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Tuesday
July 12, 1983

Selected Subjects

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

Selected Subjects

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

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Presidential Documents

Title 3—

The President

Executive Order 12431 of July 8, 1983

Level IV of the Executive Schedule

By the authority vested in me as President of the United States of America by Section 5317 of Title 5 of the United States Code, in order to place an additional position in level IV of the Executive Schedule, Section 1-101 of Executive Order No. 12154, as amended, is further amended by adding thereto the following new subsection:

"(j) Administrator, Office of Juvenile Justice and Delinquency Prevention, Department of Justice.".

Ronald Reagan

THE WHITE HOUSE,
July 8, 1983.

[FR Doc. 83-18921
Filed 7-11-83; 10:16 am]
Billing code 3195-01-M

Rules and Regulations

Federal Register
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Tuesday, July 12, 1983

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 946

Irish Potatoes Grown in Washington; Approval of Amendment No. 3 to Handling Regulation

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This final rule amends the continuing regulation, § 946.336 to reduce size requirements for U.S. No. 1 grade round red potatoes to 1½ inches and relaxes inspection requirements in District 5. The regulation requires fresh market shipments of potatoes grown in Washington to be inspected and meet minimum grade, size, maturity and pack requirements. The regulation promotes orderly marketing of such potatoes and keeps less desirable quality and sizes from being shipped to consumers.

EFFECTIVE DATE: July 5, 1983.

FOR FURTHER INFORMATION CONTACT: Charles W. Porter, Chief, Vegetable Branch, F&V, AMS, USDA, Washington, D.C. 20250 (202) 447-2615.

SUPPLEMENTARY INFORMATION:

Paperwork Reduction Act

Information collection requirements contained in this regulation (7 CFR Part 946) have been approved by the Office of Management and Budget under the provisions of 44 U.S.C. Chapter 35 and have been assigned OMB #0581-0070.

This final rule has been reviewed under Secretary's Memorandum 1512-1 and Executive Order 12291 and has been designated a "nonmajor" rule. William T. Manley, Deputy Administrator, Agricultural Marketing Service, has certified that this action will not have a significant economic impact on a substantial number of small entities because it would not substantially affect costs for the directly regulated handlers.

Marketing Agreement No. 113 and Order No. 946, both as amended, regulate the handling of Irish potatoes grown in the State of Washington. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The State of Washington Potato Committee, established under the order, is responsible for its local administration.

Because requirements under this program have changed infrequently, in May 1981 the committee recommended, and the Secretary approved, a regulation which would continue in effect from marketing season to marketing season indefinitely unless modified, suspended, or terminated by the Secretary upon recommendation and information submitted by the committee or other information available to the Secretary.

At its public meeting in Pasco, Washington, on June 17, 1983, the committee recommended that two changes be made in the continuing handling regulation. The committee recommended that minimum size requirements for U.S. No. 1 grade round red potatoes be reduced from 1⅞ inches in diameter to 1½ inches in diameter. Because these potatoes are used primarily for boiling, where smaller sizes are acceptable, handlers of round red potatoes requested that the size be reduced. This change should not disrupt potato marketing in Washington State.

The committee also recommended that inspection requirements be relaxed in District 5 during the period July 15 through August 31 each year. This would ease requirements on handlers near the major metropolitan areas that repack for the fresh market. Since their markets are more readily accessible, they have less need for the quality guarantees that mandatory inspection requirements provide.

Although the regulation as amended is effective for an indefinite period, the committee will continue to meet prior to or during each season to consider recommendations for modification, suspension, or termination of the regulation. Prior to making any such recommendations, the committee will submit to the Secretary a marketing policy for the season including an analysis of supply and demand factors having a bearing on the marketing of the crop. Committee meetings are open to the public and interested persons may express their views at these meetings or may file comments with the Fruit and Vegetable Division before June 1 each year. The Department will evaluate committee recommendations and information submitted by the committee, and other available information, and determine whether modification, suspension or termination of the regulations on shipments of Washington potatoes would tend to effectuate the declared policy of the act.

Findings. After consideration of all relevant matters, it is found that the following amendment will tend to effectuate the declared policy of the act.

It is further found it is impracticable and contrary to the public interest to give preliminary notice or to engage in public rulemaking procedure, and that good cause exists for not postponing the effective date of this regulation until 30 days after its publication in the **Federal Register** (5 U.S.C. 553) in that (1) shipments of potatoes in the production area are expected to begin in early July, (2) to maximize benefits to producers this regulation should apply to as many shipments as possible during the marketing season, and (3) compliance with this amendment, which is similar to the handling regulation currently in effect, requires no special preparation by handlers subject to it which cannot be completed by the July 5, 1983, regulation effective date.

List of Subjects in 7 CFR Part 946

Marketing agreements and orders, Potatoes, Washington State.

PART 946—[AMENDED]

Section 946.336 *Handling regulation* (46 FR 39116, 47 FR 33245, and 47 FR 38493) is hereby revised as follows:

§ 946.336 Handling regulation.

* * * * *

(a) *Minimum quality requirements.*

(1) * * *

(2) *Size.*

(i) *Round varieties*—1⅞ inches (47.6 mm) minimum diameter, except round red varieties may be Size "B" (1½ inches minimum diameter), if U.S. No. 1.

(ii) * * *

* * * * *

(d) *Special purpose shipments.*

* * * * *

(8) Shipments in District 5 from July 15 through August 31.

* * * * *

[Approved by the Office of Management and Budget under Control No. 0581-0070]

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

Dated: July 7, 1983, to become effective July 5, 1983.

D. S. Kuryloski,

Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 83-18812 Filed 7-11-83; 8:45 am]

BILLING CODE 3410-02-M

Rural Electrification Administration

7 CFR Part 1736

Electric Standards and Specifications

AGENCY: Rural Electrification Administration, USDA.

ACTION: Final rule.

SUMMARY: This rule amends the Rural Electrification Administration (REA) regulations by adding a section that lists and identifies the REA electric program Bulletins containing the construction standard and specifications for materials and equipment that have been approved for incorporation by reference by the Director of the Office of the Federal Register. This rule is intended to provide REA borrowers and the public with a comprehensive list of the electric standards and specifications that are incorporated by reference. This rule also contains the final rule for REA Specifications and Drawings for 12.5/7.2 kV Line construction, contained in REA Bulletin 50-3 (D-804), in order for this Bulletin to be included in the list of electric standards and specifications Bulletins approved for incorporation by reference.

EFFECTIVE DATE: July 12, 1983.

FOR FURTHER INFORMATION CONTACT: Archie W. Cain, Director, Engineering Standards Division, Rural Electrification Administration, Room 1256-S, U.S. Department of Agriculture, Washington, D.C. 20250, telephone (202) 382-9082.

SUPPLEMENTARY INFORMATION: Pursuant to the Rural Electrification Act of 1936 (Act), as amended (7 U.S.C. 901 et seq.), the Rural Electrification Administration (REA) is adding a Part to the REA regulations (7 CFR 1736) that lists and identifies the REA bulletins that contain electric construction standards and specifications for materials and equipment that have been approved for incorporation by reference by the Director of the Office of the Federal Register. This final action has been reviewed in accordance with Executive Order 12291, Federal Regulation. This action will not (1) have an annual effect on the economy of $100 million or more; (2) result in a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies; or (3) result in significant adverse effects on competition, employment, investment or productivity, and, therefore, has been determined to be "not major." This action does not fall within the scope of the Regulatory Flexibility Act and is not subject to OMB Circular A-95 review requirements. This program is listed in the Catalog of Federal Domestic Assistance as 10.850, Rural Electrification Loans and Loan Guarantees.

Background

The Rural Electrification Administration (REA) maintains a system of Bulletins that contain construction standards and specificationsfor materials and equipment which are applicable to electric system facilities constructed by REA, electric borrowers in accordance with the REA loans contract. These standards and specifications contain REA's requirements for specific construction units, material items and equipment units commonly used in REA electric borrowers' systems. The REA Bulletins for the electric program containing these standards and specifications are set forth in the "50 series" Bulletins.

REA proposed the issuance of REA Bulletin 50-3, with revision of construction standard (D-804), Specifications and Drawings for 12.5/7.2 kV Line Construction, in the **Federal Register**, Volume 47, No. 167, pages 37913-37914, August 27, 1982. The last revision of this construction standard was dated September 1962. This revision will update the material and include new structures and assemblies and should significantly improve the borrower's basis for selection.

Interested parties were given sixty (60) days in which to express their views on the proposed rule; however, comments received after the sixty-day period were also considered by REA. The August 27, 1982, notice in the **Federal Register** elicited the following major comments on the proposed rule:

(a) *Comment:* It was suggested that narrow profile assemblies be included in the construction drawings.

Response: Narrow profile construction is presently allowed only in scenic areas and locations where the right of way is limited. The borrower must obtain specific approval from REA for this type of construction. It is felt that any cost savings will be minimal because shorter spans are necessary, resulting in more structures in a section of line than by using standard construction. Also, it may not be possible to climb the pole to perform maintenance when the line is energized; that is, bucket trucks may be necessary. Therefore, REA has decided not to include narrow profile assembly drawings as standard construction drawings. For information concerning narrow profile construction, borrowers should refer to REA Bulletin 61-12, Guide for Narrow Profile and Armless Construction.

(b) *Comment:* It was suggested that the drawings show the use of tap stirrups.

Response: In previous years, the use of tap stirrups proved to be unsatisfactory due to conductor breakage on lines subject to vibration. This was verified by testing performed at the National Bureau of Standards. Therefore, REA does not recommend the use of tap stirrups.

(c) *Comment:* It was suggested that a new drawing be added showing the use of a crossarm assembly similar to those listed on page gj of REA Bulletin 43-5, List of Materials Acceptable for Use on Systems of REA Electrification Borrowers.

Response: This comment was accepted. The designation of the new drawing is C7A.

(d) *Comment:* This comment was suggested that white pin insulators not be used for neutral identification since these insulators are available only by special order.

Response: This comment was accepted because a check with insulator manufacturers indicated that white insulators are not readily available.

(e) *Comment:* It was suggested that in reference to in-line (line tension) switches, the switches should be connected to deadend insulators instead of to clamp top post insulators.

Response: This comment was aceptable as it was felt that this would result in a structure that would be easier to maintain. It also would not require the use of non-standard equipment such as clamp top insulators.

(f) Other minor and editorial comments were received. These included the correction of misspelled

words and the correction of loadings indicated on the drawings. Comments suggesting the addition of special assemblies that would be used infrequently were not accepted. A paragraph was added to the specifications advising the users of this bulletin about Federal Aviation Administration regulations concerning tall structures near airports.

One copy of Bulletin 50-3 is being mailed to each REA electric borrower. Persons interested in additional copies of REA Bulletin 50-3 (D-804) should see below.

These standards and specifications previously have been published in Appendix A, by REA. As a result, the Agency finds for good cause that further notice and public procedure at this time are impracticable, unnecessary, or contrary to the public interest.

In view of the above, Part 1736 is added to 7 CFR Chapter XVII to read as follows:

PART 1736—ELECTRIC STANDARDS AND SPECIFICATIONS

Authority: 7 U.S.C. 901 et seq. and 7 U.S.C. 1921 et seq.

§ 1736.97 Incorporation by reference of electric standards and specifications.

(a) The following electric Bulletins have been approved for incorporation by reference by the Director of the Office of the Federal Register. The Bulletins containing construction standard (50-1 to 50-14) and Bulletin 50-18 (DT-5C), may be purchased from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. The Bulletins containing specifications for materials and equipment (50-15 to 50-99) may be obtained from the Rural Electrification Administration, Administrative Services Division, Room 0175-S, Washington, D.C. 20250.

The bulletins are available for inspection at the Office of the Federal Register, Room 8401, 1100 L Street, NW, Washington, D.C. 20408. These materials are incorporated as they exist on the date of the approval and a notice of any change in these materials will be published in the **Federal Register.**

(b) Bulletin 50-1 (T-805), Electric Transmission Specifications and Drawings (2-73)

Bulletin 50-3 (D-804), Specifications and Drawings for 12.5/7.2 kV Line Construction (4-83)

Bulletin 50-5 (D-803), Specifications and Drawings for 14.4/24.9 kV Line Construction (9-69)

Bulletin 50-6 (D-806), Specifications and Drawings for Underground Electric Distribution (1-75)

Bulletin 50-15 (DT-3), REA Specifications for Pole Top Pinswith 1⅜' Diameter Lead Thread (1-51)

Bulletin 50-16 (DT-4), REA Specifications for Angle Suspension Brackets (3-52)

Bulletin 50-17 (DT-5B), REA Specifications for Wood Crossarms (Solid and Laminated), Transmission Timbers and Pole Keys (1-72)

Bulletin 50-18 (DT-5C), REA Specification for Wood Poles, Stubs and Anchor Logs (1-82)

Bulletin 50-19 (DT-7), REA Specifications for Clevis Bolts (8-53)

Bulletin 50-23 (DT-18), REA Specifications for 60" Wood Crossarm Braces (2-71)

Bulletin 50-31 (D-3), REA Specifications for Pole Top Pins with 1" Diameter Lead Threads (2-79)

Bulletin 50-32 (D-4), REA Specifications for Steel Crossarm Mounted Pins with 1" Diameter Lead Threads (10-50)

Bulletin 50-33 (D-5), REA Specifications for Single and Double Upset Spool Bolts (2-51)

Bulletin 50-34 (D-6), REA Specifications for Secondary Swinging Clevises (12-70)

Bulletin 50-35 (D-7), REA Specifications for Service Swinging Clevises (9-52)

Bulletin 50-36 (D-8), REA Specifications for Service Deadend Clevises (9-52)

Bulletin 50-40 (D-14), REA Specifications for Pole Top Brackets for Channel Type Pins (9-51)

Bulletin 50-41 (D-15), REA Specifications for Service Wireholders (11-51)

Bulletin 50-55 (T-2), REA Specifications for Overhead Ground Wire Support Brackets (5-53)

Bulletin 50-56 (T-3), REA Specifications for Steel Plate Anchors for Transmission Lines (12-53)

Bulletin 50-60 (T-9), REA Specification—Single Pole Steel Structures, Complete with Arms (12-71)

Bulletin 50-70 (U-1), REA Specification for 15 and 25 kV Primary Underground Power Cable (10-79)

Bulletin 50-72 (U-4), REA Specification for Electrical Equipment Enclosures (5-35 kV) (10-79)

Bulletin 50-73 (U-5), REA Specifications for Pad-Mounted Transformers (Single and Three-Phase) (1-77)

Bulletin 50-74 (U-6), REA Specification for Secondary Pedestals (600 Volts and Below) (10-79)

Bulletin 50-91 (S-3), REA Specifications for Step-Down Distribution Substation Transformers (34.4-138 kV) (1-78)

Bulletin 50-92 (S-4), REA Specifications for Step-Up Substation Transformers (2-63)

List of Subjects in 7 CFR Part 1736

Electric utilities, Engineering standards.

Dated: May 9, 1983.

Jack Van Mark,

Acting Administrator.

[FR Doc. 83-18670 Filed 7-11-83; 8:45 am]

BILLING CODE 3410-15-M

Forest Service

36 CFR Part 251

Land Uses; Technical Amendment

AGENCY: Forest Service, USDA.

ACTION: Final rule; technical amendment.

SUMMARY: This rule corrects a longstanding error in the headings and text of 36 CFR 251.10 and 251.11 by changing the references to Harney National Forest and Custer State Park Game Sanctuary. This change is necessary to reflect redesignations of these sites by Public Land Order and an act of Congress respectively. Accordingly, the authority citations for these sections are also revised. These errors were recently identified during a routine administrative review of Chapter II of Title 36 of the Code of Federal Regulations.

EFFECTIVE DATE: July 12, 1983.

FOR FURTHER INFORMATION CONTACT: Marian Connolly, Federal Register Liaison Officer, Forest Service, USDA, (202) 447-4234.

SUPPLEMENTARY INFORMATION: Regulations set forth at 36 CFR 251.10 and 251.11 respectively prohibit location of mining claims and establish procedures governing mining locations in the Custer State Park Game Sanctuary of the Harney National Forest in South Dakota. These regulations were issued July 1, 1948, at 13 FR 3676. By the Act of October 6, 1949 (63 Stat. 708), Congress redesignated the Custer State Park Game Sanctuary as the "Norbeck Wildlife Preserve." Subsequently, by Public Land Order 1016 of October 4, 1954 (19 FR 6500), the Harney National Forest was abolished and its lands were transferred to, and consolidated with those of, the Black Hills National Forest. The redesignation of the Game Sanctuary and the abolition of the Harney National Forest were never

reflected in the headings and text of 35 CFR 251.10 and 251.11 or in the authority citations for these sections. This oversight was recently identified and is now being corrected by this rule.

This rule is a minor, technical amendment. As such, it is exempt from regulatory review under E. O. 12291 and the Regulatory Flexibility Act. To obtain public comment on a rule of such a minor, technical nature is impractical and unnecessary. The rule is effective upon publication in order to be incorporated into the forthcoming annual revision of the Code of the Federal Regulations.

List of Subjects in 36 CFR Part 251

Electric power, Environmental protection, Mineral resources, National forests, Public Lands—acquisition and exchange, Rights-of-way, Water resources, Watersheds.

Therefore, for the reasons set forth in the preamble, Part 251 of Title 36 of the Code of Federal Regulations is hereby amended as follows:

PART 251—LAND USES [AMENDED]

1. The authority citation for both 36 CFR 251.10 and 251.11 is revised to read as follows:

(Sec. 1, 62 Stat. 580; Sec. 1, 63 Stat. 708; 16 U.S.C. 678a)

2. All references in the headings and text of 36 CFR 251.10 and 251.11 to the Harney National Forest and the Custer State Park Game Sanctuary are revised to read "Black Hills National Forest" and "Norbeck Wildlife Preserve" respectively.

Dated: July 7, 1983.

John B. Crowell, Jr.

Assistant Secretary for Natural Resources and Environment.

[FR Doc. 83-18759 Filed 7-11-83; 8:45 am]

BILLING CODE 3410-11-M

VETERANS ADMINISTRATION

38 CFR Part 40

Intergovernmental Review of VA Programs and Activities

AGENCY: Veterans Administration.

ACTION: Final rule; correction.

SUMMARY: This document corrects authority citations contained in final regulations implementing provisions of Executive Order 12372, Intergovernmental Review of Federal Programs, which were published June 24, 1983 (48 FR 29404).

FOR FURTHER INFORMATION CONTACT: Ed Arnold, Office of Program Planning and Evaluation (07B), Veterans Administration, 810 Vermont Avenue, NW, Washington, DC 20420, (202) 389-2608.

Dated: July 6, 1983.

Nancy C. McCoy,

Assistant Director for Administrative Issues Review.

PART 40—[AMENDED]

Accordingly, the Veterans Administration is correcting 38 CFR Part 40 by removing the cite "(38 U.S.C. 4231(b))" following each section, and inserting after each section the cite "(42 U.S.C. 4231(b))".

[FR Doc. 83-18717 Filed 7-11-83; 8:45 am]

BILLING CODE 8320-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Ch. II

Interim Management Policy and Guidelines

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of change to the interim management policy and guidelines for lands under wilderness review.

SUMMARY: The Interim Management Policy and Guidelines for Lands Under Wilderness Review (IMP), published in the **Federal Register** on December 12, 1979 (44 FR 72014) is being changed with respect to: (1) Valid existing rights; (2) mineral leases issued on or before October 21, 1976 (the date of approval of the Federal Land Policy and Management Act—FLPMA); (3) pre-FLPMA valid mining claims; (4) rights-of-way and access; and (5) the reclamation standard used in the "nonimpairment criteria."

EFFECTIVE DATE: July 12, 1983.

ADDRESS: Any inquiries or suggestions should be sent to: Director (342), Bureau of Land Management, 18th and C Streets, NW., Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: Gary G. Marsh, Division of Recreation, Cultural, and Wilderness Resources, Telephone (202) 343-6064.

SUPPLEMENTARY INFORMATION: The changes are as follows:

Changes Concerning Valid Existing Rights

The following changes reflect recent changes in the treatment of valid existing rights under section 603 of the Federal Land Policy and Management Act. The changes simplify the IMP with respect to the use and development of valid existing rights outstanding on October 21, 1976. The changes also clarify the relationship between valid existing rights and the nonimpairment standard.

1. The change to the Interim Management Policy published in the **Federal Register** on April 6, 1981, (46 FR 20607) is hereby revoked.

2. On page 72017 (44 FR 72017, December 12, 1979) under the Valid Existing Rights section, delete the fifth sentence in the second paragraph.

3. In Chapter I, section B.6.c, delete the third paragraph.

4. In Chapter I, section B.6.c, the last paragraph is amended to read: "It is the use, rather than the claim, that is grandfathered. A grandfathered mineral use may continue in the same manner and degree onto adjacent claims held by the same person."

5. In Chapter I, section B.6.c, the following new final paragraph is added: "The policy on grandfathered uses is usually not applicable to pre-FLPMA mineral leases, because such leases enjoy greater development opportunities under the policy on valid existing rights (see section 7 below). However, the grandfathered uses policy may apply where the holder of a pre-FLPMA lease wishes to continue operations in the same manner and degree from the pre-FLPMA lease onto an adjacent post-FLPMA lease."

6. In Chapter I, section B.7, delete the first paragraph, and insert in lieu thereof:

7. Valid Existing Rights. "Valid existing rights as of October 21, 1976 will be recognized. Examples of valid existing rights include: a valid mining claim, a mineral lease, or a right-of-way authorization. Valid existing rights are not absolute. The scope of a valid existing right depends upon any conditions, stipulations or limitations stated in the law or approval document that created the right. For instance, if a lease contains a stipulation prohibiting surface occupancy, then the valid existing right for that lease does not include the right to occupy the surface of the leasehold. If the holder of valid existing rights transfers a claim, lease, or assigns a right-of-way authorization to another person, the same valid existing right will be recognized in the new holder. However, a valid existing right is tied to a particular claim, lease, or right-of-way authorization, and cannot be transferred or assigned to a different claim, lease, or right-of-way location.

Valid existing rights limit the nonimpairment standard. Although the

nonimpairment standard remains the norm, valid existing rights that include the right to develop may not be restricted to the point where the restriction unreasonably interferes with enjoyment of the benefit of the right. Resolution of specific cases will depend upon the nature of the rights conveyed and the site-specific conditions involved. When it is determined that the rights conveyed can be exercised only through activities that will impair wilderness suitability, the activities will be regulated to prevent unnecessary or undue degradation. Nevertheless, even if such activities impair the area's wilderness suitability, they will be allowed to proceed."

7. In Chapter I, section B.7.a, delete the first paragraph, and insert in lieu thereof:

a. Mining Claims. "Mining claimants are recognized as having a valid existing right if a valid discovery had been made on the claim on or before October 21, 1976 and the claim continues to be supported by such a discovery. Activities for the use and development of such claims must satisfy the nonimpairment criteria unless this would unreasonably interfere with the claimant's rights of use and enjoyment of the claim. When it is determined that the claimant's possessory rights conveyed can be exercised only through activities that will permanently impair wilderness suitability, the activities will be regulated to prevent unnecessary or undue degradation. Nevertheless, even if such activities impair the area's wilderness suitability, they will be allowed to proceed. Before beginning activities whose impacts would impair wilderness suitability, the claimant must show evidence of discovery to BLM. See also 43 CFR 3802.1-5(b)(2)."

8. In Chapter I, delete section B.7.b and insert in lieu thereof:

b. Leases. "Valid existing rights for mineral leases issued on or before October 21, 1976, are dependent upon the specific terms and conditions of each lease, including any stipulations attached to the lease. Activities for the use and development of such leases must satisfy the nonimpairment criteria unless this would unreasonably interfere with rights of the lessee as set forth in the mineral lease. When it is determined that the rights conveyed can be exercised only through activities that will permanently impair wilderness suitability, the activities will be regulated to prevent unnecessary or undue degradation. Nevertheless, even if such activities impair the area's wilderness suitability, they will be allowed to proceed."

9. In Chapter I, section B.8, the final sentence is amended to read: "Claimants with a pre-FLPMA discovery are recognized as having valid existing rights (see section 7 above)."

10. In Chapter II, delete section B.1.b and insert in lieu thereof:

b. "Is the activity part of the development of a valid existing right (such as a valid mining claim, mineral lease, or right-of-way authorization in effect as of October 21, 1976)? (Consult the applicable policies in Chapter I.B.7, III.C. 2 and 4, and III.J.)"

Changes Concerning Pre-FLPMA Leases

The following changes apply the current approach on valid existing rights to the specific sections of the IMP concerning pre-FLPMA leases.

1. In Chapter III, section J, delete the fourth paragraph.

2. In Chapter III, section J, paragraph 6, delete the words:

"In other words, if there were no pre-FLPMA grandfathered activities, post-FLPMA operations would not be allowed if they would impair wilderness suitability."

3. In Chapter III, delete section J.1.a, and insert in lieu thereof:

a. Pre-FLPMA Leases. "All pre-FLPMA leases represent valid existing rights, but the rights are dependent upon the specific terms and conditions of each lease, including any stipulations attached to the lease. Activities for the use and development of such leases must satisfy the nonimpairment criteria unless this would unreasonably interfere with rights of the lessee as set forth in the mineral lease. When it is determined that the rights conveyed can be exercised only through activities that will impair wilderness suitability, the activities will be regulated to prevent unnecessary or undue degradation. Nevertheless, even if such activities impair the area's wilderness suitability, they will be allowed to proceed."

4. In Chapter III, delete section J.2.a and insert in lieu thereof:

a. Pre-FLPMA Leases. "All pre-FLPMA coal leases represent valid existing rights, but the rights are dependent upon the specific terms and conditions of each lease, including any stipulations attached to the lease. Activities for the use and development of such leases must satisfy the nonimpairment criteria unless this would unreasonably interfere with rights of the lessee as set forth in the mineral lease. When it is determined that the rights conveyed can be exercised only through activities that will impair wilderness suitability, the activities will be regulated to prevent unnecessary or undue degradation. Nevertheless, even if such activities impair the area's wilderness suitability, they will be allowed to proceed."

5. In Chapter III, delete section J.3.a and insert in lieu thereof:

a. Pre-FLPMA Leases. "There are no pre-FLPMA leases for tar sand and only four pre-FLPMA oil shale leases. All pre-FLPMA oil shale leases represent valid existing rights, but the rights are dependent upon the specific terms and conditions of each lease, including any stipulations attached to the lease. Activities for the use and development of such leases must satisfy the nonimpairment criteria unless this would unreasonably interfere with rights of the lessee as set forth in the mineral lease. When it is determined that the rights conveyed can be exercised only through activities that will impair wilderness suitability, the activities will be regulated to prevent unnecessary or undue degradation. Nevertheless, even if such activities impair the area's wilderness suitability, they will be allowed to proceed."

6. In Chapter III, delete section J.4.a and insert in lieu thereof:

a. Pre-FLPMA Leases and Permits. "All pre-FLPMA leases and permits are valid existing rights, but the rights are dependent upon the specific terms and conditions of the lease or permit, including any stipulations attached. Activities for the use and development of such leases and permits must satisfy the nonimpairment criteria unless this would unreasonably interfere with development of the lessee or permittee as set forth in their mineral lease or permit. When it is determined that the rights conveyed can be exercised only through activities that will impair wilderness suitability, the activities will be regulated to prevent unnecessary or undue degradation. Nevertheless, even if such activities impair the area's wilderness suitability, they will be allowed to proceed."

Changes Concerning Mining Claims

1. In the Introduction, in the section entitled "Appropriation Under the Mining Laws," first paragraph, the last sentence is amended to read: "(Of course, mining activities covered by the grandfather provision and certain valid existing rights are exceptions or limitations to the nonimpairment mandate.)"

2. The following change applies the current approach on valid existing rights to a specific section of the IMP concerning pre-FLPMA valid mining claims. This change does not affect the procedures established by the regulations 43 CFR Part 3802, but it does

change one of the standards to be used by BLM in reviewing mining activities under those regulations. In Chapter III, delete section J.5.b and insert in lieu thereof:

b. Valid Existing Rights. "All mining claimants who located claims on or before October 21, 1976, and are able to demonstrate a discovery as of that date, as required under the 1872 Mining Law, as amended (prudent man test), and at the time of approval of a plan of operations under Part 3802 of this Title will be allowed to continue their mining operations to full development. Activities for the use and development of such claims must satisfy the nonimpairment criteria unless this would unreasonably interfere with the claimant's possessory rights of use and enjoyment of the claim. When it is determined that the rights conveyed can be exercised only through activities that will impair wilderness suitability, the activities will be regulated to prevent unnecessary or undue degradation. Nevertheless, even if such activities impair the area's wilderness suitability, they will be allowed to proceed.

Before the BLM will grant approval of operations that do not satisfy the nonimpairment criteria, the operator will be required to show evidence of a pre-FLPMA discovery. If warranted, BLM may verify data through a field examination and, only if necessary, initiate contest proceedings. If claims have a pre-FLPMA discovery and are otherwise properly located and maintained under the mining laws, then the nonimpairment standard may be exceeded. All operations will be regulated to prevent unnecessary or undue degradation of the lands until the claims are patented. (Any claim patented in the California Desert Conservation Area will continue to be regulated to prevent unnecessary or undue degradation even after the claim has been patented). All operations are subject to the regulations in 43 CFR Part 3802, specifying in what circumstances and in what manner notification is required."

Changes Concerning Rights-of-Way and Access

The following changes apply the current approach on valid existing rights to specific sections of the IMP concerning rights-of-way and access:

1. In Chapter III, delete the second paragraph of section C.2 and insert in lieu thereof:

"New rights-of-way may be approved for temporary uses that satisfy the nonimpairment criteria. New rights-of-way may be approved for any uses that do *not* satisfy the nonimpairment criteria only under the following conditions:

(a) Where such access qualifies as part of the same manner and degree of grandfathered mineral uses and there is no reasonable, less impairing, alternative access available;

(b) In cases of valid existing rights where the BLM has determined that application of the nonimpairment standard would unreasonably interfere with the exercise of those rights. (Examples of such valid existing rights may include certain mineral leases and right-of-way authorizations in effect on October 21, 1976. In each case the BLM's decision will depend upon the nature of the rights conveyed and the site-specific conditions involved); or

(c) In cases of non-Federal land where the BLM has determined that application of the nonimpairment standard would unreasonably interfere with the enjoyment of the landowner's rights. (In each case, the BLM's decision will depend upon the nature of the rights conveyed and the site-specific conditions involved.)

2. In Chapter III, section C.3, in the fifth sentence delete the words "the nonimpairment criteria" and insert in lieu thereof: "section C.2 above".

3. In Chapter III, delete section C.4 and insert in lieu thereof:

4. Access to Mining Claims. "Access to mining claims may be approved in the form of temporary activities or routes that satisfy the nonimpairment criteria. Construction of temporary or permanent access routes to mining claims *not* satisfying the nonimpairment criteria may be approved only under the following conditions:

(a) Where such access qualifies as part of the same manner and degree of grandfathered mining uses and there is no reasonable, less impairing, alternative access available; or

(b) In cases of mining claims that had a valid discovery as of October 21, 1976, under criteria described in section J of this chapter, and the BLM has determined that application of the nonimpairment standard would unreasonably interfere with development of the claim. (In each case under point (b) the BLM's decision will depend on the site-specific conditions involved.)"

Change: Concerning the Nonimpairment Criteria

1. In the Introduction, in the section entitled "Nonimpairment", paragraph 6, delete: "Management under the nonimpairment standard, to which there are two exceptions described later, has these goals:" and insert in lieu thereof: "Management under the nonimpairment standard (which has only limited application to certain activities described below under "Grandfathered Uses", "Appropriation Under the Mining Laws," and "Valid Existing Rights") has these goals:" 2. The following changes modify the reclamation standard in the "nonimpairment criteria" to clarify that restoration to the original contour is not required. As a result of these changes, operators will have the option of submitting a modified plan of operation based on the new standard. The changes do not affect the procedures established for mining activities by the regulations 43 CFR 3802, but they do change one of the standards to be used by BLM in reviewing mining activities under those regulations.

In Chapter I, delete the second sentence of the second paragraph in section B.2.b.

In Chapter II, delete the second sentence of the second paragraph in section B.2.b.

In Chapter III, in the introduction section entitled "Nonimpairment Criteria", delete the second sentence of the second paragraph of section (b).

In Appendix A, delete the second sentence of the second paragraph of criterion (b).

Insert in lieu of each of the above four deletions the following:

"Reclamation will include the contouring of the topography to a natural appearance (not necessarily to the original contour), the replacement of topsoil, and the restoration of plant cover at least to the point where natural succession is occurring."

Dated: June 27, 1983.

Robert F. Burford,

Director.

[FR Doc. 83-18404 Filed 7-11-83; 8:45 am]

BILLING CODE 4310-84-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 69

[CC Docket No. 78-72, Phase I; FCC 83-252]

Access Charges; MTS and WATS Market Structure

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: FCC, pursuant to the *Fourth Supplemental Notice of Inquiry and Proposed Rulemaking* published on June 21, 1982, at 47 FR 26668, and to the *Third Report and Order* published on March 11, 1983, 48 FR 10319, adopts rules for

the formation and management of an Exchange Carrier Association to prepare access charge tariffs and distribute pooled access charge revenues. The Commission concluded that this action was necessary to allow its Access Charge Rules to be implemented. This Rule was adopted to allow such an implementation.

EFFECTIVE DATE: July 11, 1983.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Robert Preece, Policy and Program Planning Division, Common Carrier Bureau, Federal Communications Commission, Washington, D.C. 20554 (202) 632-9342.

List of Subjects in 47 CFR Part 69

Access charges, Exchange Carrier Association, Revenue pooling.

Supplemental Order

In the matter of MTS and WATS Market Structure: CC Docket No. 78-72, Phase I.

Adopted: May 26, 1983.

Released: May 31, 1983.

By the Commission; Commissioner Fogarty not participating; Commissioner Jones dissenting and issuing a statement; Commissioner Sharp absent.

