

Federal Register

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Tuesday
June 7, 1983

Selected Subjects

Aged

Equal Employment Opportunity Commission

Animal Drugs

Food and Drug Administration

Biologics

Food and Drug Administration

Buses

Interstate Commerce Commission

Child Support

Personnel Management Office

Commodity Futures

Commodity Futures Trading Commission

Exports

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Organization and Functions (Government Agencies)

Food and Drug Administration

Political Committees and Parties

Federal Election Commission

Travel and Transportation Expenses

Animal and Plant Health Inspection Service

Veterans

Employment and Training Administration



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Rules and Regulations

Federal Register

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OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 581

Processing Garnishment Orders for Child Support and/or Alimony

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: The Office of Personnel Management revises its regulations concerning the processing of garnishment orders for child support and/or alimony. The revision clarifies the provision concerning the garnishment of payments disbursed by the Veterans Administration as compensation for a service-connected disability. The revision expressly provides that agencies will not be required to ascertain whether the court or other authority which issued the garnishment order had obtained personal jurisdiction over the obligor prior to its issuance of the order. In addition, Appendix A has been updated to include information concerning designated agents that OPM has received since December 30, 1980. There are also certain technical and typographical corrections.

EFFECTIVE DATE: July 7, 1983.

FOR FURTHER INFORMATION CONTACT: Murray M. Meeker, (202) 632-7600.

SUPPLEMENTARY INFORMATION: Proposed regulations were published in the Federal Register on January 7, 1983 (48 FR 811-812). A correction was published in the Federal Register on January 18, 1983 (48 FR 2130).

Analysis of Comments

The proposed regulations provided a 30-day period of public comment, during which time OPM received five written comments and several oral comments.

The majority of the comments concerned the typographical error that appeared in 5 CFR 581.103(c)(4)(iv), but two commenters requested additional information concerning the substantive revision that was proposed for this section. As was explained in the Summary that preceded the proposed rule, the revision was suggested by the Veterans Administration to prevent possible misinterpretations in connection with the garnishment of disability compensation payments disbursed by the VA. OPM was advised that conflicting interpretations occurred when an individual waived all of his or her military retirement pay in order to receive VA compensation. In at least one instance, a court permitted the garnishment of disability compensation payments, notwithstanding the statutory provision that such payments are only subject to garnishment where the former member of the Armed Forces is *in receipt* of military retirement pay after having only *waived a portion* of his or her retirement pay. 42 U.S.C. 662(f)(2). The regulations now clarify that where the former member has waived the entire amount of his or her military retirement pay and is, therefore, no longer in receipt of retirement pay, that individual's disability compensation is *not* subject to garnishment.

Two Federal agencies submitted comments concerning the amendment to 5 CFR 581.305(f) which states that when a governmental entity receives legal process that appears to conform to the laws of the jurisdiction from which it was issued, the entity shall not be required to ascertain whether the authority which issued the legal process had obtained personal jurisdiction over the obligor. The amendment is consistent with the position that the Government has taken in litigation concerning this issue.

One commenter expressed the opinion that where an employee obligor dies, the checks for pay and allowances that were not received prior to the death should be subject to garnishment. In response to this suggestion we have amended the final rule to provide for the garnishment of several of the amounts listed in 5 U.S.C. 5581.

Noting that the proposed rule was intended to correct typographical errors, one individual commented that §§ 581.202(b) and 581.203(b) contained

typographical errors. This final rule corrects those errors.

E.O. 12291, Federal Regulation

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

Regulatory Flexibility Act

I certify that this regulation will not have significant economic impact on a substantial number of small entities because it applies only to the garnishment of remuneration for employment paid by the Federal Government.

List of Subjects in 5 CFR Part 581

Alimony, Child welfare, Government employees, Wages.

U.S. Office of Personnel Management.

Donald J. Devine,

Director.

Accordingly, OPM is amending 5 CFR Part 581 as set out below:

PART 581—PROCESSING GARNISHMENT ORDERS FOR CHILD SUPPORT AND/OR ALIMONY

1. In § 581.102, paragraph (f)(1)(ii) is revised to read as follows:

§ 581.102 Definitions.

* * * * *

(f) * * *

(1) * * *

(ii) A court of competent jurisdiction in any foreign country with which the United States has entered into an agreement that requires the United States to honor such process; or

* * * * *

2. In § 581.103, paragraphs (a)(23) (i)-(v) are added and paragraph (c)(4)(iv) is revised to read as follows:

§ 581.103 Moneys which are subject to garnishment.

(a) * * *

(23) Moneys due on account of the services of a deceased employee obligor, including: (i) Overtime or premium pay;

(ii) Amounts due as refunds of pay deductions for United States savings bonds;

(ii) Payments for accumulated and current accrued annual or vacation leave as provided for in section 5581 of title 5 of the United States Code;

(iv) Retroactive pay as provided for in section 5344(a)(2) of title 5 of the United States Code; and

(v) Amounts of checks drawn for moneys due which were not delivered by the governmental entity to the employee obligor prior to the employee obligor's death or which were not negotiated and returned to the governmental entity because of the death of the employee obligor, except those moneys due as set forth in § 581.104(i).

(c) * * *

(4) * * *

(iv) Any payments by the Veterans Administration as compensation for a service-connected disability or death, except any compensation paid by the Veterans Administration to a former member of the Armed Forces who is in receipt of retired or retainer pay if such former member has waived a portion of his/her retired pay in order to receive such compensation. In this case, only that part of the Veterans Administration payment which is in lieu of the waived retired/retainer pay is subject to garnishment. Payments of disability compensation by the Veterans Administration to an individual whose entitlement to disability compensation is greater than his/her entitlement to retired pay, and who has waived all of his/her retired pay in favor of disability compensation, are not subject to garnishment or other attachment under this part.

3. In § 581.104, the introductory text of paragraph (h) is revised, paragraphs (h)(2)(xiii) and (h)(2)(xiv) are revised, and paragraph (h)(2)(xv) and paragraph (i) are added to read as follows:

§ 581.104 Moneys which are not subject to garnishment.

(h) Reimbursement for expenses incurred by an individual in connection with his/her employment, or allowances in lieu thereof, and other payments and allowances, including, but not limited to:

(2) * * *

(xiii) Clothing allowances for enlisted personnel;

(xiv) Uniform allowances; and
(xv) Personal money allowances for General and Flag officers, and for the Surgeon General of the United States.

(i) Moneys due a deceased employee obligor where the amounts are:

(1) Reimbursement for expenses incurred by the deceased employee in connection with his/her employment, or allowances in lieu thereof, including: (i)

Per diem instead of subsistence, mileage, and amounts due in reimbursement of travel expenses, including incidental and miscellaneous expenses in connection therewith;

(ii) Allowances on change of official station;

(iii) Quarters allowances; and
(iv) Cost-of-living allowances (COLA), when applicable as a result of the deceased employee obligor's having been in a foreign area or stationed outside of the continental United States or in Alaska.

(2) Amounts due for payment of cash awards for employees' suggestions.

4. In § 581.105, paragraph (f) is revised to read as follows:

§ 581.105 Exclusions.

(f) Are deducted as normal life insurance premiums from salary or other remuneration for employment, not including amounts deducted for supplementary coverage. Both Servicemen's Group Life Insurance and "Basic Life" Federal Employees' Group Life Insurance premiums are considered to be normal life insurance premiums; all optional Federal Employees' Group Life Insurance premiums and life insurance premiums paid for by allotment, such as National Service Life Insurance, are considered to be supplementary.

5. In § 581.202, paragraph (b) is revised to read as follows:

§ 581.202 Service of process.

(b) Service of legal process brought for the enforcement of an obligation to provide child support and/or alimony shall be accomplished by certified or registered mail, return receipt requested, or by personal service upon the appropriate agent designated in Appendix A to this part, or if no agent has been designated for the governmental entity having payment responsibility for the moneys involved, then upon the head of that governmental entity. The designated agent shall note the date and time of receipt on the legal process. The governmental entity shall make every reasonable effort to facilitate proper service of process on its designated agent(s). If legal process is not directed to any particular official within the entity, or if it is addressed to the wrong individual, the recipient shall, nonetheless, forward the legal process to the designated agent. However, valid service is not accomplished until the legal process is received in the office of the designated agent.

6. In § 581.203, paragraph (b) is revised to read as follows:

§ 581.203 Information minimally required to accompany legal process.

(b) If the information submitted is not sufficient to identify the obligor, the legal process shall be returned directly to the court, or other authority, with an explanation of the deficiency. However, prior to returning the legal process, if there is sufficient time, an attempt should be made to inform the party who caused the legal process to be served, or the party's representative, that it will not be honored unless adequate identifying information is supplied.

7. Section 581.301 is revised to read as follows:

§ 581.301 Suspension of payment.

Upon proper service of legal process, together with all supplementary documents and information as required by §§ 581.202 and 581.203, the head of the governmental entity, or his/her designee, shall identify the obligor to whom that governmental entity holds moneys due and payable as remuneration for employment and shall suspend, i.e., withhold, payment of such moneys for the amount necessary to permit compliance with the legal process in accordance with this part.

8. In § 581.304, paragraph (a) is revised to read as follows:

§ 581.304 Nonliability for disclosure.

(a) No Federal employee whose duties include responding to interrogatories pursuant to § 581.303(b), shall be subject to any disciplinary action or civil or criminal liability or penalty for any disclosure of information made by him/her in connection with the carrying out of any duties pertaining directly or indirectly to answering such interrogatories.

9. In § 581.305, paragraph (a)(6) is revised and paragraph (f) is added to read as follows:

§ 581.305 Honoring legal process.

(a) * * *

(6) Where notice is received that the obligor has appealed either the legal process or the underlying alimony and/or child support order, payment of moneys subject to the legal process shall be suspended until the governmental entity is ordered by the court, or other authority, to resume payments. However, no suspension action shall be taken where the applicable law of the jurisdiction wherein the appeal is filed requires compliance with the legal

process while an appeal is pending. Where the legal process has been issued by a court in the District of Columbia, a motion to quash shall be deemed equivalent to an appeal.

(f) If a governmental entity receives legal process which, on its face, appears to conform to the laws of the jurisdiction from which it was issued, the entity shall not be required to ascertain whether the authority which issued the legal process had obtained personal jurisdiction over the obligor.

10. In § 581.306, paragraph (a) is revised to read as follows:

§ 581.306 Lack of moneys due from, or payable by, a governmental entity served with legal process.

(a) When legal process is served on a governmental entity, and the individual identified in the legal process as the obligor is found not to be entitled to moneys (the entitlement to which is based upon remuneration for employment) due from, or payable by, the governmental entity, the entity shall follow the procedures set forth in the legal process for that contingency or, if no procedures are set forth therein, shall return the legal process to the court, or other authority from which it was issued, and advise the court, or other authority, that no moneys, the entitlement to which is based upon remuneration for employment, are due from, or payable by, the governmental entity to the named individual.

11. In § 581.402, paragraphs (a) and (b) are revised to read as follows:

§ 581.402 Maximum garnishment limitations.

(a) Fifty (50) percent of the obligor's aggregate disposable earnings for any workweek, where the obligor asserts by affidavit, or by other acceptable evidence, that he/she is supporting a spouse and/or dependent child, other than the former spouse and/or child for whose support such order is issued, except that an additional five (5) percent will apply if it appears on the face of the legal process, or from other evidence submitted in accordance with § 581.202(d), that such earnings are to enforce a support order for a period which is twelve (12) weeks prior to that workweek. An obligor shall be considered to be supporting a spouse and/or dependent child only if the obligor provides over half of the spouse's and/or dependent child's support.

(b) Sixty (60) percent of the obligor's aggregate disposable earnings for any

workweek, where the obligor fails to assert by affidavit or establishes by other acceptable evidence, that he/she is supporting a spouse and/or dependent child, other than a former spouse and/or child with respect to whose support such order is issued, except that an additional five (5) percent will apply if it appears on the face of the legal process, or from other evidence submitted in accordance with § 581.202(d), that such earnings are to enforce a support order for a period which is twelve (12) weeks prior to that workweek.

12. Appendix A to Part 581 is revised to read as follows:

Appendix A—List of Agents Designated to Accept Legal Process

(This appendix lists the agents designated to accept legal process for the executive branch of the United States, the United States Postal Service, the Postal Rate Commission, the District of Columbia, American Samoa, Guam, the Virgin Islands, and the Smithsonian Institution).

I. Departments

Department of Agriculture

General Counsel, Department of Agriculture, 14th & Independence Ave., S.W., Washington, D.C. 20250; (202) 447-3351

Department of Commerce

1. For employee obligors in the Office of the Secretary, Economic Development Administration, Domestic and International Business Administration, Bureau of Economic Analysis, Office of Minority Business Enterprise, National Fire Prevention and Control Administration, United States Travel Service, Office of Regional Economic Coordination, Appalachian Regional Commission, and Regional Action Planning Commissions: Director, Finance Operations Division, Department of Commerce, Room 6830-A, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230 (202) 377-2227

2. *Bureau of the Census*: Chief, Finance Division, POB #3, Room 1731, Washington, D.C. 20233; (301) 763-5654

3. *National Oceanic and Atmospheric Administration*: Chief, Finance Division, National Oceanic and Atmospheric Administration, Building AD-5, Room 300, 6010 Executive Boulevard, Rockville, MD 20852; (301) 443-8795

4. *Patent and Trademark Office*: Director, Office of Finance, Patent and Trademark Office, Room 2-6D-07, Crystal Plaza, Washington, D.C. 20231; (703) 557-3761

5. *National Bureau of Standards, National Technical Information Service, and Office of Telecommunications*: Chief, Financial Management Division, National Bureau of Standards, Room A-931, Administration Building, Washington, D.C. 20234, (301) 921-2507

6. *Maritime Administration*: Chief, Division of Accounts, Office of Financial Management, Maritime Administration, Room 3090, 14th

Street and Constitution Avenue, NW., Washington, D.C. 20230; (202) 377-4764

7. In cases where the name of the operating unit in the Department of Commerce cannot be ascertained: Chief, Accounting Standards Division, Office of the Secretary, Room 6800, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230; (202) 377-4407

Department of Defense

Army

a. Civilian Personnel of the Army employed in Germany: Commander, U.S. Army Finance and Accounting Center, Europe, Attention: AEUTCF-CPF, APO New York 09102; Telephone: Schwetzingen, Germany 06202-806333

b. Nonappropriated fund civilian employees of the Army Post Exchanges: Army and Air Force Exchange Service, Attention: GC-G, Dallas, Texas 75222; (214) 330-2174

c. Department of the Army personnel, active and retired, not included in a. or b.: Commander, Army Finance and Accounting Center, Attention: FINCL-G, Indianapolis, IN 46249; (317) 542-4284

Navy

Director, Navy Family Allowance Activity, Anthony J. Celebrezze Federal Building, Cleveland, OH 44199; (216) 522-5301

Marine Corps

Commanding Officer, Marine Corps Finance Center (Code AA), Kansas City, MO 64197; (816) 826-7103

Air Force

1. Active duty, reserve, Air National Guard (ANG), retired military members and civilian employees of appropriated fund activities: Commander, Air Force Accounting and Finance Center, Attention: JA, Denver, CO 80279; (303) 370-7524

2. Non-appropriated fund civilian employees of base exchanges: Army and Air Force Exchange Service, Attention: GC-G, Dallas, TX 75222; (214) 330-2174

3. Civilian employees of all other Air Force nonappropriated fund activities: AFMPC/JA, Attention: NAF Law Division, Randolph AFB, TX 78150; (512) 852-6691

Defense Communications Agency

General Counsel or Deputy General Counsel, Office of the General Counsel (Code 105), Defense Communications Agency, Washington, D.C. 20305; (202) 692-2009

Defense Contract Audit Agency

Director of Personnel, Defense Contract Audit Agency, Cameron Station, Alexandria, VA 22314; (202) 274-7325

Defense Logistics Agency

Accounting & Finance Officer (DCSC-CA), Defense Construction Supply Center, Columbus, OH 43215; (614) 236-3161
Accounting & Finance Officer (DESC-CA), Defense Electronics Supply Center, 1507 Wilmington Pike, Dayton, OH 45444; (513) 298-6415

Command Security Officer, Defense General Supply Center, Richmond, VA 23297; (804) 275-4751

Accounting & Finance Officer (DPSC-ZA), Defense Personnel Support Center, 2800 South 20th Street, Philadelphia, PA 19101; (215) 952-2741

Accounting & Finance Officer (DDMP-BD), Defense Depot Mechanicsburg, Mechanicsburg, PA 17055; (717) 790-2992

Accounting & Finance Officer (DDMT-FD), Defense Depot Memphis, 2163 Airways Boulevard, Memphis, TN 38114; (901) 744-5541

Accounting & Finance Officer (DDOU-RF), Defense Depot Ogden, Ogden, UT 84407; (801) 399-7358

Accounting & Finance Officer (DDTC-GD), Defense Depot Tracy, S. Chrisman Road, Tracy, CA 95376; (209) 835-9316

Accounting & Finance Officer (DASC-F), Cameron Station, Alexandria, VA 22314; (202) 274-6108

Accounting & Finance Officer (DCRA-FA), Defense Contract Administration Services Region, Atlanta, 805 Walker Street, Marietta, GA 30060; (404) 424-9304

Accounting & Finance Officer (DCPB-FA), Defense Contract Administration Services Region, Boston, 666 Summer Street, Boston, MA 02210; (617) 542-8893

Accounting & Finance Officer (DCRI-FA), Defense Contract Administration Services Region, Chicago, O'Hare International Airport, 6400 North Mannheim Road, P.O. Box 66475, Chicago, IL 60666; (312) 694-2245

Accounting & Finance Officer (DCRO-FA), Defense Contract Administration Services Region, Cleveland, Anthony J. Celebrezze Federal Building, 1240 East Ninth Street, Cleveland, OH 44199; (216) 552-5490

Accounting & Finance Center Officer (DCRT-FA), Defense Contract Administration Services Region, Dallas, 500 South Ervay Street, Dallas, TX 75201; (214) 670-1350

Accounting & Finance Officer (DCRL-FA), Defense Contract Administration Services Region, Los Angeles, 11099 South La Cienega Boulevard, Los Angeles, CA 90045; (213) 643-2210

Accounting & Finance Center (DCRN-FA), Defense Contract Administration Services Region, New York, 60 Hudson Street, New York, NY 10013; (212) 374-9408

Accounting & Finance Officer (DCRS-FA), Defense Contract Administration Services Region, St. Louis, 1136 Washington Avenue, St. Louis, MO 63101; (314) 263-65101

Defense Mapping Agency

1. For employee obligors in the Defense Mapping School, DMA Inter American Geodetic Survey, DMA Office of Distribution Services, and the Headquarters: General Counsel, Defense Mapping Agency, Building 56, U.S. Naval Observatory, Washington, D.C. 20305; (202) 254-4431

2. For employee obligors in the DMA Aerospace Center: Counsel, DMA Aerospace Center, St. Louis Air Force Station, St. Louis, MO 63118; (314) 263-4501

3. For employee obligors in DMA Hydrographic/Topographic Center: Counsel, DMA Hydrographic/Topographic Center, Washington, D.C. 20315; (202) 227-2288

Defense Nuclear Agency

1. For employees of Field Command located at Kirtland AFB, New Mexico:

Commander, Air Force Accounting and Finance Center, ATTN: Staff Judge Advocate, Denver, CO 80279

2. For all other employees: General Counsel, Defense Nuclear Agency, Washington, D.C. 20305; (703) 325-7681

Uniformed Services University of the Health Sciences

Director, Personnel/Manpower, Civilian Personnel, 4301 Jones Bridge Road, Bethesda, MD 20014; (202) 295-3080

With respect to other civilian employees of Department of Defense agencies, or other employing activities within the Department of Defense or the Military Departments, the Director of the agency or activity shall assist by receiving and forwarding process to the designated agent in the appropriate disbursing office.

Department of Education

Assistant General Counsel, Division of Business and Administrative Law, Room 4091, FOB-6, 400 Maryland Avenue, S.W., Washington, D.C. 20202; (202) 755-1106

Department of Energy

Power Administrations

1. Alaska Power Administration: Administrator, Alaska Power Administration, Department of Energy, P.O. Box 50, Juneau, AK 99802; (907) 586-7405

2. Bonneville Power Administration: Chief, Payroll Branch (DJJ), Bonneville Power Administration, Department of Energy, 1002 N.E. Holladay Street, Portland, OR 97208; (503) 230-5145

3. Southeastern Power Administration: Director, Washington Financial Services Division (CR-46), Mail Station C-212, Department of Energy, Washington, D.C. 20545; (301) 353-5316

4. Southwestern Power Administration: Chief Counsel, Southwestern Power Administration, Department of Energy, P.O. Box Drawer 1619, Tulsa, OK 74101; (918) 581-7428

5. Western Area Power Administration: General Counsel, Western Area Power Administration, Department of Energy, P.O. Box 3402, Golden, CO 80401; (303) 231-1529

Field Offices

1. Albuquerque Operations Office and Richland Operations Office (includes Fast Flux Test Facility Project Office): Chief Counsel, Albuquerque Operations Office, Department of Energy, P.O. Box 5400, Albuquerque, NM 87115; (505) 264-7265

2. Chicago Operations Office and Oak Ridge Operations Office (includes Clinch River Breeder Reactor Project Office and the Technical Information Center: Chief Counsel, Oak Ridge Operations Office, Department of Energy, P.O. Box E, Oak Ridge, TN 37830; (615) 693-7153

3. Grand Junction Office, Nevada Operations Office, and San Francisco Operations Office: Chief, Collection Disbursement and Funds Branch, Nevada Operations Office, Department of Energy, P.O. Box 14100, Las Vegas, NV 89114; (702) 734-3166

4. Idaho Operations Office: Chief, General and Fund Accounting Branch, Idaho

Operations Office, Department of Energy, 550 Second Street, Idaho Falls, ID 43201; (208) 526-1598

5. Savannah River Operations Office: Director, Finance Division, Savannah River Operations Office, Department of Energy, P.O. Box A, Aiken, SC 29801; (803) 725-2681

6. Pittsburgh Naval Reactors Office, Schenectady Naval Reactors Office, Washington Headquarters, and all other organizations: Director, Washington Financial Services Division (CR-46), Mail Station C-212, Department of Energy, Washington, D.C. 20545; (301) 353-5316

Department of Health and Human Services

1. For the garnishment of the remuneration of employees of the Department of Health and Human Services: Garnishment Agent, Office of General Counsel, Room 5362-North Building, 330 Independence Ave., S.W., Washington, D.C. 20201; (202) 472-3109

2. For the garnishment of benefits under Title II of the Social Security Act, legal process may be served on the office manager at any Social Security District or Branch Office. The addresses and telephone numbers of Social Security District and Branch Offices may be found in the local telephone directory.

Department of Housing and Urban Development

Chief, Operations Branch, Personnel Systems and Payroll Division, Department of Housing and Urban Development, 451 Seventh Street, S.W., Room 2132, Washington, D.C. 20410; (202) 755-8906

Department of the Interior

Secretarial Offices: Office of Territorial Affairs; Office of Water Research and Technology; Commission of Fine Arts; Delaware River Basin Commission; and Susquehanna River Basin Commission: Chief, Division of Fiscal Services, Department of the Interior, 18 & C Streets, N.W., Room 5261, Washington, D.C. 20240; (202) 343-5207

Bureau of Mines

Chief, Branch of Finance, Bureau of Mines, Department of the Interior, Denver Federal Center, Bldg. 20, Rm. D-2038, Denver, CO 80225; (303) 234-2354

Fish and Wildlife Service

Chief, Division of Financial and Management Systems, Fish and Wildlife Service, Department of the Interior, 18th & C Streets, N.W., Washington, D.C. 20240; (202) 343-8991

Geological Survey

Chief, Branch of Financial Management, MS 270, Geological Survey, Department of the Interior, 12201 Sunrise Valley Drive, Reston, VA 22092; (802) 960-6181

Heritage Conservation and Recreation Service

Chief, Division of Personnel and Management, Heritage Conservation and Recreation Service, Department of the Interior, Pension Building, 440 G Street, N.W., Washington, D.C. 20243; (202) 343-4275

National Park Service

a. For employees of the National Capital Region: Chief, Division of Finance, National Capital Region, National Park Service, 1100 Ohio Drive, S.W., Washington, D.C. 20242; (202) 426-6064

b. For employees of the North Atlantic Region: Chief, Division of Finance, North Atlantic Region, National Park Service, 15 State Street, Boston, Massachusetts 02109; (617) 223-1173

c. For employees of the Mid-Atlantic Region: Chief, Division of Finance, Mid-Atlantic Region, National Park Service, 143 South Third Street, Philadelphia, Pennsylvania 19106; (215) 597-7067

d. For employees of the Southeast Region: Chief, Division of Finance, Southeast Region, National Park Service, 75 Spring Street, S.W., Atlanta, Georgia 30303; (404) 242-3694

e. For employees of the Midwest Region: Chief, Division of Finance, Midwest Region, National Park Service, 1709 Jackson Street, Omaha, Nebraska 68102; (402) 864-3450

f. For employees of the Southwest Region: Chief, Division of Finance, Southwest Region, National Park Service, Old Santa Fe Trail, P.O. Box 728, Santa Fe, New Mexico 87501; (505) 476-1662

g. For employees of the Rocky Mountain Region: Chief, Division of Finance, Rocky Mountain Region, National Park Service, 645-655 Parfet Avenue, Denver, Colorado 80215; (303) 234-4530

h. For employees of the Western Region: Chief, Division of Finance, Western Region, National Park Service, 450 Golden Gate Avenue, P.O. Box 36036, San Francisco, California 94102; (415) 556-0937

i. For employees of the Pacific Northwest and Alaska Regions: Chief, Division of Finance, Pacific Northwest and Alaska Regions, National Park Service, 601 Fourth and Pike Building, Seattle, Washington 98101; (206) 399-6522

j. For all other employees of the National Park Service or where the garnishor is not certain as to which region the legal process should be sent: Chief, Division of Finance, National Park Service, Department of the Interior, 1100 L Street, N.W., Washington, D.C. 20005; (202) 523-6150

*Water and Power Resources Service
(formerly Bureau of Reclamation)*

Chief, Division of Personnel and Management, Water and Power Resources Service, Department of the Interior, 18th & C Streets, NW, Washington, D.C. 20240; (202) 343-4626

Bureau of Indian Affairs

Chief, Branch of Employee Data and Compensation, Bureau of Indian Affairs, Department of the Interior, 500 Gold Avenue, S.W., Albuquerque, NM 87103; (505) 766-2936

Office of Surface Mining Reclamation and Enforcement

Chief, Budget and Financial Management Division, Office of Surface Mining Reclamation and Enforcement, Department of the Interior, 1951 Constitution Avenue, NW, Washington, D.C. 20245; (202) 343-4926

Bureau of Land Management

Chief, Division of Finance, Bureau of Land Management, Department of the Interior, 18th & C Streets, NW, Room 3559, Washington, D.C. 20240; (202) 343-3607

Department of Justice

1. For all employees, except employees of the Federal Bureau of Investigation: Assistant Director, Employee Data Service, Systems Operations Staff, Justice Management Division, Department of Justice, P.O. Box 2922, Washington, D.C. 20013; (202) 633-4442

2. For employees of the Federal Bureau of Investigation: Personnel Officer, FBI Headquarters, Department of Justice, J. Edgar Hoover Building, Room 6052, Washington, D.C. 20535; (202) 324-4981

Department of Labor

1. Payments to employees of the Department of Labor: Director, Office of Accounting, Room N1309, Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210; (202) 523-8314

2. Process relating to moneys due and payable by the United States under the Longshoremen's Act should be directed to the: Associate Director for Longshore and Harbor Workers' Compensation, Room C-3520, Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210; (202) 523-8721

3. Process relating to benefits payable under the Federal Employees' Compensation Act should be directed to the appropriate district office of the Office of Workers' Compensation Programs.

District No. 1

Deputy Commissioner, Office of Workers' Compensation Programs, Room 1800, John F. Kennedy Building, Government Center, Boston, MA 12203; (617) 223-7655
Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont

District No. 2

Deputy Commissioner, Office of Workers' Compensation Programs, 1515 Broadway (at West 44th), New York, NY 10036; (212) 399-5501
New Jersey, New York, Puerto Rico, and the Virgin Islands

District No. 3

Deputy Commissioner, Office of Workers' Compensation Programs, Gateway Building, Room 2150, 3535 Market Street, Philadelphia, PA 19104; (215) 596-1180
Delaware, Pennsylvania, and West Virginia

District No. 6

Assistant Deputy Commissioner, Office of Workers' Compensation Programs, 400 West Bay Street, Box 35049, Jacksonville, FL 32202; (904) 791-3426
Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee

District No. 7

Assistant Deputy Commissioner, Office of Workers' Compensation Programs, Hale Boggs Federal Building, 500 Camp Street, New Orleans, LA 70130; (504) 589-6135
Arkansas and Louisiana

District No. 9

Assistant Deputy Commissioner, Office of Workers' Compensation Programs, 1240 East 9th Street, Room 867, Cleveland, OH 44199; (216) 522-3803
Indiana, Michigan, and Ohio

District No. 10

Deputy Commissioner, Office of Workers' Compensation Programs, 230 S. Dearborn Street, 8th Floor, Chicago, IL 60604; (312) 353-5650
Illinois, Minnesota, and Wisconsin

District No. 11

Deputy Commissioner, Office of Workers' Compensation Programs, 1910 Federal Office Building, 911 Walnut Street, Kansas City, MO 64106; (816) 374-2723

District No. 12

Deputy Commissioner, Office of Workers' Compensation Programs, Drawer 3558, Federal Building, 1961 Stout Street, Denver, CO 80202; (303) 837-5402
Colorado, Montana, North Dakota, South Dakota, Utah, and Wyoming

District No. 13

Deputy Commissioner, Office of Workers' Compensation Programs, 450 Golden Gate Avenue, Box 36022, San Francisco, CA 94102; (415) 556-6183
Arizona, California, and Nevada

District No. 14

Deputy Commissioner, Office of Workers' Compensation Programs, 4010 Federal Office Building, 909 First Avenue, Seattle, WA 98174; (206) 442-5521
Alaska, Idaho, Oregon, and Washington

District No. 15

Assistant Deputy Commissioner, Office of Workers' Compensation Programs, 300 Ala Moana Boulevard, Room 5108, Box 50209, Honolulu, HI 96850; (808) 546-6396
All land and water areas west of the continents of North and South America to 60 degrees east longitude (excluding Iran)

District No. 16

Deputy Commissioner, Office of Workers' Compensation Programs, 555 Griffin Square Building, Room 100, Griffin and Young Streets, Dallas, TX 75201; (214) 767-4712
Arkansas, Louisiana, New Mexico, Oklahoma, and Texas

District No. 17

Assistant Deputy Commissioner, Office of Workers' Compensation Programs, 1371 Peachtree Street, NE, Room 331, Atlanta, GA 30309; (404) 881-7566
Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee

District No. 25

Assistant Deputy Commissioner, Office of Workers' Compensation Programs, 666 11th Street, N.W., Room 405, Washington, D.C. 20211; (202) 724-0713
District of Columbia, Maryland, and Virginia
4. Process relating to claims arising out of the places set forth below and process

seeking to attach Federal Employees' Compensation Act benefits payable to employees of the Department of Labor should be directed to the:

Associate Director for Federal Employees' Compensation, Room S3229, 200 Constitution Avenue, N.W., Washington, D.C. 20210; (202) 523-7552

Canada, Mexico, Central and South America, and all land and water areas east of the continents of North and South America to 60 degrees east longitude (including Iran but excluding Puerto Rico and the Virgin Islands)

Department of State

Executive Director (L/EX), Office of the Legal Adviser, Department of State, 22nd and C Streets, N.W., Room 5425, Washington, D.C. 20520; (202) 632-0460

Agency for International Development

Chief, Employee Relations Branch, Agency for International Development, SER/PM/PS/ER, Room 100-D, State Annex 2, Washington, D.C. 20523; (202) 632-2954

Department of Transportation

Office of the Secretary, General Counsel, 400 7th Street, SW, Washington, D.C. 20590; (202) 426-4702

United States Coast Guard, Chief Counsel, 2100 2nd Street, SW, Washington, D.C. 20593; (202) 426-1616

Federal Aviation Administration

1. Headquarters (Washington, D.C.) and overseas employees: Chief Counsel, 800 Independence Avenue, S.W., Washington, D.C., 20591; (202) 426-3773

2. Central Region (Nebraska, Kansas, Iowa, and Missouri): Regional Counsel, ACE-7, 601 E. 12th Street, Kansas City, Missouri 64106; (816) 374-5446

3. Alaska Region: Regional Counsel, AAL-7, 701 C Street, Box 14, Anchorage, Alaska 99513; (907) 271-5269

4. Pacific-Asia Region: Regional Counsel, APC-7, P.O. Box 50109, Honolulu, Hawaii 46850; (808) 546-5621

5. Eastern Region (New York, Pennsylvania, New Jersey, West Virginia, Maryland, Delaware and Virginia): Regional Counsel, AEA-7, Federal Building, JFK International Airport, Jamaica, New York 11430; (212) 995-2814

6. Great Lakes Region (Minnesota, Wisconsin, Michigan, Illinois, Indiana and Ohio): Regional Counsel, AGL-7, 2300 East Devon, Des Plaines, Illinois 60018; (312) 694-4500, ext. 311

7. Northeast Region (Maine, New Hampshire, Vermont, Massachusetts, Connecticut and Rhode Island): Regional Counsel, ANE-7, 12 New England Executive Park, Burlington, Massachusetts 01803; (617) 273-7384

8. Northwest Region (Washington, Oregon and Idaho): Regional Counsel, ANW-7, FAA Building, 9010 E. Marginal Way South, King County International Airport (Boeing Field), Seattle, Washington 98108; (206) 767-2870

9. Rocky Mountain Region (Montana, North Dakota, South Dakota, Wyoming, Utah, Colorado): Regional Counsel, ARM-7, 10455 East 25th Avenue, Aurora, Colorado 80010; (303) 837-4846

10. Southern Region (Kentucky, North Carolina, Tennessee, Mississippi, Alabama, Georgia, South Carolina, Florida, Puerto Rico, Republic of Panama and the Virgin Islands): Regional Counsel, ASO-7, P.O. Box 20636, Atlanta, Georgia 30320; (404) 763-7204

11. Southwest Region (Arkansas, Louisiana, Oklahoma, Texas, and New Mexico): Regional Counsel, ASO-7, P.O. Box 1689, Fort Worth, Texas 76101; (214) 536-8270

12. Mike Monroney Aeronautical Center: Center Counsel, AAC-7, P.O. Box 25082, Oklahoma City, Oklahoma 73103; (405) 686-2296

13. FAA Technical Center: Central Region, ACT-7, Atlantic City, New Jersey 08405; (604) 641-8200, ext. 3605

Federal Highway Administration

Chief Counsel, 400 7th Street, S.W., Washington, D.C. 20590; (202) 426-0740

Federal Railroad Administration

1. For all employees, except those of the Alaska Railroad: Chief Counsel, 400 7th Street, S.W., Washington, D.C. 20590; (202) 426-0767

2. For employees of the Alaska Railroad: Personnel Officer, Chief, Employment Section, The Alaska Railroad, RAR-14, Pouch 7-2111, Anchorage, Alaska 99510; (907) 265-2436

Maritime Administration

Chief, Division of Accounting Operations, Room 4429, 400 7th Street, SW, Washington, D.C. 20590

National Highway Traffic Safety Administration

Chief Counsel, 400 7th Street, SW, Washington, D.C. 20590; (202) 426-9511

Urban Mass Transportation Administration

Chief Counsel, 400 7th Street, SW, Washington, D.C. 20590; (202) 426-4063

St. Lawrence Seaway Development Corporation

General Counsel, P.O. Box 520, Massena, New York 13662; (315) 764-0271

Research and Special Programs Administration

Chief Counsel, 400 7th Street, S.W., Washington, D.C. 20590; (202) 755-4972

Department of the Treasury

1. Office of the Secretary: General Counsel, Department of the Treasury, Room 3000, Main Treasury Building, 1500 Pennsylvania Avenue, N.W., Washington, D.C. 20220; (202) 566-2093

2. Office of Revenue Sharing: Chief Counsel, Fifteenth Floor, 2401 E Street, N.W., Washington, D.C. 20226; (202) 634-5182

3. Office of Foreign Assets Control: Chief Counsel, Room 401, 1331 G Street, N.W., Washington, D.C. 20220; (202) 376-0236

4. U.S. Savings Bonds Division: Assistant General Counsel (AL), Room 1410, Main Treasury Building, 1500 Pennsylvania Avenue, N.W., Washington, D.C. 20220; (202) 566-8464

5. Bureau of Government Financial Operations: Legal Counsel, Treasury Annex Number 1, Pennsylvania Avenue and

Madison Place, N.W., Washington, D.C. 20228; (202) 566-7534

8. Internal Revenue Service: Director, General Legal Services Division, Office of Chief Counsel, 1111 Constitution Avenue, N.W., Washington, D.C. 20224; (202) 566-3488

7. Bureau of Alcohol, Tobacco & Firearms: Chief Counsel, Room 5526, Federal Building, 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20226; (202) 566-7772

8. Bureau of Public Debt: Chief Counsel, Room 309, Washington Building, Washington, D.C. 20228; (202) 376-0244

9. Secret Service: Legal Counsel, Room 842, 1800 G Street, N.W., Washington, D.C. 20223; (202) 535-5771

10. Bureau of Engraving & Printing: Legal Counsel, Room 109M, 14th & C Streets, N.W., Washington, D.C. 20228; (202) 447-1425

11. Office of the Comptroller of the Currency: Director, Litigation, Office of Chief Counsel, Fifth Floor, 490 L'Enfant Plaza East, S.W., Washington, D.C. 20219; (202) 447-1893

12. Bureau of the Mint: Legal Counsel, Room 1033, 501 13th Street, N.W., Washington, D.C. 20220; (202) 376-0565

13. Federal Law Enforcement Training Center: Legal Counsel, Building 94, Glynco, GA 31520; (912) 267-2441

14. Customs Service: (a) Headquarters (Washington, D.C.) and overseas employees: Assistant Chief Counsel of Customs, (Hearings and Claims), 1301 Constitution Ave., N.W., Washington, D.C. 20229; (202) 566-2482

(b) For employees not located at headquarters or overseas, service of process may be made upon the Regional Counsel of Customs in whose region the obligor is employed, as listed below:

Region I, Regional Counsel of Customs, Suite 1739, 100 Summer Street, Boston, MA 02110; (617) 223-0075

Region II, Regional Counsel of Customs, Room 732, 6 World Trade Center, New York, NY 10048; (212) 466-4562

Region III, Regional Counsel of Customs, 40 S. Gay Street, Baltimore, MD 21202; (301) 962-4119

Region IV, Regional Counsel of Customs, 99 S.E. 5th Street, Miami, FL 33131; (305) 350-4321

Region V, Regional Counsel of Customs, Suite 2422, 1440 Canal Street, New Orleans, LA 70112; (504) 589-6981

Region VI, Regional Counsel of Customs, Suite 1220, 500 Dallas Avenue, Houston, TX 77002; (713) 226-4887

Region VII, Regional Counsel of Customs, 300 N. Los Angeles Street, Los Angeles, CA 90053; (213) 688-5936

Region VIII, Regional Counsel of Customs, Suite 1000, 211 Main Street, San Francisco, CA 94105; (415) 556-3873

Region IX, Regional Counsel of Customs, Suite 1417, 55 E. Monroe Street, Chicago, IL 60603; (312) 533-7860

II. Agencies

[Unless otherwise indicated below, all agencies of the executive branch shall be subject to service of legal process brought for the enforcement of an individual's obligation to provide child support and/or make alimony payments where such service is sent

by certified or registered mail, return receipt requested, or by personal service, upon the head of the agency.]

Central Intelligence Agency

Director of Personnel Policy, Planning, and Management, Central Intelligence Agency, Washington, D.C. 20505

or

Chief, Special Activities Staff, Office of Personnel Policy Planning, and Management, Central Intelligence Agency, Washington, D.C. 20505; (703) 351-3452

Civil Aeronautics Board

General Counsel, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428; (202) 673-5233

or

Director, Office of Human Resources, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428; (202) 673-6140

Commission on Civil Rights

Solicitor, Commission on Civil Rights, Room 710, 1121 Vermont Avenue, N.W., Washington, D.C. 20425; (202) 254-3070

Commodity Futures Trading Commission

Director of Personnel, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581; (202) 254-3275

Consumer Product Safety Commission

General Counsel, 5401 Westbard Avenue, Washington, D.C. 20207; (301) 492-6960

Export-Import Bank of the United States

General Counsel, Export-Import Bank of the United States, Room 947, 811 Vermont Avenue, N.W., Washington, D.C. 20571 (Stop No. 292); (202) 566-8334

Farm Credit Administration

Director or Assistant Director, Administrative Division, 490 L'Enfant Plaza East, S.W., Washington, D.C. 20578; (202) 755-4394

Federal Deposit Insurance Corporation

Counsel, Federal Deposit Insurance Corporation, Room 4105B, 550 17th Street, N.W., Washington, D.C. 20429; (202) 389-4261

Federal Election Commission

Assistant Staff Director, Administration Division, Federal Election Commission, 1325 K Street, N.W., Washington, D.C. 20463; (202) 523-4112

Federal Home Loan Bank Board

Director, Administration Division, Office of the General Counsel, Federal Home Loan Bank Board, 3rd Floor, 1700 G Street, N.W., Washington, D.C. 20552; (202) 377-6462

Federal Labor Relations Authority

Director of Personnel, Federal Labor Relations Authority, Room 225, 500 C Street, S.W., Washington, D.C. 20424; (202) 382-0751

Federal Maritime Commission

Director of Personnel or Deputy Director of Personnel, Federal Maritime Commission, 1100 L Street, N.W., Room 11213, Washington, D.C. 20573; (202) 523-5773

Federal Mediation and Conciliation Service

General Counsel, Federal Mediation and Conciliation Service, 2100 K Street, N.W., Washington, D.C. 20427; (202) 653-5209

General Services Administration

1. Region 1 (Maine, Vermont, New Hampshire, Massachusetts, Connecticut): Regional Counsel, John W. McCormack Post Office & Courthouse, Boston, MA 02109; (617) 223-2621

2. Region 2 (New York, New Jersey, Puerto Rico, the Virgin Islands): Regional Counsel, 26 Federal Plaza, New York, NY 10007; (212) 264-8306

3. Region 3 (Pennsylvania, West Virginia, Maryland, Virginia, less the greater metropolitan area of Washington, D.C.): Regional Counsel, Ninth and Market Streets, Philadelphia, PA 19107; (215) 597-1319

4. Region 4 (Kentucky, Tennessee, North Carolina, Mississippi, Alabama, Georgia, South Carolina, Florida): Regional Counsel, R. B. Russell Federal Building and U.S. Courthouse, 75 Spring Street, S.W., Atlanta, GA 30303; (404) 881-3006

5. Region 5 (Minnesota, Wisconsin, Illinois, Indiana, Michigan, Ohio): Regional Counsel, 230 South Dearborn Street, Chicago, IL 60604; (312) 353-5392

6. Region 6 (Nebraska, Iowa, Kansas, Missouri): Regional Counsel, 1500 E. Bannister Road, Kansas City, MO 64131; (816) 926-7212

7. Region 7 (New Mexico, Texas, Oklahoma, Arkansas, Louisiana): Regional Counsel, 819 Taylor Street, Fort Worth, TX 76102; (817) 334-2325

8. Region 8 (Montana, North Dakota, South Dakota, Wyoming, Utah, Colorado): Regional Counsel, Building 41—Denver Federal Center, Denver, CO 80225; (303) 234-3813

9. Region 9 (California, Nevada, Arizona, Hawaii, Guam): Regional Counsel, 525 Market Street, San Francisco, CA 94105; (415) 556-3963

10. Region 10 (Washington, Oregon, Idaho, Alaska): Regional Counsel, GSA Center, Auburn, Washington 98002; (206) 883-6500, ext. 225

11. Greater metropolitan area of Washington, D.C. (includes parts of Maryland and Virginia): Regional Counsel, 7th & D Streets, N.W., Washington, D.C. 20407; (202) 472-1809

International Communication Agency

General Counsel, International Communication Agency, 1750 Pennsylvania Avenue, N.W., Washington, D.C. 20547; (202) 724-9563

Interstate Commerce Commission

Chief, Budget and Fiscal Office, Interstate Commerce Commission, 12th and Constitution Avenue, N.W., Washington, D.C. 20423

Merit Systems Protection Board

Director, Office of Administration, Merit Systems Protection Board, Room 912, 1120 Vermont Avenue, N.W., Washington, D.C. 20419; (202) 653-8931

National Aeronautics and Space Administration

NASA Headquarters

Assistant General Counsel for Litigation, 400 Maryland Avenue, S.W., Washington, D.C. 20546; (202) 755-3920

NASA Field Installations

Chief Counsel, Ames Research Center, Moffett Field, CA 94035; (415) 965-5103
 Chief Counsel, Dryden Flight Research Center, Edwards, CA 93520; (805) 258-8787
 Chief Counsel, Goddard Space Flight Center, Greenbelt, MD 20771; (301) 344-8887
 Chief Counsel, Johnson Space Center, Houston, TX 77058; (713) 483-3021
 Chief Counsel, Kennedy Space Center, Kennedy Space Center, FL 32899; (305) 867-2550
 Chief Counsel, Langley Research Center and Wallops Flight Center, Hampton, VA 23665; (804) 827-3397
 Chief Counsel, Lewis Research Center, Cleveland, OH 44135; (216) 433-6411
 Chief Counsel, Marshall Space Flight Center, Marshall Space Flight Center, AL 35812; (205) 453-2440
 Chief Counsel, National Space Technology Laboratories, NSTL Station, MS 39529; (601) 688-2164

National Capital Planning Commission

Administrative Officer, National Capital Planning Commission, 1325 G Street, N.W., Washington, D.C. 20576; (202) 724-0170

National Credit Union Administration

Director, Division of Personnel, National Credit Union Administration, 1776 G Street, N.W., Washington, D.C. 20456; (202) 357-1156

National Endowment for the Humanities

General Counsel, National Endowment for the Humanities, Washington, D.C. 20506; (202) 724-0367

National Labor Relations Board

Finance Officer, National Labor Relations Board, 1717 Pennsylvania Avenue, N.W., Room 1300, Washington, D.C. 20570; (202) 254-9307

National Mediation Board

Administrative Officer, National Mediation Board, Washington, D.C. 20572; (202) 523-5950

National Railroad Adjustment Board

Staff Director/Grievances, National Railroad Adjustment Board, 202 S. State Street, Chicago, IL 60604

National Science Foundation

General Counsel, National Science Foundation, 1800 G Street, N.W., Washington, D.C. 20550; (202) 634-4266

Nuclear Regulatory Commission

Controller, Nuclear Regulatory Commission, Washington, D.C. 20555; (301) 492-7521

National Transportation Safety Board

Chief, Personnel and Training Division, National Transportation Safety Board, 800

Independence Avenue, S.W., Washington, D.C. 20594, ATTN: AD-30; (202) 472-6166

Office of Personnel Management

1. Payments to OPM employees: General Counsel, Office of Personnel Management, Room 5H30, 1900 E Street, N.W., Washington, D.C. 20415; (202) 254-6586

2. Payments of retirement benefits under the Civil Service Retirement System: Associate Director for Compensation Office of Personnel Management Allotment Section, P.O. Box 17, Washington, D.C. 20044; (202) 632-9677

Panama Canal Commission

Director, Office of Executive Administration, Panama Canal Commission, APO Miami 34011; 52-3519

Pension Benefit Guaranty Corporation

General Counsel or Deputy General Counsel, Pension Benefit Guaranty Corporation, 2020 K Street, N.W., Washington, D.C. 20006; (202) 254-4864

Railroad Retirement Board

General Counsel, Railroad Retirement Board, 844 North Rush Street, Chicago, Illinois 60611; (312) 751-4569

Selective Service System

General Counsel, Selective Service System, 600 E Street, N.W., Washington, D.C. 20435; (202) 724-0433

Small Business Administration

[District Directors are designated to accept legal process for their respective districts as set forth in 13 CFR 101.3-1.]

District Director, Boston District Office, 150 Causeway Street, Boston, MA 02114; (617) 223-2100

District Director, Augusta District Office, 40 Western Avenue, Augusta, ME 04330; (207) 622-6171

District Director, Concord District Office, 55 Pleasant Street, Concord, NH 03301; (603) 224-4041

District Director, Hartford District Office, One Financial Plaza, Hartford CT 06106; (203) 244-3600

District Director, Montpelier District Office, 87 State Street, Montpelier, VT 05602; (802) 229-0538

District Director, Providence District Office, 57 Eddy Street, Providence, RI 02903; (401) 528-4580

District Director, New York District Office, 28 Federal Plaza, New York, NY 10007; (212) 264-4355

District Director, Hato Rey District Office, Chardon & Bolivia Streets, Hato Rey, PR 00918; (809) 753-4572

District Director, Newark District Office, 970 Broad Street, Newark, NJ 07102; (201) 645-2434

District Director, Syracuse District Office, 100 South Clinton Street, Syracuse, NY 13260; (315) 423-5383

District Director, Philadelphia District Office, 231 St. Asaphs Road, Bala Cynwyd, PA 19004; (215) 597-3311

District Director, Baltimore District Office, 8600 LaSalle Road, Towson, MD 21204; (301) 982-4392

District Director, Clarksburg District Office, 109 North 3rd Street, Clarksburg, WV 26301; (304) 623-5631

District Director, Pittsburgh District Office, 1000 Liberty Avenue, Pittsburgh, PA 15222; (412) 644-2780

District Director, Richmond District Office, 400 North 8th Street, Richmond, VA 23240; (804) 782-2617

District Director, Washington, District Office, 1030 15th Street, NW, Washington, D.C. 20417; (202) 655-4000

District Director, Atlanta District Office, 1720 Peachtree Street, NW, Atlanta, GA 30309; (404) 881-4325

District Director, Birmingham District Office, 908 South 20th Street, Birmingham, AL 35205; (205) 254-1344

District Director, Charlotte District Office, 230 S. Tryon Street, Charlotte, NC 28202; (704) 371-6111

District Director, Columbia District Office, 1835 Assembly Street, Columbia, SC 29201; (803) 785-5376

Jackson District Office, 100 West Capitol Street, Jackson, MS 39201; (601) 969-4371

District Director, Jacksonville District Office, 400 West Bay Street, Jacksonville, FL 32202; (904) 791-3782

District Director, Louisville District Office, 600 Federal Place, Louisville, KY 40201; (502) 582-5971

District Director, Miami District Office, 2222 Ponce De Leon Blvd., Coral Gables, FL 33134; (305) 350-5521

District Director, Nashville District Office, 404 James Robertson Parkway, Nashville, TN 37219; (615) 251-5881

District Director, Chicago District Office, 219 South Dearborn Street, Chicago, IL 60604; (312) 353-4528

District Director, Cleveland District Office, 1240 East 9th Street, Cleveland, OH 44199; (216) 522-4180

District Director, Columbus District Office, 85 Marconi Boulevard, Columbus, OH 43215; (614) 469-6860

District Director, Detroit District, 477 Michigan Avenue, Detroit, MI 48226; (313) 226-6075

District Director, Indianapolis District Office, 575 N. Pennsylvania Street, Indianapolis, IN 46204; (317) 269-7272

District Director, Madison District Office, 212 E. Washington Avenue, Madison, WI 53703; (608) 264-5261

District Director, Minneapolis District Office, 12 South 6th Street, Minneapolis, MN 55402; (612) 725-2362

District Director, Dallas District Office, 1100 Commerce Street, Dallas, TX 75242; (214) 767-0605

District Director, Albuquerque District Office, 5000 Marble Avenue, NE, Albuquerque, NM 87110; (505) 766-3430

District Director, Houston District Office, 500 Dallas Street, Houston, TX 77002; (713) 226-4341

District Director, Little Rock District Office, 611 Gaines Street, Little Rock, AR 72201; (501) 378-5871

District Director, Lubbock District Office, 1205 Texas Avenue, Lubbock, TX 79401; (806) 782-7466

District Director, Lower Rio Grande Valley District Office, 222 East Van Buren Street, Harlingen, TX 78550; (512) 423-4534

District Director, New Orleans District Office, 1001 Howard Avenue, New Orleans, LA 70113; (504) 589-6685

District Director, Oklahoma City District Office, 200 N.W. 5th Street, Oklahoma City, OK 73102; (405) 231-4301

District Director, San Antonio District Office, 727 East Durango Street, San Antonio, TX 78206; (512) 229-6250

District Director, Kansas City District Office, 1150 Grande Avenue, Kansas City, MO 64106; (816) 374-3416

District Director, Des Moines District Office, 210 Walnut Street, Des Moines, IA 50309; (515) 284-4422

District Director, Omaha District Office, 19th & Farnum Street, Omaha, NE 68102; (404) 221-4691

District Director, St. Louis District Office, One Mercantile Center, St. Louis, MO 63101; (314) 425-4191

District Director, Wichita District Office, 110 East Waterman Street, Wichita, KS 67202; (316) 267-6571

District Director, Denver District Office, 721 19th Street, Denver, CO 80202; (303) 837-2607

District Director, Casper District Office, 100 East B Street, Casper, WY 82602; (307) 265-5266

District Director, Fargo District Office, 657 2nd Avenue, North, Fargo, ND 58108; (701) 237-5771

District Director, Helena District Office, 301 South Park Avenue, Helena, MT 59601; (406) 449-5381

District Director, Salt Lake City District Office, 125 South State Street, Salt Lake City, UT 84138; (314) 425-5800

District Director, Sioux Falls District Office, 101 South Main Avenue, Sioux Falls, ND 57102; (605) 336-2980

District Director, San Francisco District Office, 211 Main Street, San Francisco, CA 94105; (415) 556-7490

District Director, Honolulu District Office, 300 Ala Moana, Honolulu, HI 96850; (808) 546-8950

District Director, Los Angeles District Office, 350 S. Figueroa Street, Los Angeles, CA 90071; (213) 688-2956

District Director, Phoenix District Office, 3030 North Central Avenue, Phoenix, AZ 85012; (602) 261-3611

District Director, San Diego District Office, 880 Front Street, San Diego, CA 92188; (714) 293-5440

District Director, Seattle District Office, 915 Second Avenue, Seattle, WA 98174; (206) 442-5534

District Director, Las Vegas District Office, 301 E. Stewart, Las Vegas, NV 89101; (702) 385-6611

District Director, Anchorage District Office, 1016 West 6th Avenue, Anchorage, AK 99501; (907) 271-4022

District Director, Boise District Office, 1005 Main Street, Boise, ID 83701; (208) 384-1096

District Director, Portland District Office, 1220 S.W. Third Avenue, Portland, OR 97204; (503) 221-2682

District Director, Spokane District Office, West 920 Riverside Avenue, Spokane, WA 99210; (509) 456-5310

Tennessee Valley Authority

1. Payments to TVA employees: Chairman, Board of Directors, Tennessee Valley Authority, 400 Commerce Avenue, Knoxville, TN 37902; (615) 632-2101

2. Payments of retirement benefits under the TVA Retirement System: Chairman, Board of Directors, TVA Retirement System, 400 Commerce Avenue, Knoxville, TN 37902; (615) 632-2904

Veterans Administration

The fiscal officer at each VA facility shall be the designated agent for VA employee obligors at that facility. When a facility at which an individual is employed does not have a fiscal officer, the address and telephone number listed is for the fiscal officer servicing such a facility. In those limited cases where a portion of VA service-connected benefits may be subject to garnishment, service of process, unless otherwise indicated below, should be made at the regional office nearest the veteran obligor's permanent residence.

Alabama

Fiscal Officer, Birmingham Medical Center, 700 South 19th Street, Birmingham, AL 35233; (205) 933-8101

Mobile Outpatient Clinic Substation
Send to: Fiscal Officer, VA Medical Center, 215 Perry Hill Road, Montgomery, AL 36109; (205) 272-4670 ext. 204

National Cemetery Area Office
Send to: Fiscal Officer, VA Medical Center, Gulfport, MS 39501; (601) 863-1972 ext. 225

Fiscal Officer, Montgomery Regional Office, 474 South Court Street, Montgomery, AL 36104; (205) 832-7172

Fiscal Officer, Montgomery Medical Center, 215 Perry Hill Road, Montgomery, AL 36109; (205) 272-4670 ext. 204

Fiscal Officer, Tuscaloosa Medical Center, Tuscaloosa, AL 35401; (205) 553-3760

Fiscal Officer, Tuskegee Medical Center, Tuskegee, AL 36083; (205) 727-0550 ext. 0622

Alaska

Fiscal Officer, Anchorage Regional Office—Outpatient Clinic, Old Federal Bldg. & Post Office, 605 West 4th Avenue, Anchorage, AK 99501; (907) 271-4562

Juneau VA Office
Send to: Fiscal Officer, VA Regional Office, Old Federal Bldg. & Post Office, 605 West 4th Avenue, Anchorage, AK 99501; (907) 271-4562

Sitka National Cemetery Area Office
Send to: Fiscal Officer, VA Medical Center, 4435 Beacon Avenue, South, Seattle, WA 98108; (206) 762-1016 ext. 286

Arizona

Fiscal Officer, Phoenix Regional Office, 3225 North Central Avenue, Phoenix, AZ 85102; (602) 241-2735

Fiscal Officer, Phoenix Medical Center, Seventh St. & Indian School Rd., Phoenix, AZ 85012; (602) 277-5551

Fiscal Officer, Prescott Medical Center, Prescott, AZ 86313; (602) 445-4860 ext. 264
Prescott National Cemetery Area Office
Send to: Fiscal Officer, VA Center, Prescott, AZ 86313; (602) 445-4860 ext. 264

Fiscal Officer, Tucson Medical Center, Tucson, AZ 85723; (602) 792-1450 ext. 710

Arkansas

Fayetteville National Cemetery Area Office
Send to: Fiscal Officer, VA Medical Center, Fayetteville, AR 72701; (501) 443-4301

Fiscal Officer, Fayetteville Medical Center, Fayetteville, AR 72701; (501) 443-4301

Fort Smith National Cemetery Area Office
Send to: Fiscal Officer, VA Medical Center, Fayetteville, AR 72701; (501) 443-4301

Fiscal Officer, Little Rock Regional Office, 1200 W. 3d Street, Little Rock, AR 72201; (501) 378-5142

Fiscal Officer, Little Rock Medical Center, 300 Roosevelt Road, Little Rock, AR 72206; (501) 372-8361 ext. 781

Bell Supply Depot, Send to: Fiscal Officer, VA Supply Depot, P.O. Box 27, Hines, IL 60141; (312) 681-8800

Fiscal Officer, Fresno Medical Center, 2615 East Clinton Avenue, Fresno, CA 94703; (209) 225-6100

Fiscal Officer, Livermore Medical Center, Livermore, CA 94550; (415) 447-2580 ext. 317

Fiscal Officer, Loma Linda Medical Center, 11201 Benton Street, Loma Linda, CA 92357; (714) 825-7084 ext. 2550/2551

Fiscal Officer, Long Beach Medical Center, 5901 East Seventh Street, Long Beach, CA 90822; (213) 498-1313 ext. 2101

Fiscal Officer, Los Angeles Regional Office, Federal Bldg., 11000 Wilshire Blvd., Los Angeles, CA 90024; (213) 824-7565

Jurisdiction over the following counties in California: Inyo, Kern, Los Angeles, Orange, San Bernardino, San Luis Obispo, Santa Barbara and Ventura.

Los Angeles Data Processing Center
Send to: Fiscal Officer, VA Regional Office, Federal Bldg., 11000 Wilshire Blvd., Los Angeles, CA 90024; (213) 824-7565

Fiscal Officer, Los Angeles Medical Center, Los Angeles (Brentwood), CA 90073; (213) 478-3478

Fiscal Officer, Los Angeles Medical Center, Los Angeles (Wadsworth), CA 90073; (213) 478-3478

Fiscal Officer, Los Angeles Outpatient Clinic, 425 South Hill Street, Los Angeles, CA 90013; (213) 688-3870

Los Angeles Field Office of Audit
Send to: Fiscal Officer, VA Medical Center, Los Angeles (Wadsworth), CA 90073; (213) 478-3478

Los Angeles National Cemetery Area Office
Send to: Fiscal Officer, VA Medical Center, Los Angeles (Brentwood), CA 90073; (213) 478-3478

Fiscal Officer, Martinez Medical Center, 150 Muir Rd., Martinez, CA 94553; (415) 228-6800 ext. 235

Fiscal Officer, Palo Alto Medical Center, 3801 Miranda Avenue, Palo Alto, CA 94304; (415) 493-5000 ext. 5643

Riverside National Cemetery Area Office
Send to: Fiscal Officer, VA Medical Center, Los Angeles (Wadsworth), CA 90073; (213) 478-3478

San Bruno National Cemetery Area Office
Send to: Fiscal Officer, VA Medical Center, 4150 Clement Street, San Bruno, CA 94121; (415) 221-4810 ext. 315/316

Fiscal Officer, San Diego Medical Center, 3350 La Jolla Village Drive, San Diego, CA 92161; (714) 453-7500 ext. 3351

San Diego National Cemetery Area Office
Send to: Fiscal Officer, VA Medical Center, 3350 La Jolla Village Drive, San Diego, CA 92161; (714) 453-7500 ext. 3351

San Diego Outpatient Clinic
Send to: VA Medical Center, 3350 La Jolla Village Drive, San Diego, CA 92161; (714) 453-7500 ext. 3351

Fiscal Officer, San Diego Regional Office, 2022 Camino Del Rio North, San Diego, CA 92108; (714) 293-5703

Jurisdiction over the following counties in California: Imperial, Riverside and San Diego
San Francisco National Cemetery Area Office

Send to: Fiscal Officer, VA Medical Center, 4150 Clement Street, San Francisco, CA 94121; (415) 221-4810 ex. 315/316

Fiscal Officer, San Francisco Regional Office, 211 Main Street, San Francisco, CA 94105; (415) 556-0483

Jurisdiction over all counties in California except Inyo, Kern, Los Angeles, Orange, San Bernardino, San Luis Obispo, Santa Barbara, Ventura, Imperial, Riverside, San Diego, Alpine, Lassen, Modoc and Mono.

Fiscal Officer, San Francisco Medical Center, 4150 Clement Street, San Francisco, CA 94121; (415) 221-4810 ext. 315/316

Fiscal Officer, Sepulveda Medical Center, 16111 Plummer Street, Sepulveda, CA 91343; (213) 891-2377

Colorado

Fiscal Officer, Denver Regional Office, Denver Federal Center, Bldg. 20, Denver CO 80225; (303) 234-3920

Fiscal Officer, Denver Medical Center, 1055 Clermont Street, Denver, CO 80220; (303) 399-8020

Denver National Cemetery Area Office
Send to: Fiscal Officer, VA Medical Center, 1055 Clermont Street, Denver, CO 80220; (303) 399-8020

Fort Logan National Cemetery Area Office
Send to: Fiscal Officer, VA Medical Center, 1055 Clermont Street, Denver, CO 80220; (303) 399-8020

Fort Lyon National Cemetery Arera Office
Send to: Fiscal Officer, VA Medical Center, Fort Lyon, CO 81038; (303) 456-1260

Fiscal Officer, Fort Lyon Medical Center, Fort Lyon, CO 81038; (303) 456-1260

Fiscal Officer, Grand Junction Medical Center, Grand Junction, CO 81501; (303) 242-0731

Connecticut

Fiscal Officer, Hartford Regional Office, 450 Main Street, Hartford, CT 06103; (203) 244-3217

Fiscal Officer, Newington Medical Center, 555 Willard Avenue, Newington, CT 06111; (203) 666-6951 ext. 370

Fiscal Officer, West Haven Medical Center, West Spring Street, West Haven, CT 06516; (203) 932-5711 ext. 271

Delaware

Fiscal Officer, Wilmington Medical and Regional Office Center, 1601 Kirkwood

Highway, Wilmington, DE 19805; (302) 994-2511

District of Columbia

Finance Division Chief (047B2), Washington Central Office, Room C-50, 810 Vermont Avenue NW., Washington, D.C. 20420; (202) 389-3901

Washington Data Processing Center
Send to: Finance Division Chief (047B2), VA Central Office, Room C-50, 810 Vermont Avenue, NW., Washington, D.C. 20420; (202) 389-3901

Washington Veterans Canteen Service Field Office

Send to: Finance Division Chief (047B2), VA Central Office, Room C-50, 810 Vermont Avenue, NW., Washington, D.C. 20420; (202) 389-3901

Fiscal Officer, Washington Regional Office, 941 North Capitol Street NE., Washington, D.C. 20421; (202) 275-1349

Jurisdiction over all foreign countries or overseas areas except Mexico, American Samoa, Guam, Midway, Wake, the Trust Territory of the Pacific Islands, the Virgin Islands and the Philippines. Also, jurisdiction over Prince George's and Montgomery Counties in Maryland; Fairfax and Arlington Counties and the cities of Alexandria, Fairfax and Falls Church in Virginia.

Fiscal Officer, Washington Medical Center, 50 Irving Street NW., Washington, D.C. 20422; (202) 389-7593

Florida

Fiscal Officer, Bay Pines Medical Center, National Cemetery Area Office, Bay Pines, FL 33504; (813) 391-8644 ext. 584

Fiscal Officer, Gainesville Medical Center, Archer Road, Gainesville, FL 32602; (904) 376-1811 ext. 6685

Jacksonville Outpatient Clinic Substation
Send to: Fiscal Officer, VA Medical Center, Archer Road, Gainesville, FL 32602; (904) 376-1811 ext. 6685

Jacksonville VA Office
Send to: Fiscal Officer, VA Regional Office, 144 First Avenue, South, St. Petersburg, FL 33731; (813) 893-3227

Fiscal Officer, Lake City Medical Center, Lake City, FL 32055; (904) 752-1400

Miami VA Office
Send to: Fiscal Officer, VA Regional Office, 144 First Avenue, South, St. Petersburg, FL 33731; (813) 893-3227

Fiscal Officer, Miami Medical Center, 1201 Northwest 16th St., Miami, FL 33125; (305) 324-4455

Orlando Outpatient Clinic Substation
Send to: Fiscal Officer, VA Medical Center, 1300 North 30th Street, Tampa, FL 33612; (813) 971-4500

Riviera Beach Outpatient Clinic Substation
Send to: Fiscal Officer, VA Medical Center, 1201 Northwest 16th St., Miami, FL 33125; (305) 324-4455

Pensacola National Cemetery Area Office
Send to: Fiscal Officer, VA Medical Center, Gulfport, MS 39501; (601) 863-1972 ext. 225
St. Augustine National Cemetery Area Office
Send to: Fiscal Officer, VA Medical Center, Archer Road, Gainesville, FL 32602; (904) 376-1811 ext. 6685

Fiscal Officer, St. Petersburg Regional Office, 144 First Avenue, South, St. Petersburg, FL 33731; (813) 893-3227

Fiscal Officer, Tampa Medical Center, 13000 North 30th Street, Tampa, FL 33612; (813) 971-4500

Georgia

Fiscal Officer, Atlanta Regional Office, 730 Peachtree Street NE., Atlanta, GA 30308; (404) 881-3381

Atlanta Veterans Canteen Service Field Office

Send to: Fiscal Officer, VA Medical Center, 1670 Clairmont Road, Decatur, GA 30033; (404) 321-6111

Atlanta National Cemetery Area Office
Send to: Fiscal Officer, VA Medical Center, 1670 Clairmont Road, Decatur, GA 30033; (404) 321-6111

Atlanta Field Office of Audit
Send to: Fiscal Officer, VA Regional Office, 730 Peachtree Street NE., Atlanta, GA 30308; (404) 881-3381

Fiscal Officer, Augusta Medical Center, Augusta, GA 30904; (404) 733-4471 ext. 675-676

Fiscal Officer, Decatur Medical Center, 1670 Clairmont Road, Decatur, GA 30033; (404) 321-6111

Fiscal Officer, Dublin Medical Center, Dublin, GA 31021; (912) 272-1210 ext. 373

Marietta National Cemetery Area Office
Send to: Fiscal Officer, VA Medical Center, 1670 Clairmont Road, Decatur, GA 30033; (404) 321-6111

Hawaii

Fiscal Officer, Honolulu Regional Office, P.O. Box 50188, Honolulu, HI 96850; (808) 546-2109

Jurisdiction over Islands of American Samoa, Guam, Wake, Midway and Trust Territory of the Pacific Islands

Honolulu National Cemetery Area Office
Send to: Fiscal Officer, VA Regional Office, P.O. Box 50188, Honolulu, HI 96850; (808) 546-2109

Idaho

Fiscal Officer, Boise Medical Center, Fifth and Fort Street, Boise, ID 83702; (208) 336-5100 ext. 315

Fiscal Officer, Boise Regional Office, Federal Bldg. & U.S. Courthouse, 550 West Fort St., Box 044, Boise, ID 334-1009

Illinois

Alton National Cemetery Area Office
Send to: Fiscal Officer, VA Medical Center, St. Louis, MO 63125; (314) 894-4631

AMF O'Hare Field Office of Audit
Send to: Fiscal Officer, VA Medical Center, Hines, IL 60141; (312) 343-7200 ext. 2481

Fiscal Officer, Chicago Regional Office, 536 South Clark Street, Chicago, IL 60680; (312) 353-4025

Fiscal Officer, Chicago Medical Center, 333 East Huron St. (Lakeside), Chicago, IL 60611; (312) 943-6600

Fiscal Officer, Chicago Medical Center, 820 South Damen Avenue (West Side), Chicago, IL 60680; (312) 666-6500 ext. 281

Fiscal Officer, Danville Medical Center, Danville, IL 61832; (217) 442-8000
Danville National Cemetery Area Office

Send to: Fiscal Officer, VA Medical Center, Danville, IL 61832; (217) 442-8000

Fiscal Officer, Hines Medical Center, Hines, IL 60141; (312) 343-7200 ext. 2481

Hines Marketing Center
Send to: Fiscal Officer, VA Supply Depot, P.O. Box 27, Hines, IL 60141; (312) 681-6900

Fiscal Officer, Hines Supply Depot, P.O. Box 27, Hines, IL 60141; (312) 681-6800

Fiscal Officer, Hines Data Processing Center, P.O. Box 66303, AMF O'Hare, Hines, IL 60666; (312) 681-6650

Fiscal Officer, Marion Medical Center, Marion, IL 62959; (618) 997-5311

Mound City National Cemetery Area Office
Send to: Fiscal Officer, VA Medical Center, Marion, IL 62959; (618) 997-5311

Fiscal Officer, North Chicago Medical Center, North Chicago, IL 60064; (312) 689-1900

Quincy National Cemetery Area Office
Send to: Fiscal Officer, VA Medical Center, Iowa City, IA 52240; (319) 338-0581 ext. 304

Rock Island National Cemetery Area Office
Send to: Fiscal Officer, VA Medical Center, Iowa City, IA 52240; (319) 338-0581 ext. 304

Springfield National Cemetery Area Office
Send to: Fiscal Officer, VA Medical Center, Danville, IL 61832; (217) 442-8000

Indiana

Evansville Outpatient Clinic Substation
Send to: Fiscal Officer, VA Medical Center, Marion, IL 62959; (618) 997-5311

Fiscal Officer, Fort Wayne Medical Center, 1600 Randalia Drive, Fort Wayne, IN 46805; (219) 743-5431

Fiscal Officer, Indianapolis Regional Office, 575 North Pennsylvania St., Indianapolis, IN 46204; (317) 289-7840

Fiscal Officer, Indianapolis Medical Center, 1481 West 10th Street, Indianapolis, IN 46202; (317) 635-7401 ext. 2293

Indianapolis National Cemetery Area Office
Send to: Fiscal Officer, VA Medical Center, 1481 West 10th Street, Indianapolis, IN 46202; (317) 635-7401 ext. 2293

Fiscal Officer, Marion Medical Center, Marion, IN 46952; (317) 674-3321 ext. 211

Marion National Cemetery Area Office
Send to: Fiscal Officer, VA Medical Center, Marion, IN 46952; (317) 674-3321 ext. 211

New Albany National Cemetery Area Office
Send to: Fiscal Officer, VA Medical Center, 600 Zorn Avenue, Louisville, KY 40202; (502) 885-3401

Iowa

Fiscal Officer, Des Moines Regional Office, 210 Walnut Street, Des Moines, IA 50309; (515) 284-4220

Fiscal Officer, Des Moines Medical Center, 30th & Euclid Avenue, Des Moines, IA 50310; (515) 255-2173

Fiscal Officer, Iowa City Medical Center, Iowa City, IA 52240, (319) 338-0581 ext. 304

Keokuk National Cemetery Area Office,
Send to: Fiscal Officer, VA Medical Center, Iowa City, IA 52240, (319) 338-0581 ext. 304

Fiscal Officer, Knoxville, Medical Center, Knoxville, KY 50138; (515) 842-3101 ext. 241

Kansas

Ft. Leavenworth National Cemetery Area Office

Send to: Fiscal Officer, VA Medical Center, Leavenworth, KS 66048; (913) 682-2000 ext. 214

Ft. Scott National Cemetery Area Office
Send to: Fiscal Officer, VA Medical Center, Leavenworth, KS 66048; (913) 682-2000 ext. 214

Kansas

Leavenworth National Cemetery Area Office
Send to: Fiscal Officer, VA Medical Center, Leavenworth, KS 66048; (913) 682-2000 ext. 214

Fiscal Officer, Leavenworth Medical Center, Leavenworth, KS 66048; (913) 682-2000 ext. 214

Fiscal Officer, Topeka Medical Center, 2200 Gage Blvd. Topeka, KS 66622; (913) 272-3111 ext. 521

Fiscal Officer, Wichita Medical Center, 5500 East Kellogg, Wichita, KS 67218; (316) 685-2221 ext. 256

Wichita Regional Office

Send to: VA Medical Center, 5500 East Kellogg, Wichita, KS 67211; (316) 685-2221 ext. 256

Process for VA service-connected benefits should also be sent to the Wichita Medical Center, rather than to the Wichita Regional Office.

Kentucky

Danville National Cemetery Area Office
Send to: Fiscal Officer, VA Medical Center, Lexington, KY 40507; (606) 233-4511

Lebanon National Cemetery Area Office
Send to: Fiscal Officer, VA Medical Center, Lexington, KY 40507; (606) 233-4511

Lexington National Cemetery Area Office
Send to: Fiscal Officer, VA Medical Center, Lexington, KY 40507; (606) 233-4511

Fiscal Officer, Lexington Medical Center, Lexington, KY 40507; (606) 233-4511

Fiscal Officer, Louisville Regional Office, 600 Federal Place, Louisville, KY 40202; (502) 582-6482

Fiscal Officer, Louisville Medical Center, 800 Zorn Avenue, Louisville, KY 40202; (502) 895-3401

Louisville National Cemetery Area Office (Zachary Taylor)

Send to: Fiscal Officer, VA Medical Center, 800 Zorn Avenue, Louisville, KY 40202; (502) 895-3401

Louisville National Cemetery Area Office (Cave Hill)

Send to: Fiscal Officer, VA Medical Center, 800 Zorn Avenue, Louisville, KY 40202; (502) 895-3401

Nancy National Cemetery Area Office

Send to: Fiscal Officer, VA Medical Center, Lexington, KY 40507; (606) 233-4511

Nicholasville National Cemetery Area Office
Send to: Fiscal Officer, VA Medical Center, Lexington, KY 40507; (606) 233-4511

Perryville National Cemetery Area Office
Send to: Fiscal Officer, VA Medical Center, Lexington, KY 40507; (606) 233-4511

Louisiana

Fiscal Officer, Alexandria Medical Center, Alexandria, LA 71303; (318) 442-0251

Baton Rouge National Cemetery Area Office
Send to: Fiscal Officer, VA Medical Center, 1601 Perdido Street, New Orleans, LA 70146; (504) 568-0811

Fiscal Officer, New Orleans Regional Office, 701 Loyola Avenue, New Orleans, LA 70113; (504) 589-6604

Fiscal Officer, New Orleans Medical Center, 1601 Perdido St., New Orleans, LA 70146; (504) 568-0811

Pineville National Cemetery Area Office
Send to: Fiscal Officer, VA Medical Center, Alexandria, LA 71301; (318) 442-0251

Fiscal Officer, Shreveport Medical Center, 510 East Stoner Avenue, Shreveport, LA 71130; (318) 221-8411 ext. 722

Shreveport VA Office
Send to: Fiscal Officer, VA Regional Office, 701 Loyola Avenue, New Orleans, LA 70113; (504) 589-6604

Port Hudson (Zachary) National Cemetery Area Office

Send to: Fiscal Officer, VA Medical Center, 1601 Perdido St., New Orleans, LA 70146; (504) 568-0811

Maine

Portland VA Office

Send to: Fiscal Officer, VA Center, Togus, ME 04330; (207) 623-8411

Fiscal Officer, Togus Medical & Regional Office Center, Togus, ME 04330; (207) 623-8411

Togus National Cemetery Area Office
Send to: Fiscal Officer, VA Center, Togus, ME 04330; (207) 623-8411

Maryland

Annapolis National Cemetery Area Office
Send to: Fiscal Officer, VA Medical Center, 3900 Loch Raven Blvd., Baltimore, MD 21218; (301) 467-9932 ext. 5281/5282

Fiscal Officer, Baltimore Regional Office, Federal Bldg., 31 Hopkins Plaza, Baltimore, MD 21201; (301) 962-4410

Jurisdiction does not include Prince Georges and Montgomery Counties which are included under the Washington, D.C. Regional Office.

Baltimore Outpatient Clinic

Send to: Fiscal Officer, VA Medical Center, 3900 Loch Raven Blvd., Baltimore, MD 21218; (301) 467-9932 ext. 5281/5282

Fiscal Officer, Baltimore Medical Center, 3900 Loch Raven Blvd., Baltimore, MD 21218; (301) 467-9932 ext. 5281/5282

Baltimore National Cemetery Area Office
Send to: Fiscal Officer, VA Medical Center, 3900 Loch Raven Blvd., Baltimore, MD 21218; (301) 467-9932 ext. 5281/5282

Baltimore National Cemetery Area Office (Loudon Park)

Send to: Fiscal Officer, VA Medical Center, 3900 Loch Raven Blvd., Baltimore, MD 21218; (301) 467-9932 ext. 5281/5282

Fiscal Officer, Fort Howard Medical Center, Fort Howard, MD 21052; (301) 447-1800 ext. 328

Hyattsville Field Office of Audit

Send to: Finance Division Chief (047B2), VA Central Office, Room C-50, 810 Vermont Avenue NW., Washington, D.C. 20420; (202) 389-3901

Fiscal Officer, Perry Point Medical Center, Perry Point, MD 21902; (301) 642-2411 ext. 313

Massachusetts

Fiscal Officer, Bedford Medical Center, 200 Springs Road, Bedford, MA 01730; (617) 275-7500

Fiscal Officer, Boston Regional Office, John Kennedy Bldg., Government Center, Boston, MA 02203; (617) 223-3034

Jurisdiction over certain towns in Bristol and Plymouth Counties and the counties of Barnstable, Dukes and Nantucket is allocated to the Providence, Rhode Island Regional Office.

Boston Outpatient Clinic

Send to: Fiscal Officer, VA Medical Center, 150 South Huntington Avenue, Boston, MA 02130; (617) 232-9500 ext. 427/420

Fiscal Officer, Boston Medical Center, 150 South Huntington Avenue, Boston, MA 02130; (617) 232-9500 ext. 427-420

Bourne National Cemetery Area Office
Send to: Fiscal Officer, VA Medical Center, Brockton, MA 02401; (617) 583-4500 ext. 286

Fiscal Officer, Brockton Medical Center, Brockton, MA 02401; (617) 583-4500 ext. 286

Lowell Outpatient Clinic Substation

Send to: Fiscal Officer, VA Medical Center, 150 South Huntington Avenue, Boston, MA 02130; (617) 322-9500 ext. 427/420

New Bedford Outpatient Clinic Substation
Send to: Fiscal Officer, VA Medical Center, Providence, RI 02908; (401) 273-7100

Fiscal Officer, Northampton Medical Center, Northampton, MA 01060; (413) 584-4040

Springfield Outpatient Clinic Substation
Send to: Fiscal Officer, VA Medical Center, Northampton, MA 01060; (413) 584-4040

Springfield VA Office
Send to: Fiscal Officer, VA Regional Office, John Kennedy Bldg., Government Center, Boston, MA 02203; (617) 223-3034

Fiscal Officer, West Roxbury Medical Center, 1400 Veterans of Foreign Wars Parkway, West Roxbury, MA 02132; (617) 323-7700 ext. 5650

Worcester Outpatient Clinic Substation
Send to: Fiscal Officer, VA Medical Center, 1400 Veterans of Foreign Wars Parkway, West Roxbury, MA 02132; (617) 323-7700 ext. 5650

Michigan

Fiscal Officer, Allen Park Medical Center, Allen Park, MI 48101; (313) 562-6000 ext. 535

Fiscal Officer, Ann Arbor Medical Center, 2215 Fuller Road, Ann Arbor, MI 48105; (313) 769-7100 ext. 288/289

Fiscal Officer, Battle Creek Medical Center, Battle Creek, MI 49016; (616) 966-5600 ext. 3566

Grand Rapids Outpatient Clinic Substation
Send to: Fiscal Officer, VA Medical Center, Battle Creek, MI 49016; (616) 966-5600 ext. 3566

Fiscal Officer, Detroit Regional Office, 477 Michigan Avenue, Detroit, MI 48226; (313) 226-4190

Fiscal Officer, Iron Mountain Medical Center, Iron Mountain, MI 49801; (906) 774-3300 ext. 301

Fiscal Officer, Saginaw Medical Center, 1500 Weiss Street, Saginaw, MI 48602; (517) 793-2340 ext. 270

Minnesota

Fiscal Officer, Minneapolis Medical Center, 54th & 48th Avenue, South, Minneapolis, MN 55417; (612) 725-6767 ext. 6311

Fiscal Officer, St. Cloud Medical Center, St. Cloud, MN 56301; (612) 252-1600 ext. 411
 Fiscal Officer, St. Paul Center (Regional Office), Federal Bldg., Ft. Snelling, St. Paul, MN 55111; (612) 725-4075

Jurisdiction over the counties of Becker, Beltrami, Clay, Clearwater, Kittson, Lake of the Woods, Mahanomen, Marshall, Normam, Otter Tail, Pennington, Polk, Red Lake, Roseau and Wilkin is allocated to the Fargo, North Dakota Center.

St. Paul National Cemetery Area Office
 Send to: Fiscal Officer, VA Medical Center, 54th & 48th Avenue, South, Minneapolis, MN 55417; (612) 725-6767 ext. 6311

St. Paul Data Processing Center
 Send to: Fiscal Officer, VA Center, Federal Bldg., Ft. Snelling, St. Paul, MN 55111; (612) 725-4075

St. Paul Outpatient Clinic
 Send to: Fiscal Officer, VA Medical Center, 54th & 48th Avenue, South, Minneapolis MN 55417; (612) 725-6767 ext. 6311

Mississippi

Biloxi National Cemetery Area Office
 Send to: Fiscal Officer, VA Medical Center, Biloxi, MS 39531; (601) 863-1972 ext. 225
 Fiscal Officer, Biloxi Medical Center, Biloxi, MS 39531, (601) 863-1972 ext. 225
 Corinth National Cemetery Area Office
 Send to: Fiscal Officer, VA Medical Center, 1030 Jefferson Avenue, Memphis, TN 38104; (901) 523-8990

Fiscal Officer, Gulfport Medical Center, Gulfport, MS 39601; (601) 863-1972 ext. 225
 Fiscal Officer, Jackson Medical Center, 1500 East Woodrow Wilson Drive, Jackson, MS 39216; (601) 362-4471 ext. 1471
 Jackson Regional Office
 Send to: VA Medical Center, 1500 East Woodrow Wilson Drive, Jackson, MS 39216; (601) 362-4471 ext. 1471

Process for VA service-connected benefits should also be sent to the Jackson Medical Center, rather than to the Jackson Regional Office.

Natchez National Cemetery Area Office
 Send to: Fiscal Officer, VA Medical Center, 1500 East Woodrow Wilson Drive, Jackson, MS 39216; (601) 362-4471 ext. 1471

Missouri

Fiscal Officer, Columbia Medical Center, 800 Stadium Road, Columbia, MO 65201; (314) 443-2511

Jefferson City National Cemetery Area Office
 Send to: Fiscal Officer, VA Medical Center, 800 Stadium Road, Columbia, MO 65201; (314) 443-2511

Fiscal Officer, Kansas City Medical Center, 4801 Linwood Blvd., Kansas City, MO 64128; (816) 861-4700

Fiscal Officer, Poplar Bluff Medical Center, Poplar Bluff, MO 63901; (314) 886-4151
 St. Louis National Cemetery Area Office

Send to: Fiscal Officer, VA Medical Center, St. Louis, MO 63125; (314) 894-4631
 Fiscal Officer, St. Louis Regional Office, 1520 Market Street, St. Louis, MO 63103; (314) 435-5112

St. Louis Veterans Canteen Service Field Office
 Send to: Fiscal Officer, VA Medical Center, St. Louis, MO 63125; (314) 894-4631

Fiscal Officer, St. Louis Medical Center, St. Louis, MO 63125; (314) 894-4631
 St. Louis Records Processing Center

Send to: Fiscal Officer, VA Regional Office, 1520 Market Street, St. Louis, MO 63103; (314) 425-5112

Springfield National Cemetery Area Office
 Send to: Fiscal Officer, VA Medical Center, Fayetteville, AR 72701; (501) 443-4301

Montana

Fiscal Officer, Fort Harrison Medical & Regional Office Center, Fort Harrison, MT 59636; (406) 442-6410 ext. 329/326

Fiscal Officer, Miles City Medical Center, Miles City, MT 59301; (406) 232-3060

Nebraska

Fiscal Officer, Grand Island Medical Center, Grand Island, NE 68801; (308) 382-3660 ext. 244

Fiscal Officer, Lincoln Regional Office, 100 Centennial Mall North, Lincoln, NE 68508; (402) 471-5041

Fiscal Officer, Lincoln Medical Center, 600 South 70th Street, Lincoln, NE 68510; (402) 489-3802 ext. 332

Maxwell National Cemetery Area Office
 Send to: Fiscal Officer, VA Medical Center, Grand Island, NE 68801; (308) 382-3660 ext. 244

Fiscal Officer, Omaha Medical Center, 4101 Woolworth Avenue, Omaha, NE 68105; (402) 346-8800

Nevada

Las Vegas Outpatient Clinic
 Send to: Fiscal Officer, VA Medical Center, 1000 Locust Street, Reno, NV 89520; (702) 786-7200 ext. 244

Fiscal Officer, Reno Regional Office, 1201 Terminal Way, Reno, NV 89520; (702) 784-5637

Jurisdiction over the following counties in California: Alpine, Lassen, Modoc and Mono.

Fiscal Officer, Reno Medical Center, 1000 Locust Street, Reno, Nevada 89520; (702) 786-7200 ext. 244

Henderson Outpatient Clinic
 Send to: Fiscal Officer, VA Medical Center, 1000 Locust Street, Reno, NV 89520; (702) 786-7200 ext. 244

New Hampshire

Fiscal Officer, Manchester Regional Office, 275 Chestnut Street, Manchester, NH 03103; (603) 666-7638

Fiscal Officer, Manchester Medical Center, 718 Smyth Road, Manchester, NH 03104; (603) 624-4368

New Jersey

Beverly National Cemetery Area Office
 Send to: Fiscal Officer, VA Medical Center, University & Woodland Avenues, Philadelphia, PA 19104; (215) 382-2400 ext. 291/292

Fiscal Officer, East Orange Medical Center, Tremont Avenue & So. Center St., East Orange, NJ 07019; (201) 876-1000 ext. 525

Fiscal Officer, Lyons Medical Center, Lyons, NJ 07939; (201) 847-0180 ext. 372

Newark Outpatient Clinic
 Send to: Fiscal Officer, VA Medical Center, Tremont Avenue & So. Center St., East Orange, NJ 07019 (201) 876-1000 ext 525

Fiscal Officer, Newark Regional Office, 20 Washington Place, Newark, NJ 07102; (201) 645-3508

Salem National Cemetery Area Office
 Send to: Fiscal Officer, VA Center, 1601 Kirkwood Highway, Wilmington, DE 19805; (302) 994-2511

Fiscal Officer, Somerville Supply Depot, Somerville, NJ 08876; (201) 725-2540

New Mexico

Fiscal Officer, Albuquerque Regional Office, 500 Gold Avenue SW., Albuquerque, NM 87102; (505) 766-2204

Fiscal Officer, Albuquerque Medical Center, 2100 Ridgecrest Drive SE., Albuquerque, NM 87108; (505) 265-1711

Ft. Bayard National Cemetery Area Office
 Send to: Fiscal Officer, VA Medical Center, 2100 Ridgecrest Drive SE., Albuquerque, NM 87108; (505) 265-1711

Santa Fe National Cemetery Area Office
 Send to: Fiscal Officer, VA Medical Center, 2100 Ridgecrest Drive SE., Albuquerque, NM 87108, (505) 265-1711

New York

Fiscal Officer, Albany Medical Center, Albany, NY 12206; (518) 462-3311 ext. 355
 Albany VA Office
 Send to: Fiscal Officer, VA Regional Office, 252 Seventh Avenue, New York, NY 10001; (212) 620-6293

Fiscal Officer, Batavia Medical Center, Batavia, NY 14020; (716) 343-7500 ext. 215
 Fiscal Officer, Bath Medical Center, Bath, NY 14810; (607) 776-2111

Bath National Cemetery Area Office
 Send to: Fiscal Officer, VA Medical Center, Bath, NY 14810, (607) 776-2111

Fiscal Officer, Bronx Medical Center, 130 West Kingsbridge Road, Bronx, NY 10468; (212) 584-9000

Fiscal Officer, Brooklyn Medical Center, 800 Poly Place, Brooklyn, NY 11209; (212) 836-6600

Brooklyn National Cemetery Area Office
 Send to: Fiscal Officer, VA Medical Center, 800 Poly Place, Brooklyn, NY 11209; (212) 836-6600

Brooklyn Outpatient Clinic
 Send to: Fiscal Officer, VA Medical Center, 800 Poly Place, Brooklyn NY 11209; (212) 836-6600

Fiscal Officer, Buffalo Regional Office, 111 West Huron Street, Buffalo, NY 14202; (716) 846-5251

Jurisdiction over all counties in New York not listed under the New York Regional Office.

Fiscal Officer, Buffalo Medical Center, 3495 Bailey Avenue, Buffalo, NY 14215; (716) 834-9200

Calverton National Cemetery Area Office
 Send to: Fiscal Officer, VA Medical Center, Northport, NY 11768; (516) 261-4400 ext. 2462/2463

Fiscal Officer, Canandaigua Medical Center, Canandaigua, NY 14424; (716) 394-2000 ext. 336

Fiscal Officer, Castle Point Medical Center, Castle Point, NY 12511; (914) 831-2000 ext. 322

Elmira National Cemetery Area Office
 Send to: Fiscal Officer, VA Medical Center, Bath, NY 14810; (607) 776-2111

Farmingdale National Cemetery Area Office
Send to: Fiscal Officer, VA Medical Center,
Northport, NY 11768; (516) 261-4400 ext.
2462/2463

Fiscal Officer, Montrose Medical Center,
Montrose, NY 10548; (914) 737-4400 ext. 463
Fiscal Officer, New York Regional Office, 252
Seventh Avenue at 24th Street, New York,
NY 10001; (212) 620-6293

Jurisdiction over the following counties in
New York: Albany, Bronx, Clinton,
Columbia, Delaware, Dutchess, Essex,
Franklin, Fulton, Greene, Hamilton, Kings,
Montgomery, Nassau, New York, Orange,
Otsego, Putnam, Queens, Rensselaer,
Richmond, Rockland, Saratoga,
Schenectady, Schoharie, Suffolk, Sullivan,
Ulster, Warren, Washington and
Westchester.

New York Prosthetics Center
Send to: Fiscal Officer, VA Regional Office,
252 Seventh Avenue, New York, NY 10001;
(212) 620-6293

New York Veterans Canteen Service Field
Office
Send to: Fiscal Officer, VA Medical Center,
First Avenue at East 24th Street, New York,
NY 10010; (212) 686-7500

Fiscal Officer, New York Medical Center,
First Avenue at East 24th Street, New York,
NY 10010; (212) 686-7500

New York Outpatient Clinic
Send to: Fiscal Officer, VA Medical Center,
First Avenue at East 24th Street, New York,
NY 10010; (212) 686-7500

Fiscal Officer, Northport Medical Center,
Northport, NY 11768; (516) 261-4400 ext.
2462/2463

Rochester VA Office
Send to: Fiscal Officer, VA Regional Office,
111 West Huron Street, Buffalo, NY 14202;
(716) 846-5251.

