The gravamen of Jamparo's petition was that in view of the fact that the competing applicants had specified non-short-spaced sites, favorable action on Mecklenburg's waiver request was not warranted.

8. Because we reaccepted Mecklenburg's application *nunc pro tunc* on our own motion, it was not necessary, in this instance, that Mecklenburg file a petition for reconsideration or an application for review. In addition, Mecklenburg has cured its deficiency and has brought its application into compliance with the Rules, with an amendment it would have filed in any event in response to routine Commission procedure. Hence, based on the foregoing, we find no basis to support either the motion to dismiss or the petition to deny. Accordingly, the motion to dismiss filed by Clarksville is denied and petition to deny filed by Jamparo is dismissed as moot.

9. The applicants are qualified to construct and operate as proposed. However, since the proposals are

mutually exclusive they must be designated for hearing in a consolidated proceeding.

10. Accordingly, it is ordered, That, pursuant to Section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine with respect to Athens, whether pursuant to § 73.1125(a)(3) of the Commission's Rules, good cause exists to warrant the location of its main studio outside the community of license.

2. To determine with respect to Mecklenburg, whether there is a reasonable possibility that a hazard to air navigation would occur as a result of the tower height and location proposed by Mecklenburg.

3. To determine which of the proposals would, on a comparative basis, best serve the public interest.

4. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

11. It is further ordered, That the Federal Aviation Administration is made a party to the proceeding with respect to the air hazard issue only.

12. It is further ordered, That Clarksville and Mecklenburg shall, within 30 days of this Order, certify to the Administrative Law Judge that local notice of the filing of the application has been published.

13. It is further ordered, That the motion to dismiss filed by Clarksville is denied, and the petition to deny filed by Jamparo is dismissed.

14. It is further ordered, That to avail themselves of the opportunity to be heard, the applicants herein shall, pursuant to § 1.221(c) of the Commission's Rules, in person or by attorney, within 20 days of the mailing of this Order, file with the Commission in triplicate a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this Order.

15. It is further ordered, That the applicants herein shall, pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and § 73.3594 of the Commission's Rules, give notice of the hearing (either individually or, if feasible and consistent with the Rules, jointly) within the time and in the manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by § 73.3594(g) of the Rules.

Federal Communications Commission

Larry D. Eads,

Chief, Audio Services Division.

[FR Doc. 83-13127 Filed 5-16-83; 8:45 am]

BILLING CODE 6712-01-M

[File No. 26054-CL-P-(3)-82, and CC Docket No. 83-445, File No. 26110-CL-P-(6)-82 etc.]

GTE Mobilnet of Portland Inc. et al; Memorandum Opinion and Order Granting Application; Dismissing Application; and Designating Applications for Hearing

Adopted April 28, 1983.

Released May 9, 1983.

In re applications of GTE Mobilnet of Portland Inc., File No. 26054-CL-P-(3)-82; and Advanced Mobile Phone Service, Inc., File No. 26017-CL-P-(10)-82; for a construction permit to establish a cellular system operating on frequency Block B in the Domestic Public Cellular Radio Telecommunications Service (DPCRTS) to serve the Portland, Oregon/ Washington, Standard Metropolitan Statistical Area (SMSA).

In re applications of American Mobile Communications of Washington and Oregon, CC Docket No. 83-445, File No. 26110-CL-P-(6)-82; Cellular Mobile Systems of Washington, Inc., File No. 26183-CL-P-(8)-82; Interstate Mobilephone Co., File No. 26150-CL-P-(6)-82; MCI Cellular Telephone Co., File No. 26104-CL-P-(5)-82; Parr Communications Co., File No. 26082-CL-P-(7)-82; for a construction permit to establish a cellular system operating on frequency block A in the DPCRTS to serve the Portland, Oregon/Washington, Standard Metropolitan Statistical Area; designating applications for consolidated hearing on stated issues.

By the Common Carrier Bureau.

1. Presently before the Chief, Common Carrier Bureau, under delegated authority, are the captioned applications of American Mobile Communications of Washington and Oregon (Amcam), Cellular Mobile Systems Of Washington, Inc. (CMS), Interstate Mobilephone Co. (Interstate), MCI Cellular Telephone Co. (MCI), and Parr Communications Co. (Parr). For Construction permits for systems to serve the Portland SMSA on frequency Block A. Also before the Commission are the applications of GTE Mobilnet of Portland, Incorporated (GTE) and Advanced Mobile Phone Service, Inc. (AMPS) to serve the same market on frequency Block B. GTE and AMPS have filed a Limited Partnership Agreement, together with a Joint Motion for Approval, which would result in the

grant of GTE's amended application and the dismissal of AMPS'. Petitions to Dismiss or Deny have been filed against each of the applicants; responsive pleadings have also been filed.

2. After careful review and consideration of the applications and the related pleadings, we find that the public interest will be served by our approving the AMPS/GTE settlement agreement and granting the GTE application. Due to numerous and very basic defects in qualifying factors, we are dismissing the Parr application, the remaining four nonwireline applications are electrically mutually exclusive, and we are designating all four applicants for a comparative hearing in accordance with the Commission's *Report and Order* in CC Docket No. 79-318, 86 FCC 2d 469 (1981), modified, 89 FCC 2d 58 (1982), further modified, 90 FCC 2d 571 (1982).

Amcom Application

3. *Financial Qualifications.* CMS has submitted a petition to deny Amcom's application on the grounds of lack of financial qualification. Amcom has projected capital costs of \$8,359,000 and first-year operating costs of \$1,846,000 for total construction and first-year expenses of \$10,205,000. Amcom has shown availability of \$14,641,000 to meet these costs and has provided a "cushion" of over \$4 million. Amcom has supplied a letter of commitment from the District of Columbia National Bank for \$1,830,163; a letter from Chase Manhattan Bank for \$7,300,000; and a letter from Manufacturers Hanover Trust Company for \$5,674,000. CMS does not object to this showing, but argues that Amcom has failed to consider, in its costs estimate, such pre-grant expenses as it may have incurred and still may incur. CMS reads the Commission's rule on cost estimates, which refers to "proposed construction and other initial expenses," as including these pre-grant expenses. 47 CFR 22.917(a).

4. Amcom points out in its reply that pre-grant expenses are separated from construction and first-year costs, and that its parent, RAM,¹ has undertaken payment of the former. Therefore, Amcom contends, the Commission need not address the pre-grant expenses. We agree. When an applicant demonstrates reasonable assurance that adequate

funding is available for the construction and first-year operation of a particular cellular system, we need not engage in a detailed analysis of that applicant's other expenditures. See *American Mobile Communications of Washington and Oregon (Seattle Order)*, CC Mimeo 1739, released January 12, 1983, at para. 4. Here, the availability of a \$4 million cushion assures the applicant's financial ability to carry through on its proposal even should RAM fail to meet its responsibilities for pre-grant expenses.

CMS Application

5. *Financial Qualifications.* Amcom and Interstate question CMS' financial qualification in the Portland Market. The Commission considered CMS' financial qualifications in the Chicago market, and the financial qualifications of its parent corporation, Graphic Scanning, and found the applicant qualified in all 30 top markets, *Advanced Mobile Phone Service, Inc. (Chicago Order)*, 91 FCC 2d 512 (1982), at para. 6. Since no new issues regarding CMS' financial qualifications have been raised here, those findings control disposition of the petitioners' arguments here.

6. *Cost Estimates.* Amcom objects to CMS' cost estimates as not providing a cell-by-cell expense list. In *Advanced Mobile Phone Service, Inc. (Buffalo Order)*, CC Mimeo 1320, released December 14, 1982, at para. 9, we indicated that a cell-by-cell cost analysis is not required. Both Amcom and Interstate charge that CMS has understated costs and omitted various expenses, which result in unrealistically low proposed expenditures. In the *Chicago Order* at para. 13, the Commission held that differences in cost estimates among applicants do not raise an issue, so long as no estimate is unreasonable on its face. Because such is not the case here, no cost issue will be designated.

7. *Direct Affirmative Case.* In its petition to deny the CMS application, Interstate objects to the adequacy of CMS' direct case, noting, among other things, faults in attributions and missing page numbers. The direct case submission requirement of § 22.916(b)(1), as noted in *Cellcom, Inc. (Minneapolis Order)*, CC Mimeo 1573, released December 30, 1982, at para. 9, is met, because the direct case was submitted with the application on June 7, 1982. The questions raised by Interstate are evidentiary matters and questions of adequacy, which will be dealt with in the hearing.

8. *Frequency Plan.* Both Amcom and Interstate object to CMS frequency plan,

including the amendment submitted July 7, 1982, as inadequate.² At page 13 of Volume I, Exhibit IV, CMS specifies the number of channels per site for its proposed system, for years one through five. On page 15 of the same exhibit, CMS lists the channels available for assignment at each cell site. This information adequately describes the system proposed by CMS, and satisfies the requirements of § 22.913(a) (4) of the rules.

MCI Application

9. *Financial Qualifications.* MCI's financial qualifications to construct cellular systems in 12 of the top 30 markets, including Portland, were resolved in *Advanced Mobile Phone Service, Inc. (Pittsburgh Order)*, CC Mimeo 1169, released December 6, 1982, at para. 5, and no new issues on this point have been raised here. Hence, our prior findings control the disposition of these petitions.

10. *Congestion Determination.* CMS has objected to MCI's application as providing only a "generalized discussion" of congestion determination; CMS finds this inadequate in face of the § 22.913(a)(5) requirement of "an exhibit indicating the basis which the applicant will use to determine whether sufficient congestion exists to warrant cell-splitting." We have found, *Buffalo Order* at para. 20, and *Minneapolis Order* at para. 13, that the qualifying requirement is satisfied by the application's inclusion of its plan for determination of congestion. The adequacy and efficacy of the plan may then be fully considered in the comparative hearing, to the extent relevant to the issues designated in para. 39, *infra*.

Interstate Application

11. *Amendment Regarding Ownership.* Interstate submitted an amendment on November 29, 1982 to add The Washington Post Company (Post) to its application as a general partner.³ Both

¹ CMS' July 7, 1982 amendment of Exhibit IV submitted information which was referenced within the application, and was obviously omitted from the original application inadvertently. This information was properly accepted as a minor amendment.

² Interstate had submitted amendments previous to this one. Both CMS and Amcom objected that Interstate was attempting through amendments to cure a patently defective application. Following return, correction, and resubmission of its first amendment, Interstate was allowed to correct clerical errors to bring the E-2 exhibits into harmony with Exhibit 1 of the application (see paragraph 16, *infra*), and to add supporting and clarifying letters to its financial showing; but Interstate was not allowed to expand or add to the financial showing as originally set forth.

³ The Amcom Joint Venture Agreement in application Volume II, Section I, Exhibit 2, Attachment A establishes that RAM Cellular Communications of Washington and Oregon, Inc. a wholly-owned subsidiary of RAM Cellular Communications, Inc., which in turn is a wholly-owned subsidiary of RAM Broadcasting Corporation, will be responsible for all application and pre-grant expenses.

CMS and Amcom opposed this amendment on numerous grounds, arguing that it constituted a major, not a minor, amendment, and must as such be rejected. Interstate said in submitting the amendment that it sought no comparative advantage from the change, but that the amendment should be allowed as an example of "changes in ownership of an applicant which do not result in transfers of control." 47 CFR 22.918(b)(1).

12. This question was also presented in the Seattle market,⁴ and the decision there controls here. The amendment including the Post as a one-sixth general partner is accepted as minor, but we will not accord any comparative credit for the change in ownership. See *Seattle Order*, at paras. 12 and 13, thus, consideration of Interstate's financial qualifications is based on the information provided in its initial application.⁵

13. *Financial Qualifications.* As it did in the Seattle market, Amcom here challenges Interstate's financial qualifications. The costs and financing of the two systems were considered together in the Seattle application. Because no new issues regarding Interstate's financial qualification have been raised here, the *Seattle Order* finding that Interstate is financially qualified is dispositive here. *Id.* at paras. 5-10.

14. *Cost Estimates.* Amcom and CMS object to Interstate's cost projections as understated. The Commission in the *Chicago Order*, at para. 13, found that discrepancies in cost will not support the designation of an issue for hearing unless the cost estimates are shown to be unreasonable on their face. The petitioners here have not met that burden, and the projected costs do not appear unreasonable. Accordingly, Interstate's cost estimates will not be placed in issue.

15. *Extension Beyond SMSA.* Interstate's proposed CGSA extends beyond the Portland SMSA at several points, and is the basis of an objection by Amcom. In its petition to deny, Amcom states that "a showing of 'strong public interest' is deemed necessary if such coverage extensions are to be permitted," and that Interstate has not

made such a showing.⁶ We find that the Interstate extension beyond the SMSA is *de minimis*. Cell #1 extends beyond the irregular boundary of the SMSA, over rugged terrain, into unpopulated surroundings. It is clear that the cell was not designed for the purpose of serving the area of the extension, but is an integral part of the entire market coverage plan. The area in question is not within any SMSA, and includes the towns of Scappoose (pop. under 5,000) and St. Helens (pop. under 10,000); the area is bounded by the Columbia River to the east and by forested mountains on the other sides. The extension covers an area which could not be expected to support a cellular system itself. We find that these factors taken together justify the extension of cell #1 beyond the Portland SMSA.

16. *Frequency Plan.* On September 13, 1982 Interstate filed, and the Commission accepted as minor, an amendment which corrected discrepancies between Interstate's frequency plan as explained in Exhibit One, pages 97-116, and supplemental information relating to specific frequency assignments for each cell site as shown in exhibit E-2. Amcom's petition to deny noted the discrepancies and stated that they made Interstate's application unacceptable. Interstate's actual frequency plan as originally filed (in Exhibit One) satisfied the requirements of § 22.913(a)(6) of the Rules, and the minor amendment resolves Amcom's objections and any inconsistencies in the frequency plan and frequency assignments for each cell.

Parr Application

17. Our review of Parr's application reveals that it is defective in several of the basic qualifying requirements. These deficiencies mandate that the Commission dismiss this application as not acceptable for filing.⁷

18. *Site Availability.* Amcom, CMS and Interstate argue that Parr's application must be denied for failure to assure availability of antenna sites. The Commission requires reasonable assurance that sites are available for a proposed cellular system; as stated in the *Pittsburgh Order*, at para. 8, a "mere

possibility" of a site's availability will not suffice. The requirement of a showing of site availability is an important determinant of an application's acceptability for filing. Under § 22.20(b)(5) of the rules, the failure to meet this requirement can result in dismissal of the application. Parr's application proposes seven antenna sites. Of one site, the application states that it is owned by the applicant; this statement is undocumented.⁸ Of five others,⁹ Parr states: "All five sites will be leased or purchased by PCC." No documentation of any leases or options, or even of any initial negotiations, is included; nor does Parr offer to provide such documentation upon request. Of the final site¹⁰ no mention of availability is made. Despite strong objections in the petitions of Amcom, Interstate and CMS, Parr did not correct these defects or otherwise offer any response. Although no petitioner has conclusively demonstrated that Parr's proposed sites are not available, Parr's failure to give reasonable assurance of site availability is a patent defect according to § 22.20(b)(5), and mandates dismissal of this application.

19. *Profile Sketch of Antenna.* Interstate notes, in its petition to deny, that Parr has provided no antenna sketches. Section 22.15(c) states that "each application involving a new or modified antenna supporting structure or passive facility * * * must be accompanied by a vertical profile sketch of the total structure * * *." Parr fails to provide such sketches, noting only that the sketches will be available "upon final engineering of the system" (Exhibit 13). Since the rule requires that such sketches be included in the application, their omission is a patent defect.¹¹

20. *Financial Qualification.* Interstate petitions to deny the Parr application on the basis of financial qualification. The Commission requires reasonable

⁴ Union site. All site availability references are to Exhibit 1, pages 2-4. The Union Avenue site is in an industrial/commercial section of Portland where present zoning permits such construction.

⁵ Mount Vista, Chamberlain Hill, Redland, Rosemont, and Cooper Mountain sites. All five sites are mountainous wooded areas close to public power and telephone landline services. Proposed antennas are to extend no more than 20 feet above treetop level.

⁶ North Plains site. This site is in flat, open farmland near State Highway 26. The construction of an antenna here would require a conditional use permit, for which Parr states it will apply upon grant of its application.

⁷ Compare our treatment of an applicant in Philadelphia, Advanced Mobile Phone Service, Inc. (Philadelphia Order), CC Mimeo 1882, released January 21, 1983, at para. 11, where the applicant had submitted antenna sketches, thereby avoiding the patent defect.

⁴ In Seattle as in Portland, both Amcom and SCS objected to Interstate's Amendment 5. The arguments raised by both petitions were considered in the Seattle Order, although specific reference to

⁵ The Baltimore, Md./Washington, D.C. Order, Mimeo No. 812, released November 16, 1982, stated that no comparative credit would be granted for an ownership change similar to the one in question here. An Application for Review of that decision is presently pending, and our decision here is subject to whatever action the Commission may take on review.

⁶ This is a misconstruction of *Cellular Application Filing Procedures*, FCC Mimeo 2973, March 24, 1982, which says only that an extension is "more likely" to be permitted if "a strong public interest consideration" is shown.

⁷ Although the application was accepted for filing by Public Notice of July 2, 1982, Report No. CL-3, that acceptance was provisional. The notice expressly stated that the Commission reserved the right to return the application if it were found upon further inspection to be defective and not in conformance with Commission Rules and Regulations or policies. 47 CFR 21.26(b).

assurance that a loan or similar financing will be available to the applicant who secures a construction permit. *Multi-State Communications, Inc. v. FCC*, 590 F.2d 1117 (D.C. Cir. 1978), cert. den. 440 U.S. 959 (1979); *Las Vegas Valley Broadcasting Co. v. FCC*, 82 FCC 2d 166 (1980). The Commission emphasized in its *Report and Order* that the basic criterion of financial qualification is especially essential in cellular applications "because of the large capital investment required to finance the highly sophisticated technology associated with cellular operations, and because cellular service is in an early stage of development and must be viewed as a relatively high-cost business venture. [Footnote omitted]" *Id.* at para. 72. The Commission also noted that the provision of only two systems per service area means that the inability of one system to finance its development would result in public inconvenience and wasted spectrum. *Id.* Section 22.917 of the Commission's rules sets forth the required demonstration of financial qualification, including "estimated costs of proposed construction and other initial expenses," and submission of copies of any financial commitments in support of the proposed facilities. Parr's cost estimates total \$2.7 million. Parr's financial showing consists of \$65,000 in liquid assets and an available line of credit of \$100,000. Also included is a "letter of reference" from a bank which establishes Parr's good name but makes no mention of a loan, or even of available funds. Reasonable assurance of a loan, according to the *Multi-State* test, requires specific information such as the amount and terms of the proposed loan, the interest rate or the mode of its calculation, and covenants and/or conditions required. Parr's letter from First Interstate Bank of Oregon fails in all these respects to give reasonable assurance of the availability of funds. Far from giving reasonable assurance of the availability of the needed \$2.7 million, the Parr application makes no effort to show the availability of any funds whatsoever beyond the assets and the \$100,000 line of credit mentioned above. Assets of \$165,000 against projected construction and first-year operating costs of over \$2,700,000 indicate that Parr is not financially qualified. According to §§ 22.917 and 22.20 of the Commission's rules, this defect mandates dismissal of the Parr application.¹³

¹³ This situation is readily distinguishable from an application in which financial qualifications were designated as an issue for hearing. In the Philadelphia Order, at para. 8, for example, a bank

21. *Technical Qualifications.* Interstate and CMS object strenuously to the Parr application for its failure to assert or demonstrate any technical qualification whatsoever. Section 22.901(a) requires that applicants for cellular construction permits demonstrate that they are technically qualified. The Parr application fails to establish Parr's technical qualification to construct and operate a cellular system. The engineering requirements of the application have been met haphazardly if at all, and the application itself states (Exhibit 4, p. 6) that its design engineer (who, in case of a grant of the application, would become its chief engineer) is not qualified in the field of radio telecommunications design and interference studies. The application states that it was impossible to secure engineering consultants or assistants for this preparation. Based on the foregoing, we find that Parr has failed to demonstrate its technical qualification, and its application is therefore defective in this respect.

22. *Environmental Impact.* Exhibit 1 at page 2 states that all seven of the antenna construction proposals are major actions as defined in Section 1.1305. This may or may not be the case; it is impossible to determine due to the absence of profile sketches and other detailed site information. But if the approval of these proposals, or any one of them, would be major actions by the terms of § 1.1305, then the environmental impact showing required under § 1.1311 is totally inadequate. Under § 22.20(a)(6), this defect would render the application unacceptable for filing.

23. *Signatures.* Section 22.6(d) requires that applications comply with § 1.743. The latter requires a personal signature on the application (on FCC Form 401, pages 3 and 6). The Parr application was submitted with a photocopied signature; it thus fails to comply with requirements of § 1.743.

24. *Direct Affirmative Case.* Interstate petitions to deny Parr's application on the basis that Parr has failed to submit a direct affirmative case. The relevant rule, § 22.916(b)(1), states only that the direct case must be submitted with the application. Although Interstate argues that the lack of a direct case is a ground for dismissal, the direct affirmative case is not a qualifying requirement of an application, so its omission cannot result in an application's dismissal, even

letter extended \$50 million credit, but without sufficient details of the terms of the loan to assure its availability. The bank there promised an adequate loan but failed to give details. Here, despite vigorous challenges, there is no statement whatsoever of the availability of funds beyond the \$165,000 mentioned above.

though such omission may seriously prejudice the applicant's comparative posture.¹³

25. In view of the foregoing, we find that Parr is not financially or technically qualified, and therefore its application must be dismissed. The Commission established basic qualifying requirements for cellular applicants in its *Report and Order*, and in § 22.913 of its rules. Although we have stated, in the *Chicago Order* at para. 17, that an overly rigid application of these regulations would not serve the public interest, still an application which blatantly disregards the Commission's requirements and criteria, and which fails to make a good faith effort to meet the standards established for cellular service applications, must be returned as defective. The omissions of the Parr application are basic and numerous, and the applicant has made no effort to correct its shortcomings or to respond to the objections and criticisms of its opponents. Because the essential criteria for site availability, financial qualification, technical qualification, environmental impact analysis, and engineering exhibits not only have not been met, but also have been blatantly disregarded, the Parr application must be returned.

GTE Application

26. GTE is the remaining applicant for Block B (wireline) in the Portland market under the terms of a Limited Partnership Agreement submitted on June 8, 1982.¹⁴ This Agreement is one of a series of similar agreements by which AMPS, which filed applications on June 7, 1982 in 29 of the top 30 markets, and GTE, which filed in 15 of these markets, together with 18 other wireline companies proposed to settle their electrically mutually exclusive applications in 18 of the top 30 markets. Pursuant to the terms of the agreements, AMPS will operate cellular systems in fifteen markets and GTE will operate cellular systems in six markets, including Portland. Each partner will continue to prosecute its cellular applications in its specified markets, while the other partners to the

¹³ Various additional shortcomings in the Parr application have been noted by the Commission staff and by other applicants in the Portland market. We do not discuss these issues because the issues already discussed so clearly mandate the dismissal of Parr's application.

¹⁴ The participants in the agreement are: GTE Mobinet of Portland, Inc., general and limited partner, 86.17%; Advance Mobile Phone Service, Inc., limited partner, 9.03%; Cascade Utilities, Inc., limited partner, 2.84%; Clear Creek Mutual Telephone Company, limited partner, 1.59%; and Lewis River Telephone Co., Inc., limited partner, 0.37%.

agreements will withdraw any applications in those markets. A Limited Partnership Agreement virtually identical to the Portland Agreement was approved by the Commission in *Advanced Mobile Phone Service, Inc. (Los Angeles Wireline Order)*, FCC 83-124, released April 26, 1983. We find the Commission's decision to be dispositive of all objections to the Portland Agreement itself. Accordingly, we here address only those objections to GTE's application not previously considered and resolved.

27. In their petitions to deny, Amcom and MCI raise objections concerning the wireline set-aside and the issue of a head start. We find that it is premature to rule on these petitions at this time, for the reasons stated by the Commission in deferring action on similar petitions in the Chicago market. See *Chicago Order*, at para. 16. In addition, MCI alleges a history of anticompetitive behavior or wireline carriers generally. This argument has already been rejected as a basis for adverse action on a cellular application in the *Los Angeles Wireline Order, supra*, where MCI raised it against Pacific Telephone & Telegraph. MCI has raised no specific allegations against any of the wireline applicants here, and we find no reason to designate an issue regarding anticompetitive behavior.

28. *Engineering.* In its petition to deny, Amcom states that GTE has made no effort to show the kind of planning necessary to avoid adjacent-channel interference. We find this argument groundless, as GTE's application, specifically exhibits 19 and 21, fully complies with our requirements in this regard.

29. *Frequency Plan.* Amcom argues that GTE's frequency plan will result in intra-system interference because adjacent frequencies will be assigned in adjacent cells. While we agree that there is a potential for interference, we nevertheless find GTE's frequency plan adequate. GTE points out that it has adopted a standard frequency plan which employs a four-cell frequency reuse pattern. In a mature cellular system using directional antennas, adjacent channels would routinely be assigned in adjacent cells without interference. When omnidirectional antennas are used, as proposed by GTE for its initial phase of operation, adjacent channel interference can occur within the system. We cannot say with certainty that this would be the case in GTE's proposal; however, as GTE states, if interference did occur, GTE could easily remedy the situation by reconfiguring its initial frequency assignment. The key

point is that GTE's proposal will not prevent GTE from implementing its system, nor will it result in interference to any other system. Therefore, there is no basis for disqualifying GTE or designating the question for hearing.

30. *Resale.* Both MCI and Amcom object to the GTE application's lack of detailed information regarding resale policies and charges. GTE replies that the policy has been presented, if not detailed, and that no rules have been promulgated which require more. We agree. In its *Report and Order*, 86 FCC 2d 510-511, the Commission prohibited carriers from filing tariffs forbidding resale. While the Commission recited the potentially favorable impact on the market of widespread resale, it did not impose any basic or comparative qualification requirement related to resale. Accordingly, GTE is in compliance with all rules and policies regarding resale.

31. *Interconnection.* MCI's petition to deny cites § 22.913(a)(9) in arguing that GTE has failed to explain its interconnection policies clearly and in detail. GTE's application, Exhibit 23 provides a full discussion of its interconnection proposal; for technical details the exhibit references both AT&T and GTE publications. Further, the *Buffalo Order* states, at para. 5, that the interconnection question should be settled by intercarrier agreement subject to the wireline carrier's duty to provide reasonable and technically suitable interconnection. We note also that interconnection issues are a common concern to all prospective cellular applicants and licensees, and that these issues are currently under discussion in working groups which include FCC staff as well as wireline and nonwireline representatives.

32. We therefore conclude here, as in the *Buffalo Order*, that the wireline carrier has met our requirements regarding interconnection policy, and that the petition to deny on this basis is without merit. As an additional assurance, we have taken the position that "if reasonable interconnection agreements have not been formulated by the time [the wireline carrier] files an application for a license to operate its cellular system, any grant to [the WCC] will be conditioned upon its providing reasonable interconnection." *Pittsburgh Order*, at n. 8, citing 89 FCC 2d at 81-82.

Conclusions

33. Based on our analysis of the applications and of the contested issues, and upon our resolution of these issues within this order, we find that the application of Parr Communications Co. must be dismissed as failing in several

respects to meet minimum standards regarding basic qualifying issues. We find the other applicants to be legally, technically, financially and otherwise qualified to construct and operate their proposed cellular systems. We further find that the grant of the GTE Mobilnet application, as conditioned below, will serve the public interest, convenience and necessity.¹⁵

34. Accordingly, it is ordered, pursuant to § 22.29 of the Commission's Rules, that the Joint Request for Approval of Limited Partnership filed by GTE Mobilnet of Portland, Incorporated, Advanced Mobile Phone Service, Inc., Cascade Utilities, Inc., Clear Creek Mutual Telephone Company, and Lewis River Telephone Company, Inc. is granted and the accompanying October 26, 1982 Limited Partnership Agreement is approved.

35. It is further ordered that the amendment to the GTE Mobilnet of Portland, Inc. application is accepted, that the amendment is exempted from the cut-off provisions under § 22.31(e) (3) and (4); and that the amended GTE application, File No. 26054-CL-P-(3)-82, is granted.

36. It is further ordered that the request for withdrawal of the application filed by Advanced Mobile Phone Service, Inc., File No. 26017-CL-P-(10)-82 is granted and the application and the petitions to deny filed against it are dismissed.

37. It is further ordered that the authorization is conditioned upon GTE's filing an amendment to the Limited Partnership agreement which eliminates the language contained in section 11.1 of the agreement, imposing restraints on the alienation of partnership interests.¹⁶

38. It is further ordered that the application of Parr Communications Company is dismissed.

39. It is further ordered, pursuant to Section 309 of the Communications Act of 1934, as amended, that the applications of American Mobile Communications of Washington and Oregon, Cellular Mobile Systems of Washington, Inc., Interstate Mobilephone Co., and MCI Cellular

¹⁵ This authorization will be conditioned upon GTE Mobilnet's obtaining the appropriate antenna structure clearances and upon its deletion of one provision of the Limited Partnership Agreement which restricts alienation of partnership interests. See *Los Angeles Wireline Order*, at paras. 27-30.

¹⁶ The Commission will withhold issuance of GTE's authorization until the amendment is received by the Mobile Services Division, Common Carrier Bureau. We also remind the partners that, pursuant to Section 212 of the Communications Act, officers or directors of more than one carrier are required to have authorizations to hold interlocking directorships.

Telephone Co., are designated for hearing in a consolidated proceeding upon the following issues:¹⁷

(a) To determine on a comparative basis the geographic area and population that each applicant proposes to serve;¹⁸ to determine and compare the relative demand for the services proposed in said areas; and to determine and compare the ability of each applicant's cellular system to accommodate the anticipated demand for both local and roamer service;¹⁹

(b) to determine on a comparative basis each applicant's proposal for expanding its system capacity in a coordinated manner within its proposed CGSA in order to meet anticipated increasing demand for local and roamer service;

(c) to determine on a comparative basis the nature and extent of the service proposed by each applicant, including each applicant's proposed rates, charges, maintenance, personnel, practices, classifications, regulations and facilities (including switching capabilities);²⁰ and

¹⁷ There are two issues that are not to be considered in the comparative hearing. The first is the financial qualifications of the applicants. Financial ability is a basic rather than a comparative qualification for cellular licensing. Cellular Communications Systems, 86 FCC 2d 469, 501-02 (1981). We have found all four of the applicants included in the comparative hearing to be financially qualified. The second issue not to be considered is the qualifications of Cellular Mobile Systems of Washington, Inc. or its parent Graphic, to the extent that such qualifications may be affected by the issues included in the Commission's order designating certain 35 and 49 MHz paging applications for hearing. A.S.D. Answer Service, Inc., et al. (ASD), FCC 82-391, released August 24, 1982. Those issues will be thoroughly reviewed in that separate proceeding and should not be reargued in the context of a cellular hearing. As set forth in para. 38, *infra*, the Commission reserves the right to reexamine and reconsider the qualifications of Cellular Mobile Systems of Washington to hold a cellular license should ASD be resolved adversely to any of CMS' affiliate or parent companies or to any of their principals. See *Chicago Order*, at n. 19.

¹⁸ For purposes of comparison, the geographic area that an applicant proposes to serve includes that area within the proposed 39 dBu contours which, in turn, falls within the proposed Cellular Geographic Service Area and the relevant Standard Metropolitan Statistical Area. Consideration should be given to the presence of densely populated regions, highways and areas likely to have high mobile usage characteristics as well as indications of a substantial public need for the services proposed. See 86 FCC 2d at 502.

¹⁹ In making this comparison, preference should be given to designs entailing efficient frequency use, including not only the applicant's plans with regard to cell-splitting and additional channels, but also the degree of frequency reuse the system will be capable of, and the applicant's ability to coordinate the use of channels with adjacent or nearby cellular systems. See 86 FCC 2d at 502-3.

²⁰ See 86 FCC 2d at 503 for a discussion of the relative importance of the evidence submitted under this issue.

(d) to determine, in light of the evidence adduced under the foregoing issues, what disposition of the referenced applications would best serve the public interest, convenience and necessity.

40. It is further ordered that the Separated Trial Staff (the Hearing Division and other individuals specifically designated) of the Common Carrier Bureau is made a party to the proceeding.²¹

41. It is further ordered that the applicants shall file written notices of appearances under § 22.916(b)(3) of the Commission's Rules within 10 days after publication of this order in the *Federal Register*.

42. It is further ordered that the hearing shall be held according to the procedures specified in § 22.916 of the Rules, except as otherwise noted here, at a time and place and before an Administrative Law Judge to be specified in a later order.

43. It is further ordered that exceptions to the initial decision of the Administrative Law Judge under § 1.276 of the Commission's Rules shall be taken directly to the Commission.

44. It is further ordered that, except to the extent granted here, the Petitions to Deny filed by the parties against the captioned applications, excluding those filed against Parr's application, are denied.

45. It is further ordered that any authorization granted to CMS as a result of the comparative hearing shall be conditioned on, and without prejudice to, reexamination and reconsideration of that company's qualifications to hold a cellular license following a decision in the hearing designated in A.S.D. *Answering Service, Inc., et al.*, FCC 82-391, released August 24, 1982, and shall be specifically conditioned upon the outcome of that proceeding.

46. It is further ordered that any authorization granted as a result of this proceeding shall be conditioned upon obtaining the appropriate antenna structure clearances.

²¹ Members of the Separated Trial Staff are non-decision making personnel and they will not participate in decision making or agency review on an *ex parte* basis in this case, either directly or through contact with other Common Carrier Bureau personnel. Any investigative or prosecuting functions will be performed by the Separated Trial Staff in connection with its role as a party to the adjudication of these cellular radio applications. All other personnel of the Common Carrier Bureau, unless identified in a subsequent order as required to be separated are designated as decision-making and they may advise the Commission as to the ultimate disposition of any appeal of an Initial Decision in this proceeding. See Communications Act of 1934, as amended section 409 (c) (47 U.S.C. 409 (c)); Administrative Procedure Act section 54 (d) (5 U.S.C. 54 (d)); § 1.1221 of the Commission's rules.

47. This order is issued under § 0.291 of the Commission's Rules and *Order Delegating Authority* FCC 82-435, released October 6, 1982, and is effective on its release date. Petitions for reconsideration under § 1.106 or applications for review under § 1.115 of the Rules of this order, insofar as it grants the GTE application, may be filed within 30 days of the date of public notice of this order (see Rule 1.4(b)(2)).

48. The Secretary shall cause a copy of this order to be published in the *Federal Register*.

Federal Communications Commission.

Gary M. Epstein,

Chief, Common Carrier Bureau.

[FR Doc. 83-13128 Filed 5-16-83; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA-682-DR]

California; Amendment to Notice of Major-Disaster Declaration

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: This notice amends the Notice of a major disaster for the State of California (FEMA-682-DR), dated May 5, 1983 and related determinations.

DATED: May 9, 1983.

FOR FURTHER INFORMATION CONTACT: Sewall H. E. Johnson, Disaster Assistance Programs, Federal Emergency Management Agency, Washington, D.C. 20472 (202) 287-0501.

SUPPLEMENTARY INFORMATION: The notice of a major disaster for the State of California dated May 5, 1983, is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of May 5, 1983.

Fresno County for Individual Assistance and Kings County as an adjacent county for Individual Assistance.

John Dickey,

Acting Deputy Associate Director, State and Local Programs and Support, Federal Emergency Management Agency.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance)

[FR Doc. 83-13136 Filed 5-16-83; 8:45 am]

BILLING CODE 6716-01-M

FEDERAL RESERVE SYSTEM

Bank Holding Companies; Proposed De Novo Nonbank Activities; Louisiana Bancorp, Inc.

The organizations identified in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to these applications, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any comment that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

The applications may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated. Comments and requests for hearing should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than the date indicated.

A. Federal Reserve Bank of Atlanta (Robert E. Heck, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303:

1. *Louisiana Bancorp, Inc.*, Crowley, Louisiana (leasing activities; Louisiana): To engage, through its subsidiary, Louisiana Bancorp Leasing Company, in the leasing of real property in accordance with the Board's Regulation Y. This activity would be conducted from an office located in Lafayette, Louisiana, serving the Lafayette, Louisiana greater metropolitan area. Comments on this application must be received not later than June 3, 1983.

2. *Louisiana Bancorp, Inc.*, Crowley, Louisiana (lending and financing activities; Louisiana): To engage, through its subsidiary, Louisiana

Bancorp Lending Company, in making or acquiring loans and other extensions of credit such as would be made by a mortgage, finance, credit card or factoring company and in servicing loans and other extensions of credit for any person. These activities will be conducted from an office in Lafayette, Louisiana, serving southwest Louisiana. Comments on this application must be received not later than June 3, 1983.

B. Federal Reserve Bank of Cleveland (Lee S. Adams, Vice President) 1455 East Sixth Street, Cleveland, Ohio 44101:

1. *PNC Financial Corp.*, Pittsburgh, Pennsylvania (finance activities; Alaska): To engage, through its wholly-owned subsidiary, The Kissell Company, in making or acquiring and servicing for its own account and/or the account of others, loans and other extensions of credit. These activities will be conducted at an office located in the metropolitan area of Anchorage, Alaska and will serve the metropolitan area of Anchorage. Comments on this application must be received not later than June 10, 1983.

C. Federal Reserve Bank of Kansas City (Thomas M. Hoenig, Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *Los Hacendados, Inc.*, Clayton, New Mexico (insurance activities; Union County, New Mexico): To engage through a proposed subsidiary, First Insurance Agency, Inc., in the sale of general insurance in a town with a population not exceeding 5,000. These activities would be performed in the Town of Clayton, serving all of Union County, New Mexico. Comments on this application must be received not later than June 10, 1983.

Board of Governors of the Federal Reserve System, May 11, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-13119 Filed 5-16-83; 8:45 am]

BILLING CODE 6210-01-M

GENERAL SERVICES ADMINISTRATION

[G-83-3]

Revocation of Delegation of Authority; Secretary of Defense

1. *Purpose.* This document revokes a 1975 delegation of authority to the Secretary of Defense.

2. *Effective date.* This document is effective June 16, 1983.

3. *Revocation.* The following 1975 delegation which authorized the Secretary of Defense to audit and retain all freight and passenger transportation

documents paid by Department of Defense overseas offices is hereby revoked:

FPMR temporary regulation	Date	Subject
G-25	Dec. 30, 1975	Delegation of authority to the Secretary of Defense.

Dated: May 9, 1983.

Ray Kline,

Acting Administrator of General Services.

[FR Doc. 83-13160 Filed 5-16-83; 8:45 am]

BILLING CODE 6820-34-M

[G-83-34]

Delegation of Authority to the Secretary of Defense

1. *Purpose.* This delegation authorizes the Secretary of Defense to audit and retain other than international freight and passenger transportation documents paid by Department of Defense overseas offices.

2. *Effective date.* This document is effective June 16, 1983.

3. *Expiration date.* This document expires on January 1, 1988.

4. *Delegation.*

a. Pursuant to the authority vested in me by Section 322 of the Transportation Act of 1940, as amended (31 U.S.C. 3726), authority is delegated to the Secretary of Defense to:

(1) Continue the use of currently approved freight and passenger warrants, transportation orders, credit notes, and related transportation forms in overseas areas for the procurement of freight and passenger transportation and related services;

(2) Continue the use of currently approved Military Airlift Command (MAC) forms for the procurement of MAC contract airlift services;

(3) Audit and retain at Scott Air Force Base, Illinois, all payment vouchers and related transportation documents covering MAC contract airlift services, subject to test verification and reviews by GSA; and

(4) Audit and retain in overseas offices those transportation vouchers and related documents paid at such offices for other than international services, and non-English language documents for international services, subject to test verifications and reviews by GSA.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

Dated: May 9, 1983.

Ray Kline,

Acting Administrator of General Services.

[FR Doc. 83-13161 Filed 5-16-83; 8:45 am]

BILLING CODE 5020-34-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 83C-0130]

Wilsa, Inc.; Filing of Color Additive Petition

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that Wilsa, Inc., has filed a petition proposing that the color additive regulations be amended to provide for the safe use of [phthalocyaninato(2-)] copper in coloring contact lenses.

FOR FURTHER INFORMATION CONTACT: Geraldine E. Harris, Bureau of Foods (HFF-334), Food and Drug Administration, 200 C St. SW., Washington, D.C. 20204, 202-472-5690.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 706(b)(1), 74 Stat. 399-402 as amended (21 U.S.C. 376(b)(1))), notice is given that a petition (CP 3C0166) has been filed by Optacryl Division, Wilsa, Inc., P.O. Box 36142, Denver, CO 80236, proposing that the color additive regulations be amended to provide for the safe use of [phthalocyaninato(2-)] copper in coloring contact lenses.

The potential environmental impact of this action is being reviewed. If the agency finds that an environmental impact statement is not required and this petition results in a regulation, the notice of availability of the agency's finding of no significant impact and the evidence supporting that finding will be published with the regulation in the Federal Register in accordance with 21 CFR 25.40(c) (proposed December 11, 1979; 44 FR 71742).

Dated: May 6, 1983.

Sanford A. Miller,

Director, Bureau of Foods.

[FR Doc. 83-12998 Filed 5-16-83; 8:45 am]

BILLING CODE 4160-01-M

Advisory Committees; Notice of Meetings

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: This notice announces forthcoming meetings of public advisory committees of the Food and Drug Administration (FDA). This notice also sets forth a summary of the procedures governing committee meetings and methods by which interested persons may participate in open public hearings conducted by the committees and is issued under section 10(a) (1) and (2) of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770-776 (5 U.S.C. App. I)), and FDA regulations (21 CFR Part 14) relating to advisory committees. The following advisory committee meetings are announced:

Vaccines and Related Biological Products Advisory Committee

Date, time, and place. June 7, 9 a.m., Rm. 121, Bldg. 29, 8800 Rockville Pike, Bethesda, MD.

Type of meeting and contact person. Open public hearing, 9 a.m. to 10 a.m., unless public participation does not last that long; closed committee deliberations, 10 a.m. to 4 p.m.; Jack Gertzog, National Center for Drugs and Biologics (HFN-6), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-5455.

General function of the committee. The committee reviews and evaluates data on the safety and effectiveness of vaccines and related biological products intended for use in the diagnosis, prevention, or treatment of human diseases.

Agenda—Open public hearing. Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee.

Closed committee deliberations. The committee will review trade secret or confidential commercial information relevant to two pending investigational new drugs (IND's). This portion of the meeting will be closed to permit discussion of this information (5 U.S.C. 552b(c)(4)).

Anesthesiology Device Section of the Respiratory and Nervous System Devices Panel

Date, time, and place. June 13 and 14, 9 a.m. Conference Rm. E., Parklawn Bldg., 5600 Fishers Lane, Rockville, MD.

Type of meeting and contact person. Open public hearing, June 13, 9 a.m. to 10 a.m.; open committee discussion, 10 a.m. to 12 m.; closed committee

deliberations, 1 p.m. to 2 p.m.; open committee discussion, 2 p.m. to 5 p.m.; open committee discussion, June 14, 9 a.m. to 5 p.m.; David S. Shindell, National Center for Devices and Radiological Health (HFK-430), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7226.

General function of the committee. The committee reviews and evaluates available data on the safety and effectiveness of devices and makes recommendations for their regulation.

Agenda—Open public hearing. Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Those desiring to make formal presentations should notify the panel section leader before June 1, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of the proposed participants, and in indication of the approximate time required to make their comments. Presentations should be limited to 15 minutes. Persons or groups with similar views on the issues before the committee are requested, if possible, to consolidate their presentations and make a single presentation before the committee.

Open committee discussion. The committee will discuss premarket approval applications (PMA's) P830008 for a transcutaneous carbon dioxide monitor and P820043 for a high frequency jet ventilator.

Closed committee deliberations. The committee will review and discuss trade secret or confidential commercial information presented by the sponsor of PMA P820043 for a high frequency jet ventilator. This portion of the meeting will be closed to permit discussion of this information (5 U.S.C. 552b(c)(4)).

Circulatory System Devices Panel

Date, time, and place. June 24, 8:30 a.m., Rm. 703-727A, 200 Independence Ave. SW., Washington, D.C.

Type of meeting and contact person. Open public hearing, 8:30 a.m. to 10:30 a.m.; closed presentation of data, 10:30 a.m. to 12:30 p.m.; open committee discussion, 1 p.m. to 4 p.m.; Glenn A. Rahmoeller, National Center for Devices and Radiological Health, Office of Medical Devices (HFK-450), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7559.

General function of the committee. The committee reviews and evaluates available data on the safety and effectiveness of devices currently in use

and makes recommendations for their regulation.

Agenda—Open public hearing. Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Those desiring to make formal presentations should notify the contact person before June 10, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time required to make their comments.

Open committee discussion. The committee will discuss recommendations from the North American Society of Pacing and Electrophysiology for the clinical evaluation of new pacemakers and will review a premarket approval application for the Cordis Gemini pacing system.

Closed presentation of data. Representatives from Kolff Medical will present trade secret or confidential commercial information regarding their clinical investigation of the artificial heart. This portion of the meeting will be closed to permit discussion of this information (5 U.S.C. 552b(c)(4)).

Each public advisory committee meeting listed above may have as many as four separable portions: (1) An open public hearing, (2) an open committee discussion, (3) a closed presentation of data, and (4) a closed committee deliberation. Every advisory committee meeting shall have an open public hearing portion. Whether or not it also includes any of the other three portions will depend upon the specific meeting involved. The dates and times reserved for the separate portions of each committee meeting are listed above.

The open public hearing portion of each meeting shall be at least 1 hour long unless public participation does not last that long. It is emphasized, however, that the 1 hour time limit for an open public hearing represents a minimum rather than a maximum time for public participation, and an open public hearing may last for whatever longer period the committee chairman determines will facilitate the committee's work.

Meetings of advisory committees shall be conducted, insofar as is practical, in accordance with the agenda published in this Federal Register notice. Changes in the agenda will be announced at the beginning of the open portion of a meeting.

Any interested person who wishes to be assured of the right to make an oral presentation at the open public hearing portion of a meeting shall inform the

contact person listed above, either orally or in writing, prior to the meeting. Any person attending the hearing who does not in advance of the meeting request an opportunity to speak will be allowed to make an oral presentation at the hearing's conclusion, if time permits, at the chairman's discretion.

Persons interested in specific agenda items to be discussed in open session may ascertain from the contact person the approximate time of discussion.

A list of committee members and summary minutes of meetings may be requested from the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-82, 5600 Fishers Lane, Rockville, MD 20857, between 9 a.m. and 4 p.m., Monday through Friday. The FDA regulations relating to public advisory committees may be found in 21 CFR Part 14.

The Commissioner, with the concurrence of the Chief Counsel, has determined for the reasons stated that those portions of the advisory committee meetings so designated in this notice shall be closed. The Federal Advisory Committee Act (FACA), as amended by the Government in the Sunshine Act (Pub. L. 94-409), permits such closed advisory committee meetings in certain circumstances. Those portions of a meeting designated as closed, however, shall be closed for the shortest possible time, consistent with the intent of the cited statutes.

The FACA, as amended, provides that a portion of a meeting may be closed where the matter for discussion involves a trade secret; commercial or financial information that is privileged or confidential; information of a personal nature, disclosure of which would be a clearly unwarranted invasion of personal privacy; investigatory files compiled for law enforcement purposes; information the premature disclosure of which would be likely to significantly frustrate implementation of a proposed agency action; and information in certain other instances not generally relevant to FDA matters.

Examples of portions of FDA advisory committee meetings that ordinarily may be closed, where necessary and in accordance with FACA criteria, include the review, discussion, and evaluation of drafts of regulations or guidelines or similar preexisting internal agency documents, but only if their premature disclosure is likely to significantly frustrate implementation of proposed agency action; review of trade secrets and confidential commercial or financial information submitted to the agency; consideration of matters involving investigatory files compiled for law enforcement purposes; and review of

matters, such as personnel records or individual patient records, where disclosure would constitute a clearly unwarranted invasion of personal privacy.

Examples of portions of FDA advisory committee meetings that ordinarily shall not be closed include the review, discussion, and evaluation of general preclinical and clinical test protocols and procedures for a class of drugs or devices; consideration of labeling requirements for a class of marketed drugs or devices; review of data and information on specific investigational or marketed drugs and devices that have previously been made public; presentation of any other data or information that is not exempt from public disclosure pursuant to the FACA, as amended; and, notably deliberative sessions to formulate advice and recommendations to the agency on matters that do not independently justify closing.

Dated: May 11, 1983.

Mark Novitch,

Acting Commissioner of Food and Drugs.

[FR Doc. 83-13112 Filed 5-16-83; 8:45 am]

BILLING CODE 4160-01-M

Pfizer Inc.; Tran-Q Plus Terramycin Premix; Withdrawal of Approval of NADA

AGENCY: Food and Drug Administration.
ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is withdrawing approval of a new animal drug application (NADA) held by Pfizer, Inc., providing for use of Tran-Q plus terramycin Premix (oxytetracycline hydrochloride plus hydroxyzine hydrochloride) in cattle feed for increased feed efficiency and growth stimulation. The sponsor requested the withdrawal of approval.

EFFECTIVE DATE: May 27, 1983.

FOR FURTHER INFORMATION CONTACT: David N. Scarr, Bureau of Veterinary Medicine (HFV-214), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-1846.

SUPPLEMENTARY INFORMATION: Pfizer, Inc., 235 E. 42d St., New York, NY 10017, is the holder of NADA 11-661, which provides for use of Tran-Q plus Terramycin Premix (oxytetracycline hydrochloride plus hydroxyzine hydrochloride) in making beef cattle feed for increased feed efficiency and growth stimulation.

The application was approved on April 15, 1959. Approval of this

application has not been codified in the Code of Federal Regulations. By letter of August 12, 1982, the sponsor requested withdrawal of approval of the NADA because the product is no longer being manufactured or marketed and waived the opportunity for a hearing under the provisions of § 514.115 (21 CFR 514.115).

Section 514.115(d) normally does not apply if the holder of the application whose withdrawal has been requested already has been afforded an opportunity for hearing on a proposal to withdraw approval of the NADA (42 FR 56264, October 21, 1977; Docket No. 77N-0316). In this case, however, Pfizer's request is being granted because of the extended time interval which has elapsed since the notice of opportunity for hearing concerning NADA 11-661 was published. The Director of the Bureau of Veterinary Medicine has determined that the public interest will be served, and that the sponsor's interests will not be prejudiced by the withdrawal.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(e), 82 Stat. 345-347 (21 U.S.C. 350b(e))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Director of the Bureau of Veterinary Medicine (21 CFR 5.84), and in accordance with § 514.115 *Withdrawal of approval of applications*, notice is given that approval of NADA 11-661 and all supplements for Pfizer's Tran-Q plus Terramycin Premix is hereby withdrawn, effective May 27, 1983.

Dated: May 10, 1983.

Gerald B. Guest,
Acting Director, Bureau of Veterinary Medicine.

[FR Doc. 83-13113 Filed 5-16-83; 8:45 am]

BILLING CODE 4160-01-M

FEDERAL COMMUNICATIONS COMMISSION

Telecommunications Industry Advisory Group Auditing and Regulatory Subcommittee; Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of a two day meeting of the Telecommunications Industry Advisory Group's Auditing and Regulatory Subcommittee. The meeting is scheduled for Monday, June 6, 1983, and Tuesday, June 7, 1983, at the offices of Arthur Andersen & Co., 1666 K Street, NW., Washington, D.C., Room 512, 5th Floor, beginning at 9:30 a.m. The meetings will be open to the public. The agenda is as follows:

- I. General Administrative Matters
- II. Continued Analysis of GAAP as it applies to USOA
- III. Further Assignment of Tasks
- IV. Other Business
- V. Presentation of Oral Statements
- VI. Adjournment

With prior approval of Subcommittee Chairman Hugh A. Gower, oral Statements, while not favored or encouraged, may be allowed if time permits and if the Chairmen determines that an oral presentation is conducive to the effective attainment of Subcommittee objectives. Anyone not a member of the Subcommittee and wishing to make an oral presentation should contact Mr. Gower (404/658-1776) at least five days prior to the meeting date.

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 83-13121 Filed 5-16-83; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Helicopter Use in Wild Horse Gatherings; Meeting

Notice is hereby given in accordance with Pub. L. 92-195 that a meeting to discuss the use of helicopters in gathering wild horses will be held at 1 p.m. on June 8, 1983, in the Burns District Office, 74 S. Alvord Street, Burns, Oregon 97720. The use of helicopters to gather wild horses in the Burns and Lakeview BLM districts in fiscal year 1983, as well as other aspects of the gathering and adoption process will be discussed.

The Burns district plans to gather 88 horses in June from the East Kiger Wild Horse Herd and 76 horses in August from the Riddle Mountain Wild Horse Herd. The Lakeview district plans to gather 42 horses in July from the Browns Valley Wild Horse Herd. Additional public notice will be given prior to the gatherings.

Dated: May 4, 1983.

David Lodzinski,
Associate District Manager.

[FR Doc. 83-13151 Filed 5-16-83; 8:45 am]

BILLING CODE 4310-84-M

Montrose District Advisory Council; Meeting

Notice is hereby given in accordance with 43 CFR Part 1780 that a meeting of the Montrose District Advisory Council will be held June 14 and 15, 1983. The

meeting will convene at 1:30 p.m. in the meeting room of the Hinsdale County Courthouse in Lake City, Colorado.

The agenda for this meeting will include election of officers, the merger of BLM and onshore offices of Mineral Management Services, and a working session to review the Preference Right Lease Application by Earth Science Corporation to lease and mine alunite in the Lake City area.

The meeting is open to the public. Interested persons may make oral statements to the Council between 10:00 a.m. and 12:00 p.m. June 15, 1983; or file written statements for the Council's consideration. Anyone wishing to make an oral statement should contact the District Manager, Bureau of Land Management, P.O. Box 1289, Montrose, Colorado 81402 or telephone (303) 249-7791 by June 10, 1983.

Summary minutes of the Council meeting will be maintained at the District Office at 2465 South Townsend, Montrose, Colorado and will be available for public inspection and reproduction during regular business hours within 30 days following the meeting.

Marlyn V. Jones,
District Manager.

[FR Doc. 83-13143 Filed 5-16-83; 8:45 am]

BILLING CODE 4310-84-M

San Juan River Basin Regional Coal Team; Resolution

AGENCY: Bureau of Land Management (BLM), Department of the Interior.

ACTION: On April 26, 1983, the San Juan River Basin (SJR) Regional Coal Team (RCT) adopted the following resolution.

SUMMARY: *Fair Market Value (FMV) for Preference Right Lease Applications (PRLA's)*—The RCT will form a subgroup to prepare a report on increasing the revenue on PRLA's to recover FMV. The subgroup will be composed of BLM and State representatives from New Mexico and Colorado to be selected by the RCT members by May 2, 1983. The subgroup will be chaired by the State of New Mexico and will be present the report at the July 1983 RCT meeting.

The subgroup should recommend whether and to what degree the annual rental should be increased from the minimum to reflect FMV. The report should also discuss how the increased revenues can be used for impact assistance.

Although the meetings of the subgroup are not formal meetings of the RCT, the subgroup will follow procedures

applicable to the RCT to the extent practicable. The purpose of the Notice is to inform the public of the procedures that will be followed in carrying out the RCT's resolution.

1. The initial organizational meeting of the Fair Market Value Subgroup will be on May 26, 1983 at 1:30 p.m. in the Conference Room at the New Mexico Energy and Minerals Department, 525 Camino de los Marquez, Santa Fe, New Mexico.

2. The subgroup will hold a series of meetings at the above location on June 7, 14, 21 and 28. Each meeting will begin at 10:00 a.m. Persons planning to attend these meetings should verify the time and location by calling Mr. Charles Turpen's office, telephone number 505-827-5950 on the day preceding each meeting.

3. All meetings of the subgroup will be open to the public except that the subgroup may convene executive sessions to receive and consider proprietary or confidential information, and data received by the subgroup may be restricted to authorized personnel.

4. Members of the public may submit written material to the subgroup at any time and oral presentations by the public will be allowed at the discretion of the chairman.

5. The final subgroup report will be made available for public review as far in advance of its presentation to the RCT as possible. The public will have the usual opportunity to comment on the subgroup report at the RCT meeting.

FOR FURTHER INFORMATION CONTACT: Mr. Charles Turpen, 525 Camino de los Marquez, Santa Fe, New Mexico 87501, telephone number 505-827-5950.

Charles W. Luscher,
State Director.

(FR Doc. 83-12145 Filed 5-16-83; 8:45 am)
BILLING CODE 4310-84-M

[W-83357]

Wyoming, Proposed Continuation of Withdrawals

May 9, 1983.

The Bureau of Land Management, U.S. Department of the Interior proposes to continue the existing withdrawals of the following public lands for a 20-year period pursuant to Section 204 of the Federal Land Policy and Management Act of October 21, 1976 (90 Stat. 2751; 43 U.S.C. 1714). The lands were withdrawn by the following orders: Secretarial Orders of October 20, 1917, April 24, 1918, May 6, 1918, March 18, 1920, June 30, 1927, October 26, 1929, February 20, 1931, May 28, 1932, February 9, 1933, May 29, 1934, April 25, 1938, December

12, 1938, September 24, 1940, April 9, 1941, June 24, 1942, November 17, 1942, February 19, 1943, May 5, 1943, May 4, 1944, August 1, 1944, and July 17, 1947. Government Land Order of April 20, 1945, Bureau of Land Management Orders of April 4, 1950, June 7, 1950, and Public Land Order 3269, November 20, 1963. The above orders will be continued insofar as they affect the following described lands:

Sixth Principal Meridian, Wyoming

T. 41 N., R. 76 W.,
Sec. 24, all.
T. 44 N., R. 76 W.,
Sec. 8, lots 12, 13.
T. 29 N., R. 77 W.,
Sec. 6, lots 8-11, 13, 14.
T. 42 N., R. 77 W.,
Sec. 27, S½;
Sec. 34, N½.
T. 44 N., R. 77 W.,
Sec. 33, SW¼SW¼.
T. 29 N., R. 78 W.,
Sec. 1, lots 5, 8, 8-10, S½NE¼, NE¼SE¼;
Sec. 7, S½SE¼;
Sec. 8, SE¼;
Sec. 9, S½;
Sec. 10, S½;
Sec. 11, N½NE¼, SE¼NE¼, SW¼;
Sec. 12, lot 4;
Sec. 18, lots 2-4, NE¼, E½NW¼, NE¼SW¼.
T. 42 N., R. 78 W.,
Sec. 13, SW¼.
T. 43 N., R. 78 W.,
Sec. 15, W½NW¼, SE¼NW¼, SW¼;
Sec. 21, N½NE¼, SE¼NE¼, N½NW¼;
Sec. 22, NW¼.
T. 44 N., R. 78 W.,
Sec. 6, lots 1-7, S½NE¼, SE¼NW¼,
E½SW¼, SE¼.
T. 50 N., R. 78 W.,
Sec. 11, S½SE¼.
T. 29 N., R. 79 W.,
Sec. 13, SE¼;
Sec. 17, S½SW¼;
Sec. 18, lots 1-4, S½NE¼, E½W½, SE¼;
Sec. 19, lot 1, N½NE¼, NE¼NW¼;
Sec. 20, W½NE¼, SE¼NE¼, N½NW¼,
SE¼NW¼, NE¼SW¼, SE¼;
Sec. 21, S½N½, S½;
Sec. 22, S½;
Sec. 23, NE¼, E½NW¼, SW¼NW¼,
N½SW¼, SW¼SW¼;
Sec. 24, W½NE¼, NW¼;
Sec. 27, N½N½;
Sec. 28, NE¼NE¼.
T. 43 N., R. 79 W.,
Sec. 9, NE¼;
Sec. 10, NW¼.
T. 44 N., R. 79 W.,
Sec. 6, lots 4-7;
Sec. 28, SE¼;
Sec. 33, all.
T. 45 N., R. 79 W.,
Sec. 3, SW¼, W½SE¼, SE¼SE¼;
Sec. 25, all.
T. 29 N., R. 80 W.,
Sec. 2, SW¼, S½SE¼;
Sec. 3, lots 7-10, 12, N½SW¼, W½SE¼,
SE¼SE¼;
Sec. 4, lot 1, SE¼NE¼;
Sec. 11, N½;

Sec. 12, W½NW¼, SE¼NW¼, SW¼,

W½SE¼, SE¼SE¼;

Sec. 13, NE¼, E½NW¼, NE¼SW¼,
N½SE¼, SE¼SE¼;

T. 30 N., R. 80 W.,

Sec. 6, lots 19, 20;

Sec. 7, lots 13-21;

Sec. 18, lots 13-18, 21-26;

Sec. 19, lots 15-25, N½SE¼;

Sec. 20, S½NW¼, N½SW¼, SE¼SW¼;

Sec. 29, E½, NE¼NW¼;

Sec. 32, NE¼;

Sec. 33, W½, SE¼.

T. 39 N., R. 80 W.,

Sec. 5, lots 1-4, S½N½;

Sec. 6, lots 1-4, S½NE¼, SE¼NW¼;

T. 40 N., R. 80 W.,

Sec. 4, lot 4, SW¼NW¼, W½SW¼;

Sec. 5, lot 1, SE¼NE¼, E½SE¼;

Sec. 8, E½E½;

Sec. 9, W½W½;

Sec. 13, SW¼, W½SE¼;

Sec. 17, E½;

Sec. 20, E½;

Sec. 21, S½;

Sec. 22, S½;

Sec. 23, N½, SW¼

Sec. 24, N½N½;

Sec. 28, N½NW¼, SW¼NW¼;

Sec. 29, E½;

Sec. 32, E½.

T. 47 N., R. 80 W.,

Sec. 5, lots 1-4, S½N½, S½ (all);

Sec. 6, lots 1-4, S½NE¼.

T. 48 N., R. 80 W.,

Sec. 31, lots 3, 4, SE¼.

T. 50 N., R. 80 W.,

Sec. 6, lots 8-17, 19-21.

T. 51 N., R. 80 W.,

Sec. 31, lots 5-11, NE¼, E¼NE¼,

NE¼SW¼, NW¼SE¼.

T. 31 N., R. 81 W.,

Sec. 29, N½SW¼, SE¼SW¼, SE¼;

Sec. 30, lots 1-3, NE¼, E½W½, N½SE¼,

SW¼SE¼;

Sec. 32, NE¼;

Sec. 33, W½E½, W½, SE¼SE¼;

Sec. 34, S½SW¼, SW¼SE¼.