1. In the *Third Report and Order* in this docket, FCC 82-579, released February 28, 1983, we established a system of access charges through which telephone companies will after January 1, 1984, receive compensation for the use of their facilities to complete interstate and foreign telecommunications. Recognizing that after that date AT&T should no longer perform its traditional role of tariff filing agent and administrator of revenue pools associated with interstate services provided by local carriers, we also mandated the creation of an exchange carrier association to assume the task of preparing and filing access charge tariffs and administering the revenue pools created by these tariffs. We concluded that membership in the association would be limited to telephone companies participating in the access charge revenue pools and that the association's governing board should be composed exclusively of representation from these companies. In order to assure appropriate representative for different classes of carriers, we decided that a rule defining the board's membership was needed. We recognized, however, that we could not appropriately prescribe a rule to achieve this result until we knew which carriers would choose to participate at least during 1984 in the voluntary common tariff arrangements permitted by the *Access Charge Order.* [1] With that information available, we are now prepared to prescribe the rule that will define the composition of the association's board of directors. We also take this opportunity to prescribe the steps that must be taken to elect the association's first board of directors and to perform other preliminary organizational activities.

I. The Structure of the Association's Board of Directors

2. In the *Third Report and Order* we established two groups of access elements for which exchange carriers might enter into a voluntary common tariff arrangement with associated voluntary revenue pools. The first group comprised the three access elements charged to end users: dedicated access line; pay telephone and end user common line, while the second included the "traffic sensitive" access elements charged to interexchange carriers: line termination; local switching; intercept; information; operator assistance; common transport; dedicated transport; special access; and billing and collection. In addition we required all exchange carriers to enter into a mandatory common tariff arrangement and revenue pool in order to recover certain non traffic sensitive costs.

3. We created the exchange carrier association to prepare and file these tariffs and to administer and distribute the three associated revenue pools. Recognizing that there was insufficient time for the association to prepare the initial access service tariffs, which must be filed by October 3, 1983, we ordered AT&T to prepare and file these tariffs. As the first step in this process, we required all exchange carriers to notify AT&T by April 9, 1983, of their decision to file tariffs separate from the association tariffs for 1984. We also required that AT&T provide periodic progress reports to us until it files the initial tariffs.

4. On April 25, 1983, AT&T filed its first progress report. That report indicated that 1202 independent telephone companies had chosen to join both voluntary pools created in the *Access Charge Order*, 47 independents and 10 Bell Operating Companies (BOCs) chose to join only the voluntary pool for carrier traffic sensitive access charges, while four independent telephone companies chose to join only the voluntary pool related to end user access charges. The remaining carriers that responded to the letter, 11 BOCs and 83 independent telephone companies, plan to file separate tariffs for all voluntary elements.

5. With this information we believe that we can now act to define the membership of the association's governing board so that the board's composition initially reflects and over time continues to reflect the relative interest of different classes of carriers in the association's tariff-related activities. Accordingly, we now prescribe the following rule to define the composition of the exchange carrier association's board of directors:

Section 69.602 Board of directors.

(a) For purposes of this section, the association membership shall be divided into three subsets:

(1) The first subset shall consist of all the Bell System Operating Companies other than Cincinnati Bell Inc. and Southern New England Telephone Company;

(2) The second subset shall consist of all other telephone companies with annual operating revenues in excess of forty million dollars;

(3) The third subset shall consist of other telephone companies.

All commonly controlled companies shall be deemed to be one company for purposes of this section.

(b) There shall be fifteen directors of the association.

(c) In 1984 and 1985, five directors shall represent the first subset, three directors shall represent the second subset and seven directors shall represent the third subset.

(d) In 1986 and 1987, four directors shall represent the first subset, three directors shall represent the second subset and eight directors shall represent the third subset.

(e) In 1988 and thereafter, six directors shall represent the first and the second subset jointly and nine directors shall represent the third subset.

(f) Each subset shall select the directors who will represent it through an annual election in which each member of the subset shall be entitled to vote for the number of directors that will represent such members subset.

(g) For each access element or group of access elements for which voluntary pooling is permitted, there shall be a committee composed only of directors from companies participating in the pooling for that element or group of access elements. Each such committee shall be responsible for the preparation of charges for the associated access elements that comply with all applicable sections of this part.

(h) Directors shall serve for a term of one year commencing January 1 except that the initial directors shall serve from the time of election until December 31, 1984.

6. We had first raised the issue of the board's composition in the *Fourth*

[1] At that time we expressed our intent to issue the rule without soliciting additional comment since we had already sought and received comment on the structure of the association's governing board in response to our Fourth Supplemental Notice of Inquiry and Proposed Rulemaking in this docket, 90 FCC 2d 135 (1982) ("Fourth Supplemental Notice"). See *Access Charge Order* at n. 117.

Supplemental Notice. In its comments responding to that *Notice*, the Rural Telephone Coalition (RTC) had presented a detailed proposal for the governing board's structure. *See* RTC's Comments at pp. 52–56. The rule we now adopt incorporates several features of that proposal and, insofar as that rule departs from RTC's plan, we believe that the board members selected in accordance with the rule's requirements will more accurately reflect and will be more responsive to the concerns of the companies they represent. For example, the rule we adopt today creates categories of exchange carriers based upon annual operating revenue rather than number of telephones because, as deregulation of customer premises equipment continues, the ability of a local telephone company to know the number of telephones in its system will diminish. We believe that because there is a correlation between the number of lines a carrier provides and its operating revenues, the latter is an equally reasonable basis for categorizing carriers as "large" or "small." The rule also creates fewer classes of carriers than the RTC proposal. The rule recognizes, however, that while in 1984 and 1985 the larger companies will rely upon the mandatory revenue pool to recover a substantial part of their non-traffic sensitive costs, over time because the share they will recover through the pool will drop significantly, their relative interest in the association's tariffing activities will diminish in comparison to the interest of smaller companies generally, and those with high costs particularly. The rule accomplishes this by gradually reducing the representation of the larger carriers and concomitantly increasing the representation of the smaller carriers on the board. The rule also recognizes that the telephone companies choosing to enter the common tariff arrangements for the end user or the traffic sensitive access element groups share a common interest in the rate structure of the association's tariff for these elements, and that this interest is not necessarily based on a carrier's size. Accordingly the rule assigns responsibility for developing the charges for each of these groups to a committee whose membership is restricted to board members whose companies have chosen to join the common tariff to be filed for that group of elements.

7. We recognize that future developments that cannot be predicted with certainty at this time may require adjustments in the 1986–1987 or the 1988 and after formula and expect to institute proceedings at an appropriate time to consider revisions. We may also elect to designate separate representation for carriers that do or do not receive Universal Service Fund distributions at a later date. It would not be feasible to create such categories at this time because we do not have sufficient information to devise a suitable formula and this Commission has not yet received the Joint Board's Recommendations in CC Docket No. 80–286.

II. Election of the First Board of Directors and Other Organizational Activities

8. Once the exchange carrier association is organized, the association will conduct annual elections to select board members in accordance with the rule we adopt today. Because it will be the 1984 board members who, in fact, organize the association, the association itself clearly cannot conduct the election of this first governing board.

9. We have been advised that USITA, the Bell Operating Companies and the Rural Telephone Coalition have formed an industry committee to advise AT&T on the development of the exchange carrier association's initial tariffs and to perform steps preliminary to the association's organization. In particular, the committee has offered to conduct and supervise the election of the association's first board of directors. The letter, dated May 9, 1983, in which the committee makes this offer is attached as an appendix to this *Order*. The alternatives to having the committee conduct the election are to order AT&T to hold the elections or for the Commission itself to conduct the election. Neither of these alternatives is preferable to having the committee conduct the election. The committee already represents the interests of all segments of the telephone industry and has the resources at its disposal to undertake this formidable task. We shall therefore authorize and direct this industry committee to conduct the election of the association's 1984 board of directors. This election should be held as soon as possible in order to create a board that can provide some policy guidance in the formulation of the initial tariffs.

10. In the election process, each carrier shall be entitled to vote for the number of directors allotted to its subset. For example, a carrier that had revenues in excess of forty million dollars in 1982 and that is not a divested BOC may vote for three different persons as association directors. Such a carrier could not cast more than one vote for any one candidate.

11. In its May 9 letter the industry committee also states that it will be necessary to perform other activities of the type described in that letter at this time. The creation of a functioning organization that will be able to perform all association functions on January 1 is, of course, essential to the success of the access charge plan. It is also desirable that representatives of independent telephone companies provide advice to AT&T in the early development of the initial access charge tariffs. In view of the time that will be required to elect the initial directors, we have concluded that the industry committee should also be authorized and directed to perform the type of activities described in the May 9 letter until the initial board of directors has been elected.

III. Ordering Clause

12. Accordingly, it is hereby ordered, that pursuant to 47 U.S.C. 154 (i) and (j) and 203, § 69.602 is added to Part 69 of the Rules of this Commission as set forth below, effective on July 11, 1983.

13. It is further ordered that the industry committee described in the Appendix to this Supplemental Order is authorized and directed to conduct an election to select the initial association directors and to perform other association activities of the type described in such Appendix until the initial directors have been elected.

(Secs. 1, 2, 4, 201–205, 208, 215, 218, 313, 314, 403, 404, 410, 602; 48 Stat. as amended; 1064, 1066, 1070, 1071, 1072, 1073, 1076, 1077, 1087, 1094, 1098, 1102; 47 U.S.C. 151, 152, 154, 201–205, 208, 215, 218, 313, 314, 403, 404, 410, 602)

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix

PART 69—[AMENDED]

Accordingly, Part 69 of title 47 of the Code of Federal Regulations is amended by adding § 69.602 to read as follows:

§ 69.602 Board of directors.

(a) For purposes of this section, the association membership shall be divided into three subsets:

(1) The first subset shall consist of all the Bell System Operating Companies other than Cincinnati Bell Inc. and Southern New England Telephone Company;

(2) The second subset shall consist of all other telephone companies with annual operating revenues in excess of forty million dollars;

(3) The third subset shall consist of all other telephone companies.

All commonly controlled companies shall be deemed to be one company for purposes of this section.

(b) There shall be fifteen directors of the association.

(c) In 1984 and 1985, five directors shall represent the first subset, three directors shall represent the second subset and seven directors shall represent the third subset.

(d) In 1986 and 1987, four directors shall represent the first subset, three directors shall represent the second subset and eight directors shall represent the third subset.

(e) In 1988 and thereafter, six directors shall represent the first and the second subset jointly and nine directors shall represent the third subset.

(f) Each subset shall select the directors who will represent it through an annual election in which each member of the subset shall be entitled to vote for the number of directors that will represent such members subset.

(g) For each access element or group of access elements for which voluntary pooling is permitted, there shall be a committee composed only of directors from companies participating in the pooling for that element or group of access elements. Each such committee shall be responsible for the preparation of charges for the associated access elements that comply with all applicable sections of this Part.

(h) Directors shall serve for a term of one year commencing January 1 except that the initial directors shall serve from the time of election until December 31, 1984.

Appendix

May 9, 1983

Mr. Gary M. Epstein, Chief,
Common Carrier Bureau, Federal Communications Commission, 1919 M Street NW., Washington, D.C. 20554

Dear Mr. Epstein: Part 69, Subpart G of the FCC's Rules (adopted December 22, 1982) mandates the creation of an Exchange Carrier association (ECA). This association will prepare and file access charge tariffs, as well as collect and distribute related revenues, on behalf of all telephone companies that participate in the Association. This letter is intended to inform the Commission of industry activities in this regard, as well as to seek counsel and/or action on matters of concern to the industry.

The Commission noted that the task of preparing and filing complex ECA access charge tariffs is formidable, particularly since such tariffs must be acceptable to all industry participants and at the same time be in compliance with the Commission's Rules. The Commission recognized that the ECA could not be created in sufficient time to prepare the initial common access charge tariffs, and accordingly required AT&T to file such tariffs on behalf of the telephone industry and report its activities in connection with access tariff preparations (paragraphs 371 and 372, FCC Third Report and Order, CC Docket No. 78-72). The FCC rendered findings that a "common tariff arrangement that most of the exchange carriers can use is clearly necessary to make any access charge rules work" and that "such arrangements would, therefore, presumably be immune from anti-trust sanctions because they are necessary to make the regulatory scheme work—" (pp. 95-96). It necessarily follows that once the ECA is established, its activities pursuant to the FCC's order would be immune from anti-trust sanctions.

If the Commission's access charge plan is to be fully functioning beginning on January 1, 1984, a significant amount of work must be done in 1983 in addition to the initial development and filing of tariffs. An ECA organizational structure must be developed and the work functions, job descriptions and personnel skill requirements specified. All of the operational plans and data systems necessary to administer tariffs and collect and disburse revenues associated with each of the access charge pools must be designed and tested, and contracts governing the relationship between the ECA and each member company have to be developed and consummated. These pool administration methods, to the greatest extent possible, should be developed by the same people who will have to make them work in 1984. Staffing policies have to be created and implemented, and the people possessing requisite skills must be identified and recruited. Office space, equipment, and furniture has to be procured. Questions which relate to people's personal lives such as work location, salary schedules, pensions and other benefits all must be resolved. Legal questions concerning issues like incorporation, tax status and insurance must be also addressed.

It is clear that if the ECA is to be operational by January 1, 1984, work on these preparatory activities cannot be delayed—in fact some initiatives in this regard have been taken by the industry and work has begun. Specifically, pending the Commission's supplemental order, the telephone industry has established an ECA Ad Hoc Committee (see attached list of members) to provide advice and support to AT&T's data collection and tariff development activities, as well as to begin the many administrative and operational activities essential to the creation of the ECA.

The members of the ECA Ad Hoc Committee believe that all of their activities have been in support of the tasks that the Commission has mandated for AT&T and the ECA. In addition, the Committee stands ready to provide the Commission with any assistance it may request in the formation of the ECA or its Board of Advisors. However, recognizing the Commission's admonition at Paragraph 344 the Ad Hoc Committee will not engage, "in activities that are not directly related to the preparation of access charge tariffs or the distribution of access charge revenues unless such additional activities are expressly authorized by . . . [the] Commission."

We would be happy to discuss the nature of our activities further, or answer any questions you may have. However, because of the urgent need to move forward with the preparatory activities we have described above we will assume that our course of action has your concurrence unless we hear otherwise.

A. Gray Collins, Jr.,
Vice President—Access Tariffs Central Services Organization: On Behalf of the ECA Ad Hoc Committee.

Attachment
cc: All Parties of Record In FCC Docket No. 78-72

Attachment

ECA AD Hoc Committee Members

Representation from the USITA Member Companies:

J. Naset: General Telephone and Electronics Corp.
B. J. Boritzki: United Telephone Systems, Inc.
W. B. French: Shenandoah Telephone Co.

Representing the Rural Coalition (NTCA, OPASTCO, NREATA):

D. Cosson: NTCA
E. Copsey: Fidelity Telephone Co.

Representation from the Regional Bell Operating Companies:

T. R. Glenn: Midwest and Far West Regions
B. W. Baldwin: Northeast and Mid-Atlantic Regions
C. Perkins, Jr.: Southeast and US West Regions
R. A. Harris: Southwest Region

Dissenting Statement of Commissioner Anne P. Jones

In Re: In the Matter of MTS and WATS Market Structure, CC Docket No. 78-72, Phase I (Exchange Carrier Association)

An essential component of the Commission's access charge plan adopted in the *Third Report and Order* in this docket last December was the Exchange Carrier Association (ECA). In effect, the ECA will replace the traditional industry mechanism of settlements and division of revenues administered by AT&T. In many respects, the ECA replicates in form and function the existing mechanism for pooling and distributing industry revenues among local exchange carriers. So long as rate averaging and arbitrary jurisdictional cost allocation remain attributes of the structure of the telephone industry, some mechanism for revenue pooling is necessary.

My objection to the ECA, both in December and now, is that such an organization is both inconsistent with and inimical to the development of a competitive telecommunications industry. As I said last December, "I object to the creation of the ECA and question the Commission's authority to mandate the existence of such an organization. As a matter of public policy, the ECA is unnecessary since pooling is unnecessary. . . . I fear, however, that the ECA organization contemplated by the Commission's [access charge plan] will prove a hazard to telecommunications competition." My views on the ECA in

[3] Separate Statement of Commissioner Anne P. Jones Concurring and Dissenting in Part *In Re:* MTS and WATS Market Structure, CC Docket 78-72, Phase I, April 4, 1983, pp. 42-43.

December are unchanged today, and as a matter of policy and principle I cannot support the *Supplemental Order* presently before the Commission that defines the Composition of the ECA's board of directors.

The existing industry settlements and division of revenue process and its successor, the ECA, are institutions consistent with a closed-entry, regulated monopoly industry. They are inherently mechanisms for industry cooperation and potential collusion, not vigorous competition. I think the Commission should realize that regulatory policy that attempts to preserve traditional industry practices may seriously impede the ongoing evolution of a telecommunications industry that is destined to be competitive. In a sense, the creation of the ECA reflects a certain hesitancy by the Commission to accept the full implications and consequences of its pro-competitive policies. The day is long past, however, for the Commission to second-guess the wisdom of its pro-competitive decisions. I am confident that competition is the proper foundation of our policies toward the telephone industry. Thus, the Commission should move ahead with its pro-competitive agenda, not linger over the past.

In my view, the ECA is a vestige of the past and an impediment to the future. I can support neither the ECA in concept nor rules governing its organization. Therefore, I respectfully dissent from the Commission's decision to adopt rules for the establishment and management of the ECA.

[FR Doc. 83-18543 Filed 7-11-83; 8:45 am]

BILLING CODE 6712-01-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1039

[Ex Parte No. 346 (Sub-7)]

Rail Carrier; Railroad Exemption—Export Coal

AGENCY: Interstate Commerce Commission.

ACTION: Extension of time to file comments to notice of final rules and exemption.

SUMMARY: The decision in this proceeding served June 9, 1983 (48 FR 26822, June 10, 1983) gave interested persons 30 days to comment on the question of whether the exemption of rail export coal rates should be extended to the transportation of export coal moving in all-rail service to Canada and Mexico. Canadian Pacific Limited has requested a ten (10) day extension of that deadline. The request will be granted.

DATE: Comments are due July 18, 1983.

FOR FURTHER INFORMATION CONTACT: Louis E. Gitomer (202) 275-7245.

By the Commission, Reese H. Taylor, Jr., Chairman. Decided: June 30, 1983.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-18679 Filed 7-11-83; 8:45 am]

BILLING CODE 7035-01

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 611, 650, 651 and 652

[Docket No. 30527-99]

Foreign and Domestic Fisheries

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

ACTION: Final rule; technical amendments.

SUMMARY: NOAA issues this final rule, which implements technical amendments to foreign and domestic fishery regulations governing fishing in the Northwest Atlantic Ocean, to inform fishermen of the potential adverse effects of damaging submarine cables and of the fishermen's responsibilities and liability under the provisions of the Submarine Cable Act. This rule will incorporate notice of the provisions of the Submarine Cable Act in each part of Title 50 governing foreign and domestic fishing in the Northwest Atlantic Ocean. The rule is intended to inform fishermen of the existence of the Submarine Cable Act to reduce the likelihood of future cable damage through fishing operations.

EFFECTIVE DATE: July 12, 1983.

FOR FURTHER INFORMATION CONTACT: Kenneth L. Beal, 617-281-3600.

SUPPLEMENTARY INFORMATION: Transatlantic telecommunications cables are susceptible to damage by certain types of fishing gear. Fifty-two (52) cable breaks have occurred in the Northwest Atlantic during the period 1971 through 1983. All of these cable breaks have been attributed to damage inflicted by fishing operations. The American Telephone and Telegraph Company (AT&T) undertakes, through a major continuing program, to inform fishing vessel operators of the location of submarine cables through the provision of free charts marking cable locations and through other publicity efforts. NOAA issues this final rule to serve as notice in the foreign fishing regulations and in the regulations implementing fishery management plans governing fishing in the Northwest Atlantic Ocean of the provisions of the Submarine Cable Act.

Classification

This action is a notification of existing regulations and statutes; thus the provisions of Executive Order 12291, the Paperwork Reduction Act, and the National Environmental Policy Act do not apply to this action.

List of Subjects

50 CFR Part 611

Fish, Fisheries, Foreign relations, Reporting requirements.

50 CFR Part 650

Fish, Fisheries.

50 CFR Part 651

Fish, Fisheries, Reporting requirements.

50 CFR Part 652

Administrative practice and procedures, Fish, Fisheries, Reporting requirements.

Dated: July 6, 1983.

Carmen J. Blondin,

Deputy Assistant Administrator for Fisheries Resource Management, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR Parts 611, 650, 651, and 652 are amended as set forth below.

PART 611—FOREIGN FISHING

1. The authority citation for Part 611 reads as follows:

Authority: 16 U.S.C. 1801 *et seq.*, unless otherwise noted.

2. Part 611 is amended by adding a new § 611.18 to read as follows:

§ 611.18 Relation to other laws.

(a) Persons affected by these rules should be aware that other Federal and State statutes may apply to their activities.

(b) Fishing vessel operators shall exercise due care in the conduct of fishing activities near submarine cables. Damage to submarine cables resulting from intentional acts or from the failure to exercise due care in the conduct of fishing operations subjects the fishing vessel operator to enforcement action under the International Convention for the Protection of Submarine Cables, and to the criminal penalties prescribed by the Submarine Cable Act (47 U.S.C. 21) and other laws which implement that Convention. Fishing vessel operators also should be aware that the Submarine Cable Act prohibits fishing operations at a distance of less than one nautical mile from a vessel engaged in laying or repairing a submarine cable; or at a distance of less than one quarter

nautical mile from a buoy or buoys intended to mark the position of a cable when being laid or when out of order or broken.

3. The authority citation for Parts 650, 651, and 652 reads as follows:

Authority: 16 U.S.C. 1801 *et seq.*

PART 650—ATLANTIC SEA SCALLOP FISHERY

4. Section 650.3 is amended by redesignating the current language as paragraph (a) and adding a new paragraph (b) to read as follows:

§ 650.3 Relation to other laws.

(a) * * *

(b) Fishing vessel operators shall exercise due care in the conduct of fishing activities near submarine cables. Damage to the submarine cables resulting from intentional acts or from the failure to exercise due care in the conduct of fishing operations subjects the fishing vessel operator to the criminal penalties prescribed by the Submarine Cable Act (47 U.S.C. 21) which implements the International Convention for the Protection of Submarine Cables. Fishing vessel operators also should be aware that the Submarine Cable Act prohibits fishing operations at a distance of less than one nautical mile from a vessel engaged in laying or repairing a submarine cable; or at a distance of less than one quarter nautical mile from a buoy or buoys intended to mark the position of a cable when being laid or when out of order or broken.

PART 651—ATLANTIC GROUNDFISH: COD, HADDOCK, YELLOWTAIL FLOUNDER FISHERIES

5. Section 651.3 is revised to read as follows:

§ 651.3 Relation to other laws.

(a) Fishing for squid, mackerel, and butterfish, which is affected by these rules, also is governed by other domestic rules under Chapter VI, Title 50 of the Code of Federal Regulations.

(b) Fishing vessel operators shall exercise due care in the conduct of fishing activities near submarine cables. Damage to submarine cables resulting from intentional acts or from the failure to exercise due care in the conduct of fishing operations subjects the fishing vessel operator to the criminal penalties prescribed by the Submarine Cable Act (47 U.S.C. 21) which implements the International Convention for the Protection of Submarine Cables. Fishing vessel operators also should be aware that the Submarine Cable Act prohibits fishing operations at a distance of less than one nautical mile from a vessel engaged in laying or repairing a submarine cable; or at a distance of less than one quarter nautical mile from a buoy or buoys intended to mark the position of a cable when being laid or when out of order or broken.

PART 652—ATLANTIC SURF CLAM AND OCEAN QUAHOG FISHERIES

6. Section 652.3 is redesignated as § 652.10 and a new § 652.3 is added to read as follows:

§ 652.3 Relation to other laws.

(a) Persons affected by these rules should be aware that other Federal and State statutes may apply to their activities.

(b) Fishing vessel operators shall exercise due care in the conduct of fishing activities near submarine cables. Damage to submarine cables resulting fron intentional acts or from the failure to exercise due care in the conduct of fishing operations subjects the fishing vessel operator to the criminal penalties prescribed by the Submarine Cable Act (47 U.S.C. 21) which implements the International Convention for the Protection of Submarine Cables. Fishing vessel operators also should be aware that the Submarine Cable Act prohibits fishing operations at a distance of less than one nautical mile from a vessel engaged in laying or repairing a submarine cable; or at a distance of less than one quarter nautical mile from a buoy or buoys intended to mark the position of a cable when being laid or when out of order or broken.

[FR Doc. 83-18694 Filed 7-11-83; 8:45 am]

BILLING CODE 3510-22-M

Proposed Rules

Federal Register
Vol. 48, No. 134
Tuesday, July 12, 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.

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 317

Appointment, Reassignment, Transfer, and Reinstatement in the Senior Executive Service

AGENCY: Office of Personnel Management.

ACTION: Proposed regulations with comments invited for consideration in final rulemaking.

SUMMARY: This new subpart implements the right of SES career appointees to retain certain SES provisions while serving under a Presidential appointment made by and with the advice and consent of the Senate. This benefit was provided in the Civil Service Reform Act of 1978. Regulations are needed to insure uniformity in the implementation of the law.

DATES: Written comments will be considered if received no later than September 12, 1983.

ADDRESS: Send or deliver written comments to the Associate Director, Workforce Effectiveness and Development Group, Office of Personnel Management, 1900 E Street, NW., Room 5305, Washington, DC 20415

FOR FURTHER INFORMATION CONTACT: Loretta Terando (202) 632-4695.

SUPPLEMENTARY INFORMATION: Section 3392(c) of 5 U.S.C. provides that an SES member, serving in a career SES appointment, who is appointed in the executive branch by the President, with the advice and consent of the Senate, to a position at Executive Level V or higher may elect:

> to continue to have the provisions of this title relating to basic pay, performance awards, awarding of ranks, severance pay, leave, and retirement apply as if the career appointee remained in the Senior Executive Service position from which he was appointed.

Legislative history makes clear that this provision was intended to further Congressional intent of encouraging career SES members to accept Presidential appointments. To take into account the interests of individual SES members, Congress provided that the SES benefits could be selected at each appointee's option. In accord with the intent of the law, the proposed regulations provided maximum flexibility by allowing an election under section 3392(c) for any combination of the SES benefits listed, rather than requiring an appointee to elect all or none of the benefits. Thus, for example, an appointee may make a section 3392(c) election to receive the pay of the Presidentially appointed position if that is higher than the SES pay rate, while continuing to receive the other SES benefits.

Section 3392(c) states that the election shall be made "at such time and in such manner as OPM may provide." Therefore, OPM has decided to permit an election to be made annully (i.e., an individual has to wait twelve months after the anniversary date of the Presidential appointment to change the election. Thereafter, the election can be changed at any time but no more than once during any twelve months' period). This will allow an appointee to consider current circumstances in making his or her choice. Further, since there is no requirement that the election be made only for the purpose of dropping coverage, we are permitting the election to be made each year for the purpose of adding *or* dropping coverage.

OPM has interpreted the coverage of this provision to include a career SES member who is given a recess appointment by the President to an Executive Level position that otherwise requires the advice and consent of the Senate to be filled. The intent of the Congress in adopting 5 U.S.C. 3392(c) plainly was to protect the rights of career members if the SES when elevated by the President to positions subject to Senate confirmation. Recess appointments are a constitutionally sanctioned means (Article II, section 2) of filling positions otherwise requiring Senate confirmation when the Senate is not in session. Individuals given recess appointments have been entitled to the same rights and privileges as those whose appointments are confirmed when the Senate is in session, and thus we have concluded these individuals are also entitled to coverage under 5 U.S.C. 3392(C).

E.O. 12291, Federal Regulation

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

Regulatory Flexibility Act

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

List of Subjects in 5 CFR Part 317

Government employees.

Office of Personnel Management.
Donald J. Devine,
Director.

PART 317—APPOINTMENT, REASSIGNMENT, TRANSFER AND REINSTATEMENT IN THE SENIOR EXECUTIVE SERVICE

* * * * *

Accordingly, the Office of Personnel Management proposes to amend 5 CFR Part 317 by adding Subpart H, § 317.801, to read as follows:

Subpart H—Retention of SES Provisions: Presidential Appointee

Sec.
317.801 Retention of SES provisions.

Authority: 5 U.S.C. 3392 and 3397.

Kurt M. Springmann,
Asst. Issuance System Mgr.

Subpart H—Retention of SES Provisions: Presidential Appointee

§ 317.801 Retention of SES provisions.

(a) *Coverage.* This subpart applies to a career appointee in the SES appointed by the President to a civilian position in the executive branch with the advice and consent of the Senate at a rate of basic pay which is equal to or greater than the rate payable for Executive Level V.

(b) *Retention of provisions.* At the time of appointment an appointee covered by paragraph (a) of this section may elect to retain some, all, or none of the following SES provisions: Basic pay, performance awards, awarding of ranks, severance pay, leave, and retirement. The election shall remain in effect for no less than one year.

(c) *Change in Election.* Except as provided by paragraph (b) of this section, a career appointee is permitted

to make an election for purposes of adding or dropping coverage no more than once during any twelve months' period.

(5 U.S.C. 3392 and 3397)

[FR Doc. 83-18685 Filed 7-11-83; 8:45 am]

BILLING CODE 6325-01-M

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Parts 27, 28, and 61

Cotton and Cottonseed; Revision in Fees

Correcton

In FR Doc 83-18089, appearing on page 31047, in the issue of Wednesday July 6, 1983, under the **"DATE"** heading "September 6, 1982" should have read "September 6, 1983".

BILLING CODE 1505-01-M

Soil Conservation Service

7 CFR Part 658

Farmland Protection Policy

AGENCY: Soil Conservation Service, Agriculture.

ACTION: Proposed rule.

SUMMARY: This action proposes a rule for implementation of the Farmland Protection Policy Act, Subtitle I of Title XV of the Agriculture and Food Act of 1981, Pub. L. 97-98. The rule would add a new Part 658 to Title 7 of the Code of Federal Regulations to state criteria for identifying and considering the effects of Federal programs on the conversion of farmland to non-agricultural uses and identifies technical assistance to agencies of State, Federal, and local governments that will be provided by the Department of Agriculture.

DATES: Written comments on this proposed rule must be received by September 12, 1983.

ADDRESS: Interested persons should send written comments to Howard Tankersley, Executive Secretary, USDA Land Use Issues Working Group, Soil Conservation Service, P.O. Box 2890, Washington, D.C. 20013, telephone 202-382-1855.

FOR FURTHER INFORMATION CONTACT: Howard Tankersley, telephone 202-382-1855.

SUPPLEMENTARY INFORMATION: The purpose of the Farmland Protection Policy Act is to "minimize the extent to which Federal programs contribute to the unnecessary and irreversible conversion of farmland to nonagricultural uses, and to assure that Federal programs are administered in a manner that, to the extent practicable, will be compatible with State, unit of local government, and private programs and policies to protect farmland." [Section 1540(b), 7 U.S.C 4201(b)].

Section 1541(a) of the Act, 7 U.S.C. 4202(a), requires the United States Department of Agriculture (USDA), in cooperation with other Federal agencies, to develop criteria for identifying the effects of Federal programs on the conversion of farmland to nonagricultural uses. The proposed rule presents these criteria.

Section 1541(b) of the Act, 7 U.S.C. 4202(b), requires Federal agencies to use these criteria: (1) To identify and take into account the adverse effects of Federal programs on the preservation of farmland, (2) to consider alternative actions, as appropriate, that could lessen such adverse effects, and (3) to assure that such Federal programs, to the extent practicable, are compatible, with State and local government and private programs and policies to protect farmland. The proposed rule includes suggested guidelines for use of these criteria by Federal agencies.

Section 1542 of the Act (7 U.S.C. 4203) requires Federal agencies, with USDA assistance, to review current laws, rules and regulations, policies, and procedures to determine whether any provision thereof will prevent such agency from taking appropriate action to comply fully with the Act and to develop proposals for action to bring its programs, authorities and administrative activities into conformity with the purpose and policy of the Act. The proposed rule describes the USDA assistance available on request by the agencies for these purposes.

Section 1543 of the Act (7 U.S.C. 4204) encourages the Secretary of Agriculture to provide technical assistance to State and local government agencies, and nonprofit organizations as determined by the Secretary, that desire to develop programs or policies to limit the conversion of productive farmland to nonagricultural uses. The proposed rule describes this technical assistance.

This proposed rule applies only to Federal agencies and their programs. Nothing in it or in the Act prevents landholders from converting farmland to nonagricultural uses. The proposed rule neither applies to nor regulates independent actions of private individuals, firms, or organizations or State or local governments. It does, however, apply to a wide range of Federal agency decisions on applications by these entities for Federal program assistance.

This action has been reviewed under Executive Order 12291 and Secretary's Memorandum No. 1512-1 and has been designated "nonmajor." The Assistant Secretary for Natural Resources and Environment has determined that this action will not have economic impact on the economy of $100 million or more; result in a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or result in significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of U.S.-based enterprises to compete with foreign-based enterprises in domestic or export markets. This rule does not contain information collection requirements which require approval by the Office of Management and Budget under 44 U.S.C. 3501 et seq.

This document has been prepared by the Land Use Division of the Soil Conservation Service in consultation with the Natural Resources and Environment Committee of the Department of Agriculture. The Chairman of the Committee is John B. Crowell, Jr., Assistant Secretary for Natural Resources and Environment.

List of Subjects in 7 CFR Part 658

Agriculture, Soil conservation, Farmland.

Accordingly, it is proposed to add 7 CFR Part 658, Table of Contents and text, to read as follows:

PART 658—FARMLAND PROTECTION POLICY

Sec.

Authority: Sections 1539-1549, Pub. L. 97-98, 95 Stat. 1341-1344, 7 U.S.C. 4201 et seq.].

§ 658.1 Purpose.

This part sets out the criteria developed by the Secretary of Agriculture, in cooperation with other Federal agencies, pursuant to Section 1541(a) of the Farmland Protection Policy Act (FPPA), 7 U.S.C. 4202(a). As required by Section 1541(b) of the Act, 7 U.S.C. 4202(b), Federal agencies are to use the criteria to identify and take into account the adverse effects of their programs on the preservation of

farmland, to consider alternative actions, as appropriate, that could reduce such adverse effects, and to ensure that their programs are compatible to the extent practicable with State and local government and private programs and policies to protect farmland. Guidelines to assist agencies in using the criteria are included in this part. This part also describes USDA technical assistance available to Federal, State, and local government agencies and nonprofit organizations pursuant to the Act.