Rochester Outpatient Clinic Substation
Send to: Fiscal Officer, VA Medical Center,
Batavia, NY 14020; (716) 343-7500 ext. 215

Fiscal Officer, Syracuse Medical Center,
Irving Avenue & University Place,
Syracuse, NY 13210; (315) 478-7461
Syracuse VA Office

Send to: Fiscal Officer, VA Regional Office,
111 West Huron Street, Buffalo, NY 14202;
(716) 846-5251

North Carolina

Fiscal Officer, Asheville Medical Center,
Asheville, NC 28805; (704) 298-7911 ext. 374

Fiscal Officer, Durham Medical Center, 508
Fulton Street, Durham, NC 27705; (919) 286-
0411 ext. 6469

Fiscal Officer, Fayetteville Medical Center,
2300 Ramsey Street, Fayetteville, NC 28301;
(919) 488-2120

New Bern National Cemetery Area Office
Send to: Fiscal Officer, VA Medical Center,
2300 Ramsey Street, Fayetteville, NC 28301;
(919) 488-2120

Raleigh National Cemetery Area Office
Send to: Fiscal Officer, VA Medical Center,
508 Fulton Street, Durham, NC 27705; (919)
286-0411 ext. 6469

Fiscal Officer, Salisbury Medical Center,
Salisbury, NC 28144; (704) 636-2351

Salisbury National Cemetery Area Office
Send to: Fiscal Officer, VA Medical Center,
Salisbury, NC 28144; (704) 636-2351

Wilmington National Cemetery Area Office

Send to: Fiscal Officer, VA Medical Center
2300 Ramsey Street, Wilmington, NC 28301;
(919) 488-2120

Fiscal Officer, Winston-Salem Regional
Office, 251 North Main Street, Winston-
Salem, NC 27102; (919) 761-3513
Winston-Salem Outpatient Clinic
Send to: Fiscal Officer, VA Medical Center,
Salisbury, NC 28144; (704) 636-2351

North Dakota

Fiscal Officer, Fargo Medical and Regional
Office Center, 21st & Elm, Fargo, ND 58102;
(701) 232-3241 ext. 249

See the listing under the St. Paul, Minnesota
Center for the names of the counties in
Minnesota which come under the
jurisdiction of the Fargo, North Dakota
Center.

Ohio

Fiscal Officer, Chillicothe Medical Center
17273 State Route 104, Chillicothe, OH
45601; (614) 773-1141 ext. 203

Fiscal Officer, Cincinnati Medical Center,
3200 Vine Street, Cincinnati, OH 45220;
(513) 559-5040 ext. 4113

Cincinnati VA Office
Send to: Fiscal Officer, VA Regional Office,
1240 East Ninth Street, Cleveland, OH
44199; (216) 522-3540

Fiscal Officer, Cleveland Regional Office,
1240 East Ninth Street, Cleveland, OH
44199; (216) 522-3540

Fiscal Officer, Cleveland Medical Center,
10710 East Boulevard, Cleveland, OH
44106; (216) 526-3030 ext. 521

Fiscal Officer, Columbus Outpatient Clinic,
456 Clinic Drive, Columbus, OH 43210; (614)
469-6712

Columbus VA Office
Send to: Fiscal Officer, VA Regional Office,
1240 East Ninth Street, Cleveland, OH
44199; (216) 522-3540

Fiscal Officer, Dayton Medical Center,
Dayton, OH 45428; (513) 268-6511 ext. 356

Dayton National Cemetery Area Office
Send to: Fiscal Officer, VA Medical Center,
Dayton, OH 45428; (513) 268-6511 ext. 356

Oklahoma

Fort Gibson National Cemetery Area Office
Send to: Fiscal Officer, VA Medical Center,
Memorial Station, Honor Heights Drive,
Muskogee, OK 74401; (918) 683-3261 ext.
392

Fiscal Officer, Muskogee Regional Office, 125
South Main Street, Muskogee, OK 74401;
(918) 687-2520

Fiscal Officer, Muskogee Medical Center,
Memorial Station, Honor Heights Drive,
Muskogee, OK 74401; (918) 683-3261 ext.
392

Fiscal Officer, Oklahoma City Medical
Center, 921 Northeast 13th Street,
Oklahoma City, OK 73104; (405) 272-9876
ext. 500

Oklahoma City VA Office
Send to: Fiscal Officer, VA Regional Office,
125 South Main Street, Muskogee, OK
74401; (918) 687-2520

Oregon

Portland National Cemetery Area Office
Send to: Fiscal Officer, VA Medical Center,
3710 SW U.S. Veterans Hospital Road,
Portland, OR 97201; (503) 222-9221 ext. 377

Fiscal Officer, Portland Regional Office, 1220
SW 3rd Avenue, Portland, OR 97204; (503)
221-3040

Fiscal Officer, Portland Medical Center, 3710
SW U.S. Veterans Hospital Road, Portland,
OR 97201; (503) 222-9221 ext. 377

Portland Outpatient Clinic
Send to: Fiscal Officer, VA Medical Center,
3710 SW U.S. Veterans Hospital Road,
Portland, OR 97201; (503) 222-9221 ext. 377

Fiscal Officer, Roseburg Medical Center,
Roseburg, OR 97470; (503) 672-4411

Roseburg National Cemetery Area Office
Send to: Fiscal Officer, VA Medical Center,
Roseburg, OR 97470; (503) 672-4411

Fiscal Officer, White City Domiciliary, White
City, OR 97501; (503) 826-2111 ext. 241

White City National Cemetery Area Office
Send to: Fiscal Officer, VA Domiciliary,
White City, OR 97501; (503) 826-2111 ext.
241

Pennsylvania

Fiscal Officer, Altoona Medical Center,
Altoona, PA 16803; (814) 943-8164

Anville National Cemetery Area Office
Send to: Fiscal Officer, VA Medical Center,
Lebanon, PA 17042; (717) 272-6621 ext. 229

Fiscal Officer, Butler Medical Center, Butler,
PA 16001; (412) 287-4781

Fiscal Officer, Coatesville Medical Center,
Coatesville, PA 19320; (215) 384-7711 ext.
342

Fiscal Officer, Erie Medical Center, 135 East
38th Street, Erie, PA 16501; (814) 868-8661

Harrisburg Outpatient Clinic Substation
Send to: Fiscal Officer, VA Medical Center,
Lebanon, PA 17042; (717) 272-6621 ext. 229

Fiscal Officer, Lebanon Medical Center,
Lebanon, PA 17042; (717) 272-6621 ext. 229

Fiscal Officer, Philadelphia Center (Regional
Office), P.O. Box 8079, Philadelphia, PA
19101; (215) 951-5321

Jurisdiction over the following counties in
Pennsylvania: Adams, Berks, Bradford,
Bucks, Cameron, Carbon, Centre, Chester,
Clinton, Columbia, Cumberland, Dauphin,
Delaware, Franklin, Juniata, Lackawanna,
Lancaster, Lebanon, Lehigh, Luzerne,
Lycoming, Mifflin, Monroe, Montgomery,
Montour, Northampton, Northumberland,
Perry, Philadelphia, Pike, Potter, Schuylkill,
Snyder, Sullivan, Susquehanna, Tioga,
Union, Wayne, Wyoming and York.

Philadelphia Data Processing Center
Send to: Fiscal Officer, VA Center, P.O. Box
8079, Philadelphia, PA 19101; (215) 951-5321

Philadelphia National Cemetery Area Office
Send to: Fiscal Officer, VA Medical Center,
University & Woodland Avenues,
Philadelphia, PA 19104; (215) 382-2400 ext.
291/292

Philadelphia Outpatient Clinic
Send to: Fiscal Officer, VA Medical Center,
University & Woodland Avenues,
Philadelphia, PA 19104; (215) 382-2400 ext.
291/292

Fiscal Officer, Philadelphia Medical Center,
University & Woodland Avenues,
Philadelphia, PA 19104; (215) 382-2400 ext.
291/292

Fiscal Officer, Pittsburgh Regional Office,
1000 Liberty Avenue, Pittsburgh, PA 15222;
(412) 644-6640

Jurisdiction over all of the counties in Pennsylvania that are not listed under the Philadelphia Center (Regional Office) and jurisdiction over the following counties in West Virginia: Brooke, Hancock, Marshall and Ohio.

Fiscal Officer, Pittsburgh Medical Center, Highland Drive, Pittsburgh, PA 15206; (412) 363-4900 ext. 235

Fiscal Officer, Pittsburgh Medical Center, University Drive C, Pittsburgh, PA 15240; (412) 683-3000 ext. 652/675

Pittsburgh Outpatient Clinic
Send to: Fiscal Officer, VA Medical Center, University Drive C, Pittsburgh, PA 15240; (412) 683-3000 ext. 652/675

Fiscal Officer, Wilkes-Barre Medical Center, 1111 East End Blvd., Wilkes-Barre, PA 18711; (717) 824-3521 ext. 247

Philippines

1. Manila Regional Office—Outpatient Clinic
2. Manila Medical and Regional Office Center
For either of the above, send to: Director, U.S. Veterans Administration, APO, San Francisco, CA 96528; 59-80-11 Local 2574

Puerto Rico

Bayamon National Cemetery Area Office
Send to: Fiscal Officer, VA Center, GPO, Box 4867, San Juan, PR 00936; (809) 763-0275

Hato Rey Medical and Regional Office Center
Send to: Fiscal Officer, VA Center, GPO, Box 4867, San Juan, PR 00936; (809) 763-0275

Mayaguez Outpatient Clinic Substation
Send to: Fiscal Officer, VA Center, GPO, Box 4867, San Juan, PR 00936; (809) 763-0275

Ponce Outpatient Clinic Substation
Send to: Fiscal Officer, VA Center, GPO, Box 4867, San Juan, PR 00936; (809) 763-0275

Rio Piedras Medical and Regional Office Center
Send to: Fiscal Officer, VA Center, GPO, Box 4867, San Juan, PR 00936; (809) 763-0275

Rhode Island

Fiscal Officer, Providence Regional Office, 321 South Main Street, Providence, RI 02903; (401) 528-4480

Jurisdiction over the following towns and counties in Massachusetts: All towns in Bristol County except Mansfield and Easton, the towns of Lakeville, Middleboro, Carver, Rochester, Mattapoisett, Marion, and Wareham in Plymouth County; and the counties of Dukes, Nantucket and Barnstable.

Fiscal Officer, Providence Medical Center, Davis Park, Providence, RI 02908; (401) 273-7100

South Carolina

Beaufort National Cemetery Area Office
Send to: Fiscal Officer, VA Medical Center, 109 Bee Street, Charleston, SC 29403; (803) 577-5011 ext. 222

Fiscal Officer, Charleston Medical Center, 109 Bee Street, Charleston, SC 29403; (803) 577-5011 ext. 222

Fiscal Officer, Columbia Regional Office, 1801 Assembly Street, Columbia, SC 29201; (803) 765-5210

Fiscal Officer, Columbia Medical Center, Columbia, SC 29201; (803) 776-4000 ext. 149

Florence National Cemetery Area Office
Send to: Fiscal Officer, VA Medical Center, Columbia, SC 29201; (803) 776-4000 ext. 149

Greenville Outpatient Clinic Substation
Send to: Fiscal Officer, VA Medical Center, Columbia, SC 29201; (803) 776-4000 ext. 149

South Dakota

Fort Meade National Cemetery Area Office
Send to: Fiscal Officer, VA Medical Center, Fort Meade, SD 57741; (605) 347-2511 ext. 272

Fort Meade Medical Center
Send to: Fiscal Officer, VA Medical Center, Fort Meade, SD 57741; (605) 347-2511 ext. 272

Hot Springs National Cemetery Area Office
Send to: Fiscal Officer, VA Medical Center, Hot Springs, SD 57747; (605) 745-4101 ext. 246

Fiscal Officer, Hot Springs Medical Center, Hot Springs, SD 57747; (605) 745-4101 ext. 246

Fiscal Officer, Sioux Falls Medical Center, 2501 West 22nd St., Sioux Falls, SD 57101; (605) 336-3230 ext. 201

Sioux Falls Regional Office
Send to: VA Medical Center, 2501 West 22nd St., Sioux Falls, SD 57101; (605) 336-3230 ext. 201

Process for VA service-connected benefits should also be sent to the Sioux Falls Medical Center, rather than to the Sioux Falls Regional Office.

Sturgis National Cemetery Area Office.
Send to: Fiscal Officer, VA Medical Center, Fort Meade, SD 57741; (605) 347-2511 ext. 272

Tennessee

Chattanooga Outpatient Clinic Substation
Send to: Fiscal Officer, VA Medical Center, 1310 24th Avenue, South, Nashville, TN 37203; (615) 327-4651 ext. 553

Chattanooga National Cemetery Area Office
Send to: Fiscal Officer, VA Medical Center, Murfreesboro, TN 37130; (615) 893-1360 ext. 346

Knoxville National Cemetery Area Office
Send to: Fiscal Officer, VA Medical Center, Mountain Home, TN 37684; (615) 926-1171

Knoxville Outpatient Clinic Substation
Send to: Fiscal Officer, VA Medical Center, 1320 24th Avenue, South, Knoxville, TN 37203; (615) 327-4651 ext. 553

Madison National Cemetery Area Office
Send to: Fiscal Officer, VA Medical Center, 1320 24th Avenue, South, Nashville, TN 37203; (615) 327-4651 ext. 553

Fiscal Officer, Memphis Medical Center, 1030 Jefferson Avenue, Memphis, TN 38104; (901) 523-8990

Memphis National Cemetery Area Office
Send to: Fiscal Officer, VA Medical Center, 1030 Jefferson Avenue, Memphis, TN 38104; (901) 523-8990

Fiscal Officer, Mountain Home Medical Center, Mountain Home, TN 37684; (615) 926-1171

Mountain Home National Cemetery Area Office
Send to: Fiscal Officer, VA Medical Center, Mountain Home, TN 37684; (615) 926-1171

Fiscal Officer, Murfreesboro Medical Center, Murfreesboro, TN 37130; (615) 893-1360 ext. 346

Fiscal Officer, Nashville Regional Office, 110 Ninth Avenue, South, Nashville, TN 37203; (615) 251-5352

Fiscal Officer, Medical Center, 1310 24th Avenue, South, Nashville, TN 37203; (615) 327-4751 ext. 553

Texas

Fiscal Officer, Amarillo Medical Center, 6010 Amarillo Blvd., W., Amarillo, TX 79106; (806) 355-8703 ext. 216

Fiscal Officer, Austin Data Processing Center, 1615 East Woodward Street, Austin, TX 78772; (512) 397-7366

Beaumont Outpatient Clinic Substation
Send to: Fiscal Officer, VA Medical Center, 2002 Holcombe Blvd., Houston, TX 77211; (713) 795-4411

Fiscal Officer, Big Spring Medical Center, Big Spring, TX 79720; (915) 263-7361 ext. 327

Fiscal Officer, Bonham Medical Center, Bonham, TX 75418; (214) 583-2111

Corpus Christi Outpatient Clinic Substation
Send to: Fiscal Officer, VA Medical Center, 7400 Merton Minter Blvd., San Antonio, TX 78284; (512) 696-9660 ext. 6301

Fiscal Officer, Dallas Medical Center, 4500 South Lancaster Road, Dallas, TX 75216; (214) 376-5451

Dallas VA Office
Send to: Fiscal Officer, VA Regional Office, 1400 North Valley Mills Drive, Waco, TX 76710; (817) 756-6511 ext. 635

Fiscal Officer, El Paso Outpatient Clinic 5919 Brook Hollow Drive, El Paso, TX 79925; (915) 543-7960/7961

Fort Bliss National Cemetery Area Office
Send to: Fiscal Officer, VA Outpatient Clinic, 5919 Brook Hollow Drive, El Paso, TX 79925; (915) 543-7960/7961

Fiscal Officer, Houston Regional Office, 2515 Murworth Drive, Houston, TX 77054; (713) 226-4185

Jurisdiction over the country of Mexico and the following counties in Texas: Angelina, Aransas, Atascosa, Austin, Bandera, Bee, Bexar, Blanco, Brazoria, Brewster, Brooks, Caldwell, Calhoun, Cameron, Chambers, Colorado, Comal, Crockett, DeWitt, Dimmitt, Duval, Edwards, Fort Bend, Frio, Galveston, Gillespie, Goliad, Gonzales, Grimes, Guadalupe, Hardin, Harris, Hays, Hidalgo, Houston, Jackson, Jasper, Jeffers, Jim Hogg, Jim Wells, Karnes, Kendall, Kenedy, Kerr, Kimble, Kinney, Kleberg, LaSalle, Lavaca, Liberty, Live Oak, McCulloch, McMullen, Mason, Matagorda, Maverick, Medina, Menard, Montgomery, Negocoches, Newton, Nueces, Orange, Pecos, Polk, Real, Refugio, Sabine, San Augustine, San Jacinto, San Patricio, Schleicher, Shelby, Starr, Sutton, Terrell, Trinity, Tyler, Ulvalde, Val Verde, Victoria, Walker, Waller, Washington, Webb, Wharton, Willacy, Wilson, Zapata and Zavala.

Fiscal Officer, Houston Medical Center, 2002 Holcombe Blvd., Houston, TX 77211; (713) 795-4411

Houston National Cemetery Area Office
Send to: Fiscal Officer, VA Medical Center, 2002 Holcombe Blvd., Houston, TX 77211; (713) 795-4411

Fiscal Officer, Kerrville Medical Center, Kerrville, TX 78028; (512) 896-2020 ext. 215

Kerrville National Cemetery Area Office
Send to: Fiscal Officer, VA Medical Center, Kerrville, TX 78028; (512) 896-2020 ext. 215

Lubbock VA Office

Send to: Fiscal Officer, VA Regional Office,
1400 North Valley Mills Drive, Waco, TX
76710; (817) 756-6511 ext. 635

Fiscal Officer, Lubbock Outpatient Clinic,
1205 Texas Avenue, Lubbock, TX 79401;
(806) 762-7209

Fiscal Officer, Marlin Medical Center, Marlin,
TX 76661; (817) 883-3511 ext. 224

McAllen Outpatient Clinic Substation

Send to: Fiscal Officer, VA Medical Center,
7400 Merton Minter Blvd., San Antonio, TX
78284; (512) 696-9660 ext. 6301

Fiscal Officer, San Antonio Medical Center,
7400 Merton Minter Blvd., San Antonio, TX
78284; (512) 696-9660 ext. 6301

San Antonio VA Office

Send to: Fiscal Officer, VA Regional Office,
2515 Murworth Drive, Houston, TX 77054;
(713) 226-4185

San Antonio National Cemetery Area Office

Send to: Fiscal Officer, VA Medical Center,
7400 Merton Minter Blvd., San Antonio, TX
78284; (512) 696-9660 ext. 6301

San Antonio National Cemetery Area Office (Fort Sam Houston)

Send to: Fiscal Officer, VA Medical Center,
7400 Merton Minter Blvd., San Antonio, TX
78284; (512) 696-9660 ext. 6301

Fiscal Officer, Temple Medical Center,
Temple, TX 76701; (817) 778-4811

Fiscal Officer, Waco Regional Office, 1400
North Valley Mills Drive, Waco, TX 76710;
(817) 756-6511 ext. 835

Jurisdiction over all counties in Texas not
listed under the Houston Regional Office.

Fiscal Officer, Waco Medical Center,
Memorial Drive, Waco, TX 76703; (817)
752-6581

Waco Outpatient Clinic

Send to: Fiscal Officer, VA Medical Center,
Memorial Drive, Waco, TX 76703; (817)
752-6581

Utah

Fiscal Officer, Salt Lake City Regional Office,
125 South State Street, Salt Lake City, Utah
84138; (801) 525-5945

Fiscal Officer, Salt Lake City Medical Center,
500 Foothill Blvd., Salt Lake City, Utah
84148; (801) 582-1565/1520

Vermont

Fiscal Officer, White River Junction Medical
and Regional Office Center, White River
Junction, Vermont 05001; (802) 295-9363

Virginia

Alexandria National Cemetery Area Office
Send to: Fiscal Officer, VA Medical Center,
50 Irving Street NW., Washington, D.C.
20422; (202) 389-7593

Culpeper National Cemetery Area Office
Send to: Fiscal Officer, VA Medical Center,
Martinsburg, WV 25401; (304) 263-0811 ext.
280

Danville National Cemetery Area Office

Send to: Fiscal Officer, VA Medical Center,
Salem, VA 24153; (703) 982-2463

Hopewell National Cemetery Area Office

Send to: Fiscal Officer, VA Medical Center
1201 Broad Rock Road, Richmond, VA
23249; (804) 231-9011 ext. 205

Leesburg National Cemetery Area Office

Send to: Fiscal Officer, VA Medical Center, 50
Irving Street NW., Washington, D.C. 20422;
(202) 389-7593

Mechanicsville National Cemetery Area Office

Send to: Fiscal Officer, VA Medical Center,
1201 Broad Rock Road, Richmond, VA
23249; (804) 231-9011 ext. 205

Fiscal Officer, Hampton Medical Center,
Hampton, VA 23667; (804) 722-9961

Hampton National Cemetery Area Office
Send to: Fiscal Officer, VA Medical Center,
Hampton, VA 23667; (804) 722-9961

Quantico National Cemetery Area Office

Send to: Fiscal Officer, VA Medical Center,
50 Irving Street, NW., Washington, D.C.
20422; (202) 389-7593

Fiscal Officer, Richmond Medical Center,
1201 Broad Rock Road, Richmond, VA
23249; (804) 231-9011 ext. 205

Richmond National Cemetery Area Office

Send to: Fiscal Officer, VA Medical Center,
1201 Broad Rock Road, Richmond, VA
23249; (804) 231-9011 ext. 205

Fiscal Officer, Roanoke Regional Office, 210
Franklin Road, SW., Roanoke, VA 24011;
(703) 982-6116

Jurisdiction over Fairfax and Arlington
Counties and the cities of Alexandria,
Fairfax, and Falls Church is allocated to
the Washington, D.C. Regional Office.

Fiscal Officer, Salem Medical Center, Salem,
VA 24153; (703) 982-2463

Sandston National Cemetery Area Office

Send to: Fiscal Officer, VA Medical Center,
1201 Broad Rock Road, Richmond, VA
23249; (804) 231-9011 ext. 205

Staunton National Cemetery Area Office
Send to: Fiscal Officer, VA Medical Center,
Salem, VA 24153; (703) 982-2463

Winchester National Cemetery Area Office

Send to: Fiscal Officer, VA Medical Center,
Martinsburg, WV 25401; (304) 263-0811 ext.
280

Washington

Fiscal Officer, American Lake Medical
Center, Tacoma, WA 98493; (206) 582-8440
ext. 303

Fiscal Officer, Seattle Regional Office, 915
Second Avenue, Seattle, WA 98174; (206)
442-5025

Fiscal Officer, Seattle Medical Center, 4435
Beacon Avenue, South, Seattle, WA 98108;
(206) 762-1016 ext. 286

Seattle Outpatient Clinic
Send to: Fiscal Officer, VA Medical Center,
4435 Beacon Avenue, South, Seattle, WA
98108; (206) 762-1016 ext. 286

Fiscal Officer, Spokane Medical Center,
North 4815 Assembly Street, Spokane, WA
99208; (509) 328-4521

Fiscal Officer, Vancouver Medical Center,
Vancouver, WA 98661; (206) 696-4061 ext.
331

Fiscal Officer, Walla Walla Medical Center,
77 Wainwright Drive, Walla Walla, WA
99362; (509) 525-5200

West Virginia

Fiscal Officer, Beckley Medical Center, 200
Veterans Avenue, Beckley, WV 25801; (304)
255-2121

Fiscal Officer, Clarksburg Medical Center,
Clarksburg, WV 26301; (304) 623-3461 ext.
335

Grafton National Cemetery Area Office
Send to: Fiscal Officer, VA Medical Center,
Clarksburg, WV 26301; (304) 623-3461 ext.
335

Fiscal Officer, Huntington Regional Office,
502 Eighth Street, Huntington, WV 25701;
(304) 529-5477

Jurisdiction over the counties of Brooke,
Hancock, Marshall and Ohio is allocated to
the Pittsburgh, Pennsylvania Regional
Office.

Fiscal Officer, Huntington Medical Center,
1540 Spring Valley Drive, Huntington, WV
25704; (304) 429-6741 ext. 327

Fiscal Officer, Martinsburg Medical Center,
Martinsburg, WV 25401; (304) 263-0811 ext.
280

Wheeling Outpatient Clinic Substation
Send to: Fiscal Officer, VA Medical Center,
University Drive C, Pittsburgh, PA 15240;
(412) 363-4900 ext. 235

Wisconsin

Fiscal Officer, Madison Medical Center, 2500
Overlook Terrace, Madison, WI 53705;
(608) 256-1901 ext. 381

Fiscal Officer, Milwaukee Regional Office,
342 North Water Street, Milwaukee, WI
53202; (414) 291-1201

Fiscal Officer, Tomah Medical Center,
Tomah, WI 54660; (608) 372-3971 ext. 204

Fiscal Officer, Wood Medical Center, 5000
West National Avenue, Wood, WI 53193;
(414) 384-2000 ext. 2591

Wood National Cemetery Area Office
Send to: Fiscal Office, VA Medical Center,
5000 West National Avenue, Wood, WI
53193; (414) 384-2000 ext. 2591

Wyoming

Fiscal Officer, Cheyenne Medical & Regional
Office Center, 2360 East Pershing Blvd.,
Cheyenne, WY 82001; (307) 778-7550 ext.
351

Fiscal Officer, Sheridan Medical Center,
Sheridan, WY 82801; (307) 672-3473.

III The United States Postal Service and the Postal Rate Commission**United States Postal Service**

Service of process may be made on the
postmaster or head of the installation where
the employee works. However, if the
installation where the employee works
cannot be determined, service of process may
be made on the appropriate Regional
Counsel. The geographic areas served by the
Regional Counsels and their addresses are as
follows:

Regional Counsel, Northeast Region, U.S.
Postal Service, 1633 Broadway, New York,
NY 10098; (212) 974-8531

Serving: Connecticut, Maine, Massachusetts,
New Hampshire, Rhode Island, Vermont,
northern New Jersey (ZIP codes beginning
with 070-079 and 088-089), New York (ZIP
codes beginning with 090-088 and 100-129),
and the Caribbean Islands.

Regional Counsel, Eastern Region, U.S. Postal
Service, 1845 Walnut Street, P.O. Box 8601,
Philadelphia, PA 19101; (215) 597-9715

Serving: The District of Columbia, Delaware,
Maryland, Pennsylvania, Virginia, West
Virginia, southern New Jersey (ZIP codes
beginning with 080-087) and New York (ZIP
codes beginning with 130-149)

Regional Counsel, Southern Region, U.S. Postal Service, 1407 Union Avenue, Memphis, TN 38166; (901) 534-4411

Serving: Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, Oklahoma, South Carolina, Tennessee and Texas

Regional Counsel, Central Region, U.S. Postal Service, 433 Van Buren Street, Chicago, IL 60699; (212) 836-3175

Serving: Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin

Regional Counsel, Western Region, U.S. Postal Service, 850 Cherry Avenue, San Bruno, CA 94099; (415) 876-9225

Serving: Alaska, Arizona, California, Colorado, Hawaii, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, Wyoming, and the Pacific Islands including the Trust Territory

Processing of garnishments will be substantially expedited by serving the postmaster or installation head rather than the Regional Counsel.

Postal Rate Commission

Chief Administrative Officer, Postal Rate Commission, 2000 L Street NW., Washington, D.C. 20268; (202) 254-3880

IV. The District of Columbia, American Samoa, Guam, and the Virgin Islands

The District of Columbia

Assistant City Administrator for Financial Management, The District Building, Room 412, 14th and Pennsylvania Avenue, NW., Washington, D.C. 20004; (202) 727-6979

American Samoa

Director of Administrative Service, American Samoa Government, Pago Pago, American Samoa 96799; (684) 633-4155

Guam

Attorney General, P.O. Box DA, Agana, Guam 96910; 472-6841 (Country Code 671)

The Virgin Islands

Attorney General, P.O. Box 280, St. Thomas, VI 00801; (809) 774-1163

V. Instrumentality

Smithsonian Institution

For service of process in garnishment proceedings for child support and/or alimony of present Smithsonian Institution employees:

General Counsel, The Smithsonian Institution, Room 408, 1000 Jefferson Drive, SW., Washington, D.C. 20560; (202) 381-5866

For service of process in garnishment proceedings for child support and/or alimony involving retirement annuities of former trust fund employees of the Smithsonian Institution:

General Counsel, Teachers Insurance and Annuity Association of America, College Retirement Equity Fund (TIAA/CREF), 730 Third Avenue, New York, NY 10017; (212) 490-9000.

(42 U.S.C. 659, 661-662; 15 U.S.C. 1673; E.O. 12105)

[FR Doc. 83-14943 Filed 6-6-83; 8:45 am]

BILLING CODE 6325-01-M

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 354

[Docket No. 83-324]

Commuted Traveltime Allowances

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: This document amends administrative instructions prescribing commuted traveltime. These amendments change established commuted traveltime periods to reflect changes in the time necessarily spent in reporting to and returning from the place at which an employee of Plant Protection and Quarantine performs overtime or holiday duty when such travel is performed solely on account of such overtime or holiday duty. Such changes depend upon facts within the knowledge of the Animal and Plant Health Inspection Service.

EFFECTIVE DATE: June 7, 1983.

FOR FURTHER INFORMATION CONTACT: Mr. James R. Reynolds, Coordinator, National Administrative Planning Staff, Plant Protection and Quarantine, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Room 614 Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301-436-7250.

SUPPLEMENTARY INFORMATION:

Executive Order 12291

This final action has been reviewed under Executive Order 12291, and has been determined to be exempt from those requirements. Bert W. Hawkins,

Administrator, Animal and Plant Health Inspection Service, has made this determination because commuted traveltime allowances are strictly a function of where the APHIS employee lives in relation to the place overtime or holiday duty is performed. As employees are transferred or change their residence or as the place of inspection changes, the number of hours of commuted traveltime allowed may change. These amendments merely reflect such changes and serve to notify the public of the new allowed hours.

It is to the benefit of the public that these instructions be made effective at the earliest practicable date. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

List of Subjects in 7 CFR Part 354

Agricultural commodities, Exports, Government employees, Imports, Plants (agriculture), Quarantine, Transportation.

PART 354—OVERTIME SERVICES RELATING TO IMPORTS AND EXPORTS

Therefore, pursuant to the authority conferred upon the Deputy Administrator, Plant Protection and Quarantine, by 7 CFR 354.1 of the regulations concerning overtime services relating to imports and exports, the administrative instructions appearing in 7 CFR 354.2, prescribing the commuted traveltime that shall be included in each period of overtime or holiday duty are further amended by adding entries for Barksdale AFB, Shreveport, and England AFB, Alexandria, in Louisiana, and Ft. Hood in Texas, in appropriate alphabetical sequence to read as shown below:

§ 354.2 Administrative instructions prescribing commuted traveltime.

COMMUTED TRAVELTIME ALLOWANCES

[in hours]

| Location covered | Served from | Metropolitan area | |
|---------------------------|-----------------|-------------------|---------|
| | | Within | Outside |
| Louisiana: | | | |
| Barksdale AFB, Shreveport | Natchitoches | | 3 |
| England AFB, Alexandria | Natchitoches | | 2 |
| Texas: | | | |
| Ft. Hood | College Station | | 5 |
| Ft. Hood | Waco | | 3 |

(64 Stat. 561 (7 U.S.C. 2260))

Therefore, pursuant to the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to this final rule are impracticable and contrary to the public interest and good cause is found for making this final rule effective less than 30 days after publication of this document in the **Federal Register**.

Done at Washington, D.C., this 2d day of June 1983.

Harvey L. Ford,

Deputy Administrator, Plant Protection and Quarantine, Animal and Plant Health Inspection Service.

[FR Doc. 83-15129 Filed 6-6-83; 8:45 am]

BILLING CODE 3410-34-M

NUCLEAR REGULATORY COMMISSION

10 CFR Parts 20 and 61

Low-Level Waste Licensing Branch Technical Position Papers on Radioactive Waste Classification and Waste Form; Availability

AGENCY: Nuclear Regulatory Commission.

ACTION: Rule-related notice.

SUMMARY: The NRC Low-Level Waste Licensing Branch, Division of Waste Management, has published technical position papers on radioactive waste classification and waste form. The technical position papers provide guidance to licensees regarding methods NRC staff consider acceptable for implementing the waste classification and waste form requirements in 10 CFR Part 61, "Licensing Requirements for Land Disposal of Radioactive Waste." The waste classification technical position paper describes overall procedures acceptable to NRC regulatory staff which may be used by licensees to determine the presence and concentrations of listed radionuclides. This technical position paper also provides guidance on the types of information which should be included in shipment manifests accompanying waste shipments to near-surface disposal facilities. The waste form technical position paper provides guidance to waste generators on test methods and results for waste forms meeting waste stability requirements.

This technical position paper includes guidance on processing of waste into an acceptable stable form, designing acceptable high-integrity containers, packaging cartridge filters, and minimizing radiation effects on organic ion-exchange resins. The two technical position papers have been published in advance of formal regulatory guides, and should be useful to licensees in developing quality control programs to determine compliance with waste classification and waste form requirements as called for in the codified regulations.

ADDRESS: Copies of the technical position papers are available from Nancy Still, Licensing Process and Integration Branch, Division of Waste Management, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555 (Mail Stop SS-623), telephone (301) 427-4087.

FOR FURTHER INFORMATION CONTACT:

Low-Level Waste Licensing Branch, Division of Waste Management, U.S. Nuclear Regulatory Commission, Washington, DC 20555 (Mail Stop SS-623), Attn: Paul H. Lohaus (301) 427-4500, G. W. Roles (301) 427-4593, or Timothy C. Johnson (301) 427-4697.

SUPPLEMENTARY INFORMATION: By **Federal Register** Notice dated December 27, 1982 (47 FR 57446), NRC amended its regulations to provide specific requirements for licensing facilities for the land disposal of low-level radioactive waste. The majority of these requirements are contained in a new Part 61 to Title 10 of the Code of Federal Regulations (10 CFR Part 61) entitled "Licensing Requirements for Land Disposal of Radioactive Waste." Some additional requirements governing waste generator activities such as certification and use of shipping manifests were concurrently published as a new § 20.311 of Part 20 ("Standards for Protection Against Radiation"). Other minor modifications, mostly of a procedural or administrative nature, were made to other parts of the Commission's regulations.

As noted in the December 27 **Federal Register** Notice, the effective date of 10 CFR Part 20, § 20.311 is December 27, 1983, while the effective date of 10 CFR Part 61 and all other amendments is January 26, 1983. Section 20.311 requires that any licensee who transfers radioactive waste to a land disposal facility or to a licensed waste collector

or processor must classify the waste according to § 61.55 ("Waste Classification") of 10 CFR Part 61. Licensed waste processors who treat or repackage radioactive waste for disposal into a land disposal facility must also classify their waste according to § 61.55. This section of Part 61 defines radioactive waste suitable for disposal as falling into one of three classes (Class A, Class B, or Class C), and waste is determined to fall into one of the classes by comparison to limiting concentrations of some particular listed radionuclides. All classes of waste must meet certain minimum requirements while Class B and Class C waste must meet additional structural stability requirements as set forth in § 61.56 ("Waste Characteristics"). Section 20.311 also requires that waste generators record on shipment manifests a description of the transferred waste as well as a certification that the waste is properly classified and that the manifest is filled out correctly.

NRC staff recognizes that the new requirements may result in some modifications to existing licensee waste management practices, and furthermore believes that it will be useful to licensees to begin planning for implementation of the new requirements well in advance of the December 27, 1983 effective date. At this time NRC is preparing regulatory guides on both waste form and waste classification. To provide immediate guidance to licensees, however, the NRC Low-Level Waste Licensing Branch has prepared technical position papers on waste classification and waste form. Preparation and publication of these technical position papers are part of NRC staff's continuing efforts to work with vendors and individual licensees on acceptable procedures and processes for meeting the Part 61 requirements.

The waste classification technical position paper describes overall procedures acceptable to NRC staff which may be used by licensees to determine the presence and concentrations of the radionuclides listed in § 61.55, and thereby classifying waste for near-surface disposal. The technical position paper also provides guidance on the types of information which should be included in shipment manifests accompanying waste shipments to near-surface disposal facilities.

The technical position paper on waste form provides guidance to waste generators on test methods and results acceptable to NRC staff for implementing the 10 CFR Part 61 waste form requirements. It can be used as an acceptable approach for demonstrating compliance with the 10 CFR Part 61 waste structural stability criteria. This technical position paper includes guidance on processing of waste into an acceptable stable form, designing acceptable high-integrity containers, packaging cartridge filters, and minimizing radiation effects on organic ion-exchange resins.

Previous draft versions of both technical position papers have been made available to interested members of the public. Comments received on these drafts have been considered during preparation of the technical position papers referenced by this Notice. Further public comment on these technical position papers is welcomed, and any such comment received will be considered as part of development of the waste form and waste classification regulatory guides. Comments on the technical position papers may be forwarded to Leo B. Higginbotham, Chief, Low-Level Waste Licensing Branch, Division of Waste Management, U.S. Nuclear Regulatory Commission, Washington, DC 20555 (Mail Stop SS-623).

Copies of the waste form and waste classification technical position papers are being furnished to all NRC licensees. In addition, copies of the technical position papers are being furnished to all Agreement States for distribution to their licensees.

Dated at Silver Springs, Maryland, this 6th day of May 1983.

For the Nuclear Regulatory Commission,
Leo B. Higginbotham,
 Chief, Low-Level Waste Licensing Branch,
 Division of Waste Management.

[FR Doc. 83-14951 Filed 6-6-83; 8:45 am]

BILLING CODE 7590-01-M

FEDERAL ELECTION COMMISSION

11 CFR Ch. I

Transfer of Funds; Collecting Agents, Joint Fundraising

AGENCY: Federal Election Commission.
ACTION: Transmittal of Regulations to Congress.

SUMMARY: FEC regulations at 11 CFR Part 102 have been revised and transmitted to Congress pursuant to 2 U.S.C. 438(d). These regulations govern transfers of funds between specified

committees and establish procedures for joint fundraising by political committees. They also contain provisions which clarify the status of unregistered organizations that collect and transfer contributions on behalf of a connected separate segregated fund. Such unregistered organizations, termed "collecting agents", are distinguished from participants in a joint fundraiser. Further information on the revised regulations is provided in the supplementary information which follows.

EFFECTIVE DATE: Further action, including the announcement of an effective date, will be taken by the Commission after these regulations have been before the Congress 30 legislative days in accordance with 2 U.S.C. 438(d).

FOR FURTHER INFORMATION CONTACT: Ms. Susan E. Propper, Assistant General Counsel, 1325 K Street, NW, Washington, D.C. 20463, (202) 523-4143 or (800) 424-9530.

SUPPLEMENTARY INFORMATION: The revised regulations on joint fundraising and collecting agents are based upon public comment received in response to the Commission's Notice of Proposed Rulemaking (46 FR 48074; September 30, 1981). The title of current 11 CFR 102.6 has been changed to "Transfers of Funds; Collecting Agents" and corresponding revisions have been made to that section. In addition, a new section entitled "Joint Fundraising By Committees Other Than Separate Segregated Funds" has been included in the regulations, designated as 11 CFR 102.17. This section was designated as section 102.7 in the Commission's Notice of Proposed Rulemaking; however, it has been added as the last section in Part 102 to avoid changing the numerous citations throughout the Commission's regulations to current §§ 102.7 through 102.16.

2 U.S.C. 438(d) requires that any rule or regulation prescribed by the Commission to implement Title 2, United States Code, be transmitted to the Speaker of the House of Representatives and the President of the Senate prior to final promulgation. If neither House of Congress disapproves of the regulations within 30 legislative days of their transmittal, the Commission may prescribe the regulations in question. The following regulations were transmitted to Congress on June 2, 1983.

Explanation and Justification for 11 CFR 102.6 and 102.17
 Section 102.6 Transfers of Funds;
 Collecting Agents

Section 102.6(a) Transfers of Funds; Registration and Reporting Required.

Following current section 102.6(a), subsections (a)(1)(i) and (a)(1)(ii) state that party committees of the same political party and affiliated committees may make unlimited transfers of funds. 2 U.S.C. §§ 441a(a)(4) and 441a(a)(5). Subsection (a)(1)(iii) incorporates 2 U.S.C. 441a(a)(5)(A) into the regulations by stating that participants in a joint fundraising activity conducted under § 102.17 may transfer joint fundraising proceeds without limit so long as no participant receives more than its allocated share of the funds raised. Subsection (a)(1)(iv) clarifies that transfers may only be made from funds which are permissible under the Act.

Subsection (a)(2) generally follows the provisions of current § 102.6(a) to state that transfers of funds count against the reporting thresholds and may trigger political committee status under the Act. Hence, an unregistered committee which makes or receives transfers for the purpose of influencing a federal election may be subject to the registration and reporting requirements of the Act.

Section 102.6(b) Fundraising by Collecting Agents; No Reporting Required.

This is a new section in the regulations which clarifies the application of the Act to fundraising on behalf of separate segregated funds. See Advisory Opinions 1982-61, 1982-55, 1982-11, 1981-4, 1979-19, 1978-98, and 1978-42. Subsection (b)(1) describes a collecting agent as an organization or committee that collects and transmits contributions to one or more separate segregated funds which are related to it. Generally, the collecting agent is an organization which is eligible to establish and administer a separate segregated fund under 11 CFR 114.5 such as a corporation or labor organization. See 11 CFR 100.6. Under this section, a collecting agent may be any of several types of entities. It may be a registered or unregistered affiliated committee or connected organization of the separate segregated fund. A collecting agent may also be a parent or subsidiary of the connected organization of a separate segregated fund. Moreover, a local, national or international union may act as a collecting agent for a separate segregated fund of any federation with which the union is affiliated.

The inclusion of this section is also intended to permit an unregistered organization to collect contributions on behalf of a connected separate segregated fund without triggering

political committee status under the Act. Transfers made by a collecting agent to a separate segregated fund in accordance with the requirements of subsection (c) do not trigger reporting requirements under the Act. Thus, subsection (b)(2) provides that unregistered organizations, such as a State PAC, union local or corporate subsidiary, which act as collecting agents following the procedures under subsection (c) need not register and report under the Act. This is consistent with the legislative history of the 1979 Amendments which indicates that Congress did not intend that reporting be required in this narrow circumstance. See e.g. 125 Cong. Rec. S19099 (daily ed. December 18, 1979) (statement of Sen. Pell) and 125 Cong. Rec. H12365 (daily ed. December 20, 1979) (statements of Rep. Thompson and Rep. Frenzel).

Subsection (b)(3) specifies that neither commercial fundraising firms nor individuals who collect contributions for separate segregated funds will be considered collecting agents under this section. Rather, commercial fundraising firms will be considered the agent of the separate segregated fund or collecting agent. All persons who collect contributions are subject to the requirements of 11 CFR 102.8 and the provisions of 11 CFR Part 110.

Subsection (b)(4) clarifies that separate segregated funds are not required to utilize a collecting agent. While this section provides for the use of a collecting agent to solicit contributions, it does not prevent a separate segregated fund from soliciting and collecting contributions on its own.

Section 102.6(c) Procedures for Collecting Agents

This section describes the procedures to be followed by a collecting agent in soliciting and collecting contributions on behalf of a separate segregated fund. Subsection (c)(1) makes it clear that the separate segregated fund is responsible for the acts of the collecting agent and for ensuring that the recordkeeping, reporting and transmittal requirements of the Act are met. Inclusion of this provision is intended to encourage separate segregated funds to ensure that those collecting contributions on their behalf follow the Act and regulations.

Subsection (c)(2) provides that a solicitation for voluntary contributions to a separate segregated fund may be included in a bill for membership dues or other fees or in a solicitation for contributions to the collecting agent itself. See Advisory Opinions 1979-19 and 1978-42. Such solicitations may only be made to the solicitable class of the parent organization under 11 CFR Part

114, such as a corporation's stockholders and executive and administrative personnel, and must meet the requirements for a proper solicitation under 11 CFR 114.5. See e.g. *Federal Election Commission v. National Right To Work Committee*, — U.S. —, 103 S.Ct. 562 (Dec. 13, 1982). Subsection (c)(2)(i) states that the collecting agent may pay any or all of the costs of transmitting contributions as such payments are considered part of the establishment, administration and solicitation expenses permitted under 2 U.S.C. 441b(b)(2)(C). A provision has also been included in subsection (c)(2)(ii) which permits a collecting agent to reimburse its separate segregated fund for administrative expenses within 30 days after the separate segregated fund pays the expense if the expense could have been paid directly by the collecting agent under 2 U.S.C. 441b(b)(2)(C). A corresponding provision has been included in 11 CFR 114.5. It should be noted that an unregistered committee that is not a connected organization may trigger the registration and reporting requirements of the Act by making reimbursements under this section.

Subsection (c)(3) provides that a contributor may combine payment of dues or other fees with a contribution to the separate segregated fund in a single check. However, that subsection requires that the check be drawn on the contributor's personal checking account or on a non-repayable corporate drawing account of the individual contributor. See also, Advisory Opinions 1978-98, 1979-19 and 1978-42. Subsection (c)(3) also contains a provision which permits an employer to send a check to a union which includes payment of union dues or other employee deductions (such as vacation fund payments) and voluntary contributions from its employees to the union's separate segregated fund. Subsection (c)(3), thus, provides for combined payment of employee political contributions and other fees by an employer to a union or its agent. See Advisory Opinions 1982-55, 1982-11, 1981-4, and 1978-98. Contributions which may be so combined must be collected pursuant to a payroll deduction plan and are considered direct contributions from the individual employees.

One comment received by the Commission questioned the status of certain employee benefit plans, such as ERISA plans, under section 102.6. Under such plans, participants may designate a portion of the funds deposited with the plan on their behalf by their employer to be contributed to a separate segregated

fund, such as their union PAC. The comment raised the issue of whether certain fiduciaries, such as ERISA plan administrators, should be considered collecting agents under this section. These fiduciaries, however, are considered agents of the plan's sponsor. As the sponsor is the employer or the union of the plan participants, a plan administrator or fiduciary is acting on behalf of a collecting agent. The Commission, therefore, found no need to refer specifically to this situation in the regulations.

Moreover, no special provision is needed to govern the timing of the transmittal of such contributions to the separate segregated fund. A contribution by the plan participant to the separate segregated fund results only when the participant designates a sum in writing to be contributed to the separate, segregated fund and that sum can be disbursed under the plan agreement, since that is the point at which the participant acquires the right to such funds. For example, under a vacation fund plan, vacation benefits are paid out at specified times of the year. Payments to third parties, such as separate segregated funds, may only be made at the same time that disbursements are made to plan beneficiaries under the plan agreement. See ERISA Interpretive Bulletin 78-1 (43 FR 68565 (December 15, 1978)). Under these circumstances, the time for transmitting a contribution to the separate segregated fund under § 102.6(c)(4) would not begin to run until the date on which disbursements can be made to the beneficiary.

Subsection (c)(4) clarifies that collecting agents must follow the requirements of 11 CFR 102.8 regarding the time for transmittal of contributions. Therefore, contributions of \$50 or less collected by a collecting agent must be given to the separate segregated fund within 30 days after receipt. Contributions in excess of \$50 must be forwarded to the separate segregated fund within 10 days of receipt.

This subsection also sets forth methods for transmitting contributions to a separate segregated fund. Pursuant to subsection (c)(4)(i), checks made out to the separate segregated fund must be transmitted by the collecting agent directly to the fund within the appropriate time period. Subsection (c)(4)(ii) establishes several options for transmittal of contributions in other forms. First, as under current § 102.6(b)(1), the collecting agent may choose to set up a transmittal account solely for the deposit and transmittal of funds collected on behalf of a separate segregated fund under subsection

(c)(4)(ii)(A). Funds deposited into this account are subject to the prohibitions and limitations of the Act. If an expenditure is made from funds in this account, other than a transfer of funds to an affiliated committee, the account will be considered a depository of the recipient committee and all activity of that account must be reported.

Alternatively, the collecting agent may deposit contributions collected into its own treasury account under subsection (c)(4)(ii)(B). If the collecting agent selects this method, it must keep separate records of all receipts and deposits which represent contributions to the separate segregated fund and make separate deposits of all cash contributions. See e.g. Advisory Opinion 1978-42.

Another method, stated in subsection (c)(4)(ii)(C), follows current § 102.6(b)(3). This subsection provides that the collecting agent may deposit contributions into an account maintained for State and local election activity. Under this option, the collecting agent must also keep separate records of all receipts and deposits which represent contributions to the separate segregated fund.

In addition to the other methods for transmitting contributions, subsection (c)(4)(ii)(D), permits the collecting agent to transmit cash contributions to the separate segregated fund in the form of money orders or cashiers checks. This provision generally follows current § 102.6(b)(2), although it is now limited to cash contributions.

Subsection (c)(5) requires that the collecting agent comply with the requirements of 11 CFR 102.8 in transmitting contributor information to a separate segregated fund. However, as under current § 102.6(b)(3), if contributions of \$50 or less are received at a mass collection, the collecting agent must keep a record of the date, the total amount collected, and the name of the function at which the collection was made.

Finally, subsections (c)(6) and (c)(7) specify the recordkeeping and reporting responsibilities of collecting agents and separate segregated funds under this section. Pursuant to subsection (c)(6), a collecting agent is required to retain records of all contribution deposits and transmittals for three years and to make these records available to the Commission upon request. Similarly, the separate segregated fund must keep a record of all transmittals of contributions received from the collecting agent. It is not necessary that the separate segregated fund report contributions received from a collecting agent as transfers-in. Rather, under

subsection (c)(7), the separate segregated fund is required to report each contribution received through the collecting agent as a contribution received from the original contributor as required by 11 CFR 104.3(a).

Section 102.17 Joint Fundraising By Committees Other Than Separate Segregated Funds.

(a) *General.* This subsection sets forth the basic rules for conducting joint fundraising activities. See Advisory Opinions 1979-75, 1979-35, 1979-12, 1979-6, 1977-61, 1977-23, 1977-14 and 1977-8. Subsection (a)(1)(i) states the general permission allowing political committees to engage in joint fundraising with other political committees or with unregistered committees or organizations. This subsection requires that the joint fundraising participants have a fundraising representative. The participants have the option of either establishing a separate political committee or selecting a participating political committee to act as the fundraising representative. Regardless of which method the participants select, the fundraising representative must be a reporting political committee under the Act and will be considered an authorized committee of each participating Federal candidate consistent with 2 U.S.C. 432(e)(3)(A)(ii). See also 11 CFR 102.13(c)(1). The participants may hire a commercial fundraising firm or other type of agent to assist in conducting the joint fundraiser. However, subsection (a)(1)(ii) makes it clear that participants hiring a commercial firm are still required to select or establish a fundraising representative.

Subsection (a)(2) describes the entities which may engage in joint fundraising and states that the procedures at subsection (c) govern all joint fundraising activities conducted under this section. The Commission notes that if all of the participants in a fundraising activity are party committees of the same political party, the participants will not have to adhere to the requirements of this section even though an agreement may have been reached as to the allocation of proceeds before the fundraiser takes place. Since the party committees could decide, after the fundraising was concluded, to transfer any amount of the proceeds among themselves pursuant to 2 U.S.C. 441a(a)(4), the fact that an allocation formula had been previously agreed to would not trigger the joint fundraising requirements to provide notice of the recipients of the funds or to allocate contributions according to the

prearranged formula. However, the party committees would have to follow the notice requirements of 11 CFR 102.5 if the activity is conducted in connection with both Federal and non-federal elections. In addition, if no notice is given regarding the intended allocation of contributions, the contributions received would count toward the contributor's limit for the party committee sponsoring the event, i.e., the national committee or State committee running the fundraiser.

Subsection (a)(3) distinguishes a joint fundraising representative conducting a joint fundraising activity from an unregistered organization acting as a collecting agent under 11 CFR 102.6(b). It also clarifies that the provisions of this section are inapplicable to a separate segregated fund or an unregistered organization operating as a collecting agent under § 102.6(b).

Section 102.17(b) Fundraising Representatives.

This section reiterates that participants in a joint fundraising activity must either establish a separate political committee or select a participating political committee to act as fundraising representative. In either case, the fundraising representative must be a political committee under 11 CFR 100.5. This section also describes the fundraising representative's responsibilities in conducting the joint fundraising activity. Specifically, the fundraising representative is responsible for collecting contributions, paying the costs of the fundraising effort, and disbursing the net proceeds to each participant.

Subsection (b)(3) specifies the amounts which may be advanced by each participant for start-up costs of the fundraiser. To avoid an in-kind contribution, subsection (b)(3)(i) provides that a participant may advance an amount in proportion to the allocation formula agreed upon under subsection (c)(1). A participant may advance more than its proportionate share of the fundraising costs under subsection (b)(3)(ii). However, the amount in excess of the proportionate share may not exceed the amount the participant could legally contribute to the other participants. Subsection (b)(3)(iii) provides that if all the joint fundraising participants are affiliated committees or party committees of the same political party, unlimited amounts may be advanced for fundraising costs since transfers among such committees are unlimited. See 11 CFR 110.3; 2 U.S.C. 441a(a)(4) and 441a(a)(5).

Section 102.17(c) Joint Fundraising Procedures.

This section sets forth the procedures for conducting joint fundraising activities. The first requirement, stated in subsection (c)(1), is that all the participants must enter into a written agreement which identifies the fundraising representative and states the formula for allocating the fundraising proceeds and expenses. The participants should make this agreement prior to engaging in any fundraising activity. The fundraising representative is required to retain this agreement for three years and make it available to the Commission upon request.

Furthermore, in addition to the disclaimer notice required by 11 CFR 110.11, subsection (c)(2) requires that each solicitation for contributions to a joint fundraiser contain a fundraising notice informing contributors of specific details of the fundraising activity. Subsections (c)(2)(i) (A) through (D) require that the fundraising notice contain the names of the participating committees, regardless of whether they are registered political committees; the allocation formula; a statement informing contributors that they may designate their contribution for a particular participant or participants; and a statement that the allocation formula may change if the contributor makes a contribution which exceeds the amount he or she could give to any participant. Subsection (c)(2)(ii) provides for special notices in two situations. For example, under subsection (c)(2)(ii)(A), if the participants are engaging in the joint fundraiser only to pay outstanding debts, the fundraising solicitation must state that the allocation formula may change if a participant receives enough funds to pay its debts. Subsection (c)(2)(ii)(B) requires that if any of the participants can lawfully receive contributions from sources prohibited under the Act, such as a State or local committee that can receive corporate contributions, the solicitations must state that any such contributions received will be given only to participants that can receive them.

Under the Commission's regulations, an agent or other person who receives a contribution on behalf of a political committee is required to forward that contribution to the committee treasurer within 10 or 30 days of receipt. 11 CFR 102.8. The contribution must then be deposited within 10 days in a designated committee depository. However, the Commission recognizes that, in the context of a joint fundraising event, it is common for the fundraising

representative to receive contributions over an extended time period and retain them until all funds are received to ensure payment of expenses and proper distribution of proceeds.

Subsection (c)(3) is intended to address the aforementioned situation and resolve any possible conflict between the Commission's regulations and actual joint fundraising practices. Pursuant to subsection (c)(3)(i), the participants or joint fundraising representative are required to establish a separate account for the receipt and disbursement of joint fundraising proceeds. Under subsection (c)(3)(ii), contributions must be deposited into the separate account by the fundraising representative within 10 days of receipt as required by 11 CFR 103.3. The fundraising representative is not required, however, to distribute the proceeds to the participants until all contributions have been received and all expenses paid. Since each participating political committee must designate this account as an additional depository pursuant to subsection (c)(3)(i), such retention would not conflict with the Commission's regulations. Only funds permissible under the Act may be deposited into this joint fundraising account. If a participant can accept funds prohibited as to other participants under the Act, the fundraising representative or the participants may either establish another account for such contributions or transfer them directly to the participants that can accept them.

Furthermore, subsection (c)(3)(iii) requires that the fundraising representative report contributions in the reporting period in which they are received. This subsection also clarifies that, although distribution of proceeds may be delayed until expenses are paid, for contribution reporting and limitation purposes the date of receipt of a contribution by a participating political committee is the date that the contribution is received by the fundraising representative. Participating political committees are not required to report joint fundraising proceeds, however, until they receive the funds from the fundraising representative.

Moreover, subsection (c)(4) describes the recordkeeping responsibilities of the fundraising representative and participating committees. Under section (c)(4)(i), the fundraising representative and the participants are required to screen the contributions received to ensure that they are neither prohibited under the Act nor in excess of the contribution limitations. Participants must make their contributor records available to the fundraising

representative to facilitate its screening of contributions. Subsection (c)(4)(ii) requires the fundraising representative to collect and retain contributor information in accordance with 11 CFR 102.8 and to forward such information to participating political committees. If necessary, the fundraising representative should also keep a record of the total amount of prohibited contributions received and of transfers of these contributions to any participants that may accept them. Furthermore, fundraising disbursement records required under 11 CFR 102.9 must be kept by the fundraising representative for three years pursuant to subsection (c)(4)(iii). That subsection also provides that commercial fundraising firms or agents must forward contributor information to the fundraising representative.

Subsection (c)(5) permits a contributor to make a donation to a joint fundraiser up to the total amount which he or she could give to all the participants subject to the contribution limitations of 2 U.S.C. 441a(a)(1). Hence, if five Federal candidates participated in a joint fundraiser and agreed to share proceeds equally, an individual could contribute up to \$5,000, less any amount which had been previously contributed to any of the participants by that individual.

Subsection (c)(6) prescribes the manner in which gross proceeds from the joint fundraiser are to be allocated among the participants. Generally, as provided in subsection (c)(6)(i), the fundraising representative must allocate the proceeds according to the formula stated in the fundraising agreement. Changes in the agreed upon allocation formula are limited to two factual situations under this subsection. Excess funds may only be reallocated after distribution according to the preestablished formula has extinguished the debts of one or more participants or if distribution under the formula would result in a violation of the contribution limitations. Reallocation in either of these circumstances must be based on the remaining participants' proportionate shares under the allocation formula. If reallocation results in a contributor's exceeding the contribution limitations, the fundraising representative must return the amount of the contribution which exceeds the limit to the contributor pursuant to subsection (c)(6)(i). Since the participants are required to notify contributors before a contribution is made that reallocation may occur, there is no need to inform them of the results of such reallocation. Under subsection (c)(6)(ii), designated or earmarked

contributions which exceed the contributor's limit to the particular participant may not be reallocated without the written consent of the contributor. Subsection (c)(6)(iii) provides that prohibited contributions need not be distributed according to the allocation formula in the fundraising agreement if any participant may legally accept them.

Subsection (c)(7) governs the allocation of expenses and distribution of net proceeds. This subsection establishes different methods for calculating each participant's share of expenses and net proceeds based upon whether the participants were previously affiliated committees or are party committees of the same political party. For instance, subsection (c)(7)(i)(A) provides that if the participants are not affiliated committees or party committees of the same political party, the fundraising representative, after allocating gross proceeds, should calculate each participant's share of expenses based on the percentage of the total receipts each participant has been allocated. Prohibited contributions need not be included in the total receipts for the purpose of allocating expenses. Thus, under this subsection, the fundraising representative must subtract a participant's share of expenses from the amount it was allocated from gross proceeds to determine the amount of net proceeds each participant will receive. If each participant pays its own share of expenses calculated pursuant to this section, no contribution in-kind from one or more of the participants occurs. A participant may pay the expenses of another participant, but subsection (c)(7)(i)(B) points out that such payments are subject to the contribution limits of 11 CFR Part 110. Any funds advanced by one participant on behalf of another to pay the initial costs of the fundraising activity will also count against the contribution limits as provided under subsection (b)(3).

By contrast, since the Act permits unlimited transfers between committees which are affiliated or party committees of the same political party, no in-kind contribution results if one committee pays all expenses of a fundraising event. Thus, under subsection (c)(7)(ii) expenses need not be allocated if the participants are affiliated committees or are related party committees. This subsection also clarifies, however, that payment of such expenses by an unregistered Committee or organization on behalf of an affiliated political committee or related party political committee may trigger the registration

and reporting requirements under the Act.

Two additional points should be noted. First, under subsection (c)(7)(i) "committees of the same political party" refers only to party committees and not to candidates of the same political party. Also, regardless of whether the participants are affiliated committees or party committees of the same political party, pursuant to subsection (c)(7)(iii), the fundraising representative may pay expenses from gross proceeds.

Finally, subsection (c)(8) explains when and how receipts and disbursements must be reported by the fundraising representative and participating political committees. Under subsection (c)(8)(i)(A), the fundraising representative is required to report all contributions in the reporting period in which they are received on FEC Schedule A, with a clear indication that these contributions represent joint fundraising proceeds. If any prohibited contributions are received during the reporting period, the fundraising representative should report the total amount of such contributions as a memo entry on Schedule A. Subsection (c)(8)(i)(B) provides that, after the distribution of net proceeds, each participant must report the amount it receives as a transfer-in from the joint fundraising representative. Each committee should also file a memo Schedule A containing an itemization of its share of gross receipts as contributions from the original contributors as required under 11 CFR 104.3(a). Pursuant to subsection (c)(8)(ii), the fundraising representative must report all disbursements in the reporting period in which they are made.

List of Subjects in 11 CFR Part 102

Campaign funds, Political candidates, Political committees and parties, Reporting requirements.

11 CFR Chapter I is amended as follows:

PART 102—[AMENDED]

In Part 102, § 102.6 is revised to read as follows:

§ 102.6 Transfers of funds; collecting agents.

(a) *Transfers of Funds; Registration and Reporting Required.* (1) *Who May Make Transfers Under This Section.*

(i) Transfers of funds may be made without limit on amount between affiliated committees whether or not they are political committees under 11 CFR 100.5.

(ii) Transfers of funds may be made without limit on amount between or

among a national party committee, a State party committee and/or any subordinate party committee whether or not they are political committees under 11 CFR 100.5 and whether or not such committees are affiliated.

(iii) Transfers of joint fundraising proceeds may be made without limit on amount between organizations or committees participating in the joint fundraising activity provided that no participating committee or organization governed by 11 CFR 102.17 received more than its allocated share of the funds raised.

(iv) Transfers under subsections (i) through (iii) shall be made only from funds which are permissible under the Act. See 11 CFR Parts 110, 114 and 115.

(2) *When Registration and Reporting Required.* Except as provided in 11 CFR 102.6(b), organizations or committees making transfers under 11 CFR 102.6(a)(1) shall count such transfers against the reporting thresholds of the Act for determining whether an organization or committee is a political committee under 11 CFR 100.5.

(b) *Fundraising by Collecting Agents; No Reporting Required.* (1) *Definition of Collecting Agent.* A collecting agent is an organization or committee that collects and transmits contributions to one or more separate segregated funds to which the collecting agent is related. A collecting agent may be either:

(i) A committee, whether or not it is a political committee as defined in 11 CFR 100.5, affiliated with the separate segregated fund under 11 CFR 110.3; or

(ii) The connected organization of the separate segregated fund as defined in 11 CFR 100.6; or

(iii) A parent, subsidiary, branch, division, department, or local unit of the connected organization of the separate segregated fund; or

(iv) A local, national or international union collecting contributions on behalf of the separate segregated fund of any federation with which the local, national or international union is affiliated. See 11 CFR 114.1(e).

(2) *Collecting Agent Not Required To Report.* A collecting agent that is an unregistered organization and that follows the procedures of 11 CFR 102.6(c) is not required to register and report as a political committee under 11 CFR Parts 102 and 104, provided that the organization does not engage in other activities such as making contributions or expenditures for the purpose of influencing federal elections.

(3) *Who Is Not a Collecting Agent.* (i) *Commercial Fundraising Firm.* A separate segregated fund or a collecting agent may hire a commercial fundraising

firm to assist in fundraising; however, the commercial fundraising firm shall not be considered as a collecting agent for the purpose of this section. Rather, the commercial fundraising firm shall be considered to be the agent of the separate segregated fund or collecting agent.

(ii) *Individuals.* An individual who collects contributions for a separate segregated fund shall not be considered a collecting agent for the purpose of this section. Individuals who collect contributions are subject to the requirements of 11 CFR 102.8 and the provisions of 11 CFR Part 110.

(4) *Separate Segregated Fund May Collect Contributions.* Nothing in this section shall preclude a separate segregated fund from soliciting and collecting contributions on its own behalf.

(c) *Procedures for Collecting Agents.*

(1) *Separate Segregated Fund Responsible for Acts of Collecting Agent.* The separate segregated fund shall be responsible for ensuring that the recordkeeping, reporting and transmittal requirements of this section are met.

(2) *Solicitation for Contributions.* A collecting agent may include a solicitation for voluntary contributions to a separate segregated fund in a bill for membership dues or other payments such as conference registration fees or a solicitation for contributions to the collecting agent. The collecting agent may only solicit contributions from those persons permitted to be solicited under 11 CFR Part 114. The solicitation for contributions must meet all of the requirements for proper solicitations under 11 CFR 114.5.

(i) The collecting agent may pay any or all of the costs incurred in soliciting and transmitting contributions to the separate segregated fund.

(ii) If the separate segregated fund pays any solicitation or other administrative expense from its own account, which expense could be paid for as an administrative expense by the collecting agent, the collecting agent may reimburse the separate segregated fund no later than 30 calendar days after the expense was paid by the separate segregated fund.

(3) *Checks Combining Contributions with Other Payments.* A contributor may write a check that represents both a contribution and payment of dues or other fees. The check must be drawn on the contributor's personal checking account or on a non-repayable corporate drawing account of the individual contributor. Under a payroll deduction plan, an employer may write a check on behalf of its employees to a union or its agent, which check represents a

combined payment of voluntary contributions to the union's separate segregated fund and union dues or other employee deductions.

(4) *Transmittal of Contributions.* The full amount of each contribution collected by a collecting agent on behalf of a separate segregated fund shall be transmitted to that fund within 10 or 30 days as required by 11 CFR 102.8.

(i) Checks made payable to the separate segregated fund shall be transmitted by the collecting agent directly to the separate segregated fund in accordance with 11 CFR 102.8.

(ii) To transfer all other contributions, a collecting agent shall either:

(A) Establish a transmittal account to be used solely for the deposit and transmittal of funds collected on behalf of the separate segregated fund. Funds deposited into this account are subject to the prohibitions and limitations of the Act. If any expenditure is made from the account, other than a transfer of funds to an affiliated committee, the account shall be considered a depository of the recipient committee and all activity of that account shall be reported; or

(B) Deposit the contributions collected into the collecting agent's treasury account. The collecting agent shall keep separate records of all receipts and deposits that represent contributions to the separate segregated fund and, in the case of cash contributions, the collecting agent shall make separate deposits of such funds; or

(C) Deposit the contributions collected into an account otherwise established solely for State or local election activity. The collecting agent shall keep separate records of all receipts and deposits that represent contributions to the separate segregated fund; or

(D) In the case of cash contributions, transmit the contributions to the separate segregated fund in the form of money orders or cashier's checks.

(5) *Contributor Information.* The collecting agent shall comply with the requirements of 11 CFR 102.8 regarding transmittal of contributions and contributor information to the separate segregated fund, except that if contributions of \$50 or less are received at a mass collection, a record shall be kept of the date, the total amount collected, and the name of the function at which the collection was made.

(6) *Retention of Records.* The collecting agent shall retain all records of contribution deposits and transmittals under this section for a period of three years and shall make these records available to the Commission on request. The separate segregated fund shall keep a record of all transmittals of contributions received from collecting

agents under this section, and shall retain these records for a period of three years.

(7) *Reporting of Funds Received Through Collecting Agents.* A separate segregated fund receiving contributions collected by a collecting agent shall report the full amount of each contribution received as a contribution from the original contributor to the extent required by 11 CFR 104.3(a).

New § 102.17 is added as follows:

§ 102.17 Joint fundraising by committees other than separate segregated funds.

(a) *General.* (1)(i) Political committees may engage in joint fundraising with other political committees or with unregistered committees or organizations. The participants in a joint fundraising effort under this section shall either establish a separate committee or select a participating committee, to act as fundraising representative for all participants. The fundraising representative shall be a reporting political committee and an authorized committee of each candidate for federal office participating in the joint fundraising activity.

(ii) The participants may hire a commercial fundraising firm or other agent to assist in conducting the joint fundraising activity. In that case, however, the fundraising representative shall still be responsible for ensuring that the recordkeeping and reporting requirements set forth in this section are met.

(2) The procedures in 11 CFR 102.17(c) will govern all joint fundraising activity conducted under this section. The participants in joint fundraising activity may include political party committees (whether or not they are political committees under 11 CFR 100.5), candidate committees, multicandidate committees, and unregistered organizations which do not qualify as collecting agents under 11 CFR 102.6(b).

(3) A fundraising representative conducting joint fundraising under this section is distinguished from an unregistered organization acting as a collecting agent under 11 CFR 102.6(b). If a separate segregated fund or an unregistered organization qualifies and acts as a collecting agent under 11 CFR 102.6(b), the provisions of 11 CFR 102.17 will not apply to that fundraising activity.

(b) *Fundraising Representatives.* (1) *Separate Fundraising Committee as Fundraising Representative.* Participating committees may establish a separate political committee to act as fundraising representative for all participants. This separate committee

shall be a reporting political committee and shall collect contributions, pay fundraising costs from gross proceeds and from funds advanced by participants, and disburse net proceeds to each participant.

(2) *Participating Committee as Fundraising Representative.* All participating committees may select one participant to act as fundraising representative for all participants. The fundraising representative must be a political committee as defined in 11 CFR 100.5. The fundraising representative and any other participating committees may collect contributions; however, all contributions received by other participants shall be forwarded to the fundraising representative as required by 11 CFR 102.8. The fundraising representative shall pay fundraising costs from gross proceeds and from funds advanced by participants and shall disburse net proceeds to each participant.

(3) *Funds Advanced For Fundraising Costs.* (i) Except as provided in 11 CFR 102.17(b) (3)(ii) and (iii), the amount of funds advanced by each participant for fundraising costs shall be in proportion to the allocation formula agreed upon under 11 CFR 102.17 (c)(1).

(ii) A participant may advance more than its proportionate share of the fundraising costs, however, the amount advanced which is in excess of the participant's proportionate share shall not exceed the amount that participant could legally contribute to the remaining participants. See 11 CFR 102.12(c)(2) and Part 110.

(iii) If all the participants are affiliated under 11 CFR 110.3 or if the participants are all party committees of the same political party, there is no limit on the amount a participant may advance for fundraising costs on behalf of the other participants.

(c) *Joint Fundraising Procedures.* The requirements of 11 CFR 102.17(c)(1) through (8) shall govern joint fundraising activity conducted under this section.

(1) *Written Agreement.* The participants in a joint fundraising activity shall enter into a written agreement, whether or not all participants are political committees under 11 CFR 100.5. The written agreement shall identify the fundraising representative and shall state a formula for the allocation of fundraising proceeds. The participants shall also use the formula to allocate the expenses incurred for the fundraising activity. The fundraising representative shall retain the written agreement for a period of

three years and shall make it available to the Commission on request.

(2) *Fundraising Notice.* In addition to any notice required under 11 CFR 110.11, a joint fundraising notice shall be included with every solicitation for contributions.

(i) This notice shall include the following information:

(A) The names of all committees participating in the joint fundraising activity whether or not such committees are political committees under 11 CFR 100.5; and

(B) The allocation formula to be used for distributing joint fundraising proceeds; and

(C) A statement informing contributors that, notwithstanding the stated allocation formula, they may designate their contributions for a particular participant or participants; and

(D) A statement informing contributors that the allocation formula may change if a contributor makes a contribution which would exceed the amount that contributor may give to any participant.

(ii) In the following situations, the notice shall include the following additional information:

(A) If one or more participants engage in the joint fundraising activity solely to satisfy outstanding debts, a statement informing contributors that the allocation formula may change if a participant receives sufficient funds to pay its outstanding debts; and

(B) If one or more participants can lawfully accept contributions that are prohibited under the Act, a statement informing contributors that contributions from prohibited sources will be distributed only to those participants that can accept them.

(3) *Separate Depository Account.* (i) The participants or the fundraising representative shall establish a separate depository account to be used solely for the receipt and disbursement of the joint fundraising proceeds. All contributions deposited into the separate depository account must be permissible under the Act. Each political committee shall amend its Statement of Organization to reflect the account as an additional depository. If one or more participants can lawfully accept contributions that are prohibited under the Act, the participants may either establish a second depository account for contributions received from prohibited sources or they may forward such contributions directly to the nonfederal participants.

(ii) The fundraising representative shall deposit all joint fundraising proceeds in the separate depository account within ten days of receipt as required by 11 CFR 103.3. The fundraising representative may delay distribution of the fundraising proceeds to the participants until all contributions are received and all expenses are paid.

(iii) For contribution reporting and limitation purposes, the date of receipt of a contribution by a participating political committee is the date that the contribution is received by the fundraising representative. The fundraising representative shall report contributions in the reporting period in which they are received. Participating political committees shall report joint fundraising proceeds in accordance with 11 CFR 102.17(c)(8) when such funds are received from the fundraising representative.

(4) *Recordkeeping Requirements.* (i) The fundraising representative and participating committees shall screen all contributions received to insure that the prohibitions and limitations of 11 CFR Parts 110 and 114 are observed. Participating political committees shall make their contributor records available to the fundraising representative to enable the fundraising representative to carry out its duty to screen contributions.

(ii) The fundraising representative shall collect and retain contributor information with regard to gross proceeds as required under 11 CFR 102.8 and shall also forward such information to participating political committees. The fundraising representative shall also keep a record of the total amount of contributions received from prohibited sources, if any, and of all transfers of prohibited contributions to participants that can accept them.

(iii) The fundraising representative shall retain the records required under 11 CFR 102.9 regarding fundraising disbursements for a period of three years. Commercial fundraising firms or agents shall forward such information to the fundraising representative.

(5) *Contribution limitations.* Except to the extent that the contributor has previously contributed to any of the participants, a contributor may make a contribution to the joint fundraising effort which contribution represents the total amount that the contributor could contribute to all of the participants under the applicable limits of 11 CFR 110.1 and 110.2.

(6) Allocation of Gross Proceeds. (i)

The fundraising representative shall allocate proceeds according to the formula stated in the fundraising agreement. If distribution according to the allocation formula extinguishes the debts of one or more participants and results in a surplus for those participants or if distribution under the formula results in a violation of the contribution limits of 11 CFR 110.1(a), the fundraising representative may reallocate the excess funds. Reallocation shall be based upon the remaining participants' proportionate shares under the allocation formula. If reallocation results in a violation of a contributor's limit under 11 CFR 110.1, the fundraising representative shall return to the contributor the amount of the contribution that exceeds the limit.

(ii) Designated contributions which exceed the contributor's limit to the designated participant under 11 CFR Part 110 may not be reallocated by the fundraising representative absent the written permission of the contributor.

(iii) If any participants can lawfully accept contributions from sources prohibited under the Act, any such contributions that are received are not required to be distributed according to the allocation formula.

(7) Allocation of Expenses and Distribution of Net Proceeds. (i)

participating committees are not affiliated as defined in 11 CFR 110.3 prior to the joint fundraising activity and are not committees of the same political party:

(A) After gross contributions are allocated among the participants under 11 CFR 102.17(c)(6), the fundraising representative shall calculate each participant's share of expenses based on the percentage of the total receipts each participant had been allocated. If contributions from sources prohibited under the Act have been received and distributed under 11 CFR 102.17(c)(6)(iii), those contributions need not be included in the total receipts for the purpose of allocating expenses under this section. To calculate each participant's net proceeds, the fundraising representative shall subtract the participant's share of expenses from the amount that participant has been allocated from gross proceeds.

(B) A participant may only pay expenses on behalf of another participant subject to the contribution limits of 11 CFR Part 110.

(ii) If participating committees are affiliated as defined in 11 CFR 110.3 prior to the joint fundraising activity or if participants are party committees of the same political party, expenses need not be allocated among those participants.

Payment of such expenses by an unregistered committee or organization on behalf of an affiliated political committee may cause the unregistered organization to become a political committee.

(iii) Payment of expenses may be made from gross proceeds by the fundraising representative.

(8) Reporting of Receipts and Disbursements. (i) **Reporting Receipts.**

(A) The fundraising representative shall report all funds received in the reporting period in which they are received. The fundraising representative shall report the total amount of contributions received from prohibited sources during the reporting period, if any, as a memo entry. Each Schedule A filed by the fundraising representative under this section shall clearly indicate that the contributions reported on that schedule represent joint fundraising proceeds.

(B) After distribution of net proceeds, each participating political committee shall report its share of net proceeds received as a transfer-in from the fundraising representative. Each participating political committee shall also file a memo Schedule A itemizing its share of gross receipts as contributions from original contributors to the extent required under 11 CFR 104.3(a).

(ii) **Reporting Disbursements.** The fundraising representative shall report all disbursements in the reporting period in which they are made.

PART 114—[AMENDED]

11 CFR Part 114 is amended by adding new § 114.5(b)(3) as follows:

§ 114.5 Separate segregated funds.

* * *

(b) * * *

(3) If the separate segregated fund pays any solicitation or other administrative expense from its own account, which expense could be paid for as an administrative expense by the collecting agent, the collecting agent may reimburse the separate segregated fund no later than 30 calendar days after the expense was paid by the separate segregated fund.

* * *

Dated: June 2, 1983.

Danny L. McDonald,
Chairman, Federal Election Commission.

[FR Doc. 83-15182 Filed 6-6-83; 6:45 am]
BILLING CODE 6715-01-M

DEPARTMENT OF COMMERCE**International Trade Administration****15 CFR Part 386**

[Docket No. 30512-85]

Foreign Merchandise Exported from a Foreign Trade Zone; Commerce Form 7513 Not Applicable

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

ACTION: Final rule.

SUMMARY: This rule amends Part 386 of the Export Administration Regulations by removing a reference to the applicability of Commerce Form 7513 for documentation of exports of foreign merchandise from a Foreign Trade Zone. This change is made in order to conform the Regulations with the Foreign Trade Statistics Regulations of the Bureau of the Census. Exporters must now submit Commerce Form 7525-V (Shipper's Export Declaration) when exporting foreign merchandise from Foreign Trade Zones.

EFFECTIVE DATE: This rule is effective June 7, 1983. Although there is no formal comment period, public comments on this rule are welcome.

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

Rulemaking Requirements

In connection with various rulemaking requirements, the Office of Export Administration has determined that:

1. Under section 13(a) of the Export Administration Act of 1979 (Pub. L. 96-72, 50 U.S.C. app. 2401 *et seq.*) ("the Act"), this rule is exempt from the public participation in rulemaking procedures of the Administrative Procedure Act. This rule does not impose new controls on exports, and is therefore exempt from section 13(b) of the Act, which expresses the intent of Congress that where practicable "regulations imposing controls on exports" be published in proposed form.

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

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

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

Therefore, this regulation is issued in final form. Although there is no formal

comment period, public comments on this regulation are welcome on a continuing basis.

List of Subjects in 15 CFR Part 386

Exports.

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

PART 386—[AMENDED]

Paragraph (p)(1)(ii) of § 386.3 is revised, a paragraph (p)(2) is added, and the current paragraph (p)(2) is redesignated as (p)(3), reading as follows:

§ 386.3 Shipper's export declaration

(p) Declaration for shipments moving in-transit. (1) * * *

(ii) Foreign merchandise exported from a General Order Warehouse. Shipments in bond transiting the United States by means of any carrier other than a vessel may be cleared for export without presenting a Form 7513, unless a validated license is required for the export.

(2) Exports from Foreign Trade Zones. Commerce Form 7513 is not acceptable for any exports from Foreign Trade Zones. Such shipments require the filing of the Shipper's Export Declaration (Form 7525-V), with the applicable zone number reported on the Document.

(3) Additional information. * * *

(Secs. 13 and 15, Pub. L. 96-72, 93 Stat. 503, 50 U.S.C. app. 2401 *et seq.*; Executive Order No. 12214 (45 FR 29783, May 6, 1980))

Dated: May 9, 1983.

John K. Boidock,

Director, Office of Export Administration,
International Trade Administration.

[FR Doc. 83-15191 Filed 6-6-83; 8:45 am]

BILLING CODE 3510-25-M

COMMODITY FUTURES TRADING COMMISSION

17 CFR Part 170

Registered Futures Associations; Mandatory Membership

AGENCY: Commodity Futures Trading Commission.

ACTION: Final rule.

SUMMARY: The Commodity Futures Trading Commission ("Commission") is adopting a rule which will require all futures commission merchants ("FCMs") that must be registered with the Commission to become members of a registered futures association ("RFA"). The Commission finds that adoption of

such a rule will further the purposes of the Commodity Exchange Act ("Act") and, in particular, is necessary and appropriate to achieve the objectives of sections 17(m), 17(p) and 17(q) of the Act to implement comprehensive self-regulatory programs as soon as practicable. The Commission has determined that adoption of § 170.15 of its rules will greatly assist the Commission in the regulation of FCMs and other RFA members.

EFFECTIVE DATE: August 8, 1983.

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

SUPPLEMENTARY INFORMATION:

I. Introduction

On November 15, 1982, the National Futures Association ("NFA") submitted a "Petition for Issuance of [a Commission] Rule" (§ 170.15) which would require each person who must be registered with the Commission as an FCM to become and remain a member of at least one futures association registered pursuant to section 17 of the Act and Part 170 of the Commission's regulations.¹ NFA asserts that it is essential for all FCMs to be members of an RFA in order to ensure that industry self-regulation by RFAs is effective. Noting Congress' directive that NFA—currently the only RFA—fully implement its self-regulatory program within two and one-half years² and the Commission's expectation that NFA assume certain regulatory functions as soon as possible, NFA asserts that because it does not have jurisdiction over nonmembers, the Commission must require RFA membership of all FCMs for such regulations to be effective. NFA states that "in the absence of a Commission rule mandating RFA membership, the now small number of FCM non-RFA members may grow and present a substantial impediment to achieving the self-regulatory goals of Section 17 of the Act as defined by Congress and the Commission."³

¹Letter to the Commission's Secretariat from Robert K. Wilmoth, President, NFA; hereinafter the "NFA Petition."

²Section 17(q) of the Act, as amended by the Futures Trading Act of 1982, Pub. L. No. 97-444, section 233, 96 Stat. 2294 (1983), requires NFA to satisfy that requirement "as soon as practicable but not later than September 30, 1985." Other RFAs would be subject to the same implementation requirements within two and one-half years from the date of their registration by the Commission.

³NFA Petition at 3.

On November 24, 1982, the Commission published a notice in the *Federal Register* setting forth proposed Commission rule 170.15, summarizing NFA's arguments in favor of the proposed rule, and requesting comment on the proposed rule.⁴ The Commission also requested comment on whether such a rule should be extended to apply to all FCMs registered with the Commission, whether or not they are required to be registered.⁵ In addition, the Commission requested suggestions as to any alternatives that would effectively accomplish the same purposes or otherwise address adequately those regulatory problems arising from the refusal of registered persons to join an RFA. The Commission solicited public comment on the proposed rule and the related questions for a period of sixty days.

Of the 50 comments received, 48 favored Commission promulgation of the proposed rule. Those in favor include FCMs, contract markets, commodity pool operators, commodity trading advisors, industry-trade associations, banks, former Commissioners of this agency, public members of NFA's Board of Directors and NFA itself.⁶ Only two commentators' letters opposed adoption of § 170.15—the Antitrust Division of the United States Department of Justice ("Antitrust Division"), and a money management consultant.⁷ The Antitrust Division set forth three basic objections: (1) That the proposed rule is of questionable constitutionality; (2) that the Commission lacks authority under the Act to adopt the proposed rule; and (3) that the Commission is compelled to employ other less anticompetitive regulatory alternatives pursuant to section 15 of the Act, since the proposed rule would have serious anticompetitive consequences.

The Commission has considered NFA's reasons for seeking the rule, the legislative history underlying section 17

⁴47 FR 53031.

⁵FCMs are required to register with the Commission under section 4d of the Act if they solicit or accept orders from customers for the purchase or sale of futures contracts. Some entities register with the Commission as FCMs even though they are not handling any customer business at the time of registration either because they anticipate doing such business for an occasional client or because they want to be able to initiate such business in the future without waiting for a registration application to be processed.

⁶NFA submitted two comment letters, dated January 21, and February 16, 1983. Its first letter analyzed the need for § 170.15, while the second letter responded to comments by the Antitrust Division of the United States Department of Justice.

⁷This commentator opposed the proposed regulation largely on grounds similar to those raised by the Antitrust Division and discussed herein.

of the Act, the evolution of NFA as a self-regulatory organization, and the comments of all interested persons concerning proposed § 170.15. The Commission has evaluated the concerns raised by the Antitrust Division regarding the constitutionality of proposed § 170.15 and the Commission's authority under the Act to adopt § 170.15. In light of these considerations, the Commission has determined under section 8a(5) of the Act that adoption of § 170.15 is reasonably necessary to effectuate the purposes of the Act and, in particular, to provide a means for assuring that the purposes of sections 17(m), 17(p) and 17(q) of the Act are achieved. In reaching this conclusion, the Commission has determined, in accordance with section 15 of the Act, that the purposes and objectives served by the adoption of § 170.15 outweigh anticompetitive effects which may result from the rule. In this regard, the Commission has taken into consideration the public interest to be protected by the antitrust laws, and has endeavored to take the least anticompetitive means of achieving the Act's objectives. Thus, the Commission believes that adoption of § 170.15 will facilitate the implementation of industry self-regulation, further augment protection of the public, and further assist in the application of uniform compliance standards for the industry.

II. Purposes and Objectives of the Rule

Section 8a(5) of the Act authorizes the Commission to promulgate such rules as, in the judgment of the Commission, are reasonably necessary to effectuate any of the provisions or to accomplish any of the purposes of the Act. Comprehensive and effective self-regulation and the avoidance of duplicative regulation are purposes which are inherent in the policies underlying sections 17 (m), (p) and (q) of the Act. The evolution of section 17 of the Act, culminating in the adoption of sections 17 (p) and (q) in the Futures Trading Act of 1982, consistently demonstrates the legislative intent concerning these regulatory objectives and the need for Commission rulemaking to effectuate those objectives.

From the time of its original enactment of section 17 of the Act, authorizing the creation of futures associations, Congress has consistently recognized that the ability of a self-regulatory organization to attract and retain its membership clearly would be essential to such an organization's effectiveness in monitoring and enforcing compliance by members with the organization's regulatory requirements. Unlike trade associations

or other nonregulatory group enterprises, whose primary function is the promotion of the membership's mutual self-interests, NFA and other RFAs are charged by Congress with explicit self-regulatory obligations which they must perform with respect to their memberships. Moreover, unlike contract markets, securities exchanges, or the National Association of Securities Dealers ("NASD"), RFAs do not have the advantage of direct financial, promotional or other benefits such as trading privileges in unique futures contracts or exchange-listed securities to offer either prospective or existing members.⁸ Accordingly, the question of how an RFA could successfully operate as a viable membership organization has been addressed at length by Congress in adopting and thereafter amending section 17 of the Act and more recently by the Commission in considering NFA's application for registration under that section of the Act.

During the Congressional deliberations which culminated in the Commodity Futures Trading Act of 1974,⁹ a consistent theme of the legislative hearings was a concern that the existing self-regulatory framework no longer adequately served the broad public interests involved in the nation's rapidly expanding futures markets.¹⁰ As a result, the Commission was created and armed with broad oversight and enforcement powers to regulate these markets. In addition, the 1974 amendments brought three classes of commodity professionals under the Commission's regulation for the first time: Commodity Trading Advisors ("CTAs"), Commodity Pool Operators ("CPOs"), and Associated Persons ("APs") of FCMs. Unlike floor brokers and FCMs, most of which were also contract market members and thus subject to self-regulatory oversight of an exchange, the three newly regulated categories of industry participants had not been subject to any self-regulatory oversight.

In addition to these new registration requirements, the 1974 Act also specifically empowered the Commission to impose regulatory requirements on

⁸ For example, while the NASD does not list securities for trading in the same sense that a stock exchange or contract market lists securities or is designated to trade futures contracts, NASD membership is necessary for access to the NASDAQ trading system as a market maker. See NASD Bylaws, Art. XVI, Schedule D, §IC (CCH) ¶1663A.

⁹ Commodity Futures Trading Commission Act of 1974, Pub. L. No. 93-463, 88 Stat. 1389 *et seq.* (1974).

¹⁰ See, e.g., H.R. Rep. No. 975, 93d Cong., 2d Sess. 44-48 (1974); and S. Rep. No. 1131, 93d Cong., 2d Sess. 18-19.

those industry participants that were not contract market members.¹¹ Congress also envisioned that the Commission's increased regulatory responsibilities would be supplemented by self-regulation to be provided by registered futures associations under Title III of the Act.¹²

In early 1977, NFA's organizing committee presented to the Commission an outline proposal for an RFA in order to facilitate and encourage discussion of certain issues involved in registering futures associations. After the Commission held a public meeting in which the proposal was discussed, Commission staff and NFA representatives conducted further discussions concerning the informal proposal, as reflected in public correspondence between NFA and the Commission. At an open meeting on June 7, 1977, the Commission, recognizing that a formal registration application had not been filed, approved as a matter of policy the concept of "uniform required membership" as proposed by the NFA organizing committee.¹³ NFA submitted a revised version of its draft articles of incorporation on July 20, 1977, along with a revised "Points of Agreement" setting forth the organizing committee's intent.¹⁴

The Antitrust Division subsequently commented on the informal proposal, expressing its opinion that NFA's mandatory membership requirement, in particular, would be an unconstitutional delegation of agency authority and was not the least anticompetitive means available to the Commission to achieve the objectives of the Act.¹⁵ Although NFA's organizers responded to the Antitrust Division's comments,¹⁶ the NFA draft application was not formally submitted to the Commission and, accordingly, the Commission deferred

¹¹ Section 8a(8) of the Act, 7 U.S.C. 12a(8) (1976).

¹² 7 U.S.C. 21 (1976).

¹³ The Commission policy established in 1977 was stated "in the abstract," and was applicable to any applicant futures association. Nevertheless, this policy was intended to be a basis for the proposed NFA structure, subject to the Commission's "continuing powers and processes . . . in further structuring and implementing" NFA's proposal. See CFTC Press Release No. 287-77, June 7, 1977; and official minutes of the open Commission meeting held on June 7, 1977.

¹⁴ Letter from Philip F. Johnson, then Counsel for the NFA organizing committee, to Richard E. Nathan, then Acting General Counsel, dated July 20, 1977.

¹⁵ See *In the Matter of the National Futures Association*, Comments of October 7, 1977, from the Antitrust Division to the Commission.

¹⁶ Response of the National Futures Association to Objections to its Preliminary Proposal, January 31, 1978.

any further consideration of the NFA's draft proposal.

The concerns which the Antitrust Division raised were addressed explicitly by Congress in 1978. During the Commission's 1978 reauthorization hearings, subcommittees of both the House Committee on Agriculture and the Senate Committee on Agriculture, Nutrition and Forestry heard testimony from many witnesses expressing their opinion that a futures association should be created.¹⁷ The House Committee commented that:

[u]se of the authority of this amendment would be completely discretionary with the Commission. The committee was persuaded that such discretion may be useful to the Commission if it should decide that such a provision is necessary for an effective self-regulation program and is otherwise in the interest of the objectives of section 17.¹⁸

The Conference Committee of the Senate and House agreed. Congress therefore adopted section 17(m) of the Act, which expressly allows the Commission to approve rules of a futures association that would make membership in at least one futures association mandatory for persons eligible for membership.