T. 33 N., R. 81 W.,

Sec. 3, lots 2, 3, SW¼NE¼, S½NW¼,

NE¼SW¼;

Sec. 4, S½NE¼, SE¼NW¼, NE¼SW¼,

SE¼;

Sec. 9, NE¼, E½NW¼, NE¼SW¼,

W½SW¼, SE¼SE¼;

Sec. 10, W½NW¼.

T. 37 N., R. 81 W.,

Sec. 5, lots 3, 4, S½NW¼, SW¼;

Sec. 6, lots 1-3, S½NE¼, SE¼NW¼,

E½SW¼, SE¼;

Sec. 7, lots 1-4, E½, E½W½;

Sec. 8, all;

Sec. 17, all;

Sec. 18, lots 1-4, E½, E½W½;

Sec. 20, all;

Sec. 29, all;

Sec. 32, all;

Sec. 33, W½W½.

T. 38 N., R. 81 W.,

Sec. 3, lots 2-4, SW¼NE¼, S½NW¼,

SW¼, W½SE¼;

Sec. 4, lot 1, SE¼NE¼, S½;

Sec. 8, all;

Sec. 9, all;

Sec. 17, all;

- Sec. 19, lot 3, 4, E $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$;
 Sec. 20, all;
 Sec. 21, W $\frac{1}{2}$ W $\frac{1}{2}$;
 Sec. 29, N $\frac{1}{2}$, SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 30, lots 1-4, E $\frac{1}{2}$, E $\frac{1}{2}$ W $\frac{1}{2}$;
 Sec. 31, E $\frac{1}{2}$, E $\frac{1}{2}$ W $\frac{1}{2}$;
 Sec. 32, W $\frac{1}{2}$.
- T. 39 N., R. 81 W.,
 Sec. 1, lots 1-4, S $\frac{1}{2}$ N $\frac{1}{2}$, SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 12, W $\frac{1}{2}$ NE $\frac{1}{4}$, W $\frac{1}{2}$;
 Sec. 13, W $\frac{1}{2}$;
 Sec. 14, S $\frac{1}{2}$;
 Sec. 15, S $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$;
 Sec. 19, lots 1, 2, NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$;
 Sec. 20, N $\frac{1}{2}$;
 Sec. 21, N $\frac{1}{2}$;
 Sec. 22, N $\frac{1}{2}$;
 Sec. 23, all;
 Sec. 26, NW $\frac{1}{4}$;
 Sec. 27, E $\frac{1}{2}$;
 Sec. 33, E $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 34, E $\frac{1}{2}$, SW $\frac{1}{4}$.
- T. 42 N., R. 81 W.,
 Sec. 10, NE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 14, NW $\frac{1}{4}$ NW $\frac{1}{4}$;
 Sec. 15, N $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$.
- T. 45 N., R. 81 W.,
 Sec. 8, S $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ W $\frac{1}{2}$, SE $\frac{1}{4}$;
 Sec. 17, N $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$.
- T. 48 N., R. 81 W.,
 Sec. 24, S $\frac{1}{2}$;
 Sec. 25, N $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$.
- T. 50 N., R. 81 W.,
 Sec. 1, lots 1, 2, S $\frac{1}{2}$ NE $\frac{1}{4}$;
 Sec. 27, W $\frac{1}{2}$ SW $\frac{1}{4}$;
 Sec. 28, E $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 33, NE $\frac{1}{4}$ NE $\frac{1}{4}$;
 Sec. 34, N $\frac{1}{2}$ NW $\frac{1}{4}$.
- T. 31 N., R. 82 W.,
 Sec. 2, lots 3, 4, S $\frac{1}{2}$ NW $\frac{1}{4}$;
 Sec. 3, lots 1, 2, S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$;
 Sec. 10, E $\frac{1}{2}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$;
 Sec. 14, W $\frac{1}{2}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$,
 SE $\frac{1}{4}$ SW $\frac{1}{4}$;
 Sec. 15, NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$;
 Sec. 23, E $\frac{1}{2}$ W $\frac{1}{2}$, E $\frac{1}{2}$ W $\frac{1}{2}$ NW $\frac{1}{4}$,
 SW $\frac{1}{4}$ SE $\frac{1}{4}$.
- T. 32 N., R. 82 W.,
 Sec. 23, S $\frac{1}{2}$ S $\frac{1}{2}$;
 Sec. 26, all;
 Sec. 27, E $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 34, E $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 35, N $\frac{1}{2}$, SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$.
- T. 38 N., R. 82 W.,
 Sec. 2, lot 4, SW $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$;
 Sec. 3, lots 1-4, S $\frac{1}{2}$ N $\frac{1}{2}$, SE $\frac{1}{4}$;
 Sec. 10, NE $\frac{1}{4}$;
 Sec. 11, W $\frac{1}{2}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 13, SW $\frac{1}{4}$;
 Sec. 14, W $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, SE $\frac{1}{4}$;
 Sec. 23, NE $\frac{1}{4}$;
 Sec. 24, all.
- T. 39 N., R. 82 W.,
 Sec. 7, lots 1-4, E $\frac{1}{2}$, E $\frac{1}{2}$ W $\frac{1}{2}$ (all);
 Sec. 8, all;
 Sec. 15, W $\frac{1}{2}$, SE $\frac{1}{4}$;
 Sec. 16, all;
 Sec. 17, all;
 Sec. 18, lots 1, 2, NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$,
 NE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$;
 Sec. 19, NE $\frac{1}{4}$ NE $\frac{1}{4}$;
 Sec. 20, N $\frac{1}{2}$;
 Sec. 21, N $\frac{1}{2}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$;
 Sec. 22, all;
 Sec. 23, N $\frac{1}{2}$;
 Sec. 24, N $\frac{1}{2}$.
- Sec. 27, all;
 Sec. 28, E $\frac{1}{2}$;
 Sec. 34, all.
- T. 43 N., R. 82 W.,
 Sec. 1, lots 3, 4, S $\frac{1}{2}$ NW $\frac{1}{4}$;
 Sec. 2, lot 1.
- T. 44 N., R. 82 W.,
 Sec. 7, S $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 18, NE $\frac{1}{4}$ NE $\frac{1}{4}$;
 Sec. 21, SE $\frac{1}{4}$ NE $\frac{1}{4}$;
 Sec. 22, SW $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$,
 SE $\frac{1}{4}$;
 Sec. 23, S $\frac{1}{2}$;
 Sec. 26, N $\frac{1}{2}$, SE $\frac{1}{4}$;
 Sec. 27, NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$;
 Sec. 35, N $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$.
- T. 45 N., R. 82 W.,
 Sec. 2, N $\frac{1}{2}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$.
- T. 36 N., R. 83 W.,
 Sec. , lots 6, 7, E $\frac{1}{2}$ SW $\frac{1}{4}$;
 Sec. 7, lots 1, 2, NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$.
- T. 39 N., R. 83 W.,
 Sec. 1, SW $\frac{1}{4}$;
 Sec. 2, S $\frac{1}{2}$;
 Sec. 3, SW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, S $\frac{1}{2}$;
 Sec. 4, SE $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$,
 SE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$;
 Sec. 5, lots 6, 7, S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$,
 NE $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 6, lots 12-21;
 Sec. 12, S $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$.
- T. 44 N., R. 83 W.,
 Sec. 2, lot 5;
 Sec. 33, SE $\frac{1}{4}$;
 Sec. 34, E $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$.
- T. 45 N., R. 83 W.,
 Sec. 24, all;
 Sec. 25, N $\frac{1}{2}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$;
 Sec. 28, lots 6, 7, 10, 11, SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 29, lots 5, SW $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$;
 Sec. 30, lots 5, 10, 11, SE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$,
 SE $\frac{1}{4}$;
 Sec. 33, N $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$;
 Sec. 34, E $\frac{1}{2}$, N $\frac{1}{2}$ NW $\frac{1}{4}$;
 Sec. 35, W $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$,
 SE $\frac{1}{4}$ SE $\frac{1}{4}$.
- T. 50 N., R. 83 W.,
 Sec. 3, S $\frac{1}{2}$ N $\frac{1}{2}$;
 Sec. 4, S $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$.
- T. 36 N., R. 84 W.,
 Sec. 2, lots 3, 4, S $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$,
 SE $\frac{1}{4}$;
 Sec. 11, NE $\frac{1}{4}$;
 Sec. 12, N $\frac{1}{2}$, SE $\frac{1}{4}$;
 Sec. 13, NE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$.
- T. 37 N., R. 84 W.,
 Sec. 7, lots 1, 2, SW $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$,
 NE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$;
 Sec. 8, W $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 17, E $\frac{1}{2}$ E $\frac{1}{2}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 20, E $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 21, SW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 27, NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$;
 Sec. 28, N $\frac{1}{2}$ NE $\frac{1}{4}$;
 Sec. 34, SW $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 35, S $\frac{1}{2}$.
- T. 38 N., R. 84 W.,
 Sec. 3, lots 1, 2, S $\frac{1}{2}$ NE $\frac{1}{4}$, S $\frac{1}{2}$;
 Sec. 4, S $\frac{1}{2}$;
 Sec. 5, S $\frac{1}{2}$;
 Sec. 6, lots 6, 7, E $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$.
- T. 39 N., R. 84 W.,
 Sec. 1, lots 5-14, 17, 18;
 Sec. 2, lots 5, 6, 11, 12;
 Sec. 12, lots 1, 2, 5, 6, SE $\frac{1}{4}$;
 Sec. 13, E $\frac{1}{2}$, SW $\frac{1}{4}$;
- Sec. 14, N $\frac{1}{2}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 22, E $\frac{1}{2}$;
 Sec. 23, N $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$;
 Sec. 27, E $\frac{1}{2}$;
 Sec. 34, E $\frac{1}{2}$.
- T. 40 N., R. 84 W.,
 Sec. 18, lot 4, SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 19, lot 1, NE $\frac{1}{4}$ NW $\frac{1}{4}$;
 Sec. 20, NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$;
 Sec. 21, all;
 Sec. 22, S $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$;
 Sec. 26, SW $\frac{1}{4}$;
 Sec. 27, W $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$;
 Sec. 28, E $\frac{1}{2}$ NE $\frac{1}{4}$;
 Sec. 34, NE $\frac{1}{4}$ NE $\frac{1}{4}$;
 Sec. 35, all.
- T. 43 N., R. 84 W.,
 Sec. 31, lots 5-11, NE $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 32, lots 3-7, NW $\frac{1}{4}$ SW $\frac{1}{4}$;
 Sec. 33, lots 5-8;
 Sec. 34, lots 1, 2.
- T. 45 N., R. 84 W.,
 Sec. 5, SW $\frac{1}{4}$ SW $\frac{1}{4}$;
 Sec. 6, lots 2-4, SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$;
 Sec. 7, E $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 8, W $\frac{1}{2}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 17, E $\frac{1}{2}$, NW $\frac{1}{4}$;
 Sec. 21, lots 1, 2, W $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$,
 SE $\frac{1}{4}$;
 Sec. 22, lots 6, 8, 9, 11, 13;
 Sec. 25, lots 5-9, S $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 26, lots 2-7, S $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$,
 W $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 27, lots 1-3, W $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$,
 E $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$;
 Sec. 28, E $\frac{1}{2}$ NE $\frac{1}{4}$;
 Sec. 34, lot 1;
 Sec. 35, lots 1-4;
 Sec. 36, lots 1-4.
- T. 46 N., R. 84 W.,
 Sec. 31, lots 3, 4, NE $\frac{1}{4}$ SW $\frac{1}{4}$.
- T. 37 N., R. 85 W.,
 Sec. 1, lot 4, S $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$,
 W $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 2, lot 1, SE $\frac{1}{4}$ NE $\frac{1}{4}$;
 Sec. 6, lots 1-5, S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$,
 N $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 12, N $\frac{1}{2}$ NE $\frac{1}{4}$.
- T. 38 N., R. 85 W.,
 Sec. 1, S $\frac{1}{2}$;
 Sec. 2, SE $\frac{1}{4}$;
 Sec. 5, lots 3, 4, S $\frac{1}{2}$ N $\frac{1}{2}$; SE $\frac{1}{4}$;
 Sec. 8, E $\frac{1}{2}$;
 Sec. 11, lots 1, 2, N $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$;
 Sec. 14, E $\frac{1}{2}$;
 Sec. 17, E $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$;
 Sec. 20, NE $\frac{1}{4}$;
 Sec. 21, N $\frac{1}{2}$, SW $\frac{1}{4}$;
 Sec. 22, N $\frac{1}{2}$;
 Sec. 23, N $\frac{1}{2}$;
 Sec. 27, W $\frac{1}{2}$ SW $\frac{1}{4}$;
 Sec. 28, N $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$,
 E $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 29, SE $\frac{1}{4}$;
 Sec. 31, SE $\frac{1}{4}$;
 Sec. 32, N $\frac{1}{2}$, SW $\frac{1}{4}$;
 Sec. 33, NW $\frac{1}{4}$;
 Sec. 34, NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$;
 Sec. 35, SW $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$,
 W $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$.
- T. 39 N., R. 85 W.,
 Sec. 29, SW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$;
 Sec. 30, lots 2, 3, S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$,
 NE $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 32, W $\frac{1}{2}$.

- T. 40 N., R. 85 W.,
 Sec. 3, S $\frac{1}{2}$ SW $\frac{1}{4}$;
 Sec. 4, SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 5, S $\frac{1}{2}$;
 Sec. 6, lots 4-7, 10-12, E $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$;
 Sec. 8, NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$;
 Sec. 9, N $\frac{1}{2}$;
 Sec. 10, all;
 Sec. 11, W $\frac{1}{2}$, SE $\frac{1}{4}$;
 Sec. 13, W $\frac{1}{2}$, SE $\frac{1}{4}$;
 Sec. 14, NE $\frac{1}{4}$.
- T. 41 N., R. 85 W.,
 Sec. 30, lots 8-8, E $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$;
 Sec. 31, lots 5-11, NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$,
 NE $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$;
- T. 42 N., R. 85 W.,
 Sec. 4, lots 3, 4, S $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$;
 Sec. 5, lots 1-3, S $\frac{1}{2}$ NE $\frac{1}{4}$.
- T. 44 N., R. 85 W.,
 Sec. 6, lot 2, N $\frac{1}{2}$ of lot 3, SE $\frac{1}{4}$ NE $\frac{1}{4}$,
 N $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$,
 NE $\frac{1}{4}$ SE $\frac{1}{4}$, E $\frac{1}{2}$ W $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 7, SE $\frac{1}{4}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$
 SE $\frac{1}{4}$;
 Sec. 18, lots 2-4, W $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$,
 NE $\frac{1}{4}$ NW $\frac{1}{4}$.
- T. 45 N., R. 85 W.,
 Sec. 1, lots 1-4;
 Sec. 4, SE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 19, SE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 20, NW $\frac{1}{4}$ NW $\frac{1}{4}$;
 Sec. 30, E $\frac{1}{2}$ NE $\frac{1}{4}$.
- T. 46 N., R. 85 W.,
 Sec. 4, lot 1, SE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 5, SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$;
 Sec. 6, lot 2;
 Sec. 9, E $\frac{1}{2}$ NE $\frac{1}{4}$;
 Sec. 10, SW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$;
 Sec. 15, W $\frac{1}{2}$;
 Sec. 22, lot 1, SW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$,
 W $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 26, all;
 Sec. 27, N $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$,
 E $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 35, E $\frac{1}{2}$ E $\frac{1}{2}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$.
- T. 47 N., R. 85 W.,
 Sec. 5, lots 5-15;
 Sec. 8, E $\frac{1}{2}$;
 Sec. 17, E $\frac{1}{2}$;
 Sec. 20, N $\frac{1}{2}$ NE $\frac{1}{4}$;
 Sec. 21, N $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$;
 Sec. 28, N $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$,
 E $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 33, E $\frac{1}{2}$ E $\frac{1}{2}$.
- T. 54 N., R. 85 W.,
 Sec. 27, NW $\frac{1}{4}$ NE $\frac{1}{4}$.
- T. 37 N., R. 86 W.,
 Sec. 1, lots 1-4, S $\frac{1}{2}$ N $\frac{1}{2}$;
 Sec. 2, lots 1-4, S $\frac{1}{2}$ N $\frac{1}{2}$, S $\frac{1}{2}$;
 Sec. 3, S $\frac{1}{2}$;
 Sec. 4, S $\frac{1}{2}$;
 Sec. 5, S $\frac{1}{2}$;
 Sec. 6, lots 3-7, SE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$,
 SE $\frac{1}{4}$;
 Sec. 9, NE $\frac{1}{4}$ NE $\frac{1}{4}$;
 Sec. 10, N $\frac{1}{2}$ N $\frac{1}{2}$;
 Sec. 11, NW $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$.
- T. 38 N., R. 86 W.,
 Sec. 5, lots 7-10;
 Sec. 6, lots 4-6, 8-17;
 Sec. 7, lots 2-10;
 Sec. 18, lot 5.
- T. 39 N., R. 86 W.,
 Sec. 4, lot 4, SW $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$;
 Sec. 5, lots 1-4, S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$,
 S $\frac{1}{2}$ S $\frac{1}{2}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$;
- Sec. 6, lot 5, S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$;
 Sec. 8, E $\frac{1}{2}$, NW $\frac{1}{4}$;
 Sec. 9, W $\frac{1}{2}$ NW $\frac{1}{4}$, S $\frac{1}{2}$;
 Sec. 10, SW $\frac{1}{4}$;
 Sec. 15, W $\frac{1}{2}$, SE $\frac{1}{4}$;
 Sec. 17, E $\frac{1}{2}$;
 Sec. 20, N $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$;
 Sec. 21, S $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$;
 Sec. 22, N $\frac{1}{2}$, SW $\frac{1}{4}$;
 Sec. 23, N $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 24, SW $\frac{1}{4}$;
 Sec. 25, W $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$;
 Sec. 28, all;
 Sec. 29, E $\frac{1}{2}$;
 Sec. 31, S $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$;
 Sec. 32, N $\frac{1}{2}$, SW $\frac{1}{4}$.
- T. 40 N., R. 86 W.,
 Sec. 5, lots 3, 4;
 Sec. 6, lots 1-6, S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$;
 Sec. 7, lots 1-4;
 Sec. 18, lots 1, 3, 4;
 Sec. 19, lots 1-4, SE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$;
 Sec. 30, lots 1-4, E $\frac{1}{2}$ W $\frac{1}{2}$;
 Sec. 31, lots 1-4, S $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$,
 NE $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 32, S $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$.
- T. 41 N., R. 86 W.,
 Sec. 2, lots 5-17, SW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$,
 NW $\frac{1}{4}$ SW $\frac{1}{4}$;
 Sec. 3, lots 5, 6, 10-13, SE $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$,
 SE $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 10, lots 1-3;
 Sec. 11, lots 1-7, S $\frac{1}{2}$ N $\frac{1}{2}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$,
 N $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 12, lots 4-6, 8, N $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$;
 Sec. 13, lot 1, NE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$;
 Sec. 14, lots 3, 4, S $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$;
 Sec. 15, lot 5, SE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 16, lots 4, 5;
 Sec. 20, lots 1, 2, 5;
 Sec. 21, lots 1-8, NW $\frac{1}{4}$ NE $\frac{1}{4}$;
 Sec. 22, lots 1-5, 8, SE $\frac{1}{4}$ NW $\frac{1}{4}$;
 Sec. 23, lots 2-4, NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$,
 E $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 24, lots 3, 4, NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$;
 Sec. 25, lots 1-4, W $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$,
 NW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 26, lots 1, 4, 6, 7, NE $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 27, lot 2;
 Sec. 28, lots 2-4, 7-9, SW $\frac{1}{4}$ NW $\frac{1}{4}$,
 NW $\frac{1}{4}$ SW $\frac{1}{4}$;
 Sec. 29, lots 3-5;
 Sec. 32, lots 1-6, NE $\frac{1}{4}$ SE $\frac{1}{4}$.
- T. 42 N., R. 86 W.,
 Sec. 2, lots 1-3, S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$,
 NE $\frac{1}{4}$ SW $\frac{1}{4}$;
 Sec. 3, lots 1, 2, S $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$;
 Sec. 9, SW $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$,
 W $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 10, E $\frac{1}{2}$;
 Sec. 11, W $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$;
 Sec. 14, all;
 Sec. 15, N $\frac{1}{2}$ N $\frac{1}{2}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 23, N $\frac{1}{2}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 24, N $\frac{1}{2}$;
 Sec. 26, S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$;
 Sec. 30, lots 1-4, N $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$;
 Sec. 35, E $\frac{1}{2}$.
- T. 46 N., R. 86 W.,
 Sec. 3, lots 10, 11;
 Sec. 4, S $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 6, lots 6, 7, SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 7, lot 1, W $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$,
 NE $\frac{1}{4}$ NW $\frac{1}{4}$;
 Sec. 8, lots 1-8;
 Sec. 9, NE $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$;
- Sec. 10, N $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$;
 Sec. 11, N $\frac{1}{2}$ NW $\frac{1}{4}$;
 Sec. 12, NE $\frac{1}{4}$ NW $\frac{1}{4}$.
- T. 37 N., R. 87 W.,
 Sec. 1, lots 1-4, S $\frac{1}{2}$ N $\frac{1}{2}$, S $\frac{1}{2}$;
 Sec. 2, lots 1-4, S $\frac{1}{2}$ N $\frac{1}{2}$, S $\frac{1}{2}$;
 Sec. 3, lot 1, SE $\frac{1}{4}$ NE $\frac{1}{4}$;
 Sec. 11, all.
- T. 38 N., R. 87 W.,
 Sec. 12, NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 13, NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 22, S $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 23, E $\frac{1}{2}$, SW $\frac{1}{4}$;
 Sec. 24, W $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$,
 N $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 25, W $\frac{1}{2}$;
 Sec. 26, E $\frac{1}{2}$ E $\frac{1}{2}$, W $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$,
 SW $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 27, all;
 Sec. 34, lots 1-4, N $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 35, W $\frac{1}{2}$.
- T. 40 N., R. 87 W.,
 Sec. 1, lots 1, 5-7, SW $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 12, lots 1-4, SW $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 13, lots 1-4, NW $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$
 NE $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$
 SW $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$,
 W $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 24, lots 1-4, W $\frac{1}{2}$ E $\frac{1}{2}$;
 Sec. 25, lots 1-4, W $\frac{1}{2}$ E $\frac{1}{2}$, SW $\frac{1}{4}$.
- T. 46 N., R. 87 W.,
 Sec. 1, S $\frac{1}{2}$;
 Sec. 2, S $\frac{1}{2}$;
 Sec. 3, S $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$;
 Sec. 4, S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$;
 Sec. 9, N $\frac{1}{2}$ NE $\frac{1}{4}$;
 Sec. 10, N $\frac{1}{2}$ N $\frac{1}{2}$;
 Sec. 11, N $\frac{1}{2}$ N $\frac{1}{2}$;
 Sec. 12, N $\frac{1}{2}$ N $\frac{1}{2}$.
- T. 47 N., R. 87 W.,
 Sec. 7, lots 1, 2, NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$;
 Sec. 8, lots 1-4, NW $\frac{1}{4}$;
 Sec. 18, lot 4, SE $\frac{1}{4}$ SW $\frac{1}{4}$;
 Sec. 19, lot 1, 2, NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 20, W $\frac{1}{2}$ W $\frac{1}{2}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$;
 Sec. 28, S $\frac{1}{2}$ SW $\frac{1}{4}$;
 Sec. 29, SW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$,
 W $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$,
 SW $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$,
 SE $\frac{1}{4}$;
 Sec. 33, S $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$,
 SE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$,
 E $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 34, S $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$.
- T. 57 N., R. 87 W.,
 Sec. 19, lots 1, 3, 4, E $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$;
 Sec. 20, S $\frac{1}{2}$ SW $\frac{1}{4}$;
 Sec. 29, SW $\frac{1}{4}$.
- T. 40 N., R. 88 W.,
 Sec. 5, lots 3, 4, S $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$;
 Sec. 6, lots 5, 6;
 Sec. 7, lot 4, SE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 8, NW $\frac{1}{4}$.
- T. 47 N., R. 88 W.,
 Sec. 13, lots 7-9, NE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$,
 W $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 14, lots 1-4;
 Sec. 21, lots 1-3, NE $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 22, lots 1-8, S $\frac{1}{2}$ NE $\frac{1}{4}$;
 Sec. 23, lot 1, NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$;
 Sec. 24, lots 1, 2, W $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$.
- T. 40 N., R. 89 W.,
 Sec. 1, lot 1, SE $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$;
 Sec. 11, S $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 12, NW $\frac{1}{4}$;

Sec. 14, S $\frac{1}{2}$ N $\frac{1}{2}$, N $\frac{1}{2}$ S $\frac{1}{2}$;
 Sec. 15, S $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$;
 Sec. 21, E $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$;
 Sec. 22, NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$;
 Sec. 28, E $\frac{1}{2}$;
 Sec. 32, lots 1, 2, NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 33, N $\frac{1}{2}$.

The area described contains approximately 134,998.74 acres in Natrona, Converse, Campbell, Johnson, Sheridan, and Washakie Counties, Wyoming.

The purpose of these withdrawals are for stock driveways. The withdrawals closed the described lands to all forms of appropriation under the public land laws, but not to the mining laws or leasing under the mineral leasing laws. No change in the segregative effect or use of the land is proposed by the continuation.

Comments, suggestion, or objections to the proposed withdrawal continuation must be submitted in writing to the undersigned authorized officer of the Bureau of Land Management on or before August 15, 1983.

Notice is hereby given that an opportunity for a public meeting is afforded in connection with the proposed withdrawal continuation. All interested persons who desire to be heard on the proposal must submit a written request for a meeting to the undersigned before August 15, 1983. Upon determination by the State Director, Bureau of Land Management, that a public meeting will be held, a notice will be published in the *Federal Register* giving the time and place of such meeting. Public meetings are scheduled and conducted in accordance with BLM Manual Section 2351.16B.

The authorized officer of the Bureau of Land Management will make necessary investigations to determine the existing and potential demands for the land and its resources and review the withdrawal justification to insure that continuation would be consistent with the statutory objective of the programs for which the lands are dedicated. He will also prepare a report for consideration by the Secretary of the Interior, The President, and Congress, who will determine whether or not the withdrawal will be continued and, if so, for how long. The final determination on the continuation of the withdrawal will be published in the *Federal Register*. The existing withdrawals will continue until such final determination is made.

P. D. Leonard,
 Associate State Director, Wyoming.

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 BILLING CODE 4310-84-M

[Serial Number AZ-AZ027-000004]

Arizona: Realty Action; Competitive Sale of Public Land in Yavapai County

The Bureau of Land Management will offer the following described lands for sale at a public auction on July 19, 1983, at 1:00 p.m. at the Wickenburg Community Center. There will be 8 tracts of land in the Yavapai Sale Area. It has been determined that the sale of these tracts is consistent with Section 203 of the Federal Land Policy and Management Act of October 21, 1976. The lands will be offered for sale at no less than the appraised fair market value indicated below.

Gila & Salt River Meridian, Arizona

Yavapai Sale Area

Tract No.	Legal description	Acres	Value
1	T. 8 N., R. 5 W., Sec. 15, NE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$.	10.0	20,000
2	T. 8 N., R. 5 W., Sec. 15, SE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$.	10.0	20,000
3	T. 8 N., R. 5 W., Sec. 15, W $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$.	20.0	40,000
4	T. 8 N., R. 5 W., Sec. 15, NW $\frac{1}{4}$ NW $\frac{1}{4}$.	400	68,000
5	T. 8 N., R. 5 W., Sec. 15, N $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$.	20.0	40,000
6	T. 8 N., R. 5 W., Sec. 15, S $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$.	20.0	40,000
7	T. 8 N., R. 5 W., Sec. 15, W $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$.	20.0	40,000
8	T. 8 N., R. 5 W., Sec. 15, E $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$.	20.0	40,000

The above aggregates 160.0 acres of land in Yavapai County.

Upon publication of this notice in the *Federal Register*, the land described above will be segregated from all forms of nondiscretionary appropriation under the public land laws, including the mining laws, except the mineral leasing laws, for a period of 2 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 2-year period.

Lands not sold on July 19, 1983, will be reoffered for sale by competitive bid at the Phoenix District Office at 10:00 a.m. on October 5, 1983. Any remaining unsold lands will be available for over-the-counter purchases for the remainder of the 2 years.

All of the parcels listed will be subject to the following reservations when patented:

1. A right-of-way for ditches and canals constructed by the authority of the United States. (Act of August 30, 1890, 26 Stat. 391, 43 U.S.C. 945.)
2. A reservation of all oil and gas to the United States with the right to

prospect for, mine, and remove such deposits.

3. A reservation of all minerals to the United States with the right to prospect for, mine, and remove such deposits.

Additionally, all parcels will be sold subject to the KMJ-72 grazing lease #AZ-020-2530. The purchaser of the land will honor the terms and conditions of this grazing lease until February 28, 1989. The purchaser will not charge more than the BLM grazing fee schedule for a given year. Modification of these terms and conditions will occur only through mutual agreement between the purchaser and the leasee.

There are no known mineral values in the land. If the successful bidder wishes, he/she may apply for the reserved mineral estate under the provision of Section 209 of the Federal Land Policy and Management Act of October 21, 1976.

Additional information concerning these lands, terms and conditions of the sale, and bidding instructions may be obtained from the Phoenix District Manager, 2929 West Clarendon Avenue, Phoenix, Arizona 85017 or by calling (602) 241-2511.

For a period of 45 days from the date of this notice, interested parties may submit comments 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.

Dated: May 11, 1983.

William K. Barker,
 District Manager.

[FR Doc. 83-13185 Filed 5-16-83; 8:45 am]
 BILLING CODE 4310-84-M

Fish and Wildlife Service

Availability of a Draft Environmental Impact Statement on the Trinity River Basin Fish and Wildlife Management Program, Northwestern California

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice.

SUMMARY: This notice advises the public that the draft Environmental Impact Statement on the Trinity River Basin Fish and Wildlife Management Program, Northwestern California, is available for public review. Comments and suggestions are requested. Proposed is a management program to restore salmon,

steelhead trout, deer and other fish and wildlife resources in the Trinity River Basin in northwestern California. Developed by a joint Federal-State-local task force under Bureau of Reclamation lead, the sixty million dollar proposal would span a ten-year period and consist of eleven actions such as watershed rehabilitation, spawning rifle construction, monitoring, and fish hatchery modernization. No significant adverse impacts are foreseen. Three alternative subjects of these same actions, and variants to five of the actions, were also evaluated in the DEIS.

DATES: Written comments are requested by July 20, 1983. Public meetings will be held on June 21, 23 and 28, 1983.

ADDRESSES AND TIMES: Written comments should be addressed to: James J. McKeivitt, Field Supervisor, U.S. Fish and Wildlife Service, Division of Ecological Services, 2800 Cottage Way, Room E-2727, Sacramento, California 95825.

Oral Comments May Be Presented at Meetings

June 21, 1983, Tuesday, 7:30 p.m.-8:30 p.m. Supervisors Conference Room B, Humboldt County Courthouse, 825 Fifth Street, Eureka, California.

June 23, 1983, Thursday, 7:30 p.m.-8:30 p.m. Board Room, Trinity County Courthouse, 101 Court Street, Weaverville, California.

June 28, 1983, Tuesday, 1:00 p.m.-2:00 p.m. Room W-2140, Federal Building, 2800 Cottage Way, Sacramento, California.

FOR FURTHER INFORMATION CONTACT:

Jody Hoffman, U.S. Fish and Wildlife Service, ES, 2800 Cottage Way, Room E-2727, Sacramento, California 95825, (916) 484-4731.

Copies of the DEIS have been distributed to all participants in the scoping process, those who have already requested copies, identified agencies and organizations representing interested user groups, and central libraries within the following counties: Humboldt, Shasta, Sacramento, and Trinity. Anyone requiring a copy of the DEIS for review should immediately contact the above individual.

SUPPLEMENTARY INFORMATION: A five person team from the FWS Division of Ecological Services authored this document. The Secretary of the Interior has designated FWS as the lead agency because the proposal directly addresses problems associated with declining populations of anadromous salmonid resources. Because the proposal would also impact operation of a Federal water resource project and Indian utilization of

the fishery resource, both WPRS and BIA have been designated as cooperating agencies in the preparation of the EIS.

This draft environmental impact statement is intended as a broad scope programmatic or first-tier analysis of the proposed Trinity River Basin Fish and Wildlife Management Program (March, 1982) which was developed over the past 7 years by the Trinity River Basin Fish and Wildlife Task Force. The program would continue over ten years and would be administered by the Department of the Interior with the advisory assistance of a similar 14-agency task force. The estimated cost of the program is \$60,000,000 including costs for construction of the presently authorized Grass Valley Creek Debris Dam. Detailed environmental documents will be prepared for site-specific actions and for any specific activity plans developed under the Management Program.

The proposed program consists of eleven actions to correct fish and wildlife problems in the Trinity River Basin caused by the Trinity River Division of the Central Valley Project and by adverse land use practices. These problems include the loss of 59 miles of chinook salmon habitat and 109 miles of steelhead trout habitat upstream from Lewiston Dam, degradation of salmonid habitat below Lewiston Dam caused by lowered river flows, disturbance of watershed lands by logging and road construction, and the inundation of prime habitat for an estimated 4,000 to 7,500 black-tailed deer.

The eleven actions are:

1. Continue or reestablish an advisory task force and establish field office staff to implement and oversee the management program.
2. Control sediment from Grass Valley Creek by building a debris dam on Grass Valley Creek and a dredging system in the Trinity River below the mouth of the creek.
3. Rehabilitate and maintain the main river below Lewiston.
4. Rehabilitate and maintain tributaries below Lewiston.
5. Rehabilitate and maintain watersheds below Lewiston.
6. Rehabilitate and maintain South Fork Trinity River and watershed.
7. Modify Trinity River Fish Hatchery to increase production.
8. Interim use of artificial propagation below Lewiston to accelerate restoration of natural anadromous salmonid production.
9. Formulate and conduct a wildlife management program.

10. Monitor anadromous fish and fisheries.

11. Evaluate stream and land use effects.

The program would improve fish and wildlife habitat, with secondary beneficial social effects. Based on a combined fishery harvest-to-escapement ratio of 3 to 1 for fall-run chinook and coho and a 1 to 1 ratio for spring-run chinook and steelhead, increased harvests resulting from fish populations restored by the management program would add over 174,000 fish to the current commercial, sport and Indian net catches and would result in direct yearly benefits totalling at least \$8,200,000. Benefits would accrue to ocean commercial and sport fishermen, inland sport fishermen, and to the Indian net fishery.

The management program will improve wildlife habitat to increase the range carrying capacity to compensate for the 4,000 to 7,500 black-tailed deer lost when important range of the Weaverville herd was inundated by Clair Engle Lake. Restoration of these animals will add from \$400,000 to \$750,000 to the annual recreational value of the herd.

Negative impacts would be limited to localized short-term nuisances caused by debris dam construction and habitat inundation, habitat rehabilitation and maintenance along the Trinity River, and by vegetative control techniques used for wildlife habitat restoration.

The Proposed Management Program constitutes the optimum mix of actions selected by the Trinity River Fish and Wildlife Task Force to achieve the established fish and wildlife restoration objectives. No alternative groups of actions to achieve the program objectives were received during the scoping process. Three alternative groups of actions are evaluated in this EIS. They consist of subsets of actions contained in the proposed program and would be directed at accomplishing some portions of the established fish and wildlife restoration objectives.

Action 1, the establishment of an advisory group similar to the existing Task Force, with no regulatory authority, has a number of alternatives. These include the establishment of a management board more reflective of special private user interests within the basin, the establishment of a board with permit authority over resource uses affecting fish and wildlife, and the delegation of all management to a single agency, such as the Department of the Interior or the Department of Agriculture.

Alternatives to Action 2, which consists of constructing a debris dam on Grass Valley Creek and a sand dredging program in the Trinity River, were investigated in a California Department of Water Resources memo (1976). They include alternative dam sites, the use of settling ponds, reliance on suction dredging or dam construction alone, and large releases of water from Lewiston Dam to flush gravels from deposition areas below Grass Valley Creek. The proposed action was recommended in the DWR study, and adopted unanimously by the Task Force. It has since been authorized for Construction by Pub. L. 96-335. Preliminary evaluation of the impacts of this project has been completed by the California Department of Water Resources under provisions of the California Environmental Quality Act (CEQA).

Alternatives to Action 3, which proposes to rehabilitate habitat in the main stem of the river below Lewiston Dam, include large flushing flows to clean river gravel beds, and replacement of potential natural spawning in the rehabilitated river by increased hatchery production. Use of flushing flows, however, would be prohibited expensive and could endanger residents who have moved into the flood plain area after the construction of Trinity Dam. Increasing hatchery production to compensate for historical spawning below Lewiston would not be consistent with the Task Force emphasis on natural production where possible.

Other than no action, the alternative to Action 4, tributary rehabilitation would be hatchery expansion or relocation. Impacts expected with this alternative are discussed for Actions 3 and 7.

The major alternative to Action 7, the modification of the Trinity River Fish Hatchery, would be relocation of the hatchery downstream. This would be costly and an adequate water supply for hatchery production is not assured lower in the river. It would also require construction of a dam or weir across the river, and could negatively affect remaining natural spawning.

There are two alternatives to Action 8. As proposed, Action 8 consists of instituting various temporary artificial propagation techniques to help restore natural anadromous fish production in the main stem of the river. One alternative would be to abandon the attempt to restore natural production and rely permanently on artificial techniques. This would be inconsistent with the basic goals established by the Task Force. The second alternative would be no action which would prolong by several generations the time

required for natural populations to grow enough to fill restored habitat.

Actions 5, 6, 9, 10, and 11 have no reasonable alternatives other than no action.

A notice of intent to conduct scoping meetings for this EIS was published in the September 8, 1981 *Federal Register* and was distributed to about 850 agencies, county organizations, libraries, media representatives and private interests. Comments were accepted from concerned Federal, State and local agencies, organizations, and other individuals at the Fish and Wildlife Service Area Office and at five public meetings held the week of October 5 through 9, 1981. A scoping summary was mailed to all participants on April 16, 1982. Preliminary working draft copies of the EIS were distributed to the members of the Trinity River Task Force in July 1982. Comments received in correspondence and at Task Force Action Group meetings in July and August, 1982, have been addressed in this EIS.

The major areas of controversy surrounding the proposed management program during its formulation and scoping of the EIS have either not been directly related to environmental impacts, or they have been resolved. Three controversial measures; the creation of a quasi-independent management board, the imposition of additional land-use regulations, and actions involving zoning and road ordinances affecting private lands, have been dropped from the original proposed program.

Other areas of controversy have involved such questions as what are the causes and who is to blame for the degradation of the river, who is to pay and how much for compensation, and who is to be included in management decisions. These questions are beyond the scope of an EIS.

Richard J. Myshak,
Regional Director.

[FR Doc. 83-12472 Filed 5-16-83; 8:45 am]
BILLING CODE 4310-35-M

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Agency for International Development

Commission on Security and Economic Assistance

Pursuant to the provisions of the Federal Advisory Committee Act, notice is hereby given of the second meeting of the Commission on Security and Economic Assistance on May 26, 1983.

The purpose of the meeting is to continue the review of U.S. security and economic assistance in light of its goals and objectives, assess the modalities used and their effectiveness, and to advise the Secretary of State and the Congress of its findings and recommendations. The Commission will receive briefings on aspects of security and economic assistance and instruct the staff to prepare additional studies for its review.

The Commission will meet from 9:00 a.m. to 12:30 p.m. on May 26, 1983, at 1800 K Street, NW., Washington, D.C. 20006. The meeting is open to the public. Any interested person may attend. Written statements may be filed with the Commission in advance of the meeting.

Mr. John K. Wilhelm is the designated A.I.D. representative. Statements may be filed with him, or further information received by writing to him in care of the Agency for International Development, PPC/C, Room 1004 NS, Washington, D.C. 20523, or telephone him at 202/632-7800.

Dated: May 6, 1983.

John K. Wilhelm,
A.I.D. Representative, Commission on
Security and Economic Assistance.

[FR Doc. 83-12731 Filed 5-16-83; 8:45 am]

BILLING CODE 6116-01-M

INTERSTATE COMMERCE COMMISSION

Motor Carriers; Approved Exemptions

AGENCY: Interstate Commerce Commission.

ACTION: Notices of approved exemptions.

SUMMARY: The motor carriers shown below have been granted exemptions pursuant to 49 U.S.C. 11343(e), and the Commission's regulations in Ex Parte No. 400 (Sub-No. 1), *Procedures for Handling Exemptions Filed by Motor Carriers of Property Under 49 U.S.C. 1343*, 367 I.C.C. 113 (1982), 47 FR 53303 (November 24, 1982).

DATES: The exemptions will be effective on June 16, 1983. Petitions for reconsideration must be filed by June 6, 1983. Petitions for stay must be filed by May 27, 1983.

FOR FURTHER INFORMATION CONTACT: Warren C. Wood, (202) 275-7977.

SUPPLEMENTARY INFORMATION: For further information, see the decision(s) served in the proceeding(s) listed below. To purchase a copy of the full decision contact: TS Infosystems, Inc., Room 2227, 12th and Constitution Ave. NW.

Washington, D.C. 20423; or call (202) 289-4357 in the D.C. metropolitan area; or (800) 424-5403, toll-free outside the D.C. area.

By the Commission, Division 1, Commissioners Andre, 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.

[MC-F-15127]

Roadway Express, Ltd.—Purchase Exemption—Harkema Express Lines, Limited

Addresses: Send pleadings to: (1) Motor Section, Room 2139, Interstate Commerce Commission, Washington, D.C. 20423; (2) Petitioner's representative: William O. Turney, Suite 1010, 7101 Wisconsin Avenue, Washington, D.C. 20814. Pleadings should refer to No. MC-F-15127.

Decided: May 6, 1983.

Under 49 U.S.C. 11343(e), the Interstate Commerce Commission exempts from the requirement of prior regulatory approval under 49 U.S.C. 11343(e), the purchase by Roadway Express, Ltd. of all of the operating rights of Harkema Express Lines, Limited, contained in Certificates No. MC-140611 (Sub-No. 2), and No. MC-96134 Sub-No. 1), acquired in MC-FC-77875.

[MC-F-15117]

Best-Way Transportation—Purchase Exemption—Spector Red Ball, Inc. (Debtor-in-Possession)

Addresses: Send pleadings to: (1) Motor Section, Room 2139, Interstate Commerce Commission Washington, D.C. 20423; and (2) Petitioner's representative Phil B. Hammond, Evans, Hammon, & Milliken 3003 N. Central, Suite 2201, Phoenix, AZ 85012. Pleadings should refer to No. MC-F-15117.

Decided: May 5, 1983.

Under 49 U.S.C. 11343(e), the Interstate Commerce Commission exempts from the requirement of prior review and approval under 49 U.S.C. 11343(e), the purchase by Best Way Transportation of authorities issued to Spector Red Ball, Inc., in No. MC-2229 and various sub-numbers thereunder (28, 31, 33-46, 49, 57, 58, 62-64, 66, 67, 71, 73, 74, 76, 79, 80, 82, 85, 89, 93-95, 99, 191, 100, 111, 116, 122, 125, 131, 153, 155, 160, 163, 175, 182, 226F, 240, 245 and 271X, and portions of 102 and 169).

[FR Doc. 83-13130 Filed 5-16-83; 8:45 am]

BILLING CODE 7035-01-M

[OP4F-269]

Motor Carriers; Decision-Notice

The following applications seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquired control of motor carriers pursuant to 49 U.S.C. 11343 or 11344. Also, applications directly related to these motor finance applications (such as conversions, gateway eliminations, and securities issuances) may be involved.

The applications are governed by 49 CFR 1182.1 of the Commission's Rules of Practice. See Ex Parte 55 (Sub-No. 44), *Rules Governing Applications Filed By Motor Carriers Under 49 U.S.C. 11344 and 11349*, 363 I.C.C. 740 (1981). These rules provide among other things, that opposition to the granting of an application must be filed with the Commission in the form of verified statements within 45 days after the date of notice of filing of the application is published in the **Federal Register**. Failure seasonably to oppose will be construed as a waiver of opposition and participation in the proceeding. If the protest includes a request for oral hearing, the request shall meet the requirements of Rule 242 of the special rules and shall include the certification required.

Persons wishing to oppose an application must follow the rules under 49 CFR 1182.2. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of \$10.00, in accordance with 49 CFR 1182.2.(d).

Amendments to the request for authority will not be accepted after the date of this publication. However, the Commission may modify the operating authority involved in the application to conform to the Commission's policy of simplifying grants of operating authority.

We find, with the exception of those applications involving impediments (e.g., jurisdictional problems, unresolved fitness questions, questions involving possible unlawful control, or improper divisions of operating rights) that each applicant has demonstrated, in accordance with the applicable provisions of 49 U.S.C. 11301, 11302, 11343, 11344, and 11349, and with the Commission's rules and regulations, that the proposed transaction should be authorized as stated below. Except where specifically noted this decision is neither a major Federal action significantly affecting the quality of the human environment nor does it appear to qualify as a major regulatory action

under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests as to the finance application or to any application directly related thereto filed within 45 days of publication (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (unless the application involves impediments) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, the duplication shall not be construed as conferring more than a single operating right.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice of effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

By the Commission, Review Board No. 3, Members Krock, Joyce and Dowell.

Agatha L. Mergenovich,
Secretary.

Please direct status inquiries to Team Four at (202) 275-7669.

[MC-F-15253, filed April 25, 1983]

Black Hills Stage Lines, Inc. (Black Hills) (270 E. Norfolk Ave., Norfolk, NE. 68701)—Purchase—Sandhills Steamship & Navigation Co., d.b.a. Western Stage Lines (Western) (P.O. Box 808, North Platte, NE 69101).

Representative: Richard A. Peterson, P.O. Box 81849, Lincoln, NE 68501.

Black Hills seeks to purchase all of the interstate operating rights of Western. Doyle W. Busskohl, Charles D. Busskohl, Stephen D. Busskohl, and Craig D. Busskohl join in the application as individuals in control of Black Hills and seek authority to acquire control of said rights through the transaction. The interstate operating rights being purchased are contained in Certificate No. MC-156726 issued January 4, 1982, authorizing the transportation of passengers and their baggage, in charter operations, between points in Lincoln, Frontier and Red Willow Counties, NE, on the one hand, and, on the other, points in the United States.

Black Hills holds motor common carrier authority in docket No. MC-123773 and subs thereunder. Two of the individuals, Doyle W. and Charles D. Busskohl, controlling Black Hills also controls Arrow Stage Lines, Inc. (MC-29592), a motor common carrier. The other two individuals, Stephen D. and

craig D. Busskohl, owns 38 percent and 14 percent, respectively, of the outstanding stock of allied Tour & Travel, Inc. (MC-12881), a passenger broker.

[FR Doc. 83-13131, Filed 5-16-83; 8:45 am]
BILLING CODE 7035-01-M

Motor Carriers; Proposed Exemptions

AGENCY: Interstate Commerce Commission.

ACTION: Notices of proposed exemptions.

SUMMARY: The motor carriers shown below seek exemptions pursuant to 49 U.S.C. 11343(e), and the Commission's regulations in Ex Parte No. 400 (Sub-No. 1), *Procedures for Handling Exemptions Filed by Motor Carriers of Property Under 49 U.S.C. 11343, 387 I.C.C. 113* (1982), 47 FR 53303 (November 24, 1982).

DATE: Comments must be received within 30 days after the date of publication in the Federal Register.

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.

By the Commission, Heber P. Hardy,
Director, Office of Proceedings.

Agatha L. Mergenovich,
Secretary.

Volume No. OP1-173

Decided: April 26, 1983.
[MC-F-15214]

Phelco, Inc.—Purchase Exemption—Central Motor Express, Inc.

Phelco, Inc. (Phelco), seeks an exemption under section 11343 of prior regulatory approval for its purchase from Central Motor Express, Inc. (Central), of a portion of its No. MC-38320 Sub-No. 26X (formerly Sub-No. 13), as is described at paragraph 4, page 5 of said certificate authorizing the transportation of general commodities, with exceptions, over irregular routes, between points in Taylor County, KY, on the one hand, and, on the other, points in 15 States. [The parties intend to transfer not only the portion of Sub-No. 26X described above, but also the underlying certificate for that authority, MC-38320 (Sub-No. 13)]. In addition, Phelco proposes to acquire from Central all of the authority in No. MC-38320

Sub-No. 27F which authorizes the transportation of general commodities (except classes A and B explosives), over described regular routes, between (1) Campbellsville, KY, and Dayton, OH, (2) between junction Interstate Hwy 65 and Kentucky Hwy 245, at or near Bardstown Junction, KY, and Ft. Wayne, IN, and (3) between Campbellsville, KY, and Cincinnati, OH. Phelco also seeks to tack the described portion of (Sub-No. 26)X and all of (Sub-No. 27)F at Campbellsville (Taylor County), KY, and to tack the regular route authority to be acquired in (Sub-No. 27)F with the irregular route authority of Phelco in its No. MC-151504 (Sub-Nos. 2F, 7X, and 8) certificates authorizing the transportation of various specified commodities between points in various States. Finally, temporary authority is sought by Phelco to lease the operating rights to be acquired from Central pending disposition of the petition for exemption.

Send comments to: (1) Motor Section, Room 2139, Interstate Commerce Commission, Washington, D.C. 20423; and (2) petitioner's representative Mr. Louis J. Amato, P.O. Box E, Bowling Green, KY 42101. Comments should refer to No. MC-F-15214.

Volume No. OP4F-282

Decided: May 9, 1983.
[MC-F-15282]

Trafco, Inc.—Purchase (Exemption)—North Manchester Trucking Company, Inc.

Trafco, Inc., seeks an exemption from the requirement under section 11343 of prior regulatory approval for its purchase of all of the operating rights of North Manchester Trucking Company Inc. (No. MC-10436 and Sub-Nos. 1, 2, 3, and 4). The rights authorize the transportation of general commodities over a network of regular and irregular routes generally involving counties in northern Indiana. Trafco intends to join its existing authority with North Manchester's to provide a through service between northern Indiana counties, on the one hand, and, on the other, points in the United States in and east of WI, IA, NE, MO, AR, and TX.

Send comments to: (1) Motor Section, Room 2139, Interstate Commerce Commission, Washington, DC 20423; and (2) Michael D. McCormick SCOPELITIS & GARVIN, 1301 Merchants Plaza, Indianapolis, IN 46204. Comments should refer to No. MC-F-15262.

Volume No. OP5-F-226

Decided: May 10, 1983.

[MC-F-15244]

Gorski Bulk Transport, Inc.—Purchase Exemption—Spector Red Ball, Inc. (Debtor-in-Possession)

Gorski Bulk Transport, Inc., seeks an exemption from the requirement under section 11343 of prior regulatory approval for its purchase of a portion of the operating authority of Spector Red Ball, Inc., specifically No. MC-2229 (Sub-No. 248F) authorizing the transportation of general commodities (with exceptions) between points in the United States (except Alaska and Hawaii) and all of the authority of Spector Freight System of Canada, Ltd. (No. MC-144338F) authorizing the transportation of general commodities (with exceptions), between ports of entry on the international boundary line between the United States and Canada and Detroit, MI, subject to certain restrictions.

Send comments to: (1) Motor Section, Room 2139, Interstate Commerce Commission, Washington, DC 20423; and (2) Petitioner's representative, William H. Shawn, Suite 501, 1730 M Street, N.W., Washington, DC 20036. Comments should refer to No. MC-F-15244.

[FR Doc. 83-13133 Filed 5-16-83; 8:45 am]
BILLING CODE 7035-01-M

Motor Carriers; Republications of Grants of Operating Rights Authority Prior to Certification

The following grants of operating rights authorities are republished by order of the Commission to indicate a broadened grant of authority over that previously noticed in the Federal Register.

An original and one copy of a petition for leave to intervene in the proceeding must be filed with the Commission within 30 days after the date of this Federal Register notice. Such pleading shall address specifically the issue(s) indicated as the purpose for republication. A copy of the pleading shall be served concurrently upon the carrier's representative, or carrier if no representative is named.

Agatha L. Mergenovich,
Secretary.

Please direct status inquiries to Team 3 at (202) 275-5223.

Volume No. OP3-211

MC 162724 (Sub-3) (Republication) filed November 18, 1982, published in the Federal Register issue of December 8, 1982, and republished this issue. Applicant: MOUNTAIN OIL

TRANSPORT, INC., P.O. Box 2216, Wala Wala, WA 99382. Representative: George R. LaBissoniere, 15 S. Grady Way, Suite 239, Renton, WA 98055. A decision of the Commission, Review Board Number 3, decided March 25, 1983, and served April 6, 1983 finds that the performance by the applicant of the service described herein to operate as a common carrier, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in Washington, Oregon, California, and Idaho, on the one hand, and, on the other, points in the United States (except Hawaii), and (2) *petroleum products and such commodities as are used in pipeline construction*, between points in the United States (except Hawaii); that applicant is fit, willing, and able properly to perform the granted service and to conform to statutory and administrative requirements. The purpose of this republication is to reflect the broadening of the commodity description to the extent it authorizes bulk commodities.

Please direct status inquiries about the following to Team 4 at (202) 275-7669.

Volume No. OP4-281

MC 152566 (Sub-3) (republication), filed April 15, 1983; published in the *Federal Register* issue of April 30, 1983, and republished this issue. Applicant: ONEDIN LINES, INC., 6021 Bapst St., Toledo, OH 43615. Representative: Richard A. Eberlin, P.O. Box 39, Holland, OH 43528, (419) 474-6331. In a decision, by the Entire Commission, decided April 11, 1983, and finds that performance by applicant: To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *malt beverages*, between points in Lucas County, OH, on the one hand, and, on the other, points in Houston County, GA, Allegheny County, PA, and Milwaukee County, WI; (2) *lumber and wood products, and tar products* in containers, between points in Lucas County, OH, on the one hand, and, on the other, points in NY, PA, MI, NJ, MA, CT, IL, WI, MN, IN, WV, and VA; (3) *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI); and (4) *packaging materials and plastic products*, between points in U.S. (except AK and HI), will serve a useful public purpose responsive to public demand or need. Applicant is fit, willing, and able properly to perform the granted service

and to conform to statutory and administrative requirements.

Note.—The purpose of this republication is to give notice of the change in the territorial description of (3) and (4).

MC 158296 (Sub-2) (republication), filed August 23, 1982; published in the *Federal Register* issue of September 7, 1982; and republished this issue. Applicant: ROY NEAL WHEELER, SR, ROY NEAL WHEELER, JR., AND PHILIP VERNE WHEELER, d.b.a. WHEELER & SONS TRUCKING, 1607 Oro Dam Blvd. West, Oroville, CA 95965. Representative: Robert G. Harrison, 4299 James Dr., Carson City, NV 89701, (702) 882-5649. In a decision, by the Commission, Division 2, acting as an Appellate Division, decided March 28, 1983, and finds that the performance by the applicant: To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting metal articles, building and construction materials and equipment, wood products, clay, concrete, glass and stone products, and ores and minerals, between points in Washington, Oregon, California, Nevada, Montana, Idaho, Utah, Arizona, New Mexico, Colorado, Texas, Wyoming, Louisiana, Florida, Illinois and Indiana, will serve a useful public purpose responsive to a public demand or need. Applicant is fit, willing, and able properly to perform the granted service and to conform to statutory and administrative requirements.

Note.—The purpose of this republication is to include "equipment" in the commodity description.

[FR Doc. 83-13129 Filed 5-16-83; 8:45 am]

BILLING CODE 7035-01-M

[No. 39065¹]

Motor Carriers; Seaboard Express, Inc., et al.—Petition for Exemption From Tariff Filing Requirements

AGENCY: Interstate Commerce Commission.

ACTION: Notice of provisional exemption.

SUMMARY: Three motor contract carriers have each 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 June 1, 1983. The sought relief will become final June 16, 1983, unless, in response to timely filed adverse comments, the

¹ This proceeding embraces three petitions for exemption: No. 39065, Seaboard Express, Inc.; No. 39068, Southwest Truck Service; and No. 39069, United Van Lines, Inc.

Commission issues a further decision withdrawing this relief.

ADDRESS: Send an original and 15 copies of comments to: Interstate Commerce Commission, 12th and Constitution Ave., N.W., Washington, DC 20423.

FOR FURTHER INFORMATION CONTACT: Paul Grossman, (202) 275-7976; or Howell I. Sporn, (202) 275-7691.

SUPPLEMENTAL 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, Washington, D.C. 20423, or call 289-4357 in the DC Metropolitan area or toll free (800) 424-5403.

Decided: May 6, 1983.

By the Commission, Commissioners Andre 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. 83-13132 Filed 5-16-83; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 30159]

Rail Carriers; Southern Pacific Transportation Company—Abandonment Exemption—In Dallas County, TX

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: The Interstate Commerce Commission exempts from the requirement of prior approval under 49 U.S.C. 10903 *et seq.*, the abandonment by the Southern Pacific Transportation Company of 2.8 miles of track of its Athens Branch in Dallas County, TX, subject to standard employee protective conditions.

DATES: This exemption shall be effective on June 16, 1983. Petitions to stay the effectiveness of the decision must be filed by May 27, 1983. Petitions for reconsideration must be filed by June 6, 1983.

ADDRESSES: Send pleadings referring to Finance Docket No. 30159 to:

(1) Rail Section, Room 5349, Interstate Commerce Commission, Washington, DC 20423

(2) Petitioner's representative: Gary A. Laakso, Southern Pacific Building, One Market Plaza, San Francisco, CA 94105

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: May 5, 1983.

By the Commission, Chairman Taylor, Vice Chairman Sterrett, Commissioners Andre and Gradison. Commissioner Andre would not impose a deadline for consummation of exempted transportation.

Agatha L. Mergonovich,
Secretary.

[FR Doc. 83-13134 Filed 5-16-83; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Decision Notice; Finance Applications

As indicated by the findings below, the Commission has approved the following applications filed under 49 U.S.C. 10924, 10926, 10931 and 10932.

We find:

Each transaction is exempt from section 11343 of the Interstate Commerce Act, and complies with the appropriate transfer rules.

This decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

Petition seeking reconsideration must be filed within 20 days from the date of this publication. Replies must be filed within 20 days after the final date for filing petitions for reconsideration; any interested person may file and serve a reply upon the parties to the proceeding. Petitions which do not comply with the relevant transfer rules at 49 CFR 1181.4 may be rejected.

If petitions for reconsideration are not timely filed, and applicants satisfy the conditions, if any, which have been imposed, the application is granted and they will receive an effective notice. The notice will recite the compliance requirements which must be met before the transferee may commence operations.

Applicants must comply with any conditions set forth in the following decision-notices within 20 days after publication, or within any approved extension period. Otherwise, the decision-notice shall have no further effect.

It is ordered:

The following applications are approved, subject to the conditions stated in the publication, and further

subject to the administrative requirements stated in the effective notice to be issued hereafter.

Please direct status inquiries about the following to Team 1, (202) 275-7992.

Volume No. OP1-FC-174

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing. Member Ewing not participating.

MC-FC-81366. By decision of May 6, 1983 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1181, Review Board Number 2 approved the transfer to DAVID W. KENNAN, d.b.a. ROGERS TRANSFER & STORAGE COMPANY, Rogers, AR, of Certificate No. 34810 issued June 9, 1959, to W. B. KENNAN, JR. AND W. R. KENNAN, d.b.a. ROGERS TRANSFER & STORAGE COMPANY, of Rogers, AR, authorizing the transportation of (1) vinegar, in containers, in truckloads, from Springdale, AR, to points in AR through OK and MO, and to points in OK, MO and KS, (2) empty glass bottles, from points in MO, KS and OK to Springdale, AR, (3) empty oil barrels and drums, from points in Benton and Washington Counties, AR, to Okmulgee, Ponca City and Tulsa, OK, (4) oil and grease, in containers, from Okmulgee, Ponca City and Tulsa, OK, to points in Benton and Washington Counties, AR (except Rogers, AR), (5) spray material and insecticides, from St. Louis and Springfield, MO, to Springdale and Rogers, AR, (6) fresh fruits, berries and vegetables, from points in Washington and Benton Counties, AR, to points in OK, KS and MO, (7) livestock and used agricultural machinery and implements, between points in Benton and Washington Counties, AR, on the one hand, and, on the other, points in OK and KS, and those in MO (except those south of U.S. Highway 66 and east of U.S. Highway 83), (8) household goods, between points in Washington and Benton Counties, AR, on the one hand, and, on the other, points in AR, MO, OK, and KS, and (9) oil, petroleum by-products, vinegar, barrels, drums, kegs, empty glass bottles, agricultural implements, charcoal, hay, straw, lime in packages, building materials, and livestock, between Rogers, AR, on the one hand, and, on the other, points in AR, OK, KS and MO. Representative: John M. Blair, 117 South Second St., Rogers, AR 72756.

MC-FC-81439. By decision of May 6, 1983 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1181, Review Board Number 2 approved the transfer to SMITH TRUCKING COMPANY, INC., Enid, OK, of Certificate No. MC-152061, issued

August 26, 1981, to GENE SMITH AND ELMER ABNEY, d.b.a. SMITH TRUCKING CO., authorizing the transportation of (1) machinery, equipment, materials, and supplies used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and (2) machinery, materials, equipment, and supplies, used in, or in connection with the construction, operation, repair, servicing, maintenance and dismantling of pipe lines, including the stringing and picking up thereof, between points in OK, KS, and TX. Representative: William P. Parker, 4400 N. Lincoln, Suite 10, Oklahoma City, OK 73105.

Please direct status inquiries about the following to Team 2 at (202) 275-7030.

Volume No. OP2-FC-215

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing.

MC-FC-81391. By decision of May 6, 1983, issued under U.S.C. 10926 and the transfer rules at 49 CFR 1181; Review Board Number 2 approved the transfer to Randy Halter, d.b.a. Halter Trucking, of Springfield, MN, of authority issued to Vernon Jenniges, d.b.a. Jenniges Transfer, of Springfield, MN, authorizing transportation of (lead) clay products, from Springfield, MN, to points in WI, those in IA on the north of U.S. Hwy 30, those in SD on and east of U.S. Hwy 83, and those in that part of ND on and east of ND Hwy 3 from the ND-SD state line to junction U.S. Hwy 2, and on and south of U.S. Hwy 2, from junction ND Hwy 3 to the ND-MN State line, and from Ft. Dodge, IA to Springfield, MN, (Sub 2) clay products, from Springfield, MN, to points in the Upper Peninsula of MI, (Sub 4) clay products, from Springfield, MN, to points in NE, and (Sub 5) clay products and materials, equipment, and supplies, between points in the U.S., under continuing contract(s) with Ochs Brick & Tile Company, of Springfield, MN. Representative: Stephen F. Grinnell, 1600 TCF Tower, Minneapolis, MN.