§ 658.2 Definitions.

(a) "Farmland" means prime or unique farmland or other farmland that the appropriate State of local government agency or agencies determine to be of statewide or local importance and that the Secretary of Agriculture determines should be considered farmland for the purposes of this part. Technical definitions for these types of farmland are in 7 CFR 657.5.

(b) "Federal agency" means a department, agency, independent commission, or other unit of the Federal Government.

(c) "Federal programs" means those activities or responsibilities of Federal agencies that involve undertaking, financing, or assisting construction or improvement projects or acquiring, managing, or disposing of Federal lands and facilities [Section 1540(c)(4) of the Act, 7 U.S.C. 4201(c)(4)].

§ 658.3 Applicability and exemptions.

(a) Section 1540(b) of the Act, 7 U.S.C. 4201(b), states that the Act applies to Federal program actions that contribute to the unnecessary and irreversible conversion of farmland to nonagricultural uses. Section 1540(c)(4) of the Act defines "Federal program" for purposes of the Act. Agencies may obtain assistance from USDA in determining whether or not a proposed location or site meets the Act's definition of farmland. The USDA Soil Conservation Service (SCS) field office serving the area will provide this assistance. Written requests for formal determinations will be answered within 45 days of receipt.

In most cases, determinations can be made immediately if a requestor visits the field office. Many State and local government planning offices can also provide this assistance.

(b) Federal actions exempt from the Act's provisions are as follows:

(1) Acquisition or use of farmland by a Federal agency for national defense purposes is exempted by Section 1547(b) of the Act, 7 U.S.C. 4208(b).

(2) Construction or improvement projects that were beyond the planning stage and in either the active design or construction state on June 22, 1982, the effective date of the Act, are exempt from the Act. [Section 1540(c)(4) of the Act, 7 U.S.C. 4201(c)(4)].

§ 658.4 Criteria.

This section states the criteria required by Section 1541(a) of the Act, 7 U.S.C. 4202(a). The criteria were developed by the Secretary of Agriculture in cooperation with other Federal agencies and are as follows:

(a) *Land Evaluation Criteria.* Based on the following criteria, all farmland will be evaluated and each parcel assigned an overall score between 0 and 100 representing its value as farmland relative to other parcels in the area. This evaluation will be provided by the Soil Conservation Service by means of its Land Evaluation System which is based on the National Cooperative Soil Survey, SCS field office technical guides and other sources of information relating to agricultural land. The criteria are:

(1) Whether the site is prime or unique farmland as defined by the Act.

(2) If the site is not prime or unique farmland as defined by the Act, whether it has been determined by the State or local unit of government to be farmland of statewide or local importance and determined by the Secretary of Agriculture to be considered as "farmland" covered by the Act.

(3) The total amount of farmland land in the area and the percentage of this total which is farmland covered by the Act.

(4) The value, for agricultural production, of the farmland to be converted by the project relative to the value of other farmland in the area, and;

(5) The percentage of farmland in the area with this value which the project would convert.

(b) *Site Assessment Criteria.* The following criteria are to be used by Federal agencies to assess the suitability of each proposed site for protection as farmland along with the land evaluation information described in paragraph (a) of this section. Each criterion will be given a score on a scale of 0 to 10. Conditions suggesting top, median, and bottom scores are indicated for each criterion. The agency would make scoring decisions in the context of each proposed site by examining the site, the surrounding area and the programs and policies of the State or local unit of government in which the site is located. The criteria are:

(1) Is the land use in the area where the project is intended already substantially nonagricultural?

	Points
Very little of the land in the area in nonagricultural use	10
Some land in area in nonagricultural use	5
Most of land in area in nonagricultural use	0

(2) Is the land adjacent to the site already substantially nonagricultural?

	Points
None of adjacent land in nonagricultural use	10
Some of adjacent land in nonagricultural use	5
Almost all of adjacent land in nonagricultural use	0

(3) Has a substantial percentage of the site been farmed during the last several years?

	Points
Most of site has been farmed during last several years	10
Some of the site has been farmed during last several years	5
Very little of the site has been farmed during last several years	0

(4) Is the site protected by state or local government zoning, tax concessions, "right to farm" legislation or other similar laws?

	Points
Site is protected by all available legislation	10
Site is protected by some of available legislation	5
Site is not protected by any such legislation	0

(5) Does the project have special siting requirements that call for use of this site?

	Points
Project has no special siting requirements	10
Project has some special siting requirements	5
Project has substantial special siting requirements	0

(6) Can the purpose served by this project be achieved, without significant

additional cost, on other available lands with similar attributes but having less relative value for agricultural production?

	Points
A large number of other sites less valuable for agriculture exist	10
A few other sites less valuable for agriculture exist	5
No other sites less valuable for agriculture exist	0

(7) Is the proposed project compatible with comprehensive development plans adopted by appropriate state, regional or local units of government?

	Points
Proposed project is incompatible with plans	10
Proposed project is in part compatible with plans	5
Proposed project is fully compatible with plans at all levels	0

(8) How close is the site to an urban center?

	Points
The site is distant from an urban center	10
The site is close but not adjacent to an urban center	5
The site is adjacent to an urban center	0

(9) How close is the site to streets, water and sewer installations and other facilities which would promote nonagricultural use?

	Points
None of the services exist at or near site	10
Some of the services exist at or near site	5
All of the services exist at or near site	0

(10) Has the owner or developer of the site, consistent with applicable laws, made significant investments, such as extensive engineering or architectural studies, in preparing to develop the site for nonagricultural use?

	Points
No significant investment made to convert site	10
Some investment made to convert site	5
Significant investment made to convert site	0

(11) Does the farm containing the site have sufficient land to be expected to continue as a farm?

	Points
More than sufficient	10
Approximately sufficient	5
Not sufficient	0

(12) Will the project cause a significant amount of remaining farmland to become nonfarmable because of interference with land patterns?

	Points
A significant amount	10
Somewhat significant	5
Not significant	0

(13) Does the farm containing the site have access to farm suppliers, equipment dealers, processing and storage facilities for farm products and other support services for agriculture?

	Points
Easy access to many services	10
Reasonable access to adequate services	5
Poor access or inadequate services available	0

(14) Does the farm containing the site have substantial on-farm investments such as barns, other storate buildings, fruit trees and vines, field terraces, waterways or other soil and water conservation measures?

	Points
High level of on-farm investment	10
Average amount of on-farm investment	5
Low level to no on-farm investment	0

(15) Would the project, by converting that farmland to nonagricultural use, reduce the demand for agricultural support services so as to jeopardize the continued existence of these support services in the area and thus, the viability of the farms remaining in the area?

	Points
Substantial reduction in demand for support services if site is converted	10
Some reduction in demand for support services	5
No significant reduction in demand for support services	0

(16) Is the nature of the project sufficiently incompatible with agriculture that it is likely to contribute to the eventual conversion of surrounding farmland to nonagricultural use?

	Points
Proposed project is incompatible with existing agricultural use of this degree	10
Proposed project is partly compatible with existing agricultural use	5
Proposed project is fully compatible with existing agricultural use	0

§658.5 Guidelines for use of criteria.

As stated above and as provided in the Act, each Federal agency shall use the criteria to identify and take into account the adverse effects of Federal programs on the preservation of farmland; consider alternative actions, as appropriate, that could lessen such adverse effects; and assure that such Federal programs, to the extent practicable, are compatible with State, unit of local government and private programs and policies to protect farmland. The following are suggested guidelines to assist the agencies in this task.

(a) The Soil Conservation Service will measure the relative value of the site as farmland according to the criteria set forth in § 658.4(a), above. It will then assign an overall score to the site reflecting its value on a relative scale of 0 to 100.

(b) Individual Federal agencies will be able to measure the suitability of the site for protection as farmland according to the criteria set forth in § 658.4(b), above. Using any relative weighting among the criteria that the agency desires, the agency may assign a total score to the site on a scale of 0 to 160. Sites most suitable for protection under these criteria would receive the highest overall scores, and sites least suitable, the lowest scores.

(c) The score for relative value of the site for agricultural [Subsection (a) above] and the score for suitability of the site for protection as farmland [Subsection (b) above], when combined, would be for the site in question, a

measurement of all the criteria which USDA has developed for the agencies to use.

(d) With assistance from the Soil Conservation Service, numerous States and local units of government have been developing and adopting Land Evaluation and Site Assessment (LESA) systems to evaluate the productivity of agricultural land and its suitability or nonsuitability for conservation to nonagricultural use. Therefore, State and local units of government in which Federal agencies intend to locate projects may have already performed an evaluation process similar to the criteria contained in this rule applicable to Federal agencies. In such cases, a Federal agency will find the local or State evaluation an appropriate benchmark for assuring, as the Act requires, that its program, to the extent practicable, is compatible with State or unit of local government programs and policies to protect farmland.

§ 658.6 Technical assistance.

(a) Section 1543 of the Act, 7 U.S.C. 4204, authorizes USDA to provide technical assistance to States, units of local government, and nonprofit organizations in developing their programs or policies to protect farmland from unnecessary conversion to nonagricultural uses or to guide urban development. In § 2.62, of this Title the Soil Conservation Service is delegated leadership responsibility within USDA for the activities treated in this Part.

(b) In providing assistance to States, local units of government, and nonprofit organizations, USDA will make available maps and other soils information from the National Cooperative Soil Survey through SCS field offices and will assist State and local officials in devising Land Evaluation and Site Assessment (LESA) systems. These systems would provide uniform and systematic ways for State and local officials to identify farmland of varying qualities and to assess its desirability for farming.

(c) Additional assistance may, within available resources, be obtained from local offices of other USDA agencies. The Agricultural Stabilization and Conservation Service and the Forest Service can provide information including aerial photography, crop history data, and related information. In many States, the Cooperative Extension Service can provide help in understanding and identifying farmland protection issues and problems, resolving conflicts, developing alternatives, deciding on appropriate actions, and implementing those decisions. The Forest Service will cooperate in planning for uses of land adjacent to National Forests and will consider, wherever practicable, coordinating the management of National Forest lands with the management of adjacent lands.

(d) Pursuant to Section 1540 (a) and (b) of the Act, 7 U.S.C. 4201 (a) and (b), USDA will encourage Federal agencies to protect farmland from unnecessary and irreversible conversion to nonagricultural uses. USDA will, consistent with available resources, provide information and technical assistance to States, units of local government, and nonprofit organizations in their efforts to protect farmland.

(e) An opportunity will be provided for consultation by elected officials of State and local governments that would be affected by the proposed action, consistent with the provisions of Executive Order 12372, "Intergovernmental Review of Federal Program," and related rules and regulations promulgated by USDA.

(f) Officials of State agencies, local units of government, nonprofit organizations, or regional, area, state-level, or field offices of Federal agencies or landholders may obtain assistance by contacting the office of the SCS State Conservationist. A list of Soil Conservation Service state office locations appears in Appendix A, § 661.6 of this Title. If further assistance is needed, requests should be made to the Assistant Secretary for Natural Resources and Environment; Office of the Secretary, Department of Agriculture, Washington, D.C. 20250.

§ 658.7 USDA assistance with Federal agencies' reviews of policies and procedures.

(a) Section 1542 of the Act, 7 U.S.C. 4203, requires each Federal agency, with the assistance of USDA, to review current provisions of law, administrative rules and regulations, and policies and procedures applicable to it to determine whether any provision thereof will prevent such agency from taking appropriate action to comply fully with the provisions of the Act. Each Federal agency with the assistance of USDA, is also required as appropriate, to develop proposals for action to bring its programs, authorities, and administrative activities into conformity with the purpose and policy of the Act.

(b) USDA can provide certain assistance to other Federal agencies for the purposes specified in Section 1542 of the Act, 7 U.S.C. 4203. If a Federal agency identifies or suggests changes in laws, administrative rules and regulations, policies, or procedures that may affect the agency's compliance with the Act, USDA can advise the agency of the probable effects of the changes on the protection of farmland. This assistance is provided on request, as permitted by staffing and budget limitations. To request this assistance, officials of Federal agencies should correspond with the Chief, Soil Conservation Service, P.O. Box 2890, Washington, D.C. 20013.

Dated: July 6, 1983.

John B. Crowell, Jr.,

Assistant Secretary, Natural Resources and Environment.

[FR Doc. 83-18630 Filed 7-11-83; 8:45 am]

BILLING CODE 3410-16-M

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7 CFR Part 991

Hops of Domestic Production; Waiver of Bona Fide Effort Requirement for the 1983-84 Marketing Year

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This notice of proposed rulemaking invites written comments on waiving the bona fide effort requirement which obligates hop producers to make a bona fide effort to produce their annual allotment or have their allotment bases reduced. This proposal is considered necessary because of the current inactive market and burdensome oversupply of hops. The proposal was recommended unanimously by the Hop Administrative Committee, which works with the USDA in administering the marketing order.

DATE: Comments must be received by July 27, 1983.

ADDRESS: Send two copies of comments to the Hearing Clerk, Room 1077, South Building, U.S. Department of Agriculture, Washington, D.C. 20250, where they will be available for public inspection during regular business hours.

FOR FURTHER INFORMATION CONTACT: Frank M. Grasberger, Acting Chief, Specialty Crops Branch, Washington, D.C. 20250 (202) 447-5053.

SUPPLEMENTARY INFORMATION: This proposed rule has been reviewed under USDA guidelines implementing Executive Order 12291 and Secretary's Memorandun No.1512-1 and has been determined to be a "non-major" rule under criteria contained therein.

William T. Manley, Deputy Administrator, Agricultural Marketing Service, has certified that this action will not have a significant economic impact on a substantial number of small entities.

Frank M. Grasberger, has determined that an emergency situation exists which warrants less than a 60-day comment period. The 1983–84 marketing year begins August 1, 1983, and producers and handlers need sufficient time to plan their operations accordingly.

The proposal would waive the bona fide effort requirement for the 1983–84 marketing year. The requirement is contained in § 991.38(a)(5) of Order No. 991 (7 CFR Part 991), as amended, regulating the handling of hops of domestic production. The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The proposal was recommended unanimously by the Hop Administrative Committee.

Pursuant to § 991.38(a)(5) of the order, the right of each producer to retain all or part of his allotment base depends on his continuing to make a bona fide effort to produce his annual allotment. If a producer fails to make a bona fide effort in any year to produce his annual allotment, his allotment base must be reduced by an amount equivalent to the unproduced proportion. Subparagraph (5) also authorizes the Committee, with approval of the Secretary, to waive the bona fide effort requirement.

The Committee recommended waiving the bona fide effort requirement for the 1983–84 marketing year because it concluded that its implementation would result in additional and unneeded production. Currently, the hop market is inactive and an oversupply of hops exists, and enforcement of the bona fide effort requirement for the 1983–84 marketing year could further depress the market. (The following section will not be published in the Code of Federal Regulations).

List of Subjects in 7 CFR Part 991

Marketing agreements and orders, Hops.

Part 991—[AMENDED]

It is proposed that § 991.938 be added to read as follows:

§ 991.938 Waiver of bona fide effort requirement for the 1983–84 marketing year.

The bona fide effort requirement provided for in § 991.38(a)(5) shall be waived for the 1983–84 marketing year beginning August 1, 1983.

Dated, July 7, 1983.

D. S. Kuryloski,

Deputy Director, Fruit and Vegetable Division.

[FR Doc. 83-18751 Filed 7-11-83; 8:45 am]

BILLING CODE 3410-02-M

FEDERAL TRADE COMMISSION

16 CFR Part 13

[File No. 792 3055]

Avco Financial Services, Inc.; Proposed Consent Agreement With Analysis To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Proposed consent agreement.

SUMMARY: In settlement of alleged violations of federal law, prohibiting unfair acts and practices and unfair methods of competition, this consent agreement, accepted subject to final Commission approval, would require a Newport Beach, CA, finance company, among other things, to cease in connection with the collection of debts, using obscenities in conversations with debtors and third parties; threatening to use physical force or violence; improperly contacting or communicating with debtors, their friends, relatives, and employers; or engaging in any conduct that would harass, abuse or oppress a debtor or third party. The order would prohibit the company from contacting consumers known to be represented by an attorney or who request in writing that the company cease communications. The order would additionally require that the company maintain a toll-free customer service telephone number; include in certain notices, a prescribed statement informing the recipient of his/her rights under federal law and of the availability of complaint resolution procedures; and resolve complaints within 90 days. The company would also be required to explicitly prohibit its employees from engaging in unlawful debt collection practices and to impose disciplinary sanction for violations.

DATE: Comments must be received on or before September 12, 1983.

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

FOR FURTHER INFORMATION CONTACT: John F. O'Brien, Director, 8R, New York Regional Office, Federal Trade Commission, 2243–EB Federal Bldg., 26 Federal Plaza, New York, N.Y. 10278. (212) 264–1207.

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

List of Subjects in 16 CFR Part 13

Debt collection, Trade practices.

Before Federal Trade Commission

[FILE NO. 792–3055]

Agreement Containing Consent Order to Cease and Desist

In the Matter of AVCO FINANCIAL SERVICES, INC., a corporation.

The Federal Trade Commission having initiated an investigation of certain acts and practices of Avco Financial Services, Inc., a corporation, and it now appearing that Avco Financial Services, Inc., hereinafter sometimes referred to as proposed respondent, is willing to enter into an agreement containing an order to cease and desist from the use of the acts and practices being investigated.

It is hereby agreed by and between Avco Financial Services, Inc., by its duly authorized officer(s) and its attorney(s), and counsel for the Federal Trade Commission ("Commission") that:

1. Proposed respondent, Avco Financial Services, Inc., is a corporation organized, existing and doing business under and by virtue of the laws of the State of Delaware, with its office and principal place of business located at 620 Newport Center Drive, Newport Beach, California 92660.

2. This agreement is for settlement purposes only and does not constitute an admission by proposed respondent that the law has been violated as alleged in the draft of complaint here attached.

3. Proposed respondent admits all the jurisdictional facts set forth in the attached draft complaint.

4. Proposed respondent waives:

(a) Any further procedural steps;

(b) The requirement that the Commission's decision contain a statement of findings of fact and conclusions of law; and

(c) All rights to seek judicial review or otherwise to challenge or contest the validity of the order entered pursuant to this agreement.

5. This agreement shall not become part of the public record of the proceeding unless and until it is accepted by the Commission. If this agreement is accepted by the Commission it, together with the draft of complaint contemplated thereby and related material pursuant to Rule 2.34, will be placed on the public record for a period of sixty (60) days and information in respect thereto publicly released. The Commission thereafter may withdraw its acceptance of this agreement and so notify the proposed respondent, in which event the Commission will take such action as it may consider appropriate or issue and serve its complaint (in such form as the circumstances may require) and decision, in disposition of the proceeding.

6. This agreement contemplates that, if it is accepted by the Commission, and if such acceptance is not subsequently withdrawn by the Commission pursuant to the provisions of Section 2.34 of the Commission's Rules, the Commission may, without further notice to proposed respondent, (1) issue its complaint corresponding in form and substance with the draft of the complaint here attached and its decision containing the following order to cease and desist in disposition of the proceeding, and (2) make information public in respect thereto. When so entered, the order to cease and desist shall have the same force and effect and may be altered, modified or set aside in the same manner and within the same time provided by statute for other orders. The order shall become final upon service upon the proposed respondent. Delivery by the U.S. Postal Service of the complaint and decision containing the agreed-to order to proposed respondent's address as stated in this agreement shall constitute service. Proposed respondent waives any right it may have to any other manner of service. The complaint may be used in construing the terms of the order, and no agreement, understanding, representation, or interpretation not contained in the order or the agreement may be used to vary or contradict the terms of the order.

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

Order

For the purposes of this order, the following definitions shall apply:

Definitions

A. "Avco Financial Services, Inc.," means Avco Financial Services, Inc. and its subsidiaries, to the extent that such entities are engaged in the extension of consumer credit through the issuance of consumer loans, the refinancing of consumer's outstanding indebtedness and the acquisition of retail installment contracts, within the United States of America, its territories or possessions, and each officer, director, employee, agent or representative acting or purporting to act on its or their behalf.

B. "Subsidiary" means any domestic corporation or entity, fifty (50) percent or more of the outstanding voting shares of which are owned directly or indirectly by Avco Financial Services, Inc.

C. "Consumer loan" means a cash advance by Avco Financial Services, Inc., which is received by a consumer, for which the payment of a "finance charge" within the meaning of the Truth in Lending Act, 15 U.S.C. 1601, as amended, and Regulation Z, 16 CFR Part 226 (1980), is or may be required, and which is used primarily for personal, family or household purposes.

D. "Debtor" or "Consumer' means any natural person obligated or allegedly obligated to pay any debt, including any cosigner.

E. "Debt" shall mean any obligation or alleged obligation of a natural person to pay money to Avco Financial Services, Inc., in which the money, property or services which are the subject of the transaction which gave rise to the obligation are primarily used for personal, family or household purposes, whether or not such obligation has been reduced to judgment.

F. "Delinquent" means the state at which a debt is due and unpaid at the time fixed by contract.

G. "Collecting a debt" of "debt collection" means any activity other than the use of judicial process and the making of ancillary third party contacts which is intended to or does bring about repayment of all or part of a consumer debt.

H. "Ancillary third party contacts" means communications which are collateral to the direct debt collection process, including but not limited to, contacts with other creditors, submission of credit reports or credit inquiries to credit bureaus, and contacts with debt collection agencies, collection attorneys, bankruptcy attorneys and judicial and quasijudicial authorities.

I. "Third party" means any natural person or entity not obligated to pay the debt which is the basis of the debt collection activity by Avco Financial Services, Inc.

J. "Location information" means a consumer's residence and his telephone number at such place, or his place of employment.

I

It is ordered that respondent Avco Financial Services, Inc., a corporation, its successors and assigns, and respondent's officers, agents, representatives and employees, directly or through any corporation, subsidiary, division or other device, in the course of collecting a debt, in or affecting commerce, as "commerce" is defined in the Federal Trade Comission Act, as amended, do forthwith cease and desist from:

a. Using obscene or profane language in conversations with debtors or third parties, or language or tone of voice the natural consequence of which is to harass, abuse or oppress the hearer.

b. Making repeated or continuous telephone calls with intent to harass, abuse or oppress the person at the called number.

c. Contacting or communicating with:

(1) Any person, by telephone or otherwise, at times or places known or which should be known by the contactor or communicator to be inconvenient to such person. Respondent shall assume that the convenient time for communicating with such person is after 8 o'clock AM and before 9 o'clock PM, local time at such person's location, unless respondent has knowledge of circumstances to the contrary.

(2) Any consumer's place of employment, by telephone or otherwise, where such contacts are known or should be known by the contactor or communicator to be objected to or prohibited by the consumer's employer.

(3) Any consumer, where respondent knows that the consumer is represented by an attorney acting on behalf of and in the name of the consumer with respect to the debt, and has knowledge of such attorney's name and address; provided, however, that respondent may communicate directly with the consumer if: (1) The attorney fails to respond to a communication from respondent within such time as prescribed by state law or, if state law is silent, within twenty-one (21) days, or (2) the attorney consents to

direct communication with the consumer, or (3) the communication is made with the express permission of a court of competent jurisdiction.

(4) Any consumer if such person has notified respondent in writing that said consumer refuses to pay the debt or is not obligated to pay the debt and wishes respondent to cease further communication; except that respondent may transmit such written notices as are required by law and, in addition, may make one further contact after the initial notification by the consumer to cease further communication:

(i) To inform the consumer of the specified remedies which are ordinarily invoked by respondent; or

(ii) To pursue bona fide compromise and settlement negotiations which may continue upon the written consent of the consumer; or

(iii) To advise the consumer that respondent will cease further communication.

d. Using or threatening the use of force or violence to harm the physical person or property of any person.

e. Engaging in any conduct the natural consequence of which is to deceive any person including, but not limited to, making any false, misleading or deceptive representation.

f. Engaging in any conduct the natural consequence of which is to harass, abuse or oppress any person including, but not limited to, repeated, substantial harassment and threatening that nonpayment will result in actions which are not intended to be taken or which cannot legally be taken, such as disclosure of the debt to third parties other than through ancillary third party contacts.

g. Contacting any third party in the course of collecting a debt without the express consent of the consumer given at the time of collecting the debt, except:

(1) The consumer's attorney.

(2) Third parties, for the purpose of acquiring location information where the whereabouts of the consumer are genuinely unknown and to make reasonable inquiries concerning the nature and extent of a consumer's property; provided, however, that no mention of the debt is made.

(3) Third parties, as permitted by a court of competent jurisdiction.

(4) Other creditors, credit reporting agencies, debt collection agencies, collection attorneys, bankruptcy attorneys and other judicial and quasi-judicial authorities.

For the purpose of this paragraph, the term "consumer" includes the consumer's spouse, parent (if the consumer is a minor), guardian, executor, or administrator.

h. Misrepresenting the business, company or personal identity of respondent or its employees.

Provided, that it shall be permissible under this paragraph for respondent's representatives, agents or employees to identify themselves in acordance with regularly used pseudonyms which are recorded, and said records are maintained by respondent for a period of three (3) years.

i. Representing, directly or by implication, either orally or in writing, that (1) nonpayment of a debt will result in respondent instituting or causing to be instituted legal action against the debtor and/or (2) nonpayment of a debt will result in respondent seizing or repossessing or causing to be seized or repossessed a consumer's property unless respondent can show that it intended to take the represented action at the time such representation was made.

Intent may be determined by any of the following factors: (1) Whether respondent had issued a *bona fide* authorization to take such action at the time of the representation; (2) whether respondent ordinarily takes such action in similar circumstances; or (3) other factors and circumstances which demonstrate that respondent intended to take the represented action.

Further, respondent shall cease and desist from representing, directly or by implication, that respondent or any third party may take any action unless respondent can show that at the time the representation was made there was a reasonable action occurring.

II

It is further ordered that respondent Avco Financial Services, Inc., its successors and assigns, and respondent's officers, agents, representatives and employees, directly or through any corporation, subsidiary, division or other device, in the course of collecting a debt, in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, as amended shall maintain and at all times comply with a plan for collecting debts which shall provide for:

(a) Policies and procedures which explicitly prohibit such debt collection practices as are specified as unfair or deceptive in the complaint here attached or otherwise prohibited by federal law.

(b) The training of all such respondent's personnel as reasonably may engage in debt collection activities with respect to the policies and procedures set forth in subparagraph (a) above.

(c) The maintenance of a toll-free customer service telephone number at respondent's principal place of business for the receipt of complaints regarding respondent's acts and practices in connection with its debt collection activities within such states of the United States as are denominated as states of the date this order becomes final.

(d) Distribution of the following notice to consumers within such states of the United States as are denominated as states as of the date this order becomes final:

The law prohibits unfair or deceptive debt collection practices. These practices include harassment, abuse, improper disclosure of the debt to other persons and threats to take legal action which is not intended to be taken. If you have any complaints about the way we are collecting this debt, contact our branch manager (phone number on front) or call our *toll-free* customer service number (all U.S. except California 800-854-3883—California only 800-432-7025). You may also write to Avco Financial Services, Customer Service Department, P.O. Box 2210, Newport Beach, CA 92663 or the Federal Trade Commission, Correspondence Branch, 6th and Pennsylvania Ave., N.W., Washington, D.C. 20580, or your state Attorney General.

Said notice shall be transmitted to consumers on each computer generated acknowledgement of receipt of payment and/or computer generated statement of account on an outstanding debt (receipt/statement). The notice shall be provided in the identical type size, position and manner as it is displayed on attached Appendix "A". The color of ink used shall be the same as that used for the other pre-printed information or darker. In addition, the statement IMPORTANT SEE OVER ABOUT YOUR RIGHTS shall be clearly and conspicuously printed on the front side of said receipt/statement in the identical type size, position and manner as it is displayed on attached Appendix "B" and in the same color ink as that used for other pre-printed information or darker.

(e) Distribution of the following notice on infomational material accompanying the first receipt/statement:

Unfair or deceptive collection practices, including harassment, abuse, improper disclosure of the debt to other persons and threats to take legal action which is not intended, are prohibited by law. See reverse side of the ——— Statement for further information.

An appropriate descriptive term denominating the receipt/statement and consistent with the term used on said informational material shall be inserted in the notice prior to the word "Statement".

Said notice shall be clearly and conspicuously provided in the identical type size, position and manner as it is

displayed on attached Appendix "E". The notice shall be in red so long as other information is principally provided in blue; if blue is not used the designated notice shall be printed in a distinctive and contrasting color.

(f) Distribution of the following notice to consumers not within such states of the United States as are denominated as states as of the date this order becomes final:

The law prohibits unfair or deceptive debt collection practices. These practices include harassment, abuse, improper disclosure of the debt to other persons and threats to take legal action which is not intended to be taken. If you have any complaints about the way we are collecting this debt, contact our branch manager. You may also write to Avco Financial Services, Customer Service Department, P.O. Box 2210, Newport Beach, California 92663 or the Federal Trade Commission, Correspondence Branch, 6th and Pennsylvania Avenue, N.W., Washington, D.C., 20580 or your Attorney General.

Said notice shall be clearly and conspicuously provided on the reverse side of delinquency notices regularly sent to past due accounts in the same manner and type size as displayed on Appendix "C". In addition, the statement IMPORTANT: SEE OVER ABOUT YOUR RIGHTS shall be clearly and conspicuously printed on the front side of said notice in the same manner and type size as displayed on Appendix "D" but with the word "Important" in a different and distinctive color from the balance of the required statement. For all debt collection activities conducted in Puerto Rico the above notices shall be provided in Spanish on Spanish language delinquency notices. The Spanish translation of the notice shall be approved by the Division of Enforcement, Bureau of Consumer Protection, Federal Trade Commission prior to its initiation.

(g) The resolution of each complaint received by respondent, either oral or written, within ninety (90) days from the receipt of such complaint.

(h) Maintenance of a record, in writing, of each complaint, oral or written, received by respondent regarding the following debt collection practices: use of obscenity or profanity; harassment, abuse, deception, or coercion; repeated or continuous telephone calls; contacts at inconvenient times or places or at places of employment, or when a consumer is represented by an attorney; contacts when a consumer has requested that further communication cease; use or threat of use of force or violence; the making of false, misleading or deceptive representations; threats to take legal action; contacts with third parties; and misrepresentation of the business, company or personal identity of the company or its employees. The record shall be maintained without regard to the method by which the complaint was received. Said record shall show the name, telephone number and account number (if applicable) of the complainant, date and place of filing, a brief description of the complaint, and the location of the branch office(s) involved in the subject matter of the complaint. The aforesaid written record and all documents relating to the complaint shall be retained for three (3) years from the date the complaint was received. If the written record is compiled or maintained at a location other than the respondent's principal place of business a copy of said record shall, within a reasonable period of time after its compilation, be transmitted to and maintained at respondent's principal place of business for three (3) years from the date the complaint was received.

(i) Maintenance of a record of each communication by respondent made or attempted with any person in the course of collecting a debt. Said record shall include, with regard to each such communication, an identification of such person and the date of the communication. With respect to written communications, a copy of said communication must be retained in the file of the debtor; provided, however, that if a form document is used, it will be adequate to designate the name or number of the form. The recordkeeping required by this subparagraph shall either utilize a uniform notation system for which a key to decoding is maintained, or be kept in such a manner as to be understandable by a person not familiar with respondent's notation system. Each record shall be retained for a period of three (3) years after the date of such contact.

(j) Disciplinary sanctions for violation of respondent's collection procedures.

III

It is further ordered that:

(a) Respondent shall permit access by the Commission, to any of its debt collection records upon reasonable notice and at reasonable hours. Respondent may provide the original documents or exact copies in lieu of access.

(b) In the event that the Federal Trade Commission promulgates a Trade Regulation Rule applicable to respondent's third party contact activities, compliance with that rule shall be deemed to be compliance with Section II(f) of this order.

(c) Respondent shall distribute, for a period of five (5) years after the date this order becomes final, a copy of this order to each of its operating departments and subsidiaries and to each of its present and future officers, agents, representatives or employees engaged in any aspect of respondent's debt collection activities, including without limitation, management, supervision, auditing, training, day-to-day debt collection, the development of policy and procedures, and customer service. Respondent shall secure a signed statement acknowledging receipt of the order from each such person and retain such statements for a period of five (5) years from the date this order becomes final. PROVIDED, that respondent shall be deemed to be in compliance with this paragraph if a copy of this order is distributed for insertion or is inserted in the Collection Section of each Operations Policy and Procedure Manual which has been or will be distributed and a signed statement obtained from each person designated in the preceding subsection which specifies that said person has read the order of the Federal Trade Commission, understands that Avco is bound by it and that disciplinary sanctions for its violation may result. Such statements must be retained for a period of five (5) years.

(d) Respondent shall notify the Commission at least thirty (30) days prior to any proposed change in respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation(s), or any other change, including the creation or dissolution of subsidiaries, if any such changes may affect compliance obligations arising out of this order.

(e) Respondent shall, within one hundred twenty (120) days after service upon it of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with this order.

Analysis of Proposed Consent Order To Aid Public Comment

The Federal Trade Commission has accepted, subject to final approval, an agreement to a proposed consent order from Avco Financial Services, Inc., ("Avco"), 620 Newport Center Drive, Newport Beach, CA 92660.

The proposed consent order has been placed on the public record for sixty (60) days for receipt of comments by interested persons. Comments received during this period will become part of the public record. After sixty (60) days, the Commission will again review the agreement and the comments received

and will decide whether it should withdraw from the agreement or make final the agreement's proposed order

The complaint which led to the proposed order to cease and desist alleges violations of Section 5 of the FTC Act in connection with Avco's collection of debts due to it. Avco is charged with harassing debtors and others in order to coerce payment from and/or locate the debtor. The harassment alleged includes the use of obscene language, continuous telephone calls, calls at times known to be inconvenient and threats of physical violence. The complaint also alleges that Avco revealed the existence of the debt to third parties including friends, relatives, neighbors, co-employees and employers. Further, Avco is charged with threatening to initiate legal actions when it had no intent to do so. Finally, the complaint alleges that Avco personnel misrepresented their identities and affiliation (including, among othr things, claiming to be law enforcement officials) in order to coerce payment and/or locate debtors.

In the proposed consent order, Avco has agreed to discontinue the collection practices described above. Avco has also agreed, except in certain specific circumstances, not to contact consumers known to be represented by attorneys or who request in writing that Avco cease, communications.