Efforts to organize an RFA resumed and, in March of 1981, a formal application for registration of NFA was submitted to the Commission. Pursuant to section 17(a) of the Act, NFA also sought approval of its Bylaws, which included a provision (Bylaw 1101) designed to prohibit NFA members from doing any customer business with firms which are not members of an RFA.¹⁹ In

granting NFA's registration, the Commission also approved Bylaw 1101.²⁰ While Bylaw 1101 may provide a strong incentive for NFA membership through the expectation that industry participants would seek to join NFA in order to do business with other NFA members, Bylaw 1101 cannot independently ensure uniform industry-wide membership in an RFA.²¹

In commencing implementation of its regulatory programs and planning the development of further regulatory initiatives, NFA has become concerned that various Commission registrants may seek to avoid the industry self-regulation scheme envisioned in section 17. Thus, without mandatory membership in NFA or another RFA, effective implementation of the programs required by section 17 and NFA's self-regulatory programs could be seriously impeded. NFA cannot impose and enforce standards upon industry professionals that have not subjected themselves to NFA's jurisdiction or which could terminate NFA jurisdiction at their discretion solely by voluntarily terminating their NFA membership. Bylaw 1101 operating in conjunction with § 170.15, however, would assure essentially complete NFA membership from the universe of commodity professionals: registered FCMs, commodity pool operators, commodity trading advisors, and introducing brokers ("IBs").²²

Moreover, with the 1982 amendments, Congress has directed that each FRA implement a comprehensive program to impose training standards and proficiency testing for persons involved in the solicitation of transactions subject to the provisions of the Act and for any other person for which an RFA has

registration responsibilities.²³ Although contract markets have the ability to prescribe their own standards of training and proficiency for persons who solicit or accept orders for execution on those contract markets and some contract markets have adopted such guidelines, the contract markets would not have jurisdiction over a large number of commodity professionals (e.g., most CPOs, CTAs, IBs and their associated persons) which typically are not contract market members. Further, with eleven futures exchanges designated as contract markets, there is a greater potential for subjecting industry participants to overlapping, if not conflicting, requirements.

Unless industry-wide training, testing, and sales practice requirements can be adopted by an RFA capable of enforcing those standards against all industry participants, certain market participants may operate under lower standards than those imposed by an RFA, at a risk to the public. The Commission believes that mandatory membership in an RFA which carries out the objectives set forth in section 17 of the Act might allay such potential difficulties by assuring that persons soliciting business on all contract markets are within the jurisdiction of an RFA and thus subject to the same comprehensive training standards and proficiency testing requirements.²⁴

The Commission believes that not only is mandatory membership essential to an effective industry-wide self-regulatory program but also that an equally compelling basis for adoption of § 170.15 is that without such mandatory membership, it would be necessary for the Commission to continue to maintain extensive (and expensive) direct regulation over those Commission registrants that are not subject to any self-regulatory jurisdiction. The Commission would have to continue to conduct financial, compliance and sales practice audits of FCMs, CPOs, CTAs and IBs that do not join NFA. The need to maintain these extensive programs for the comparatively small number of persons likely to remain subject solely

¹⁷ See *Hearings on H.R. 10285 Before the Subcommittee on Conservation and Credit of the House Committee on Agriculture*, 95th Cong., 2d Sess. (pp. VIII-IX for summary of testimony) (1978); *Hearings on the Reauthorization of the Commodity Futures Trading Commission Before the Subcommittee on Agricultural Research and General Legislation of the Senate Committee on Agriculture, Nutrition, and Forestry*, 95th Cong., 2d Sess. pt. II at 12, 13, 26, 27, 29, 30, 47, 48, 50, 51, 68, 116, 119, 121, 122, 136, 137, 186, 190 and 191 (1978).

¹⁸ H.R. Rep. No. 1181, 95th Cong., 2d Sess. 20 (1978).

¹⁹ NFA Bylaw 1101 provides that: No Member may carry an account, accept an order or handle a transaction, in commodity futures contracts, for or on behalf of any non-Member of NFA, or suspended Member, that is required to be registered with the Commission as an FCM, Commodity Pool Operator or Commodity Trading Advisor, or that is an Agent, and that is acting in respect to the account, order or transaction for a customer, a commodity pool or participant therein, a client of a commodity trading advisor, or any other person, unless (a) such non-Member of NFA is a member of another futures association registered with the Commission under Section 17 of the Act, or is exempted from this prohibition by Board resolution, or (b) such suspended Member is exempted from this prohibition by the Appeals Committee.

²⁰ Order Granting Registration and Approving Rules of the National Futures Association at 77 (September 22, 1981) (hereinafter cited as "Registration Order").

²¹ Bylaw 1101 does not prevent non-RFA member FCMs from doing business with other Non-FRA member firms. Before the Commission granted its registration, NFA indicated that it intended to urge all contract markets to require their own members to join NFA (or any RFA), thus assisting the goal of industry-wide membership. Registration Order at 76, n.220. To date no contract market has proposed such a requirement, however.

²² Because only registered FCMs may be members of the clearing corporations of contract markets, any CPO or CTA which seeks to execute futures orders for customers must clear such trades through an FCM. Thus, the combined effect of § 170.15 and Bylaw 1101 will be to require all CPOs and CTAs to become RFA members, since FCMs, which will be required by § 170.15 to become RFA members, are prohibited by Bylaw 1101 from transacting futures related business with non-RFA member CPOs or CTAs. The Commission expects NFA to amend Bylaw 1101 to include IBs as well as CPOs, CTAs, and FCMs.

²³ Section 17 (p)(1) of the Act, as amended by the Futures Trading Act of 1982, Pub. L. No. 97-444, 233, 96 Stat. 2321 (1983).

²⁴ In this connection, the Commission previously had taken action to implement a competency examination program by proposing a rule which would have made compulsory a written proficiency examination for all new applicants for registration as associated persons. See 46 FR 20079 (April 6, 1981). The Commission deferred action on this proposal, however, based on comments from the public, with which the Commission generally concurred, that a CFTC testing requirement would be redundant in view of the stated intention of NFA to institute its own testing program shortly.

to the Commission's direct regulation would be inefficient and duplicative of the self-regulatory functions for which NFA is responsible.²⁸

The Commission has specifically examined the Securities and Exchange Commission's ("SEC") experience with its SECO Broker-Dealer Program, under which broker-dealers who are not NASD members are regulated directly by the SEC. When it considered the SEC's experience in conjunction with review of NFA's application for registration, the Commission concluded that a program of direct Commission regulation of non-RFA members pursuant to sections 17(d) and 17(e) of the Act,²⁹ would be difficult to administer, and that the Commission lacked sufficient resources to devote to such direct regulation.³⁰ In this regard, the Commission continues to believe that the experience of the SEC in administering its SECO broker-dealer registration program and the conclusions of the recent study of that program are particularly instructive. In his February 15, 1983 testimony before the Subcommittee on Telecommunications, Consumer Protection, and Finance of the House Committee on Energy and Commerce on behalf of the SEC in favor of H.R. 562, SEC Chairman John S. R. Shad favored elimination of the SECO program through adoption of a requirement that all broker-dealers join a self-regulatory organization.³¹ Chairman Shad testified as to the results of a comprehensive management study of the SECO program, which concluded that that

program is unnecessarily costly and diverts the SEC's limited resources away from areas of major concern in order to duplicate the functions of the NASD. In addition, the study projected that greater expenditures would be required in the future to ensure that SECO firms are regulated as stringently as NASD firms. Finally, Chairman Shad testified that self-regulatory organizations are better able than the SEC to maintain ethical standards for the industry and to perform certain oversight functions. The Commission believes that the SEC's bases for recommending elimination of its SECO program to Congress further support the Commission's decision to adopt § 170.15.

In light of all of these considerations, the Commission believes that its rulemaking authority provides the most effective means of fulfilling the purposes and objectives of the Act discussed above. In this regard, the Commission observes that the Congressional conferees reporting on the self-regulatory requirements imposed upon RFAs by the Futures Trading Act of 1982 expressed their expectation that the Commission will exercise its rulemaking authority "and adopt such rules * * * as it deems to be necessary or appropriate to insure that persons eligible for membership in a registered futures association become and remain members of at least one such association" [emphasis added].³² Consistent with that expectation, the Commission has determined to exercise its general rulemaking authority under section 8a(5) of the Act to fulfill the objectives of sections 17(m), 17(p) and 17(q) of the Act by adopting § 170.15.

III. Analysis of Comments Opposing Adoption of § 170.15

The Antitrust Division has questioned both the Commission's authority to adopt this rule and the appropriateness under certain sections of the Act, particularly section 15, of adopting a compulsory RFA membership requirement. The Commission has given careful consideration to the views expressed by the Antitrust Division, and has concluded that the Commission has the authority to adopt § 170.15.³³

²⁸ H.R. Rep. No. 964, 97th Cong., 2d Sess. 50 (1982).

²⁹ The Commission also notes that the Antitrust Division's statement that the Commission's authority to impose mandatory RFA membership is limited solely to the approval of RFA rules is inconsistent with the Antitrust Division's statement made in March, 1982 that:

In 1978, * * * 17(m) of the Act * * * was amended to permit the CFTC to require membership in an RFA if the CFTC determined that mandatory membership was "necessary or appropriate" to the purposes and objectives of the Act * * *. The Antitrust Division * * * concludes that section 17

A. Constitutionality of Proposed Rule

1. *Due Process.* The Antitrust Division expresses concern that proposed § 170.15, by requiring a person to become a member and be subject to the discipline of a private self-regulatory organization in order to do business, may be inconsistent with the due process clause of the fifth amendment to the Constitution.³⁴ In this regard, the Antitrust Division discusses two cases involving compulsory payment of union dues,³⁵ and one case involving compulsory bar membership.³⁶ In each of these cases, however, the Supreme Court upheld compulsory membership in a private organization.³⁴

In addition, courts have specifically upheld the authority of self-regulatory organizations to exercise disciplinary authority over their members in situations where a federal regulatory agency also had authority to initiate such actions. In *R. H. Johnson & Co. v. SEC*, a broker-dealer sought review of an order of the NASD which expelled the company from NASD membership on the basis that the NASD was unconstitutionally delegated the SEC's authority to discipline securities broker-dealers. The Second Circuit upheld the NASD's disciplinary authority based on the existence of statutory provisions which establish (1) the SEC's authority, according to "reasonably fixed statutory standards" to approve or disapprove NASD rules, and (2) the SEC's authority to review any NASD disciplinary action.³⁵ The Third and Ninth Circuits

should be modified to preclude an industry-wide, mandatory membership RFA * * *.

Report to Congress by the Comptroller General, Commodity Futures Regulation—Current Status and Unresolved Problems 321 & 325 (July 15, 1982) (letter of March 5, 1982 to Mr. William J. Anderson from William F. Baxter, Asst. Attorney General). The Division's letter acknowledged statutory defeat of its mandatory membership views and sought a legislative "rehearing" by asserting that NFA would not contribute to effective and efficient self-regulation. *Id.* at 319. Congress was not persuaded and, in fact, strengthened its commitment to NFA in 1982. See discussion of 1982 legislative history, § II *supra*.

³⁴ Antitrust Division comments at 11. The fifth amendment to the Constitution provides that: No person shall be * * * deprived of life, liberty, or property, without due process of law * * *.

³⁵ *Aboud v. Detroit Board of Education*, 431 U.S. 209 (1977); *Railway Employees' Department v. Hanson*, 351 U.S. 225 (1956).

³⁶ *Lathrop v. Donohue*, 367 U.S. 820 (1961).

³⁷ The Antitrust Division itself states that the applicable case law in this area is less than compelling. Thus, in summarizing its argument, the Division recognizes that "[t]hese cases do not hold that the proposed [NFA] regulation is necessarily unconstitutional." Antitrust Division comments at 14.

³⁸ 198 F.2d 690, 695 (2d Cir. 1952), cert. denied 344 U.S. 855 (1952).

²⁸ New Sections 17(p) (2) and (3) require NFA to have comprehensive programs to audit the financial and sales practices of its members and their associated persons. Futures Trading Act of 1982, Pub. L. No. 97-444, Section 233, 96 Stat. 2322 (1983).

²⁹ Section 17(d) of the Act provides that: In addition to the fees and charges authorized by section 8a(4) of this Act, each person registered under this Act, who is not a member of a futures association registered pursuant to this section, shall pay to the Commission such reasonable fees and charges as may be necessary to defray the costs of additional regulatory duties required to be performed by the Commission because such person is not a member of a registered futures association. The Commission shall establish such additional fees and charges by rules and regulations.

Section 17(e) provides that: Any person registered under this Act, who is not a member of a futures association registered pursuant to this section, in addition to the other requirements and obligations of this Act and the regulations thereunder shall be subject to such other rules and regulations as the Commission may find necessary to protect the public interest and promote just and equitable principles of trade.

³⁰ Order at 34-37. The Commission's conclusions in this regard were supported by specific comments and analysis submitted by Douglas Scarff, Director of the SEC's Division of Market Regulation, which has administrative and direct regulatory responsibilities for SECO broker-dealers.

³¹ See pp. 80-92 of Chairman Shad's February 15 testimony.

also have upheld the delegation of disciplinary authority to the NADS, citing *R. H. Johnson & Co.*³⁶

Section 17(h) of the Commodity Exchange Act provides that if any RFA takes disciplinary action against any of its members, or denies admission to association membership, the association's action is subject to review by the Commission, either upon application of the person disciplined or denied membership, or upon the Commission's own motion. Section 17(i) sets forth procedural guidelines and standards of review applicable to Commission review of disciplinary actions by RFAs. Sections 17(j) and 17(k) of the Act set forth the Commission's authority and applicable procedures for approving, disapproving, abrogating, altering or supplementing association rules. These statutory provisions authorizing the CFTC to override RFA membership or disciplinary determinations and to approve, disapprove or amend association rules are virtually identical to the statutory provisions cited in the cases above upholding exercise of the NASD's disciplinary authority under SEC oversight, and as such would appear to set forth equally adequate standards upon which to uphold a delegation of disciplinary authority to the NFA.

Furthermore, sections 17(b)(8) and 17(b)(9) outline the procedures the RFA itself must follow in proceeding against members and applicants, including the contents of notice to the member or applicant. Commission rule 170.6 requires that an RFA must demonstrate that in disciplining its members, proceedings will be conducted "in a manner consistent with the fundamental elements of due process" and that the RFA will "impose discipline which is fair and has a reasonable basis in fact." In addition, Section 17(b)(5) of the Act requires that an RFA's rules ensure fair representation of RFA members in the adoption of any association rule, which includes disciplinary rules. Finally, as noted above, the rules and procedures by which any RFA conducts disciplinary or membership denial proceedings are subject to prior Commission approval under section 17(j) of the Act. Hence, the Antitrust Division's concern that compulsory RFA membership may deny due process is more than adequately addressed by the safeguards set forth in

section 17 regarding RFA disciplinary procedures. Commission review of RFA proceedings, Commission review of proposed RFA rules, and fair representation of members in the RFA rulemaking and disciplinary processes.

2. *Freedom of Association.* The Antitrust Division never expressly cites the first amendment to the Constitution in its comments, but the three cases it introduces to support its concern that promulgation of § 170.15 may violate the due process clause all raise potential first amendment issues.³⁷ As explained *supra*, however, the Supreme Court upheld compulsory membership in each of the two union shop cases and the state bar case cited by the Antitrust Division. The Commission's examination of the first amendment analysis which is typically employed by the Court indicates that compulsory RFA membership likewise would be upheld under first amendment scrutiny.

For example, in *Aboud v. Detroit Board of Education* the Supreme Court held that, although compelling employees to financially support their collective bargaining representative has an impact on the employees' first amendment right of freedom of association "such interference as exists is constitutionally justified by the legislative assessment of the important contribution of the union shop to the system of labor relations established by Congress."³⁸ Thus, the Supreme Court balanced the degree of infringement of the employees' first amendment rights against the state's interest in requiring payment of union dues. The Supreme Court has employed a similar balancing test in other cases. For example, in *Buckley v. Valeo*, the Court examined whether the provisions of the Federal Election Campaign Act of 1971 limiting contributions by individuals and groups to candidates and campaign committees to \$1000 were constitutional.³⁹ The Court determined that the governmental interest in preventing corruption and the appearance of corruption of the Federal elections process was sufficient to overcome any first amendment freedom of association objections to the \$1000 contribution limitation.⁴⁰

³⁷ The first amendment provides that: Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

³⁸ 431 U.S. at 222.

³⁹ 424 U.S. 1 (1976).

⁴⁰ In framing the test which it applied, the Court stated that: Neither the right to associate nor the right to participate in political activities is absolute. . . . Even a "significant interference" with protected rights of political association" may be

Thus, in determining whether Commission promulgation of § 170.15 would be constitutional, several factors must be weighed. The right to freely associate, the degree of infringement of that right which would result from adoption of § 170.15, the government's interest in promulgating § 170.15, and whether § 170.15 is a sufficiently narrow means by which to achieve the government's objective, are all relevant factors. The Commission believes that its adoption of § 170.15 reflects a legitimate means of achieving a strong governmental interest in protecting participants in the commodity futures and options markets and does not abridge the constitutional rights of professional market participants.

In this regard, recognition of the Commission's interest in adopting § 170.15 is important. It is clear that requiring membership in an RFA with disciplinary power *does* directly further, and indeed is essential to, the governmental interests expressed in the Commodity Exchange Act and its legislative history in developing an industry self-regulatory system which is adequate to protect the public. The close relationship between requiring membership in an organization with disciplinary powers and achievement of the government's interest in effective self-regulation strongly favors the constitutionality of § 170.15.

The final issue is whether § 170.15 is drafted in a sufficiently narrow fashion consistent with achieving the Act's objectives. The Commission previously has examined the alternative of employing sections 17 (d) and (e) to regulate those who choose not to join an RFA, however, and determined that the cost of such dual regulation would be prohibitive.⁴¹ Moreover, it is unclear that, even if the costs of direct regulation could be justified, this Commission would have available adequate resources to assure comprehensive and effective regulation of the non-RFA member community. Thus, the enhancement of first amendment rights which might be gained by an alternative to § 170.15 would not be sufficiently significant to merit choosing the costly, and perhaps ineffective, alternatives to § 170.15 available to the Commission under sections 17 (d) and (e) of the Act.

sustained if the state demonstrates a sufficiently important interest and employs means closely drawn to avoid unnecessary abridgment of associational freedoms. *Id.* at 25.

⁴¹ Registration Order at 37. See also nn. 25-28 and accompanying text, *supra*.

³⁶ *Todd & Co. v. SEC*, 557 F.2d 1006, 1012 (3rd Cir. 1977); *Sorrell v. SEC*, 679 F.2d 1323, 1325-26 (9th Cir. 1982). It should be noted that the Third Circuit particularly stressed that the SEC must make *de novo* findings, and must independently decide whether there was a violation and what the penalty should be. *Id.*

B. Statutory Authority To Promulgate Rule

The Commodity Exchange Act provides the Commission with very broad rulemaking authority, enhanced by specific legislative direction in a number of particular areas.⁴² Section 8a(5) of the Act authorizes the Commission:

To make and promulgate such rules and regulations as, in the judgment of the Commission, are reasonably necessary to effectuate any of the provisions or to accomplish any of the purposes of this Act.

The courts have generally allowed federal agencies broad discretion under general rulemaking provisions similar to section 8a(5) to promulgate rules which the agencies deem reasonably related to the purposes of the relevant legislation. For example, in *Mourning v. Family Publications Services, Inc.*⁴³ the Supreme Court upheld a Federal Reserve Board regulation promulgated pursuant to section 105 of the Truth in Lending Act, which is worded similarly to section 8a(5) of the Commodity Exchange Act:

The Board shall prescribe regulations to carry out the purposes of [the Act]. These regulations may contain such classifications, differentiations, or other provisions, and may provide for such adjustments and exceptions for any class of transactions, as in the judgment of the Board are necessary or proper to effectuate the purposes of [the Act]; to prevent circumvention of evasion thereof, or to effectuate compliance therewith.

The regulation promulgated pursuant to this general rulemaking authority set forth circumstances under which sellers who regularly extended credit had to make certain disclosures to customers. Under the regulation, disclosure was required if a finance charge was to be imposed or if payments were to be made in more than four installments. The provision requiring disclosure if payment could be made in more than four installments was challenged. The basis for the challenge was that section 121 of the Truth in Lending Act required only that disclosure be made when there was to be a finance charge. Thus, the regulation was alleged to be "inconsistent" with the statute. The Court disagreed:

Where the empowering provision of a statute states simply that the agency may

"make . . . such rules and regulations as may be necessary to carry out the provisions of this Act" we have held that the validity of a regulation promulgated thereunder will be sustained so long as it is "reasonably related to the purposes of the enabling legislation."⁴⁴

Because the purpose of the challenged provision was to prevent concealment of the finance charge in the price of a product bought in installments, and Congress was clearly aware that such concealment was a means of evading the statute, the regulation was held "reasonably related" to the statute's objective.⁴⁵

The Antitrust Division's argument that section 17(m) provides the exclusive means for achieving compulsory RFA membership is analogous to the argument made by the respondent in *Mourning*. The respondent argued that the regulation was inconsistent with the statute because the statute only required disclosure when a finance charge was imposed, and that this implied a congressional intent to preclude the Board from imposing disclosure requirements on transactions not involving finance charges. The Court responded that:

To accept respondent's argument would undermine the flexibility sought in vesting broad rulemaking authority in an administrative agency.⁴⁶

Further, while section 8a(5) itself provides sufficient statutory authority for promulgating § 170.15, section 17(m) and its legislative history support the exercise of that authority by providing evidence that the result of a regulation such as § 170.15, compulsory membership, is "reasonably related" to the purposes of the Act.⁴⁷

⁴² *Id.* at 369 (citations omitted).

⁴³ It was deemed irrelevant that some means other than the regulation at issue may have been a preferable method of dealing with the problem. *Id.* at 371.

⁴⁴ *Id.* at 372. The Court cites *American Trucking Associations v. United States*, 344 U.S. 298, 309-10 (1953). In *American Trucking Associations*, the Court stated that it did not view it as "a reasonable canon of interpretation that the draftsmen of acts delegating agency powers as a practical and realistic matter, can or do include specific consideration of every evil sought to be corrected. . . . [which is] precisely one of the reasons why regulatory agencies . . . are created." Other cases upholding regulations promulgated pursuant to broad rulemaking authority include *National Association of Pharmaceutical Manufacturers v. FDA*, 637 F.2d 877 (2d Cir. 1981); and *National Petroleum Refiners Association v. FTC*, 482 F.2d 672 (D.C. Cir. 1973), cert. denied 415 U.S. 951 (1974). See also 2 K. Davis, *Administrative Law Treatise* section 7:8 (2d Ed. 1979 & Supp. 1982).

⁴⁵ The Antitrust Division argues that SEC's request for specific authority in 1963 to make NASD membership mandatory illustrates a similar requirement that the Commission must obtain authority specifically authorizing the Commission to

The Antitrust Division also believes that sections 17(d) and (e) are somehow relevant because they were not repealed when section 17(m) was enacted. The continued existence of sections 17(d) and (e) merely signifies however, that Congress decide to allow the Commission to make the final determination whether to compel RFA membership, or to adopt a program similar to the SECO Broker-Dealer program. As discussed *supra*, the Commission has weighed these alternatives and cannot find that exercise of its authority under sections 17(d) and (e) would achieve as effective results as the adoption of § 170.15.

The Antitrust Division also questions whether recent legislative history which acknowledges Congressional awareness of NFA's petition for adoption of § 170.15 and states that "the conferees recognize that, under the Act, the Commission has authority to adopt such a rule," can be employed as authority to adopt such a rule. The conferees also stated, however, that:

The conferees understand that the Act gives the Commission authority to adopt rules relating to membership in a registered futures association in order to effectuate fully the specific policies underlying section 17(m) of the Act.⁴⁸

Thus, the conferees recognize that section 17(m) illustrates one of the purposes or policies of the Act which Commission rulemaking under section 8a(5) of the Act may further.

Nonetheless, the Antitrust Division asserts that Congress' statements in 1982 cannot be used to ascertain the intent of Congress in enacting section 17(m). Clearly, however, the 1982 Conference Report is relevant to explaining new section 17(q).⁴⁹ If, as the Report implies, Congress intended section 17(q) to give the Commission, in conjunction with its general rulemaking power, the authority to adopt the proposed rule, then unquestionably the

employ its own regulation to achieve RFA membership. The Division cites SEC failure to obtain such authority from Congress and Congress' choice to allow the SEC to implement its SECO Broker-Dealer program as evidence of the need for specific authority. This is of dubious relevance, however, because the Securities Acts Amendments of 1964 and 1975 contain no provision similar to section 17(m). Section 17(m) indicates that Congress has clearly not rejected, and in fact has endorsed, compulsory RFA membership.

⁴⁸ H.R. Rep. No. 964, 97th Cong., 2d Sess. 50 (1982).

⁴⁹ See H.R. Rep. No. 964, 97th Cong., 2d Sess. 49-50 (1982).

The conferees are also aware that unless all persons covered by the regulatory program of a futures association join an association, the self-regulatory purposes of section 17 . . . will not be fulfilled and, in particular, the goal of new section 17(q) may be impossible to achieve.

⁴² The Antitrust Division questions whether a provision such as § 170.15 can be adopted without explicit statutory authority. Although the Antitrust Division notes the possibility, citing *Railway Employees' Dept. v. Hanson* for support, we do not find *Hanson* to instruct that the use of government compulsion to force membership in a private organization requires explicit statutory authority. See Antitrust Division comments at 6 n.12.

⁴³ 411 U.S. 356 (1973).

Commission has statutory authority to adopt the proposed rule. Therefore, interpreting the Conference Report in conjunction with sections 17(m), 17(q), and the Commission's general rulemaking power under section 8a(5), the Commission has statutory authority to promulgate the proposed rule.

C. Section 15 Analysis of Proposed § 170.15

Section 15 of the Act requires the Commission to:

Take into consideration the public interest to be protected by the antitrust laws and endeavor to take the least anticompetitive means of achieving the objectives of this Act, as well as the policies and purposes of this Act, in issuing any order or adopting any Commission rule or regulation, or in requiring or approving any bylaw, rule, or regulation of a contract market or registered futures association established pursuant to section 17 of this Act.

In reviewing the reasons set forth by NFA and other commentators for adopting § 170.15⁵⁰ and in analyzing the objectives, policies and purposes of the Act which § 170.15 would achieve, the Commission gave careful consideration to the potential anticompetitive effects which the rule might have. As noted *supra*, the Commission believes, however, that considerable public policy objectives will be served by § 170.15 and that furtherance of those objectives will outweigh the potential anticompetitive effects which the rule might have.

The Antitrust Division presents several basic reasons why compelling RFA membership may be anticompetitive. First, NFA is the only RFA currently registered and in operation and as such, could impose barriers to entry through fees or other membership requirements. In addition to its oversight of NFA rules and disciplinary actions, however, the Commission has responsibility under section 17(b)(6) of the Act and

regulation 170.4 for ensuring that dues and fees are allocated equitably and structured in a manner that does not constitute a barrier to entry into the industry. No such dues or fees may be assessed without the opportunity for prior Commission review. Similarly, NFA membership criteria must be reviewed by the Commission before they may take effect.

The Antitrust Division also suggests that compulsory RFA membership will facilitate collusive behavior and the exchange of information among competitors. The Division does not explain why, however, such behavior would result if RFA membership were compelled. It would seem that those industry participants bent on violating the antitrust laws would have no need to be compelled to join an industry-wide organization before exercising any collusive tendencies which may be present among them. The Commission notes that NFA by its very nature is composed of widely diverse segments of the futures industry whose interests are not necessarily parallel. This very diversity, the representation of these interests on the NFA Board and the Executive Committee, as well as the Commission's oversight authority serve as restraints on the ability of any segment of the commodities industry using NFA as a means of furthering that segment's self interests in an unlawful manner.

The Antitrust Division also notes that NFA could restrict advertising of its members, with anticompetitive results. However, the regulation of members' advertising is a regulatory function compelled by sections 17(p) and 17(q) of the act (NFA is required to establish minimum standards governing the sales practices of its members) and any advertising restrictions would have to be submitted to the Commission for review pursuant to section 17(j) of the Act. The Division's fourth argument, that NFA will impose industry standardization and impede innovation, falls for the same reason. The Commission carefully scrutinizes all proposed NFA rules for their anticompetitive effects. Moreover, rules which ensure prevention of fraud and misinformation are, in many respects, *pro*competitive because such rules help to ensure that information disseminated to customers will be the correct information necessary to the functioning of a competitive market, with all participants competing within an equal regulatory framework.

IV. Expansion of Scope of § 170.15

In its original Federal Register Notice setting forth NFA's proposal, the

Commission solicited comment on whether § 170.15 should be extended to apply to all FCMs registered with the Commission, or merely those FCMs which are required by statute to be so registered.⁵¹ Of the comments the Commission received, three addressed this issue. One commentator asserted that all FCMs registered with the Commission should be required to belong to an RFA because such FCMs will otherwise reap the benefits of NFA's existence without having any membership responsibilities. The commentator felt, however, that registered FCMs which are not required to be registered should not necessarily have to be full NFA members, but could be conferred "Associate" membership status instead. A second commentator asserted that it is inappropriate to compel membership of those FCMs which do not deal with the public because the regulatory function of RFAs is directed towards dealing with the public and the contract markets. Finally, NFA itself commented that mandatory RFA membership for those FCMs which do not deal with customers is unnecessary, but that such a regulatory requirement would achieve some regulatory efficiency by shifting the financial surveillance function of such FCMs from the Commission to an RFA and by facilitating customer protection should such an FCM begin to deal with customers.

The Commission has determined not to extend the scope of § 170.15 beyond mandatory RFA membership for those FCMs statutorily required to register with the Commission. At this time, it does not appear that expanding the scope of § 170.15 to cover all FCMs registered with the Commission is necessary to ensure the effectiveness of NEA's self-regulatory program. The Commission may, however, consider in the future whether any new circumstances or experiences with § 170.15 as currently adopted suggest that an expansion of the scope of § 170.15 is necessary.

V. Regulatory Flexibility Act

The Regulatory Flexibility Act⁵² requires each Federal agency to consider, in the course of proposing and promulgating substantive rules, the effect of those rules on small entities. The Commission has defined "small entities" for purposes of the Regulatory Flexibility Act as not including

⁵¹ FR 53031-32. Only those FCMs which do business with customers are required to register with the Commission.

⁵² 5 U.S.C. 601 *et. seq.*

⁵⁰ Comments by NFA; the Futures Industry Association; Merrill Lynch Commodities, Inc.; Dunn & Hargitt; and the Commodities Corporation explicitly concluded that a balancing of the public interest and the antitrust objections to the regulation compel adoption of § 170.15. Several other commentators stated that it would be difficult or impossible for NFA to achieve Congress' objective in creating RFAs and in promulgating section 17(m) unless § 170.15 were adopted. Comments of William Bagley; Warren Lebeck; Rosenman, Collin, Freund, Lewis & Cohen; Warburg Paribas Becker, A. G. Becker; Mary Petrie; George Booth & Associates; National Association of Futures Trading Advisors; Kidder, Peabody & Co.; the Chicago Mercantile Exchange; Illinois Cooperative Futures Co.; Harris Trust & Savings Bank; the Minneapolis Grain Exchange; John V. Rainbolt; Filler, Weiner, Zane & Associates; Dean Witter Reynolds, Inc.; and Johnson, Matthey & Wallace, Inc.

registered FCMs.⁵³ Regulation 170.15 governs registered FCMs only. CPOs, CTAs, and IBs will be affected, however, in that NFA's Bylaw 1101 prohibits NFA members from transacting futures business with nonmembers. Therefore CPOs, CTAs, and IBs will have to join NFA in order to clear trades through FCMs.⁵⁴ The Commission has determined that CPOs, like FCMs, are not "small entities" within the meaning of the Regulatory Flexibility Act.⁵⁵ In its Proposed Rules governing registration of IBs, the Commission proposed that IBs also not be considered "small entities" for purposes of the Regulatory Flexibility Act in future rulemakings.⁵⁶ Although CTAs may be considered "small entities" under the Regulatory Flexibility Act, the Commission has concluded that § 170.15 will not have a significant economic impact on a substantial number of small entities because most CTAs are now members of NFA, and because the primary economic effect of the combination of § 170.15 and NFA Bylaw 1101 will be to require CTAs to pay reasonable dues to NFA. The Commission notes that absent membership in NFA or another RFA, FCMs, CPOs, CTAs and IBs each would be subject to direct Commission regulation in lieu of self-regulation by an RFA and that costs attendant to membership in an RFA are likely to be less than the costs of direct Commission regulation pursuant to section 17(d) of the Act. For these reasons, the Acting Chairman, on behalf of the Commission, certifies that § 170.15 will not have a significant economic impact on a substantial number of small entities.

VI. Modification of Language of § 170.15

The Commission has determined to modify slightly the language of the proposed rule solely for the purpose of clarity. The language of the final rule continues to require each FCM to be a member of a registered futures association which provides for the membership of such FCM unless no such futures association is registered with the Commission. The amended language is not intended to alter the substantive meaning of § 170.15 as proposed.⁵⁷

⁵³ 47 FR 18618, 18619 (April 30, 1982).

⁵⁴ See discussion in n. 22, *supra*.

⁵⁵ 47 FR 18618, 18619-20 (April 30, 1982).

⁵⁶ 48 FR 14933, 14955-56 (April 6, 1983). Even assuming that the Commission determines that IBs may be considered to be small entities in future rulemakings, the primary economic effect of § 170.15 will be to require IBs to pay dues to NFA. This is not an economic effect of "major significance."

⁵⁷ The Commission anticipates that should a situation arise where it became necessary for the Commission to suspend or revoke the registration of an RFA, the Commission would address any

List of Subjects in 17 CFR Part 170

Authorities delegations (Government agencies), Commodity futures, Registered futures associations.

For the reasons set forth in this notice, Part 170 of Title 17 of the Code of Federal Regulations is amended by adding a new Subpart C and §170.15 to read as follows:

PART 170—[AMENDED]

Subpart C—Membership in a Registered Futures Association

§170.15 Futures commission merchants.

Each person required to register as a futures commission merchant must become and remain a member of at least one futures association which is registered under section 17 of the Act and which provides for the membership therein of such futures commission merchant, unless no such futures association is so registered.

(Secs. 8a(5) and 17 of the Commodity Exchange Act, 7 U.S.C. 12a and 21 as amended, 92 Stat. 876 (1978))

Issued by the Commission on June 2, 1983, in Washington, D.C.

Jane K. Stuckey,

Secretary of the Commission.

[FR Doc. 83-15162 Filed 6-6-83; 8:45 am]

BILLING CODE 6351-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 5

Delegations of Authority and Organization; Enforcement Activities

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

SUMMARY: The Food and Drug Administration (FDA) is amending the regulations for delegations of authority for enforcement activities of FDA credential holders. This amendment redefines the types of records and reports for which special credentials (FDA Form 200c) are required to have access for purposes of copying and verification. That requirement is being modified to provide that special credentials are required only to have access to those records and reports compiled and maintained in the course of research on drugs (human and animal) and devices.

questions of FCM compliance with §170.15 arising from such a suspension or revocation in the Commission order effecting such suspension or revocation.

EFFECTIVE DATE: June 7, 1983.

FOR FURTHER INFORMATION CONTACT: Robert L. Miller, Office of Management and Operations (HFA-340), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4976.

SUPPLEMENTARY INFORMATION: Section 5.35(b)(2) (21 CFR 5.35(b)(2)) specifies that special credentials are required by FDA officers and employees to request and to have access to and copy and verify certain types of records and reports. That requirement is being modified to provide that special credentials are required only to have access to those records and reports compiled and maintained in the course of research on drugs (human and animal) and devices. Records and reports in other than research activities may be obtained by agency personnel with standard credentials. The delegation is also being revised to delete the reference to "authority to request." This phrase is a meaningless and thus confusing restriction which was never intended to denote anything different from the authority for access.

Further redelegation of the authority delegated is not authorized. Authority delegated to a position by title may be exercised by a person officially designated to serve in such position in an acting capacity or on a temporary basis.

List of Subjects in 21 CFR Part 5

Authority delegations (Government agencies), Organization and functions (Government agencies).

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 701(a), 52 Stat. 1055 (21 U.S.C. 371(a))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10), Part 5 is amended in § 5.35 by revising paragraph (b)(2) to read as follows:

PART 5—DELEGATIONS OF AUTHORITY AND ORGANIZATION

§ 5.35 Enforcement activities.

(b) * * *

(2) As officers and employees having the authority to have access to and to copy and verify records and reports required to be compiled and maintained in the course of research on drugs (human and animal) and devices required by sections 505(i), 507(d)(3), 512(j), and 520(g) of the Federal Food, Drug, and Cosmetic Act.

Effective date. This regulation shall become effective June 7, 1983.

(Sec. 701(a), 52 Stat. 1055 (21 U.S.C. 371(a)))

Dated: 31, 1983.

Joseph P. Hilo,

Associate Commissioner for Regulatory Affairs.

[FR Doc. 83-15115 Filed 6-6-83; 8:45 am]

BILLING CODE 4160-01-M

21 CFR Part 177

[Docket No. 80F-0359]

Indirect Food Additives; Polymers;
Ethylene/4-Methylpentene-1
CopolymersAGENCY: Food and Drug Administration.
ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the food additive regulations to provide for an increase in the weight-percent of units derived from 4-methylpentene-1 in ethylene/4-methylpentene-1 copolymers intended for food-contact applications. This action responds to a petition filed by Mitsui Petrochemical Industries, Ltd.

DATES: Effective June 7, 1983; objections by July 7, 1983.

ADDRESS: Written objections to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Julia L. Ho, Bureau of Foods (HFF-334), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-472-5690.

SUPPLEMENTARY INFORMATION: In a notice published in the Federal Register of October 17, 1980 (45 FR 69044), FDA announced that a food additive petition (FAP OB3521) had been filed by Mitsui Petrochemical Industries, Ltd., proposing

that § 177.1520 (21 CFR 177.1520) be amended to provide for an increase in the weight-percent units derived from 4-methylpentene-1 in ethylene/4-methylpentene-1 copolymers intended for food-contact applications.

FDA has evaluated the data in the petition and other relevant material and concludes that the proposed food additive is safe and that the food additive regulations should be amended as set forth below.

In accordance with § 177.1(h) (21 CFR 171.1(h)), the petition and the documents that FDA considered and relied upon in reaching its decision to approve the petition are available for inspection at the Bureau of Foods (address above) by appointment with the information contact person listed above. As provided in § 171.1(h)(2), the agency will delete from the documents any materials that are not available for public disclosure before making the documents available for inspection.

The agency has carefully considered the potential environmental effects of this action and has concluded that the action will not have a significant impact on the human environment and that an environmental impact statement is not required. The agency's finding of no significant impact and the evidence supporting that finding may be seen in the Dockets Management Branch (address above), between 9 a.m. and 4 p.m., Monday through Friday.

List of Subjects in 21 CFR Part 177

Food additives, Polymeric food packaging.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 409, 72 Stat. 1784-1788 as amended (21 U.S.C. 321(s), 348)) and under authority

delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Bureau of Foods (21 CFR 5.61 as revised February 4, 1983; 48 FR 5251), Part 177 is amended by revising § 177.1520(a)(3)(i) and (c)3.2 to read as follows:

PART 177—INDIRECT FOOD
ADDITIVES: POLYMERS

§ 177.1520 Olefin polymers.

(a) * * *

(3) * * *

(i) Two or more of the 1-alkenes having 2 to 8 carbon atoms. Such olefin basic copolymers contain not less than 96 weight-percent of polymer units derived from ethylene and/or propylene except that:

(a) Olefin basic copolymers manufactured by the catalytic copolymerization of ethylene and hexene-1 or ethylene and octene-1 shall contain not less than 90 weight-percent of polymer units derived from ethylene;

(b) Olefin basic copolymers manufactured by the catalytic copolymerization of ethylene and 4-methylpentene-1 shall contain not less than 89 weight-percent of polymer units derived from ethylene; and

(c) Olefin basic copolymers manufactured by the catalytic copolymerization of two or more of the monomers ethylene, propylene, butene-1, 2-methylpropene-1, and 2,4,4-trimethylpentene-1 shall contain not less than 85 weight-percent of polymer units derived from ethylene and/or propylene;

or

(c) * * *

| Olefin polymers | Density | Melting point (MP) or softening point (SP) (Degrees Centigrade) | Maximum extractable fraction (expressed as percent by weight of polymer) in <i>N</i> -hexane at specified temperatures | Maximum soluble fraction (expressed as percent by weight of polymer) in xylene at specified temperatures |
|--|-----------|---|--|--|
| 3.2 Olefin copolymers described in paragraph (a)(3)(i) of this section for use in articles used for packing or holding food during cooking; except that olefin copolymers containing 89-95 percent ethylene with the remainder being 4-methylpentene-1 contacting food types III, IVA, V, VIA, and IX identified in § 176.170(c) of this chapter, table 1, shall not exceed 0.051 mm (0.002 in.) in thickness when used under conditions of use A and shall not exceed 0.102 mm (0.004 in.) in thickness when used under conditions of use B, C, D, E, and H described in § 176.170(c) of this chapter, table 2. | 0.85-1.00 | | 2.6 percent at 50° C. | Do. |

Any person who will be adversely affected by the foregoing regulation may at any time on or before July 7, 1983, submit to the Dockets Management Branch (address above), written objections thereto and may make a written request for a public hearing on the stated objections. Each objection shall be separately numbered and each numbered objection shall specify with particularity the provision of the regulation to which objection is made. Each numbered objection on which a hearing is requested shall specifically so state; failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held; failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Three copies of all documents shall be submitted and shall be identified with the docket number found in brackets in the hearing of this regulation. Received objections may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Effective date. This regulation shall become effective June 7, 1983.

[Secs. 201(s), 409, 72 Stat. 1784-1788 as amended (21 U.S.C. 321(s), 348)]

Dated: May 25, 1983.

Sanford A. Miller,
Director, Bureau of Foods.

[FR Doc. 83-15025 Filed 6-6-83; 8:45 am]

BILLING CODE 4160-01-M

21 CFR Part 522

Implantation or Injectable Dosage Form New Animal Drugs Not Subject to Certification; Estradiol

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 supplemental new animal drug application (NADA) filed by Elanco Products Co. providing for revised labeling for use of an estradiol ear implant for increased rate of weight gain and improved feed efficiency in steers.

EFFECTIVE DATE: June 7, 1983.

FOR FURTHER INFORMATION CONTACT: David N. Scarr, Bureau of Veterinary Medicine (HFV-214), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3183.

SUPPLEMENTARY INFORMATION: Elanco Products Co., a Division of Eli Lilly & Co., 740 South Alabama St., Indianapolis, IN 46206, filed supplemental NADA 118-123 providing for revised labeling for use of an ear implant containing 24 or 45 milligrams of estradiol for increased rate of weight gain in suckling and pastured growing steers, and for improved feed efficiency and increased rate of weight gain in confined steers. Elanco revised the labeling to state that existing implants need not be removed before reimplanting and that no additional effectiveness can be expected from reimplanting in less than 200 days. Existing data demonstrate that edible tissues from animals treated with two implants at the same time do not contain drug residues that exceed levels considered safe for human consumption. Labeling revisions also included instructions for inserting a second implant and cautions concerning increased sexual activity of animals after implantation. These changes do not change the basic safety and effectiveness data that support use of the product. The supplemental NADA is approved and the regulations are amended accordingly.

Approval of this supplement did not require additional safety or effectiveness data or information. Therefore, a freedom of information (FOI) summary as described in 21 CFR 514.11(e)(2)(ii) is not required for approval of this supplement.

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 522

Animal drugs.

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), Part 522 is amended in § 522.840 by revising paragraph (c)(3) to read as follows:

PART 522—IMPLANTATION OR INJECTABLE DOSAGE FORM NEW ANIMAL DRUGS NOT SUBJECT TO CERTIFICATION

§ 522.840 Estradiol.

* * * * *

(c) * * *

(3) **Limitations.** For subcutaneous ear implantation in steers only. A second implant may be used if desired. No additional effectiveness may be expected from reimplanting in less than 200 days for the 24-milligram implant or 400 days for the 45-milligram implant. Increased sexual activity (bulling, riding, and excitability) has been reported in implanted steers.

Effective date. June 7, 1983.

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

Dated: May 25, 1983.

Max L. Crandall,

Associate Director for Surveillance and Compliance.

[FR Doc. 83-15287 Filed 6-6-83; 8:45 am]

BILLING CODE 4160-01-M

21 CFR Part 600

[Docket No. 82N-0138]

Biological Products; Inspection Frequency of All Licensed Biological Establishments and Their Additional Location(s)

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

SUMMARY: The Food and Drug Administration (FDA) is amending the biologics regulations by changing the required minimum frequency of inspections for all licensed biological establishments and their additional location(s) from at least once every year to at least once every 2 years. This action will provide: (1) Flexibility for the agency to reduce the inspection burden on a specific portion of the regulated industry; (2) greater flexibility for the agency in managing its resources; and (3) uniformity in the frequency of inspection of establishments subject to registration requirements for drugs and certain devices, including those that also are biological products.

EFFECTIVE DATE: July 7, 1983.

FOR FURTHER INFORMATION CONTACT:

Rada Proehl, National Center for Drugs and Biologics (HFN-813), Food and Drug Administration, 8800 Rockville Pike, Bethesda, MD 20205, 301-443-1306.

SUPPLEMENTARY INFORMATION: In the Federal Register of July 30, 1982 (47 FR 32953), FDA proposed to amend § 600.21 (21 CFR 600.21) to change the required minimum frequency of inspections for all licensed biological establishments and their additional location(s) from at least once every year to at least once every 2 years.

Biological products in interstate commerce are primarily regulated under

the Public Health Service Act (42 U.S.C. 262). Section 351(c) of the Public Health Service Act authorizes the agency to inspect establishments that manufacture biological products. The frequency of such inspections is prescribed in regulations issued under authority of the Public Health Service Act. Specifically, § 600.21 requires that "An inspection of each licensed establishment shall be made at least once each year."

All biological products are also drugs or devices within the meaning of section 201 (g) or (h) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 321 (g) or (h)). Therefore, in addition to regulation under the Public Service Act, biological product establishments and their additional location(s) are also subject to the provisions of the Federal Food, Drug, and Cosmetic Act, whether or not the establishments or products are licensed. Section 510 of the act (21 U.S.C. 360) requires that any establishment engaged in the manufacture, preparation, propagation, compounding, or processing of a drug or device be registered with FDA. Section 510(h) of the act requires that every establishment registered with FDA be subject to inspection under section 704 of the act (21 U.S.C. 374) and that every establishment be inspected at least once in each 2-year period beginning with the date of registration. Accordingly, biological product establishments are now required to be inspected more frequently than other drug and device establishments, i.e., at least once every year as a minimum, rather than at least once every 2 years. As stated in the preamble of the proposal, the agency believes that the same flexibility for inspection frequency that is provided for all nonbiological drugs and devices should be extended to biological drugs and devices.

Interested persons were given until September 28, 1982, to file written comments. FDA received six letters of comment on the proposal. All six letters fully supported the proposal and the reasons cited in the preamble for the proposed change. After reviewing these comments, the agency has decided to issue this final rule thus making consistent the minimum required frequency of inspection for biological product establishments and other drug and device establishments. This action will (1) reduce the inspection burden on biological product manufacturers when, in the judgment of the agency, such action is warranted; (2) facilitate efficient management of the agency's resources; and (3) provide a uniform minimum requirement concerning inspection frequency of all drugs and

devices. The agency further emphasizes that it will take advantage of its new flexibility to conduct less frequent inspections of biological product establishments only when an establishment's compliance rate has been consistently high and when, in the judgment of the agency, less frequent inspections will have no adverse effect on donor safety or on the manufacture of safe, pure, and potent biological products.

The agency has examined the economic consequences of this rule and has determined that it does not require either regulatory impact analysis, as specified in Executive Order 12291, or a regulatory flexibility analysis, as defined in the Regulatory Flexibility Act (Pub. L. 96-354). Specifically, the rule will reduce the minimum required frequency of inspection of licensed biological establishments and their additional location(s) from at least once every year to at least once every 2 years. Reducing the required minimum frequency of inspection will not change the standards to which these licensed manufacturers of biological products must adhere, but is likely to reduce the frequency of inspection of such licensed manufacturers. This possible reduction in the frequency of inspections should, if anything, reduce the costs associated with inspections. The rule is not a major rule under Executive Order 12291, and the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities, as defined in the Regulatory Flexibility Act.

The agency has determined pursuant to 21 CFR 25.24(b)(12) (proposed December 11, 1979; 44 FR 71742) that this final rule 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 Subject in 21 CFR Part 600

Biologics.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201, 510, 701, 704, 52 Stat. 1040-1042 as amended, 1055-1056 as amended, 67 Stat. 477 as amended, 76 Stat. 794-795 as amended (21 U.S.C. 321, 360, 371, 374)) and the Public Health Service Act (sec. 351, 58 Stat. 702 as amended (42 U.S.C. 262)) and under 21 CFR 5.11 as revised (see 47 FR 16010; April 14, 1982), Part 600 is amended in § 600.21 by revising the third sentence, to read as follows:

PART 600—BIOLOGICAL PRODUCTS: GENERAL

§ 600.21 Time of inspection.

* * * An inspection of each licensed establishment and its additional location(s) shall be made at least once every 2 years * * *

Effective date. This regulation becomes effective July 7, 1983.

(Secs. 201, 510, 701, 704, 52 Stat. 1040-1042 as amended, 1055-1056 as amended, 67 Stat. 477 as amended, 76 Stat. 794-795 as amended (21 U.S.C. 321, 360, 371, 374); sec. 351, 58 Stat. 702 as amended (42 U.S.C. 262))

Mark Novitch,

Acting Commissioner of Food and Drugs.

Margaret M. Heckler,

Secretary of Health and Human Services.

Dated: May 19, 1983.

[FR Doc. 83-15020 Filed 6-6-83; 8:45 am]

BILLING CODE 4180-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Part 1600

Planning, Programming, Budgeting; Extension of Comment Period on Final Rulemaking

AGENCY: Bureau of Land Management, Interior.

ACTION: Extension of Comment Period on Final Rulemaking.

SUMMARY: The final rulemaking on the Bureau of Land Management's Land Use Planning process which was published in the *Federal Register* on May 5, 1983 (48 FR 20364), provided a 30-day comment period for public comment on the final rulemaking. As a result of public requests that the comment period be extended, notice is hereby given that the comment period is extended to July 5, 1983.

DATE: Comments should be submitted by July 5, 1983. Comments received or postmarked after that date may not be considered.

ADDRESS: Comments should be sent to: Director (140), Bureau of Land Management, 1800 C Street, N.W., Washington, D.C. 20240.

Comments will be available for public review in Room 5555 of the above address during regular business hours (7:45 a.m. to 4:15 p.m.), Monday through Friday.

FOR FURTHER INFORMATION CONTACT:

David C. Williams, (202) 653-8842.

Garrey E. Carruthers,
Secretary of the Interior.

June 2, 1983.

[FR Doc. 83-15282 Filed 6-6-83; 8:45 am]

BILLING CODE 4310-04-M

43 CFR Public Land Order 6392

[NM-39993]

New Mexico; Powersite Restoration 772, Partial Revocation of Powersite Reserves 548, 549 and 740, Powersite Cancellation 358, Partial Revocation of Waterpower Designation No. 1 and Powersite Classifications 360, 371 and 393**AGENCY:** Bureau of Land Management, Interior.**ACTION:** Public Land Order.

SUMMARY: This action partially revokes three Executive Orders and four Secretarial orders as they affect 63,849.03 acres withdrawn for powersite purposes in Rio Arriba and Taos Counties. This action will restore the lands to surface entry; however, 8,142.01 acres will contain a reservation subject to provisions of Section 24 of the Federal Power Act. The lands have been and will remain open to mining and mineral leasing.

EFFECTIVE DATE: July 6, 1983.**FOR FURTHER INFORMATION CONTACT:**

Miguel M. Martinez, New Mexico State Office, 505-988-8654.

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 Section 24 of the Federal Power Act of June 10, 1920, as amended, 16 U.S.C. 818, and pursuant to the determination of the Federal Energy Regulatory Commission in DA-90, New Mexico, it is ordered as follows:

1. Secretarial Order of August 7, 1916, creating Waterpower Designation No. 1, as construed by Interpretations 70, 98, 125, 188, 210, 222, 281, 291, 312, 324, 348, 366 and 367, and Orders of Modification 320, 349 and 372; Executive Order of September 15, 1916, creating Powersite Reserve No. 548, as construed by Interpretation 10, 98, 125, 188, 210, 281, 291, 324 and 348; Executive Order of September 15, 1916, creating Powersite Reserve No. 549, as construed by Interpretation 98; Executive Order of May 21, 1920, creating Powersite Reserve No. 740, as construed by Interpretations 11 and 324; and Secretarial Orders of August 18, 1944,

October 31, 1944 and October 28, 1949, creating Powersite Classification Nos. 360, 371 and 393, respectively, are hereby revoked insofar as they affect the following described lands:

New Mexico Principal Meridian

T. 22 N., R. 7 E.,

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

Sec. 11, lot 1;

Sec. 12, SW $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ and SE $\frac{1}{4}$;

Sec. 13;

Sec. 23, lots 1, 2, 5, 6 and 7;

Sec. 24, lot 1, NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$ and SW $\frac{1}{4}$ SE $\frac{1}{4}$;

Sec. 25, lots 1, 2, 3, 6, 7, 9 and 10;

Sec. 35, lots 3, 4 and 5.

T. 24 N., R. 7 E.,

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

Sec. 11, lots 13 and 15;

Sec. 12, SW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ and S $\frac{1}{2}$;Sec. 13, lots 3 and 4, NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$ and SE $\frac{1}{4}$;

Sec. 14, lot 7;

Sec. 24, NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$ and W $\frac{1}{2}$ SE $\frac{1}{4}$;Sec. 25, NE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ and W $\frac{1}{2}$ SE $\frac{1}{4}$;Sec. 26, E $\frac{1}{2}$ SE $\frac{1}{4}$;Sec. 25, lots 1 to 4, inclusive and E $\frac{1}{2}$ NE $\frac{1}{4}$.

T. 22 N., R. 8 E.,

Sec. 3, lot 5;

Sec. 4, lots 5 to 17, inclusive;

Sec. 5, lots 12, 13, 14, 19 and 20;

Sec. 8, lots 1 and 2, lots 7 to 10, inclusive, and lots 14, 15 and 16;

Sec. 9, lots 1 to 4, inclusive;

Sec. 17, lots 1, 2 and 3, and lots 5 to 12, inclusive;

Sec. 18, lots 11 to 16, inclusive;

Sec. 19, lots 5 to 13, inclusive.

T. 23 N., R. 8 E.,

Sec. 1, lots 4 to 7, inclusive;

Sec. 11, lots 6, 11, 12, 13, and 20;

Sec. 12, lots 1 to 5, inclusive;

Sec. 14, lots 8, 15, 16, and 23;

Sec. 23, lot 1 (now lot 6), lot 2 (now lots 8 and 9), lot 3 (now lot 10), lot 4 (now lot 11);

Sec. 24, lot 3, (now lot 7), lot 4 (now lot 8);

Sec. 25, lot 3 (now lot 6);

Sec. 26, lot 5 (now lots 14 and 15), lot 6 (now lot 18), lot 10 (now lot 22), lot 11 (now lot 23), SW $\frac{1}{4}$ NW $\frac{1}{4}$ (now lot 17);Sec. 27, E $\frac{1}{2}$ SE $\frac{1}{4}$;

Sec. 34, lot 8 (now lot 18), lot 9 (now lot 19),

lot 10 (now lot 18), lot 11 (now lot 17), lot 12 (now lots 23 and 24), N $\frac{1}{2}$ NE $\frac{1}{4}$ (nowlots 13 and 14), SW $\frac{1}{4}$ NE $\frac{1}{4}$ (now lot 15), SE $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$ (now lots 20 and21), and SW $\frac{1}{4}$ SW $\frac{1}{4}$ (now lot 22);

Sec. 35, lot 1 (now lot 16), lot 2 (now lot 18),

lot 3 (now lot 17), lot 6 (now lot 21), lot 8 (now lot 20), SE $\frac{1}{4}$ NE $\frac{1}{4}$ (now lot 22).

T. 24 N., R. 8 E.,

Sec. 1, lots 5, 6, 11, 12, 13, and 18;

Sec. 12, lots 3, 10, 11 and 18;

Sec. 13, lot 6, lots 10 to 14, inclusive, and

lots 18 and 17;

Sec. 23, lots 11, 12, 13 and 18;

Sec. 24, lots 4 to 5, and NW $\frac{1}{4}$ SE $\frac{1}{4}$;

Sec. 25, lots 4, 5 and 6;

Sec. 26, lots 5, 10, 11 and 16;

Sec. 35, lots 5, 10, 11 and 16.

T. 19 N., R. 10 E.,

Sec. 19, lot 8 and SE $\frac{1}{4}$ SE $\frac{1}{4}$;Sec. 20, S $\frac{1}{2}$ S $\frac{1}{2}$;Sec. 21, lots 5 to 8, inclusive, NE $\frac{1}{4}$ SW $\frac{1}{4}$,S $\frac{1}{2}$ SW $\frac{1}{4}$, and W $\frac{1}{2}$ SE $\frac{1}{4}$;Sec. 22, S $\frac{1}{2}$ S $\frac{1}{2}$;Sec. 26, SW $\frac{1}{4}$ NW $\frac{1}{4}$, and S $\frac{1}{2}$;

Sec. 27;

Sec. 28, lots 1 to 8, inclusive, W $\frac{1}{2}$, W $\frac{1}{2}$ E $\frac{1}{2}$;Sec. 29, N $\frac{1}{2}$, SW $\frac{1}{4}$, and W $\frac{1}{2}$ SE $\frac{1}{4}$;Sec. 30, lots 9, 14, 17, and 18, and E $\frac{1}{2}$ E $\frac{1}{2}$;Sec. 34, N $\frac{1}{2}$ NE $\frac{1}{4}$;Sec. 35, N $\frac{1}{2}$ N $\frac{1}{2}$.

T. 20 N., R. 10 E.,

Sec. 3, lots 3, 4, 5, and 12, and SW $\frac{1}{4}$;Sec. 4, lots 1 to 10, inclusive, and E $\frac{1}{2}$ SE $\frac{1}{4}$;

Sec. 5, lots 1 to 5, inclusive;

Sec. 6, lots 7, 8 and 9, lots 11 to 14,

inclusive, and lot 17;

Sec. 7, lot 1, (now lots 13 and 14), lots 2 to 5,

inclusive, lot 8, SW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$,and E $\frac{1}{2}$ SE $\frac{1}{4}$;

Sec. 8, lots 1, 2, and 3;

Sec. 9, lots 1 to 5, inclusive, lot 9,

NE $\frac{1}{4}$ NE $\frac{1}{4}$, and S $\frac{1}{2}$ NE $\frac{1}{4}$;Sec. 10, lots 1 to 6, inclusive, and E $\frac{1}{2}$ NE $\frac{1}{4}$;Sec. 11, N $\frac{1}{2}$ N $\frac{1}{2}$, and SW $\frac{1}{4}$ NW $\frac{1}{4}$;Sec. 12, N $\frac{1}{2}$;Sec. 17, lots 1 to 7, inclusive, SW $\frac{1}{4}$ NW $\frac{1}{4}$,and NW $\frac{1}{4}$ SW $\frac{1}{4}$;Sec. 18, lot 1, NE $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, andNE $\frac{1}{4}$ SE $\frac{1}{4}$;Sec. 25, SW $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, andS $\frac{1}{2}$ S $\frac{1}{2}$;Sec. 26, N $\frac{1}{2}$;Sec. 27, lots 1 and 2, NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$,N $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, and SW $\frac{1}{4}$ SE $\frac{1}{4}$;Sec. 34, NW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$,and N $\frac{1}{2}$ SE $\frac{1}{4}$;Sec. 35, NW $\frac{1}{4}$ SW $\frac{1}{4}$, and S $\frac{1}{2}$ SW $\frac{1}{4}$.

T. 22 N., R. 10 E.,

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

T. 23 N., R. 10 E.,

Sec. 1, NE $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, andSE $\frac{1}{4}$ SE $\frac{1}{4}$ (now lots 5 and 6);Sec. 11, lots 1 to 4, inclusive, SE $\frac{1}{4}$ NE $\frac{1}{4}$,NE $\frac{1}{4}$ SW $\frac{1}{4}$, and SW $\frac{1}{4}$ SW $\frac{1}{4}$;

Sec. 12, lots 1 to 5, inclusive, lots 6

(includes NE $\frac{1}{4}$ SW $\frac{1}{4}$) and 7, SE $\frac{1}{4}$ NE $\frac{1}{4}$,NE $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, and NW $\frac{1}{4}$ SE $\frac{1}{4}$;Sec. 14, lots 1 to 4, inclusive, NE $\frac{1}{4}$ NE $\frac{1}{4}$,and SE $\frac{1}{4}$ NW $\frac{1}{4}$;Sec. 15, lots 1 to 9, inclusive, NW $\frac{1}{4}$ NE $\frac{1}{4}$,SW $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, and SW $\frac{1}{4}$ SE $\frac{1}{4}$;Sec. 16, lots 3, N $\frac{1}{2}$ S $\frac{1}{2}$, and SW $\frac{1}{4}$ SW $\frac{1}{4}$;Sec. 17, S $\frac{1}{2}$ S $\frac{1}{2}$ (now lots 4 to 7, inclusive);

Sec. 19, lots 1 to 11, inclusive, and

SE $\frac{1}{4}$ SE $\frac{1}{4}$;Sec. 20, lots 2 to 7, inclusive, S $\frac{1}{2}$ SW $\frac{1}{4}$, andSE $\frac{1}{4}$;Sec. 21, lots 3 and 4, and S $\frac{1}{2}$;Sec. 22, lots 1 and 2, W $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$,SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, and SE $\frac{1}{4}$ SE $\frac{1}{4}$;Sec. 25, SW $\frac{1}{4}$ SW $\frac{1}{4}$;Sec. 26, lots 1 to 4, inclusive, NW $\frac{1}{4}$ NW $\frac{1}{4}$,S $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, and SE $\frac{1}{4}$ SE $\frac{1}{4}$;

Sec. 27, lots 3 to 11, inclusive, lots 15 to 19,

inclusive, lot 19A, lots 20 to 31, inclusive,

lots 33 and 34, and N $\frac{1}{2}$ N $\frac{1}{2}$;

Sec. 28, lots 1 to 6, inclusive, lot 7 (now lots

66 and 67), lot 8 (now lots 17, 19, 26, 41,

46 and 58), lots 9 to 13, inclusive, and

SW $\frac{1}{4}$ SE $\frac{1}{4}$;Sec. 29, lots 1 to 6, inclusive, SW $\frac{1}{4}$ NW $\frac{1}{4}$,and N $\frac{1}{2}$ SW $\frac{1}{4}$;Sec. 30, NE $\frac{1}{4}$ and NE $\frac{1}{4}$ SE $\frac{1}{4}$;

- Sec. 33, NE $\frac{1}{4}$ NE $\frac{1}{4}$;
 Sec. 34, N $\frac{1}{2}$ N $\frac{1}{2}$;
 Sec. 35, lots 1 to 7, inclusive, SW $\frac{1}{4}$ NW $\frac{1}{4}$,
 NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, and SE $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 36, lots 1 to 4, inclusive, NW $\frac{1}{4}$ NE $\frac{1}{4}$,
 S $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$,
 SW $\frac{1}{4}$ SW $\frac{1}{4}$, and SE $\frac{1}{4}$.
- T. 20 N., R. 11 E.,
 Sec. 7, N $\frac{1}{2}$, and N $\frac{1}{2}$ S $\frac{1}{2}$;
 Sec. 8, S $\frac{1}{2}$ N $\frac{1}{2}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, and SE $\frac{1}{4}$;
 Sec. 9, SW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, and
 SE $\frac{1}{4}$ SE $\frac{1}{4}$;
 All land of the United States in unsurveyed
 Secs. 14 to 17, inclusive, and Secs. 20 to
 28, inclusive, which, when surveyed,
 shall be included within legal
 subdivisions situated in whole or in part
 within $\frac{1}{2}$ mile of Rio Chiquito (Rio Medio
 on General Land Office survey of portion
 of T. 20 N., R. 11 E., accepted July 31,
 1917).
- T. 22 N., R. 11 E.,
 Sec. 5, lots 1 to 4, inclusive, NW $\frac{1}{4}$ NE $\frac{1}{4}$,
 S $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, and N $\frac{1}{2}$ S $\frac{1}{2}$;
 Sec. 6, lots 1 to 4, inclusive, N $\frac{1}{2}$, and
 N $\frac{1}{2}$ S $\frac{1}{2}$.
- T. 23 N., R. 11 E.,
 Sec. 5, lots 2, 3, and 4, and SW $\frac{1}{4}$ NW $\frac{1}{4}$;
 Sec. 6, lots 1 to 11, inclusive, SE $\frac{1}{4}$ NE $\frac{1}{4}$,
 SE $\frac{1}{4}$ SW $\frac{1}{4}$, and SE $\frac{1}{4}$;
 Sec. 7, NW $\frac{1}{4}$ NW $\frac{1}{4}$;
 Sec. 28, S $\frac{1}{2}$ S $\frac{1}{2}$;
 Sec. 31, S $\frac{1}{2}$ S $\frac{1}{2}$ and NE $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 34, lot 6.
- T. 24 N., R. 11 E.,
 Sec. 1, lot 1;
 Sec. 2, lots 1, 2, 5, 6, and 7, SW $\frac{1}{4}$ NE $\frac{1}{4}$,
 SE $\frac{1}{4}$ SW $\frac{1}{4}$, and W $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 10, lots 1 to 4, inclusive, NE $\frac{1}{4}$ NE $\frac{1}{4}$,
 and SE $\frac{1}{4}$ SW $\frac{1}{4}$;
 Sec. 11, lots 1 to 4, inclusive;
 Sec. 15, lots 1 to 7, inclusive; S $\frac{1}{2}$ NE $\frac{1}{4}$, and
 SE $\frac{1}{4}$ SW $\frac{1}{4}$;
 Sec. 16, lots 1 and 2, SE $\frac{1}{4}$ NE $\frac{1}{4}$, and
 SW $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 20, SE $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 21, lots 1 to 10, inclusive, SE $\frac{1}{4}$ NW $\frac{1}{4}$,
 NW $\frac{1}{4}$ SW $\frac{1}{4}$, and E $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 22, W $\frac{1}{2}$ NW $\frac{1}{4}$;
 Sec. 28, lots 1 and 2, NW $\frac{1}{4}$ NE $\frac{1}{4}$,
 NE $\frac{1}{4}$ NW $\frac{1}{4}$, and W $\frac{1}{2}$ SW $\frac{1}{4}$;
 Sec. 29, lots 1, 5, 6, 8 and 9, and NW $\frac{1}{4}$ NE $\frac{1}{4}$;
 Sec. 31, SE $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 32, lots 1 to 8, inclusive, SE $\frac{1}{4}$ NW $\frac{1}{4}$,
 NW $\frac{1}{4}$ SW $\frac{1}{4}$, and S $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 33, lots 3 and 7.
- T. 25 N., R. 11 E.,
 Sec. 1, lots 1 to 4, inclusive, and lot 8;
 Sec. 12, lots 1, 6, 7, and 8;
 Sec. 13, lots 1 to 4, inclusive;
 Sec. 23, SE $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 24, lots 1 to 4, inclusive;
 Sec. 25, lots 1 to 4, inclusive;
 Sec. 26, E $\frac{1}{2}$ NE $\frac{1}{4}$;
 Sec. 35, lots 1 and 3, and NE $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 36, lots 1 and 2.
- T. 26 N., R. 11 E.,
 Sec. 1, lots 1, 2, 5, 6 and 7, and NE $\frac{1}{4}$ SW $\frac{1}{4}$;
 Sec. 12, lots 1 to 4, inclusive;
 Sec. 13, lots 1 and 2;
 Sec. 14, lots 1 and 2, and S $\frac{1}{2}$ NE $\frac{1}{4}$;
 Sec. 23, lots 1 to 4, inclusive, and W $\frac{1}{2}$ E $\frac{1}{2}$;
 Sec. 24, lot 1;
 Sec. 25, lots 5 to 8, inclusive;
 Sec. 28, E $\frac{1}{2}$ E $\frac{1}{2}$;
 Sec. 35, lots 1 and 2;
- Sec. 36, lots 5 to 8, inclusive.
 T. 27 N., R. 11 E.,
 Sec. 36, lots 5, 6 and 7.
 T. 31 N., R. 11 E.,
 Sec. 1, lot 5;
 Sec. 11, lot 6;
 Sec. 12, lot 6;
 Sec. 14, NE $\frac{1}{4}$ NE $\frac{1}{4}$;
 Sec. 23, NW $\frac{1}{4}$ NE $\frac{1}{4}$;
 Sec. 24, NW $\frac{1}{4}$ NW $\frac{1}{4}$;
 Sec. 25, SW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$,
 NW $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, and SW $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 26, E $\frac{1}{2}$ NE $\frac{1}{4}$;
 Sec. 36, NE $\frac{1}{4}$ NE $\frac{1}{4}$.
- T. 32 N., R. 11 E.,
 Sec. 24, lots 6 and 9;
 Sec. 25, E $\frac{1}{2}$ W $\frac{1}{2}$;
 Sec. 38, NE $\frac{1}{4}$ SW $\frac{1}{4}$.
- T. 21 N., R. 12 E.,
 Sec. 1, lots 1, 2, and 3, SE $\frac{1}{4}$ SW $\frac{1}{4}$, and
 S $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 12, E $\frac{1}{2}$, and E $\frac{1}{2}$ W $\frac{1}{2}$;
 Sec. 13, E $\frac{1}{2}$.
- T. 22 N., R. 12 E.,
 Sec. 1, lots 1 to 4, inclusive.
- T. 23 N., R. 12 E.,
 Sec. 27, lot 8;
 Sec. 34, lot 1 (now lot 4), lot 2 (now lot 5),
 lot 3 (now lots 6 and 7), and N $\frac{1}{2}$ NE $\frac{1}{4}$;
 Sec. 35, lot 1 (now lots 10, 15 and 16), lots 2
 to 4, inclusive, lot 5 (now lot 12), lot 6,
 NW $\frac{1}{4}$ NE $\frac{1}{4}$, and NE $\frac{1}{4}$ NW $\frac{1}{4}$;
 Sec. 36, lot 1 (now lot 6), lot 2 and lot 3
 (now lot 7), SE $\frac{1}{4}$ NW $\frac{1}{4}$ and SW $\frac{1}{4}$ SE $\frac{1}{4}$.
- T. 27 N., R. 12 E.,
 Sec. 5, W $\frac{1}{2}$ NE $\frac{1}{4}$, W $\frac{1}{2}$, and W $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 7, E $\frac{1}{2}$ NE $\frac{1}{4}$ and SE $\frac{1}{4}$;
 Sec. 8, NW $\frac{1}{4}$ NE $\frac{1}{4}$ and W $\frac{1}{2}$;
 Sec. 17, W $\frac{1}{2}$ NW $\frac{1}{4}$;
 Sec. 18, E $\frac{1}{2}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, and
 S $\frac{1}{2}$ SW $\frac{1}{4}$;
 Sec. 19, W $\frac{1}{2}$ NE $\frac{1}{4}$, W $\frac{1}{2}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, and
 S $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 30, NE $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$, W $\frac{1}{2}$, and
 W $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 31, lots 1 to 4, inclusive, and
 N $\frac{1}{2}$ NW $\frac{1}{4}$.
- T. 28 N., R. 12 E.,
 Sec. 5, S $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, and
 S $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 6, lots 1 to 4, inclusive, S $\frac{1}{2}$ NE $\frac{1}{4}$,
 SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, and SE $\frac{1}{4}$;
 Sec. 7, NE $\frac{1}{4}$ NE $\frac{1}{4}$;
 Sec. 8;
 Sec. 17, N $\frac{1}{2}$, SW $\frac{1}{4}$, and NW $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 18, E $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 19, E $\frac{1}{2}$ NE $\frac{1}{4}$, and SE $\frac{1}{4}$;
 Sec. 20, W $\frac{1}{2}$ NW $\frac{1}{4}$, and NW $\frac{1}{4}$ SW $\frac{1}{4}$;
 Sec. 29, N $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, and W $\frac{1}{2}$;
 Sec. 30, E $\frac{1}{2}$;
 Sec. 31, NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, and SE $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 32, W $\frac{1}{2}$, and SE $\frac{1}{4}$;
 Sec. 33, SW $\frac{1}{4}$.
- T. 29 N., R. 12 E.,
 Sec. 5, lot 4, SW $\frac{1}{4}$ NW $\frac{1}{4}$, and SW $\frac{1}{4}$;
 Sec. 6, lot 1;
 Sec. 8, lots 1, 2, 4, 6 and 8, NW $\frac{1}{4}$ NE $\frac{1}{4}$,
 NE $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, and E $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 17, lot 1, lot 3 (was part of NW $\frac{1}{4}$ SE $\frac{1}{4}$)
 lots 5 and 8, NE $\frac{1}{4}$ NE $\frac{1}{4}$ (now lot 6), and
 SE $\frac{1}{4}$ SW $\frac{1}{4}$;
 Sec. 20, lots 6 (was part of SW $\frac{1}{4}$ NE $\frac{1}{4}$) and
 7 (was part of NW $\frac{1}{4}$ SE $\frac{1}{4}$);
 Sec. 29, NE $\frac{1}{4}$ SW $\frac{1}{4}$;
 Sec. 31, E $\frac{1}{2}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, and E $\frac{1}{2}$ SW $\frac{1}{4}$;
 Sec. 32, NW $\frac{1}{4}$ NW $\frac{1}{4}$.
- T. 30 N., R. 12 E.,
 Sec. 6, lot 7, NE $\frac{1}{4}$ NE $\frac{1}{4}$ (now lot 1),
 NW $\frac{1}{4}$ NE $\frac{1}{4}$ (now lot 2), S $\frac{1}{2}$ NE $\frac{1}{4}$,
 NW $\frac{1}{4}$ NW $\frac{1}{4}$ (now lot 4), NW $\frac{1}{4}$ SW $\frac{1}{4}$
 (now lot 6), and W $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 7, lots 1 and 2, NW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$,
 and NE $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 18, SW $\frac{1}{4}$ NE $\frac{1}{4}$, and W $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 19, lot 4, E $\frac{1}{2}$ SW $\frac{1}{4}$, and W $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 29, NE $\frac{1}{4}$ NW $\frac{1}{4}$;
 Sec. 30, S $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 31, NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, and SE $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 32, W $\frac{1}{2}$ NW $\frac{1}{4}$, and W $\frac{1}{2}$ SE $\frac{1}{4}$.
- T. 31 N., R. 12 E.,
 Sec. 31, NW $\frac{1}{4}$ NW $\frac{1}{4}$ (now lot 1), and
 SW $\frac{1}{4}$ NW $\frac{1}{4}$ (now lot 2).
- T. 21 N., R. 13 E.,
 All land of the United States which, when
 surveyed, shall be included within the
 legal subdivisions situated in whole or in
 part within $\frac{1}{2}$ mile of Santa Barbara
 Creek.
- T. 22 N., R. 13 E.,
 Sec. 3, SW $\frac{1}{4}$ SW $\frac{1}{4}$;
 Sec. 4, lots 1, 2 and 3, and SE $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 5, lots 1, 2 and 3, NE $\frac{1}{4}$ SW $\frac{1}{4}$,
 SW $\frac{1}{4}$ SW $\frac{1}{4}$, and N $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 6, lots 1 to 5, inclusive, SW $\frac{1}{4}$ NE $\frac{1}{4}$,
 and E $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 7, lot 1;
 Sec. 8, lot 1;
 Sec. 9, lot 1 (now part of HES 317);
 Sec. 10, lots 1 to 4, inclusive, SW $\frac{1}{4}$ NE $\frac{1}{4}$,
 NE $\frac{1}{4}$ NW $\frac{1}{4}$, and NE $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 13, SW $\frac{1}{4}$ SW $\frac{1}{4}$;
 Sec. 14, lots 1 to 4, inclusive, W $\frac{1}{2}$ NW $\frac{1}{4}$,
 and N $\frac{1}{2}$ S $\frac{1}{2}$;
 Sec. 15, lots 1, 2 and 3;
 Sec. 23, lot 1;
 Sec. 24, lots 1 to 4, inclusive, NW $\frac{1}{4}$ NE $\frac{1}{4}$,
 SE $\frac{1}{4}$ NE $\frac{1}{4}$, and E $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 25, lot 1.
- T. 26 N., R. 13 E.,
 All land of the United States which, when
 surveyed, shall be included within legal
 subdivisions situated in whole or in part
 within 1 mile of Rio Lucero.
- T. 27 N., R. 13 E.,
 Sec. 12, S $\frac{1}{2}$ SW $\frac{1}{4}$ and SE $\frac{1}{4}$;
 Sec. 13;
 Sec. 14, NE $\frac{1}{4}$ and S $\frac{1}{2}$;
 Sec. 22, NE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$, and
 SE $\frac{1}{4}$;
 Sec. 23, N $\frac{1}{2}$, SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, and
 SW $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 24, N $\frac{1}{2}$ NE $\frac{1}{4}$, and NW $\frac{1}{4}$;
 Sec. 26, NW $\frac{1}{4}$;
 Sec. 27, N $\frac{1}{2}$, SW $\frac{1}{4}$, and N $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 28, E $\frac{1}{2}$;
 Sec. 33, N $\frac{1}{2}$ NE $\frac{1}{4}$.
- T. 22 N., R. 14 E.,
 Sec. 29, lot 6 and lot 7 (now lots 9 and 10);
 Sec. 30, lots 1 to 5, inclusive, W $\frac{1}{2}$ NE $\frac{1}{4}$, and
 NE $\frac{1}{4}$ NW $\frac{1}{4}$;
 Sec. 31, lot 1 (now lots 5 and 6, E $\frac{1}{2}$ NE $\frac{1}{4}$ N
 E $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$), lot 2 (now lots
 7 to 10, inclusive, E $\frac{1}{2}$ E $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$), lots
 3 and 4;
 Sec. 32, lots 2 and 3, lot 6 (now lots 9 and
 10, W $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$), and lot 7.
- T. 26 N., R. 14 E.,
 All land of the United States which, when
 surveyed, shall be included within legal
 subdivisions situated in whole or in part
 within $\frac{1}{2}$ mile of Rio Lucero.

T. 27 N., R. 14 E.,

All land of the United States which, when surveyed, shall be included within legal subdivisions situated in whole or in part within ½ mile of Rio Hondo.

The areas described contain approximately 57,707.02 acres in Rio Arriba and Taos Counties.

2. As provided in Paragraph 1, the various orders are hereby revoked, excepting a reservation subject to the provisions of Section 24 of the Federal Power Act of June 10, 1920, as amended, 16 U.S.C. 818, insofar as they affect the following described lands:

New Mexico Principal Meridian

T. 23 N., R. 11 E.,

Sec. 27, lots 7 and 8, and S½SW¼;

Sec. 33, N½, and NW¼SW¼;

Sec. 34, lot 5, N½NW¼, and SW¼NW¼.

T. 31 N., R. 11 E.,

Sec. 1, lots 4 and 6;

Sec. 2, lots 7, 8 and 9;

Sec. 11, lots 2 to 5, inclusive, lots 7 and 8;

Sec. 14, W¼NE¼, SE¼NE¼, and SE¼;

Sec. 23, E½E½;

Sec. 24, SW¼NW¼, and W¼SW¼;

Sec. 25, W¼NW¼, SE¼NW¼,

NE¼SW¼, N½SE¼, and SE¼SE¼.

T. 32 N., R. 11 E.,

Sec. 24, lots 5 and 10;

Sec. 25, lots 5 to 8, inclusive;

Sec. 36, lots 5 to 9, inclusive.

T. 29 N., R. 12 E.,

Sec. 4, SW¼SW¼;

Sec. 5, NW¼NE¼ (now lot 2), SW¼NE¼, NE¼NW¼ (now lot 3), SE¼NW¼, and SE¼;

Sec. 8, NE¼NE¼;

Sec. 9, N¼NW¼, S¼NW¼ (now lots 3 to 6, inclusive), and SW¼;

Sec. 16, NE¼NW¼ (now lot 1), and

NW¼NW¼ (now lot 2);

Sec. 17, lot 9 (was part of NW¼SE¼),

SE¼NE¼ (now lot 7), NE¼SE¼,

SW¼SE¼ (now lot 4), and SE¼SE¼ (now lot 10);

Sec. 20, lot 2 (was part of SW¼NE¼), lot 3

(was part of NW¼SE¼), NW¼NE¼

(now lot 1), E½W½, and SW¼SW¼;

Sec. 29, NW¼, and W¼SW¼;

Sec. 30, E½SE¼.

T. 30 N., R. 12 E.,

Sec. 6, NE¼NW¼ (now lot 3), SW¼NW¼

(now lot 5), SE¼NW¼, and E½SW¼;

Sec. 7, E½NW¼, SW¼NE¼, NE¼SW¼,

W¼SE¼, and SE¼SE¼;

Sec. 17, W¼W¼;

Sec. 18, E½E½, and NW¼NE¼;

Sec. 19, E½E½;

Sec. 20, W¼W¼;

Sec. 28, SW¼SW¼;

Sec. 29, W¼W¼, SE¼NW¼, E½SW¼,

W¼SE¼, and SE¼SE¼;

Sec. 30, NE¼, and NE¼SE¼;

Sec. 32, NE¼, E½NW¼, and SW¼;

Sec. 33, W¼NW¼.

T. 31 N., R. 12 E.,

Sec. 30, SW¼SW¼ (now lot 4), and

SE¼SW¼;

Sec. 31, NW¼NE¼, E½NW¼, NE¼SW¼,

NW¼SW¼ (now lot 3), SW¼SW¼

(now lot 4), SE¼SW¼, and NW¼SE¼.

The areas described contain approximately 6,142.01 acres in Taos County.

3. The State of New Mexico has waived its preference right of application for highway right-of-way or material sites as provided by Section 24 of the Federal Power Act of June 10, 1920, 16 U.S.C. 818.

4. At 8:00 a.m. on July 6, 1983, the public lands 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 8:00 a.m. on July 6, 1983, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

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

Inquiries concerning the lands should be addressed to the Chief, Lands Unit, Bureau of Land Management, P.O. Box 1449, Santa Fe, New Mexico 87501.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

May 31, 1983.

[FR Doc. 83-15187 Filed 6-6-83; 8:45 am]

BILLING CODE 4310-84-M

INTERSTATE COMMERCE COMMISSION

49 CFR Parts 1175 and 1176

[Ex Parte No. 429]

Elimination and Modification of Certain Securities Regulations

AGENCY: Interstate Commerce Commission.

ACTION: Final rules and application requirements and issuance of final policy statement.

SUMMARY: The Commission has adopted, with one exception,¹ its proposal to eliminate certain securities regulations and modify others.

The proposal as adopted (1) removes as unnecessary the regulations in Part 1176 (formerly 1114), and provides for processing on an *ad hoc* basis any future application for authority to modify the financial structure of a railroad, and (2) relieves motor carriers of the regulations in Part 1175 (formerly 1115), and the offering circular requirement to form OP-F-200 in light of Section 19 of the

¹ Part 1113, proposed to be removed by this proceeding was previously removed at 47 FR 49547, November 1, 1982.

Bus Regulatory Reform Act of 1982 (Pub. L. No. 97-261), and eliminates restrictions on motor carriers imposed in past proceedings in connection with the issuance of securities, and the assumption of obligations and liability with respect to securities, except with respect to public offerings already authorized but not yet fully implemented. Restrictions imposed by the Commission on motor carriers in past proceedings in connection with the issuance of securities or the assumption of an obligation and liability with respect to the securities of another have no continuing merit considering termination of the Commission's jurisdiction as to future securities issuances. By removing all prior restrictions in this one action, the filing of numerous petitions for relief from past conditions will be avoided, thus resulting in a savings to the motor carriers as well as to the Commission.

EFFECTIVE DATE: July 7, 1983.

FOR FURTHER INFORMATION CONTACT: Louis E. Gitomer, (202) 275-7245, or John J. Mattras, (202) 275-7677.

SUPPLEMENTARY INFORMATION: The policy statement providing that any future application for authority to modify the financial structure of a railroad will be processed on a case-by-case basis is adopted as proposed at 48 FR 44518, October 7, 1982. Form OP-F-200, Item 7, is amended by eliminating the need for circulars in connection with public offerings of securities by motor carriers.

Additional information is contained in the Commission's full decision. To purchase a copy of the decision write to T. S. InfoSystems, Inc., Room 2227, Interstate Commerce Commission, Washington, DC 20423, or call 289-4387 (D.C. Metropolitan area) or toll free (800) 424-5403.

Environmental and Energy Considerations

We adopt our preliminary finding in our notice of proposed rulemaking that this action will not have any significant impact on the quality of the human environment or the conservation of energy resources. No comments have been submitted on any matter indicating that a contrary position is warranted.

Regulatory Flexibility Analysis

We affirm our previous determination that this proceeding will not have a significant impact on a substantial number of small entities, and that this action will further the general regulatory goal of eliminating unneeded regulations.

List of Subjects**49 CFR Part 1175**

Administrative practice and procedure, Motor carriers, Railroads, Reporting and recordkeeping requirements, Securities.

49 CFR Part 1176

Administrative practice and procedure, Railroads, Securities.

(5 U.S.C. 553 and 49 U.S.C. 10321 and 1161)

Decided: May 24, 1983.

By the Commission, Chairman Taylor, Vice Chairman Sterrett, Commissioners Andre and Gradison.

Agatha L. Mergenovich,
Secretary.

Appendix**PART 1175 [AMENDED]**

1. 49 CFR Part 1175, *Issuance of Securities, Assumption of Obligations, and Filing of Certificates and Reports*, will be amended by revising §§ 1175.2, 1175.3, 1175.5, 1175.6, 1175.7, and 1175.10 to read as follows:

§ 1175.2 Application form.

All carriers and other persons subject to 49 U.S.C. 11301, making application for authority to (a) nominally or actually issue securities, (b) sell, pledge, repledge, or otherwise dispose of securities nominally issued or assumed or nominally outstanding, or (c) assume any obligation or liability as lessor, lessee, guarantor, endorser, surety or otherwise in respect of the securities of any other person, natural or artificial, actually outstanding, shall make such application substantially in the form of application designated Form OP-F-200.

1175.3 Definitions.

(a) "Carrier" means a rail or sleeping car carrier providing transportation subject to the jurisdiction of the Interstate Commerce Commission under Subchapter 1 of Chapter 105 of title 49 of the United States Code (except a street, suburban, or interurban electric railroad system of transportation, and a

corporation organized to provide transportation by rail carriers subject to the Subchapter).

(b) The term "holding company" means a person which is not a rail carrier but which is authorized by a decision entered under 49 U.S.C. 11343 to control a carrier or carriers and, as provided in 49 U.S.C. 11348, is to be considered a carrier subject to 49 U.S.C. 11301.

(c) The term "securities" is used herein as it is defined in 49 U.S.C. 11301.

§ 1175.5 Disposal of pledged or treasury securities.

(a) Certificates of notification required by 49 U.S.C. 11301(c) to be filed with the Commission within 10 days after the sale, pledge, repledge, or other disposition of securities previously pledged or held unencumbered in the treasury of the carrier, shall be filed substantially in the form designated as Form OP-F-220.

(b) As used in 49 U.S.C. 11301(c), securities described as "pledged or held unencumbered in the treasury of the carrier" are securities previously nominally issued, or reacquired and held in the treasury of the carrier, except securities held by trustee in sinking or other funds. [32 FR 20101, Dec. 20, 1967, as amended at 39 FR 35367, Oct. 1, 1974]

§ 1175.6 Issuance of short-term notes.

(a) A carrier issuing notes referred to in 49 U.S.C. 11301(b)(2) shall file a certificate of notification on Form OP-F-230 with the Commission within 10 days of their issuance.

(b) Short term notes may be issued without authorization as specified in 49 U.S.C. 11301(b)(2).

(c) Removed and reserved.

§ 1175.7 Reports of securities issued or obligations assumed.

(a) Within 30 days after the initial date of issue of any security or assumption of any obligation or liability authorized, a report showing the issue or assumption shall be filed with the Commission on Form OP-F-240, as

revised. An interim report shall be made concurrently with any subsequent application for authority filed under 49 U.S.C. 11301, showing the action previously taken, and any balance previously authorized but not disposed of, in the same form; otherwise no interim report is required. A final report shall be made upon completion of the issue or assumption, and may be made in lieu of the initial report within the 30-day period following the initial action.

§ 1175.10 Applications for authority to sell securities without competitive bidding.

(a) Special application for exemption from the competitive bidding requirement shall be made in the form designated as Form OP-F-210 only when it is not practical to include the request for exemption in an application filed in Form OP-F 200 pursuant to the instructions (§§ 1175.1-1175.3) respecting applications filed under 49 U.S.C. 11301.

(b) The requirement that, with certain specified exceptions, all classes of railroad securities other than equipment, issued under authority granted pursuant to the provisions of 49 U.S.C. 11301 be offered for sale at competitive bidding, or its equivalent, set forth in the Commission's report in Ex Parte 158, *In Re Competitive Bidding in the Sale of Securities*, 257 I.C.C. 129 (1944), and modified by findings in *Atlantic Coast Line R. Co. Competitive Bidding Exemption*, 282 I.C.C. 513 (1952), and further modified by supplemental report in Ex Parte 158, *Ibid.*, 307 I.C.C. 1 (1958) with respect to securities issued or proposed to be issued incident to a loan guaranteed under the provisions of part V of the Act, is published in an appendix to this section.

PART 1176—[REMOVED]

2. 49 CFR Part 1176 *Changes in Securities or Instruments and Filing Certificates and Reports*, is removed.

[FR Doc. 83-18147 Filed 6-6-83; 8:45 am]

BILLING CODE 7035-01-M

Proposed Rules

Federal Register

Vol. 48, No. 110

Tuesday, June 7, 1983

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

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 153

[Docket No. 83N-0106]

Quick Frozen Whole Kernel Corn; Advance Notice of Proposed Rulemaking on the Possible Establishment of a Standard

Correction

In FR Doc. 83-11462, beginning on page 19396, in the issue of Friday, April 29, 1983, the Docket No. should read as it appears above.

BILLING CODE 1505-01-M

DEPARTMENT OF THE INTERIOR

National Park Service

36 CFR Part 13

National Park System Units in Alaska

AGENCY: National Park Service, Interior.

ACTION: Extension of comment period, notice of additional public meetings.

SUMMARY: On April 6, 1983, the National Park Service published in the Federal Register (48 FR 14978) a proposed regulation for the permanent closure of certain areas within Denali National Park and Preserve, Glacier Bay National Park and Preserve, and Katmai National Park and Preserve, to snowmachines motorboats, motor vessels and aircraft use. In response to a number of requests for additional time and opportunity to comment on the proposed closures, the National Park Service is extending the comment period from June 6, 1983 to August 6, 1983. Additionally notice is hereby given of seven additional public meetings to discuss and receive public comment on the proposed closures.

DATE: Written comments, suggestions or objections will be accepted until August 6, 1983. See **SUPPLEMENTARY**

INFORMATION for the dates and addresses of the meetings.

ADDRESS: Comments should be directed to: Regional Director, Alaska Region, National Park Service, 540 West 5th Avenue, Anchorage, Alaska 99501.

FOR FURTHER INFORMATION CONTACT: Robert Cunningham, Superintendent, Denali National Park and Preserve, McKinley Park, Alaska 99755, (907) 683-2294

Superintendent, Glacier Bay National Park and Preserve, P.O. Box 1089, Juneau, Alaska 99802, (907) 586-7137
David Morris, Superintendent, Katmai National Park and Preserve, P.O. Box 7, King Salmon, Alaska 99613, (907) 246-3305.

SUPPLEMENTARY INFORMATION: Pursuant to the Alaska National Interest Lands Conservation Act (Pub. L. 96-487, 94 Stat. 2371) and its implementing regulations, 36 CFR 13.30, the National Park Service published on April 6, 1983, in the Federal Register (48 FR 14978), a proposed regulation for the permanent closure of certain areas within Denali National Park and Preserve, Glacier Bay National Park and Preserve and Katmai National Park and Preserve, all in Alaska. The closures are intended to prohibit uses detrimental to the resources of the three units, and would restrict the use of one or more of the following: snowmachines, motorboats, motor vessels, aircraft, motor vehicles, all-terrain vehicles, and foot traffic. The April 6, 1983, notice stated that comments on the proposal were to be submitted by June 6, 1983.

The National Park Service has received a number of requests from the Alaska Congressional Delegation, the Governor of Alaska, the Alaska Land Use Council, and citizens and organizations to provide additional opportunities for the submission of public comments. The Service recognizes its responsibility to afford the public every reasonable opportunity to participate in the rulemaking process. The National Park Service also realizes that delays leading up to the April 6 publication of the notice of proposed rulemaking shortened the time available for some interested citizens to prepare for public hearings.

Consequently, the National Park Service is by publication of this notice, extending the comment period from June 6, 1983, to August 6, 1983. The Service will also conduct seven additional

public hearings. The schedule of hearings is listed according to affected park unit (hearings in Anchorage and Fairbanks will consider closures in all three areas), and reads as follows:

Glacier Bay National Park and Preserve

July 6, Anchorage Alaska, National Park Service, Regional Office, 540 W. 5th Avenue, 7:00 p.m.