Volume No. OP2-217

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing.

MC-FC-81214. By decision of May 9, 1983, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1181, Review Board Number 2, approved the transfer to RIVER CITY VAN LINE, INC., Memphis, TN, of Certificate No. MC-7962 Sub-3, issued May 20, 1982, to BLUFF CITY TRANSFER & STORAGE

COMPANY, Memphis, TN, authorizing the transportation of household goods between points in AL, AR, DE, FL, GA, IL, IN, KS, LA, MD, MI, MO, MS, NC, NE, NJ, NY, OH, OK, PA, SC, TN, TX, VA, WV, and DC. Representative: Edward G. Grogan, Twentieth Floor, First Tennessee Building, Memphis, TN, 38103 for applicants.

MC 81369. By decision of May 9, 1983, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1181, Review Board No. 2 approved the transfer to ROBERT C. MAGEE AND JAMES H. MAGEE, d.b.a. WM. J. MAGEE MOVING & STORAGE, of Cleveland, OH, of Certificate No. MC-40543, issued March 28, 1955, to HEROLD G. HERRMAN, d.b.a. GEO. HERRMAN MOVING & STORAGE, of Cleveland, OH, authorizing the transportation, as a common carrier, over irregular routes, of household goods, between points in Cuyahoga County, OH, on the one hand, and, on the other, points in IN, IL, MI, PA, NY, NJ, CT, MA, MD, MO, WI, and DC. Representative: James H. Magee, 4199 West 82nd St., Cleveland, OH 44144, 216-661-1600.

Note.—Transferee holds authority from the Commission under MC-2507.

MC-FC-81385. By decision of May 9, 1983, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1181, Review Board No. 2 approved the transfer to transferee SCHEFFLER'S FOUR SEASONS TOURS, INC., Saginaw, MI, of Permit No. MC-161192, issued January 28, 1983, to transferor SCHEFFLERWAYS, INC., Saginaw, MI, authorizing the transportation over irregular routes, of passengers and their baggage, in special and charter operations, between points in the U.S., under continuing contract(s) with Scheffler's Four Seasons Tours, Inc., of Saginaw, MI. Transferee holds authority as a broker under MC-130245. Representative: J. G. Dail, Jr., P.O. Box LL, McLean, VA 22101.

MC-FC-81415. By decision of May 9, 1983, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1181, Review Board No. 2 approved the transfer to CLASSIC EXPRESS, INC., of Las Vegas, NV, of authority issued to AMR COMPANY, of Kearney, NE, in MC-140253, authorizing transportation of antique and classic automobiles, and antique and classic motorcycles, in secondary movements, in truckaway service, utilizing van-type trailers only, between points in the U.S. (except AK and HI). Representative: Clyde M. Christy, 1010 Tyler, Topeka, KS, 66606.

MC-FC-81440. By decision of May 9, 1983, issued under 49 U.S.C. 10926 and

the transfer rules at 49 CFR Part 1181, Review Board No. 2 approved the transfer to BURCHILL INTERNATIONAL TRANSPORT, INC., of Mansfield, PA, of authority issued to BURCHILL TRUCKING, INC., Bradshaw, MD, in MC-163312 and Sub No. 1, authorizing transportation of (1) glass, between points in Allegheny and Blair Counties, PA, on the one hand, and, on the other, points in Baltimore County, MD, and (2) such commodities as are dealt in or used in the assembly of motor vehicles, between points in Baltimore County, MD, on the one hand, and, on the other, points in CT, DE, IN, MA, MI, NJ, NY, OH, and PA. Representative: Carl L. Steiner, 135 South LaSalle St., Chicago, IL 60603.

Please Direct Status Inquiries About the Following to Team 3 at (202) 274-5223

Volume No. OP3-FC-207

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC-FC-81387. By decision of May 5, 1983 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1181, Review Board Number 3 approved the transfer to FREIGHT ALL KINDS, INC., Denver, CO of Certificate No. MC-95084 (Sub-No. 177), issued May 28, 1982, to HOVE TRUCK LINE (A CORPORATION) (DEBTOR-IN-POSSESSION), Stanhope, IA, authorizing the transportation of *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. Representative: Joseph W. Harvey, 6825 E. Tennessee, Suite 401-A (P.O. Box 24629), Denver, CO 80224, (303) 333-5433. Condition: Upon consummation of this transaction, transferor's authority in MC-95084 (Sub-Nos. 82, 93, 113, 114, 115, 117, 118, 121, 126, 128, 129, 130, 131, 133, 134, 140, 142, 143, 146, 147, 149, 150, 151, 152, 153, 155, 156, 158, 159, 162, 163, 164, 165, 166, 167, 169, 170, 171, 172, 173, 174, 175 and 176 are cancelled pursuant to its request.

Volume No. OP3-FC-208

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing. Member Ewing not participating.

MC-FC-81360. By decision of May 6, 1983, issued under 49 U.S.C. and the transfer rules at 49 CFR Part 1181, Review Board Number 2 approved the transfer to NORMAN FOUNTAIN, doing business as NOR SHEENA LINES, Bridgeport, CT 06608, of Certificate No. MC-141045 Sub 1, issued April 11, 1978, to PARK CITY COACH SERVICE, INC., Stratford, CT 06497, authorizing the irregular-route transportation of

Passengers and their baggage, in charter operations, beginning and ending at Bridgeport, CT, and points within 10 miles of Bridgeport, CT and extending to the District of Columbia, points in DE, FL, GA, IL, MD, MA, NJ, NY, NC, OH, PA, RI, SC, VT, VA, and to the port of entry on the International Boundary line between the U.S. and Canada which is located at Presque Isle, ME. Applicant's representative: (Same as applicant) (203) 375-2307.

Volume No. OP3-FC-212

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC-FC-81422. By decision of May 10, 1983 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1181, Review Board Number 1 approved the transfer to ROBERT GORE, of Wright City, MO, of Certificate No. MC-153684 Sub 1, issued October 21, 1981, to THOMAS J. BUENEMAN TRUCKING, INC., of Wright City, MO, authorizing the transportation of (1) *wood and wood products*, between points in Warren County, MO, on the one hand, and, on the other, points in AR, IL, OK, KS, and TX, and (2) *leather and leather products, vinyl and vinyl products, paper and paper products, and foam products*, between points in Warren County, MO, on the one hand, and, on the other, points in PA, OH, VA, NC, IL, TX, KY, and IN. Representative: Willard C. Reine, 314 East High St., Jefferson City, MO 65101.

Please Direct Status Inquiries About the Following to Team 4 at (202) 275-7669

Volume No. OP4-FC-279

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing. Member Ewing not participating.

MC-FC-81263, filed February 28, 1983. By decision of 5-6-83 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1181, Review Board Number 2 approved the transfer to Ruth L. Miller and Arthur C. Miller, a partnership doing business as Roy A. Miller Trucking, Pomona, KS, of Certificate Nos. MC-15876, issued August 20, 1956, and MC-15876 Sub 2, issued August 15, 1963, to Roy A. Miller, authorizing the transportation of livestock, agricultural implements, building materials, feed, molasses and household goods, between Pomona, KS, and points within 15 miles of Pomona, on the one hand, and, on the other, Kansas City, KS, and Kansas City, MO, and household goods from Ottawa, KS, and points within 25 miles of Ottawa, to Kansas City, MO, and points in Oklahoma, and from points in Oklahoma to points in Kansas.

Representative: Arthur C. Miller, R.R.
#1, Pomona, KS 66076.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 83-13162 Filed 5-16-83; 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 problem (e.g., unresolved common control, fitness, or jurisdictional

questions) we find, preliminarily, that each applicant has demonstrated that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce, over irregular routes unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract."

Please direct status inquiries about the following to Team 1, (202) 275-7992.

Volume No. OP1-168

Decided: May 10, 1983.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing. Member Ewing not participating.

MC 142421 (Sub-2), filed April 22, 1983. Applicant: ARMORED TRANSPORT OF NEVADA, INC., 1612 West Pico Blvd., Los Angeles, CA 90015. Representative: John C. Russell, 1545 Wilshire Blvd., Suite 606, Los Angeles, CA 90017, (213)-483-4700. Transporting *shipments weighting 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S. (except AK and HI).

MC 167600, filed April 25, 1983. Applicant: CLARK A. BREVIG AND JOAN K. BREVIG, d.b.a. BREVIG LAND, LIVE & LUMBER Rural Route 2, Box 2233, Lewistown, MT 59457. Representative: Clark A. Brevig (same address as applicant), (406)-538-5579. 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 167701, filed April 28, 1983. Applicant: COUNCIL BLUFFS TRUCK BROKERAGE, INC., 3211 Nebraska Ave., Council Bluffs, IA 51501. Representative: James F. Crosby, 7363 Pacific St., Suite 210B, Omaha, NE 68114, (402)-397-9900. As a *broker of general commodities* (except household goods), between points in the U.S.

Volume No. OP1-170F

Decided: May 10, 1983.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing. Member Ewing not participating.

MC 99581 (Sub-6), filed May 2, 1983. Applicant: VACA VALLEY BUS LINES, INC., Box 818, Fairfield, CA 94533. Representative: Mike Pavlakis, Box 646, Carson City, NV 89702 (702) 882-0202. 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 157500(B), filed April 22, 1983. Applicant: PERCY M. RHINES, JR., d.b.a. P. RHINES & SONS TRUCKING CO., 5635 North Broadway, Denver, CO 80216. Representative: David E. Driggers, 1660 Lincoln St., 1600 Lincoln Center, Denver, CO 80264 (303) 861-4028. Transporting (a) *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, and (b) *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 filed for authority under the non-fitness procedures docketed MC-157500(A), published in this same Federal Register issue.

MC 167681, filed April 28, 1983. Applicant: PEGASUS COACH, INC., 222 Jay Ave., Lyndhurst, NJ 07071.

Representative: Michael R. Werner, 241 Cedar Lane, Teaneck, NJ 07666 (201) 836-1144. 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 167720, filed April 29, 1983. Applicant: ATKINS PICKLE COMPANY, INC., 602 Southeast First St., Atkins, AR 72823. Representative: Edward G. Bazelon, 135 South LaSalle St., Chicago, IL 60603 (312) 236-9375. 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 DFC Transportation Company, of Huntley, IL.

MC 167730, filed May 2, 1983. Applicant: THE ILLINOIS NATIONAL BANK OF SPRINGFIELD, One Old Capitol Plaza North, Springfield, IL 62701. Representative: Robert T. Lawley, 300 Reisch Bldg., Springfield, IL 62701, (217) 544-5468. 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 167731, filed April 28, 1983. Applicant: JOSEPH A. GERARD, d.b.a. GERARD'S COMFY COACHES, INC., 2612 River Road, Point Pleasant, NJ 08742, (201) 295-0115. Representative: Nicholas C. Montenegro, 531 Burnt Tavern Rd., P.O. Box 1049, Brick Town, NJ 08723, (201) 295-4500. 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 167741, filed May 2, 1983. Applicant: RICHARD BOTHWELL, d.b.a. BOTHWELL ENTERPRISES, I-27 South, Plainview, TX 79072. Representative: Robert J. Brooks, 1828 L St., NW., Suite 1111, Washington, DC 20036, (202) 466-3892. Transporting *passengers*, in charter and special operations, between points in the U.S.

Note.—Applicant seeks to provide privately-funded charter and special transportation.

Please direct status inquiries about the following to Team 2 at (202) 275-7030.

Volume No. OP2-216

Decided: May 5, 1983.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing. Member Ewing not participating.

MC 29643 (Sub-23), filed April 20, 1983. Applicant: WALSH TRUCKING

SERVICE, INC., 50 Burney Ave., Massena, NY 13662. Representative: Morton E. Kiel, Suite 1832, Two World Trade Center, New York, NY 10048, (212) 466-0220. As a *broker of general commodities* (except household goods), between points in the U.S. (except AK and HI).

MC 44832 (Sub-3), filed April 18, 1983. Applicant: HILLTOP BUS LINES, INC., 306 North Main St., Butler, PA 16001. Representative: W. Bryan Pizzi II, 204 Millcraft Center, 90 West Chestnut St., Washington, PA 125301, (412) 228-9000. 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 84273 (Sub-12), filed April 25, 1983. Applicant: JONES TRUCKING CO., INC., 3020 Bay View Dr., Green Bay, WI 54301. Representative: Wayne W. Wilson, 150 East Gilman St., Madison, WI 53703, 608-256-7444. Transporting for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secretive materials, and sensitive weapons and munitions), between points in the U.S. (except AK and HI).

MC 128713 (Sub-1), filed April 25, 1983. Applicant: DEL-VAL COACH, INC., 78 South Lakeview Dr., Gibbsboro, NJ 08026. Representative: Joann Hillman (same address as applicant), 609-784-0099. Transporting *passengers*, in charter and special operation, between points in NJ, NY, CT, MA, VT, NH, RI, PA, DE, MD, VA and DC.

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 140822 (Sub-1), filed April 26, 1983. Applicant: HAMMOND TRANSPORTATION LIMITED, Lot 2, Con. 12, Muskoka Ward, P.O. Box 441, Bracebridge, Ontario, Canada, POB ICO. Representative: Ivan Lewis Beasley (same address as applicant), (705) 645-5431. Transporting *passengers*, in charter operations, beginning and ending at ports of entry between the U.S. and Canada in NY, MI, MN, and WI, and extending to points in MS, ND, SD, LA, AR, MO, IA, MN, NE, KS, OK, TX, NM, CO, WY, MT, WA, ID, OR, UT, NV, CA, AZ, and DC.

Note.—The Applicant seeks to provide privately-funded charter transportation.

MC 163032, filed April 22, 1983. Applicant: ALLEN RENCHER, P.O. Box 963, Hayden Lake, ID 83835. Representative: Timothy R. Stivers, P.O. Box 1576, Boise, ID 83701, 208-343-3071. Transporting (1) *general commodities*

(except classes A and B explosives and household goods), between points in AZ, CA, CO, ID, MT, NV, OR, UT, WA, and WY. (2) For or on behalf of the United States Government of *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).

Note.—Part (2) is published in the Federal Register, this issue, under the preface with fitness applications.

MC 165812, filed April 29, 1983. Applicant: T. C. COACH, INC., 7924 Frankford Ave., Philadelphia, PA 19136. Representative: Michael E. Fisher (same address as applicant), 215-335-1156. Transporting *passengers* in charter operations, beginning and ending at points in PA, and extending to points in the U.S.

Note.—Applicant seeks to provide privately-funded charter transportation.

MC 167092 (Sub-1), filed April 27, 1983. Applicant: FISHER TRUCKING, INC., P.O. Box 181, Springdale, AR 72764. Representative: Joseph C. Fisher, (same address as applicant), 501-751-6605. Transporting for or on behalf of the United States Government *general commodities* (except used household goods, hazardous or secret materials, sensitive weapons and munitions), between points in the U.S.

MC 167613, filed April 25, 1983. Applicant: CELEBRITY LIMOUSINE SERVICE, INC., 5317 Frankford Ave., Philadelphia, PA 19124. Representative: Alan Kahn, 1430 Land Title Bldg., Philadelphia, PA 19110, (215) 561-1030. 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 167672, filed April 26, 1983. Applicant: HANUS BUS CO., INC., 4500 Tonkawood Rd., Minnetonka, MN 55343. Representative: James B. Hovland, 525 Lumber Exchange Bldg., Minneapolis, MN 55402, 612-340-0808. 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.

Please direct status inquiries about the following to Team 3 at (202) 275-5223.

Volume No. OP3-199

Decided: May 4, 1983.

By the Commission, Review Board No. 3, Members Krock, Joyce and Dowell.

MC 127955 (Sub-17), filed April 27, 1983. Applicant: RICCI TRANSPORTATION CO., INC., Aloe St. and Odessa Ave., Pomona, NJ 08240. Representative: Daniel H. Ricci (same address as applicant), (609) 965-2538. Transporting *passengers*, in charter and special operations, between 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 international boundary line between the United States and Canada.

Note.—Applicant seeks to provide privately-funded special and charter transportation.

MC 143925 (Sub-1), filed April 14, 1983. Applicant: SPRINGFIELD BUS COMPANY, INC., 405 Harrison St., Springfield, OH 45505. Representative: Langdon D. Bell, 21 E. State St., Columbus, OH 43215, (614) 228-0704. Transporting *passengers*, in charter and special operations, beginning and ending at points in OH, KY, and IN, and extending to points in the U.S. (except AK and HI).

Note.—Applicant seeks to provide privately-funded special and charter transportation.

MC 187604, filed April 21, 1983. Applicant: GONE FISH'N CHARTERS, 205 Robins Rd., Hiawatha, IA 52233. Representative: Ronald Phillip Wright, Jr. (same address as applicant), (319) 393-4544. Transporting *passengers*, in charter and special operations, beginning and ending at points in Linn County, IA and extending to points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 187615, filed April 25, 1983. Applicant: CIE DE TRANSPORT MASKOUTAINE INC., 1005 Bernard, St-Hyacinthe, P.Q., P. Quebec, CN J2T 1E2. Representative: Guy Poliquin, 580 E. Grande-Allee St., Suite 140, Quebec, P. Quebec, CN G1R 2K3, (418) 522-5644. Transporting *passengers*, in charter and special operations, beginning and ending at ports of entry on the international boundary line between the U.S. and Canada located in ME, NH, VT, NY and MI and extending to points in the U.S.

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 187624, filed April 26, 1983. Applicant: C & D BROKERAGE & LEASING, INC., 102 Pinewood Dr., Drexel, NC 28619. Representative:

William P. Farthing, Jr., 1100 Cameron-Brown Bldg., Charlotte, NC 28204, (704) 372-6730. As a *broker of general commodities* (except household goods), between points in the U.S. (except AK and HI).

MC 187644, filed April 26, 1983. Applicant: AMERICA IN MOTION, INC., 330 Manhattan Ave., Jersey City, NJ 07307. Representative: Zoe Ann Pace, 387 Park Ave. S., New York, NY 10016, (212) 532-1800. As a *broker of general commodities* (except household goods), between points in the U.S. (except AK and HI).

MC 187645, filed April 26, 1983. Applicant: U.S.A. FREIGHT SYSTEMS, INC., 1814 71st St., Darien, IL 60559. Representative: Joseph Winter, 29 S. LaSalle St., Chicago, IL 60603. As a *broker of general commodities* (except household goods), between points in the U.S. (except AK and HI).

MC 187695, filed April 28, 1983. Applicant: HANSOME LEWIS WALKER, d.b.a. WALKER BUS SERVICE, 1237 N. Potomac St., Baltimore, MD 21213. Representative: Hansome Lewis Walker (same address as applicant), (301) 276-1754. Transporting *passengers*, in special and charter operations, between points in the U.S. (except AK and HI).

Note.—Applicant seeks to provide privately-funded special and charter transportation.

MC 187665, filed April 27, 1983. Applicant: THE GRACE BRETHERN CHURCH OF SOMERSET, INC., R.D. No. 3, Box 25, Somerset, PA 15501. Representative: Pastor Cliff Wicks (same address as applicant), (814) 445-8645. 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.

Please direct status inquiries about the following to Team 4 at (202) 275-7669.

Volume No. OP4-278

Decided: May 5, 1983.

By the Commission, Review Board No. 3, Members Krock, Joyce and Dowell.

MC 152357 (Sub-4), Filed April 28, 1983. Applicant: R. G. STINE TRUCKING, INC., 15946 Mills Dr., Visalia, CA 93277. Representative: Donald R. Hedrick, P.O. Box 4334, Santa Ana, CA 92702, (714) 667-8107. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, sensitive weapons and munitions),

between points in the U.S. (except AK and HI).

MC 187676, filed April 27, 1983. Applicant: MOODY TRUCKING CO., INC., 901 Wilson Rd. (P.O. Box 222), Smithfield, VA 23430. Representative: Frank L. Willard, Suite No. 100, 1 First & Merchants National Bank Bldg., Norfolk, VA 23510, (804) 627-0070. 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 187677, filed April 27, 1983. Applicant: J. W. HOGGE SEAFOOD, INC., Route 2, Box 114, Hayes, VA 23072. Representative: Frank L. Willard, Suite No. 1001, First & Merchants National Bank Bldg., Norfolk, VA 23510, (804) 627-0070. 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 187707, filed April 29, 1983. Applicant: GRAY TOURS, INC., 78 Falulah St., Fitchburg, MA 01420. Representative: David M. Marshall, 6th Floor, 95 State St., Springfield, MA 01103, (413) 732-1136. 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.

Volume No. OP4-285

Decided: May 9, 1983.

By the Commission, Review Board No. 3, Members Krock, Joyce and Dowell.

MC 158096 (Sub-4), filed May 2, 1983. Applicant: BEST WAYS EXPRESS, INC., 129 176th St. S., Suite 6, Spanaway, WA 98387. Representative: Kenneth R. Mitchell, 2320A Milwaukee Ave., Tacoma, WA 98421, (206) 383-3998. 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 187777, filed May 3, 1983. Applicant: M&M TRANSPORTATION SERVICES, P.O. Box 362, Alma, AR 72921. Representative: Don Garrison, P.O. Box 1065, Fayetteville, AR 72702.

(501) 521-8121. As a broker of *general commodities* (except household goods), between points in the U.S. (except AK and HI).

MC 167786, filed May 3, 1983.

Applicant: JACK GRAY TRANSPORTATION SERVICES, INC., 4600 East 15th Ave., Gary, IN 46403. Representative: Joel H. Steiner, 135 South LaSalle St., Suite 2106, Chicago, IL 60603, (312) 236-9375. As a *broker of general commodities* (except household goods), between points in the U.S.

Volume No. OP4-288

Decided: May 9, 1983.

By the Commission, Review Board No. 1, Members Parker, Chandler and Fortier.

MC 155776 (Sub-1), filed April 29, 1983. Applicant: NYLON CAPITAL LIMOUSINE SERVICE, RD 3, Box 302, Seaford, DE 19973. Representative: Richard O'Bier (same address as applicant), (203) 629-7339. 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 167756, filed April 22, 1983.

Applicant: NORTH COUNTRY TRANSPORTATION SERVICE, R.F.D. No. 1, P.O. Box 42, S. Ryegate, VT 05069. Representative: Edwin W. Mullenbrock (same address as applicant), (802) 429-2256. As a *broker of general commodities* (except household goods), between points in the U.S. (except AK and HI).

MC 167757, filed May 2, 1983.

Applicant: RAYTRANS, INC., 6020 Hohman Ave., Hammond, IN 46320. Representative: Joel H. Steiner, 135 S. LaSalle St., Suite 2106, Chicago, IL 60603, (312) 236-9375. As a *broker of general commodities* (except household goods), between points in the U.S. Condition: The person or persons who appear to be engaged in common control of applicant and another regulated carrier must either file an application under 49 U.S.C. 11343(A) or submit an affidavit to the Secretary's office indicating why such approval is unnecessary. In order to expedite issuance of any authority, please submit a copy of the affidavit or proof of filing of the application(s) for common control to Team 4, Room 2410. In lieu of filing an application for approval, such person or persons may wish to file a letter-petition for exemption from Commission action. Such a petition should include the notice required by Section 11343(e)(2). See Ex Parte 400 (Sub-No. 1), *Procedures for Handling Exemptions Filed by Motor*

Carriers of Property Under 49 U.S.C. 11343, 47 FR 42947.

MC 167776, filed April 3, 1983.

Applicant: SERVICE TRANSPORT COMPANY, 6910 Fannin, Houston, TX 77030. Representative: Patrick C. Long, P.O. Box 2307, Austin, TX 78768, (512) 472-6207. Transporting *commodities in bulk*, between points in TX.

Please direct status inquiries about the following to Team 5 at (202) 275-7289.

Volume No. OP5-223

Decided: May 6, 1983.

By the Commission, Review Board No.1, Members Parker, Chandler and Fortier.

MC 161028 (Sub-1), filed April 19, 1983. Applicant: UNITED TRUCK LINES, INC., P.O. Box 3644 T. A., Spokane, WA 99220. Representative: Henry C. Winters, P.O. Box 5613, Bellevue, WA 98006, (206) 644-2100. To operate as a *broker of general commodities* (except household goods), between points in the U.S.

MC 162289 (Sub-1), filed April 18, 1983. Applicant: VALLEY COACH COMPANY, P.O. Box 155, Fayetteville, NC 28302. Representative: John W. McLaurin (same address as applicant), (919) 483-7398. Transporting *Passengers*, in charter operations, beginning and ending at points in Cumberland, Sampson, Marnett, and Robeson Counties, NC, and extending to points in AL, AK, AZ, AR, CA, CO, CT, ID, IN, IL, IA, KS, LA, ME, MA, MI, MN, MO, MT, NE, NH, ND, OH, OK, OR, RI, SD, UT, VT, WA, WI, and WY.

Note.—Applicant seeks to provide privately-funded charter transportation.

MC 167539, filed April 18, 1983.

Applicant: GARY W. KURTZ, d.b.a. KURTZ TRUCKING SERVICE, 623 Fourth Ave., Lewisburg, TN 37091. Representative: Gary W. Kurtz (same address as applicant), (615) 359-5407. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

Volume NO. OP5-225

Decided: May 6, 1983.

By the Commission, Review Board No. 1, Members Parker, Chandler and Fortier.

MC 121439 (Sub-3(b)), filed April 27, 1983. Applicant: THOMAS TRANSFER, INC., 1800 15th St., Denver, CO 80202. Representative: Charles M. Williams, McCullough Bldg., 1750 Gilpin St., Denver, CO 80218, (303) 333-3774. (1) 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), and (2) to operate as a *broker of general commodities* (except household goods), between points in the U.S.

Note.—Applicant seeks additional authority in MC-121439 Sub 1(a) published in this same Federal Register.

MC 127768 (Sub-2), filed April 28, 1983. Applicant: JOINER'S TRANSIT CO., INC., 509 E. Mobile St., Florence, AL 35630. Representative: Erza D. Joiner (same address as applicant), (205) 764-8627. 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 153638 (Sub-1), filed April 26, 1983. Applicant: THE DERBY DELIVERY SERVICE, INC., 518 E. Marion St., Mishawaka, IN 46544. Representative: Alex Moore (same address as applicant), (219) 259-1906. (1) Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons or munitions), between points in the U.S. (except AK and HI), (2) 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), (3) transporting *used household goods* for the account of the United States Government incident to the performance of a pack-and-crate service on behalf of the Department of Defense, between points in the U.S. (except AK and HI), and (4) as a *broker of general commodities* (except household goods), between points in the U.S.

MC 167609, filed April 25, 1983. Applicant: R. B. & ASSOCIATES, INC., d.b.a. CHINOOK CHARTER SERVICE, 2430 243rd Place SW., Bothell, WA 98011. Representative: George LaBissoniere, 15 S. Grady Way, Suite 239, Renton, WA 98055, (206) 228-3807. Transporting *passengers*, in special and charter operations, between points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 167648, filed April 26, 1983. Applicant: CENTER STATE TRUCK BROKERS, INC., P.O. Box 497, Ellensburg, WA 98926. Representative: Kenneth R. Mitchell, 2320A Milwaukee

Wy., Tacoma, WA 98421, (206) 383-3998. To operate as a *broker of general commodities* (except household goods), between points in the U.S. (except HI).

MC 167668, filed April 27, 1983. Applicant: PHOENIX TOURS, INC., 3100 Connecticut Ave., N.W. No. 131, Washington, DC 20008. Representative: Stephen M. Forman (same address as applicant), 202-332-1085. Transporting *passengers*, in charter or special operations, beginning and ending at points in MD, VA and DC and extending to points in the U.S. (except AK and HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 167669, filed April 27, 1983. Applicant: PAMTOURS, INC., 501 Fifth Ave., New York, NY 10017. Representative: Alvaro Pena (same address as applicant), 212-490-0140. Transporting *passengers*, in charter and special operations, between points in CT, DE, ME, MD, MA, NH, NJ, NY, PA, RI, VT, VA and DC.

Note.—Applicant seeks to provide privately-funded charter and special transportation.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 83-13163 Filed 5-16-83; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF LABOR

Employment and Training Administration

Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents summaries of determinations regarding eligibility to apply for adjustment assistance issued during the period May 2, 1983–May 6, 1983.

In order for an affirmative determination to be made and a certification of eligibility to apply for adjustment assistance to be issued, each of the group eligibility requirements of Section 222 of the Act must be met.

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated,

(2) That sales or production, or both, of the firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have

contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Negative Determinations

In each of the following cases the investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-13,895; Tuff Machine Co., Warren, MI

TA-W-13,595; Republic Steel Corp., Enduro Div., Canton, OH

In the following cases the investigation revealed that criterion (3) has not been met. Increased imports did not contribute importantly to workers separations at the firm.

TA-W-13,650; LCP Chemicals & Plastics, Inc., Syracuse, NY

TA-W-13,979; Pantasote, Inc., Point Pleasant, WV

In the following cases the investigation revealed that criterion (3) has not been met for the reasons specified.

TA-W-13,873; Great Lakes Carbon Corp., Casper, WY

Aggregate U.S. imports of calcined petroleum coke are negligible.

TA-W-13,877; Alpha Portland Cement Co., Cementon, NY

Aggregate U.S. imports of hydraulic cement did not increase as required for certification.

TA-W-13,467; Mason Bit & Tool Corp., Tuttle, OK

The workers' firm does not produce an article as required for certification under Section 222 of the Trade Act of 1974.

Affirmative Determinations

TA-W-13,692; Wheeling-Pittsburgh Steel Corp., Allenport Works, Allenport, PA

A certification was issued covering all workers of the firm separated on or after July 26, 1981.

TA-W-13,883; National Pipe & Tube Co., Liberty, TX

A certification was issued covering all workers of the firm separated on or after April 1, 1982.

TA-W-13,642; Armco, Inc., Ashland Works, Ashland, KY

A certification was issued covering all workers of the firm separated on or after January 1, 1982.

TA-W-13,642-A; National Supply Co., Div. of Armco, Inc., Ambridge, PA

A certification was issued covering all workers separated on or after January 1, 1982.

TA-W-13,880; Crouse-Hinds Co., Arrow Hart Div., Hartford, CT

A certification was issued in response to a petition received on October 18, 1982 covering all workers separated on or after October 13, 1981.

TA-W-13,712; Pennsylvania Optical Co., Reading, PA

A certification was issued covering all workers separated on or after August 5, 1981.

TA-W-13,615; Crucible, Inc., Specialty Metals Div., Syracuse, NY

A certification was issued covering all workers of the firm separated on or after June 28, 1981.

TA-W-13,875; Wheeling-Pittsburgh Steel Corp., Dayton District Sales Office, Dayton, OH

A certification was issued covering all workers separated on or after September 23, 1981.

TA-W-13,597; Republic Steel Corp., Enduro Div., Massillon, OH

A certification was issued covering all workers of the firm producing stainless steel strip sheet and plate separated on or after December 1, 1981.

TA-W-13,799; Olga Coal Co., Road Fork Mine #2, McDowell County, WV

A certification was issued covering all workers of the firm separated on or after October 6, 1981.

TA-W-13,852; Olga Coal Co., Olga Mine & Preparation Plant, McDowell County, WV

A certification was issued covering all workers of the firm separated on or after October 6, 1981.

TA-W-13,853; Olga Coal Co., Caretta Mine #4, McDowell County, WV

A certification was issued covering all workers of the firm separated on or after October 6, 1981.

I hereby certify that the aforementioned determinations were issued during the period May 2, 1983–May 6, 1983. Copies of these determinations are available for inspection in Room 9120, U.S. Department of Labor, 601 D Street, N.W., Washington, D.C. 20213 during normal business hours or will be mailed to persons who write to the above address.

Dated: May 10, 1983.

Glenn Zech,

Acting Director, Office of Trade Adjustment Assistance.

[FR Doc. 83-13247 Filed 5-16-83; 8:45 am]

BILLING CODE 4510-30-M

[TA-W-13,750]

Chicago Pneumatic Tool Co., Utica, New York; Revised Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974, on March 30, 1983, the Department of Labor issued a certification of eligibility to apply for adjustment assistance to all workers of the Utica, New York plant of Chicago Pneumatic Tool Company.

Subsequent to the certification the Office of Trade Adjustment Assistance received a request to review and redetermine the impact date established in the certification. Based on the new information furnished to the Office, the certification is revised to include workers of the Utica, New York plant of Chicago Pneumatic Tool Company who were separated prior to the January 1, 1982 impact date.

The revised certification applicable to TA-W-13,750 is hereby issued as follows:

"All workers of Chicago Pneumatic Tool Company, Utica, New York who became totally or partially separated from employment on or after July 29, 1981 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974".

Signed at Washington, D.C., May 5, 1983.

Robert A. Schaerfl,

*Director, Office of Program Management
Unemployment Insurance Service.*

[FR Doc. 83-13245 Filed 5-16-83; 8:45 am]

BILLING CODE 4510-30-M

[TA-W-14,502]

Merchant Metals, Columbiana, Alabama; Termination of Investigation

Pursuant to Section 221, of the Trade Act of 1974, an investigation was initiated on March 28, 1983 in response to a petition received on March 11, 1983 which was filed by United Steelworkers of America on behalf of workers at the Columbiana, Alabama plant of Merchant Metals. No public hearing was requested and none was held.

All workers were separated from the subject firm more than one year prior to the date of the petition. Section 223 of the Act specifies that no certification may apply to any worker whose last separation occurred more than one year before the date of the petition.

Consequently further investigation in this case would serve no purpose; and the investigation has been terminated.

Signed at Washington, D.C. this May 5, 1983.

Marvin M. Fooks,

*Director, Office of Trade Adjustment
Assistance.*

[FR Doc. 83-13244 Filed 5-16-83; 8:45 am]

BILLING CODE 4510-30-M

[TA-W-13,084 and 13,392]

Union Carbide Corp., Metals Division, Alamo, Nevada, Bishop, California; Revised Determination on Reconsideration

On January 20, 1983, the Department made an Affirmative Determination Regarding Application for Reconsideration for former workers at Union Carbide Corporation's Alamo, Nevada and Bishop, California facilities. This determination was published in the Federal Register on January 28, 1983 (48 FR 4060).

The company's application for reconsideration, supported by evidence presented at a meeting in Washington, D.C. on February 11, 1983 claimed that the Department's survey of Union Carbide's customers was inadequate in that it did not include toll converting or imports of tungsten oxide which is competitive with ammonium paratungstate, APT.

The Department's review showed that imports of APT did not meet the "contributed importantly" test as demonstrated by the Department's survey of Union Carbide's customers. All of the tungsten concentrates produced at Alamo, Nevada were used in making APT at Union Carbide's Bishop, California plant. Consequently, the proper focus of competitive impact was on the final product, APT.

On reconsideration, the Department found that U.S. imports of APT increased substantially in 1982 compared to 1981 and in 1981 compared to 1980. The ratio of imports to domestic production of APT increased from 5.4 percent in 1981 to 15.4 percent in 1982.

The Department's reconsideration survey showed another major customer of Union Carbide which had previously incorrectly indicated no import purchases had, in fact, been a major importer of APT. This customer shifted to a large degree its purchases of APT away from Union Carbide in 1982 and substantially increased its import purchases of APT. This customer's purchases of APT from Union Carbide accounted for over 20 percent of Bishop's production of APT in 1982.

Production and employment declines began in July 1981 for Union Carbide's mines and facilities at Alamo, Nevada and Bishop, California. Production of

tungsten concentrates at the Alamo facility ceased in May 1982 while production of APT at Bishop ceased in April 1982.

Conclusion

After careful review of the facts obtained on reconsideration, it is concluded that increased imports of articles like or directly competitive with APT produced at Union Carbide Corporation's Metal Division's facilities at Alamo, Nevada and Bishop, California contributed importantly to the decline in sales or production and to the total or partial separation of former workers at the above mentioned facilities. In accordance with the provisions of the Trade Act of 1974, I make the following revised determination:

"All workers of Union Carbide Corporation's Alamo, Nevada and Bishop, California facilities who became totally or partially separated from employment on or after July 1, 1981 and before July 1, 1982 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974."

Signed at Washington, D.C. this 6th day of May 1983.

Robert A. Schaerfl,

*Director, Office of Program Management,
Unemployment Insurance Service.*

[FR Doc. 83-13246 Filed 5-16-83; 8:45 am]

BILLING CODE 4510-30-M

[TA-W-14, 525]

Bethlehem Steel Corp., Plant Patrol Department, Bethlehem, Pennsylvania; Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on March 31, 1983 which was filed on behalf of workers of the Plant Patrol Department of the Bethlehem Plant of the Bethlehem Steel Corporation, Bethlehem, Pennsylvania.

An active certification covering the petitioning group of workers remains in effect (TA-W-13,269). Consequently, further investigation in this case would serve no purpose; and the investigation has been terminated.

Signed At Washington, D.C. this May 5, 1983.

Marvin M. Fooks,

*Director, Office of Trade Adjustment
Assistance.*

[FR Doc. 83-13240 Filed 5-16-83; 8:45 am]

BILLING CODE 4510-30-M

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under Section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to Section 221(a) of the Act.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for

adjustment assistance under Title II, Chapter 2, of the Act. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than May 27, 1983.

Interested persons are invited to submit written comments regarding the

subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than May 27, 1983.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, 601 D Street, N.W., Washington, D.C. 20213.

Signed at Washington, D.C. this 9th day of May 1983.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

APPENDIX

Petitioner: Union/workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
Elgin, Joliet & Eastern Railway, East Joliet Yard (UTU)	Joliet, IL	5/3/83	4/27/83	TA-W-14,523	Transportation of raw materials & finished products.
Elgin, Joliet & Eastern Railway, Gary Mill Yard (UTU)	Gary, IN	5/3/83	4/27/83	TA-W-14,524	Transportation of raw materials & finished products
Elgin, Joliet & Eastern Railway, Kirk Yard (UTU)	Gary, IN	5/3/83	4/27/83	TA-W-14,525	Transportation of raw materials & finished products
Elgin, Joliet & Eastern Railway, Joliet Mill Yard (UTU)	Joliet, IL	5/3/83	4/27/83	TA-W-14,526	Transportation of raw materials & finished products
Elgin, Joliet & Eastern Railway, Waukegan Yard (UTU)	Waukegan, IL	5/3/83	4/27/83	TA-W-14,527	Transportation of raw materials & finished products
Elgin, Joliet & Eastern Railway, So. Chicago Yard (UTU)	Chicago, IL	5/3/83	4/27/83	TA-W-14,528	Transportation of raw materials & finished products
Great National Corp., Bonanza #1 Mine (workers)	Bonanza, AR	5/5/83	4/28/83	TA-W-14,529	Coal mining.
Great National Corp., McCurtain #2 Mine (workers)	McCurtain, OK	5/5/83	4/28/83	TA-W-14,530	Coal mining.
Great National Corp., Panams #1 Mine (workers)	Panama, OK	5/5/83	4/28/83	TA-W-14,531	Coal mining.
Hulse Manufacturing Co. (workers)	Geneva, NY	5/3/83	4/29/83	TA-W-14,532	Steel type for typewriters, set up machines, forged or trimmed and plated type.
Phoenix footwear, Inc. (workers)	Secaucus, NJ	5/2/83	4/12/83	TA-W-14,533	Vinyl sandals.
Shure Electronics of Arizona (workers)	Phoenix, AZ	4/22/83	4/15/83	TA-W-14,534	Electronic devices, phonographs, stereos, microphones and sound systems. -

[FR Doc. 83-13243 Filed 5-16-83; 8:45 am]

BILLING CODE 4510-30-M

Office of the Secretary

The Steering Subcommittee of the Labor Advisory Committee for Trade Negotiations and Trade Policy; Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463 as amended), notice is hereby given of a meeting of the Labor Advisory Committee for Trade Negotiations and Trade Policy.

Date, time and place: June 7, 1983, 9:30 p.m., Rm. N3437 A & B, Frances Perkins, Department of Labor Building, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Purpose: To discuss trade negotiations and trade policy of the United States.

This meeting will be closed under the authority of Section 10(d) of the Federal Advisory Committee Act. The Committee will hear and discuss sensitive and confidential matters concerning U.S. trade negotiations and trade policy.

For further information, contact: Joseph S. Papovich, Executive Secretary, Labor Advisory Committee, phone: (202) 523-6565.

Signed at Washington, D.C. this 12th day of May 1983.

May 12, 1983.

Robert W. Searby,

Deputy Under Secretary, International Affairs.

[FR Doc. 83-13241 Filed 5-16-83; 8:45 am]

BILLING CODE 4510-28-M

NATIONAL COMMISSION FOR EMPLOYMENT POLICY

Meeting

AGENCY: National Commission for Employment Policy.

ACTION: Notice of meeting.

SUMMARY: Under the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, as amended), notice is hereby given of the thirty-first meeting of the National Commission for Employment Policy in Washington, D.C. at the Capitol Hilton, 16th and K Streets, N.W.

Date: June 16, 9:00 a.m.-5:00 p.m. June 17, 9:00 a.m.-1:00 p.m.

Status: This meeting will be open to the public.

Matters to be discussed: The Commission will continue their discussion of the Commission work plan for fiscal year 1984. They will consider general areas of recommendation for national policy and older Americans and will discuss several other policy issues. For further information, contact: Ms. Patricia Hogue, Director, National Commission for Employment Policy, 1522 K Street, N.W., Suite 300, Washington, D.C. 20005 (202) 724-1545.

SUPPLEMENTARY INFORMATION: The National Commission for Employment Policy was established as title V of the Comprehensive Employment and Training Act Amendments of 1978 (Pub. L. 95-524). The Act gives the Commission the broad responsibility of advising the President and the Congress on national employment issues. Business meetings are open to the public. People wishing to submit written statements to the Commission that are germane to the agenda may do so, provided that such statements are in reproducible form and are submitted to the Director at least 5 days before the meeting and not more than 7 days after the meeting.

In addition, members of the general public may request to make oral

presentations to the Commission, time permitting. Such statements must be applicable to the announced agenda and written application must be submitted to the director at least 5 days before the meeting. This application should include: name and address of applicant, subject of presentation, relation to agenda, amount of time needed, individual's qualifications to speak on the subject, and a statement justifying the need for an oral rather than written statement.

The Commission Chairman has the right to decide to what extent public oral presentations may be permitted at the meeting. Oral presentations will be limited to statements of fact and views and shall not include any questioning of the Commissioners or other participants unless these questions have been specifically approved by the Chairman.

Minutes of the meeting and materials prepared for it will be available for public inspection at the Commission's headquarters, 1522 K Street, N.W., Suite 300, Washington, D.C. 20005.

Signed in Washington, D.C., this 11th day of May, 1983.

Patricia W. Hogue,
Director.

[FR Doc. 83-13248 Filed 5-16-83; 8:45 am]
BILLING CODE 4510-30-M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Expansion Arts Advisory Panel; Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the Expansion Arts Advisory Panel (Services to the Field & City Arts Section) to the National Council on the Arts will be held on June 1-2, 1983, from 9:00 a.m.-5:30 p.m. at the Nancy Hanks Center, 1100 Pennsylvania Avenue, N.W., Washington, D.C.

A portion of this meeting will be open to the public on June 1, from 9:00 a.m.-10:30 a.m. to discuss overview of program.

The remaining sessions of this meeting on June 1, from 10:30 a.m.-5:30 p.m. and on June 2, from 9:00 a.m.-5:30 p.m. are for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by

grant applicants. In accordance with the determination of the Chairman published in the **Federal Register** of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c) (4), (6) and 9(b) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 682-5433.

Dated: May 10, 1983.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 83-13156 Filed 5-16-83; 8:45 am]

BILLING CODE 7537-01-M

Partnership Advisory Panel; Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the Office for Partnership Advisory Panel (State Programs) to the National Council on the Arts will be held on June 2, 1983 from 9:00 a.m.-5:00 p.m. and on June 3, 1983 from 9:00 a.m.-4:00 p.m. in Room M-07 of the Nancy Hanks Center, 1100 Pennsylvania Avenue, N.W., Washington, D.C.

A portion of this meeting will be open to the public on June 2, from 9:30-10:00 a.m. and from 3:30-5:00 p.m. and on June 3, from 9:00 a.m.-4:00 p.m. to discuss alternative to current application review worksheet and minority issues.

The remaining sessions of this meeting on June 2, from 10:00 a.m.-3:15 p.m. are for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the **Federal Register** of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c) (4), (6) and 9(b) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee

Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 682-5433.

Dated: May 10, 1983.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 83-13157 Filed 5-16-83; 8:45 am]

BILLING CODE 7537-01-M

NATIONAL SCIENCE FOUNDATION

Advisory Panel for Social and Economic Science; Subpanel for Geography and Regional Science; Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, as amended, the National Science Foundation announces the following meetings:

Name: Subpanel for Geography & Regional Science of the Advisory Panel for Social and Economic Science.

Date/time: June 2, 1983; 8:30 a.m. to 5:00 p.m.; June 3, 1983; 8:30 a.m. to 2:00 p.m.

Place: Rooms 338 and 421 National Science Foundation, 1800 G Street, N.W., Washington, D.C.

Type of meeting: Closed.

Contact person: Dr. George J. Demko, Program Director, Geography & Regional Science, Room 312, National Science Foundation, Washington, D.C. 20550; telephone (202) 357-7326.

Purpose of subpanel: To provide advice and recommendations concerning support for research in Geography and Regional Science.

Agenda: Closed portion: To review and evaluate research proposals and projects as part of the selection process for awards.

Reason for closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c). Government in the Sunshine Act.

Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) Pub. L. 92-463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF, on July 6, 1979.

May 12, 1983.

M. Rebecca Winkler,

Committee Management Coordinator.

[FR Doc. 83-13183 Filed 4-16-83; 6:45 am]

BILLING CODE 7555-01-M

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-317 and 50-318]

Baltimore Gas & Electric Co.; Issuance of Amendments to Facility Operating Licenses

The Nuclear Regulatory Commission (the Commission) has issued Amendment Nos. 83 and 86 to Facility Operating Licenses Nos. DPR-53 and DPR-69, issued to Baltimore Gas and Electric Company, which revised Technical Specifications for operation of the Calvert Cliffs Nuclear Power Plant, Units No. 1 and 2. The amendments are effective as of the date of issuance.

These amendments to the Technical Specifications (1) revise Surveillance Requirements for the equipment hatch; (2) revise Surveillance Requirements for safety-related air filter systems; (3) revise Surveillance Requirements and provide for a single period of inoperability for the hydrogen analyzers; and (4) delete the Limiting Safety System Settings and an administrative change associated with "Loss of Load" function of the Reactor Protection System.

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 the 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 the amendments.

For further details with respect to this action, see (1) the application for amendment dated February 24, 1983 as supplemented by letter dated March 22, 1983, (2) Amendment Nos. 83 and 86 to License Nos. DPR-53 and DPR-69, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Calvert County Library, Prince Frederick Maryland. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear

Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 5th day of May 1983.

For the Nuclear Regulatory Commission,
Charles M. Trammell,
*Acting Chief, Operating Reactors Branch #3,
 Division of Licensing.*

[FR Doc. 83-13189 Filed 5-16-83; 9:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-317 and 50-318]

Baltimore Gas & Electric Co.; Issuance of Amendments to Facility Operating Licenses

The Nuclear Regulatory Commission (the Commission) has issued Amendment Nos. 84 and 87 to Facility Operating Licenses Nos. DPR-53 and DPR-69, issued to Baltimore Gas and Electric Company, which revised Technical Specifications for operation of the Calvert Cliffs Nuclear Power Plant, Units No. 1 and 2. The amendments are effective as of the date of issuance.

These amendments revise the Technical Specifications to allow periodic testing of control element assemblies with an inoperable reed switch stack system.

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 the 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 the amendments.

For further details with respects to this action, see (1) the application for amendment dated March 15, 1983, (2) Amendment Nos. 84 and 87 to License Nos. DPR-53 and DPR-69, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Calvert County Library, Prince Frederick, Maryland. A copy of items (2)

and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 5th day of May, 1983.

For the Nuclear Regulatory Commission,
Charles M. Trammell,
*Acting Chief, Operating Reactors Branch #3,
 Division of Licensing.*

[FR Doc. 83-13190 Filed 5-16-83; 9:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-369]

Duke Power Co.; Issuance of Amendment Facility Operating License No. NPF-9

The Nuclear Regulatory Commission (the Commission) has issued Amendment No. 21 to Facility Operating License No. NPF-9, issued to Duke Power Company (licensee) for the McGuire Nuclear Station, Unit 1 (the facility) located in Mecklenburg County, North Carolina.

This amendment adds to the operating license a condition for verifying acceptability of Model D2 steam generator design modifications. The amendment is effective as of its date of issuance.

Issuance of this amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations. The Commission has made appropriate findings as required by the Act and the Commission's 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) Duke Power Company letter dated February 3, and April 28, 1983, (2) Amendment No. 21 to Facility Operating License No. NPF-9 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 the Atkins Library, university of North Carolina.

Charlotte (UNCC Station), North Carolina 28223. 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 5th day of May 1983.

For the Nuclear Regulatory Commission,
Elinor G. Adensam,
Chief, Licensing Branch No. 4, Division of Licensing.

[FR Doc. 83-13191 Filed 5-16-83; 8:45 am]
BILLING CODE 7590-01-M

[Docket Nos. 50-369 and 50-370]

Duke Power Co.; Granting of Relief From Requirements of ASME Code Section XI Inservice (Testing) Requirements

The Nuclear Regulatory Commission (the Commission) has granted relief from certain requirements of the ASME Code, Section XI, "Rules and Inservice Inspection of Nuclear Power Plant Components" to the Duke Power Company (the licensee). The relief relates to the preservice hydrostatic tests for the McGuire Nuclear Station, Units 1 and 2 (the facilities) located in Mecklenburg County, North Carolina. The ASME Code requirements are incorporated by reference into the Commission's rules and regulations in 10 CFR Part 50. The relief is effective as of its date of issuance.

The relief relates to certain preservice examination requirements, pursuant to the Commission's regulations in 10 CFR 50.55a(g)(6)(i). In lieu of hydrostatic tests, the licensee will perform nondestructive examinations consisting of radiography, ultrasonic testing, and surface examination of the welds.

The requests for relief comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the related Safety Evaluation Report.

The Commission has determined that the granting of relief 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 environmental impact appraisal need not be prepared in connection with issuance of this action.

For further details with respect to this action, see (1) the licensee's letter dated

March 11, 1983, (2) the Commission's letter to the licensee dated May 9, 1983 and, (3) the Commission's related Safety Evaluation Report. 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 Atkins Library, University of North Carolina—Charlotte, UNCC Station, North Carolina 28223. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 10th day of May, 1983.

For the Nuclear Regulatory Commission,
Elinor G. Adensam,
Chief Licensing Branch No. 4 Division of Licensing.

[FR Doc. 83-13192 Filed 5-16-83; 8:45 am]
BILLING CODE 7590-01-M

[Docket Nos. 50-315 and 50-316]

Indiana & Michigan Electric Co.; Issuance of amendments to Facility Operating Licenses

The Nuclear Regulatory Commission (the Commission) has issued Amendment No. 73 to Facility Operating License No. DPR-58, and Amendment No. 55 to facility Operating License No. DPR-74 issued to Indiana and Michigan Election Company (the licensee), which revised Technical Specifications for operation of Donald C. Cook Nuclear Plant, Unit Nos. 1 and 2 (the facilities) located in Berrien County, Michigan. The amendments are effective as of the date of issuance.

The amendments revise the license conditions and Technical Specifications to permit the storage of Westinghouse 15 X 15 optimized fuel assemblies with a uranium enrichment of less than or equal to 4.00 weight percent of U-235. The portion of the licensee's request relating to authorization to operate with such new fuel is still under NRC staff review.

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 February 28, 1983, (2) Amendment Nos. 73 and 55 to License Nos. DPR-58 and DPR-74, and (3) the Commission's related Safety evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington D.C. and at the Maude Reston Palenske Memorial Library, 500 Market Street, St. Joseph, Michigan 49085. 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 4th day of May, 1983.

For the Nuclear Regulatory Commission,
Steven A. Varga,
Chief, Operating Reactors Branch No. 1,
Division of Licensing.

[FR Doc. 83-13193 Filed 5-16-83; 8:45 am]
BILLING CODE 7590-01-M

[Docket No. 50-322-OL-3; ASLBP No. 83-489-03 OL]

Long Island Lighting Co.; Establishment of Atomic Safety and Licensing Board to Preside in Proceeding

Pursuant to delegation by the Commission dated December 29, 1972, published in the Federal Register, 37 FR 28710 (1972), and §§ 2.105, 2.700, 2.702, 2.714, 2.714a, 2.717 and 2.721 of the Commission's Regulations, all as amended, and pursuant to the Statement of Policy on Conduct of Licensing Proceedings, 13 N.R.C. 452 (1981), and the request of the Atomic Safety and Licensing Board already established to preside in this operating license proceeding, a separate Atomic Safety and Licensing Board is being established to preside over the proceeding on all emergency planning issues: Long Island Lighting Company, Shoreham Nuclear Power Station, Unit 1, Construction Permit No. CPPR-95.

This Board is being constituted pursuant to a notice published by the Commission on March 18, 1976 in the Federal Register entitled, "Receipt of Application for Facility Operating License, Availability of Applicant's

Environmental Report; Consideration of Issuance of Facility Operating License; Opportunity for Hearing." 41 FR 11367-68 (1976).

The Board is comprised of the following Administrative Judges:

James A. Laurenson, Chairman, Atomic Safety and Licensing Board, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555

Dr. Jerry R. Kline, Atomic Safety and Licensing Board, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555

Dr. M. Stanley Livingston, 1005 Calle Largo, Santa Fe, New Mexico 87501.

Issued at Bethesda, Maryland, this 11th day of May 1983.

B. Paul Cotter, Jr.,

Chief Administrative Judge, Atomic Safety and Licensing Board Panel.

[FR Doc. 83-13194 Filed 5-16-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-298]

Nebraska Public Power District; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 83 to Facility Operating License No. DPR-46 issued to Nebraska Public Power District (the licensee) which revised the Technical Specifications for operation of the Cooper Nuclear Station located in Nemaha County, Nebraska. The amendment is effective as of the date of its issuance.

The amendment to the Technical Specifications revises the following: (1) Lowers the MSIV low reactor water level isolation setpoint from the current level 2 to level 1, (2) lowers the opening and closing setpoints of two preselected SRVs upon opening of any SRV, and (3) reorganizes the bases of Section 3.2, Protective Instrumentation to categorize the systems covered and incorporates the bases for the Technical Specification changes addressed by this amendment.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not

result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with the issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated December 17, 1982, as supplemented February 15, 1983, (2) Amendment No. 83 to License No. DPR-46 and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W. Washington, D.C., and at the Auburn Public Library, 118-15th Street, Auburn, Nebraska 68304. 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 4th day of May 1983.

Domenic B. Vassallo,

Chief, Operating Reactors Branch #2, Division of Licensing.

[FR Doc. 83-13195 Filed 5-16-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-336]

Northeast Nuclear Energy Co., et al.; Granting Relief From ASME Section XI Inservice Testing Requirements

The Nuclear Regulatory Commission (the Commission) has granted relief from certain requirements of the ASME Code, Section XI, "Rules for Inservice Inspection of Nuclear Power Plant Components" to the Northeast Nuclear Energy Company, et al. The relief relates to the inservice testing program at the Millstone Nuclear Power Station, Unit No. 2 (the facility) located in Waterford, Connecticut. The ASME Code requirements are incorporated by reference into the Commission's rules and regulations in 10 CFR Part 50. The relief is effective as of the date of its issuance.

The relief permits the licensee to test certain designated pumps and valves in a manner or on a schedule different from that prescribed in Section XI of the ASME Boiler and Pressure Vessel Code and applicable Addenda, as required by 10 CFR Part 50, because of inaccessibility, configuration of components, radiation level, or other valid reasons.

The request for relief 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 letter granting relief and in the accompanying Safety Evaluation.

The Commission has determined that the granting of this relief will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with this action.

For further details with respect to this action, see (1) the application for relief dated June 25, 1979, as revised May 1, 1981, (2) the Commission's letter dated May 4, 1983 and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at 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 4th day of May, 1983.

For the Nuclear Regulatory Commission,

Charles M. Trammell,

Acting Chief, Operating Reactors Branch No. 3, Division of Licensing.

[FR Doc. 83-13196 Filed 5-16-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-327 and 50-328]

Tennessee Valley Authority; Issuance of Amendments Facility Operating License Nos. DPR-77 and DPR-79

The Nuclear Regulatory Commission (the Commission) has issued Amendment No. 29 to Facility Operating License No. DPR-77 and Amendment No. 18 to Facility Operating License No. DPR-79, issued to Tennessee Valley Authority (licensee) for the Sequoyah Nuclear Plant, Units 1 and 2 (the facilities) located in Hamilton County, Tennessee. These amendments change the Technical Specifications to reflect installation of the second level of undervoltage protection for the Class 1E buses. The amendments are effective as of their dates of issuance.

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 regulations. The

Commission has made appropriate findings as required by the Act and the Commission's 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) and 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) Tennessee Valley Authority letters dated September 17 and December 1, 1982, and April 7, 1983 (2) Amendment No. 29 to Facility Operating License No. DPR-77 with Appendix A Technical Specification page changes; (3) Amendment No. 18 to Facility Operating License No. DPR-79 with Appendix A Technical Specification page changes; 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, N.W., Washington, D.C., and the Chattanooga Hamilton County Bicentennial Library, 1001 Broad Street, Chattanooga, Tennessee 37402. A copy of Amendment No. 29 and Amendment No. 18 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 5th day of May 1983.

For the Nuclear Regulatory Commission,
Elinor G. Adensam,
Chief, Licensing Branch No. 4, Division of Licensing.

[FR Doc. 83-13197 Filed 5-16-83; 8:45 am]
BILLING CODE 7590-01-M

[Docket No. 50-128]

Texas A&M University; Renewal of Facility Operating License and Negative Declaration

The Nuclear Regulatory Commission (the Commission) has issued Amendment No. 9 to Facility Operating License No. R-83, which renews the license for the operation of the TRIGA-type reactor (the facility) located on the campus of the Texas A&M University (the licensee) in College Station, Texas. The facility is a research reactor that has been operating at steady-state

power levels not in excess of one (1) megawatt thermal with periodic pulses of power at somewhat higher levels for extremely short periods.

The amendment extends the duration of Facility License No. R-83 for twenty years from the date of issuance of this amendment.

The application for the renewal 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. Those findings are set forth in the license amendment. Notice of the proposed issuance of this action was published in the Federal Register on October 25, 1979 at 44 FR 61474. No request for a hearing or petition for leave to intervene was filed following notice of the proposed action.

The Commission has prepared an Environmental Impact Appraisal for the renewal of the Facility Operating License, and has concluded that an Environmental Impact Statement for this particular action is not warranted because there will be no significant environmental impact attributable to the action.

For further details with respect to this action, see (1) the application for renewal dated July 2, 1979, as supplemented by filings dated July 10, 1979, October 20, 1980, January 15, 1980, April 16, 1982, May 27, 1982, October 28, 1982 and November 1, 1982; (2) Amendment No. 9 to License No. R-83; and (3) the Commission's related Safety Evaluation Report and Environmental Impact Appraisal. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C.

A copy of items (2) and (3) may be obtained upon request from the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 30th day of March 1983.

For the Nuclear Regulatory Commission,
Darrell G. Eisenhut,
Director, Division of Licensing.

[FR Doc. 83-13198 Filed 5-16-83; 8:45 am]
BILLING CODE 7590-01-M

[Docket No. STN 50-483 OL]

Union Electric Co. (Callaway Plant, Unit 1); Rescheduling of Oral Argument

May 11, 1983.

Notice is hereby given that, in accordance with the Appeal Board's

order of May 10, 1983, the oral argument on the pending appeal in this operating license proceeding previously scheduled for June 14, 1983, has been rescheduled for 9:30 a.m. on Wednesday, June 22, 1983, in the NRC Public Hearing Room, Fifth Floor, East-West Towers Building, 4350 East-West Highway, Bethesda, Maryland.

Dated: May 11, 1983.

For the Appeal Board.

C. Jean Shoemaker,
Secretary of the Appeal Board.

[FR Doc. 83-13199 Filed 5-16-83; 8:45 am]
BILLING CODE 7590-01-M

[Docket No. 50-508-OL; ASLBP No. 83-486-01 OL]

Washington Public Power Supply System, et al. (Nuclear Project No. 3); Reconstitution of Board

Pursuant to the authority contained in 10 CFR 2.721 (1980), the Atomic Safety and Licensing Board for *Washington Public Power Supply System, et al.* (Nuclear Project No. 3), Docket No. 50-508-OL, is hereby reconstituted by appointing Administrative Judge Frederick J. Shon in place of Administrative Judge Glenn O. Bright who, because of a schedule conflict, is no longer able to serve.

As reconstituted, the Board is comprised of the following administrative Judges: Morton B. Margulies, Chairman, Frederick J. Shon, Dr. James H. Carpenter.

All correspondence, documents and other material shall be filed with the Board in accordance with 10 CFR 2.701 (1980). The address of the new Board member is: Administrative Judge Frederick J. Shon, U.S. Nuclear Regulatory Commission, Atomic Safety and Licensing Board Panel, Washington, D.C. 20555.

Dated at Bethesda, Maryland, this 11th day of May, 1983.

B. Paul Cotter, Jr.,
Chief Administrative Judge Atomic Safety and Licensing Board Panel.

[FR Doc. 83-13200 Filed 5-16-83; 8:45 am]
BILLING CODE 7590-01-M

[Docket No. 50-301]

Wisconsin Electric Power Co. (Point Beach Nuclear Plant Unit 2); Exemption

I

Wisconsin Electric Power Company (the licensee) is the holder of Facility Operating License No. DPR-27 (the license) which authorizes operation of

the Point Beach Nuclear Plant, Unit No. 2 (the facility) at a steady state reactor power level not in excess of 1518 megawatts thermal. The facility consists of a Westinghouse Electric Corporation designed pressurized water reactor (PWR) located at the licensee's site in Manitowoc County, Wisconsin.

The license is subject to all rules, regulations and Orders of the Commission.

II

10 CFR 50.44(c)(3)(iii) requires a licensee to provide each light-water nuclear power reactor with high point vents for the reactor coolant system, for the reactor vessel head, and for other systems required to maintain adequate core cooling if the accumulation of non-condensable gases would cause the loss of function of these systems. Required modifications are to be completed by the end of the first scheduled outage of sufficient duration beginning after July 1, 1982.