Avco has agreed to maintain a system for receiving complaints which includes provision of a toll-free telephone number for United States complaints. In addition, it will insert in certain of its forms notices informing consumers as to the unlawfullness of unfair or deceptive collection practices and of complaint resolution procedures. The notices will be provided in Spanish in Puerto Rico.

The company will maintain records of all contacts with and complaints from consumers concerning its debt collection activities and will resolve complaints within 90 days. Avco will also explicitly forbid specific unlawful debt collection methods, train its employees as to the prohibitions and impose disciplinary sanctions for violations.

The purpose of this analysis is to facilitate public comment on the proposed order and it is not intended to constitute an official interpretation of the agreement and proposed order or to modify in any way their terms.

Emily H. Rock,

Secretary.

[FR Doc. 83-18725 Filed 7-11-83; 8:45 am]

BILLING CODE 6750-01-M

16 CFR Part 13

[Docket 9148]

Flowers Industries, Inc.; Proposed Consent Agreement With Analysis To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Proposed consent agreement.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent agreement, accepted subject to final Commission approval, would require a Thomasville, Ga. food processor, among other things, to timely divest to a Commission-approved buyer, its bakery plants located in High Point, N.C. and Gadsden, Ala., together with specified assets. Further, under certain conditions, the company would be required to transfer its rights to the Sunbeam, Buttermaid and Hometown tradenames and trademarks to a qualified acquiror or to another qualified baker. Pending divestiture, the company would be required to keep the bakeries in operation and use reasonable efforts to retain the respective shelf space and position of the Sunbeam, Buttermaid and Hometown tradenames and trademarks.

DATE: Comments must be received on or before September 12, 1983.

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

FOR FURTHER INFORMATION CONTACT: Harold E. Kirtz, Director, 1R, Atlanta Regional Office, Federal Trade Commission, 1718 Peachtree St., N.W., Room 1000, Atlanta, GA 30367 (404) 881-4836.

SUPPLEMENTARY INFORMATION: Pursuant to Section 6(f) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46 and § 3.25(f) of the Commission's Rules of Practice (16 CFR 3.25(f)), notice is hereby given that the following consent agreement containing a consent order to cease and desist and an explanation thereof, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of sixty (60) days. Public comment is invited. Such comments or views will be considered by the Commission and will be available for inspection and copying at its principal office in accordance with § 4.9(b)(14) of the Commission's Rules of Practice (16 CFR 4.9(b)(14)).

List of Subjects in 16 CFR Part 13

Bakeries, Trade practices.

Before Federal Trade Commission

[Docket No. 9148]

Agreement Containing Consent Order

In the Matter of FLOWERS INDUSTRIES, INC., a corporation.

The agreement herein, by and between Flowers Industries, Inc. a corporation hereafter sometimes referred to as respondent, by its duly authorized officer, and its attorney, and counsel for the Federal Trade Commission, is entered into in accordance with the Commission's Rule governing consent order procedures. In accordance therewith the parties hereby agree that:

1. Respondent Flowers Industries, Inc., is a corporation organized, existing and doing business under and by virtue of the laws of the State of Delaware, with its office and principal place of business in Thomasville, Georgia. Its mailing address is P.O. Drawer 1338, Thomasville, Georgia 31792.

2. Respondent has been served with a copy of the Complaint issued in this Docket No. 9148 (hereinafter referred to as the "Proceeding") by the Federal Trade Commission charging it with violation of Section 7 of the amended Clayton Act (15 U.S.C. 18) and Section 5 of the amended Federal Trade Commission Act (15 U.S.C. 45) and has filed an Answer to said Complaint denying said charges.

3. For all purposes of this Proceeding, respondent admits all the jurisdictional facts set forth in the Commission's Complaint.

4. Respondent waives:

(a) Any further procedural steps;

(b) The requirement that the Commission's decision contain a statement of findings of fact and conclusions of the law;

(c) All rights to seek judicial review or otherwise to challenge or contest the validity of the Order entered pursuant to this Agreement; and

(d) Any claim under the Equal Access to Justice Act, 5 U.S.C. 504.

5. This Agreement shall not become a part of the public record of the Proceeding unless and until it is accepted by the Commission. If this Agreement is accepted by the Commission, it will be placed on the public record for a period of sixty (60) days and information in respect thereto publicly released. The Commission thereafter may either withdraw its acceptance of this Agreement and so notify the respondent, in which event it will take such action as it may consider appropriate, or issue and serve its

decision, in disposition of the Proceeding.

6. This Agreement is for compromise and settlement purposes only, entered into without trial or adjudication of any issue or fact of law herein, without the taking of any evidence or testimony, and does not constitute any evidence or any admission by respondent of any violation of law.

7. This Agreement contemplates that, if it is accepted by the Commission, and if such acceptance is not subsequently withdrawn by the Commission purusant to the provisions of Section 3.25(f) of the Commission's Rules, the Commission may without further notice to respondent, (1) issue its decision containing the following Order in disposition of the Proceeding, and (2) make information public in respect thereto as permitted by the Commission's Rules. When so entered, the Order shall have the same force and effect and may be altered, modified or set aside in the same manner and within the same time provided by statute for other orders. The Order shall become final upon service. Delivery by the U.S. Postal Service of the decision containing the agreed-to Order to respondent's address as stated in this Agreement shall constitute service. Respondent waives any right it might have to any other manner of service. The Complaint may be used in construing the terms of the Order, and no agreement, understanding, representation, or interpretation not contained in the Order or in the Agreement may be used to vary or to contradict the terms of the Order.

8. Respondent has read the Complaint and the Order contemplated hereby. It understands that once the Order has been issued, it will be required to file one or more compliance reports showing the manner in which it intends to comply, is complying or has complied with the Order. Respondent further understands that it may be liable for civil penalties in the amount provided by law for each violation of the Order after it becomes final.

Order

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

(A) "Flowers" shall mean Flowers Industries, Inc., its divisions and subsidiaries; its officers, directors, agents and employees acting as such; and its successors and assigns.

(B) "Bakery" shall mean any concern, corporate or noncorporate, that is or was during any of the twelve (12) months preceding any event or transaction subject to this Order, engaged in whole or in substantial part in the business of baking Bread or Bread-type Rolls.

(C) "Bakery Plant" shall mean a facility that is or was during any of the twelve (12) months preceding any event or transaction subject to this Order, used by a Bakery in whole or in substantial part for the baking of Bread or Bread-type Rolls.

(D) "Bread" shall mean white, wheat, rye, dark or variety baked bread products.

(E) "Bread-type Rolls" shall mean hamburger and hot dog rolls, brown and serve rolls, English muffins, hearth rolls, and similar products.

(F) "Eligible Person" shall mean any person, corporation, partnership or other entity approved by the Commission. No person shall be considered for status as an Eligible Person unless such person has the capacity and intention to operate the facilities acquired as a Bakery Plant.

(G) "Total Net Sales" shall mean sales of Bread and Breadtype Rolls, net of discounts, allowances and stale returns, regardless of the labels under which the Bread or Bread-type Rolls are sold.

(H) "High Point Bakery Plant" shall mean the Bakery Plant operated by Flowers Baking Co. of High Point, Inc., a wholly owned subsidiary of Flowers, and located in High Point, North Carolina.

(I) "Gadsden Bakery Plant" shall mean the Bakery Plant operated by Flowers Baking Company of Gadsden, Inc., a wholly owned subsidiary of Flowers, and located in Gadsden, Alabama.

(J) "High Point Trade Area" shall mean the area composed of the following counties: Alleghany, Surry, Wilkes, Yadkin, Alexander, Iredell, Davie, Cabarrus, Anson, Stanly, Rowan, Davidson, Forsyth, Stokes, Rockingham, Guilford, Randolph, Montgomery, Richmond, Scotland, Moore, Chatham, Alamance, Orange, Caswell, Person, Durhan, Lee, Hoke, Robeson, Cumberland, Harnett, Wake, Johnston, Franklin, Nash, Vance, and Granville, North Carolina.

(K) "Gadsden Trade Area" shall mean the area composed of the following counties: Shelby, Jefferson, Walker, Winston, Cullman, Blount, St. Clair, Talladega, Clay, Randolph, Calhoun, Cleburne, Etowah, Cherokee, DeKalb, Marshall, Jackson, Madison, Morgan, Limestone, and Lawrence, Alabama; Giles, Lincoln, Moore, Franklin, Marion, Sequatchie, Hamilton, and Bradley, Tennessee; Dade, Walker, Catoosa, Whitfield, Chattooga, Gordon, Pickens, Floyd, Bartow, Cherokee, Forsyth, Polk, Paulding, Cobb, Gwinnett, Haralson, Carroll, Douglas, Fulton, DeKalb, Rockdale, Henry, Clayton, Fayette, Coweta, and Heard, Georgia.

(L) "Full-line Wholesale Bakery" shall mean a Bakery that sells at wholesale to establishments, including retail grocery stores (other than bakery thrift stores) which are not owned, directly or indirectly, by the same company which owns the Bakery, and that during its most recent fiscal year derived at least fifteen percent (15%) of its Total New Sales from the sale of white pan bread.

(M) "White Pan Bread" shall mean white bread baked in a pan but shall not include hamburger and hot dog buns, or breads such as French Bread and Italian Bread.

It is ordered that:

(A) Within thirty (30) months from the date the Order becomes final, Flowers shall divest itself absolutely and in good faith of the High Point Bakery Plant to an Eligible Person including, without limitation, land, buildings, fixtures attached thereto, machinery and equipment.

(B) The purpose of the divestiture is the ongoing and continued use of the High Point Bakery Plant in the baking industry.

(C) The divestiture shall include trucks and other vehicles, deposits or warehouses, and thrift stores utilized by the High Point Bakery Plant in connection with the sale of Bread or Bread-type Rolls to wholesale or retail customers of such plant to the extent desired by the acquirer and consistent with the purpose of the divestiture. Flowers need not divest trucks and other vehicles, depots or warehouses, and thrift stores which do not meet the above criteria because the Order contemplates circumstances that reasonably permit Flowers to continue as a competitor, to the extent practicable, in the baking industry with respect to the area served by the divested facility.

(D) Divestiture of the High Point Bakery Plant need not include any trademarks or trade names except as follows:

(1) If divestiture is to an entity which is eligible for and desires membership in Quality Bakers of America, Flowers shall transfer through QBA to the acquirer all rights and interests in trade names and trademarks owned by QBA, including without limitation "Sunbeam," for the license territory currently assigned by QBA to Flowers Baking Co. of High Point, Inc., and shall use all reasonable efforts to assist the acquirer in obtaining all rights and interests in trade names and trademarks owned by QBA for the license territory currently

assigned by QBA to Flowers Baking Co. of High Point, Inc.

(2) If divestiture is to an entity which is not eligible for or does not desire membership in QBA, Flowers shall assign to the acquirer, if desired by the acquirer, a perpetual, royalty-free exclusive license to use the Buttermaid trademark, design and trade dress in the High Point Trade Area, and Flowers shall cease using the Buttermaid trademark, design and trade dress in the High Point Trade Area when the licensee commences its use; provided, however, the license agreement may include appropriate provisions for the protection of the integrity of the trademark and for the termination of such license if, for a period of ninety (90) consecutive days, the licensee fails to make good faith and reasonable use of the Buttermaid trademark, design and trade dress for the purpose of selling bread products in the High Point Trade Area.

(3) If divestiture is to an entity which is not eligible for or does not desire membership in QBA, and which does not desire a license to use the Buttermaid trademark, design and trade dress, and if, within twelve (12) months after divestiture of the High Point Bakery Plant, an entity which is eligible for and desires membership in QBA, or is a member of QBA, desires to serve the license territory with products carrying the trade names and trademarks owned by QBA, Flowers shall divest itself of all rights and interests in trade names and trademarks owned by QBA, including without limitation "Sunbeam," for the territory currently assigned by QBA to Flowers Baking Co. of High Point, Inc. to such entity and shall use all reasonable efforts to assist such entity to obtain said QBA trade names and trademarks; provided, however, that if divestiture of the High Point Bakery Plant pursuant to this Paragraph I is to an Eligible Person that intends to operate the plant as a Full-line Wholesale Bakery, then this subpart (D)(3) of Paragraph I shall not apply.

(E) Flowers shall use all reasonable efforts to ensure an orderly transfer of an ongoing bakery to the acquirer and in that regard shall provide to the acquirer upon divestiture copies of all route books, customer lists, and other records used by the High Point Bakery Plant in its day-to-day operation and which would reasonably be needed by the acquirer to carry on the operation with the assets or assets and trademarks referred to in subparts (A), (C), (D)(1), and (D)(2) of Paragraph I.

(F) In the event that Flowers is required to divest itself of QBA trademarks and trade names pursuant to subpart (D)(3) of Paragraph I, Flowers shall use all reasonable efforts to ensure an orderly transfer of such trademarks and trade names to the new licensee thereof and shall provide thereto copies of all customer lists and other records, including route books or portions thereof, of the High Point Bakery Plant which would be reasonably needed by the new licensee to identify and solicit sales of products bearing the QBA trademarks and trade names to customers in the territory currently licensed to Flowers Banking Co. of High Point, Inc.

II

It is further ordered that:

(A) Within thirty (30) months from the date the Order becomes final, Flowers shall divest itself absolutely and in good faith of the Gadsden Bakery Plant to an Eligible Person including, without limitation, land, buildings, fixtures attached thereto, machinery and equipment.

(B) The purpose of the divestiture is the ongoing and continued use of the Gadsden Bakery Plant in the baking industry.

(C) The divestiture shall include trucks and other vehicles, depots or warehouses, and thrift stores utilized by the Gadsden Bakery Plant in connection with the sale of Bread or Bread-type Rolls to wholesale or retail customers of such plant to the extent desired by the acquirer and consistent with the purpose of the divestiture. Flowers need not divest trucks and other vehicles, depots or warehouses, and thrift stores which do not meet the above criteria because the Order contemplates circumstances that reasonably permit Flowers to continue as a competitor, to the extent practicable, in the baking industry with respect to the area served by the divested facility.

(D) Divestiture of the Gadsden Bakery Plant need not include any trademarks or trade names except as follows:

(1) Flowers shall grant to the acquirer, if desired by the acquirer, a perpetual, royalty-free, assignable, exclusive license to use the Hometown trademark, design and trade dress in the Gadsden Trade Area, and Flowers shall cease using the Hometown trademark, design and trade dress in the Gadsden Trade Area when the licensee commences its use in the Gadsden Trade Area.

(2) If the acquirer of the Gadsden Bakery Plant does not desire a license to use the Hometown tradename, design and trade dress, and, if within twelve (12) months after divestiture of the Gadsden Bakery Plant an entity desires and intends to use said license in the Gadsden Trade Area, Flowers shall grant a perpetual, assignable, exclusive license to use the Hometown trademark, design and trade dress in the Gadsden Trade Area to such entity and Flowers shall cease using the Hometown trademark, design and trade dress in the Gadsden Trade Area when the licensee commences its use in the Gadsden Trade Area; provided, however, that if divestiture of the Gadsden Bakery Plant pursuant to Paragraph II is to an Eligible Person that intends to operate the plant as a Full-line Wholesale Bakery, then this subpart (D)(2) of Paragraph II shall not apply.

(3) The license agreement entered into pursuant to subparts (D)(1) or (D)(2) of Paragraph II may include appropriate provisions for the protection of the integrity of the trademark and for the termination of such licenses if, for a period of ninety (90) consecutive days, the licensee fails to make good faith and reasonable use of the Hometown trademark, design and trade dress for the purpose of selling bread products in the Gadsden Trade Area.

(E) Flowers shall use all reasonable efforts to ensure an orderly transfer of an ongoing bakery to the acquirer and in that regard shall provide to the acquirer upon divestiture copies of all route books, customer lists, and other records used by the Gadsden Bakery Plant in its day-to-day operation and which would reasonably be needed by the acquirer to carry on the operation with the assets or assets and trademark referred to in subparts (A), (C), and (D)(1) of Paragraph II.

(F) In the event that Flowers is required to license the Hometown trademark, design and trade dress pursuant to subpart (D)(2) of Paragraph II, Flowers shall use all reasonable efforts to ensure the orderly transfer of such trademark to the licensee and shall provide to such licensee copies of all customer lists and other records, including route books or portions thereof, of the Gadsden Bakery Plant which would be reasonably needed by the licensee to identify and solicit sales of products bearing the Hometown trademark, design and trade dress in the Gadsden Trade Area.

III

It is further ordered that Flowers shall not be required to divest any plant that, as a result of events beyond the control of Flowers, has ceased to exist.

IV

It is further ordered that all divestiture and licensing required by Paragraphs I and II shall be subject to the prior

approval of the Federal Trade Commission.

V

It is further ordered that an Eligible Person may give and Flowers may accept and enforce any bona fide lien, mortgage, deed of trust or other form of security on all or any portion of any one or more of the assets or businesses divested subject to the terms and provisions of this Order. If a security interest is accepted, in no event should such security interest be interpreted to mean that Flowers has a right to participate in the operation or management of such assets. In the event that Flowers, as a result of the enforcement of any bona fide lien, mortgage, deed of trust or other form of security interest, reacquires possession of the assets divested, then Flowers shall divest the reacquired assets and business in accordance with the terms of this Order within eighteen (18) months of such reacquisition.

VI

It is further ordered that:

(A) Pending the divestiture required by the Order, Flowers shall not cause or permit, and shall use all reasonable efforts to prevent, the deterioration of the assets and properties specified in Paragraphs I and II in a manner that impairs the viability or marketability of any such assets and properties, normal use, wear and tear expected. Flowers may but shall not be required to make capital expenditures for the improvement of any such assets and properties or for the reconstruction or repair of material destruction thereof resulting from events beyond the control of Flowers.

(B) Pending the licensing of trademarks by Flowers and/or QBA contemplated by the Order, Flowers shall use all reasonable efforts to retain the shelf space and position currently provided for Bread and Bread-type Rolls sold under the trademarks referenced in Paragraphs I and II, with the exception of shelf space and position for Bread and Bread-type Rolls distributed by Flowers' bakery plants in Alabama other than the Gadsden Bakery Plant.

VII

It is further ordered that:

(A) For a period of ten (10) years from the date the Order becomes final, Flowers shall cease and desist from acquiring, or acquiring and holding, directly or indirectly, through subsidiaries or otherwise, without prior approval of the Federal Trade Commission, the whole or any part of the stock, share capital, assets, routes, or any other interest in any Bakery;

(B) Provided, however, that prior approval of the Commission will not be required if:

(1) Flowers' nearest Bakery Plant is outside a radius of 200 miles measured from the selling Bakery Plant;

OR

(2) Flowers had, for the twelve (12) months preceding the acquisition, combined Total Net Sales of less than $700,000 on those routes which served at least one customer location that the selling Bakery Plant also served within one year prior to the acquisition;

OR

(3) The selling Bakery Plant distributes its products primarily by a route system of distribution and the selling Bakery Plant had, for the twelve (12) months preceding the acquisition, combined Total Net Sales of less than $700,000 on those routes which served at least one customer location that Flowers also served within one year prior to the acquisition;

OR

(4) The selling Bakery Plant distributes its product primarily by a distribution system other than routes and the selling Bakery Plant had, for the twelve (12) months preceding the acquisition, combined Total Net Sales of less than $475,000 to customer locations that Flowers also served within one year prior to the acquisition;

OR

(5) The acquisition includes only used equipment and the Bakery Plant from which the equipment is acquired remains in the bakery business;

(C) Provided further, however, that if the selling Bakery Plant sells only to restaurants, subparts (B)(2), (B)(3) and (B)(4) of Paragraph VII shall not apply.

VIII

It is further ordered that nothing in this Order shall be deemed or construed to affect or modify any rights of Flowers to confidential treatment of documents or information provided to the Commission by Flowers as provided by the Commission's Rules, the Federal Trade Commission Improvements Act of 1980, or other statute.

IX

It is further ordered that Flowers shall, within ninety (90) days from the date the Order becomes final, and every ninety (90) days thereafter until Flowers has accomplished the divestitures and licensing required by Paragraphs I and II of this Order, submit in writing to the Federal Trade Commission a verified report setting forth in detail the manner and form in which Flowers intends to comply, is complying, or has complied with Paragraphs I, II, III, IV, and VI of the Order. All such reports shall include, among other things that may be from time to time required, a summary of all contacts or negotiations with anyone for the specified assets, the identity of all such persons, and copies of all written communications to and from such persons.

X

It is further ordered that annually on the anniversary of the date the Order becomes final, for a period of ten (10) years, Flowers shall submit in writing to the Federal Trade Commission a verified report setting forth in detail the manner and form in which Flowers intends to comply, is complying, or has complied with Paragraphs V and VII of the Order.

XI

It is further ordered that for a period of ten (10) years from the date on which the Order becomes final, Flowers shall notify the Federal Trade Commission at least thirty (30) days prior to any change in the organization, corporate structure or business operation of Flowers which may affect compliance with the obligations arising from this Order.

Analysis of Proposed Consent Order To Aid Public Comment

The Federal Trade Commission has accepted an agreement to a proposed consent order from Flowers Industries, Inc.

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

The complaint alleges that Flowers Industries, Inc. violated the Clayton Act and the Federal Trade Commission Act by its acquisitions of seven different bakery concerns.

The acquisitions challenged by the complaint were of the Grand Union Company and American Bakeries Company bakeries in Miami, Florida, the Ward Baking Company bakery in

High Point, North Carolina, the Kern's Bakery plant in Lynchburg, Virginia, the McGough Bakeries Corporation in Decatur and Birmingham, Alabama, and the American Bakeries Company plant and Schott's Bakery, Inc., in Houston, Texas.

Four different product markets are alleged with the broadest being "the manufacture and sale of bread and bread-type rolls produced by wholesale bakeries, grocery chain bakeries, and in-store bakeries."

The complaint alleges that the effect of these acquisitions may be to substantially lessen competition or tend to create a monopoly in the relevant geographic and product markets.

The proposed consent order requires Flowers to divest its High Point, North Carolina bakery and its Gadsden, Alabama bakery within thirty months from the date the order is final. The divestitures are to include specified assets, and under certain conditions, Flowers will be required to transfer its rights in certain trade names and trademarks to other bakers. For example, if the firm that acquires the High Point bakery wishes and is able to qualify, it can obtain the "Sunbeam" trade name and trademark for the license territory currently enjoyed by the High Point plant. As an alternative, the acquirer of the High Point plant may obtain the "Buttermaid" trademark for the central portion of North Carolina. In the event that the acquirer of the plant does not acquire one of those trademarks, another baker may obtain the Sunbeam trademark under certain circumstances. In the Gadsden divestiture, the associated trade name is that of "Hometown."

Pending the ordered divestiture, Flowers is required to use reasonable efforts to prevent deterioration of the assets to be divested. In addition, Flowers is to use reasonable efforts to retain the respective shelf space and position until divestiture of the Sunbeam, Buttermaid, and/or Hometown trade names and trademarks.

The order places a ten-year ban on acquisitions of bakeries by Flowers without the prior approval of the Federal Trade Commission. In certain limited situations, designed to identify non-horizontal acquisitions, prior approval is not required.

The purpose of this analysis is to facilitate public comments on the proposed order, and it is not intended to constitute an official interpretation of the agreement and proposed order or to modify in any way their terms.

Emily H. Rock,
Secretary.

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 107

[Docket No. 82N-0270]

Exempt Infant Formula

AGENCY: Food and Drug Administration.

ACTION: Proposed rule.

SUMMARY: The Infant Formula Act of 1980 exempts from some of its requirements specialty infant formulas that are intended for use by infants with special medical or dietary needs. The Food and Drug Administration (FDA) is proposing to establish the terms and conditions under which those infant formulas would continue to be exempt. This proposal, if adopted as a final rule, would also establish quality control, nutrient, and labeling requirements for exempt infant formulas.

DATES: Comments by September 12, 1983. Proposed effective date of the final rule is 90 days after its date of publication in the **Federal Register**.

ADDRESS: Written comments to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Nicholas Duy, Bureau of Foods (HFF-204), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-245-3117.

SUPPLEMENTARY INFORMATION: In 1980, Congress passed, and the President signed into law, the Infant Formula Act of 1980 (Pub. L. 96-359, 94 Stat. 1190), which amended the Federal Food, Drug, and Cosmetic Act (the act) by establishing a new section 412 (21 U.S.C. 350a) pertaining to requirements for infant formulas. Section 412(f)(1) of the act states: "Any infant formula which is represented and labeled for use by an infant—(A) who has an inborn error of metabolism or a low birth weight, or (B) who otherwise has an unusual medical or dietary problem, is exempt from the requirements of subsections (a) and (b)." Subsection (a) requires infant formulas to provide nutrients as required by the act, to meet nutrient quality factor requirements as prescribed by the Secretary, and to comply with quality control requirements as established by the Secretary. Final rules for infant formula quality control procedures were published in the **Federal Register** of April 20, 1982 (47 FR 17016). Subsection (b) requires manufacturers to notify the Secretary that new and significantly changed infant formulas contain all required nutrients and meet the quality control procedure requirements.

Section 412(f)(2) of the act provides that the Secretary may by regulation govern the terms and conditions under which an infant formula is exempt, and authorizes the Secretary to withdraw exempt status from any infant formula that does not comply with those regulations. The proposal set forth below, if adopted as a final rule, will regulate exempt formulas.

In sum, the proposal creates two broad categories of exempt formulas. All exempt formulas would have to comply with the nutrient and labeling requirements applicable to normal infant formulas, unless the manufacturer justifies specific deviations. Exempt formulas generally available at the retail level, which generally are labeled for use in treating less serious diseases and conditions, would also have to meet the normal quality control requirements unless specific deviations are justified. For exempt formulas that are not generally available at the retail level, manufacturers would be required to establish an adequate quality control procedure. Manufacturers would be required to submit to FDA detailed information about each exempt infant formula produced. After reviewing that and other information available to the agency, FDA may impose additional or modified requirements for a product or withdraw a product's exempt status.

The legislative history of the Infant Formula Act provides insight into the intent of Congress in providing at the outset an exemption for specialty formulas, but with authority for the Secretary to regulate those exempt products. Senate Report No. 96-916, 96th Congress, 2d Session, pp. 9-10 (August 26, 1980) and House of Representatives Report No. 96-936, 96th Congress, 2d Session, p. 10 (May 12, 1980) state:

> This exemption would take effect upon the effective date of this legislation. Thereafter, pursuant to subsection 412(f)(2), the Secretary could establish, by regulation, the precise terms and conditions for continuing the exemption.
>
> The Committee recognizes that infants suffering from special medical disorders, such as phenylketonuria, or severe kidney diseases, require formulas tailored specifically to their medical needs. The Committee recognizes the need to exempt

these formulas from the nutritional standards applicable to formulas intended for normal, full term infants.

Subsection (f)(2) provides authority for the Secretary to establish, by regulation, the terms and conditions for the exemption of an infant formula from subsections (a) and (b). The Committee recognizes the need to make special formulas available without the imposition of cumbersome regulations which may discourage formula manufacturers from committing resources into this vital public service. Conditions on exemptions promulgated under this authority should not make access to special formulas difficult. Instead, they should ensure that such formulas are manufactured to the same high standards of quality required for formulas for normal infants. The Committee recognizes the importance of these products and the continued need to make them and new products like them readily available to the public.

The agency has long recognized the problems that can result from excessive regulation of special infant formulas. Since 1941, formulas for normal full-term infants have been considered foods for special dietary use and thus regulated under the food provisions of the act. However, formulas useful in the dietary management of disease, for example, formulas for infants with genetic defects in metabolism such as phenylketonuria (a life-threatening condition characterized by the abnormal presence of phenylketones in the urine) were regulated under the drug provisions of the act. In 1972, FDA, on its own initiative, issued a notice in the **Federal Register** (37 FR 18230; September 8, 1972) that Lofenalac, a low-phenylalanine product for infants and children with phenylketonuria, was no longer regarded as a drug by the agency and would be regulated as a food for special dietary use. Although the notice applied only to Lofenalac, FDA intended that other products developed for infants with inborn errors of amino acid metabolism also would be regulated as foods. Regulating these products as foods was an effort on the part of the agency to minimize barriers to innovative development of such products, which may be manufactured as a public service and not for profit, and to reduce consumer costs. Manufacturers were no longer required to commit the significant resources necessary to comply with the investigational new drug (IND) and new drug application (NDA) requirements of the drug provisions of the act.

It is important to recognize that a broad spectrum of exempt and nonexempt infant formula types exists. At one end of the spectrum are nonexempt products that are intended for normal, full-term infants, which are commercially available on the shelves of grocery stores and pharmacies and which clearly must meet all requirements of the Infant Formula Act. Formulas at this end of the spectrum may be either milk-based or soy-based. (The soy-based products include those primarily intended for infants allergic to milk or with lactose intolerance. Such products are not treated as exempt products because these conditions are not considered to be unusual medical or dietary problems.) The other end of the spectrum is represented by exempt formulas tailored specifically to the medical needs of infants suffering from special medical problems, which are intended to be used only on the recommendation of a physician and generally must be specially requested at pharmacies or special health centers, or are distributed to hospitals, clinics, and government agencies.

A number of products fall in the spectrum between these extremes. Such products usually contain specialized ingredients such as hydrolyzed protein or easily digested fats, or may be carbohydrate-free. Generally, these products are marketed on retail shelves for general consumer purchase at many grocery stores and pharmacies. FDA proposes to regulate these products, as well as the more specialized and less generally available infant formulas, as exempt formulas. These exempt formulas may compose as much as half of the infant formula formulations manufactured, but the agency believes they comprise less than 1 percent of the volume of infant formulas sold. The proposal set forth below would establish the terms and conditions under which exempt status would continue.

The proposed regulation recognizes two broad categories of exempt infant formulas. One category of exempt infant formulas is those that are generally available at the retail level, and are represented and labeled for use in the dietary management of diseases, disorders, or conditions that are typically not clinically serious or life-threatening, even though such formulas may also be leveled for use in treating serious disorders. The other category of exempt infant formulas is those that are not generally available at the retail level, are represented and labeled solely for use in the dietary management of diseases, disorders, or conditions that are potentially life-threatening or clinically serious. Hospitals, metabolic centers, pediatricians, and other health professionals often order and supervise the use of these more specialized formulas. This separation in the types of exempt formulas would provide the flexibility necessary to ensure that the more specialized formulas are manufactured to meet high standards for quality control that adequately protect the public health. At the same time, it would not impose requirements that may discourage manufacturers from committing resources to this vital public service.

Specific provisions of the proposal are discussed below.

Definitions

1. Proposed § 107.3 (21 CFR 107.3) incorporates the definition of an exempt infant formula contained in section 412(f)(1) of the act (21 U.S.C. 350a(f)(1)). The definition of a manufacturer is based on the agency's experience and on common usage in industry.

Terms and Conditions

2. Proposed § 107.50(a) (21 CFR 107.50(a)) incorporates language from section 412(f) (1) and (2) of the act which establishes the category of exempt infant formulas and the authority for the Secretary to establish, by regulation, the terms and conditions for the continued exemption of an infant formula from the requirements of section 412 (a), (b), and (c)(1)(A) of the act.

Infant Formulas Generally Available at the Retail Level

3. Proposed § 107.50(b) describes the requirements that manufacturers must meet to retain exempt status for infant formulas that generally can be purchased from retail store shelves readily available to the public. Typically, these products are represented and labeled for use to provide dietary management for diseases or conditions that are not clinically serious or life-threatening, even though in some circumstances such formulas may also be represented and labeled for use for clinically serious or life-threatening disorders. These products are commonly used for conditions of absorption problems related to the intestinal malabsorption of some food fats or protein. Although the use of such products is usually begun on a physician's advise, there is generally not the degree of direct medical monitoring of the infant that is present in the use of the more specialized formulas discussed below in paragraph 4.

The processing of infant formulas in this category must comply with the quality control procedures for infant formulas (21 CFR Part 106), unless specific deviations are justified by the manufacturer (in which case only those specific deviations will be permitted). FDA believes that these products should comply, to the maximum extent

reasonably possible, with quality control requirements that apply to infant formulas for normal, full-term infants.

Unless specific deviations are justified by the manufacturer, these infant formulas must provide all nutrients, at the specified levels, required by the act or by regulations that the agency will propose soon revising the list of required nutrients or nutrient levels; and the labeling of such formulas must conform to the requirements for infant formulas (21 CFR Part 107, Subpart B, proposed elsewhere in this issue of the **Federal Register**.)

To retain exempt status for an infant formula, the manufacturer must submit a copy of the label and other labeling, a complete quantitative formulation, and a detailed description of the medical conditions for which the infant formula is represented for use. In addition, to deviate from any of the nutrient, quality control, or labeling requirements that are applicable to infant formulas for normal, full-term infants, a manufacturer must submit to FDA a description of the specific deviations necessary and the medical, nutritional, scientific, or technological rationale for each deviation. FDA will review this information, as discussed in paragraph 5 below. On the basis of the review, FDA may impose additional or modified requirements, or withdraw a product's exempt status. For existing formulas, this information must be submitted on or before the 90th day after the effective date of a final rule based on this proposal. For formulas first manufactured after this effective date, the required information must be submitted at least 90 days before the first processing of the formula for commercial or charitable distribution.

Infant Formulas not Generally Available at the Retail Level

4. Proposed § 107.50(c) describes the requirements that manufacturers must meet to retain exempt status for infant formulas that are not generally found on retail shelves for general consumer purchase. These infant formulas typically are prescribed by a physician, and must be requested from a pharmacist or are distributed directly to institutions such as hospitals, clinics, and State or Federal agencies. Such infant formulas are generally represented and labeled solely to provide dietary management for specific diseases or conditions that are clinically serious, unusual, or life-threatening and are required for generally prolonged periods. Unless specific deviations are justified, these infant formulas must comply with the nutrient and labeling requirements that apply to infant formulas for normal, full-term infants.

Rather than requiring compliance with the quality control regulations of Part 106, however, the proposal would require each manufacturer to establish quality control procedures that ensure that the infant formula meets all applicable nutrient requirements, including any special nutritional characteristics for the specific disorders or conditions for which the formula is represented for use. Each manufacturer would be required to maintain records of these quality control procedures sufficient to permit a public health evaluation of each manufacturing batch of infant formula. Such records would be available to FDA investigators for review and copying upon request.

To retain a product's exempt status and to deviate from the normal nutrient and labeling requirements, each manufacturer must submit the same information that would be required for exempt infant formulas generally available at the retail level, as described in paragraph 3 above.