July 7, Fairbanks, Alaska, 201 1st Avenue, 7:00 p.m.

July 7, Juneau, Alaska, Egan Room, New Centennial Hall, 7:00 p.m.

July 9, Gustavus, Alaska, Gustavus School, 1:00 p.m.

Denali National Park and Preserve

July 6, Anchorage, Alaska, National Park Service Regional Office, 540 W. 5th Avenue, 7:00 p.m.

July 7, Fairbanks, Alaska, 201 1st Avenue, 7:00 p.m.

July 21, Healy, Alaska, Tri-Valley Community Center, 7:00 p.m.

Katmai National Park and Preserve

July 6, Anchorage, Alaska, National Park Service, Regional Office, 540 W. 5th Avenue, 7:00 p.m.

July 7, Fairbanks, Alaska, 201 1st Avenue, 7:00 p.m.

July 27, King Salmon, Alaska, ComSer Fac, 7:30 p.m.

July 28, Naknek, Alaska, Borough Building, 7:30 p.m.

Dated: June 2, 1983.

G. Ray Arnett,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc 83-15313 Filed 6-6-83; 8:45 am]

BILLING CODE 4310-70-M

DEPARTMENT OF COMMERCE

Patent and Trademark Office

37 CFR Parts 1 and 5

[Docket No. 30422-64]

Revision of Foreign Filing License Procedure; Correction

AGENCY: Patent and Trademark Office, Commerce.

ACTION: Proposed rule: correction.

SUMMARY: This document corrects an inadvertent omission of the time, 9:00 a.m., for the hearing scheduled for July 20, 1983, in the notice of proposed

rulemaking published in 48 FR 23144 on Monday, May 23, 1983, relating to foreign filing license procedure. The paragraph captioned **DATES** is corrected to read as follows:

"Comments must be submitted on or before July 20, 1983; a public hearing will be held July 20, 1983, beginning at 9:00 a.m.; requests to present oral testimony should be received prior to July 13, 1983."

FOR FURTHER INFORMATION CONTACT: Kenneth L. Cage by telephone at (703) 557-2877 or by mail to his attention and addressed to the Commissioner of Patents and Trademarks, Washington, D.C. 20231.

Dated: June 2, 1983.

Donald J. Quigg,

Acting Commissioner of Patents and Trademarks.

[FR. Doc. 83-15104 Filed 6-6-83; 8:45 am]

BILLING CODE 3510-16-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Parts 3000 and 3100

Proposed Oil and Gas Lease Form Revision

AGENCY: Bureau of Land Management, Interior.

ACTION: 30-Day Extension of Comment Period.

SUMMARY: On April 27, 1983, the Bureau of Land Management published in the *Federal Register* (48 FR 19040) a proposed multipurpose oil and gas lease form that would replace several existing lease forms used in the Federal onshore competitive and noncompetitive oil and gas leasing programs. This notice

advises the public that the comment period has been extended an additional 30 days.

DATE: Comments on the revised multipurpose oil and gas lease form should now be submitted by June 27, 1983. Comments received or postmarked after the above date may not be considered in the final decisionmaking process.

ADDRESS: Comments should be submitted to: Director (620), Bureau of Land Management, 1800 C Street, N.W., Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: Karl F. Duscher, (202) 343-7753, or Jeffrey F. Zabler, (202) 343-7722.

Arnold E. Petty,
Acting Associate Director.

[FR Doc. 83-15116 Filed 6-6-83; 8:45 am]

BILLING CODE 4310-84-M

Notices

Federal Register

Vol. 48, No. 110

Tuesday, June 7, 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 North Concordia Watershed, Louisiana; Deauthorization of Federal Funding

AGENCY: Soil Conservation Service,
USDA.

ACTION: Notice of Deauthorization of Federal Funding.

SUMMARY: Pursuant to the Watershed Protection and Flood Prevention Act, Pub. L. 83-566, and the Soil Conservation Service Guidelines (7 CFR 622), the Soil Conservation Service gives notice of the deauthorization of Federal funding for the North Concordia Watershed project, Concordia and Catahoula Parishes, Louisiana, effective on May 16, 1983.

FOR FURTHER INFORMATION CONTACT:
Harry S. Rucker, State Conservationist,
Soil Conservation Service, 3737

Government Street, Alexandria,
Louisiana 71301, telephone (318) 473-
7751.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention. Office of Management and Budget Circular No. A-95 regarding State and local clearing house review of Federal and federally assisted programs and projects is applicable.)

Dated: May 25, 1983.

Harry S. Rucker,
State Conservationist.

[FR Doc. 83-15011 Filed 6-6-83; 8:45 am]
BILLING CODE 3410-16-M

CIVIL AERONAUTICS BOARD

Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed Under Subpart Q of the Board's Procedural Regulations; Week Ended May 27, 1983

Subpart Q Applications (See 14 CFR 302.1701 et seq.)

The due date for answers, conforming application, or motions 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 |
|--------------|------------|---|
| May 23, 1983 | 41505 | American Central Airlines, Inc., c/o Terry L. Hudik 2720 Airport Boulevard, Waterloo, Iowa 50701. Application of American Central Airlines, Inc. pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural Regulations requests permanent authority to engage in interstate and overseas scheduled air transportation of persons, property, and mail: Between any point in any State in the United States of the District of Columbia, or any territory or possession of the United States and any other point in any State of the United States or the District of Columbia, or any territory or possession of the United States. Conforming Applications, Motions to Modify Scope and Answers may be filed by June 20, 1983. |
| May 23, 1983 | 41506 | Baras Airways, Inc., c/o Richard J. Lipari, 600 Bloomfield Ave. Bloomfield, New Jersey 07003. Application of Baras Airways, Inc. pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural Regulations requests authority to engage in charter and scheduled air transportation of passengers, property and mail to the following domestic markets: (a) Atlantic City, New Jersey and Atlanta, Georgia (b) Atlantic City, New Jersey and Boston, Massachusetts (c) Atlantic City, New Jersey and New York—La Guardia Conforming Applications, Motions to Modify Scope and Answers may be filed by June 20, 1983. |
| May 26, 1983 | 41508 | Florida Express, Inc., c/o Geny Levenberg, Van Ness, Feldman, Sutcliffe, Curtis & Levenberg, A Professional Corporation, 1050 Thomas Jefferson St., N.W., Seventh Floor, Washington, D.C. 20007. Application of Florida Express, 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 to provide scheduled air transportation of passengers and property at the following points: Miami, Ft. Lauderdale, Tampa, Orlando, Jacksonville, New Orleans, Tallahassee, Memphis, Norfolk, Richmond. Conforming Applications, Motion to Modify Scope, and Answers may be filed by June 23, 1983. |
| May 27, 1983 | 41512 | McClain Airlines Incorporated, c/o Stephen D. Potts, Shaw, Pittman, Potts & Trowbridge, 1800 M Street, N.W., Washington, D.C. 20036. Application of McClain Airlines Incorporated pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural Regulations requests issuance of a certificate of public convenience and necessity which would authorize it to engage in the scheduled interstate air transportation of passengers, property, and mail between and among all points within the United States. Conforming Applications, Motions to Modify Scope and Answers may be filed by June 24, 1983. |
| May 24, 1983 | 40925 | Ports of Call Travel Club (inc.), c/o H. Shepherd Lippincott, 2009 North Fourteenth Street, Suite 708, Arlington, Virginia 22201. Amended Application of Ports of Call Travel Club (Inc.) for public convenience and necessity authorizing interstate and overseas charter air transportation. Answers may be filed by June 21, 1983. |

Phyllis T. Kaylor,
Secretary.

[FR Doc. 83-15209 Filed 6-6-83; 8:45 am]

BILLING CODE 6320-01-M

[Docket No. 41044]

Frontier Flying Service Fitness Investigation; Notice of Change of Time of Hearing

Notice is hereby given that the hearing in the above-entitled matter assigned to be held on June 7, 1983, at 10:00 a.m. (local time), is changed to 9:30 a.m. (local time), in Court Room 1, Lower Level, 2120 L Street, N.W., Washington, D.C., before the undersigned administrative law judge.

Dated at Washington, D.C., June 1, 1983.

John M. Vittono,

Administrative Law Judge.

[FR Doc. 83-15208 Filed 6-6-83; 8:45 am]

BILLING CODE 6320-01-M

COMMODITY FUTURES TRADING COMMISSION**Proposed Collections of Information**

AGENCY: Commodity Futures Trading Commission.

ACTION: Proposed Collections of Information.

SUMMARY: In compliance with the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35), the Commodity Futures Trading Commission has submitted to the Office of Management and Budget a request for renewal of clearance for OMB Control No. 3038-0003, which is entitled, "Regulations Permitting the Grant, Offer and Sale of Dealer Options." These proposed rules appeared in the *Federal Register* on April 27, 1981, 46 FR 23469, and were assigned a control number and expiration date by OMB on July 14, 1981. OMB clearance is due to expire on June 30, 1983.

ADDRESSES: Interested members of the public may obtain a complete copy of these information collection proposals by contacting Joseph G. Salazar at (202) 254-9735. Persons wishing to comment on the Paperwork Reduction Act implications of these proposals 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, Suzann Evinger, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, D.C. 20503.

FOR FURTHER INFORMATION CONTACT: Mr. Joseph G. Salazar, 202-254-9735.

Issued by the Commission on June 1, 1983, in Washington, D.C.

Jane K. Stuckey,

Secretary of the Commission.

[FR Doc. 83-15153 Filed 6-6-83; 8:45 am]

BILLING CODE 6351-01-M

DEPARTMENT OF DEFENSE**Department of the Air Force****USAF Scientific Advisory Board; Meeting**

May 27, 1983.

The USAF Scientific Advisory Board Space Division Advisory Group will meet at Los Angeles Air Force Station, Los Angeles, CA on June 28-29, 1983. The purpose of the meeting will be to discuss selected Air Force Space programs. The meeting will convene at 1:00 p.m. to 5:00 p.m. on June 28 and from 8:00 a.m. to 12:00 noon on June 29.

The meeting concerns matters listed in Section 552(b)(3) of Title 5, United States Code, specifically subparagraph (1) thereof, and accordingly, will be closed to the public.

For further information, contact the Scientific Advisory Board Secretariat at 202-697-8845.

Winnibel F. Holmes,

Air Force Federal Register Liaison Officer.

[FR Doc. 83-15158 Filed 6-6-83; 8:45 am]

BILLING CODE 3910-01-M

USAF Scientific Advisory Board; Meeting

May 27, 1983.

The USAF Scientific Advisory Board Ad Hoc Committee on Advanced Tactical Fighter Technology, Aircraft Panel, will meet in Room 5D982, the Pentagon, Washington, DC, on July 7-8, 1983. The purpose of the meeting will be to review advanced controls technologies and automated combat systems. The meeting will convene at 9:00 a.m. and adjourn at 5:00 p.m. each day.

The meeting concerns matters listed in Section 552(c) of Title 5, United States Code, specifically subparagraph (1) thereof, and accordingly, will be closed to the public.

For further information, contact the Scientific Advisory Board Secretariat at 697-4648.

Winnibel F. Holmes,

Air Force Federal Register Liaison Officer.

[FR Doc. 83-15159 Filed 6-6-83; 8:45 am]

BILLING CODE 3910-01-M

Office of the Secretary**Defense Intelligence Agency Advisory Committee; Closed Meeting**

Pursuant to the provisions of Subsection (d) of Section 10 of Pub. L. 92-463, as amended by Section 5 of Pub. L. 94-409, notice is hereby given that a closed meeting of the DIA Advisory Committee has been scheduled as follows: Thursday and Friday, 14-15 July 1983, Denver, Colorado.

The entire meeting, commencing at 0900 hours each day is devoted to the discussion of classified information as defined in Section 552(c)(1), Title 5 of the U.S. Code and therefore will be closed to the public. The Committee will receive briefings on and discuss several current critical intelligence issues and advise the Director, DIA on related scientific and technical intelligence matters.

M. S. Healy,

OSD Federal Register Liaison Officer,
Department of Defense.

June 2, 1983.

[FR Doc. 83-15154 Filed 6-6-83; 8:45 am]

BILLING CODE 3810-01-M

Publication Information Collection Requirement—Request Submitted to OMB for Review

The Department of Defense has submitted to OMB for review the following request for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Each entry contains: (1) Type of Submission; (2) Title of Information Collection and Form Number if applicable; (3) Abstract statement of the need for and the uses to be made of the information collected; (4) Type of Respondent; (5) An estimate of the number of responses; (6) An estimate of the total number of hours needed to provide the information; (7) To whom comments regarding the information collection are to be forwarded; and (8) The point of contact from whom a copy of the information proposal may be obtained.

Revision

Youth Attitude Tracking Study (YATS); Youth Attitude Tracking Study II (YATS II)

Used to determine and evaluate knowledge of, and attitudes and

motivations toward military Service of young adults (16-29 years of age). Generates cross-sectional time series data on propensity to serve and on other key issues for trend analyses. Used by DoD and Services to develop recruiting strategies and incentive programs including different bonus levels, various types of education assistance, and other enlistment options.

Survey has been revised to increase coverage to the 22 to 29 year old male Non-Prior Service recruiting market and to young adults temporarily residing in group quarters without personal telephones (e.g., in college dormitories, fraternity and sorority houses, rooming houses, etc.). YATS II also combines items from Reserve Components Attitude Study (RCAS) concerning attitudes and propensity toward enlisting in National Guard and Reserve Components of the Military Services. YATS II restricts itself to the Non-Prior Service market while RCAS (renamed Veterans Attitude Tracking Study, VATS) surveys the Prior Service market. Thus, the two surveys (YATS and RCAS) have been restructured to reflect Non-Prior Service (YATS II)/Prior Service (VATS) dichotomy.

Target population: 16 to 21 year old males and females and 22 to 29 year old males who are not beyond their second year of college and who have not previously served nor are currently serving in the Military.

Revision requires additional 3500 respondents over 1982 level to ensure acceptable levels of statistical precision: 10,700 respondents and 50 pretest burden hours, for a total of 5400 burden hours.

Forward Comments to Mr. Edward Springer, OMB Desk Officer, Room 3235, NEOB, Washington, DC 20503, and Mr. John V. Wenderoth, DOD Clearance Officer, DIOR, Washington Headquarters Service (WHS), Room 1C514, Pentagon, Washington, DC 20301, telephone (202) 694-0187.

A copy of the information collection request may be obtained from Mr. Robert L. Newhart, OASD MRA7L4(PI), Room 3C800, Pentagon, Washington, DC 20301, telephone (202) 965-0643. This survey is under contract.

M. S. Healy,

*OSD Federal Register Liaison Officer,
Department of Defense.*

June 2, 1982.

[FR Doc. 83-15155 Filed 6-6-83; 8:45 am]

BILLING CODE 3810-01-M

DEPARTMENT OF ENERGY

Bonneville Power Administration

DEPARTMENT OF AGRICULTURE

Forest Service

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Record of Decision for the Bonneville Power Administration; Garrison-Spokane 500-kV Transmission Project

AGENCIES: Bonneville Power Administration (BPA), DOE; Forest Service (FS), USDA; and Bureau of Land Management (BLM), Interior.

ACTION: Record of Decision.

DECISION SUMMARY: The Federal agencies have selected the Taft South Route for the Garrison-Spokane Project. This route selection modifies the 1979 corridor decision with respect to transmission line location from Garrison west.

The Federal agencies have adopted the mitigation measures listed in the final Garrison-Spokane 500-kV Transmission Project Environmental Impact Statement (EIS) as "Part of the Proposal." Also included as mitigation for the Taft South route are the following: realigning the route south of Maxville (generally following the "AB" routing); adjusting the crossing at Rock Creek about 1300 feet to the north and lowering the conductor wire sag; and determining tower type, placement, and spacing, in consultation with local residents of the Miller Creek area. The State of Montana is continuing to study the Rock Creek and Miller Creek crossings. Their findings will be considered and may be adopted as part of the site-specific measures in the cooperative Federal-State project mitigation/monitoring plan, in the BPA-FS Project Plan, and in project construction specifications. It is the intent of the Federal agencies to prepare a mitigation plan jointly with the State of Montana within a 45-day period following the signing of this Record of Decision. Additional mitigation measures are also prescribed for Maxville, Rock Creek, and Miller Creek, as well as for the St. Regis, Lookout Pass/Mullan, Hayden Creek, and Rathdrum/Pleasant Prairie areas. These will reflect a cooperative interagency effort and will be completed after this Record of Decision. General mitigation measures adopted are summarized below.

The FS and BLM have decided to issue right-of-way permits authorizing

the project where it crosses Federal lands.

BPA will proceed with land and right-of-way acquisition, construction, and subsequent operation and maintenance of the proposed facilities on the Taft South route.

SUPPLEMENTARY INFORMATION:

Background:

The Bonneville Power Administration proposed to build a 500-kV transmission line from Garrison, Montana, to Spokane, Washington. The Forest Service and the Bureau of Land Management proposed to grant right-of-way across their respective public lands for that transmission project. This is the record of the Federal agencies' decisions on those actions.

The need for Colstrip power was decided in July 1976, when the State of Montana granted a Certificate of Environmental Compatibility and Public Need for Colstrip Generating Units 3 and 4. That need is not a subject of this Record of Decision.

In a Record of Decision for the crossing of Federal lands, dated September 21, 1979, the BLM and the Forest Service jointly approved a two-mile-wide transmission line corridor from Colstrip, Montana, to Hot Springs, Montana. Bonneville Power Administration concurred with this decision, stating that it would build a double-circuit 500-kV transmission line in the designated corridor. The line would start at the interconnection, near Townsend, with the facilities built by Montana Power Company; it would extend to a new 500-kV substation in the vicinity of Garrison, Montana, and continue on BPA's existing vacant right-of-way through the Clark Fork Valley to the Missoula area. From there, it would go on to interconnect with the existing Federal grid, either by continuing along the existing corridor to the present Hot Springs Substation, or by proceeding along a new corridor to a new substation near Plains, Montana.

In response to public concerns, including those of the State of Montana, deviations from the designated corridor in the Boulder and Deer Lodge area were evaluated in an EIS Supplement prepared cooperatively by BLM, FS, and BPA, with BLM as lead agency. The Record of Decision adopting alternative locations between Townsend and Garrison, Montana, was then issued on August 18, 1981.

Also at that time, BPA studies identified a new potential route between Garrison Substation and a substation that could be built near Taft, Montana. The Washington Water Power Company

also identified new increasing needs for transmission reinforcement in north Idaho. These technical factors, plus public concerns over developing a line in the federally approved corridor in the Clark Fork Valley, prompted BPA to consider other routing alternatives between Garrison Substation and the main grid of the Federal Columbia River Power System.

Together, the BPA, FS, and BLM completed a route study and both draft and final EIS's for a 500-kV transmission line between Garrison Substation and Bell Substation near Spokane, Washington.¹ The State of Montana also participated in the study process by conducting an independent, parallel review of the project and by working cooperatively to develop mitigation and monitoring plans.

The draft EIS, issued in March 1982, was followed by the final EIS, filed with the Environmental Protection Agency on March 15, 1983. The draft EIS identified the Taft Plan and, in particular, the Taft South Route as the alternative of least environmental impact. The final EIS also concluded that the Taft Plan had the least environmental impact and that it was preferred. Also included in each EIS was an evaluation of the reinforcing of the Washington Water Power transmission system in north Idaho. A separate Record of Decision is being prepared for this independent action.

The draft EIS, issued in March 1982, was followed by the final EIS, filed with the Environmental Protection Agency on March 15, 1983. The draft EIS identified the Taft Plan and, in particular, the Taft South Route as the alternative of least environmental impact. The final EIS also concluded that the Taft Plan had the least environmental impact and that it was preferred. Also included in each EIS was an evaluation of the reinforcing of the Washington Water Power transmission system in north Idaho. A separate Record of Decision is being prepared for this independent action.

Alternatives and Decision Rationale: Within the framework of three electrical plans-of-service (the Hot Springs, Plains, and Taft Plans), numerous route alternatives were considered. The alternative of No Action was also considered. The decisions were based on the factors of purpose and need, environmental effects, cost considerations, engineering performance, and public concerns.

The alternatives are presented below in order of preference.

¹In this study, the "routes" meant tentative line locations within a broader corridor; impacts were evaluated along these routes.

(1) *Alternative C—Taft Plan (Selected Alternative):* On the Taft South route, a 500-kV double-circuit line proceeds southwest from Garrison Substation, across the Fling Creek Valley near Maxville, then northwest across the Sapphire Mountains south of Missoula. It crosses the Bitterroot and Clark Fork Rivers, then heads west near St. Regis to a new 10-acre substation at Taft. The double-circuit portion of the route is 157 miles long. A single-circuit 500-kV line leaves Taft Substation, and enters Idaho near Mullan. It continues through the Coeur d'Alene Mountains, then emerges onto Rathdrum Prairie near Coeur d'Alene, where it joins an existing corridor and continues into Bell Substation at Spokane. The single-circuit portion is 101 miles long. Additional terminal equipment will be installed at Garrison and Bell Substations. The overall cost of this plan is \$244 million. This is the environmentally preferred route location.

In selecting the Taft Plan, the agencies considered tradeoffs among the factors discussed below. Review documents used in making this decision included: the *Garrison-Spokane 500-kV Transmission Project Environmental Impact Statement (Draft and Final)* (available from the BPA Transmission Coordination Office, 1620 Regent, P.O. Box 4327, Missoula, MT 59806); the Montana State DNRC draft and final reports on *Preferred and Alternate Routes: BPA 500-Kilovolt Line From Garrison-West* (available from DNRC Offices, 32 South Ewing, Helena, MT 59620); and the Montana Board of Natural Resources and Conservation recommendations (May 6, 1983). Based on a series of route comparisons made by an interagency, interdisciplinary team (BPA, FS, BLM, Montana DNRC), the agencies decided that the lesser effects of the Taft Plan, particularly on the people-related resources emphasized during public review, outweighed its relative disadvantages in terms of higher cost and greater effects on certain natural resources.

(A) *Taft South route:* This route was selected as the best overall route location. The decision factors considered were:

(1) Overall, this route would minimize environmental impact.² The Taft South

²The term "environment" has been used in the project analysis to include its natural, physical, social, and economic aspects, as required by the National Environmental Policy Act (NEPA) under 40 CFR Part 1508.14.

route would have the least impact on social and economic resources, developed land, future residential development, agriculture, recreation, and visual resources. Although effects on certain natural systems would be higher, the interagency team analysis concluded that these effects generally could be more readily reduced or avoided by mitigation than could social or land use impacts.

(2) The overriding public concern about the effects of transmission lines was to avoid impacts on people and people-related concerns. The Taft South route best meets this concern.

(3) The Taft South route encounters about the same number of environmentally sensitive areas as do the other plans. The Taft South route offers more opportunities to avoid or mitigate effects in such areas than the other plans do. The major sensitive areas encountered by this route are Maxville, Rock Creek, Miller Creek, St. Regis, Lookout Pass/Mullan, Hayden Creek, and Rathdrum/Pleasant Prairie.

(4) Along the Taft South route, mitigation strategies and alternatives were examined at each of these sensitive areas. Measures adopted to reduce or avoid adverse effects are listed under Mitigation. Because of the complexity of issues involved, the decision factors for Maxville, Rock Creek, and Miller Creek are discussed below.

(a) *Maxville:* The Federal agencies and the State of Montana have continued to work with local residents to mitigate those impacts of the proposed route (called Route "A") related to social concern and proximity to people. Numerous route variations between the original proposed route and an area three miles south of Maxville were examined. These were narrowed down to two principal route adjustments: one just north of Maxville (called "AA") and another, and its variation, well to the south (called "AB" and "AB Modified"). A route was selected which generally follows the AB option south of Maxville (and including a site-specific adjustment near Boulder Creek) until it crosses Highway 10A; from the highway west, the route will proceed north and west to rejoin the original route as soon as is practicable. This adjustment reduces social effects and is located farther from developed land uses. The exact location of this adjustment will be worked out to minimize access road construction while still avoiding proximity to residences.

(b) *Rock Creek:* In response to Montana State Aeronautics Division concerns about foul weather aviation

hazards from the proposed line crossing, several alternate crossings were examined between the mouth of Rock Creek and a point several miles up the valley. A proposal to adjust the original crossing about 1300 feet north and lower the sag of the conductor wires was adopted because it meets the aeronautical requirements; minimizes land use, soils, water, and fisheries effects; and provides the least visually intrusive option available through the most heavily used part of the drainage. No other alternative meets all these criteria.

(c) *Miller Creek*: A number of routing variations have been examined. The selected routing is south of Miller Creek along the base of a broad hill. Because of expressed public concern and the potential for high visual impact, tower designs and placement, as well as their spacing, will be coordinated with area residents.

(5) From a technical standpoint, the Taft Plan would reliably integrate electric power supplied by the Colstrip generating units in eastern Montana. Constructing transmission facilities for this plan would allow the Bonneville Power Administration to provide necessary reinforcement to the interconnected regional power system.

(6) This alternative would have the highest total cost, about \$20 million more than the lowest-cost Hot Springs Plan.

(B) *Taft North route*: This route was the second-best overall route location. It follows a more northerly course along the Clark Fork River between Garrison Substation and Missoula. This alternative offers a lower-impact option for forestry and for cultural and aquatic resources, but would affect more residences and recreational viewers. It is close to the Taft South route in overall impact. It was not selected because of the emphasis in the project area on avoiding impacts on people and because the impacts would be more difficult to mitigate.

(II) *Alternative B—Plains Plan*: A 500-kV double-circuit line would extend west from Garrison Substation to a new 12-acre substation near Plains, Montana, where these circuits would intersect with existing lines. From there, a 500-kV single-circuit line would be built to Bell Substation. The double-circuit portion is about 153 miles long, and the single-circuit portion is about 111 miles long, for a total of 264 miles. Terminal equipment would be added at Garrison and Bell Substations. Overall cost would be \$229 million.

The Plains Plan was the second-best plan. The primary reason for not selecting this plan was that it would

affect a greater number of people and offer fewer options for mitigation, particularly in major environmentally sensitive areas. Also, the relatively more severe impact on people are not offset by substantially lower effects on other resources.

(III) *Alternative A—Hot Spring Plan*: A 500-kV double-circuit transmission line would extend from Garrison Substation to Hot Springs Substation and beyond through the Clark Fork Valley to Thompson Falls, a total distance of 57 miles. From Thompson Falls to Bell Substation, 111 miles would be designed for single-circuit construction. The line would be 268 miles long altogether. Substation terminal equipment would be added at Garrison, Hot Springs, and Bell Substations. Estimated overall cost is \$225 million.

The Hot Springs Plan was the least-preferred alternative. Even the best route for this plan would create more social, land-use, and other people-related effects than routes of the other plans. The impacts would be slightly counter-balanced by lesser effects on natural resources.

(IV) *No Action Alternative*: Under the No Action alternative, the Colstrip transmission system would be built to Garrison Substation, but the regional transmission system would not be reinforced, and 500-kV transmission facilities would not be built from Garrison west.

The No Action alternative was not selected because it does not meet the purposes and needs to which BPA is responding; that is, to integrate and transmit additional electric power from the Colstrip generating units and to reinforce the regional power system to insure adequate electrical reliability and electrical stability.

Mitigation: Many environmental considerations that have been applied in siting the line can be termed best resource management practices. These considerations are an integral part of the siting and mitigation process. However, they are not repeated here as mitigation measures. Only those actions necessary to reduce residual impacts that cannot otherwise be avoided are included.

The following means of mitigating environmental impacts of the project are adopted. The involved Federal and State agencies are jointly identifying site-specific mitigation measures to incorporate into the cooperative mitigation plan and the Project Plan. Adopting these mitigation measures insures that all practicable means have been used to protect the environment from harm; it also insures that the agencies will follow their respective

mandates for land management as set forth in law, regulation, and policy.

(I) *General measures adopted*: Certain mitigation measures listed in the final EIS are standard BPA, FS, and BLM policy. These policies address such things as interference to radio, television, and communication facilities and by audible noise; weed control; restoration and compensation for damage in agricultural areas; protection of wildlife habitat and hunting opportunity; herbicide use; erosion control at stream crossings; protection of cultural resources (procedures for which are also spelled out in 36 CFR 800 and in standard construction specifications); planning for access roads; and coordination of clearing.

Other measures listed in the final EIS are part of BPA's standard construction specifications (Part 1, Chapter 4; Part 2, Chapters 2 and 3; and Part 3, Chapter 1). Those measures covered by standard specifications involve burning of debris; dust control; construction shutdowns to prevent excessive erosion; and cultural resource protection.

Other general measures adopted are to: minimize right-of-way clearing consistent with safe, reliable operation of the line; control access road development; control soil erosion and sedimentation; coordinate both clearing and tower and road locations; schedule construction as necessary to avoid sensitive wildlife habitat and poor soil conditions; otherwise reduce or avoid effects on wildlife or their habitat and impacts on hunting opportunity; avoid effects on honeybees; reduce Visual intrusion; and reduce disturbance of desirable vegetation.

Other measures considered in the final EIS and adopted are:

(A) In areas where WWP and BPA construction are parallel, the tower design, spacing, right-of-way clearing, and access road requirements of the two lines will be coordinated to reduce potential impacts.

(B) Where the right-of-way is near areas with potential for future residential development, BPA will work with city/county planning agencies to establish local policies for reducing future land use conflicts along the right-of-way, especially those that would preclude parallel construction of future lines within existing right-of-way.

(C) BPA will work with landowners to maintain and repair cattle guards, fences, and gates affected by BPA maintenance activity on access roads.

(D) Before the start of construction (at least 30 days if possible), BPA representatives and the construction contractor will meet with officials of

affected communities and with local business representatives to discuss the size and timing of predicted temporary increases in population, provisions for housing workers, and possible demands on local services. This action is intended to reduce community concerns about construction period impacts and to allow time to prepare for stresses on local services.

(II) *Measures adopted in specific areas:* This discussion details resources that could be affected and measures adopted to reduce those effects for certain sensitive areas. Similar measures will be used in other areas as required. The cooperative Federal/State effort on centerline mitigation and monitoring has been established and will continue. This effort is focusing on: identifying additional sites which require specific mitigation (such as managing road closures or reducing amounts of access); adjusting centerline, tower, or access road locations to effect mitigation; and planning monitoring programs to determine the effectiveness of the measures.

(A) Maxville/Flint Creek, Montana

(1) *Potential Effects.* Proximity to people and developed residential lands; interference with agricultural practices; loss of agricultural production; proximity to livestock;

Visual intrusion on residents and travelers on Highway 10-A and on scenic landscape.

Reduction of big game (elk) habitat security.

(2) *Adopted Mitigation.* Select routing south of Maxville (generally "AB") to reduce concerns for social and land use impact;

Closely coordinate centerline and tower locations with local residents to avoid residential, agricultural, and grazing land;

Minimize clearing/top trees as necessary at highway crossing to reduce visual effects;

Institute a road use management program to reduce effects on big game;

Use nonspecular conductor wires and darkened towers to reduce visual effects.

(B) Rock Creek, Montana

(1) *Potential Effects.* Conflicts with recreational use of nationally renowned fishing stream and developed recreation sites;

Disturbance of prime fishery resources and bald eagle habitat;

Disturbance of sideslopes sensitive to scarring, erosion/sedimentation;

Conflict with emergency foul-weather flyway.

(2) *Adopted Mitigation.* Limit clearing and/or top trees on valley bottom or on lower or middle slopes to reduce effects on recreational, fish, wildlife, and soils resources;

No access road construction on valley bottom or lower slopes to reduce effects on those resources;

Locate towers high on the side slopes to reduce effects on those resources;

Darken towers and use nonspecular conductor wires to reduce visual effects;

Use long span; use special conductor wire sag to reduce visual effects of cleared right-of-way;

Use marker balls and no overhead groundwires to reduce flyway conflict³;

Assist Montana State Aeronautics Division in updating state aeronautic charts to show the transmission line location.

(C) Lolo/Miller Creek/Blue Mountain, Montana

(1) *Potential Effects.* Proximity to people and established and proposed residential subdivisions;

Visual effects on highway travelers and developed areas;

Disturbance of unstable soils;

Disturbance of fishery resources and bald eagle habitat.

(2) *Adopted Mitigation.* Adjust location near Cahoot Creek and Deadman Gulch to avoid residential areas and to reduce visual effects;

Use tubular steel towers or darkened lattice towers and use nonspecular conductor wires to reduce visual effects;

Selectively clear; minimize access road construction and overall ground disturbance to reduce visual effects and disturbance of wildlife and fisheries habitat and of soil;

Avoid undercutting steep slopes to minimize soils disturbance;

Top trees at river and highway crossings to reduce visual effects;

Raise tower heights near Deadman Gulch to reduce clearing to reduce visual effects.

(D) St. Regis, Montana

(1) *Potential Effects.* Proximity to people, towns and undeveloped subdivisions;

Intrusion on major planned community park;

Soil and vegetation disturbance on steep slopes, particularly at Clark Fork River crossing;

Visual effects on Highway 461 travelers.

(2) *Adopted Mitigation.* Select the Tamarack Creek alternative alignment

to avoid developed areas and a planned park;

Reduce clearing and road construction at the Clark Fork River crossing;

Use nonspecular conductor wires and darkened towers to reduce visual effects.

(E) Lookout Pass, Montana/Mullan, Idaho

(1) *Potential Effects.* Visual intrusion at Lookout Pass and recreation sites and to travelers on I-90;

Visual degradation of highly scenic landscape;

Taft Substation site (effects on water resources, soils).

(2) *Adopted Mitigation.* Clear selectively to reduce visual effects;

Use darkened towers or improved appearance towers and use nonspecular conductor to reduce visual effects;

Adjust Taft Substation site location and design; reconfigure access road system to avoid effects on water resources and soils;

Use special erosion control measures on Taft Substation road system to avoid effects on water resources, fisheries habitat, and soils.

(F) Hayden Creek, Idaho

(1) *Potential Effects.* Conflicts with use of general recreation area and intensive recreation use sites;

Disturbance of fishery resources;

Intrusion on prehistoric camps;

Conflict with forest management plans;

Potential to compound existing erosion and water quality problems;

Visual effects on residents and Highway 95 travelers.

(2) *Adopted Mitigation.* Adjust location out of Hayden Creek drainage to avoid all the above problems;

Use darkened or tubular steel towers and nonspecular conductor wires to reduce visual effects;

Reduce clearing; top trees (as necessary) in vicinity of Highway 95 crossing to minimize visual effects.

(G) Rathdrum Prairie/Pleasant Prairie, Idaho-Washington

(1) *Potential Effects.* Proximity of transmission right-of-way to developed and developing areas;

Conflict with agricultural land;

Intrusion on upland sandpiper habitat.

(2) *Adopted Mitigation.* Use nonspecular conductor and treated towers to reduce visual effects on developed areas;

Place towers to minimize disturbance to farming practices;

³ Measures to reduce visual intrusion and those to avoid airway hazards may be in direct conflict.

Coordinate timing of construction to avoid disturbance of upland sandpiper habitat;

Limit numbers of towers; do not build permanent access through upland sandpiper habitat.

(III) *Mitigation Not Adopted:* The following measures, listed in the final EIS as "Not Included in the Proposal," have not been adopted:

(A) *Helicopter Construction:* Construction of parts of the BPA 500-kV transmission line solely by helicopter has not been adopted because the weight of the tower structures exceeds helicopter lifting capacity, particularly at the moderately high (4000-6000+ feet) elevation along the route. Certain phases of construction—such as stringing of sock line—may be done by helicopter.

(B) *Underground Construction:* Undergrounding of any portion of the transmission line has not been adopted because the following factors heavily outweigh potential mitigation results (which would principally be used to reduce visual impact): Uncertain reliability due to present technological limitations; the risk of a prolonged outage of a major transmission intertie; the significantly increased cost; geologic instability; the risk of negatively affecting steambed hydraulics; the risk of cable damage, resulting in oil spill pollution; possible tradeoffs for impacts on other resources such as residential and agricultural land uses. In summary, the agencies concluded that it is not reasonable to incur the added cost of underground transmission systems in the face of the uncertainty whether systems would meet reliability criteria or would alleviate impacts as intended.

Monitoring and Enforcement: The involved agencies will insure that mitigation measures identified in the final EIS, and adopted in this Record of Decision, are included in the construction contract specifications. The Federal land management agencies will assign project coordinators and field representatives to work with BPA construction coordinators and field representatives on Federal lands. The BPA inspectors who monitor the project will be responsible for insuring that the measures agreed to in this Record of Decision and subsequent Project Plan, right-of-way permit, and BPA construction contract specifications are carried out. BPA will work with the affected States to establish and enforce mitigation measures on State and private lands. The monthly report from the BPA Division of Construction will identify mitigation measures that have been initiated and/or completed as specified in the project contract.

A designated archeologist will be present when digging is being done at cultural sites identified in the contract specifications, at the request of the appropriate land managing agency. The construction contractor will notify BPA one week before beginning work in these areas.

Integration With Other Requirements: The Taft South route crosses portions of five Roadless Area Review and Evaluation (RARE) II inventory areas in Montana (Nos. 424, 790, 791, 795, and 800) and one in Idaho (No. 139). All six of these areas were designated as "nonwilderness" in the Forest Service's RARE II process. As a result of a recent decision by the Court of Appeals for the 9th Circuit regarding the status of RARE II areas in California [*California v. Block*, 690 F. 2d 753 (9th Cir. 1982)], the Forest Service will reevaluate all RARE II areas nationwide through the Forest Service forest planning process. Meanwhile, the Forest Service will continue with its land management of these areas, in keeping with their nonwilderness designation under the RARE II process.

Under requirements of the intergovernmental Coordination Act, BPA has notified the Washington, Idaho, and Montana State Clearinghouses of the project by sending them the draft and final EIS's. The Garrison-Spokane Project is consistent and compatible with State and local development plans to the extent possible. Copies of this Record of Decision will be sent to State clearinghouses for notification of the decisions that have been made.

The following historic properties in the study area have been listed on the *National Register of Historic Places* and may be affected by having the project within view:

DeBorgia Schoolhouse—Mineral County, Montana; in DeBorgia.
Murray Courthouse—Shoshone County, Idaho; in Murray.
John C. Feehan House—Shoshone County, Idaho; in Murray.
United States Forest Service Remount Depot (Ninemile Ranger Station)—Missoula County, Montana; northwest of Huson.
Traveler's Rest—Missoula County, Montana; in Lolo.

Other properties listed on or eligible for the *Nation Register* may be susceptible to visual intrusion from the transmission line. However, such intrusion would not be likely to affect adversely the qualities for which the properties are listed or are eligible for inclusion. This is because the properties were recognized for their historical significance or their architectural

qualities and integrity, not specifically for the quality of their settings.

Numerous prehistoric sites listed in the Montana State Inventory, and presumed to be eligible for the *National Register*, may be affected by the project. Field evaluations and determinations of eligibility will be made of all sites along the proposed route before construction begins. A memorandum of agreement is being concluded among BPA, the appropriate State Historic Preservation Officer, the FS, the BLM, and the Advisory Council on Historic Preservation; it stipulates mitigation measures to be carried out should any sites be found eligible.

The U.S. Fish and Wildlife Service (USFWS) provided biological opinions on this project in connection with the bald eagle, grizzly bear, gray wolf, and peregrine falcon. These opinions concluded that the project would have "no effect" on these species or their habitats. BPA will send a copy of this Record of Decision to USFWS, informing them of our decision and that the decision complies with the recommendations made in the opinions.

Between 1 and 6 acres of Prime farmland could be occupied by tower bases, thus converting it to other uses. Because the transmission line route must cross or parallel certain valleys where Prime farmland is concentrated, there is no practicable alternative to such conversion. Various measures listed under Mitigation will be used on Prime farmland to minimize the amount taken out of production. These measures basically involve coordination of tower locations with the landowners.

Under requirements of the Clean Air Act, BPA will secure necessary State air quality and open burning permits.

In accordance with the requirements of the Federal Clean Water Act, BPA will obtain necessary State water quality and pollution discharge permits.

Implementation: The following provisions must be met before construction can proceed:

(I) Right-of-way permits across Federal land (Federal Land Policy and Management Act of 1976) will be issued by the FS and BLM. The right-of-way permit granted by the FS will include, by reference, a Project Plan which will specify mitigation measures required to protect the environment of National Forest System lands. The BLM right-of-way permit will include similar stipulations for BLM land.

(II) On National Forest System lands only, this decision is subject to a formal administrative review process, pursuant to 36 CFR 211.18. Under this process, any notice of appeal must be filed

within 45 days from the date of this Record of Decision. Right-of-way permits will be issued following the appeal period.

FOR FURTHER INFORMATION CONTACT:

George Eskridge, District Manager, Bonneville Power Administration, 800 Kensington, Missoula, Montana 59801; telephone (406) 329-3860.

Copies of this Record of Decision are being sent to agencies, organizations, and individuals who commented on the EIS.

Each Federal decisionmaker, by signing an original copy of this Record of Decision, is making a decision to the extent of the agency's jurisdiction.

Dated: May 23, 1983.

Tom Coston,

Regional Forester, Northern Region, USDA Forest Service.

Dated: May 23, 1983.

Michael J. Penfold,

State Director, Montana, USDI Bureau of Land Management.

Dated: May 23, 1983.

Peter T. Johnson,

Administrator, Bonneville Power Administration.

[FR Doc. 83-15103 Filed 5-6-83; 8:45 am]

BILLING CODE 5450-01-M

Office of Energy Research

Proposed Fiscal Year 1984; Energy Research Instrumentation Program

AGENCY: Department of Energy.

ACTION: Solicitation of comments on proposed program announcement.

SUMMARY: Prior to developing the eligibility requirements and other limitations for its Energy Research Instrumentation Program, the Office of Energy Research is seeking comments on the preliminary program guidelines given below. This program will be initiated in FY 1984, subject to the availability of funds. This program is responsive to the overall national concern about the shortage of state-of-the-art instrumentation available to universities and colleges. The program will support about 30 instrumentation projects ranging from about \$100,000 to about \$500,000. Eligible institutions will be limited to colleges and universities with demonstrated capabilities to carry out significant energy research in at least one of the selected areas of emphasis.

DATE: Comments must be filed by July 7, 1983.

ADDRESS: Address comments to the Division of University and Industry Programs (ER-44), Department of

Energy, 1000 Independence Avenue, S.W., Room 3F-077, Washington, D.C. 20585.

FOR FURTHER INFORMATION CONTACT:

Dr. Israel Warshaw, Division of University and Industry Programs, Office of Field Operations Management, Office of Energy Research Department of Energy, 1000 Independence Avenue, S.W., Washington, D.C. 20585, Telephone Number: (202) 252-6641.

SUPPLEMENTARY INFORMATION:

Background

Subject to the availability of funds in FY 1984, the Department of Energy plans to initiate a new program intended to help reduce the shortage of state-of-the-art instrumentation required for energy-related research in universities and colleges. This program is part of an interagency effort to help decrease the overall shortage, estimated to exceed one billion dollars, of research equipment in universities. Before developing the final program announcement, the Department of Energy is seeking comments on the overall concept and related guidelines which are proposed in this notice. Written comments from interested parties should be sent to the address given in the **ADDRESS** heading, above.

The overall objective of this program is to assist universities and colleges in strengthening their capabilities to conduct long-range research in specific energy research and development areas of interest to DOE through the acquisition of specialized research instrumentation. An ancillary objective of this program is to ensure that graduate students are trained in the use of state-of-the-art equipment. Therefore, the number of graduate students associated with energy research projects which will benefit from this equipment is of particular interest to the Department. The FY 1984 congressional budget request for this program is \$6,000,000. It is expected that about 30 grant awards will be made, typically ranging from about \$100,000 to about \$500,000.

Authority for the Energy Research Instrumentation Program is contained in Section 31 (a) and (b) of the Atomic Energy Act of 1954 (42 U.S.C. 2051, Pub. L. 83-703), Section 209 of the Department of Energy Organization Act of 1977 (42 U.S.C. 7139, Pub. L. 95-91).

Areas of Interest

In the formal program announcement, the Department of Energy will identify specific research areas of interest for which instrumentation support will be considered.

While the equipment requested may be suitable for use for research on other energy-related topics, the need for the equipment must be justified in terms of its value and ability to enhance the institution's capabilities in one or more of the selected areas.

Instrumentation Summary

The program will be intended to assist those institutions with demonstrated capability in designated research areas to obtain the larger instruments (items costing about \$100,000 and more) which are required on-campus to strengthen research on the designated areas.

The Department is concerned that the equipment provided through this program should be available for a reasonable life span. Thus, the DOE will be interested not only in how the institution will utilize the funds which the Department provides, but also how the institution plans to meet other related costs (e.g., installation, operation and maintenance, etc.). In addition, the Department will be interested in the institution's plans for obtaining the funds needed to replace this equipment after it becomes "obsolete."

Small research instruments (costing less than about \$100,000) that are more likely to be used independently rather than as part of an integrated, campus-based research facility will not be eligible for consideration in this program.

General purpose computing equipment is not eligible under this program. However, laboratory computers and associated peripherals dedicated for use in connection with the instrument(s) requested or for use with existing research instruments in any of the designated areas will be considered.

Eligibility and Limitations

Parties eligible to receive funds under this program will be limited to universities and colleges which have received a minimum of \$300,000 during the past two years from DOE for research in at least one of the selected areas for which the equipment will be used. There are two reasons for requiring these minimum eligibility criteria. First, in view of the limited funds available for this program relative to the total need of energy-related research instrumentation, the Department's commitment in FY 1984 will be to help strengthen and expand the research and graduate education capabilities of those university research groups who are already well established and contributing to the Department's longer-range research needs and missions. Universities seeking to

participate in this program must demonstrate their current capabilities to carry out major research programs of direct relevance to the research supported by the Department. Second, types of instrumentation to be supported through this program are complex, are at the state-of-the-art in instrumentation development, and will cost in excess of \$100,000. Effective utilization of the full capabilities of these instruments for advanced energy research in a university environment requires significant numbers of scientists, students, and support personnel. DOE believes that only those university research groups with large, on-going scientific research programs will be able to take full advantage of the capabilities of such instrumentation to enhance and expand their energy research programs. Accordingly, DOE has determined that the \$300,000 minimum funding level during the past two years is a realistic measure of research capabilities in, and commitment to, one or more of the selected areas for which instrumentation support is requested.

Available Funds

\$6,000,000 is included in the Department's FY 1984 congressional budget request for this program. Approximately 30 grants are expected to be awarded; the size of each grant will vary and may range from about \$100,000 to about \$500,000. This estimate does not bind the Department of Energy to a specific number of grants or to the amount of any grant unless that amount is otherwise specified by statute or regulations. The number of awards to any institution will be limited with most institutions receiving only one grant. However, if a university or college demonstrates unusual scientific merit in a number of the designated areas, DOE may award more than one grant to that institution.

DOE intends to continue this program in FY 1985. If prior to the release of the final program announcement it appears that in FY 1985 the program's eligibility requirements, designated research areas and evaluation criteria will be similar to those for FY 1984, the program announcement may include a statement which will permit universities to request that their proposals, which were received but not funded in fiscal 1984, be retained by DOE and reevaluated along with any new proposals received in response to the FY 1985 program announcement. Such a provision would decrease the amount of effort required of universities to submit proposals for the FY 1985 research instrumentation program.

Invitation to Comment

Interested persons are invited to submit written comments and recommendations regarding the proposed program announcement. Comments and recommendations should be sent to the address given in the **ADDRESS** heading, above. All comments received on or before July 7, 1983, will be considered in the development of the final program announcement. Comments are specifically invited on: the overall proposed approach of the program; the specific objectives of the program; the proposed minimum eligibility criteria; the evaluation criteria; the page limit of the proposal relative to the information required; the dollar range of the awards.

All comments submitted in response to the proposed program announcement will be available for public inspection, during and after the comment period, in Room 3F-071, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585, between the hours of 8:30 a.m. and 5:00 p.m., Monday through Friday of each week except Federal holidays.

Issued in Washington, D.C. on June 1, 1983.
(Catalog of Federal Domestic Assistance No. 81.077, Energy Research Instrumentation Program)

Alvin W. Trivelpiece,

Director, Office of Energy Research.

The program announcement is proposed to read as follows:

Energy Research Instrumentation Program

Table of Contents

- I. Program Description
- II. Designated Research Areas
- III. Proposal Preparation and Format
- IV. Estimated Cost and Budget
- V. Method of Selection and Evaluation Criteria
- VI. Submission of Proposals
- VII. Other Information

I. Program Description

A. Background

The Department of Energy (DOE) announces a new program initiative intended to help alleviate the national shortage of state-of-the-art instrumentation in universities and colleges with major, energy-related research programs. The overall objective of this program is to assist these institutions in strengthening their capabilities to conduct long-range research in specific research and development areas of interest to DOE through the acquisition of specialized research instrumentation. In FY 1984, the Department plans to award approximately \$6,000,000 through this program. It is expected that

approximately 30 grant awards will be made, ranging from about \$100,000 to about \$500,000. The program is primarily intended to assist those institutions with demonstrated capability in designated research areas (See Section II) to obtain the larger instruments, items costing about \$100,000 or more, which they require on campus to strengthen their research on these areas. DOE will consider funding instruments such as scanning electron microscopes, nuclear magnetic resonance spectrometers, ion microprobes, laser diagnostic systems, etc. This special program is complementary to and does not replace the Department's efforts to provide funds for equipment required on an individual research project supported through the cognizant research programs. Requests for such instrumentation should continue to be included in research proposals which are submitted to DOE's basic and technology research programs.

The Department expects that the equipment provided through this program should be available for a reasonable life span. Thus DOE will be interested not only in how the institution will utilize the funds which the Department provides, but also the institution's plans for meeting related costs such as might be incurred in installing, operating and maintaining the equipment during its effective life span. The institution's plans for meeting these costs and for obtaining the funds required to replace the equipment after it becomes "obsolete" should be discussed in the proposal.

An ancillary objective of this program is to ensure that graduate students are trained in the use of state-of-the-art equipment. Therefore, the number of graduate students associated with energy research projects which will utilize this equipment is of interest to DOE.

B. Eligibility and Limitations

Participation in the Energy Research Instrumentation (ERI) Program is limited to U.S. universities and colleges which are currently conducting research in one or more of the areas to be listed in Section II of the program announcement, and which, during the past two years, have received a minimum of \$300,000 from DOE for research in one of the designated areas for which the equipment is requested.

Small research instruments (less than about \$100,000 each) will not be eligible for consideration in this program. As noted above, funds for such instruments should continue to be included in

proposals to the Department's cognizant research programs.

General purpose computing equipment is not eligible under this program. However, laboratory computers and associated peripherals dedicated for use in connection with the instrument(s) requested or for use with existing research instruments in any of the designated areas will be considered.

II. Designated Research Areas

A. Eligible Areas of Interest

During FY 1984, DOE's Energy Research Instrumentation (ERI) Program will be concerned primarily with capital equipment needed for research in a limited number of designated energy areas. [The eligible designated research areas will be listed and defined in the program announcement.]

While the equipment requested will be equally suitable and may be used for research on other energy-related topics, the need for the instrument(s) must be justified in terms of its value and ability to enhance the institution's capabilities in one or more of the designated areas.

III. Proposal Preparation and Format

A. Objective

The principal objective of a proposal to DOE under this program is to demonstrate the potential impact of the requested equipment, indicating how it will:

1. Enhance the technical excellence of the institution's research programs in the designate area(s), and

2. Increase the institution's ability to conduct more advanced research in this area(s).

Furthermore, the proposal should demonstrate that the institution's current and/or recent research projects in this area(s):

1. Are of the highest scientific merit;

2. Are contributing to the nation's need for knowledge and data on these topics; and

3. Are contributing to the training of advanced students.

B. Proposal Format

Each proposal submitted to the ERI Program must be signed by the president of the institution or his/her designated officer and submitted by the institution. The proposal should not exceed 30 pages in length, including: resumes, attachments, photographs, tables, illustrations, lists, etc. The proposal should be typed double-spaced on one side of 8½ inch by 11 inch paper and the pages should be numbered consecutively. To facilitate orderly review, the proposals should include the

information and be written in the order indicated below.

1. *Cover Sheet*: Photocopy and complete the form in Appendix A as page 1 of each copy of the proposal.

2. *Summary*: This should be a concise description of the proposal, not more than one double-spaced typewritten page long. It should include a brief description of the equipment which will be purchased or fabricated, some comments on the applicable research programs, the impact of the equipment on the institution's research programs in the applicable areas, and indicate the institution's plans for sharing the costs in addition to the amount requested from DOE.

3. *Narrative*:

- a. *Technical merit and accomplishments of the institution's research programs in the applicable energy areas, the institution's commitment to energy research in the designated areas, and the potential for expanding/improving these programs with the acquisition of the requested equipment*: This section should discuss the applicable research programs requiring the equipment and should be aimed at persuading reviewers that the institution "historically" has had strong research programs in the designated areas and that the number and quality of such programs are likely to increase in the future. Briefly describe the overall objectives of these programs. Discuss some specific projects, including the title, name of the sponsor, and the amount of funds involved. On another page list all of the institution's research projects in the applicable designated areas during the last five years (including title, sponsor, total funds awarded, the period involved and the approximate number of graduate students associated with each project). Also, list the major accomplishments of the institution's applicable research projects during the last five years.

How do these programs relate to the institution's view of its principal responsibilities in energy research? Discuss the institution's efforts to strengthen research in the applicable designated areas, such as authorizing additional faculty positions, providing institution or state funding for graduate student support, equipment or facilities, or "seed funding," etc. in these areas. Indicate how the institution has fostered the growth of the applicable research areas and its commitment to do so in the future.

Briefly describe the equipment requested and indicate the estimated cost. It is not necessary to describe the operation of the equipment unless it is likely to be unknown to researchers in

the applicable field(s). Discuss the need for the equipment and its expected impact on the institution's ability to develop and carry out more effective energy research programs in the designated areas.

- b. *The qualifications of the faculty associated with the applicable research areas and the degree of faculty experience with similar equipment*: Briefly discuss the overall experience and capabilities of the faculty to conduct research in the applicable areas. Provide vitae (a maximum of one page per person) for the principal faculty members associated with the research areas described in the proposal.

Briefly discuss the extent to which the faculty whose research projects are described in this proposal have used this or similar equipment on or off campus in recent years.

- c. *Institution's plans for sharing the costs, ensuring the operation and maintenance of the equipment, and replacing the equipment at a future date*: The level of cost-sharing will be a factor in the evaluation of the proposals. No specific fraction of cost-sharing is required, but institutions are encouraged to seek funds from all available sources. Although none of the program funds may be used to modify buildings or facilities, such costs as well as other current and future costs which the institution indicates it will provide will be considered as "cost-sharing." Estimate the useable life span of the equipment and discuss the institution's plans for ensuring its continued availability during this period, including some comments on the institution's equipment repair facilities and personnel. If similar equipment is located at the institution or nearby (within 50 to 100 miles), why is the requested equipment required? Describe the institution's plans for obtaining the funds needed to replace this equipment.

- d. *Institution's experience in utilizing and sharing other major research equipment and its plans for making the requested equipment available to faculty in other institutions*: Briefly describe some of the major research instruments which are available on campus, particularly those which might be used by faculty and students involved in the applicable energy research programs. What were the sources of funds for these instruments? How has the university ensured their continued operation and maintenance? Are they available to and have they been used by researchers at nearby educational institutions?

Describe the institution's plans for sharing the requested equipment with researchers at nearby universities.

C. Information

For further information about this announcement or to obtain copies of the application, contact: [contracting officer to be designated when announcement is released].

IV. Estimated Cost and Budget

A. Budget Information

A proposed budget should be submitted, detailing the estimated purchase cost of the equipment, as well as installation, operation and maintenance costs for a period of five years. The anticipated sources of funds for each category should be indicated. Use the Budget Form provided in Appendix A and append any necessary explanations.

B. Budget Page Comments

If the institution provides the funds for related costs, such as shipping, installation, operation and maintenance costs for the first five years, etc., it may claim credit for them as "cost-sharing."

C. Availability of Funds

Awards under this program will be subject to the appropriation of funds in fiscal year 1984.

D. Cost Principles

The cost principles contained in OMB Circular A-21, "Cost Principles Applicable to Grants, Contracts and Other Agreements with Institutions of Higher Education," will apply to this program.

V. Method of Selection and Evaluation Criteria

A. Introduction

Proposals will be screened first for their relevance to the chosen designated research areas. Those found to be relevant will then be evaluated using the criteria listed in Section V.B. Technical evaluations will be obtained from government and non-government scientists and engineers familiar with the fields of research. Final decisions will be made by the DOE based upon these criteria and consideration of other factors, including possible duplication of similar equipment, research and program balance, and geographic distribution of the awards as geographic distribution is important to achieving program purposes. In the evaluation and handling of a proposal, every effort will be made to protect the confidentiality of the proposal. DOE is under no obligation to pay for any costs associated with the

preparation or submission of applications if an award is not made. DOE reserves the right to fund, in whole or in part, any, all, or none of the applications submitted in response to the solicitation. All proposers will be notified in writing of the acceptance or rejection of their proposals. After the comprehensive evaluation has been completed, unsuccessful proposals will be retained by DOE for a period of one year. Proposers may request in writing for copies of the evaluations of their proposal.

B. Evaluation Criteria

The criteria to be used in the review and evaluation of ERI proposals are as follows in declining order of importance. The value of the first criterion will be approximately equal to the total value of the remaining criteria. The subcriteria under each criterion are equal in importance.

1. Merit/Accomplishments.

a. Technical merit and accomplishments of the institution's research programs in one or more of the designated energy areas and any other factors which will demonstrate the institution's commitment to energy research in these areas, and

b. The potential for expanding/improving these programs with the acquisition of the requested equipment.

2. Faculty Qualifications/Experience.

a. The qualifications of the faculty associated with the applicable research areas; and

b. The degree of faculty experience with similar equipment.

3. Cost Sharing.

a. Institution's plans for sharing the costs;

b. The reasonableness of proposed costs compared to anticipated benefits;

c. The institution's financial plans for ensuring the operation and maintenance of the equipment; and

d. Plans for financing as necessary the replacement of the equipment at a future date.

4. Research Equipment.

a. Institution's experience in utilizing and sharing its other major research equipment; and

b. Its plans for making the requested equipment available to faculty in other institutions.

VI. Submission of Proposals

A. Address and Number of Copies

One signed original and nine copies of the proposal are to be submitted to: [office to be designated].

B. Number of Proposals Per Institution

Each institution may submit a maximum of three proposals. For this competition, the individual campuses of state systems are considered as separate institutions.

C. Closing Date for Receipt of Proposals

To be eligible, proposals must be received by the Department of Energy by 5:00 p.m. *Month x, 1983* or postmarked by midnight, *Month x, 1983*.

D. Late Proposal Provisions

[The program announcement will include the standard DOE statement regarding the late submission of proposals.]

VII. Other Information

A. Reports

A report which briefly describes the status and use of the equipment, new research projects which have been undertaken as a result of the equipment being available, financial data on operation and maintenance expenses provided by the institution, etc. will be required annually for the five years following installation of the equipment. Five copies be submitted to: [to be designated].

B. Awards

As noted above, the Department anticipates approximately 30 grants awards ranging from about \$100,000 to about \$500,000. The number of awards to any institution will be limited, with most institutions receiving only one. However, if a university or college demonstrates unusual scientific merit in a number of the designated areas, DOE may award more than one grant to that institution. The awards will be announced on or before April 15, 1984.

C. Catalog of Federal Domestic Assistance Number

The Catalog of Federal Domestic Assistance number for this program is 81.077.

[FR Doc. 83-15102 Filed 6-6-83; 8:45 am]

BILLING CODE 6450-01-M

High Energy Physics Advisory Panel; Open Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770), notice is hereby given of the following meeting:

Name: High Energy Physics Advisory Panel (HEPAP).

Date and Time: Wednesday, June 29, 1983—9:00 a.m.—6:00 p.m. Thursday, June 30, 1983—9:00 a.m.—4:00 p.m.

Place: U.S. Department of Energy, 19901 Germantown Road, Room A-410, Germantown, Maryland.

Contact: Dr. P. K. Williams, Secretary, High Energy Physics Advisory Panel, U.S. Department of Energy, ER-221, Washington, DC 20545, Telephone: 301/353-4829.

Purpose of panel: To provide advice and guidance on a continuing basis with respect to the high energy physics research program.

Tentative Agenda

- Presentation and Discussion of the Report of the 1983 Subpanel on New Facilities and its transmittal to DOE.
 - Discussion of FY 1983 and FY 1984 Budgets for DOE High Energy Physics and NSF Elementary Particle Physics.
 - Discussion of a Possible Subpanel for Review of U.S. Experiments at Foreign Facilities.
 - Discussion of U.S. Non-Accelerator Experiments.
 - Discussion of International Collaborations and Bilateral Cooperative Agreements.
 - Discussion of New U.S. Representative to IUPAP Commission on Particles and Fields.
 - Public Comment (10-minute rule).
- Public Participation: This meeting is open to the public. The Chairperson of the Panel is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Panel will be permitted to do so either before or after the meeting. Members of the public who wish to make oral statements pertaining to agenda items should contact P. K. Williams at the address or telephone number listed above. Requests must be received at least 5 days prior to the meeting and reasonable provision will be made to include the presentation on the agenda.

Minutes: Available for public review and copying at the Public Reading Room, Room 1E-190, Forrestal Building, 1000 Independence Avenue, S.W., Washington, DC between 8:00 a.m. and 4:00 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, DC on June 2, 1983.

Howard H. Raiken,
Deputy Advisory Committee Management Officer.

[FR Doc. 83-15101 Filed 6-6-83; 8:45 am]

BILLING CODE 64-60-M

Federal Energy Regulatory Commission

[Docket No. C183-233-000]

Natural Gas Companies; Damson Oil Corp. (Successor to Damson Exploration Corp.); Application for Abandonment of Service

June 1, 1983.

Take notice that the Applicant listed herein has filed an application pursuant to Section 7 of the Natural Gas Act for authorization to abandon service as described herein, all as more fully described 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 10, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR

385.211, 385.214). All protestants filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protests parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions 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 on the application in the event no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where 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 to be represented at the hearing.

Kenneth F. Plumb,
Secretary.

| Docket No. and date filed | Applicant | Purchaser and location | Price per 1,000 ft ³ | Pressure base |
|-----------------------------|---|--|---------------------------------|---------------|
| C83-233-000, B, May 6, 1983 | Damson Oil Corporation (Successor to Damson Exploration Corporation), Damson Oil Tower, 396 West Greens Road, P.O. Box 431, Houston, Texas 77210. | Texas Gas Transmission Corporation, Wyandotte Field, St. Mary Parish, Louisiana. | (¹) | |

¹ Uneconomical.

Filing Code: A—Initial Service. B—Abandonment. C—Amendment to add acreage. D—Amendment to delete acreage. E—Total Succession. F—Partial Succession.

[FR Doc. 83-15133 Filed 6-6-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. EC83-14-000]

Alabama Power Co.; Filing

June 1, 1983.

The filing Company submits the following:

Take notice that on April 18, 1983, Alabama Power Company (Alabama Power) filed an application, pursuant to Section 203 of the Federal Power Act, for approval of the sale of certain of its facilities to the Utilities Board of the City of Sylacauga, Alabama (Utilities Board).

The facilities are located in and around the City of Sylacauga, Talladega County, Alabama. The total purchase price of the facilities to be sold and conveyed is \$237,950.

Alabama Power states that the transaction would result in a reduction in the Utilities Board's electrical demand which in turn would result in a reduction in their purchased power cost.

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.W., 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 June 10, 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. 83-15132 Filed 6-6-83; 8:45 am]

BILLING CODE 8717-01-M

[Docket No. CP83-254-000]

Montana-Dakota Utilities Co.; Petition

June 1, 1983.

Take notice that on May 13, 1983, Phillips Petroleum Company (Petitioner), 1258 Adams Building, Bartlesville, Oklahoma 74004 filed in Docket No. CP83-254-000 a petition pursuant to § 385.207 of the Commission's Rules of Practice and Procedure (18 CFR 385.207) for an order declaring, for the purposes of Montana-Dakota Utilities Co.'s (MDU) proposed storage and transportation service and gas sales, that the term "delivery" be determined to be the time of actual sales of the natural gas in question, or, in the alternative, pursuant to Sections 104(b)(2), 109(b)(2) and 502(c) of the Natural Gas Policy Act of 1978 (NGPA) for an adjustment providing rate relief equal to the difference between the price applicable to the month of initial delivery to MDU for storage and the actual sale price, so that Paragraph 2(2) of MDU's tariff may operate in accordance with its terms, all as more fully set forth in the petition which is on file with the Commission and open to public inspection.

Petitioner states that on March 29, 1983, MDU filed an application in Docket No. CP83-254-000 pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the storage of natural gas on behalf of certain of MDU's suppliers and the incidental transportation of such gas pursuant to MDU's proposed Rate Schedule S-2. Petitioner states that MDU's proposal contemplates that MDU would, in lieu of currently purchasing certain gas volumes delivered to it by its casinghead and residue gas suppliers, place those volumes in storage on behalf of those suppliers for subsequent sale either to MDU or to other purchasers as market conditions warrant. Petitioner states further that it is expected that suppliers would waive the right to immediate sale of and payment for the gas placed in storage. It is stated that the proposed tariff for MDU's storage service for suppliers (Rate Schedule S-2, *pro forma* Sheet No. A) provides in paragraph 2(2) that "If Seller elects to

purchase gas under Section 2(1)(a) of this rate schedule, the price for the storage volume purchased by Seller during any month shall be the price in effect for the month when such purchase occurs, as determined under the applicable gas purchase agreement, or, if such agreement is no longer in effect, the prevailing market price for casinghead and residue gas purchased by Seller during such month."

Petitioner comments that MDU proposes that the price applicable to gas stored when ultimately sold would be the price applicable during the month of actual sale following storage rather than the price applicable to the month of initial production and delivery to MDU for injection into storage. Petitioner refers, however, to Section 2(22) of the NGPA which defines "deliver" to mean "the physical delivery from the Seller." Petitioner alleges that producer-suppliers agreeing to MDU's storage and transportation service proposal are waiving a clear right to receipt of current income in exchange for considerable market risk and potentially lengthy delays in the actual sale of the natural gas stored by MDU on their behalf. Petitioner maintains further that any requirement that an historical month be used would also be very difficult to administer and enforce perhaps years later and that producers and residue gas suppliers would also have little incentive to continue allowing injection of gas into storage if ultimate sales of the gas are to be made at historical prices. Accordingly, Petitioner urges that declaratory or rate relief be granted so that MDU's tariff may operate in accordance with its terms.

The procedures applicable to the conduct of the adjustment proceeding are found in Subpart K of the Commission's Rules of Practice and Procedure.

Any person desiring to participate in an adjustment proceeding or in a proceeding on a declaratory order must file a motion to intervene in accordance with the provisions of Subpart K or Subpart B, respectively, of the Commission's Rules of Practice and Procedure. All motions to intervene or protests must be filed within 15 days after publication of this notice in the Federal Register.

Kenneth F. Plumb,
Secretary.

[FR Doc. 83-15134 Filed 6-6-83; 8:45 am]

BILLING CODE 8717-01-M

[Docket No. ER83-438-000]

Montana Power Co.; Order Accepting for Filing and Suspending Rates, Noting Intervention, Denying Request for Deficiency Letter, and Establishing Hearing Procedures

Issued: May 31, 1983.

On March 31, 1983 as completed on April 15, 1983, Montana Power Company (Montana), submitted for filing a proposed increase in rates for firm power service to Big Horn Electric Cooperative and Central Montana Electric Generation and Transmission Cooperative, Inc. (Central).¹ The rates would increase revenues from these customers by approximately \$1 million (21.2%) based on a calendar year 1981 test period. Montana has proposed an "effective date" of June 1, 1983, but also requests a one month deferral until July 1, 1983, consistent with a settlement agreement in Montana's prior rate case in Docket No. ER81-282-000.²

Notice of Montana's filing was published in the Federal Register, with responses due by April 26, 1983. On that date, Central filed a motion to intervene, protest, and request for issuance of a deficiency letter or suspension. Central first requests that the Commission find Montana's filing deficient and withhold a filing date until the alleged deficiencies are remedied. Central lists a number of perceived failures to supply all of the data required by 18 CFR 35.13, as well as inconsistencies in the filing which have purportedly hindered Central's analysis. Alternatively, Central requests a five month suspension, alleging an excessive return on equity, overstated cash working capital allowance, and excessive fuel costs for coal purchased from Montana's subsidiary, Western Energy Company. Central also cites the alleged inconsistencies in Montana's filing in this context.

On May 11, 1983, Montana filed a response to Central's pleading, denying all allegations and submitting additional data. Montana asserts, however, that

¹ The proposed rates are designated as follows: *Montana Power Company*—(1) Supplement No. 11 to Rate Schedule FPC No. 39 (Supersedes Supplement No. 10), Central; (2) Supplement No. 6 to Rate Schedule FPC No. 40 (Supersedes Supplement No. 5), Big Horn.

² The settlement which was approved by letter order dated September 18, 1981, provided that in its next wholesale rate filing, Montana would propose an effective date no sooner than 60 days after filing and would expressly request a one month suspension from that date.

the added material is for informational purposes only and that its original submittal was in substantial compliance with our regulations.

Discussion

Under Rule 214(c)(1) of the Commission's Rules of Practice and Procedure (18 CFR 385.214), the timely motion to intervene serves to make Central a party to this proceeding.

Central's request for a deficiency letter will be denied. Contrary to Central's assertions, the Commission finds that Montana's filing, as originally submitted, substantially complied with the requirements of § 35.13 of our regulations.³

Our preliminary review of Montana's filing and Central's pleading indicates that the rates proposed by Montana have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful. Accordingly, we shall accept the proposed rates for filing and suspend them as ordered below.

In *West Texas Utilities Company*, Docket No. ER82-23-000, 18 FERC ¶ 61,189 (1982), we noted that rate filings would ordinarily be suspended for one day where preliminary review indicates that the proposed increase may be unjust and unreasonable but may not generate substantially excessive revenues, as defined in *West Texas*. In the instant proceeding, our examination suggests that the proposed rates may not result in excessive revenues. However, as noted above, Montana has requested a suspension of one month in accordance with its earlier settlement agreement. As a result, we shall suspend Montana's proposed rates to become effective, subject to refund, on July 1, 1983.

The Commission Orders:

(A) Central's request for issuance of a deficiency letter and deferral of a filing date pending additional submittals is hereby denied.

(B) Montana's proposed rates are hereby accepted for filing and suspended for one month, to become effective, subject to refund, on July 1, 1983.

(D) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by section 402(a) of the Department of Energy Organization Act and by the Federal Power Act, particularly sections 205 and 206 thereof, and pursuant to the

Commission's Rules of Practice and Procedure and the regulations under the Federal Power Act (18 CFR, Chapter I), a public hearing shall be held concerning the justness and reasonableness of Montana's rates.

(E) The Commission staff shall serve top sheets in this proceeding on or before June 10, 1983.

(F) A presiding administrative law judge, to be designated by the Chief Administrative Law Judge, shall convene a conference in this proceeding to be held within approximately fifteen (15) days after service of top sheets in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. The presiding judge is authorized to establish procedural dates and to rule on all motions (except motions to dismiss) as provided in the Commission's Rules of Practice and Procedure.

(G) The Secretary shall promptly publish this order in the Federal Register.

By the Commission.

Kenneth F. Plumb,
Secretary.

[FR Doc. 83-15137 Filed 6-6-83; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. CP83-319-000]

Northern Natural Gas Co., Division of InterNorth, Inc.; Request Under Blanket Authorization

June 1, 1983.

Take notice that on May 12, 1983, Northern Natural Gas Company, Division of InterNorth, Inc. (Northern), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP83-319-000 a request pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) that Northern proposes to abandon and remove certain measurement and branchline facilities located in Wayne County, Nebraska, under the authorization issued in Docket No. CP82-401-000 pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

It is asserted that Northern has been advised by Peoples Natural Gas Company, Division of InterNorth, Inc. (Peoples), that the measuring station identified as the Wayne, Nebraska, Town Border Station No. 2 is no longer needed. It is further stated that the town border station provided service to the Wayne Rendering Company which is no longer in operation.

Northern, therefore, proposes to abandon the town border station and

approximately 0.5 mill of 2-inch branchline. It is asserted that right-of-way grantors are served from the 2-inch branchline proposed to be abandoned but the Peoples would continue to provide service to such right-of-way grantors through an extension of its Wayne, Nebraska, distribution facilities. Consequently, it is asserted, there would be no termination of service as a result of the abandonment.

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. 83-15135 Filed 6-6-83; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. ER83-425-000]

Ohio Edison Co.; Order Accepting for Filing and Suspending Rates, Noting Interventions, Denying Motion To Reject, Directing Summary Disposition, and Establishing Hearing and Price Squeeze Procedures

May 31, 1983.

On March 30, 1983, Ohio Edison Company (Edison) tendered for filing increased rates for firm power service to 21 municipal wholesale customers (Cities).¹ The proposed rates would increase revenues by approximately \$3,488,000 (6.22%) for the calendar year 1983 test period. Edison requests an effective date of June 1, 1983, for the proposed rates.

Notice of Edison's filing was published in the Federal Register,² with comments due on or before April 27, 1983. A timely protest and motion to intervene was filed by the Cities on April 21, 1983. The Cities request (1) rejection in whole or in part of Edison's submittal or, in the alternative, a five month suspension of the proposed rates.

¹ See Attachment for customers and rate schedule designations.

² 48 FR 15687.

³ See *Municipal Light Boards of Reading and Wakefield, Massachusetts v. FPC*, 450 F. 2d 1341 (D.C. Cir. 1971).

(2) initiation of a hearing, and (3) establishment of a phased price squeeze proceeding. In support of their request for rejection, the Cities state that Edison's submittal lacks sufficient explanation and workpapers to support adjustments relating to the proposed South Georgia method³ of correcting an alleged deficiency in accumulated deferred income taxes, nuclear fuel disposal costs, and Edison's continued use of a two-step energy charge. The Cities also specifically request rejection of a tax adjustment clause which Edison has continued to include in its filed rates. In support of their alternative request for a five month suspension, the Cities raise numerous cost of service issues.⁴ In addition, the Cities allege price squeeze. On May 6, 1983, Edison filed an answer opposing the Cities' request for rejection of its submittal in whole or in part or, in the alternative, maximum suspension of the proposed rate increase.

Discussion

Pursuant to Rule 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.214), the unopposed motion to intervene serves to make the Cities parties to this proceeding.

As noted, the Cities request rejection of the instant submittal because of a purported lack of workpapers and sufficient explanation to support certain elements of the filing. In addition, the Cities challenge Edison's two-step energy rate, arguing that it unduly penalizes customers with low load factors. The Commission finds that Edison's submittal substantially complies with our filing regulations.⁵

Further, matters involving the design of Edison's energy charge will be more appropriately resolved on the basis of an evidentiary record. Accordingly, the Cities' motion to reject Edison's filing will be denied.

We also note that the Cities have requested summary rejection of Edison's tax adjustment clause,⁶ contending that the tax clause (1) does not appear to encompass changes in the income tax rates; (2) is not triggered by decreases in taxes; and (3) provides for a surcharge to correct a purported undercollection of gross receipts taxes for a period of time which is outside the Period II test year. We believe that these challenges present questions of law or fact more appropriately resolved following a hearing. We note, however, that consistent with established Commission practice, implementation of the tax adjustment clause by Edison will require a timely rate change filing under 18 CFR 35.13. See e.g., *Arkansas Power & Light Company*, Docket No. ER83-297-000, 23 FERC ¶61,004 (1983).

Contrary to Commission precedent, Edison has failed to synchronize the test year interest expense used in its income tax calculation with the interest portion of the requested rate of return. In *Gulf States Utilities Company*, Docket No. ER82-375-000, 20 FERC ¶61,039 (1982), we summarily directed the company to compute the long-term debt cost component of the interest expense tax deduction as the product of its allocated rate base and the weighted cost of long-term debt. Edison will be directed to synchronize the interest expense in its compliance cost of service and rates at the conclusion of this proceeding.

Our preliminary examination of Edison's filing and the pleadings indicates that the proposed rates have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful. Accordingly, we shall accept the rates for filing and suspend them as ordered below.

The Commission explained its suspension policy in *West Texas Utilities Company*, Docket No. ER82-23-000, 18 FERC ¶61,189 (1982). There we stated that, where preliminary examination indicates that proposed rates may be unjust and unreasonable but may not produce substantially excessive revenues, as defined in *West Texas*, we would ordinarily suspend the rates for one day. In the case at hand,

⁵ The proposed tax adjustment clause incorporates recent changes in rates which were implemented subject to refund by Edison's filing in Docket No. ER83-21-000.

our preliminary review suggests that the proposed rates may not yield substantially excessive revenues. As a result, we shall suspend the rates for one day from sixty days after filing, to become effective, subject to refund, on June 2, 1983.

With respect to the Cities' price squeeze concerns, we shall institute price squeeze procedures and phase those procedures in accordance with the Commission's policy and practice established in *Arkansas Power & Light Company*, Docket No. ER79-339-000, 8 FERC ¶61,131 (1979).

The Commission orders:

(A) The Cities' motions to reject Edison's entire filing or, in the alternative, Edison's tax adjustment clause are hereby denied.

(B) Edison's calculation of the interest expense deduction for income tax purposes is rejected. In its compliance cost of service and rates at the conclusion of this proceeding, Edison shall compute the long-term debt cost component of the interest expense tax deduction as the product of Edison's allocated rate base and the weighted cost of long-term debt.

(C) Edison's proposed rates are hereby accepted for filing and suspended for one day, to become effective on June 2, 1983, subject to refund.

(D) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by section 402(a) of the Department of Energy Organization Act and by the Federal Power Act, particularly sections 205 and 206 thereof, and pursuant to the Commission's Rules of Practice and Procedure and the regulations under the Federal Power Act (18 CFR Chapter I), a public hearing shall be held concerning the justness and reasonableness of Edison's rates.

(E) The Commission staff shall serve top sheets in this proceeding within ten (10) days of the date of this order.

(F) A presiding administrative law judge, to be designated by the Chief Administrative Law Judge, shall convene a conference in this proceeding to be held within approximately fifteen (15) days after service of top sheets in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. The presiding judge is authorized to establish procedural dates and to rule on all motions (except motions to dismiss) as provided in the Commission's Rules of Practice and Procedure.

³ See, e.g., *National Gas Pipeline of America*, 13 FERC ¶61,266 (December 23, 1960).

⁴ The Cities challenge Edison's: (1) Accrual of AFUDC on pollution control CWIP included in rate base; (2) use of an excessive AFUDC rate; (3) inclusion in plant-in-service of Edison's West Lorain generating unit which was taken out of service in January, 1983; (4) failure to adopt a negative or zero allowance for cash working capital; (5) failure to reduce rate base for (a) deferred Quarto coal costs, (b) amounts collected for spent nuclear fuel, (c) accumulated deferred income taxes, and (d) accumulated deferred income tax credits; (6) treatment of proceeds of "Safe Harbor" sales of tax benefits; (7) failure to adjust capital structure to reflect gains on reacquired debt; (8) claimed amount of O&M expenses, A&G expenses, nuclear fuel disposal costs, depreciation expense, and amortization of abandoned plant costs; (9) calculation of income tax expense; (10) stated level of short-term sales revenues; (11) failure to synchronize interest expense; and (12) use of an allegedly excessive rate of return on common equity and projected cost of long-term debt.

⁵ See *Municipal Light Boards of Reading and Wakefield, Massachusetts v. FPC*, 450 F.2d 1341 (D.C. Cir. 1971).

(G) The Commission hereby orders initiation of price squeeze procedures and further orders that this proceeding be phased so that the price squeeze procedures begin after issuance of a Commission opinion establishing the rate which, but for consideration of price squeeze, would be just and reasonable. The presiding judge may modify this schedule for good cause shown. The price squeeze portion of this case shall be governed by the procedures set forth in § 2.17 of the Commission's regulations as they may be modified prior to the initiation of the price squeeze phase of this proceeding.

(H) The Secretary shall promptly publish this order in the Federal Register.

By the Commission.

Kenneth F. Plumb,
Secretary.

Ohio Edison Company, Docket No. ER83-425-000, Rate Schedule Designations

| Designation | Other party |
|--|-------------------|
| (1) 5th Revised Sheet Nos. 18-21 to FPC Electric Tariff, Original Volume No. 1 (Supersedes 4th Revised Sheet Nos. 18-21 and Original Sheet Nos. 22-24). | Tariff customers. |
| (2) Supplement No. 8 to Rate Schedule FPC No. 140 (Supersedes Supplement Nos. 6 and 7). | City of Oberlin. |
| Tariff Customers: Cities of Amherst, Beach City, Brewster, Columbiana, Cuyahoga Falls, Gallon, Grafton, Hubbard, Hudson, Lodi, Lucas, Milan, Monroeville, Newton Falls, Niles, Prospect, Seville, South Vienna, Wadsworth, Wellington. | |

[FR Doc. 83-15138 Filed 6-6-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP70-224-004 and Docket No. CP77-326-004

Sea Robin Pipeline Co. and Columbia Gulf Transmission Co.; Petition To Amend

June 1, 1983.

Take notice that on May 5, 1983, Sea Robin Pipeline Company, P.O. Box 1478, Houston, Texas 77001, and Columbia Gulf Transmission Company, P.O. Box 638 Houston, Texas 77001, filed in Docket Nos. CP70-224-004 and CP77-236-004, a joint petition and amend the orders issued January 22, 1980, and August 5, 1977,¹ as amended, in Docket Nos. CP70-224 and CP77-326 respectively, pursuant to Section 7(c) of the Natural Gas Act so as to authorize a reduction in the daily contract demand level of gas to be transported by Petitioners, all as more fully set forth in the petition to amend which is on file

¹ This proceeding was commenced before the FPC. By joint regulation of October 1, 1977 (10 CFR 1000.1.), it was transferred to the Commission.

with the Commission and open to public inspection.

It is asserted that Sea Robin would reduce the contract demand it provides for Columbia Gulf in Docket No. CP70-224 under Rate Schedule X-3 from up to 85,000 Mcf per day to 30,000 Mcf per day and that Columbia Gulf would reduce the contract demand it provides for Sea Robin in Docket No. CP77-326 under Rate Schedule X-35 from up to 100,000 Mcf per day to 45,000 Mcf per day effective October 15, 1982, and 15,000 Mcf per day effective January 1, 1983.

The proposed reductions are pursuant to the October 15, 1982, amendment of Sea Robin's October 19, 1979, and Columbia Gulf's March 15, 1977, transportation agreements, it is asserted.

Such reduction is necessitated, it is stated, because of a reduction in deliverability of gas available in the offshore Louisiana area.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before June 22, 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. 83-15136 Filed 6-6-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA83-2-1-001]

Alabama-Tennessee Natural Gas Co.; Notice of Revised PGA Rate Adjustment

June 2, 1983.

Take notice that on May 20, 1983, Alabama-Tennessee Natural Gas Company (Alabama-Tennessee), Post Office Box 918, Florence, Alabama, 35631, tendered for filing Substitute Fortieth Revised Sheet No. 3-A as part of its FPC Gas Tariff, Third Revised Volume No. 1. This tariff sheet is proposed to become effective May 1, 1983, and Alabama-Tennessee requests

that there be granted any necessary waivers of the Commission's Regulations to accomplish this proposed effective date.

Alabama-Tennessee states that the purpose of the revised tariff sheet is to adjust Alabama-Tennessee's SG-1 rate as a result of the correction made to the Base Tariff Rate in Alabama-Tennessee's filing on May 19, 1983, in Docket No. RP83-65-000.

Substitute Fortieth Revised Sheet No. 3-A provides for the following rates:

| Rate schedule | Rates after current adjustment |
|-----------------------|--------------------------------|
| G-1: | |
| Demand | \$6.05 |
| Commodity | 371.92 |
| SG-1: Commodity | 416.12 |
| I-1: Commodity | 391.79 |

Alabama-Tennessee states that copies of the tariff filing have been mailed to all of its jurisdictional customers and affected State Regulatory Commissions.

Any person desiring to be heard or to protest such filing 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 Rule 211 or 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests should be filed on or before June 10, 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 petition to intervene; provided, however, that any person who has previously filed a petition to intervene in this proceeding is not required to file a further pleading. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 83-15176 Filed 6-6-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP83-67-000]

Algonquin Gas Transmission Co.; Rate Schedule SNG-1 Revision for Increased Operating Flexibility

June 2, 1983.

Take notice that Algonquin Gas Transmission Company ("Algonquin Gas") on May 17, 1983, tendered for

filing the following fifteen (15) revised tariff sheets to its FERC Gas Tariff, First Revised Volume No. 1:

Nineteenth Revised Sheet No. 10-A
Fourth Revised Sheet No. 19
Second Revised Sheet No. 19-A
Sixth Revised Sheet No. 20
Sixth Revised Sheet No. 20-A
Eighth Revised Sheet No. 20-B
Sixth Revised Sheet No. 20-C
First Revised Sheet No. 20-C.1
Fourth Revised Sheet No. 20-D
Third Revised Sheet No. 20-E
Third Revised Sheet No. 20-F
Fourth Revised Sheet No. 20-G
Third Revised Sheet No. 20-H
First Revised Sheet No. 20-H.1
Third Revised Sheet No. 20-H.2

Algonquin Gas states that such revised tariff sheets reflect revisions to Rate Schedule SNG-1, made at the request of its customers purchasing gas under that Rate Schedule, to increase the presently effective operating flexibility. This expanding operating flexibility reflects a continuation of the evolution of such operating adjustments to meet, more closely, the needs of its customers under changing operating and supply conditions.

Algonquin Gas further states that a copy of this filing is being mailed to each affected party and interest state 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 protest should be filed on or before June 13, 1983. Protest will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any persons 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. 83-15177 Filed 6-6-83; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. RP83-88-000]

Algonquin Gas Transmission Co.; Filing of Rate Schedule I-2

June 2, 1983.

Take notice that Algonquin Gas Transmission Company ("Algonquin Gas") on May 17, 1983, tendered for filing the following tariff sheets to its

FERC Gas Tariff, First Revised Volume No. 1:

Rate Schedule I-2

—Original Sheet No. 22-A
—Original Sheet No. 22-B
—Original Sheet No. 22-C

General Terms and Conditions

—Second Revised Sheet No. 122
—First Revised Sheet No. 138

Algonquin Gas states that the five tariff sheets provide for the establishing of Rate Schedule I-2 for the sale of surplus gas. Algonquin Gas further states that Texas Eastern Transmission Corporation ("Texas Eastern") has an existing Rate Schedule I-D for the sale of surplus gas. In the event that Texas Eastern makes gas available under its Rate Schedule I-D, Algonquin Gas states that its customers are interested in purchasing such gas, and Rate Schedule I-2 provides the basis for such purchase.

Algonquin Gas states that the tariff sheets are proposed to be effective as of June 17, 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 DC 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 June 13, 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 at this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 83-15178 Filed 6-6-83; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. EF80-2011-011 (Remand)]

Department of Energy, Bonneville Power Administration; Order Confirming and Approving System Rates on a Final Basis

Issued: June 1, 1983.

Before the Commission for confirmation and approval, or disapproval, are the Bonneville Power Administration's (BPA or Bonneville) 1980 system wholesale power rates. Our review of these rates arises under legislation in effect prior to enactment of the Pacific Northwest Electric Power

Planning and Conservation Act, 16 U.S.C. 839e (1980).

On December 3, 1979, the Assistant Secretary for Resource Applications (AS/RA) of the United States Department of Energy submitted to the Commission for consideration BPA's wholesale power rate schedules, the general rate schedule provisions setting forth the terms and conditions of service under the rate schedules, and special contract rates and rate schedule provisions.¹ On November 21, 1980, the Commission remanded Bonneville's rates and rate schedules without prejudice.² In its Remand Order, the Commission found that the record, as submitted, did not provide the requisite support to permit the Commission to confirm that the standards set forth in the Bonneville Project Act of 1937³ and the Flood Control Act of 1944⁴ had been met. The Commission therefore could not determine, based on the data and information submitted, whether Bonneville's rate schedules had been drawn:

1. Having regard to the recovery of the cost of generation and transmission of such electric energy;
2. So as to encourage the most widespread use of Bonneville power;
3. To provide the lowest possible rates to consumers consistent with sound business principles; and
4. In a manner which protects the interests of the United States in amortizing its investments in the projects within a reasonable period.⁵

Since the record failed to provide the requisite support, the Commission remanded the record without prejudice in order to provide the Bonneville Administrator and the AS/RA with an additional opportunity to demonstrate that the statutory criteria had been satisfied. The Commission's Remand Order specifically delineated those areas where the record had been found to be deficient.

On July 10, 1981, the Bonneville Administrator, acting by and through the Assistant Secretary for Conservation and Renewable Energy (AS/CE) filed a response to the Commission's Remand Order. Upon review however, the Commission found that Bonneville's response on remand contained

¹ The rates were placed in effect on an interim basis on December 30, 1979 by order of the AS/RA pursuant to authority delegated by the Secretary of Energy under Delegation Order No. 6204-33.

² U.S. Secretary of Energy, *Bonneville Power Administration, "Order Remanding Rates Without Prejudice,"* Docket No. EF80-2011-000, 12 FERC ¶61,155 (Remand Order).

³ 16 U.S.C. 832.

⁴ 16 U.S.C. 825a.

⁵ 16 U.S.C. 832, 825a.

insufficient technical information or data responsive to the Commission's specific inquiries into the rationale used by Bonneville for designing its various classes. The Commission was particularly concerned with the lack of explanation for the differing cost-revenue relationships developed by Bonneville for the H-6, F-7, and IF-2 rate schedules. The Commission also noted that Bonneville had failed to provide the rationale for the elimination of its former practice of providing discounts to wholesale firm customers based upon delivery voltage.

Rather than reject Bonneville's rates, the Commission, in a September 1, 1982 order,⁶ directed that an informal conference be held in order to provide Bonneville with a final opportunity to demonstrate that a rational basis existed for its proposed rate schedules. In that order the Commission also disposed of other issues raised by the parties.

On October 19-20, 1982, members of the Commission's staff met with representatives of Bonneville and the parties in Seattle, Washington. At the conference Bonneville provided the Commission staff and attending parties with a seventeen page memorandum purporting to respond to the Commission's order. Additionally, Bonneville was given an unlimited opportunity to address the various issues of concern at the conference, with the attending parties being provided an opportunity to respond. BPA was also called upon to respond to specific questions by the Commission staff.

The following is a summary of Bonneville's response at the conference as well as our findings based upon Bonneville's response.

H-6 Rate Schedule

Bonneville's H-6 rate schedule incorporates a share-the-savings rate for the sale of non-firm energy. The rate schedule also provides for a fixed floor rate which is triggered whenever BPA is in an imminent spill condition.⁷ The H-6

rate provision for thermal displacement is priced at 50 percent of the buyer's incremental costs if the buyer purchases the power for use on his system or at 33 percent of the ultimate purchasers' displaced costs if the power is purchased for resale by any Pacific Northwest utility. Revenues under this schedule were estimated to yield \$89.2 million in excess of costs allocated by Bonneville for providing this service.

In our September 1, 1982 order, Bonneville was directed to provide:

The rationale for the development of the H-6 Rate Schedule for Wholesale non-firm energy which was expected to yield an estimated \$89.2 million annually in excess of BPA's costs for providing this service; also, how this rate schedule, which applies to one-way sales to other public utilities, comports with the statutory standard of providing the lowest possible rates to consumers consistent with sound business principles.

In responding to this inquiry, Bonneville set forth a number of justifications for using a share-the-savings approach for H-6 non-firm sales. BPA first states that it had two objectives when it fashioned the H-6 rate schedule: (1) to allow BPA the flexibility to react to market and water conditions to permit maximum displacement of thermal resources both inside and outside the Pacific Northwest (PNW); and (2) to create an equitable sharing of benefits from nonfirm energy sales between utilities in the northwest and southwest while complying with Pub. L. 88-552.⁸ BPA states that:

A share-the-savings approach appeared to promote both objectives. The H-6 rate provided operators of Northwest thermal plants with sufficient economic incentives to purchase nonfirm energy from BPA while continuing to operate their low-cost thermal plants and use the output from these resources to displace relatively higher-cost Southwest oil-fired thermal.

The response further noted that Bonneville had followed the standard practice of allocating all of its costs to firm power users in its Cost of Service Analysis and that no costs other than inertie costs were allocated to non-firm energy sales. Bonneville thus concluded that the \$89.2 million was not in excess of BPA's costs of providing service because no attempt had been made to allocate costs to this service.