By letter dated April 5, 1983, the licensee requested an exemption to the schedular requirements of Paragraph (c)(3)(iii) of 10 CFR 50.44. The licensee requests that it be granted an exemption until no later than January 1, 1984 to complete installation of the reactor coolant system and reactor vessel head high point vents for the Point Beach Nuclear Plant, Unit No. 2.

The licensee has stated that the control panel necessary to permit complete remote operation of the reactor coolant gas vent system for Point Beach Unit No. 2 were not available for installation during the Spring 1983 annual refueling outage for this unit. The Spring 1983 refueling outage is the first scheduled outage of sufficient duration after July 1, 1982 to permit installation of the reactor coolant gas vent system at Point Beach Unit No. 2. The licensee has further stated that the Point Beach Unit No. 2 reactor coolant gas vent system valves and piping will be installed and hydrostatically tested during the spring 1983 outage. All manual isolation valves will be open and all remotely operated solenoid valves will be closed with power removed to preclude inadvertent operation of the system. This is identical to the system lineup previously approved for Unit 1.

The licensee has further stated that temporary power supplies could be utilized to operate the reactor vessel head vent in the event of an accident occurring before final installation is completed. The existing Power Operated Relief Valves form the pressurizer high point vent portion of the system. These are fully operable.

Delivery of the control panels necessary to permit remote operation of the reactor coolant vents system is expected in late 1983. These panels are also necessary to complete installation of the reactor coolant gas vent system for Unit 1. A similar schedular exemption for Unit 1 was granted on January 25, 1983.

The NRC staff has reviewed the basis for an exemption to the RCS vents scheduled for Point Beach Unit No. 2. The licensee's efforts to minimize inadvertent actuation by removing power from the power operated solenoid isolation valves until construction is completed are warranted. Since the likelihood that vents would be needed prior to the completion of the vent system is low, the NRC staff concludes that a schedular exemption to the hydrogen rule vents requirements (10 CFR 50.44(c)(3)(iii)) until the system controls are installed and fully tested, but no later than January 1, 1984, is reasonable and that the licensee's request for exemption should be granted.

III

Accordingly, the Commission has determined that, pursuant to 10 CFR 50.12, the exemption requested by the licensee's letter of April 5, 1983, as discussed above, is authorized by law and will not endanger life or property or the common defense and security, and is otherwise in the public interest. The requested exemption is hereby granted as follows:

The date specified in Paragraph (c)(3)(iii) of 10 CFR 50.44 to complete installation of reactor coolant system high point vents is extended to no later than January 1, 1984 for the Point Beach Nuclear Plant, Unit No. 2.

The Commission has concluded, based on the considerations discussed above, that (1) because the granting of this Exemption does not involve a significant increase in the probability or consequences of an accident previously evaluated, does not create the possibility of an accident of a type different from any evaluated previously, and does not involve a significant reduction in a margin of safety, the Exemption does not involve a significant hazards consideration, (2) there is reasonable assurance that the health and safety of the public will not be endangered by operation in the proposed manner, and (3) such activities will be conducted in compliance with the Commission's regulations and the granting of this Exemption will not be inimical to the common defense and security or to the health and safety of the public.

The Commission has determined that the granting of this Exemption will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with this action.

This Exemption is effective upon issuance. Dated at Bethesda, Maryland this 9th day of May, 1983.

For the Nuclear Regulatory Commission,
Robert A. Purple,

Deputy Director, Division of Licensing.

[FR Doc. 83-13201 Filed 5-16-83; 8:45 am]

BILLING CODE 7590-01-M

Regulatory Guide; Issuance, Availability

The Nuclear Regulatory Commission has issued a new guide in its Regulatory Guide Series. This series has been developed to describe and make available to the public methods acceptable to the NRC staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

The new guide is Regulatory Guide 8.31, "Information Relevant to Ensuring that Occupational Radiation Exposures at Uranium Mills Will Be As Low As Is Reasonably Achievable." This guide recommends design criteria and administrative practices acceptable to the NRC staff for maintaining occupational exposures as low as is reasonably achievable in uranium mills and certain other types of uranium recovery facilities.

Comments and suggestions in connection with (1) items for inclusion in guides currently being developed or (2) improvements in all published guides are encouraged at any time. Comments should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Attention: Docketing and Service Branch.

Regulatory guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Copies of active guides may be purchased at the current Government Printing Office price. A subscription service for future guides in specific divisions is available through the Government Printing Office.

Information on the subscription service and current prices may be obtained by writing to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Publications Sales Manager.

(5 U.S.C. 552(a))

Dated at Silver Spring, Maryland this 9th day of May 1983.

For the Nuclear Regulatory Commission,
Robert B. Minogue,
Director, Office of Nuclear Regulatory Research.

[FR Doc. 83-13202 Filed 5-16-83; 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

[Section 201 Case]

Certain Stainless Steel and Alloy Tool Steel Products; Solicitation of Public Views

Pursuant to Section 201 of the Trade Act of 1974, the President received, on May 6, 1983, a report from the United States International Trade Commission (USITC) on the case of certain stainless steel and alloy tool steel products provided for under the following items of the Tariff Schedules of the United States (Annotated) or TSUS(A):

	606.45	606.94
606.90	606.93	607.28
606.95	607.26	607.46
607.34	607.43	607.76
607.54	607.72	608.26
607.88	607.90	608.43
608.29	608.34	608.64
608.49	608.57	

The USITC determined that such stainless steel and alloy tool steel products are being imported into the United States in such increased quantities as to be a substantial cause of serious injury to the four domestic industries producing articles like or directly competitive with the imported articles.

The Commission found and recommended that, in order to remedy the serious injury found to exist:

- (1) It would be necessary to impose restrictions for a three-year period beginning January 1, 1983, as follows:
 - (a) For stainless steel sheet and strip, 8 percent of forecasted U.S. consumption, but not less than 62,900 short tons;
 - (b) For stainless steel plate, 10 percent of forecasted apparent consumption, but not less than 10,700 short tons;
 - (c) For stainless steel bar, 17 percent of forecasted U.S. consumption, but not less than 27,000 short tons;
 - (d) For stainless steel wire rod, 42 percent of forecasted U.S. consumption, but not less than 19,100 short tons;

(e) For alloy tool steel, 20 percent of forecasted U.S. consumption, but not less than 22,400 short tons;

(2) The period 1972-1982, exclusive of 1975 and 1982, is the period most representative of imports of these articles;

(3) No more than 30 percent of the respective aggregate quantities specified in (1), above, for each class of articles may be entered during any calendar quarter; and

(4) In order to provide for a more equitable distribution of imports among supplying countries, the quantities specified in (1), above, for each class of articles should be allocated on a country-by-country basis.

(5) The following articles should be exempted from any relief:

(a) Razor blade steel provided for in TSUS item 608.26

(b) Chipper knife steel provided for in TSUSA items:

606.9300	607.5405	608.3405
606.9400	607.7205	608.4905
607.3405	607.8805	608.6405

(c) Band saw steel provided for in the following TSUSA items:

606.9520	607.5405	608.3405
606.9525	607.7205	608.4905
607.3405	607.8805	608.6405

(d) The first 6,000 short tons of the following stainless steel sheet, which is provided for in TSUSA item 607.9020:

Stainless steel sheet not over 0.055 inch and not over 0.065 inch in thickness, not under 25.5 inches and not over 26.25 inches in width, which contains in addition to iron, each of the following elements by weight in the amounts specified and which is certified at the time of entry to be imported for use in the manufacture of stainless-steel-clad aluminum automotive trim:

Carbon: not more than 0.12 percent;
Chromium: not less than 16 percent nor more than 18 percent;
Molybdenum: not less than 0.75 percent nor more than 1.25 percent;

The Commission also advised the President that the exemption of:

- (1) Stainless flapper valve steel.
- (2) Lummis strip steel.
- (3) Rotor steel for hysteresis motors.
- (4) Grade 253 MA stainless.
- (5) Grade 254 SMO stainless steel.
- (6) Stainless steel sheet 72 to 80 inches in width.

would not have an adverse impact on the industry seeking relief (See USITC report TA-201-48).

Within 60 days of receiving a report from the Commission containing an affirmative determination (by July 5, 1983 in this case), the President must determine what method and amount of import relief he will provide or

determine that import relief is not in the national economic interest and whether he will direct expeditious consideration of adjustment assistance petitions.

In determining whether to provide import relief and what method and amount of import relief he will provide, the President must take into account, in addition to other considerations he may deem relevant, the following factors:

(1) The probable effectiveness of the import relief as a means to promote adjustment, the efforts being made or to be implemented by the industry concerned to adjust to import competition, and other considerations relevant to the position of the industry in the Nation's economy;

(2) The effect of import relief on consumers and on competition in the domestic markets for such articles;

(3) The effect of import relief on the international economic interests of the United States;

(4) The impact on United States industries and firms as a consequence of any possible modifications of duties or other import restrictions which may result from international obligations with respect to compensation;

(5) The geographical concentration of imported products marketed in the United States;

(6) The extent to which the United States' market is the focal point for exports of such articles by reason of restraints on exports of such articles to, or on imports of such articles into, third country markets; and

(7) The economic and social costs which would be incurred by taxpayers, communities, and workers if import relief were not provided.

The Office of the United States Trade Representative (USTR) chairs the interagency Trade Policy Committee structure that makes recommendations to the President as to what action, if any, he should take on reports submitted by the USITC under Section 201(d). In order to assist the development of recommendations to the President as to what action he should take under sections 202 and 203 of the Trade Act of 1974, the USTR welcomes written views or briefs from interested parties on the above listed subjects.

Briefs should be submitted in twenty (20) copies, in conformity with 15 CFR 2003, to the Secretary, Trade Policy Staff Committee, Room 500, Office of the United States Trade Representative, 600 17th Street NW., Washington, D.C. 20506.

For further information contact: Catherine Curtiss, telephone 202-395-4946. Legal questions should be directed to C. Michael Hathaway 202-395-3432.

(Additional information on this case is available in USITC report TA-201-48).

To be considered by the Office of the USTR, submissions should be received as soon as possible, but in no event later than the close of business, Tuesday, May 31, 1983.

Supplementary information: This investigation was initiated by the USITC on December 9 following the receipt of a letter on November 23, 1982, from the USTR requesting an expedited investigation under section 201 concerning imports of certain stainless steel and alloy tool steel products. The USTR's request was in accordance with a determination of the President on November 16, 1982 (47 FR 51717), under section 301(a)(2)(A) of the Trade Act of 1974 (19 U.S.C. 2411(a)(2)(A)).

The President's action followed the completion of investigations under section 301 of the Act initiated by USTR on February 26, 1982 (47 FR 10107) and on August 9, 1982 (47 FR 36387). These investigations were instituted (for all countries listed except Brazil) on the basis of petitions filed by the Tool and Stainless Steel Industry Committee and the United Steelworkers of America, alleging that the European Community, Belgium, France, Italy, the United Kingdom, Brazil, Austria, and Sweden had subsidized the production of stainless steel and alloy tool steel in a manner inconsistent with their obligations under Articles VI, XVI, XXIII of the Subsidies Code of the General Agreement on Tariffs and Trade.

Frederic L. Montgomery,

Chairman, Trade Policy Staff Committee.

[FR Doc. 83-13251 Filed 5-16-83; 8:45 am]

BILLING CODE 3190-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 13223; (812-5512)]

The Tax Free Fund, Inc. (Formerly Criterion Tax Free Fund, Inc.); Filing of Application

May 6, 1983.

Notice is hereby given that The Tax Free Fund, Inc. ("Applicant"), 333 Clay Street, Suite 4300, Houston, Texas 77002, registered under the Investment Company Act of 1940 (the "Act") as an open-end, diversified management investment company, filed an application on April 4, 1983, and an amendment thereto on or about May 5, 1983, for an order of the Commission, pursuant to Section 6(c) of the Act, exempting Applicant's Current Interest Tax Free Portfolio and any portfolios that invest primarily in tax free money

market instruments that may subsequently be created by Applicant (the "Short-term Portfolios" or "Portfolios") from the provisions of Sections 2(a)(41) and 12(d)(3) of the Act and Rules 2a-4 and 22c-1 thereunder to the extent necessary: (1) To permit the Short-term Portfolios to calculate their net asset values per share and to value their assets pursuant to the amortized cost method of valuation pursuant to the conditions set forth below and (2) to permit the Short-term Portfolios to acquire stand-by commitments from brokers and dealers and to permit the rights belonging to the Short-term Portfolios to be valued in the manner set forth in the application. 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. Such persons are also referred to the Act and the Rules thereunder for the complete text of those provisions thereof from which an exemption is being sought.

Applicant states that it is incorporated under the laws of the State of Texas. It has filed a registration statement with the Commission under the Securities Act of 1933 pursuant to which it seeks to register shares of its first two portfolios for sale to the public. That registration statement has not yet become effective. Applicant further states that Funds, Inc., a wholly owned subsidiary of the Criterion Management Company, serves as investment adviser to Applicant.

Pursuant to Applicant's Articles of Incorporation, Applicant's Class A Common Stock may be divided into series. Shares of each series represent interests in separate portfolios of investments that Applicant will acquire. Applicant represents that the investment return and net asset value of shares of each series will be determined separately from other series and will be based upon the investment results of each series' separate portfolio. Applicant currently has one Short-term Portfolio: the Current Interest Tax Free Portfolio.

The Short-term Portfolios will seek as their investment objectives to obtain as high a level of current income exempt from Federal income taxation as is consistent with the preservation of capital and maintenance of liquidity. Applicant states that the Short-term Portfolios will pursue these objectives by investing primarily in high quality, short-term obligations, the income from which is exempt from Federal income taxation. Among the obligations in which the Short-term Portfolios may invest are variable rate and floating rate obligations. To the extent that any

Short-term Portfolio, relying upon the order issued upon the application, purchases any such obligations, Applicant states that the procedures applicable to such purchases, as well as the manner by which the maturities of such obligations will be determined, will conform to the requirements set forth in proposed Rule 2a-7 or, if that Rule should ultimately be adopted, the procedures set forth in the Rule as adopted.

Applicant states that its Board of Directors has reviewed the various valuation and pricing procedures that might be utilized by the Short-term Portfolios and has concluded that it would be in the best interests of such Portfolios and their shareholders to utilize amortized cost valuation in valuing all securities held. Through such valuation method, it is asserted that the Short-term Portfolios would be able to offer two features which appear to be favored by investors: (1) Stability of principal (i.e., a stable net asset value per share) and (2) a steady flow of investment income. Applicant's Board of Directors believes that these features can best be obtained through use of amortized cost valuation subject to the conditions hereinafter set forth. It further believes that with respect to a portfolio of securities maturing in 120 days or less there is normally a negligible discrepancy between market value and amortized cost value. Accordingly, Applicant states that its Board of Directors has determined in good faith that, in view of the objectives of the Short-term Portfolios and the conditions pursuant to which amortized cost valuation would be used, such valuation method would be appropriate and would reflect the fair value securities absent unusual circumstances.

In order to improve the liquidity of their investments, the Short-term Portfolios also may purchase securities together with the right to resell such securities to the seller at an agreed upon price or yield within a specified period prior to the maturity date of such securities. This right to resell is generally known as a "stand-by commitment" or "put". Applicant states that its Board believes that the acquisition of such stand-by commitments by the Short-term Portfolios would help to assure appropriate liquidity to facilitate the availability of funds to satisfy redemptions of their shares. In reaching that determination, the application states that Applicant's Board of Directors considered the fact that the available maturities of short-term municipal obligations are normally not

as frequent and flexible as those of other money market instruments. Maturity dates of such obligations may be sufficiently infrequent that, at times, the Short-term Portfolios would be unable to rely upon scheduled maturities to meet net redemptions of their shares by shareholders. Applicant represents that, absent the use of stand-by commitments, a portion of each Short-term Portfolio's assets would have to be retained in cash or very short-term instruments, which would reduce investment return. In order to enhance the investment opportunities and flexibility of the Short-term Portfolios, Applicant's Directors believe that it would be appropriate and consistent with shareholders' best interests to acquire stand-by commitments from broker-dealers, as well as from banks.

Applicant represents that the investment policies of the Short-term Portfolios will permit the acquisition of stand-by commitments solely to facilitate liquidity, and the acquisition, exercisability and duration of the stand-by commitments will not be a factor in determining the dollar-weighted average maturities of the Short-term Portfolios, or the values and maturities of the securities they hold. Applicant states that the stand-by commitments will have the following features: (1) They will be in writing and will be physically held by Applicant's custodian; (2) they will be exercisable at any time prior to the underlying security's maturity; (3) the rights of the Short-term Portfolios to exercise the stand-by commitments will be unconditional and unqualified; (4) they will be entered into only with dealers, banks and brokers who, in Applicant's investment adviser's opinion, present a minimal risk of default; (5) although the commitments will not be transferable, the municipal obligations purchased subject to such commitments may be sold to a third party at any time, even though a commitment may be outstanding; and (6) their exercise price in each case will be (i) the relevant Short-term Portfolio's acquisition cost of the municipal obligation that is subject to the commitment (excluding any accrued interest that such Portfolio paid on acquisition of the security), less any amortized market premium or plus any amortized market or original issue discount during the period such Portfolio owned the municipal obligations, plus (ii) all interest accrued on the municipal obligation since the last interest payment date during the period such obligation was owned by the Portfolio.

Because the Short-term Portfolios will value municipal obligations on an

amortized cost basis, assuming an order permitting such valuation method is granted, the amount payable under a stand-by commitment will be substantially the same as the value assigned to the underlying securities. In addition, due to the high quality of the securities in which the Short-term Portfolios will invest, there is little risk of an event occurring that would make amortized cost valuation of portfolios securities inappropriate. However, in the unlikely event that the market or fair value of the Short-term Portfolios' securities were not substantially equivalent to their amortized cost value, Applicant's Directors may determine that the securities should be valued on the basis of available market information. Applicant represents that the Short-term Portfolios will refrain from exercising the stand-by commitments in such situations to avoid imposing a loss on dealers and banks and jeopardizing applicant's business relationships with such dealers and banks. Stand-by commitments generally will be available without the payment of any direct or indirect consideration. If Applicant's Directors believe it to be necessary or advisable, the Short-term Portfolios may pay for stand-by commitments, either separately in cash or by paying a higher price for the securities that are acquired subject to the commitment. However, as a matter of policy, the total amount "paid" in either manner for outstanding stand-by commitments held by each Short-term Portfolio will not exceed 1/2 of 1% of the value of its total assets calculated immediately after any stand-by commitment is acquired.

Because it is difficult to evaluate the likelihood of use or the potential benefit of a stand-by commitment, the Directors believe that such commitments should be given no value in determining the net asset value of a Short-term Portfolio, regardless of whether any direct or indirect consideration is paid. When the Short-term Portfolios pay for a stand-by commitment, its cost will be reflected as unrealized depreciation for the period during which the commitment is held. In addition, for purposes of complying with the conditions that: (i) The dollar-weighted average maturity on the Short-term Portfolios securities shall not exceed 120 days and (ii) the maturity of a portfolio security shall not exceed one year, the existence of stand-by commitments will not be viewed as shortening the maturities of the underlying municipal obligations subject to such commitments.

Applicant notes that the Internal Revenue Service ("IRS") has issued

favorable private letter rulings to the effect that a registered investment company will be the owner of municipal obligations acquired subject to a stand-by commitment and that interest on the securities will be tax-exempt to the company. However, Applicant does not intend to seek a ruling from the IRS with respect to this matter. There is no assurance that stand-by commitments will be available to the Short-term Portfolios nor can it be assumed that such commitments will continue to be available under all market conditions.

Prior to the filing of the application, the Commission expressed its view that, among other things: (1) Rule 2a-4 under the Act requires that portfolio instruments of money market funds be valued with reference to market factors, and (2) it would be inconsistent, generally, with the provisions of Rule 2a-4 for a money market fund to value its portfolio instruments on an amortized cost basis (Investment Company Act Release No. 9786, May 31, 1977. Section 6(c) of the Act provides, in pertinent part, that the Commission by order upon application may conditionally or unconditionally exempt any person, security or transaction, or any class or classes of persons, securities or transactions, from any provision or provisions of the Act or any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicant (the "Fund") agrees that the following conditions may be imposed by the Commission upon each of the Short-term Portfolios relying upon any exemptive order granting the relief requested herein:

1. In supervising the Portfolio's operations and delegating special responsibilities involving portfolios management to the Fund's investment adviser, the Fund's Board of Directors undertakes—as a particular responsibility within the overall duty of care owed to shareholders—to establish procedures reasonably designed, taking into account current market conditions and the Portfolio's investment objectives, to stabilize the Portfolio's net asset value per share, as computed for the purposes of distribution, redemption and repurchase, at \$1.00 per share.

2. Included within the procedures to be adopted by the Board of Directors shall be the following:

- (a) Review by the Board of Directors, as it deems appropriate and at such intervals as are reasonable in light of

current market conditions, to determine the extent of deviation, if any, of the net asset value per share as determined by using available market quotations from the Portfolio's \$1.00 amortized cost price per share and the maintenance of records of such review.¹

(b) In the event such deviation from the Portfolio's \$1.00 amortized cost priced per share exceeds ½ of 1%, 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 the Portfolio's \$1.00 amortized cost price per share may result in material dilution or other unfair results to investors or existing shareholders, it shall take such action as it deems appropriate to eliminate or to reduce to the extent reasonably practicable such dilution or unfair results, which may include: redemption of shares in kind; selling portfolio instruments prior to maturity to realize capital gains or losses, or to shorten the average maturity of portfolio instruments of the Portfolio; withholding dividends; or utilizing a net asset value per share as determined by using market quotations.

3. The Portfolio will maintain a dollar-weighted average portfolio maturity appropriate to its objective of maintaining as table net asset value per share; provided, however, that it will not (a) purchase any instrument with a remaining maturity of greater than one year, or (b) maintain a dollar-weighted average portfolio maturity in excess of 120 days.²

4. The Fund will record, maintain, and preserve permanently in an easily accessible place a written copy of the procedures (and any modifications thereto) described in paragraph 1 above, and will record, maintain and preserve for a period of not less than six years (the first two years in an easily accessible place) a written record of the Board of Directors' considerations and actions taken in connection with discharge of its responsibilities, as set forth above, to be included in the minutes of the Board of Directors'

¹ To fulfill this condition, the Applicant 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 the appropriate indicators of value which may include, inter alia: (1) quotations or estimates of market value for individual portfolio securities, or (2) values obtained from yield data relating to classes of securities published by reputable sources.

² In fulfilling this condition, if the disposition of a portfolio security results in a dollar-weighted average portfolio maturity in excess of 120 days, the Portfolio will invest its available cash in such a manner as to reduce the dollar-weighted average portfolio maturity to 120 days or less as soon as reasonably practicable.

meetings. The documents preserved pursuant to this condition shall be subject to inspection by the Commission in accordance with Section 31(b) of the Act, as if such documents were records required to be maintained pursuant to rules adopted under Section 31(a) of the Act.

5. The Portfolio will limit its portfolio investments, including repurchase agreements, to those United States dollar denominated instruments which the Board of Directors determines present minimal credit risks and which are of "high quality" as determined by any major rating service or, in the case of any instrument that is not rated, of comparable quality as determined by the Board of Directors.

6. The Fund will include in each quarterly report, as an attachment to Form N-1Q, a statement as to whether any action pursuant to paragraph 2(c) above was taken during the preceding fiscal quarter and, if any such action was taken, will describe the nature and circumstances of such action.

In connection with the acquisition of stand-by commitments by the Short-term Portfolios, Applicant states that it is significant that the commitments will be valued in a way that will not result in the insulation of net asset value per share against decline due to unrealized depreciation in the values of portfolio securities. The commitments will not pose new investment risks because of the manner in which they will be used, and instead will simply improve the liquidity of the Short-term Portfolios and their ability to satisfy redemptions of their shares. In addition, to the extent the commitments may represent an obligation of a broker or dealer, Applicant represents that such Portfolios' reliance upon the obligations of dealers and brokers from whom stand-by commitments are acquired will be secured to the extent of the value of underlying municipal obligations that are subject to the commitments. Applicant states that, under the foregoing circumstances, the acquisition of stand-by commitments will not expose the Short-term Portfolios to a significant extent to the credit risks of brokers or dealers.

Nevertheless, Applicant states that the Fund's investment adviser intends to evaluate periodically the credit of institutions issuing stand-by commitments to the Short-term Portfolios. Finally, according to Applicant, the Short-term Portfolios will not acquire stand-by commitments to promote reciprocal practices, to encourage distribution efforts or to obtain research services. Accordingly,

Applicant asserts that the acquisition of stand-by commitments will not meaningfully expose assets of the Short-term Portfolio to the entrepreneurial risks of the investment banking business, nor require them to evaluate the credit of dealers in determining their net asset values per share. Under the circumstances, and in view of the conditions and representations set forth in the application, Applicant submits that the granting of the requested exemptive orders would be appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than May 31, 1983, at 5:30 p.m., do so by submitting a written request setting forth the nature of his interest, the reasons for his request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon Applicant at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. Persons who request a hearing will receive any notices and orders issued in this matter. After said date an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[FR Doc. 83-13139 Filed 5-16-83; 8:45 am]
BILLING CODE 8010-01-M

[Release No. 13232 (812-5426)]

The Benchmark Fund Money Market and Government Portfolios and the Benchmark Tax-Exempt Fund; Filing of Application for an Order Pursuant to Section 6(c) of the Act for Exemption From the Provisions of Sections 2(a)(41) and 12(d)(3) of the Act and Rules 2a-4 and 22c-1 Thereunder

In the matter of The Benchmark Fund Money Market and Government Portfolios (formerly known as Compass Fund Money Market and Government Portfolios) and The Benchmark Tax-Exempt Fund (formerly known as Compass Tax-Exempt Fund), 111 West Jackson Boulevard, Chicago, Illinois 60604.

Notice is hereby given that The Benchmark Fund Money Market and Government Portfolio ("BF") and the Benchmark Tax-Exempt Fund ("BTF," and jointly with BF, the "Applicants"), open-end, diversified management investment companies registered under the Investment Company Act of 1940 (the "Act"), filed an application on January 11, 1983, and an amendment thereto on April 22, 1983, for an order of the Commission, pursuant to Section 6(c) of the Act, exempting BTF from the provisions of Sections 12(d)(3) and 2(a)(41) of the Act and Rules 2a-4 and 22c-1 thereunder to the extent necessary to permit BTF to acquire certain "puts" solely to facilitate portfolio liquidity and to value puts as described in the application and exempting both Applicants 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 them to compute their respective net asset values per unit 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 representatives therein, which are summarized below. Such persons are also referred to the Act and the rules thereunder for the complete text of the provisions thereof from which an exemption is being sought.

Applicants state that they are newly formed "money market funds." The application states that BF's investment objective is to maximize current income to the extent consistent with the preservation of capital and the maintenance of liquidity through investment in high quality money market instruments. BF states that it will initially offer two separate portfolios of money market instruments, a Money Market Portfolio and a Government Portfolio, each of which is represented by a separate series of units of beneficial interest. In the case of BF, the order sought would relate separately to the Money Market Portfolio and the Government Portfolio as well as to each additional money market fund portfolio.

The application further states that BTF's investment objective is to provide its unitholders, to the extent consistent with the preservation of capital and prescribed portfolio standards, with a high level of income exempt from Federal income taxes by investing primarily in municipal instruments. BTF states that it will initially offer a Short-Term Diversified Portfolio (the "Tax-Exempt Portfolio") and may create additional portfolios. In the case of BTF, the order sought would relate to the Tax-Exempt Portfolio as well as

separately to each additional money market fund portfolio.

The application states that BF's Money Market Portfolio will pursue its investment objective by investing exclusively in United States dollar denominated obligations of United States banks with total assets in excess of \$1 billion (including obligations of foreign branches of such banks); United States dollar denominated obligations of Canadian banks or of U.S. branches of foreign commercial banks where such banks have total assets in excess of \$5 billion; high-quality commercial paper and other short-term corporate obligations, including variable rate demand notes; securities issued or guaranteed as to principal and interest by the United States Government or by agencies or instrumentalities thereof (including the International Bank for Reconstruction and Development); and repurchase agreements pertaining to the instruments referred to above. It is represented that BF will not purchase certificates of deposit of BF's proposed investment adviser, transfer agent and custodian, The Northern Trust Company ("Northern"), or Northern's affiliate banks, commercial paper issued by Northern's parent holding company, or other securities issued or guaranteed by Northern, its parent holding company, or their subsidiaries or affiliates. The application further states that BF's Government Portfolio will pursue its investment objective by investing exclusively in securities issued or guaranteed as to principal and interest by the United States Government or by agencies or instrumentalities thereof (including the International Bank for Reconstruction and Development) and repurchase agreements pertaining thereto.

BTF states that its Tax-Exempt Portfolio will pursue its investment objective by investing primarily in high-quality, short-term instruments, the interest on which is, in the opinion of Bond Counsel for the issuers, exempt from Federal income tax ("Municipal Instruments"). BTF further states that Municipal Instruments purchased by the Tax-Exempt Portfolio will consist of municipal notes (including variable rate demand obligations) with remaining maturities of one year or less, municipal bonds or notes with remaining maturities of one year or less which are guaranteed as to principal and interest by the United States Government or an agency or instrumentality thereof or which otherwise depend directly or indirectly on the credit of the United States, municipal bonds with remaining maturities of one year or less, or

securities issued by other investment companies investing primarily in high-quality, short-term municipal instruments and which determine their net asset value per unit based on the amortized cost or penny rounding method ("Tax-Exempt Money Fund Units"). Tax-Exempt Money Fund Units will be acquired by the Tax-Exempt Portfolio within the limitations described by the Act.

BTF represents that the intended purpose of utilizing puts is solely to facilitate portfolio liquidity. In this regard, the application states that BTF expects to make same day payment for redeemed units in immediately available funds. It represents that, although it intends generally to hold its portfolio securities to maturity, the maturity dates of available tax-exempt obligations are sufficiently infrequent that BTF does not wish to rely merely on scheduled maturities to meet net redemptions. BTF states that an additional source of funds to meet net redemptions on a given day consists of settlements arranged that same day on sales of portfolio securities. However, BTF states that Northern, BTF's investment adviser, has only a few hours to make these arrangements in order to permit timely receipt by BTF of immediately available funds. Regular settlement of sales of Municipal Instruments is effected on the fifth business day after the commitment to sell is entered into. BTF further represents that, unless prior arrangements assuring immediate liquidity have been made, the negotiation of same-day settlements on sales of portfolio securities within the brief time referred to above may be impossible or may require BTF to receive a less favorable execution price on the sale even though the securities sold have a short remaining maturity (e.g., less than 30 days). BTF states that other investment techniques used by taxable money-market funds to obtain liquidity are not normally available to BTF because they are prohibitively expensive or would produce taxable income. BTF states that the ability to assure same-day settlement on portfolio sales, at prices which will avoid losses caused by negotiations under time pressure, is therefore important to achieving BTF's objectives. It further states that the exemption requested will enable it to adopt policies that would assure same-day settlements on portfolio sales and would thereby facilitate the same-day payment of redemption proceeds in immediately available funds. Accordingly, to improve portfolio liquidity, BTF proposes to adopt policies permitting the acquisition

of puts from banks and other financial institutions, including brokers and dealers.

BTF states that when it purchases a Municipal Instrument from a bank, broker, dealer, or other person it proposes to have the flexibility from time to time to acquire, in addition, the option to sell the same principal amount of such securities back to the institution at a specified price. Such a right is sometimes referred to in the industry as an "optional delivery, standby commitment" and is referred to in the application as a "put."

The application states that the exercise price of puts will be: (i) BTF's acquisition cost of the Municipal Instruments which are subject to the put (excluding any accrued interest which BTF paid on their acquisition), less any amortized market premium or plus any amortized market or original issue discount during the period BTF owned the securities, plus (ii) all interest accrued on the securities since the last interest payment date during the period the securities were owned by BTF. Absent unusual circumstances, BTF will value Municipal Instruments on an amortized cost basis pursuant to the requested exemption. Accordingly, the amount payable by the issuer of a put during the time the put is exercisable would be substantially the same as the value of the underlying securities.

According to the application, although puts will not be transferable, Municipal Instruments purchased subject to puts could be sold at any time even though the put was outstanding. The put would not obligate BTF to sell the underlying securities to the issuer of the put, nor entitle the issuer to demand the return of the securities at its option. BTF expects that a sale of the underlying securities to a third party would terminate BTF's rights under the related put to sell the securities back to the issuer of the put. It is represented that puts may (but not necessarily will) be exercisable by BTF at any time prior to the maturity of the underlying security and BTF's right to exercise will be unconditional and unqualified.

If necessary and advisable, BTF proposes to pay for puts either separately in cash or by paying a higher price for the portfolio securities which are acquired subject to the put (thus reducing the yield to maturity otherwise available for the same securities). As a matter of policy, the total amount "paid" in either manner by BTF for outstanding puts held in its portfolios would not exceed 1/2 of 1% of the value of its total assets calculated immediately after any put is acquired. It is represented that puts acquired by BTF would be in

writing and would be physically held by Northern as BTF's custodian.

The application states that, during the term of a put, it would be very difficult if not impossible to evaluate the likelihood of eventual exercise of the put or to quantify the potential benefit to BTF if that put were exercised. In light of such uncertainties, the application states that the Board of Trustees of BTF will deem the put to have a "fair value" of zero, regardless of whether BTF paid any direct or indirect consideration for the put. When BTF pays for a put, its cost will be reflected as unrealized depreciation for the period during which the commitment is held by BTF.

Notwithstanding the foregoing, in calculating the dollar-weighted average maturity of BTF's portfolios, it is represented that puts would always be valued zero and the dollar-weighted average maturity will not be affected by the acquisition of the puts. The application represents that the acquisition or exercisability of a put will not affect the valuation or assumed maturity of the underlying Municipal Instruments, which would continue to be valued on the basis of amortized cost. It is further represented that BTF believes there to be little risk of an event occurring which would make amortized cost valuation of its portfolio instruments inappropriate. However, in the unlikely event that the market or fair value of BTF's portfolio instruments was not substantially equivalent to their amortized cost value, the application states that BTF's Trustees may determine that the Municipal Instruments should be valued on the basis of available market quotations. It is further stated that BTF expects that any puts covering such Municipal Instruments would continue to be valued as described above because BTF expects that it would refrain from exercising the puts to avoid imposing a loss on the bank, broker, or dealer and jeopardizing its business relationship with that entity.

Section 6(c) of the Act provides, in pertinent part, that the Commission, by order upon application, may conditionally or unconditionally exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions from any provision or provisions of the Act or of any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

BTF submits that the requested exemption from Section 12(d)(3) of the

Act is appropriate and in the public interest. BTF states that it does not believe that Section 12(d)(3) was intended to prohibit an investment company's acquisition of a put "issued" by a broker or dealer. While the puts proposed to be acquired by BTF will be exercisable at BTF's option, BTF represents that this element of discretion does not alter the nature of the broker's or dealer's commitment which is comparable to the commitment of any investment firm to make payment at settlement for the sale of a fund's portfolio securities.

BTF states that it will enter into puts only with banks, brokers, dealers, and other persons which, in the investment adviser's opinion, present a minimal risk to default. In addition to the credit of these institutions, BTF states that its rights under a put will be secured to the extent of the value of the underlying Municipal Instruments which are subject to the put and, therefore, the risk of loss is not qualitatively different from the risk of loss faced by any investment company which is holding securities pending settlement after having agreed to sell the securities in the ordinary course of business. BTF states that its investment adviser has informed BTF that it intends to periodically evaluate the credit of institutions issuing puts to BTF in accordance with current procedures used in evaluating the creditworthiness of issuers of short-term debt securities. In the event of a default under a put, BTF states that it expects that it will be an unsecured creditor but only to the extent, if any, that the amount due under the put exceeds the current value of the underlying Municipal Instruments owned by BTF. In addition, BTF contends that, because it will value puts at zero, the acquisition of such puts will not meaningfully expose BTF's assets "to the entrepreneurial risks of the investment banking business" (Investment Company Act Release No. IC-10666, April 18, 1979), nor require BTF to evaluate the credit of dealers in determining its net asset value. BTF further states that it will not acquire puts to promote reciprocal practices, to encourage unit distribution efforts, or to obtain research services.

Applicants request an order of the Commission to permit them to value their assets (other than the Tax-Exempt Money Fund Units) according to the amortized cost method of valuation. According to the application, BTF intends to value Tax-Exempt Money Fund Units based on the amortized cost method in reliance upon Investment Company Act Release No. 9786. It is

asserted that BTF believes that such reliance is appropriate since Tax-Exempt Money Fund Units are, for this purpose and in its opinion, the functional equivalent of debt instruments with a maturity generally no greater than 7 days.

In support of the relief requested, the application states that the Applicants believe that potential investors in the Fund's units are concerned that (1) the net asset value of their units remain stable; (2) that the daily net income declared on their investment be steady and not exhibit the volatility which can occur when changes in market prices caused changes in yield on a daily or weekly basis. By maintaining portfolios of high quality money market instruments of short maturities, Applicants believe that it will be possible to provide the required stability to their investors.

The Applicants have each agreed that the following conditions may be imposed in any order of the Commission granting the relief requested:

(1) In supervising each Applicant's operations and delegating special responsibilities involving portfolio management to the Applicants' investment adviser, each Applicant's Trustees undertake—as a particular responsibility within their overall duty of care owed to such Applicant's unitholders—to establish procedures reasonably designed, taking into account current market conditions and such Applicant's investment objective, to stabilize such Applicant's net asset value per unit, as computed for the propose of distribution, redemption and repurchase, at \$1.00 per unit.

(2) Included within the procedures to be adopted by each Applicant's Trustees shall be the following:

(a) Review by the Trustees, as they deem 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 unit as determined by using available market quotations from such Applicant's \$1.00 amortized cost price per unit, and the maintenance of records of such review.³

(b) In the event that such deviation from such Applicant's \$1.00 amortized cost price per unit exceeds ½ of 1%, a requirement that the Trustees will

promptly consider what action, if any, should be initiated.

(c) If the Trustees believe that the extent of any deviation from such Applicant's \$1.00 amortized cost price per unit may result in material dilution or other unfair results to investors or existing unitholders, they shall take such action as they deem appropriate to eliminate or to reduce to the extent reasonably practicable such dilution or unfair results, which action may include: redemption of units in kind; selling portfolio instruments prior to maturity to realize capital gains or losses, or to shorten the average portfolio maturity of such Applicant; reducing or withholding dividends or utilizing a net asset value per unit as determined by using available market quotations.

(3) Each Applicant will maintain a dollar-weighted average portfolio maturity appropriate to its objective of maintaining a stable price per unit; provided, however, that such Applicant will neither (a) purchase any instrument with a remaining maturity of greater than one year, except for instruments subject to repurchase agreements providing for settlement for the repurchase within one year after the Applicant's purchase of the instrument, nor (b) maintain a dollar-weighted average portfolio maturity which exceeds 120 days.³

(4) Each 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 such Applicant will include in the minutes of the Trustees' meetings and will record, maintain and preserve for a period of not less than six years (the first two years in an easily accessible place) a written record of the Trustees' considerations and actions taken in connection with the discharge of their responsibilities, as set forth above. 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 the rules adopted under Section 31(a) of the Act.

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, such Applicant represents that it will invest its available cash in such a manner as to reduce the dollar-weighted average portfolio maturity to 120 days or less as soon as reasonably practicable. In addition, in fulfilling this condition, the maturity of a portfolio security held by BTF shall not be considered shortened or otherwise affected by any put of the type described above to which such security is subject, and all such puts held by BTF shall be valued at zero.

(5) Each Applicant will limit its portfolio investments, including repurchase agreements, to those United States dollar-denominated instruments which the Trustees determine present minimal credit risks, and which are of high quality as determined by any major rating service or, in the case of any instrument that is not rated, are of comparable quality as determined by the Trustees.

(6) Each Applicant will include in each quarterly report, as an attachment to Form N-1Q, a statement as to whether any action pursuant to condition 2(c) above was taken during the preceding fiscal quarter, and, if any such action was taken, such 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 June 6, 1983, at 5:30 p.m., do so by submitting a written request setting forth the nature of his interest, the reasons for his request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon Applicants at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. Persons who request a hearing will receive any notices and orders issued in this matter. After said date an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[FR Doc. 83-13238 Filed 5-16-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 13233; (812-5461)]

Credit National; Filing of Application for an Order Pursuant to Section 6(c) of the Act Exempting Applicant From All Provisions of the Act

May 11, 1983.

Notice is hereby given that Credit National (45, rue Saint-Dominique, 75007 Paris, France) ("Applicant") filed an application on February 28, 1983, for an order of the Commission pursuant to Section 6(c) of the Investment Company Act of 1940 ("Act"), exempting applicant from all provisions of the Act. All

¹ To fulfill this obligation, each Applicant intends to use actual quotations or estimates of market value reflecting current market conditions chosen by its Trustees in the exercise of their 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 money market instruments published by reputable sources.

interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant states that it is a *societe anonyme*, formed in 1919 for the principal purpose of providing the French State with a means of financing indemnities for war-related losses and damages and to contribute to the development of industrial and commercial companies through long-term loans. Applicant states that long-term development lending has been its chief activity for many years.

Applicant states that as a *societe anonyme*, it is subject to the French Companies Law of July 24, 1966 (and the related decree of March 23, 1967) and other legislation applicable to French corporations. In addition, Applicant states that it is subject to the *Convention* of July 7, 1919, entered with the French State (approved by the law of October 10, 1919) and to the provisions of its *Statuts* (the "Charter"), first decreed in 1919 on the recommendation of the *Conseil d'Etat*. Applicant states that modifications of its Charter and by-laws, after appropriate shareholder approval, must be confirmed by order of the *Conseil d'Etat* (in the case of its Charter) or the Minister of Economy and Finance (in the case of its by-laws).

Applicant states that like other specialized institutions in France that provide development financing in the public interest, the Applicant is subject to regulation by the French State; any public bond issue of the Applicant, whether guaranteed by the French State or not, must be authorized by ministerial order of the Minister of Economy and Finance.

Applicant states that it is governed by a Board of Directors ("Board"). Applicant further states that, pursuant to the Charter, the Board is composed of 14 members, including 11 members elected by the shareholders for terms of six years, and a General Manager (the Chairman of the Board) and two Managers appointed, upon the proposal of the Board, by the President of the French State, countersigned by the Minister of Economy and Finance. The General Manager is generally empowered to conduct the business of the Applicant. The Managers and executive officers in each of the Applicant's divisions conduct the day-to-day business of the Applicant under authority delegated by the General Manager.

The application states that, under French corporation law, auditors, *Commissaires aux Comptes*, elected by

the shareholders for six year terms are responsible for accounting examinations and control. Applicant represents that the auditors examine and certify annually the accuracy of Applicant's financial statements and render an opinion to the shareholders as to whether such statements are true and fair. In addition, Applicant represents that unaudited financial statements of the Applicant are published quarterly in France in the *Journal Officiel*. Applicant states that, pursuant to the Charter, four special *Censeurs*, two of whom are elected by the shareholders for terms of three years and two of whom are designated by order of the Minister of Economy and Finance, sit in an advisory capacity on the Board and exercise a general supervisory function. Applicant states that the *Inspection Generale des Finances*, the organization of the Ministry of Economy and Finance that is responsible for the control of all moneys managed by the administration of the French State, periodically reviews the administration of the various categories of applicant's special loans which involve the expenditure of public funds. Applicant represents that it reports regularly to the Minister of Economy and Finance about its operations.

Applicant states that while it performs many of the functions of an industrial bank or a development bank, it is prohibited in its Charter from (1) receiving deposits in the form of cash or securities, (2) granting loans other than long-term development loans and medium-term credits or (3) performing any trading in securities or banking operations other than those required to satisfy its stated objectives. Applicant represents that it does not underwrite or deal in investment securities. Applicant explains that, in light of the foregoing and the special regulatory procedures to which it is subject, it is not under the supervision of the *Conseil National du Credit* or the *Commission de Controle des Banques* which regulate commercial banks in France.

Applicant represents that at December 31, 1981, the latest date for which audited figures are available, it had total assets of approximately French francs ("FF") 55.8 billion.¹ Applicant represents that aggregate loans then outstanding were approximately FF 46.5 billion, of which the portion due within one year was approximately FF 3.6 billion. At that date aggregate debt was FF 49.8 billion, of which the current portion was FF 4.5 billion; Applicant's shareholders' equity

(after reevaluation of fixed assets and participation) was approximately FF 2.5 billion.

Applicant states that on December 31, 1982, its share capital was FF 106,493,200 consisting of 1,064,932 shares with FF 100 par value each, all fully paid and non-assessable and that the share capital is presently being increased to FF 351,427,400 through a rights issue, to be followed by a capitalization of reserves through a distribution of free shares and an increase of the par value of each share to FF 200. Applicant presently anticipates that the share capital increase will be completed by the end of 1983. According to the application, the main shareholders of Applicant are banks, insurance and investment companies and private individuals (the shares are listed on the Paris Stock Exchange). Applicant states that nationalizations in 1982 by the French State of the major part of the French banking system has led to a slight increase in the percentage of share capital owned directly by state companies or by the various pension and investment funds they manage, now approximately 55 percent.

Applicant states that pursuant to its Charter the interest rates charged by Applicant in its lending activities may not exceed by more than 1% the cost of Applicant's most recently issued bonds and that all loans must be secured by a mortgage, pledge of shares, a third party guarantee or other form of acceptable security. According to the application, the applicant's long-term lending activities consist of ordinary loans and loans for industrial development abroad which are generally fixed rate and are financed by Applicant's own general resources, i.e., bond issues on the domestic market and other funds, and of special purpose loans which are generally financed from specific resources, i.e., specific loans or bond issues in the French market and, particularly in recent years, borrowings in foreign markets. Applicant states that the program of special purpose loans was created to influence the economic activity of, and to facilitate structural changes in, French industry. Such loans bear below market interest rates and are designed to encourage or sustain, for example, exports, employment, energy and raw material conservation, automation and industrialization of new products. Applicant represents that the aggregate of special purpose loans in each category may not exceed amounts previously designated by the Ministry of Economy and Finance.

According to the application, in addition to its own lending operations

¹ The exchange rate for one French franc was United States \$0.174 at December 31, 1981 and United States \$0.147 at February 22, 1983.

the Applicant undertakes special operations on behalf of the French State and foreign public entities. These include loans on behalf and for the account of the French State and certain financial advisory and management functions for projects designated by the French State and its agencies or authorities.

According to the application, Applicant proposes to issue and sell in the United States, prime quality commercial paper notes ("Notes") in minimum denominations of \$100,000 through major United States commercial paper dealers. Applicant represents that it will secure an undertaking from each such dealer that the Notes will be sold to institutional investors and other entities and individuals that ordinarily purchase commercial paper notes and will not be offered for sale to the general public. Applicant states that it proposes to issue and sell the Notes initially in amounts up to United States \$250,000,000-\$300,000,000 outstanding at any one time, and that the Notes will not have maturities exceeding 270 days nor will they include any provisions for extension, renewal or automatic rollover at the option of either the holders or applicant. Applicant represents that the Notes will be direct liabilities of Applicant, and will rank *pari passu* among themselves and equally with all other unsecured, unsubordinated indebtedness of Applicant. Applicant represents that the Notes will be guaranteed by the French State by decree of the Minister of Economy and Finance.

Applicant states that it plans to sell the Notes without registration under the Securities Act of 1933 ("1933 Act"), in reliance upon an opinion of its special counsel in the United States that the offering will qualify for an exemption from the registration requirements of the 1933 Act provided for short-term commercial paper by Section 3(a)(3) thereof. Accordingly, Applicant states that the Notes will have the characteristics, including their negotiability, maturity and minimum denomination, such as to qualify them for exemption under Section 3(a)(3) and that the proceeds of the sale of the Notes (to the extent not applied to the repayment of maturing Notes or to the payment of current expenses) will be used by Applicant for current transactions. Applicant represents that it will not proceed with its proposed offering until it has received such an opinion letter. Applicant does not request Commission review or approval of such opinion letter and the

Commission expresses no opinion as to the availability of any such exemption. Applicant further represents that the presently proposed issue of debt securities and any future issue of its debt securities in the United States shall have received, prior to issuance, one of the three highest investment grade ratings from at least one of the nationally recognized investment rating organizations, and that its special United States counsel shall have certified that such rating has been received; provided, however, that no such rating shall be required to be obtained, if in the opinion of its special United States counsel, such counsel having taken into account for the purposes thereof the doctrine of "integration" referred to in various releases and no-action letters made public by the Commission, an exemption from registration is available with respect to such issue under Section 4(2) of the 1933 Act.

Applicant undertakes to ensure that the dealer will provide each offeree of the Notes, prior to any sale of Notes to such offeree, with a memorandum describing the business of Applicant and containing the most recent publicly available audited financial statements of Applicant, audited in accordance with French auditing practices. Applicant states that the offering memorandum will include a paragraph highlighting the material differences between French accounting standards applicable to Applicant and generally accepted accounting principles employed by similar United States institutions. Applicant represents that such memorandum will be at least as comprehensive as those customarily used in offering commercial paper in the United States and will be updated periodically to reflect material changes in the business or financial status of Applicant. Applicant further represents that in the future it may issue other debt securities, but that such securities will be offered or sold only pursuant to a registration statement under the 1933 Act, or an opinion of its special United States counsel that an exemption from registration under the 1933 Act is available, or pursuant to a staff position that no action would be taken if such securities are not registered.

Applicant further undertakes to provide to any person to which it offers such debt securities in the United States (and undertakes to ensure that any underwriter or dealer through whom it makes such offers will so provide) disclosure documents which are at least as comprehensive in their description of

Applicant and the businesses of Applicant (1) in the case of securities registered under the 1933 Act, as are required by such Act and the applicable forms and regulations promulgated by the Commission thereunder and (2) in the case of securities exempt from registration under the 1933 Act, as are required by Regulation D of the Commission (and any successor regulation thereto) and containing such additional information as is, in the opinion of special United States counsel to the Applicant, required or appropriate. Applicant consents to having any order granting the relief requested under Section 6(c) of the Act expressly conditioned upon its compliance with the foregoing undertakings concerning disclosure documents.

Applicant represents that it will appoint a bank or trust company having an office in New York City, the Commission or a New York City corporation providing corporate services as agent to accept service of process in any suit, action, or proceeding, based on the Notes or with respect to the offer and sale of the Notes and instituted in any state or federal court by the holder of any Note. The application states that Applicant will expressly submit to the jurisdiction of state or federal courts in the City and State of New York in respect to any such suit, action or proceeding. Applicant will also be subject to suit in any other court in the United States which would have jurisdiction because of the manner of the offering of the Notes or otherwise. The application further states that such appointment of an agent to accept service of process and such consent to jurisdiction shall be irrevocable until all amounts due and to become due with respect to the Notes have been paid. The application also states that Applicant will similarly consent to jurisdiction and appoint an agent for service of process in any such suit, action, or proceeding arising from any future offerings of debt securities that it may make in the United States or with respect to the disclosure documents prepared in connection therewith.

Section 6(c) of the Act provides, in pertinent part, that the Commission, by order upon application, may conditionally or unconditionally exempt any person, security or transaction, or any class or classes of persons, securities or transactions, from any provision or provisions of the Act or any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public

interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

In support of the exemptive relief requested, Applicant asserts that it is different from the type of institution Congress intended the Act to regulate. In addition, Applicant submits that an exemption pursuant to Section 6(c) of the Act would benefit institutional and other sophisticated investors in the United States by making Applicant's debt securities more readily available to such investors. Without such an exemption Applicant states that it would be precluded from publicly offering its securities in the United States. Applicant argues that its operations are extensively supervised and regulated by French public officials and that this control and regulation together with the requirements of Section 3(a)(3) of the 1933 Act and the anti-fraud provisions of the Securities Exchange Act of 1934 will afford substantial protection to investors in its debt securities.

Applicant concludes that granting the requested exemptive relief pursuant to Section 6(c) of the Act would be appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than June 6, 1983, at 5:30 p.m., do so by submitting a written request setting forth the nature of his interest, the reasons for his request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon Applicant at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. Persons who request a hearing will receive any notices and orders issued in this matter. After said date, an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[FR Doc. 83-13239 Filed 5-16-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 22933; (70-6868)]

**Indiana & Michigan Electric Co.;
Proposed Issuance and Sale of First
Mortgage Bonds and Preferred Stock**

May 10, 1983.

Indiana & Michigan Electric Co. ("I&M") (One Summit Square, Fort Wayne, Indiana 46801), an electric utility subsidiary of American Electric Power Company, Inc. ("AEP"), a registered holding company, has filed an application-declaration with this Commission pursuant to Sections 6(b) and 12(c) of the Public Utility Holding Company Act of 1935 ("Act") and Rules 42 and 50 promulgated thereunder.

I&M proposes to issue and sell, in one or more transactions from time to time through December 31, 1983, up to \$70,000,000 aggregate principal amount of its first mortgage bonds, in one or more new series, each with a maturity of not less than 5 years and not more than 30 years. The terms will be determined by competitive bidding pursuant to Rule 50. I&M may employ alternative competitive bidding procedures in accordance with the Commission's statement of policy set forth in HCAR No. 22623 (September 2, 1982). If market conditions should not be propitious for the sale of the bonds on a competitive bidding basis, I&M intends, subject to authorization by the Commission, either to place the bonds privately with institutional investors or to negotiate with underwriters for the sale of the bonds.

I&M also proposes to issue and sell up to 1,000,000 shares of its cumulative preferred stock, par value \$25 per share, in one or more new series. The price to be paid to the company will be \$25 per share. Such shares will be sold under competitive bidding pursuant to Rule 50. I&M may employ alternative competitive bidding procedures in accordance with the Commission's statement of policy set forth in HCAR No. 22623 (September 2, 1982). If market conditions should not be propitious for the sale of the cumulative preferred stock on a competitive bidding basis, I&M intends, subject to authorization by the Commission, either to place the cumulative preferred stock privately with institutional investors or to negotiate with underwriters for the sale. The terms of the cumulative preferred stock may also include a sinking fund provision with respect to one or more series.

The proceeds realized from the sale of the bonds and the cumulative preferred stock will be used to repay unsecured short-term indebtedness of I&M consisting of short-term notes and

commercial paper, to repay maturing long-term debt, to reimburse the company's treasury for expenditures incurred in connection with the company's construction program, and for other corporate purposes. At December 31, 1982, I&M had approximately \$92,150,000 aggregate principal amount of such unsecured short-term debt outstanding, and it is anticipated that, at the time of the initial sale of the bonds and/or cumulative preferred stock, not less than \$100,000,000 of such unsecured short-term debt will be outstanding, portions of which will have been incurred in connection with the company's construction program. I&M estimates that its consolidated construction costs during 1983 will be approximately \$127,000,000.

The application-declaration and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by June 6, 1983, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the applicant-declarant at the address specified above. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[FR Doc. 83-13236 Filed 5-16-83; 8:45 am]

BILLING CODE 8010-01-M

[File No. 1-7941]

**Perry Drug Stores, Inc., Application To
Withdraw From Listing and
Registration**

May 10, 1983.

The above named issuer has filed an application with the Securities and Exchange Commission pursuant to Section 12(d) of the Securities Exchange Act of 1934 ("Act") and Rule 12d2-2(d) promulgated thereunder, to withdraw the specified security from listing and

registration on the American Stock Exchange, Inc. ("Amex").

The reasons alleged in the application for withdrawing this security from listing and registration include the following:

1. The common stock (\$.05 Par Value) of Perry Drug Stores, Inc. ("Company") is listed and registered on the Amex. Pursuant to a Registration Statement on Form 8-A which became effective on March 18, 1983, the Company is also listed and registered on the New York Stock Exchange ("NYSE"). The Company has determined that the direct and indirect costs and expenses do not justify maintaining the dual listing of the common stock on the Amex and the NYSE.

2. This application relates solely to withdrawal of the common stock from listing and registration on the Amex and shall have no effect upon the continued listing of the common stock on the NYSE, or the Company's 12.85% convertible subordinated debentures (due October 15, 1997) which will continue to be listed on the Amex. The Amex has posed no objection to this matter.

Any interested person may, on or before June 1, 1983 submit by letter to the Secretary of the Securities and Exchange Commission, Washington, D.C. 20540, facts bearing upon whether the application has been made in accordance with the rules of the Exchange and what terms, if any, should be imposed by the Commission for the protection of investors. The Commission, based on the information submitted to it, will issue an order granting the application after the date mentioned above, unless the Commission determines to order a hearing on the matter.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[FR Doc. 83-13237 Filed 5-16-83; 8:45 am]

BILLING CODE 8010-01-M

an Australian bank, and its wholly-owned subsidiary Westpac Capital Corporation ("WCC", and jointly with WBC, the "Applicants"), a Delaware corporation, filed an application on January 28, 1983, and an amendment thereto on April 27, 1983, for an order of the Commission pursuant to Section 6(c) of the Investment Company Act of 1940 (the "Act") exempting Applicants from all provisions of the Act in connection with their proposed issuance of dollar-denominated commercial paper in the United States. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicants state that WBC, which conducted business under the name "Bank of New South Wales" until October 1, 1982, is the largest trading (i.e., commercial) bank in Australia in terms of assets, deposits, and profits, and one of the largest banks in the world. Applicants further state that WBC recently acquired The Commercial Bank of Australia Limited and changed the name of the combined organization to Westpac Banking Corporation. According to the application, WBC currently has branches in Australia and New Zealand and branches, agencies, or representative offices overseas. In the United States, WBC has a branch in New York City, licensed by the Comptroller of the Currency; a state-licensed agency in San Francisco, California; a representative office in Houston, Texas; and a limited branch in Chicago, Illinois, licensed by the Comptroller of the Currency.

Applicants maintain that, as of September 30, 1982, WBC had, on an unconsolidated basis, assets of over \$15.4 billion (expressed in Australian dollars at the rate of one Australian dollar for U.S. \$0.9493, the exchange rate on September 30, 1982) and had a net profit of over \$131.1 million for the twelve-month period ended September 30, 1982. They also maintain that on a consolidated basis, WBC and its affiliated companies had, as of September 30, 1982, assets and deposits of approximately \$31.3 billion and \$20.6 billion, respectively, and for the twelve-month period then ended, had a net profit of \$215.5 million.

Applicants represent that WBC is engaged primarily in the business of receiving deposits (time and demand) and making loans. According to the application, on an unconsolidated basis, more than 82% of WBC's assets are represented by loans, and approximately 75% of its liabilities are deposits. Further, Applicants represent that during WBC's last fiscal year,

income from loans accounted for approximately 74% of WBC's total revenue, and interest paid on deposits represented approximately 57% of WBC's total expenses. The application indicates that, in addition to accepting deposits and making loans, WBC and affiliated companies offer an extensive range of corporate, personal, and international banking services, as well as travel, investment management, insurance, custodian, and other fiduciary services. Applicants state that WCC was incorporated in Delaware on December 14, 1982, and was organized solely to obtain funds to be used by WBC, through the issuance of commercial paper guaranteed by WBC.

Applicants state that WBC is authorized to carry on a banking business by the Australian Banking Act of 1959 (as amended), which provides for the protection of depositors and the regulation of, among other things, statutory reserves, foreign currency, loan policies, foreign exchange, and interest rates. It is represented that the Banking Act is administered by the Reserve Bank of Australia, which supervises all banks in Australia, acting under the authority of both the Banking Act and the Reserve Bank Act of 1959 (as amended). Applicants further state that, as a foreign bank having Federal branches in the United States, WBC is also subject to regulation in this country pursuant to the International Banking Act of 1978 (the "IBA"). According to the application, Section 8 of the IBA subjects WBC to most of the provisions of the Bank Holding Company Act and thus to the regulation of the Federal Reserve Board. Applicants also state that regulations promulgated pursuant to the IBA require WBC to file an annual report with the Federal Reserve Board, and that the Comptroller of the Currency maintains supervisory powers over Federal branches and agencies after it grants approval to an application. Applicants represent that, under the Comptroller's regulations, a Federal branch or agency must be examined at least once each calendar year, and that they are subject to reserve requirements set by the Federal Reserve Board.

Applicants propose to issue and sell in the United States, through United States investment banking firms, short-term, dollar-denominated promissory notes of the type generally referred to as commercial paper (the "Notes"). The Notes, which will be issued and sold in minimum denominations of \$100,000, will be (i) obligations of WCC unconditionally guaranteed by WBC or (ii) direct obligations of WBC or (iii) some combination of (i) and (ii).

[Release No. 13226; (812-5448)]

Westpac Banking Corp. and Westpac Capital Corp.; Application for Order Pursuant to Section 6(c) of the Act Exempting Applicants From all Provisions of the Act

May 10, 1983

Notice is hereby given that Westpac Banking Corporation ("WBC") (c/o Charles E. Hord, III, Esq., Barrett Smith Schapiro Simon & Armstrong, 26 Broadway, New York, New York 10004),

According to the application, the Notes will have a maturity of nine months or less, exclusive of days of grace, and will neither be payable on demand nor provide for any extension, renewal, or automatic "roll-over" at the option of either the holder or the issuer.

Applicants represent that the Notes will arise out of, or the proceeds from the sale of the Notes will be used for, current transactions as contemplated by Securities Act Release No. 4412.

The application states that the Notes will be prime quality, negotiable commercial paper of a type eligible for discount by Federal Reserve Banks. Applicants represent that the Notes will have received, prior to issuance, one of the three highest investment grade ratings from at least one of the nationally recognized investment rating organizations and that United States counsel for the Applicants shall have certified that such rating has been received. However, no such rating shall be required if in the opinion of United States counsel for the applicants, such counsel having taken into account the doctrine of integration for the purpose thereof, an exemption from registration is available with respect to such issue under Section 4(2) of the Securities Act of 1933 ("1933 Act").

The application states that, if the Notes are issued by WCC and guaranteed by WBC, the Notes will rank *pari passu* among themselves, equally with all other unsecured, unsubordinated indebtedness of WCC and superior to the rights of WCC shareholders, and the WBC guarantee of the Notes will rank equally with all other unsecured unsubordinated indebtedness of WBC and superior to the rights of WBC shareholders, except insofar as the Australian Banking Act provides that, in the event of a bank becoming unable to meet its obligations or suspending payment, the assets of the bank in Australia will be available to meet the bank's deposit liabilities in Australia in priority to all other liabilities of the bank. The application also states that, if the Notes are issued by WBC, they will be direct liabilities of WBC, will rank *pari passu* among themselves, equally with all other unsecured, unsubordinated indebtedness of WBC and superior to the rights of WBC shareholders, except insofar as WBC's deposit liabilities in Australia have priority in right of payment over its other liabilities in the situation described in the preceding sentence.