The difference in the proposed requirements for the two categories of exempt formulas involves the required quality control procedures. Formulas generally available at the retail level must be processed in compliance with Part 106, except for specific deviation justified by the manufacturer, for which it submits the medical, nutritional, scientific, or technological rationale for each deviation. Exempt formulas not generally available at the retail level must be processed under appropriate quality control procedures, as established by the manufacturer, designed to ensure that the infant formula meets all applicable nutrient requirements.

The availability of specialized infant formula products for infants being treated for severe, unusual, or life-threatening diseases is critical for affected infants; yet, the limited demand for these products often imposes economic constraints on manufacturers. The extent of quality control required of manufacturers is potentially the most costly of the proposed requirements that might be imposed. Because of the unique nutritional or formulation characteristics of these specialized formulas, which typically are manufactured in small quantities under closely supervised conditions that may require special processing procedures, manufacturers need flexibility for establishing quality control procedures that are appropriate for each product. The same quality control requirements for exempt formulas generally available at the retail level may not be appropriate for these more specialized exempt formulas. In addition, use of these products is limited to infants who are under the direct and constant supervision of physicians. For these reasons, FDA believes that the proposed regulation would provide the necessary flexibility for maintaining product availability. On the other hand, FDA's ability to review quality control procedures and revise them if necessary, as discussed in paragraph 5 below, would assure health care professionals and consumers that these products may be used safely by infants who need them.

Because infant formulas may often be the sole source of nutrition during critical periods of growth and development in the child, all formulas should supply all required nutrients, unless the manufacturer can justify specific deviations from these requirements as necessary in the dietary management of a specific condition. In addition, the critical nature of infant formula dictates that the labeling of all formulas should provide directions for proper preparation and use and the other information required by the labeling regulations of Subpart B of this part, proposed else where in this issue in the **Federal Register**, with a provision that specific deviations from the labeling regulations may occur if sufficient fustification is presented

Proposed § 107.50(c) states that exempt infant formulas that are distributed directly to institutions that are the same formulation as those generally available at the retail level would be subject to the requirements for such formulas. For example, if a manufacturer supplies hospitals directly with formula that is labeled "for hospital use only" but that is the same formulation as an exempt formula that is generally available at the retail level, the formula supplied to hospitals would be subject to the requirements of § 107.50(b).

These proposed regulations would not apply to a formula prepared on a physician's request for a specific individual patient. The manufacture of such products necessitates special attention, usually requiring each batch of a formula to be adjusted to the specific requirements of the infant, who is then fed under close medical supervision.

FDA Review of Exempt Status

5. Proposed § 107.50(d) provides that FDA's review of the information submitted under § 107.50(b)(3) or (c)(4), in conjunction with other information available to the agency, may result in

the modification of existing quality control, nutrient, or labeling requirements, the imposition of additional requirements, or the withdrawal of a product's exempt status.

Proposed § 107.50(d)(2) would establish the procedures to be followed in the event that FDA withdraws a product's exempt status, or modifies or requires additional quality control, labeling, or nutrient requirements. After review of all relevant information, the Bureau of Foods could inform the manufacturer that a product's exempt status is to be withdrawn, or that additional or modified requirements are needed, and the reasons therefor. Once so informed, the manufacturer has 10 working days in which to appeal the decision in writing to the Commissioner of Food and Drugs following the procedure established in 21 CFR 10.75 governing internal agency review of decisions. After a decision becomes final, the manufacturer has 60 days in which to comply with the decision. The decision by the Bureau Director is final unless appealed. A final decision by the Commissioner would be subject to judicial review. If a product's exempt status is withdrawn, the manufacturer would be required to comply with all requirements for infant formula for normal, full-term infants. The 60-day deadline can be extended if the manufacturer can show good cause. If the Bureau of Foods determines that a health hazard exists relative to a particular formula and so notifies the manufacturer, withdrawal of a product's exempt status becomes effective on the date notification is received.

Section 107.50(d) also contains the criteria by which the agency will decide, on the basis of submitted and other information, whether withdrawal of an exemption is necessary. FDA may withdraw a product's exempt status if quality control procedures are not adequate to assure that the formula contains all required nutrients, if deviations in nutrient levels are not supported by generally accepted scientific, nutritional, technological, or medical rationale, or if a deviation from the labeling requirements for infant formula is not necessary to provide appropriate directions for preparation and use.

The agency may also determine that, depending on the specific diseases or conditions being treated, additional labeling or modification of labeling for exempt formulas is necessary. In passing the Infant Formula Act, Congress recognized the possible need for additional labeling, as reflected by the following quote from Sen. Rept. No. 96-9167, p. 10:

> The Committee concurs with the recommendations of the American Academy of Pediatrics' Committee on Nutrition that such special formulas be clearly labeled for the intended use and be accompanied by label inserts containing information, understandable to the parent about the indications and use of the product. Accordingly, section 412(f)(1) requires that these special formulas be properly represented and labeled for use.

For example, if formulas specifically designed for infants with serious inborn errors of metabolism are consumed as the sole source of nutrition by infants who do not possess such defects, nutritional deficiencies or other adverse health effects could result. For such formulas, FDA might determine that a warning statement on the principal display panel alerting consumers to the potential dangers is appropriate additional labeling. If the proposal is adopted as a final rule, FDA would have the authority to impose special labeling requirements on a case-by-case basis.

Finally, § 107.50(d) contains the criteria that the agency will use for determining whether specific deviations are necessary and if permitted will adequately protect the public health. Deviations from the nutrient requirements of section 412(g) of the act or of regulations promulgated under section 412(a)(2) will be permitted only when these deviations are necessary to provide an infant formula that is appropriate for the dietary management of a specific disease, disorder, or medical condition. Deviations from the quality control procedures for those formulas which are generally available at the retail level will be permitted only when unusual or difficult technological problems in manufacturing the infant formula are encountered in adhering to the agency's requirements on infant formula quality control procedures and adequately protective alternative procedures have been documented and are practiced by the manufacturer. Also, deviations from labeling requirements for infant formulas will be permitted only when such labeling requirements, including pictograms and symbols, could lead to inappropriate use of the product. In addition to alerting consumers to any potential dangers, labeling will be required to identify the disease, disorder, or medical condition for which the formula is intended.

Notification Requirements

6. Proposed § 107.50(e) designates the appropriate contact point within FDA to whom all information required by this subpart would be submitted. In addition, it incorporates the requirements of section 412(c)(2) of the act (21 U.S.C. 350a(c)(2)) with respect to notification of FDA when the manufacturer has knowledge that reasonably supports the conclusion that an infant formula that has been processed by the manufacturer and has left an establishment subject to the control of the manufacturer may lack a required nutrient or present a risk to human health. FDA proposes that this notification be made by telephone to the Director of the appropriate FDA district office with a followup written confirmation to the Division of Regulatory Guidance, Bureau of Foods.

Economic Impact

FDA has already determined that its previously published final rule on infant formula quality control procedures and its proposed rule on infant formula labeling were not major rules under any of the criteria specified by Executive Order 12291. The agency has also determined that the latter rules did not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (Pub. L. 96-354). For purposes of preparing the economic impact assessments leading to those determinations, the agency assumed that all infant formulas, including exempt infant formulas, would be subject to those requirements.

If this proposal on exempt infant formulas is adopted as a final rule, only some such formulas would be required to meet the quality control requirements that apply to infant formulas for regular, full-term infants. With respect to other exempt formulas, manufacturers would be required to develop alternative quality control requirements. FDA estimates that the effect on the five U.S. infant formula manufacturers of adopting a final rule based on this proposal would be to reduce slightly the compliance cost of the quality control procedures final rule, compared with costs previously estimated. The proposed requirement concerning submission of information about deviations from the nutrient requirements should impose only minor costs and would not be a barrier to companies' making necessary changes in formulas. Therefore, the proposed rule is not a major rule as defined by E.O. 12291, and the agency certifies that this proposed rule would not have a significant economic impact on a substantial number of small entities.

Section 107.50(b)(3) and (4), (c)(3) and (5), and (e)(2) (21 CFR 107.50(b)(3) and (4), (c)(3) and (5), and (e)(2)) of this proposed rule contains collection of

information requirements. FDA has submitted a copy of this proposed rule to the Office of Management and Budget (OMB) for its review of these collection of information requirements under section 3504(h) of the Paperwork Reduction Act of 1980 as interpreted by OMB in 5 CFR Part 1320 (see 48 FR 13666; March 31, 1983). Other organizations and individuals desiring to submit comments on the collection of information requirements should direct them to the Dockets Management Branch (address above) and to the Office of Information and Regulatory Affairs, OMB, Rm. 3208, New Executive Office Bldg., Washington, DC 20503, Attn: Richard Eisinger.

List of Subjects in 21 CFR Part 107

Food labeling, Infant formula, Nutrient information, Quality control.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201(n) and (aa), 403(a), 412, 701(a), 52 Stat. 1041 as amended, 1047 as amended, 1055, 94 Stat. 1190 (21 U.S.C. 321(n) and (aa), 343(a), 350a, 371(a))) and under 21 CFR 5.11, it is proposed that Chapter I of Title 21 of the Code of Federal Regulations be amended by adding new Part 107, to read as follows:

PART 107—INFANT FORMULA

Subpart A—General Provisions

Authority: Secs. 201(n) and (aa), 403(a), 412, 701(a), 52 Stat. 1041 as amended, 1047 as amended, 1055, 94 Stat. 1190 (21 U.S.C. 321(n) and (aa), 343(a), 350a, 371(a)).

Subpart A—General Provisions

§ 107.3 Definitions.

The following definitions shall apply, in addition to the definitions contained is section 201 of the act.

(a) *Exempt formula.* An exempt infant formula is an infanct formula that is represented and labeled for use by infants who have inborn errors of metabolism or low birth weight, or who otherwise have unusual medical or dietary problems.

(b) *Manufacturer.* A manufacturer is a person who prepares, reconstitutes, or otherwise changes the physical or chemical characteristics of an infant formula or packages the product in containers for distribution.

(c) *References.* References in this part to regulatory sections of the Code of Federal Regulations are to Chapter I of Title 21, unless otherwise noted.

Subpart B—[Reserved]

Subpart C—Exempt Infant Formulas

§ 107.50 Terms and conditions.

(a) Section 412(f)(1) of the act exempts from the requirements of section 412(a), (b), and (c)(1)(A) of the act infant formulas that are represented and labeled for use by an infant who has an inborn error of metabolism or low birth weight or who otherwise has an unusual medical or dietary problem, if such formulas comply with regulations prescribed by the Secretary. The regulations in this subpart establish the terms and conditions that a manufacturer must meet with respect to such infant formulas.

(b) *Infant formulas generally available at the retail level.* (1) These exempt infant formulas can generally be purchased from retail store shelves that are readily available to the public. Such formulas are also typically represented and labeled for use to provide dietary management for diseases or conditions that are not clinically serious or life-threatening, even though such formulas may also be represented and labeled for use in clinically serious or life-threatening disorders.

(2) Except as provided in paragraph (b)(4) of this section, an infant formula manufacturer shall, with respect to each formula coverd by this paragraph, comply wth the nutrient requirements of section 412(g) of the act or of regulations promulgated under section 412(a)(2) of the act, the quality control procedures requirements of Part 106, and the labeling requirements of Subpart B of this part.

(3) To retain the exempt status of an infant formula covered by this paragraph, the manufacturer shall submit to the Food and Drug Administration (FDA), at the address specified in paragaph (e)(1) of this section, on or before the 90th day after the effective date of this subpart, or on or before the 90th day before the first processing of the infant formula for commercial or charitable distribution, whichever occurs later, the label and other labeling of the infant formula, a complete quantitative formulation for the infant formula, and a detailed description of the medical conditions for which the infant formula is represented. FDA will review that information under paragraph (d) of this section.

(4) A manufacturer may deviate from the requirements of paragraph (b)(2) of this section only with respect to those specific requirements for which it submits to FDA, at the address specified in paragraph (e)(1) of this section, the medical, nutritional, scientific, or technological rationale. FDA will review that information under paragraph (d) of this section.

(c) *Infant formulas not generally available at the retail level.* (1) These exempt infant formulas are not generally found on retail shelves for general consumer purchase. Such formulas typically are prescribed by a physician, and must be requested from a pharmacist or are distributed directly to institutions such as hospitals, clinics, and State or Federal agencies. Such formulas are also generally represented and labeled solely to provide dietary management for specific diseases or conditions that are clinically serious or life-threatening and generally are required for prolonged periods of time. Exempt infant formulas distributed directly to institutions such as hospitals, clinics, and State or Federal agencies that are of the same formulation as those generally available at the retail level are subject to the requirements of paragraph (b) of this section rather than to the requirements of this paragraph.

(2) Except as provided for in paragraph (c)(5) of this section, an infant formula manufacturer shall, with respect to each formula covered by this paragraph, comply with the nutrient requirements of section 412(g) of the act or of regulations promulgated under section 412(a)(2) of the act, and the labeling requirements of Subpart B of this part.

(3) Each manufacturer of an infant formula covered by this paragraph shall establish quality control procedures designed to ensure that the infant formula meets applicable nutrient requirements of this section, including any special nutritional characteristics for the specific disorders or conditions for which the formula is represented for use. Each manufacturer shall maintain records of such quality control procedures sufficient to permit a public health evaluation of each manufactured batch of infant formula and shall make such records available to FDA investigators for review and copying upon request.

(4) To retain the exempt status of an infant formula covered by this paragraph, the manufacturer shall submit the information required by paragraph (b)(3) of this section.

(5) A manufacturer may deviate from the requirements of paragraph (c)(2) of this section only with respect to those specific requirements for which it submits to FDA, at the address specified in paragraph (e)(1) of this section, the medical, nutritional, scientific, or technological rationale. FDA will review

that information under paragraph (d) of this section.

(6) The requirements of this section do not apply to an infant formula specially and individually prepared for a specific infant on a physician's request.

(d) *FDA review of exempt status.* (1) The FDA Bureau of Foods will review information submitted by infant formula manufacturers under paragraph (b)(3) or (c)(4) of this section. On the basis of such review and other information available to the agency, the Bureau of Foods may impose additional conditions on, or modify requirements for, the quality control procedures, nutrient specifications, or labeling of an infant formula, or withdraw a product's exempt status. Such determinations will be made by the Director of the Bureau of Foods.

(2)(i) If after completing its review of all information submitted, the Bureau of Foods concludes that additional or modified quality control, nutrient, or labeling requirements are needed, or that a product's exempt status is withdrawn, the Bureau of Foods will so notify the manufacturer and this notification will specify the reasons therefor. Upon receipt of this notification, the manufacturer has 10 working days to have the decision reviewed under § 10.75 by the office of the Commissioner of Food and Drugs. A determination by the Director of the Bureau of Foods that is not appealed becomes a final agency decision.

(ii) After a final decision by the Director or by the office of the Commissioner that a product's exempt status is withdrawn, the manufacturer shall comply with the nutrient requirements of section 412 of the act or of regulations promulgated under section 412(a)(2) of the act, the quality control requirements of Part 106, and the labeling requirements of Subpart B of this part.

(iii) The compliance date for the withdrawal of a product's exempt status or the imposition of additional or modified quality control, nutrient, or labeling requirements is 60 calendar days after issuance of the final decision except as otherwise provided for reasons stated in the decision. If the agency determines that a health hazard may exist and so notifies the manufacturer, withdrawal of a product's exempt status shall be effective on the date of receipt of notification from the Director of the Bureau of Foods. Additional or modified requirements, or the withdrawal of an exemption, apply only to those formulas that are manufactured after the compliance date. A postponement of the compliance date may be granted for good cause.

(3) FDA may decide that withdrawal of an exemption is necessary when, on the basis of its review under paragraph (d)(1) of this section, it concludes that quality control procedures are not adequate to ensure that the formula contains all required nutrients, that deviations in nutrient levels are not supported by generally accepted scientific, nutritional, or medical rationale, or that deviations from Subpart B of this part are not necessary to provide appropriate directions for preparation and use of the infant formula or that additional labeling information is necessary.

(4) FDA will use the following criteria in determining whether deviations from the requirements of this subpart are necessary and will adequately protect the public health:

(i) A deviation from the nutrient requirements of section 412(g) of the act or of regulations promulgated under section 412(a)(2) of the act is necessary to provide an infant formula that is appropriate for the dietary management of a specific disease, disorder, or medical condition.

(ii) For exempt infant formulas subject to paragraph (b) of this section, a deviation from the quality control procedures requirements of Part 106 is necessary because of unusual or difficult technological problems in manufacturing the infant formula; and

(iii) A deviation from the labeling requirements of Subpart B of this part is necessary because label information, including pictograms and symbols required by those regulations, could lead to inappropriate use of the product.

(e) *Notification requirements.* (1) Information required by paragraphs (b) and (c) of this section shall be submitted to Chief, Regulatory Affairs Staff (HFF-204), Bureau of Foods, Food and Drug Administration, 200 C St. SW., Washington, DC 20204.

(2) The manufacturer shall promptly notify FDA when the manufacturer has knowledge (as defined in section 412(c)(2) of the act) that reasonably supports the conclusion that an exempt infant formula that has been processed by the manufacturer and that has left an establishment subject to the control of the manufacturer may not provide the nutrients required by paragraph (b) or (c) of this section, or when there is an exempt infant formula that is otherwise adulterated or misbranded and that may present a risk to human health. This notification shall be made, by telephone, to the Director of the appropriate FDA district office specified in § 5.115. After normal business hours (8 a.m. to 4:30 p.m.) the FDA emergency number, 202-737-0448, shall be used. The manufacturer shall send a followup written confirmation to the Division of Regulatory Guidance (HFF-310), Bureau of Foods, Food and Drug Administration, 200 C St. SW., Washington, DC 20204, and to the appropriate FDA district office specified in § 5.115.

Interested persons may, on or before September 12, 1983 submit to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, written comments regarding this proposal. Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: June 23, 1983.

Arthur Hull Hayes, Jr.,

Commissioner of Food and Drugs.

Margaret M. Heckler,

Secretary of Health and Human Services.

[FR Doc. 83-18635 Filed 7-11-83; 8:45 am]

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21 CFR Parts 105 and 107

[Docket No. 82N-0130]

Infant Formula; Labeling Requirements

AGENCY: Food and Drug Administration.

ACTION: Proposed rule.

SUMMARY: The Food and Drug Administration (FDA) is proposing to revise the labeling requirements for infant formula to require the label declaration of nutrients required by the Infant Formula Act of 1980, expiration dating, and directions for preparation and use, including a pictogram and a symbol to indicate the need for dilution. This proposal, if adopted as a final rule, will provide necessary information for health care professionals and assist consumers, including those who cannot read English, in the appropriate preparation and use of infant formula to assure the health and well being of formula-fed infants.

DATES: Comments by September 12, 1983. Proposed effective date of the final rule is 180 days after its date of publication in the **Federal Register.** See "Supplementary Information" for further discussion of proposed effective date.

ADDRESS: Written comments to the Dockets Management Branch (HFR-305), Food and Drug Administration, Rm. 4-

62, 5600 Fishers Lane, Rockville MD 20857.

FOR FURTHER INFORMATION CONTACT: Nicholas Duy, Bureau of Foods (HFF-204), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-245-3117.

SUPPLEMENTARY INFORMATION: In 1980, Congress passed and the President signed into law the Infant Formula Act of 1980 (Pub. L. 96-359, 94 Stat. 1190), which in part amended the Federal Food, Drug, and Cosmetic Act (the act) by establishing a new secton 412 (21 U.S.C. 350a) pertaining to infant formula. Section 7(b) of the Infant Formula Act of 1980 required the Secretary of Health and Human Services to conduct a review of existing Federal requirements for the labeling of infant formula to determine the effect of such requirements on infant nutrition and proper use of infant formula and to report his findings and recommendations to Congress. The report on this review (Ref. 1) was sent to Congress in July 1981. (A copy of that report may be obtained by writing to the Dockets Management Branch (address above).) In the report, the Secretary recommended that: (1) Industry be encouraged to use symbols or pictograms to reinforce the need for proper preparation of infant formulas under sanitary conditions; (2) the current infant food labeling regulation, § 105.65 (21 CFR 105.65), be revised to require infant formula to bear labeling on expiration dating and on adequate directions for storage, preparation, and use; and (3) the format for major components of the labeling of infant formulas be standardized. The Secretary encouraged infant formula manufacturers to explore the use of label color to identify certain product characteristics, but stated that a requirement concerning label color would not be practical.

The proposal set forth below is part of FDA's efforts to implement the Infant Formula Act of 1980, including the recommendations of the Secretary's labeling report to Congress. Rather than incorporating these provisions into § 105.65, FDA proposes to establish a new Part 107 (21 CFR Part 107) pertaining to infant formula. In addition, FDA proposes to remove those parts of § 105.65 that pertain to infant formula, as those provisions will be superseded by the requirements of this proposal if the proposal is adopted as a final rule. FDA will retain § 105.65(a) and (b), which pertain to the labeling of all infant foods and not just infant formulas.

The proposed regulations set forth below for the labeling of infant formulas will: (1) Specify a required format for declaring nutrients; (2) require a statement of the number of fluid ounces supplying 100 kilocalories; (3) require the declaration of water and carbohydrate levels in addition to nutrients required by the Infant Formula Act; (4) permit vitamin A, vitamin D, and vitamin E content to be declared parenthetically in alternative units; (5) require on the principal display panel a statement concerning iron content; (6) require the heading "Directions for Preparation and Use" and require directions for storage, preparation, and use; (7) require a pictogram depicting the major steps for preparation of that infant formula; (8) require expiration dating; (9) require the statement "add water" or "do not add water," as appropriate, to apopear on the principal display panel; and (10) when the addition of water is necessary, require a symbol indicating this fact.

In preparing this proposal, FDA considered a citizen petition dated June 17, 1981, submitted by Public Advocates, Inc., on behalf of 13 consumer, women's and minority group organizations. The petition is on file with the Dockets Management Branch (address above) under Docket No. 81P-0206/CP. In the docket of this rulemaking on infant formula labeling (Docket No. 82N-0130), FDA is incorporating by reference those portions of documents in Docket No. 81P-0206/CP that pertain to this rulemaking. The issues raised by the petition are discussed in detail below.

FDA also considered the International Code of Marketing of Breastmilk Substitutes (ICMBS) of the World Health Organization (Ref. 2), the Recommended International Standard for Infant Formula of the Codex Alimentarius Commission (Codex standard) (Ref. 3), and the 1976 and 1980 recommendations of the Committee on Nutrition of the American Academy of Prediatrics (CON/AAP) (Refs. 4 and 5). In addition, FDA considered the suggestions contained in a labeling discussion paper submitted by the Infant Formula Council (IFC) (Ref. 6), which represents most infant formula manufacturers in this country, and the views of the Senate Committee on Labor and Human Resources, as expressed in S. Report 96-916 (August 26, 1980). (Ref. 7).

In February and March 1980 FDA held a public meeting and an informal public hearing (Ref. 8) that considered a number of issues concerning infant formula, including labeling. (See 45 FR 6702, January 29, 1980.). In developing this proposal, FDA considered the views expressed at the meeting and hearing, including those of the La Leche League, a national organization dedicated to the promotion of breastfeeding.

FDA is required by the Regulatory Flexibility Act, Executive Order 12291, and the Paperwork Reduction Act of 1980 to review its existing regulations. FDA published a notice in the **Federal Register** of July 14, 1981 (46 FR 36333) announcing the undertaking of a systematic review of its regulations to minimize regulatory burden while maintaining an acceptable level of consumer protection. Among the regulations that FDA has identified for review is the regulation for the labeling of infant foods, § 105.65. FDA has completed the review of § 105.65 and has decided that no change in § 105.65 (a) and (b) is needed. As part of the review FDA had considered carefully the requirements of § 105.65 (c), (d), and (e), which pertain to the labeling of infant formulas. As discussed below, FDA proposes to retain some but not all of those requirements in proposed Part 107. A detailed discussion of the proposal, and options considered and rejected by FDA, follows.

Nutrient Label Declaration

1. Section 105.65(c)(2) requires a label statement of the number of kilocalories (in the case of food label statements, a kilocalorie is represented by the word "Calorie") supplied by a specified quantity of infant formula as customarily or usually prepared for consumption. That information is known as caloric density.

The agency proposes to retain a caloric density statement requirement in § 107.10(a)(1), which if adopted will require the label declaration of the number of fluid ounces supplying 100 kilocalories (in the case of food label statements, a kilocalorie is represented by the word "Calorie"), when prepared in accordance with label directions for infant consumption. Information concerning caloric density is necessary for a health care professional to adjust caloric intake according to the nutritional and health needs of individual infants. For example, adjustments in caloric intake may be desirable for normal full-term infants during minor illnesses or in situations requiring selected management of an infant's diet to support normal growth and development.

2. Section 105.65(c)(1) requires a label statement of the percent by weight or weight per unit volume of moisture, protein, fat, available carbohydrate, ash,

and crude fiber contained in an infant formula.

Physicians and other health care professionals may need to know the total amount and the relative proportion of protein, fat, carbohydrate, and water contained in an infant formula. This information is needed in certain instances to select the most appropriate infant formula for an infant and to modify a given formula when necessary to meet nutritional and health needs of individual infants. Therefore, the agency proposes in § 107.10(a)(2) to retain the requirement for a label statement of the amount of water, protein, fat, and carbohydrate in the quantity of product that supplies 100 kilocalories, when prepared in accordance with label directions for infant consumption.

The agency is not proposing to retain the required label declaration of the ash and fiber content of infant formula. Infant formula, like human milk, contains little measurable fiber; knowledge of ash content is of no practical significance to health care professionals when feeding normal full-term infants.

3. Section 105.65(c)(3) requires a label statement of the amount of each vitamin and mineral listed in § 105.65(c)(5) and the amount of other added vitamins and minerals supplied by a specified quantity of infant formula as customarily prepared for consumption. The IFC suggested that the levels of all nutrients required by the Infant Formula Act of 1980 contained in an infant formula be declared on the label, except that IFC believed that labels of milk-based formulas should not be required to declare vitamin K, biotin, choline, and inositol and labels of all infant formulas should not be required to declare linoleic acid.

The levels of all nutrients required by the Infant Formula Act of 1908 should be declared on the label. Because vitamin K and Linoleic acid are required by the Infant Formula Act of 1980 for all infant formulas, the agency does not agree with IFC's suggestion that the level of vitamin K need not be declared on the labels of milk-based infant formula and that the labels of all infant formula need not declare linoleic acid. Therefore, the agency proposes in § 107.10(a)(2) to require a label statement of the amounts of each of the listed nutrients supplied by 100 kilocalories as prepared in accordance with label directions for infant consumption. Biotin, choline, and inositol are required nutrients under the Infant Formula Act of 1980 only for formulas that are not milk based. Therefore, the agency proposes in § 107.10(b)(2) to require that biotin, choline, and inositol content be declared for all infant formulas except when those nutrients are not added to milk-based infant formulas.

The agency proposes to remove the specific requirements for levels of nutrients from § 105.65 because those levels have been superseded by the levels stated in the Infant Formula Act of 1980. That act authorizes FDA to revise by regulation the list of nutrients or levels of nutrients. The agency will propose in the future any revisions that are necessary in light of current scientific or medical knowledge.

4. The IFC suggested that nutrient levels be expressed in terms of a specific volume (such as per liter) rather than per 100 kilocalories.

The Infant Formula Act of 1980 sspecifies nutrient levels in per 100 kilocalorie units. Health care professionals also use this system for expressing nutrient levels. For these reasons, the agency proposes in § 107.10(a)(2) to require the label declaration of nutrients in per 100 kilocalorie units. However, proposed § 107.10(b)(3) would permit alternate voluntary label declarations to be expressed in other bases. The agency specifically requests comments from health care professionals and consumers on their ability to understand and use the required nutrient declarations when expressed on a per 100 kilocalorie basis versus a per volume basis.

5. Section 105.65 does not include labeling format requirements. The IFC suggested uniformity in the format, order, and units of the nutrient label declarations to facilitate comparison of infant formulas. The IFC provided a tabular format as an example of its recommendation. The nutrition information format currently used by infant formula manufacturers is variable, with narrative, tabular, or a combination of these forms being used.

FDA agrees with the IFC suggestion. A standard label format for nutrient declarations will make it easier for parents and health care professionals to locate and use nutrition information. Therefore, FDA is proposing in § 107.10(a) that the required nutrient information be declared on the label in the order given, in the units specified, and in tabular format. Manufacturers are free also to provide the same information in another manner, or provide other truthful information, if they believe that the information would be helpful to health care professionals or consumers.

6. Although the Infant Formula Act of 1980 specifies vitamin D and vitamin E levels in International Units (IU), many health care professionals describe vitamin D content in units of micrograms cholecalciferol and vitamin E content in units of milligram alpha-tocopherol equivalents. Therefore, the agency is proposing in § 107.10(b)(1) to permit the label declaration of these vitamins in these alternate units in parentheses immediately following the declaration in IU.

Because the Infant Formula Act of 1980 specifies the required range of vitamin A content in both IU's and microgram retinol equivalents, the agency is proposing to permit the label declaration of vitamin A content in microgram retinol equivalents in parentheses, following the required declaration in IU.

7. FDA is not proposing a requirement for the declaration of trace elements that naturally occur as components of the major ingredients used in the formulation of an infant formula and that are not required by the Infant Formula Act. The agency advises that the label declaration of the levels of trace elements for which the National Academy of Sciences has established estimated safe and adequate daily dietary intakes in its most recent edition of "Recommended Dietary Allowances" is acceptable if the amount present meets or exceeds the minimum level specified and is declared in the units specified.

Label Declaration of Iron

8. Section 105.65 requires the label statement "an additional quantity of iron should be supplied from other sources" if the infant formula contains less than 1 milligram of iron per 100 kilocalories. The Codex standard and ICMBS recommended a minimum of 0.15 milligram of iron per 100 kilocalories, and recommended that the label bear the statement "Infant Formula with Iron" if the formula contains more than 1 milligram of iron per 100 kilocalories. CON/AAP recommended 0.15 milligram per 100 kiloclories as the minimum level for iron and recommended that infant formulas with iron levels of 1 milligram per 100 kilocalories or more may be labeled as "Iron Fortified". The CON/AAP minimum level is the required level of iron that was incorporated into the Infant Formula Act of 1980. However, CON/AAP has stated that the minimum level of 0.15 milligram per 100 kilocalories is only adequate for normal full-term infants for about the first 4 months of life.

The IFC contended that soy- and meat-based formulas need not bear the label statement "Iron Fortified" or a similar statement because all soy- and meat-based formulas in the marketplace contain at least 1 milligram of iron per

100 kilocalories. Conversely, a manufacturer of meat-based infant formulas recommended that "Iron Fortified" or a similar statement be included on all appropriate labels.

The label declaration of both high and low levels of iron is necessary to provide labeling uniformity for the various infant formula products and provide greater assurance that consumers are aware of this important concern with respect to the product they are using. Therefore, the agency is proposing in § 107.10(b)(4) that the statement "Infant Formula With Iron", or a similar statement, be required on the principal display panel when the infant formula contains 1 milligram or more of iron in a quantity of product that supplies 100 kilocalories when prepared in accordance with label directions for infant consumption; and that the statement "Additional Iron May Be Necessary", or a similar statement, be required on the principal display panel when the infant formula provides a lesser quantity of iron.

Directions—Preparation and Use

9. The Codex standard, ICMBS, CON/AAP, Public Advocates, and IFC all recommended that infant formula labels bear appropriate directions for preparation and use.

FDA agrees with these recommendations. Adequate directions for preparation and use of infant formula are necessary to protect the health of infants, because consumer errors in formula preparation have been reported as causes of illness and health problems. Therefore, the agency proposes in § 107.20(a) (21 CFR 107.20(a)) to require the heading "Directions for Preparation and Use" and to require the label to provide information on the storage of the product both before and after the container has been opened, including maximum recommended storage temperatures; instructions to agitate liquid infant formula before opening the container, such as "Shake Well Before Opening"; instructions on "sterilization" of water, bottle, and nipples; and directions for appropriate dilution of concentrated and powdered infant formula.

Directions—Pictograms and Symbols

10. Public Advocates and the IFC suggested pictograms and symbols on infant formula labels. The labels of many infant formula products now include pictograms and symbols.

The agency agrees with Public Advocates and the IFC. It is important that directions for preparation and use of a product like infant formula, which is used as a total or major source of nutrients for an infant, be complete and understandable to all users, including those who have difficulty reading English or perhaps any language. Becuase of reported illnesses associated with improper home preparation of concentrated or powdered infant formulas, the infant formula industry has tried to improve the comprehensibility of these important instructions to those who have difficulty reading English. Infant formula manufacturers have conducted research on the comprehension of symbols designed to distinguish between concentrated and ready-to-use product forms, and on three-step pictograms illustrating the boiling, measuring, and mixing of water with a measured amount of concentrated or powdered infant formula. These studies showed that symbols and the three-step pictogram significantly increase understnading of the major steps for preparation of concentrated or powdered infant formulas. Therefore, the agency proposes in § 107.20(b) to require a pictogram depicting the major steps for preparation of an infant formula. As discussed in paragraph 13 below, the agency also proposes in § 107.20(d) to require a label symbol for the addition of water if appropriate.

Bilingual Labeling

11. Public Advocates requested that bilingual labeling information be required if an infant formula is to be sold in areas with significant non-English speaking populations.

As discussed in paragraph 10 above, studies have shown that symbols and pictograms are very useful in conveying information on preparation and use. FDA beleives that the use of symbols and pictograms will adequately convey essential label information to consumers who cannot read English. Difficulties with a requirement for multilingual labeling include illiteracy in other label languages and space limitations on labels. Therefore, the agency is not proposing to require bilingual labeling.

Expiration Dating

12. The Codex standard, ICMBS, and IFC recommended expiration dating. All members of the IFC include expiration dating on their labels.

FDA agrees with the recommendations. Not only must infant formula contain all the nutrients at the levels declared on the label, but the formula must be of acceptable quality at the time of use. Liquid infant formulas are fat and protein emulsions that will separate with time. During the shelf life of the product it should be possible to redisperse the fat and protein by shaking the can. However, over extended periods of time redispersion of fat or protein with normal shaking may not be possible, resulting in an objectionable appearance or clogged nipples during feedings. The nutritional quality of infant formulas also deteriorates with time, and the rate of separation and deterioration of nutritional quality increases at higher temperatures.