BPA also states that it was encouraged by the General Accounting Office to adopt a share-the-savings concept for pricing its non-firm energy and that this constitutes justification for the H-6 rate. Additionally, BPA argues that the split-savings type methodology

employed by BPA in the H-6 rate schedule has been accepted by the Commission for other power marketing authorities besides Bonneville as well as for investor-owned utilities. Finally, BPA argues that the theory of "joint product pricing" (here, firm and non-firm energy) supports the use of a share-the-savings rate.

In addition to the above explanation, BPA provided data showing the results of its actual sales and revenues under the H-6 rate schedules. BPA's data show that the northwest customers received non-firm energy at an average rate of 7.2 mills/kWh during the locked-in period while, during the same period, the southwest customers received non-firm energy at an average rate of 7.1 mills/kWh. BPA also provided data showing that individual sales were made in the southwest at rates in excess of those for firm service with at least one sale reported at a level of 20 mills/kWh. This information also showed, however, that on the average, no individual customer paid more for non-firm service than the rate charged by Bonneville for firm service.

Upon review of its submittal, we find that Bonneville's response does not explain why one-way sales of a lesser quality product, non-firm energy, should be higher priced than higher quality firm power service sold within the region. The practice of using the income from sales outside the region to offset revenue requirements for sales within the region would appear to require BPA to underprice services within the region, thus providing a price preference between regional and non-regional sales which has no basis in the applicable statutes.

BPA states that the H-6 rate design allows BPA the flexibility to react to market and water conditions to permit non-firm displacement of thermal resources both inside and outside the PNW. This objective was stated by BPA in its original submittal as a justification for its H-6 rate design. BPA, however, has not explained why a variable rate is required in order to achieve this objective. On the contrary, it appears that a fixed rate would better achieve this objective since the fixed non-firm energy rate would still be less than the customer's displaced higher cost thermal generation and would therefore serve the policy objective of encouraging displacement of thermal generation. Indeed, the fixed rate on many occasions may be even less than the variable rate.

BPA noted at the conference that its customers many times withhold their request for non-firm energy until BPA is

⁶ U.S. Secretary of Energy, *Bonneville Power Administration*, Docket No. EP80-2011-001, "Order Scheduling Informal Conference, Denying Motion, Granting Interventions, And Establishing Procedures," 20 FERC ¶ 61,291 (September 1, 1982).

⁷ The majority of Bonneville's non-firm energy sales under this contract occur in spring and early summer when the Federal Columbia River Power System Reservoirs are filling and the potential loss of energy sales through spilling water is possible. Because system water supply is greater than that required for generation to meet its demands during these periods, the rate at which Bonneville sells non-firm energy is reduced to the floor rate in an effort to sell its excess hydro power that would otherwise be lost through spilling.

⁸ Pacific Northwest Consumer Power Preference act, 16 U.S.C. 837.

in a spill condition so as to qualify for the floor rate for non-firm sales. The customers would not be able to do this, however, were all non-firm sales to be priced at a fixed rate. Although this contention is proffered in support of the share-the-savings rate, it is arguable that BPA's non-firm customers would purchase power on a more consistent basis under a fixed, cost-based rate since there would be no tangible benefit to the customers to withhold requests and create a spill condition. BPA's argument that its H-6 rate schedule permits maximum displacement of thermal resources is thus an unsupported proposition which would not specifically justify the need for a non-cost-based variable rate.

BPA also has not shown that a variable rate is needed to provide an equitable sharing of benefits between utilities in the northwest and the southwest. As noted earlier, non-firm power sold directly by BPA to the southwest customers is priced at 50% of the southwest customer's decremental costs while non-firm power sold by BPA to a northwest utility for resale to southwest customers is priced at 33% of the southwest customer's decremental costs. BPA states that the H-6 rate provides operators of northwest thermal plants with an economic incentive to purchase non-firm energy from BPA while continuing to operate low-cost thermal plants and use the output from these resources to displace higher cost southwest oil-fired thermal power. BPA does not state why it cannot make these types of sales directly to the PSW customers without providing a pricing stimulant of a lower rate to the northwest customers who then act as middlemen for southwest sales. BPA also does not state why a fixed, cost-based rate which is less than the purchaser's avoided cost would not similarly provide a sufficient economic incentive for the PSW customers to displace their higher cost thermal resources and at the same time eliminate the H-6 rate revenue subsidy to the PNW customers.

Underlying BPA's "equitable sharing" argument appears to be the assumption that for BPA to price its non-firm energy on a cost basis would require it to charge no more than the energy costs associated with its hydro sales. These costs were approximately 6.57 mills/kWh during the locked-in period. To charge this rate, BPA argues, would result in an unacceptable shift in system cost responsibilities to the northwest customers who are already in a very difficult economic condition. Therefore, a share-the-savings approach must be

used to reflect an equitable sharing of the benefits of the inexpensive hydro. This argument assumes that the only allowable costs upon which the H-6 rate can be based are BPA's variable hydro costs and some intangible costs.

To the contrary, Bonneville's underlying assumption that only system hydro costs are incurred to serve non-firm customers appears to have no reasonable basis. Bonneville's operational realities are such that it purchases energy at a higher cost than its own generation costs in order to serve its customers' needs, including the needs of its non-firm customers. Based upon its operational realities, we find that it may be a sound business practice for BPA to offer this energy at a price up to that of its most expensive operating or stored energy. Additionally, in calculating the cost of the non-firm energy it would be reasonable to include the allocated costs of any future power resources which are currently being incurred and are intended to benefit Bonneville's non-firm customers. These costs would include all allocated energy costs (be they fixed or variable), and portions of conservation costs, hydro capacity used almost solely for non-firm power production, etc. Had Bonneville in fact developed an average cost-based rate for non-firm power, including both stored thermal energy costs and hydro power costs, including some reasonably assigned capacity costs, it could have collected a fixed, average cost rate for the locked-in period which was higher than the average rate actually charged by BPA based upon its share-the-savings approach.

We find that a cost-based rate, developed along lines similar to those outlined above, would justify the average rate actually charged by BPA for non-firm service in this case. Thus, despite the fact that Bonneville's H-6 rate schedule was not designed in a manner that would permit the Commission to "understand the logic of the allocation of cost and revenue requirements among the various rate schedules,"⁹ it would appear from the operating statistics for the period during which this schedule was in use that the H-6 rate has produced reasonable results inasmuch as Bonneville's average charge under the schedule was less than the rate charged for higher quality firm service.

The Commission believes that a fixed rate which is less than the purchasing utility's decremental costs would provide an equitable sharing of the benefits of non-firm sales between the northwest and southwest customers and

would permit the maximum displacement of more expensive thermal resources both inside and outside Pacific Northwest. In fact, a fixed rate for all non-firm energy would probably have encouraged greater use of the most efficient resources since there would no longer be any tangible benefit to the non-firm customers in delaying purchases until BPA is in a spill condition in order to obtain the lower floor rate under the H-6 rate schedule. Nevertheless, the share-the-savings concept did achieve similar results in this case. Accordingly, in light of the fact that BPA's H-6 rate has provided benefits to both the southwest customers and the northwest customers, and in light of the fact that the rate did not produce an average unit energy cost in excess of the higher quality firm service rates, the Commission finds that Bonneville's H-6 rate should be confirmed and approved.

F-7 Rate Schedule

The F-7 firm capacity rate schedule is for the sale of peaking capacity. This schedule separately identifies rates for seasonal and annual capacity and is based on an avoided cost concept. The F-7 rate schedule includes a provision for replacement by the capacity user of energy accompanying the previous delivery of capacity to the capacity user. The rate schedule also includes a penalty charge for capacity usage in excess of six hours per day. The purported reason for this charge is to encourage capacity purchasers to limit their use of the system during specific periods. In our September 1, 1982 order, Bonneville was asked to provide:

The rationale for use of a customer avoided cost concept in developing the F-7 Rate Schedule for Wholesale Firm Capacity which was expected to result in annual revenues which were \$2.9 million in excess of costs; how the avoided cost concept comports with statutory standards and how a penalty charge for extended capacity used longer than 6 hours will achieve the effect proffered as the basis for the rate design.

Responding to the Commission's inquiries into the use of an avoided cost approach to seasonal capacity service, Bonneville states that it made a series of adjustments to a cost-based rate which would have otherwise resulted in an inordinately low seasonal capacity rate had it not then revised this rate upward in the final adjustment by a method which used value-of-service principles. Bonneville further defends the F-7 rate by arguing that Bonneville is not required to use cost-of-service as the basis for its rates.

⁹ Remand Order, *supra*, 12 FERC ¶ 61,155, 61,339.

Regarding the use of a penalty charge for extended capacity use, Bonneville states that it "believed that a substantial financial disincentive would cause firm capacity customers to think twice before requesting sustained peaking service from BPA." Bonneville found that it was necessary to restrict use of its peaking services for extended periods of time under this schedule to avoid jeopardizing Bonneville's ability to meet its firm power requirements and to avoid the return at night of more energy provided with its capacity sales during the day than could be effectively utilized by the BPA system. As proof of these operating difficulties, Bonneville refers to various memoranda developed by its staff which address both of these problems and which indicate that sales under the previously approved rate schedules, which did not contain limits on use of the service offered, were responsible in part for BPA's operating difficulties. Bonneville also provided data which show that the sustained use of Bonneville's peaking capacity was limited in duration to the non-penalty use period provided in the F-7 Rate Schedule except for one instance where one customer inadvertently exceeded the limit and paid a penalty.

Bonneville's response on the use of value-based pricing in the formulation of the F-7 Seasonal Rate continues to be insufficient to persuade us that such a method is justified in this rate. Such methodology, in our opinion, violates the criterion that Bonneville's rates be drawn to provide the lowest possible rates to consumers consistent with sound business principles. The justifications provided by Bonneville which include a need to "better reflect the incremental cost relationships both between capacity and energy and between the seasons," and to send "price signals to its customers" are unsubstantiated. Value-based pricing, as the term has been used by Bonneville, has little rational basis in that it was selected for application only when the value to the purchaser (or in the case of a share-the-savings rate, half the value to the purchaser) resulted in a price which fit the seller's preconceived notion of what should be changed. Bonneville, which has obviously been in a substantially surplus capacity situation for several years, has failed to demonstrate that any net benefit could potentially result to the system from the adjustment made.

We find that other justifications presented by BPA, however, support the \$9.73 per kilowatt-seasonal charge. Bonneville has provided information that shows, for example, that simply

adding together its equalized demand costs and intertie expenses would produce a rate similar to the proposed rate. The information provided by Bonneville would further lead to the conclusion that a cost-based seasonal capacity rate, based strictly on Bonneville's cost of firm service, which excludes the \$89 million revenue credit from its non-firm H-6 sales, would be higher than BPA's actual charge.

Bonneville's determination of the need, conditions, and amount of its penalty clause was made without the benefit of rigorous studies to evaluate the assumptions underlying its use. Bonneville states that all relevant studies used in the preparation of its rate schedules are now on the record. No adequate studies, however, have been submitted which relate to the level of the penalty included in this schedule. No study, for example, has ever been supplied (or apparently performed) which would demonstrate that Bonneville's hydroelectric system would suffer any significant loss of system reliability should unencumbered F-7 capacity sales of expected timing and duration occur. Nor were adequate studies performed by Bonneville to quantify the annual cost of lost energy or peaking capacity in the summer season.

Reasonable judgement calls by Bonneville, however, may occasionally be necessary on issues such as the F-7 penalty clause to avoid studies of dubious benefit or of prohibitive length. The omission of detailed studies by BPA in this instance should not, therefore, directly lead us to reject Bonneville's proposed penalty charge. Particularly in cases where the matter proves to be inconsequential, we may nevertheless approve a specific rate provision. In this case, the issue has become inconsequential since this provision has been replaced in the subsequent Bonneville rate case (Docket No. EF81-2011-000) by another methodology and no significant amounts (only \$13,050) were collected under the penalty provision.

In light of our analysis, the Commission will confirm the F-7 rate schedule. We would admonish Bonneville, however, to base future F-7 rates on demonstrable or reasonably approximated costs, to avoid assumptions leading to the undercollection of costs, and to reflect any capacity surplus in rates and in other aspects of its operations.

IF-2 Rate Schedule

Bonneville's proposed IF-2 rate schedule, which is for sales of industrial firm power, includes an adjustment

which entitles the purchaser to a credit if the customer load is restricted by Bonneville during the operating year.¹⁰ Under the IF-2 rate, Bonneville can restrict one quarter of the Direct Service Industrial customers' (DSIs) total contract demand at any time, for any reason (first quartile restrictions). The second quarter of the customers' contract demands can also be curtailed to the extent necessary to minimize restrictions of firm power as a result of system stability problems, forced outages, or delays in operation of new generation (second quartile restrictions). Bonneville has the right to interrupt the IF-2 load for other reasons as well. The amount that Bonneville compensates a DSI when load is restricted is called the availability credit. We have asked Bonneville to explain:

The extent to which the IF-2 Rate Schedule for Industrial Firm Power, which provides an "availability credit" for interruptible service, was set at a level which reflects an appropriate sharing of benefits of these sales between the system firm and the system interruptible customer classes.

Under the IF-2 rate schedule, BPA would provide a credit to the DSIs based on the cost to the DSIs of replacing energy estimated to be restricted by Bonneville. The credit purportedly reflects the fact that the quality of service to industrial customers under this schedule is inferior to the service provided to Bonneville's non-DSI firm customers. BPA's ability to restrict first and second quartile capacity was expected to allow the DSI load to provide capacity reserves for Bonneville's system. The problem arises due to the fact that the reserves were projected to be called upon infrequently since they would be required only when loads are near or above the annual peak and/or some failure occurs on BPA's system. During the locked-in period the actual availability of IF-2 power was approximately 91 percent. Additionally, *the DSI loads were never curtailed beyond the first quartile.* Moreover, the Federal Columbia River Project System has been operating in a substantial capacity surplus condition for some time. Nonetheless, BPA places a value on the annual replacement cost of the DSI's capacity restrictions of \$5 million. The total annual replacement cost of energy restrictions was projected to be \$27.3 million. Hence, BPA estimated that the total availability credits would be \$32.3 million per year.

To justify its rate design, BPA states that the availability credit was designed

¹⁰ Under this rate schedule, the customer's load is defined as its demand on Bonneville's system.

to equal BPA's total cost of replacing the power associated with DSI restrictions. The revenue deficiency caused by the availability credit was spread among all firm power classes. Of the projected \$32 million deficiency resulting from the credits, BPA states that \$12 million was allocated to the DSIs, because the lower three quartiles of their load was firm, and the other firm power classes were allocated the remaining \$20 million. BPA states that the above treatment reflects an appropriate sharing of the benefits of interruptible sales and therefore satisfies the statutory requirements.

Our central concern involves the quantification of the value of the reserve provided by the interruptible loads. Bonneville has failed to provide the Commission with any studies that would establish a reasonable value for the reserve credit, and apparently no studies are available. In light of the capacity surplus situation existing on the BPA system and the infrequency of interruptions to the DSI customers, we have serious doubt as to whether the credit level can be justified. However, it appears from our overall review of the firm rates, that BPA may be undercollecting its cost of service from its other firm customers. In light of this factor, we believe there is no remedy in this docket to correct the noted rate schedule deficiencies since there is no group of customers which would qualify for a refund for the payment of excessive rates as a result of the IF-2 schedule.

In conclusion, the Commission finds that BPA has not supported its availability credit level in the IF-2 rate schedule. In light of the fact that there is no remedy available at this point to correct the deficiency given our limited statutory authority, we shall accept the IF-2 rate schedule with the admonishment that any future availability credit formulation should be improved to establish a supportable credit, accompanied by sufficient technical data that would support Bonneville's quantification of the credit.

Transformation Charge

BPA was asked to provide the rationale for elimination of its former practice of providing discounts to wholesale firm customers based on voltage of service in light of the fact that some of BPA's customers had allegedly relied upon this practice and had purchased their own transformation facilities. BPA's 1974 wholesale power rates had included a transformation charge in the EC-6, EC-7, and F-6 rates. This charge was added to the basic monthly demand charge for firm power. Customers with their own

transformation facilities were excluded from these charges, and in essence received a "credit" or discount from their rates. In fiscal year 1978, BPA states that it recovered \$22 million from the charge. The transformation charge was eliminated from the rates in this docket and succeeding cases after being in effect for a five-year period, 1974-1979. During this period approximately 55 substations were constructed or purchased by Bonneville's customers. Bonneville states that, of those 55 substations, 14 can be identified as having possibly been built or purchased in reliance upon BPA's transformation charge. BPA has responded to the Commission's concerns by citing to a program which it has initiated and is maintaining to mitigate any net adverse impact that can be substantiated for individual customers. BPA informed our staff at the conference that, under this program, the Administrator has already decided to purchase West Burley Substation and to purchase the customer's transformer installed at Boardman Substation. The cost to BPA for these two facilities will be \$1 million. BPA states that other negotiations are taking place. If the expenses for all 14 substations were "mitigated," the expected cost to BPA would be \$7 million.

In our September 1, 1982 order, we did not question BPA's justification for discontinuing the practice of providing discounts based upon voltage of service. Rather, we sought to ascertain whether those customers who had relied upon BPA's past practice and had purchased or constructed their own transformation facilities were equitably treated. Thus, reinstatement of the charge has neither been sought nor desired by the Commission as a means of answering its concerns on this issue.

It appears that BPA has undertaken action under a program that would respond satisfactorily to our concerns for equitable treatment. There are, however, a number of difficulties in implementing this program. Substations are acquired by customers for numerous reasons. As a result, problems could potentially arise where there is disagreement between BPA and a customer as to whether the customer had in fact incurred financial harm by relying upon BPA's past practice of providing a transformation discount, or instead had acquired the facilities for some other reason.

At the present time, the Commission is unaware of any disputes that have arisen with respect to application of the "net adverse impact" or "financial harm" standards being used by BPA in

order to ensure equitable treatment for customers who relied upon BPA's past practice in purchasing or constructing their own substations. Accordingly, the Commission believes that BPA's attempt to mitigate any financial harm caused by elimination of the transformation charge provides a satisfactory response to the Commission's concerns and would support a finding that the various rate schedules have been designed, with respect to the transformation charge, in a manner consistent with the applicable statutory standards.

Conclusion

In conclusion, we find that Bonneville's response to our September 1, 1982, order has been less than completed and we further note that the Commission's difficulties in obtaining information from Bonneville has been a major cause of delay in this proceeding. Bonneville has failed to demonstrate that implementation of a value-of-service approach for H-6 sales is needed or even desirable. Bonneville has also provided the Commission with less than a complete response with regard to the F-7 and IF-2 rate schedules. Despite the fact that the Commission remanded these rates to Bonneville on one occasion and ordered an informal conference to resolve these matters on another, Bonneville has failed to adequately respond to this situation within the context of this docket.

For the reasons set forth in the body of this order, however, we find that the results produced by Bonneville's rates would not require a refund since no customer was subject to a net overcharge. In light of these circumstances, and the Commission's limited remedial authority, we shall confirm and approve Bonneville's 1980 wholesale power rates on a final basis.

We would observe that this is the last case to be reviewed by the Commission under the statutory framework in existence prior to passage of the Pacific Northwest Electric Power Planning and Conservation Act (Regional Act), 16 U.S.C. 839e (December 5, 1980). Subsequent review by the Commission will determine whether problems such as those arising under the H-6 rate will be more fully and quickly addressed by Bonneville within the scope of the new Regional Act.

The Commission orders:

(A) Bonneville's wholesale power rate schedules, General Rate Schedule Provisions, special contract rates and rate schedule provisions are hereby confirmed and approved on a final basis, effective December 20, 1979.

(B) The Secretary shall promptly publish this order in the Federal Register.

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-15179 Filed 6-6-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP83-32-001]

Eastern Shore Natural Gas Co.; Notice of Tariff Filing

June 2, 1983.

Take notice that on May 16, 1983, Eastern Shore Natural Gas Company (Eastern Shore) tendered for filing the following revised tariff sheets for inclusion in its FERC Gas Tariff:

Revised Twenty-Third Revised Sheet No. 5

Revised Twenty-Third Revised Sheet No. 6

Revised Twenty-Third Revised Sheet No. 10

Revised Twenty-Third Revised Sheet No. 11

Revised Twenty-Third Revised Sheet No. 12

The proposed effective date for the above referenced tariff sheets is June 16, 1983.

On December 16, 1982, Eastern Shore filed for a general rate increase under Section 4(e) of the Natural Gas Act. The Commission on January 14, 1983 accepted for filing and suspended the proposed tariff sheets until June 16, 1983.

Eastern Shore states that the purpose of the revised tariff sheets is to reflect various purchased gas adjustments which have occurred subsequent to the Company's filing of new base tariff rates on December 16, 1982.

Copies of this filing have been mailed to each of Eastern Shore's jurisdictional customers and interested State Commissions.

Any person desiring to be heard or protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E. Washington, D.C., 20426, in accordance with Sections 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such petitions or protests should be filed on or before June 10, 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 party must file a petition to intervene. Copies of this filing are on file with the

Commission and available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-15180 Filed 6-6-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP83-305-000]

El Paso Natural Gas Co.; Notice of Application

June 2, 1983.

Take notice that on May 3, 1983, El Paso Natural Gas Company (Applicant), P.O. Box 1492, El Paso, Texas 79978, filed in Docket No. CP83-305-000 an application pursuant to Section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain pipeline replacement facilities and for permission and approval to abandon a segment of its Permian—San Juan Crossover line and loopline located in McKinley County, New Mexico, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that during the routine evaluation of its pipeline facilities it discovered that the class location of a segment of its Permian—San Juan Crossover line and loopline extending from approximately milepost 366.46 to milepost 367.92 in McKinley County, New Mexico, had changed from Class 2 to Class 3. This change, it is asserted, was precipitated by the introduction of a mobile home park in proximity to said pipelines in McKinley County. Pursuant to the minimum federal safety standard provisions embodied in *Transportation of Natural Gas and Other Gas by Pipeline: Minimum Federal Safety Standards* (49 CFR 192), whenever an increase in population density indicates a change in class location, the operator must conduct a study to determine, among other things, whether or not the hoop stress corresponding to the established maximum allowable operating pressure (MAOP) of the affected segment of the pipeline is commensurate with the new class location. Based upon the results of this study, the operator has 18 months from the change in class location to confirm that the segment may be safely operated at the existing MAOP or reduce the MAOP accordingly.

Applicant further states that since the Permian—San Juan Crossover line and loopline consists of approximately 400 miles of integrated pipeline, Applicant does not believe that it is operationally desirable to alter the throughout

capacity of the affected pipeline segments by reducing the existing MAOP.

Therefore, Applicant proposes to remove and salvage the existing segment consisting of two 30-inch O.D. X 0.335-inch w.t., Grade X-52 pipelines and replace such pipelines with a single 36-inch O.D. X 0.469-inch., Grade X-65 pipeline. The application states that under the existing operating parameters the replacement of that dual 30-inch O.D. pipelines with a single 36-inch O.D. pipeline results in equivalent throughout volume even though the pressure drops over the new segment is slightly higher than for the lines proposed to be abandoned by replacement. Additionally, no disruption in service to Applicant's existing customers would occur as a result of the proposed abandonment and replacement activities, it is stated.

The total cost of the proposed construction is estimated to be \$1,552,071 which cost would be financed by internally generated funds.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 23, 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.

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 in 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. 83-18181 Filed 6-6-83; 8:45 am)

BILLING CODE 6717-01-M

[Docket No. EL83-17-000, et al.]

Hydroelectric Applications (Paul F. Watkins, et al.); Applications Filed With the Commission

Take notice that the following hydroelectric applications have been filed with the Federal Energy Regulatory Commission and are available for public inspection:

1a. Type of Application: Declaration of Intent.

b. Project No: EL83-17-000.

c. Date Filed: April 12, 1983.

d. Applicant: Paul F. Watkins.

e. Name of Project: Watkins.

f. Location: Gooding County, Idaho; Billingsley Creed.

g. Filed Pursuant to: Section 23(b) of the Federal Power Act, 16 U.S.C. 817(b).

h. Contact Person: Paul Watkins, Route 1, Box 412, Hagerman, Idaho 83332.

i. Comment Date: August 1, 1983.

j. Description of Project: The proposed project has two small developments—the first consisting of a water wheel placed in Billingsley Creek at an elevation of 2805 feet connected to a 10kW generator on the creek bank, and the second consisting of an intake, an 8-inch-diameter, 70-foot-long pipe and a 10-kW generator.

A Declaration of Intention requests that the Commission commence an investigation to determine if it has jurisdiction over the project.

k. Purpose of Project: The power generated by the project would be used by the Applicant.

l. This notice also consists of the following standard paragraphs: B, C.

2a. Type of Application: Amendment of License.

b. Project No: 2088-009.

c. Date Filed: February 15, 1983.

d. Applicant: Oroville-Wyandotte

Irrigation District.

e. Name of project: South Fork Power Project.

f. Location: On the South Fork Feather River, near Forbestown, in Butte County, California.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. Contact Person: Mr. Haskel A. McInturf, President, Oroville-Wyandotte

Irrigation District, P.O. Box 229, Oroville, California 95965.

i. Comment Date: July 14, 1983.

j. Description of Project: Applicant proposes to add the Ponderosa No. 1 Development to the South Fork Power Project. The proposed development would utilize the existing Ponderosa Dam and would consist of: (1) a bifurcation in the Ponderosa Tunnel outlet portal with an 80-inch diameter branch leading to a second bifurcation; (2) a bifurcation in the 80-inch diameter branch with a 69-inch diameter branch leading to a 250-foot-long steel penstock and the second branch sealed for future development; (3) a powerhouse, located approximately 200 feet from the toe of the dam, containing a single turbine-generator unit with a rated capacity of 2.2 MW and an average annual generation of 6.65 GWh; (4) a switchyard; and (5) approximately 1,700 feet of 115-kV transmission line. Project power would be sold to a utility.

k. This notice also consists of the following standard paragraphs: A2, B, C, D1.

3a. Type of Application: License (under 5 MW).

b. Project No: 2838-001.

c. Date Filed: October 28, 1982.

d. Applicant: Town of Brookline, Vermont, et al.

e. Name of Project: Townshend Dam.

f. Location: On the West River, in Windham County, Vermont.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. Contact Person: Mr. Shawn M. Donovan, DuBois & King, Inc., P.O. Box 339, Randolph, Vermont 05060.

i. Comment Date: August 4, 1983.

j. Description of Project: The proposed project would utilize the Corps of Engineers Townshend Flood Control Dam and Recreation Pool and would consist of: (1) a trash rack and intake portal; (2) a penstock consisting of a 730-foot-long unlined rock tunnel with an internal diameter of 11 feet and with its last 50 feet lined with steel; (3) a gate shaft and control gate; (4) a powerhouse measuring 41 feet wide, 707 feet long and 40 feet high and containing one 200-kW and one 2.85-MW turbine/generator unit, each operating under an average head of 24.4 feet; (5) a gate hoist; (6) a tailrace; (7) a 46-kV transmission line 1.3 miles long; and (8) appurtenant facilities.

A total of 1,010 acres of U.S. land would be utilized by the project. This application for license was filed during the term of the Applicant's permit for Project No. 2838.

k. Purpose of Project: The average annual ageneration of 7,180,000 kWh would be sold to the West River Basin Energy Authority.

l. This notice also consists of the following standard paragraphs: A2, B, C and D1.

4a. Type of Application: Application for License (under 5MW).

b. Project No: 2872-001.

c. Date Filed: January 31, 1983.

d. Applicant: The Town of Springfield, Vermont.

e. Name of Project: North Springfield Project.

f. Location: At the U.S. Army Corps of Engineers' North Springfield Flood Control Project, on the Black River in Windsor County, Vermont.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. Contact Person: Michael J. Valuk, Town Manager, 96 Main Street, Springfield, Vermont 05156.

i. Comment Date: August 4, 1983.

j. Description of Project: The proposed project would utilize the existing U.S. Army Corps of Engineers' North Springfield Dam and would consist of: (1) a short 11-foot diameter penstock to be connected to the outlet works; (2) a powerhouse with a 1,000 kW unit; (3) a tailrace; (4) a 740-foot long transmission line; (5) provisions for the future installation of a second generating unit; and (6) other appurtenances. Applicant estimates an average annual generation of 3,507,000 kWh.

This application was filed during the term of Applicant's preliminary permit for Project No. 2872.

k. Purpose of Project: Project energy would be either delivered to the Town's proposed distribution system or other arrangements for sale of the power would be made by the Applicant.

l. This notice also consists of the following standard paragraphs: A2, B, C and D1.

5. Type of Application: Exemption (Under 5 MW).

b. Project No: 3547-002.

c. Date Filed: March 1, 1983.

d. Applicant: The City of Easton, Pennsylvania and the Commonwealth of Pennsylvania Department of Environmental Resources.

e. Name of Project: Chain Dam Project.

f. Location: On Lehigh River in Northampton County, Pennsylvania.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. Contact Person: Philip B. Mitman, Mayor, City Hall, 650 Ferry Street,

Easton, Pennsylvania 18042 and Nicholas DeBenedictis, Acting

Secretary, Commonwealth of Pennsylvania, Department of

Environmental Resources, P.O. Box 1467, Harrisburg, Pennsylvania 17120.

i. Comment Date: July 8, 1983.

j. Description of Project: The proposed project would consist of two developments as follows: (A) The Canal Development which would include: (1) the Lehigh Canal with entrance control gates and lock guards about 150 feet upstream from the south abutment of the Chain Dam; (2) 3 submersible turbine-generator units with a total installed capacity of 900 kW and a switchyard, to be installed in precast concrete chambers at the canal bank, about 2.4 miles downstream from the lock guards; (3) a 100-foot-long tailrace to return the water to the river; and (4) a ¼-mile-long transmission line.

(B) The North Abutment Development which would consist of: (5) the 700-foot-long and 20-foot-high concrete Chain Dam; (6) a reservoir with a storage capacity of 1,400 acre-feet; (7) a 175-foot-long by 50-foot-wide forebay at the north abutment of the dam; (8) a new powerhouse with 2 turbine-generator units with an installed capacity of 1,500 kW; (9) a switchyard; (10) a short tailrace; (11) a 1.2-mile-long transmission line; (12) fish passage facilities; and (13) other appurtenances. Applicants estimate a total average annual generation of 16,100,000 kWh.

k. Purpose of Project: Project energy would be used by the City of Easton for municipal purposes or sold to a local public utility.

l. This notice also consists of the following standard paragraphs: A1, B, C and D3a.

m. Purpose of Exemption: An exemption, if issued, gives the Exemptee priority of control, development, and operation of the project under the terms of the exemption from licensing, and protects the Exemptee from permit or license applicants that would seek to take or develop the project.

6a. Type of Application: License (under 5 MW).

b. Project No: 3633-003.

c. Date Filed: March 31, 1983.

d. Applicant: Alternative Energy Associates.

e. Name of Project: Brighton Dam Project.

f. Location: Patuxent River, near Ashton, in Montgomery and Howard Counties, Maryland.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. Contact Person: Mr. James A. Federline, Jr., Alternative Energy Associates, 20 West Diamond Avenue, Gaithersburg, Maryland 20760.

i. Comment Date: July 29, 1983.

j. Description of Project: The proposed project would consist of: (1) the existing Brighton Dam, owned by the Washington Suburban Sanitary Commission, 80 feet high and 995 feet

long including a 260-foot spillway; (2) the Tridelphia Reservoir having a surface area of 800 acres and a gross storage of 18,850 acre feet at an elevation of 365 feet m.s.l.; (3) an intake tower housing two 30-inch penstocks; (4) an existing powerhouse on the southern bank housing two pumps operating as turbines, rated at 240 kW each and operating under an average head of 54 feet; (5) an enlarged tailrace; (6) a new short transmission line rated at 15 kV; and (7) appurtenant facilities.

k. Purpose of Project: The average annual generation of 2,685,000 kWh would be sold to the Baltimore Gas and Electric Company.

l. This notice also consists of the following standard paragraphs: A2, B, C and D1.

7a. Type of Application: License (Under 5 MW).

b. Project No: 4586-001.

c. Date Filed: February 28, 1983.

d. Applicant: Dennis V. McGrew, Thomas M. McMaster, and Kenneth R. Koch.

e. Name of Project: Ruth Creek.

f. Location: On Ruth Creek, near Glacier, in Whatcom County, Washington, on U.S. lands in Mt. Baker National Forest.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. Contact Person: Thomas R. Childs, McGrew and Associates, c/o Western Power, Inc., P.O. Box 5663, Bellingham, Washington 98227.

i. Comment Date: July 28, 1983.

j. Description of Project: The proposed project would consist of: (1) an 8-foot-high, 50-foot-long concrete diversion structure at elevation 3,045 feet; (2) a 5,280-foot-long, 36-inch-diameter steel penstock; (3) a powerhouse containing one generating unit rated at 3.5 MW at elevation 2,145 feet; (4) a 50-foot-long tailrace; and (5) a 6.8-mile-long, 55-kV transmission line. The average annual energy generation is estimated to be 15 million kWh.

k. Purpose of Project: The energy generated by the project would be sold to Puget Sound Power and Light Company.

l. This notice also consists of the following standard paragraphs: A2, B, C, D1.

a. Type of Application: License (under 5 MW).

b. Project No: 4597-001.

c. Date Filed: April 11, 1983.

d. Applicant: Weber-Box Elder Conservation District.

e. Name of Project: Pine View Hydro Project.

f. Location: On the Ogden River in Weber County, Utah.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. Contact Person: Edward H. Southwick, General Manager, Weber-Box Elder Conservation District, 1483 Wall Avenue, Ogden, Utah 84404.

i. Comment Date: August 4, 1983.

j. Description of Project: The proposed project would utilize the Bureau of Reclamation's Pine View Dam and Reservoir, operated and maintained by the Ogden River Water Users' Association, and would consist of: (1) a 72-inch steel penstock utilizing the existing outlet works near the right dam abutment; (2) a new powerhouse containing two turbine-generator units rated at 900 kW each for a total rated capacity of 1,800 kW; (3) a tailrace having entrance facilities to an existing downstream pipeline and returning surplus flow to the Ogden River approximately 400 feet downstream of the dam; (4) a new transmission line connecting to a nearby 12.5-kV line; and (5) appurtenant facilities. The Applicant estimates that the average annual energy output would be 8,800,000 kWh. Project energy would be used by the Applicant to operate irrigation pumps, and excess energy would be sold to the Weber Basin Water Conservancy District and to a utility or municipality. This application for license was filed during the term of the Applicant's preliminary permit for Project No. 4597.

k. This notice also consists of the following standard paragraphs: A2, B, C and D1.

a. Type of Application: Preliminary Permit.

b. Project No: 6992-000.

c. Date Filed: January 10, 1983.

d. Applicant: The Town of Skykomish, Washington.

e. Name of project: Pressentin Creek Project.

f. Location: On Pressentin Creek, near Hamilton, within Snoqualmie—Mt. Baker National Forest, in Skagit County, Washington.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. Contact Person: The Mayor, Town of Skykomish, P.O. Box 308 Skykomish, Washington 98288.

i. Comment Date: July 11, 1983.

j. Competing Application: Project No. 6666 Date Filed: 9/1/82.

k. Description of Project: The proposed run-of-the-river project would consist of: (1) five 36-inch-wide concrete diversion structures on Pressentin Creek and its tributaries; (2) a 12,000-foot-long, 36-inch-diameter pipeline/penstock; (3) a powerhouse with a total installed capacity of 3.19 MW; and (4) a 6-mile-long, 115-kV transmission line. The

Applicant estimates that the average annual energy production of 13.98 GWh would be sold to local utilities.

A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a 30-month preliminary permit to conduct technical, environmental and economic studies, and also prepare an FERC license application at an estimated cost of \$100,000.

1. This notice also consists of the following standard paragraphs: A3, B, C, and D2.

a. Type of Application: Preliminary Permit.

b. Project No: 7051-000.

c. Date Filed: February 2, 1983, revised on April 5, 1983.

d. Applicant: Beaver Power Group II, Ltd.

e. Name of Project: Dock Street Dam Hydro Facility.

f. Location: On the Susquehanna River, in Dauphin County, in Harrisburg, Pennsylvania.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. Contact Person: B. Ryland Wiggs, Esquire, Suite 207, 2285 Schoenersville Road, Bethlehem, Pennsylvania 18018.

i. Comment Date: July 28, 1983.

j. Description of Project: The proposed project would consist of: (1) an existing concrete dam, 8 feet high and 3,100 feet long; (2) a reservoir with normal water surface elevation at approximately 294 feet USGS; (3) a proposed headrace channel; (4) a proposed powerhouse, housing 26 tubular turbine/generators with a total rated capacity of 20,300 kW; (5) a proposed 6,600-volt transmission line approximately 500 feet in length with a switchyard; and (6) appurtenant facilities. Applicant estimates that the average annual energy generation would be 106,697,000 kWh.

k. Purpose of Project: The Applicant anticipates that power will be sold to the Pennsylvania Power and Light Company.

l. This notice also consists of the following standard paragraphs: A4a, A4c, B, C and D2.

m. Proposed Scope of Studies under Permit: A preliminary permit, if issued, does not authorize construction.

Applicant seeks issuance of a preliminary permit for a period of 36 months during which time it would prepare studies of the hydraulic, construction, economic, environmental, historic and recreational aspects of the project. Depending on the outcome of the studies, Applicant would prepare an application for an FERC license. Applicant estimates the cost of the Studies under the permit would be \$750,000.

11a. Type of Application: Preliminary Permit.

b. Project No.: 7070-000.

c. Date Filed: February 10, 1983, revised on April 5, 1983.

d. Applicant: Beaver Power Group V, Ltd.

e. Name of Project: Sunbury Project.

f. Location: On the Susquehanna River, in Snyder County, near Selinsgrove, Pennsylvania.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. Contact Person: B. Ryland Wiggs, Esquire, Suite 207, 2285 Schoenersville Road, Bethlehem, Pennsylvania.

i. Comment Date: August 1, 1983.

j. Description of Project: The proposed project would consist of: (1) an existing fabric dam, approximately 2,000 feet in length and 8 feet in height; (2) a reservoir with normal water surface elevation at approximately 428 feet USGS; (3) a proposed power inlet facility; (4) a proposed powerhouse with headworks to accommodate the housing of 21 tubular turbine/generators with a total rated capacity of 14,200 kW; (5) direct discharge to the river from the powerhouse is proposed; (6) a proposed 66,000-volt transmission line approximately 400 feet in length, extending from a proposed switchyard; and (7) appurtenant facilities. Applicant estimates that the average annual energy generation would be 74,635,200 kWh.

k. Purpose of Project: The applicant anticipates that power will be sold to the Pennsylvania Power and Light Company.

l. This notice also consists of the following standard paragraphs: A4a, A4c, B, C and D2.

m. Proposed Scope of Studies under Permit: A preliminary permit, if issued, does not authorize construction.

Applicant seeks issuance of a preliminary permit for a period of 36 months during which time it would prepare studies of the hydraulic, construction, economic, environmental, historic and recreational aspects of the project. Depending on the outcome of the studies, Applicant would prepare an application for an FERC license. Applicant estimates the cost of the studies under the permit would be \$750,000.

12a. Type of Application: Preliminary Permit.

b. Project No.: 7110-000.

c. Date Filed: February 28, 1983.

d. Applicant: Mr. Richard R. Gresham, P.O. Box 52, Kellogg, Idaho 83837.

e. Name of Project: NG Boulder Creek #4.

f. Location: On Boulder Creek in Shoshone County, Idaho within the

Coeur D'Alene National Forest near the Town of Mullan.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. Contact Person: Mr. Richard R. Gresham, P.O. Box 52, Kellogg, Idaho 83837.

i. Comment Date: July 28, 1983.

j. Description of Project: The proposed project would consist of: (1) a 2.9-foot-high, 16-foot-long diversion structure at elevation 4,200 feet; (2) a 12-inch-diameter, 4,100-foot-long penstock; (3) a powerhouse containing two generating units with a total rated capacity of 185 kW, operating under a head of 700 feet; (4) a tailrace; and (5) a 1,100-foot-long underground cable tying into an existing Citizens Utility Company transmission line. The average annual energy output would be 1,100,000 kWh.

A preliminary permit, if issued does not authorize construction. The Applicant seeks a 24 month permit to study the feasibility of constructing and operating the project. No new access road will be needed for the purpose of conducting these studies. The estimated cost for conducting these studies is \$13,000.

k. Purpose of Project: Project power will be sold to Washington Water Power Company.

l. This notice also consists of the following standard paragraphs: A4b, A4c, A4d, B, C and D2.

13a. Type of Application: Exemption for Small Hydroelectric Power Project of 5 MW or Less Capacity.

b. Project No.: 7120-000.

c. Date Filed: March 3, 1983.

d. Applicant: Stewart Ranches, Inc.

e. Name of Project: Kekawaka Creek.

f. Location: Trinity County, California; Kekawaka Creek.

g. Filed Pursuant to: Energy Security Act of 1980, Section 408 (16 U.S.C. 2705 and 2708, *as amended*).

h. Contact Person: Mr. Chad Roberts, Oscar Larson & Associates, P.O. Box 3806, Eureka, California 95501.

i. Comment Date: July 11, 1983.

j. Description of Project: The proposed project would consist of: (1) A 6-foot-high diversion structure at stream bed elevation 1524 feet above msl; (2) a 30-inch diameter, 18,000-foot-long steel penstock; (3) a powerhouse with a total installed capacity of 4,950 kW; and (4) a 10.3-mile-long, 60-kV transmission line connecting with Pacific Gas and Electric Company's (PG&E) Fort Seward substation.

k. Purpose of Project: The estimated annual output of 14.2 million kWh produced by the proposed project would be sold to the PG&E.

l. This notice also consists of the following standard paragraphs: A1, B, C and D3a.

14a. Type of Application: Preliminary Permit.

b. Project No.: 7145-000.

c. Date Filed: March 15, 1983.

d. Applicant: HellsGate Associates.

e. Name of Project: HellsGate

Hydroelectric Project.

f. Location: On the Colorado River, in Garfield County, Colorado, near Glenwood Springs, Colorado.

g. Filed Pursuant to: Federal Power

Act, 16 U.S.C. 791(a)-825(r).

h. Contact Person: Mr. Scott M.

Balcomb, Delaney & Balcomb, P.C.,

Attorneys at Law, P.O. Drawer 790,

Glenwood Springs, CO 81602.

i. Comment Date: July 28, 1983.

j. Description of Project: The proposed project would consist of: (1) a proposed concrete gravity dam, approximately 250 feet long and 25 feet high; (2) a reservoir covering 43 acres and containing about 425 acre-feet of storage, and proposed normal maximum surface elevation at 5,620 feet USGS datum; (3) a proposed powerhouse would be an integral part of the dam structure, and would contain two turbines having a total rated capacity of 2,000 kW; (4) a proposed intake channel with trashracks contiguous to the powerhouse; (5) a proposed tailrace channel; (6) proposed 25,000-volt transmission facilities; and (7) appurtenant facilities. Applicant estimates that the average annual energy generation would be 30,000,000 kWh. Project would utilize Federal lands managed by the Bureau of Land Management.

k. Purpose of Project: The Applicant anticipates that the power will be sold to: (a) Glenwood Springs Electric System, (b) Public Service Company of Colorado, and (c) Colorado Ute Electric Association.

l. This notice also consists of the following standard paragraphs: A4b, A4c, A4d, B, C and D2.

m. Proposed Scope of Studies under Permit: A preliminary permit, if issued, does not authorize construction.

Applicant seeks issuance of a preliminary permit for a period of 30 months, during which time it would prepare studies of the hydraulic, construction, economic environmental, historic and recreational aspects of the project. Depending on the outcome of the studies, Applicant would prepare an application for an FERC license. Applicant estimates the cost of the studies under the permit would be \$1,200,000.

15a. Type of Application: License (5MW or Less).

b. Project No.: 7191-000.

c. Date Filed: April 1, 1983.

d. Applicant: Orofino Falls Hydro Limited Partnership.

e. Name of Project: Orofino Falls Hydro.

f. Location: On Orofino Creek in Clearwater County, Idaho.

g. Filed Pursuant to: Federal Power Act, (16 U.S.C. 791(a)-825(r)).

h. Contact Person: David B. Ward, P.C., Farmer, McQuinn, Flood, Bechtel & Ward, 1000 Potomac Street, Suite 402 Washington, D.C., 20007.

i. Comment Date: August 8, 1983.

j. Description of Project: The proposed project would consist of: (1) a 6-foot-high, 70-foot-long reinforced concrete diversion structure at elevation 1520 feet; (2) a 6-foot-deep, 6,200-foot-long concrete flume; (3) a steel surge tank; (4) a 5-foot-diameter, 700-foot-long steel penstock; (5) a reinforced concrete powerhouse at elevation 1292 feet containing two identical turbine-generators with a total rated capacity of 4.2 MW and an average annual output of 14.5 GWh; and (6) a 3-mile-long, 34.5-kV transmission line. The estimated cost of the project is \$4,980,000.

k. This notice also consists of the following standard paragraphs: A2, B, C and D1.

16a. Type of Application: Preliminary Permit.

b. Project No.: 7196-000.

c. Date Filed: April 6, 1983.

d. Applicant: DDK & L Corporation.

e. Name of Project: Warm Springs

Creek Water Power.

f. Location: On Warm Springs Creek within Umpqua National Forest, Douglas County, Oregon.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. Contact Person: Donald A. Beets, c/o DDK & L Corporation, P.O. Box 1338, Umatilla, Oregon 97882.

i. Comment Date: July 28, 1983.

j. Description of Project: The proposed project would consist of: (1) an 8-foot-high diversion structure at elevation 3,825 feet; (2) a 48-inch-diameter, 6,930-foot-long, and a 42-inch-diameter, 2,250-foot-long conduit; (3) a powerhouse at elevation 3,320 feet containing a generating unit with a rated capacity of 3 MW; and (4) a 13.8-kV, 200-foot-long powerline. The Applicant estimates a 12.04-GWh average annual energy production. The Applicant has requested a 36-month permit in which to do feasibility studies and prepare a license application at a cost of \$3,000,000.

k. Purpose of Project: Power would be sold to local utilities.

l. This notice also consists of the following standard paragraphs: A4a, A4c, B, C, and D2.

17a. Type of Application: Preliminary Permit.

b. Project No: 7215-000.

c. Date Filed: April 11, 1983.

d. Applicant: WP, Incorporated.

e. Name of Project: South Prairie Creek Waterpower Project.

f. Location: on South Prairie Creek, Pierce County, Washington.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. Contact Person: Gary W. Tripp, 821 East Thomas Street, Seattle,

Washington 98102.

i. Comment Date: July 2, 1983.

j. Description of Project: The proposed project would consist of: (1) a 15-foot-high existing diversion structure at an elevation of 1,426 feet MSL; (2) a 5.5-foot-diameter, 7,600-foot-long penstock; (3) a 10-foot-diameter, 40-foot-high surge tank; (4) a 57-inch-diameter, 4,300-foot-long penstock; (5) a powerhouse at an elevation of 1,000 feet MSL, containing a generating unit with a rated capacity of 5 MW; and (6) a 1.6-mile-long, 115-kV transmission line. The Applicant estimates a 19,750,000 kWh average annual energy production. The Applicant has requested a 36-month permit in which to do feasibility studies and prepare a license application at a cost of \$100,000.00.

k. Purpose of Project: Power would be sold to local utilities.

l. This notice also consists of the following standard paragraphs: A4a, A4c, B, C, D2.

18a. Type of Application: Preliminary Permit.

b. Project No: 7229-000.

c. Date Filed: April 18, 1983.

d. Applicant: The Grisdale Hill Company.

e. Name of Project: Bartlett Power.

f. Location: On the Salmon River in Clackamas County, Oregon, within Mt. Hood National Forest.

g. Filed Pursuant to: Federal Power Act (16 U.S.C. 791(a)-825(r)).

h. Contact Person: Ms. Joy Leong, Morrison and Foerster, 1920 N Street, N.W., Washington, D.C. 20036.

i. Comment Date: July 29, 1983.

j. Description of Project: The proposed project would consist of: (1) a 10-foot-high diversion structure at elevation 2560 feet; (2) and 18,000-foot-long low pressure conveyance, either a concrete lined, open channel or a 5-foot-diameter pipeline; (3) a surge tank at elevation 2525 feet; (4) a 54-inch-diameter, 1700-foot-long penstock; (5) a powerhouse at elevation 1750 feet containing a turbine generator with a capacity of 10 MW and an average annual output of 37.8 GWh; and (6) a 7.5-mile-long transmission line.

connecting to an existing Portland General Electric Company line.

A preliminary permit, if issued, does not authorize construction. The Applicant seeks a 24-month preliminary permit to conduct investigations and secure data to ascertain project feasibility and to prepare an application for license. The estimated cost of these activities is \$125,000.

k. This notice also consists of the following standard paragraphs: A4a, A4c, B, C and D2.

19a. Type of Application: Preliminary Permit.

b. Project No.: 7231-000.

c. Date Filed: April 18, 1983.

d. Applicant: Aero Construction, Inc.

e. Name of Project: Claiborne Lock and Dam.

f. Location: On the Alabama River in Monroe County, Alabama.

g. Filed Pursuant to: Federal Power Act 16 U.S.C. 791(a)-825(r).

h. Contact Person: Ralph L. Laukhuff, Jr., Forte and Tablads, Inc., P.O. Box 64844, Baton Rouge, Louisiana 70896.

i. Comment Date: July 25, 1983.

j. Description of Project: The proposed project would utilize the existing Army Corps of Engineers' Claiborne Lock and Dam and consist of: (1) A proposed powerhouse which will contain an installed generating capacity of 9 MW; and (2) appurtenant facilities. The Applicant estimates the average annual energy generation to be 42 GWh.

k. Purpose of Project: Aero Construction, Inc. plans to market the hydroelectric power to the Alabama Power and Light Company, the Southern Pine Electrical Cooperative, or other local utilities.

l. This notice also consists of the following standard paragraphs: A4a, A4c, B, C, and D2.

m. *Proposed Scope of Studies under Permit*—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 24 months. During this time the significant legal, institutional, engineering, environmental, marketing, economic and financial aspects of the project will be defined, investigated, and assessed to support an investment decision. The report of the proposed study will address whether or not a commitment to implementation is warranted, and, if findings are positive, the Applicant intends to submit a license application. The Applicant's estimated total cost for performing these studies is \$20,000.

n. *Purpose of Preliminary Permit*—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the

permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

20a. Type of Application: Preliminary Permit.

b. Project No.: 7239-000.

c. Date Filed: April 21, 1983.

d. Applicant: Waterfall Electric/Al Peters.

e. Name of Project: South Fork Project.

f. Location: On South Fork John Day River, near Dayville, in Grant County, Oregon.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. Contact Person: Mr. Al Peters, 3182 SE Timberlake Drive, Hillsboro, Oregon 97123.

i. Comment Date: August 2, 1983.

j. Description of Project: The proposed run-of-river project would consist of: (1) a 5-foot-high, 40-foot-long concrete diversion structure at elevation 3600 feet; (2) a 1000-foot-long, 6-foot-diameter penstock; and (3) a powerhouse containing a single turbine-generator unit with a rated capacity of 1,100 kW and an average annual generation of 3.0 GWh. Project power would be sold to Central Electric Cooperative or Pacific Power & Light Company. The project would be located entirely on Bureau of Land Management lands.

A preliminary permit, if issued, does not authorize construction. The Applicant seeks a 36-month permit to study the feasibility of constructing and operating the project and estimates the cost of the studies \$5,000-\$10,000.

k. This notice also consists of the following standard paragraphs: A4a, A4c, B, C, D2.

21a. Type of Application: Preliminary Permit.

b. Project No.: 7242-000.

c. Date Filed: April 22, 1983.

d. Applicant: Television Communications, Inc.

e. Name of Project: Kanaka.

f. Location: Bute County, Idaho; Sucker Run Creek.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. Contact Person: Richard D. Spight, Television Communications, Inc., P.O. Box 629, Orinda, California 94563.

i. Comment Date: August 8, 1983.

j. Description of Project: The proposed project would consist of: (1) a 4-foot-high diversion dam at elevation 1494 feet; (2) a 30-inch-diameter, 4,260-foot-long pipe; (3) a powerhouse with a total installed capacity of 670 kW; (4) an 840-

foot-long, 11-kV transmission line connecting with an existing transmission line serving Applicant's property.

A preliminary permit does not authorize construction. The Applicant seeks a 24-month permit to study the feasibility of constructing and operating the project.

k. Purpose of Project: The estimated 1.97 million kWh generated by the project would be sold to an area utility company.

l. This notice also consists of the following standard paragraphs: A4a, A4c, B, C, D2.

22a. Type of Application: Preliminary Permit.

b. Project No.: 7249-000.

c. Date Filed: April 28, 1983.

d. Applicant: China Flat Company.

e. Name of Project: Hawkins Creek Power Project.

f. Location: On Hawkins Creek in Trinity County, near the towns of Willow Creek and Slayer, California.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. Contact Person: Mr. Albert E. Hodgson, Chairman, China Flat Company, P.O. Box 269, Willow Creek, CA 95573.

i. Comment Date: August 1, 1983.

j. Description of Project: The proposed project would consist of: (1) a 4-foot-high by 40-foot-long diversion structure on the Hawkins Creek at elevation 2,000 feet msl; (2) a 6,000-foot-long, 24-inch-diameter low pressure conduit; (3) a 1,000-foot-long, 18-inch diameter penstock; (4) a powerhouse to contain one or a combination of impulse-type, turbine-generating units with a total rated capacity of 210 kW; and (5) a 2,000-foot-long, 12.5-kV transmission line to connect to an existing Pacific Gas and Electric Company line. The powerhouse would operate under a head of 500 feet producing about 1.9 million kWh annually. The project would be located within the Six Rivers National Forest.

A preliminary permit, if issued, does not authorize construction. The Applicant seeks a 36-month permit to study the feasibility of constructing and operating the project. Applicant estimates that the feasibility studies conducted under the permit would cost about \$15,000.

k. Purpose of Project: The Applicant proposes to sell the project power to the Pacific Gas and Electric Company.

l. This notice also consists of the following standard paragraphs: A4a, A4c, B, C and D2.

Competing Applications

A1. Exemptions for Small Hydroelectric Power Project under 5MW Capacity—Any qualified license applicant desiring to file a competing application must submit to the Commission, on or before the specific comment date for the particular application, either a competing license application that proposes to develop at least 7.5 megawatts in the project, or a notice of intent to file such a license application. Submission of a timely notice of intent allows an interested person to file the competing license application no later than 120 days after the specified comment date for the particular application. Applications for preliminary permit will not be accepted.

A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1982). A competing license application must conform with the requirements of 18 CFR 4.33 (a) and (d).

A2. Applications for License—Anyone desiring to file a competing application must submit to the Commission, on or before the specified comment date for the particular application, either the competing application itself (see 18 CFR 4.33 (a) and (d), and Part 16, where applicable) or a notice of intent (see 18 CFR 4.33 (b) and (c)) to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c) or §§ 4.101 to 4.104 (1982).

A3. Public notice of the filing of the initial application, which has already been given, established the due date for filing competing applications or notices of intent. In accordance with the Commission's regulations, no competing application for license, exemption or preliminary permit, or notices of intent to file competing applications, will be accepted for filing in response to this notice (see 18 CFR 4.30 to 4.33 or §§ 4.101 to 4.104 (1982), as appropriate). Any application for license or exemption from licensing, or notice of intent to file a license or an exemption application, must be filed in accordance with the Commission's regulations (see 18 CFR 4.30 to 4.33 or §§ 4.101 to 4.104 (1982), as appropriate).

Preliminary Permits

A4a. Existing Dam or Natural Water Feature Project—Anyone desiring to file a competing application for preliminary permit for a proposed project at an existing dam or natural water feature project, must submit the competing application to the Commission on or before 30-days after the specified

comment date for the particular application (see 18 CFR 4.30 to 4.33 (1982)). A notice of intent to file a competing application for preliminary permit will not be accepted for filing.

A4b. No Existing Dam—Anyone desiring to file a competing application for preliminary permit for a proposed project where no dam exists or there are proposed to be major modifications, must submit to the Commission on or before the specified comment date for the particular application, the competing application itself, or a notice of intent to file such an application (see 18 CFR 4.30 to 4.33 (1982)).

A4c. The Commission will accept applications for license or exemption from licensing, or a notice of intent to submit such an application in response to this notice. A notice of intent to file an application for license or exemption must be submitted to the Commission on or before the specified comment date for the particular application. Any application for license or exemption from licensing must be filed in accordance with the Commission's regulations (see 18 CFR 4.30 to 4.33 or §§ 4.101 to 4.104 (1982), as appropriate).

A4d. Submission of a timely notice of intent to file an application for preliminary permit allows an interested person to file an acceptable competing application for preliminary permit no later than 60 days after the specified comment date for the particular application.

B. Comments, Protests, or Motions to Intervene—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 385.210, 385.211, 385.214 (1982). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

C. Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST" or "MOTION TO INTERVENE"; as applicable, and the Project Number of the particular application to which the filing is in response. Any of the above named documents must be filed by providing the original and the number of copies required by the Commission's

regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application or motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

Agency Comments

D1. License applications (5 MW or less capacity)—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are requested to provide comments pursuant to the Federal Power Act, the Fish and Wildlife Coordination Act, the Endangered Species Act, the National Historic Preservation Act, the Historical and Archeological Preservation Act, the National Environmental Policy Act, Pub. L. No. 88-29, and other applicable statutes. No other formal requests for comments will be made.

Comments should be confined to substantive issues relevant to the issuance of a license. A copy of the application may be obtained directly from the Applicant. If an agency does not file comments with the Commission within the time set for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

D2. Preliminary permit applications—Federal, State, and local agencies are invited to file comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

D3a. Exemption applications (5 MW or less capacity)—The U.S. Fish and Wildlife Service, The National Marine Fisheries Service, and the State Fish and Game agency (ies) are requested, for the purposes set forth in Section 408 of the Act, to file within 60 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or to otherwise carry out the provisions of the Fish and Wildlife Coordination Act. General comments concerning the project and its resources are requested; however, specific terms and conditions to be

included as a condition of exemption must be clearly identified in the agency letter. If an agency does not file terms and conditions within this time period, that agency will be presumed to have none. Other Federal, State, and local agencies are requested to provide any comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within 60 days from the date of issuance of this notice, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

D3b. Exemption applications (Conduit)—The U.S. Fish and Wildlife Service, The National Marine Fisheries Service, and the State Fish and Game agency(ies) are requested, for the purposes set forth in Section 30 of the Act, to file within 45 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or to otherwise carry out the provisions of the Fish and Wildlife Coordination Act. General comments concerning the project and its resources are requested; however, specific terms and conditions to be included as a condition of exemption must be clearly identified in the agency letter. If an agency does not file terms and conditions within this time period, that agency will be presumed to have none. Other Federal, State, and local agencies are requested to provide comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within 45 days from the date of issuance of this notice, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Dated: June 2, 1983.

Kenneth F. Plumb,
Secretary.

[FR Doc. 83-15170 Filed 6-6-83; 8:45 am]
BILLING CODE 8717-01-M

[Docket No. ER83-520-000]

Kansas Power & Light Co.; Notice of Filing

June 2, 1983.

The filing Company submits the following:

Take notice that Kansas Power and Light Company and Midwest Energy, Inc., on May 23, 1983 tendered for filing proposed changes in its Federal Energy Regulatory Commission Electric Service Tariff No. 123.

Schedule H—Participation Power Service provides for the purchase of Participation Power by Midwest Energy, Inc. for the period June 1, 1983 through September 30, 1983.

Kansas Power and Light Company proposes an effective date of June 1, 1983.

Copies of the filing were served upon the Kansas Corporation Commission.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before June 16, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 83-15162 Filed 6-6-83; 8:45 am]
BILLING CODE 8717-01-M

[Docket No. ER83-418-000]

Kansas Power & Light Co.; Order Accepting for Filing and Suspending Rates, Noting Interventions, Denying Motions To Reject, Ordering Summary Disposition in Part, and Establishing Hearing and Price Squeeze Procedures

Issued: June 2, 1983.

On March 29, 1983, as completed on April 6, 1983, Kansas Power & Light Company (KP&L) tendered for filing increased rates for wholesale service to 17 rural electric cooperative customers and to 38 municipal customers of KP&L located in the State of Kansas.¹ The proposed rates would increase jurisdictional revenues by approximately \$10.9 million (29.7%) based on the twelve month period ending June 30, 1984. In addition, KP&L has submitted unexecuted contracts applicable to 18 cooperative customers

to supersede existing contracts which expired by their own terms on May 16, 1983. The company states that service will be rendered under the existing contracts until the new filings become effective. KP&L requests an effective date on June 1, 1983, for its proposed rate changes.

Notice of the filing was published in the Federal Register, with comments due on or before April 21, 1983. A timely notice of intervention was filed by the Kansas State Corporation Commission. Timely motions to intervene were submitted by 14 of KP&L's cooperative customers² that are members of the Kansas Electric Power Cooperative, Inc. (KEPCO); the Kaw Valley Electric Cooperative Company, Inc., Nemaha-Marshall Electric Cooperative Association, Inc., and Doniphan Electric Cooperative Association, Inc. (Cooperatives); and the Kansas municipal customers of KP&L (Municipals).³ Additional comments were filed on behalf of the City of Elwood, Kansas, which is also represented as one of the Municipals.

KEPCO requests a five month suspension of KP&L's rates on the basis of various cost of service and rate of return issues.⁴ In addition, KEPCO requests that the Commission summarily eliminate certain tariff provisions claimed to be anticompetitive⁵ and

² The KEPCO members include Ark Valley Electric Cooperative Association, Inc.; Brown-Atchison Cooperative Association, Inc.; Butler Rural Electric Cooperative Association, Inc.; C. & W. Rural Electric Cooperative Association, Inc.; Coffey County Rural Electric Cooperative Association, Inc.; D.S. & O. Rural Electric Cooperative Association, Inc.; Flint Hills Rural Electric Cooperative Association, Inc.; Leavenworth-Jefferson Electric Cooperative, Inc.; Lyon County Electric Cooperative, Inc.; Ninescaw Rural Electric Cooperative Association, Inc.; P. R. & W. Electric Cooperative Association, Inc.; Smoky Hill Electric Cooperative Association, Inc.; Smoky Valley Electric Cooperative Association, Inc.; and Twin Valley Electric Cooperative, Inc.

³ The municipal customers include the Cities of Scranton, Wathena, Netawaka, Muscotah, Severance, Altamont, Marion, Enterprise, Chapman, Eudora, DeSoto, Axtell, Robinson, Hillsboro, St. Marys, Vermillion, Alma, Centralia, Elwood, Troy, Toronto, Morrill, Horton, Lindsborg, Seneca, Waterville, Clay Center, Wamego, Sabetha, Minneapolis, Sterling, Holton, Larned, Ellinwood, Stafford, Osage City, St. John, and Herington, Kansas.

⁴ The issues include the proposed rate of return on common equity; the proposed demand allocation; the allowance for cash working capital; interest synchronization; the inclusion of allowances for fuel expense take-or-pay contracts; adjustments to operation and maintenance expenses; and a claimed deferred tax deficiency.

⁵ KEPCO cites contractual provisions that prohibit certain inter-connections, provide for discontinuation of service upon the nonpayment of a bill, limit service at existing delivery points to a specified capacity, and require establishment of all new delivery points adjacent to KP&L's facilities at a minimum voltage.

¹ See Attachment A for rate schedule designations and affected customers.

establish phased priced squeeze procedures. The Cooperatives generally support KEPCO's pleading. They also request a maximum suspension of KP&L's rates on the grounds that the proposed rates are excessive.

The Municipals request rejection of KP&L's filing, arguing that the company has failed to comply with section 35.13 of the Commission's regulations. In particular, the Municipals claim that the filing fails to support KP&L's revised depreciation rates as well as other elements of the company's cost of service. The Municipals also request rejection of the proposed fuel adjustment clause, since it includes estimated costs subject to a true-up mechanism and since the true-up computation is purportedly erroneous. In addition, the Municipals raise other cost of service issues,⁶ and allege rate discrimination and price squeeze. If their request for rejection is denied, they request summary disposition of the tariff and cost of service issues discussed in their pleading and a five month suspension of KP&L's rates. Finally, the Municipals seek an investigation of KP&L's existing rates and tariff conditions, pursuant to section 206 of the Federal Power Act, claiming that they are unjust, unreasonable, and unduly discriminatory.⁷

KP&L responded to the intervenors' pleadings by answer filed on May 6, 1983. The company opposes the requests for rejection, summary disposition, or maximum suspension. KP&L also requests that the Commission defer proceedings on the price squeeze questions raised by the intervenors pending a determination as to cost of service, capitalization, and rate of return.

Discussion

Under Rule 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.214), the unopposed notice and motions to intervene serve to make the Kansas Commission, KEPCO, the Cooperatives, and the Municipals parties to this proceeding.

As noted, the Municipals seek rejection of KP&L's filing, in part, on the grounds that the company had inadequately supported its proposed depreciation rates. However, KP&L satisfied the filing requirements of section 35.13(h)(10) of the Commission's regulations by its April 6, 1983

supplemental filing, which provides a depreciation study in support of the revised rates. While the Municipals also challenge the adequacy of the support for other aspects of KP&L's filing, we find that the submittal, as completed on April 6, substantially complies with the Commission's filing requirements. Consequently, the motion to reject will be denied.⁸

Similarly, the Municipals' request to reject KP&L's proposed fuel adjustment clause will be denied. We note that KP&L's fuel clause design, which attempts to synchronize fuel expenses and fuel revenues, is not barred by section 35.14 of the Commission's regulations and that similar clauses have been accepted by the Commission in the past.⁹ Although the proposed fuel adjustment clause will not be rejected, however, the company's true-up computations and the derivation of its estimates should be evaluated during the course of the hearing in this docket.

Summary disposition as to the rate schedule provisions objected to by KEPCO as unduly restrictive is also inappropriate. In each instance, we believe that the challenged contract provisions present questions of law or fact which should be resolved following an evidentiary hearing. We note, however, with respect to the rate schedule provision purporting to permit discontinuation of service in the event of nonpayment, that termination of service cannot be accomplished absent a timely filing, pursuant to section 35.15 of the Commission's regulations.

Having reviewed KP&L's filing and the pleadings, we find that summary disposition is warranted as to only one issue. KP&L has failed to synchronize the test year interest expense used in its income tax calculation with the interest portion of the claimed rate of return. Consistent with established Commission precedent,¹⁰ KP&L will be ordered to file revised rates which reflect an interest deduction for tax purposes as the product of the weighted cost of long-term debt and the allocated rate base.

Our preliminary review indicates that the rates proposed by KP&L have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful. Accordingly, we shall accept KP&L's rates for filing, as modified by summary disposition, and

we shall suspend the rates as ordered below.

In *West Texas Utilities Company*, Docket No. ER82-23-000, 18 FERC ¶ 61,189 (1982), we noted that rate filings would ordinarily be suspended for one day where preliminary review indicates that the proposed increase may be unjust and unreasonable but may not generate substantially excessive revenues, as defined in *West Texas*. Our examination suggests that the proposed rates, as modified by summary disposition with respect to interest synchronization, may not yield substantially excessive revenues. Accordingly, we shall suspend the rates for one day, from 60 days after completion of the filing, to become effective on June 7, 1983, subject to refund.

In accordance with the Commission's policy and practice established in *Arkansas Power and Light Company*, Docket No. ER79-339, 8 FERC ¶ 61,131 (1979), we shall phase the price squeeze issue raised by the intervenors.

The Commission orders:

(A) The Municipals' motion to reject KP&L's filing, in whole or in part, is hereby denied.

(B) Summary disposition is hereby ordered as noted in the body of this order, with respect to synchronization of interest expense for tax purposes. Within thirty (30) days of the date of this order, KP&L shall refile its rates and supporting cost data to reflect this determination.

(C) All other motions for summary disposition are hereby denied.

(D) KP&L's proposed rates are hereby accepted for filing, as modified by summary disposition, and are suspended for one day, to become effective on June 7, 1983, subject to refund.

(E) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by section 402(a) of the Department of Energy Organization Act and by the Federal Power Act, particularly sections 205 and 206 thereof, and pursuant to the Commission's Rules of Practice and Procedure and the regulations under the Federal Power Act (18 CFR, Chapter I), a public hearing shall be held concerning the justness and reasonableness of KP&L's rates.

(F) The Commission staff shall serve top sheets in this proceeding within ten (10) days of the date of this order.

(G) A presiding administrative law judge, to be designated by the Chief Administrative Law Judge, shall convene a conference in this proceeding

⁶ The other cost of service issues include, *inter alia*, the proposed rate of return on common equity, calculation of cash working capital, and the proposed demand allocation.

⁷ As evident in Ordering Paragraph (E) below, the hearing in this docket is being initiated pursuant to both sections 205 and 206 of the Act.

⁸ See *Municipal Light Boards of Reading and Wakefield, Massachusetts v. FPC*, 450 F. 2d 1341 (D.C. Cir. 1971).

⁹ See, e.g., *West Texas Utilities Company*, Docket Nos. ER83-77-000 and ER82-708-000, 21 FERC ¶ 81,337 (1982).

¹⁰ See, e.g., *Gulf States Utilities Company*, Docket No. ER82-375-000, 20 FERC ¶ 61,539 (1982).

to be held within approximately fifteen (15) days after service of top sheets in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. The presiding judge is authorized to establish procedural dates and to rule on all motions (except motions to dismiss) as provided in the Commission's Rules of Practice and Procedure.

(H) The Commission hereby orders initiation of price squeeze procedures and further orders that this proceeding be phased so that the price squeeze procedures begin after issuance of a Commission opinion establishing the rate which, but for consideration of price squeeze, would be just and reasonable. The presiding judge may modify this schedule for good cause shown.

The price squeeze portion of this case shall be governed by the procedures set forth in § 2.17 of the Commission's regulations as they may be modified prior to the initiation of the price squeeze phase of this proceeding.

(I) The Secretary shall promptly publish this order in the Federal Register.

By the Commission.

Kenneth F. Plumb,
Secretary.

KANSAS POWER & LIGHT COMPANY, DOCKET
No. ER83-418-000

[Rate Schedule Designations]

| Designation | Other party | Description |
|---|-----------------------|-------------|
| (1) Supplement No. 2 to Rate Schedule FERC No. 212 (Supersedes Supplement No. 1). | City of Scranton..... | WSM-83. |
| (2) Supplement No. 9 to Rate Schedule FERC No. 147 (Supersedes Supplement No. 8). | City of Wathena..... | WSM-83. |
| (3) Supplement No. 9 to Rate Schedule FERC No. 166 (Supersedes Supplement No. 8). | City of Nelawaka .. | WSM-83. |
| (4) Supplement No. 9 to Rate Schedule FERC No. 167 (Supersedes Supplement No. 8). | City of Muscotah..... | WSM-83. |
| (5) Supplement No. 9 to Rate Schedule FERC No. 171 (Supersedes Supplement No. 6). | City of Severance .. | WSM-83. |
| (6) Supplement No. 9 to Rate Schedule FERC No. 172 | City of Altamont..... | WSM-83. |

KANSAS POWER & LIGHT COMPANY, DOCKET
No. ER83-418-000—Continued

[Rate Schedule Designations]

| Designation | Other party | Description |
|---|-------------------------|-------------|
| (7) Supplement No. 9 to Rate Schedule FERC No. 173 (Supersedes Supplement No. 8). | City of Marion..... | WSM-83. |
| (8) Supplement No. 9 to Rate Schedule FERC No. 175 (Supersedes Supplement No. 7). | City of Enterprise..... | WSM-83. |
| (9) Supplement No. 8 to Rate Schedule FERC No. 176 (Supersedes Supplement No. 7). | City of Chapman..... | WSM-83. |
| (10) Supplement No. 9 to Rate Schedule FERC No. 178 (Supersedes Supplement No. 8). | City of Eudora..... | WSM-83. |
| (11) Supplement No. 8 to Rate Schedule FERC No. 179 (Supersedes Supplement No. 7). | City of Desoto..... | WSM-83. |
| (12) Supplement No. 8 to Rate Schedule FERC No. 180 (Supersedes Supplement No. 7). | City of Axtell..... | WSM-83. |
| (13) Supplement No. 8 to Rate Schedule FERC No. 181 (Supersedes Supplement No. 7). | City of Robinson..... | WSM-83. |
| (14) Supplement No. 2 to Rate Schedule FERC No. 206 (Supersedes Supplement No. 1). | City of Horton..... | WSM-83. |
| (15) Supplement No. 9 to Rate Schedule FERC No. 182 (Supersedes Supplement No. 8). | City of Clay Center. | WTU-83. |
| (16) Supplement No. 10 to Rate Schedule FERC No. 184 (Supersedes Supplement No. 9). | City of Wamego..... | WTU-83. |
| (17) Supplement No. 10 to Rate Schedule FERC No. 185 (Supersedes Supplement No. 9). | City of Sabetha..... | WTU-83. |
| (18) Supplement No. 3 to Rate Schedule FERC No. 211 (Supersedes Supplement No. 2). | City of Minneapolis. | WTU-83. |
| (19) Supplement No. 9 to Rate Schedule FERC No. 187 (Supersedes Supplement No. 8). | City of Sterling..... | WTU-83. |
| (20) Supplement No. 8 to Rate Schedule FERC No. 188 (Supersedes Supplement No. 7). | City of Hillsboro..... | WSM-83. |
| (21) Supplement No. 10 to Rate Schedule FERC No. 189 (Supersedes Supplement No. 9). | City of Holton..... | WTU-83. |
| (22) Supplement No. 9 to Rate Schedule FERC No. 191 | City of Larned..... | WTU-83. |

KANSAS POWER & LIGHT COMPANY, DOCKET
No. ER83-418-000—Continued

[Rate Schedule Designations]

| Designation | Other party | Description |
|--|-------------------------|-------------|
| (23) Supplement No. 9 to Rate Schedule FERC No. 192 (Supersedes Supplement No. 8). | City of Ellinwood..... | WTU-83. |
| (24) Supplement No. 9 to Rate Schedule FERC No. 193 (Supersedes Supplement No. 8). | City of Stafford..... | WTU-83. |
| (25) Supplement No. 9 to Rate Schedule FERC No. 194 (Supersedes Supplement No. 8). | City of Osage City. | WTU-83. |
| (26) Supplement No. 8 to Rate Schedule FERC No. 195 (Supersedes Supplement No. 7). | City of St. Marys..... | WSM-83. |
| (27) Supplement No. 7 to Rate Schedule FERC No. 198 (Supersedes Supplement No. 6). | City of Vermilion..... | WSM-83. |
| (28) Supplement No. 7 to Rate Schedule FERC No. 197 (Supersedes Supplement No. 6). | City of Alma..... | WSM-83. |
| (29) Supplement No. 7 to Rate Schedule FERC No. 198 (Supersedes Supplement No. 6). | City of Centralia..... | WSM-83. |
| (30) Supplement No. 2 to Rate Schedule FERC No. 207 (Supersedes Supplement No. 1). | City of Lindsborg..... | WSM-83. |
| (31) Supplement No. 7 to Rate Schedule FERC No. 200 (Supersedes Supplement No. 6). | City of Elwood..... | WSM-83. |
| (32) Supplement No. 7 to Rate Schedule FERC No. 201 (Supersedes Supplement No. 6). | City of Troy..... | WSM-83. |
| (33) Supplement No. 8 to Rate Schedule FERC No. 202 (Supersedes Supplement No. 7). | City of St. Johns..... | WTU-83. |
| (34) Supplement No. 4 to Rate Schedule FERC No. 203 (Supersedes Supplement No. 3). | City of Toronto..... | WSM-83. |
| (35) Supplement No. 4 to Rate Schedule FERC No. 204 (Supersedes Supplement No. 3). | City of Morrill..... | WSM-83. |
| (36) Supplement No. 2 to Rate Schedule FERC No. 206 (Supersedes Supplement No. 1). | City of Seneca..... | WSM-83. |
| (37) Supplement No. 2 to Rate Schedule FERC No. 210 (Supersedes Supplement No. 1). | City of Waterville..... | WSM-83. |
| (38) Supplement No. 2 to Rate Schedule FERC No. 209 (Supersedes Supplement No. 1). | City of Hamington .. | WTU-83. |

KANSAS POWER & LIGHT COMPANY, DOCKET
No. ER83-418-000—Continued

[Rate Schedule Designations]

| Designation | Other party | Description |
|--|---|-------------|
| (39) Rate Schedule FERC No. 213 (Supersedes the following rate schedules as supplemented: Rate Schedule FERC Nos. 148, 149, 150, 151, 152, 153, 155, 157, 158, 160, 162, 163 and 164). | Ark Valley ECA, Brown-Atchison ECA, Butler RECA, The C&W ECA, Coffey County RECA, DS and O ECA, Flint Hills Rural ECA, Laevenworth-Jefferson, Lyon County EC, Ninescath Rural ECA, Smoky Hill ECA, Smoky Valley EC and Twin Valley (the above cooperatives are members of KEPCO). | Contract. |
| (40) Supplement No. 1 to Rate Schedule FERC No. 213. | do | RCW-83. |
| (41) Rate Schedule FERC No. 214 (Supersedes Rate Schedule FERC No. 154, as supplemented). | Doniphan | Contract. |
| (42) Supplement No. 1 to Rate Schedule FERC No. 214. | do | RCW-83. |
| (43) Supplement No. 215 (Supersedes Rate Schedule FERC No. 156, as supplemented). | Kaw Valley ECC | Contract. |
| (44) Supplement No. 1 to Rate Schedule FERC No. 215. | do | RCW-83. |
| (45) Rate Schedule FERC No. 216 (Supersedes Rate Schedule FERC No. 159, as supplemented). | Nemaha-Marshall ECA. | Contract. |
| (46) Supplement No. 1 to Rate Schedule FERC No. 216. | do | RCW-83. |
| (47) Supplement No. 10 to Rate Schedule FERC No. 161 (Supersedes Supplement No. 9). | P.R. and W ECA. | RCW-83. |

[FR Doc. 83-15183 Filed 6-6-83; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. ER82-673-001]

Kentucky Utilities Co.; Notice of Refund Report

June 2, 1983.

The filing Company submits the following:

Take notice that on April 12, 1983, Kentucky Utilities Company submitted for filing a refund report pursuant to the Commission's order issued December 1, 1982.

Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or

before June 13, 1983. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 83-15184 Filed 6-6-83; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. TA83-2-54-001]

Louisiana-Nevada Transit Co.; Proposed Changes in FERC Gas Tariff

June 2, 1983.

Take notice that on May 9, 1983, Louisiana-Nevada Transit Company (Louisiana-Nevada) tendered for filing proposed changes in its FERC Gas Tariff Volume I. The proposed changes are to reflect changes in purchased gas cost as provided in Louisiana-Nevada's Purchase Gas Adjustment Clause applicable to its Rate Schedule No. G-1 and X-2. The change provides for a total adjustment of 18.85¢ per Mcf including a deferred gas cost adjustment of (1.67)¢ per Mcf, to amortize a deferred balance, and a cumulative cost of gas adjustment of 20.52¢ per Mcf.

Copies of the filing were served upon Louisiana-Nevada's jurisdictional customer and the Arkansas Public Service Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such petitions or protests should be filed on or before June 15, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 83-15185 Filed 6-6-83; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. ER83-522-000]

Miami Power Corp.; Notice of Filing

June 2, 1983.

The filing Company submits the following:

Take notice that on May 23, 1983, the Miami Power Corporation (Miami) tendered for filing a proposed change in its FERC Electric Service Tariff, Volume No. 3. The proposed change would increase revenues from service by \$773 annually based on the 12 months ended December 31, 1982. The proposed change represents only an increase of the rate of return component in the cost of service formula utilized to calculate the monthly rental charge for transmitting electric energy for The Cincinnati Gas & Electric Company (CG&E). This change had been agreed to by Miami and CG&E as evidenced by an Agreement executed and dated May 20, 1983. Miami indicates that this rate schedule supersedes that contained in the Agreement between Miami and CG&E dated March 20, 1979.

Miami proposes an effective date of August 1, 1983.

Copies of this filing were served upon CG&E and the Public Utilities Commission of Ohio.

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 June 16, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 83-15186 Filed 6-6-83; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. ER81-764-004]

Minnesota Power & Light Co.; Notice of Compliance Filing

June 2, 1983.

The Filing Company submits the following:

Take notice that on May 16, 1983, Minnesota Power & Light Company submitted for filing a rate schedule supplement in compliance with the Commission's order issued April 14, 1983.

Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory

Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before June 14, 1983. Comments will be considered by the Commission of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 83-15187 Filed 6-6-83; 9:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-518-000]

The Montana Power Co.; Notice of Filing

June 2, 1983.

The filing Company submits the following:

Take notice that The Montana Power Company (MPC) on May 19, 1983, tendered for filing Third Revised Sheet No. 4, Third Revised Sheet No. 5, Third Revised Sheet No. 6 Fifth Revised Sheet No. 9, and Fifth Revised Sheet No. 10 of FERC Electric Tariff 2nd Revised Volume No. 1 of The Montana Power Company.

MPC's letter of transmittal states that Rate M-1.3—*Energy from Thermal Resources* is being revised to permit the sale of energy at lower prices than the current tariff permits. Rate M-1.5—*Share-Savings* is being revised to permit MPC to calculate its incremental costs at the time of the share-savings transaction, using the best available data. MPC's Index on Purchasers is being revised to show the addition of the City of Santa Clara.

MPC requests an effective date of January 1, 1983 and therefore requests a 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 June 16, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 83-15188 Filed 6-6-83; 9:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-170-000]

New England Power Co.; Notice of Refund Report

June 2, 1983.

The filing Company submits the following:

Take notice that on May 20, 1983, New England Power Company submitted for filing a refund report in compliance with the Commission's order issued April 5, 1983.

Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before June 14, 1983. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 83-15189 Filed 6-6-83; 9:45 am]

BILLING CODE 6717-01-M

[Docket No. CP83-131-001]

Northern Natural Gas Co.; Division of InterNorth, Inc.; Notice of Amendment

June 2, 1983.

Take notice that on May 5, 1983, Northern Natural Gas Company, Division of InterNorth, Inc. (Applicant), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP83-131-001 an amendment to its pending application filed December 16, 1982, in Docket No. CP83-131-000 pursuant to Section 7(c) of the Natural Gas Act so as to authorize Applicant to construct and operate certain pipeline and appurtenant facilities in the offshore Texas area and to render firm transportation service of up to 45,000 Mcf per day for Amoco Gas Company (Amoco Gas), all as more fully set forth in the amendment which is on file with the Commission and open to public inspection.

Applicant states that on December 16, 1982, it filed an application in Docket No. CP83-131-000 for authorization to construct and operate approximately 3 miles of 24-inch pipeline extending from the producer's platform in Matagorda Island Area Block 624, offshore Texas, to an interconnection with the proposed Seagull Shoreline System (SSS). Applicant notes that the proposed facilities were designed to transport the 32.5 percent gas of reserves underlying Matagorda Island Area Block 624 which Applicant has contracted to purchase from Mesa Petroleum Company (Mesa) as well as the remaining 76.5 percent of

reserves attributable Matagorda Island Area Block 624 which are presently undedicated.

Applicant states that Amoco Gas has contracted to purchase 50 percent of the gas reserves underlying Matagorda Island Area Block 623 and is negotiating to purchase an additional 31 percent interest in the block. It is further stated that Applicant and Amoco Gas have executed a gas transportation and facilities agreement whereby Applicant would transport for Amoco Gas on a firm basis up to 45,000 Mcf per day of Matagorda Island Area Block 623 reserves and additional quantities on a best-efforts basis. Applicant proposes to charge Amoco Gas a monthly demand charge of \$43,642 for transportation of quantities up to the maximum daily quantity of 45,000 Mcf per day and 3.19 cents per Mcf for quantities in excess of the maximum daily quantity.

To transport gas reserves dedicated to it in Matagorda Island Area Block 624, reserves dedicated to Amoco Gas in Matagorda Island Area Block 623, as well as reserves in the vicinity which may be dedicated to others in the future, Applicant now proposes to construct and operate approximately 3.5 miles of 24-inch pipeline from the "B" platform in Matagorda Island Area Block 623 to the SSS and 0.42 mile of 10-inch pipeline to connect Mesa's platform in Matagorda Island Area Block 624 to the "B" platform in Matagorda Island Area Block 623. Applicant proposes to commence construction of the facilities by the late summer of 1983 to coincide with the beginning of production in Matagorda Island Area Blocks 623 and 624. Applicant states that the 24-inch facilities would be designed with a maximum capacity of 320,000 Mcf per day.

Applicant estimates that the proposed facilities would cost \$6,282,300. Such cost, it is asserted, would be financed from Applicant's funds on hand.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before June 23, 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. 83-15190 Filed 6-6-83; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. ER83-521-000]

Puget Sound Power & Light Co.; Filing

June 2, 1983.

The filing Company submits the following:

Take notice that on May 23, 1983, Puget Sound Power & Light Company (Puget) tendered for filing under its Electric Tariff Original Volume No. 3, Service Agreements with the City of Burbank, the City of Glendale and Public Utility District No. 1 of Chelan County, each dated as of September 13, 1982. In general, the Service Agreements make service under the referenced tariff available to the customers with whom the agreements were made.

Puget requests an effective date of August 22, 1982, and therefore requests waiver of the Commission's notice requirements.

A copy of the filing was served upon each of said customers.

Any person desiring to be heard or to protect 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 June 16, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 83-15171 Filed 6-6-83; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. SA83-15-000]

Shar-Alan Oil Co.; Application for Adjustment

Issued: June 2, 1983.

On May 13, 1983, Shar-Alan Oil Company (Shar-Alan), 4101 East Louisiana Avenue, Denver, Colorado

80222, filed an "Application for an Adjustment" under section 502(c) of the Natural Gas Policy Act of 1978 (NGPA), 15 U.S.C. 3301-3432, (Supp. V 1982), and 18 CFR 385.1101-385.1117 of the Federal Energy Regulatory Commission's (Commission) Rules of Practice and Procedure.

An adjustment of § 273.204, and any other applicable Commission regulation, is sought so that Shar-Alan may collect retroactively, subject to the agreement of its purchasers, the difference between the maximum lawful price for its new, onshore production wells under section 103¹ of the NGPA and the otherwise applicable NGPA rate. The request for an adjustment encompasses 24 wells completed in the Sooner Trend of Oklahoma from which deliveries were commenced during the period of May 1980 through June 1981. Each well is similar in that the appropriate filings were not filed until after deliveries were commenced. Thus, retroactive collection of the section 103 rate from the date deliveries were initiated are not allowed for the period before the appropriate filings were filed with the jurisdictional agency, as provided in § 273.204 of the Commission's regulations, unless an adjustment is granted under section 502(c) of the NGPA.

Shar-Alan contends that the application of § 273.204, which prohibits Shar-Alan from making retroactive collections for the period from the date of deliveries to the filing of an application for a well category eligibility determination under NGPA Title I, constitutes an inequity and special hardship under section 502(c) of the NGPA. Further, Shar-Alan asserts that a remedy in the form of an adjustment is within the Commission's discretion, can be allowed consistently with the interests of its purchasers, and the policy objectives of the NGPA.

The inequities asserted arise out of the extenuating circumstances that revolve around the employee whom Shar-Alan charged with the responsibility to make timely applications for NGPA well category determinations. This employee, since deceased, was allegedly suffering from mental dysfunctions due to a malignant brain tumor during the time period at issue. During this time, the employee failed to complete or file the appropriate filings which would allow Shar-Alan to collect the applicable maximum lawful

¹ Three purchasers of gas from 19 of the subject wells, Phillips Petroleum Company, Conoco, Inc., and Delhi Gas Pipeline Corporation have stated that they have no objection to the collection of the section 103 price. A fourth purchaser, although no objection has been expressed, has not agreed to pay such prices.

price from the date of initial deliveries. Although Shar-Alan was aware of the fact that the employee had a terminal illness, it was not aware of the employee's mental incapacity caused by that illness. Shar-Alan contends that only after the fact did it become aware of these failings.

Shar-Alan calculated that its loss in revenues totals \$209,417.36. Shar-Alan asserts that it will incur special hardship if unable to make retroactive collections. Allegedly, the financial viability of this small non-public producer is uniquely dependent upon the full recovery of revenues available. Shar-Alan urges that the Commission's denial of retroactive collections under § 273.204 of its regulations in this situation would be "an inequity in the administration of the NGPA pricing provisions."

The procedures applicable to the conduct of this adjustment proceeding are found in Subpart K of Part 385 of the Commission's Rules of Practice and Procedure. Any person desiring to participate in this adjustment proceeding shall file a petition to intervene in accordance within the provisions of such Subpart K. All petitions to intervene must be filed within 15 days after publication of this notice in the Federal Register.

Kenneth F. Plumb,
Secretary.

[FR Doc. 83-15172 Filed 6-6-83; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. TA83-2-2-10-000]

Tennessee Natural Gas Lines, Inc. Proposed Changes in FERC Gas Tariff

June 2, 1983.

Take notice that on May 18, 1983, Tennessee Natural Gas Lines, Inc. (TNGL) tendered for filing both Forty-second Revised Sheet No. PGA-1 and Appendix A to First Revised Volume No. 1 of its FERC Gas Tariff to be effective May 1, 1983.

TNGL states that the sole purpose of this filing is to reflect in its rates the reduced rates of its sole supplier Tennessee Gas Pipeline Company, a Division of Tenneco, Inc., which will become effective on May 1, 1983.

TNGL states that copies of the filing were served upon its jurisdictional customer, the interested state regulatory commission, its non-jurisdictional customers estimated to be billed for NGPA incremental pricing surcharges, and are available for public inspection at TNGL's offices in Nashville, Tennessee.

Any person desiring to be heard or to protest said filing should file a petition

to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such petitions or 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. 83-15173 Filed 6-6-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-385-002]

Transcontinental Gas Pipe Line Corp.; Amendment

June 2, 1983.

Take notice that on May 2, 1983, Transcontinental Gas Pipe Line Corporation (Applicant), P.O. Box 1396, Houston, Texas 77251, filed in Docket No. CP82-385-002 an amendment to its application filed in Docket No. CP82-385-000 pursuant to Section 7(c) of the Natural Gas Act so to reflect modifications to its proposal to construct certain pipeline and appurtenant facilities to receive and transport natural gas to be imported from Canada, resulting from a reduction in import quantities, all as more fully set forth in the amendment which is on file with the Commission and open to public inspection.

Applicant states that the amendment reflects modifications to the proposed facilities resulting from a reduction in the quantity of natural gas allowed by the National Energy Board to be exported from Canada. Applicant now proposes to expand the capacity of its Leidy Line and certain of its market area facilities so as to effectuate delivery to Applicant's customers of 315,000 Mcf per day of Canadian natural gas to be imported for its system supply, and 300,000 Mcf per day of Canadian natural gas available from storage facilities owned by third parties located in Michigan and Ontario.

Applicant indicates that both the quantities purchased for system supply and the storage service would be transported through the proposed Niagara Interstate Pipeline System to a proposed interconnection with Applicant's existing Leidy Line at the

Leidy Storage Field near Tamarack, Pennsylvania.

Applicant states that the proposed looping and compression facilities on the Leidy Storage Field near Tamarack, Pennsylvania, to a point of interconnection with market area facilities near Centerville, New Jersey, would increase the capacity of such facilities from current level of 970,269 Mcf per day to 1,583,813 Mcf per day thereby providing the increased capacity required to effectuate delivery of the 615,000 Mcf per day of new gas supplies. Applicant proposes the following expansion of its Leidy Line:

- (1) Construct 36.42 miles of 30-inch pipeline loop from Leidy Storage Field (Leidy Milepost 194.04) to Station 520;
- (2) Construct 60.6 miles of 36-inch pipeline loop from Leidy Milepost 129.51 to Station 515;
- (3) Construct 42.78 miles of 36-inch pipeline loop from Leidy Milepost 42.78 to Station 505;
- (4) Install an additional 3,900 horsepower of compression at Station 520; and
- (5) Construct the Algonquin-Centerville Meter Station at Milepost 0.99.

Applicant proposes the following construction on market area facilities in Pennsylvania and New Jersey:

- (1) Construct 20.5 miles of 24-inch pipeline looping the 18-inch and 12-inch Trenton-Wodbury Lateral from Milepost 16.33 to the Mt. Laurel meter station;
- (2) Construct 3.98 miles of 16-inch pipeline loop of the 16-inch and 8-inch Oreland and Ashmead Road Laterals between the Oreland meter station and the Ashmead Road meter station;
- (3) Construct 2.74 miles of 10-inch pipeline loop of the 6-inch Trenton Lateral from Milepost 4.79 to the Trenton meter station;
- (4) Construct 18.05 miles of 36-inch pipeline loop from Milepost 1807.52 to Milepost 1825.57 on the Caldwell Loop; and
- (5) Construct 3.82 miles of 12-inch pipeline loop of the 14-inch and 8-inch Camden Lateral from Milepost 5.95 to the Camden meter station.