Applicants state that the Notes will be sold through one or more United States commercial dealers. Applicants

represent that they will secure an undertaking from each such dealer that the Notes will be sold to institutional investors and other entities and individuals who normally purchase commercial paper and will not be advertised or otherwise offered for sale to the general public. Applicants further state that they will provide each such dealer with sufficient information to prepare, and undertake to ensure that each dealer will furnish to each offeree of the Notes, prior to any sale of Notes to such offeree, a memorandum (the "offering memorandum") which describes the businesses of Applicants and contains the most recent publicly available financial statements of Applicants, audited in accordance with Australian auditing practices. Applicants represent that the offering memorandum will be at least as comprehensive as those customarily used by United States issuers in offering commercial paper in the United States and will be updated periodically to reflect material changes in Applicant's business or financial status. It is further represented that the offering memorandum will include a brief paragraph highlighting the material differences between Australian accounting principles applicable to Australian commercial banks and used by the Applicants and generally accepted accounting principles employed by United States commercial banks.

According to the application, it is intended that the Notes will be sold without registration under Section 5 of the 1933 Act, in reliance upon an opinion of United States counsel for the Applicants to the effect that, under the circumstances, the proposed offering will qualify for the exemption from registration provided by Section 3(a)(3) of the 1933 Act. Applicants represent that they will not proceed with their proposed offering until they have received such an opinion. The Applicants do not request Commission review or approval of such opinion.

Applicants state that they will appoint a bank or trust company having an office in New York City as issuing agent to issue the Notes on behalf of Applicants. Further, Applicants state they will expressly submit to the jurisdiction of New York State and United States Federal courts sitting in the City of New York for the purpose of any suit, action, or proceeding brought on the Notes or with respect to the offer and sale of the Notes by means of the offering memorandum and, in that connection, appoint the issuing agent or a corporation with an office in New

York City engaged in providing corporate services for lawyers as agent to accept service of process in any action based on the Notes or with respect to the offer and sale of the Notes by means of the offering memorandum and instituted in any State or Federal court in New York City by the holder of any Note. Such appointment of an agent to accept service of process and such consent to jurisdiction shall be irrevocable until all amounts due, and to become due, in respect of the Notes have been paid.

Applicants state that either of them may, from time to time, in the future, offer and sell other debt securities of WBC or WCC in the United States. Applicants represent that no such securities shall be offered or sold in the United States unless (a) such securities are registered under the 1933 Act, (b) in the opinion of United States counsel for the Applicants an exemption from registration under the 1933 Act is available with respect to such offer and sale, or (c) the staff of the Commission states that it would not recommend that the Commission take action under the 1933 Act if such securities are not registered.

Applicants maintain that any future offering of securities of WBC or WCC in the United States will be made on the basis of disclosure documents which are appropriate and customary for such offering, whether made pursuant to a registration statement under the 1933 Act or an exemption therefrom (and in any event as comprehensive as those used in offerings of similar securities by issuers in the United States), and will be updated periodically to reflect material changes in the business or financial status of WBC or WCC. Applicants also maintain that, in any future offering of securities of WBC or WCC in the United States made through dealers or underwriters, the Applicant issuing such securities will secure an undertaking from each such dealer or underwriter to furnish such disclosure documents to each offeree of such securities, prior to any sale of such securities to such offeree. Applicants state that, in connection with any future offering by either Applicant of its securities in the United States, the Applicant issuing or guaranteeing such securities will appoint an agent to accept service of process in any suit, action, or proceeding brought on the securities by the holder of any such securities and will expressly submit to the jurisdiction of the New York State and United States Federal courts sitting in the City of New York with respect to any such suit, action or proceeding. Such appointment

of an agent to accept service of process and such consent to jurisdiction shall be irrevocable until all amounts due and to become due in respect thereof have been paid. Applicants assert that they consent to having any order of the Commission granting the relief requested under Section 6(c) of the Act expressly conditioned on their compliance with the undertakings contained in the application.

Applicants contend that, as a commercial bank, WBC is not an investment company within the meaning of the Act and that WCC is excluded from the definition of investment company under Section 3(b)(3) of the Act. Applicants state, however, that they are applying to the Commission because of the uncertainty as to whether at least some foreign commercial banks and their domestic finance subsidiaries are "investment companies" under the Act. Section 6(c) provides that the Commission, by order upon application, may exempt any person from the provisions of the Act if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicants submit that approval of the application is necessary or appropriate in the public interest for several reasons. Among other things, they state that approval would advance the policies underlying the International Banking Act of 1978, which seeks to place United States banks and foreign banks on a basis of competitive equality in their United States transactions. According to the application, if WBC or WCC were deemed to be an "investment company" and were denied the exemption requested, WBC would as a practical matter be precluded from publicly offering securities in the United States. Applicants state that WBC's access to the United States investment market would be thus diminished, putting it at a competitive disadvantage in this respect to United States banks, which generally are not subject to the Act, and to other foreign banks (including other Australian banks), which have received exemptions from the Act that enable them to sell their securities in the United States, either directly or through subsidiaries like WCC. The application also states that approval of the exemption would benefit institutional and other sophisticated investors in the United States by making securities of foreign banks more readily available to such investors.

Applicants contend that the exemption would be consistent with the protection of investors because, among other reasons, (1) WBC is extensively regulated by the Australian banking authorities, as well as by U.S. banking authorities in connection with its U.S. operations, (2) any offering of securities by Applicants in the United States must in any event comply with the requirements of the 1933 Act, and (3) the abuses against which the Act was directed are not present in this case. Applicants further state that an exemption would be consistent with the purposes of the Act since the Act was not drafted to regulate entities such as Applicants, and the Act clearly contemplates the exercise by the Commission of its exemptive powers in cases such as that of Applicants which were not within the contemplation of the drafters of the Act and which do not present the abuses which the Act was designed to curb.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than June 3, 1983, at 5:30 p.m., do so by submitting a written request setting forth the nature of his interest, the reasons for his request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon Applicant at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. Persons who request a hearing will receive any notices and orders issued in this matter. After said date an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[FR Doc. 83-13235 Filed 5-16-83; 8:45 am]
BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area #2081]

Louisiana; Declaration of Disaster Loan Area

Correction

In FR Doc. 83-11749, appearing on page 19971, in the issue of Tuesday, May

3, 1983, in the second column, the docket line should read as printed above.

BILLING CODE 1505-01-M

DEPARTMENT OF STATE

[Public Notice CM-8/633]

Advisory Committee on Oceans and International Environmental and Scientific Affairs; Open Meeting

The Department of State's Advisory Committee on Ocean and International Environmental and Scientific Affairs will meet at 9:00 AM on Wednesday, June 1, 1983, in Room 150 of the National Academy of Sciences, 2101 Constitution Avenue, NW., Washington, D.C. This meeting, with a break for lunch, is expected to end at approximately 3:00 PM.

At the meeting, responsible officials of the Department of State, and members of the Advisory Committee, will review the evolution of two matters they discussed at the Committee's last meeting on November 8, 1982: the work of the Global Issues Working group (on international environmental matters), and the science attache system. They will also discuss the following new subjects:

- Recent events in the population field including discussions at the Vatican;
- The proposed commercialization of the weather and Landsat systems;
- This fall's OECD science meeting in Japan; and
- The establishment of a U.S. exclusive economic zone, fisheries policy and other oceans matters.

This meeting is to be open to the public. Members of the public will be admitted to the limits of the meeting room's seating capacity and will be given the opportunity to participate in the discussions according to the instructions of the chairman.

People wishing further information on this meeting should direct their inquiries to Felix Dorough or Stephen Johnson of the Office of Science and Technology Support of the Department of State's Bureau of Oceans and International Environmental and Scientific Affairs. They may be reached by telephone on (202) 632-4068.

Dated: May 6, 1983.

James L. Malone,
Chairman.

[FR Doc. 83-13155 Filed 5-16-83; 6:45 am]
BILLING CODE 4710-09-M

[Public Notice CM-8/631]

Integrated Services Digital Network (ISDN) Working Party of the U.S. Organization for the International Telegraph and Telephone Consultative Committee (CCITT); Meeting

The Department of State announces that the ISDN Working Party of the U.S. Organization for the International Telegraph and Telephone Consultative Committee will meet on June 2, 1983, at 9:30 a.m. in Room 1105 of the Department of State, 2201 C Street NW., Washington, D.C. This Working Party deals with the evolution of ISDN as it is being considered by CCITT Study Group XVIII.

The agenda for the meeting is as follows:

1. Report of the ISDN Technical Working Party Meeting;
2. Consideration of delayed contributions for Study Group XVIII;
3. Any other business.

Members of the general public may attend the meeting and join in the discussion, subject to the instructions of the Chairman. Admittance of public members will be limited to the seating available. In that regard entrance to the Department of State building is controlled and entry will be facilitated if arrangements are made in advance of the meeting. It is suggested that prior to June 2, all persons planning to attend the meeting should contact Mr. Dexter Anderson, Office of International Communications Policy, Department of State, Washington, D.C. 20520, telephone (202) 632-6583. All attendees must use the C Street entrance to the building. Entrance will be facilitated 15 minutes before and after the meeting begins.

James L. Gorman,

Acting Director, Office of International Communications Policy.

[FR Doc. 83-13153 Filed 5-16-83; 8:45 am]

BILLING CODE 4710-07-M

[Public Notice CM-8/632]

Study Group C of the U.S. Organization for the International Telegraph and Telephone Consultative Committee (CCITT); Meeting

The Department of State announces that Study Group C of the U.S. Organization for the International Telegraph and Telephone Consultative Committee (CCITT) will meet on June 9, 1983, at 9:30 a.m. in Room 1205 of the Department of State, 2201 C Street, NW., Washington, D.C.

The meeting of Study Group C will concentrate entirely on the Study Group XVIII Expert Group which was

chartered to recommend a single method of PCM coding at 32 kilobits/second. The U.S. participants will discuss the status of the work program of the Expert Group. Reports of recent Expert Group meetings in Tokyo (February, 1983) and London (May, 1983) will be presented. A preliminary Draft Recommendation and the Expert Group's report to the full Study Group will be prepared at the London meeting. These two documents will be reviewed on June 9, 1983.

Members of the general public may attend the meeting and join in the discussion, subject to the instructions of the Chairman. Admittance of public members will be limited to the seating available. In that regard, entrance to the Department of State building is controlled and entry will be facilitated if arrangements are made in advance of the meeting. It is suggested that prior to June 9, all persons planning to attend the meeting should contact Mr. Dexter Anderson, Office of International Communications Policy, Department of State, Washington, D.C. 20520, telephone (202) 632-6583. All attendees must use the C Street entrance to the building. Entrance will be facilitated 15 minutes before and after the meeting begins.

Dated: April 29, 1983.

James L. Gorman,

Director, Acting, Office of International Communications Policy.

[FR Doc. 83-13154 Filed 5-16-83; 8:45 am]

BILLING CODE 4710-07-M

[Public Notice CM-8/630]

Study Group D of the U.S. Organization for the International Telegraph and Telephone Consultative Committee (CCITT); meeting

The Department of State announces that Study Group D of the U.S. Organization for the International Telegraph and Telephone Consultative Committee (CCITT) will meet on June 1, 1983 at 9:30 a.m. in Room 1107 of the Department of State, 2201 C Street, NW., Washington, D.C. This Study Group deals with matters in telecommunications relating to the development of international digital data transmission.

The agenda for the June 1 meeting will include consideration of the following:

1. Report of the Meeting of Study Group XVII;
2. Considerations of delayed contributions for Study Group VII, excluding ISDN matters which will be discussed at the June 2 meeting of the ISDN Working Party;
3. Any other business.

Members of the general public may attend the meeting and join in the discussion, subject to the instructions of the Chairman. Admittance of public members will be limited to the seating available. In that regard entrance to the Department of State building is controlled and entry will be facilitated if arrangements are made in advance of the meeting. It is suggested that prior to June 1, all persons planning to attend the meeting should contact Mr. Dexter Anderson, Office of International Communications Policy, Department of State, Washington, D.C. 20520, telephone (202) 632-6583. All attendees must use the C Street entrance to the building.

Entrance will be facilitated 15 minutes before and after the meeting begins.

Dated: April 29, 1983.

James L. Gorman,

Acting Director, Office of International Communications Policy.

[FR Doc. 83-13152 Filed 5-16-83; 8:45 am]

BILLING CODE 4710-07-M

DEPARTMENT OF THE TREASURY**Customs Service****Application for Recordation of Trade Name; "Players & Spectators a Drinking and Gaming Establishment"**

AGENCY: U.S. Customs Service, Department of the Treasury.

ACTION: Notice of Application for Recordation of Trade Name.

SUMMARY: Application has been filed pursuant to § 133.12, Customs Regulations (19 CFR 133.12), for the recordation under section 42 of the Act of July 5, 1946, as amended (15 U.S.C. 1124), of the trade name "Players & Spectators a Drinking and Gaming Establishment," used by Players & Spectators, Inc., a corporation organized under the laws of the State of Washington, located at East 27 Augusta, Spokane, Washington 99207.

The application states that the trade name is used in connection with a combined restaurant, tavern and amusement game services and franchise business.

Before final action is taken on the application, consideration will be given to any relevant data, views, or arguments submitted in writing by any person in opposition to the recordation of this trade name. Notice of the action taken on the application for recordation of this trade name will be published in the Federal Register.

DATE: Comments must be received on or before July 18, 1983.

ADDRESS: Written comments should be addressed to the Commissioner of Customs, Attention: Entry, Licensing and Restricted Merchandise Branch, 1301 Constitution Avenue, NW., Room 2417, Washington, D.C. 20229.

FOR FURTHER INFORMATION CONTACT: Harriet Lane, Entry, Licensing and Restricted Merchandise Branch, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229 (202-566-5765).

Dated: May 12, 1983.

A. Piazza,
Acting Director, Entry Procedures and Penalties Division.

[FR Doc. 83-13227 Filed 5-16-83; 8:45 am]

BILLING CODE 4820-02-M

Internal Revenue Service

Senior Executive Service; Performing Review Board; Members

AGENCY: Internal Revenue Service, Department of the Treasury.

ACTION: Notice of Members of Senior Executive Service Performance Review Board.

DATE: Performance Review Board effective May 6, 1983.

FOR FURTHER INFORMATION CONTACT: DiAnn Kiebler, PM:HR:P:X, 1111 Constitution Avenue, NW, Room 3213, Washington, DC 20224, Telephone No. (202) 566-4633, (not a toll free number).

SUPPLEMENTARY INFORMATION: Pursuant to section 4314(c)(4) of the Civil Service Reform Act of 1978, the members of the Internal Revenue Service's Senior Executive Service Performance Review Board for executives other than Assistant Commissioners, Regional Commissioners and executives in Inspection are as follows:

James I. Owens, Chairman, Deputy Commissioner
D. James Lantonio, Assistant Commissioner, Human Resources
Larry G. Westfall, Assistant Commissioner, Collection
Richard C. Voskuil, Regional Commissioner, Southwest Region
William D. Waters, Regional Commissioner, Mid-Atlantic Region
Richard C. Wassenaar, Assistant Commissioner, Criminal Investigation (Alternate)
Charles H. Brennan, Regional Commissioner, North Atlantic Region, (Alternate)

This document does not meet the criteria for significant regulations set forth in paragraph 8 of the Treasury Directive appearing in the **Federal Register** for Wednesday, November 8, 1978 (43 FR 52122).

Roscoe L. Egger, Jr.,
Commissioner.

[FR Doc. 83-13167 Filed 5-16-83; 8:45 am]

BILLING CODE 4830-01-M

UNITED STATES INFORMATION AGENCY

New Directions Advisory Committee; Meeting

The New Directions Advisory Committee will meet Wednesday, June 8, 1983, from 2:00 p.m. to 4:30 p.m., in Room 800, 400 C Street SW., Washington, D.C. The purpose of the meeting is to discuss and advise on U.S.I.A. responses to the situation in Central America. The meeting is open to the public.

Dated: May 12, 1983.

Charles N. Canestro,
Management Analyst, Management Plans and Analysis Staff.

[FR Doc. 83-13118 Filed 5-16-83; 8:45 am]

BILLING CODE 8230-01-M

Sunshine Act Meetings

Federal Register

Vol. 48, No. 96

Tuesday, May 17, 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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International Broadcasting Board.....	2
Parole Commission.....	3
Postal Service.....	4

1

FEDERAL RESERVE SYSTEM (BOARD OF GOVERNORS)

TIME AND DATE: 10: a.m. Monday, May 23, 1983.

PLACE: 20th Street and Constitution Avenue, N.W., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.

2. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION:

Mr. Joseph B. Coyne, Assistant to the Board; (202) 452-3204.

Dated: May 13, 1983.

James McAfee,

Associate Secretary of the Board.

[5-699-83 Filed 5-13-83 3:39 pm]

BILLING CODE 6210-01-M

2

BOARD FOR INTERNATIONAL BROADCASTING

TIME AND DATE: 10:00 a.m., May 25, 1983.

PLACE: Board for International Broadcasting, Suite 1100, 1201 Connecticut Avenue NW., Washington, D.C. 20036.

STATUS: Closed, pursuant to 5 U.S.C. 552b(c)(1) 22 CFR 1302.4 (c) and (h) of the Board's rules (42 FR 9388, Feb. 16, 1977).

MATTERS TO BE CONSIDERED: Matters concerning the board foreign policy objectives of the United States Government.

CONTACT PERSON FOR ADDITIONAL INFORMATION:

Arthur D. Levin, Budget

and Administrative Officer, Board for International Broadcasting, Suite 1100, 1201 Connecticut Avenue NW., Washington, D.C. 20036, 202-254-8040.

[FR Doc. 83-5-6983 Filed 5-13-83; 11:28 am]

BILLING CODE 6155-01-M

3

PAROLE COMMISSION

National Commissioners (the Commissioners presently maintaining offices at Chevy Chase, Maryland Headquarters).

TIME AND DATE: 10:00 a.m., Wednesday, May 25, 1983.

PLACE: Room 420-F, One North Park Building, 5550 Friendship Boulevard, Chevy Chase, Maryland 20815.

STATUS: Closed pursuant to a vote to be taken at the beginning of the meeting.

MATTERS TO BE CONSIDERED: Referrals from Regional Commissioners of approximately 5 cases in which inmates of Federal prisons have applied for parole or are contesting revocation of parole or mandatory release.

CONTACT PERSON FOR ADDITIONAL INFORMATION:

Linda Wines Marble, Chief Case Analyst, National Appeals Board, United States Parole Commission, (301) 492-5987.

[FR Doc. 83-5-698-83 Filed 5-13-83; 3:11 pm]

BILLING CODE 4410-01-M

4

POSTAL SERVICE

Notice of a Meeting

The Board of Governors of the United States Postal Service, pursuant to its Bylaws (39 CFR 7.5) and the Government in the Sunshine Act (5 U.S.C. 552b), hereby gives notice that it intends to hold a meeting at 8:00 a.m. on Thursday, June 2, in Room C-121-122 of the Federal Building, 701 C Street, Anchorage, Alaska. The meeting is open to the public. The Board expects to discuss the matters stated in the agenda which is set forth below. Requests for information about the meeting should be addressed to the Secretary of the Board, David F. Harris, at (202) 245-3734.

On the previous afternoon, Wednesday, June 1, the management of the Postal Service will present a briefing session for the Board, which will be closed to the public. Although notice of

briefing sessions is not required by the Act or the Bylaws of the Board, an agenda of the matters upon which the Board expects to be briefed is also set forth below.

Agenda

Wednesday Afternoon Briefing Session (Closed)

1. Briefing on Legislative Programs. (Mr. Hogan, Assistant Postmaster General, Government relations, will report on recent and anticipated Congressional developments affecting the Postal Service.)

2. Briefing on Technology Planning Process. (Mr. Cavallo, Senior Assistant Postmaster General, Research and Management Systems, will brief the Board on the status of technology planning and development.)

3. Briefing on *Ex Parte* Communications. (Mr. Califano, Dewey, Ballantine, Busby, Palmer & Wood, will brief the Board on proposed guidelines on *ex parte* communications to the Governors on issues in rate and classifications proceedings that are subject to Chapter 36 of Title 39, U.S. Code.)

Thursday Morning Meeting (Open)

1. Minutes of the Previous Meetings (May 2-3).

2. Remarks of the Postmaster General. (In keeping with its consistent practice, the Board's agenda provides this opportunity for the Postmaster General to inform the members of miscellaneous current developments concerning the Postal Service. Nothing requiring a decision by the Board is brought up under this item.)

3. Briefing on Update of 5-Year Plan. (Mr. Cummings, Assistant Postmaster General, Planning, will brief the Board on the 5-Year Plan.)

4. Briefing on Mailhandling in Alaska. (Mr. Opinsky, Management Sectional Center Manager/Postmaster of Anchorage, Alaska, will brief the Board on the unique mailhandling programs required for Alaska.)

5. Proposed Capital Investment Projects. (Mr. Biglin, Senior Assistant Postmaster General, Administration Group, will present proposals for 1) a new General Mail Facility and Vehicle Maintenance Facility for Reading, Pennsylvania, and 2) a new facility to house the Postal Data Center now located in San Bruno, California.)

6. Consideration of Tentative Agenda for July 7-8.

David F. Harris,
Secretary.

[FR Doc. 83-607-83 Filed 5-13-83; 3:09 pm]

BILLING CODE 7710-12-M

federal register

Tuesday
May 17, 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 891]

Determinations by Jurisdictional
Agencies Under the Natural Gas Policy
Act of 1978

The following notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF).

The applications for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission within fifteen days after publication of notice in the Federal Register.

Source data from the Form 121 for this and all previous notices is available on magnetic tape from the National Technical Information Service (NTIS). For information, contact Stuart Weisman (NTIS) at (703) 487-4808, 5285 Port Royal Rd., Springfield, Va. 22161.

Categories within each NGPA section are indicated by the following codes:

- Section 102-1: New OCS lease
102-2: New well (2.5 Mile rule)
102-3: New well (1000 Ft rule)
102-4: New onshore reservoir
102-5: New reservoir on old OCS lease
Section 107-DP: 15,000 feet or deeper
107-CB: Geopressed 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,

NOTICE OF DETERMINATIONS
ISSUED MAY 11, 1983

VOLUME 891

JD NO	JA DKT	API NO	D SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
MONTANA BOARD OF OIL & GAS CONSERVATION								

-HARDROCK OIL COMPANY RECEIVED: 04/20/83 JA MT								
8333040	4-82-99	2500505056	108		ABEL #1	BOMES	3.6	MONTANA POWER CO
8333036	4-82-98	2500505082	108		BLAKEWAY #1	BOMES	4.1	MONTANA POWER CO
-NOR-AM EXPLORATION CORP. RECEIVED: 04/20/83 JA MT								
8333038	2-82-29	2501521564	102-2		DONALD KILLION #1-19	WILDCAT	2960.0	NATURAL GAS PROCE
8333039	2-82-39	2501521547	102-2		J G THORNBERRY #1	WILDCAT	2236.0	NATURAL GAS PROCE
-ORBIT VENTURES INC RECEIVED: 04/20/83 JA MT								
8333037	4-82-97	2509121452	102-2		A DAHL #4-27	DIVIDE	10.0	PHILLIPS PETROLEU
-SOUTHLAND ROYALTY CO RECEIVED: 04/20/83 JA MT								
8333041	6-82-169	2508521232	102-2		PAUL WARD #1-27	UNNAMED	40.0	PHILLIPS PETROLEU
-WEST GAS INC RECEIVED: 04/20/83 JA MT								
8333035	4-82-96	2509521151	108		LEUTHOLD 13-35	LAKE BASIN	6.8	MONTANA DAKOTA UT
8333034	4-82-95	2509521120	108		NORDAHL 13-13	LAKE BASIN	6.0	MONTANA DAKOTA UT

NEW MEXICO DEPARTMENT OF ENERGY & MINERALS								

-AMERADA HESS CORPORATION RECEIVED: 04/20/83 JA NM								
8333051	3002526614	3002526614	108		STATE "M" #5	EUMONT	16.5	NORTHERN NATURAL
-AMOCO PRODUCTION CO RECEIVED: 04/20/83 JA NM								
8333062	3004500000	3004500000	103		DAVIS GAS COM "J" #1	UNDESIGNATED - MESAVE	18.3	
-APOLLO ENERGY INC RECEIVED: 04/20/83 JA NM								
8333045	3002528004	3002528004	103		DIVINE '29' STATE #1	EUMONT YATES SEVEN RI	105.0	PHILLIPS PETROLEU
-ARCO OIL AND GAS COMPANY RECEIVED: 04/20/83 JA NM								
8333044	3002527860	3002527860	103		STATE 157 "F" #4	JALMAT YATES 7 RV	180.0	EL PASO NATURAL G
-COASTAL OIL & GAS CORP RECEIVED: 04/20/83 JA NM								
8333046	3002527471	3002527471	103		STATE 1-2P	BAUM	39.0	WARREN PETROLEUM
-FRED POOL OPERATING CO RECEIVED: 04/20/83 JA NM								
8333050	3000561451	3000561451	102-2		107-TF FOREMAN #1	UND ADO	0.0	TRANSWESTERN PIPE
8333047	3000561202	3000561202	102-3		107-TF HANMER #1	UND ADO	0.0	TRANSWESTERN PIPE
-KATSER-FRANCIS OIL COMPANY RECEIVED: 04/20/83 JA NM								
8333070	73277	3002500000	108		STATE B-10792 #31	WILSON	4.0	PHILLIPS PETROLEU
8333069	73277	3002500000	108		STATE B-9084 #25	WILSON YATES SEVEN RI	2.0	PHILLIPS PETROLEU
-NORTHWEST PIPELINE CORPORATION RECEIVED: 04/20/83 JA NM								
8333064	3003900000	3003900000	108-PB		SAN JUAN 29-5	BLANCO MESAVERDE	0.0	NORTHWEST PIPELIN
8333063	3003900000	3003900000	108-PB		SAN JUAN 31-6 UNIT	BLANCO MESAVERDE	0.0	NORTHWEST PIPELIN
-PHILLIPS PETROLEUM COMPANY RECEIVED: 04/20/83 JA NM								
8333052	3002502846	3002502846	108		E VAC 08/5A UNIT TR 2155 WELL #006	VACUUM 08/5A	3.0	EL PASO NATURAL G
8333057	3002527985	3002527985	103		LEA #27	VACUUM GRAYBURG/SAN A	29.0	EL PASO NATURAL G
8333056	3002527987	3002527987	103		LEA #29	VACUUM GRAYBURG/SAN A	50.0	EL PASO NATURAL G
8333055	3002527986	3002527986	103		LEA NO 20	VACUUM 03/5A	19.0	EL PASO NATURAL G
8333054	3002524542	3002524542	108		PHILLIPS-E STATE #18	MALJATAR 03/5A	1.0	EL PASO NATURAL G
-READ & STEVENS INC RECEIVED: 04/20/83 JA NM								
8333043	3001524350	3001524350	103		AMOCO SUPRON MESA #1	UND BUNKER HILL PENRO	5.0	PHILLIPS PETROLEU
-SOUTHLAND ROYALTY CO RECEIVED: 04/20/83 JA NM								
8333059	3004500000	3004500000	108-ER		FLORA VISTA #1	BASIN DAKOTA	0.0	EL PASO NATURAL G
-SUN EXPLORATION & PRODUCTION CO RECEIVED: 04/20/83 JA NM								

BILLING CODE 6717-01-M

JD NO	JA DKT	API NO	D SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8333849		3002500000	108		M W WEATHERLY #3	PENROSE SKELLY GRAYBU	8.0	GETTY OIL CO
8333860		3002500000	108		HILL CARY #5	DRINGFORD	10.0	GETTY OIL CO
8333848		3002500000	108		HILL CARY #7	DLINERY	4.0	GETTY OIL CO
-TEHNECO OIL COMPANY								
8333861		3004525436	103		RECEIVED: 04/20/83	STATE M-1		
-YATES PETROLEUM CORPORATION								
8333868		3000561896	102-2		RECEIVED: 04/20/83	STATE M-1	89.0	EL PASO NATURAL G
8333853		3000561862	102-3		107-TF BERRENDO "M" ST #1	UND PECOS SLOPE ADD	0.0	TRANSWESTERN PIPE
8333867		3000561894	102-2		107-TF FOX "M" STATE #1	UND PECOS SLOPE ADD	0.0	TRANSWESTERN PIPE
8333865		3000561367	102-2		107-TF MARGARET "D" ST #3	UND PECOS SLOPE ADD	0.0	TRANSWESTERN PIPE
8333866		3000561933	102-2		107-TF SKIRNY "Q" ST #5	PECOS SLOPE ADD	0.0	TRANSWESTERN PIPE
8333842		3002528136	103		SUM "M" ST #6	PECOS SLOPE ADD	0.0	TRANSWESTERN PIPE
8333858		3002527950	103		VULTURE "V" ST #1	SAUNDERS PERM'D PENN	0.0	MARREN PETROLEUM

OHIO DEPARTMENT OF NATURAL RESOURCES								

-ALTHEIRS OIL INC								
8332880		3412725792	103		RECEIVED: 04/19/83	JA: OH		
-ATLAS ENERGY GROUP INC								
8332881		3415522232	103		RECEIVED: 04/19/83	JA: OH		
-ATWOOD RESOURCES INC								
8332882		3403125037	103		RECEIVED: 04/19/83	JA: OH		
-BASIN PRODUCING CO								
8332883		3400720554	107-RT		RECEIVED: 04/19/83	JA: OH		
-BELDEN & BLAKE & CO #1								
8332885		3413322996	103		RECEIVED: 04/19/83	JA: OH		
8332884		3413322977	103		107-TF D & M WILLIAMS #1 - 34-1298	FRANKLIN	36.5	
-BEREA OIL AND GAS CORPORATION								
8332887		3415722370	D 108		RECEIVED: 04/19/83	JA: OH		
8332886		3415722332	D 108		HULL #1	CHADENHUTTEN	7.0	ARCO OIL & GAS CO
-BIG INJUM OIL & GAS CO INC								
8332888		3416727276	D 107-TF		RECEIVED: 04/19/83	JA: OH		
8332888A		3416727276	D 103		HIENER #2	CHADENHUTTEN	22.0	ARCO OIL & GAS CO
-BPC DRILLING PROGRAM #2-A								
8332889		3412122850	107-DV		RECEIVED: 04/19/83	JA: OH		
-C I DRILLING CORP								
8332899		3416727420	107-DV		RECEIVED: 04/19/83	JA: OH		
-CAVENDISH PETROLEUM OF OHIO INC								
8332898		3411926557	103		RECEIVED: 04/19/83	JA: OH		
8332894		3411926474	103		107-TF OHIO POWER 1-A	MEIGS	92.0	TEXAS EASTERN TRA
8332893		3411926473	103		107-TF OHIO POWER 11-A	MEIGS	7.0	TEXAS EASTERN TRA
8332895		3411926475	103		107-TF OHIO POWER 12-A	MEIGS	34.0	TEXAS EASTERN TRA
8332896		3411926476	103		107-TF OHIO POWER 13-A	RICH HILL	300.0	TEXAS EASTERN TRA
8332897		3411926477	103		107-TF OHIO POWER 15-A	MEIGS	317.0	TEXAS EASTERN TRA
8332892		3411926484	103		107-TF OHIO POWER 18-A	MEIGS	43.0	TEXAS EASTERN TRA
8332890		3411926491	103		107-TF OHIO POWER 3-A	MEIGS	26.0	TEXAS EASTERN TRA
8332891		3411926434	103		107-TF OHIO POWER 8-A	MEIGS	68.0	TEXAS EASTERN TRA
8332891		3411926448	103		107-TF OHIO POWER 9-A	RICH HILL	32.0	TEXAS EASTERN TRA
-DAVID SHAFER OIL PRODUCERS INC								
8332919		3415321241	107-TF		RECEIVED: 04/19/83	JA: OH		
8332903		3415320936	107-TF		FIRESTONE #2-B	BATH	7.5	EAST OHIO GAS CO
8332901		3415320930	107-TF		FIRESTONE #3-B	BATH	7.5	EAST OHIO GAS CO
8332904		3415320944	107-TF		FIRESTONE #5-A	BATH	0.0	EAST OHIO GAS CO
8332900		3415320929	107-TF		R C FIRESTONE #1-A	BATH	7.5	EAST OHIO GAS CO
8332910		3415320953	107-TF		R C FIRESTONE #1-B	BATH	7.5	EAST OHIO GAS CO
8332915		3415320958	107-TF		R C FIRESTONE #1-F	BATH	7.5	EAST OHIO GAS CO
8332905		3415320945	107-TF		R C FIRESTONE #2-A	BATH	7.5	EAST OHIO GAS CO
8332908		3415320949	107-TF		R C FIRESTONE #2-D	BATH	7.5	EAST OHIO GAS CO
8332911		3415320954	107-TF		R C FIRESTONE #2-E	BATH	7.5	EAST OHIO GAS CO
8332916		3415320959	107-TF		R C FIRESTONE #2-F	BATH	7.5	EAST OHIO GAS CO
8332912		3415320946	107-TF		R C FIRESTONE #3-A	BATH	7.5	EAST OHIO GAS CO
8332917		3415320955	107-TF		R C FIRESTONE #3-E	BATH	7.5	EAST OHIO GAS CO
8332913		3415320956	107-TF		R C FIRESTONE #3-F	BATH	7.5	EAST OHIO GAS CO
8332918		3415321009	107-TF		R C FIRESTONE #4-A	BATH	7.5	EAST OHIO GAS CO
8332909		3415320952	107-TF		R C FIRESTONE #4-E	BATH	7.5	EAST OHIO GAS CO
8332914		3415320957	107-TF		R C FIRESTONE #4-F	BATH	7.5	EAST OHIO GAS CO
8332902		3415320931	107-TF		R C FIRESTONE #5-D	BATH	7.5	EAST OHIO GAS CO
8332902		3415320931	107-TF		RAYMOND C FIRESTONE #5-B	BATH	0.0	EAST OHIO GAS CO
-DORAN & ASSOCIATES INC								
8332923		3408720297	107-DV		RECEIVED: 04/19/83	JA: OH		
8332920		3408720277	107-DV		BENNIE BURCH #1 KP-7	PERRY	20.0	COLUMBIA GAS TRAN
8332922		3408720291	107-DV		FLORENCE MILLER #1 KP-2	FAYETTE	20.0	COLUMBIA GAS TRAN
8332921		3408720270	107-DV		GLADYS MELVIN #1 KP-15	PERRY	20.0	COLUMBIA GAS TRAN
-EAGLE INVESTMENT INC								
8332924		3405922821	107-TF		RECEIVED: 04/19/83	JA: OH		
8332925		3405922836	107-TF		CLAGGET UNIT #1	WESTLAND	30.0	EAST OHIO GAS CO
-EDCO DRILLING & PRODUCING INC								
8332926		3403520961	103		RECEIVED: 04/19/83	JA: OH		
8332927		3403521170	103		107-TF CHAMBERLIN 1D	INDEPENDENCE	18.0	
8332929		3403521174	103		107-TF CHAMBERLIN 2D	INDEPENDENCE	18.0	
8332928		3403521171	103		107-TF JOHNSTON 3J	INDEPENDENCE	18.0	
-ENERGY DEVELOPMENT CORP								
8332932		3405520183	103		RECEIVED: 04/19/83	JA: OH		
-ENVIROGAS INC								
8332933		3400922699	103		RECEIVED: 04/19/83	JA: OH		
8332934		3400922753	103		107-TF DRYDOCK COAL #40D	TROY	18.0	COLUMBIA GAS TRAN
-EVERFLOW EASTERN INC								
8332935		3415723639	103		RECEIVED: 04/19/83	JA: OH		
-FREDERICK PETROLEUM CORP								
8332936		3411122690	107-DV		RECEIVED: 04/19/83	JA: OH		
8332939		3416727288	107-DV		CAPPADONA #1	FRANKLIN	10.0	
8332938		3411122654	107-DV		F DARRAH #1	AURELIUS	22.0	
8332937		3411122730	107-DV		M WEGBACHER #1	BETHEL	15.0	
-GASEARCH INC								
8332941		3415522286	103		RECEIVED: 04/19/83	JA: OH		
8332940		3415522254	103		107-TF CANGEMI #2	MESOPOTAMIA	20.0	AMERICAN ENERGY S
-GENE STALNAKER INC								
8332942B		3416727072	D 107-TF		RECEIVED: 04/19/83	JA: OH		
8332942A		3416727072	D 103		ROUSH #1	MESOPOTAMIA	20.0	
8332943B		3416727073	D 107-TF		ROUSH #1	DUNHAM	0.0	COLUMBIA GAS TRAN
8332943A		3416727073	D 103		T E GREEN #1	DUNHAM	0.0	COLUMBIA GAS TRAN
-GEO ENERGY INC								
8332944		3403521183	107-TF		RECEIVED: 04/19/83	JA: OH		
-GREENLAND PERRY/HOCKING #2-1								
8332944		3403521183	107-TF		RECEIVED: 04/19/83	JA: OH		
8332944		3403521183	107-TF		SHAKER #3-3	DUNHAM	0.0	COLUMBIA GAS TRAN
8332944		3403521183	107-TF		RECEIVED: 04/19/83	JA: OH		
8332944		3403521183	107-TF		SHAKER #3-3	OLNSTD	0.0	COLUMBIA GAS OF O

JD NO	JA DKT	API NO	D SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8332945		3412725293	103		BELL "B"	MONDAY CREEK	15.0	COLUMBIA GAS TRAN
-HENRY W PIATT			RECEIVED:	04/19/83	JA: OH			
8332948		3416726441	108		CLARENCE RINARD #1		0.2	RIVER GAS CO
8332949		3416724890	108		CLARENCE RINARD #2		0.2	RIVER GAS CO
8332946		3411121813	108		VIRGIL TISHER #1		0.3	RIVER GAS CO
8332947		3411121815	108		VIRGIL TISHER #2		0.3	RIVER GAS CO
-J D DRILLING CO			RECEIVED:	04/19/83	JA: OH			
8332950		3410522550	107-DV		RILEY PIGOTT #1	OLIVE	9.0	COLUMBIA GAS TRAN
-KAISER ENERGY INC			RECEIVED:	04/19/83	JA: OH			
8332951		3408120411	107-DV		MARY BYWATERS KEM #204	SALINE	11.0	
-LANGASCO DRILLING CO			RECEIVED:	04/19/83	JA: OH			
8332953		3402920945	107-TF		DONALD JACKSON #2	KNOX	40.0	COLUMBIA GAS TRAN
8332954		3402920951	107-TF		JEROME HOVANIC #1	BUTLER	45.0	COLUMBIA GAS TRAN
8332952		3402920934	107-TF		LUDWIG WHITELEATHER #1	WEST	48.0	COLUMBIA GAS TRAN
8332955		3409921551	107-TF		PAUL J KING #1	SMITH	38.0	EAST OHIO GAS CO
-LESLIE OIL AND GAS CO INC			RECEIVED:	04/19/83	JA: OH			
8332962		3415722828	108		BACKUS KNOB FARM #1 (ARA MURPHY #1)		20.0	EAST OHIO GAS CO
8332958		3415722804	108		BOB TREAT #1		20.0	EAST OHIO GAS CO
8332963		3415722964	108		BOB TREAT #2		20.0	EAST OHIO GAS CO
8332971		3415723162	103		CALDWELL #1	WASHINGTON	20.0	AMERICAN ENERGY 5
8332969		3415723074	108		CARLISLE #1		20.0	EAST OHIO GAS CO
8332968		3415723071	108		D & A ENTERPRISE #1		20.0	EAST OHIO GAS CO
8332966		3415723062	108		EARL LANNING #1		20.0	EAST OHIO GAS CO
8332967		3415723063	108		EDITH CHURCH #2		20.0	EAST OHIO GAS CO
8332959		3415722821	108		FRED FREDERICKS #1		20.0	EAST OHIO GAS CO
8332961		3415722826	108		GARRETSON UNIT #1		20.0	EAST OHIO GAS CO
8332960		3415722825	108		HENRY CLARK #1		2.0	EAST OHIO GAS CO
8332965		3415723050	108		JOHN LONG #2		20.0	EAST OHIO GAS CO
8332973		3415723353	108		JOHN PUTTIS #1		20.0	EAST OHIO GAS CO
8332956		3415722776	108		M KOSENBERRY #3		20.0	EAST OHIO GAS CO
8332964		3415723019	108		MAHLON GINGERICH #1		20.0	EAST OHIO GAS CO
8332957		3415722800	108		MARINO #1		20.0	EAST OHIO GAS CO
8332972		3415723247	108		RIDDLE WELL #1		20.0	EAST OHIO GAS CO
8332970		3415723136	108		T ROSENBERY #1		20.0	EAST OHIO GAS CO
-LIBERTY OIL & GAS CORP			RECEIVED:	04/19/83	JA: OH			
8332974		3400922594	107-DV		G H WHITE #2	CARTHAGE	18.0	COLUMBIA GAS TRAN
-LOMAX PETROLEUM INC			RECEIVED:	04/19/83	JA: OH			
8332975		3408323279	103		M ROBESON #1-B	JEFFERSON	20.0	YANKEE RESOURCES
-M B OPERATING CO INC			RECEIVED:	04/19/83	JA: OH			
8333005		3415723322	D 108		C PARROT #1-A		12.5	REPUBLIC STEEL CO
8332994		3415122810	D 108		E & M KUVLESKY #1		0.5	REPUBLIC STEEL CO
8332995		3415122815	D 108		FLINTKOTE CO U #9		0.5	REPUBLIC STEEL CO
8333001		3415722831	D 108		G & G BURKET #1		2.5	REPUBLIC STEEL CO
8332996		3415122984	D 108		G THOMAS U #1		5.0	REPUBLIC STEEL CO
8332993		3415122795	D 108		H FIERSTOS #1		5.0	REPUBLIC STEEL CO
8332991		3415122727	D 108		J & B ECKERT #1		10.0	REPUBLIC STEEL CO
8332996		3415122830	D 108		J & M BRAINERD U #1		20.0	REPUBLIC STEEL CO
8333003		3415722979	D 108		J & M SCHAAR #1		17.3	REPUBLIC STEEL CO
8332989		3415122707	D 108		J & S TILLIPAW #1		12.8	REPUBLIC STEEL CO
8332982		3401920311	D 108		JAMES-DOHNS #2		0.5	REPUBLIC STEEL CO
8332981		3401920310	D 108		JAMES-DOHNS #3		0.5	REPUBLIC STEEL CO
8332980		3401920308	D 108		JAMES-HENDERSON #2		2.0	REPUBLIC STEEL CO
8332999		3415722502	D 108		K & G PARROT #1		15.0	REPUBLIC STEEL CO
8332992		3415122782	D 108		L & A ROHN #1		10.0	REPUBLIC STEEL CO
8332988		3415122671	D 108		M WEISGARBER #1		12.8	REPUBLIC STEEL CO
8332985		3401920708	D 108		O & A GERMAN #1		3.5	REPUBLIC STEEL CO
8333004		3415723115	D 108		P & M LE GLISE U #1		10.0	REPUBLIC STEEL CO
8333002		3415722841	D 108		R & D HODGSON #1		13.5	REPUBLIC STEEL CO
8332990		3415122723	D 108		R & H REIDY #1		12.5	REPUBLIC STEEL CO
8332986		3415122637	D 108		R & I HARTLINE #1		11.5	REPUBLIC STEEL CO
8332983		3401920393	D 108		R & O SMITH #1		1.8	REPUBLIC STEEL CO
8332984		3401920394	D 108		R & O SMITH #2		1.8	REPUBLIC STEEL CO
8332997		3415122832	D 108		R DOHNEY #1		18.5	REPUBLIC STEEL CO
8333000		3415722812	D 108		SEPTER U #1		17.3	REPUBLIC STEEL CO
8332987		3415122645	D 108		W & A SMITH #1		2.5	REPUBLIC STEEL CO
-MADDER VENTURES			RECEIVED:	04/19/83	JA: OH			
8332976		3416727324	107-DV		WHEATON - MADDER #1	LAWRENCE	50.0	COLUMBIA GAS TRAN
-MARIETTA ROYALTY CO INC			RECEIVED:	04/19/83	JA: OH			
8332977		3416727192	107-DV		H J BURKHART #3A	LIBERTY	3.0	RIVER GAS CO
-MARK RESOURCES CORP			RECEIVED:	04/19/83	JA: OH			
8332979		3400722158	103	107-TF	H BOUHLER #1	KINGSVILLE	30.0	EAST OHIO GAS CO
8332978		3400722119	107-TF		MCQUILLAN-CHILDS UNIT #2	KINGSVILLE	25.0	EAST OHIO GAS CO
-MCCORMICK OIL & GAS CO			RECEIVED:	04/19/83	JA: OH			
8333006		3405923153	107-TF		ANKRUM #1	OTSEGO	5.0	EAST OHIO GAS CO
-OHIO OIL & GAS CO			RECEIVED:	04/19/83	JA: OH			
8333007		3415521551	107-TF		KOPERVAC #2	VIENNA	20.0	COLUMBIA GAS TRAN
8333008		3415522292	107-TF		TUPPER #1	FOWLER	20.0	COLUMBIA GAS TRAN
-POI ENERGY INC			RECEIVED:	04/19/83	JA: OH			
8333009		3413323025	103	107-TF	TUSKES UNIT #1	AURORA	51.0	
-POMSTONE CORP			RECEIVED:	04/19/83	JA: OH			
8333010		3403124591	108		KENNETH STAHL #1		5.0	
-RELIAANCE ENERGY			RECEIVED:	04/19/83	JA: OH			
8332930		3411923863	108		MARTHA ROLL #1		0.0	COLUMBIA GAS TRAN
8332931		3411924048	108		MARTHA ROLL #2		0.0	COLUMBIA GAS TRAN
-SANDHILL ENERGY INC (OH)			RECEIVED:	04/19/83	JA: OH			
8333011		3416725195	107-DV		PICKERING #1	MARIETTA	91.3	
8333012		3416727279	103		RIDGEWAY #7	GRANDVIEW	56.5	
-SHONGUM OIL & GAS INC			RECEIVED:	04/19/83	JA: OH			
8333015		3410323249	107-TF		JAMES WHITACRE #1	SHARON	12.0	YANKEE RESOURCES
8333013		3410323198	107-TF		JESSE VAUGHN #1	SHARON	12.0	YANKEE RESOURCES
8333014		3410331990	107-TF		JIMMIE DICK #1	SHARON	12.0	YANKEE RESOURCES
-SMITH SHAFER SMITH (A PARTNERSHIP)			RECEIVED:	04/19/83	JA: OH			
8333017		3415321163	107-TF		CYD #2	BATH	7.5	EAST OHIO GAS CO
8333018		3415321203	107-TF		CYD #3	BATH	7.5	EAST OHIO GAS CO
8333016		3415320994	107-TF		CYD CENTER INC #1	BATH	7.5	EAST OHIO GAS CO
-TIGER OIL INC			RECEIVED:	04/19/83	JA: OH			
8333019		3411122788	107-DV		R ULLMAN #1	WASHINGTON	5.0	COLUMBIA GAS TRAN
-UNITED PETROLEUM CORP			RECEIVED:	04/19/83	JA: OH			
8333020		3409909788	D 108		WILT #2	GREEN	0.0	AMERICAN ENERGY 5
-VIXING RESOURCES CORP			RECEIVED:	04/19/83	JA: OH			
8333021		3408520356	103	107-TF	KLYN #6	PERRY	30.0	
-WILLIAM M TIPKA			RECEIVED:	04/19/83	JA: OH			
8333030		3415723380	108		C W SHELL-M 5 WILLIS #1		0.0	LIBBEY-DWENS-FORD
8333025		3415723288	108		D GONINS #1		0.0	LIBBEY-DWENS-FORD

JD NO	JA DKT	API NO	D SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8333032		3415723506	108		DANIELS #1			
8333033		3415723531	105		DEBBER #1		0.0	LIBBEY-OHENS-FORD
8333023		3415723246	108		HELMICK #2		0.0	LIBBEY-OHENS-FORD
8333029		3415723568	108		LUCY PROCTOR #1A		0.0	LIBBEY-OHENS-FORD
8333027		3415723331	108		LUCY PROCTOR #2		0.0	LIBBEY-OHENS-FORD
8333022		3415723192	103		R & L BRITZEL #1		0.0	LIBBEY-OHENS-FORD
8333031		3415723381	108		SHELL-MILLIS #2		0.0	LIBBEY-OHENS-FORD
8333026		3415723382	108		SPRING UNIT #1		0.0	LIBBEY-OHENS-FORD
8333024		3415723287	108		SPRING UNIT #2		0.0	LIBBEY-OHENS-FORD
8333028		3415723337	108		THOMAS ROSENBERRY #1		0.0	LIBBEY-OHENS-FORD
***** WEST VIRGINIA DEPARTMENT OF MINES *****								
***** RECEIVED: 04/19/83 JA: WV *****								
-ALLEGHENY & WESTERN ENERGY CORP		4708703579	103		E HARKINS #1	HARPER DISTRICT	18.0	ROARING FORK GAS
8332849		4708703579	107-DV		E HARKINS #1	HARPER DISTRICT	18.0	ROARING FORK GAS
8332875		4708703582	103		J HAY #1	HARPER DISTRICT	18.0	ROARING FORK GAS
8332847		4708703581	107-DV		J KEE #1	HARPER DISTRICT	18.0	ROARING FORK GAS
8332873		4708703581	103		J KEE #1	HARPER DISTRICT	18.0	ROARING FORK GAS
8332848		4708703584	107-DV		J M HOLSWADE #1	HARPER DISTRICT	18.0	ROARING FORK GAS
8332872		4708703584	103		J M HOLSWADE #1	HARPER DISTRICT	18.0	ROARING FORK GAS
8332846		4708703575	107-DV		PARKER #1	SPENCER DISTRICT	18.0	ROARING FORK GAS
8332874						WALTON DISTRICT	18.0	ROARING FORK GAS
-DELTA DRILLING CO		4703903862	103		GARDNER/GANDEE #1	BIG SANDY	0.0	COLUMBIA GAS TRAN
8332868		4703903862	107-DV		GARDNER/GANDEE #1	BIG SANDY	0.0	COLUMBIA GAS TRAN
8332856		4708703963	103		WALKER/CAMPBELL #1	WALTON	0.0	COLUMBIA GAS TRAN
8332869		4708703963	107-DV		WALKER/CAMPBELL #1	WALTON	0.0	COLUMBIA GAS TRAN
8332855							0.0	COLUMBIA GAS TRAN
-J & J ENTERPRISES INC		4701722940	103		J-250	NEW MILTON	0.0	CONSOLIDATED GAS
8332854		4701722940	107-DV		J-35	NEW MILTON	0.0	CONSOLIDATED GAS
8332870		4701722950	107-DV		J-37	NEW MILTON	0.0	CONSOLIDATED GAS
8332871		4701722960	107-DV		J-39	NEW MILTON	0.0	CONSOLIDATED GAS
8332864		4701722561	107-DV		J-426	NEW MILTON	0.0	CONSOLIDATED GAS
8332865		4701722561	107-DV		J-47	WEST UNION	0.0	COLUMBIA GAS TRAN
8332867		4701723054	103		J-507	NEW MILTON	0.0	CONSOLIDATED GAS
8332866		4701723059	103		J-508	NEW MILTON	0.0	CONSOLIDATED GAS
8332853		4703322737	103		J-531	NEW MILTON	0.0	CONSOLIDATED GAS
8332852		4709520992	103		J-664	TENMILE	0.0	CONSOLIDATED GAS
8332851		4701722615	107-DV		J-99	CENTERVILLE	0.0	CONSOLIDATED GAS
8332877						GRANT	0.0	CONSOLIDATED GAS
-PEAKE OPERATING CO		4708100576	103		JONES & GIBSON #2-AJ	(TRAP HILL DISTRICT)	5.0	
8332858		4708100577	107-DV		JONES & GIBSON #3-AJ	(TRAP HILL DISTRICT)	5.0	
8332857		4703903854	107-DV		PEARSON #1A	(JEFFERSON DISTRICT)	5.0	
8332860		4704302554	107-DV		TAYLOR 1-A	SOD (WASHINGTON DISTR)	5.0	
8332859								
-STERLING DRILLING AND PROD CO INC		4700501384	107-DV		APPALACHIAN POWER CO #662	SCOTT DISTRICT	3.8	
8332879		4700501390	107-DV		APPALACHIAN POWER CO #663	SCOTT DISTRICT	4.6	
8332863		4700501385	107-DV		APPALACHIAN POWER CO #654	SCOTT DISTRICT	12.6	
8332862		4700501391	107-DV		APPALACHIAN POWER CO #670	SCOTT DISTRICT	7.2	
8332861		4708703596	107-DV		FIELDS #668	WALTON DISTRICT	8.5	
8332878								

[FR Doc. 83-13008 Filed 5-16-83; 8:45 am]

BILLING CODE 6717-01-C

[Volume 892]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: May 12, 1983.

The following notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF).

The applications for determination are available for inspection except to the

extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission within fifteen days after publication of notice in the **Federal Register**.

Source data from the Form 121 for this and all previous notices is available on magnetic tape from the National Technical Information Service (NTIS). For information, contact Stuart Weisman (NTIS) at (703) 487-4808, 5285 Port Royal Rd. Springfield, VA 22161.

Categories within each NGPA section

are indicated by the following codes:

- Section 102-1: New OCS lease
- 102-2: New well (2.5 Mile rule)
- 102-3: New well (1000 Ft rule)
- 102-4: New onshore reservoir
- 102-5: New reservoir on old OCS lease
- Section 107-DP: 15,000 feet or deeper
- 107-GB: Geopressured brine
- 107-CS: Coal Seams
- 107-DV: Devonian Shale
- 107-PE: Production enhancement
- 107-TF: New tight formation
- 107-RT: Recombination tight formation
- Section 108: Stripper well
- 108-SA: Seasonally affected
- 108-ER: Enhanced recovery
- 108-PB: Pressure buildup

Kenneth F. Plumb,
Secretary.