Therefore, FDA is proposing in § 107.20(c) to require that the product lable bear an "expiration date" or "use by" date. The manufacturer, packer, or distributor of the infant formula would be required to select that date on the basis of tests or other information showing that the infant formula, until that date, under the conditions of handling, storage, preparation, and use prescribed by label directions, will: (1) When consumed, contain not less than the quality of each nutrient as set forth on its label, and (2) be of an acceptable quality otherwise (e.g., pass through a bottle nipple).

Dilution Statement and Symbol

13. As discussed in paragraph 10 above, FDA is concerned about problems caused by the improper dilution of powdered and concentrated infant formulas. Although a label may bear directions for appropriate dilution of a product, these directions may not be read each time a feeding is prepared. Once an individual believes that he or she is familiar with the appropriate dilution procedures, the individual probably will read the dilution directions infrequently, if at all, thus increasing the potential for inadvertent confusion between ready-to-feed and concentrated liquid infant formulas. The labels of many infant formula products include "Add Water" of "Do Not Add Water" statements. The labels of many concentrated infant formulas include a uniform symbol, as depicted in proposed § 107.20(d), to indicate the need for dilution. This symbol appears on the principal display panel in a white spot encircled by a dark border. These statements and symbol quickly inform the person preparing the infant formula if dilution is necessary and reduce the potential for confusion between concentrated and ready-to-feed formulas. Therefore, the agency proposes in § 107.20(d) to require that the statement "Add Water" or "Do Not Add Water", and the dilution symbol, as appropriate, appear on the principal display panel.

Color Coding

14. Public Advocates petitioned for mandatory label color coding to assist consumers, particularly those who cannot read English, in differentiating among various types of infant formulas. The Senate Committee on Labor and Human Resources also expressed its interest in color coding.

Although the food and other consumer product industries routinely conduct proprietary research on the effectiveness of package designs, there is no satisfactory body of scientific or other empirical data from which the effectiveness of various labeling techniques such as graphics, format, colors, or symbols can be judged. Because there is no single or consistent pattern for the use of color within the infant formula industry, a variety of associations may have come to be drawn by consumers between infant formula product attributes and label color. Considerable consumer reeducation may be necessary before consumers will associate a single attribute with some of the colors now being used. For these reasons, the agency does not believe a mandatory color coding requirement is practical. As discussed above, the Secretary's labeling report to Congress encouraged infant formula manufacturers to explore the use of color to identify certain product attributes. The Secretary and FDA reaffirm that encouragement to industry.

Label Statement Endorsing Breastfeeding

15. Public Advocates petitioned for a requirement of a label statement that endorses breastfeeding. The La Leche League made a similar recommendation and the Senate Committee on labor and Human Resources expressed interest in such a label statement.

From a practical point of view, effective management of breastfeeding should begin in the prenatal period with discussions, examinations, and preparation for lactation, and include instruction on holding the baby while breastfeeding. Education of parents on the merits of breastfeeding cannot be done adequately by means of a statement on a label that generally is seen only after a decision on infant feeding is made. Therefore, the agency does not believe that a mandatory label statement concerning breastfeeding is necessary.

Precautionary Labeling

16. The Senate Committee on Labor and Human Resources expressed an interest in label information about the possible side effects and reactions that may result from the improper use of infant formula and instructions for recognizing, treating, or obtaining treatment for such problems.

FDA has considered carefully the Committee's interest. For the reasons discussed below, FDA is not proposing such a requirement. Some infants develop hypersensitivities or intolerances to one or more of the constituents used in infant formulas. These infants require a formula that is free of, or that contains reduced quantities or modified forms of, the problem constituent. Hypersensitivities or intolerances generally express themselves as nonspecific signs and symptoms such as spitting up, rash, coughing, or a runny nose. Other signs or symptoms that may indicate a change or modification of infant formula include poor appetite, slow growth rate, vomiting, diarrhea, abdominal pain, or breathing problems such as wheezing. Many of these signs and symptoms may also occur as a result of an upper respiratory infection or other medical problem not related to the use of an infant formula. If parents assume that these signs or symptoms are caused by the infant formula and change formulas rather than consulting a physician, delay in initiation of proper treatment and complication of the condition could result.

The agency believes that precautionary labeling may unwisely encourage parents to engage in home diagnosis. Because of the potential health risk that may occur as a result of incorrect diagnosis by parents of symptoms during this critical period of the child's growth and development, the agency is not proposing a requirement for precautionary label statements and specifically discourages such statements. Furthermore, the labeling of foods used by the general public is not an appropriate means of conveying medical information about possible side effects or reactions or about the treatment of medical conditions.

Warning Statements

17. Public Advocates requested that labels be required to bear a warning statement about health hazards associated with improper use of infant formula, including the failure to sterilize utensils, dilute concentrated formula, and refrigerate prepared infant formula.

FDA is not proposing a requirement for such warning statements. The agency recognizes that there are potential health hazards in the improper use and storage of infant formula. For that reason it is proposing requirements for the use of pictograms and symbols to direct users' attention to the critical steps in preparation, as discussed in paragraphs 10 and 13 above. The agency believes that a standard format for specific directions for preparation, use, and storage, as discussed in paragraph 9 above, along with the use of pictograms and symbols, will be more useful to consumers than a general label statement about potential health hazards from misuse.

Container Shapes

18. Public Advocates petitioned FDA to designate specific container shapes so that the different forms of infant formula (powdered, liquid concentrate, or ready-to-feed) would be easily distinguishable.

The agency is not proposing mandatory sizes or shapes for infant formula containers. Liquid concentrated infant formulas intended for retail sale are being packed in 13- or 14-ounce cans, while ready-to-feed formulas are being packed in 8- and 32-ounce containers. The agency believes that the difference in container sizes, along with the proposed label requirements discussed in paragraph 13 above, will adequately prevent consumer confusion between ready-to-use and liquid concentrated formulas.

In addition, changing container shapes (e.g., from cylindrical to rectangular) for liquid infant formula, which is a low-acid canned food, could affect the potential for survival of *Clostridium botulinum* spores. While the adequacy of currently used thermal processes for cylindrical cans of infant formulas is well documented, manufacturers will incur substantial costs in generating new data to support the adequacy of thermal processes for the new cans if container shapes are changed. Infant formula manufacturers would also incur substantial expenditures for new can closing machines and other plant machinery. Those costs ultimately would be passed on to the consumer.

Exception for Whole Milk and Evaporated Milk

19. Section 105.65(d) states that the nutrient provisions of § 105.65(c)(5) "* * * shall not apply to whole milk (of cows) or evaporated milk except with respect to ascorbic acid, vitamin D, and iron * * *."

Whole milk and evaporated milk do not fit the definition of infant formula in the Infant Formula Act because they are not intended solely for use by infants. Moreover, unmodified whole milk and evaporated milk do not meet many of the nutrient requirements of the Infant Formula Act or of the recommendations of CON/AAP. FDA believes that

labeling requirements for whole milk or evaporated milk are unnecessary in the context of an infant formula labeling regulation. Accordingly, FDA proposes to remove § 105.65(d) without including a similar provision in proposed § 107.10.

Legal Authority

20. The agency is issuing proposed § 107.10, which pertains to label requirements for nutrient declarations, under the authority of sections 201(aa), 403(j), 412, and 701(e) of the act (21 U.S.C. 321(aa), 343(j), 350a, and 371(e)). Similarly, the agency proposes to remove § 105.65(c), (d), and (e) under the authority of those sections of the act. When the agency promulgates a final rule based on proposed § 107.10, it will provide an opportunity for filing objections and requests for a formal evidentiary hearing under 21 CFR Part 12.

21. Public Advocates petitioned the agency to establish all infant formula labeling regulations under the formal rulemaking authority in sections 403(j) and 701(e) of the act. Section 403(j) of the act provides for the issuance of regulations for the labeling of foods for special dietary use. Under the formal rulemaking procedures embodied in section 701(e) of the act, promulgation of a final rule would be followed by an opportunity to file objections and requests for a formal evidentiary hearing.

FDA believes that it has authority to establish a final rule based on proposed § 107.20, which pertains to directions for use, under sections 201(n) and (aa), 403(a), 412, and 701(a) of the act. Those sections of the act, unlike sections 403(j) and 701(e), do not require a formal evidentiary hearing to be held. Moreover, the agency believes that the requirements petitioned for by Public Advocates that are not a part of the proposal are also within the scope of rulemaking under sections 201(n) and (aa), 403(a), 412, and 701(a) of the act.

Although section 201(aa) of the act defines infant formula as, in part, a food for special dietary use, not all regulations for the labeling of such a food are within the scope of section 403(j) of the act. Rather, section 403(j) of the act addresses only certain types of label information for such a food, namely, information concerning its "vitamin, mineral, and other dietary properties as the Secretary determines to be * * * necessary in order fully to inform purchasers as to its value for [dietary use]." Neither the requirements in proposed § 107.20 nor the other requirements advocated by Public Advocates concern "vitamin, mineral, and other dietary properties." Instead, they are in the nature of instuctions or warnings and are therefore not within the narrow scope of section 403(j) of the act. In an analogous situation, a court upheld FDA's authority under sections 201(n), 403(a), and 701(a) of the act to require warning labeling on protein products intended for use in weight loss. *Council for Responsible Nutrition* v *Goyan*, Civil Action No. 80-1124 (D.D.C., August 1, 1980).

Because of the importance of infant formula and the health and safety issues in addition to the labeling issues, the agency proposes that any final rule that may issue based upon this proposal become effective 180 days after its date of publication in the **Federal Register.** The final rule would apply to affected products initially introduced or initially delivered for introduction into interstate commerce.

Economic Impact

The agency has examined the economic consequences of the proposed rule in accordance with Executive Order 12291 and the Regulatory Flexibility Act (Pub. L. 96-345, 94 Stat. 1166). The labels used by the five firms that manufacture infant formula in the United States have been reviewed to determine the cost impact. As a result of this review, the agency estimates that these regulations will impose a one-time cost of approximately $50,000 total for the industry. Because sales of infant formula in the United States are estimated to exceed $500 million annually, the cost of these regulations will not have a perceptible effect on the retail price of infant formula. Therefore, the agency concludes that the impact of these regulations does not involve major economic consequences as defined by Executive Order 12291. In addition, the number and character of firms affected by these regulations enable the agency to certify that this action will not impact on a substantial number of small entities. The assessment supporting these conclusions is on file with the Dockets Management Branch (address above).

Section 107.10(a) and (b)(2) and § 107.20 (a) and (c) (21 CFR 107.10(a) and (b)(2) and 107.20 (a) and (c)) of this proposed rule contain collection of information requirements. FDA has submitted a copy of this proposed rule to the Office of Management and Budget (OMB) for its review of these collection of information requirements under section 3504(h) of the Paperwork Reduction Act of 1980 as interpreted by OMB in 5 CFR Part 1320 (see 48 FR 13666; March 31, 1983). Other organizations and individuals desiring to submit comments on the collection of information requirements should direct them to the Dockets Management Branch (address above) and to the Office of Information and Regulatory Affairs, OMB, Rm. 3208, New Executive Office Bldg., Washington, DC 20503, Attn: Richard Eisinger.

References

The following documents have been placed on display in the Dockets Management Branch (HFA-305), address above, and may be seen from 9 a.m. to 4 p.m., Monday through Friday.

1. Report of the Review of the Labeling of Infant Formula; Report to Congress, Department of Health and Human Services; Food and Drug Administration, 1981.

2. International Code of Marketing of Breast-milk Substitutes, World Health Organization, Geneva, 1981.

3. Recommended International Standards for Foods for Infants and Children; FAO/WHO Codex Alimentarius Commission, 1976.

4. Commentary on Breast-Feeding and Infant Formulas, Including Proposed Standards for Fomulas; Committee on Nutrition; American Academy of Pediatrics; *Pediatrics* 57:278-285, 1976.

5. 1980 Recommendations on Nutrient Levels of Infant Formula; American Academy of Pediatrics.

6. Infant Formula Council Labeling Discussion Paper and 2 letters from Robert C. Gelardi, FDA, dated June 27, 1980 and December 14, 1981, respectively.

7. Infant Formula Act of 1980; Report by the Committee on Labor and Human Resources, United States Senate; Report No. 96-916.

8. Public Hearing on the Nutrient Composition of Infant Formulas, Department of Health, Education, and Welfare, Public Health Service, Food and Drug Administration, March 12, 1980.

List of Subjects

21 CFR Part 105

Dietary foods, Food labeling, Infant foods, Nutrition, Vitamins and minerals.

21 CFR Part 107

Food labeling, Infant formula, Nutrient information.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201 (n) and (aa), 403 (a) and (j), 412, 701 (a) and (e), 52 Stat. 1041 as amended, 1047 as amended, 1048, 1055, 70 Stat. 919 as amended, 94 Stat. 1190 (21 U.S.C. 321 (n) and (aa), 343(a) and (j), 350a, 371(a) and (e))) and under 21 CFR 5.11, it is proposed that Parts 105 and 107 be amended as follows:

PART 105—FOOD FOR SPECIAL DIETARY USE

§ 105.65 [Amended]

1. In Part 105, by amending § 105.65 *Infant foods* by removing paragraphs (c), (d), and (e).

2. By adding new Part 107, to read as follows:

PART 107—INFANT FORMULA

Subpart A—[Reserved]

Subpart B—Labeling

Authority: Secs. 201 (n) and (aa), 403 (a) and (j), 412, 701 (a) and (e), 52 Stat. 1041 as amended, 1047 as amended, 1048, 1055, 70 Stat. 919 as amended, 94 Stat. 1190 (21 U.S.C. 321 (n) and (aa), 343 (a) and (j), 350a, 371 (a) and (e)).

Subpart A—[Reserved]

Subpart B—Labeling

§ 107.10 Nutrient information.

(a) The label of infant formulas, as defined in section 201(aa) of the Federal Food, Drug, and Cosmetic Act, shall bear in the order given, in the units specified, and in tabular format, the following information regarding the product when prepared in accordance with label directions for infant consumption:

(1) A statement of the number of fluid ounces supplying 100 kilocalories (in case of food label statements, a kilocalorie is represented by the word "Calorie"); and

(2) A statement of the amount of each of the following nutrients supplied by 100 kilocalories:

Nutrients	Unit of measurement
Protein	Grams.
Fat	Do.
Carbohydrate	Do.
Water	Do.
Linoleic acid	Milligrams.
Vitamins:	
Vitamin A	International Units.
Vitamin D	Do.
Vitamin E	Do.
Vitamin K	Micrograms.
Thiamine (Vitamin B_1)	Do.
Riboflavin (Vitamin B_2)	Do.
Vitamin B_6	Do.
Vitamin B_{12}	Do.
Niacin	Do.
Folic acid (Folacin)	Do.
Pantothenic acid	Do.
Biotin	Do.
Vitamin C (Ascorbic acid)	Milligrams.
Choline	Do.
Inositol	Do.
Minerals:	
Calcium	Milligrams.
Phosphorus	Do.
Magnesium	Do.
Iron	Do.
Zinc	Do.
Manganese	Micrograms.
Copper	Do.
Iodine	Do.
Sodium	Milligrams.
Potassium	Do.
Chloride	Do.

(b) In addition the following apply:

(1) Vitamin A content may also be declared on the label in units of microgram retinol equivalents, vitamin D content in units of micrograms cholecalciferol, and vitamin E content in units of milligram alpha-tocopherol equivalents. When these declarations are made they shall appear in parentheses immediately following the declarations in International Units.

(2) Biotin, choline, and inositol content shall be declared except when they are not added to milk-based infant formulas.

(3) Each of the listed nutrients may also be declared on the label on other bases, such as per 100 milliliters or per liter, when prepared for infant consumption.

(4) One of the following statements shall appear on the principal display panel, as appropriate:

(i) The statement "Infant Formula With Iron", or a similar statement, if the product contains 1 milligram or more of iron in a quantity of product that supplies 100 kilocalories when prepared in accordance with label directions for infant consumption.

(ii) The statement "Additional Iron May Be Necessary", or a similar statement, if the product contains less than 1 milligram of iron in a quantity of product that supplies 100 kilocalories when prepared in accordance with label directions for infant consumption.

§ 107.20 Directions for use.

In addition to the labeling requirements applicable in Parts 101 and 105 of this chapter, the product label shall bear:

(a) Under the heading "Directions For Preparation and Use", directions for:

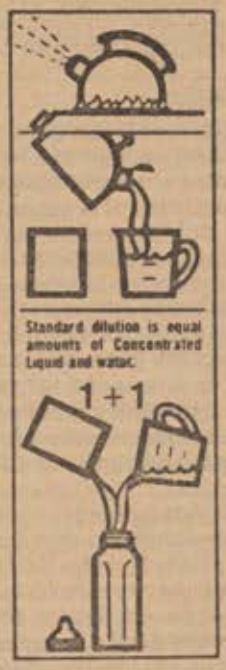
(1) Storage of infant formula before and after the container has been opened, including maximum recommended storage temperatures;

(2) Agitating liquid infant formula before opening the container, such as "Shake Well Before Opening";

(3) "Sterilization" of water, bottle, and nipples when necessary for preparing infant formula for use;

(4) Dilution of infant formula, when appropriate. Directions for powdered infant formula shall contain the weight and volume of powdered formula to be diluted.

(b) In close proximity to the "directions for preparation and use" a pictogram depicting the major steps for preparation of that infant formula, such as (for a concentrated formula):



(c) An "Expiration date _____" or "Use by _____" date, the blank to be filled in with the date selected by the manufacturer, packer, or distributor of the infant formula on the basis of tests or other information showing that the infant formula, until that date, under the conditions of handling, storage, preparation, and use prescribed by label directions, will: (1) When consumed, contain not less than the quantity of each nutrient, as set forth on its label, and (2) be of an acceptable quality otherwise (e.g., pass through an ordinary bottle nipple).

(d) The statement "Add Water" or "Do Not Add Water", as appropriate, to appear on the principal display panel of concentrated or ready-to-feed infant formulas. In close proximity to the statement "Add Water", a symbol such as

if the addition of water is necessary. The symbol shall be placed on a white spot encircled by a dark border.

Interested persons may, on or before September 12, 1983, submit to the Dockets Management Branch (address above), written comments regarding this proposal. Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Recevied comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: June 23, 1983.

Mark Novitch,

Acting Commissioner of Food and Drugs.

Margaret M. Heckler,

Secretary of Health and Human Services.

[FR Doc. 83-18623 Filed 7-11-83; 8:45 am]

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21 CFR Part 184

[Docket No. 82N-0269]

Wheat Gluten, Corn Gluten, and Zein; Proposed Affirmation of GRAS Status

AGENCY: Food and Drug Administration.

ACTION: Proposed rule.

SUMMARY: The Food and Drug Administration (FDA) is proposing to affirm that wheat gluten, corn gluten, and zein are generally recognized as safe (GRAS) as direct human food ingredients. The safety of these ingredients has been evaluated under the comprehensive safety review conducted by the agency.

DATE: Comments by September 12, 1983.

ADDRESS: Comments to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Leo F. Mansor, Bureau of Foods (HFF-335), Food and Drug Administration, 200 C St. SW., Washington, 200 C St. SW., Washington, DC 20204, 202-426-8950.

SUPPLEMENTARY INFORMATION: FDA is conducting a comprehensive review of human food ingredients classified as GRAS or subject to a prior sanction. The agency has issued several notices and proposals (see the **Federal Register** of July 26, 1973 (38 FR 20040)) initiating this review, under which the safety of wheat gluten, corn gluten, and zein has been evaluated. In accordance with the provisions of § 170.35 (21 CFR 170.35), the agency proposes to affirm the GRAS status of these ingredients.

Wheat gluten is the principal protein component of wheat and consists mainly of gliadin and glutenin. Wheat gluten is obtained by hydrating wheat flour and mechanically working the sticky mass to separate the gluten from the starch and other flour components. Dry gluten, in which the elastic properties are retained by controlled heating is known as "vital gluten" and is important in breadmaking. Gluten that is used for other purposes may be dried at temperatures or under other conditions that will not result in retention of the gluten's elastic properties.

Corn gluten (or corn gluten meal as it is generally designated commercially) is the principal protein component of corn endosperm. It consists mainly of zein and glutelin. Corn gluten is a byproduct of the wet milling of corn for starch. The gluten fraction is washed to remove residual water-soluble proteins.

Zein is one of the components of corn gluten. It is produced commercially by extraction from corn gluten with 88 percent aqueous isopropyl alcohol containing 0.25 percent sodium hydroxide. Subsequent cooling of the extract to −15° C causes the zein to precipitate.

In a 1954 letter, FDA stated that it had no reason to object to the use of corn gluten as a food ingredient "as far as toxicity is concerned." FDA also stated in opinion letters issued since 1960 that wheat gluten and zein are GRAS when used in accordance with good manufacturing practice.

Zein is listed in § 175.105 (21 CFR 175.105) for use as a component of adhesives.

Wheat gluten was not included in the survey conducted by the National Academy of Sciences/National Research Council (NAS/NRC) in 1971. However, in the Encyclopedia of Food Technology, pp. 481-483 (1974), wheat gluten is reported to be used as a protein supplement and binder in such products as high protein breakfast cereals, lunch meats, and meat and poultry rolls; as a texturizing protein and meat substitute in meat-like products; as a strengthening agent in pretzels, crackers, and macaroni; and as a protein source for the production of hydrolyzed vegetable protein for use as a flavoring agent. A 1978 study conducted by J. F. Mittleider, et al. (available from the North Dakota Experiment Station, North Dakota State University, Fargo, ND) indicates that 96 million pounds (43.5 million kilograms (kg)) of wheat gluten were marketed in the United States in 1977, and that more than half of that amount (53 million pounds) was imported. If all of this wheat gluten was consumed in food, the per capita daily consumption is about 0.6 gram.

No information was provided in the 1971 NAS/NRC survey on the amount of corn gluten used in food. A 1977 NAS/NRC survey found that the only use of corn gluten was as a protein source for the production of hydrolyzed vegetable protein. However, in 1965, Feldberg ("Cereal Science Today," 10:18-19, 28) reported that corn gluten was used to improve the color and textural properties of bread and cakes.

The 1971 NAS/NRC survey reported that 700 pounds of zein had been used in processed food products in 1970. The survey reported the use of zein as a nutrient supplement in grain products and as a surface-finishing agent on soft candy.

The 1977 NAS/NRC survey reported that 3,000 pounds of zein had been used in processed food products in 1976. According to the survey, the major use of zein was as a coating material in foods such as those in which a moisture barrier or glaze is desired, including confectionery pieces, nuts, and enriched rice.

Wheat gluten, corn gluten, and zein have been the subjects of a search of the scientific literature from 1920 to the present. The criteria used in the search were chosen to discover any articles that considered (1) chemical oxicity, (2) occupational hazards, (3) metabolism, (4) reaction products, (5) degradation products, (6) carcinogenicity, teratogenicity, or mutagenicity, (7) dose response, (8) reproductive effects, (9) histology, (10) embryology, (11) behavioral effects, (12) detection, and (13) processing. A total of 577 abstracts was reviewed, and 66 particularly pertinent reports from the literature survey have been summarized in a scientific literature review.

Information from the scientific literature review has been summarized in a report to FDA by the Select Committee on GRAS Substances (the Select Committee), which is composed of qualified scientists chosen by the Life

Sciences Research Office of the Federation of American Societies for Experimental Biology (FASEB). The members of the Select Committee have evaluated all the available safety information on wheat gluten, corn gluten, and zein.[1] In the Select Committee's opinion:

The principal use of wheat gluten is as vital gluten in bakery products although it is also used as a protein supplement, binder, texturizing agent, or strengthening agent in other food products. The per capita intake of wheat gluten added to foods is estimated to be less than 0.6 g/d whereas about 14 g/d are consumed from wheat flour. The principal and perhaps only use of corn gluten in food is as a protein source for production of hydrolyzed vegetable protein. No information is available to the Select Committee on the quantities so used. The principal use of zein in foods appears to be as a rinse-resistant coating on enriched rice. The per capita disappearance is about 20 ug/d.

Commercial wheat gluten, dry basis, contains about 70–85 percent protein, 10 percent lipids, 3–5 percent starch, and 0–2 percent other polysaccharides. An analysis of corn gluten proposed for use as a food ingredient was protein, 70–73 percent; carbohydrate, 5–15 percent; crude fiber, 2–3 percent, ash, 1–2 percent; oil, 3–4 percent; and moisture, 3–4 percent. Zein is in the alcohol-soluble component of corn gluten comprising about 70 percent of the protein of gluten. Amino acid analyses and animal feeding studies indicate that these protein products are deficient in certain essential amino acids and support poor growth when used as the sole source of dietary protein. However, these deficiencies are of little consequences in view of the relatively small contribution of these products to the per capita intake of protein from all sources.

Studies of human adults have suggested that wheat gluten supplemented with amino acids to conform to the FAO pattern promoted somewhat less retention of nitrogen than did a casein-lactalbumin-amino acid mixture adjusted to the FAO pattern. Metabolic studies of adults fed gluten daily as part of the diet in the form of bakery goods demonstrated normal absorption of fat. A study of normal and convalescent patients fed similar diets supplemented with 100–150 g/d of wheat gluten revealed no adverse effects. Similar studies with corn gluten or zein do not appear to have been carried out.

Patients with celiac disease, an uncommon disorder in North Ameica, are intolerant to gluten of wheat and rye but not to corn gluten or zein. Some authors have suggested that consumption of gluten may be a factor in pathogenesis of schizophrenia but further study will be necessay before placing much weight on such a relationship.

The steeping of corn gluten in sulfur dioxide solution before wet milling appears to result in the formation of S-sulfocysteine as a component of the proteins of corn gluten. The available evidence indicates that the metabolic products of S-sulfocysteine are also metabolites of common dietary constituents.

Subcutaneous administration of free S-sulfocysteine to young rats has been demonstrated to cause neuronal lesions. Similar lesions resulted from subcutaneous injection or gavage feeding of free L-cysteine. The Select Committee is aware of no evidence that either L-cysteine or its S-sulfo derivative cause adverse effects when ingested in protein-bound form.

Because the amount of wheat gluten, corn gluten, and zein added to foods is small in relation to the amount consumed as natural components of wheat and corn, the Select Committee in this instance did not place any toxicological significance on the absence of studies of carcinogenesis, mutagenesis, reproductive performance, teratogenesis, or fetotoxicity.[2]

The Select Committee concludes that no evidence in the available information on wheat gluten, corn gluten, or zein demonstrates, or suggests reasonable grounds to suspect, a hazard when they are used as food ingredients in the manner now practiced or that might reasonably be expected in the future.[3]

FDA has undertaken its own evaluation of the available information on wheat gluten, corn gluten, and zein and concurs with the conclusion of the Select Committee. In its evaluation, FDA noted, as reported by the Select Committee, that individuals with celiac disease (gluten-sensitive enteropathy) cannot tolerate the gluten from various cereal grains such as wheat, rye, oats, and barley or their derivatives. However, these same individuals are able to consume without ill-effect the gluten contained in corn, rice, potato, and arrowroot foods. Wheat gluten is required to be identified by this name when used as an ingredient in food (21 CFR 101.4). FDA believes that this information will adequately protect gluten-sensitive individuals. Thus, no change in the current GRAS status of these ingredients is justified. Therefore, the agency is proposing to affirm that wheat gluten, corn gluten, and zein are GRAS.

In the 1971 NAS/NRC survey, zein was reported to be used as a nutrient in grain. In the 1977 survey, zein was reported to be used as a coating material for enriched rice. In this latter use, zein functions as a coating or glaze to prevent the loss of other nutrients added to enrich the rice. The agency believes that the uses of zein reported in the two surveys may represent the same use—that of a surface-finishing agent. Therefore, the proposed regulation for zein contains only the use as a surface-finishing agent and not the use as a nutrient. However, the agency will consider, as comments on this proposal, any information that supports that zein is used as a nutrient supplement in food.

The use of wheat gluten and corn gluten as sources of hydrolyzed vegetable protein is not included in these proposed regulations. FDA will discuss this use of these ingredients in its proposal on the GRAS status of the use of hydrolyzed vegetable protein in food.

Additionally, the agency is proposing not to include in the GRAS affirmation regulations the levels of use or food categories reported in the previously mentioned surveys for wheat gluten, corn gluten, and zein. The amount of each substance used as an added ingredient in food is insignificant when compared to the amount ingested as a naturally occurring ingredient in food. Both FASEB and the agency have concluded that a large margin of safety exists for the use of these substances, and that a reasonably foreseeable increase in the levels of consumption of wheat gluten, corn gluten, and zein will not adversely affect human health. Therefore, the agency proposes to affirm the GRAS status of wheat gluten, corn gluten, and zein when they are used under current good manufacturing practice conditions of use in accordance with § 184.1(b)(1) (21 CFR 184.1 (b)(1)). To make clear, however, that the affirmation of the GRAS status of these substances is based on the evaluation of currently known uses, the proposed regulations set forth the technical effects that FDA has evaluated.

In the **Federal Register** of September 7, 1982 (47 FR 39199), FDA proposed to adopt a general policy restricting the circumstances in which it will specifically describe conditions of use in regulations affirming substances as GRAS under 21 CFR 184.1(b)(1) or 186.1(b)(1). The agency proposed to amend its regulations to indicate clearly that it will specify one or more of the current good manufacturing practice conditions of use in regulations for substances affirmed as GRAS with no limitations other than current good manufacturing practice only when the agency determines that it is apropriate to do so.

[1] "Evaluation of the Health Aspects of Wheat Gluten, Corn Gluten, and Zein as Food Ingredients," Life Sciences Research Office, Federation of American Societies for Experimental Biology, 1981, pp. 11–16. In the past, the agency presented verbatim the Select Committee's discussion of the biological data it reviewed. However, because the Select Committee's report is available at the Dockets Management Branch and from the National Technical Information Service, and because it represents a significant savings to the agency in publication costs, FDA has decided to discontinue presenting the discussion in the preamble to proposals that affirm GRAS status in accordance with current good manufacturing practice.

[2] *Ibid.*, pp. 17–18.

[3] *Ibid.*, p. 18.

Because of food-grade specifications exist for wheat gluten, corn gluten, and zein, the agency will work with the Committee on Food Chemicals Codex of the National Academy of Sciences to develop acceptable specifications for these ingredients. If acceptable specifications are developed, the agency will incorporate them into this regulation. Until specifications are developed, FDA has determined that the public health will be adequately protected if commercial wheat gluten, corn gluten, and zein comply with the description in the proposed regulation and are of food-grade purity (21 CFR 170.30(h)(1) and 182.1(b)(3)).

Copies of the scientific literature review on wheat gluten, corn gluten, and zein and the report of the Select Committee are available for review at the Dockets Management Branch (address above) and may be purchased from the National Technical Information Service, 5285 Port Royal Rd., Springfield, VA 22161, as follows:

Title	Order No.	Price code	Price [1]
Gluten and Zein (scientific literature review).	PB284-880/AS	A06	$12.00
Wheat gluten, corn gluten, and zein (Select Committee report).	PB82-155-482	A03	7.50

[1] Price subject to change.

These proposed actions do not affect the current use of wheat gluten, corn gluten, and zein for pet food or animal feed.

The format of the proposed regulations is different from those in provious GRAS affirmation regulations. FDA has nodified paragraph (c) of §§ 184.1321, 184.1322 and 184.1984 to make clear the agency's determination that GRAS affirmation is based upon current good manufacturing practice conditions of use, including the technical effects listed. This change has no substantive effect but is made merely for clarity.

The agency has determined pursuant to 21 CFR 25.24(d)(6) (proposed December 11, 1979; 44 FR 71742) that this proposed 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.

FDA, in accordance with the Regulatory Flexibility Act, has considered the effect that this proposal would have on small entities including small businesses and has determined that the effect of this proposal is to maintain current known uses of the substances covered by this proposal by both large and small businesses. Therefore, FDA certifies in accordance with section 605(b) of the Regulatory Flexibility Act that no significant economic impact on a substantial number of small entities will derive from this action.

In accordance with Executive Order 12291, FDA has carefully analyzed the economic effects of this proposal, and the agency has determined that the final rule, if promulgated, will not be a major rule as defined by the Order.

List of Subjects in 21 CFR Part 184

Direct food ingredients, Food ingredients, Generally recognized as safe (GRAS) food ingredients.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 409, 701(a), 52 Stat. 1055, 72 Stat. 1748–1788 as amended (21 U.S.C. 321(s), 348, 371(a))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10), it is proposed that Part 184 be amended as follows:

PART 184—DIRECT FOOD SUBSTANCES AFFIRMED AS GENERALLY RECOGNIZED AS SAFE

1. By adding new § 184.1321, to read as follows:

§ 184.1321 Corn gluten.

(a) Corn gluten (CAS Reg. No. 66071–96–3), also known as corn gluten meal, is the principal protein component of corn endosperm. It consists mainly of zein and gluten. Corn gluten is a byproduct of the wet milling of corn for starch. The glutten fraction is washed to remove residual water soluble proteins.

(b) FDA is developing food-grade specifications for corn gluten in cooperation with the National Academy of Sciences. In the interim, the ingredient must be of a purity suitable for its intended use.

(c) In accordance with § 184.1(b)(1), the ingredient is used in food with no limitation other than current good manufacturing practice. The affirmation of this ingredient as generally recognized as safe (GRAS) as a direct human good ingredient is based upon the following current good manufacturing practice conditions of use:

(1) The ingredient is used as a texturizer as defined in § 170.3(o)(32) of this chapter.

(2) The ingredient is used in food at levels not to exceed current good manufacturing practice.

2. By adding new § 184.1322, to read as follows:

§ 184.1322 Wheat gluten.

(a) Wheat gluten (CAS Reg. No. 8002–80–0) is the principal protein component of wheat and consists mainly of gliadin and glutenin. Wheat gluten is obtained by hydrating wheat flour and mechanically working the sticky mass to separate the wheat gluten from the starch and other flour components. Vital gluten is dried gluten that has retained its elastic properties.

(b) FDA is developing food-grade specifications for wheat gluten in cooperation with the National Academy of Sciences. In the interim, the ingredient must be of a purity suitable for its intended use.