Applicant states that the estimated cost of the proposed facilities would be \$281,000,000 which would be financed initially by short-term loans and funds on hand with permanent financing to be undertaken as part of an overall long-term program at a later date.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before June 23, 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 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. 83-15174 Filed 6-6-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP83-112-001]

Valero Transmission Co.; Petition To Amend

June 2, 1983.

Take notice that on April 28, 1982, Valero Transmission Company (Petitioner), P.O. Box 500, San Antonio, Texas 78292, filed in Docket No. CP83-112-001 a petition to amend the order issued March 4, 1983, in Docket No. CP83-112-000 pursuant to § 284.127 of the Commission's Regulations and Section 311(a)(2) of the Natural Gas Policy Act of 1978 so as to authorize the transportation of additional volumes of natural gas for El Paso Natural Gas Company (El Paso), all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

It is asserted that by order issued March 4, 1983, Petitioner was authorized to transport up to 25,000 Mcf of gas per day for El Paso. Petitioner proposes herein to transport up to 31,250 Mcf of gas per day which volume El Paso has agreed to purchase from Valero Interstate Transmission Company provided the average daily quantity transported each year does not exceed 25,000 Mcf.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before June 23, 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. 83-15175 Filed 6-6-83; 8:45 am]
BILLING CODE 6717-01-M

ENVIRONMENTAL PROTECTION AGENCY

[OPRM-FRL 2377-4]

Agency Forms Under OMB Review

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 3507(a)(2)(B) of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.) requires the Agency to publish in the *Federal Register* a notice of proposed information collection requests that have been forwarded to the Office of Management and Budget (OMB) for review. The information collection requests listed are available to the public for review and comment.

FOR FURTHER INFORMATION CONTACT: David Bowers, Office of Standards and Regulations, Information Management Section (PM-223), U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460, telephone (202) 382-2742 or FTS 382-2742.

SUPPLEMENTARY INFORMATION:

Agency Forms Cleared by OMB Between May 12 and 19, 1983

EPA ID 0818, Hazardous Waste Industry Studies, was cleared on May 18 (OMB #2000-0396).

EPA ID 0941, Form for Requesting Samples, was cleared on May 12 (OMB #2000-0139).

The following three collections were approved on an expedited basis to avoid unnecessary delays in procurements, contracts, and purchase orders:

EPA ID 1037, Oral and Written Purchase Orders, was cleared on May 19 (OMB #2030-0007).

EPA ID 1038, Procurement Solicitations (RFPS & IFSB), was cleared on May 19 (OMB #2030-0006).

EPA ID 1039, Technical Financial Progress Reports Submitted in Accordance with Contract Requirements, was cleared on May 19 (OMB #2030-0005).

Comments on all parts of this notice should be sent to: David Bowers, U.S.

Environmental Protection Agency, Office of Standards and Regulations (PM-223), 401 M Street, S.W., Washington, D.C. 20460, and Anita Ducca, Office of Management and Budget, Office of Information and Regulatory Affairs, New Executive Office Building (Room 3228), 726 Jackson Place, N.W., Washington, D.C. 20503.

Dated: May 27, 1983.

John Warren,
Acting Chief, Statistical Policy Staff.

[FR Doc. 83-15142 Filed 6-6-83; 8:45 am]
BILLING CODE 6550-50-M

FEDERAL RESERVE SYSTEM

Bank Holding Companies; Proposed de Novo Nonbank Activities; Barclays Bank PLC, et al.

The organizations identified in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 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 New York (A. Marshall Puckett, Vice President) 33 Liberty Street, New York, New York 10045:

1. *Barclays Bank PLC* and its subsidiary, *Barclays Bank International Limited*, each a bank holding company whose principal office is in London, England (consumer finance and insurance activities; Syracuse, New York); To engage through their subsidiaries, Barclays American Corporation ("BAC"), Barclays American/Financial, Inc. ("BAF") and Barclays American/-Retail Services Inc. ("BARS"), in making direct consumer loans, including loans secured by real estate, and purchasing sales finance contracts representing extensions of credit such as would be made or acquired by a consumer finance company, and wholesale financing (floor planning); and acting as agent for the sale of related credit life and credit accident and health insurance. Because Barclays and its subsidiaries, BAC, BAF and BARS, were engaged in insurance activities in New York before May 1, 1982, the insurance restrictions of the Garn-St Germain Depository Institutions Act of 1982 do not apply to this office relocation. Credit life and credit accident and health insurance sold as agent may be underwritten or reinsured by BAC's insurance underwriting subsidiaries. These activities would be conducted from an office of BAF and BARS located in Syracuse, New York, serving customers in Syracuse and surrounding areas in New York. This notification is for the relocation of an existing office in Syracuse, New York. Comments on this application must be received not later than July 1, 1983.

2. *Manufacturers Hanover Corporation*, New York, New York (relocation of office and expansion of service area; South Carolina); To continue to hold the shares of Finance One of South Carolina, Inc. ("Finance One") after Finance One engages in the activities of making or acquiring loans and other extensions of credit, secured or unsecured, such as would be made or acquired by a finance company under South Carolina law; and offering credit related life insurance, credit accident and health insurance, and credit related property insurance in Florence, South Carolina. Finance One presently engages in these activities in Darlington, South Carolina. The application is only to continue to hold the shares of Finance One after Finance One engages in these activities at a different location servicing an expanded service area; the application does not involve the commencement of any new activities at the new location. The office will service customers in Darlington, Marlboro, Lee, Chesterfield, Florence, Dillon, Marion,

Williamsburg, Clarendon, and Sumter Counties. Comments on this application must be received not later than July 1, 1983.

B. Federal Reserve Bank of Richmond (Lloyd W. Bostian, Jr., Vice President) 701 East Byrd Street, Richmond, Virginia 23261:

1. *Northwestern Financial Corporation*, North Wilkesboro, North Carolina (originating and servicing mortgage loans; Brunswick and New Hanover Counties, North Carolina): To engage through its subsidiary, *Northwestern Mortgage Corporation*, in making, acquiring, and servicing first mortgage loans such as would be made by a mortgage banking company from an office to be located in Carolina Beach, North Carolina, serving the counties of Brunswick and New Hanover, North Carolina. Comments on this application must be received not later than July 1, 1983.

2. *South Carolina National Corporation*, Columbia, South Carolina (financing and insurance activities; South Carolina): To engage through its subsidiary, *Provident Financial Corporation*, in providing consumer finance activities including the extension of direct loans to consumers, the discount of retail and installment notes or contracts, servicing loans and other extensions of credit for the account of others, and acting as agent for sales of life, accident and health, and property casualty insurance directly related to its extensions of credit. Property and casualty insurance will be offered pursuant to section 601 (A) (B) and (D) (i) of the Garn-St Germain Depository Institutions Act. Such activities will be conducted at an office in Clinton, North Carolina, serving the town of Clinton and the surrounding area. Comments on this application must be received not later than July 1, 1983.

C. Federal Reserve Bank of Chicago (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *Citizens Bancorporation*, Sheboygan, Wisconsin (management consulting and data processing activities; Wisconsin and Michigan): To engage through its subsidiary, *Citizens Management Services Corporation* in providing management consulting advice to nonaffiliated and non-bank depository institutions; and providing data processing and data transmission services, data bases or facilities for the internal operations of the holding company or its subsidiaries, and for others. These activities would be conducted from an office in Green Bay, Wisconsin, serving the entire State of

Wisconsin and the upper peninsula of Michigan. Comments on this application must be received not later than June 21, 1983.

D. Federal Reserve Bank of Dallas (Anthony J. Montelaro, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. *First City Bancorporation of Texas, Inc.*, Houston, Texas (financing activities; Dallas-Fort Worth area and north Texas): To continue to engage through its subsidiary, *First City Financial Corporation* in making and acquiring loans and other extensions of credit such as would be made by a commercial finance company. These activities would be conducted from an office in Dallas, Texas serving the Dallas-Fort Worth area and northern Texas. Comments on this application must be received not later than June 21, 1983.

E. Federal Reserve Bank of San Francisco (Harry W. Green, Vice President) 400 Sansome Street, San Francisco, California 94120:

1. *BankAmerica Corporation, San Francisco, California* (consumer and commercial financing and servicing activities; all fifty (50) states and the District of Columbia): To engage through a *de novo* office of its indirect subsidiary, *BA Business Credit Corporation*, Irving, Texas in making or acquiring for its own account loans and other extensions of credit such as would be made or acquired by a finance company, and servicing loans and other extensions of credit. No credit-related insurance will be offered in connection with these activities which will include, but not be limited to, making consumer installment loans and commercial loans to businesses which may be unsecured, or secured by personal assets, residential and commercial real estate. These activities will be conducted from a *de novo* office in Irving, Texas, serving all fifty (50) states and the District of Columbia. Comments on this application must be received not later than June 28, 1983.

2. *BankAmerica Corporation, San Francisco, California* (financing, servicing, and insurance activities; New York): To engage, through its indirect subsidiary, *FinanceAmerica Credit Corporation*, in the activities of making or acquiring for its own account loans and other extensions of credit such as would be made or acquired by a finance company; servicing loans and other extensions of credit; and offering credit-related life insurance and credit-related accident and health insurance. The aforementioned types of credit-related insurance are permissible under Section 4(c)(8)(A) of the Bank Holding Company

Act of 1956, as amended by the Garn-St Germain Depository Institutions Act of 1982. Credit-related property insurance will not be offered. These activities will be conducted from two existing offices of another indirect subsidiary, *BA FinanceAmerica Corporation*, located in North Syracuse and Valley Stream, New York, each serving the entire State of New York. Comments on this application must be received not later than June 29, 1983.

3. *Central Pacific Corporation*, Bakersfield, California (finance activities; Western United States): To engage, through its subsidiary, *CPC Financial Corporation*, in commercial finance activities, including the extension of secured and unsecured construction loans, working capital loans, and project loans in connection with real property development. These activities would be conducted from an office in Bakersfield, California, serving the states of California, Oregon, Washington, Idaho, Nevada, Arizona, Utah, Colorado, Wyoming, New Mexico, and Texas. Comments on this application must be received not later than July 1, 1983.

Board of Governors of the Federal Reserve System, June 1, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-15107 Filed 6-4-83; 8:45 am]

BILLING CODE 6210-01-M

Consumer Advisory Council; Solicitation of Nominations for Membership

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Solicitation of nominations for membership on the Board's Consumer Advisory Council.

SUMMARY: The Board is asking the public to nominate qualified individuals for eight appointments to its Consumer Advisory Council. Nominations should include the name, address, and telephone number of the nominee, together with information about past and present positions held, special knowledge, interests, and experience related to consumer credit or other financial services. It is contemplated that the Board will announce its selection of new members by mid-November.

DATE: Nominations should be received by August 5, 1983.

ADDRESS: Nominations should be mailed to Dolores S. Smith, Assistant Director, Division of Consumer and Community Affairs, Board of Governors of the

Federal Reserve System, Washington, D.C. 20551.

FOR FURTHER INFORMATION CONTACT: Ann Marie Bray, Staff Assistant, Division of Consumer and Community Affairs, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, (202) 452-2412.

SUPPLEMENTARY INFORMATION: The Consumer Advisory Council was established by the Congress in 1976 to advise the Board on the exercise of its duties under the Consumer Credit Protection Act and on other consumer-related matters. The Council by law represents the interests both of consumers and of the financial community. Members serve three-year terms that are staggered to provide the Council with continuity.

Eight new members will be selected this fall, to replace members whose terms expire on December 31, 1983. The Board is particularly interested in candidates who are familiar with issues in the area of consumer credit and other financial services. In making the new appointments, the Board also will seek to complement the qualifications of continuing Council members in terms of affiliation and geographic representation. Each year the nominations have numbered in the hundreds. With only eight vacancies, this means that many highly qualified and interested individuals will not have the opportunity to serve and that not every interested group can be represented.

The Council meets three times a year for approximately a day and a half. Council members are paid \$100 for each day spent attending or traveling to and from meetings.

Nominations should be submitted in writing to Dolores S. Smith, Assistant Director, Division of Consumer and Community Affairs, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, and must be received no later than August 5, 1983. Nominations should include the name, address and telephone number of the nominee, past and present positions held, and special knowledge, interests, or experience relating to consumer financial matters. This information will be made available for public inspection and copying upon request, except as provided in § 261.6(a) of the Board's Rules Regarding Availability of Information. The Board expects to announce its selection of new members by mid-November.

The names and affiliations of current Council members (and the expiration date of their term of office) follow:

Chairman

Susan Pierson DeWitt, U.S. Trustee for the Northern District of Illinois, Chicago, Illinois, December 31, 1983

Vice Chairman

William J. O'Connor, Jr., Partner, Phillips, Lytle, Hitchcock, Blaine & Huber, Buffalo, New York, December 31, 1983

Arthur F. Bouton, President, American Association of Retired Persons, Little Rock, Arkansas, December 31, 1983

James G. Boyle, Attorney at Law, Austin, Texas, December 31, 1985

Gerald R. Christensen, President and Chairman of the Board, First Federal Savings and Loan Association, Salt Lake City, Utah, December 31, 1984

Thomas L. Clark, Jr., Deputy Superintendent of Banks, New York State Banking Department, New York, New York, December 31, 1985

Jean A. Crockett, Ph.D., Professor of Finance, Wharton Graduate School, University of Pennsylvania, Philadelphia, Pennsylvania, December 31, 1985

Joseph N. Cugini, President & General Manager, Westerly Community Credit Union, Westerly, Rhode Island, December 31, 1983

Meredith Fernstrom, Senior Vice President, Office of Public Responsibility, American Express Company, New York, New York, December 31, 1984

Allen J. Fishbein, Director, Neighborhood Revitalization Project, Center for Community Change, Washington, D.C., December 31, 1984

E. C. A. Forsberg, Sr., President and Chief Executive Officer, Gulf Finance Corporation, Atlanta, Georgia, December 31, 1984

Luther R. Gatling, President, Budget & Credit Counseling Service, New York, New York, December 31, 1983

Richard F. Halliburton, Deputy Director, Legal Aid of Western Missouri, Kansas City, Missouri, December 31, 1985

Charles C. Holt, Ph.D., Professor of Management, University of Texas at Austin, Austin, Texas, December 31, 1985

George S. Irvin, President, George Irvin Chevrolet, Denver, Colorado, December 31, 1983

Harry N. Jackson, Vice President, Credit, Dayton Hudson Corporation, Minneapolis, Minnesota, December 31, 1984

Kenneth V. Larkin, Executive Vice President, Bank of America, N.T. and S.A., San Francisco, California, December 31, 1985

Timothy D. Marrinan, Assistant Vice President and Associate General Counsel, First Bank System, Inc., Minneapolis, Minnesota, December 31, 1985

Stanley L. Mularz, President, Trans Union Credit Information Company, Chicago, Illinois, December 31, 1983

Willard P. Ogburn, Deputy Director, National Consumer Law Center, Boston, Massachusetts, December 31, 1984

Elva Quijano, Vice President and Executive Professional Officer, Republic Bank of San Antonio, San Antonio, Texas, December 31, 1985

Janet J. Rathe, Executive Committee Member, Oregon Consumer League, Portland, Oregon, December 31, 1984

Janet M. Scacciotti, President and Chief Executive Officer, Guild Loan and Investment Company, Providence, Rhode Island, December 31, 1985

Glenda G. Sloane, Director, Housing and Community Development, Center for National Policy Review, Catholic University School of Law, Washington, D.C., December 31, 1985

Henry J. Sommer, Supervising Attorney, Community Legal Services, Inc., Philadelphia, Pennsylvania, December 31, 1985

Nancy Z. Spillman, Chair, Business Administration Department and Professor of Economics, Los Angeles Trade Technical College, Los Angeles, California, December 31, 1983

Winnie F. Taylor, Associate Professor of Law, Holland Law Center, University of Florida, Gainesville, Florida, December 31, 1985

Michael M. Van Buskirk, Community Development Officer, Banc One Corporation, Columbus, Ohio, December 31, 1985

Clinton Warne, President, Consumers League of Ohio, Cleveland, Ohio, December 31, 1984

Frederick T. Weimer, General Assistant to the Vice President and General Credit Manager, Sears, Roebuck and Co., Chicago, Illinois, December 31, 1984

Board of Governors of the Federal Reserve System, June 1, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-15106 Filed 5-6-83; 8:45 am]

BILLING CODE 6210-01-M

Ameribanc, Inc.; Merger of Bank Holding Companies

Ameribanc, Inc., St. Joseph, Missouri, has applied for the Board's approval under Section 3(a)(5) of the Bank Holding Company Act (12 U.S.C.

1842(a)(5)) to merge with Manufacturers Bancorp, Inc., St. Louis, Missouri and thereby acquire Manufacturers Bank & Trust Company of St. Louis, St. Louis, Missouri and First National Bank of Franklin County, Union, Missouri. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Ameribanc, Inc., St. Joseph, Missouri, has also applied for the Board's approval under section 4(c)(8) of the Act (12 U.S.C. 1843(c)(8)) to engage in the sale of insurance related to extensions of credit made by the banks. In addition to the factors considered under section 3 of the Act (banking factors), the Board will consider the proposal in the light of the company's nonbanking activities and the provisions and prohibitions in section 4 of the Act (12 U.S.C. 1843).

The application may be inspected at the offices of the Board of Governors or the Federal Bank or Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than June 30, 1983. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, June 1, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-15105 Filed 6-6-83; 8:45 am]

BILLING CODE 6210-01-M

Formation of Bank Holding Companies; American Bancorp, Inc., et al.

The companies listed in this notice have applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become bank holding companies by acquiring voting shares or assets of a bank. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application may be inspected at the offices of the Board of Governors, or at the Federal Reserve Bank indicated for that application. With respect to each application, interested persons may express their views in writing to the address indicated for that application. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing.

identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

A. Federal Reserve Bank of Atlanta (Robert E. Heck, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303:

1. *American Bancorp, Inc.*, Opelousas, Louisiana; to become a bank holding company by acquiring 100 percent of the voting shares of American Bank and Trust Company, Opelousas, Louisiana. Comments on this application must be received not later than June 29, 1983.

2. *NBG Holding Company*, Atlanta, Georgia; to become a bank holding company by acquiring 100 percent of the voting shares of The National Bank of Georgia, Atlanta, Georgia. Comments on this application must be received not later than June 29, 1983.

B. Federal Reserve Bank of Chicago (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *Bridgeview Bancorp, Inc.*, Bridgeview, Illinois; to become a bank holding company by acquiring 80 percent of the voting shares of Bridgeview Bank and Trust Company, Bridgeview, Illinois. Comments on this application must be received not later than June 29, 1983.

C. Federal Reserve Bank of Minneapolis (Bruce J. Hedblom, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. *Cherokee Bancshares, Inc.*, St. Paul, Minnesota; to become a bank holding company by acquiring 80.3 percent of the voting shares of Cherokee State Bank of St. Paul, St. Paul, Minnesota. Comments on this application must be received not later than June 29, 1983.

D. Federal Reserve Bank of Kansas City (Thomas M. Hoenig, Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *D.C. Bancorp*, Dove Creek, Colorado; to become a bank holding company by acquiring 88.67 percent of the voting shares of Dove Creek State Bank, Dove Creek, Colorado. Comments on this application must be received not later than June 29, 1983.

E. Federal Reserve Bank of Dallas (Anthony J. Montelaro, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. *Texas Bancorporation, Inc.*, Dallas, Texas; to become a bank holding company by acquiring 80 percent or more of the voting shares of The National Bank of Texas at Fort Worth, Fort Worth, Texas; Weatherford Bancshares, Inc., Weatherford, Texas; and The First National Bank of Weatherford, Weatherford, Texas.

Comments on this application must be received not later than June 29, 1983.

2. *Worth Corporation, Inc.*, Fort Worth, Texas; to become a bank holding company by acquiring 80 percent of the voting shares of Lake Worth National Bank, Fort Worth, Texas. Comments on this application must be received not later than June 29, 1983.

F. Board of Governors of the Federal Reserve System, (William W. Wiles, Secretary) Washington, D.C. 20551:

1. *Miles-Bowen Bancshares*, Bowen, Illinois; to become a bank holding company by acquiring 80 percent of the voting shares of Bowen State Bank, Bowen, Illinois. This application may be inspected at the offices of the Board of Governors, or at the Federal Reserve Bank of Chicago. Comments on this application must be received not later than June 29, 1983.

Board of Governors of the Federal Reserve System, June 1, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-15109 Filed 6-6-83; 8:45 am]

BILLING CODE 6210-01-M

Formation of Bank Holding Companies; City National Bancshares Corporation, et al.

The companies listed in this notice have applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become bank holding companies by acquiring voting shares or assets of a bank. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application may be inspected at the offices of the Board of Governors, or at the Federal Reserve Bank indicated for that application. With respect to each application, interested persons may express their views in writing to the address indicated for that application. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

A. Federal Reserve Bank of New York (A. Marshall Puckett, Vice President) 33 Liberty Street, New York, New York 10045:

1. *City National Bancshares Corporation*, Newark, New Jersey; to become a bank holding company by acquiring 100 percent of the voting shares of City National Bank of New

Jersey, Newark, New Jersey. Comments on this application must be received not later than July 1, 1983.

B. Federal Reserve Bank of Chicago (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. **Spartan Bankcorp, Inc.**, East Lansing, Michigan; to become a bank holding company by acquiring 100 percent of the voting shares (less directors' qualifying shares) of the successor by consolidation to East Lansing State Bank, East Lansing, Michigan. Comments on this application must be received not later than June 28, 1983.

Board of Governors of the Federal Reserve System, June 1, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-15110 Filed 6-6-83; 8:45 am]

BILLING CODE 6210-01-M

City National Bancshares, Inc.; Formation of Bank Holding Company

City National Bancshares, Inc., Greeley, Nebraska, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 percent of the voting shares of The City National Bank, Greeley, Nebraska. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

City National Bancshares, Inc., Greeley, Nebraska, has also applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to acquire the assets of McQuillan Insurance Agency, Greeley, Nebraska.

Applicant states that the proposed subsidiary would engage in the activities of a general insurance agency business in a community with a population of less than 5,000 persons. These activities would be performed from offices of Applicant's subsidiary in Greeley, Nebraska, and the geographic area to be served is an area within 25 miles of Greeley, Nebraska. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater

convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be expected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City.

Any views or requests for hearing should be submitted in writing and received by the Reserve Bank not later than June 30, 1983.

Board of Governors of the Federal Reserve System, June 1, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-15105 Filed 6-6-83; 8:45 am]

BILLING CODE 6210-01-M

Proposed Acquisition of First University Service Corporation

First University Corporation, Houston, Texas, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b), (c)), for permission to acquire voting shares of First University Service Corporation, Houston, Texas.

Applicant states that the proposed subsidiary would engage in the activities of a trust company, including acting as trustee and fiduciary agent in connection with various church bond issues, and other trust activities complementary to banking. These activities would be performed from offices of Applicant's subsidiary in Houston, Texas, and the geographic area to be served are the United States (with respect to acting as trustee and fiscal agent for various church bond issues), and Houston, Texas (with respect to other trust activities complementary to banking). Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce

benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas.

Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than June 29, 1983.

Board of Governors of the Federal Reserve System, June 1, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-15111 Filed 6-6-83; 8:45 am]

BILLING CODE 6210-01-M

Long-Term Credit Bank of Japan, Limited; Proposed Acquisition of LTCB Trust Company

The Long-Term Credit Bank of Japan, Limited, Tokyo, Japan, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to acquire voting shares of LTCB Trust Company, New York, New York.

Applicant states that the proposed subsidiary would engage in the following activities: (1) fiduciary, agency or custodial services; (2) investment of financial advisory services including portfolio advice, statistical forecasting and industry studies; and (3) data processing services such as reporting and record-keeping as an incident to the above mentioned activities. These activities would be performed from offices of Applicant's subsidiary in New York, New York. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce

benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of New York.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C., not later than June 30, 1983.

Board of Governors of the Federal Reserve System, June 1, 1983.

James McAfee,
Associate Secretary of the Board.

[FR Doc. 83-15112 Filed 6-6-83; 8:45 am]
BILLING CODE 6210-01-M

Acquisition of Bank Shares by a Bank Holding Company; Mercantile Bancorporation, Inc.

The company listed in this notice has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire voting shares or assets of a bank. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors, or at the Federal Reserve Bank indicated. With respect to the application, interested persons may express their views in writing to the address indicated. Any comment on the application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

A. Federal Reserve Bank of St. Louis (Delmer P. Weiss, Vice President) 411 Locust Street, St. Louis, Missouri 63166;
1. Mercantile Bancorporation, Inc., St. Louis, Missouri; to acquire 100 percent of the voting shares or assets of Wright County Bank, Hartville, Missouri.

Comments on this application must be received not later than June 23, 1983.

Board of Governors of the Federal Reserve System, June 1, 1983.

James McAfee,
Associate Secretary of the Board.

[FR Doc. 83-15113 Filed 6-6-83; 8:45 am]
BILLING CODE 6210-01-M

Mercantile Texas Corporation; Acquisition of Bank

Mercantile Texas Corporation, Dallas, Texas, has applied for the Board's approval under section 3(a)(5) of the Bank Holding Company Act (12 U.S.C. 1842(a)(5)) to merge with First-Wichita Bancshares, Inc., Wichita Falls, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than June 30, 1983. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, June 1, 1983.

James McAfee,
Associate Secretary of the Board.

[FR Doc. 83-15114 Filed 6-6-83; 8:45 am]
BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 83P-0166]

Canned Tuna in Water Deviating From Identity Standard; Temporary Permit for Market Testing

AGENCY: Food and Drug Administration.
ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces that a temporary permit has been issued to Ralston Purina Co., St. Louis, MO, to market test canned tuna in water seasoned with vegetable oil. The purpose of the temporary permit is to

allow the applicant to measure consumer acceptance of the food.

DATES: This permit is effective for 12 months, beginning on the date the food is introduced or caused to be introduced into interstate commerce, but no later than September 6, 1983.

FOR FURTHER INFORMATION CONTACT: Eugene T. McGarrahan, Bureau of Foods (HFF-215), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-245-1155.

SUPPLEMENTARY INFORMATION: In accordance with 21 CFR 130.17 concerning temporary permits to facilitate market testing of foods deviating from the requirements of the standards of identity promulgated under section 401 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 341), FDA is giving notice that a temporary permit has been issued to Ralston Purina Co.

The permit covers limited interstate marketing tests of canned tuna in water. The test product deviates from the standard of identity for canned tuna, 21 CFR 161.190, because (1) it will be seasoned with soybean oil or partially hydrogenated soybean oil at levels of 1.6 percent of the water capacity of the can and (2) it will contain xanthan gum as an emulsifying and suspending agent. The test product meets all requirements of § 161.190, with the exception of these deviations. The permit provides for the temporary marketing of 750,000 cases containing forty-eight 6½ ounce cans each of the test product. The test product will be distributed throughout the United States.

The test product is to be manufactured at the Ralston Purina Co. Seafood Division plant located in San Diego, CA.

The principal display panel of the label states the product's name, which includes the fact that the food is packed in water and seasoned with oil. Each of the ingredients used in the food, including the appropriate name of the soybean oil and the emulsifying and suspending agent xanthan gum, is stated on the label as required by the applicable sections of 21 CFR Part 101. This permit is effective for 12 months beginning on the date the food is introduced or caused to be introduced into interstate commerce, but no later than September 6, 1983.

Dated: May 31, 1983.

Richard J. Ronk,
Acting Director, Bureau of Foods.

[FR Doc. 83-15123 Filed 6-6-83; 8:45 am]
BILLING CODE 4160-01-M

Request for Nominations for Voting Members on Public Advisory Committees

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is requesting nominations for voting members to serve on certain advisory committees in the National Center for Drugs and Biologics. Nominations will be accepted for current vacancies and vacancies that will or may occur on the committees during the next 12 months.

FDA has a special interest in assuring that women, minority groups, and the physically handicapped are adequately represented on advisory committees and therefore extends particular encouragement to nominations for appropriately qualified female, minority, and handicapped candidates. Final selection from among qualified candidates for each vacancy will be determined by the expertise required to meet specific agency needs and in a manner to ensure appropriate balance of membership.

DATES: Because scheduled vacancies occur on various dates throughout each year, no cutoff date is established for receipt of nominations.

ADDRESS: All nominations for membership except for consumer-nominated members must be sent to: Joseph Price (HFN-6), National Center for Drugs and Biologics, Food and Drug Administration 5600 Fishers Lane, Rockville, MD, 20857.

Nominations for consumer-nominated positions must be sent to: Naomi Kulakow (HFE-40), Office of Consumer Affairs, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Joseph Price, at the address given above (301-443-4090). Naomi Kulakow, at the address given above (301-433-5006).

SUPPLEMENTARY INFORMATION: FDA request nominations of members for the following 16 advisory committees for vacancies listed below. Individuals should have expertise in the activity of the committee.

1. Anesthetic and Life Support Drugs Advisory Committee; four vacancies occurring June 30, 1984, including the consumer-nominated member.
2. Anti-Infective Drugs Advisory Committee; three vacancies occurring November 30, 1983, including the consumer-nominated member;
3. Arthritis Advisory Committee; two vacancies occurring September 30, 1984.

4. Cardiovascular and Renal Drugs Advisory Committee; two vacancies occurring June 30, 1983.

5. Dermatologic Drugs Advisory Committee; three vacancies occurring August 31, 1984.

6. Endocrinologic and Metabolic Drugs Advisory Committee; one vacancy occurring June 30, 1983.

7. Fertility and Maternal Health Drugs Advisory Committee; three vacancies occurring June 30, 1984, including the consumer-nominated member.

8. Gastrointestinal Drugs Advisory Committee; four vacancies occurring June 30, 1984, including the consumer-nominated member.

9. Oncologic Drugs Advisory Committee; three vacancies occurring June 30, 1984, including the consumer-nominated member.

10. Peripheral and Central Nervous System Drugs Advisory Committee; two vacancies occurring January 31, 1984.

11. Psychopharmacologic Drugs Advisory Committee; four vacancies occurring June 30, 1984.

12. Pulmonary-Allergy Drugs Advisory Committee; three vacancies occurring June 30, 1984.

13. Radiopharmaceutical Drugs Advisory Committee; three vacancies occurring June 30, 1984.

The functions of the 13 committees listed above are to review and evaluate available data concerning the safety and effectiveness of marketed and investigational prescription drugs for use in the area of medical specialties indicated by the title of the committee and to make appropriate recommendations to the Commissioner of Food and Drugs.

14. Drug Abuse Advisory Committee; three vacancies occurring June 30, 1984, including the consumer-nominated member.

The functions of the Drug Abuse Advisory Committee are to: (1) Advise the Commissioner regarding the scientific and medical evaluation of all information gathered by both the Department of Health and Human Services (HHS) and the Department of Justice regarding the safety, efficacy, and abuse potential for drugs or other substances and (2) recommend actions to be taken by HHS regarding the marketing, investigation, and control of such drugs or other substances.

15. Blood Products Advisory Committee; three vacancies occurring September 30, 1984.

16. Vaccines and Related Biological Products Advisory Committee; three vacancies occurring January 31, 1984.

The functions of the two committees listed above are to review and evaluate available data concerning the safety,

effectiveness, and appropriate use of blood and products derived from blood and serum and vaccines and other immunological products intended for use in the diagnosis, prevention, or treatment of human diseases, and make appropriate recommendations to the Commissioner of Food and Drugs.

Criteria for Members

Persons nominated for membership on the above named committees must have adequately diversified experience appropriate to the work of the committee in such fields as anesthesiology, surgery, infectious diseases, rheumatology, cardiology, dermatology, endocrinology, obstetrics and gynecology, gastroenterology, oncology, neurology, psychiatry, nuclear medicine, internal medicine, epidemiology, statistics, hematology, immunology, blood banking, virology, bacteriology, allergy, pediatrics, microbiology, and biochemistry, or other appropriate areas of expertise.

The specialized training and experience necessary to qualify the nominee as an expert suitable for appointment is subject to review, but may include experience in medical practice, teaching, research, and/or public service relevant to the field of activity of the committee. The term of office is ordinarily 4 years.

Criteria for Consumer-Nominated Members

FDA currently attempts to place on each of the committees described above one voting member who is nominated by consumer organizations. These members are recommended by a consortium of nine consumer organizations which has the responsibility for screening, interviewing, and recommending consumer-nominated candidates with appropriate scientific credentials. Candidates are sought who are aware of the consumer impact of committee issues, but who also possess enough technical background to understand and contribute to the committee's work. This would involve, for example, understanding of research design, benefit/risk, and the legal requirements for safety and efficacy of the products under review, and considerations regarding individual products. The agency notes, however, that for some advisory committees, it may require such nominees to meet the same technical qualifications and specialized training required of other expert members of the committee. The term of office for these members is 4 years. Nominations for all committees listed above are invited for consideration for

membership as openings become available.

Nomination Procedure

Any interested person may nominate one or more qualified persons for membership on one or more of the advisory committees. Nominations shall specify the committee for which the nominee is recommended. Nominations shall state that the nominee is aware of the nomination, is willing to serve as member of the advisory committee, and appears to have no conflict of interest that would preclude committee membership. Potential candidates will be asked by FDA to provide detailed information concerning such matters as financial holdings, consultancies, and research grants or contracts in order to permit evaluation of possible sources of conflict of interest.

This notice is issued under the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770-776 (5 U.S.C. App. I)) and 21 CFR Part 14, relating to advisory committees.

Dated: June 1, 1983.

William F. Randolph,

Acting Associate Commissioner for
Regulatory Affairs.

[FR Doc. 83-15124 Filed 6-2-83; 12:25 pm]

BILLING CODE 4180-01-M

Pfizer Inc.; Tran-Q Plus Terramycin Premix; Withdrawal of Approval of NADA

Correction

In FR Doc. 83-13113, beginning on page 22213 in the issue of Tuesday, May 17, 1983, make the following correction.

On page 22214, first column, third line of the second complete paragraph, "(21 U.S.C. 350b(e))" should read "(21 U.S.C. 360b(e))."

BILLING CODE 1505-01-M

[Docket No. 83C-0130]

Wilsa, Inc.; Filing of Color Additive Petition

Correction

In FR Doc. 83-12998 appearing on page 22212 in the issue of Tuesday, May 17, 1983, make the following correction.

On page 22212, first column, fifth line of the "Supplementary Information" paragraph, "(CP 3C0166)" should read "(CAP 3C0166)".

BILLING CODE 1505-01-M

Advisory Committee; Meeting

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: This notice announces a forthcoming meeting of a public advisory committee 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. 770-996 (5 U.S.C. App. I)), and FDA regulations (21 CFR Part 14) relating to advisory committees. The following advisory committee meeting is announced:

Drug Abuse Advisory Committee

Date, time, and place. June 22, 9 a.m., Conference Rm. C, Uniformed Services University of the Health Sciences, 4301 Jones Bridge Rd., Bethesda, MD.

Type of meeting and contact person. Open public hearing, 9 a.m. to 10 a.m.; open committee discussion, 10 a.m. to 5 p.m.; Frederick J. Abramek, National Center for Drugs and Biologics (HFN-120), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-433-4020.

General function of the committee. The committee advises the Commissioner of Food and Drugs regarding the scientific and medical evaluation of all information gathered by the Department of Health and Human Services and the Department of Justice with regard to safety, efficacy, and abuse potential of drugs or other substances and recommends actions to be taken by the Department of Health and Human Services with regard to marketing, investigation, and control of such drugs or other substances.

Agenda—Open public hearing. Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee.

Open committee discussion. The committee will discuss Nicorette* Gum (NDA 18-612); review of the pivotal clinical studies supporting efficacy of Nicorette* Gum as an adjunct to smoking cessation.

FDA public advisory committee meetings 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. There are no closed portions for the meetings announced in this notice. The dates and times reserved for the open 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. 4-62, 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.

Dated: June 2, 1983.

William F. Randolph,

Acting Associate Commissioner for
Regulatory Affairs.

[FR Doc. 83-15291 Filed 6-7-83; 8:45 am]

BILLING CODE 4160-01-M

National Institutes of Health

Ad Hoc Working Group To Develop Radioepidemiological Tables; Meeting

Notice is hereby given of the meeting of this Ad Hoc Working Group To Develop Radioepidemiological Tables, June 23, 1983, in Building 31, Room 8A-28, National Institutes of Health, Bethesda, Maryland.

The meeting will be open to the public from 10:00 a.m. to approximately 5:00 p.m. to develop radioepidemiological tables in response to Public Law 97-414. Attendance by the public will be limited to space available.

For additional program information, summaries of the meeting and roster of the Committee members, contact Dr. Victor H. Zeve, Landow Building, Room 4A20, National Institutes of Health, Bethesda, Maryland 20205, (301) 496-6111.

Dated: May 31, 1983.

Betty J. Beveridge,
NIH Committee Management Officer.

(FR Doc. 83-15157 Filed 6-6-83; 8:45 am)

BILLING CODE 4140-01-M

Public Health Service

Availability of Carcinogenesis Reports on L-Ascorbic Acid and Diallyl Phthalate

The HHS' National Toxicology Program today announces the availability of Technical Reports on L-Ascorbic acid (Vitamin C), a natural ingredient in fresh fruits and vegetables, and diallyl phthalate, a widely-used crosslinking agent for unsaturated polyesters and as a plasticizer.

L-Ascorbic acid was given in the diets to F344/N rats and B6C3F₁ mice (0, 25,000, 50,000 ppm) for 103 weeks. Under these conditions, L-ascorbic acid was not carcinogenic for male and female F344/N rats or for male and female B6C3F₁ mice.

Diallyl phthalate was administered to B6C3F₁ mice in corn oil by gavage (0, 150, 300 mg/kg) five days a week for 103 weeks. Under these conditions, the development of chronic inflammation and hyperplasia in the forestomach in both male and female B6C3F₁ mice was considered to be related to the administration of diallyl phthalate. The development of squamous cell papillomas of the forestomach may also have been related to chemical administration, but the available data are insufficient to indicate a clear cause and effect relationship. An increase in the incidence of male mice with lymphomas was observed, but this

increase was considered only to be equivocally related to diallyl phthalate administration.

The results of this bioassay therefore do not indicate that diallyl phthalate is carcinogenic in B6C3F₁ mice, although a maximum tolerated dose may not have been achieved. Carcinogenesis studies of diallyl phthalate in Fischer F344/N rats using doses of 0, 50, and 100 mg/kg body weight are currently underway as part of the National Toxicology Program.

Copies of these reports—*Carcinogenesis Bioassay of L-Ascorbic Acid (Vitamin C) in F344/N Rats and B6C3F₁ Mice (Feed Study)* (T.R. 247) and *Carcinogenesis Bioassay of Diallyl Phthalate in B6C3F₁ Mice (Gavage Study)* (T.R. 242)—are available without charge by writing to: NTP Public Information Office, M.D. B2-04, P.O. Box 12233, Research Triangle Park, NC 27709. Telephone: (919) 541-3991. FTS: 629-3991.

Dated: May 23, 1983.

David P. Rall,
Director.

(FR Doc. 83-15156 Filed 6-6-83; 8:45 am)

BILLING CODE 4140-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Yankton Sioux Tribe; Plan for the Use and Distribution of Yankton Sioux Tribe Judgment Funds in Dockets 342-70 and 343-70 Before the United States Court of Claims

May 24, 1983.

This notice is published in exercise of authority delegated by the Secretary of the Interior of the Assistant Secretary for Indian Affairs by 209 DM 8.

The Act of October 19, 1973 (Pub. L. 93-134, 87 Stat. 466), requires that a plan be prepared and submitted to Congress for the use or distribution of funds appropriated to pay a judgment of the Indian Claims Commission or Court of Claims to any Indian tribe. Funds were appropriated on April 5, 1982, in satisfaction of the award granted to the Yankton Sioux Tribe in United States Court of Claims Dockets 342-70 and 343-70. The plan for the use and distribution of the funds was submitted to the Congress with a letter dated December 22, 1982, and was received (as recorded in the Congressional Record) by the House of Representatives on January 6, 1983, and by the Senate on January 27, 1983. The plan became effective on April 22, 1983, as provided by Section 5 of the 1973 Act since

Congress did not adopt a resolution disapproving it.

The plan reads as follows:

The funds appropriated on April 5, 1982, in satisfaction of the award granted to the Yankton Sioux Tribe in Dockets 342-70 and 343-70 before the U.S. Court of Claims, less attorney fees and litigation expenses, and including all interest and investment income accrued, shall be invested by the Secretary of the Interior. The principal, and all interest and investment income accrued, shall be utilized by the tribal governing body for general tribal, including emergency, needs, under the provisions of administrative guidelines developed by the Yankton Sioux Business and Claims Committee and approved by the Secretary. None of the funds shall be made available for per capita payments.

None of the funds made available under this plan shall be subject to Federal or State income taxes or be considered income or resources in determining eligibility for assistance under the Social Security Act."

Kenneth Smith,

Assistant Secretary—Indian Affairs.

(FR Doc. 83-15141 Filed 6-6-83; 8:45 am)

BILLING CODE 4310-02-M

Bureau of Land Management

(C-34886)

Coal Lease Offering by Sealed Bid Correction

In FR Doc. 83-13422, beginning on page 22643 in the issue of Thursday, May 19, 1983, the fourth line of the land description in column one of page 22644 should have read, "Sec. 30, W 1/2 NW 1/4 NE 1/4, SE 1/4 NW 1/4 NE 1/4."

BILLING CODE 1505-01-M

(F-19155-1)

Alaska Native Claims Selection

In accordance with Departmental regulation 43 CFR 2650.7(d), notice is hereby given that a decision to issue conveyance under the provisions of Sec. 14 of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1611 (1976) (ANCSA)), will be issued to Doyon, Limited for approximately 200,692 acres. The lands involved are within the Kateel River Meridian, Alaska:

| | |
|-------------------|-------------------|
| T. 2 N., R. 10 E. | T. 6 N., R. 12 E. |
| T. 4 N., R. 10 E. | T. 3 N., R. 13 E. |
| T. 8 N., R. 10 E. | T. 5 N., R. 13 E. |
| T. 3 N., R. 11 E. | T. 2 N., R. 14 E. |
| T. 5 N., R. 11 E. | T. 4 N., R. 14 E. |
| T. 2 N., R. 12 E. | |

The decision to issue conveyance will

be published once a week, for four (4) consecutive weeks, in the TUNDRA TIMES upon issuance of the decision. For information on how to obtain copies, contact the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513.

Any party claiming a property interest in lands affected by this decision, an agency of the Federal government, or regional corporation may appeal the decision to the Interior Board of Land Appeals, Office of Hearings and Appeals, in accordance with the regulations in 43 CFR Part 4, Subpart E, as revised.

If an appeal is taken, the notice of appeal must be filed in the Bureau of Land Management, Alaska State Office, Division of ANCSA and State Conveyances (960), 701 C Street, Box 13, Anchorage, Alaska 99513. Do not send the appeal directly to the Interior Board of Land Appeals. The appeal and copies of pertinent case files will be sent to the Board from this office. A copy of the appeal must be served upon the Regional Solicitor, 701 C Street, Box 34, Anchorage, Alaska 99513.

The time limits for filing an appeal are:

1. Parties receiving service of the decision by personal service or certified mail, return receipt requested, shall have thirty days from the receipt of the decision to file an appeal.

2. Unknown parties, parties unable to be located after reasonable efforts have been expended to locate, parties who failed or refused to sign their return receipt, and parties who received a copy of the decision by regular mail which is not certified, return receipt requested, shall have until July 7, 1983 to file an appeal.

Any party known or unknown who is adversely affected by the decision shall be deemed to have waived those rights which were adversely affected unless an appeal is timely filed with the Bureau of Land Management, Alaska State Office, Division of ANCSA and State Conveyances.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeals. Further information on the manner of and requirements for filing an appeal may be obtained from the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513.

If an appeal is taken, the party to be served with a copy of the notice of appeal is: Doyon, Limited, Land

Department, Doyon Building, 201 First Avenue, Fairbanks, Alaska 99701.

B. LaVelle Black,

Section Chief, Branch of ANCSA Adjudication.

[FR Doc. 83-15190 Filed 6-6-83; 8:45 am]

BILLING CODE 4310-84-M

(F-14868-A, F-14868-B)

Alaska Native Claims Selection

In accordance with Departmental regulation 43 CFR 2650.7(d), notice is hereby given that a decision to issue conveyance under the provisions of Sec. 14 of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1611, (1976) (ANCSA)), will be issued to K'oyitl'ots'ina, Limited for approximately 105,965 acres. The lands involved are within:

Kateel River Meridian, Alaska (Unsurveyed)

| | |
|-------------------|-------------------|
| T. 5 N., R. 10 E. | T. 3 N., R. 12 E. |
| T. 2 N., R. 11 E. | T. 4 N., R. 12 E. |
| T. 3 N., R. 11 E. | T. 5 N., R. 12 E. |
| T. 4 N., R. 11 E. | T. 6 N., R. 12 E. |
| T. 5 N., R. 11 E. | T. 3 N., R. 13 E. |
| T. 6 N., R. 11 E. | T. 4 N., R. 13 E. |
| T. 2 N., R. 12 E. | T. 5 N., R. 13 E. |

The decision to issue conveyance will be published once a week, for four (4) consecutive weeks, in the TUNDRA TIMES upon issuance of the decision. For information on how to obtain copies, contact the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513.

Any party claiming a property interest in lands affected by the decision, an agency of the Federal government, or regional corporation may appeal the decision to the Interior Board of Land Appeals, Office of Hearings and Appeals, in accordance with the regulations in 43 CFR, Part 4, Subpart E, as revised.

If an appeal is taken, the notice of appeal must be filed in the Bureau of Land Management, Alaska State Office of Conveyance Management (960), 701 C Street, Box 13, Anchorage, Alaska 99513. Do not send the appeal directly to the Interior Board of Land Appeals. The appeal and copies of pertinent case files will be sent to the Board from this office. A copy of the appeal must be served upon the Regional Solicitor, 701 C Street, Box 34, Anchorage, Alaska 99513.

The time limits for filling an appeal are:

1. Parties receiving service of the decision by personal service or certified mail, return receipts requested, shall have thirty days from the receipt of the decision to file an appeal.

2. Unknown parties, parties unable to be located after reasonable efforts have

been expended to locate, parties who failed or refused to sign their return receipt, and parties who received a copy of the decision by regular mail which is not certified, return receipt requested, shall have until July 7, 1983 to file an appeal.

Any party known or unknown who is adversely affected by the decision shall be deemed to have waived those rights which were adversely affected unless an appeal is timely filed with the Bureau of Land Management, Alaska State Office, Division of Conveyance Management.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeals. Further information on the manner of and requirements for filing an appeal may be obtained from the Bureau of Land Management, 701 C Street, Box 13, Anchorage, Alaska 99513.

If an appeal is taken, the parties to be served with a copy of the notice of appeal are:

K'oyitl'ost'ina, Limited, 1514 Cushman Street, Room 206, Fairbanks, Alaska 99701

Doyon, Limited, Land Department, Doyon Building, 201 First Avenue, Fairbanks, Alaska 99701

B. LaVelle Black,

Section Chief, Branch of ANCSA Adjudication.

[FR Doc. 83-15161 Filed 6-6-83; 8:45 am]

BILLING CODE 4310-84-M

National Park Service

Canaveral National Seashore Advisory Commission; Meeting

Notice is hereby given in accordance with the Federal Advisory Commission Act that a meeting of the Canaveral National Seashore Advisory Commission will be held at 2:00 p.m. on Thursday, June 23, 1983, in the Titusville City Hall, Council Chambers, 555 S. Washington Avenue (U.S. 1), Titusville, Florida.

The purpose of the Canaveral National Seashore Advisory Commission is to consult and advise with the Secretary of the Interior or his designee on matters of planning, development and operation of the Canaveral National Seashore. The agenda will include: preservation of the ElDora House; update on offshore oil exploration, and North End development proposal.

The members of the Advisory Commission are as follows:

Mr. James Reinman, Chairman
Mr. James Powell
Mr. Ney C. Landrum

Ms. Doris Leeper
Mr. Sion Faulk
Mr. Peter E. Cardiff
Mr. T. C. Wilder

The meeting will be open to the public; however, facilities and space for accommodating members of the public are limited. Any member of the public may file with the commission a written statement concerning the matter to be discussed.

Persons wishing further information concerning the meeting or who wish to submit written statements, may contact Donald Guiton, Superintendent, Canaveral National Seashore, Post Office Box 2538, Titusville, Florida 32780, Telephone 305/867-4675. Minutes of the meeting will be available at Park Headquarters for public inspection approximately 4 weeks after the meeting.

Dated: May 26, 1983.

Robert M. Baker,

Regional Director, Southeast Region.

[FR Doc. 83-15126 Filed 6-9-83; 8:45 am]

BILLING CODE 4310-70-M

National Register of Historic Places; Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before May 27, 1983. Pursuant to section 60.13 of 36 CFR Part 60 written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the National Register, National Park Service, U.S. Department of the Interior, Washington, DC 20243. Written comments should be submitted by June 22, 1983.

Carol D. Shull,

Chief of Registration, National Register.

IDAHO

Bannock County

Pocatello, Hyde, William A. House, 429 N. 7th St.

INDIANA

Henry County

New Castle, Grose, Gen. William, House, 814 S. 14th St.

Monroe County

Bloomington, Illinois Central Railroad Freight Depot, 301 N. Morton St.

St. Joseph County

South Bend, Lowton, Chauncey N., House, 405 W. Wayne St.

Wabash County

Wabash, First Christian Church, 110 W. Hill St.

IOWA

Scott County

Davenport, Adler, E.P., House (Davenport MRA), 2104 Main St.

Davenport, American Commercial and Savings Bank (Davenport MRA), 201-209 W. 3rd St.

Davenport, American Telephone & Telegraph Co. Bldg. (Davenport MRA) 529 Main St.

Davenport, Argyle Flats (Davenport MRA), 732 Brady St.

Davenport, Ballard, John W., House (Davenport MRA), 205 W. 16th St.

Davenport, Benton, Richard, House (Davenport MRA), 2204 and 2210 W. 3rd St.

Davenport, Berg, Henry, Building (Davenport MRA), 246 W. 3rd St.

Davenport, Bethel AME Church (Davenport MRA) 325 W. 11th St.

Davenport, Blackhawk Hotel (Davenport MRA), 308 Perry St.

Davenport, Boyle, John R., House (Davenport MRA) 408 E. 6th St.

Davenport, Brammer Grocery Store (Davenport MRA), 1649 W. 3rd St.

Davenport, Bridge Avenue Historic District (Davenport MRA), Bridge Ave. from River Dr. to 9th St.

Davenport, Bryan, Alden, House (Davenport MRA), 2236 W. 3rd St.

Davenport, Buchanan School (Davenport MRA), 2104 W. 6th St.

Davenport, Building at 1119-1121 W. Third Street (Davenport MRA), 1119-1121 W. 3rd St.

Davenport, Building at 202 W. Third Street (Davenport MRA), 202 W. 3rd St.

Davenport, Building at 813-815 W. Second Street (Davenport MRA), 813-815 W. 2nd St.

Davenport, Burmeister, Chris, Meat Market (Davenport MRA), 1354 W. 3rd St.

Davenport, Burrows, J. M. D., House (Davenport MRA), 1533 Clay St.

Davenport, Calvary Baptist Church/First Baptist Church (Davenport MRA), 1401 Perry St.

Davenport, Cambria Place/St. Katherine's School (Davenport MRA), 901 Tremont St.

Davenport, Carr, William V., House (Davenport MRA), 1531 W. 3rd St.

Davenport, Central Office Building (Davenport MRA), 230 W. 3rd St.

Davenport, Christy, Robert, House (Davenport MRA), 2224 E. 12th St.

Davenport, City Market (Davenport MRA), 120 W. 5th St.

Davenport, Claussen, William, House (Davenport MRA), 2215 W. 2nd St.

Davenport, Clifton-Metropolitan Hotel (Davenport MRA), 130 W. River Dr.

Davenport, College Square Historic District (Davenport MRA), Roughly bounded by Brady, Main, Harrison, 11th, and 15th Sts.

Davenport, Cook, Clarissa C., Library/Blue Ribbon News Bldg. (Davenport MRA), 528 Brady St.

Davenport, Cook, Clarissa, Home for the Friendless (Davenport MRA), 2223 W. 1st St.

Davenport, Cork Hill Historic District (Davenport MRA), Perry, Pershing, Iowa, 11th, 12th, and 13th Sts.

Davenport, Cottage at 1514 and 1516 W. Second Street (Davenport MRA), 1514-1516 W. 2nd St.

Davenport, Carrier House (Davenport MRA), 1421 Grand Ave.

Davenport, Davenport Hotel (Davenport MRA), 324 Main St.

Davenport, Davenport Water Co. Pumping Station #2 (Davenport MRA), 1416 Ripley St.

Davenport, Democrat Building (Davenport MRA), 407-411 Brady St.

Davenport, Dillon Memorial (Davenport MRA), S. Main St.

Davenport, Dills-Downer House (Davenport MRA), 1020 E. 15th St.

Davenport, Donahue Building (Davenport MRA), 114 W. 3rd St.

Davenport, East 14th Street Historic District (Davenport MRA), 14th St. from Pershing to Arlington Ave.

Davenport, East Davenport Turnverein Hall (Davenport MRA), 2113 E. 11th St.

Davenport, Edinger, Edward, House (Davenport MRA), 1018 W. 9th St.

Davenport, Ewert, Ferdinand, Building (Davenport MRA), 1107 W. 2nd St.

Davenport, Ferner, Matthias, Building (Davenport MRA), 212 Main St.

Davenport, Ficke Block (Davenport MRA), 307-309 Harrison St.

Davenport, Finch, Fred, House (Davenport MRA), 719 Main St.

Davenport, First Bible Missionary Church (Davenport MRA), 2202 W. 4th St.

Davenport, First National Bank Building (Davenport MRA), 201 W. 2nd St.

Davenport, First Presbyterian Church (Davenport MRA), 316 E. Kirkwood Blvd.

Davenport, Fisher, Lewis M., House (Davenport MRA), 1003 Arlington Ave.

Davenport, Forrest Block (Davenport MRA), 401 Brady St.

Davenport, French, Alice, House (Davenport MRA), 321 E. 10th St.

Davenport, Gabbert, William, House (Davenport MRA), 1210 Tremont St.

Davenport, Cannon, M.V., House (Davenport MRA), 631 Farnham St.

Davenport, Caspard, D. Julius, House (Davenport MRA), 510 W. 10 1/2 St.

Davenport, Germania-Miller/Standard Hotel (Davenport MRA), 712 W. 2nd St.

Davenport, Glaspell, Isaac, House (Davenport MRA), 621 LeClaire St.

Davenport, Goering, Jacob, House (Davenport MRA), 721 Harrison St.

Davenport, Goodrich, William T., House (Davenport MRA), 1150 E. 15th St.

Davenport, Government Phoenix Bridge (Davenport MRA), LeClaire St. and Mississippi River.

Davenport, Grant, W.T., Company Building (Davenport MRA), 228 W. 2nd St.

Davenport, Hamburg Historic District (Davenport MRA), Roughly bounded by 5th, Vine, Ripley, and 9 1/2 Sts.

Davenport, Hauschild's Hall (Davenport MRA), 1136 W. 3rd St.

Davenport, Hebert, Louis, House (Davenport MRA), 914 Farnam St.

Davenport, Heinz, Bonaventura, House (first) (Davenport MRA), 1128 W. 5th St.

Davenport, Heinz, Bonaventura, House (second) (Davenport MRA), 1130 W. 5th St.

Davenport, Henne, Robert, House (Davenport MRA), 1445 W. 3rd St.

- Davenport, *Hibernia Hall (Davenport MRA)*, 421 Brady St.
- Davenport, *Hoersch, John, House (Davenport MRA)*, 718 Vine St.
- Davenport, *Hoffman Building (Davenport MRA)*, 510 W. 2nd St.
- Davenport, *Hoffman, Samuel, Jr., House (Davenport MRA)*, 2108 W. 3rd St.
- Davenport, *Hose Station No. 1 (Davenport MRA)*, 117 Perry St.
- Davenport, *Hose Station No. 4 (Davenport MRA)*, 2301 E. 11th St.
- Davenport, *Hose Station No. 6 (Davenport MRA)*, 1410 Marquette St.
- Davenport, *House at 1646 W. Second Street (Davenport MRA)*, 1646 W. 2nd St.
- Davenport, *House at 2123 W. Second Street (Davenport MRA)*, 2123 W. 2nd St.
- Davenport, *House at 318-332 Marquette Street (Davenport MRA)*, 318-332 Marquette St.
- Davenport, *House at 919 Oneida Street (Davenport MRA)*, 919 Oneida St.
- Davenport, *Iowa Reform Building (Davenport MRA)*, 528 W. 2nd St.
- Davenport, *Jansen, Theodore, House (Davenport MRA)*, 922 Myrtle St.
- Davenport, *Kohl Building (Davenport MRA)*, 326 W. 3rd St.
- Davenport, *Kahl, Henry, House (Davenport MRA)*, 1101 W. 9th St.
- Davenport, *Kimball-Stevenson House (Davenport MRA)*, 116 E. 6th St.
- Davenport, *Klindt, George, House (Davenport MRA)*, 902 Marquette St.
- Davenport, *Koenig Building (Davenport MRA)*, 619 W. 2nd St.
- Davenport, *Koester, Nicholas, Building (Davenport MRA)*, 1353 W. 3rd St.
- Davenport, *Kuhnen, Nicholas J., House (Davenport MRA)*, 702 Perry St.
- Davenport, *Lange, Rudolph, House (Davenport MRA)*, 1805 E. 12th St.
- Davenport, *Lend-A-Hand Club (Davenport MRA)*, 105 S. Main St.
- Davenport, *Lerch, Gustov C., House (Davenport MRA)*, 2222 W. 4th St.
- Davenport, *Lippincott, John, House (Davenport MRA)*, 2122 W. 3rd St.
- Davenport, *Littig Brothers/Mengel & Klindt/Eagle Brewery (Davenport MRA)*, 1235 W. 5th St.
- Davenport, *Mallet, Joseph, House (Davenport MRA)*, 415 E. 10th St.
- Davenport, *Martzahn, August F., House (Davenport MRA)*, 2303 W. 3rd St.
- Davenport, *McBride-Hickey House (Davenport MRA)*, 701 Iowa St.
- Davenport, *McKinney House (Davenport MRA)*, 512 E. 8th St.
- Davenport, *McManus House (Davenport MRA)*, 2320 Telegraph Rd.
- Davenport, *Meisner Drug Store (Davenport MRA)*, 1115 W. 3rd St.
- Davenport, *Miller Building (Davenport MRA)*, 724 Harrison St.
- Davenport, *Miller, F.H., House (Davenport MRA)*, 1527 Brady St.
- Davenport, *Miller, Severin, House (Davenport MRA)*, 2200 Telegraph Rd.
- Davenport, *Motie, Joseph, House (Davenport MRA)*, 421 E. 10th St.
- Davenport, *Mueller Lumber Company (Davenport MRA)*, 501 W. 2nd St.
- Davenport, *Newcome, Daniel T., Double House (Davenport MRA)*, 722-724 Brady St.
- Davenport, *Newhall, Lucian, House (Davenport MRA)*, 526 Iowa St.
- Davenport, *Nichols, Oscar, House (Davenport MRA)*, 1013 Tremont St.
- Davenport, *Ochs Building (Davenport MRA)*, 214 Main St.
- Davenport, *Ockershausen, Henry, House (Davenport MRA)*, 1024 Charlotte St.
- Davenport, *Old City Hall (Davenport MRA)*, 514 Brady St.
- Davenport, *Pahl, Henry, House (Davenport MRA)*, 1948 W. 3rd St.
- Davenport, *Paulsen, Peter J., House (Davenport MRA)*, 705 Main St.
- Davenport, *Paustian, Henry, House (Davenport MRA)*, 1228 W. 6th St.
- Davenport, *Pennern, Henry P., House (Davenport MRA)*, 1332 W. 4th St.
- Davenport, *Peters' Barber Shop (Davenport MRA)*, 1352 W. 3rd St.
- Davenport, *Petersen's, J.H.C., Sons Store (Davenport MRA)*, 123-131 W. 2nd St.
- Davenport, *Petersen's, J.H.C., Sons Wholesale Building (Davenport MRA)*, 122-124 W. River Dr.
- Davenport, *Petersen, W.D., Memorial Music Pavilion (Davenport MRA)*, Beiderbecke Dr.
- Davenport, *Pierce School #13 (Davenport MRA)*, 2212 E. 12th St.
- Davenport, *Potter-Williams House (Davenport MRA)*, 427 E. 7th St.
- Davenport, *Price, Hiram/Henry Vollmer House (Davenport MRA)*, 723 Brady St.
- Davenport, *Prien Building (Davenport MRA)*, 506-508 W. 2nd St.
- Davenport, *Raible, F.J. House (Davenport MRA)*, 1537 W. 3rd St.
- Davenport, *Ranzow-Sander House (Davenport MRA)*, 2128 W. 3rd St.
- Davenport, *Raphael, Jacob, Building (Davenport MRA)*, 628-630 Harrison St.
- Davenport, *Renwick Building (Davenport MRA)*, 322 Brady St.
- Davenport, *Renwick House (Davenport MRA)*, 1429 Brady St.
- Davenport, *Renwick, William, House (Davenport MRA)*, 901 Tremont St.
- Davenport, *Riepe Drug Store/G. Ott Block (Davenport MRA)*, 403 W. 2nd St.
- Davenport, *Roslyn Flats (Davenport MRA)*, 739 Perry St.
- Davenport, *Sacred Heart Convent (Davenport MRA)*, 419 E. 11th St.
- Davenport, *Sacred Heart Rectory (Davenport MRA)*, 422 E. 10th St.
- Davenport, *Sacred Heart Roman Catholic Church (Davenport MRA)*, 406 E. 10th St.
- Davenport, *Seengerfest Halle (Davenport MRA)*, 1012 W. 4th St.
- Davenport, *Schauder Hotel (Davenport MRA)*, 126 W. River Dr.
- Davenport, *Schebler, Richard, House (Davenport MRA)*, 1217 W. 7th St.
- Davenport, *Schick's Express and Transfer Co. (Davenport MRA)*, 118-120 W. River Dr.
- Davenport, *Schmidt Block (Davenport MRA)*, 115 E. 3rd St.
- Davenport, *Schmidt, F. Jacob, House (Davenport MRA)*, 2143 and 2147 W. 5th St.
- Davenport, *Schricker, John C., House (Davenport MRA)*, 1446 Clay St.
- Davenport, *Schroeder Bros. Meat Market (Davenport MRA)*, 2146 W. 3rd St.
- Davenport, *Schroeder and Brandt Grocery Store (Davenport MRA)*, 1401-1403 W. 3rd St.
- Davenport, *Scott County Jail (Davenport MRA)*, 428 Ripley St.
- Davenport, *Sharon, Fred B., House (Davenport MRA)*, 728 Farnam St.
- Davenport, *Shields Woolen Mill (Davenport MRA)*, 1235 E. River Dr.
- Davenport, *Simpson, Charles S., House (Davenport MRA)*, 1503 Farnam St.
- Davenport, *Sitz, Rudolph H., Building (Davenport MRA)*, 2202 W. 3rd St.
- Davenport, *Smith, Alvord I., House (Davenport MRA)*, 2318 W. 3rd St.
- Davenport, *Smith, Henry H., J.H. Murphy House (Davenport MRA)*, 512 E. 6th St.
- Davenport, *Smith, William G., House (Davenport MRA)*, 1002 Bridge St.
- Davenport, *St. Anthony's Catholic Church (Davenport MRA)*, 407 Main St.
- Davenport, *St. Anthony's Rectory (Davenport MRA)*, 417 Main St.
- Davenport, *St. Anthony's School (Davenport MRA)*, 407 Main St.
- Davenport, *St. John's Methodist Church (Davenport MRA)*, 1325-1329 Brady St.
- Davenport, *St. Joseph's Catholic Church (Davenport MRA)*, W. 6th and Marquette Sts.
- Davenport, *St. Katherine's Hall School for Girls (Davenport MRA)*, 901 Tremont St.
- Davenport, *St. Katherine's Hall: Chapel (Davenport MRA)*, 901 Tremont St.
- Davenport, *St. Katherine's Hall: Classroom/Dorm Bldg. (Davenport MRA)*, 901 Tremont St.
- Davenport, *St. Katherine's Hall: Classroom/Gymnasium (Davenport MRA)*, 901 Tremont St.
- Davenport, *St. Luke's Hospital (Davenport MRA)*, 121 W. 8th St.
- Davenport, *St. Mary's Convent (Davenport MRA)*, 519 Fillmore St.
- Davenport, *St. Mary's Parish School (Davenport MRA)*, 525 Fillmore St.
- Davenport, *St. Mary's Rectory (Davenport MRA)*, 516 Fillmore St.
- Davenport, *St. Mary's Roman Catholic Church (Davenport MRA)*, 522 Fillmore St.
- Davenport, *St. Paul's English Lutheran Church (Davenport MRA)*, 1402 Main St.
- Davenport, *Stewart, J. W., House (Davenport MRA)*, 212 E. 6th St.
- Davenport, *Swan, George B., House (Davenport MRA)*, 908 Farnam St.
- Davenport, *Swedish Baptist Church (Davenport MRA)*, 700 E. 6th St.
- Davenport, *Taylor School (Davenport MRA)*, 1400 Warren St.
- Davenport, *Templeton, I. Edward, House (Davenport MRA)*, 1315 Perry St.
- Davenport, *Tevoet, Lambert, House (Davenport MRA)*, 2017 W. 2nd St.
- Davenport, *Union Electric Telephone & Telegraph (Davenport MRA)*, 602 Harrison St.
- Davenport, *Union Savings Bank and Trust (Davenport MRA)*, 229 Brady St.
- Davenport, *Union Station and Burlington Freight House (Davenport MRA)*, 120 S. Harrison St.
- Davenport, *Walsh Flats/Langworth Building (Davenport MRA)*, 320-330 W. 4th St.

Davenport, *Walter-Gimbel House (Davenport MRA)*, 1232 W. 6th St.
 Davenport, *Warner Apartment Building (Davenport MRA)*, 414-416 E. 6th St.
 Davenport, *West Third Street Historic District (Davenport MRA)*, Roughly 3rd St. between Ripley and Myrtle Sts.
 Davenport, *Worley, Philip, House (Davenport MRA)*, 425 Brady St.
 Davenport, *Wupperman Block/I.O.O.F. Hall (Davenport MRA)*, 508-512 Brady St.
 Davenport, *Young, Col. Joseph, Block (Davenport MRA)*, 502 Brady St.
 Davenport, *Zoeller Bros-Independent Malting Co. (Davenport MRA)*, 1801 W. 3rd St.

LOUISIANA

Franklin Parish
 Gilbert vicinity, *Chennault House*, LA 15 S. of Gilbert

MASSACHUSETTS

Bristol County
 Fall River *Corky Row Historic District (Fall River MRA)*, Roughly bounded by Plymouth Ave. 1-195, and 2nd St.

Essex County

Gloucester, *Annisquam Bridge*.
 Haverhill, *Primrose Street Schoolhouse*, 71 Primrose St.
 North Andover, *Stevens, Abiel, House*, 280 Salem St.

Hampden County

Chicopee, *Ames Manufacturing Company*, 5-7 Springfield St.

Middlesex County

Arlington, *Calvary Methodist Church*, 300 Massachusetts Ave.
 Arlington, *Greek Orthodox Church*, 735 Massachusetts Ave.
 Arlington, *Pleasant Street Congregational Church*, 75 Pleasant St.
 Natick, *John Eliot Historic District*, Union, Eliot, Pleasant, and Auburn Sts.

Norfolk County

Quincy, *Adams Building*, 1342-1268 Hancock St.; 1-9 Temple St.
 Quincy, *Quincy School*, 94 Newbury Ave.

Suffolk County

Boston, *Codman Square District*, Norfolk, Talbot, Epping, Lithgow, Centre, and Moultrie Sts.

Worcester County

Milford, *Thom Block*, 83-89 Main St.
 Templeton, *Templeton Common Historic District*, Athol, Gardner, Hubbardston, Dudley, Wellington, and South Rds.
 Westminster, *Westminster Village-Academy Hill Historic District*, Bacon, Adams, Main, Dawley, Academy Hill, Leominster, and Pleasant Sts.
 Westminster, *Wood-Levi, Ezra, Warner Place*, 165 Depot Rd.

MICHIGAN*Wayne County*

Detroit, *Maccabees Building*, 5057 Woodward Ave.

MISSOURI

St. Louis (*Independent City*), *May Company Department Store Building*, 509-23 Washington Ave.

NEBRASKA*Nemaha County*

Brownville vicinity, *Bennett, John W., House*, Off NE 67

NEW HAMPSHIRE*Belknap County*

Tilton, *Tilton Downtown Historic District*, Roughly Main St. between Central and Bridge Sts.

Carroll County

Wakefield, *Wakefield House*, NH 153

NORTH CAROLINA*Buncombe County*

Asheville, *Bryan, William Jennings, House*, 107 Evelyn Pl.
 Asheville, *Oteen Veterans Administration Hospital Historic District*, U.S. 70 at jct. with SR 2002

Cleveland County

Shelby, *Central Shelby Historic District*, Roughly Washington St. from Gidney to Sumter; Graham and Warren St. to Morgan; and Marion St. from Washington to Thompson St.

Cumberland County

Fayetteville vicinity, *Gully Mill (Fayetteville MRA)*, S.R. 1839
 Fayetteville, *Atlantic Coast Line Railroad Station (Fayetteville MRA)*, 472 Hay St.
 Fayetteville, *Barge's Tavern (Fayetteville MRA)*, 519 Ramsey St.
 Fayetteville, *Camp Ground Methodist Church (Fayetteville MRA)*, Camp Ground Rd.
 Fayetteville, *Cape Fear and Yadkin Valley Railway Passenger Depot (Fayetteville MRA)*, 148 Maxwell St.
 Fayetteville, *Carolina Theater (Fayetteville MRA)*, 443 Hay St.
 Fayetteville, *Davis, John, House (Fayetteville MRA)*, 910 Arsenal Ave.
 Fayetteville, *Evans Metropolitan A M E Zion Church (Fayetteville MRA)*, 301 N. Cool Spring St.
 Fayetteville, *Fayetteville Ice and Manufacturing Company: Plant and Engineer's House (Fayetteville MRA)*, 436 Rowan St. and 438 Rowan St.
 Fayetteville, *Fayetteville Mutual Insurance Company Building (Fayetteville MRA)*, 320 Hay St.
 Fayetteville, *First Baptist Church (Fayetteville MRA)*, 200 Old St.
 Fayetteville, *Hay Street Methodist Church (Fayetteville MRA)*, Hay St. at Ray and Old Sts.
 Fayetteville, *Holt-Harrison House (Fayetteville MRA)*, 806 Hay St.
 Fayetteville, *M & O Chevrolet Company (Fayetteville MRA)*, 412 W. Russell St.
 Fayetteville, *Mallett House (Fayetteville MRA)*, 2720 Florence Dr.
 Fayetteville, *Market House Square District (Fayetteville MRA)*, Hay, Person, Green, and Gillespie Sts.

Fayetteville, *McCall House (Fayetteville MRA)*, 822 Arsenal Ave.

Fayetteville, *McDiarmid, William, House (Fayetteville MRA)*, 330 Dick St.
 Fayetteville, *McLean, Henry, House (Fayetteville MRA)*, 1006 Hay St.
 Fayetteville, *Oates, John A. House (Fayetteville MRA)*, 406 St. James Sq.
 Fayetteville, *Patterson, John E., House (Fayetteville MRA)*, 445 Moore St.
 Fayetteville, *Phoenix Masonic Lodge No. 8 (Fayetteville MRA)*, 221 Mason St.
 Fayetteville, *Poe, Edgar Allan, House (Fayetteville MRA)*, 206 Bradford Ave.
 Fayetteville, *Prince Charles Hotel (Fayetteville MRA)*, 430 Hay St.
 Fayetteville, *Strange, Robert, Country House (Fayetteville MRA)*, 309 Kirkland Dr.
 Fayetteville, *Taylor-Utley House (Fayetteville MRA)*, 916 Hay St.
 Fayetteville, *U.S. Post Office (Fayetteville MRA)*, 301 Hay St.
 Fayetteville, *Waddill's Store (Fayetteville MRA)*, 220 Hay St.

Davidson County

Lexington, *Holt, Dr William Rainey, House*, 408 S. Main

Transylvania County

Brevard, *Breese, William, Jr., House*, 401 E. Main St.

PUERTO RICO*Humacao County*

Naguabo vicinity, *Villa Del Mar*, P R 3

San Juan County

Bayamon, *Puerto Rico National Cemetery*, P R 168
 San Juan, *Casa de Espana*, Ponce de Leon Ave.

TEXAS*Fayette County*

Fayetteville, *Zapp Building*, Fayette and Washington Sts.

Travis County

Austin, *Hofheintz-Reissig Store*, 600 E. 3rd St.
 The 15-day commenting period for the following properties nominated to the National Register of Historic Places is being waived in order to assist in the properties' preservation. Expeditious listing of these properties will insure that a project to develop the educational and interpretive potential of each site may proceed under the provisions of the Emergency Jobs Act of 1983 (P.L. 98-8).

ARIZONA*Navajo County**Homolovi II***RHODE ISLAND***Washington County*

North Kingstown vicinity, *Lischio Site*, RI-1000

(FR Doc. 83-15127 Filed 6-6-83; 8:45 am)

BILLING CODE 4310-70-M

Potential 1983 U.S. World Heritage Nominations; Possible Additions to U.S. Indicative Inventory of Potential Future Nominations

AGENCY: National Park Service, Interior.

ACTION: Notice and request for public comment.

SUMMARY: On February 23, 1983, the Department of the Interior, through the National Park Service, set forth in a public notice the process and schedule that will be used in calendar year 1983 to identify and prepare U.S. nominations to the World Heritage List (48 FR 7640). In addition, the February 23 notice identified the criteria and requirements that U.S. properties must satisfy before nomination for World Heritage status, and solicited public comments and suggestions regarding cultural and natural properties that should be considered as potential U.S. nominations this year. This notice announces and invites comment on the four cultural and seven natural properties described below that have been identified as potential 1983 U.S. World Heritage nominations.

In addition, responses to the February 23 notice identified properties which are not presently included on the Indicative Inventory of Potential Future Nominations to the World Heritage List, normally a prerequisite to be considered for nomination. This notice also describes one such area which the Panel proposes for further study in this regard and invites comment on its possible addition to the Indicative Inventory.

DATES: Written comments or recommendations regarding any property listed herein as a potential 1983 U.S. World Heritage nomination or on possible additions to the Indicative Inventory must be received within 30 days after publication of this notice to ensure full consideration. The final list of proposed 1983 nominations will be selected from among the potential nominations, and will be published in the *Federal Register* by July 1, 1983. A draft nomination document will be prepared for any property selected as a proposed nomination. In November 1983, the Federal Interagency Panel for World Heritage will review the accuracy and completeness of the draft 1983 nomination(s) and will make recommendations to the Assistant Secretary of the Interior for Fish and Wildlife and Parks. The Assistant Secretary subsequently transmits any approved nomination(s) on behalf of the United States to the United Nations Educational, Scientific, and Cultural Organization through the Department of State, by December 15 for evaluation by

the World Heritage Committee in a process that could lead to inscription on the World Heritage List by fall 1984. Notice of transmittal of U.S. nominations will be published in the *Federal Register*.

Final decisions with regard to possible additions to the Indicative Inventory will be based upon comments received and upon further study and will be announced in the final *Federal Register* notice, as outlined above, of this year's procedure.

ADDRESS: Written comments or recommendations should be sent to the Director, National Park Service U.S. Department of the Interior, Washington, D.C. 20240. Attention: World Heritage Convention-773.

FOR FURTHER INFORMATION CONTACT: Mr. David G. Wright, Associate Director, Planning and Development, National Park Service, U.S. Department of the Interior, Washington, D.C. 20240, telephone: (202/343-6741).

SUPPLEMENTARY INFORMATION: The Convention Concerning Protection of the World Cultural and Natural Heritage, now ratified by the United States and 68 other countries, has established a system of international cooperation through which cultural and natural properties of outstanding universal value to mankind may be recognized and protected. The Convention seeks to put into place an orderly approach for coordinated and consistent heritage resource protection and enhancement throughout the world.

Participating nations identify and nominate their sites for inclusion on the World Heritage List, which currently includes 136 cultural and natural properties. The World Heritage Committee judges all nominations against established criteria. Under the Convention, each participating nation assumes responsibility for taking appropriate legal, scientific, technical, administrative, and financial measures necessary for the identification, protection, conservation, and rehabilitation of World Heritage properties situated within its borders.

In the United States, the Department of the Interior is responsible for directing and coordinating U.S. participation in the World Heritage Convention. The Department implements its responsibilities under the Convention in accordance with the statutory mandate contained in Title IV of the National Historic Preservation Act Amendments of 1980 (P.L. 96-515; 16 U.S.C. 470a-1, a-2). On May 27, 1982, the Interior Department published in the *Federal Register* the policies and procedures which it uses to carry out

this legislative mandate (47 FR 23392). The rules contain additional information on the convention and its implementation in the United States, and identify the specific requirements that U.S. properties must satisfy before they can be nominated for World Heritage status, i.e., the property must have previously been determined to be of national significance, its owner must concur in writing to its nomination, and its nomination must include evidence of such legal protections as may be necessary to ensure preservation of the property and its environment.

The Federal Interagency Panel for World Heritage assists the Department in implementing the Convention by making recommendations on U.S. World Heritage policy, procedures, and nominations. The Panel is chaired by the Assistant Secretary for Fish and Wildlife and Parks, and includes representatives from the Office of the Assistant Secretary for Fish and Wildlife and Parks, the National Park Service, and the U.S. Fish and Wildlife Service within the Department of the Interior; the President's Council on Environmental Quality; the Smithsonian Institution; the Advisory Council on Historic Preservation; National Oceanic and Atmospheric Administration, Department of Commerce; and the Department of State.

Potential 1983 U.S. World Heritage Nominations

The Department of the Interior, through the National Park Service, has identified the following four cultural and seven natural properties as potential 1983 U.S. nominations to the World Heritage List. With one exception, each of these properties is included on the Indicative Inventory of potential future U.S. World Heritage nominations, published in the *Federal Register* on May 6, 1982 (47 FR 19648). The exception, Wright Brothers National Memorial, was formally nominated by the United States in 1980, but it was subsequently withdrawn. A brief description is provided for each property, along with the World Heritage criteria that it appears to satisfy. The final list of proposed 1983 U.S. nominations to the World Heritage List will be selected from among the potential nominations included herein. Identification of a property as a potential 1983 nomination does not confer World Heritage status on it. A draft nomination document will be prepared for each property that is ultimately selected as a proposed 1983 nomination. The Department encourages all interested parties to comment and

make recommendations on the potential nominations, as these comments and additional evaluation will serve as the basis for identifying proposed 1983 nominations.

The following cultural properties, arranged alphabetically by theme, and natural properties, arranged alphabetically by natural region, have been identified as potential 1983 U.S. World Heritage nominations:

I. Cultural Properties

Engineering

Brooklyn Bridge, New York. (40°42'N., 73°57'W.) Built by John A. and Washington A. Roebling, the Brooklyn Bridge was one of the world's first wire cable suspension bridges. The technical problems faced in its construction were solved by solutions that established precedents in bridge building. The cables themselves are supported by two massive Gothic pylons, each with two pointed arches. The main span is 1595 feet. *Criteria:* (iv) an outstanding example of a type of structure which illustrates a significant stage in history.

Hawaiian

PU'UHONUA O HONAUNAU National Historical Park, Hawaii. (19°25'N., 155°55'W.) This area (formerly known as City of Refuge National Historical Park) includes sacred ground, where vanquished Hawaiian warriors, noncombatants and kapu breakers were granted refuge from secular authority. Prehistoric housesites, royal fishponds, and spectacular shore scenery are features of the park. *Criteria:* (v) an outstanding example of a traditional human settlement which is representative of a culture and which has become vulnerable under the impact of irreversible change.

International Affairs

Statue of Liberty National Monument, New Jersey-New York. (40°37'N., 74°03'W.) French historian Edouard Laboulaye suggested the presentation of this statue to the United States, commemorating the alliance of France and the United States during the American revolution. The copper colossus was designed by Frederic Auguste Bartholdi and erected according to plans by Gustave Eiffel. *Criteria:* (i) a unique artistic achievement and (iv) an outstanding example of a type of structure which illustrates a significant stage in history.

Science and Industry

Wright Brothers National Memorial/First Powered Flight, Kitty Hawk, North Carolina. This site is directly and

tangibly associated with the event of the flight of the world's first powered and controlled airplane, which was completed by Wilbur and Orville Wright on December 17, 1903. This event revolutionized travel patterns and modes of warfare throughout the world. The invention of the airplane has changed the course of human history, as the pace and scope of life has quickened and human endeavor broadened. *Criteria:* (vi) Directly and tangibly associated with an event of outstanding universal significance. As noted, Wright Brothers National Memorial was previously nominated in 1980 and subsequently withdrawn; it is now being considered for possible renomination. Initial study on possible renomination will focus on the desirability of a closer integration of the site nomination with natural and environmental characteristics which were requisite combination for the first powered flight.

II. Natural Properties

Cascade Range

Crater Lake National Park, Oregon. (42°55'N., 122°06'W.) This unique, deep blue lake lies at the center of Mount Mazama, an ancient volcanic peak that collapsed centuries ago. The lake is bounded by multicolored lava walls extending 500 to 2,000 feet above the lake's waters. *Criteria:* (ii) An outstanding example of significant geological processes, and (iii) contains superlative natural phenomena, formations, and areas of exceptional natural beauty.

Mount Rainier National Park, Washington. (46°52'N., 121°41'W.) Mount Rainier National Park includes the greatest single-peak glacial system in the U.S., radiating from the summit and slopes of an ancient volcano. Dense forests and subalpine meadows here are characteristics of the Cascade Range. *Criteria:* (ii) An outstanding example of significant geological processes and biological evolution; and (iii) contains superlative natural phenomena, formations, and areas of exceptional natural beauty.

North Cascades National Park, Washington. (48°40'N., 121°15'W.) The tall, jagged peaks of the North Cascades intercept moisture-laden winds off the Pacific Ocean, which produce glaciers, waterfalls, and ice falls in this wild alpine region where plant and animal communities thrive in mountain valleys. *Criteria:* (ii) An outstanding example of significant geological processes and biological evolution, and (iii) contains superlative natural phenomena, formations, and areas of exceptional natural beauty.

Chihuahuan Desert

Carlsbad Caverns National Park, New Mexico/*Guadalupe Mountains National Park*, Texas. Rising abruptly from the surrounding desert, the mountain mass known as the Guadalupe Escarpment located within Guadalupe Mountains National Park contains portions of the world's most extensive and significant Permian limestone fossil reef. A tremendous earth fault and unusual flora and fauna are also found here. Carlsbad Caverns National Park, another portion of the Guadalupe Escarpment, includes the largest underground chambers yet discovered, and has many magnificent and curious cave formations, including an array of speleothems. *Criteria:* (i) An outstanding example illustrating a major stage of the earth's evolutionary history, (ii) an outstanding example of significant geological processes, and (iii) contains superlative natural phenomena, formations, and areas of exceptional natural beauty.

Pacific Mountain System

Katmai National Park, Alaska. (58°30'N., 155°20'W.) This area's interior wilderness includes the Valley of 10,000 Smokes, the result of the 1917 volcanic eruption of Mt. Katmai. The eruption produced countless fumaroles, a few of which are still active. *Criteria:* (ii) An outstanding example of significant geological processes, and (iii) contains superlative natural phenomena and formations.

Sierra Nevada

Sequoia/Kings Canyon National Parks, California. (35°40'N., 118°30'W.) A combination of two adjoining national parks, this tract includes Mount Whitney, the tallest mountain in the United States outside of Alaska, Mineral King Valley, and two enormous canyons of the Kings River. Groves of giant sequoia, the world's largest living things, are found here. This area has been designated a Biosphere Reserve. *Criteria:* (ii) An outstanding example of significant geological processes and biological evolution, and (iii) contains superlative natural phenomena and areas of exceptional natural beauty.

Yosemite National Park, California. (37°50'N., 119°30'W.) Granite peaks and domes rise high above broad meadows in the heart of the Sierra Nevada, along with groves of sequoias and related tree species. Mountains, lakes, and waterfalls, including five of the world's ten highest, are found here. *Criteria:* (ii) An outstanding example of significant geological processes and biological evolution, and (iii) contains superlative

natural phenomena, formations, and areas of exceptional natural beauty.

Possible Additions to U.S. Indicative Inventory

Of the sites suggested for consideration this year which are not presently included on the U.S. Indicative Inventory, the Federal Interagency Panel regarded Haleakala National Park in Hawaii as a priority for further study and consideration. It was felt that its addition to the Inventory would provide excellent opportunities for subsequent consideration of a combined nomination including Haleakala and other protected natural zones in the region as a comprehensive coverage of the Hawaiian biota. The integrity and significance of such an integrated nomination would be enhanced from an international heritage perspective.

On the Panel's recommendation, therefore, the Department announces this proposed action and invites comment and suggestions. The proposed addition to the Indicative Inventory would include the following section.

II. Natural Properties

Hawaiian Islands

Haleakala National Park, Hawaii. With an elevation range from sea level to 3000 m, the park has a great variety of habitats. Alpine deserts, subalpine shrubland, dry forests, subalpine grassland, bogs, rainforests, and coastal vegetation all occur within a linear distance of 25 km. Of international botanical significance, over 95 percent of the species, and 20 percent of the genera of flowering plants are found nowhere else on earth. **Criteria:** (i) An outstanding example representing major stages of the earth's evolutionary history, (ii) outstanding example representing ongoing biological evolution, and (iii) contains superlative natural beauty.

Dated: May 23, 1983.

J. Craig Potter,

Acting Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 83-15125 Filed 6-6-83; 8:45 am]

BILLING CODE 4310-70-M

North Country National Scenic Trail Advisory Council Meeting

Notice is hereby given, in accordance with the Federal Advisory Committee Act, 86 Stat. 770, 5 U.S.C. App. 1, as amended by the Act of September 13, 1976, 90 Stat. 1247, that a meeting of the North Country National Scenic Trail Advisory Council will be held June 23-24, 1983, beginning at 8:30 a.m. at

Stouffer's Cincinnati Towers Hotel, 141 West Sixth Street, Cincinnati, Ohio.

The council was originally established on November 28, 1980, pursuant to provisions of the National Trails System Act, 82 Stat. 919, 16 U.S.C. 1244, to meet and consult with the Secretary of the Interior on matters relating to the administration and development of the North Country National Scenic Trail.

Matters to be discussed at the meeting will include strategies for implementing the comprehensive management plan for the North Country National Scenic Trail and the status of development and management of the trail in each state.

The meeting will be open to the public. Interested persons may submit written statements to the official listed below prior to the meeting.

Further information concerning this meeting may be obtained from Thomas L. Gilbert, Division of Recreation Resources, Midwest Region, National Park Service, 1709 Jackson Street, Omaha, Nebraska 68102, telephone (402) 221-3371 (FTS 864-3371). Minutes of the meeting will be available for public inspection at the Midwest Regional Office 3 weeks after the meeting.

Dated: May 26, 1983.

J. L. Dunning,

Regional Director, Midwest Region.

[FR Doc. 83-15126 Filed 6-6-83; 8:45 am]

BILLING CODE 4310-70-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 July 7, 1983. Petitions for reconsideration must be filed by June 27, 1983. Petitions for stay must be filed by June 17, 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, DC 20423; or call (202) 289-4357 in the DC metropolitan area; or (800) 424-5403 Toll-free outside the DC area.

Agatha L. Mergenovich,
Secretary.

[No. MC-F-15104]

Cressler Trucking, Inc.—Purchase Exemption—Spector Red Ball, Inc. (Debtor-In-Possession)

ADDRESSES: Send pleadings to: (1) Motor Section, Room 2139, Interstate Commerce Commission, Washington, DC 20423 and (2) Petitioners' representative, J. Raymond Chesney, 3177 Irving Blvd., P.O. Box 47407, Dallas, TX 75247, and Lawrence E. Lindeman, P.C., 4660 Kenmore Avenue, Suite 1203, Alexandria, VA 22304.

Pleadings should refer to No. MC-F-15104.

Decided: May 25, 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(a)(2), the purchase by Cressler Trucking, Inc. of a portion (as set forth in the appendix) of the operating rights of Spector Red Ball, Inc.

By the Commission, Division 2, Commissioners Gradison, Taylor, and Sterrett, Commissioner Taylor is assigned to this Division for the purpose of resolving tie votes. Since there was no tie in this matter, Commissioner Taylor did not participate.

[No. MC-F-15136]

Stell Transport, Inc.—Purchase Exemption—Sawyer Transport, Inc., (Nathan Yorke, Trustee-In-Bankruptcy)

ADDRESSES: Send pleadings to: (1) Motor Section, Room 2139, Interstate Commerce Commission, Washington, DC 20423 and (2) Petitioner's representative, Carl L. Steiner, 135 South LaSalle Street, Chicago, IL 60603.

Pleading should refer to No. MC-F-15136.

Decided: May 25, 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, the purchase by Stell Transport, Inc. (Stell) (No. MC-153552), and in turn Kenneth R. Paulan, who controls Stell, of portions of the Sub-No. 868X certificate and underlying authorities thereto of Sawyer Transport, Inc. (Nathan Yorke, Trustee-in-bankruptcy) (No. MC-123407). The portions of the Sub-No. 868X certificate and corresponding underlying authorities (in

parentheses) are listed as follows: paragraphs 1a, 1b, 1c, and 1d (base certificate), and paragraphs 44 (Sub-No. 84), 45 (Sub-No. 92), 72 (Sub-No. 136), 89 (Sub-No. 173), 92 (Sub-No. 181), 144 (Sub-No. 286), 176 (Sub-No. 343), 215 (Sub-No. 427), 266 (Sub-No. 506F), and 291 (Sub-No. 556F).

By the Commission, Division 2, Commissioners Gradison, Taylor, and Sterrett. Commissioner Taylor is assigned to this Division for the purpose of resolving tie votes. Since there was no tie in this matter, Commissioner Taylor did not participate. [No. MC-F-15128]

Royal Lines, Inc. Purchase Exemption—Universe Company, Inc.—and Irving L. Johnson—Control Exemption—Royal Lines, Inc.

ADDRESSES: Send pleadings to: (1) Motor Section, Room 2139, Interstate Commerce Commission, Washington, D.C. 20423; and (2) Petitioner's representative: Arlyn L. Westergren, Suite 201, 9202 West Dodge Road, Omaha, NE 68114.

Comments should refer to No. MC-F-15159.

Decided: May 31, 1983.

Under 49 U.S.C. 11343(e), the Interstate Commerce Commission exempts from the requirement or prior review and approval under 49 U.S.C. 11343(a), the purchase by Royal Lines, Inc., of that portion of the operating rights of Universe Company, Inc. set forth in Certificate No. MC-136816 (Sub-Nos. 3, 10X (paragraph 3), 11, 13, 14, and 15) which collectively authorize the irregular-route transportation of meats, food and related products and building materials from and to various points located primarily east of the Mississippi River. Additionally under 49 U.S.C. 11343(e), the Commission exempts from the requirement of prior review and approval under 49 U.S.C. 11343(a)(5), the acquisition of control by Irving L. Johnson, who owns 100 percent of the Universe Company, Inc., of Royal Lines, Inc.

By the Commission, Division 2, Commissioners Gradison, Taylor, and Sterrett. Commissioner Taylor is assigned to this Division for the purpose of resolving tie votes. Since there was no tie in this matter, Commissioner Taylor did not participate.

[No. MC-F-15131]

Stephen A. Lawrence, Alton S. Lawrence, Jay A. Lawrence and E. Ross Flowers—Control Exemption—T-Line, Inc.

ADDRESSES: Send pleadings to: (1) Motor Section, Room 2139, Interstate Commerce Commission, Washington, DC 20423; and (2) Petitioner's

representative: Robert L. Cope, Suite 501, 1730 M Street, N.W., Washington, DC 20036.

Pleadings should refer to No. MC-F-15131.

Decided: May 26, 1983.

Under 49 U.S.C. 11343(e), the Interstate Commerce Commission exempts from the requirements of prior review and approval under 49 U.S.C. 11343(a)(5) the acquisition of control of T-Line, Inc., by Stephen A. Lawrence, Alton S. Lawrence, Jay A. Lawrence and E. Ross Flowers.

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.

[FR Doc. 83-15146 Filed 6-6-83; 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*, 367 I.C.C. 113 (1982), 47 FR 53303 (November 24, 1982).