NOTICE OF DETERMINATIONS
ISSUED MAY 12, 1983

VOLUME 892

JD NO	JA DKT	API NO	D SECC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
KANSAS CORPORATION COMMISSION								
-	ALPINE DRILLING CO INC			RECEIVED:	04/20/83	JA: K5		
8333109	K-82-1226	1500720769	103		MARTIN "D" #1	HIBBARD NE	0.0	PEOPLES NATURAL G
-	AMERICO PETROLEUM INC			RECEIVED:	04/20/83	JA: K5		
8333107	K-82-1023	1515520176	103		CHESTER W HAINES #1	SW YODER	110.0	PEOPLES NATURAL G
-	ANADARKO PRODUCTION COMPANY			RECEIVED:	04/20/83	JA: K5		
8333118	K-82-1430	1517520653	103		HACKER TRUST A-1	HUGOTON	175.0	CIMARRON-QUINQUE
8333198	K-83-0062	1517520651	102-4		HITCH G #10	SHUCK	22.0	CIMARRON-QUINQUE
8333196	K-83-0065	1517520654	102-4		HITCH G #11	SHUCK	16.0	CIMARRON-QUINQUE
8333021	K-82-1233	1512920454	108		INTERSTATE F #3	INTERSTATE RED CAVE	9.0	PANHANDLE EASTERN
8333155	K-83-0085	1512900000	108		INTERSTATE I-2	INTERSTATE	10.5	PANHANDLE EASTERN
8333208	K-83-0094	1512920558	103		INTERSTATE UNIT #88	INTERSTATE PURDY MORR	2.0	PANHANDLE EASTERN
8333211	K-83-0091	1512920561	103		INTERSTATE UNIT #91	INTERSTATE PURDY MORR	6.0	PANHANDLE EASTERN
8333209	K-83-0093	1512920562	103		INTERSTATE UNIT #92	INTERSTATE PURDY MORR	3.0	PANHANDLE EASTERN
8333210	K-83-0092	1512920565	103		INTERSTATE UNIT #95	INTERSTATE PURDY MORR	4.0	PANHANDLE EASTERN
8333206	K-83-0096	1512920639	103		INTERSTATE UNIT #96	INTERSTATE PURDY MORR	10.0	PANHANDLE EASTERN
8333207	K-83-0095	1512920525	103		INTERSTATE UNIT 37-A	INTERSTATE PURDY MORR	25.0	PANHANDLE EASTERN
8333097	K-83-0086	1512900000	108		SCOTT A #2	INTERSTATE	13.5	PANHANDLE EASTERN
8333134	K-83-0134	1518920498	103		WILLIAMS I #1	PANOMA COUNCIL GROVE	920.0	NORTHERN NATURAL
-	ASSOCIATED PETROLEUM CONSULTANTS IN			RECEIVED:	04/20/83	JA: K5		
8333146	K-83-0135	1500721527	102-4		MARSH RANCH WEST #2	PERRY RANCH SOUTH	250.0	KANSAS GAS SUPPLY
-	ATTICA GAS VENTURE CORP			RECEIVED:	04/20/83	JA: K5		
8333099	K-83-0088	1507720823	103		ATTICA HOSPITAL #3	SULLIVAN	160.0	PEOPLES NATURAL G
8333101	K-82-1338	1507710832	103		WILLIAMS #1	WILDCAT - UNNAMED FIE	200.0	PEOPLES NATURAL G
-	BARTLING OIL CO			RECEIVED:	04/20/83	JA: K5		
8333154	K-83-0099	1507120278	103		BAHURRY #1		78.0	SUNFLOWER ELECTRI
8333204	K-83-0098	1507120284	103		BRUNSHIG #1		79.0	SUNFLOWER ELECTRI
8333199	K-83-0060	1507120277	103		KIEFER #1	WILDCAT	65.0	SUNFLOWER ELECTRI
8333153	K-83-0100	1507120283	103		WEAR TRUST #1		82.0	SUNFLOWER ELECTRI
-	BENSON MINERAL GROUP			RECEIVED:	04/20/83	JA: K5		
8333201	K-83-0059	1500900000	103		WELLS 1-11	OTIS ALBERT	33.3	NORTHERN GAS PROD
8333202	K-83-0057	1514520996	102-2		KLEPPER 2-36	MERRITT	237.6	NORTHERN NATURAL
8333200	K-83-0058	1514520941	102-2		KLEPPER 3-36	MERRITT	130.7	NORTHERN NATURAL
-	BEREN CORPORATION			RECEIVED:	04/20/83	JA: K5		
8333197	K-82-0736	1518720339	102-4		JACOUART #1	BEAUCHAMP	324.0	KN ENERGY INC
-	BERGMAN OIL CO			RECEIVED:	04/20/83	JA: K5		
8333203	K-83-0019	1509521237	103		TIEMEYER #1	WILDCAT	72.0	PEOPLES NATURAL G
-	BROWN WILLIAM F			RECEIVED:	04/20/83	JA: K5		
8333184	K-82-1446	1509500000	108		BROWN #1	LANSDOCKE NORTH	1.2	PEOPLES NATURAL G
-	BURBARNER WILLIAM			RECEIVED:	04/20/83	JA: K5		
8333105	K-82-1348	1512524398	102-2		WILLIAMS #3	WILLIAMS	35.6	CITIES SERVICE GA
8333104	K-82-1347	1512524398	103		WILLIAMS #3	WILLIAMS	35.6	CITIES SERVICES G
-	CHAMPLIN PETROLEUM COMPANY			RECEIVED:	04/20/83	JA: K5		
8333108	K-82-1067	1517520611	103		LEVEQUE #1-2	SILVERMAN	0.0	NORTHERN NATURAL
-	CITIES SERVICE COMPANY			RECEIVED:	04/20/83	JA: K5		
8333113	K-82-1439	1512900000	108		STEWART A #1	GREENHOOD	14.9	NORTHERN NATURAL
-	COASTAL OIL & GAS CORP			RECEIVED:	04/20/83	JA: K5		

JD NO	JA DKT	API NO	D SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8333179	K-83-0028	1505720291	102-2		FAGER 2J (35-29-25)	MINNEOLA	25.0	KANSAS POWER & LI
-DARTANNA			RECEIVED:	04/20/83	JA: K5			
8333166	K-83-0042	1507920562	103		SIZEMORE B #1	BURTON NE	36.5	PEOPLES NATURAL G
-DORCHESTER EXPLORATION INC			RECEIVED:	04/20/83	JA: K5			
8333106	K-82-0968	1507120051	108		WATSON "B" #1	BRADSHAW	0.0	SUNFLOWER ELECTRI
-EAGLE EXPLORATIONS INC			RECEIVED:	04/20/83	JA: K5			
8333205	K-83-0097	1500721241	103		HARDING #1	HARDING	36.0	CENTRAL STATES GA
-EDGAR W WHITE			RECEIVED:	04/20/83	JA: K5			
8333127	K-83-0002	1592040000	108		INTERSTATE B2-18	INTERSTATE GREENWOOD	7.0	COLORADO INTERSTA
-F O HOLL			RECEIVED:	04/20/83	JA: K5			
8333193	K-82-0954	1504720875	108		RUDD 85-16	ENLOW	11.0	NORTHERN NATURAL
-GEAR PETROLEUM CO INC			RECEIVED:	04/20/83	JA: K5			
8333112	K-82-1440	1504729987	102-2		FOX #1-23	W A C SW	55.0	NATURAL GAS PIPEL
8333116	K-82-1442	1504720916	102-2		HUFF #1	WILDCAT	55.0	NATURAL GAS PIPEL
8333115	K-82-1443	1504720917	102-2		MCCLAREN #1	W A C SOUTHWEST	69.0	NATURAL GAS PIPEL
-GRANT OIL INC			RECEIVED:	04/20/83	JA: K5			
8333220	K-83-0050	1509120468	102-2		BUSCH 1-1	WILDCAT	30.0	CITIES SERVICE GA
8333222	K-83-0048	1509120466	102-2		G MOLL 1-36	OLATHE	36.0	CITIES SERVICE GA
8333192	K-82-0928	1512522998	108		HALL #1	JEFFERSON SYCAMORE	2.5	UNION GAS SYSTEMS
8333221	K-83-0049	1509120572	102-2		JOE MOLL 1-1	OLATHE	75.0	CITIES SERVICE GA
8333229	K-83-0045	1509120468	102-2		LOVE 1-36	OLATHE	15.0	CITIES SERVICE GA
8333223	K-83-0047	1509120116	102-2		PRETZ A-1	OLATHE	12.0	CITIES SERVICE GA
8333213	K-83-0044	1509120467	102-2		PRETZ 1-31	OLATHE	73.0	CITIES SERVICE GA
8333224	K-83-0046	1509120521	102-2		PRETZ 2-31	OLATHE	100.0	CITIES SERVICE GA
-GUNNER OIL CO			RECEIVED:	04/20/83	JA: K5			
8333098	K-83-0087	1515120681	103		GUNNER OIL - KUMBERG #1	HARDING WEST	1.5	CENTRAL STATES GA
-HALLIBURTON OIL PRODUCING COMPANY			RECEIVED:	04/20/83	JA: K5			
8333117	K-82-1443	1514520954	103		FRICK "A" 2	ZOOK	109.5	KANSAS-NEBRASKA G
-HELLAR DRILLING CO INC			RECEIVED:	04/20/83	JA: K5			
8333190	K-82-0237	1518521334	103		O'CONNOR #2	O'CONNOR	35.0	KN ENERGY INC
8333176	K-83-0025	1518521594	103		O'CONNOR GU #3 - #1 RALPH	O'CONNOR	36.5	KN ENERGY INC
-HOWELL OIL CO INC			RECEIVED:	04/20/83	JA: K5			
8333089	K-82-1325	1507720617	108		GRABS #1	SPIVEY-GRABS	6.0	CITIES SERVICE CO
-IMPERIAL OIL COMPANY			RECEIVED:	04/20/83	JA: K5			
8333135	K-83-0133	1500700000	108		DAVIS RANCH "A"-1	AETHA MISSISSIPPI GAS	1.9	PANHANDLE EASTERN
-JOHN JAY DARRAH JR			RECEIVED:	04/20/83	JA: K5			
8333133	K-83-0018	1509521264	103		CONRAD #4	WILDCAT	250.0	KANSAS GAS SUPPLY
-JOHN O FARMER INC			RECEIVED:	04/20/83	JA: K5			
8333212	K-83-0098	1500700000	108-SA		WHEAT #1	NORTHEAST RHODES	15.0	CITIES SERVICE GA
-JOHN P LOCKRIDGE			RECEIVED:	04/20/83	JA: K5			
8333165	K-83-0101	1502320283	108		CULWELL #1-7 GAS UNIT	CHERRY CREEK	1.8	KN ENERGY INC
8333163	K-83-0103	1502320893	108		HILT #1-11 GAS UNIT	CHERRY CREEK	15.0	KN ENERGY INC
8333162	K-83-0104	1502320117	108		HILT #1-14 GAS UNIT	CHERRY CREEK	8.4	KN ENERGY INC
8333164	K-83-0102	1502320116	108		LAMPE #1-30 GAS UNIT	CHERRY CREEK	6.0	KN ENERGY INC
8333160	K-83-0106	1502320094	108		RAILE #1-24 GAS UNIT	CHERRY CREEK	5.4	KN ENERGY INC
8333161	K-83-0105	1502320085	108		RIGGS-VINCENT #1-23 GAS UNIT	CHERRY CREEK	4.8	KN ENERGY INC
-K & O OIL CO			RECEIVED:	04/20/83	JA: K5			
8333145	K-83-0139	1500721165	103		GOTTSCHE-PETERMANN #1	STRANATHAN	1.8	KANSAS GAS SUPPLY
8333144	K-83-0140	1500720770	103		GOTTSCHE-PETERMANN #2	STRANATHAN	7.3	KANSAS GAS SUPPLY
-KANSAS PETROLEUM INC			RECEIVED:	04/20/83	JA: K5			
8333079	K-83-0127	1500700000	108-SA		LONKER #1-A	BOOGS	5.4	NORTHWEST CENTRAL
8333067	K-83-0125	1515121177	103		WEIR A-2	BRANT	60.0	KANSAS GAS SUPPLY
8333080	K-83-0126	1515121179	103		WEIR A-3	BRANT	45.0	KANSAS GAS SUPPLY
-LADD PETROLEUM CORPORATION			RECEIVED:	04/20/83	JA: K5			
8333156	K-83-0084	1502520617	102-2		FAGER #1-16	WILDCAT	11.0	KANSAS POWER & LI
8333148	K-83-0083	1502520635	102-2		HINDMAN #1-3	WILDCAT	179.3	
8333073	K-83-0082	1506920157	102-2		REED #1	WILDCAT	113.6	
8333074	K-83-0081	1502520613	102-2		WIDMER #1-17	WILDCAT	51.0	KANSAS POWER & LI
-LOVE & ASSOCIATES - KANSAS GAS INC			RECEIVED:	04/20/83	JA: K5			
8333084	K-83-0111	1513321782	102-2		OOINS C #1	WILDCAT	50.0	CITIES SERVICE GA
8333083	K-83-0112	1513323147	102-2		OOINS C #2	WILDCAT	50.0	CITIES SERVICE GA
8333158	K-83-0110	1513323055	102-2		STEVENSON #1	WILDCAT	33.0	CITIES SERVICE GA
8333159	K-83-0109	1513322450	102-2		UNBARGER A #1	WILDCAT	82.5	CITIES SERVICE GA
-M C E TRUST GROUP			RECEIVED:	04/20/83	JA: K5			
8333114	K-82-1458	1509921778	102-2		BLANKENSHIP #1	CHERRYVALE-COFFEYVILL	60.0	SALEM PIPELINE CO
8333119	K-82-1437	1509921779	102-2		BLANKENSHIP #2	CHERRYVALE-COFFEYVILL	60.0	SALEM PIPELINE CO
-MCGINNESS OIL COMPANY			RECEIVED:	04/20/83	JA: K5			
8333081	K-83-0121	1500721529	103		GRAVES "A" #1	HARDTHER	12.0	KANSAS GAS SUPPLY
8333152	K-83-0120	1500721446	103		SCRIPSICK #1	MCGUIRE-GOEMANN	30.0	PEOPLES NATURAL G
-MESA PETROLEUM CO			RECEIVED:	04/20/83	JA: K5			
8333088	K-83-0114	1502520577	102-2		GUNNINGHAM #1-6	WILDCAT MARMATON	108.0	
8333090	K-83-0113	1502520579	103		GILES #2-18	LEXINGTON	40.0	KANSAS POWER & LI
-MOBIL OIL CORP			RECEIVED:	04/20/83	JA: K5			
8333142	K-83-0144	1518920625	103		ALBRITTEN TR #1 UNIT #2	PANOMA COUNCIL GROVE	17.5	NORTHERN NATURAL
8333085	K-82-1359	1518920593	103		ALLBRITTEN #1 FARM #2	PANOMA COUNCIL GROVE	36.0	NORTHERN NATURAL
8333214	K-82-1290	1518920597	103		BISSITT #1 FARM #2	PANOMA COUNCIL GROVE	36.0	NORTHERN NATURAL
8333100	K-82-1323	1518920578	103		E L GASKILL #3	PANOMA COUNCIL GROVE	31.5	CITIES SERVICE GA
8333149	K-82-1298	1518920589	103		HARRISON #2 UNIT #3	PANOMA COUNCIL GROVE	32.4	NORTHERN NATURAL
8333216	K-82-1292	1518920584	103		KING #1 UNIT #2	PANOMA COUNCIL GROVE	32.4	NORTHERN NATURAL
8333150	K-82-1320	1518920603	103		LYNCH #1 UNIT #2	PANOMA COUNCIL GROVE	36.0	NORTHERN NATURAL
8333217	K-82-1339	1518920591	103		MCGREERY #1 UNIT #2	PANOMA COUNCIL GROVE	32.4	NORTHERN NATURAL
8333215	K-82-1291	1518920588	103		PIPER #1-2	PANOMA COUNCIL GROVE	32.4	NORTHERN NATURAL
8333186	K-82-1212	1518920609	103		PIPER #2 UNIT #3	PANOMA COUNCIL GROVE	35.0	NORTHERN NATURAL
8333123	K-82-1319	1518920590	103		SCHWALTER #1-2	PANOMA COUNCIL GROVE	32.4	NORTHERN NATURAL
-MOLZ OIL CO			RECEIVED:	04/20/83	JA: K5			
8333177	K-83-0023	1500721512	103		ESTELLA (MCGUIRE) #2	MCGUIRE-GOEMANN	27.0	PANHANDLE EASTERN
8333141	K-83-0143	1500721386	103		MOLZ #6	STRANATHAN	36.5	PANHANDLE EASTERN
-MIS LTD PARTNERSHIP			RECEIVED:	04/20/83	JA: K5			
8333091	K-82-0420	1502520497	103		KLINGER #1-2	MCKINNEY	190.0	
-NORTHERN NATURAL GAS PRODUCING CO			RECEIVED:	04/20/83	JA: K5			
8333124	K-83-0015	1518920601	103		DUDLEY #1 UNIT #2	PANOMA COUNCIL GROVE	36.0	NORTHERN NATURAL
8333103	K-82-1322	1518920602	103		DUDLEY #2 UNIT #3	PANOMA COUNCIL GROVE	36.0	NORTHERN NATURAL
8333120	K-82-1295	1518920595	103		MOTILL #1-A UNIT #2	PANOMA COUNCIL GROVE	36.0	NORTHERN NATURAL
8333122	K-82-1299	1518920585	103		MORRELL #1 UNIT #2	PANOMA COUNCIL GROVE	32.4	NORTHERN NATURAL
8333121	K-82-1297	1517520607	103		PLOWMAN #1-A UNIT #2	PANOMA COUNCIL GROVE	31.5	NORTHERN NATURAL
8333102	K-82-1334	1518920585	103		SIEGHUND #1 UNIT #2	PANOMA COUNCIL GROVE	24.3	NORTHERN NATURAL
-OIL PROPERTY MANAGEMENT INC			RECEIVED:	04/20/83	JA: K5			
8333218	K-82-0363	1504720767	103		NORMA SMITH #1	ENGLISH WEST EXTENSIO	33.7	CENTRAL STATES GA
-OSBORN HEIRS CO			RECEIVED:	04/20/83	JA: K5			
8333170	K-83-0054	1509300000	102-2		ELSIE #1-A	PANOMA	75.0	PANHANDLE EASTERN
8333172	K-83-0051	1509320773	102-2		MARION 1-H	HUGOTON	75.0	PANHANDLE EASTERN
8333169	K-83-0055	1509320774	102-2		MONMOUTH COLLEGE 1-H	HUGOTON	75.0	PANHANDLE EASTERN
8333171	K-83-0053	1509320066	102-2		OLGA 1-H	HUGOTON	75.0	PANHANDLE EASTERN
8333168	K-83-0056	1509320770	102-2		PILON 1-A	PANOMA	75.0	PANHANDLE EASTERN

JD NO	JA DKT	API NO	D SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-PAN EASTERN EXPLORATION COMPANY			RECEIVED:	04/20/83	JA: KS			
8333126	K-83-0012	1506720590	103		REAL ESTATE "A" #2	HUGGOTON	180.0	PANHANDLE EASTERN
-PAYCO INC			RECEIVED:	04/20/83	JA: KS			
8333147	K-83-0117	1509521208	103		GRIDLEY #1	DRESSEN WEST	1500.0	CENTRAL STATES GA
8333151	K-83-0118	1505320737	103		KRUSE #1	STOLTENBERG	36.5	NORTHERN GAS PROD
-PICKRELL DRILLING COMPANY			RECEIVED:	04/20/83	JA: KS			
8333191	K-82-1387	1507720488	108		SANTA 'H' #1	SPIVEY GRABS	14.7	PANHANDLE EASTERN
8333096	K-83-0116	1509521293	103		COYKEMDALL #5	BASIL	58.0	GETTY OIL CO
8333095	K-83-0115	1509521299	103		KOPF 'D' #1		25.2	KANSAS GAS SUPPLY
-PYRAMID CORP INC			RECEIVED:	04/20/83	JA: KS			
8333131	K-83-0073	1503523128	102-2		THOMPSON #1	STATE	18.0	COLONIAL CORP
8333181	K-83-0071	1503522884	102-2		WILLCOXEN "B" #1	STATE	18.0	COLONIAL CORP
8333132	K-83-0072	1503523114	102-2		WILLCOXEN "B" #2	STATE	18.0	COLONIAL CORP
8333082	K-83-0123	1503523199	102-2		WILLCOXEN "B" #3	STATE	18.0	COLONIAL CORP
-QUADEL EMERGY CORP			RECEIVED:	04/20/83	JA: KS			
8333139	K-83-0153	1518520975	103		SEHINDS A#1	DILLWIN WEST	1.0	CENTRAL STATES GA
8333138	K-83-0154	1518520983	103		ULSH #1	DILLWIN WEST	8.0	CENTRAL STATES GA
-R C BANKS			RECEIVED:	04/20/83	JA: KS			
8333116	K-82-1269A	1507120269	103		RGE #2	NORTH BYERLY	73.0	SUNFLOWER ELECTRI
-RTC PETROLEUM CO			RECEIVED:	04/20/83	JA: KS			
8333174	K-83-0027	1509921844	102-2		HINE #1	EDNA	17.0	H E WACKERLE CO I
-RANGE OIL COMPANY INC			RECEIVED:	04/20/83	JA: KS			
8333180	K-83-0021	1500721526	103		STEWART #4	CANEMA	8.0	PEOPLES NATURAL G
8333178	K-83-0022	1500721525	103		STEWART "A" #3	TRAFFAS SE	8.0	PEOPLES NATURAL G
-REACH PETROLEUM CORP			RECEIVED:	04/20/83	JA: KS			
8333086	K-83-0130	1507720837	102-2		CROTHERS #1-17	UNNAMED	65.0	QUIVIRA GAS CO
8333157	K-83-0131	1507720838	103		HARRISON #2	STORRVILLE	55.0	QUIVIRA GAS CO
-REACH PETROLEUM MANAGEMENT INC			RECEIVED:	04/20/83	JA: KS			
8333189	K-83-0129	1500721103	103		BAIER #1	AETHA	2.7	KANSAS POWER & LI
8333078	K-83-0129	1500721103	103		BAIER #1	AETHA	27.0	KANSAS POWER & LI
-RINE EXPLORATION CO			RECEIVED:	04/20/83	JA: KS			
8333140	K-83-0153	1509720883	103		GAMBLE #1-7	EINSEL	106.0	
-RY-NI INC			RECEIVED:	04/20/83	JA: KS			
8333125	K-83-0011	1507920556	103		VOGT #1	ANTRIM	15.0	CLOVER PIPELINE C
-SAGE DRILLING CO INC			RECEIVED:	04/20/83	JA: KS			
8333130	K-83-0075	1517520639	103		SAGE BLACK #4-1	KISMET FIELD C5W4 SE	365.0	PANHANDLE EASTERN
-TEXAS ENERGIES INC			RECEIVED:	04/20/83	JA: KS			
8333167	K-83-0031	1500721427	103		CARGILL 1-22	MEAIRS	30.0	CENTRAL STATES GA
8333173	K-83-0030	1515121088	103		CURTIS 1-15	WILDCAT	75.0	CENTRAL STATES GA
8333183	K-83-0066	1500721502	102-4		HAGLAND 1-21	WILDCAT	150.0	REPUBLIC NATURAL
8333143	K-83-0143	1500721497	103		HOUSE 1-A	MEAIRS	50.0	KANSAS GAS SUPPLY
-TOT PETROLEUM CORPORATION			RECEIVED:	04/20/83	JA: KS			
8333136	K-83-0132	1509720893	103		PYLE-TAYLOR "A" #2	EINSEL	27.0	PANHANDLE EASTERN
8333194	K-82-0960	1509720879	103		VIEW #1	SE JOY STATION	270.0	
-TXO PRODUCTION CORP			RECEIVED:	04/20/83	JA: KS			
8333077	K-83-0159	1507720615	102-4		ANTRIM #3	SULLIVAN	90.0	DELHI CORP
8333219	K-82-1427	1507720639	103		MUIR "D" #1	ZUERCHER	40.0	PEOPLES NATURAL G
8333185	K-82-1173	1502520610	102-2		HORTON "A" #1	MINNEDLA	25.0	PARKER COUNTY PIP
8333072	K-82-1398	1515121289	102-4		ROTTERING "B" #1	BRANT	360.0	
8333111	K-82-1428	1507720707	103		ZUERCHER #3	ZUERCHER	80.0	PEOPLES NATURAL G
-TYLER RESOURCES GROUP			RECEIVED:	04/20/83	JA: KS			
8333075	K-83-0080	1520522914	102-2		MARLER 1-32	HEODESKA	15.0	CITIES SERVICE GA
8333137	K-83-0078	1520523063	102-2		MARLER 2-32	HEODESKA	10.0	CITIES SERVICE GA
8333129	K-83-0077	1520523064	102-2		MARLER 3-32	HEODESKA	15.0	CITIES SERVICE GA
8333076	K-83-0079	1520522916	102-2		STEPANICH 1-31	HEOPESHA	12.0	CITIES SERVICE GA
-VALENTINE ENERGY			RECEIVED:	04/20/83	JA: KS			
8333187	K-82-1019	1509921739	102-2		ROYSE #3	LAKE CREEK	24.0	TRI-CITY GAS CO
-VINCENT OIL CORP			RECEIVED:	04/20/83	JA: KS			
8333175	K-83-0026	1507920538	103		STUCKY "B" #1	OLATHE	11.0	PEOPLES NATURAL G
8333182	K-83-0067	1509521274	103		ZERGER #1	BROADWAY	55.0	PEOPLES NATURAL G
8333128	K-83-0070	1509521274	103		ZERGER #1	BROADWAY	55.0	PEOPLES NATURAL G
-WELLS ENERGY CORP			RECEIVED:	04/20/83	JA: KS			
8333188	K-82-0054	1511920534	103		WIENS #1	MCKINNEY	60.0	
-WHEATLAND OIL & GAS INC			RECEIVED:	04/20/83	JA: KS			
8333093	K-81-0976	1504720691	103		FATZER #1 "NORTH"	WIL EXTENSION	21.0	CENTRAL STATES GA
8333094	K-81-0975	1504720737	103		FATZER "NORTH" #2	MCCARTY	21.0	CENTRAL STATES GA
8333195	K-82-0363	1504720690	103		MATHES #1	FELLSBERG	78.1	CENTRAL STATES GA
8333092	K-81-0979	1504720690	103		MATHES #1	FELLSBERG	78.1	CENTRAL STATES GA
***** KENTUCKY DEPARTMENT OF MINES & MINERALS *****								
-ASHLAND EXPLORATION INC			RECEIVED:	04/20/83	JA: KY			
8333227	504196	1619542728	103		ZACK JUSTICE #4 - 091711	EASTERN KENTUCKY	6.6	COLUMBIA GAS TRAN
8333228	504197	1619542728	107-DV		ZACK JUSTICE #4 091711	EASTERN KENTUCKY	6.6	COLUMBIA GAS TRAN
-COLUMBIA GAS TRANSMISSION CORP			RECEIVED:	04/20/83	JA: KY			
8333282	504276	1615900000	108		A C SLOANE 800448	KENTUCKY AREA C	1.0	COLUMBIA GAS TRAN
8333283	504277	1615900000	108		A C SLOANE 800452	KENTUCKY AREA C	1.0	COLUMBIA GAS TRAN
8333280	504229	1615900000	108		A D PREECE 804644	KENTUCKY AREA C	7.0	COLUMBIA GAS TRAN
8333243	504212	1615900000	108		A J STEPP 804334	KENTUCKY AREA C	12.0	COLUMBIA GAS TRAN
8333273	504242	1615900000	108		A L MOLLETT 805027	KENTUCKY AREA C	4.0	COLUMBIA GAS TRAN
8333301	504295	1615900000	108		A L MOORE #7 805472	KENTUCKY AREA C	1.0	COLUMBIA GAS TRAN
8333254	504223	1615900000	108		AARON STEPP 804598	KENTUCKY AREA C	4.0	COLUMBIA GAS TRAN
8333275	504244	1615900000	108		ALLEN HARMAN ETAL 805063	KENTUCKY AREA C	5.0	COLUMBIA GAS TRAN
8333274	504243	1615900000	108		ALLEN JAMES 805050	KENTUCKY AREA C	10.0	COLUMBIA GAS TRAN
8333291	504285	1615900000	108		AMY PARSLEY 805013	KENTUCKY AREA C	0.0	COLUMBIA GAS TRAN
8333304	504298	1615900000	108		ANDREW D PREECE 806166	KENTUCKY AREA C	5.0	COLUMBIA GAS TRAN
8333286	504280	1615900000	108		B F RICHMOND 804605	KENTUCKY AREA C	15.0	COLUMBIA GAS TRAN
8333255	504224	1615900000	108		BEN FITZPATRICK 804599	KENTUCKY AREA C	13.0	COLUMBIA GAS TRAN
8333266	504235	1615900000	108		CLEMENTINE GOBLE 804777	KENTUCKY AREA C	11.0	COLUMBIA GAS TRAN
8333250	504219	1611900000	108		CURTIS PIGMAN 804542	KENTUCKY AREA B	14.0	COLUMBIA GAS TRAN
8333297	504291	1619500000	108		DAVID ADAMS ETAL 805464	KENTUCKY AREA C	9.0	COLUMBIA GAS TRAN
8333244	504213	1615900000	108		E D WILES 804340	KENTUCKY AREA C	7.0	COLUMBIA GAS TRAN
8333284	504278	1615900000	108		EMILY CASSIDY 804297	KENTUCKY AREA C	8.0	COLUMBIA GAS TRAN
8333234	504203	1615900000	108		ESTARAH CASSIDY 804248	KENTUCKY AREA C	9.0	COLUMBIA GAS TRAN
8333314	504308	1619500000	108		ESTHER LOWE GDN 808621	KENTUCKY AREA C	2.0	COLUMBIA GAS TRAN
8333241	504210	1611900000	108		F L WIREMAN 804320	KENTUCKY AREA B	5.0	COLUMBIA GAS TRAN
8333242	504211	1611900000	108		F L WIREMAN 804321	KENTUCKY AREA B	10.0	COLUMBIA GAS TRAN
8333231	504200	1607100000	108		G W AKERS #5 805298	KENTUCKY AREA B	15.0	COLUMBIA GAS TRAN
8333248	504217	1607100000	108		GEO W AKERS 804524	KENTUCKY AREA B	13.0	COLUMBIA GAS TRAN
8333253	504222	1615900000	108		HARRISON CAIN 804571	KENTUCKY AREA C	9.0	COLUMBIA GAS TRAN
8333285	504279	1615900000	108		HENRY FANNIN 804388	KENTUCKY AREA C	11.0	COLUMBIA GAS TRAN
8333271	504240	1607100000	108		INEZ DEPOSIT 805017	KENTUCKY AREA B	3.0	COLUMBIA GAS TRAN
8333257	504226	1615900000	108		J A CRUM 804613	KENTUCKY AREA C	12.0	COLUMBIA GAS TRAN
8333237	504206	1615900000	108		J B STEPP 804284	KENTUCKY AREA C	6.0	COLUMBIA GAS TRAN

JD NO	JA DKT	API NO	D SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8333245	504214	1615900000	108		J B WARD 804377	KENTUCKY AREA C	10.0	COLUMBIA GAS TRAN
8333292	504286	1615900000	108		J E CASSADY 805039	KENTUCKY AREA C	14.0	COLUMBIA GAS TRAN
8333258	504227	1615900000	108		J R MARTIN 804629	KENTUCKY AREA C	6.0	COLUMBIA GAS TRAN
8333298	504292	1607100000	108		JAMES MARTIN 85 805483	KENTUCKY AREA	12.0	COLUMBIA GAS TRAN
8333235	504204	1607100000	108		JAMES MARTIN 804251	KENTUCKY AREA B	4.0	COLUMBIA GAS TRAN
8333236	504205	1615900000	108		JASPER CASSADY 804264	KENTUCKY AREA C	11.0	COLUMBIA GAS TRAN
8333262	504231	1607100000	108		JOHN C CLARK 804648	KENTUCKY AREA B	9.0	COLUMBIA GAS TRAN
8333233	504202	1615900000	108		JOSIE C HALL 804230	KENTUCKY AREA C	9.0	COLUMBIA GAS TRAN
8333229	504198	1607100000	108		JULIA B MARTIN 804007	KENTUCKY AREA B	8.0	COLUMBIA GAS TRAN
8333268	504237	1615900000	108		L W PRESTON 804841	KENTUCKY AREA C	13.0	COLUMBIA GAS TRAN
8333269	504238	1615900000	108		MARY CASSELL ET AL 804845	KENTUCKY AREA C	7.0	COLUMBIA GAS TRAN
8333285	504282	1615900000	108		MARY L HARDIN 804835	KENTUCKY AREA C	7.0	COLUMBIA GAS TRAN
8333252	504221	1615900000	108		MARY LILLIE ROYSTON 804570	KENTUCKY AREA C	9.0	COLUMBIA GAS TRAN
8333270	504239	1607100000	108		MAUDIE JAMES ET AL 804997	KENTUCKY AREA B	3.0	COLUMBIA GAS TRAN
8333289	504228	1615900000	108		MIKE FANNIN 804631	KENTUCKY AREA C	11.0	COLUMBIA GAS TRAN
8333290	504234	1615900000	108		MINERVA J FRY 804842	KENTUCKY AREA C	13.0	COLUMBIA GAS TRAN
8333265	504234	1615900000	108		NANCY JAMES ET AL 804737	KENTUCKY AREA C	7.0	COLUMBIA GAS TRAN
8333256	504225	1615900000	108		NANCY JANE CASSADY 804600	KENTUCKY AREA C	7.0	COLUMBIA GAS TRAN
8333263	504232	1615900000	108		NANCY JANE CASSADY 804692	KENTUCKY AREA C	9.0	COLUMBIA GAS TRAN
8333247	504216	1607100000	108		NOAH MARTIN 804400	KENTUCKY AREA B	10.0	COLUMBIA GAS TRAN
8333240	504209	1615900000	108		OSAH MAYNARD 804317	KENTUCKY AREA C	6.0	COLUMBIA GAS TRAN
8333261	504230	1607100000	108		P S CLARK 804646	KENTUCKY AREA B	18.0	COLUMBIA GAS TRAN
8333246	504215	1615900000	108		R C KIRK 804394	KENTUCKY AREA C	6.0	COLUMBIA GAS TRAN
8333303	504297	1615900000	108		ROBERT ADAMS 805541	KENTUCKY AREA B	6.0	COLUMBIA GAS TRAN
8333230	504199	1607100000	108		S B BEGLEY 804051	KENTUCKY AREA B	5.0	COLUMBIA GAS TRAN
8333272	504241	1615900000	108		SALLY HAYES ETAL 805018	KENTUCKY AREA B	2.0	COLUMBIA GAS TRAN
8333287	504281	1615900000	108		SAM WEBB 804778	KENTUCKY AREA C	9.0	COLUMBIA GAS TRAN
8333249	504218	1615900000	108		T D PACK 804535	KENTUCKY AREA C	12.0	COLUMBIA GAS TRAN
8333307	504301	1615900000	108		TCO FEE TR #21 806519	KENTUCKY AREA C	10.0	COLUMBIA GAS TRAN
8333317	504311	1615900000	108		TCO FEE TR #21 805811	KENTUCKY AREA C	8.0	COLUMBIA GAS TRAN
8333320	504314	1615900000	108		TCO FEE TR #7 803942	KENTUCKY AREA C	1.0	COLUMBIA GAS TRAN
8333319	504313	1615900000	108		TCO FEE TR #80 803860	KENTUCKY AREA C	3.0	COLUMBIA GAS TRAN
8333305	504299	1615900000	108		TCO FEE 806254	KENTUCKY AREA C	3.0	COLUMBIA GAS TRAN
8333306	504300	1615900000	108		TCO FEE 806517	KENTUCKY AREA C	9.0	COLUMBIA GAS TRAN
8333308	504302	1615900000	108		TCO FEE 806604	KENTUCKY AREA C	3.0	COLUMBIA GAS TRAN
8333309	504303	1615900000	108		TCO FEE 806637	KENTUCKY AREA C	4.0	COLUMBIA GAS TRAN
8333310	504304	1615900000	108		TCO FEE 806708	KENTUCKY AREA C	10.0	COLUMBIA GAS TRAN
8333311	504305	1615900000	108		TCO FEE 806724	KENTUCKY AREA C	7.0	COLUMBIA GAS TRAN
8333312	504306	1615900000	108		TCO FEE 806725	KENTUCKY AREA C	13.0	COLUMBIA GAS TRAN
8333313	504309	1615900000	108		TCO FEE 808642	KENTUCKY AREA C	7.0	COLUMBIA GAS TRAN
8333316	504310	1615900000	108		TCO FEE 808642	KENTUCKY AREA C	2.0	COLUMBIA GAS TRAN
8333321	504315	1615900000	108		TCO FEE 808792	KENTUCKY AREA C	2.0	COLUMBIA GAS TRAN
8333322	504316	1615900000	108		TCO FEE 808945	KENTUCKY AREA C	10.0	COLUMBIA GAS TRAN
8333323	504317	1615900000	108		TCO FEE 809444	KENTUCKY AREA C	0.3	COLUMBIA GAS TRAN
8333264	504233	1615900000	108		TCO FEE 809543	KENTUCKY AREA C	11.0	COLUMBIA GAS TRAN
8333267	504236	1615900000	108		W A JAMES 804707	KENTUCKY AREA C	11.0	COLUMBIA GAS TRAN
8333313	504307	1615900000	108		W A JUSTICE 804840	KENTUCKY AREA C	12.0	COLUMBIA GAS TRAN
8333232	504201	1615900000	108		W B STEPP HEIRS 805231	KENTUCKY AREA C	12.0	COLUMBIA GAS TRAN
8333289	504283	1615900000	108		W C SMALL 804220	KENTUCKY AREA C	2.0	COLUMBIA GAS TRAN
8333295	504289	1615900000	108		W J WEBB ET AL 804836	KENTUCKY AREA C	7.0	COLUMBIA GAS TRAN
8333258	504207	1615900000	108		W T ALLEY 82 805411	KENTUCKY AREA C	0.6	COLUMBIA GAS TRAN
8333296	504290	1615900000	108		W T MC COY 804296	KENTUCKY AREA C	9.0	COLUMBIA GAS TRAN
8333300	504294	1615900000	108		WARFIELD NATURAL GAS #11 805452	KENTUCKY AREA C	11.0	COLUMBIA GAS TRAN
8333299	504293	1615900000	108		WARFIELD NATURAL GAS #14 805621	KENTUCKY AREA C	8.0	COLUMBIA GAS TRAN
8333277	504246	1615900000	108		WARFIELD NATURAL GAS #32 805574	KENTUCKY AREA C	11.0	COLUMBIA GAS TRAN
8333278	504247	1615900000	108		WARFIELD NATURAL GAS #5 805194	KENTUCKY AREA C	6.0	COLUMBIA GAS TRAN
8333293	504287	1615900000	108		WARFIELD NATURAL GAS #6 805195	KENTUCKY AREA C	7.0	COLUMBIA GAS TRAN
8333294	504288	1615900000	108		WARFIELD NATURAL GAS #8 805325	KENTUCKY AREA C	15.0	COLUMBIA GAS TRAN
8333302	504296	1615900000	108		WARFIELD NATURAL GAS #9 805327	KENTUCKY AREA C	13.0	COLUMBIA GAS TRAN
8333276	504245	1615900000	108		WARFIELD NATURAL GAS #0 805807	KENTUCKY AREA C	10.0	COLUMBIA GAS TRAN
8333251	504220	1615900000	108		WARFIELD NATURAL GAS #0 805807	KENTUCKY AREA C	8.0	COLUMBIA GAS TRAN
8333239	504208	1615900000	108		MI BLANKENSHIP 804543	KENTUCKY AREA C	3.0	COLUMBIA GAS TRAN
8333318	504312	1615900000	108		MI DINGUS 804307	KENTUCKY AREA B	8.0	COLUMBIA GAS TRAN
8333226	504195	1608500000	108		MI S HUNCY ETAL 803854	KENTUCKY AREA C	12.0	COLUMBIA GAS TRAN
8333281	504250	1607100000	107-DV	RECEIVED: 04/20/83	J A: KY	SHRENSBURY	10.8	EQUITABLE LIFE AS
8333279	504249	1615300000	107-DV	RECEIVED: 04/20/83	ROBIN DINNIDIE #1 PERMIT #47729	KENTUCKY EAST	12.3	KENTUCKY WEST VIR
8333280	504248	1615300000	108	RECEIVED: 04/20/83	J C & VALENTINE HOPKINS - #KL45	APPALACHIAN	2.3	INLAND GAS CO
			108		CHARLES ROME	APPALACHIAN	4.1	INLAND GAS CO
			108		MORGAN ROIE			

FD Doc. 83-13232 Filed 5-16-83; 8:45 am]

BILLING CODE 6717-01-C

[Volume 893]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: May 12, 1983.

The following notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF).

The applications for determination are available for inspection except to the

extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission within fifteen days after publication of notice in the Federal Register.

Source data from the Form 121 for this and all previous notices is available on magnetic tape from the National Technical Information Service (NTIS). For information, contact Stuart Weisman (NTIS) at (703) 487-4808, 5285 Port Royal Rd., Springfield, Va. 22161.

Categories within each NGPA section

are indicated by the following codes.

- Section 102-1: New OCS lease
- 102-2: New well (2.5 Mile rule)
- 102-3 New well (1000 Ft rule)
- 102-4: New onshore reservoir
- 102-5: New reservoir on old OCS lease
- Section 107-DP: 15,000 feet or deeper
- 107-GB Geopressured brine
- 107-CS: Coal Seams
- 107-DV: Denoian 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.

**NOTICE OF DETERMINATIONS
ISSUED MAY 12, 1983**

VOLUME 893

JD NO	JA DKT	API NO	D SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER

LOUISIANA OFFICE OF CONSERVATION								

RECEIVED: 04/18/83 JA: LA								
-MORAN EXPLORATION INC			102-4	103	STATE LEASE 9414 82-D	FOUR LEAGUE BAY 3938	0.0	DOW INTRASTATE GA
8333425	82-2385	1710922596						

PENNSYLVANIA DEPARTMENT OF ENVIRONMENTAL RESOURCES								

RECEIVED: 04/21/83 JA: PA								
-ADDOE OIL & GAS CORPORATION			102-2		COMMONWEALTH OF PA TRACT 8324	KN085	24.0	
8333393	19630	3703321396			COUNTY OF IND/BLUE SPRUCE PARK #2	ERNEST	24.0	PEOPLES NATURAL G
8333371	19561	3706327371			RODNEY GREENE #1	CLYMER	24.0	
8333394	19631	3706327372						

RECEIVED: 04/21/83 JA: PA								
-ASHTOLA PRODUCTION CO			103		JOHN M GUYZ #1	HAWKEYE POOL	0.0	TEXAS EASTERN TRA
8333365	18757	3712921871						

RECEIVED: 04/21/83 JA: PA								
-ATLAS RESOURCES INC			102-4		ROGERS #1	SPRING	80.0	COLUMBIA GAS TRAN
8333363	16811	3703921577						

RECEIVED: 04/21/83 JA: PA								
-CASTLE GAS CO INC			108		A COCHRAN #1 (C-519) IND-24520	WHITE TOWNSHIP	21.0	COLUMBIA GAS TRAN
8333412	19579	3706324520			C M FAITH #1 (C-359) IND-24382	RAYNE TOWNSHIP	21.0	COLUMBIA GAS TRAN
8333416	19583	3706324382			D C LEASURE #1 (182A)(C-427)	WASHINGTON TOWNSHIP	21.0	COLUMBIA GAS TRAN
8333417	19584	3706324375			D C LEASURE #1 (184A)(C-430)	WHITE TOWNSHIP	21.0	COLUMBIA GAS TRAN
8333419	19586	3706324376			D C LEASURE #2 (182A)(C-428)	RAYNE TOWNSHIP	21.0	COLUMBIA GAS TRAN
8333418	19685	3706324374			J PETERMAN #1 (C-501) IND-24193	WHITE TOWNSHIP	21.0	COLUMBIA GAS TRAN
8333420	19687	3706324193			J PETERMAN #2 (C-502) IND-24194	WHITE TOWNSHIP	21.0	COLUMBIA GAS TRAN
8333421	19688	3706324194			J W BRADLEY #1 (C-437) IND-24589	RAYNE TOWNSHIP	21.0	COLUMBIA GAS TRAN
8333411	19678	3706324389			R CRAVEN #1 (C-426) IND-24377	WASHINGTON TOWNSHIP	21.0	COLUMBIA GAS TRAN
8333413	19680	3706324377			R CRAVEN #2 (C-503) IND-24192	WASHINGTON TOWNSHIP	21.0	COLUMBIA GAS TRAN
8333414	19681	3706324192			S MATTERSON #1 (C-414) IND-23721	WHITE TOWNSHIP	21.0	COLUMBIA GAS TRAN
8333422	19689	3706323721			S MATTERSON #2 (C-415) IND-23752	WHITE TOWNSHIP	21.0	COLUMBIA GAS TRAN
8333423	19690	3706323752			S MATTERSON #3 (C-416) IND-23738	WHITE TOWNSHIP	21.0	COLUMBIA GAS TRAN
8333424	19691	3706323738			W C VERNOCY #1 (C-392) IND-23545	WHITE TOWNSHIP	21.0	COLUMBIA GAS TRAN
8333407	19674	3706323546			W C VERNOCY #2 (C-393) IND-23546	WHITE TOWNSHIP	4.2	COLUMBIA GAS TRAN
8333408	19675	3706323546			W C VERNOCY #3 (C-399) IND-23574	WHITE TOWNSHIP	21.0	COLUMBIA GAS TRAN
8333409	19676	3706323574			W C VERNOCY #4 (C-400) IND-23575	WHITE TOWNSHIP	21.0	COLUMBIA GAS TRAN
8333410	19677	3706323575			W H CRAVEN HRS #1 (C-435) IND-23820	WHITE TOWNSHIP	21.0	COLUMBIA GAS TRAN
8333415	19682	3706323820						

RECEIVED: 04/21/83 JA: PA								
-CONSOLIDATED GAS SUPPLY CORPORATION			103		M WEBER #1 WN-1968	BLOOM TOWNSHIP	7.0	GENERAL SYSTEM PU
8333397	19652	3703321500			R G OLSON #1 WN-1939	PENN TOWNSHIP	0.0	GENERAL SYSTEM PU
8333396	19651	3703321397			WILLIAM B DRUMMOND WN-1031	YOUNG	24.0	GENERAL SYSTEM PU
8333362	15230	3706520448						

RECEIVED: 04/21/83 JA: PA								
-DORAN & ASSOCIATES INC			103		FRANK ARCH #1 DJ-1	UPPER DEVONIAN SANDS	30.0	PEOPLES NATURAL G
8333369	19441	3706326885						

RECEIVED: 04/21/83 JA: PA								
-FAIRMAR DRILLING CO			103		BRUCE BOE #1 - F-3697	NEW ALEXANDRIA	30.0	T W PHILLIPS GAS
8333382	19511	3712900000			BRUCE BOE #2 - F-3698	BIG RUN	20.0	T W PHILLIPS GAS
8333383	19612	3712900000			CHARLES W FRAMPTON #3 F-3692	NEW ALEXANDRIA	60.0	CONSOLIDATED GAS
8333378	19607	3706500000			L KENYON #1 - F-3694	BIG RUN	40.0	T W PHILLIPS GAS
8333381	19610	3712900000			MILES A BOLVIN #1-A F-3672	BIG RUN	60.0	CONSOLIDATED GAS
8333379	19608	3706500000			MILES A BOLVIN #2 F-3673	BIG RUN	60.0	CONSOLIDATED GAS
8333384	19613	3706500000			O M READ HRS #4 F-3625	BIG RUN	30.0	CONSOLIDATED GAS
8333388	19609	3703300000						

BILLING CODE 6717-01-M

JO NO	JA DKT	API NO	D SEC(1) SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8333376	19605	3706500000	103	ROBERT PEARCE #1 F-3653	BIG RUN	60.0	CONSOLIDATED GAS
8333377	19606	3706500000	103	ROBERT PEARCE #2 F-3654	BIG RUN	60.0	CONSOLIDATED GAS
8333386	19617	3706527651	103	STATE GAME LANDS #195 #4 F-3620	BIG RUN	60.0	CONSOLIDATED GAS
8333385	19615	3706500000	103	STATE GAME LANDS #195 #5 F-3621	BIG RUN	60.0	CONSOLIDATED GAS
8333375	19604	3706500000	103	STATE GAME LANDS #195 #6 F-3622	BIG RUN	60.0	CONSOLIDATED GAS
-MERIDIAN EXPLORATION CORP				RECEIVED: 04/21/83 JA: PA			
8333366	19327	3703921578	107-TF	G BROWN #617-1	ROCKDALE	30.0	COLUMBIA GAS TRAN
-NATIONAL FUEL GAS SUPPLY CORP				RECEIVED: 04/21/83 JA: PA			
8333331	14519	3706522130	108	A W LATHROP #829	HEATH TOWNSHIP	1.2	GENERAL SYSTEM PU
8333359	15119	3704720806	108	ALLEG NAT FOREST #5737	HILLSTONE FIELD	1.1	GENERAL SYSTEM PU
8333358	15113	3708300000	108	NALSEY LANDS #1195-P	METHORE TOWNSHIP	1.0	GENERAL SYSTEM PU
8333350	14516	3704720113	108	HILLIARD #1 #5979	MILLSTONE TOWNSHIP	5.3	GENERAL SYSTEM PU
8333352	14998	3704780000	108	HORTON & POWELL #4223	SPRING CREEK TOWNSHIP	0.2	GENERAL SYSTEM PU
8333324	15222	3704720648	108	J X P HALL #6228	JAY TOWNSHIP	3.7	GENERAL SYSTEM PU
8333361	14827	3703100000	108	J R McLAUGHLIN #1713-P	INCKAN TOWNSHIP	1.1	GENERAL SYSTEM PU
8333351	14929	3706500000	108	JOS E REAGHART #3362	CLARION TOWNSHIP	1.2	GENERAL SYSTEM PU
8333360	15140	3706500000	108	JUDITH CLEMENTS #3631	MARSAN TOWNSHIP	0.8	GENERAL SYSTEM PU
8333349	14672	3706500000	108	L C WYKHOOP #5578	HEATH TOWNSHIP	3.9	GENERAL SYSTEM PU
8333353	15045	3708300000	108	L C WYKHOOP #4628	HEATH TOWNSHIP	4.7	GENERAL SYSTEM PU
8333356	15099	3704700000	108	L D MATHORE #991-P	HAMILTON TOWNSHIP	8.1	GENERAL SYSTEM PU
8333328	14512	3704720792	108	LAVINA AVEY #518-P	HIGHLAND TOWNSHIP	0.1	GENERAL SYSTEM PU
8333326	14210	3704700000	108	LIZZIE M HYDE #5005	HILLSTONE TOWNSHIP	0.2	GENERAL SYSTEM PU
8333325	14002	3703100000	108	OLIVER W PROFFER #955 P	HIGHLAND TOWNSHIP	0.4	GENERAL SYSTEM PU
8333327	14506	3704720184	108	PA STATE GAME LANDS #4225	HILLSTONE TOWNSHIP	0.8	GENERAL SYSTEM PU
8333329	14515	3704780000	108	PA STATE GAME LANDS #50425	HILLSTONE TOWNSHIP	0.4	GENERAL SYSTEM PU
8333354	15032	3708329123	108	PA STATE GAME LANDS #5978	HILLSTONE TOWNSHIP	2.8	GENERAL SYSTEM PU
8333355	15033	3712330129	108	THOMAS KEELOR #541-P	HILLSTONE TOWNSHIP	0.7	GENERAL SYSTEM PU
8333357	15100	3703120016	108	WESB HORTON #149-P	SHEFFIELD TOWNSHIP	0.4	GENERAL SYSTEM PU
-NRM PETROLEUM CORPORATION				RECEIVED: 04/21/83 JA: PA			
8333368	19365	3704922135	102-2	KISBE #1	WATERFORD	0.0	COLUMBIA GAS TRAN
8333367	19364	3704722135	107-TF	KISBE #1	WATERFORD	0.0	COLUMBIA GAS TRAN
-PENN STATE JOINT VENTURE				RECEIVED: 04/21/83 JA: PA			
8333352	14647	3705300000	108	ADL-1	QUEEN SAND GLADE FORM	4.0	NATIONAL FUEL GAS
8333353	14648	3705300000	108	ADL-2	QUEEN SAND GLADE FORM	4.0	NATIONAL FUEL GAS
8333354	14647	3705300000	108	ADL-3	QUEEN SAND GLADE FORM	0.4	NATIONAL FUEL GAS
8333355	14650	3705300000	108	ADL-4	QUEEN SAND GLADE FORM	4.0	NATIONAL FUEL GAS
8333356	14651	3705323428	108	ADL-5	QUEEN SAND GLADE FORM	4.0	NATIONAL FUEL GAS
8333357	14652	3705323430	108	ADL-7	QUEEN SAND GLADE FORM	4.0	NATIONAL FUEL GAS
8333358	14653	3705323432	108	ADL-9	QUEEN SAND GLADE FORM	4.0	NATIONAL FUEL GAS
8333359	14654	3705323436	108	ATL-1	QUEEN SAND GLADE FORM	4.0	NATIONAL FUEL GAS
8333346	14655	3705323437	108	ATL-2	QUEEN SAND GLADE FORM	4.0	NATIONAL FUEL GAS
8333341	14656	3705323438	108	ATL-3	QUEEN SAND GLADE FORM	4.0	NATIONAL FUEL GAS
8333342	14657	3705323439	108	ATL-4	QUEEN SAND GLADE FORM	4.0	NATIONAL FUEL GAS
8333343	14658	3705323440	108	ATL-5	QUEEN SAND GLADE FORM	4.0	NATIONAL FUEL GAS
8333344	14659	3705300000	108	AD1-1	QUEEN SAND GLADE FORM	4.0	NATIONAL FUEL GAS
8333345	14660	3705300000	108	AD1-2	QUEEN SAND GLADE FORM	4.0	NATIONAL FUEL GAS
8333346	14661	3705323715	108	AD1-3	QUEEN SAND GLADE FORM	4.0	NATIONAL FUEL GAS
8333347	14662	3705323716	108	AD1-4	QUEEN SAND GLADE FORM	4.0	NATIONAL FUEL GAS
8333348	14663	3705323717	108	AD1-5	QUEEN SAND GLADE FORM	4.0	NATIONAL FUEL GAS
-PEOPLES NATURAL GAS CO				RECEIVED: 04/21/83 JA: PA			
8333402	19658	3712921017	103	ANDREW METZ #1 - WES-21017	W PENNA - UPPER DEVON	34.0	PEOPLES NATURAL G
8333405	19662	3706323987	103	CLYDE M BEATTY #2 - IND-23987	W PENNA - UPPER DEVON	28.0	PEOPLES NATURAL G
8333404	19660	3706323894	103	EDNA I HENRY #5 - IND-23894	W PENNA - UPPER DEVON	17.0	PEOPLES NATURAL G
8333403	19659	3706323848	103	ELMIRA J HOPKINS #3 - IND-23848	W PENNA - UPPER DEVON	16.0	PEOPLES NATURAL G
8333406	19663	3706323881	103	ERNEST MCKEE #3 - IND-23881	W PENNA - UPPER DEVON	14.0	PEOPLES NATURAL G
8333399	19655	3706323953	103	J D COUCH #2 - IND-23953	W PENNA - UPPER DEVON	26.0	PEOPLES NATURAL G
8333400	19656	3706323970	103	J D COUCH #3 - IND-23970	W PENNA - UPPER DEVON	0.0	PEOPLES NATURAL G
8333398	19654	3706323617	103	MILTON NEAL #3 - IND-23617	W PENNA - UPPER DEVON	33.0	PEOPLES NATURAL G
8333401	19657	3706324000	103	ROBERT M NEHRIG #1 - IND-24000	W PENNA - UPPER DEVON	21.0	PEOPLES NATURAL G
-PHILLIPS PRODUCTION CO				RECEIVED: 04/21/83 JA: PA			
8333395	19652	3703321529	102-2	JOHN E WESTOVER #1	GREENHOOD	35.0	
-R & L DEVELOPMENT CO				RECEIVED: 04/21/83 JA: PA			
8333370	19487	3712922141	103	R & L DEVELOPMENT CO #5	SALTBERG	20.0	T W PHILLIPS GAS
-S I JOINT VENTURE #2E				RECEIVED: 04/21/83 JA: PA			
8333374	15597	3703321555	103	ASKEY #1	BRADY	25.0	NATIONAL FUEL GAS
-SKALSKI BERNARD/KINGSLEY OIL & GAS				RECEIVED: 04/21/83 JA: PA			
8333388	19629	3705323282	108	FOR 23282 5-3	KELLETVILLE (HARRANT	0.0	QUAKER STATE OIL
8333398	19621	3705323284	108	FOR 23284 5-5	KELLETVILLE (HARRANT	0.0	QUAKER STATE OIL
8333391	19622	3705300000	108	FOR 23860 5-6	KELLETVILLE (HARRANT	0.0	QUAKER STATE OIL
8333392	19623	3705300000	108	FOR 24546 5-7	KELLETVILLE (HARRANT	0.0	QUAKER STATE OIL
8333389	19620	3705300000	108	FOR 24565 5-4	KELLETVILLE (HARRANT	0.0	QUAKER STATE OIL
8333387	19618	3705300000	108	FOR-22116 5-2	KELLETVILLE (HARRANT	0.0	QUAKER STATE OIL
-TIPCO				RECEIVED: 04/21/83 JA: PA			
8333372	19578	3712330414	107-TF	W M RUSSELL #1	SUGAR GROVE	0.0	
8333373	19579	3712330414	103	W M RUSSELL #1	SUGAR GROVE	0.0	
-WAINCO OIL & GAS CO				RECEIVED: 04/21/83 JA: PA			
8333364	17182	3703921658	107-TF	ELEANOR G PUSZ #1 (CS-9A)	CAMBRIDGE SPRINGS	31.5	NATIONAL FUEL GAS

** DEPARTMENT OF THE INTERIOR, MINERALS MANAGEMENT SERVICE, ALBUQUERQUE, NM							

-EL PASO EXPLORATION CO				RECEIVED: 04/22/83 JA: NM 4			
8333483	NM-034782-PB	3003906310	108-PB	JICARILLA 117 E #7 PC	TAPACITO	0.0	NORTHWEST PIPELIN
8333500	NM-034582-PB	3003906226	108-PB	JICARILLA 120 C #15	SOUTH BLANCO	0.0	NORTHWEST PIPELIN
8333501	NM-034682-PB	3003921189	108-PB	JICARILLA 123 C #21	SOUTH BLANCO	0.0	NORTHWEST PIPELIN
-EL PASO NATURAL GAS COMPANY				RECEIVED: 04/22/83 JA: NM 4			
8333453	NM-0378-82PB	3004500000	108	DELHI TURNER #1	BLANCO	0.0	EL PASO NATURAL G
8333468	NM-034482-PB	3004521983	108-PB	GRAMBLING C #11J	BLANCO	0.0	EL PASO NATURAL G
8333458	NM-0003-83PB	3004507764	108-PB	HUGHES A #3	BLANCO	0.0	EL PASO NATURAL G
8333456	NM-0368-82PB	3004507764	108-PB	HUGHES A #3	BLANCO	0.0	EL PASO NATURAL G
8333479	NM-035982-PB	3004560060	108-PB	MOORE #3	BLANCO	0.0	EL PASO NATURAL G
8333460	NM-0002-83PB	3004560060	108-PB	MOORE #3	BLANCO	0.0	EL PASO NATURAL G
8333460	NM-0007-83PB	3004507093	108-PB	RUSSELL #2	BLANCO	0.0	EL PASO NATURAL G
8333466	NM-0375-82PB	3004567093	108-PB	RUSSELL #2	BLANCO	0.0	EL PASO NATURAL G
8333454	NM-033682-PB	3003906939	108-PB	SAN JUAN	BLANCO	0.0	EL PASO NATURAL G
8333454	NM-0352-82PB	3003921845	108-PB	SAN JUAN 27-4 UNIT #115	BLANCO	0.0	EL PASO NATURAL G
8333449	NM-0374-82PB	3003907206	108-PB	SAN JUAN 27-4 UNIT #19 PC & MV	TAPACITO	0.0	EL PASO NATURAL G
8333477	NM-036182-PB	3003907059	108-PB	SAN JUAN 27-4 UNIT #22	BLANCO & TAPACITO	0.0	EL PASO NATURAL G
8333472	NM-035482-PB	3003906862	108-PB	SAN JUAN 27-4 UNIT #25	BLANCO	0.0	EL PASO NATURAL G
8333463	NM-0017-83PB	3003906862	108-PB	SAN JUAN 27-4 UNIT #25	BLANCO	0.0	EL PASO NATURAL G
8333473	NM-036982-PB	3003906792	108-PB	SAN JUAN 27-4 UNIT #27	BLANCO	0.0	EL PASO NATURAL G
8333464	NM-001983-PB	3003920719	108-PB	SAN JUAN 27-4 UNIT #70	BLANCO	0.0	EL PASO NATURAL G
8333476	NM-036282-PB	3003920886	108-PB	SAN JUAN 27-4 UNIT #77	BASIN	0.0	EL PASO NATURAL G
8333459	NM-0004-83PB	3003920828	108-PB	SAN JUAN 27-4 UNIT #89	TAPACITO	0.0	EL PASO NATURAL G

JD NO	JA DKT	API NO	D SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8333455	NM-0384-82PB	3003920828	108-PB		SAN JUAN 27-4 UNIT 889	TAPACITO	0.0	EL PASO NATURAL G
8333456	NM-0395-82PB	3003920955	108-PB		SAN JUAN 27-4 UNIT 890	TAPACITO	0.0	EL PASO NATURAL G
8333475	NM-036882-PB	3003920837	108-PB		SAN JUAN 27-4 UNIT 894	BASIN	0.0	EL PASO NATURAL G
8333474	NM-036782-PB	3003906683	108-PB		SAN JUAN 27-4 UNIT 35 MV & PC	BLANCO & TAPACITO	0.0	EL PASO NATURAL G
8333493	NM-001583-PB	3003907812	108-PB		SAN JUAN 27-5 UNIT 810	BLANCO	0.0	EL PASO NATURAL G
8333488	NM-039482-PB	3003920602	108-PB		SAN JUAN 27-5 UNIT 8149	TAPACITO	0.0	EL PASO NATURAL G
8333490	NM-000683-PB	3003920672	108-PB		SAN JUAN 27-5 UNIT 8158	TAPACITO	0.0	EL PASO NATURAL G
8333505	NM-035682-PB	3003906964	108-PB		SAN JUAN 27-5 UNIT 816	BLANCO	0.0	EL PASO NATURAL G
8333489	NM-000583-PB	3003920812	108-PB		SAN JUAN 27-5 UNIT 8176	TAPACITO	0.0	EL PASO NATURAL G
8333508	NM-036482-PB	3003920818	108-PB		SAN JUAN 27-5 UNIT 8179	TAPACITO	0.0	EL PASO NATURAL G
8333507	NM-036582-PB	3003907141	108-PB		SAN JUAN 27-5 UNIT 82	BLANCO	0.0	EL PASO NATURAL G
8333497	NM-033882-PB	3003906878	108-PB		SAN JUAN 27-5 UNIT 866	BLANCO	0.0	EL PASO NATURAL G
8333452	NM-0377-82PB	3003908847	108-PB		SAN JUAN 27-5 UNIT 868 MV & PC	BLANCO SOUTH BLANCO	0.0	EL PASO NATURAL G
8333502	NM-034782-PB	3003907113	108-PB		SAN JUAN 27-5 UNIT 877	TAPACITO	0.0	EL PASO NATURAL G
8333503	NB-035282-PB	3003907205	108-PB		SAN JUAN 27-5 UNIT NP 855	BLANCO	0.0	NORTHWEST PIPELIN
8333481	NM-038382-PB	3003920812	108-PB		SAN JUAN 27-5 UNIT 174	TAPACITO	0.0	EL PASO NATURAL G
8333496	NM-033782-PB	3003907293	108-PB		SAN JUAN 28-4 UNIT 819	BLANCO	0.0	EL PASO NATURAL G
8333495	NM-016682-PB	3003907281	108-PB		SAN JUAN 28-4 UNIT 820	BLANCO	0.0	EL PASO NATURAL G
8333470	NM-034982-PB	3003920174	108-PB		SAN JUAN 28-4 UNIT 832	BASIN	0.0	EL PASO NATURAL G
8333467	NM-034282-PB	3003920674	108-PB		SAN JUAN 28-4 UNIT 836	BASIN	0.0	EL PASO NATURAL G
8333469	NM-034882-PB	3003920187	108-PB		SAN JUAN 28-5 UNIT 881	BASIN	0.0	EL PASO NATURAL G
8333504	NM-035582-PB	3003907130	108-PB		SAN JUAN 28-6 UNIT 80 MV & PC	BLANCO & SOUTH BLANCO	0.0	EL PASO NATURAL G
8333484	NM-038982-PB	3003907452	108-PB		SAN JUAN 28-6 UNIT 815	BLANCO	0.0	EL PASO NATURAL G
8333498	NM-034082-PB	3003920858	108-PB		SAN JUAN 28-6 UNIT 8187	BLANCO SOUTH	0.0	EL PASO NATURAL G
8333509	NM-036382-PB	3003920872	108-PB		SAN JUAN 28-6 UNIT 8192	BLANCO SOUTH	0.0	EL PASO NATURAL G
8333494	NM-001883-PB	3003907339	108-PB		SAN JUAN 28-6 UNIT 830	BLANCO	0.0	EL PASO NATURAL G
8333480	NM-038082-PB	3003920608	108-PB		SAN JUAN 28-6 UNIT 172	SOUTH BLANCO	0.0	EL PASO NATURAL G
8333499	NM-036182-PB	3003921093	108-PB		SAN JUAN 28-7 UNIT 8242	BASIN	0.0	EL PASO NATURAL G
8333486	NM-039282-PB	3003907411	108-PB		SAN JUAN 28-7 UNIT 830	BLANCO	0.0	EL PASO NATURAL G
8333461	NM-0013-83PB	3003907172	108-PB		SAN JUAN 28-7 UNIT 837	SOUTH BLANCO	0.0	EL PASO NATURAL G
8333511	NM-035782-PB	3003907497	108-PB		SAN JUAN 29-7 UNIT 895	BLANCO	0.0	EL PASO NATURAL G
8333462	NM-0016-83PB	3003907808	108-PB		SAN JUAN 30-4 UNIT 814	EAST BLANCO	0.0	EL PASO NATURAL G
8333471	NM-035382-PB	3003907902	108-PB		SAN JUAN 30-4 UNIT 825	EAST BLANCO	0.0	EL PASO NATURAL G
8333465	NM-032882-PB	3003920777	108-PB		SAN JUAN 30-4 UNIT 834	EAST BLANCO	0.0	EL PASO NATURAL G
8333512	NM-037082-PB	3003907806	108-PB		SAN JUAN 30-6 UNIT 827	BLANCO	0.0	EL PASO NATURAL G
8333506	NM-036882-PB	3003906098	108-PB		SAN JUAN 30-6 UNIT 83	BLANCO	0.0	EL PASO NATURAL G
8333487	NM-039382-PB	3003907886	108-PB		SAN JUAN 30-6 UNIT 836	BLANCO	0.0	EL PASO NATURAL G
8333510	NM-035882-PB	3003907876	108-PB		SAN JUAN 30-6 UNIT 840 X	BLANCO	0.0	EL PASO NATURAL G
8333491	NM-000883-PB	3003907841	108-PB		SAN JUAN 30-6 UNIT 863	BLANCO	0.0	EL PASO NATURAL G
8333485	NM-039082-PB	3003907841	108-PB		SAN JUAN 30-6 UNIT 863	BLANCO	0.0	EL PASO NATURAL G
8333451	NM-0376-82PB	3003907844	108-PB		SAN JUAN 30-6 UNIT 866	BLANCO	0.0	EL PASO NATURAL G
8333482	NM-038682-PB	3003907879	108-PB		SAN JUAN 30-6 UNIT 888	BLANCO	0.0	EL PASO NATURAL G
8333478	NM-036082-PB	3003982393	108-PB		SAN JUAN 32-5 UNIT 83	BASIN	0.0	EL PASO NATURAL G
8333492	NM-001483-PB	3003907992	108-PB		SAN JUAN 32-5 UNIT 87	BLANCO	0.0	EL PASO NATURAL G
8333445	NM-0350-82PB	3004506482	108-PB	RECEIVED: 04/22/83	JAI NM 4			
8333447	NM-0325-82PB	3004523097	108-PB	RECEIVED: 04/22/83	JAI NM 4	BLANCO MESAVERDE	0.0	EL PASO NATURAL G
8333448	NM-0311-82PB	3003907246	108-PB	RECEIVED: 04/22/83	JAI NM 4	50 LOS PINOS FRUITLAN	0.0	NORTHWEST PIPELIN
8333430	NM-0313-82PB	3004521488	108-PB		COX CANYON UNIT 12	BLANCO PICTURED CLIFF	0.0	NORTHWEST PIPELIN
8333426	NM-0373-82PB	3004521488	108-PB		COX CANYON UNIT 12	BLANCO PICTURED CLIFF	0.0	NORTHWEST PIPELIN
8333428	NM-0311-82PB	3003907246	108-PB		INDIAN I #1	BLANCO MESAVERDE GAVI	0.0	NORTHWEST PIPELIN
8333429	NM-0312-82PB	3003906897	108-PB		JICARILLA 92 #2	BLANCO MESAVERDE	0.0	NORTHWEST PIPELIN
8333434	NM 0317-82PB	3003920019	108-PB		JICARILLA 92 #3	TAPACITO-PICTURED CLI	0.0	NORTHWEST PIPELIN
8333433	NM 0316-82PB	3003921130	108-PB		JICARILLA 92 #3	BLANCO MESAVERDE	0.0	NORTHWEST PIPELIN
8333437	NM 0321-82PB	3003921133	108-PB		JICARILLA 93 #10	TAPACITO-PICTURED CLI	0.0	NORTHWEST PIPELIN
8333442	NM-0326-82PB	3003907963	108-PB		ROSA UNIT 16	BLANCO MESAVERDE	0.0	NORTHWEST PIPELIN
8333443	NM-0327-82PB	3003907951	108-PB		ROSA UNIT 21	BLANCO MESAVERDE	0.0	NORTHWEST PIPELIN
8333440	NM 0323-82PB	3003907981	108-PB		ROSA UNIT 41	BLANCO MESAVERDE	0.0	NORTHWEST PIPELIN
8333427	NM-0332-82PB	3003907835	108-PB		SAN JUAN 30-5 UNIT 25	BLANCO MESAVERDE	0.0	NORTHWEST PIPELIN
8333441	NM 0324-82PB	3003907916	108-PB		SAN JUAN 31-6 UNIT #22	BLANCO MESAVERDE	0.0	NORTHWEST PIPELIN
8333431	NM-0314-82PB	3003907908	108-PB		SAN JUAN 31-6 UNIT 17	BLANCO MESAVERDE	0.0	NORTHWEST PIPELIN
8333444	NM-0331-82PB	3003982390	108-PB		SAN JUAN 31-6 UNIT 23	BLANCO MESAVERDE	0.0	NORTHWEST PIPELIN
8333435	NM-0318-82PB	3003920779	108-PB		SAN JUAN 31-6 UNIT 24 DK	BASIN DAKOTA	0.0	NORTHWEST PIPELIN
8333432	NM-0315-82PB	3004510934	108-PB		SAN JUAN 32-7 UNIT 5	BLANCO MESAVERDE	0.0	NORTHWEST PIPELIN
8333436	NM-0322-82PB	3004523686	108-PB		SAN JUAN 32-7 UNIT 56	BASIN DAKOTA	0.0	NORTHWEST PIPELIN
8333438	NM-0320-82PB	3004511135	108-PB		SAN JUAN 32-8 UNIT 14	BLANCO MESAVERDE	0.0	NORTHWEST PIPELIN
8333439	NM-0319-82PB	3004511231	108-PB		SAN JUAN 32-8 UNIT 31	BLANCO MESAVERDE	0.0	NORTHWEST PIPELIN
8333446	NM-0391-82PB	3004521800	108-PB	RECEIVED: 04/22/83	JAI NM 4	AZTEC PICTURED CLIFFS	0.0	SOUTHERN UNION GA

[FR Doc. 83-13233 Filed 5-16-83; 8:45 am]

BILLING CODE 6717-01-C

[Volume 894]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: May 12, 1983.