(c) In accordance with § 184.1(b)(1), the ingredient is used in food with no limitation other than current good manufacturing practice. The affirmation of this ingredient as generally recognized as safe (GRAS) as a direct human food ingredient is based upon the following current good manufacturing practice conditions of use:

(1) The ingredient is used as a dough strengthener as defined in § 170.3(o)(6) of this chapter; as a nutrient supplement as defined in § 170.3(o)(20) of this chapter, and as a texturizing agent as defined in § 170.3(o)(32) of this chapter.

(2) The ingredient is used in food at levels not to exceed current good manufacturing practice.

3. By adding new § 184.1984, to read as follows:

§ 184.1934 Zein.

(a) Zein (CAS Reg. No. 9010–66–6) is one of the components of corn gluten. It is produced commercially by extraction from corn gluten with alkaline aqueous isopropyl alcohol containing sodium hydroxide. The extract is then cooled, which causes the zein to precipitate.

(b) FDA is developing food-grade specifications for zein in cooperation with the National Academy of Sciences. In the interim, this ingredient must be of a purity suitable for its intended use.

(c) In accordance with § 184.1(b)(1), the ingredient is used in food with no limitation other than current good manufacturing practice. The affirmation of this ingredient as generally recognized as safe (GRAS) as a direct human food ingredient is based upon the following current good manufacturing practice conditions of use:

(1) The ingredient is used as a surface-finishing agent as defined in § 170.3(o)(30) of this chapter.

(2) The ingredient is used in food at levels not to exceed current good manufacturing practice.

The agency is unaware of any prior sanctions for the use of these

ingredients in foods under conditions different from those identified in this document. Any person who intends to assert or rely on such a sanction shall submit proof of its existence in response to this proposal. The action proposed above will constitute a determination that excluded uses would result in adulteration of the food in violation of section 402 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 342), and the failure of any person to come forward with proof of an applicable prior sanction in response to this proposal constitutes a waiver of the right to assert or rely on it later. Should any person submit proof of the existence of a prior sanction, the agency hereby proposes to recognize such use by issuing an appropriate final rule under Part 181 (21 CFR Part 181) or affirming it as GRAS under Part 184 or 186 (21 CFR Part 184 or 186), as appropriate.

Interested persons may, on or before September 12, 1983 submit to the Dockets Management Branch (address above) written comments regarding this proposal. Two copies of any comments are to be submitted, execept that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: June 27, 1983.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 83-18541 Filed 7-11-83; 8:45 am]

BILLING CODE 4160-01-M

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21 CFR Part 312

[Docket No. 82N-0394]

Proposed New Drug, Antibiotic, and Biologic Drug Product Regulations

Correction

In FR Doc. 83-15452, beginning on page 26720, in the issue of Thursday, June 9, 1983, make the following corrections:

1. On page 26738, in the first colum, in § 312.21, the third paragraph should start "*(c) Phase 3.*"

2. On page 26741, in the second column, the section number that now reads "§ 312.12" should read "§ 312.32".

3. On page 26747, in the first column, the section number now reading "§ 312.63" should read "§ 312.110".

BILLING CODE 1505-01-M

21 CFR Part 809

[Docket No. 81N-0163]

Investigational in Vitro Diagnostic Products for Human Use; Proposed Revocation of Shipment Notification Requirement

Correction

In FR Doc. 82-21744 appearing on page 34575 in the issue of Tuesday, August 10, 1982, make the following correction:

In the middle column of page 34575, fifteen lines from the bottom of the page, "to be necessary" should have read "to be unnecessary".

BILLING CODE 1505-01-M

DEPARTMENT OF DEFENSE

Corps of Engineers, Department of the Army

33 CFR Parts 320, 322, 323, 325, 327, 328, and 330

Proposal To Amend Permit Regulations for Controlling Certain Activities in Waters of the United States

AGENCY: U.S. Army Corps of Engineers, DoD.

ACTION: Extension of comment period.

SUMMARY: On May 12, 1983, the Corps of Engineers published in the **Federal Register** (48 FR 21466-21476) a proposal to amend the Corps permit regulations requesting comments by July 11, 1983. In response to several requests for additional time and opportunity to comment on the proposed changes, the Corps of Engineers is extending the comment period to August 31, 1983.

DATE: The comment period is extended to August 31, 1983.

ADDRESS: Comments should be sent to: HQDA, DAEN-CWO-N, Washington, D.C. 20314.

FOR FURTHER INFORMATION CONTACT: Mr. Sam Collinson or Mr. Bernie Goode at (202) 272-0199.

Dated: July 7, 1983.

Paul F. Kavanaugh,

Colonel, Corps of Engineers, Executive Director of Civil Works.

[FR Doc. 83-18750 Filed 7-11-83; 8:45 am]

BILLING CODE 3710-92-M

GENERAL SERVICES ADMINISTRATION

Office of Plans, Programs, and Financial Management

41 CFR Part 101-41

Administrative Offset and Interest Assessment on Delinquent Refunds for Totally Unused Tickets; Extension of Comment Period

AGENCY: General Services Administration.

ACTION: Proposed rule; extension of comment period.

SUMMARY: On May 24, 1983, the General Services Administration published a proposed rule in the **Federal Register** (48 FR 23283) concerning administrative offset and interest assessment on delinquent refunds for totally unused tickets. The period for commenting on that proposed rule has been extended until August 11, 1983. This extension is the result of a request from the Air Transport Association of America on behalf of a number of their member carriers.

DATE: Comments must be received by August 11, 1983.

ADDRESS: Written comments should be sent to the General Services Administration (BWCP), Washington, D.C. 20405.

FOR FURTHER INFORMATION CONTACT: John W. Sandfort, Chief, Regulations, Procedures, and Claims Branch, Office of Transportation Audits (202-786-3014).

(31 U.S.C. 3726 and 40 U.S.C. 486(c))

Dated: July 1, 1983.

Raymond A. Fontaine,

Assistant Administrator of General Services.

[FR Doc. 83-18723 Filed 7-11-83; 8:45 am]

BILLING CODE 6820-34-M

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41 CFR Part 105-60

Freedom of Information

AGENCY: Office of Oversight, GSA.

ACTION: Proposed rule.

SUMMARY: The General Services Administration (GSA) has revised its regulations to reflect the transfer of responsibility within GSA for administering the Freedom of Information Act. Also included is the current fee schedule and the Administrator has been added to the list of persons authorized to accept subpoenas.

DATE: Comments must be received on or before August 11, 1983.

ADDRESSES: Address comments to General Services Administration (ORAR), Washington, DC 20405.

FOR FURTHER INFORMATION CONTACT: Mr. William W. Hiebert, GSA Freedom of Information Act (FOIA) Officer (202-535-7644).

SUPPLEMENTARY INFORMATION: GSA's regulations implementing the Freedom of Information Act are being revised to:

a. Correct the telephone number for the GSA Headquarters reading room;

b. Change the search fees from $5 per hour to $6 per hour and if a professional staff member performs the search from $10 per hour to $15 per hour;

c. Reflect the transfer of responsibility from the Director of Public Information or Assistant Regional Administrator for External Affairs to the GSA FOIA Officer or the Regional FOIA Officer.

d. Clarify the extension of time limits;

e. Add the Administrator to the list of persons authorized to accept subpoena duces tecum; and

f. Inform the requester that if prepayment is not received within 20 workdays from the date of our letter, additional charges may be incurred.

List of Subjects in 41 CFR Part 105-60

Freedom of Information.

PART 105-60—[AMENDED]

Part 105-60—Public Availability of Agency Records and Informational Materials is amended as follows:

Subpart 105-60.3 Availability of Opinions, Orders, Policies, Interpretations, Manuals, and Instructions

1. The authority citation for Part 105-60 reads as follows:

Authority: Sec. 205(c), 63 Stat. 390 (40 U.S.C. 486(c)).

2. Section 105-60.303 is amended by revising paragraphs (a) that portion containing the address for the "Central Office" and (c) to read as follows:

§ 105-60.303 Rules for public inspection and copying.

(a) *Locations.* Reading rooms or selected areas containing the materials available for public inspection and copying, described in § 105-60.302, are located in the following places:

Central Office
(GSA Headquarters), Washington, DC
Telephone: 202-535-7788

* * * * *

(c) *Copying.* GSA will furnish reasonable copying services at fees specified in § 105-60.305. The fees will be posted in each reading room or selected area. In suitable circumstances, a member of the public may receive authorization to copy materials personally under the procedures determined by the authorizing official (the GSA FOIA Officer in the Central Office or the Regional FOIA Officer in the regional offices).

* * * * *

3. Section 105-60.305-6 is revised to read as follows:

§ 105-60.305-6 Prepayment of fees over $10.

GSA will require prepayment of fees for search and reproduction which are likely to exceed $10. When the anticipated total fee exceeds $10, the requester will receive notice to prepay and will be advised if prepayment is not received within 20 work days from the date or our letter, he may incur additional charges for time spent searching and additional time for the records.

4. Section 105-60.305-8 is amended by revising paragraph (b) to read as follows:

§ 105-60.305-8 Fee schedule.

* * * * *

(b) Search fees.

(1) The standard search fee is $6 per hour or fraction thereof beyond the initial half hour used to locate the requested records.

(2) When GSA must use professional staff to search for the requested records because clerical staff would be unable to locate them, the search fee is $15 per hour or fraction thereof beyond the initial half hour used to locate the requested records.

(3) When the search includes nonpersonnel expenditures to locate and extract requested records, such as computer time or transportation expenses, the applicable fee is the direct cost to GSA.

5. Section 105-60.402-1 is revised to read as follows:

§ 105-60.402-1 Submission of requests for described records.

For records located in the GSA Central Office, the requester should submit a request in writing to the GSA FOIA Officer, General Services Administration (ORAR), Washington, DC 20405. For records located in the GSA regional offices, the requester should submit a request to the FOIA Officer in the Office of Project Control and Oversight for the relevant region, at the address listed in § 105-60.303(a). Requests should include the words "FREEDOM OF INFORMATION REQUEST" prominently marked on both the face of the request letter and the envelope. The 10-workday time limit for agency decisions set forth in § 105-60.402-2 begins with receipt of a request in the office of the appropriate official identified in this section. A requester who has questions concerning an FOIA request may consult the GSA FOIA Officer, 18th and F Streets, NW, Washington, DC 20405, (202) 535-7644.

6. Section 105-60.403 is amended by revising paragraphs (a), (b), and (c) to read as follows:

§ 105-60.403 Appeal within GSA.

(a) A requester who receives a denial in whole or in part, of a request may appeal that decision within GSA. The requester shall direct the appeal to the GSA FOIA Officer, General Services Administration (ORAR), Washington, DC 20405, regardless whether the denial being appealed was made in the Central Office or in a regional office.

(b) The GSA FOIA Officer must receive an appeal no later than 30 calendar days after receipt by the requester of the initial denial of access.

(c) The requester must appeal in writing and include a brief statement of the reasons he or she thinks GSA should release the records and enclose copies of the initial request and denial. The appeal letter should include the words "FREEDOM OF INFORMATION APPEAL" on both the face of the appeal letter and on the envelope. GSA has 20 workdays after receipt of an appeal to make a determination with respect to the appeal. The 20-workday time limit shall not begin until the GSA FOIA Officer receives the appeal.

* * * * *

7. Section 105-60.404 is revised to read as follows:

§ 105-60.404 Extension of time limits.

In unusual circumstances the Director of Oversight, the Director of Administrative Services, the GSA FOIA Officer, or the regional Director of Project Control and Oversight may extend the time limits prescribed in § 105-60.402 and 105-60.403. If necessary, more than one extension of time may be taken. However, the total extension of time shall not exceed 10 workdays with respect to a particular request. The extension may be divided between the initial and appeal stages or within a single stage. GSA will provide a written notice to the requester of any extension of time limits.

8. Section 105-60.601-1 is amended by revising paragraph (b) to read as follows:

§ 105-60.601-1 GSA administrative records.

* * * * *

(b) The Administrator, the General Counsel, Deputy General Counsel, Assistant General Counsels, Inspector General, and, with respect to records in a GSA regional office, the Regional Administrator and Regional Counsel are the only GSA employees authorized to accept service of a subpoena duces tecum or other legal demands on behalf of GSA.

Dated: July 1, 1983.

William A. Clinkscales,

Director, Office of Oversight.

[FR Doc. 83-18800 Filed 7-11-83; 8:45 am]

BILLING CODE 6820-34-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Part 4100

Amendments to the Grazing Regulations; Extension of Public Comment Period

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of extension of public comment period.

SUMMARY: The time provided for the public to submit comments to the Bureau of Land Management regarding proposed rulemaking for Grazing Regulations, 43 CFR Part 4100, is hereby extended from July 12, 1983, to August 11, 1983. The Bureau of Land Management has received requests from the public for additional time to analyze the proposed rulemaking and formulate comments. The proposed rulemaking was published on May 13, 1983 (48 FR 21820–21827), and a 60 day comment period provided for. However, distribution of the publication to the Western States was not received until mid to late June 1983. Therefore, the comment period is extended an additional 30 days to August 11, 1983. This will ensure that interested persons in the Western United States have adequate time to analyze the proposed rulemaking and develop substantive comments.

DATE: Comments by August 11, 1983. Comments received after this date may not be considered as a part of the decisionmaking process on a final rulemaking.

ADDRESS: Send comments to: Director (140) Bureau of Land Management, 18th & C Streets, NW., Washington, D.C. 20240.

Comments received 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: Billy Templeton or Ronald Wenker, Division of Rangeland Resources, (202) 653-9193.

Dated: July 7, 1983.

Frank A. DuBois,

Acting Assistant Secretary of the Interior.

[FR Doc. 83-18760 Filed 7-11-83; 8:45 am]

BILLING CODE 4310-84-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 81

Purchase of Insurance and Adjustment of Claims

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Proposed rule.

SUMMARY: This proposed rule amends the list of eligible states under the Federal Crime Insurance Program to remove the States of Minnesota, New Mexico, Washington and Wisconsin making its citizens ineligible to purchase Federal Crime Insurance policies against burglary and robbery losses under the Federal Crime Insurance Program after September 30, 1983. In these States there is no longer an unresolved critical situation.

DATE: All comments received on or before September 12, 1983 will be considered before final action is taken on the proposed rule.

ADDRESS: Persons wishing to comment should submit same to the Rules Docket Clerk, Office of the General Counsel, Room 835, Federal Emergency Management Agency, 500 C Street, S.W., Washington, D.C. 20472.

FOR FURTHER INFORMATION CONTACT: Mr. Robert J. DeHenzel, Director, Urban Property Insurance Operations Division, Office of Insurance Operations, Federal Insurance Administration, 500 "C" Street, S.W., Room 433, Washington, D.C. 20472, telephone Number 202-287-0800.

SUPPLEMENTARY INFORMATION: This action is being taken under the authority of 12 U.S.C. 1749bbb-10a, on the basis of the Administrator's continuing review of the crime insurance availability in the various states. This action follows extensive consultations with state insurance authorities for the States of Minnesota, New Mexico, Washington and Wisconsin, who have specifically certified that the Federal Crime Insurance Program is no longer needed in their states. It also takes into account the views expressed by the Independent Insurance Agents Association and the Professional Insurance Agents Association that crime insurance is being made available through the private sector in the States of Minnesota, New Mexico, Washington and Wisconsin.

It has been determined that the action falls within the category of actions which has been categorically excluded from the requirements of 44 CFR Part 10 dealing with the preparation of environmental assessments, and no such assessment has been prepared. It also has been determined because of the very small number of policies in affected states that this rule will not have a substantial or significant impact upon the number of small entities. Furthermore, there are no information collection requirements involved which require review under Section 350(h) of the Paperwork Reduction Act of 1978.

List of Subjects in 44 CFR Part 81

Claims, Crime insurance.

Accordingly, paragraph § 81.1 is revised to read as follows:

§ 81.1 Jurisdictions eligible for sale of crime insurance.

* * * * *

(b) On the basis of the information available, the Administration has determined that the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands and the states set forth in this paragraph have an unresolved critical market availability situation that requires the operation of the Federal Crime Insurance Program therein as of October 1, 1983.

Accordingly, the program is in operation in the following jurisdictions:

Alabama	Massachusetts
Arkansas	Missouri
California	New Jersey
Colorado	New York
Connecticut	North Carolina
Delaware	Ohio
Florida	Pennsylvania
Georgia	Rhode Island
Illinois	Tennessee
Iowa	Virginia
Kansas	District of Columbia
Louisiana	Puerto Rico
Maryland	Virgin Islands

* * * * *

(Sec. 1247, Urban Property Protection and Reinsurance Act, of 1968, as Amended, 12 U.S.C. 1749bbb-17)

Issued at Washington, D.C. June 22, 1983.

Jeffrey S. Bragg,

Administrator, Federal Insurance Administration.

[FR Doc. 83-18550 Filed 7-11-83; 8:45 am]

BILLING CODE 6718-01-M

Notices

Federal Register
Vol. 48, No. 134
Tuesday, July 12, 1983

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Forest Service

National Forest Land and Resource Management Plans; Apache-Sitgreaves National Forests, Apache, Coconino, Greenlee, and Navajo Counties, Arizona and Coconino National Forest, Coconino and Yavapai Counties, Arizona, et al.; Revised Notice of Intent To Prepare Environmental Impact Statements for Forest Land and Resource Management Plans

The Department of Agriculture, Forest Service, is preparing Environmental Impact Statements for proposed Forest Land and Resource Management Plans for the National Forests in Arizona. Notices of Intent were previously filed. However, in response to the decision by the Ninth Circuit Court of Appeals (*California* vs. *Block*, October 22, 1982) the Secretary of Agriculture directed the Forest Service to evaluate roadless areas in Environmental Impact Statements for Forest Land and Resource Management Plans. Consequently, completion will be substantially delayed and a revised Notice of Intent is being filed.

To evaluate roadless areas in Arizona, the public, other government agencies, and Indian tribes are invited to participate in identifying new or revised issues associated with inventoried roadless areas, clarifying current roadless area issues, providing information about criteria for evaluation. Specific information is requested on manageable boundaries, wilderness values, and resource development potential.

Public open houses will be held to provide interested parties with information about roadless areas. Materials, maps, and informed Forest Service personnel will be available at District and Supervisors' Offices for the public to study and discuss the wilderness issue. The Forest Service will be soliciting written responses to be sent to the appropriate Forest Supervisor for consideration.

The public open house schedule is:

Date	Location	Time (p.m.)	Coverage
Aug. 3, Wednesday.	Tucson	1 to 9	Statewide.
Aug. 4, Thursday.	Phoenix	4 to 9	Statewide.
Aug. 8, Monday.	Springerville	2 to 5/ 7 to 9	Apache-Sitgreaves.
Aug. 9, Tuesday.	Show Low	2 to 5/ 7 to 9	Apache-Sitgreaves.
	Williams	6:30 to 8:30	Kaibab/ Prescott.
Aug. 10, Wednesday.	Alpine	2 to 5/ 7 to 9	Apache-Sitgreaves.
	Tusayan	6:30 to 8:30	Kaibab NF.
	Payson	6:30 to 9:30	Tonto/ Coconino.
	Prescott	3 to 9	Prescott.
Aug. 11, Thursday.	Clifton	2 to 5/ 7 to 9	Apache-Sitgreaves.
	Fredonia	6:30 to 8:30	Kaibab.
	Camp Verde.	3 to 9	Prescott/ Coconino.
	Globe	6:30 to 8:30	Tonto.
Aug. 15, Monday.	Winslow	2 to 5/ 7 to 9	Apache/ Sitgreaves.
	Benson	7 to 10	Coronado.
Aug. 16, Tuesday.	Cave Creek	1 to 4	Tonto.
	Oracle	7 to 10	Coronado.
	Douglas	7 to 10	Coronado.
Aug. 17, Wednesday.	Portal	7 to 10	Coronado.
Aug. 18, Thursday.	Mesa	7 to 10	Tonto.
	Patagonia	7 to 10	Coronado.
	Stafford	7 to 10	Coronado.
Aug. 22, Monday.	Sierra Vista	7 to 10	Coronado.
Aug. 23, Tuesday.	Nogales	7 to 10	Coronado.
Aug. 24, Wednesday.	Pleasant Valley.	1 to 4	Tonto.
	Tucson	7 to 10	Coronado.
Aug. 25, Thursday.	Wilcox	7 to 10	Coronado.
	Tonto Basin	1 to 4	Tonto.
Aug. 30, Tuesday.	Sedona	6 to 10	Coconino.
Aug. 31, Wednesday.	Flagstaff	5 to 9	Coconino/ Kaibab.

Written comments should be sent to the appropriate Forest Supervisor and will be formally considered if they are received by the affected Forest by close of business on October 1, 1983.

Written comments, suggestions, and information about roadless areas should be sent to:

Apache-Sitgreaves National Forest (LMP), P.O. Box 640, Springerville, AZ 85938

Coconino National Forest (LMP), 2323 Greenlaw Lane, Flagstaff, AZ 86001

Coronado National Forest (LMP), Federal Building, 301 W. Congress, P.O. Box 551, Tucson, AZ 85702

Kaibab National Forest (LMP), 800 S. 6th Street, Williams, AZ 86046

Prescott National Forest (LMP), 344 S. Cortez Street, P.O. Box 2549, Prescott, AZ 86301

Tonto National Forest (LMP), 102 S. 28th Street, P.O. Box 29070, Phoenix, AZ 85038

Forest land and resource management plans are being prepared to provide for multiple use and sustained yield of the goods and services from the National Forest System in a way that maximizes long term net public benefits in an environmentally sound manner. Plans will guide all natural resource management activities and establish management standards and guidelines. They will determine resource management practices, levels of resource production and management, and the availability and suitability of lands for resource management. Environmental Impact Statements will evaluate several alternatives for management. The public will be invited to comment on draft Environmental Impact Statements as they are completed.

The tentative schedule for completion of draft and final Environmental Impact Statements is:

National forest	Draft	Final
Apache-Sitgreaves	June 1985	April 1986.
Coconino	August 1985	June 1986.
Coronado	September 1984	March 1985.
Kaibab	December 1984	September 1985.
Prescott	March 1985	December 1985.
Tonto	December 1984	September 1985.

M. J. Hassell, Regional Forester, Southwestern Region, is the responsible official. Questions and requests for additional information should be directed to the appropriate Forest Supervisor.

June 30, 1983.

Louis Volk, Jr.,

Deputy Regional Forester.

[FR Doc. 83-18745 Filed 7-11-83; 8:45 a.m.]

BILLING CODE 3410-11-M

COMMISSION ON CIVIL RIGHTS

Alaska Advisory Committee; Agenda and Notice of Public Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights,

that a meeting of the Alaska Advisory Committee to the Commission will convene at 10:30a and will end at 3:30p, on August 16, 1983, at the Federal Building, Room C-109, 701 C street, Anchorage, Alaska. The purposes of this meeting are to discuss followup to seafood processing project and develop program plans for FY 1984.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Mr. Donald Peter, 108 Stewart Street, Anchorage, Alaska 99504, (907) 272-9531; or the Northwestern Regional Office, 915 Second Avenue, Room 2852, Seattle, Washington 98174, (206) 399-1246).

The meeting will be conducted prusuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., July 6, 1983.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 83-18656 Filed 7-11-83; 8:45 am]

BILLING CODE 6335-01-M

Arizona Advisory Committee; Agenda and Notice of Public Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Arizona Advisory Committee to the Commission will convene at 2:00p and will end at 6:00p, on July 28, 1983, at the Ramada Inn, Hohokam Room, 3801 East Van Buren, Phoenix, Arizona 85008. The purposes of this meeting are to orientate new members and plan programs for future activities.

Persons desiring additional information or planning a presentation to the Committee should contact the Chairperson, Mr. Richard Zazueta, 5235 East Cholla, Phoenix AZ 85028, (602) 261-9211; Western Regional Office, 3660 Wilshire Boulevard, Suite 810, Los Angeles CA 90010, (213) 688-3437.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C. July 6, 1983.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 83-18660 Filed 7-11-83; 8:45 am]

BILLING CODE 6335-01-M

Arkansas Advisory Committee; Agenda and Notice of Public Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Arkansas Advisory Committee to the Commission will convene at 9:00a and will end at 5:00p, on August 4, 1983, at the Riverfront Hilton Inn, Argenta East Room, 2 Riverfront Plaza, North Little Rock, Arkansas. The purposes of this meeting are to have a press conference releasing the report on the conference on block grants; and plan programs for the next fiscal year.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Ms. Marcia McIvor, 1229 Lakeridge, Fayetteville, Arkansas 72701 (501) 442-0600; or the Southwestern Regional Office, Heritage Plaza, 418 South Main, San Antonio TX 78204, (512) 730-5570.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C. July 6, 1983.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 83-18657 Filed 7-11-83; 8:45 am]

BILLING CODE 6335-01-M

Maine Advisory Committee; Agenda and Notice of Public Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Maine Advisory Committee to the Commission will convene at 6:00 p.m. and will end at 8:30 p.m., on August 16, 1983, at the Maine Teachers Association, Conference Room, 35 Community Drive, Augusta, Maine. The purpose of this meeting is to discuss the block grant study and the Maine Civil Rights bill.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Ms. Lois G. Reckitt, 38 Myrtle Avenue, South Portland, Maine 04106, (207) 775-1451; New England Regional Office, 55 Summer Street, 8th Floor, Boston, Massachusetts 02110; (617) 223-4671.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., July 6, 1983.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 83-18659 Filed 7-11-83; 8:45 am]

BILLING CODE 6335-01-M

Vermont Advisory Committee; Agenda and Notice of Public Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Vermont Advisory Committee to the Commission will convene at 7:00 p.m. and will end at 9:00 p.m., on August 18, 1983, at the Williams Science Hall, Room 511, University of Vermont, Burlington, Vermont. The purpose of the meeting is to discuss the project on civil rights implications of block grants and the distribution of the Franco-American report.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Mr. Philip H. Hoff, 192 College Street, Hoff, Wilson & Powell, P.C., Burlington, Vermont 05401, (802) 658-4300; or the New England Regional Office, 55 Summer Street, 8th Floor, Boston, Massachusetts 02110, (617) 223-4671.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., July 6, 1983.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 83-18658 Filed 7-11-83; 8:45 am]

BILLING CODE 6335-01-M

DEPARTMENT OF COMMERCE

Bureau of the Census

Special Sworn Census Employees

AGENCY: Bureau of the Census, Commerce.

ACTION: Notice.

SUMMARY: This notice is issued in accordance with the provisions of Pub. L. 97-454, which requires a notice for the purpose of describing the use by the Bureau of the Census of temporary staff as authorized by Section 23(c) of Title 13, United States Code. Such staff are designated as Special Sworn Employees (SSEs) for administrative purposes.

The Bureau was established as a permanent statistical agency in 1902. Statutes pertaining to the Bureau and its work were codified in 1954 as Title 13, which provides continuing authority to the Bureau of the Census to conduct statistical programs and related activities; ensures the confidentiality of information received from individuals, businesses, and other entities; provides penalties for the unlawful use or disclosure of such information by any employee of the Bureau of the Census; and contains a variety of special employment provisions appropriate to the scope and conditions of the Bureau's statistical work.

Authority and responsibility are assigned by this law to the Secretary of Commerce who has delegated such

functions to the Director of the Bureau of the Census. The Director is, in accordance with this law, appointed by the President with the advice and consent of the United States Senate.

Policy and Practice

Section 23(c) of Title 13 authorizes the Bureau to use temporary staff (Special Sworn Employees) to assist the Bureau in performing the work authorized by Title 13, provided that such staff are sworn to observe the same limitations on the use of information and be subject to the same sanctions for violations as any other Bureau employee. Such staff may be employees of Federal, state, or local agencies or private organizations, and they assist the Bureau without compensation from the Bureau. Special Sworn Employees are appointed primarily to enable the Bureau to use the expertise of individuals on a specific project for 6 months or less, with appointment extensions if necessary. Special Sworn Employees typically constitute less than 3 percent of the total number of permanent and temporary employees of the Bureau.

The census law does not confer on any individual a right of appointment nor create any Bureau obligation to appoint a person who may believe his or her expertise is needed. The Bureau's use of its appointing authority is an exercise of discretion in accordance with Section 23(c) of the law.

There are several circumstances in which the appointment of SSEs usually is justified by the suitability of the individual to perform a function or assist on a project in which the Bureau is engaged and access to protected information may be necessary. These circumstances exist when the individual has expertise or specialized knowledge that can contribute to the accomplishment of Bureau projects or activities and the individual is employed by an agency or organization for which the Bureau performs a service under contract or engages in a joint project; the individual is employed by an agency or organization performing a service for the Bureau under contract or providing information to the Bureau for statistical purposes; or the individual is required by Federal law to audit, inspect, or investigate Bureau activities. Accordingly, most SSes are employees of Federal agencies engaged in statistical work and related activities.

Non-Federal appointees are generally employees of private organizations performing data processing or administrative services under contract to the Bureau, or individuals affiliated with universities, research, or research-related organizations when such individuals can provide expert advice or assistance on Bureau projects. Additionally, members of Census Advisory Committees may be appointed as SSEs when the nature of the topic or project on which they are providing advice warrants access to protected information (usually to observe interviews conducted by the Bureau in conjunction with the design, conduct, or evaluation of a census or survey).

Requirements and Penalties

Selection of individuals to be appointed as SSEs is delegated to appropriate supervisory officials in the Bureau, and appointments are made in accordance with guidelines and procedures contained in Census Administrative Manual, Chapter C 2. The prospective appointee completes standard application forms and signs appointment affidavits that include the oath of office and an affidavit of nondisclosure, by which he or she is informed of and made subject to the penalties for unlawful disclosure (a fine of not more than $5,000 or imprisonment of not more than 5 years, or both; 13 U.S.C. 214).

FOR FURTHER INFORMATION CONTACT: Bryant Benton, Associate Director for Management Services, Bureau of the Census, Washington, D.C. 20233; (301) 763-7980.

Dated: July 7, 1983.

Bruce Champan,

Director, Bureau of the Census.

[FR Doc. 83-18775 Filed 7-11-83; 8:45 am]

BILLING CODE 3510-07-M

Foreign-Trade Zones Board

[Order No. 212]

Resolution and Order Approving Application of Chicago Regional Port District for a Special-Purpose Subzone in Chicago, Within Chicago Customs Port of Entry; Proceedings of the Foreign-Trade Zones Board, Washington, D.C.

Resolution and Order

Pursuant to the authority granted in the Foreign-Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a-81u), the Foreign-Trade Zones Board has adopted the following Resolution and Order:

The Board, having considered the matter, hereby orders:

After consideration of the application of the Chicago Regional Port District, grantee of Foreign-Trade Zone 22, filed with the Foreign-Trade Zones Board (the Board) on May 11, 1981, requesting a special-purpose subzone for the steel tube plant of the UNR-Leavitt Division, UNR Industries, Inc., within the Chicago Customs port of entry, the Board, finding that the public interest requirements of the Foreign-Trade Zones Act, as amended, and the Board's regulations would be satisfied, and that the proposal would be in the public interest provided manufacturing under zone procedures is restricted to export, approves the application for the purpose of storing products, including foreign steel coil, and for the manufacture of electric-welded steel tubing for export.

The Grantee shall notify the Board's Executive Secretary for approval prior to the commencement of any additional manufacturing operations at the subzone site. The Secretary of Commerce, as Chairman and Executive Officer of the Board, is hereby authorized to issue an appropriate Board Order.

Grant of Authority to Establish a Foreign-Trade Subzone in Chicago, Illinois, Within The Chicago Customs Port of Entry

Whereas, by an Act of Congress approved June 18, 1934, an Act "To provide for the establishment, operation, and maintenance of foreign-trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes", as amended (19 U.S.C. 81a-81u) (the Act), the Foreign-Trade Zones Board (the Board) is authorized and empowered to grant to corporations the privilege of establishing, operating, and maintaining foreign-trade zones in or adjacent to ports of entry under the jurisdiction of the United States;

Whereas, the Board's regulations (15 CFR 400.304) provide for the establishment of special-purpose subzones when existing zone facilities cannot serve the specific use involved, and where a significant public benefit will result;

Whereas, the Chicago Regional Port District, grantee of Foreign-Trade Zone No. 22, has made application (filed May 11, 1983) in due and proper form to the Board requesting a special-purpose subzone at the steel tube manufacturing plant of the UNR-Leavitt Division of UNR Industries, Inc., located in Chicago, Illinois, within the Chicago Customs port of entry;

Whereas, notice of said application has been given and published, and full opportunity has been afforded all interested parties to be heard; and

Whereas, the Board has found that the requirements of the Act and the Board's regulations are satisfied and that the proposal would be in the public interest if manufacturing operations are restricted to export;

Now, therefore, in accordance with the application filed May 11, 1981, the Board hereby authorizes the

establishment of a subzone at UNR-Leavitt's steel tube manufacturing facility in Chicago, designated on the records of the Board as Foreign-Trade Subzone No. 22A at the location mentioned above and more particularly described on the maps and drawings accompanying the application, said grant of authority being subject to the provisions and restrictions of the Act and the Regulations issued thereunder, to the same extent as though the same were fully set forth herein, and also to the following express conditions and limitations:

Zone procedures shall be used only for the purposes of storing imported steel and manufacturing electric resistance welded steel pipe and tubing for export.

Activation of the subzone shall be commenced within a reasonable time from the date of issuance of the grant, and prior thereto, any necessary permits shall be obtained from Federal, State, and municipal authorities.

Officers and employees of the United States shall have free and unrestricted access to and throughout the foreign-trade subzone in the performance of their official duties.

The grant shall not be construed to relieve responsible parties from liability for injury or damage to the person or property of others occasioned by the construction, operation, or maintenance of said subzone, and in no event shall the United States be liable therefor.

The grant is further subject to settlement locally by the District Director of Customs and District Army Engineer with the Grantee regarding compliance with their respective requirements for the protection of the revenue of the United States and the installation of suitable facilities

In witness whereof, the Foreign-Trade Zones Board has caused its name to be signed and its seal to be affixed hereto by its Chairman and Executive Officer or his delegate at Washington, D.C. this 5th day of July 1983 pursuant to Order of the Board.

Foreign-Trade Zones Board.

Lawrence J. Brady,

Assistant Secretary of Commerce for Trade Administration, Chairman, Committee of Alternates.

Attest:

John J. Da Ponte, Jr.,

Executive Secretary.