DATES: 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.

Decided: June 1, 1983.

By the Commission, Heber P. Hardy, Director, Office of Proceedings, Agatha L. Mergeovich, Secretary.

[OP4F-336]

James P. Byrne—Control Exemption—Murrell Enterprises, Inc.

MC-F-15241. James P. Byrne, seeks an exemption from the requirement of prior regulatory approval for his acquisition of control of Murrell Enterprises, Inc., a non-carrier, which in turn controls Earl C. Smith, Inc. (MC-80498) and Magra,

Inc., when the latter institutes operations as a motor common carrier.

Send Comments to: (1) Motor Section, Room 2139, Interstate Commerce Commission, Washington, D.C. 20423; and (2) Petitioner's representative: Elaine M. Conway, Sullivan & Associate, Ltd., 180 N. Michigan Ave., Suite 1700, Chicago, IL 60601.

Comments should refer to No. MC-F-156241.

[FR Doc. 83-15144 Filed 6-6-83; 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.

Petitions seeking reconsideration must be filed within 20 days from the date of this publication. Replies must be filed within 20 days after the final date for filing petitions for reconsideration; any interested person may file and serve a reply upon the parties to the proceeding. Petitions which do not comply with the relevant transfer rules at 49 CFR 1181.4 may be rejected.

If petitions for reconsideration are not timely filed, and applicants satisfy the conditions, if any, which have been imposed, the application is granted and they will receive an effective notice. The notice will recite the compliance requirements which must be met before the transferee may commence operations.

Applicants must comply with any conditions set forth in the following decision-notices within 20 days after publication, or within any approved extension period. Otherwise, the decision-notice shall have no further effect.

It is ordered:

The following applications are approved, subject to the conditions stated in the publication, and further subject to the administrative requirements stated in the effective notice to be issued hereafter.

By the Commission, Review Board Number 3, Members Krock, Joyce, and Dowell.

Agatha L. Mergenovich,
Secretary.

Please direct status inquiries to Team 4 at (202) 275-7669.

Volume No. OP4-FC-335

MC-FC-81448. By decision of May 26, 1983, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 3 approved the transfer to JAT ENTERPRISES, INC., Glen Morgan, WV, of Permit No. MC-155086, issued May 17, 1982, to RICHMOND TRUCKING, INC. (TRUMAN L. SAYRE, TRUSTEE IN BANKRUPTCY), Glen Morgan, WV, authorizing the transportation of mining equipment, and machinery, between points in the U.S., under continuing contract(s) with A. L. Lee Corporation, of Lester, WV, Fan Systems, Inc., of Beckley WV, R&F Machinery Company, of Glen White, WV, CWS, Inc., of Beckley, WV, The Dosco Corporation of Beckley, WV, and Simmons Mine Supply, of Mabscott, WV. An application for temporary authority has been filed. Representative: John M. Friedman, 2930 Putnam Ave., P.O. Box 426, Hurricane, WV 25526 for applicants (304) 562-3460.

[FR Doc. 83-15143 Filed 6-6-83; 8:45 am]
BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

Motor Common and Contract Carriers of Property (except fitness-only); Motor Common Carriers of Passengers (public interest); Freight Forwarders; Water Carriers; Household Goods Brokers. The following applications for motor common or contract carriers of property, water carriage, freight forwarders, and household goods brokers are governed by Subpart A of Part 1160 of the Commission's General Rules of Practice. See 49 CFR Part 1160, Subpart A, published in the Federal Register on November 1, 1982, at 47 FR 49563, which redesignated the regulations at 49 CFR 1100.251, published in the Federal Register December 31, 1980. For compliance procedures, see 49 CFR 1160.19. Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart B.

The following applications for motor common carriage of passengers, filed on or after November 19, 1982, are governed by Subpart D of 49 CFR Part 1160, published in the Federal Register on November 24, 1982 at 47 FR 53271. For compliance procedures, see 49 CFR 1160.86. Carriers operating pursuant to

an intrastate certificate also must comply with 49 U.S.C. 10922(c)(2)(E). Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart E. In addition to fitness grounds, these applications may be opposed on the grounds that the transportation to be authorized is not consistent with the public interest.

Applicant's representative is required to mail a copy of an application, including all supporting evidence, within three days of a request and upon payment to applicant's representative of \$10.00

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations.

We make an additional preliminary finding with respect to each of the following types of applications as indicated: common carrier of property—that the service proposed will serve a useful public purpose, responsive to a public demand or need; water common carrier—that the transportation to be provided under the certificate is or will be required by the public convenience and necessity; water contract carrier, motor contract carrier of property, freight forwarder, and household goods broker—that the transportation will be consistent with the public interest and the transportation policy of section 10101 of chapter 101 of Title 49 of the United States Code.

These presumptions shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly

noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Agatha L. Mergenovich,
Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract." Applications filed under 49 U.S.C. 10922(c)(2)(B) to operate in intrastate commerce over regular routes as a motor common carrier of passengers are duly noted.

Please direct status inquiries to Team 3 at (202) 275-5223.

Volume No. OP3-244

Decided: May 26, 1983.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

FF 894, filed May 18, 1983. Applicant: ALLIMODE FORWARDING, INC., 565 Old Eastlake Rd., Tarpon Springs, FL 33589. Representative: Alan F. Wohlstetter, 1700 K St., N.W., Washington, D.C. 20006, (202) 833-8884. As a freight forwarder, in connection with the transportation of *used household goods, unaccompanied baggage, and used automobiles*, between points in the U.S.

MC 2934 (Sub-151), filed May 9, 1983. Applicant: AERO MAYFLOWER TRANSIT COMPANY, INC., 9998 North Michigan Rd., Carmel, IN 46032. Representative: W. G. Lowry (same address as applicant), (317) 875-1142. Transporting *general commodities (except classes A and B explosives and commodities in bulk)*, between points in the U.S. (except AK and HI), under continuing contract(s) with K Mart Corporation, of Troy, MI.

MC 15735 (Sub-83), filed May 12, 1983. Applicant: ALLIED VAN LINES, INC., 2120 S. 25th Avenue (P.O. Box 4403), Broadview, IL 60153. Representative: Martin T. Boratyn, P.O. Box 4403, Chicago, IL 60680, (312) 681-8377.

Transporting *general commodities* (except classes A and B explosives and commodities in bulk), between points in the U.S., under continuing contract(s) with Northern Telecom, Inc., of Minnetonka, MN.

MC 39085 (Sub-9), filed May 9, 1983. Applicant: WESTLAND FREIGHT LINES, INC., 2727 East Vernon Ave., Los Angeles, CA 90068. Representative: S. S. Eisen, 7510 193rd St., Flushing, NY 11366, (212) 465-8063. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI).

MC 72495 (Sub-28), filed May 9, 1983. Applicant: DON SWART TRUCKING, INC., Box 49, Route No. 2, Wellsburg, WV 26070. Representative: Stephen J. Habash, 100 E. Broad St., Columbus, OH 43215, (614) 228-1541. Transporting *coal and coal products*, between points in the U.S. (except AK and HI), under continuing contract(s) with Consolidation Coal Company, of Pittsburgh, PA.

MC 99535 (Sub-8), filed May 9, 1983. Applicant: STEVEN FREIGHT SERVICE CO., INC., 16 Sturtevant St., Somerville, MA 02145. Representative: Robert L. Cope, Suite 501, 1730 M St., N.W., Washington, DC 20036, (202) 296-2900. 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 Proctor and Gamble Company, and its subsidiaries, of New York, NY.

MC 109724 (Sub-12), filed May 11, 1983. Applicant: PAUL J. SCHMIT, d.b.a. PAUL J. SCHMIT TRUCKING, 1480 North Springdale Road, Waukesha, WI 53186. Representative: William P. Dineen, 710 North Plankinton Avenue, Milwaukee, WI 53203, (414) 273-7410. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S. (except AK and HI).

MC 140334 (Sub-15), filed May 9, 1983. Applicant: AM-CAN TRANSPORT SERVICE, INC., P.O. Box 859, Anderson, SC 29621. Representative: John T. Wirth, 717 17th St., Suite 2600, Denver, CO 80202, (303) 892-6700. 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 American Hoechst Corporation, of Spartanburg, SC.

MC 141215 (Sub-6), filed May 11, 1983. Applicant: HICKS CORNERS

TRUCKING, INC., Route 2, Hwy 18, Dodgeville, WI 53533. Representative: Richard A. Westley, 4506 Regent Street, Suite 100, P.O. Box 5088, Madison, WI 53705-0088, (608) 238-3119. Transporting *such commodities* as are dealt in by mail order catalogue stores, between points in the U.S. (except AK and HI), under continuing contract(s) with Lands' End Yacht Stores, Inc., of Dodgeville, WI.

MC 145925 (Sub-8), filed May 17, 1983. Applicant: TRANS CONTINENTAL LEASING, LTD., 8920 Pershall Rd., Hazelwood, MO 63042. Representative: Robert M. O'Donnell, 145 W. Wisconsin Ave., Neenah, WI 54956, (414) 722-2848. 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). Condition: the person or persons who appear to be engaged in common control of another regulated carrier must either file an application under 49 U.S.C. 11343(a), or submit an affidavit stating why Commission approval is unnecessary, or submit a petition of exemption to the Secretary's Office. In order to expedite issuance of any authority please submit a copy of the affidavit or petition or proof of filing the application(s) for common control to Team 3, Room 2158.

MC 147885 (Sub-2), filed May 13, 1983. Applicant: MANUEL & AMY VEGA, d.b.a. VEGA CONSTRUCTION & TRUCKING 514 So. 4th St., P.O. Box 1630, Elko, NV 89801. Representative: Manuel Vega (same address as applicant), (702) 738-5381. Transporting (1) *ores and minerals*, (2) *clay, concrete, glass or stone products*, and (3) *machinery*, between points in Elko, Eureka, Humboldt, Lander and White Pine Counties, NV.

MC 149215 (Sub-2), filed May 10, 1983. Applicant: RAYMOND SNELL, d.b.a. SNELL & SONS, 5025 Ursula Way, Denver, CO 80239. Representative: Raymond Snell (same address as applicant), (303) 373-1283. Transporting *general commodities* (except classes A and B explosives), between points in the U.S. (except HI).

MC 159384 (Sub-1), filed May 9, 1983. Applicant: DAVID KURK, INC., P.O. Box 112, Eitzen, MN 55931. Representative: Stephen F. Grinnell, 1800 TCF Tower, Minneapolis, MN 55402, (612) 333-1341. Transporting *Chemicals and related products*, between points in IA and MN, on the one hand, and, on the other, points in IA, MN, MO, NE, ND, SD, and WI.

MC 159505 (Sub-1) filed May 11, 1983. Applicant: KRT ENTERPRISES, INC., 4611 St. Johns Ave., Jacksonville, FL

32210. Representative: Kenneth R. Thomas, 3742 Ponce De Leon Ave., Jacksonville, FL 32217, (904) 731-2684. Transporting *food and related products*, between points in Orange County, FL, on the one hand, and, on the other, points in GA, SC, and NC, under continuing contract(s) with Meyers Bakery of Orlando, FL.

MC 167524, filed May 16, 1983. Applicant: JACK FANKHANEL, d.b.a. FANKHANEL OIL COMPANY, Sabin, MN 56580. Representative: Richard P. Anderson, Federal Square, 112 Roberts St., P.O. Box 2581, Fargo, ND 58108, (701) 235-3300. Transporting *petroleum products*, between points in ND and MN.

MC 167935, filed May 9, 1983. Applicant: SCHWEINFURTH TRANSFER, INC., P.O. Box 2622, Iowa City, IA 52244. Representative: Kenneth F. Dudley, P.O. Box 279, Ottumwa, IA 52501, (515) 682-8154. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S. (except AK and HI), under continuing contract(s) with Procter & Gamble Company, and its subsidiaries, of Cincinnati, OH, and H.P. Smith Paper Co., of Iowa City, IA.

MC 167945 filed May 9, 1983. Applicant: KENNETH TIMMONS, d.b.a. KENNETH TIMMONS TRUCKING COMPANY, P.O. Box 54, Fyffe, AL 35971. Representative: John W. Cooper, P.O. Box 162, Mentone, AL 35984, (205) 634-4885. Transporting *floor covering materials*, between points in the U.S. (except AK and HI), under continuing contract(s) with Mohawk International, d.b.a. International Supply Company, Inc., and its subsidiaries and divisions, of Portland, OR.

MC 167964 filed May 11, 1983. Applicant: BATS, INC., 1783 Forest Avenue, Des Plaines, IL 60018. Representative: Irwin D. Rozner, 134 North LaSalle Street, Chicago, IL 60602, (312) 782-6937. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except HI), under continuing contract(s) with Brokerage and Transportation Sales, Inc., of Rosemont, IL.

MC 168085, filed May 16, 1983. Applicant: P. D. Q. TRANSPORTATION, INC., Box 313 Highway 45 West, Humboldt, TN 38343. Representative: Edward G. Grogan, 20th Fl. First TN Bldg., Memphis, TN 38103, (901) 526-2000. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in TN, on the one

hand, and, or the other, points in the U.S. (except AK and HI).

MC 168094, filed May 17, 1983. Applicant: MAJORS CEMENTING COMPANY, INC., 1340 Roberts Ln., P.O. Box 5332, Bakersfield, CA 93306. Representative: Forrest R. Majors (same address as applicant), (805) 393-3055. Transporting *oilfield equipment*, between points in TX, OK, and WY, on the one hand, and, on the other, points in CA.

For the following, please direct status calls to Team 2 at 202-275-7293.

Volume No. OP2-250

Decided: May 26, 1983.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing.

FF 692, filed May 11, 1983. Applicant: ABACUS FORWARDING, INC., 2203 40th St. W., Bradenton, FL 33505. Representative: Alan F. Wohlstetter, 1700 K St., NW., Ste. 301, Washington, DC 20006, (202) 833-8884. As a *freight forwarder*, in connection with the transportation of *used household goods, unaccompanied baggage, and used automobiles*, between points in the U.S.

FF 693, filed May 13, 1983. Applicant: SUM FORWARDING, 1520 W. 11th St., Long Beach, CA 90813. Representative: Claude W. Gunn (same address as applicant), (213) 437-0091. As a *freight forwarder*, in connection with the transportation of *used household goods, unaccompanied baggage, and used automobiles*, between points in the U.S.

MC 263 (Sub-246), filed May 12, 1983. Applicant: GARRETT FREIGHTLINES, INC., P.O. Box 4048, 2055 Garrett Way, Pocatello, ID 83201. Representative: Bruce A. Bullock, One Woodward Ave., 26th FL., Detroit, MI 48226 (313) 496-3534. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with FMC Corporation, of Lexington, KY.

MC 8873 (Sub-2), filed May 18, 1983. Applicant: CATALANO BROS., INC., 69 Clinton St., Chelsea, MA 02150. Representative: David Catalano (same address as applicant) (617) 889-2923. 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 United States Gypsum Company, of Chicago, IL, and its wholly-owned subsidiaries.

MC 27903 (Sub-24), filed May 12, 1983. Applicant: CHARLES W. KAPER, INC., 40 Industrial Dr., P.O. Box H,

Chambersburg, PA 17201. Representative: Christian V. Graf, 407 N Front St., Harrisburg, PA 17101 (717) 236-9318. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of containers and container ends, between points in Frederick County, VA, on the one hand, and, on the other, points in PA, MD, WV, NJ, and DE.

MC 30513 (Sub-17), filed May 11, 1983. Applicant: NORTH STATE MOTOR LINES, INC., P.O. Box 4108, Rocky Mount, NC 27801. Representative: Lawrence E. Lindeman, 4660 Kenmore Ave., Suite 1203 Alexandria, VA 22304 (703) 751-2441. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S. (except AK and HI).

MC 59892 (Sub-2), filed May 18, 1983. Applicant: TOUPIN RIGGING COMPANY, INC., 955 Broadway, P.O. Box 28, Dracut, MA 01826. Representative: Joseph M. Klements, 89 State St., Boston, MA 02109 (617) 523-0800. Transporting *machinery, equipment, and metal products*, between points in MA, ME, NH, VT, CT, RI, NY, NJ, PA, and OH.

MC 64932 (Sub-622), filed May 20, 1983. Applicant: ROGERS CARTAGE CO., 10735 South Cicero Ave., Oak Lawn, IL 60473. Representative: Carl L. Steiner, 135 South LaSalle St., Suite 2106, Chicago, IL 60603, 312-236-9375. Transporting *general commodities* (except classes A and B explosives and household goods) between points in the U.S. (except AK and HI), under continuing contract(s) with Shell Oil Company, of Houston, TX.

MC 80443 (Sub-53), filed May 12, 1983. Applicant: OVERNITE EXPRESS, INC., P.O. Box 250, Newport, MN 55055. Representative: Samuel Rubenstein, P.O. Box 5 Minneapolis, MN 55440 (612) 542-1121. 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 S-R-F-T-C Brokers, of Minneapolis, MN.

MC 107002 (Sub-597), filed May 16, 1983. Applicant: MILLER TRANSPORTERS, INC., P.O. Box 1123, Jackson, MS 39205. Representative: John A. Crawford, 17th Floor Deposit Guaranty Plaza, P.O. Box 22567, Jackson, MS 39205 (601) 948-5711. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S. (except AK and HI), under continuing contract(s) with (1) Enscor Incorporated, of Little Rock, AR, (2)

Reichhold Chemicals, Incorporated, of Pensacola, FL, (3) Leaf River Forest Products, Inc., of New Augusta, MS, (4) Hunt Process Corp.—Southern, of Ridgeland, MS, (5) Kimberly Clark Corporation, of Coosa Pines, AL, (6) Scott Paper Company, of Mobile, AL, (7) Vulcan Materials Company, of Birmingham, AL, (8) Tosco Corporation, (9) T & T Chemical Company, and (10) Macmillan Petroleum (Arkansas) Inc., all of El Dorado, AR and (11) Degussa Corporation, of Theodore, AL.

MC 144672 (Sub-30), filed May 20, 1983. Applicant: VICTORY EXPRESS, INC., 2600 Willowburn Ave., P.O. Box 26189 Trotwood, OH 45426. Representative: Richard H. Schaefer (same address as applicant) 513-277-8933. (Transporting *general commodities* except classes A and B explosives and household goods and commodities in bulk), between points in the U.S. (except HI.)

MC 159453 (Sub-1), filed May 12, 1983. Applicant: H. D. PERINE d.b.a. PERINE ENTERPRISES, 1617 Celia, Wichita Falls, TX 76302. Representative: Brad T. Murphree, 814 Century Plaza Bldg., Wichita, KS 67202, 316-265-2634. Transporting *food and related products and such commodities* as are dealt in or used by retail and chain stores, between points in AL, AR, AZ, CA, CO, FL, GA, ID, KS, KY, LA, MO, MS, MT, NM, NV, OK, OR, TX, UT, WA, and WY.

MC 168003, filed May 13, 1983. Applicant: JOHN'S MOBILE HOME SERVICE, INC., 2771 Lincoln Highway East-Rte. 30, Ronks, PA 17572. Representative: J. Bruce Walter, P.O. Box 1146, 410 North 3rd St., Harrisburg, PA 17108, 717-233-5731. Transporting *mobile homes and modular homes*, between points in PA, and those in Cecil County, MD, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 168023, filed May 13, 1983. Applicant: FOUR CORNERS TRANSPORTATION, INC., Star Rt. 1, Box 3, Waterflow, NM 87421. Representative: Gerald K. Gimmel, 444 N. Frederick Ave., Suite 200, Gaithersburg, MD 20877, 301-840-8565. Transporting *general commodities* (except classes A and B explosives), between points in the U.S. (except AK and HI), under continuing contract(s) with Hershey Foods Corporation, its divisions Hershey Chocolate Company and H.B. Reese Candy Co., and its subsidiaries Cory Food Services, Inc., Cory Coffee Service, division of Cory Food Services, Inc., San Giorgio-Skinner Macaroni, Inc., and Y & S Candies, Inc., of Hershey, PA.

MC 168072, filed May 16, 1983.
Applicant: LEACH TRUCKING COMPANY, INC., P.O. Box 187, Allerton, IA 50008. Representative: Don Garrison, P.O. Box 1065, Fayetteville, AR 72702, 501-521-8121. Transporting *general commodities* (except classes A and B explosives, household good, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with M & K Brokerage, Inc., of Allerton, IA.

MC 168073, filed May 16, 1983.
Applicant: ABELA TRUCKING, INC., 785 N. Spruce Ave., Rialto, CA 92376. Representative: Earl N. Miles, 3704 Candlewood Dr., Bakersfield, CA 93308, 805-872-1106. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of food and related products, between points in CA, on the one hand, and, on the other, points in AZ, CO, ID, MT, NM, NV, OR, UT, WA, WY, and TX.

MC 168083, filed May 13, 1983.
Applicant: JOHN BORDIERE d.b.a. BORDIERE TRANSPORTATION, 30 Bank St., New Britain, CT 06051. Representative: James M. Burns, 1365 Main St., Suite 403, Springfield, MA 01103, 413-781-8205. Transporting *transportation equipment*, between points in the U.S., 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 U.S. and Canada.

MC 168102, filed May 16, 1983.
Applicant: DONALD C. TIMM d.b.a. TIMMLINE BUILDING PRODUCTS, INC., 2741 Highway 93 South, Kalispell, MT 59901. Representative: Donald C. Timm (same address as applicant) 406-755-5645. Transporting *lumber and wood products and log homes*, between points in MT, on the one hand, and, on the other, points in CA, OR, and WA.

[FR Doc. 83-15150 Filed 6-6-83; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 30096]

Rail Carriers; Anheuser-Busch Companies, Inc., et al.—Control Exemption—C-Trans, Inc., Busch Industrial Products Corporation and Williamsburg Transport, Inc.

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: Pursuant to 49 U.S.C. 10505, the Interstate Commerce Commission exempts the acquisition of control over C-Trans, Inc., Busch Industrial Products Corporation, and Williamsburg Transport, Inc., by Anheuser-Busch Companies, Inc., Campbell Taggart, Inc., and Merico, Inc., and Manufacturers Railway Company, from the requirements of prior approval under 49 U.S.C. 11343. The petition for exemption from filing Form M is denied.

DATES: This exemption will be effective on July 7, 1983. Petitions for reconsideration must be filed by June 27, 1983, and petitions for stay must be filed by June 17, 1983.

ADDRESSES: Send pleadings to:

- (1) Rail Section, Room 5349, Interstate Commerce Commission, Washington, DC 20423
- (2) Petitioner's representative: William H. Borghesuri, Jr., 1150 17th St., NW., Suite 1000, Washington, DC 20036

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, D.C. 20423, or call 289-4357 (D.C. Metropolitan Area) or toll free (800) 424-5403.

Decided: May 20, 1983.

By the Commission, Chairman Taylor, Vice Chairman Sterrett, Commissioners Andre and Gradison. Chairman Taylor dissented in part with a separate expression.

Agatha L. Mergenovich,
Secretary.

Chairman Taylor, dissenting in part:

I find extremely disturbing the majority's reliance on Section 11343(e) as a vehicle to grant the petition in this case. There is nothing persuasive in the record to justify the use of this Section as a basis for granting the sought exemption. There is, however, much in the record to recommend against such use.

In the first place, Section 11343(e), as Section 21 of the Bus Regulatory Reform Act, was not the product of the House Committee that oversees the Commission's rail matters. Significantly, the House Committee involved was the one that has jurisdiction over the Commission's motor carrier affairs. Clearly, no one who considered the legislation gave any thought whatsoever to the notion that this exemption would be used to exempt rail carrier transactions from the agency's regulation. Not the ICC which proposed the exemption, and not the Congress which enacted it. The majority, therefore, creates by fiat what Congress neither contemplated nor sanctioned.

An even more troubling aspect of the majority's decision is the scope of the exemption that now applies to rail carriers. Section 21 of the Bus Act also amended 49

U.S.C. 11341(a) to provide that a carrier participating in a transaction exempted under Sections 11341 to 11351 is exempt: "from the *antitrust laws* and from all other law, including State and municipal law, as necessary to let that person carry out the transaction." (Emphasis added)

Accordingly, the majority has conferred anti-trust immunity on any rail carrier that can meet the terms of Section 11343(e)—a result that was surely not intended by Congress and one that may well produce embarrassingly anti-competitive effects.

[FR Doc. 83-15148 Filed 6-6-83; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte No. 387]

Rail Carriers; Exemptions for Contract Tariffs

AGENCY: Interstate Commerce Commission.

ACTION: Notices of provisional exemptions.

SUMMARY: Provisional exemptions are granted under 49 U.S.C. 10505 from the notice requirements of 49 U.S.C. 10713(e), and the below-listed contract tariffs may become effective on one day's notice. These exemptions may be revoked if protests are filed.

DATES: Protests are due within 15 days of publication in the Federal Register.

ADDRESS: An original and 6 copies should be mailed to: Office of the Secretary, Interstate Commerce Commission, Washington, DC 20423.

FOR FURTHER INFORMATION CONTACT: Douglas Galloway (202) 275-7278.

SUPPLEMENTARY INFORMATION: The 30-day notice requirement is not necessary in these instances to carry out the transportation policy of 49 U.S.C. 10101a or to protect shippers from abuse of market power; moreover, the transaction is of limited scope. Therefore, we find that the exemption requests meet the requirements of 49 U.S.C. 10505(a) and are granted subject to the following conditions:

These grants neither shall be constituted to mean that the Commission has approved the contracts for purposes of 49 U.S.C. 10713(e) nor that the Commission is deprived of jurisdiction to institute a proceeding on its own initiative or on complaint, to review these contracts and to determine their lawfulness.

*Note.—Tariff Supplements advancing contracts' effective date shall refer to this decision for authority.

| Sub-No. | Name of railroad, contract No. and specifics | Review Board ¹ | Decided date |
|---------|---|---------------------------|--------------|
| 944 | Norfolk and Western Railway Company Exemption for Contract Tariff ICC-NW-C-0071 (Soybean Meal) | (A) | 06-01-83 |
| 943 | Norfolk and Western Railway Company Exemption for Contract Tariff ICC-NW-C-7026 (Bituminous Coal) | (B) | 06-01-83 |

¹(A) The Review Board, Members Parker, Joyce, and Forster. (B) The Review Board, Members Joyce, Krock, and Dowell.

This action will not significantly affect the quality of the human environment or conservation of energy resources.

(49 U.S.C. 10505)

By the Commission.

Agatha L. Mergenovich,
Secretary.

[PR Doc. 83-15145 Filed 6-6-83; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF LABOR

Employment and Training Administration

Johns-Manville Sales Corp., et al.; 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 determination regarding eligibility to apply for adjustment assistance issued during the period May 23, 1983-May 27, 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 increase 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-13,710; Johns-Manville Sales Corp., Waukegan, IL

TA-W-13,745; Revere Cooper & Brass, Inc., Revere Div., Rome, NY

TA-W-13,736; United States Steel Corp., Trenton Plant, Fairless Works, Trenton, NJ

TA-W-13,807; Joslyn Stainless Steel, Fort Wayne, IN

TA-W-13,801; Patro Knitting Co., Inc., Burlington, NJ

TA-W-13,760; American Lace Mills, Inc., Hackensack, NJ

TA-W-13,892; Lebanon Steel Foundry, Lebanon, PA

TA-W-13,754; L.C.D. Fashions, Inc., Kearny, NJ

In the following cases the investigation revealed that criterion (3) has not been met. Increased imports did not contribute importantly to workers separations at the firm.

TA-W-13,986; Westinghouse Elevator Co., Randolph, NJ

TA-W-13,935; Exploration Logging, Inc., Sacramento, CA

TA-W-13,925; Main Woods, Livermore Falls, ME

TA-W-13,806; Climax Molybdenum Co., Climax, CO

TA-W-14,159; Climax, Molybdenum Co., Empire, CO

Affirmative Determination

TA-W-13,738; Anchor Hocking Corp., Plant #90, Clarksburg, WV

A certification was issued covering all workers separated on or after January 1, 1982.

TA-W-13,897; Wadell Equipment Co., Inc., Edison, NJ

A certification was issued covering all workers of the firm engaged in employment related to the production of automatic and numerically controlled chucking machines who became separated on or after January 1, 1982.

TA-W-14,532; Birmingham Southern Railroad Co., Fairfield, AL

A certification was issued covering all workers separated on or after February 7, 1982.

TA-W-13,905; Roane Limited, Rockwood, TN

A certification was issued covering all workers separated on or after October 20, 1981.

TA-W-13,767; Kingston Dress Co., Fayetteville, TN

A certification was issued covering all workers of the firm separated on or after August 24, 1981.

TA-W-13,844; U.S. Steel Corp., Oilwell Supply Div., Garland Works, Garland, TX

A certification was issued in response to a petition received on October 4, 1982 covering all workers separated on or after January 1, 1982.

TA-W-13,749; Butler Garment Co. (A Plant Facility of Bobbie Brooks Div., Bobbie Brooks, Inc.), Butler, PA

A certification was issued covering all workers separated on or after November 29, 1981 and before January 1, 1983.

TA-W-13,858; Cyclops Corp., Tex-Tube Div., Houston, TX

A certification was issued covering all workers of the firm engaged in employment related to the production of carbon steel pipe, tubing and structural shapes who became separated on or after January 1, 1982.

TA-W-13,683; Bethlehem Steel Corp., Seattle Plant, Seattle, WA

A certification was issued covering all workers engaged in employment related to the production of bars and barsize shapes (other than reinforcing bars), structural shapes, plate, industrial fasteners and basic and semi-finished steel separated on or after July 27, 1981.

TA-W-13,831; Sibley Machine & Foundry Corp., Machine Div., South Bend, IN

A certification was issued covering all workers of the firm separated on or after February 21, 1982.

TA-W-13,832; Sibley Machine & Foundry Corp., Foundry Div., South Bend, IN

A certification was issued covering all workers of the firm separated on or after February 21, 1982.

TA-W-13,909; D.N. Pariso Industrial Glove Co, Knox, IN

A certification was issued covering all workers separated on or after September 27, 1981.

TA-W-13,910; Indiana Fabrics, Knox, IN

A certification was issued covering all workers separated on or after September 27, 1981.

I hereby certify that the aforementioned determinations were issued during the period May 23, 1983-May 27, 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 31, 1983.

Marvin M. Fooks,
Director, Office of Trade Adjustment
Assistance.

[FR Doc. 83-15204 Filed 6-6-83; 8:45 am]

BILLING CODE 4510-30-M

[TA-W-13,947]

Industrial Fabricating and Engineering Co., Howell, New Jersey; Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, an investigation was initiated on November 8, 1982 in response to a worker petition received on November 4, 1982 which was filed by the Company official on October 29, 1982 on behalf of workers and former workers producing pressure vessels and accessories at Industrial Fabrication and Engineering Company, Howell, New Jersey.

The petitioner, Mr. William W. Seiber, owner of Industrial Fabrication and Engineering Company, Howell, New Jersey requested withdrawal of petition TA-W-13,947 in a letter dated April 29, 1983. Consequently, the investigation has been terminated.

Signed at Washington, D.C. this May 31, 1983.

Marvin M. Fooks,
Director, Office of Trade Adjustment
Assistance.

[FR Doc. 83-15203 Filed 6-6-83; 8:45 am]

BILLING CODE 4510-30-M

offers of foreign materials in favor of the lowest offer by a domestic supplier, provided that the domestic supplier undertakes to produce substantially all of the materials in areas of substantial unemployment as defined by the Secretary of Labor. The preference given to domestic suppliers under Executive Order 10582 has been modified by Executive Order 12260. Federal Procurement Regulations Temporary Regulation 57 (41 CFR Chapter 1, Appendix), issued by the General Services Administration on January 15, 1981 (46 FR 3519), implements Executive Order 12260. Executive agencies should refer to Temporary Regulation 57 in procurements involving foreign businesses or products in order to assess its impact on the particular procurements.

The Department of Labor's regulations implementing Executive Orders 12073 and 10582 are set forth at 20 CFR Part 654, Subparts A and B. Subpart A requires the Assistant Secretary of Labor to classify jurisdictions as labor surplus areas pursuant to the criteria specified in the regulations and to publish annually a list of labor surplus areas. Pursuant to those regulations the Assistant Secretary of Labor published the annual list of labor surplus areas on June 4, 1982 (47 FR 24474).

Subpart B of Part 654 states that an area of substantial unemployment for purposes of Executive Order 10582 is any area classified as a labor surplus area under Subpart A. Thus, labor surplus areas under Executive Order 12073 are also areas of substantial unemployment under Executive Order 10582.

The areas described below have been classified by the Assistant Secretary of Labor as labor surplus areas pursuant to 20 CFR 654.5(b) (48 FR 15615, April 12, 1983) and are added to the annual list of labor surplus areas, effective June 1, 1983. The following additions to the annual list of labor surplus areas are published for the use of all Federal agencies in directing procurement activities and locating new plants or facilities.

Signed at Washington, D.C. on May 25, 1983.

Albert Angrisani,
Assistant Secretary of Labor.

Additions to the Annual List of Labor Surplus Areas

June 1, 1983

| Labor Surplus Area | Civil Jurisdiction Included |
|--------------------|-----------------------------|
| Alabama | |
| Crenshaw County | Crenshaw County |

Michigan

Menominee County Menominee County

Ohio

Balance of Butler County Butler County less
Hamilton City
Preble County Preble County

Utah

San Juan County San Juan County

West Virginia

Ohio County Ohio County

Wisconsin

Douglas County Douglas County

[FR Doc. 83-15201 Filed 6-6-83; 8:45 am]

BILLING CODE 4510-30-M

[TA-W-13,544]

National Steel Corp.; Weirton Steel Division, Weirton, West Virginia; Negative Determination on Reconsideration

On April 14, 1983, the Department issued an Affirmative Determination Regarding Application for Reconsideration for workers and former workers of National Steel Corporation's Weirton Steel Division at Weirton, West Virginia. This determination was published in the *Federal Register* on April 22, 1983 (48 FR 17,419).

The union in its application for reconsideration claims that the Department's denial notice was based specifically upon import and sales data that were combined in such a manner as to nullify what were absolute and relative increases in imports of similar products during the relevant time period. The union also claims that (1) the Department did not report on customer purchases of imported hot rolled steel and galvanized and weirzin steel in 1981 and that (2) the customer purchase information for cold rolled steel and tin plate in 1981 should commence with the April 1, 1981 date as stated in the worker petition and not on January 1, 1981.

For all products produced at the Weirton Steel Division the Department's original determination was based on the results of a customer survey which revealed that increased imports of like of directly competitive products were not an important factor contributing to declines in sales or production and to the unemployment of workers. The Department's decision did not turn on the question of whether or not imports had increased; therefore, the question of an appropriate base period as raised by the petitioners with respect to increased imports does not enter into the decision.

In the customer survey it was found for all products that customers that

Labor Surplus Area Classifications Under Executive Orders 12073 and 10582; Additions to Annual List of Labor Surplus Areas

AGENCY: Employment and Training Administration, Labor.

ACTION: Notice.

DATE: The additions to the annual list are effective on June 1, 1983.

SUMMARY: The purpose of this notice is to announce changes to the annual list of labor surplus areas.

FOR FURTHER INFORMATION CONTACT: James W. Higgins, United States Employment Service (Attention: TEEPA) 601 D Street, N.W., Washington, D.C. 20213. Telephone: 202-376-6700.

SUPPLEMENTARY INFORMATION: Executive Order 12073 requires executive agencies to emphasize procurement set-asides in labor surplus areas. The Secretary of Labor is responsible under that Order for classifying and designating areas as labor surplus areas.

Under Executive Order 10582 executive agencies may reject bids or

imported while reducing purchases from the Weirton Steel Division did not account for important amounts of the decline in sales of the division's products.

Conclusion

After reconsideration, I reaffirm the original denial of eligibility to apply for adjustment assistance to workers and former workers of National Steel Corporation's Weirton Steel Division, Weirton, West Virginia.

Signed at Washington, D.C. this 31st day of May 1983.

Robert A. Schaeferl,

Director, Office of Program Management, UIS.

[FR Doc. 83-15199 Filed 6-6-83; 8:45 am]

BILLING CODE 4510-30-M

Office of the Secretary

Agency Forms Under Review by the Office of Management and Budget (OMB)

Background

The Department of Labor, in carrying out its responsibility under the Paperwork Reduction Act (44 U.S.C. Chapter 35), considers comments on the proposed forms and recordkeeping requirements that will affect the public.

List of Forms Under Review

On each Tuesday and/or Friday, as necessary, the Department of Labor will publish a list of the Agency forms under review by the Office of Management and Budget (OMB) since the last list was published. The list will have all entries grouped into new forms, revisions, extensions (burden change), extensions (no change), or reinstatements. The Departmental Clearance Officer will, upon request, be able to advise members of the public of the nature of any particular revision they are interested in.

Each entry will contain the following information:

The Agency of the Department issuing this form.

The title of the form.

The Agency form number, if applicable.

How often the form must be filled out.

Who will be required to or asked to report.

Whether small business or organizations are affected.

The standard industrial classification (SIC) codes, referring to specific respondent groups that are affected.

An estimate of the number of responses.

An estimate of the total number of hours needed to fill out the form.

The number of forms in the request for approval.

An abstract describing the need for and uses of the information collection.

Comments and Questions

Copies of the proposed forms and supporting documents may be obtained by calling the Departmental clearance Officer, Paul E. Larson, Telephone 202-523-6331. Comments and questions about the items on this list should be directed to Mr. Larson, Office of Information Management, U.S. Department of Labor, 200 Constitution Avenue, N.W., Room S-5526, Washington, D.C. 20210. Comments should also be sent to the OMB reviewer, Arnold Strasser, Telephone 202-395-6880, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 3208, NEOB, Washington, D.C. 20503.

Any member of the public who wants to comment on a form which has been submitted to OMB should advise Mr. Larson of this intent at the earliest possible date.

Extension (Burden Change)

Employment Standards Administration
Notice of Termination, Suspension,
Reduction, or Increase in Benefit
Payment
CM-908

On occasion

Business or other for-profit; small
businesses or organizations
15,000 respondents; 3,000 hours

Once the coal mine operator has begun to pay benefits, the Department of Labor must be notified of any changes in the amount of benefits paid. The CM-908 allows DOL to monitor all benefit payments made to beneficiaries by coal mine operators.

Signed at Washington, D.C. this 2d day of June, 1983.

Paul E. Larson,

Department Clearance Officer.

[FR Doc. 83-15206 Filed 6-6-83; 8:45 am]

BILLING CODE 4510-27-M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 83-53]

NASA Advisory Council (NAC), Space Applications Advisory Committee (SAAC); Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, as amended, the National Aeronautics and Space Administration announces a forthcoming meeting of the NASA Advisory Council, Space Applications Advisory Committee.

DATE: June 22, 1983, 8:30 a.m. to 5:00 p.m.; June 23, 1983, 8:30 a.m. to 3:00 p.m.

ADDRESS: National Aeronautics and Space Administration, Room B226-A, 600 Independence Avenue SW, Washington, D.C. 20548.

FOR FURTHER INFORMATION CONTACT: Dr. William P. Raney, Code E, National Aeronautics and Space Administration, Washington, D.C. 20546 (202/755-4826).

SUPPLEMENTARY INFORMATION: The NAC Space Applications Advisory Committee consults with and advises the Council as a whole and NASA on plans for, work in progress on, and accomplishments of NASA's Space Applications programs. The meeting will be open to the public up to the seating capacity of the room (approximately 50 persons including Committee members and other participants). Topics under discussion at this meeting will include discussion of the role of the Space Applications Advisory Committee, and an overview of the Office of Space Science and Applications.

Type of meeting: Open.

Agenda

June 22, 1983—8:30 a.m.—Introduction, Announcements, Meeting Logistics,

Other Administrative Matters.

9:00 a.m.—NASA Applications Program—Perspective.

10:30 a.m.—Overview of Office of Space Science and Applications Programs.

5:00 p.m.—Adjourn.

June 23, 1983—8:30 a.m.—Overview of Office of Space Science and Applications Programs (continued).

1:00 p.m.—Arrangements for next meeting, assignment, general discussion, meeting summary.

3:00 p.m.—Adjourn.

Ann P. Bradley,

Acting Associate Administrator for Management, Office of Management.

May 31, 1983.

[FR Doc. 83-15116 Filed 6-6-83; 8:45 am]

BILLING CODE 7510-01-M

[Notice 83-54]

NASA Wage Committee; Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of Meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Pub.

L. 92-463, as amended, the National Aeronautics and Space Administration announces a forthcoming meeting of the NASA Wage Committee.

DATE: June 30, 1983, 1:30 p.m. to 2:30 p.m.

ADDRESS: National Aeronautics and Space Administration, Room 5092, Federal Building 6, 400 Maryland Avenue SW, Washington, DC 20546.

FOR FURTHER INFORMATION CONTACT: Ms. Deborah C. Green, Code NPC-28, National Aeronautics and Space Administration, Washington, DC 20546 (202/755-3732).

SUPPLEMENTARY INFORMATION: The Committee's primary responsibility is to consider and make recommendations to the NASA Director of Personnel Programs Division on all matters involved in the development and authorization of a Wage Schedule for the Cleveland, Ohio, wage area, pursuant to Pub. L. 92-392. The Committee, Chaired by Mr. William Dey, consists of 6 members. During this meeting the Committee will consider wage data, local reports, recommendations, statistical analyses and proposed wage schedules reviewed therefrom. Discussions of these matters in a public session would constitute release of confidential commercial and financial information obtained from private industry. Since this session will be concerned with matters listed in 5 U.S.C. 552b(c)(4), it has been determined that this meeting will be entirely closed to the public. However, members of the public who may wish to do so, are invited to submit material in writing to the Chairperson concerning matters felt to be deserving of the Committee's attention.

Type of Meeting: Closed.

Purpose of Meeting: The NASA Wage Committee will recommend to the NASA Wage Fixing Authority the proposed wage schedule to be adopted.

Ann P. Bradley,

Acting Associate Administrator for Management.

May 27, 1983.

[FR Doc. 83-15119 Filed 6-6-83; 8:45 am]

BILLING CODE 7510-01-M

[Notice 83-55]

Intent To Pay Senior Executive Service Performance Awards

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of Intent to Pay Senior Executive Service Performance Awards.

SUMMARY: The National Aeronautics and Space Administration will give

performance awards to career members of the Senior Executive Service (SES) as authorized under 5 U.S.C. 5384. The awards will be paid no earlier than July 1, 1983.

ADDRESS: Executive Personnel Management Program, NPD-31, NASA Headquarters, Washington, DC 20546.

FOR FURTHER INFORMATION CONTACT: Mr. Philip D. Waller, telephone 202-755-8825.

James M. Gegg,
Administrator.

May 27, 1983.

[FR Doc. 83-15121 Filed 6-6-83; 8:45 am]

BILLING CODE 7510-01-M

[Notice 83-56]

Performance Review Board; Senior Executive Service

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of Amendment.

SUMMARY: The Civil Service Reform Act (4314(c)(4)) requires that appointments of individual members to a Performance Review Board be published in the *Federal Register*. NASA's membership list appeared in the *Federal Register* as NASA Notice 82-18, 47 FR 12887, March 25, 1982.

This Notice amends that membership list by reappointing John E. O'Brien, whose term expired July 1982. Mr. O'Brien's new term will expire July 1985. John M. Klineberg is appointed to replace Richard H. Petersen, whose term expires July 1983. Mr. Klineberg's term will expire July 1986.

EFFECTIVE DATE: May 1, 1983.

ADDRESS: Executive Personnel Management Program, NPD-31, NASA Headquarters, Washington, DC 20546.

FOR FURTHER INFORMATION CONTACT: Mr. Philip D. Waller, telephone 202-755-8825.

James M. Gegg,
Administrator.

May 27, 1983.

[FR Doc. 83-15122 Filed 6-6-83; 8:45 am]

BILLING CODE 7510-01-M

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-329A, 330A]

Consumers Power Co.; Finding of no Significant Antitrust Changes and Time for Filing of Requests for Reevaluation

The Director of Nuclear Reactor Regulation has made an initial finding in accordance with Section 105c(2) of the

Atomic Energy Act of 1954, as amended, that no significant (antitrust) changes in the licensee's activities or proposed activities have occurred subsequent to the previous construction permit reviews of Midland Units 1 and 2 by the Attorney General and the Commission. The finding is as follows:

"Section 105c(2) of the Atomic Energy Act of 1954, as amended, provides for an antitrust review of an application for an operating license, if the Commission determines that significant changes in the licensee's activities or proposed activities have occurred subsequent to the previous construction permit review. The Commission has delegated the authority to make the 'significant change' determination with respect to nuclear reactors to the Director, Office of Nuclear Reactor Regulation.

"The licensee, Consumers Power Co., was issued construction permits on December 15, 1972 for Units 1 and 2 of the Midland Plant. Based upon examination of events since issuance of the Midland Nuclear Generating Station construction permits to the licensee, the staffs of the Office of Nuclear Reactor Regulation and the Office of the Executive Legal Director, hereafter referred to as the 'staff' have jointly concluded, after consulting with the Department of Justice, that the changes that have occurred since the antitrust construction permit review are not 'significant' in an antitrust context to require a second formal antitrust review at the operating license stage of the application for licenses. Staff has concluded that those changes which have occurred either are not reasonably attributable to the licensee or do not have antitrust implications that would likely warrant some Commission remedy. In reaching this conclusion, the staff considered the structure of the electric utility industry in Michigan, the events relevant to the Midland construction permit antitrust review, and the events that have occurred subsequent to that review.

"The conclusion of the staff's analysis is as follows:

"The activities of Consumers Power subsequent to the construction permit antitrust review have been focused on implementing the license conditions attached to the Midland construction permits.

"Municipal and cooperative electric utilities in Michigan are coordinating their planning and operations with Consumers Power and have purchased ownership interests in some of the company's generation and transmission facilities. In addition, Consumers Power has filed transmission and wholesale service tariffs for similar service to any electric utility located in Consumers Power's service area. Under these agreements, Consumers Power provides firm bulk power at wholesale, emergency power, economy energy, and short term capacity and energy.

"Thus, the changes in the applicant's activities since the completion of the Midland construction permit antitrust review do not have any antitrust implications and, therefore, do not require a further, formal

antitrust review at the operating license stage.

"Based on the staff's analysis, it is my finding that a formal operating license antitrust review of the licensee with respect to the Midland Nuclear Generating Station, Units 1 and 2 is not required."

Signed on April 23, 1983, by Harold R. Denton, Director, Office of Nuclear Reactor Regulation.

Any person whose interest may be affected pursuant to this initial determination may file with full particulars a request for reevaluation with the Director of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555 by (30 days). Requests for a reevaluation of the no significant changes determination shall be accepted after the date when the Director's finding becomes final but before the issuance of the OL only if they contain new information, such as information about facts or events of antitrust significance that have occurred since that date, or information that could not reasonably have been submitted prior to that date.

For the Nuclear Regulatory Commission.
Wm. H. Regan, Jr.,

Chief Site Analysis Branch, Division of Engineering, Office of Nuclear Reactor Regulation.

[FR Doc. 83-15197 Filed 6-6-83; 8:45 am]
BILLING CODE 7590-01-M

[Docket No. 40-2061]

**Kerr-McGee Chemical Corp.;
Opportunity for a Hearing; Availability
of Final Environmental Statement for
the Rare Earths Facility, West Chicago,
Du Page County, Illinois**

Pursuant to the National Environmental Policy Act of 1969 and the United States Nuclear Regulatory Commission's regulations in 10 CFR Part 51, notice is hereby given that a Final Environmental Statement (FES) prepared by the Commission's Office of Nuclear Material Safety and Safeguards, related to the decommissioning of Kerr-McGee Chemical Corporation's Rare Earths Facility located in West Chicago, Illinois, is available for inspection by the public in the Commission's Public Document Room at 1717 H Street, N.W., Washington, D.C. 20555. The FES is also available for inspection at the Commission's Local Public Document Room in the West Chicago Public Library, 332 E. Washington Street, West Chicago, Illinois 60185. The FES is being provided to the State Clearinghouse, Bureau of the Budget, Lincoln Tower Plaza, 524 S. Second Street, Springfield, Illinois 62706. The FES is also being sent to the Metropolitan Clearinghouse,

Northeastern Illinois Planning Commission, 400 West Madison Street, Chicago, Illinois 60606. Requests for copies of the Final Environmental Statement (identified as NUREG-0904) should be addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, ATTN: Division of Technical Information and Document Control.

The licensee's stabilization plan and subsequent documents are also available for public inspection at the above-designated locations. Notice of the availability of the applicant's stabilization plan and the Commission's intent to prepare a FES was published in the *Federal Register* on December 13, 1979 (44 FR 72246). The notice of availability of the Draft Environmental Statement (DES) for the Kerr-McGee Rare Earths Facility and request for comments from interested persons was published in the *Federal Register* on May 20, 1982 (47 FR 21943). The comments received from federal, state and local agencies and interested members of the public and the NRC staff's responses to these comments have been included as an appendix to the FES.

Kerr-McGee's proposed decommissioning and stabilization plan involves demolition of the existing buildings, removal of building rubble and contaminated soil to an adjacent disposal site, and stabilization of building rubble, contaminated soil, ore tailings and ore residues on the adjacent disposal site. The Kerr-McGee proposed plan and alternatives to the plan are discussed in the FES. The NRC staff alternative of choice is stabilization and storage of the waste onsite on the same area proposed by Kerr-McGee for disposal, with future reevaluation of the options of onsite disposal or removal to another site at a time when an established offsite disposal site becomes available. The NRC staff believes that the wastes can be stored onsite in a safe and environmentally sound manner. Both the NRC alternative and the KM proposal would utilize similar engineering plans to contain the wastes.

Notice of Opportunity for a Hearing

By July 11, 1983, the licensee may file a request for a hearing; and, by the same date, any person whose interest may be affected by this proceeding may file a request for a hearing, in the form of a petition to the Commission, with respect to the licensing actions recommended in the FES for decommissioning of the Kerr-McGee Rare Earths facility. A petition for a hearing must set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding,

and the specific issues or aspects of the proceeding as to which a hearing is desired. A petition must specify with particularity the facts on which the petitioner relies as to both his interest and with regard to each issue or aspect of the proceeding on which a hearing is requested. Petitions stating issues relating only to matters outside the Commission's jurisdiction will be denied.

Petitions must be filed in accordance with this Federal Register Notice, and must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service, Branch, by July 11, 1983. A copy of the petition and/or request for a hearing should be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to Gerald Charnoff, Esq., Shaw, Pittman, Potts and Trowbridge, 1800 M Street, N.W., Washington, D.C. 20036 attorney for the licensee.

All petitions will be acted upon by the Commission or by the Commission's designee. Petitions will be considered to determine whether a hearing should be noticed or another appropriate order issued regarding the disposition of the petitions. In the event no request for a hearing or petition for a hearing is filed by July 11, 1983, the NRC staff may, upon satisfactory completion of all safety evaluations and without further prior notice, issue a license amendment implementing the NRC staff's alternative of choice.

Dated at Silver Springs, Maryland, this 27th day of May, 1983.

For the Nuclear Regulatory Commission.
R. G. Page,
Chief, Uranium Fuel Licensing Branch,
Division of Fuel Cycle and Material Safety,
NMSS.

[FR Doc. 83-15198 Filed 6-6-83; 8:45 am]
BILLING CODE 7590-01-M

[Docket No. 50-370]

**McGuire Nuclear Station, Unit No. 2;
Issuance of Amendment to Facility
Operating License**

On March 3, 1983, the U.S. Nuclear Regulatory Commission (the Commission) issued Facility Operating License No. NPF-17 to the Duke Power Company (the licensee) authorizing operation of the McGuire Nuclear Station, Unit 2, (the facility) at reactor core power levels not in excess of 3411 megawatts thermal in accordance with the provisions of the License, the Technical Specifications and the Environmental Protection Plan with a

condition limiting operation to five percent of full power (170 megawatts thermal).

The Commission has now issued Amendment No. 2 to Facility Operating License No. NPF-17 which authorizes operation of the McGuire Nuclear Station, Unit 2, at reactor core power levels not in excess of 3411 megawatts thermal in accordance with the provisions of the amended license. As part of this authorization, the amendment also changes the license conditions related to environmental qualification of equipment and hydrogen control measures and adds a license condition requiring testing of reactor trip breakers. The amendment is effective as of the date of issuance.

The McGuire Nuclear Station, Unit 2, is a pressurized water reactor located in Mecklenburg County, North Carolina, approximately 17 miles northwest of Charlotte, North Carolina.

The application for the license 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 1, which are set forth in the amended license. Prior public notice of the overall action involving the proposed issuance of an operating license was published in the Federal Register on October 7, 1974 (39 FR 36037). The increase in power level authorized by this amendment and the conditions contained therein are encompassed by that prior notice.

The Commission has determined that the issuance of this amendment will not result in any environmental impacts other than those evaluated in the Final Environmental Statement since the activity authorized by the license is encompassed by the overall action evaluated in the Final Environmental Statement.

For further details in respect to this action, see (1) Amendment No. 2 to License NPF-17; (2) the Commission's Safety Evaluation Report, dated March 1978 (NUREG-0422), and Supplements 1 through 7; (3) the Final Safety Analysis Report and Amendments thereto; (4) the Final Environmental Statement, dated April 1976 (NUREG-0063) and supplements thereto; (5) the Initial Decisions of the Atomic Safety and Licensing Board, dated April 18, 1979, and May 26, 1981, the Decision of the Atomic Safety and Licensing Appeal Board dated March 30, 1982, and the Commission's Memorandum dated July 27, 1982.

These items are available 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 Amendment No. 2 to Facility Operating License NPF-17 may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing. Copies of the Safety Evaluation Report and its Supplements (NUREG-0422) and the Final Environmental Statement and its Supplements (NUREG-0063) may be purchased at current rates from the National Technical Information Service, Department of Commerce, 5285 Port Royal Road, Springfield, Virginia 22161, and through the NRC GPO sales program by writing to the U.S. Nuclear Regulatory Commission, Attention: Sales Manager, Washington, D.C. 20555. GPO deposit account holders may call 301-492-9530.

Dated at Bethesda, Maryland, this 27th day of May 1983.

For the Nuclear Regulatory Commission,
Elinor G. Adensam,
Chief, Licensing Branch No. 4, Division of Licensing.

[FR Doc. 83-15194 Filed 6-6-83; 8:45 am]
BILLING CODE 7590-01-M

[Docket No. 50-220]

Niagara Mohawk Power Corp. (Nine Mile Point Nuclear Station, Unit No. 1); Exemption

I

Niagara Mohawk Power Corporation (the licensee) is the holder of Facility Operating License No. DPR-63 (the license) which authorizes operation of the Nine Mile Point Nuclear Station, Unit No. 1 (the facility) at steady state reactor power level not in excess of 1850 megawatts thermal. The facility is a boiling water reactor located at the licensee's site in Oswego County, New York. The license provides, among other things, that it is subject to all rules, regulations and Orders of the Commission.

II

Section 50.54(q) of 10 CFR Part 50 requires a licensee authorized to operate a nuclear power reactor to follow and maintain in effect emergency plans which meet the standards of 10 CFR 50.47(b) and the requirements of Appendix E to 10 CFR Part 50. Section IV.F.1 of Appendix E requires each licensee to conduct an emergency preparedness exercise annually. The

last annual exercise at Nine Mile Point was held on September 16, 1981.

On December 23, 1982 an exemption was granted which required that the next emergency preparedness exercise at the Nine Mile Point Nuclear Station, Unit No. 1 be conducted anytime during the twelve month period prior to achieving five percent of rated power at the completion of the current extended maintenance outage. An exercise scheduling meeting held on October 27, 1982 among representatives of the U.S. Nuclear Regulatory Commission, the Federal Emergency Management Agency (FEMA), Niagara Mohawk New York State and Oswego County officials established September 28, 1982 for the next annual emergency preparedness exercise for Nine Mile Point 1. However, the licensee expects to achieve/exceed five percent of rated power operation and to be on line prior to the scheduled annual exercise. By letter dated March 9, 1983, the licensee requested a revised exemption from the scheduler requirements of Section IV.F.1 of Appendix E.

The licensee states that within recent months, discussions with New York State and FEMA confirmed that September 28, 1983 continued to be a mutually acceptable date and earlier proposed dates would interfere with other facilities' exercises, and therefore would be unacceptable. Accordingly, the licensee requested an additional exemption which extends the December 23, 1982 exemption so that the Nine Mile Point Annual Emergency Plan Exercise may be conducted during the week of September 28, 1983.

The licensee had committed to continual training of personnel to ensure that the Nine Mile Point Emergency Plan would remain fully functional during the period of the delay in performing the emergency preparedness exercise. Therefore, allowing Nine Mile Point Unit 1 to exceed five percent of rated power operation before conducting the next annual exercise will not adversely affect the overall state of emergency preparedness at the Nine Mile Point, Unit No. 1 Station. Additionally, the James A. Fitzpatrick Nuclear Power Plant, which is adjacent to the Nine Mile plant, successfully conducted a full-scale exercise on August 11, 1982, thus providing assurance regarding the capability of State and local officials to respond to an emergency.

Based on the above, we conclude that the licensee's request to conduct the next emergency preparedness exercise after the Nine Mile plant exceeds five percent of rated power is reasonable and that granting the request will not

adversely affect the state of emergency preparedness at Nine Mile Point. We conclude, therefore, that the licensee's request for an additional exemption should be granted.

III

Accordingly, the Commission has determined that, pursuant to 10 CFR 50.12, the exemption requested by the licensee's letters of August 20 and October 6, 1982, as revised by letter dated March 9, 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 revised exemption is hereby granted as follows:

In order to allow for offsite agencies' scheduler constraints, the next emergency preparedness exercise at the Nine Mile Point Nuclear Station, Unit No. 1 shall be conducted during the week of September 28, 1983. This exercise shall include appropriate participation by the State and local authorities.

The NRC staff has determined that the granting of this additional Exemption will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with this action.

Dated at Bethesda, Maryland this 27th day of May 1983.

For the Nuclear Regulatory Commission.

Robert A. Purple,

Deputy Director, Division of Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 83-15195 Filed 6-9-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-361]

**Southern California Edison Co., et al.;
Consideration of Issuance of
Amendment to Facility Operating
License and Proposed no Significant
Hazards Consideration Determination
and Opportunity for Hearing**

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. NPF-10, issued to Southern California Edison Company, San Diego Gas & Electric Company, the City of Riverside, California and the City of Anaheim, California (the licensees), for operation of the San Onofre Nuclear Generating Station, Unit 2 located in San Diego County, California.

The amendment would grant temporary exceptions to the facility

Technical Specifications (which presently require immediate corrective action to return at least one reactor coolant loop to operation) to permit natural circulation tests to be performed during the startup test program with no reactor coolant loops in operation in accordance with the licensees' application for amendment dated January 6, 1983.

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

The Commission has made a proposed determination that the amendment request involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

The Commission's proposed determination is based on its finding that the natural circulation tests will be conducted using operating procedures that provide compensatory measures that maintain a commensurate level of safety as the Technical Specifications that the proposed amendment would temporarily relax. Such compensatory measures include termination of the test and restoration of at least one reactor coolant loop to operation in the event of abnormal system parameters.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination. The Commission will not normally make a final determination unless it receives a request for a hearing.

Comments should be addressed to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, ATTN: Docketing and Service Branch.

By July 7, 1983, the licensees may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any persons whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written petition for leave to intervene. Request for a hearing and petitions for leave to

intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition and the Secretary of the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR § 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) the nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter, and the bases for each contention set forth with reasonable specificity. Contentions shall be limited to matters within the scope of the amendment under consideration. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to

present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

Normally, the Commission will not issue the amendment until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received. Should the Commission take this action, it will publish a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at (800) 325-6000 (in Missouri (800) 342-6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to George W. Knighton: petitioner's name and telephone number; date petition was mailed; plant name; and publication date and page number of this **Federal Register** notice. A copy of the petition should also be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to Charles

R. Kocher, Esq., Southern California Edison Company, 2244 Walnut Grove Avenue, P.O. Box 800, Rosemead, California 91770 and Orrick, Herrington & Sutcliffe, Attn.: David R. Pigott, Esq., 600 Montgomery Street, San Francisco, California 94111, attorneys for the licensees.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the Atomic Safety and Licensing Board designated to rule on the petition and/or request, that the petitioner has made a substantial showing of good cause for the granting of a late petition and/or request. That determination will be based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)-(v) and 2.714(d).

For further details with respect to this action, see the application for amendment and the licensees' submittal of April 15, 1982, which are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington D.C., and at the San Clemente Library, 242 Avenida Del Mar, San Clemente, California.

Dated at Bethesda, Maryland, this 31st day of May, 1983.

For the Nuclear Regulatory Commission,
George W. Knighton,
Chief, Licensing Branch No. 3, Division of Licensing.

[FR Doc. 83-15196 Filed 5-6-83; 8:45 am]
BILLING CODE 7590-01-M

OFFICE OF MANAGEMENT AND BUDGET

Federal Agencies Responsible for Administering Audits of Local Governments and Special Purpose Districts

AGENCY: Office of Management and Budget.

ACTION: Notice.

Last year Director Stockman wrote to the heads of executive departments and agencies and 300 of the largest cities and counties to identify the Federal agencies which would be responsible for overseeing implementation of the "single audit" provisions of Circular A-102. "Uniform requirements for grants to State and local governments". At the same time, he advised executive departments and agencies and appropriate professional organizations of the methodology to be used by smaller units of local government, school districts and special districts in identifying their cognizant agencies. The

recent large increase in the number of local Government units undertaking single audits and thereby needing to establish contact with a cognizant agency, necessitates a dissemination of the methodology to a wider audience.

The purpose of this notice is to help local governments and other localities that have not been assigned a Federal cognizant agency identify the Federal cognizant agency that will be responsible for administering the single audit.

Cities, counties and towns that have not been notified of a cognizant agency assignment are assigned to the department or agency that is responsible for negotiating their indirect cost rates under Circular A-87. "Cost principles for grants to State and local governments," if one has been assigned, as listed in the February 28, 1980 Federal Register (pages 13396-13408). Cities, counties and towns not assigned a Federal agency directly or under Circular A-87 are assigned to the Federal agency that provides the greatest amount of grant funds.

School districts¹ are assigned to the Department of Education, except for those in Arkansas, Georgia, Maryland, Minnesota, Oregon, Utah, and Puerto Rico. School districts in those States and Puerto Rico are assigned to the Department of Agriculture.

Special purpose districts are assigned as follows:

Housing Agencies—Dept of Housing & Urban Development
Transit Agencies—Dept of Transportation
Planning & Development Districts—Dept of Commerce
Airport Authorities—Dept of Transportation
Port Authorities—Dept of Transportation
Sewer & Water Districts—Environmental Protection Agency
All Other—Agency providing most grant funds

FOR FURTHER INFORMATION CONTACT: Palmer A. Marcantonio, Management Reform Division, Office of Management and Budget, Washington, D.C. 20503. Telephone: 202-395-3657.

Local government or other localities desiring information about a specific cognizant assignment should contact the

¹The special relationship between State departments of education and local education agencies will result in Federal Agencies generally working through State departments of education in fulfilling their cognizant audit responsibilities.

Federal Inspector General staff of the regional office closest to them.

Harold I. Steinberg,

Associate Director for Management, Office of Management and Budget.

[FR Doc. 83-15169 Filed 6-6-83; 8:45 am]

BILLING CODE 3110-01-M

POSTAL RATE COMMISSION

Visit to Merrifield, VA Facility

June 2, 1983

Notice is hereby given that a member of the Commission staff will be visiting the Sectional Center Facility, Merrifield, Virginia, on Tuesday, June 7, 1983, for the purpose of observing and gaining knowledge in mail handling procedures. A report of the visit will be on file in the Commission's Docket Room.

Cyril J. Pittack,

Acting Secretary.

[FR Doc. 83-15165 Filed 6-6-83; 8:45 am]

BILLING CODE 7715-01-M

SMALL BUSINESS ADMINISTRATION

[Application No. 03/03-5164]

Carbon Capital Corp.; Application for a License to Operate as a Small Business Investment Company

An application for a license to operate as a small business investment company under the provisions of Section 301(d) of the Small Business Investment Act of 1958, as amended (15 U.S.C. 661 *et seq.*), has been filed by Carbon Capital Corporation (CCC), with the Small Business Administration (SBA), pursuant to 13 CFR 107.102 (1983).

The officers, directors, and stockholder of CCC are as follows:

| Name and address | Title and relationship | Ownership (percent) |
|--|---|---------------------|
| Roger H. Stevens, 4N262, Rte. 31, St. Charles, Ill. 60174 | President and Director | |
| James W. Miller, 1551 Bridge Road, Charleston, W. Va. 25301. | Vice President, Treasurer, and Director. | |
| Beverly S. Foltz, 3N522 Balkan Dr., St. Charles, Ill. 60174. | Secretary and Director | |
| Logan Resources, Inc., 2 Hale Street, Charleston, W. Va. 25301. | Parent Company | 100 |

Roger H. Stevens is president and sole stockholder of Logan Resources, Inc. The company owns several businesses in West Virginia related to the coal industry.

CCC, a West Virginia corporation, with its principal place of business located at 2 Hale Street, Charleston, West Virginia 25301, will begin operations with \$500,000 of private capital derived from the sale of common stock to Logan Resources, Inc.

CCC will conduct its activities principally in the State of West Virginia.

As a small business investment company under Section 301(d) of the Act, the Applicant has been organized and chartered solely for the purpose of performing the functions and conducting the activities contemplated under the Small Business Investment Act of 1958, as amended, from time to time, and will provide assistance solely to small business concerns which will contribute to a well-balanced national economy by facilitating ownership in such concerns by persons whose participation in the free enterprise system is hampered because of social or economic disadvantages.

Matters involved in SBA's consideration of the Applicant include the general business reputation and character of the proposed owners and management, and the probability of successful operations of the Applicant under this management, including adequate profitability and financial soundness, in accordance with the Small Business Investment Act and the SBA Rules and Regulations.

Notice is hereby given that any person may, not later than 15 days from the date of publication of this notice, submit to SBA written comments on the proposed Applicant. Any such communication should be addressed to the Deputy Associate Administrator for Investment, Small Business Administration, 1441 L Street, N.W., Washington, D.C. 20416.

A copy of this notice shall be published in a newspaper of general circulation in Charleston, West Virginia.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: May 31, 1983.

Robert G. Lineberry,

Deputy Associate Administrator for Investment.

[FR Doc. 83-15206 Filed 6-6-83; 8:45 am]

BILLING CODE 8025-01-M

[Proposed License No. 03/03-5158]

Security Finance and Investment Corp.; Application for a License to Operate as a Small Business Investment Company

An application for a license to operate as a small business investment company

under the provisions of Section 301(d) of the Small Business Investment Act of 1958, as amended (15 U.S.C. *et seq.*), has been filed by Security Financial and Investment Corporation (Applicant) with the Small Business Administration (SBA) pursuant to 13 CFR 107.102(1983).

The officers, directors and stockholders of the Applicant are as follows:

Kenneth K. Chung, 7201 Dulany Drive,
McLean, Virginia 22101, Board
Chairman—3.57 percent stockholder

Gus Levathes, 5316 Moorland Lane,
Bethesda, Maryland 20814, Executive
Vice President, General Manager,
Director

Han Y. Cho, 3706 Chanel Road,
Annandale, Virginia 22003, President,
Director—5.37 percent stockholder

Jang H. Jung, 6719 Fordcrest Road,
Baltimore, Maryland 21237, Vice
President, Director—4.46 percent
stockholder

Baik S. Park, 4025 Webster Court,
Annandale, Virginia 22003,
Secretary—4.46 percent stockholder

Sung Y. Choi, 4852 Killebrew Drive,
Annandale, Virginia 22003,
Treasurer—3.57 percent stockholder

Walter I. Park, 10217 Lawyers Road,
Vienna, Virginia 22180, Director—8.93
percent stockholder

20 other stockholders owning less than
10 percent individually—69.64 percent

The Applicant, a Maryland corporation with its principal place of business at 8757 Georgia Avenue, Suite 504, Silver Spring, Maryland 20910, will begin operations with \$550,000 of paid-in capital and paid-in surplus derived from the sale of 5,600 shares of common stock.

The Applicant will conduct its activities primarily in the State of Maryland.

Applicant intends to provide assistance to all qualified socially or economically disadvantaged business concerns as the opportunity to profitably assist such concerns is presented.

As a small business investment company under Section 301(d) of the Act, the Applicant has been organized and chartered solely for the purpose of performing the functions and conducting the activities contemplated under the Small Business Investment Act of 1958, as amended, from time to time, and will provide assistance solely to small business concerns which will contribute to a well-balanced national economy by facilitating ownership in such concerns by persons whose participation in the free enterprise system is hampered because of social or economic disadvantages.

Matters involved in SBA's consideration of the Applicant include the general business reputation and character of the proposed owners and management, and the probability of successful operations of the Applicant under this management, including adequate profitability and financial soundness, in accordance with the Small Business Investment Act and the SBA Rules and Regulations.

Notice is hereby given that any person may, not later than 15 days from the date of publication of this notice, submit to SBA written comments on the proposed Applicant. Any such communication should be addressed to the Deputy Associate Administrator for Investment, Small Business Administration, 1441 L Street, N.W., Washington, D.C. 20416.

A copy of this notice shall be published in a newspaper of general circulation in Silver Spring, Maryland. (Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: May 31, 1983.

Robert G. Lineberry,
Deputy Associate Administrator for
Investment.

[FR Doc. 83-15207 Filed 6-6-83; 8:48 am]

BILLING CODE 8025-01-M

Small Business Investment Co.; Maximum Annual Cost of Money to Small Business Concerns

13 CFR 107.301(c) sets forth the SBA Regulations governing the maximum annual cost of money to small business concerns for Financing by small business investment companies.

Section 107.301(c)(2) requires that SBA publish from time to time in the Federal Register the current Federal Financing Bank (FFB) rate for use in computing the maximum annual cost of money pursuant to § 107.301(c)(1). It is anticipated that a rate notice will be published each month.

13 CFR 107.301(c) does not supersede or preempt any applicable law that imposes an interest ceiling lower than the ceiling imposed by that regulation. Attention is directed to new subsection 308(i) of the Small Business Investment Act, added by section 524 of Pub. L. 96-221, March 31, 1980 (94 Stat. 161), to that law's Federal override of State Usury ceilings, and to its forfeiture and penalty provisions.

Effective June 1, 1983, and until further notice, the FFB rate to be used for

purposes of computing the maximum cost of money pursuant to 13 CFR 107.301(c) is 10.755% per annum.

Dated: June 1, 1983.

Edwin T. Holloway,

Associate Administrator for Finance and
Investment.

[FR Doc. 83-15206 Filed 6-6-83; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF THE TREASURY Office of the Secretary

June 2, 1983.

[Supplement to Dept. Circular Public Debt
Series—No. 16-83]

Notes Designated Series J-1988; Interest Rate

The Secretary announced on June 1, 1983, that the interest rate on the notes designated Series J-1988, described in Department Circular—Public Debt Series—No. 16-83 dated May 19, 1983, will be 10½ percent. Interest on the notes will be payable at the rate of 10½ percent per annum.

Carole J. Dineen,
Fiscal Assistant Secretary.

[FR Doc. 83-15190 Filed 6-6-83; 8:45 am]

BILLING CODE 4810-40-M

Sunshine Act Meetings

Federal Register

Vol. 48, No. 110

Tuesday, June 7, 1983

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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1

FEDERAL MARITIME COMMISSION

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 48 FR 25047, June 3, 1983.

PREVIOUS ANNOUNCED TIME AND DATE OF THE MEETING: 9 a.m., June 8, 1983.

CHANGE IN THE MEETING: Addition of the following item to the open session:

4. Agreement No. 131-285: Modification of the Pacific Cruise Conference Agreement to increase the geographic scope of the conference and minimum service requirements for members.

[S-806-83 Filed 6-3-83; 2:55 pm]

BILLING CODE 6703-01-M

2

FEDERAL RESERVE SYSTEM

(Board of Governors)

TIME AND DATE: 9:30 a.m., Monday, June 13, 1983.

PLACE: Board Building, C Street entrance between 20th and 21st Streets NW., Washington, D.C. 20551.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Proposed amendments to the Board's capital adequacy guidelines.
2. Any items carried forward from a previously announced meeting.

Note.—This meeting will be recorded for the benefit of those unable to attend. Cassettes will be available for listening in the Board's Freedom of Information Office, and copies may be ordered for \$5 per cassette by calling (202) 452-3684 or by writing to: Freedom of Information Office, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

CONTACT PERSON FOR MORE

INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board (202) 452-3204.

Dated: June 3, 1983.

James McAfee,

Associate Secretary of the Board.

[S-807-83 Filed 6-3-83; 3:13 pm]

BILLING CODE 6210-01-M

3

FEDERAL RESERVE SYSTEM

(Board of Governors)

TIME AND DATE: Approximately 11 a.m., Monday, June 13, 1983, following a recess at the conclusion of the open meeting.

PLACE: 20th Street and Constitution Avenue NW., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.
2. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE

INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board (202) 452-3204

Dated: June 3, 1983.

James McAfee,

Associated Secretary of the Board.

[S-808-83 Filed 6-6-83; 3:13 pm]

BILLING CODE 6210-01-M

4

INTERNATIONAL TRADE COMMISSION

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 48 FR 23965, May 27, 1983.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 2:30 p.m., Monday, June 6, 1983.

CHANGES IN THE MEETING: Amendment to item No. 5 which should read as follows:

5. Investigations 701-TA-201 (Preliminary) and 731-TA-133 (Preliminary) (Forged Undercarriage Components from Italy)—briefing and vote.

CONTACT PERSON FOR MORE

INFORMATION: Kenneth R. Mason, Secretary (202) 523-0161.

[S-805-83 Filed 6-3-83; 2:55 pm]

BILLING CODE 7020-02-M

5

NATIONAL TRANSPORTATION SAFETY BOARD

[NM-83-12]

TIME AND DATE: 9 a.m., Tuesday, June 14, 1983.

PLACE: Conference Room 8ABC, Eighth Floor, 800 Independence Ave., SW., Washington, D.C. 20594.

STATUS: The first two items will be open to the public; the remaining items will be closed under Exemption 10 of the Government in the Sunshine Act.

MATTERS TO BE CONSIDERED:

1. *Railroad Accident Report*—Derailment of Illinois Central Gulf Railroad Freight Train Extra 9629 East, Livingston, Louisiana, September 28, 1982, and Recommendations.
2. *Railroad Accident Report*—Side Collision of Two Missouri Pacific Railroad Company Freight Trains at Glaise Junction, near Possum Grape, Arkansas, October 3, 1982, and Recommendations.
3. *Opinion and Order*—Petition of Meade, Dkt. SM-2898; disposition of the Administrator's appeal.
4. *Opinion and Order*—Administrator v. Smith, Dkt. SE-5569; disposition of respondent's interlocutory appeal.

CONTACT PERSON FOR MORE

INFORMATION: Sharon Flemming (202) 382-6525.

June 3, 1983.

[S-804-83 Filed 6-3-83; 12:10 pm]

BILLING CODE 4910-06-M

6

SECURITIES AND EXCHANGE COMMISSION

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94-409, that the Securities and Exchange Commission will hold the following meeting during the week of June 6, 1983, at 450 5th Street, NW., Washington, D.C.

An open meeting will be held on Thursday, June 9, 1983, at 11 a.m. in Room 1C30, to discuss the following items.

1. Consideration of the adoption of rules designed, among other things, to provide minimum standards for registered transfer agents in the preparation and maintenance of accurate securityholder records and the safeguarding of funds and securities. In addition, consideration of whether to issue a release proposing amendments that would establish a minimum transfer turnaround

performance standard for certain exempt transfer agents that transfer depository-eligible securities and would require registered transfer agents to respond to inquiries from securityholders respecting dividend and interest payment claims. For further information, please contact Jonathan Kallman at (202) 272-2775.

2. Consideration of whether to repropose for comment Rule 415 under the Securities

Act of 1933. Rule 415 relates to the registration of securities to be offered and sold on a delayed or continuous basis. The Rule is effective until December 31, 1983. For further information, please contact Steven L. Molinari at (202) 272-2589.

Commissioner Evans, as duty officer, voted to consider the items listed for the open meeting.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Michael Lefever at (202) 272-2468.
June 2, 1983.

[S-909-83 Filed 6-3-83; 11:24 am]

BILLING CODE 8010-01-M

Register Federal Register

Tuesday
June 7, 1983

Part II

Department of Health and Human Services

Office of the Secretary

Privacy Act of 1974; Systems of
Records, Table of Contents/Index for the
Annual Republication

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

Privacy Act of 1974; Systems of Records, Table of Contents/Index for the Annual Republication

AGENCY: Department of Health and Human Services (HHS), Office of the Secretary (OS), Office of the Assistant Secretary for Public Affairs (OASPA).
ACTION: Publication of the Table of Contents/Index for the Department's annual republication of notices of systems of records.

SUMMARY: On October 13, 1982, the Department made its annual republication of notices of systems of records to meet the requirements of 5 U.S.C. 552a(e)(4). In order to assist the public, the Department publishes a consolidated lists of systems numbers, names, and Federal Register (FR) page numbers for the October 13 issue, as well as a subject/key word index.

SUPPLEMENTARY INFORMATION: The Federal Register publication for our notices is Volume 47, No. 198, Book 2 of 3 and 3 of 3, Pages 45402-45856. This document included more than 400 notices of systems of records for the following organizations of the Department:

- Executive Secretariat (ES).
- Office for Civil Rights (OCR).
- Office of Child Support Enforcement (OCSE).
- Office of Consumer Affairs (OCA).
- Office of the Assistant Secretary for Legislation (OASL).
- Office of the Assistant Secretary for Management and Budget (OASMB).
- Office of the Assistant Secretary for Personnel Administration (OASPER).
- Office of the Assistant Secretary for Planning and Evaluation (OASP&E).
- Office of the Assistant Secretary for Public Affairs (OASPA).
- Office of the General Counsel (OGC).
- Office of the Inspector General (OIG).
- Region I, Administrative Support Center (ASC).
- Region IX, Office of the Regional Director (ORD).
- Office of Human Development Services (OHDS).
- Health Care Financing Administration (HCFA).
- Social Security Administration (SSA).
- Office of the Assistant Secretary for Health (OASH).
- Health Resources Administration (HRA).
- Alcohol, Drug Abuse, and Mental Health Administration (ADAMHA).

- National Institutes of Health (NIH).
- Centers for Disease Control (CDC).
- Health Services Administration (HSA).
- Food and Drug Administration (FDA).

In order to inform the public of the Privacy Act restrictions on the disclosure of records contained in systems of records, we have set forth the "Conditions of Disclosure" section of the Privacy Act (October 13 issue FR page 45516).

In addition we have set forth the following sections of the Department's Privacy Act Regulation 45 CFR Part 5b (October 13 issue FR 45514-45516):

- 5b.5 Notification of or access to records
- 5b.6 Special procedures for notification of or access to medical records
- 5b.7 Procedures for correction or amendment of records, and
- 5b.10 Parents and guardians

This will assist an individual by giving him or her the following information:

- How to find out if HHS has a record about him or her, and how to get a copy of that record.
- Special procedures for finding out about medical records.
- Special procedures for finding out about his or her child's medical records.
- Correcting mistakes in his or her record.
- Special procedures pertaining to parents and guardians of minors and incompetent persons.

An individual should consult the Department's systems notices to determine which systems of records are likely to contain records pertaining to him or her, to whom his or her requests should be addressed, and the degree of specificity with which he or she should make these requests. An individual's requests should then be addressed to the appropriate Department officials listed in the systems notices. In order to expedite his or her request, an individual should write on the envelope and the letter the words "Privacy Act Request."

The format for the Table of Contents/Index is as follows: Agency, System Number, System Name, Agency Initials and October 13, 1982 FR Page Number.

The subject/key word index has the following format: Subject, System Number, System Name, Agency Initials and October 13, 1982 FR Page Number.

Dated: May 12, 1983.

Claire del Real,

Acting Assistant Secretary for Public Affairs.

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- 09-90-0038—Secretary's Official Files, HHS/OS/ES, p. 45536
- 09-90-0080—Secretary's Advisory Committee Candidate Files, HHS/OS/ES, p. 45536

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- 09-90-0050—Case Information Management System, HHS/OS/OCR, p. 45539,
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Office of Child Support Enforcement (OCSE)

- 09-90-0074—Federal Parent Locator System, HHS/OCSE, p. 45547

Office of Consumer Affairs (OCA)

- 09-90-0041—Consumer Mailing Lists, HHS/OS/OCA, p. 45537
- 09-90-0046—Consumer Complaint Correspondence System, HHS/OS/OCA, p. 45538

Office of the Assistant Secretary For Legislation (OASL)

- 09-90-0027—Congressional Correspondence Unit, HHS/OS/ASL, p. 45531
- 09-90-0072—Congressional Grants Notification Unit, HHS/OS/ASL, p. 45532

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- *09-90-0001—Telephone Directory/Locator System, HHS/OS/OASMB/OMAS, p. 45517
- *09-90-0005—Safety Management Information System (HHS Accident, Injury and Illness Reporting System), HHS/OS/OASMB/OFE/OSOH, p. 45518
- *09-90-0023—Departmental Parking Control Policy and Records System, HHS/OS/OASMB/OFE, p. 45520
- *09-90-0025—Accounting Records of Payments to Individuals from Agency and Regional Financial Management and Disbursing Offices, HHS/OS/OASMB/1, p. 45521

*Systems are Department-wide with Office of the Secretary policy guidance but with local operational control.