The following notices of determinations were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF).

The applications for determination are available for inspection except to the extent such material is confidential

under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission within fifteen days after publication of notice in the **Federal Register**.

Source data from the Form 121 for this and all previous notices is available on magnetic tape from the National Technical Information Service (NTIS). For information, contact Stuart Weisman (NTIS) at (703) 487-4808, 5285 Port Royal Rd., Springfield, Va. 22161.

Categories within each NGPA section are indicated by the following codes:

Section 102-1: New OCS lease
102-2: New well (2.5 Mile rule)
102-3: New well (1000 Ft rule)
102-4: New onshore reservoir
102-5: New reservoir on old OCS lease

Section 107-DP: 15,000 feet or deeper
107-CB: 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.

NOTICE OF DETERMINATIONS

VOLUME 894

ISSUED MAY 12, 1983

JD NO	JA DKT	API NO	D SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER

TEXAS RAILROAD COMMISSION								

AMOCO PRODUCTION CO								
8333735	F-8A-066225	4239339865	103	RECEIVED:	04/25/83 JA: TX			
8333737	F-8A-066224	4239339864	103		ANTON IRISH CLEARFORK UNIT #456	ANTON IRISH	0.1	WESTAR TRANSMISSI
8333736	F-8A-066223	4239339875	103		ANTON IRISH CLEARFORK UNIT #457	ANTON IRISH	0.1	WESTAR TRANSMISSI
8333649	F-06-065497	4240131414	102-4		ANTON-IRISH CLEARFORK UNIT #464	ANTON-IRISH	0.1	WESTAR TRANSMISSI
8333739	F-08-066227	4200335283	103		BETTIE COLEMAN #9	REDWINE (TRAVIS PEAK)	3.9	ARCO OIL & GAS CO
8333742	F-8A-066226	4200335283	103		FRANK CONDEN R/A "T" #23	CONDEN NORTH	0.2	WESTAR TRANSMISSI
8333740	F-08-066227	4200335294	103		MAY MONTGOMERY UNIT #50	LEVELLAND	0.2	AMOCO PRODUCTION
8333651	F-08-065507	4200333368	103		MIDLAND FARMS "AW" #5	PASKEN (PENN)	0.1	AMOCO PRODUCTION
8333741	F-08-066228	4200333366	103		UNIVERSITY MCFARLAND QUEEN CON #1-9	MCFARLAND (QUEEN)	0.0	PHILLIPS PETROLEU
8333735	F-08-066222	4200333362	103		UNIVERSITY MCFARLAND QUEEN CON #4-4	MCFARLAND (QUEEN)	0.0	PHILLIPS PETROLEU
8333735	F-08-066222	4200333362	103		UNIVERSITY MCFARLAND QUEEN CON #4-5	MCFARLAND QUEEN	0.0	PHILLIPS PETROLEU
ARCO OIL AND GAS COMPANY								
8333606	F-7C-065787	4241331275	103	RECEIVED:	04/25/83 JA: TX			
B & N PETROLEUM INC								
8333685	F-06-065762	4213153800	103	RECEIVED:	04/25/83 JA: TX	CAMAR 5 W (STRAWN)	30.0	ARCO OIL & GAS CO
BLAIR PROPERTIES								
8333590	F-7B-062942	4236332091	103	RECEIVED:	04/25/83 JA: TX	OAK HILL 5 (COTTON VA	7.7	INTRATEX GAS CO
BOMMER ENGINEERING CO								
8333542	F-01-060662	4250731755	102-4	RECEIVED:	04/25/83 JA: TX	PALO PINTO (REGULAR)	30.0	SOUTHWESTERN GAS
8333536	F-01-059155	4250731721	102-4		BETTY GRAHAM #1			
8333527	F-01-063354	4250731721	102-4		MATTHEWS 14-13	SUNDOWN - LUCAS P (ES	57.0	MAN-GAS TRANSMISS
BRIDWELL OIL CO								
8333543	F-7B-060696	4241700000	103	RECEIVED:	04/25/83 JA: TX	SUNDOWN-LUCAS P (ESCO	67.2	MAN-GAS TRANSMISS
C & K PETROLEUM INC								
8333584	F-08-063849	4243100000	103	RECEIVED:	04/25/83 JA: TX	SUNDOWN - LUCAS P (SA	52.0	MAN-GAS TRANSMISS
8333600	F-08-064596	4243100000	103		JAMES T MATTHEWS #1	BIRTHDAY (MORAN)	100.0	LONE STAR GAS CO
CAUBLE ENTERPRISES								
8333861	F-06-066472	4228930528	102-4	RECEIVED:	04/25/83 JA: TX	CONGER (PENN) FIELD	200.0	VALERO TRANSMISSI
CENERGY EXPLORATION CO								
8333550	F-03-061096	4270830287	102-4	RECEIVED:	04/25/83 JA: TX	CONGER (PENN)	0.0	VALERO TRANSMISSI
CHALMERS OPERATING CO INC								
8333874	F-7B-066495	4209330986	102-4	RECEIVED:	04/25/83 JA: TX	SUPRON (PETTIT)	730.0	LONE STAR GAS CO
8333782	F-7B-066344	4209330986	102-4		STATE TRACT 10-L SW/4 #10	HIGH ISLAND BLOCK 10-	0.0	TRANSCONTINENTAL
CHAMBERS OIL CO								
8333871	F-7B-066489	4204933366	102-4	RECEIVED:	04/25/83 JA: TX	CHARLIES (MISSISSIPPI	28.9	LONE STAR GAS CO
CHEVRON U S A INC								
8333712	F-8A-066157	4241532316	103	RECEIVED:	04/25/83 JA: TX	CHARLIE'S (MISSISSIPP	7.3	LONE STAR GAS CO
8333714	F-8A-066159	4241532305	103		M CHAMBERS #5 (19390)	DALE (CADDO)	0.0	SOUTHWESTERN GAS
8333715	F-8A-066160	4241532304	103		SACROC UNIT #178-5	KELLY - SNYDER	90.0	EL PASO NATURAL G
8333713	F-8A-066158	4241532314	103		SACROC UNIT #28-16	KELLY - SNYDER	90.0	EL PASO NATURAL G
CIRCLE SEVEN PRODUCTION CO								
8333517	F-09-048939	4249732518	103	RECEIVED:	04/25/83 JA: TX	KELLY - SNYDER	35.0	EL PASO NATURAL G
CITIES SERVICE COMPANY								
8333515	F-06-046877	4234730686	102-2	RECEIVED:	04/25/83 JA: TX	KELLY - SNYDER	26.0	EL PASO NATURAL G
8333516	F-06-048735	4234730684	102-2		D C SIPES #1	BOONSVILLE (BEND CONG	0.0	NATURAL GAS PIPEL
8333650	F-08-065505	4213520413	108		LEE D-1	M APPLEBY (TRAVIS PEA	365.0	LIBERTY NATURAL G
					THOMAS "C" #8	APPLEBY M (TRAVIS PEA	1610.0	LIBERTY NATURAL G
						TXL (WOLFPCAMP NORTH)	6.0	SHELL OIL CO

BILLING CODE 8717-01-M

JD NO	JA DKT	API NO	D SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-	COMMAND PETROLEUM CORP				RECEIVED: 04/25/83 JA: TX			
8333870	F-78-066485	4214330750	103		PARKS #1 (19302)	ERATH COUNTY REGULAR	11.0	CORONADO TRANSMIS
-	COMMAND PETROLEUM INC				RECEIVED: 04/25/83 JA: TX			
8333576	F-78-063254	4236700000	102-4		W HUFFSTUTTLER #1 (103415)	HUFFSTUTTLER (STRAWN)	42.0	EMPIRE PIPELINE C
-	CONOCO INC				RECEIVED: 04/25/83 JA: TX			
8333557	F-10-061649	4206500000	108		BURNETT 2A	WEST PANHANDLE	3.0	CITIES SERVICE GA
8333796	F-08-066371	4248535292	108		GRISHAM & GREENMAN #28 (222611)	SPRABERRY (TREND AREA)	0.9	ADDIE OIL CO
8333800	F-08-066375	4200300000	108		NIX SOUTH UNIT #18 (20638)	NIX SOUTH	1.1	PHILLIPS PETROLEU
8333798	F-78-066373	4215130168	108		ROUND TOP PALO PINTO #154 #11416	ROUND TOP (PALO PINTO)	0.8	LONE STAR GAS CO
8333799	F-78-066374	4215131704	108		ROUND TOP PALO PINTO #164 #11416	ROUND TOP (PALO PINTO)	0.3	LONE STAR GAS CO
8333801	F-78-066376	4215100000	108		ROUND TOP PALO PINTO #68 #11416	ROUND TOP (PALO PINTO)	0.3	LONE STAR GAS CO
8333797	F-09-066372	4248535292	108		T J & J L WAGGONER #58 (18376)	WICHITA CO REGULAR	1.0	EAGLE PETROLEUM C
8333795	F-09-066370	4248535436	108		T J & J L WAGGONER #57 (18376)	WICHITA COUNTY REGULA	1.0	EAGLE PETROLEUM C
-	COPET INC				RECEIVED: 04/25/83 JA: TX			
8333876	F-78-066499	4204932953	108		L L WHITE #1 (108099155)	BROWN COUNTY REGULAR	20.0	LONE STAR GAS CO
8333875	F-78-066498	4204932315	108		O STEEL-J BELL FISHER A-1 #095001	BROWN COUNTY REGULAR	18.0	LONE STAR GAS CO
-	CORDOVA RESOURCES INC				RECEIVED: 04/25/83 JA: TX			
8333815	F-09-066411	4225732166	103		CANTRELL #1	HOEFLE (POOL) & WILD	91.3	SOUTHWESTERN GAS
-	COTTON PETROLEUM CORPORATION				RECEIVED: 04/25/83 JA: TX			
8333652	F-10-065519	4229531222	103		LAURHAN #3	WILEY (TONKAWA)	10.0	TRANSWESTERN PIPE
-	CRB OIL & GAS INC				RECEIVED: 04/25/83 JA: TX			
8333591	F-01-064000	4250731785	102-4		LEE RANCH D041D	LEE RANCH (SAN MIGUEL)	180.0	NORTHERN NATURAL
-	CROMERA OIL & GAS CO				RECEIVED: 04/25/83 JA: TX			
8333537	F-78-059227	4247133410	102-4		JOHN SEDWICK #1	CROMERA (MORAN)	3.7	WARREN PETROLEUM
-	DALCO PETROLEUM INC				RECEIVED: 04/25/83 JA: TX			
8333520	F-03-052643	4203931604	103		FITE & ALLEN #3	SANDY POINT WEST (650)	11.0	CHANNEL INDUSTRIE
-	DELRAY OIL INC				RECEIVED: 04/25/83 JA: TX			
8333580	F-78-063618	4208333202	102-4		EDGAR HERRING #4	COLEMAN (MORRIS)	109.5	LONE STAR GAS CO
-	DELTA DRILLING CO				RECEIVED: 04/25/83 JA: TX			
8333519	F-06-051607	4242300000	102-4	103	WILLIAMS "A" #11	CHAPEL HILL SW (TRAVI	0.0	E TEXAS PRODUCERS
-	EL PASO NATURAL GAS COMPANY				RECEIVED: 04/25/83 JA: TX			
8333522	F-7C-052959	4243500000	103	107-TF	BARTON #4	SONORA (CANYON/UPPER)	79.0	EL PASO NATURAL G
8333568	F-7C-062897	4243532464	103	107-TF	BERGER GAS UNIT #7	SONORA CANYON UPPER	30.0	EL PASO NATURAL G
8333567	F-7C-062896	4243532604	103	107-TF	DE BERRY "A" #12	SONORA CANYON UPPER	99.0	EL PASO NATURAL G
8333559	F-7C-066462	4241352932	108		SHEEN A #1 FIELD SALE	FORT MCKAVITT (CANYON	26.0	EL PASO NATURAL G
8333521	F-7C-052957	4243500000	103	107-TF	STEEN #20	SONORA (CANYON/UPPER)	65.0	EL PASO NATURAL G
8333569	F-7C-062898	4243532592	103	107-TF	THOMPSON #2-A	PHYLLIS SONORA (CANYO	59.0	EL PASO NATURAL G
-	ENRE CORP				RECEIVED: 04/25/83 JA: TX			
8333687	F-78-065827	4205933424	102-4		L M CLINTON #1	SCRANTON NW (DUFFER)	3.0	BENGAL GAS TRANSM
8333688	F-78-065831	4213334326	102-4		MITCHAM "G" #8 (19224)	D R 5 (CADD0)	14.0	BENGAL GAS TRANSM
8333760	F-78-066283	4213334504	102-4		MITCHAM ESTATE "HM" #5 (19271)	DRS SE (CONGL)	79.0	BENGAL GAS TRANSM
8333761	F-78-066284	4213334582	102-4		MITCHAM ESTATE "HM" #6 (19271)	DRS SE (CONGL)	59.0	BENGAL GAS TRANSM
8333758	F-78-066280	4213334501	102-4		ROY PIPPEN #2 (19112)	DRS SE (CONGL)	66.0	BENGAL GAS TRANSM
8333759	F-78-066281	4213334525	102-4		ROY PIPPEN #3 (19112)	DRS SE (CONGL)	60.0	BENGAL GAS TRANSM
-	ENSERCH EXPLORATION INC				RECEIVED: 04/25/83 JA: TX			
8333444	F-06-060762	4220300000	103		DELLA HUGHES #5	WHELAN	912.0	TEXAS EASTERN GAS
-	ESENJAY PETROLEUM CORP				RECEIVED: 04/25/83 JA: TX			
8333655	F-04-065635	4235532097	103		SAM COUNTESS #1-R	AQUA DULCE (6600)	150.0	
-	EXCELSIOR OIL CORP				RECEIVED: 04/25/83 JA: TX			
8333637	F-06-065383	4218300000	103		ROBERT GIBBS GAS UNIT #1	DANVILLE EAST (PETTIT	144.0	WESTERN GAS CORP
-	EXCHANGE OIL & GAS CORPORATION				RECEIVED: 04/25/83 JA: TX			
8333624	F-06-065142	4242303060	102-2		FLEMING #1	LINDALE (RODESSA A)	400.0	WESTERN GAS CORP
-	EXPANDO OIL CO				RECEIVED: 04/25/83 JA: TX			
8333746	F-09-066245	4219730524	102-4		MCHABB #2 19811 - LEASE ID #	F H MCHABB (MISSISSIP	531.4	SHELL OIL CO
-	EXXON CORPORATION				RECEIVED: 04/25/83 JA: TX			
8333636	F-04-065359	4242731704	103		F R BARRETA #6 (ID PENDING)	SUN (F-4-L N)	183.0	TENNESSEE GAS PIP
8333745	F-04-066243	4235531603	102-4		FLOUR BLUFF A-4 10174	FLOUR BLUFF (1-32)	188.0	ARCO STEEL CORP
8333744	F-04-066242	4235531833	102-4		FLOUR BLUFF STATE A-5U (100545)	FLOUR BLUFF (1-07)	1241.0	ARCO STEEL CORP
8333657	F-10-065652	4219535170	108		H J COLLIER #1	HITCHLAND	2.0	NORTHERN NATURAL
8333669	F-10-065664	4219535157	108		H J COLLIER #4	HITCHLAND	7.0	NORTHERN NATURAL
8333668	F-10-065663	4219535167	108		H J COLLIER "D" #1	HITCHLAND	3.5	NORTHERN NATURAL
8333664	F-10-065659	4219535180	108		H J COLLIER "D" #4	HITCHLAND 9640	4.0	NORTHERN NATURAL
8333670	F-10-065667	4219535158	108		H J COLLIER "E" #3	HITCHLAND	1.0	NORTHERN NATURAL
8333661	F-10-065656	4229560034	108		HENRY FRASS JR "B" #3	HITCHLAND	1.0	TRANSWESTERN PIPE
8333659	F-10-065654	4217900000	108		J H PALMER #1	PANHANDLE	1.0	PHILLIPS PETROLEU
8333658	F-10-065653	4217900000	108		J H PALMER #11	PANHANDLE	1.0	PHILLIPS PETROLEU
8333662	F-10-065657	4217900000	108		J H PALMER #7	PANHANDLE	1.0	PHILLIPS PETROLEU
8333660	F-10-065655	4217900000	108		J H PALMER #8	PANHANDLE	1.0	PHILLIPS PETROLEU
8333645	F-10-065454	4229530850	108		N POLLETT G U 2 #1	FOLLETT (MORROW)	10.0	TRANSWESTERN PIPE
8333663	F-10-065658	4219530800	108		OIL DEVELOPMENT OF TEXAS #7	HANSFORD	3.0	NORTHERN NATURAL
8333887	F-04-066527	4204731205	103		RJ KLEBERG JR TR QUIETERIA 104 10379	VIDORAS (G-13-5)	730.0	ARCO STEEL CORP
8333644	F-10-065450	4229532353	108		R H MILLER #1	LIPSCOMB	7.3	TRANSWESTERN PIPE
8333686	F-10-065661	4229530670	108		ROBERT A DOYLE "B" #1	LIPSCOMB	1.0	TRANSWESTERN PIPE
8333643	F-10-065449	4229535086	108		SCHULTZ BROS "C" #1	LIPSCOMB	1.0	TRANSWESTERN PIPE
8333667	F-10-065662	4219535216	108		SP & K K JACKSON #2	HITCHLAND	9.0	NORTHERN NATURAL
8333689	F-10-065871	4219535215	108		SP & K K JACKSON #4	HITCHLAND	2.0	NORTHERN NATURAL
8333611	F-08-064948	4200333351	103		STATE UNIVERSITY HUFEX CONS #19	HUFEX (DEVONIAN)	3.0	PHILLIPS PETROLEU
8333665	F-10-065660	4217900000	108		WILLIAM JACKSON #11	PANHANDLE	4.0	PHILLIPS PETROLEU
-	FEDERAL ENERGY DEVELOPMENT CO				RECEIVED: 04/25/83 JA: TX			
8333631	F-09-065240	4223734530	102-4		SWAN #1	BILLS (CADD0 CONGLOME	275.0	TEXAS UTILITIES F
-	FIRST DALLAS PETROLEUM INC				RECEIVED: 04/25/83 JA: TX			
8333546	F-78-060788	4209300000	102-2		LANGFORD #1 RRC 100257	R J BLACK (MARBLE FAL	0.0	LONE STAR GAS CO
-	FIRST TRIAD CORP				RECEIVED: 04/25/83 JA: TX			
8333763	F-78-066288	4236732257	102-4		MOODRUFF #2 (101004)	DENNIS, WEST (STRAIN)	23.0	INTRASTATE GATHER
8333762	F-78-066286	4236732273	102-4		MOODRUFF #5 (101177)	DENNIS, WEST (STRAWN)	34.0	INTRASTATE GATHER
-	FRANKS PETROLEUM INC ETAL				RECEIVED: 04/25/83 JA: TX			
8333620	F-06-065053	4236531361	102-4		MIENER #6	CARTHAGE (JAMES LIME)	0.0	TEXAS EASTERN GAS
-	G E LANGFORD				RECEIVED: 04/25/83 JA: TX			
8333641	F-78-065443	4242932916	102-4		BLACK BROTHERS #2	WILDCAT	73.0	BRECKENRIDGE GASO
8333642	F-78-065444	4242932933	103		BLACK BROTHERS #3 (17384)	MULESHOE RANCH (CADD0	109.0	BRECKENRIDGE GASO
8333638	F-78-065393	4242932966	103		BLACK BROTHERS #4 (17384)	MULESHOE RANCH (CADD0	1.0	BRECKENRIDGE GASO
8333640	F-78-065441	4242932960	102-4		STEWART-ROBERTSON #1	WILDCAT	4.0	BRECKENRIDGE GASO
-	GENE POWELL INVESTMENTS INC				RECEIVED: 04/25/83 JA: TX			
8333633	F-06-065242	4240100000	102-4		SELMAN 1-A	SHEA (DORSEY)	126.0	ARCO OIL & GAS CO
-	GENERAL AMERICAN OIL COMPANY OF TEX				RECEIVED: 04/25/83 JA: TX			
8333695	F-06-065882	4242330445	102-4		BISHOP MOSELEY #1	CHAPEL HILL NE	125.0	E TEXAS PRODUCERS
8333694	F-06-065881	4242330469	102-4		CAMPBELL #2	CHAPEL HILL NE	60.0	E TEXAS PRODUCERS
8333691	F-06-065874	4242330498	102-4		CAMPBELL #3	CHAPEL HILL NE	47.5	E TEXAS PRODUCERS
8333692	F-06-065875	4242330486	102-4		KINSEY #2	CHAPEL HILL NE	47.5	E TEXAS PRODUCERS
8333696	F-06-065872	4242330470	102-4		KINSEY #3	CHAPEL HILL NE	47.5	E TEXAS PRODUCERS
8333529	F-08-063579	4210333038	103		UNIVERSITY SEC & WELL #9	DUNE	0.0	PHILLIPS PETROLEU
-	GENERAL PRODUCTION CO INC				RECEIVED: 04/25/83 JA: TX			
8333623	F-03-065118	4205132390	102-2	103	CHARLES J CONDON #1	WILLARD (NAVARRO)	0.0	FERGUSON CROSSING
-	GETTY OIL COMPANY				RECEIVED: 04/25/83 JA: TX			

JD NO	JA DKT	API NO	D SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8333700	F-08-066044	4213500000	108		E F COWDEN 'A & B' #21	HARPER	0.4	PHILLIPS PETROLEU
8333756	F-78-066276	4243300000	108		ROY DAY #10	KATZ 4800'	0.4	CITIES SERVICE CO
8333755	F-78-066275	4243300000	108		ROY DAY #15	KATZ 5100'	0.4	CITIES SERVICE CO
8333754	F-78-066274	4243300000	108		ROY DAY #17	KATZ 5100'	0.4	CITIES SERVICE CO
8333753	F-78-066273	4243300000	108		ROY DAY #18	KATZ 5100'	0.4	CITIES SERVICE CO
8333752	F-78-066272	4243300000	108		ROY DAY #20	KATZ 5100'	0.4	CITIES SERVICE CO
8333751	F-78-066271	4243300000	108		ROY DAY #23	KATZ 4800'	0.4	CITIES SERVICE CO
8333757	F-78-066277	4243300000	108		ROY DAY #4	KATZ 4800'	0.4	CITIES SERVICE CO
8333548	F-08-066039	4230130297	107-DP		TOM LINEBERRY STRIP #2	BRUNSON RANCH (PENH I	182.0	INTRATEX GAS CO
8333531	F-06-056909	4236500000	103	107-TF	W F HOUSE #3	CARTHAGE (COTTON WALL	0.0	TEJAS GAS CORP
8333681	F-8A-065734	4207931537	103		XIT UNIT #28-X	LEVELLAND SAN ANDRES	2.0	CITIES SERVICE CO
8333682	F-8A-065735	4207900000	103		XIT UNIT #84-X	LEVELLAND SAN ANDRES	6.0	CITIES SERVICE CO
-GHR ENERGY CORP					RECEIVED: 04/25/83	JA: TX		
8333592	F-04-064023	4247933434	102-4	107-TF	FROST NATIONAL BANK #14	CATTO (LOBO 10,200)	350.0	NATURAL GAS PIPEL
-ORD-TEX					RECEIVED: 04/25/83	JA: TX		
8333583	F-8A-063811	4210130216	102-4		CHALK-GOODWIN UNIT #1	TIPPEN 5 (CONGL)	80.0	LONE STAR GAS CO
-GULF OIL CORPORATION					RECEIVED: 04/25/83	JA: TX		
8333807	F-09-066355	4249751102	103		C M SMITH ETAL MELL #2	ALVORD SOUTH (ATOKA)	28.0	LONE STAR GAS CO
8333716	F-03-066162	4204130496	103		CRENSHAW UNIT 1 #1	KURTEN (AUSTIN CHALK)	50.0	PRODUCERS GAS CO
8333805	F-08-066383	4247532682	103		ESTES E W #251	ESTES BLOCK 34 (PENH)	71.0	CABOT CORP
8333602	F-08-064859	4238931279	103		STRAIN C H #18	MAHA NORTH (DELAWARE)	17.0	TRANSWESTERN PIPE
8333804	F-08-066352	4208333304	103		TRIPLE-M (GRAYBURG) CONS #E-4-M	TRIPLE-M (GRAYBURG)	0.0	PHILLIPS PETROLEU
8333639	F-08-065426	4208333197	103		TRIPLE-M (GRAYBURG) CONS #F-10-1	TRIPLE-M (GRAYBURG)	0.0	PHILLIPS PETROLEU
8333806	F-08-066384	4238931335	103		TXL "B" (NCT-B) #6	JESS BURNER (DELAWARE)	64.0	CONOCO INC
-M & S OPERATING INC					RECEIVED: 04/25/83	JA: TX		
8333582	F-78-063748	4236700000	102-4		MORRISON #1	ADVANCE (CADDO)	120.0	LIQUID ENERGY COR
-HAMMAN OIL & REFINING CO					RECEIVED: 04/25/83	JA: TX		
8333533	F-01-058732	4231100000	102-4		SOUTH TEXAS SYNDICATE #1	MULA PASTURE (LOWER W	219.0	ESPERANZA TRANSMI
-HCW EXPLORATION INC					RECEIVED: 04/25/83	JA: TX		
8333619	F-03-065025	4214931417	102-2		FINDISEN #1	GIDDINGS (EDWARD GAS)	183.0	PHILLIPS PETROLEU
-HEXAGON OIL & GAS INC					RECEIVED: 04/25/83	JA: TX		
8333555	F-78-061412	4236732222	103		THOMAS #1	MOBY DICK (STRAIN)	72.0	SOUTHWESTERN GAS
-HUGGS INCORPORATED					RECEIVED: 04/25/83	JA: TX		
8333630	F-06-065228	4220300000	108		GEORGE BISHOP #1 (5H 029390)	BETHANY (PETTIT)	20.0	UNITED GAS PIPE L
-IKE LOVELADY INC					RECEIVED: 04/25/83	JA: TX		
8333679	F-8A-065729	4216931556	103		ETHRIDGE #1	STORIE WEST (MISS)	18.2	MID-PLAINS PIPELI
8333674	F-8A-065724	4213931692	103		ETHRIDGE #2	STORIE WEST (MISS)	27.3	MID-PLAINS PIPELI
8333675	F-8A-065725	4216931532	103		MASON #1	STORIE WEST (MISS)	21.9	MID-PLAINS PIPELI
8333676	F-8A-065726	4216931737	103		MASON #2	STORIE WEST (MISS)	2.1	MID-PLAINS PIPELI
8333677	F-8A-065727	4216931342	103		STORIE #1	STORIE WEST (MISS)	23.7	MID-PLAINS PIPELI
8333678	F-8A-065728	4216931835	103		STORIE #2	STORIE WEST (MISS)	7.3	MID-PLAINS PIPELI
-J B TERRELL JR					RECEIVED: 04/25/83	JA: TX		
8333888	F-78-066529	4215121429	103		R O ROBERTSON #3A - RRC #16957	KEELER-WIMBERLY (CANY	54.0	PALO DURO PIPELIN
8333889	F-78-066530	4215131323	103		R O ROBERTSON RRC #16957 (82A)	KEELER-WIMBERLY (CANY	54.0	PALO DURO PIPELIN
-J M HUBER CORPORATION					RECEIVED: 04/25/83	JA: TX		
8333530	F-10-056564	4223300000	108		BURNETT "U" #3	PANHANDLE	19.0	COLORADO INTERSTA
8333529	F-10-056557	4206500000	108		WHITEHALL BURNETT "A" #11	PANHANDLE	20.0	COLORADO INTERSTA
8333528	F-10-056556	4206500000	108		WHITEHALL BURNETT "A" #12	PANHANDLE	20.0	COLORADO INTERSTA
8333527	F-10-056555	4206500000	108		WHITEHALL BURNETT "A" #13	PANHANDLE	20.0	COLORADO INTERSTA
8333526	F-10-056554	4206500000	108		WHITEHALL BURNETT "A" #15	PANHANDLE	20.0	COLORADO INTERSTA
-JAKE L HAMON					RECEIVED: 04/25/83	JA: TX		
8333879	F-7C-066513	4238332398	103		HUGHES #5	SPRABERRY	47.0	PHILLIPS PETROLEU
-JAMES WALKER					RECEIVED: 04/25/83	JA: TX		
8333733	F-01-066220	4217731345	103		JOE MOLNOSKEY #1 08476	COST (BUDA)	141.8	VALERO TRANSMISSI
8333734	F-01-066221	4217700000	103		MOLNOSKEY ESTATE A-1 087646	PILGRIM (AUSTIN CHALK)	32.4	VALERO TRANSMISSI
-JOHN L COX					RECEIVED: 04/25/83	JA: TX		
8333540	F-7C-066268	4246131939	103		ATKINS #2	SPRABERRY (TREND AREA	10.0	MOBIL PRODUCING T
8333532	F-7C-052366	4246131908	103		NEAR "20-C" #1	SPRABERRY (TREND AREA	10.0	MOBIL PRODUCING T
-JOHN R THOMPSON OPERATING INC					RECEIVED: 04/25/83	JA: TX		
8333653	F-04-065521	4240900000	103		W F TIPON #3	HIBERNIA (5590')	110.0	HOUSTON PIPE LINE
-KAMROK INC					RECEIVED: 04/25/83	JA: TX		
8333725	F-03-066198	4248132403	102-4		C K DUSON #2	CULLEN (MIOCENE 2200'	197.0	UNITED TEXAS TRAN
8333724	F-03-066197	4248132415	102-4		DUSON-KRUEGER #5C	CULLEN (MIOCENE 2200'	0.0	UNITED TEXAS TRAN
8333723	F-03-066196	4248132414	102-4		DUSON-KRUEGER #6	CULLEN (MIOCENE 2200'	177.0	UNITED TEXAS TRAN
-KEY PRODUCTION COMPANY					RECEIVED: 04/25/83	JA: TX		
8333877	F-06-066510	4241930402	103		D R TAYLOR HEIRS	JOAQUIN (TRAVIS PEAK)	600.0	SOUTHERN NATURAL
-KIMBARK OIL & GAS CO					RECEIVED: 04/25/83	JA: TX		
8333698	F-08-065889	4217331350	103		ENSERCH-HALFMANN #1	SPRABERRY (TREND AREA	0.0	PHILLIPS PETROLEU
-KIRKWOOD & CO					RECEIVED: 04/25/83	JA: TX		
8333632	F-02-065241	4217531686	102-4		H L BANNETT #1 0104081	ENKE (2250) #29129840	32.9	UNITED PIPE LINE
-KREIS & PENA INC					RECEIVED: 04/25/83	JA: TX		
8333711	F-01-066152	4217931202	103		B BULL - ROSE #1	PANHANDLE - GRAY	0.0	TRANSWESTERN PIPE
8333710	F-10-066151	4217931163	103		CAROLINE #2-1	PANHANDLE-GRAY	0.0	TRANSWESTERN PIPE
8333709	F-10-066150	4217931187	103		LANGHAM #1	PANHANDLE GRAY	0.0	TRANSWESTERN PIPE
8333708	F-10-066149	4217931192	103		LANGHAM #2	PANHANDLE-GRAY	0.0	TRANSWESTERN PIPE
8333707	F-10-066147	4217931177	103		THUT #4	PANHANDLE	0.0	TRANSWESTERN PIPE
-LADD PETROLEUM CORPORATION					RECEIVED: 04/25/83	JA: TX		
8333539	F-01-066088	4212732069	102-2		FITZSIMONS RANCH #1-42-C	HUGH FITZSIMONS (OLMO	136.9	VALERO TRANSMISSI
-LIBERTY OIL & GAS CORP					RECEIVED: 04/25/83	JA: TX		
8333538	F-03-059656	4248100000	102-4		EDNA SHULT #1	TWIN BASIN (5900')	237.3	DOW CHEMICAL USA
-LOBO OIL CORP					RECEIVED: 04/25/83	JA: TX		
8333868	F-8A-066483	4226330905	103		SPIRES 36-1 (TX RRC # 64122)	SPIRES (STRAIN B-3)	30.0	SUN OIL CO
8333869	F-8A-066484	4226330860	103		SPIRES 37-2 (TX RRC # 63445)	SPIRES (STRAIN B-3)	5.4	SUN OIL CO
-M BRAD BENNETT INC					RECEIVED: 04/25/83	JA: TX		
8333699	F-08-066013	4247532766	102-4		MOBIL #3	COLLIE (DELAWARE)	73.0	INTRATEX GAS CO
-M J PHILLIPS					RECEIVED: 04/25/83	JA: TX		
8333770	F-09-066324	4250335929	102-4		SLOAN -A- #2 (22889)	SLOAN (BRYSON SAND)	6.0	M W SUB INC
-M T PETROLEUM INC					RECEIVED: 04/25/83	JA: TX		
8333647	F-08-065469	4213534086	103		EDWARDS RANCH "B" #2	DOUBLE-H-GRAYBURG	0.5	PHILLIPS PETROLEU
-MANAGEMENT & SALES CONSULTANTS INC					RECEIVED: 04/25/83	JA: TX		
8333646	F-7C-065457	4210532974	102-4		HALF-ROBERTS #1 42-105-32974	NOELKE WEST (FELKER)	10.5	KIBO COMPRESSOR C
-MARLINE OIL CORP					RECEIVED: 04/25/83	JA: TX		
8333883	F-06-066517	4206330215	103		BURKE #1-A	PITTSBURG (SMACKOVER)	1300.0	
-MCR OIL CORP OF TEXAS					RECEIVED: 04/25/83	JA: TX		
8333656	F-10-065639	4221130944	108		MATHERS RANCH #32	CANADIAN S F - DOUGLA	18.0	ARKANSAS LOUISIAN
-MERCURY EXPLORATION CO					RECEIVED: 04/25/83	JA: TX		
8333562	F-78-062181	4213334268	102-4		V P SIMPSON #10	HANKEYE (ADAMS BRANCH	20.0	SOUTHWESTERN GAS
8333595	F-78-064444	4213334455	102-4		V P SIMPSON #11	HANKEYE (ADAMS BRANCH	20.0	SOUTHWESTERN GAS
8333566	F-78-062699	4213334433	102-4		V P SIMPSON #12	HANKEYE (ADAMS BRANCH	20.0	SOUTHWESTERN GAS
8333596	F-78-064445	4213334457	102-4		V P SIMPSON #13	HANKEYE (ADAMS BRANCH	20.0	SOUTHWESTERN GAS
8333568	F-78-062179	4213334271	102-4		V P SIMPSON #7	HANKEYE (ADAMS BRANCH	20.0	SOUTHWESTERN GAS
8333561	F-78-062180	4213334270	102-4		V P SIMPSON #8	HANKEYE (ADAMS BRANCH	20.0	SOUTHWESTERN GAS
8333597	F-78-064446	4213334269	102-4		V P SIMPSON #9	HANKEYE (ADAMS BRANCH	20.0	SOUTHWESTERN GAS
-MITCHELL ENERGY CORPORATION					RECEIVED: 04/25/83	JA: TX		

JD NO	JA DKT	API NO	D SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8333767	F-09-066312	4249700000	108		E L DUKE #2 808335	CHICO EAST	0.0	NATURAL GAS PIPFL
8333766	F-09-066310	4249700000	108		E W MESSER #2 821026	ALVORD ATOKA CONCL	0.0	NATURAL GAS PIPEL
8333593	F-05-064162	4229330612	103	107-TF	ENGRAM #1	POKEY EAST (COTTON VA	273.8	TEXAS UTILITIES F
8333618	F-09-065018	4249700000	108		F B WALKER #2 8069893	BOONSVILLE (BEND CONO	0.0	NATURAL GAS PIPEL
8333769	F-09-066316	4249700000	108		G A LEHMBERG #2 8084150	BOONSVILLE (BEND CONO	0.0	NATURAL GAS PIPEL
8333534	F-09-058749	4249700000	108-ER		H V HUGHES #3 8036522	BOONSVILLE (BEND CONO	0.0	NATURAL GAS PIPEL
8333768	F-09-066313	4249700000	108		W L MACKAY #3 8037031	BOONSVILLE (BEND CONO	0.0	NATURAL GAS PIPEL
-MOBIL PRDGO TEXAS & NEW MEXICO INC			RECEIVED:	04/25/83	JAI TX			
8333684	F-7C-065759	4256131957	103		AMERICAN REPUBLICS A-86	PEGASUS (MOLFCAMP)	8.0	EL PASO NATURAL G
8333604	F-02-064858	4222511035	103		ESTELLE ROLF GAS UNIT #2 #2	KENEDEY SW (EDWARDS)	350.0	VALERO TRANSMISSI
8333726	F-10-066199	4217900000	108		J B BOWERS #10	PANHANDLE WEST	5.5	PHILLIPS PETROLEU
8333634	F-04-065304	4224931371	103		LA GLORIA GAS UNIT #98	LA GLORIA (LA GLORIA)	163.9	NATURAL GAS PIPEL
8333728	F-04-066201	4224900000	108		LAGLORIA GAS UNIT #69	LAGLORIA (SCOTT)	14.5	NATURAL GAS PIPEL
8333683	F-08-065758	4230130377	102-4		DAK HILL GAS UNIT #2	DIGHT (CHERRY CANYON	360.0	TEXAS EASTERN TRA
-MONSANTO OIL CO			RECEIVED:	04/25/83	JAI TX			
8333672	F-08-065688	4247532614	103		THORNTON #4	RHODA WALKER (CANYON	23.0	NORTHERN NATURAL
-MONTERREY PETROLEUM CORP			RECEIVED:	04/25/83	JAI TX			
8333552	F-04-061218	4247933573	102-2	107-TF	APACHE #8	GOLD RIVER NORTH (OLM	0.0	SEAGULL PIPELINE
-MORAN EXPLORATION INC			RECEIVED:	04/25/83	JAI TX			
8333514	F-7C-027634	4238300000	108-ER		GREEN ESTATE #2	SPRABERRY	0.0	EL PASO NATURAL G
-MORRISON RESOURCES INC			RECEIVED:	04/25/83	JAI TX			
8333572	F-7C-063175	4245131030	102-2	103	BROWN #4	K W B (CANYON)	0.0	LONE STAR G-5 CO
8333571	F-7C-063183	4245130939	102-2	103	BROWN "A" #6	K W B (CANYON)	0.0	LONE STAR GAS CO
8333629	F-7C-065222	4245131139	102-2	103	ZOHNE "B" #1	K W B (STRAIN)	0.0	LONE STAR GAS CO
-NICHOLAS PETROLEUM			RECEIVED:	04/25/83	JAI TX			
8333786	F-7B-066192	4205932231	102-4		BRASHEAR #1 (826276)	NICHOLAS (DUFFER)	21.0	EL PASO HYDROCARB
8333705	F-7B-066191	4205932267	102-4		BRASHEAR J-B #1 (883017)	NICHOLAS (DUFFER)	74.0	EL PASO HYDROCARB
8333717	F-7B-066170	4205932107	102-4		GLOVER #3 (14712)	NICHOLAS (DUFFER)	49.0	EL PASO HYDROCARB
-NORTHERN NATURAL GAS PRODUCING CO			RECEIVED:	04/25/83	JAI TX			
8333727	F-10-066200	4206500000	108		BURNETT SEC 80 #1080	PANHANDLE WEST	20.2	NORTHERN NATURAL
-OIL INC			RECEIVED:	04/25/83	JAI TX			
8333554	F-7B-061309	4208332663	102-2		N ALEXANDER #1	COLEMAN COUNTY REGULA	50.0	LONE STAR GAS CO
8333553	F-7B-061308	4208332635	102-2		RICHARD VAUGHN #1	COLEMAN COUNTY REGULA	60.0	LONE STAR GAS CO
-OZARK EXPLORATION INC			RECEIVED:	04/25/83	JAI TX			
8333601	F-7C-064622	4243532841	102-4	107-TF	POWELL JAS #1	PHYLLIS SONORA (CANYO	402.0	ADOSE GAS CO
-PARKER & PARSELL INC			RECEIVED:	04/25/83	JAI TX			
8333697	F-08-065888	4231931105	103		MCALISTER "E" #1	SPRABERRY (TRENDA AREA	15.0	PHILLIPS PETROLEU
8333696	F-08-065887	4232931116	103		MURRAY "B" #1	SPRABERRY (TRENDA AREA	15.0	PHILLIPS PETROLEU
-PATERSON PETROLEUM INC			RECEIVED:	04/25/83	JAI TX			
8333584	F-03-063808	4204130846	102-2		M C COLE UNIT #1	KURTEN (CAUSTIN CHALK)	438.0	PRODUCERS GAS CO
-PENNZOIL PRODUCING COMPANY			RECEIVED:	04/25/83	JAI TX			
8333589	F-04-063912	4250531148	102-4		A TREVINO #1	FANDANGO (WILCOX 1430	43.0	TENNESSEE GAS PIP
-PETRO PLEX OIL CO INC			RECEIVED:	04/25/83	JAI TX			
8333873	F-7C-066492	4238332294	103		SCOTT AA-6	JOHN SCOTT (GRAYBURG)	23.7	NEW ENERGY CO
8333872	F-7C-066491	4238332293	103		SCOTT AA-7	JOHN SCOTT (GRAYBURG)	26.3	NEW ENERGY CO
-PETRO-LEWIS CORPORATION			RECEIVED:	04/25/83	JAI TX			
8333513	F-08-016383	4210332056	103		J B TUMB STATE #14	SAND HILLS (MCKNIGHT)	24.0	EL PASO NATURAL G
-PETROLEUM CORPORATION OF TEXAS			RECEIVED:	04/25/83	JAI TX			
8333785	F-08-066310	4213533287	103		BLAKENEY "29" #3	COWDEN NORTH	21.9	PHILLIPS PETROLEU
8333786	F-09-066391	4250336471	103		SECTION 606 "A" #3	JAMES	0.0	CONTRACT PENDING
8333784	F-09-066349	4250336353	103		SECTION 606 "A" WELL #2	JAMES	7.7	EAGLE PETROLEUM C
-PHILLIPS PETROLEUM COMPANY			RECEIVED:	04/25/83	JAI TX			
8333813	F-10-066397	4223300000	108		CECIL S #2	PANHANDLE WEST	0.0	EL PASO NATURAL G
8333814	F-10-066398	4223100000	108		FREE #6	TEXAS HUGGON - DOLDM	0.0	PANHANDLE EASTERN
8333803	F-6E-066378	4240100000	108		THRASH #13	EAST TEXAS	8.6	PARADE CO
8333802	F-6E-066377	4240100000	108		THRASH #6	EAST TEXAS	0.3	PARADE CO
-PITTS OIL CO & DALLAS PRD INC			RECEIVED:	04/25/83	JAI TX			
8333701	F-06-066083	4242330578	103		ROOSTH & GENEVOV #1 RRC #10869	CHAPEL HILL (RODESSA)	29.0	ETEXAS PRODUCERS
-PRECISION DRILLING CO INC			RECEIVED:	04/25/83	JAI TX			
8333791	F-7B-066362	4208333089	103		MRS EULA P WEAVER #12 RRC 07257	COLEMAN COUNTY REGULA	8.5	LONE STAR GAS CO
8333792	F-7B-066366	4208333213	103		MRS EULA WEAVER "A" #3 RRC #15445	COLEMAN COUNTY REGULA	20.0	LONE STAR GAS CO
-R K O ENGINEERING INC			RECEIVED:	04/25/83	JAI TX			
8333680	F-08-065731	4237100000	103		TOWA REALTY TRUST "A"	PECOS VALLEY (FUSSELM	36.5	PERRY PIPELINE CO
-RAY TEMPLETON CO			RECEIVED:	04/25/83	JAI TX			
8333750	F-7B-066261	4208333274	102-4		WILSE E HEARN #1	CINDY-GAY (JENKINS)	150.0	UNION TEXAS PETRO
-RED-TEX PETROLEUM INC			RECEIVED:	04/25/83	JAI TX			
8333621	F-7C-065071	4239932640	102-4		NORTH ALLCORN #1	CREWS (MORRIS)	702.0	LONE STAR GAS CO
-RETAMCO INC			RECEIVED:	04/25/83	JAI TX			
8333819	F-04-066422	4247932622	103	107-TF	BRISCOE "E" - 830	GOLD RIVER NORTH (OLM	284.7	DELHI GAS PIPELIN
8333820	F-04-066432	4247932608	103	107-TF	BRISCOE "E" - 854	GOLD RIVER NORTH (OLM	266.4	DELHI GAS PIPELIN
8333822	F-04-066425	4247932628	103	107-TF	BRISCOE "E" #26	GOLD RIVER NORTH (OLM	357.7	DELHI GAS PIPELIN
8333831	F-04-066434	4247932633	103	107-TF	BRISCOE "E" #28	GOLD RIVER NORTH (OLM	357.7	DELHI GAS PIPELIN
8333816	F-04-066419	4247932632	103	107-TF	BRISCOE "E" #29	GOLD RIVER NORTH (OLM	366.7	DELHI GAS PIPELIN
8333833	F-04-066436	4247932623	103	107-TF	BRISCOE "E" #31	GOLD RIVER NORTH (OLM	105.9	DELHI GAS PIPELIN
8333836	F-04-066439	4247932624	103	107-TF	BRISCOE "E" #32	GOLD RIVER NORTH (OLM	138.7	DELHI GAS PIPELIN
8333820	F-04-066423	4247932625	103	107-TF	BRISCOE "E" #33	GOLD RIVER NORTH (OLM	264.6	DELHI GAS PIPELIN
8333821	F-04-066424	4247932626	103	107-TF	BRISCOE "E" #34	GOLD RIVER NORTH (OLM	273.7	DELHI GAS PIPELIN
8333818	F-04-066421	4247932646	103	107-TF	BRISCOE "E" #35	GOLD RIVER NORTH (OLM	248.2	DELHI GAS PIPELIN
8333852	F-04-066455	4247932651	103	107-TF	BRISCOE "E" #36	GOLD RIVER NORTH (OLM	299.3	DELHI GAS PIPELIN
8333849	F-04-066452	4247932647	103	107-TF	BRISCOE "E" #37	GOLD RIVER NORTH (OLM	182.5	DELHI GAS PIPELIN
8333832	F-04-066435	4247932648	103	107-TF	BRISCOE "E" #38	GOLD RIVER NORTH (OLM	182.5	DELHI GAS PIPELIN
8333848	F-04-066451	4247932655	103	107-TF	BRISCOE "E" #39	GOLD RIVER NORTH (OLM	346.8	DELHI GAS PIPELIN
8333830	F-04-066433	4247932656	103	107-TF	BRISCOE "E" #40	GOLD RIVER NORTH (OLM	284.7	DELHI GAS PIPELIN
8333817	F-04-066420	4247932668	103	107-TF	BRISCOE "E" #41	GOLD RIVER NORTH (OLM	211.7	DELHI GAS PIPELIN
8333834	F-04-066437	4247932667	103	107-TF	BRISCOE "E" #42	GOLD RIVER NORTH (OLM	248.2	DELHI GAS PIPELIN
8333851	F-04-066454	4247932692	103	107-TF	BRISCOE "E" #43	GOLD RIVER NORTH (OLM	284.7	DELHI GAS PIPELIN
8333847	F-04-066450	4247932697	103	107-TF	BRISCOE "E" #44	GOLD RIVER NORTH (OLM	255.5	DELHI GAS PIPELIN
8333824	F-04-066427	4247932706	103	107-TF	BRISCOE "E" #45	GOLD RIVER NORTH (OLM	175.2	DELHI GAS PIPELIN
8333850	F-04-066453	4247932705	103	107-TF	BRISCOE "E" #46	GOLD RIVER NORTH (OLM	255.5	DELHI GAS PIPELIN
8333823	F-04-066426	4247932704	103	107-TF	BRISCOE "E" #47	GOLD RIVER NORTH (OLM	135.1	DELHI GAS PIPELIN
8333853	F-04-066456	4247932703	103	107-TF	BRISCOE "E" #48	GOLD RIVER NORTH (OLM	313.9	DELHI GAS PIPELIN
8333855	F-04-066458	4247932702	103	107-TF	BRISCOE "E" #48	GOLD RIVER NORTH (OLM	85.7	DELHI GAS PIPELIN
8333825	F-04-066428	4247932719	103	107-TF	BRISCOE "E" #49	GOLD RIVER NORTH (OLM	92.0	DELHI GAS PIPELIN
8333837	F-04-066448	4247932736	103	107-TF	BRISCOE "E" #51	GOLD RIVER NORTH (OLM	127.8	DELHI GAS PIPELIN
8333838	F-04-066441	4247932735	103	107-TF	BRISCOE "E" #52	GOLD RIVER NORTH (OLM	54.8	DELHI GAS PIPELIN
8333838	F-04-066438	4247932740	103	107-TF	BRISCOE "E" #53	GOLD RIVER NORTH (OLM	601.5	DELHI GAS PIPELIN
8333828	F-04-066431	4247932820	103	107-TF	BRISCOE "E" #56	GOLD RIVER NORTH (OLM	262.8	DELHI GAS PIPELIN
8333854	F-04-066457	4247932821	103	107-TF	BRISCOE "E" #57	GOLD RIVER NORTH (OLM	313.9	DELHI GAS PIPELIN
8333827	F-04-066430	4247932835	103	107-TF	BRISCOE "E" #58	GOLD RIVER NORTH (OLM	284.7	DELHI GAS PIPELIN
8333857	F-04-066460	4247932925	103	107-TF	BRISCOE "E" #59	GOLD RIVER NORTH (OLM	94.9	DELHI GAS PIPELIN
8333839	F-04-066442	4247932877	103	107-TF	BRISCOE "E" #61	GOLD RIVER NORTH (OLM	113.2	DELHI GAS PIPELIN
8333856	F-04-066459	4247932874	103	107-TF	BRISCOE "E" #62	GOLD RIVER NORTH (OLM	135.5	DELHI GAS PIPELIN
8333858	F-04-066461	4247932910	103	107-TF	BRISCOE "E" #64	GOLD RIVER NORTH (OLM	299.3	DELHI GAS PIPELIN
8333826	F-04-066429	4247933195	103	107-TF	BRISCOE "E" #65	GOLD RIVER NORTH (OLM	290.5	DELHI GAS PIPELIN

JD NO	JA DKT	API NO	D SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8333840	F-04-066443	4247932575	103	107-TF	BRISCOE "H" #1	GOLD RIVER NORTH (OLM	474.5	DELHI GAS PIPELIN
8333841	F-04-066444	4247932576	103	107-TF	BRISCOE "H" #2	GOLD RIVER NORTH (OLM	359.5	DELHI GAS PIPELIN
8333842	F-04-066445	4247932577	103	107-TF	BRISCOE "H" #3	GOLD RIVER NORTH (OLM	456.3	DELHI GAS PIPELIN
8333843	F-04-066446	4247932578	103	107-TF	BRISCOE "H" #4	GOLD RIVER NORTH (OLM	419.8	DELHI GAS PIPELIN
8333844	F-04-066447	4247932579	103	107-TF	BRISCOE "H" #5	GOLD RIVER NORTH (OLM	321.2	DELHI GAS PIPELIN
8333845	F-04-066448	4247932571	103	107-DP	BRISCOE "H" #6	GOLD RIVER NORTH (OLM	323.8	DELHI GAS PIPELIN
8333846	F-04-066449	4247933194	103	107-TF	BRISCOE "H" #7	GOLD RIVER NORTH (OLM	456.3	DELHI GAS PIPELIN
RIDGE OIL CO			RECEIVED:	04/25/83	JA: TX			
8333893	F-7B-065878	4242933463	102-4	103	RODMAN #1	RANGER NW (MARBLE FAL	17.3	COMPRESSOR RENTAL
ROBERT M WYNN			RECEIVED:	04/25/83	JA: TX			
8333909	F-7C-064927	4210532995	103		UNIVERSITY "24-A" #2 - RRC 08356	FARMER (SAN ANDRES)	6.0	BIG LAKE GASOLINE
8333610	F-7C-064928	4210533231	103		UNIVERSITY "24-A" #3 - RRC 08356	FARMER (SAN ANDRES)	6.0	BIG LAKE GASOLINE
8333607	F-7C-064925	4210532502	103		UNIVERSITY "7" #1 - RRC 08315	BLOCK 47 (SHALLOW)	5.1	BIG LAKE GASOLINE
8333606	F-7C-064924	4210534148	103		UNIVERSITY "7" #2 - RRC 08315	BLOCK 47 (SHALLOW)	5.4	BIG LAKE GASOLINE
8333608	F-7C-064926	4210533184	103		UNIVERSITY "8" #2 - RRC 07001	BLOCK 47 (SHALLOW)	4.0	BIG LAKE GASOLINE
8333605	F-7C-064923	4210534150	103		UNIVERSITY "9" #4 - RRC 07159	FARMER (SAN ANDRES)	4.5	BIG LAKE GASOLINE
ROBERT F LAMMERTS			RECEIVED:	04/25/83	JA: TX			
8333559	F-03-061972	4204100000	102-2		FISHER #1	KURTEN (WOODBINE)	0.0	FERGUSON CROSSING
SAGE ENERGY CO			RECEIVED:	04/25/83	JA: TX			
8333885	F-7C-066520	4210534337	103		UNIVERSITY 14 #2 RRC 087348	FARMER (SAN ANDRES)	2.3	NORTHERN NATURAL
8333886	F-7C-066521	4210534338	103		UNIVERSITY 7 #3 RRC 087555	FARMER (SAN ANDRES)	6.1	NORTHERN NATURAL
SANCHEZ-ODRIEN OIL & GAS CORP			RECEIVED:	04/25/83	JA: TX			
8333549	F-04-061093	4259531412	102-4	107-TF	ANGEL R LAUREL #2	LAS OVEJAS S (LOBO 6)	500.0	INTRASTATE GATHER
SANTA FE ENERGY PRODUCTS CO			RECEIVED:	04/25/83	JA: TX			
8333585	F-03-063874	4214931325	102-2		SALMANSON #1	GIDDINGS (AUSTIN CHAL	222.0	CLAJON GAS CO
SANTA FE WINDSOR PRODUCING CO			RECEIVED:	04/25/83	JA: TX			
8333535	F-03-059032	4228700000	102-2	103	BESSIE #2	GIDDINGS (AUSTIN CHAL	36.5	PERRY PIPELINE CO
8333581	F-08-063582	4228700000	103		TERRY DAVIS UNIT #1	GIDDINGS (AUSTIN CHAL	109.0	PERRY PIPELINE CO
SEAGULL INTERNATIONAL EXPLORATION			RECEIVED:	04/25/83	JA: TX			
8333565	F-06-062667	4236531523	102-4		ERNEST GRUBENHAM OIL UNIT #1	PINEHILL SE (PETTIT L	51.0	UNITED GAS PIPE L
SHELL OIL CO			RECEIVED:	04/25/83	JA: TX			
8333784	F-08-066305	4210543153	103		SOUTH CROSS UNIT #205	CROSSETT S (DETRITAL)	12.4	SHELL OIL
8333781	F-08-066343	4210534154	103		SOUTH CROSS UNIT #206	CROSSETT S (DETRITAL)	102.2	SHELL OIL
SHORTES V M & MABEL F O			RECEIVED:	04/25/83	JA: TX			
8333671	F-7B-065674	4208300000	102-4		GUTHRIE M L #1-A	SANDIA (CADDO)	30.0	EL PASO HYDROCARB
SINOER OIL & GAS CO			RECEIVED:	04/25/83	JA: TX			
8333523	F-7B-053635	4204900000	103		MARBLE #1	MARBLE FALLS	0.0	SOUIX NATURAL GAS
SOJOURNER DRILLING CORP			RECEIVED:	04/25/83	JA: TX			
8333772	F-7B-066329	4244131336	102-4		D WHISENHUNT #1 (14710)	SAM (STRAIN)	37.0	PALO DURO PIPELIN
8333776	F-7B-066333	4225331718	102-4		FINIS CADE #1 (18038)	JAY (STRAIN)	4.0	PALO DURO PIPELIN
8333775	F-7B-066332	4225332225	102-4		FINIS CADE ET AL #3 (18038)	JAY (STRAIN)	4.0	PALO DURO PIPELIN
8333778	F-7B-066336	4225331533	102-4		IRENE WILLIAMS #1 (16336)	JAY (MOODLE CREEK)	1.0	PALO DURO PIPELIN
8333777	F-7B-066334	4225332213	102-4		IRENE WILLIAMS #1-A (18790)	JAY (CANYON LINE)	55.0	PALO DURO PIPELIN
8333774	F-7B-066331	4244131905	102-4		MENA K LEWIS #2 (17493)	S A M (STRAIN)	18.0	PALO DURO PIPELIN
8333773	F-7B-066330	4244132247	102-4		MENA K LEWIS #3 (17493)	SAM (STRAIN)	37.0	PALO DURO PIPELIN
8333771	F-7B-066328	4244131393	102-4		M A DANIEL #1 (15236)	SAM (STRAIN LIME)	55.0	PALO DURO PIPELIN
8333779	F-7B-066337	4215100000	103		MHEELER-WICKHAM #1 (16717)	ESKOTA	73.0	PALO DURO PIPELIN
SOUTHLAND ROYALTY CO			RECEIVED:	04/25/83	JA: TX			
8333793	F-10-066368	4217900000	108		J M WRIGHT #4-12	PANHANDLE	6.8	COLTEXO CORP
8333794	F-10-066369	4217930723	108		J M WRIGHT #7-12	PANHANDLE	3.1	COLTEXO CORP
SUE-ANN OIL & GAS CO			RECEIVED:	04/25/83	JA: TX			
8333732	F-03-066207	4208931336	102-4		HAYDEN #1-T 103879	CHESTERVILLE (6590)	430.0	GULFTIDE GAS CORP
SUN EXPLORATION & PRODUCTION CO			RECEIVED:	04/25/83	JA: TX			
8333865	F-8A-066477	4250132225	103		BENNETT RANCH UNIT #334	WASSON	9.0	SHELL OIL CO
8333863	F-8A-066475	4250132224	103		BENNETT RANCH UNIT #335	WASSON	5.0	SHELL OIL CO
8333864	F-8A-066476	4250132212	103		BENNETT RANCH UNIT #352	WASSON	10.0	SHELL OIL CO
8333874	F-8A-066474	4250132219	103		BENNETT RANCH UNIT #353	WASSON	6.0	SHELL OIL CO
8333856	F-01-066113	4212732397	103		BIG WELLS (SAN MIGUEL) UNIT #2037	BIG WELLS (SAN MIGUEL	49.0	HOUSTON PIPE LINE
8333617	F-02-064984	4212732395	103		BIG WELLS (SAN MIGUEL) UNIT #4617	BIG WELLS (SAN MIGUEL	14.0	HOUSTON PIPE LINE
8333792	F-7B-066109	4246931971	103		IDA KUESTER #5	HELEN GOHLKE (FRIO 31	33.0	HOUSTON PIPE LINE
8333703	F-7B-066110	4235331336	102-3		JORDAN RANCH #207-1	SUGGS (ELLENBURGER)	37.0	
8333594	F-09-064362	4227531257	102-4		JORDAN RANCH #207-2	SUGGS (ELLENBURGER)	20.0	
8333743	F-08-066233	4213534063	103		LOUIS F McFARLAND "SA" #1	FANT	4.0	SUN GAS TRANSMISS
8333867	F-8A-066479	4250132304	103		O B HOLT A/C 2 #3A	COLDEN NORTH	7.0	AMCO PRODUCTION
TARTAN OIL & GAS			RECEIVED:	04/25/83	JA: TX			
8333574	F-03-063214	4215700000	102-4		R K DZIK #1-C	WASSON NE (CLEAR FORK	14.0	SHELL OIL CO
8333573	F-03-063211	4215700000	102-4		R K DZIK #1-T	MOORES ORCHARD (YEGUA	150.0	UNITED TEXAS TRAN
TAUBERT & STEED			RECEIVED:	04/25/83	JA: TX			
8333893	F-06-066539	4249931105	102-4		HOLMARD 2-L	NEUHOFF (PALUXY)	0.1	UNITED GAS PIPELI
8333892	F-06-066538	4249931105	102-4		HOLMARD 2-U	NEUHOFF (BUDA)	28.8	UNITED GAS PIPELI
TAYLOR CLAYTON & HANLEY			RECEIVED:	04/25/83	JA: TX			
8333575	F-10-053248	4217930809	103		TAYLOR "TH" #1	WEST PANHANDLE (OIL)	12.5	PHILLIPS PETROLEU
TEE OPERATING CO			RECEIVED:	04/25/83	JA: TX			
8333518	F-03-050327	4233930517	102-4		CHAMPION PAPER CO #1		0.0	
TEMPLETON ENERGY CORP			RECEIVED:	04/25/83	JA: TX			
8333720	F-06-066190	4240131417	102-4		BROOKS #1	ITEX (PETTET)	115.0	EASTEX GAS TRANSM
8333718	F-06-066188	4240131504	102-4		BROOKS #2	ITEX (PETTET)	115.0	EASTEX GAS TRANSM
8333719	F-06-066189	4240131441	102-4		BROOKS "A" #1	ITEX (PETTET)	115.0	EASTEX GAS TRANSM
TECNICO OIL COMPANY			RECEIVED:	04/25/83	JA: TX			
8333635	F-01-065321	4208700000	108		E R TINSLEY #1-8	EAST PANHANDLE	18.0	ASHLAND OIL INC
8333722	F-8A-066194	4250132243	103		PRENTICE (6700" CLEARFORK) #1124	PRENTICE (6700" CLEAR	0.0	AMCO PRODUCTION
8333721	F-8A-066193	4250132244	103		PRENTICE (6700" CLEARFORK) #1221	PRENTICE (6700" CLEAR	0.0	AMCO PRODUCTION
TERRELL OIL CO			RECEIVED:	04/25/83	JA: TX			
8333891	F-7B-066532	4215131406	103		VELTA P TOLER #1A RRC #14639	VELTA (CANYON)	42.0	PALO DURO PIPELIN
TERRELL OPERATING CO			RECEIVED:	04/25/83	JA: TX			
8333890	F-7B-066531	4215131374	103		REVIS ROBERTSON (N) #2 RRC #17303	KEELER-WIMBERLY (CANY	45.0	PALO DURO PIPELIN
TEXACO INC			RECEIVED:	04/25/83	JA: TX			
8333547	F-10-060857	4235731239	103		E K CUTTER "A" #5	CREST (DES MOINES)	15.1	
8333564	F-08-062613	4237133432	102-4	107-TF	J T BROIN GAS UNIT #2	GOMEZ (ELLENBURGER)	273.0	INTRATEX GAS CO
8333570	F-06-062983	4240131523	103		RECEIVED: 04/25/83 JA: TX	HENDERSON NORTH	365.0	TRANSCONTINENTAL
TEXAS INTERNATIONAL PET CORP			RECEIVED:	04/25/83	JA: TX			
8333525	F-03-056404	4205100000	102-2		BLINKA PDEHLS #3	GIDDINGS (BIG "A" TAY	0.0	CLAJON GAS CO
8333524	F-03-053921	4205100000	102-2		SHURAK #2	GIDDINGS (BUDA FORMAT	0.0	CLAJON GAS CO
THREE B OIL CO & MORAN EXPL INC			RECEIVED:	04/25/83	JA: TX			
8333860	F-7C-066467	4232730508	103		SHELTON #1 809992	WILHELM LANE (CANYON)	36.5	SUN GAS CO
TRANSO EXPLORATION COMPANY			RECEIVED:	04/25/83	JA: TX			
8333578	F-04-063373	4224731283	102-4		#2 E M CALDWELL	LAS VIVORITAS (YEGUA	182.0	TRANSCONTINENTAL
TRIPPLEHORN OIL CO			RECEIVED:	04/25/83	JA: TX			
8333678	F-10-066512	4217930775	103		BOLERS J B (ID000661)	PANHANDLE GRAY	40.0	
TRIPPLEHORN OIL CO			RECEIVED:	04/25/83	JA: TX			
8333651	F-02-061205	4229733218	102-4		MCCLELLAND C-3	DAKVILLE (HILCOX 9700	0.0	DELHI GAS PIPELIN
8333645	F-03-060786	4219931774	102-4		MCRAE "A" #4	ASRIOLA (YEGUA 9100)	0.0	
8333588	F-7C-063907	4223532024	103		WINTERBOTHAM "F" #4	DOVE CREEK (CANYON-D)	200.0	COLUMBIA GAS TRAN