09-90-0025—Central Registry of Individuals Doing Business with HHS, HHS/OS/OASMB/2, p. 45523

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- *09-90-0006—Applicants for Employment Records, HHS/OS/OASPER, p. 45743
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- *09-90-0008—Conflict of Interest Records, HHS/OS/OASPER, p. 45747
- *09-90-0009—Discrimination Complaint Records, HHS/OS/OASPER, p. 45748
- *09-90-0010—Employee Counseling Service Program Records, HHS/OS/OASPER, p. 45750
- *09-90-0011—Employee Appraisal Program Records, HHS/OS/OASPER, p. 45751
- *09-90-0012—Executive Development Records, HHS/OS/OASPER, p. 45753
- *09-90-0013—Federal Employees Occupational Health Program Records, HHS/OS/OASPER, p. 45754
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- *09-90-0015—Grievances Filed Under Procedures Established by Labor-Management Negotiations, HHS/OS/OASPER, p. 45756
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- *09-90-0020—Suitability for Employment Records, HHS/OS/OASPER, p. 45764
- *09-90-0021—Training Management Information System, HHS/OS/OASPER, p. 45766
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- *09-90-0059—Federal Advisory Committee Membership Files, HHS/OS/OASPER, p. 45769
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- *09-90-0095—Management Information System Efficiency Report (MISER), HHS/OS/OASPER/OPSI&OCAM, p. 45771

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- 09-90-0082—Pennhurst Longitudinal Study (also called the Longitudinal Study of the Court Ordered Deinstitutionalization of Pennhurst), HHS/OS/OASPE, p. 45548
- 09-90-0086—Medicare Mental Health Demonstration Evaluation (MMHDE), HHS/OS/OASPE, p. 45550
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- 09-90-0089—National Long-Term Care Survey, HHS/OS/OASPE, p. 45554
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- *09-90-0028—Biographies and Photographs of HHS Officials, HHS/OS/OASPA, p. 45533
- *09-90-0058—Freedom of Information Case Files and Correspondence Control Index, HHS/OS/OASPA, p. 45534

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federal register

**Tuesday
June 7, 1983**

Part III

**Department of
Energy**

Federal Energy Regulatory Commission

**Determinations by Jurisdictional Agencies
Under the Natural Gas Policy Act of
1978**

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Volume 906]

Determinations By Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: June 1, 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-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
ISSUED JUNE 1, 1983

VOLUME 906

| JD NO | JA DKT | API NO | D SEC(1) | SEC(2) | WELL NAME | FIELD NAME | PROD | PURCHASER |
|--------------------------------------|--------|------------|-----------|----------|-------------------------|------------------|-------|-------------------|
| OHIO DEPARTMENT OF NATURAL RESOURCES | | | | | | | | |
| -ACTION PETROLEUM INC | | | RECEIVED: | 05/10/83 | JA: OH | FREEDOM | 50.0 | |
| 8336494 | | 3415522308 | 103 | 107-TF | GRABER #1 | | | |
| -ALLEGHENY PRODUCERS INC | | | RECEIVED: | 05/10/83 | JA: OH | CLAYTON | 14.0 | NATIONAL GAS & OI |
| 8336495 | | 3412725738 | 103 | | HOWDYSHILL #2 | | | |
| -APPALACHIAN EXPLORATION INC | | | RECEIVED: | 05/10/83 | JA: OH | BATH | 36.5 | YANKEE RESOURCES |
| 8336500 | | 3415521263 | 107-TF | | B HOUSTON #1 | | | |
| 8336502 | | 3415521315 | 107-TF | | DULWORTH UNIT #1 | | | |
| 8336498 | | 3415521076 | 107-TF | | E BOUGHTON #2 | | | |
| 8336501 | | 3415521295 | 107-TF | | GILBERT UNIT #1 | | | |
| 8336497 | | 3415320805 | 107-TF | | J BENDER UNIT #1 | | | |
| 8336496 | | 3410322979 | 107-TF | | KOHLER UNIT #1 | | | |
| 8336499 | | 3415521260 | 107-TF | | M BURSE UNIT #3 | | | |
| -ATWOOD RESOURCES INC | | | RECEIVED: | 05/10/83 | JA: OH | NEW PHILADELPHIA | 15.0 | |
| 8336505 | | 3415723791 | 103 | 107-TF | BICHSEL #1 | | | |
| 8336504 | | 3407523734 | 107-TF | | DAN R J MILLER #1 | | | |
| 8336503 | | 3403124833 | 103 | 107-TF | EMIL CROFT #1 | | | |
| -BAKERWELL INC | | | RECEIVED: | 05/10/83 | JA: OH | WASHINGTON | 14.6 | EAST OHIO GAS CO |
| 8336506 | | 3415723838 | 103 | | I HUNT #2 | | | |
| -BLACK RUN DEVELOPMENT CO | | | RECEIVED: | 05/10/83 | JA: OH | LICKING | 7.3 | NATIONAL GAS & OI |
| 8336507 | | 3411926612 | 103 | | K KILPATRICK #1 | | | |
| -BUCKEYE CRUDE EXPLORATION INC | | | RECEIVED: | 05/10/83 | JA: OH | CLINTON | 13.5 | EAST OHIO GAS CO |
| 8336508 | | 3416923293 | 103 | 107-TF | SCHLABACH #1 | | | |
| -CAVENDISH PETROLEUM OF OHIO INC | | | RECEIVED: | 05/10/83 | JA: OH | MEIGS | 116.0 | TEXAS EASTERN TRA |
| 8336509 | | 3411926476 | 103 | 107-TF | OHIO POWER 14-A | | | |
| 8336510 | | 3411926481 | 103 | 107-TF | OHIO POWER 17A | | | |
| -CLYDE M FORAKER JR | | | RECEIVED: | 05/10/83 | JA: OH | MEIGS | 54.0 | TEXAS EASTERN TRA |
| 8336512 | | 3411926542 | 107-TF | | COLUMBIA CEMENT CORP #2 | | | |
| 8336513 | | 3411926543 | 107-TF | | COLUMBIA CEMENT CORP #3 | | | |
| 8336514 | | 3411926544 | 107-TF | | COLUMBIA CEMENT CORP #4 | | | |
| 8336515 | | 3411926545 | 107-TF | | COLUMBIA CEMENT CORP #5 | | | |
| 8336511 | | 3411926541 | 107-TF | | COLUMBIA CEMENT CORP 1 | | | |
| -CNC ENERGY INC | | | RECEIVED: | 05/10/83 | JA: OH | EAST FULTONHAM | 0.0 | NATIONAL GAS & OI |
| 8336516 | | 3416923253 | 107-TF | | BOWERS #1 | | | |
| 8336517 | | 3416923254 | 107-TF | | BOWERS #2 | | | |
| -COASTAL PETROLEUM CORP | | | RECEIVED: | 05/10/83 | JA: OH | EAST FULTONHAM | 0.0 | NATIONAL GAS & OI |
| 8336520 | | 3410323169 | 107-TF | | BRADLEY #3 | | | |
| 8336519 | | 3410323143 | 107-TF | | GARGUS-NELSON-CONNER #1 | | | |
| 8336521 | | 3415321033 | 107-TF | | HOMER DAYS #3 | | | |
| 8336518 | | 3410323141 | 107-TF | | VANKE #1 | | | |
| -COLLINS-MCGREGOR OPERATING COMPANY | | | RECEIVED: | 05/10/83 | JA: OH | SHARON | 9.0 | EAST OHIO GAS CO |
| 8336522 | | 3407322110 | D | 107-TF | CRACE #4 | | | |
| 8336522A | | 3407322110 | | 103 | CRACE #4 | | | |
| -DAVID SHAFER OIL PRODUCERS INC | | | RECEIVED: | 05/10/83 | JA: OH | SHARON | 9.0 | EAST OHIO GAS CO |
| 8336525 | | 3415321313 | 107-TF | | SCHWAGER #1 | | | |
| 8336524 | | 3415321312 | 107-TF | | SCHWAGER #2 | | | |
| 8336523 | | 3415321303 | 107-TF | | STONER LAND CO UNIT #2 | | | |
| | | | | | | RICHFIELD | 7.5 | EAST OHIO GAS CO |
| | | | | | | RICHFIELD | 7.5 | EAST OHIO GAS CO |
| | | | | | | BATH | 7.5 | EAST OHIO GAS CO |

BILLING CODE 6717-01-M

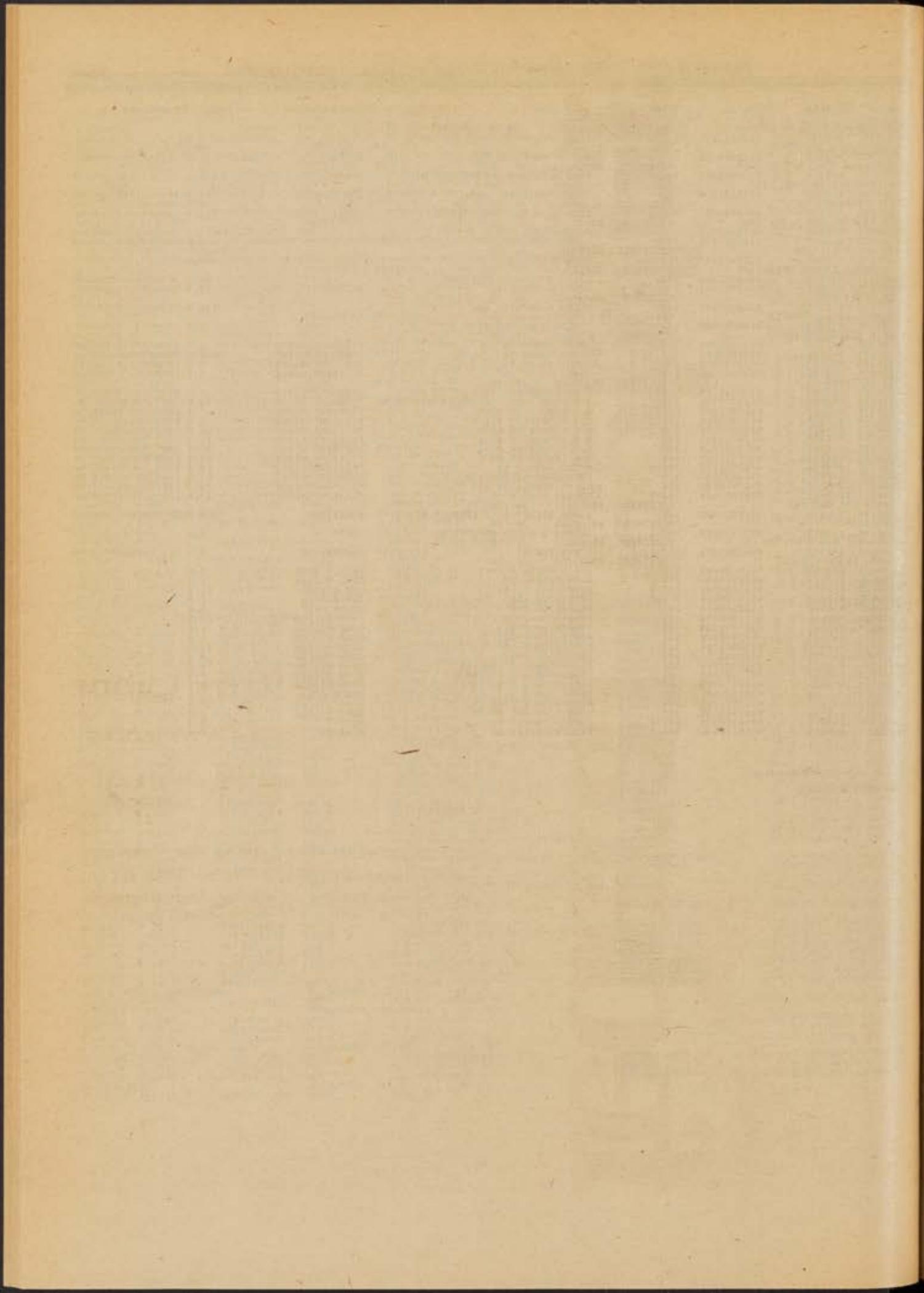
| JD NO | JA DKT | API NO | D SEC(1) | SEC(2) | WELL NAME | FIELD NAME | PROD | PURCHASER |
|----------|------------------------------------|------------|----------|--------|------------------------------|--------------|------|-------------------|
| - | DELRAY DRILLING INC | | | | RECEIVED: 05/10/83 JA: OH | | | |
| 8336527 | | 3412725679 | 107-TF | | A DOYLE #2 | MADISON | 25.0 | NATIONAL GAS & OI |
| 8336526 | | 3408925760 | 103 | 107-TF | PAXSON #23 | PIKE | 0.0 | COLUMBIA GAS TRAN |
| - | EDCO DRILLING & PRODUCING INC | | | | RECEIVED: 05/10/83 JA: OH | | | |
| 8336528 | | 3403529600 | 103 | 107-TF | CABALA UNIT #1E | NEWBURG | 18.0 | |
| 8336529 | | 3403521173 | 103 | 107-TF | JOHNSTON #2J | INDEPENDENCE | 18.0 | |
| - | ENERGY DEVELOPMENT CORP | | | | RECEIVED: 05/10/83 JA: OH | | | |
| 8336530 | | 3400722146 | 103 | 107-TF | MARDIT UNIT #1 | NEW LYME | 17.0 | |
| - | ENVIROGAS INC | | | | RECEIVED: 05/10/83 JA: OH | | | |
| 8336531 | | 3400922527 | 103 | 107-TF | DRYDOCK COAL #11TR | TRIMBLE | 27.3 | |
| 8336532 | | 3400922719 | 103 | 107-TF | DRYDOCK COAL #49D | DOVER | 18.2 | |
| 8336533 | | 3400922736 | 103 | 107-TF | DRYDOCK COAL #51D | DOVER | 18.2 | |
| - | GASEARCH INC | | | | RECEIVED: 05/10/83 JA: OH | | | |
| 8336534 | | 3415522320 | 103 | 107-TF | 15AAGS #1 | MESOPOTAMIA | 20.0 | AMERICAN ENERGY S |
| - | GREENLAND PARTNERSHIP-82-2 | | | | RECEIVED: 05/10/83 JA: OH | | | |
| 8336535 | | 3407322733 | 107-TF | | GROVES #2 | STARR | 20.0 | COLUMBIA GAS TRAN |
| - | HATFIELD JOHN J | | | | RECEIVED: 05/10/83 JA: OH | | | |
| 8336538 | | 3410323355 | 103 | 107-TF | ZIEBEL-WILCOX #1 | SHARON | 9.0 | |
| - | HOPPELL OIL AND GAS DEVELOPMENT | | | | CO RECEIVED: 05/10/83 JA: OH | | | |
| 8336536 | | 3412725852 | D 107-TF | | DAVID LEWIS #1 (CLAYTON) | CLAYTON | 10.0 | NATIONAL GAS & OI |
| - | J O B INC | | | | RECEIVED: 05/10/83 JA: OH | | | |
| 8336537 | | 3416727416 | 103 | | KRIS MAR #4 PW-137 | WARREN | 4.0 | RIVER GAS CO |
| - | K S T OIL & GAS CO INC | | | | RECEIVED: 05/10/83 JA: OH | | | |
| 8336540 | | 3415521157 | 103 | 107-TF | BASOM #3 | TWINSBURG | 40.0 | YANKEE RESOURCES |
| 8336541 | | 3415521159 | 103 | 107-TF | BASOM GREENE #1 | TWINSBURG | 50.0 | YANKEE RESOURCES |
| 8336543 | | 3415521316 | 103 | 107-TF | G T #1 | TWINSBURG | 0.0 | YANKEE RESOURCES |
| 8336544 | | 3415521317 | 103 | 107-TF | G T #2 | TWINSBURG | 0.0 | YANKEE RESOURCES |
| 8336545 | | 3415521318 | 103 | 107-TF | G T #3 | TWINSBURG | 45.0 | YANKEE RESOURCES |
| 8336546 | | 3415521319 | 103 | 107-TF | G T #4 | TWINSBURG | 35.0 | YANKEE RESOURCES |
| 8336542 | | 3415521211 | 103 | 107-TF | SUNRISE #1 | TWINSBURG | 0.0 | YANKEE RESOURCES |
| - | KENOLL | | | | RECEIVED: 05/10/83 JA: OH | | | |
| 8336539 | | 3416923484 | 107-TF | | C J MAIRS #1 | PLAIN | 3.0 | COLUMBIA GAS TRAN |
| - | L & M PETROLEUM INC | | | | RECEIVED: 05/10/83 JA: OH | | | |
| 8336553 | | 3412725808 | 107-TF | | HAZELTON #5 | SALT LICK | 10.0 | |
| - | LEADER EQUITIES INC | | | | RECEIVED: 05/10/83 JA: OH | | | |
| 8336547A | | 3411926555 | 103 | | CROWN #2 | LICKING | 13.0 | |
| 8336547B | | 3411926555 | D 107-TF | | CROWN #2 | LICKING | 13.0 | |
| 8336548 | | 3411926581 | 103 | 107-TF | CUNNINGHAM #1 | CASS | 14.0 | |
| - | LESLIE OIL AND GAS CO INC | | | | RECEIVED: 05/10/83 JA: OH | | | |
| 8336549 | | 3410322234 | 107-TF | | WAKEFIELD #1 | SPENCER | 20.0 | COLUMBIA GAS TRAN |
| 8336551 | | 3410322696 | 107-TF | | WAKEFIELD #2 | CHATHAM | 20.0 | COLUMBIA GAS TRAN |
| 8336550 | | 3410322307 | 107-TF | | WAKEFIELD UNIT #1 | SPENCER | 20.0 | COLUMBIA GAS TRAN |
| - | LEVINGOOD OIL & GAS US INC | | | | RECEIVED: 05/10/83 JA: OH | | | |
| 8336552 | | 3407524024 | 103 | 107-TF | FRED SMITH #2 | CLARK | 15.0 | COLUMBIA GAS TRAN |
| - | M B OPERATING CO INC | | | | RECEIVED: 05/10/83 JA: OH | | | |
| 8336570 | | 3415123771 | 103 | | A PIERCE #1 | BETHLEHEM | 5.5 | |
| 8336560 | | 3415123653 | 103 | | BACHTEL UNIT #2 | CANTON | 3.8 | |
| 8336573 | | 3415723801 | 103 | | CARLING UNIT #1 | SANDY | 11.0 | |
| 8336556 | | 3415123557 | 103 | | CITY OF CANTON #1 | PIKE | 15.5 | EAST OHIO GAS CO |
| 8336557 | | 3415123558 | 103 | | CITY OF CANTON #2 | PIKE | 15.5 | EAST OHIO GAS CO |
| 8336558 | | 3415123559 | 103 | | CITY OF CANTON #3 | PIKE | 15.5 | EAST OHIO GAS CO |
| 8336569 | | 3415123770 | 103 | | CZECH #1 | OSHABURG | 3.8 | |
| 8336559 | | 3415123612 | 103 | | F J R UNIT #1 | CANTON | 36.5 | |
| 8336561 | | 3415123697 | 103 | | FIERSTOS #1-A | JACKSON | 36.5 | |
| 8336571 | | 3415123778 | 103 | | HAAG UNIT #1 | PIKE | 10.0 | |
| 8336568 | | 3415123766 | 103 | | HUMBERT #1 | PLAIN | 12.8 | REPUBLIC STEEL CO |
| 8336563 | | 3415123748 | 103 | | HUITO #1 | NIMISHILLEN | 3.5 | |
| 8336555 | | 3401921596 | 103 | | MCMADON #1 | ORANGE | 3.5 | |
| 8336572 | | 3415123764 | 103 | | DAKWOOD SQUARE #1 | PLAIN | 7.5 | |
| 8336562 | | 3415123764 | 103 | | SISLER #1 | LAWRENCE | 14.5 | |
| 8336567 | | 3415123757 | 103 | | STARK CO COMMISSIONERS #2 | BETHLEHEM | 9.3 | |
| 8336565 | | 3415123753 | 103 | | STEFFY UNIT #2 | MARLBORO | 7.5 | |
| 8336566 | | 3415123755 | 103 | | STEGHER #2 | NIMISHILLEN | 3.7 | |
| 8336564 | | 3415123752 | 103 | | WOLFE #6 | NIMISHILLEN | 3.5 | |
| - | MARK RESOURCES CORP | | | | RECEIVED: 05/10/83 JA: OH | | | |
| 8336554 | | 3400722186 | 103 | | KENNEDY #1 | KINGSVILLE | 30.0 | |
| - | NATIONAL ENERGY EXPLORATIONS INC | | | | RECEIVED: 05/10/83 JA: OH | | | |
| 8336574 | | 3411926052 | 103 | | MASSENGILL #2 | LICKING | 15.0 | NATIONAL GAS & OI |
| - | NOBLE OIL CORP | | | | RECEIVED: 05/10/83 JA: OH | | | |
| 8336576 | | 3413322998 | 107-TF | | NERRON #1 | DEERFIELD | 20.0 | GENERAL ELECTRIC |
| 8336575 | | 3413322993 | 107-TF | | MANH-BROKAW UNIT #2 | PALMYRA | 20.0 | GENERAL ELECTRIC |
| - | O E D CO | | | | RECEIVED: 05/10/83 JA: OH | | | |
| 8336577 | | 3407322203 | 107-TF | | C L POSTON HEIRS #10 | WARD | 7.3 | |
| - | PETRONICS OIL & GAS CORP | | | | RECEIVED: 05/10/83 JA: OH | | | |
| 8336580 | | 3416727234 | 103 | | ARTHUR B SIMONS #1 | GRANDVIEW | 15.0 | |
| 8336581 | | 3416727235 | 103 | | KA & KJ BEAVER D BEAVER #1 | GRANDVIEW | 15.0 | |
| 8336579 | | 3416727235 | 103 | | KA & KJ BEAVER-D-BEAVER #2 | GRANDVIEW | 15.0 | |
| 8336578 | | 3416727188 | 103 | | ROBERT SHAPLEY #1 | GRANDVIEW | 15.0 | |
| - | POI ENERGY INC | | | | RECEIVED: 05/10/83 JA: OH | | | |
| 8336584 | | 3400721590 | 103 | 107-TF | HARROFF #1 | ROME | 28.0 | |
| 8336586 | | 3413322849 | 103 | 107-TF | HUMPHREY #1 | STREETSBOBO | 36.0 | |
| 8336582 | | 3400722070 | 103 | 107-TF | KAMPP-MECKLEY-SIRRIE #1 | ROME | 36.0 | EAST OHIO GAS CO |
| 8336583 | | 3400722123 | 103 | 107-TF | PARKER #2 | ORWELL | 45.0 | EAST OHIO GAS CO |
| 8336585 | | 3405520439 | 103 | 107-TF | SEA WORLD ETAL #4 | BAINBRIDGE | 44.0 | |
| - | RALCO INC | | | | RECEIVED: 05/10/83 JA: OH | | | |
| 8336587 | | 3415321291 | 103 | 107-TF | S-M ASSOC #1 | RICHFIELD | 20.0 | |
| - | ROBERT M ORR JR | | | | RECEIVED: 05/10/83 JA: OH | | | |
| 8336588 | | 3405923432 | 103 | 107-TF | MARVIN & ALICE ORR #1 | EVESVILLE | 9.0 | |
| - | SANIA FE DRILLING CO INC | | | | RECEIVED: 05/10/83 JA: OH | | | |
| 8336589 | | 3416724341 | 107-DV | | DUNNOR FARMS #1 | FEARING | 50.0 | |
| - | SHONGUM OIL & GAS CORP | | | | RECEIVED: 05/10/83 JA: OH | | | |
| 8336590 | | 3410323263 | 107-TF | | JACK TUREK #1 | MONTVILLE | 12.0 | YANKEE RESOURCES |
| 8336591 | | 3410323274 | 107-TF | | JACK TUREK #2 | MONTVILLE | 12.0 | YANKEE RESOURCES |
| 8336592 | | 3410323290 | 107-TF | | WHITEHOUSE #2 | MONTVILLE | 12.0 | YANKEE RESOURCES |
| - | SMITH SHAFER SMITH (A PARTNERSHIP) | | | | RECEIVED: 05/10/83 JA: OH | | | |
| 8336593 | | 3416923365 | 107-TF | | JACKSON #1 | CHESTER | 7.5 | COLUMBIA GAS TRAN |
| - | SPARTA ENERGY CORP | | | | RECEIVED: 05/10/83 JA: OH | | | |
| 8336595 | | 3400721631 | 103 | 107-TF | E & M WILLIAMS #1 | JEFFERSON | 28.0 | OHIO GAS CO |
| 8336596 | | 3400721634 | 103 | 107-TF | E & M WILLIAMS #2 | JEFFERSON | 20.0 | OHIO GAS CO |
| 8336594 | | 3400721615 | 103 | 107-TF | J OTTO #1 | JEFFERSON | 20.0 | OHIO GAS CO |
| 8336597 | | 3400721822 | 103 | 107-TF | V LUKEY #1 | LENOX | 15.0 | OHIO GAS CO |
| 8336598 | | 3400721823 | 103 | 107-TF | V LUKEY #2 | LENOX | 15.0 | OHIO GAS CO |
| - | TEXACO INC | | | | RECEIVED: 05/10/83 JA: OH | | | |
| 8336599 | | 3411523004 | 107-TF | | C R PHILLIS UNIT #2 | HACKNEY | 0.0 | TEXAS EASTERN TRA |

| JD NO | JA DKT | API NO | D SEC(1) | SEC(2) | WELL NAME | FIELD NAME | PROD | PURCHASER |
|--------------------------------------|--------|------------|-----------|----------|-----------------------------------|-----------------|-------|-------------------|
| 8336601 | | 3411523009 | 107-TF | | MURRAY-GANNON UNIT #2 | HACKNEY POOL | 510.3 | TEXAS EASTERN TRA |
| 8336600 | | 3411523005 | 107-TF | | RALPH MORETZ UNIT #2 | HACKNEY POOL | 0.0 | TEXAS EASTERN TRA |
| -UNIVERSAL EXPLORATION | | | RECEIVED: | 05/10/83 | JA: OH | | | |
| 8336602 | | 3410322793 | 107-TF | | MARY KOLLERT JOHN SWIGART #5 | WADSWORTH | 50.0 | YANKEE RESOURCES |
| -VICTOR MCKENZIE | | | RECEIVED: | 05/10/83 | JA: OH | | | |
| 8336604B | | 3412725871 | D 107-TF | | FLOYD DENISON #1 | HOPENELL | 4.0 | |
| 8336604A | | 3412725871 | 103 | | FLOYD DENISON #1 | HOPENELL | 4.0 | |
| 8336603 | | 3411926570 | 103 | 107-TF | KENDRA BROWN #1 | HOPENELL | 6.0 | |
| -VICTOR PETROLEUM CORP | | | RECEIVED: | 05/10/83 | JA: OH | | | |
| 8336605 | | 3407523489 | 103 | 107-TF | RABER/STUTZMAN #1 | CLARK FIELD | 30.0 | |
| -WILLIAM E STOCKER | | | RECEIVED: | 05/10/83 | JA: OH | | | |
| 8336606 | | 3415723455 | 107-TF | | STOCKER SAND & GRAVEL CO #4 | PERRY | 3.0 | REPUBLIC STEEL CO |
| ***** | | | | | | | | |
| TENNESSEE OIL & GAS BOARD | | | | | | | | |
| ***** | | | | | | | | |
| -B & W OIL CO | | | RECEIVED: | 05/09/83 | JA: TN | | | |
| 8336400 | A-2463 | 4112921091 | 102-2 | | ALBINA S PLOCH #1 | DOUGLAS BRANCH | 10.0 | EAST TENNESSEE NA |
| 8336395 | A-2447 | 4112921115 | 102-4 | | HUGH LEACH #1 | GLADES EAST | 32.0 | EAST TENNESSEE NA |
| 8336397 | A-2404 | 4112920655 | 103 | | O C DUNCAN #1 | SUNBRIGHT | 10.0 | INTRASTATE ENERGY |
| 8336396 | A-2405 | 4112921155 | 103 | | O C DUNCAN #2 | SUNBRIGHT | 10.0 | INTRASTATE ENERGY |
| -B-J INC | | | RECEIVED: | 05/09/83 | JA: TN | | | |
| 8336399 | A-2429 | 4112921266 | 102-4 | | IRVIN BROWN JDE-II #1 | UNKNOWN | 95.2 | INTRASTATE ENERGY |
| 8336398 | A-2401 | 4112921163 | 102-4 | | ROBERT ANDERSON #2 | | 71.9 | INTRASTATE ENERGY |
| 8336401 | A-2465 | 4112920865 | 102-4 | | TINCH-BROWN TALLMAN-602.1 ACRE #1 | INDIAN CREEK | 201.8 | INTRASTATE ENERGY |
| -CATOODA EXPLORATION CORP | | | RECEIVED: | 05/09/83 | JA: TN | | | |
| 8336461 | A-2446 | 4104920240 | 102-4 | | ARNOLD COLDITZ #3 | BIG BRANCH | 3.5 | FENTRESS GAS TRAN |
| 8336463 | A-2438 | 4104920241 | 102-4 | | ARNOLD COLDITZ ETAL #4 | BIG BRANCH | 3.5 | FENTRESS GAS TRAN |
| 8336469 | A-2381 | 4104921082 | 102-2 | | E H HALL #5 | | 2.0 | FENTRESS GAS TRAN |
| 8336465 | A-2436 | 4104920395 | 102-4 | | GORDON KOGER-COLDITZ BROS UNIT #1 | BIG BRANCH | 2.0 | FENTRESS GAS TRAN |
| 8336464 | A-2437 | 4104920149 | 102-4 | | GUY WILLIAM #C-1 | BIG BRANCH | 2.0 | FENTRESS GAS TRAN |
| 8336462 | A-2439 | 4104920148 | 102-4 | | GUY WILLIAM #B-1 | BIG BRANCH | 2.0 | FENTRESS GAS TRAN |
| 8336467 | A-2434 | 4104920488 | 102-4 | | R G BURNETT #1 | BIG BRANCH | 3.2 | FENTRESS GAS TRAN |
| 8336468 | A-2433 | 4104920489 | 102-4 | | ROBERT Y BEATY #1 | BIG BRANCH | 1.0 | FENTRESS GAS TRAN |
| 8336466 | A-2435 | 4104920385 | 102-4 | | WALTER GERNT #1 | BIG BRANCH | 2.2 | FENTRESS GAS TRAN |
| -COMMERCE OIL CO | | | RECEIVED: | 05/09/83 | JA: TN | | | |
| 8336403 | A-2446 | 4112920644 | 102-2 | | BOBBY YORK 1A (S) | | 21.9 | GAS LINES OF TENN |
| 8336408 | A-2342 | 4104920200 | 102-2 | | GARY ROGERS #10 | | 7.5 | FENTRESS GAS TRAN |
| 8336460 | A-2341 | 4104920212 | 102-2 | | GARY ROGERS #9 | | 21.9 | FENTRESS GAS TRAN |
| 8336405 | A-2402 | 4112921195 | 102-2 | | SMITH-DUNCAN #2 | | 16.5 | B & W OIL CO |
| 8336404 | A-2406 | 4112921196 | 102-2 | | SMITH-DUNCAN #5 | | 43.8 | B & W OIL CO |
| 8336406 | A-2403 | 4112921270 | 102-2 | | SMITH-DUNCAN #6 (355) | | 32.9 | B & W OIL CO |
| -CONTINENTAL ENERGY CORP | | | RECEIVED: | 05/09/83 | JA: TN | | | |
| 8336407 | A-2365 | 4115121002 | 102-4 | | ONEIDA WOODS #9 | | 40.0 | INTRASTATE ENERGY |
| -DAVID CROOKS | | | RECEIVED: | 05/09/83 | JA: TN | | | |
| 8336402 | A-2366 | 4104920106 | 102-4 | | BESSIT DAIRY FARM #1 | SHIRLY | 50.0 | INTRASTATE ENERGY |
| -DELOY MILLER | | | RECEIVED: | 05/09/83 | JA: TN | | | |
| 8336443 | A-2364 | 4112921077 | 102-2 | | DORICH #1 | DAN BRANCH | 0.5 | GAS LINES OF TENN |
| 8336442 | A-2343 | 4112921177 | 102-2 | | NIWASSEE #2 | DAN BRANCH | 0.9 | GAS LINES OF TENN |
| 8336441 | A-2345 | 4112921176 | 102-2 | | NIWASSEE #4 | DAN BRANCH | 0.9 | GAS LINES OF TENN |
| 8336440 | A-2340 | 4104920460 | 102-2 | | RAY #1 | | 78.0 | EAST TENNESSEE NA |
| -DICK HYDE | | | RECEIVED: | 05/09/83 | JA: TN | | | |
| 8336489 | A-2440 | 4112921182 | 103 | | MAE SCOTT/WINFIELD KELLEY #1 | UNKNOWN | 20.0 | INTRASTATE ENERGY |
| -DIXIE OIL CO & PETROLEUM DEVELOPMEN | | | RECEIVED: | 05/09/83 | JA: TN | | | |
| 8336474 | A-2400 | 4112920255 | 102-4 | | BITTNER UNIT #1 | BURRVILLE | 6.0 | TENNESSEE GAS PIP |
| 8336454 | A-2396 | 4112920229 | 102-4 | | BITTNER-SCOTT UNIT #1 | BURRVILLE | 7.0 | TENNESSEE GAS PIP |
| 8336478 | A-2389 | 4112920107 | 102-4 | | CLOVIS COOPER JR #1 | BURRVILLE | 10.0 | TENNESSEE GAS PIP |
| 8336458 | A-2398 | 4112920213 | 102-4 | | COOPER-SCOTT #2 | BURRVILLE | 2.0 | TENNESSEE GAS PIP |
| 8336479 | A-2388 | 4112920185 | 102-4 | | COOPER-SCOTT UNIT #1 | BURRVILLE | 13.0 | TENNESSEE GAS PIP |
| 8336475 | A-2392 | 4112920180 | 102-4 | | COOPER-SMARTH #1 | BURRVILLE | 16.0 | TENNESSEE GAS PIP |
| 8336448 | A-2349 | 4112920212 | 102-4 | | CROMWELL-PHILLIPS #1 | BURRVILLE | 29.7 | TENNESSEE GAS PIP |
| 8336491 | A-2352 | 4112920247 | 102-4 | | DAVIDSON #1 | BURRVILLE | 3.7 | TENNESSEE GAS PIP |
| 8336471 | A-2395 | 4112920114 | 102-4 | | DAVIDSON-DAVIDSON-STARR #1 | BURRVILLE | 10.0 | TENNESSEE GAS PIP |
| 8336481 | A-2384 | 4112920124 | 102-4 | | DAVIDSON-MASON UNIT #1 | BURRVILLE | 12.0 | TENNESSEE GAS PIP |
| 8336450 | A-2351 | 4112920117 | 102-4 | | G E MCGRATH #1 | BURRVILLE | 37.4 | TENNESSEE GAS PIP |
| 8336449 | A-2350 | 4112920171 | 102-4 | | G E MCGRATH #2 | BURRVILLE | 0.9 | TENNESSEE GAS PIP |
| 8336452 | A-2353 | 4112920211 | 102-4 | | HURST-ECHOLS #1 | BURRVILLE | 92.3 | TENNESSEE GAS PIP |
| 8336447 | A-2348 | 4112920093 | 102-4 | | MANTOOTH-PENBERTON-GALLOWAY #1 | BURRVILLE | 0.9 | TENNESSEE GAS PIP |
| 8336477 | A-2390 | 4112920192 | 102-4 | | MARGARET SCOTT #2 | BURRVILLE | 14.0 | TENNESSEE GAS PIP |
| 8336459 | A-2399 | 4112920257 | 102-4 | | MARGARET SCOTT #5 | BURRVILLE | 17.0 | TENNESSEE GAS PIP |
| 8336454 | A-2355 | 4112920196 | 102-4 | | PHIPER-LARUE #1 | BURRVILLE | 0.9 | TENNESSEE GAS PIP |
| 8336457 | A-2397 | 4112920152 | 102-4 | | RAYMOND MASON #1-D | BURRVILLE | 16.0 | TENNESSEE GAS PIP |
| 8336473 | A-2393 | 4112920172 | 102-4 | | RAYMOND MASON UNIT #1 | BURRVILLE | 14.0 | TENNESSEE GAS PIP |
| 8336453 | A-2354 | 4112920177 | 102-4 | | SCOTT-ASHLEY #1 | BURRVILLE | 3.7 | TENNESSEE GAS PIP |
| 8336476 | A-2391 | 4112920200 | 102-4 | | SCOTT-COOPER UNIT #1 | BURRVILLE | 14.0 | TENNESSEE GAS PIP |
| 8336472 | A-2394 | 4112920148 | 102-4 | | STARR-DAVIDSON-STATE #1 | BURRVILLE | 8.0 | TENNESSEE GAS PIP |
| 8336482 | A-2385 | 4112920096 | 102-4 | | STARR-GREER UNIT #1 | BURRVILLE | 10.0 | TENNESSEE GAS PIP |
| 8336480 | A-2387 | 4112920125 | 102-4 | | STARR-MASON-DAVIDSON UNIT #1 | BURRVILLE | 15.0 | TENNESSEE GAS PIP |
| -DIXIE-SHARROCK OIL & GAS INC | | | RECEIVED: | 05/09/83 | JA: TN | | | |
| 8336470 | A-2454 | 4104921087 | 102-2 | | GERNT-HARDENMAN/WILLIAMS #1 | HURRICANE RIDGE | 55.0 | TENNESSEE GAS PIP |
| 8336455 | A-2358 | 4104921073 | 102-2 | | TINCH-GERNT #3 | STOCKTON SW | 14.5 | TENNESSEE GAS PIP |
| -GLEN A WRIGHT | | | RECEIVED: | 05/09/83 | JA: TN | | | |
| 8336394 | A-2371 | 4112921471 | 102-4 | | NATIONAL SECURITY INSURANCE CO #1 | WILDCAT | 0.1 | INTRASTATE ENERGY |
| -HICKORY CREEK DEVELOPMENT CORP | | | RECEIVED: | 02/28/83 | JA: TN | | | |
| 8336483 | A-2375 | 4103120072 | 102-2 | | LLOYD BOWDEN UNIT #2 | HICKORY CREEK | 75.0 | EAST TENNESSEE NA |
| -HICKORY CREEK DEVELOPMENT CORP | | | RECEIVED: | 05/09/83 | JA: TN | | | |
| 8336484 | A-2376 | 4103120074 | 102-2 | | BUFORD BROWN UNIT #1 | HICKORY CREEK | 75.0 | EAST TENNESSEE NA |
| 8336485 | A-2377 | 4103120071 | 102-2 | | CLYDE WOOTEN UNIT #2 | HICKORY CREEK | 75.0 | EAST TENNESSEE NA |
| 8336410 | A-2373 | 4103120076 | 102-2 | | E H SPEARS #2 | HICKORY CREEK | 75.0 | EAST TENNESSEE NA |
| 8336488 | A-2380 | 4103120060 | 102-2 | | GRADY FREEZE UNIT #1 | HICKORY CREEK | 75.0 | EAST TENNESSEE NA |
| 8336409 | A-2374 | 4103120075 | 102-2 | | T-G BLACKBURN UNIT #1 | HICKORY CREEK | 75.0 | EAST TENNESSEE NA |
| 8336486 | A-2378 | 4103120073 | 102-2 | | W E CROWLEY UNIT #1 | HICKORY CREEK | 75.0 | EAST TENNESSEE NA |
| 8336487 | A-2379 | 4103120066 | 102-2 | | W H COOK UNIT #1 | HICKORY CREEK | 75.0 | EAST TENNESSEE NA |
| -JIM'S PIPE & SUPPLY INC | | | RECEIVED: | 05/09/83 | JA: TN | | | |
| 8336493 | A-2459 | 4112921278 | 102-4 | | ROBERT ANDERSON #4 | | 748.2 | INTRASTATE ENERGY |
| -JOHNSON ENERGY INC | | | RECEIVED: | 05/09/83 | JA: TN | | | |
| 8336491 | A-2367 | 4104921070 | 102-2 | | M V HALL #2B | | 20.0 | FENTRESS GAS TRAN |
| 8336492 | A-2451 | 4104921091 | 102-2 | | M V HALL #4 | | 3.0 | FENTRESS GAS TRAN |
| 8336490 | A-2368 | 4104921071 | 102-2 | | TEDDY GARRETT #2 | | 3.0 | FENTRESS GAS TRAN |
| -KENTENTEX DRILLING PROGRAM #1 | | | RECEIVED: | 05/09/83 | JA: TN | | | |
| 8336445 | A-2362 | 4115121007 | 103 | | LAY-KENTENTEX #2 | ONEIDA WEST | 0.2 | INTERSTATE ENERGY |
| 8336446 | A-2363 | 4115121029 | 103 | | LAY-KENTENTEX #3 | ONEIDA WEST | 0.2 | INTERSTATE ENERGY |
| 8336446 | A-2361 | 4115121044 | 103 | | LAY-KENTENTEX #4 | ONEIDA WEST | 0.2 | INTERSTATE ENERGY |
| -MATHIS CLEM | | | RECEIVED: | 05/09/83 | JA: TN | | | |
| 8336439 | A-2270 | 4103520135 | 102-2 | | ROSE #1 | | 30.0 | |

| JD NO | JA DKT | API NO | D SEC(1) | SEC(2) | WELL NAME | FIELD NAME | PROD | PURCHASER |
|---------|--------------------------------|------------|----------|--------|------------------------------------|----------------|-------|-------------------|
| - | NATIONS RESOURCE OF ENERGY INC | | | | RECEIVED: 05/09/83 JA: TN | | | |
| 8336391 | A-2333 | 4115121033 | 102-2 | | PEMBERTON-BAKER-STONECIP ER #1 | | 2.0 | |
| - | FARMA PETROLEUM CORP | | | | RECEIVED: 05/09/83 JA: TN | | | |
| 8336438 | A-2332 | 4104920658 | 102-2 | | ROBERT CHAMBERS #1 | SHIRELY | 100.0 | INTRASTATE ENERGY |
| - | PETROLEUM DEVELOPMENT CORP | | | | RECEIVED: 05/09/83 JA: TN | | | |
| 8336437 | A-2356 | 4112920245 | 102-4 | | MARTIN-MORGAN-FROGGE UNIT #1 | RUGBY | 203.6 | INTRASTATE ENERGY |
| - | RAINBOW EXPLORATION LTD | | | | RECEIVED: 05/09/83 JA: TN | | | |
| 8336430 | A-2372 | 4115121020 | 102-2 | | PEMBERTON-BAKER AR #1 | GUM BRANCH | 18.2 | INTRASTATE ENERGY |
| - | KATLFF FARMS INC | | | | RECEIVED: 05/09/83 JA: TN | | | |
| 8336429 | A-2432 | 4112920575 | 102-4 | | L E YOUNG #1 PERMIT #2798 | INDIAN CREEK | 912.5 | INTRASTATE ENERGY |
| - | RED FEATHER GAS & OIL INC | | | | RECEIVED: 05/09/83 JA: TN | | | |
| 8336431 | A-2344 | 4104921035 | 102-2 | | CARSON HULL B 5 | | 474.5 | INTRASTATE ENERGY |
| 8336432 | A-2346 | 4104921034 | 102-2 | | CARSON HULL B-6 | | 273.3 | INTRASTATE ENERGY |
| - | RED GAS & OIL INC | | | | RECEIVED: 05/09/83 JA: TN | | | |
| 8336434 | A-2370 | 4112921254 | 102-2 | | CONWAY JOHNSON #1R | | 27.5 | |
| - | RICHARD R ROGERS OPERATING | | | | RECEIVED: 05/09/83 JA: TN | | | |
| 8336435 | A-2359 | 4112921264 | 103 | | BILLY G GARRETT UNIT #1 | | 80.3 | INTRASTATE ENERGY |
| 8336436 | A-2360 | 4112921223 | 103 | | HEMDREN HEIRS #1 | UNKNOWN | 94.9 | INTRASTATE ENERGY |
| - | RRR OPERATING | | | | RECEIVED: 05/09/83 JA: TN | | | |
| 8336433 | A-2357 | 4112921197 | 103 | | BILLY G GARRETT #4A | | 438.0 | INTRASTATE ENERGY |
| - | SOLDNER BILL SEBASTIN | | | | RECEIVED: 05/09/83 JA: TN | | | |
| 8336376 | A-2369 | 4112920460 | 102-2 | | ROBERT ANDERSON #1 | | 3.0 | |
| - | SONIC PETROLEUM INC | | | | RECEIVED: 05/09/83 JA: TN | | | |
| 8336375 | A-2456 | 4112920566 | 108 | | JIMMY YOUNG #1 | PLEASANT RIDGE | 3.5 | INTRASTATE ENERGY |
| 8336392 | A-2455 | 4112920567 | 108 | | JIMMY YOUNG #2 | PLEASANT RIDGE | 3.5 | INTRASTATE ENERGY |
| 8336373 | A-2457 | 4112920578 | 108 | | JIMMY YOUNG #3 | PLEASANT RIDGE | 3.5 | INTRASTATE ENERGY |
| 8336374 | A-2458 | 4112920586 | 108 | | JIMMY YOUNG #4 | PLEASANT RIDGE | 3.5 | INTRASTATE ENERGY |
| - | SRI DRILLING CO | | | | RECEIVED: 05/09/83 JA: TN | | | |
| 8336387 | A-2289 | 4112930709 | 108 | | G C PEMBERTON - #1A | PLEASANT RIDGE | 10.0 | EAST TENNESSEE NA |
| 8336386 | A-2286 | 4112920976 | 108 | | G C PEMBERTON - RALPH PEMBERTON #3 | PLEASANT RIDGE | 10.0 | EAST TENNESSEE NA |
| 8336379 | A-2273 | 4112921035 | 108 | | G C PEMBERTON #10A | PLEASANT RIDGE | 7.2 | EAST TENNESSEE GA |
| 8336384 | A-2284 | 4112921036 | 108 | | G C PEMBERTON #11-A | PLEASANT RIDGE | 10.0 | EAST TENNESSEE NA |
| 8336380 | A-2279 | 4112920991 | 108 | | G C PEMBERTON #2-A | PLEASANT RIDGE | 11.0 | EAST TENNESSEE NA |
| 8336382 | A-2283 | 4112920997 | 108 | | G C PEMBERTON #3-A | PLEASANT RIDGE | 16.0 | EAST TENNESSEE NA |
| 8336388 | A-2281 | 4112921015 | 108 | | G C PEMBERTON #7-A | PLEASANT RIDGE | 15.0 | EAST TENNESSEE NA |
| 8336381 | A-2274 | 4112921024 | 108 | | G C PEMBERTON #9-A | PLEASANT RIDGE | 24.0 | EAST TENNESSEE NA |
| 8336378 | A-2441 | 4112921153 | 102-4 | | NAIDU BHARAM #1 | PLEASANT RIDGE | 60.0 | EAST TENNESSEE NA |
| 8336385 | A-2285 | 4112920659 | 108 | | PEMBERTON-NORTHROP #1 | PLEASANT RIDGE | 11.0 | EAST TENNESSEE NA |
| 8336383 | A-2282 | 4112920688 | 108 | | RALPH PEMBERTON #1 | PLEASANT RIDGE | 20.0 | EAST TENNESSEE NA |
| 8336377 | A-2442 | 4112921164 | 102-4 | | TULASI BHARAM #1 | PLEASANT RIDGE | 30.0 | EAST TENNESSEE NA |
| - | TARTAN OIL COMPANY | | | | RECEIVED: 05/09/83 JA: TN | | | |
| 8336393 | A-2174 | 4112920902 | 108 | | JAMES SILVEY #1-A (PERMIT #4158) | SUNBRIGHT | 2.3 | INTRASTATE ENERGY |
| - | TENDEX INC | | | | RECEIVED: 05/09/83 JA: TN | | | |
| 8336390 | A-2382 | 4112920720 | 102-2 | | THOMAS & WANDA BURNETT #4 | | 2.0 | |
| - | TENNESSEE GAS & OIL CO INC | | | | RECEIVED: 05/09/83 JA: TN | | | |
| 8336389 | A-2383 | 4112921171 | 102-2 | | L MEISTER #1 | DAN BRANCH | 0.5 | GAS LINES OF TENN |
| - | TOWNER PETROLEUM CO | | | | RECEIVED: 05/09/83 JA: TN | | | |
| 8336423 | A-2453 | 4115120408 | 102-2 | | BLAIR-HORDE 3 (#6) | BENDIX SPUR | 3.6 | |
| 8336414 | A-2420 | 4112920837 | 103 | | F-34 PEMBERTON | COON HOLLOW | 1.0 | |
| 8336425 | A-2451 | 4115120391 | 102-2 | | HICKS-FOX 1 (#6) | GUM BRANCH | 11.0 | |
| 8336428 | A-2450 | 4115120420 | 102-2 | | PEMBERTON #14 | GUM BRANCH | 7.0 | |
| 8336427 | A-2448 | 4112920468 | 103 | | PEMBERTON D-1 | UNION HILL | 3.6 | |
| 8336416 | A-2422 | 4112920739 | 103 | | PEMBERTON F-20 | COON HOLLOW | 15.0 | |
| 8336419 | A-2425 | 4112920735 | 103 | | PEMBERTON F-24 | COON HOLLOW | 6.0 | |
| 8336421 | A-2427 | 4112920770 | 103 | | PEMBERTON F-27 | COON HOLLOW | 5.0 | |
| 8336413 | A-2419 | 4112920784 | 103 | | PEMBERTON F-30 | COON HOLLOW | 10.0 | |
| 8336420 | A-2424 | 4112920795 | 103 | | PEMBERTON F-32 | COON HOLLOW | 9.0 | |
| 8336417 | A-2423 | 4112920716 | 103 | | PEMBERTON G C (#F-15) | COON HOLLOW | 5.0 | |
| 8336412 | A-2418 | 4112920682 | 103 | | PEMBERTON G C (#F-9) | COON HOLLOW | 5.0 | |
| 8336418 | A-2424 | 4112920740 | 103 | | PEMBERTON G C (#F-21) | COON HOLLOW | 8.0 | |
| 8336422 | A-2428 | 4112920491 | 103 | | PEMBERTON G C #C-4 | UNION HILL | 3.6 | |
| 8336411 | A-2417 | 4112920715 | 103 | | PEMBERTON G C #F-14 | COON HOLLOW | 10.0 | |
| 8336415 | A-2421 | 4112920741 | 103 | | PEMBERTON G C #F-22 | COON HOLLOW | 7.0 | |
| 8336424 | A-2432 | 4115120433 | 102-2 | | PEMBERTON/RAY #1 | ROBBINS | 5.0 | |
| 8336426 | A-2449 | 4115120446 | 102-2 | | PEMBERTON/RAY #2 | ROBBINS | 4.0 | |

[FN Doc. 83-15131 Filed 6-6-83; 8:45 am]

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federal register

Tuesday
June 7, 1983

Part IV

Department of Labor

Employment and Training Administration

**Office of the Assistant Secretary for
Veterans' Employment and Training**

**Implementation Regulations for Veterans'
Employment Programs Under Title IV,
Part C, of the Job Training Partnership
Act**

DEPARTMENT OF LABOR

Employment and Training
AdministrationOffice of the Assistant Secretary for
Veterans' Employment and Training

20 CFR Part 635

Implementation Regulations for
Veterans' Employment Programs
Under Title IV, Part C, of the Job
Training Partnership Act

AGENCY: Assistant Secretary for
Veterans' Employment and Training,
Labor.

ACTION: Proposed rule.

SUMMARY: This document proposes rules regarding the implementation of Veterans' Employment Programs under Title IV, Part C, of the Job Training Partnership Act. The purpose of this publication is to request comments on these proposed rules so that final regulations may be published to allow for the timely planning and implementation of Veterans' Employment Programs by October 1, 1983.

DATES: Comments must be submitted on or before July 7, 1983.

ADDRESSES: Comments should be addressed to William C. Plowden, Jr., Assistant Secretary for Veterans' Employment and Training, 200 Constitution Avenue, N.W., Washington, D.C. 20210. Attn: Joseph Juarez, Director, Office of Policy, Planning and Legislation.

FOR FURTHER INFORMATION CONTACT: Joseph Juarez, Telephone: (202) 523-9110.

SUPPLEMENTARY INFORMATION:

On October 13, 1982, President Reagan signed into law the Job Training Partnership Act (JTPA), Pub. L. 97-300, which replaces the Comprehensive Employment and Training Act (CETA). Title IV, Part C, of the new statute provides for programs to meet the employment and training needs of service-connected disabled veterans, veterans of the Vietnam era, and veterans who are recently separated from military service. The statute directs that programs supported under this part be administered by the Secretary through the Assistant Secretary for Veterans' Employment and Training (ASVET). The statute further directs that the ASVET shall be responsible for the awarding of grants and the distribution of funds under this part as well as taking steps to ensure these programs are effectively coordinated with veterans

activities and programs under other provisions of law.

In accordance with the general direction of the statute regarding Veterans' Employment Programs, these proposed rules are intended to provide further guidance for the proper administration and development of such programs. The proposed regulations include:

A. Definitions of the three categories of veterans identified in the Act.

B. Provision for the distribution of funds available for development of programs under this part.

C. Eligibility criteria for funds, which includes a requirement for a state to match the amount of the grant being sought under this part with funds from other sources.

D. A description of the application for funding and the review and approval processes.

E. Reference to allowable activities described in the Act.

F. A provision for the monitoring and oversight responsibilities to be conducted by the ASVET through the Regional and State Directors for Veterans' Employment and Training.

This proposed rule allows for the allocation of at least 80 percent of the funds available under this Part to the various States. Applications for funds will be accepted from Governors and/or Service delivery Area (SDA) designated administrative entities. The funding allocations are based on each State's proportionate share derived from the formula in Title 38, U.S.C. Chapter 41, Section 2003(a)(2) for the distribution of personnel under the Disabled Veteran Outreach Program (DVOP), except that no State shall be eligible for less than \$50,000.

Proposed amounts to be allocated are:

| State | Amount |
|----------------------|-----------|
| Alabama | \$104,000 |
| Alaska | 50,000 |
| Arizona | 87,000 |
| Arkansas | 89,000 |
| California | 782,000 |
| Colorado | 104,000 |
| Connecticut | 100,000 |
| Delaware | 50,000 |
| District of Columbia | 50,000 |
| Florida | 319,000 |
| Georgia | 170,000 |
| Hawaii | 50,000 |
| Idaho | 50,000 |
| Illinois | 319,000 |
| Indiana | 173,000 |
| Iowa | 87,000 |
| Kansas | 79,000 |
| Kentucky | 100,000 |
| Louisiana | 104,000 |
| Maine | 50,000 |
| Maryland | 149,000 |
| Massachusetts | 218,000 |
| Michigan | 294,000 |
| Minnesota | 145,000 |
| Mississippi | 55,000 |
| Missouri | 163,000 |
| Montana | 50,000 |

| State | Amount |
|----------------|---------|
| Nebraska | 50,000 |
| Nevada | 50,000 |
| New Hampshire | 50,000 |
| New Jersey | 239,000 |
| New Mexico | 50,000 |
| New York | 492,000 |
| North Carolina | 163,000 |
| North Dakota | 50,000 |
| Ohio | 347,000 |
| Oklahoma | 104,000 |
| Oregon | 93,000 |
| Pennsylvania | 392,000 |
| Puerto Rico | 50,000 |
| Rhode Island | 50,000 |
| South Carolina | 90,000 |
| South Dakota | 50,000 |
| Tennessee | 132,000 |
| Texas | 420,000 |
| Utah | 50,000 |
| Vermont | 50,000 |
| Virginia | 170,000 |
| Washington | 156,000 |
| West Virginia | 52,000 |
| Wisconsin | 148,000 |
| Wyoming | 50,000 |

Performance standards for Veterans' Employment Programs under this part will be developed and issued in conjunction with each grant and/or contract instrument.

Classifications: These proposed regulations are procedural in character and give direction for implementing Veterans' Employment Programs under Part C, Title IV, of the Job Training Partnership Act. Therefore, these rules are not classified as "major" under Executive Order 12291 on Federal Regulations, and no regulatory impact analysis is required.

Regulatory Flexibility Act: The Department has determined that these rules will have no "significant economic impact" upon a substantial number of small entities "within the meaning of section 3(a) of the Regulatory Flexibility Act, Pub. L. 96-354, 91 Stat. 1164 (5 U.S.C. 605(b))". The vast majority of recipients of Federal funds under this regulation are the Governor's of the several States and/or the designated administrative entities of Service Delivery Areas generally with over 200,000 population.

List of Subjects in 20 CFR Part 635

Employment, Grant programs—labor, Labor, Veterans, Manpower training programs.

Accordingly, a new Part 635 of Chapter V of Title 20 of the Code of Federal Regulations is proposed to read as follows:

PART 635—VETERANS' EMPLOYMENT PROGRAMS UNDER TITLE IV, PART C OF THE JOB TRAINING PARTNERSHIP ACT**Subpart A—General Provisions**

Sec.
635.1 Scope and purpose.
635.2 Program administration.

Sec.
635.3 Participant eligibility.

Subpart B—Program Funding

- 635.11 Availability of funds.
- 635.12 Eligibility for funds.
- 635.13 Application for funding.
- 635.14 Review of application for funding.
- 635.15 Approval of funding request.

Subpart C—Program Design and Management

- 635.21 General.
- 635.22 Allowable activities.
- 635.23 Program management and performance standards.
- 635.24 Recordkeeping and reporting requirements.
- 635.25 Monitoring and oversight.

Authority: Job Training Partnership Act, Section 169, (29 U.S.C. 1501 et seq., Pub. L. 97-300, 96 Stat. 1322), unless otherwise noted.

Subpart A—General Provisions

§ 635.1 Scope and purpose.

This Part contains the regulations governing Veterans' Employment Programs as authorized under Title IV, Part C of the Act. These programs are to be designed to meet the employment and training needs of service-connected disabled veterans, veterans of the Vietnam era, and veterans who are recently separated from military service. Program administration and participant eligibility are included in this Subpart. Planning and application for funding are set forth in Subpart B of this Part. Program design, management and reporting are covered in Subpart C.

§ 635.2 Program administration.

(a) Programs supported under this Part will be administered by the Secretary through the Assistant Secretary for Veterans' Employment and Training (ASVET).

(b) All programs and activities supported under this Part will be coordinated, to the maximum extent feasible, with other programs and activities under this Act, the Wagner-Peyser Act, Title 38 of the United States Code, and other employment and training programs at the State and local level.

§ 635.3 Participant eligibility.

(a) Eligibility for participation in programs supported under this Part shall be determined pursuant to Section 441(a)(1) of the Act.

(b) For the purpose of this Part, the following definitions apply:

(1) "Service-connected disabled veteran" means the same as "disabled veteran" at Section 4(27)(B) of the Act.

(2) "Veteran of the Vietnam era" means an eligible veteran any part of whose active military service was during the Vietnam era (i.e., August 5, 1964–May 7, 1975).

(3) "Veterans who are recently separated from military service" shall mean any person on active military duty who first applies for participation in programs under this part within three months before separation or an eligible veteran who applies within twelve months after separation from military service.

Subpart B—Program Funding

§ 635.11 Availability of funds.

(a) Funds administered pursuant to Section 441 of the Act are authorized in accordance with the formula described at Section 3(a)(3)(A) of the Act.

(b) Not more than 20 percent of the funds available under this Part may be set aside by the Secretary for research and development activities, demonstration projects, providing technical assistance and training, or to support other veterans employment and training efforts as deemed appropriate.

(c) At least 80 percent of the funds under this Part will be made available consistent with the formula contained in Title 38, U.S.C., Chapter 41 Section 2003 (A) (2), except that no State shall be eligible for less than \$50,000.

(1) Funds available under this paragraph may be distributed by the Secretary, through grant or contract, to the various States and/or designated Service Delivery Area administrative entities.

(2) Preliminary planning estimates will be published annually.

(d) The Secretary may reallocate funds identified for distribution upon determination that no acceptable grant application has been received from a State or designated administrative entity for a Service Delivery Area within the State by December 31, 1983.

§ 635.12 Eligibility for funds.

(a) Programs supported under this Part will comply with the provisions of Section 441(a)(2) of the Act.

(b) The Department will not favorably consider an application for funding from any applicant which has failed to satisfy any major condition in a current or previous contract or grant with the Department, or has failed Departmental conditions relating to the resolution of a final finding and determination, including repayment of debts.

(c) For a State to be considered for grants under § 635.11(c) of this Part the State must demonstrate that it will expend or provide in-kind services from public or private sources an amount at least equal to the grant being sought for the proposed veterans employment program(s).

§ 635.13 Application for funding.

(a) Applications for funding under § 635.11(c) of this Part shall include, at a minimum, the following:

(1) Standard Form 424, Application for Federal Assistance;

(2) A completed comprehensive needs assessment of the Service delivery area or State to be served;

(3) A description of proposed program(s) and associated funding plans, including identification of matching funds or in-kind services; and

(4) Identification of the service provider(s) considered but not selected;

(b) Completed applications will be submitted by the Governor and/or designated Service Delivery Area administrative entity to the State Director for Veterans' Employment for comment and transmittal to the Secretary in accordance with grant planning instructions.

(c) Applications for funding under § 635.11(b) of this Part should be submitted in response to program specific Requests for Proposals (RFP's). All proposals and requests for information under this section should be submitted to: Director, Office of Procurement, U.S. Department of Labor, 200 Constitution Avenue, N.W., Room S-1521-FPB, Washington, D.C. 20210.

§ 635.14 Review of application for funding.

The Secretary will review and make a determination on all funding requests submitted under this Part. Rating criteria will include but not be limited to the provisions of §§ 635.12 and 635.13. Preference in selection will be given to proposals which clearly demonstrate plans to utilize local resources from other sources for the proposed program(s).

§ 635.15 Approval of funding requests.

(a) The Secretary, pursuant to section 441(b) of the Act, will be responsible for the approval, awarding and distribution of funds under this Part.

(b) An applicant whose grant application is not selected by the Department for funding under this Part shall be notified in writing.

(c) Any applicant whose grant application is denied by the Department may request administrative review as provided in § 629.57. The provisions of § 629.56 do not apply under this Part.

Subpart C—Program Design and Management

§ 635.21 General.

The requirements of 41 CFR Part 29-70 implementing OMB Circular Nos. A-102

and A-110 apply to all grants and agreements under this Part.

§ 635.22 Allowable activities.

Programs supported under this Part shall comply with the provisions of section 441(a)(3) of the Act.

§ 635.23 Program management and performance standards.

Each recipient of funds under this Part will be required to adhere to grant or contract provisions governing accountability, fiscal control and management, and specific program performance standards as established by the Secretary.

§ 635.24 Recordkeeping and reporting requirements.

(a) Required recordkeeping and reports shall be in accordance with Section 165 of the Act and with the

provisions contained in each grant and contract instrument.

(b) Grant and contract recipients from time to time may be required to prepare and submit additional reports which may be required by the Congress.

§ 635.25 Monitoring and oversight.

(a) The Secretary, through the Assistant Secretary for Veterans' Employment and Training is responsible for the monitoring and oversight of veterans employment and training programs under the Act. Regional Directors for Veterans' Employment and Training and the State Director for Veterans' Employment and Training in each state shall have access to all records necessary for program monitoring and oversight.

(b) The audit provisions contained in § 629.42 of the regulations shall apply to

funds granted to Governors under this Part.

(c) Private Industry Councils or other designated administrative entities in Service Delivery Areas receiving funds under this Part shall arrange for audits to be conducted in accordance with the provisions of § 629.42.

(d) The provisions of § 629.44 regarding sanctions for violations for the Act apply for all grants and agreements under this Part.

Signed at Washington, D.C., this 2d day of June 1983.

Raymond J. Donovan,
Secretary of Labor.

William C. Plowden, Jr.,
Assistant Secretary for Veterans' Employment and Training.

[FR Doc. 83-15233 Filed 6-6-83; 8:45 am]

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Register Federal Register

Tuesday
June 7, 1983

Part V

Equal Employment Opportunity Commission

**Substantive Regulations on Health
Insurance Benefits for Employees Age 65
to 69; Interim Rule With Comment Period**

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

29 CFR PART 1625

Substantive Regulations on Health Insurance Benefits for Employees Age 65 to 69

AGENCY: Equal Employment Opportunity Commission.

ACTION: Interim rule with comment period.

SUMMARY: Pursuant to Reorganization Plan No. 1 of 1978, responsibility and authority for enforcement of the Age Discrimination in Employment Act of 1967 (ADEA) was transferred from the Department of Labor to the Equal Employment Opportunity Commission. The transfer became effective and the Commission assumed enforcement of the Act on July 1, 1979.

The Commission published proposed interpretations of the ADEA on November 30, 1979 (44 FR 68858), and final interpretations on September 29, 1981 (46 FR 47724). Neither the proposed nor final interpretations, however, specifically addressed issues regarding employee benefit plans. Many of those issues were addressed by the Department of Labor in an Interpretative Bulletin on Employee Benefit Plans which was published on May 25, 1979. (See 44 FR 30648.) That bulletin was continued in effect by the Commission pending the completion of an exhaustive review. (See 44 FR 37974; June 29, 1979.) While that bulletin remains in effect, the Commission recognizes that those provisions dealing with allowable health insurance benefit offsets for Medicare payments are generally no longer applicable to employees aged 65 through 69. The inapplicability of those Medicare provisions is a direct consequence of the recent passage of the Tax Equity and Fiscal Responsibility Act of 1982 (TEFRA). The TEFRA amendment to the ADEA significantly alters an employer's obligations regarding the maintenance of group health insurance plans for active employees aged 65 through 69. The Commission publishes the following interim regulations implementing the new requirements. Upon receipt and review of all public comments, the Commission will publish final regulations.

DATE: Effective date: June 7, 1983.

Comments must be received on or before August 8, 1983.

ADDRESS: Send comments, in quadruplicate, to Treva McCall, Executive Secretariat, EEOC, Room 5215, 2401, E Street, N.W., Washington, D.C. 20506. A copy of all public

comments will be available for inspection and copying at the Commission's Second Floor Library at 2401 E Street, N.W., Washington, D.C. between the hours of 9 and 4:30, Monday through Friday.

FOR FURTHER INFORMATION CONTACT: John Pagano at (202) 634-6592 or Christopher Mackaronis at (202) 634-6690.

SUPPLEMENTARY INFORMATION: On May 25, 1979, the Department of Labor published a comprehensive interpretative bulletin dealing with the requirements of Section 4(f)(2) of the ADEA, 29 U.S.C. 623(f)(2), with respect to virtually all forms of employee benefit plans. See 29 CFR 860.120; 44 FR 30648. The cornerstone of that Interpretative Bulletin was the principle that an employer must provide equal benefits or must expend equal cost on behalf of benefits for employees of all ages. Significantly, however, the Interpretative Bulletin permitted employers to take into account various benefits provided by the Federal Government in determining their benefit obligations of older employees.

More specifically, an employer was permitted by the interpretative bulletin to offset health care benefits provided by Medicare in determining its own responsibilities. See generally 29 CFR 860.120(f)(1)(ii). The bulletin permitted employers either to "carve out" those benefits provided by Medicare or to take advantage of Medicare availability through the use of a "supplemental" approach. Under the "carve out" option, an employer could discount those health care benefits actually provided by Medicare in determining its own benefit obligations. An employer utilizing the "supplemental" approach would attempt to estimate those benefits which would be provided by Medicare and then obtain supplemental health care coverage to provide benefits which Medicare was not expected to pay. See 44 FR 30654. Under either approach, the combination of Medicare and employer provided health care benefits would be expected to provide benefits as favorable as those provided to younger employees at a cost to the employer which was almost always less than the cost for comparable benefits for younger employees.

The status quo regarding health care benefits for workers aged 65 through 69 has been altered by recent congressional passage of the Tax Equity and Fiscal Responsibility Act of 1982 ("TEFRA"). TEFRA, a far reaching bill designed to reduce federal expenditures and lower the federal deficit, through the enactment of Section 116(a) added a

new Section 4(g) to the ADEA, 29 U.S.C. 623(g), which reads the follows:

(g)(1) For purposes of this section, any employer must provide that any employee aged 65 through 69 shall be entitled to coverage under any group health plan offered to such employees under the same conditions as any employee under age 65.

(2) For purposes of paragraph (1), the term "group health plan" has the meaning given to such term in section 162(i)(2) of the Internal Revenue Code of 1974.

As a result, those provisions of the Interpretative Bulletin dealing with Medicare offsets for employees aged 65 through 69 are no longer applicable in most instances. All covered employers must now make available primary health insurance benefits for employees aged 65 through 69. While the wording of Section 4(g) is quite explicit, it does not address a multitude of practical questions which arise as a consequence of the shift or primary responsibility for health insurance benefits for employees aged 65 through 69. Indeed, the legislative history to Section 4(g) directs the Commission to promulgate regulations implementing the new statutory provision in a manner which will not allow employers to defeat its central purpose, namely, the reduction in Medicare expenditures for the working aged. See S. Rept. 97-530, 97th Cong., 2d Sess., pp. 414-415. That primary purpose of the legislation was succinctly stated by Senator Dole when he said, "Our top priority, of course, was to reduce the deficit in compliance with our reconciliation instruction." 128 Cong. Rec. S. 8645 (daily ed. July 19, 1982).

Since the passage of the Tax Equity and Fiscal Responsibility Act of 1982 (TEFRA) the Commission has received numerous questions and comments regarding the implementation of Section 4(g) of the ADEA, many of which have raised important issues. The most prominent of these issues are listed below and are followed with a brief discussion of the Commission's interim regulations and the accompanying rationale for those positions. Comments addressing these issues should be as specific as possible and where appropriate should include specific actuarial or cost data relevant to the issues presented.

1. Who is covered by Section 4(g) of the ADEA?

Section 11(b) of the ADEA defines an employer as "a person engaged in an industry affecting commerce who has twenty or more employees for each working day in each of twenty or more calendar weeks in the current or preceding calendar year. . . ." Employers who meet that definitional

standard are subject to the requirements of the new Section 4(g). For the purposes of that determination, no distinction should be drawn between full-time and part-time employees. Generally speaking, employers who would be covered by Section 4(g) by virtue of the maintenance of a "group health plan" as defined in Section 162(j)(2) of the Internal Revenue Code will similarly be covered if the maintenance of such a plan is accomplished indirectly through an agent of the employer. The Commission recognizes that it would be anomalous to hold that employers maintaining group health plans are subject to the requirements of Section 4(g) while those who do so in cooperation with union representation or other agents are not. For that reason, group health plans as defined by Section 4(g)(2) which are maintained or administered by Taft-Hartley trusts are also covered under Section 4(g) as agents of those participating employers. Such an interpretation is consistent with the overall intent of Section 4(g) to relieve Medicare of the responsibility of providing primary health insurance coverage for the working elderly. Employers in multi-employers trusts who do not meet the definitional standards set forth in Section 11(b) of the Act are not covered by the provisions of Section 4(g). Group health plans maintained exclusively by labor organizations in their representational capacity and not as an employer which receive no employer contributions are not subject to the provisions of the new section. Similarly, employee pay-all plans are not covered by Section 4(g), even if they are made available through a covered employer.

2. Which employees are covered by Section 4(g)?

Any employee aged 65 through 69 who is working for an employer subject to Section 4(g) is covered by the provisions of the new section. The Commission is cognizant of the fact that questions may arise as to the exact dates on which an employee becomes subject to the provisions of Section 4(g). In that regard, the Commission notes that while the ADEA amendment is silent on that issue, the complementary amendments to Section 1862(b) of the Social Security Act indicate that individuals will be covered "for the period beginning with the month in which such individual becomes entitled to benefits . . . and ending with the month in which such individual attains the age of 70." 42 U.S.C. 1862(b)(3)(A)(iii). While an identical interpretation under the ADEA would be preferable, the Commission is limited in its authority by the specific

age limitations set forth in Section 12(a) of the Act, 29 U.S.C. 831(a). For that reason, any employees aged 65 through 69 are subject to Section 4(g) from the month in which they attain age 65 through the day on which they attain age 70.

The question already has arisen whether employees between the ages of 65 and 70 who have no basic Medicare eligibility are similarly covered by the provisions of Section 4(g). In some instances, employees of state or local governments, covered employees under the ADEA, see 29 U.S.C. 630(b), may lack Medicare eligibility. However, neither the wording of Section 4(g) nor the accompanying legislative history condition the requirements of that section on Medicare eligibility. For that reason, the Commission interprets the new Section 4(g) to apply to all employees aged 65 through 69 who are working for employers covered under the ADEA.

Similarly, a question has arisen as to coverage under Section 4(g) of employees who at the attainment of age 65 are temporarily disabled and elect to continue the receipt of disability rather than retirement pay. The position has consistently been that an employer need not make simultaneous payment of long term disability and pension benefits. See 29 CFR 860.120(f)(1)(iv)(B)(6). This position was predicated on the belief that disability recipients are more akin to active employees than retirees. Consistent with this approach, the Commission's proposed regulations include disability recipients as those employees entitled to health insurance coverage under the same conditions as any employee under age 65. Where an employer's group health plan provides for differential health care benefits for disabled younger workers, those same terms and conditions may be applied to the older disability recipient.

The issue has also been presented concerning an employer's obligations to employees aged 65 through 69 who are at present not actively employed but who are receiving health care benefits by virtue of extended coverage under an employer's health plan. In such a situation, the Commission will look to all the facts and circumstances to determine whether an employment situation still exists. Employees engaged in seasonal work who retain seniority rights and other indicia of a continuing employment relationship will in all likelihood fall within the meaning and spirit of Section 4(g). On the other hand, employees gratuitously provided extended coverage after the termination of employment status were not intended

to fall within the scope of Section 4(g). Their status would be most like that of a retiree.

Retirees are not embraced by the term employee and are, therefore, not covered by the literal wording of the new section.

Finally, concern has already been expressed over the applicability of Section 4(g) to part-time employees. In the case of part-time employees aged 65 through 69, Section 4(g) requires that employers make available to those individuals health insurance coverage under the same conditions that coverage is made available to younger part-time employees. Employers who provide differential health care benefits for part-time employees may continue to do so as long as the coverage provided to younger part-time employees is made available to part-time employees aged 65 through 69 on a primary basis. Employers who, for legitimate non-discriminatory business reasons, do not provide health insurance coverage to part-time employees are not obligated to make health insurance benefits available to older part-time employees.

3. Can an employee retain Medicare as the primary provider of its health insurance benefits?

Employees have the right to retain Medicare as primary coverage. S. Rept. 97-530, 97th Cong., 2d Sess., p. 414. Any employer health care plans which provide benefits for items and services covered to any extent by Medicare Part A and/or Medicare Part B will be deemed primary plans of the employer. All such plans must be made available to employees aged 65 through 69. The Commission's regulations require that all employees covered by Section 4(g) be provided the opportunity to elect in writing coverage under any one of the employer's primary health insurance plans. In offering this option, an employer must notify each eligible employee in writing of the specific benefits available under the employer's health care plan or plans and the extent to which those benefits can be anticipated to be supplemented by Medicare coverage. All eligible employees similarly should be notified of the consequences of rejecting employer-provided primary coverage and apprised of any employer-provided benefits that will still be available if the employee chooses to have primary coverage through Medicare. The Commission's intent in this regard is to ensure that all eligible employees are sufficiently informed of the consequences of the election to enable them to exercise a meaningful choice. The following interim regulations allow

a "reasonable" period of time for employers to provide eligible employees with a written election and to implement the necessary administrative changes. The Commission will interpret that "reasonable period of time" to be no longer than 90 days after publication of these interim regulations. For employees rejecting the employer's primary coverage, the existing employer coverage must not be discontinued until the actual date on which the employee becomes entitled to Medicare benefits. Absent that requirement employees could be subject to a lapse in health insurance coverage. In the event that an eligible employee attains age 65 after January 1, 1983, and before an election has been offered, the employee must continue to receive primary coverage under the employer's plan until and if the employee elects to the contrary. In providing for an employee's written election, each employer must necessarily inform each eligible employee of the need to apply for Medicare and provide any necessary assistance for making an application for benefits. This is consistent with earlier positions taken by both the Commission and the Department of Labor. See 44 FR 30654 (May 25, 1979).

Finally, the Commission's interim regulations require that employees aged 65 through 69 be provided the same opportunities as younger workers to alter their health insurance coverage. If an employer's plan provides for semi-annual review by the employees, that same periodic review must now be afforded employees aged 65 through 69.

4. What type of health insurance coverage is required by Section 4(g)?

The plain language of Section 4(g) requires that employees "aged 65 through 69 shall be entitled to coverage under any group health plan offered to such employees under the same conditions as any employee under age 65." The Commission, therefore, interprets Section 4(g) to require equality of benefits and not just the equalization of cost. Indeed, to require only equal cost while at the same time removing Medicare from the position of primary insurer could have resulted in a drastic overall reduction in health benefits for most employees, a result contrary to the legislative history in that it would induce employees to reject the employer's plan in favor of Medicare. Moreover, congressional use of the word "conditions" evidences an intent to use that word as a term of art as it is commonly used in federal employment discrimination statutes. The Commission attributes to the word "conditions" the same meaning which it has in Section

4(a) of the Act. Under either section, equality of "conditions" can only be viewed from the perspective of the recipient. For all these reasons, the Commission's proposed regulations require that employers provide employees aged 65 through 69 with the same health plan coverage that is provided to younger workers.

(a) Non-contributory plans. For employers who maintain a non-contributory group health plan, employees aged 65 through 69 must be offered the same benefits which the plan provides to its younger workers. If the plan traditionally has made no distinction between benefits available to employees at different ages based on increased costs for older workers, it cannot now do so. Any such reduction would be considered an impermissible wage rate reduction intended to reduce the overall cost of compliance with the requirements of Section 4(g). If the plan traditionally has reduced health care benefits in accordance with the provisions of 29 CFR 860.120, the employer's coverage for employees aged 65 through 69 must be under the same conditions as the most favorable health care benefits provided to any younger individuals or groups.

In many instances, an employer previously may have offered a selection of several non-contributory group health plans to employees under the age of 65 with a special "carve-out" or "supplemental" plan for those Medicare eligible employees. As a consequence of Section 4(g), the Commission's regulations require that all employer plans offered to employees under age 65 must be offered to employees aged 65 through 69 under the same conditions, that is, with the same benefit levels.

(b) Contributory plans.

Congress was fully apprised of the financial ramifications of Section 4(g) of the ADEA. As Senator Dole said in his prefatory remarks "[o]ur top priority, of course, was to reduce the [federal] deficit in compliance with our reconciliation instruction." 120 Cong. Rec., S. 8645 (July 19, 1982). In so doing, Congress targeted the Medicare program for cost reductions. While not eliminating overall health care benefits for Medicare recipients, Section 4(g) of the ADEA attempts to shift the burden of providing those benefits from Medicare to employers. The savings to the Government will be substantial. The clear intent and the inevitable result of such a shift, however, is an increase in cost to employers providing health insurance coverage. Nothing in the legislative history suggests that employees aged 65 through 69 should

bear this increased cost and the Commission is loathe to fashion a regulation to that effect absent a clear and specific congressional mandate. For these reasons, and based primarily on the literal wording of Section 4(g) and its expressed congressional purpose, the Commission's interim regulations require that an employer must offer any contributory plans to all eligible employees at the same contribution level that they are offered to younger employees. Contribution levels for all plan participants may be increased to reflect the increased costs of health insurance resulting from Section 4(g). Such increases, however, must be distributed equally to all plan participants and may not exceed the employees' proportionate share of the overall cost increases, as determined by existing contribution levels.

5. Are spouses covered by the requirements of Section 4(g)?

For all employees aged 65 through 69 an employer is obligated to provide the employee with health insurance coverage "under the same conditions as any employee under age 65." If the employer's health insurance coverage provides benefits for the spouses of employees of younger workers, it must provide similar benefit coverage for the spouses of employees aged 65 through 69. Conversely, if the employer's group health plan provides no coverage for spouses, the employer has no obligation to do so for workers aged 65 through 69.

The Commission notes that the Health Care Financing Administration has published regulations implementing Section 116(b) of TEFRA. Those regulations govern Medicare payments for employees age 65 through 69 and their spouses age 65 through 69. The HCFA regulations make Medicare the secondary payor for both the employee and his/her spouse where employer plan benefits are available. The Commission does not believe that the regulations conflict in their treatment of spouses and notes language in the Report of the Senate Committee on Finance (S. Rept. No. 97-494, July 12, 1982) that accompanied TEFRA indicating a congressional intent that Medicare be secondary for both employees and their spouses age 65 through 69.

6. What employer conduct is prohibited by Section 4(g)?

The clear purpose behind the enactment of Section 4(g) was to relieve Medicare of the burden of primary health care coverage for employees aged 65 through 69. In so doing, Congress made clear its intent that "an employee will have the option of rejecting the plan

offered by the employer, thereby retaining Medicare as primary coverage." S. Rept. 97-530, 97th Cong. 2d Sess., p. 414. Congress feared, however, that employers attempting to minimize the cost ramifications of Section 4(g) would offer incentives or plan alternatives designed to induce employees to elect Medicare coverage. In specific response to that concern, the Senate Conference Report reflects congressional understanding that the Commission:

Will promulgate regulations to prevent employers from offering a group health insurance plan or option which is designed to circumvent this provision in an attempt to induce employees to reject the employer general health benefit plan offered to other employees under the age of 65.

S. Rept. 97-530, 97th Cong., 2d Sess., 414-415.

Based on that explicit legislative mandate, the Commission's interim regulations prohibit an employer from offering certain types of health care options. First, an employer may no longer offer a plan whose terms limit its coverage to items or expenses not fully reimbursed by Medicare such as deductibles or expenses beyond Medicare limits. Plans of that nature were previously recognized as either "carve-out" or "supplemental" plans and were expressly designed to operate in tandem with Medicare to provide a comprehensive package of health care benefits. To permit their continuation would be to encourage reliance on Medicare as primary coverage for workers aged 65 through 69, a result directly contrary to the purposes of Section 4(g). See 128 Cong. Rec. S. 10902 (Aug. 19, 1982) (remarks of Sen. Dole).

In accordance with the standards set forth in response to question 4, employers will not be permitted to require greater employee contributions to contributory group health plans than are required of younger employees. Employers may continue to offer a broad range of benefit plans, commonly referred to as "cafeteria style" benefits, so long as the plans offered do not run afoul of the general principles stated earlier. Employers may continue to offer or may introduce for the first time group health plans intended to provide primary health insurance coverage as long as those plans are offered to all employees regardless of age. Each group health plan which is offered to younger employees must also be made available to employees aged 65 through 69 at no additional cost.

Employers may implement new health care alternatives so long as they are not designed to encourage employees to elect Medicare as primary coverage. An

employer may not eliminate formerly offered group health plans and replace them with plans providing a benefit package which is less favorable to the employee. Employers may, on the other hand, continue to offer or introduce for the first time group health plans which are intended to provide benefit coverage for those health care services wholly uncovered by Medicare, i.e. outpatient prescription drugs. See 128 Cong. Rec. S. 10902 (Aug. 19, 1982). If available, these plans must be offered to all employees regardless of age. In addition, an employer may voluntarily contribute to Medicare Part B premiums for any employees.

As a consequence of Section 4(g) and these implementing regulations, employers may no longer rely on the Medicare offset provisions contained in 29 CFR 860.120(f)(1)(ii) *et seq.* Entitled unaffected by the provisions of section 4(g), such as labor organizations, may continue to rely on those provisions to the extent they are applicable.

Impact Analysis—Section 116(a) of Pub. L. 97-248, the Tax Equity and Fiscal Responsibility Act of 1982, requires employers to provide health insurance coverage to all employees aged 65 through 69 under the same conditions as insurance provided to younger employees. Although this change will result in an annual economic effect of over \$100 million, that effect is a direct result of the statutory changes enacted by Congress and not these regulations implementing those statutory changes. These regulations, therefore, do not have an "annual effect" on the economy of \$100 million or more as those terms are used in Executive Order 12291. For that reason, these regulations are not a "major rule," and a regulatory impact analysis is not required by Executive Order 12291.

Similarly, the Commission certifies under 5 U.S.C. 605(b), enacted by the Regulatory Flexibility Act (Pub. L. 96-354), that this interim rule will not result in a significant economic impact on a substantial number of small entities. The economic impact on employers covered by the ADEA will be a direct result of congressional enactment of Section 4(g), 29 U.S.C. 623(g), and not of these implementing regulations. Moreover, employers with less than twenty employees are not covered either by Section 4(g) or the implementing regulations. For these reasons, a regulatory flexibility analysis is not required.

These interim regulations have been formally coordinated with the Health Care Financing Administration pursuant to Executive Order 12067. Section 4(g) of the ADEA became

effective on January 1, 1983. The Commission finds, pursuant to 5 U.S.C. 553(b)(3)(B), that the effective date of Section 4(g) and the critical need for public guidance require that these rules be published on an interim basis pending receipt and review of public comments. To do otherwise would prolong a period of uncertainty for employers, employees, and health care administrators well beyond the effective date of Section 4(g) which could subject employers to unnecessary liability under the Act and employees to unfavorable health care alternatives.

List of Subjects in 29 CFR Part 1625

Advertising, Aged, Employee benefit plan, Equal employment opportunity, Retirement.

Accordingly, pursuant to the substantive rule-making authority granted to it by Section 9 of ADEA, the Commission publishes the following interim substantive regulations regarding the implementation of Section 4(g) of the ADEA, 29 U.S.C. 623(g).

PART 1625—[AMENDED]

Part 1625 is amended as follows:

1. A Subpart A is added consisting of existing §§ 1625.1-1625.13. The heading for Subpart A reads as follows:

Subpart A—Interpretations

2. A Subpart B consisting of § 1625.20 is added to read as follows:

Subpart B—Substantive Regulations

§ 1625.20 Employer obligations under Section 4(g) of the Act.

(a) *Employee Coverage under Section 4(g) of the Act.*—(1) Employees aged 65 through 69, including disabled employees, shall be entitled to coverage under any group health plan(s) offered to employees under age 65 under the same terms and conditions. The standard of compliance with this requirement shall be one of benefit equivalence.

(2) Any employees encompassed by paragraph (a)(1) of this section shall be entitled to spousal coverage under any group health plan offered to such employees under the same terms and conditions as any employee under age 65. The standard of compliance with this requirement shall be one of equality of treatment with similarly situated younger employees. In the event that the employer's plan does not provide for spousal coverage the employer need not do so for employees aged 65 through 69.

(3) Employees aged 65 through 69 are covered by the requirements of Section

4(g) of the Act from the month in which they attain age 65 through the day on which they attain age 70.

(4) Retirees are not covered by the provisions of Section 4(g) of the Act.

(b) *Employer coverage under Section 4(g) of the Act.*—(1) Any employers who meet the standards for coverage set forth in Section 11(b) of the Act are subject to the requirements of Section 4(g) of the Act and the regulations of this part. As to persons other than employers subject to the Act, the provisions of 29 CFR 860.120 shall continue to apply.

(2) Any employer meeting the standards for coverage set forth in paragraph (b)(1) of this section who provides health insurance coverage to its employees either in cooperation with a labor organization or indirectly through an agent of the employer is covered by the provisions of Section 4(g) of the Act.

(c) *Election of primary health care coverage.*—(1) Each employee aged 65 through 69 must be offered the opportunity to elect in writing coverage under any group health plan offered by its employer. Every employer must communicate to each eligible employee in writing prior to the time of election in specific terms and conditions of all available health insurance plans. Every employer must notify each eligible employee that if the employer's plan(s) covers any of the same items and services covered by Medicare, the employer plan(s) is primary for those services and Medicare pays secondary benefits. Every employer must inform all eligible employees of the consequences of choosing any employer health plan and the extent to which benefits available under an employer plan can be anticipated to be supplemented by Medicare coverage. Similarly, eligible employees must be informed of the consequences of not choosing an employer plan(s). Every employer must also inform eligible employees that if the

employer's plan(s) covers only non-Medicare covered items and services, such as dental care and prescription drugs, the employer plan(s) is liable for those non-Medicare covered items and services and Medicare is liable for Medicare-covered items and services such as hospitalization. Every employer should attempt to inform each eligible employee of the need to apply for Medicare coverage. Where the employer previously paid or contributed toward the Medicare Part B premium payment, the employer must notify each eligible employee if and under what circumstances it intends to discontinue Medicare Part B contributions. Such a notice should specifically inform each eligible employee of the penalty resulting from a lapse in Medicare Part B coverage.

(i) The election described in paragraph (c)(1) of this section above must be offered to all eligible employees and implemented within 90 days following the date of publication of these regulations.

(ii) An employer's existing health plan coverage must continue in effect until an election is made and implemented or until an earlier date as requested by the employee.

(iii) Employees aged 65 through 69 who were not eligible by reason of age for the election described in paragraph (c)(1) of this section at the time it was offered must be informed of the options specified in paragraph (c)(1) of this section at least 30 days prior to their first day of eligibility.

(iv) Employees aged 65 through 69 must be afforded the same opportunities to change their primary health insurance coverage as are offered to younger employees.

(2) [Reserved].

(d) *Employer contributions.*—Contributory Plans. An employer must offer to all employees aged 65 through 69, at no additional cost, the same plan

or plans that are offered to younger employees.

(e) *Group Health Care Plans Designed to Supplement Medicare.*—(1) An employer may no longer offer to an employee aged 65 through 69 a group health plan whose terms make it a secondary payor to Medicare for services covered under either Medicare Part A or Medicare Part B.

(2) An employer who offers to its employees a health benefits plan covering only non-Medicare covered items and services shall offer such a plan to all employees through age 69 on an equal basis.

(3) An employer may not offer inducements to employees age 65 through 69 to elect not to be covered by an employer plan.

(f) *Construction.*—(1) The Commission will strictly enforce the provisions of these rules to ensure that no employee aged 65 through 69 suffers a discriminatory reduction in health care benefits as a result of the enactment of Section 4(g) of the Act.

(2) Violations of these rules will be deemed willful and will subject an employer to liquidated damages as provided by the provisions of Section 7(b) of the ADEA.

(3) Health care benefits provided under this section may not be included by an employer under a "benefit package" approach.

(4) An employer is prohibited from making benefit reductions in violation of section 4(a)(3) of the ADEA. Signed at Washington, D.C. this 24th day of May, 1983.

For The Commission

Clarence Thomas,
Chairman, Equal Employment Opportunity Commission.

[FR Doc. 83-15202 Filed 6-6-83; 9:45 am]

BILLING CODE 5570-06-M

federal register

**Tuesday
June 7, 1983**

Part VI

Department of Energy

**Proposed General Guidelines for
Recommendation of Sites for Nuclear
Waste Repositories; Availability of
Documents and Announcement of Public
Comment Period**

Department of Energy
Washington, D.C. 20585

DEPARTMENT OF ENERGY

10 CFR Part 960

[Docket No. NE-RM-83-2]

**Nuclear Waste Policy Act of 1982;
Proposed General Guidelines for
Recommendation of Sites for Nuclear
Waste Repositories; Availability of
Documents and Announcement of
Public Comment Period**

AGENCY: Nuclear Waste Policy Act
Project Office, Department of Energy.

ACTION: Notice of Availability of DOE
Task Force Redraft of Proposed
Guidelines and Draft "Comment
Response Document," and
Announcement of Public Comment
Period.

SUMMARY: The Department of Energy,
(DOE) announces the availability of, and
invites public review of and comment
on, two documents pertaining to the
proposed general guidelines for the
recommendation of sites for nuclear
waste repositories that appeared in the
Federal Register on February 7, 1983 (48
FR 5670, February 7, 1983, 48 FR 6549,
February 14, 1983, 48 FR 8289, February
28, 1983). The public comment period on
the February 7 proposal closed on April
7, 1983. At that time DOE assembled a
task force of experts in nuclear waste
repository sciences to review the
proposed guidelines and the comments
received. This task force has
subsequently developed a redraft of the
proposed guidelines and a draft
"Comment Response Document" that
addresses the individual comments
received.

DOE is currently entering into
additional consultations on the
guidelines with States and Federal
agencies. These consultations will
utilize the February 7 proposed
guidelines, the public comments
received on them, and the task force
redraft of the proposed guidelines, and
the task force draft "Comment Response
Document" as a basis for discussion.
The consultation period on these
documents has begun and will extend
for approximately 30 days during which
time individual meetings will be held
with States and Federal agencies.
During this period, DOE is making these
additional documents available to the
public for review and comment.
Although neither the task force redraft
of the guidelines nor the draft "Comment
Response Document" represent a DOE
proposal as such, they constitute an

alternative to the February 7 proposal
which DOE will consider.

Copies of the task force redraft of the
proposed guidelines have been
distributed to those persons on the
original mailing lists for the February 7
proposed guidelines and to those
persons who submitted oral or written
comments to DOE pursuant to the
Federal Register notices cited above. By
direct mailing, this document is also
being provided to approximately 4,000
individuals on a mailing list compiled
from public inquiries, to persons who
provided oral comments at recent
hearings on proposed site nominations,
and to 160 public libraries generally
used to provide information on the DOE
repository program.

DATES: Public comments on the task
force redraft and draft "Comment
Response Document" should be
submitted to DOE no later than July 7,
1983 to ensure full consideration. Late
comments will be considered to the
extent possible.

ADDRESSES: Written comments should
be sent to Critz H. George, DOE
Director, Guidelines Task Force, c/o
Weston, Inc., 2301 Research Boulevard,
3rd floor, Rockville, Maryland 20850.
Any information or data considered by
the person furnishing it to be
confidential must be so identified. The
DOE reserves the right to determine the
confidential status of information or
data and to treat it accordingly.

Copies of the task force redraft of the
proposed guidelines, the task force draft
"Comment Response Document," and all
written comments received thereon, will
be available for public inspection the
DOE Reading Room, Room 1E-190,
Forrestal Building, 1000 Independence
Avenue, SW., Washington, D.C.,
between the hours of 8:00 a.m. and 4:00
p.m., Monday through Friday, except
Federal holidays.

Individual copies of the task force
redraft of the proposed guidelines or the
task force draft "Comment Response
Document" may be obtained by writing
or calling: Jerome Leszkiewicz, Weston,
Inc., 2301 Research Boulevard, 3rd floor,
Rockville, Maryland 20850, (301)963-
6819. Please indicate the document(s)
being requested on the outside of the
envelope. The document(s) will be sent
out by first class mail no later than the
first working day following receipt of
the request.

FOR FURTHER INFORMATION CONTACT:
Carol Hanlon, Geologic Repository,
Nuclear Waste Policy Act Project Office,

U.S. Department of Energy, S-10,
Washington, D.C. 20545, Telephone:
(301) 353-5630 or 963-6812.

SUPPLEMENTARY INFORMATION: On
January 7, 1983, the Nuclear Waste
Policy Act of 1982 (Pub. L. 97-425) was
signed into law. The Act establishes a
process and schedule for the
development of nuclear waste
repositories. A required part of this
process is the development of general
guidelines for the recommendation of
sites for repositories. Proposed
guidelines which are to consist for
repositories. Proposed guidelines which
are to consist of a new Part 960 of
Chapter III of Title 10 of the Code of
Federal Regulations were published in
the *Federal Register* on February 7, 1983
(48 FR 5670). Subsequent *Federal
Register* notices pertaining to public
hearings and public comment were
published on February 14 and 28, 1983
(48 FR 6549, 48 FR 8289). The public
comment period announced by these
notices closed on April 7, 1983.

Pursuant to the development of final
guidelines, DOE assembled a task force
of experts in nuclear waste repository
sciences to review both written and oral
comments which had been submitted to
DOE. From this review the task force
has developed the two documents which
are the subject of this notice.

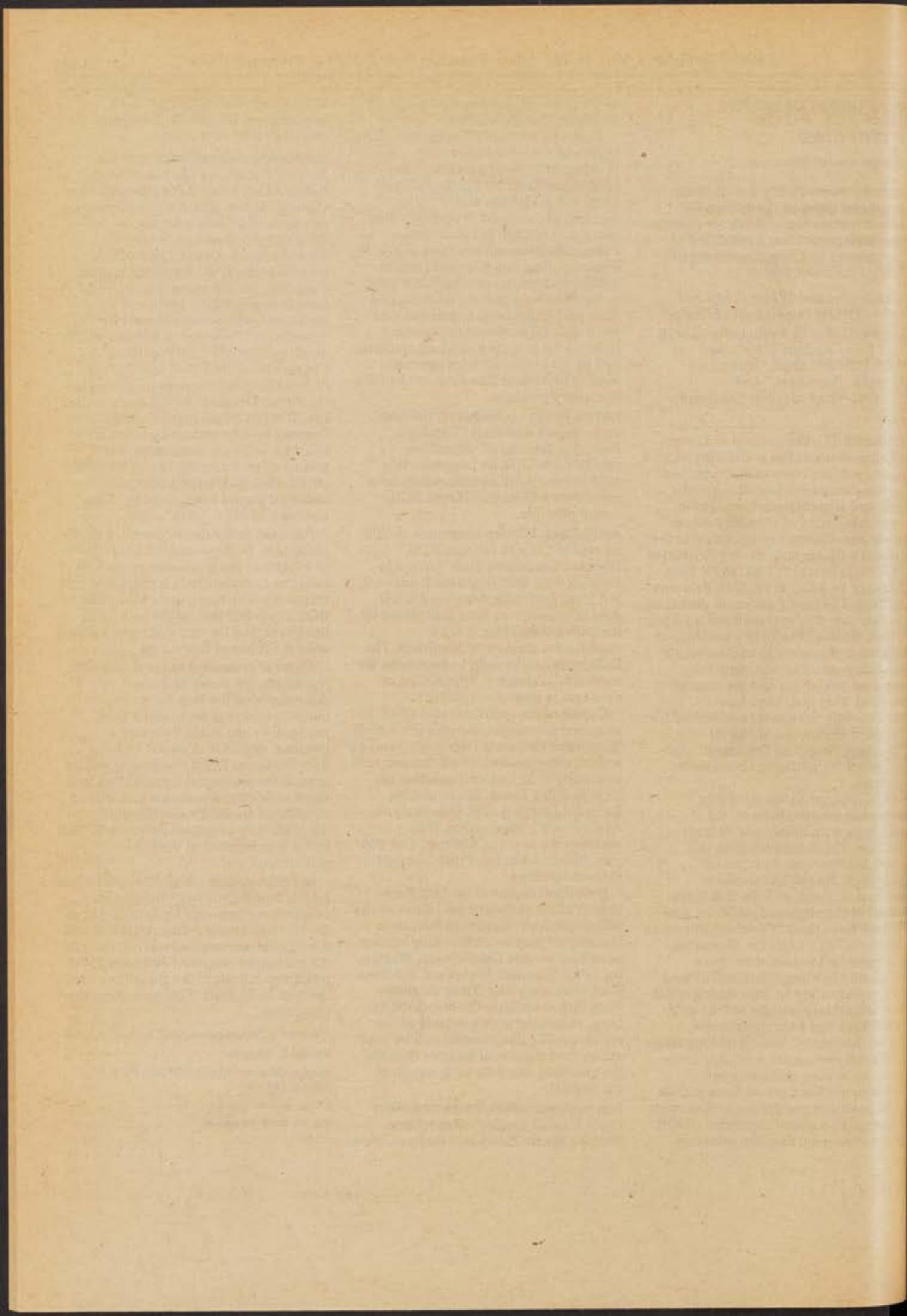
Material presented in the documents
represents the views of those
individuals on the task force. The
documents do not represent a DOE
proposal in lieu of the February 7
proposal and DOE does not endorse
their contents. These documents will be
used in the additional consultation with
State and Federal agencies and will be
considered by DOE as an alternative to
the guidelines proposed February 7, 1983
in the development of the final
guidelines.

In developing the draft final guidelines
for Nuclear Regulatory Commission
concurrence (required by Section 112 of
the Nuclear Waste Policy Act) DOE will
consider all comments received on both
the guidelines proposed February 7, the
task force redraft of the guidelines, and
the task force draft "Comment Response
Document."

Issued at Washington, D.C. on June 3, 1983.
Robert L. Morgan,
*Project Director, Nuclear Waste Policy Act
Project Office.*

[FR Doc. 83-15387 Filed 6-6-83; 10:47 am]

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Tuesday, June 7, 1983

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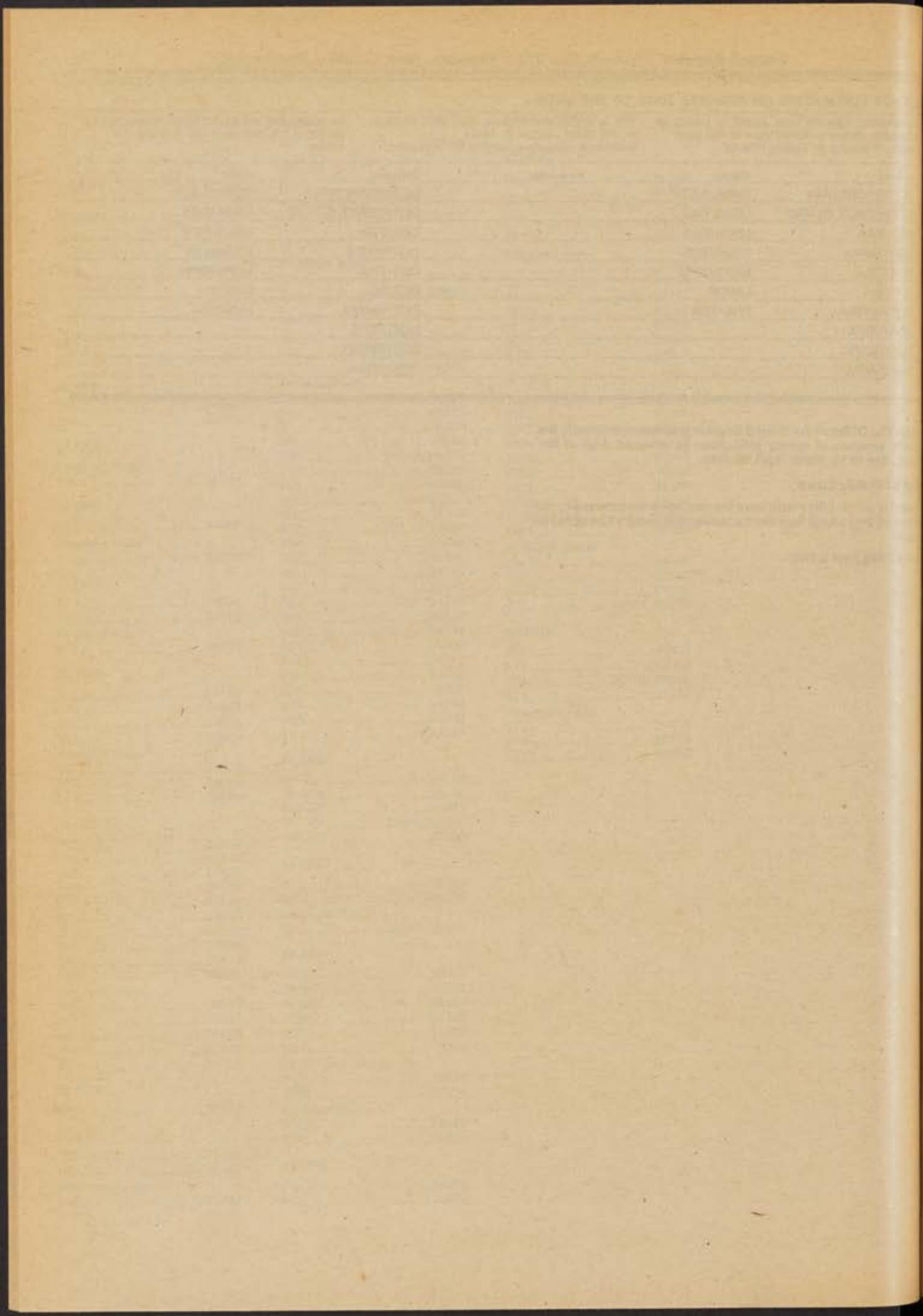
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