JD NO	JA DKT	API NO	D SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-UNION TEXAS PETROLEUM					RECEIVED: 04/25/83 JA: TX			
8333627	F-7C-065188	4223531975	102-2		SUGG '15' #1	ANDREW A (CANYON)	277.0	FARMLAND INDUSTRI
-VERNON E FAULCONER INC					RECEIVED: 04/25/83 JA: TX			
8333648	F-06-065474	4236500000	108		MARSH ESTATE 1-C #029377	BETHANY (PETTIT)	29.1	UNITED GAS PIPE L
-VESTOIL INC					RECEIVED: 04/25/83 JA: TX			
8333541	F-03-060334	4229100000	103		PICKETT/DEVINE #7	SOUTH LIBERTY	0.0	UNITED TEXAS TRAN
-VIRLAR EXPLORATION INC					RECEIVED: 04/25/83 JA: TX			
8333654	F-03-065593	4248132323	103		E E REITZ #1	EL CAMPO W (FRIO 4700)	110.0	DOW CHEMICAL CO
-W L BRUCE OPERATOR					RECEIVED: 04/25/83 JA: TX			
8333783	F-10-066345	4206531355	103		KOELL #2 (ID#05299)	PANHANDLE GRAY	150.0	GETTY OIL CO
-W M WEST					RECEIVED: 04/25/83 JA: TX			
8333884	F-7C-066519	4239932410	102-4		NORMAN N BONNETT	CLAYTON BONNETT	150.0	EL PASO HYDROCARB
-WAGNER & BROWN					RECEIVED: 04/25/83 JA: TX			
8333747	F-08-066249	4243331266	103		RAY "A" #11-31	CONGER (PENN)	70.9	TEXAS UTILITIES F
-WARREN PETR CO A DIV OF GULF OIL					CO RECEIVED: 04/25/83 JA: TX			
8333787	F-08-066352	4210305693	108		E M SNODORASS #6	WADDELL	0.4	EL PASO NATURAL G
8333788	F-08-066353	4210302500	108		H E ADAMS #3	DUNE	0.6	EL PASO NATURAL G
8333789	F-08-066354	4210302494	108		H E ADAMS "A" #2	DUNE	0.4	EL PASO NATURAL G
8333729	F-08-066203	4210333042	103		M B MCKNIGHT #134	SAND HILLS (MCKNIGHT)	201.0	EL PASO NATURAL G
8333731	F-08-066205	4210333041	103		M B MCKNIGHT #137	SAND HILLS (MCKNIGHT)	24.5	EL PASO NATURAL G
8333730	F-08-066204	4210333048	103		M B MCKNIGHT #138	SAND HILLS (MCKNIGHT)	43.1	EL PASO NATURAL G
8333809	F-08-066389	4210331840	108		STATE "EC" #4	DUNE	0.6	EL PASO NATURAL G
8333808	F-08-066388	4210300323	108		STATE "EE" #2	DUNE	1.7	EL PASO NATURAL G
8333790	F-08-066355	4210330787	108		STATE "EI" #5	DUNE	0.5	EL PASO NATURAL G
8333811	F-08-066391	4210300360	108		TEXAS "GG" #10	DUNE	4.4	EL PASO NATURAL G
8333810	F-08-066390	4210300361	108		TEXAS "GG" #11	DUNE	3.0	EL PASO NATURAL G
8333812	F-08-066392	4210300368	108		TEXAS "GG" #5	DUNE	1.5	EL PASO NATURAL G
8333628	F-08-065206	4210332989	103		W H WADDELL (TR H) #1108	LEA SOUTH (TUBB)	89.4	EL PASO NATURAL G
-WCS PETROLEUM CO					RECEIVED: 04/25/83 JA: TX			
8333563	F-03-062572	4228731316	102-2		AMERICA UNIT #1	GIDDINGS (AUSTIN CHAL	0.0	PHILLIPS PETROLEU
-WESTERN CHIEF OIL & GAS CO					RECEIVED: 04/25/83 JA: TX			
8333780	F-09-066339	4223734860	102-4		PEARL MOSLEY #1	WILDCAT	0.0	SOUTHWESTERN GAS
-WILLIAM MOSS PROPERTIES INC					RECEIVED: 04/25/83 JA: TX			
8333673	F-08-065722	4231732631	103		R C TOM "45" #1	SPRABERRY/TREND AREA	11.0	
-WINN EXPLORATION/DULCE CO					RECEIVED: 04/25/83 JA: TX			
8333558	F-01-061917	4250700000	102-4		PRYOR RANCH	WINN-DULCE	0.0	NORTHERN NATURAL
8333612	F-01-064975	4250731768	102-4		PRYOR RANCH #101	WINN-DULCE	0.0	PERMIAN CORP
8333748	F-01-066251	4250731759	102-4		PRYOR RANCH #103	WINN-DULCE	0.0	NORTHERN NATURAL
8333599	F-01-064580	4250731791	102-4		PRYOR RANCH #107	WINN-DULCE (DEL MONTE	0.0	PERMIAN CORP
8333596	F-01-064579	4250700000	102-4		PRYOR RANCH #109	WINN-DULCE (DEL MONTE	0.0	PERMIAN CORP
8333625	F-01-065175	4250731784	102-4		PRYOR RANCH #111	WINN-DULCE	0.0	PERMIAN CORP
8333603	F-01-064873	4207317920	102-4		PRYOR RANCH #117	WINN-DULCE (BRACERO)	0.0	PERMIAN CORP
8333587	F-01-063895	4250731783	102-4		PRYOR RANCH #119-C	WINN-DULCE	0.0	NORTHERN NATURAL
8333626	F-01-065176	4250731800	102-4		PRYOR RANCH #131	WINN-DULCE	0.0	PERMIAN CORP
8333749	F-01-066252	4250731920	102-4		PRYOR RANCH #157	WINN-DULCE	0.0	NORTHERN NATURAL
8333616	F-01-064979	4250731553	102-4		PRYOR RANCH #35	WINN-DULCE	0.0	PERMIAN CORP
8333615	F-01-064978	4250731697	102-4		PRYOR RANCH #67	WINN-DULCE	0.0	PERMIAN CORP
8333614	F-01-064977	4250731729	102-4		PRYOR RANCH #91	WINN-DULCE	0.0	PERMIAN CORP
8333613	F-01-064976	4250731744	102-4		PRYOR RANCH #99	WINN-DULCE	0.0	PERMIAN CORP
8333556	F-01-061608	4250731760	102-4		PRYOR RANCH NO 105	WINN-DULCE	0.0	NORTHERN NATURAL
-WOODSIDE OIL CO					RECEIVED: 04/25/83 JA: TX			
8333765	F-8A-066308	4203330760	103		GRIFFIN "D" #1	HOBO (PENNSYLVANIAN)	190.0	GETTY OIL CO
-WOODWAY ENERGY CO					RECEIVED: 04/25/83 JA: TX			
8333622	F-03-065105	4214931251	102-2		VAN WILLIAMS UNIT #1	GIDDINGS (AUSTIN CHAL	20.0	PHILLIPS PETROLEU
-WORLD PRODUCERS INC					RECEIVED: 04/25/83 JA: TX			
8333880	F-7B-066514	4236731874	108		ELLIS 'F' #7	MOBY DICK (CONGL)	14.2	NATURAL GAS PIPEL
8333881	F-7B-066515	4236731919	108		LAMB #1	CLAYTON (CONGL)	14.2	SOUTHWESTERN GAS
8333882	F-7B-066516	4236731395	108		UMPHRESS #1	MOBY DICK (CONGL)	18.6	NATURAL GAS PIPEL

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federal register

Tuesday,
May 17, 1983

Part III

Federal Emergency Management Agency

**National Board's Selection of Localities
for Emergency Food and Shelter
Program Funding**

**FEDERAL EMERGENCY
MANAGEMENT AGENCY**
**National Board's Selection of
Localities for Emergency Food and
Shelter Program Funding**

AGENCY: Federal Emergency
Management Agency.

ACTION: Notice.

SUMMARY: This notice sets forth the criteria for selection used by the National Board for the Emergency Food and Shelter Program, which was created by Pub. L. 98-8. A listing of localities selected and the amount of award monies each will receive is also included in the notice. The local board, created in each selected locality, will identify and certify as eligible those private voluntary organizations to receive the funds.

DATED: May 9, 1983.

FOR FURTHER INFORMATION CONTACT:
Karen Keefer, Individual Assistance
Division, Disaster Assistance Programs,
Federal Emergency Management
Agency, Washington, D.C. 20472, (202)
287-0567.

Dennis H. Kwiatkowski,
Chairman, National Board.

Pub. L. 98-8 created a National Board composed of six voluntary organizations and the Federal Emergency Management Agency. This Board was charged with quick distribution of \$50,000,000 to supplement and extend emergency food and shelter services nationwide. Recognizing limited funding and the extent of the problem, the following operating principles were used:

- Fast response
- Public/private sector cooperation
- Allocations to neediest areas
- Minimum, but accountable reporting
- Local decision-making

The criteria for selection considered three factors: (1) Most current annual unemployment rates (2) total number of unemployed with a civil jurisdiction; and (3) needs data and other available factors. These included homelessness, Poverty Index, Travelers' Aid statistics, HHS lists of certified food banks, survey "at risk" groups within middle range unemployment rate communities, HHS breakdown of urban-rural poverty, benefit exhaustion rates, unemployment change rates, State Grant Awards, and review of all supplemental correspondence and data submitted. Not all these factors were available or usable.

Unemployment rates and numbers are not a totally valid surrogate for need or poverty. Yet, no other data were

available divisible by State, SMSA, county, or municipality which were also current, uniform and available within the timeframe.

In communities surveyed, unemployment was classified most frequently as a "local emergency". Unemployment was mentioned three times more than any other factor. In fact, many of the others (e.g., "family victims of violence" and "shelter/food bank turnaways") were directly attributed to unemployment.

After thorough review, the following jurisdictions were selected:

- Jurisdictions, including balance of counties, with 18,000 + unemployed and 7.8% + unemployment rate.

- Jurisdictions, including balance of counties, with 100 to 17,999 unemployed and 13% + unemployment rate. (Includes U.S. territories.)

- Selected additional jurisdictions with supplemental data provided on migrant needs, number de-institutionalized, recent plant closings, displaced households, etc.

For brevity, this notice of awards is published on a county basis. Cities which meet the criteria will be handled as separate jurisdictions.

The National Board recognizes that hunger and homelessness know no bounds—occurring in urban as well as rural areas. Varying rates were selected to recognize such dynamics as urban area attraction of the homeless and hungry, for urban areas tend to have facilities and services.

Given the emergency nature of the program, the considerations above, and the limited funding available, **NOT ALL STATES OR COMMUNITIES RECEIVED FUNDING** from the National Board. The Board anticipates that other communities not eligible under these criteria could be identified for funding under a similar \$50,000,000 program administered by the States.

Alabama

Autauga County—\$19,145.73
Barbour County—\$15,792.89
Bibb County—\$10,911.44
Blount County—\$23,511.98
Bullock County—\$6,714.11
Butler County—\$17,034.36
Calhoun County—\$58,121.24
Cherokee County—\$14,238.93
Chilton County—\$17,701.55
Choctaw County—\$6,823.89
Clarke County—\$13,901.14
Clay County—\$8,453.85
Cleburne County—\$6,215.83
Colbert County—\$37,843.83
Conecuh County—\$7,960.88
Covington County—\$17,853.56
Crenshaw County—\$7,947.14
Cullman County—\$39,727.14
Dale County—\$13,690.00
Dallas County—\$34,778.18

De Kalb County—\$32,126.32
Elmore County—\$22,363.43
Escambia County—\$18,275.83
Etowah County—\$74,023.91
Franklin County—\$20,699.68
Greene County—\$6,570.54
Hale County—\$8,749.42
Jackson County—\$36,298.35
Jefferson County—\$357,088.41
Lamar County—\$9,501.05
Lauderdale County—\$50,647.07
Lawrence County—\$22,802.57
Limestone County—\$26,239.84
Lowndes County—\$8,065.36
Macon County—\$9,881.11
Marengo County—\$12,583.67
Marion County—\$20,509.90
Marshall County—\$41,247.32
Mobile County—\$188,509.77
Monroe County—\$12,397.63
Morgan County—\$50,815.99
Perry County—\$7,440.39
Pickens County—\$12,592.10
Pike County—\$15,024.34
Randolph County—\$17,828.25
Russell County—\$25,403.78
Shelby County—\$32,852.60
St. Clair County—\$23,604.90
Sumter County—\$10,227.38
Talladega County—\$49,895.44
Tallapoosa County—\$19,373.73
Tuscaloosa County—\$59,092.49
Walker County—\$40,318.33
Washington County—\$8,850.78
Wilcox County—\$9,864.24
Winston County—\$16,113.81

Alaska

Fairbanks Division—\$26,206.06
Haines Division—\$1,157.04
Kenai-Cook Division—\$15,801.32
Kuskokwim Division—\$1,148.55
Matanuska-Susitna Div—\$12,000.91
Outer Ketchikan Division—\$1,553.96
Prince of Wales Division—\$1,629.96
Seward Division—\$2,119.80
Wade Hampton Division—\$1,917.10
Wrangell-Petersburg Div—\$3,927.11
Yukon-Koyukuk Division—\$2,516.72
Apache County—\$34,997.75
Gila County—\$35,293.32
Graham County—\$15,142.61
Greenlee County—\$16,037.81
Maricopa County—\$535,362.37
Mohave County—\$31,298.64
Navajo County—\$41,483.80
Pima County—\$197,825.04
Pinal County—\$41,044.66
Santa Cruz County—\$15,108.83
Yuma County—\$54,683.97

Arkansas

Bradley County—\$5,742.86
Cleveland County—\$2,778.56
Conway County—\$10,472.30
Hot Spring County—\$15,891.54
Jackson County—\$12,583.67
Lawrence County—\$10,041.60
Lee County—\$7,330.60
Monroe County—\$7,195.47
Newton County—\$2,634.94
Poinsett County—\$12,549.89
Randolph County—\$18,031.58
Sebastian County—\$39,338.65
St. Francis County—\$17,161.06
Woodruff County—\$5,227.72

California

Alameda County—\$478,599.29
 Amador County—\$9,898.03
 Butte County—\$82,553.77
 Calaveras County—\$13,149.51
 Del Norte County—\$15,700.02
 Fresno County—\$339,420.64
 Glenn County—\$13,157.95
 Humboldt County—\$71,304.53
 Imperial County—\$125,292.50
 Kern County—\$216,910.12
 Kings County—\$38,063.40
 Lake County—\$18,073.17
 Lassen County—\$12,558.32
 Los Angeles County—\$2,072,780.88
 Madera County—\$35,377.80
 Mendocino County—\$41,137.53
 Merced County—\$84,411.78
 Monterey County—\$141,139.54
 Nevada County—\$29,204.19
 Plumas County—\$15,041.28
 Riverside County—\$297,700.35
 Sacramento County—\$369,503.18
 San Benito County—\$19,914.27
 San Bernardino County—\$358,184.78
 San Diego County—\$655,177.25
 San Francisco City—\$281,672.27
 San Joaquin County—\$243,480.88
 Santa Clara County—\$524,146.87
 Shasta County—\$82,317.33
 Sierra County—\$3,217.70
 Siskiyou County—\$35,048.40
 Soland County—\$94,149.32
 Stanislaus County—\$216,472.49
 Sutter County—\$43,443.12
 Tehama County—\$22,912.35
 Trinity County—\$8,985.91
 Tuolumne County—\$22,557.65
 Ventura County—\$232,569.43
 Yuba County—\$36,112.52

Colorado

Archuleta County—\$2,204.24
 Chaffee County—\$8,470.72
 Clear Creek County—\$5,472.64
 Conejos County—\$4,763.23
 Costilla County—\$1,824.23
 Lake County—\$9,762.89
 Las Animas County—\$10,810.09
 Ouray County—\$1,004.98
 Pueblo County—\$69,987.01

Connecticut

Thompson Town—\$4,442.30

District of Columbia

Washington DC City—\$278,898.20

Florida

Dade County—\$721,456.77
 Palm Beach County—\$185,520.13
 Polk County—\$185,655.21
 St. Lucie County—\$52,859.74

Georgia

Atlanta/DeKalb, Fulton Cos.—\$324,970.57
 Chattooga County—\$12,136.05
 Lincoln County—\$4,070.68
 Mc Duffie County—\$13,521.08
 Polk County—\$18,191.39
 Taliaferro County—\$1,004.98
 Warren County—\$4,096.03

Idaho

Adams County—\$2,710.99
 Benewah County—\$6,325.82
 Boise County—\$1,494.82

Bonner County—\$13,005.89
 Boundary County—\$3,226.14
 Clearwater County—\$8,732.56
 Gem County—\$6,857.68
 Idaho County—\$9,889.54
 Kootenai County—\$32,227.67
 Lemhi County—\$4,957.45
 Lewis County—\$2,187.37
 Shoshone County—\$18,047.82
 Valley County—\$4,011.55

Illinois

Alexander County—\$7,381.30
 Boone County—\$22,211.42
 Calhoun County—\$3,690.63
 Clark County—\$8,977.48
 Clay County—\$7,997.80
 Cook County—\$2,362,566.92
 Du Page County—\$217,899.75
 Franklin County—\$22,777.27
 Fulton County—\$31,687.13
 Gallatin County—\$4,828.09
 Hamilton County—\$5,134.80
 Hardin County—\$3,597.76
 Henry County—\$34,026.50
 Jefferson County—\$22,937.70
 Jersey County—\$9,948.68
 Johnson County—\$4,188.90
 Kane County—\$118,176.49
 Kankakee County—\$58,627.95
 Knox County—\$34,119.42
 La Salle County—\$62,470.62
 Lake County—\$151,797.63
 Macon County—\$83,987.94
 Madison County—\$137,170.21
 Massac County—\$10,066.90
 Montgomery County—\$16,063.18
 Peoria County—\$118,706.97
 Perry County—\$11,122.58
 Pope County—\$2,651.86
 Pulaski County—\$4,535.17
 Putnam County—\$3,487.97
 Richland County—\$9,416.82
 Rock Island County—\$122,019.17
 Saline County—\$17,279.28
 Shelby County—\$13,873.09
 Tazewell County—\$76,017.06
 Union County—\$11,105.71
 Vermilion County—\$59,016.44
 White County—\$9,154.83
 Whiteside County—\$40,588.60
 Will County—\$178,476.66
 Williamson County—\$33,089.08
 Winnebago County—\$167,446.95

Indiana

Allen County—\$143,056.64
 Bartholomew County—\$32,928.60
 Cass County—\$24,922.37
 Clark County—\$48,966.41
 Crawford County—\$4,974.36
 De Kalb County—\$20,691.25
 Dearborn County—\$21,451.31
 Delaware County—\$65,772.76
 Fayette County—\$17,938.04
 Fountain County—\$14,433.20
 Franklin County—\$8,867.89
 Fulton County—\$10,683.44
 Greene County—\$14,044.71
 Harrison County—\$14,973.69
 Henry County—\$29,964.30
 Howard County—\$59,877.90
 Indianapolis City—\$340,847.90
 Jackson County—\$23,875.17
 Jay County—\$13,174.81
 Jennings County—\$11,874.21

La Porte County—\$55,638.30
 Lake County—\$325,191.50
 Lawrence County—\$26,560.76
 Madison County—\$75,721.44
 Miami County—\$17,591.77
 Noble County—\$20,648.98
 Ohio County—\$4,737.88
 Orange County—\$9,729.11
 Owen County—\$6,350.92
 Perry County—\$12,152.91
 Randolph County—\$16,291.16
 Ripley County—\$12,558.32
 Scott County—\$15,108.83
 Starke County—\$10,430.06
 Switzerland County—\$5,261.50
 Tipton County—\$3,529.85
 Vermillion County—\$9,517.97
 Warren County—\$4,906.80
 Washington County—\$12,178.26
 Wayne County—\$42,792.84
 White County—\$12,972.16

Iowa

Appanoose County—\$7,187.03
 Black Hawk County—\$68,855.33
 Dubuque County—\$51,896.97
 Floyd County—\$9,501.05
 Jackson County—\$11,874.21
 Linn County—\$69,835.01
 Monroe County—\$5,219.23

Kentucky

Allen County—\$8,360.94
 Bath County—\$6,426.97
 Bracken County—\$3,580.84
 Butler County—\$4,873.01
 Caldwell County—\$7,043.46
 Carter County—\$14,754.12
 Clay County—\$9,239.27
 Clinton County—\$5,278.37
 Edmonson County—\$5,987.78
 Elliott County—\$3,268.35
 Estill County—\$8,040.01
 Floyd County—\$19,534.21
 Graves County—\$18,106.96
 Greenup County—\$20,834.82
 Harlan County—\$19,196.38
 Hart County—\$6,393.19
 Jackson County—\$5,945.56
 Jefferson County—\$322,850.77
 Knott County—\$9,779.76
 Lawrence County—\$4,940.58
 Lee County—\$2,955.91
 Leslie County—\$5,582.42
 Letcher County—\$14,230.50
 Lewis County—\$7,305.25
 Lincoln County—\$10,354.08
 Livingston County—\$5,810.43
 Magoffin County—\$7,212.38
 Marion County—\$8,048.07
 Marshall County—\$14,852.77
 McCreary County—\$6,790.11
 Menifee County—\$3,715.98
 Monroe County—\$6,063.78
 Montgomery County—\$11,519.50
 Morgan County—\$5,903.35
 Nelson County—\$17,118.84
 Owsley County—\$2,347.80
 Pendleton County—\$6,756.33
 Perry County—\$16,553.00
 Powell County—\$7,026.60
 Robertson County—\$1,744.18
 Russell County—\$8,562.06
 Simpson County—\$7,736.01
 Washington County—\$5,523.29
 Whitley County—\$12,228.96

Wolfe County—\$3,217.70

Louisiana

Allen Parish—\$14,914.56
 Avoyelles Parish—\$17,650.90
 Beauregard Parish—\$14,306.50
 Bineville Parish—\$7,964.01
 Calcasieu Parish—\$90,931.62
 Concordia Parish—\$11,494.20
 DeSoto Parish—\$13,470.43
 East Carroll Parish—\$6,823.89
 Evangeline Parish—\$15,708.45
 Franklin Parish—\$13,546.43
 Jefferson Davis Parish—\$15,159.48
 Madison Parish—\$6,384.70
 Morehouse Parish—\$16,966.79
 New Orleans City—\$186,406.89
 Ouachita Parish—\$56,879.77
 Red River Parish—\$4,484.52
 Richland Parish—\$11,772.91
 Sabine Parish—\$9,974.03
 St. James Parish—\$10,725.86
 St. Landry Parish—\$41,576.72
 Tangipahoa Parish—\$44,279.23
 Tensas Parish—\$3,471.06
 Union Parish—\$7,845.79
 Vernon Parish—\$14,036.28
 Washington Parish—\$22,827.92
 West Carroll Parish—\$8,529.85
 Winn Parish—\$7,431.95

Maine

Washington County—\$16,747.22

Maryland

Allegany County—\$41,196.66
 Baltimore City—\$379,924.76
 Baltimore County—\$278,875.55
 Calvert County—\$13,453.52
 Garrett County—\$17,667.77
 Somerset County—\$12,406.32
 Washington County—\$62,723.98
 Worcester County—\$19,052.81

Massachusetts

Ashburnham Town—\$12,169.83
 Ashby Town—\$5,117.93
 Boston City—\$220,416.52
 Eastham Town—\$16,029.38
 Erving Town—\$5,185.50
 Huntington Town—\$4,754.74
 Marion Town—\$2,474.51
 New Bedford City—\$58,805.30

Michigan

Alcona County—\$5,565.51
 Alger County—\$5,582.42
 Allegan County—\$46,643.95
 Alpena County—\$27,050.60
 Antrim County—\$12,963.68
 Arenac County—\$7,187.03
 Baraga County—\$6,148.27
 Barry County—\$27,928.93
 Bay County—\$71,287.62
 Benzie County—\$8,715.64
 Berrien County—\$97,206.53
 Branch County—\$25,268.64
 Calhoun County—\$82,900.04
 Cass County—\$25,598.00
 Charlevoix County—\$14,973.69
 Cheboygan County—\$18,689.67
 Chippewa County—\$25,462.86
 Clare County—\$12,744.11
 Crawford County—\$6,570.55
 Delta County—\$28,308.99
 Dickinson County—\$15,767.54
 Emmet County—\$16,654.35

Genesee County—\$345,045.28
 Gladwin County—\$11,494.20
 Gogebic County—\$11,122.58
 Grand Traverse County—\$34,617.69
 Gratiot County—\$20,294.28
 Hillsdale County—\$25,412.21
 Houghton County—\$18,622.10
 Huron County—\$20,209.84
 Ionia County—\$33,055.30
 Iosco County—\$12,347.18
 Iron County—\$8,470.72
 Jackson County—\$90,864.05
 Kalkaska County—\$6,840.76
 Kent County—\$250,144.33
 Keweenaw County—\$1,308.17
 Lake County—\$4,087.55
 Lansing/Eaton, Ingham Cos.—\$184,456.01
 Lapeer County—\$45,436.27
 Leelanau County—\$8,273.05
 Lenawee County—\$59,430.28
 Livingston County—\$65,620.76
 Luce County—\$4,188.90
 Mackinac County—\$14,213.63
 Macomb County—\$480,188.56
 Manistee County—\$15,243.96
 Marquette County—\$58,830.85
 Mason County—\$19,770.70
 Menominee County—\$14,593.64
 Missaukee County—\$6,545.19
 Monroe County—\$78,440.87
 Montcalm County—\$33,933.63
 Montmorency County—\$4,678.74
 Muskegon County—\$103,067.29
 Newaygo County—\$21,409.10
 Oakland County—\$575,841.19
 Oceana County—\$14,433.20
 Ogemaw County—\$10,827.01
 Ontonagon County—\$7,812.01
 Osceola County—\$11,620.85
 Oscoda County—\$3,960.90
 Otsego County—\$9,822.02
 Presque Isle County—\$10,278.03
 Roscommon County—\$9,492.62
 Saginaw County—\$142,727.28
 Sanilac County—\$28,089.42
 Schoolcraft County—\$7,127.90
 Shiawassee County—\$48,738.40
 St. Clair County—\$85,205.62
 Tuscola County—\$33,553.57
 Wayne County—\$1,419,494.43
 Wexford County—\$16,721.87

Minnesota

Aitkin County—\$7,507.95
 Clearwater County—\$6,224.27
 Itasca County—\$26,239.84
 Koochiching County—\$8,783.21
 Lake County—\$12,102.26
 Morrison County—\$14,804.77
 Red Lake County—\$3,074.13
 St. Louis County—\$144,078.54

Mississippi

Alcorn County—\$19,855.14
 Attala County—\$11,637.77
 Benton County—\$3,403.49
 Bolivar County—\$18,639.02
 Chickasaw County—\$9,298.40
 Coahoma County—\$14,880.77
 Covington County—\$6,781.68
 George County—\$6,308.70
 Greene County—\$4,003.11
 Grenada County—\$11,570.20
 Holmes County—\$9,636.19
 Jasper County—\$8,082.23
 Jefferson County—\$4,400.04

Jefferson Davis County—\$6,629.62
 Kemper County—\$4,915.23
 Lawrence County—\$4,940.58
 Madison County—\$16,645.87
 Marshall County—\$15,294.61
 Montgomery County—\$5,785.08
 Neshoba County—\$11,316.85
 Noxubee County—\$7,237.68
 Panola County—\$12,321.83
 Perry County—\$6,139.78
 Quitman County—\$6,215.83
 Sharkey County—\$5,025.01
 Stone County—\$5,405.07
 Tallahatchie County—\$6,418.49
 Tate County—\$12,718.76
 Tunica County—\$3,842.68
 Walthall County—\$7,001.25
 Washington County—\$34,516.34
 Wayne County—\$9,475.75
 Webster County—\$5,565.51
 Wilkinson County—\$4,374.74
 Winston County—\$12,811.67

Missouri

Audrain County—\$12,380.97
 Bollinger County—\$5,033.45
 Butler County—\$17,633.98
 Clark County—\$4,611.17
 Douglas County—\$4,805.44
 Dunklin County—\$18,166.04
 Kansas City/Clay, Jackson, Platte Cos.—\$327,875.79
 Linn County—\$8,943.69
 Macon County—\$7,533.30
 Madison County—\$4,712.53
 Maries County—\$2,939.00
 Mississippi County—\$7,136.38
 Pemiscot County—\$11,181.71
 Ripley County—\$4,957.45
 Shannon County—\$4,121.33
 St. Louis City—\$197,326.77
 St. Louis County—\$295,791.69
 Texas County—\$8,766.34
 Washington County—\$9,349.05
 Wayne County—\$5,430.37
 Webster County—\$8,234.28

Montana

Deer Lodge County—\$5,785.08
 Flathead County—\$26,647.95
 Lincoln County—\$12,718.76
 Mineral County—\$3,513.27
 Ravalli County—\$10,827.01
 Sanders County—\$5,481.07

Nebraska

Lincoln County—\$19,272.43

Nevada

Churchill County—\$7,457.30
 Clark County—\$248,742.38
 Eureka County—\$870.03
 White Pine County—\$5,109.45

New Jersey

Camden County—\$158,292.12
 Cape May County—\$53,518.50
 Cumberland County—\$81,244.73
 Essex County—\$353,152.86
 Hudson County—\$284,711.33
 Mercer County—\$110,364.48
 Monmouth County—\$174,279.28
 Passaic County—\$198,845.41
 Union County—\$198,360.45

New Mexico

Catron County—\$1,545.52
 Cibola County—\$21,603.32
 Grant County—\$28,047.15
 Mora County—\$3,124.78
 Rio Arriba County—\$19,120.38
 Taos County—\$14,661.20

New York

Erie County—\$465,856.71
 New York City—\$2,474,502.28
 Niagara County—\$122,813.01

North Carolina

Ashe County—\$12,490.75
 Cherokee County—\$9,602.41
 Clay County—\$3,015.00
 Cleveland County—\$52,167.24
 Graham County—\$6,984.33
 Mitchell County—\$7,888.01
 Person County—\$15,843.59
 Richmond County—\$22,633.65
 Robeson County—\$59,041.79
 Rockingham County—\$47,226.66
 Surry County—\$35,082.18
 Swain County—\$8,597.42
 Tyrrell County—\$2,423.81
 Warren County—\$6,595.84
 Yancey County—\$7,533.30

Ohio

Adams County—\$17,870.47
 Allen County—\$63,551.66
 Ashland County—\$24,745.02
 Ashtabula County—\$72,529.09
 Auglaize County—\$25,885.56
 Belmont County—\$49,430.95
 Brown County—\$19,179.51
 Butler County—\$114,528.08
 Carroll County—\$16,316.51
 Clark County—\$81,050.51
 Clermont County—\$73,044.28
 Columbiana County—\$69,995.50
 Crawford County—\$34,288.34
 Cuyahoga County—\$643,421.26
 DeWitt County—\$25,192.64
 Erie County—\$53,864.77
 Fayette County—\$14,205.15
 Franklin County—\$333,787.57
 Fulton County—\$20,277.41
 Guernsey County—\$31,568.91
 Hamilton County—\$362,805.97
 Hardin County—\$18,005.61
 Harrison County—\$8,740.99
 Henry County—\$16,324.95
 Hocking County—\$12,532.97
 Huron County—\$41,475.37
 Jackson County—\$16,215.16
 Jefferson County—\$44,912.64
 Lake County—\$119,173.04
 Lawrence County—\$34,778.18
 Lorain County—\$199,632.35
 Lucas County—\$220,551.61
 Mahoning County—\$201,177.88
 Marion County—\$44,566.37
 Mercer County—\$29,178.84
 Monroe County—\$11,147.93
 Montgomery County—\$262,153.68
 Morgan County—\$7,389.74
 Morrow County—\$14,863.91
 Muskingum County—\$46,424.38
 Noble County—\$8,994.35
 Ottawa County—\$23,098.19
 Paulding County—\$12,803.24
 Perry County—\$20,877.04
 Pike County—\$14,036.28

Portage County—\$73,441.20
 Putnam County—\$19,973.36
 Richland County—\$76,734.90
 Scioto County—\$42,564.84
 Seneca County—\$38,857.29
 Shelby County—\$25,049.07
 Stark County—\$215,383.02
 Summit County—\$234,157.18
 Trumbull County—\$188,822.26
 Tuscarawas County—\$47,966.77
 Van Wert County—\$20,792.55
 Vinton County—\$5,788.21
 Williams County—\$20,986.82

Oklahoma

Coal County—\$2,077.58
 Pushmataha County—\$3,555.49

Oregon

Baker County—\$10,497.65
 Coos County—\$33,215.74
 Crook County—\$8,538.29
 Curry County—\$10,007.81
 Deschutes County—\$41,644.29
 Douglas County—\$59,109.35
 Grant County—\$6,198.92
 Harney County—\$4,096.03
 Hood River County—\$10,539.87
 Jackson County—\$77,495.02
 Josephine County—\$30,496.36
 Klamath County—\$31,433.77
 Lane County—\$137,879.62
 Linn County—\$51,255.13
 Portland/Clackamas, Multnomah Cos.—
 \$375,170.02
 Tillamook County—\$13,318.38
 Wasco County—\$12,228.96

Pennsylvania

Allegheny County—\$612,451.98
 Armstrong County—\$44,549.50
 Beaver County—\$145,134.22
 Bedford County—\$28,241.42
 Blair County—\$62,512.84
 Bradford County—\$29,474.46
 Bucks County—\$188,492.91
 Butler County—\$66,531.58
 Cambria County—\$104,908.76
 Cameron County—\$5,751.29
 Clarion County—\$20,564.55
 Clearfield County—\$48,611.70
 Clinton County—\$23,782.25
 Columbia County—\$31,965.83
 Crawford County—\$44,414.37
 Elk County—\$18,875.45
 Erie County—\$128,479.87
 Fayette County—\$100,432.72
 Forest County—\$2,710.99
 Fulton County—\$12,169.83
 Greene County—\$16,240.51
 Huntingdon County—\$25,099.72
 Jefferson County—\$23,376.84
 Juniata County—\$9,188.61
 Lawrence County—\$59,996.12
 Luzerne County—\$156,848.00
 Mercer County—\$75,721.44
 Mifflin County—\$24,837.93
 Montgomery County—\$197,917.96
 Philadelphia City—\$609,546.76
 Somerset County—\$46,441.25
 Sullivan County—\$2,584.29
 Venango County—\$34,364.34
 Washington County—\$109,840.86
 Westmoreland County—\$213,212.57

Puerto Rico

Puerto Rico—\$966,858.77

Rhode Island

Providence County—\$271,012.89

South Carolina

Abbeville County—\$11,097.28
 Allendale County—\$5,599.29
 Chester County—\$22,304.29
 Colleton County—\$14,703.42
 Dillon County—\$16,164.51
 Georgetown County—\$27,574.23
 Lancaster County—\$30,952.42
 Laurens County—\$29,744.68
 Marion County—\$21,569.53
 Marlboro County—\$21,054.39
 McCormick County—\$5,092.58
 Oconee County—\$28,621.48
 Saluda County—\$9,982.46
 Union County—\$26,400.33
 Williamsburg County—\$20,581.48

South Dakota

Shannon County—\$3,775.11
 Todd County—\$2,280.24

Tennessee

Bedford County—\$18,098.48
 Benton County—\$10,767.87
 Bledsoe County—\$4,788.53
 Campbell County—\$20,108.49
 Cannon County—\$6,536.78
 Carroll County—\$19,829.79
 Carter County—\$25,049.07
 Chester County—\$8,124.50
 Claiborne County—\$11,933.34
 Cocke County—\$23,554.20
 Crockett County—\$8,994.35
 Cumberland County—\$19,027.31
 DeKalb County—\$10,649.85
 Decatur County—\$5,742.86
 Dickson County—\$18,368.75
 Dyer County—\$20,547.68
 Fayette County—\$12,203.61
 Fentress County—\$10,066.90
 Franklin County—\$14,365.63
 Gibson County—\$30,656.79
 Grainger County—\$9,729.11
 Greene County—\$29,474.46
 Grundy County—\$6,139.78
 Hamblen County—\$24,854.80
 Hancock County—\$3,420.40
 Hardeman County—\$13,225.51
 Hardin County—\$13,808.22
 Haywood County—\$13,521.08
 Henderson County—\$15,108.83
 Henry County—\$19,914.27
 Hickman County—\$10,751.01
 Houston County—\$5,785.08
 Humphreys County—\$14,787.90
 Jackson County—\$5,396.59
 Jefferson County—\$14,678.12
 Johnson County—\$6,469.19
 Lake County—\$4,070.68
 Lawrence County—\$30,462.57
 Lewis County—\$6,587.41
 Lincoln County—\$13,242.38
 Macon County—\$12,811.67
 Maury County—\$32,590.61
 McMinn County—\$22,794.13
 McNairy County—\$17,431.33
 Meigs County—\$4,771.66
 Monroe County—\$18,858.59
 Montgomery County—\$38,713.72
 Morgan County—\$7,440.39
 Overton County—\$11,654.64
 Perry County—\$6,384.70

Pickett County—\$2,812.30
 Putnam County—\$28,288.77
 Roane County—\$21,079.74
 Scott County—\$10,649.65
 Sevier County—\$32,624.59
 Shelby County—\$294,111.08
 Smith County—\$10,832.74
 Stewart County—\$7,769.79
 Trousdale County—\$5,337.50
 Unicoi County—\$12,524.54
 Van Buren County—\$4,315.60
 Warren County—\$18,943.02
 Wayne County—\$10,539.87
 White County—\$15,286.18
 Wilson County—\$34,220.77

Texas

Cass County—\$17,152.63
 El Paso County—\$177,708.12
 Hidalgo County—\$144,728.82
 Jefferson County—\$96,894.10
 Marion County—\$3,859.55
 Matagorda County—\$18,149.18
 Maverick County—\$25,707.78
 Morris County—\$10,455.39
 Orange County—\$54,548.83
 San Augustine County—\$2,989.65
 Starr County—\$30,867.93
 Upshur County—\$12,144.48
 Val Verde County—\$12,777.89
 Webb County—\$56,508.19
 Zapata County—\$3,547.06
 Zavala County—\$8,512.99

Utah

Juab County—\$2,795.43
 Wasatch County—\$3,893.33

Virginia

Buchanan County—\$22,726.57
 Buena Vista City—\$3,656.84
 Charlotte County—\$5,472.64
 Dickenson County—\$8,504.50
 Essex County—\$4,737.88
 Franklin City—\$4,349.39
 Giles County—\$10,075.38
 Halifax County—\$19,120.38
 Lancaster County—\$6,511.40
 Lunenburg County—\$6,925.24
 Northumberland County—\$5,624.64
 Nottoway County—\$6,325.62
 Page County—\$12,026.26
 Pulaski County—\$20,775.69

Russell County—\$17,194.84
 Smyth County—\$22,540.78
 South Boston City—\$4,062.25
 Surry County—\$2,314.02
 Tazewell County—\$26,569.24
 Warren County—\$12,600.54
 Waynesboro City—\$9,819.32
 Williamsburg City—\$5,920.21
 Wyth County—\$16,578.30

Washington

Benton County—\$71,667.67
 Chelan County—\$38,333.67
 Clallam County—\$32,362.76
 Columbia County—\$2,820.78
 Cowlitz County—\$49,126.89
 Douglas County—\$13,554.87
 Ferry County—\$5,497.94
 Franklin County—\$26,045.62
 Grant County—\$27,678.28
 Grays Harbor County—\$44,456.58
 King County—\$580,790.20
 Kittitas County—\$12,532.97
 Klickitat County—\$13,673.09
 Lewis County—\$34,744.39
 Mason County—\$13,504.22
 Okanogan County—\$32,219.19
 Pacific County—\$10,514.52
 Pend Oreille County—\$7,693.74
 Pierce County—\$195,578.59
 Skagit County—\$43,147.55
 Skamania County—\$6,849.24
 Snohomish County—\$187,420.31
 Stevens County—\$19,736.92
 Whatcom County—\$53,484.71
 Yakima County—\$112,703.85

West Virginia

Berkeley County—\$22,110.07
 Boone County—\$13,276.16
 Braxton County—\$7,102.60
 Brooke County—\$17,625.55
 Calhoun County—\$4,628.09
 Clay County—\$6,317.14
 Doddridge County—\$3,521.76
 Fayette County—\$29,026.83
 Greenbrier County—\$18,774.10
 Hancock County—\$25,167.29
 Harrison County—\$38,114.10
 Huntington/Cabell, Wayne Cos.—\$66,110.60
 Jackson County—\$26,206.06
 Lewis County—\$8,403.15

Lincoln County—\$12,600.54
 Logan County—\$25,606.43
 Marshall County—\$23,351.54
 Mason County—\$19,753.79
 McDowell County—\$31,856.05
 Mineral County—\$12,938.37
 Mingo County—\$15,075.04
 Nicholas County—\$16,257.38
 Raleigh County—\$41,247.32
 Randolph County—\$18,679.65
 Ritchie County—\$5,253.02
 Roane County—\$10,911.44
 Summers County—\$7,195.47
 Taylor County—\$8,200.50
 Tucker County—\$4,661.87
 Webster County—\$6,714.11
 Wirt County—\$3,623.06
 Wyoming County—\$13,200.16

Wisconsin

Appleton/Calumet, Outagamie Cos.—
 \$75,068.08
 Douglas County—\$21,442.88
 Forest County—\$5,759.78
 Green Lake County—\$10,063.81
 Iron County—\$3,732.84
 Jackson County—\$9,948.68
 Kewaunee County—\$10,176.73
 Lincoln County—\$14,137.58
 Manitowoc County—\$53,586.06
 Marquette County—\$5,506.42
 Menominee County—\$4,036.90
 Milwaukee County—\$472,891.74
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 Racine County—\$105,905.31
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 Taylor County—\$11,705.34
 Trempealeau County—\$14,247.41
 Vilas County—\$7,736.01
 Washburn County—\$6,899.89

American Samoa

American Samo—\$10,860.79

Micronesia

Micronesia—\$149,542.70

[FR Doc. 83-12865 Filed 5-16-83; 8:45 am]

BILLING CODE 6716-01-M

federal register

Tuesday
May 17, 1983

Part IV

Department of the Interior

National Park Service

**National Capital Parks Regulations;
Demonstrations in the White House Area;
Proposed Rule**

DEPARTMENT OF THE INTERIOR

National Park Service

36 CFR Part 50

National Capital Parks Regulations;
Demonstrations in the White House
Area

AGENCY: National Park Service, Interior.

ACTION: Proposed rule.

SUMMARY: This proposed rule would amend § 50.19 of Title 36 of the Code of Federal Regulations concerning demonstrations and special events in the National Capital Parks to prohibit signs or placards on the White House sidewalk except those that are carried by an individual. The proposed rule would also amend § 50.19 of Title 36 of the Code of Federal Regulations and § 50.7(h) of the same title concerning storage of materials in park areas to prohibit the placement or storage of parcels, containers, packages, bundles or other property on the sidewalks surrounding the White House. Those changes are necessary in order to minimize potential threats to the structure and its occupants and visitors.

DATES: Written comments, suggestions, or objections regarding this proposed rule will be accepted until May 31, 1983.

ADDRESSES: Written comments regarding this proposed rule should be sent to Manus J. Fish, Jr., Regional Director, National Capital Region, National Park Service, 1100 Ohio Drive, S.W., Washington, D.C. 20242.

FOR FURTHER INFORMATION CONTACT: Sandra Alley, Associate Regional Director, Public Affairs, National Capital Region, National Park Service, 1100 Ohio Drive, S.W., Washington, D.C. 20242, telephone (202)426-6700; Richard G. Robbins, Assistant Solicitor, National Capital Parks, Office of the Solicitor, Department of the Interior, Washington, D.C. 20240, telephone (202)343-4338.

SUPPLEMENTARY INFORMATION: The following persons participated in the writing of this rule: Richard G. Robbins and Patricia S. Bangert, Office of the Solicitor, Department of the Interior.

Background

Recent events in the Memorial Core parks have increased security concerns for the White House and the President. On December 8, 1982, an individual backed a truck up to the Washington Monument and threatened to blow up the structure with 1,000 pounds of dynamite that he allegedly had stored in the truck. The incident, occurring a mere three blocks from the White House, highlighted the threat that could be

potentially caused to the White House and the President by one determined individual.

Since the incident, the National Park Service, along with other law enforcement agencies, have reviewed present regulations applicable to the White House area to determine if regulatory changes could aid in minimizing potential threats to the structure and its occupants and visitors. Two areas of concern became evident in that review—signs or placards stationed on the White House sidewalk and parcels, containers, packages, bundles and other property placed or stored on the White House sidewalk and other sidewalks surrounding the structure. (The term White House sidewalk is defined in 36 CFR 50.19(a)(5) as "the south sidewalk of Pennsylvania Avenue, N.W., between East and West Executive Avenues, N.W.")

Signs or placards leaning against the White House fence, and parcels and other property placed or stored on the sidewalks, especially those left unattended, represent potential threats to the security of the area. For example, both can potentially conceal explosives or other contraband and both can potentially be used to scale the White House fence. In fact, the Secret Service reports a recent incident in which a large sign was used to facilitate the scaling of the fence.

In addition to the security concerns, experience with the recent proliferation of signs or placards and parcels and other property stationed and stored on the White House sidewalk has demonstrated that the policy of allowing such activity impedes the free flow of pedestrian and emergency traffic by and through the White House and significantly diminishes the White House experience for park visitors. For example, two individuals who have in the past and are presently maintaining a daily demonstration in front of the White House have had as many as twenty-five signs or placards leaning against the White House fence. In addition to the signs, paper bags, suitcases and other parcels containing personal belongings obstruct the view of the White House and impede the flow of pedestrian traffic.

It is the judgment of the National Park Service that certain restrictions can be placed upon the stationing of signs or placards and placement or storage of parcels and other property on the White House sidewalk which would enhance the park visitor's experience in viewing the White House and respond to security concerns without impairing the demonstrator's ability to convey a message.

This regulation was published as an interim rulemaking on April 22, 1983 (48 FR 17352). The interim rule was challenged in *White House Committee for the ERA Vigil v. Watt*, Civil Action No. 83-1243 (D.D.C. filed 4/29/83). Plaintiffs alleged constitutional and Administrative Procedure Act (APA) defects. The District Court found that good cause had not been shown for giving immediate effect to the regulation. On this basis, the court enjoined enforcement of the regulation as an interim rule until the publication of a final rule.

In response to the District Court's order, the National Park Service is republishing the regulation as a proposed rulemaking.

The National Park Service and the United States Secret Service maintain their position that good cause does exist to make this regulation effective immediately in order to protect the White House, the President and the public. However, the District Court differed with this view and held that good cause had not been shown to make the regulation effective immediately. Accordingly, the proposed rulemaking gives the public another comment period, in addition to the period already provided in the interim rulemaking.

Regulatory Changes

To accomplish the purpose of minimizing potential threats to the White House and the President, and for other purposes outlined above, the National Park Service is proposing to amend present regulations to prohibit signs or placards on the White House sidewalk, except those that are being hand-carried by an individual. The regulation, then, would not be applicable to other parks where demonstrations are permitted. (Demonstrations are not permitted on other sidewalks contiguous to the White House. 36 CFR 50.19(c)(1).)

The proposed rule would not prohibit the carrying of a sign or placard during demonstrations on the White House sidewalk. Further, it would not place any restriction on the size of the sign or placard, as long as it is in fact being held or carried by an individual. The proposed rule would prohibit signs or placards that are not held or carried by individuals, for example, signs that are leaned against the White House fence, signs that are left unattended on the White House sidewalk and signs that are supported by other structures. In fact, the proposed rule would not dramatically change the present regulatory scheme—temporary structures are presently prohibited on

the White House sidewalk under 36 CFR 50.19(e)(8).

The National Park Service believes that there is a substantial government interest in regulating the use of signs or placards on the White House sidewalk. Signs or placards not hand-carried and those left unattended cannot be easily moved in emergency situations. Signs or placards leaning against the White House fence may conceal dangerous materials, obscure the view of law enforcement personnel and create other security problems. For example, a sign affixed to a large structure caught fire several weeks ago, seriously damaging the fence and granite post in front of the Old Executive Office Building, a few feet from the White House sidewalk and fence.

In addition, signs or placards leaning against the White House fence can obscure the view of the White House for the thousands of park visitors. Signs or placards stationed on the sidewalk also incommode the passageway and sometimes cause difficulty in maintaining smooth pedestrian flow, which may include park visitors and persons having business in the area.

The proposed rule would also prohibit the placement or storage of parcels, containers, packages, bundles or other property on the White House sidewalk, the west sidewalk of East Executive Avenue, N.W. between Pennsylvania Avenue, N.W. and E Street, N.W., and the north sidewalk of E Street, N.W. between East and West Executive Avenues, N.W. The rule would not interfere with an individual who is carrying a parcel or other property along the sidewalk. In fact, it would not even subject an individual setting a parcel or other property down on the sidewalk or attending structures for up to one hour to law enforcement action unless that individual either refuses law enforcement personnel requests to search the property, or leaves the property unattended.

The National Park Service concludes, however, that when a parcel, container, package, bundle or other property is placed or stored on the sidewalks contiguous to the White House, potential security problems are created. In addition, the National Park Service concludes that parcels and other property, like signs or placards, may obscure the view of the White House by park visitors and law enforcement personnel, may be difficult to move when the sidewalk must be cleared in an emergency and may incommode the sidewalk and interfere with visitor and business pedestrian traffic.

The National Park Service believes that these minor restrictions on the

stationing of signs or placards and the placement or storage of parcels, containers, packages, bundles or other property serve substantial government interests in maintenance of the security of the White House, preservation of the park experience for park visitors, and free passage of pedestrian traffic by and through the White House. The regulation is written in a neutral manner such that all persons are prohibited from stationing signs or placards or storing parcels or other property on the sidewalks surrounding the White House. In addition, it is unrelated to the suppression of free expression and the incidental impact on First Amendment freedoms is only as great as is essential to serve the substantial government interests in security, aesthetics and free passage of pedestrian traffic. Further, the proposed rule would apply only to sidewalks contiguous to the White House. A substantial number of alternative forums exist close to the White House sidewalks where these restrictions do not apply.

Public Participation and Statement of Good Cause

The policy of the Department of the Interior is, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, the National Park Service encourages interested persons to submit written comments, suggestions, or objections regarding the proposed rule to the address noted at the beginning of this rulemaking within the time period specified.

The National Park Service has determined that good cause exists to waive a further thirty-day comment period. Because the proposed rule relates to public property, the APA does not require that it be subject to public notice and comment. However, it is the policy of the Department of the Interior to utilize the public participation procedures of the APA to the fullest extent possible and public comments are invited until May 31, 1983. Because of the urgent need to eliminate security concerns for the White House, the President and the public, as described above, because the proposed rule is identical to that published as an interim rule, and because the public has had notice of the rule since April 22, 1983, and some members of the public have already submitted comments on the rule, good cause exists to waive the normal thirty-day comment period and, instead, invite comments for an additional approximately two-week period only. All comments received in response to the publication of the interim rule will be considered in addition to the

comments received in response to this identical proposed rule.

Impact Analysis

The National Park Service has determined that this document is not a major rule requiring preparation of a Regulatory Impact Analysis under Executive Order 12291. The National Park Service has also determined that the proposed rule would not have a significant economic impact on a substantial amount of small entities and, therefore, does not require a small entity flexibility analysis under Pub. L. 96-354. The proposed rule would merely place restrictions on the stationing of signs or placards and parcels and other property on sidewalks contiguous to the White House. It would have no substantial impact on any aspect of the economy.

The National Park Service has further determined that this proposed rule is not a major Federal action significantly affecting the quality of the human environment.

List of Subjects in 36 CFR Part 50

District of Columbia, National parks, National Capital parks.

J. Craig Potter,

Acting Assistant Secretary for Fish and Wildlife and Parks.

Date approved: May 13, 1983.

PART 50—NATIONAL CAPITAL PARKS REGULATIONS

In consideration of the foregoing, it is proposed that §§ 50.19 and 50.7 of Title 36 of the Code of Federal Regulations be accordingly amended.

1. The authority citation for Part 50 reads as follows:

Authority: Section 6 of the Act of July 1, 1898 (30 Stat. 571); Sections 1-3 of the Act of August 25, 1916 (39 Stat. 535, as amended); Section 16 of the Act of March 3, 1925 (43 Stat. 1126, as amended); Act of March 17, 1948 (62 Stat. 81); Act of August 8, 1953 (67 Stat. 495); Act of July 1, 1980 (94 Stat. 872); 16 U.S.C. 1-3; D.C. Code 8-137 (1981); D.C. Code 40-721 (1981).

2. Section 50.19 is amended by redesignating paragraphs (e) (9) through (11) as (e) (11) through (13) and adding new paragraphs (e)(9) and (e)(10) to read as follows:

§ 50.19 Demonstrations and special events.

• • • • •

(e) • • •

(9) No signs or placards shall be permitted on the White House sidewalks except those signs or placards that are held or carried by an individual.

(10) No parcel, container, package, bundle or other property shall be placed or stored on the White House sidewalk or on the west sidewalk of East Executive Avenue, NW., between Pennsylvania Avenue, NW. and E Street, NW. or on the north sidewalk of E Street, NW. between East and West Executive Avenues, NW.; Provided, however, that a parcel, container package, bundle or other property, except structures, may be set down on these sidewalks for a maximum of one hour if it is attended at all times within that time period, and law enforcement

personnel are permitted to search the property.

3. Section 50.7(h) is amended by redesignating the existing paragraph as paragraph "(1)" and by adding a paragraph "(2)", as follows:

§ 50.7 Federal property; miscellaneous provisions

(h) Storage. . . .

(2) No parcel, container, package, bundle or other property shall be placed or stored on the White House sidewalk, as that term is defined in § 50.19(a)(5) of

this Part, or on the west sidewalk of East Executive Avenue, NW. between Pennsylvania Avenue, NW. and E Street, NW. or on the north sidewalk of E Street, NW. between East and West Executive Avenues, NW.; Provided, however, that a parcel, container package, bundle or other property, except structures, may be set down on any of these sidewalks for a maximum of one hour if it is attended at all times within that time period, and law enforcement personnel are permitted to search the property.

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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday).

This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.) Documents normally scheduled for publication

on a day that will be a Federal holiday will be published the next work day following the holiday.

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
DOT/COAST GUARD	USDA/FNS		DOT/COAST GUARD	USDA/FNS
DOT/FAA	USDA/REA		DOT/FAA	USDA/REA
DOT/FHWA	USDA/SCS		DOT/FHWA	USDA/SCS
DOT/FRA	MSPB/OPM		DOT/FRA	MSPB/OPM
DOT/MA	LABOR		DOT/MA	LABOR
DOT/NHTSA	HHS/FDA		DOT/NHTSA	HHS/FDA
DOT/RSPA			DOT/RSPA	
DOT/SLSDC			DOT/SLSDC	
DOT/UMTA			DOT/UMTA	

Note: The Office of the Federal Register proposes to terminate the formal program of agency publication on assigned days of the week. See 48 FR 19283, April 28, 1983.

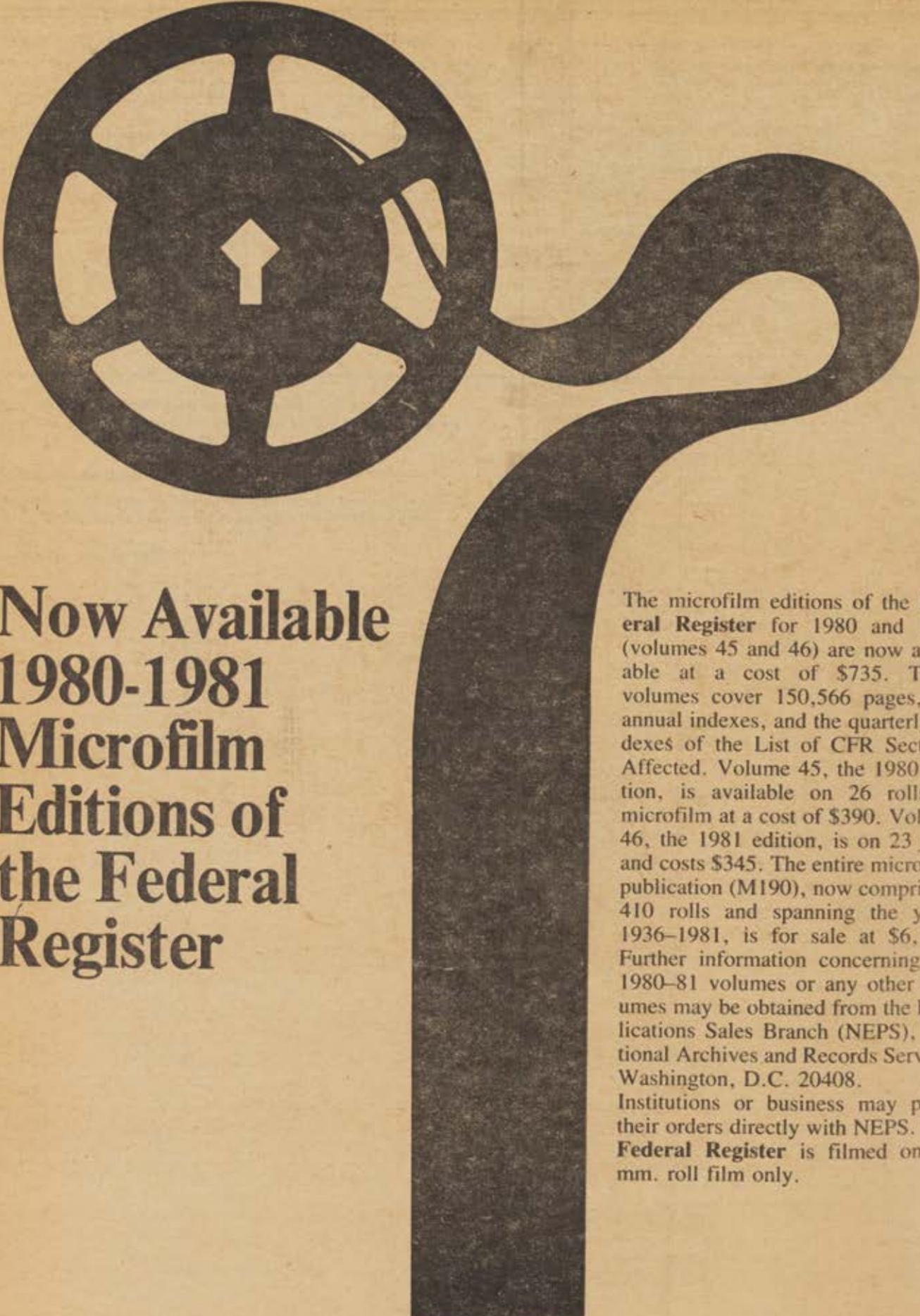
List of Public Laws

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's List of Public Laws.

Last Listing May 13, 1983



[The text in this section is extremely faint and illegible. It appears to be a list or a series of entries, possibly related to the historical context of the document.]



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