[FR Doc. 83-18693 Filed 7-11-83; 8:45 am]

BILLING CODE 3510-25-M

International Trade Administration

President's Export Council; Open Meeting

A meeting of the President's Export Council's Export Promotion Subcommittee will be held July 28, 1983, 9:30 a.m., 12:00 p.m., at the Herbert C. Hoover Building, Room 4830, 14th Street and Constitution Avenue, NW., Washington, D.C. The Council's purpose is to advise the President on matters relating to United States export trade.

Agenda: Export promotion techniques, export financing, state initiatives on export promotion, government trade apparatus, and other topics of interest.

The meeting will be open to the public with a limited number of seats available. For further information or copies of the minutes, contact Suzanne Sakolsky (202) 377-1125, Room 3213, U.S. Department of Commerce, Washington, D.C. 20230.

Dated: July 7, 1983.

Henry Misisco,

Acting Director, Office of Planning and Coordination.

[FR Doc. 83-18762 Filed 7-11-83; 8:45 am]

BILLING CODE 3510-25-M

National Oceanic and Atmospheric Administration

Marine Mammal Permits; Issuance of Permit No. 424

On May 17, 1983, Notice was published in the **Federal Register** (48 FR 22181), that an application had been filed with the National Marine Fisheries Service by Mr. Sherman C. Jones, Galveston, Texas 77553, for a scientific research permit to take an unspecified number of bottlenose and spinner dolphins by harassment for a period of two years.

Notice is hereby given that on July 1, 1983, the National Marine Fisheries Service issued a Scientific Research Permit as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407) to Mr. Sherman C. Jones subject to certain conditions set forth therein.

The Permit is available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, NW., Washington, D.C.; and

Regional Director, National Marine Fisheries Service, Southeast Region, 9450 Koger Boulevard, St. Petersburg, Florida 33702.

Dated: July 1, 1983.

Robert B. Brumsted,

Acting Chief, Protected Species Division, National Marine Fisheries Service.

[FR Doc. 83-18772 Filed 7-11-83; 8:45 am]

BILLING CODE 3510-22-M

Marine Mammal Permits; Modification No. 1 to Permit No. 263

On May 3, 1983, Notice was published in the **Federal Register** (48 FR 19923) that a modification request to Permit No. 263 had been received from the Minerals Management Services. Notice is hereby given that pursuant to the provisions of § 216.33 (d) and (e) of the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216), and § 222.25 of the Regulations Governing Endangered Species Permits (50 CFR Part 222), Scientific Research Permit No. 263 issued to Mineral Management Services, Alaska OCS Region, Anchorage, Alaska, May 4, 1979, is modified to include the take of additional 150 bowhead whales by potential harassment.

Accordingly, a new Section A-5 is added:

"A. 5. An additional 150 bowhead whales may be taken by potential harassment in 1983 as described in the modification request."

Section B is modified by adding Section B-9:

"B. 9. The Holder is required to inform the masters of any geophysical vessels involved in the authorized research that no seismic exploration sounds may be generated in the described vicinity of bowhead whales except at the specific direction of and under the supervision of the Permit Holder. Not later than 10 days after an experiment, the Holder shall provide to the Regional Director, Alaska Region, National Marine Fisheries Service, a report which describes the activities, the locations of the work and the vessel masters and aircraft operator's acknowledgment of the beginning time and termination time of each test run.

This modification became effective on July 6, 1983.

The Permit as modified and documentation pertaining to the modification are available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, NW., Washington, D.C.; and

Regional Director, National Marine Fisheries Service, Alaska Region, P.O. Box 1668, Juneau, Alaska 99802.

Dated: July 6, 1983.

Richard B. Roe,

Acting Director, Office of Protected Species and Habitat Conservation, National Marine Fisheries Service.

[FR Doc. 83-18773 Filed 7-11-83; 8:45 am]

BILLING CODE 3510-22-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Controlling Imports of Certain Man-Made Fiber Textile Products From Malaysia

July 7, 1983.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Controlling imports of women's, girls' and infants' woven cotton blouses in Category 341, produced or manufactured in Malaysia and exported during the twelve-month period which began on April 27, 1983 and extends through April 26, 1984, at a level of 216,865 dozen.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15175) and May 3, 1983 (48 FR 19924)).

SUMMARY: On May 11, 1983 a notice was published in the **Federal Register** (48 FR 21176) announcing that, on April 27, 1983, under the terms of the Bilateral Cotton, Wool, and Man-Made Fiber Textile Agreement of December 5, 1980 and February 27, 1981, the Government of the United States had requested consultations with the Government of Malaysia with respect to cotton textile products in Category 341. The notice stated that if no solution were agreed on in consultations between the two governments within 60 days of the request for consultations, the Committee for the Implementation of Textile Agreements could establish a limit of 54,216 dozen for the sixty-day consultation period which began on April 27, 1983 and extended through June 25, 1983 and a limit of 216,865 dozen for the twelve-month period which began on April 27, 1983 and extends through April 26, 1984. Consultations between the two governments have not yet resulted in agreement. The United States Government has decided, therefore, until such time as a mutually satisfactory solution can be reached, to control imports of these products at the twelve-month level of 216,865 dozen.

The United States remains committed to finding a solution concerning this category. Should such a solution be reached, further notice will be published in the **Federal Register**.

EFFECTIVE DATE: July 12, 1983.

FOR FURTHER INFORMATION CONTACT: Gordana Slijepcevic, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, D.C. 20230 (202/377-4212).

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

July 7, 1983.

Commissioner of Customs,
Department of the Treasury, Washington, D.C. 20229

Dear Mr. Commissioner: Under the terms of Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854), and the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended on December 15, 1977 and December 22, 1981; pursuant to the Bilateral Cotton, Wool, and Man-Made Fiber Textile Agreement of December 5, 1980 and February 27, 1981, as amended, between the Governments of the United States and Malaysia; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended by Executive Order 11951 of January 6, 1977, you are directed to prohibit, effective on July 12, 1983 and for the twelve-month period which began on April 27, 1983 and extends through April 26, 1984, entry into the United States for consumption and withdrawal from warehouse for consumption of textile products in Category 341, produced or manufactured in Malaysia, and exported during the 12-month period beginning on April 27, 1983, in excess of 216,865 dozen.[1]

Textile products in Category 341 which have been exported to the United States prior to April 27, 1983, shall not be subject to this directive.

Textile products in Category 341 which have been released from the custody of the U.S. Custom Service under the provisions of 19 U.S.C. 1448(b) or 1484(a)(1)(A) prior to the effective date of this directive, unless exported during the sixty-day period which began on April 27, 1983 and extends through June 25, 1983, shall not be denied entry under this directive.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on December 13, 1982 (47 FR 55790), as amended on April 7, 1983 (48 FR 15175) and May 3, 1983 (48 FR 19924)).

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

The action taken with respect to the Government of Malaysia and with respect to imports of cotton textile products from Malaysia has been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, these directions to the Commissioner of Customs, which are necessary for the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the **Federal Register**.

Sincerely,

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 83-18766 Filed 7-11-83; 8:45 am]

BILLING CODE 3510-25-M

[1] The level of restraint has not been adjusted to reflect any imports after April 26, 1983.

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. 3038-0005, which is entitled, "Rules Relating to the Operations and Activities of Commodity Pool Operations and Commodity Trading Advisors and to Monthly Reporting by Futures Commission Merchants." These rules were issued by the Commission on May 8, 1981, 46 FR 26000, and were assigned a control number by OMB on July 21, 1981. OMB clearance is due to expire on July 31, 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 rules 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, Officer 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 in Washington, D.C. on July 7, 1983.

Jane K. Stuckey,

Secretary of the Commission.

[FR Doc. 83-18736 Filed 7-11-83; 8:45 am]

BILLING CODE 6351-01-M

DEPARTMENT OF DEFENSE

Office of the Secretary

DOD Advisory Group on Election Devices; Advisory Committee Meeting

Working Group B (Mainly Low Power Devices) of the DoD Advisory Group on Electron Devices (AGED) will meet in closed session on August 31 and September 1, 1983 at RADC, Griffiss AFB, NY 13441.

The mission of the Advisory Group is to provide the Under Secretary of Defense for Research and Engineering, the Director, Defense Advanced Research Projects Agency and the Military Departments with technical advice on the conduct of economical and effective research and development programs in the area of electron devices.

The Working Group B meeting will be limited to review of research and development programs which the military propose to initiate with industry, universities or in their laboratories. The low power device area includes such programs as integrated circuits, charge coupled devices and memories. The review will include classified program details throughout.

In accordance with Section 10(d) of Pub. L. 92-463, as amended, (5 U.S.C. App. 1 section 10(d) (1976)), it has been determined that this Advisory Group meeting concerns matters listed in 5 U.S.C. 552b(c)(1) (1976), and that accordingly, this meeting will be closed to the public.

M. S. Healy,

OSD Federal Register Liaison Officer, Department of Defense.

July 7, 1983.

[FR Doc. 83-18755 Filed 7-11-83; 8:45 am]

BILLING CODE 3810-01-M

DOD Advisory Group on Electron Devices; Advisory Committee Meeting

Working Group C (Mainly Imaging and Display) of the DoD Advisory Group on Electron Devices (AGED) will meet in closed session on 5 August 1983 at the National Bureau of Standards, 325 Broadway, Boulder, CO 80302.

The mission of the Advisory Group is to provide the Under Secretary of Defense for Research and Engineering, the Director, Defense Advanced Research Projects Agency and the Military Departments with technical advice on the conduct of economical and effective research and development programs in the area of electron devices.

The Working Group C meeting will be limited to review of research and development programs which the military propose to initiate with industry, universities or in their laboratories. This special device area includes such programs as infrared and night sensors. The review will include classified program details throughout.

In accordance with Section 10(d) of Pub. L. 92-463, as amended, (5 U.S.C. App. 1 § 10(d) (1976)), it has been determined that this Advisory Group meeting concerns matters listed in 5 U.S.C. 552b(c)(1) (1976), and that accordingly, this meeting will be closed to the public.

M. S. Healy,

OSD Federal Register Liaison Officer, Department of Defense.

July 7, 1983.

[FR Doc. 83-18756 Filed 7-11-83; 8:45 am]

BILLING CODE 3810-01-M

Department of the Navy

Final Notice of Decision to Relocate Auxiliary Oil and Explosive (AOE) Ships and Expansion of Vessel Support Systems at Naval Weapons Station Earle, Colts Neck, New Jersey

Pursuant to the provisions of the regulations implementing the procedural provisions of the National Environmental Policy Act (NEPA) (§ 1505.2 of Title 40, Code of Federal Regulations), the Department of the Navy announces its decision to Relocate Auxiliary Oil and Explosive (AOE) Ships to the Naval Weapons Station (NWS) Earle, Colts Neck, New Jersey. The Draft and Final Environmental Impact Statements for this project were filed with the Environmental Protection Agency (EPA) and the public on July 5, 1978, and April 18, 1980, respectively.

At the time of the filing of the Final Statement, it was envisioned that the planned relocation would require the acquisition of land and construction of a new ship fuel replenishment system, construction of a new pier and trestle, and the associated dredging of approximately 11.3 million cubic yards in Sandy Hook Bay and adjacent approach channels. The environmental impacts to the proposed action were primarily associated with the proposed expansion of these support systems, and were thoroughly discussed in the statements identified.

Applicable U.S. Army Corps of Engineers (COE) permits were not issued for the required construction and dredging due to objections of the EPA concerning the planned ocean disposal of dredged materials. Subsequent to resolution of the problems associated with ocean disposal, the expansion program was placed in an unprogrammed status until recently when it was proposed to affect a relocation of the two AOE ships without requiring major construction and/or dredging. Under the current program, the AOE's would relocate to NWS Earle and berth at the existing pier complex. The ships would be lightened (by virtue of a reduced cargo fuel load) such that no dredging would be required.

The overall impact of the reduced project is therefore directly associated with the relocation of the two AOE's and no impacts of significance were identified. At the time of the original project planning, it was envisioned that the ships' eligible married personnel would be housed at Fort Monmouth, a nearby U.S. Army installation where approximately 200 Navy families are housed. The Army has indicated its intention of transferring additional Army personnel to Fort Monmouth which, in effect, will preclude future use of Fort Monmouth housing assets by Navy personnel. Accordingly, the Navy will prepare an Environmental Assessment (EA) in support of a FY-86 200 unit family housing project scheduled for NWS Earle. The EA will assess the impacts of new housing construction and/or other alternatives for family housing. Impacts on such community services as schools, police, and fire protection services, etc., will be addressed in the assessment prepared.

Dated: July 5, 1983.

F. N. Ottie,

Lieutenant Commander, JAGC, U.S. Navy, Alternate Federal Register Liaison Officer.

[FR Doc. 83-18655 Filed 7-11-83; 8:45 am]

BILLING CODE 3810-AE-M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

AWECO, Inc. and Billy K. Hargis; Proposed Remedial Order

Pursuant to 10 CFR 205.192(c), the Economic Regulatory Administration (ERA) of the Department of Energy hereby gives Notice of a Proposed Remedial Order which was issued to AWECO, Inc. and Billy K. Hargis at 9333 Forest Lane, Dallas, Texas 75243. This Proposed Remedial Order alleges pricing violations in the amount of $54,510,702.66 plus interest in connection with the resale of crude oil at prices in excess of those permitted by 10 CFR

Parts 205, 210 and 212, Subparts F and L during the time period March 1977 through December 1978.

A copy of the Proposed Remedial Order, with confidential information deleted, may be obtained from James F. Murphy, Manager, Crude Reseller Program, Economic Regulatory Administration, Department of Energy, P.O. Box 35228, Dallas, Texas 75235, or by calling (214) 767-7432. Within fifteen (15) days of publication of this notice, any aggrieved person may file a Notice of Objection with the Office of Hearings and Appeals, Federal Building, Room 3304, 12th & Pennsylvania Ave., N.W., Washington, D.C. 20461, in accordance with 10 CFR 206.193.

Issued in Dallas, Texas, on the 7th day of June, 1983.

Ben L. Lemos,

Director, Dallas Office, Economic Regulatory Administration.

[FR Doc. 83-17439 Filed 7-11-83; 8:45 am]

BILLING CODE 6450-01-M

Economic Regulatory Administration

[ERA Docket No. 83-CERT-068 et al.]

A. W. Briedenbach Environmental Research Center et al.; Certifications of Eligible Use of Natural Gas To Displace Fuel Oil

The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) has received the following applications for certification of an eligible use of natural gas to displace fuel oil pursuant to 10 CFR Part 595 (44 FR 47920, August 16, 1979). Notice of these applications, along with pertinent information contained in the application, was published in the **Federal Register** and an opportunity for public comment was provided for a period of ten calendar days from the date of publication. No comments were received. More detailed information is contained in each application on file and available for inspection at the ERA Fuels Conversion Division Docket Room, RG-42, Room GA-093, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. 20585, from 8:00 a.m. to 4:30 p.m., Monday through Friday, except Federal holidays.

Applicant and facility	Date filed	Docket No.	FEDERAL REGISTER notice of application
A. W. Breidenbach, Environmental Center, Environmental Protection Agency, Cincinnati, Ohio.	May 5, 1983	83-CERT-068	48 FR 24186, May 31, 1983.
V.A. Medical Center, Cincinnati, Ohio	May 9, 1983	83-CERT-073	48 FR 25263, June 6, 1983.
A. E. Staley, Manufacturing Co., Sagamore Plant, Lafayette, Ind.	June 8, 1983	83-CERT-140	48 FR 27816, June 17, 1983.
US 52 South Plant, Lafayette, Ind.			
Spaulding Fibre Co., Inc., Industrial Plastics Plant, Tonawanda, N.Y.	June 7, 1983	83-CERT-165	48 FR 27596, June 16, 1983.
Koppers Co., Inc., Piston Ring and Seal Div. Plant, Baltimore, Md.	do	83-CERT-166	48 FR 27595, June 16, 1983.
Eastern Stainless Steel Co., Rolling Mill Road Plant, Baltimore, Md.	do	83-CERT-169	48 FR 27594, June 16, 1983.
Pemco Products—A Div. of Mobay Chemical Corp., Baltimore Plant, Baltimore, Md.	do	83-CERT-170	48 FR 27818, June 17, 1983.
Genstar Stone Products Co., Beaver Dam Road Plant, Church Lane Plant, Cockeysville, Md.	do	83-CERT-172	48 FR 27817, June 17, 1983.

The ERA has carefully reviewed the above applications for certification in accordance with 10 CFR Part 595 and the policy considerations expressed in the Final Rulemaking Regarding Procedures for Certification of the Use of Natural Gas to Displace Fuel Oil (44 FR 47920, August 16, 1979). The ERA has determined that the applications satisfy the criteria enumerated in 10 CFR Part 595 and, therefore, has granted the certifications and transmitted those certifications to the Federal Energy Regulatory Commission.

Issued in Washington, D.C., July 6, 1983.

James W. Workman,

Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 83-18702 Filed 7-11-83; 8:45 am]

BILLING CODE 6450-01-M

[ERA Docket No. 83-CERT-067 et al.]

Anchor Hocking Corp. et al.; Notice of Certification of Eligible Use of Natural Gas To Displace Fuel Oil

The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) has received the following applications for certification of an eligible use of natural gas to displace fuel oil pursuant to 10 CFR Part 595 (44 FR 47920, August 16, 1979). Notice of these applications, along with pertinent information contained in the application, was published in the **Federal Register** and an opportunity for public comment was provided for a period of ten calendar days from the date of publication. No comments were received. More detailed information is contained in each application on file and available for inspection at the ERA Fuels Conversion Division Docket Room, RG-42, Room GA-093, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. 20585, from 8:00 a.m. to 4:30 p.m., Monday through Friday, except Federal holidays.

Applicant and facility	Date filed	Docket No.	FEDERAL REGISTER notice of application
Anchor Hocking Corp., Baltimore Plant, Baltimore, Md	May 5, 1983	83-CERT-067	48 FR 27124, June 13, 1983.
Ewing St. Plant, Lancaster, Ohio			
W. Fifth Ave. Plant, Lancaster, Ohio			
Connellsville Plant, Connellsville, Pa.			
New Castle Plant, New Castle, Pa.			
Van Dyne-Crotty Co., Fairwood Ave. Plant, Columbus, Ohio	May 12, 1983	83-CERT-086	48 FR 27128, June 13, 1983.
E. Main St. Plant, Columbus, Ohio			
Darling & Co., Cincinnati, Ohio	May 16, 1983	83-CERT-096	48 FR 27125, June 13, 1983.
Capitol Products Corp., Mechanicsburg, Pa	May 13, 1983	83-CERT-098	48 FR 24167, May 31, 1983.

The ERA has carefully reviewed the above applications for certification in accordance with 10 CFR Part 595 and the policy considerations expressed in the Final Rulemaking Regarding Procedures for Certification of the Use of Natural Gas to Displace Fuel Oil (44 FR 47920, August 16, 1979). The ERA has determined that the applications satisfy the criteria enumerated in 10 CFR Part 595 and, therefore, has granted the certifications and transmitted those certifications to the Federal Energy Regulatory Commission.

Issued in Washington, D.C., on July 6, 1983.

James W. Workman,

Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 83-18705 Filed 7-11-83; 8:45 am]

BILLING CODE 6450-01-M

[ERA Docket No. 83-CERT-047 et al.]

Edison International, Certifications of Eligible use of Natural Gas To Displace Fuel Oil

The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) has received the following applications for certification of an eligible use of natural gas to displace fuel oil pursuant to 10 CFR Part 595 (44 FR 47920, August 16, 1979). Notice of their applications, along with pertinent information contained in those applications, was published in the **Federal Register** and an opportunity for public comment was provided for a period of ten calendar days from the date of publication. No comments were received. More detailed information is contained in each application on file and available for inspection at the ERA Fuels Conversion Division Docket Room, RG-42, Room GA-093, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. 20585, from 8:00 a.m. to 4:30 p.m., Monday through Friday, except Federal holidays.

Applicant and facility	Date filed	Docket No.	FEDERAL REGISTER notice of application
Edison International, Inc., Wellsville, N.Y., Plant, Wellsville, N.Y.	May 2, 1983	83-CERT-047	48 FR 27126, June 13, 1983.
Ramco/Fitzsimons Steel Co., Buffalo, N.Y. Plant, Buffalo, N.Y.	May 6, 1983	83-CERT-069	48 FR 24188, May 31, 1983.
Shepherd Chemical Co., Cincinnati, Ohio, Facility, Cincinnati, Ohio.	May 9, 1983	83-CERT-075	48 FR 24189, May 31, 1983.
The F&M Schaefer Brewing Co., Allentown, Pa. Brewery, Allentown, Pa.	June 7, 1983	83-CERT-162	48 FR 27420, June 15, 1983.
American Sugar Div., Amstar Corp., Baltimore, Md., Refinery, Baltimore, Md.	do	83-CERT-176	48 FR 28314, June 21, 1983.
General Tire & Rubber Co., Mt. Vernon Ill., Facility, Mt. Vernon, Ill.	do	83-CERT-178	48 FR 28315, June 21, 1983.
CertainTeed Corp., Milan, Ohio, Facility, Milan, Ohio	June 8, 1983	83-CERT-179	48 FR 28314, June 21, 1983.

The ERA has carefully reviewed the above applications for certification in accordance with 10 CFR Part 595 and the policy considerations expressed in the Final Rulemaking Regarding Procedures for Certification of the Use of Natural Gas to Displace Fuel Oil (44 FR 47920, August 16, 1979). The ERA has determined that the applications satisfy the criteria enumerated in 10 CFR Part 595 and, therefore, has granted the certifications and transmitted those certifications to the Federal Energy Regulatory Commission.

Issued in Washington, D.C., July 5, 1983.

James W. Workman,

Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 83-18703 Filed 7-11-83; 8:45 am]

BILLING CODE 6450-01-M

[ERA Docket No. 83-CERT-196 et. al.]

ITT Abrasive Products Co. et al.; Applications for Certification of Eligible Use of Natural Gas To Displace Fuel Oil

The Economic Regulatory Administration (ERA) of the Department of Energy has received the following applications for certification of an eligible use of natural gas to displace fuel oil pursuant to 10 CFR Part 595 (44 FR 47920, August 16, 1979). End-users who have the capability to use natural gas in place of fuel oil at any of their facilities can arrange for direct purchases and transportation of the gas to those facilities under the Federal Energy Regulatory Commission's (FERC) fuel oil displacement program. The ERA certification is required by the FERC as a precondition to interstate transportation of fuel oil displacement gas in accordance with the procedures in 18 CFR Part 284, Subpart F.

Pertinent information regarding these applications is listed below, while more detailed information is contained in each application on file and available for inspection at the ERA Fuels Conversion Division Docket Room, RG-42, Room GA-093, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. 20585, from 8:00 a.m. to 4:30 p.m., Monday through Friday, except Federal holidays.

83-CERT-196.

1. Applicant: ITT Abrasive Products Co., Tiffin, Ohio.

Date Filed: June 14, 1983.

Facility Location: Tiffin, Ohio.

Gas Volume: 39,000 Mcf per year.

Oil Displacement: 6,976 barrels of No. 2 fuel oil (1% sulfur).

Eligible Sellers: Ohio Gas Marketing Corp., Newark, Ohio; Ohio Shale Pipeline, Newark, Ohio.

Transporters: Columbia Gas Transmission Corp., Charleston, W. Va.; Columbia Gas of Ohio, Inc., Tiffin, Ohio.

83-CERT-197.

2. Applicant: Chattanooga Glass Co., Chattanooga, Tenn.

Date Filed: June 15, 1983.

Facility Location: Keyser, W. Va.

Gas Volume: 422,305 Mcf per year.

Oil Displacement: 2,815,245 gallons of No. 6 fuel oil (3.0% sulfur).

Eligible Seller: Industrial Energy Services Co., Pittsburgh, Pa.

Transporters: Columbia Gas Transmission Corp., Charleston, W. Va.; Columbia Gas of W. Va., Wheeling, W. Va.

83-CERT-198.

1. Applicant: R. R. Donnelley & Sons Co., Mattoon, Ill.

Date Filed: June 15, 1983.

Facility Location: Mattoon, Ill.

Gas Volume: 182,500 Mcf per year.

Oil Displacement: 1,303,405 gallons of No. 2 fuel oil (0.5% sulfur).

Eligible Sellers: Coronado Transmission Co., Houston, Tex.; Producers Gas Co., Dallas, Tex.; Magic Circle Energy Corp., Oklahoma City, Okla.

Transporters: Panhandle Eastern Pipeline Co., Houston, Tex.; Central Illinois Public Service Co., Springfield, Ill.

83-CERT-199

4. Applicant: Georgia Pacific Corp., Taylorville, Ill.

Date Filed: June 15, 1983.

Facility Location: Taylorville, Ill.

Gas Volume: 366,000 Mcf per year.

Oil Displacement: 2,440,000 gallons of No. 6 fuel oil (0.92% sulfur).

Eligible Sellers: Producers Gas Co., Dallas, Tex., Magic Circle Energy Corp., Oklahoma City, Okla.; Coronado Transmission Co., Houston, Tex.

Transporters: Panhandle Eastern Pipeline Co., Houston, Tex.; Central Illinois Public Service Co., Springfield, Ill.

83-CERT-200

5. Applicant: Chevron U.S.A., Inc., North Bend, Ohio.

Date Filed: June 15, 1983.

Facility Location: North Bend, Ohio.

Gas Volume: 242,000 Mcf per year.

Oil Displacement: 31,500 barrels of No. 6 fuel oil (0.95% sulfur).

Eligible Sellers: Exxon U.S.A., Houston, Tex.; Texas Gas Corp., Owensboro, Ky.; Ohio Gas Marketing Corp., Newark, Ohio.

Transporters: Columbia Gas Transmission Corp., Charleston, W. Va.; Texas Gas Transmission Corp., Owensboro, Ky.; The Cincinnati Gas & Electric Co., Cincinnati, Ohio; The Union Light, Heat and Power Co., Covington, Ky.

83-CERT-201

6. Applicant: Airco Carbon, Pittsburgh, Pa.

Date Filed: June 15, 1983.

Facility Location: Niagara Falls, N.Y.

Gas Volume: 450,000 Mcf per year.

Oil Displacement: 3,100,000 gallons of No. 6 fuel oil (1.6% sulfur) or 3,300,000 gallons of No. 2 fuel oil (0.4% sulfur).

Eligible Seller: U.S. Energy Development Corp., Buffalo, N.Y.

Transporters: National Fuel Gas Supply Corp., Oil City Pa.; National Fuel Gas Distribution Corp., Buffalo, N.Y.

83-CERT-202

7. Applicant: Empire-Detroit Steel Div., Mansfield, Ohio.

Date Filed: June 16, 1983.

Facility Location: Mansfield, Ohio.

Gas Volume: 1,825,000 Mcf per year.

Oil Displacement: 293, 571 barrels of No. 6 fuel oil (1.0% sulfur).

Eligible Seller: Black River Oil & Gas Co., Mansfield, Ohio.

Transporters: East Ohio Gas Co., Cleveland, Ohio; Columbia Gas Transmission Corp., Charleston, W. Va.; Columbia Gas of Ohio, Mansfield, Ohio.

83-CERT-203

8. Applicant: Continental Steel Corp., Kokomo, Ind.

Date Filed: June 16, 1983.

Facility Location: Kokomo, Ind.

Gas Volume: 1,825,000 Mcf per year.

Oil Displacement: 12,172,750 gallons of No. 6 fuel oil (1.0% sulfur).

Eligible Seller: KOGAF Enterprises, Inc., Kokomo, Ind.

Transporters: Panhandle Eastern Pipeline Co., Houston, Tex.; Kokomo, Gas and Fuel Co., Kokomo, Ind.

83-CERT-204

9. Applicant: The Goodyear Tire & Rubber Co., Apple Grove, W. Va.

Date Filed: June 16, 1983.

Facility Location: Apple Grove, W. Va.

Gas Volume: 487,743 Mcf per year.

Oil Displacement: 77,429 barrels of No. 6 fuel oil (1.0% sulfur).

Eligible Seller: Victory Development Co., Pittsburgh, Pa.

Transporters: Columbia Gas Transmission Corp., Charleston, W. Va; Columbia Gas of West Virginia, Charleston, W. Va.

83-CERT-205

10. Applicant: The Goodyear Tire and Rubber Co., Marysville, Ohio.

Date Filed: June 16, 1983.

Facility Location: Marysville, Ohio.

Gas Volume: 150,000 Mcf per year.

Oil Displacement: 24,553 barrels of No. 6 fuel oil (1.0% sulfur).

Eligible Seller: Victory Development Co., Pittsburgh, Pa.

Transporters: Columbia Gas Transmission Corp., Charleston, W. Va.; Columbia Gas of Ohio, Inc., Columbus Ohio.

To provide the public with as much opportunity to participate in this proceeding as is practicable under the circumstances, we are inviting any person wishing to comment concerning any of these applications to submit comments in writing to the Economic Regulatory Administration, Office of Fuels Programs, Fuels Conversion Division, RG-42, Room GA-093, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. 20585, Attention: Richard A. Ransom, within ten calendar days of the date of publication of this notice in the **Federal Register**. The docket number of the case should be printed on the outside of the envelope.

An opportunity to make an oral presentation of data, views, and arguments either against or in support of any of the above applications may be requested by any interested person in writing within the ten-day comment period. The request should state the person's interest and, if appropriate, why the person is a proper representative of a group or class or persons that has such an interest. The request should include a summary of the proposed oral presentation and a statement as to why an oral presentation is necessary.

If ERA determines that an oral presentation is necessary in a particular case, further notice will be given to the applicant and any person filing comments in that case will be published in the **Federal Register**.

Issued in Washington, D.C., on July 6, 1983.

James W. Workman,

Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 83-18704 Filed 7-11-83; 8:45 am]

BILLING CODE 6450-01-M

Office of Energy Research

Energy Research Advisory Board; 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: Energy Research Advisory Board (ERAB).

Date and time: August 3, 4, 5, 1983, from 9 am to 5 pm.

Place: Lawrence Berkeley Laboratory, Building 50A, Room 5132, 1 Cyclotron Road, Berkeley, CA.

Contact: Thomas J. Kuehn, U.S. Department of Energy, Office of Energy Research (ER-6), 1000 Independence Avenue, SW., Washington, DC 20585, Telephone: 202/252-8933.

Purpose of the Board: To advise the Department of Energy (DOE) on the overall research and development conducted in DOE and to provide long-range guidance in these areas to the Department.

Tentative agenda:

August 3

Briefings and discussions of:

- LBL Activities.
- Current Activities of the San Francisco Operations Office.

August 4

- Progress Reports on Materials R&D and Magnetic Fusion Panels.

August 5

- Progress Reports on LWR and University Program Panels.
- Public Comment (10 minute rule).

Public participation: The meeting is open to the public. Written statements may be filed with the Board either before or after the meeting. Members of the public who wish to make oral statements pertaining to agenda items should contact Thomas J. Kuehn at the address or telephone number listed above. Requests must be received five days prior to the meeting and reasonable provision will be made to include the presentation on the

agenda. The Chairperson of the Board is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business.

Transcripts: Available for public review and copying at the Freedom of Information Public Reading Room, 1E-190, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC, between 8 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, DC, on July 6, 1983.

Howard H. Raiken,

Deputy Advisory Committee Management Officer.

[FR Doc. 83-18700 Filed 7-11-83; 8:45 am]

BILLING CODE 6450-01-M

Magnetic Fusion Advisory Committee; 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: Magnetic Fusion Advisory Committee.

Date and Time:
Tuesday, August 2, 1983—9:00 a.m.—5:00 p.m.
Wednesday, August 3, 1983—9:00 a.m.-5:00 p.m.

Place: Bechtel Group, Inc., 50 Beale Street, Room E, 2nd Floor, San Francisco, CA 94105.

Contact: Lenore R. Ledman, Office of Fusion Energy (ER-50.2), U.S. Department of Energy, Mail Stop G-226, Washington, D.C. 20545, Telephone: (301)-353-4941.

Purpose of the committee: To provide advice to the Secretary of Energy on the Department's Magnetic Fusion Energy Program, including periodic reviews of elements of the program and recommendations of changes based on scientific and technological advances or other factors; advice on long-range plans, priorities, and strategies to demonstrate the scientific and engineering feasibility of fusion; advice on recommended appropriate levels of funding to develop those strategies and to help maintain appropriate balance between competing elements of the program.

Agenda outline: Briefings and discussions of:

Tuesday, August 2, 1983

I. Long Term Role of Universities in Fusion R&D (Charge 5)
   A. Review of Charges, Davidson
   B. Panel 5 Findings and Recommendations, Gross
II. MFAC Discussion and Formulation of Findings and Recommendations in Charge Area #5
III. Public Comment (10 minute rule)

Wednesday, August 3, 1983

I. Fusion Program Balance and Priorities (Charge 6)
   A. Review of Charge, Davidson
   B. Summary of Panel 6 Deliberations
   C. MFAC Discussion and Input
II. Public Comment (10 minute rule)

Public participation: The meeting is open to the public. Written statements may be filed with the Committee either before or after the meeting. Members of the public who wish to make oral statements pertaining to agenda items should contact Lenore R. Ledman at the address or telephone number listed above. Requests must be received 5 days prior to the meeting and reasonable provision will be made to include the presentation on the agenda. The Chairperson of the Committee is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business.

Minutes Available approximately 30 days following the meeting.

Issued at Washington, D.C., on July 6, 1983.

Howard H. Raiken,

Deputy Advisory Committee Management Officer.

[FR Doc. 83-18701 Filed 7-11-83; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket No. RE83-9-000]

Arizona Public Service Co., Application for Exemption

July 6, 1983

Take notice that Arizona Public Service Company (APSC) filed an application on June 13, 1983 for exemption from certain requirements of Part 290 of the Commission's Regulations concerning collection and reporting of cost of service information under Section 133 of the Public Utility Regulatory Policies Act (PURPA), Order No. 48 (44 FR 58687, October 11, 1979). Exemption is sought from the requirement to file on or before June 30, 1984, information on the costs of providing electric service as specified in Subparts B, C, D, and E of Part 290.

In its application for exemption APSC states, in part, that it should not be required to file the specified data for the following reasons:

The data yielded by the Part 290 Regulations has proven to be of limited value for retail ratemaking purposes in the State of Arizona. The Arizona Corporation Commission (ACC) has concluded that there are other means of gathering the data necessary for ratemaking purposes. Continued reporting under the Part 290 Regulations is an unnecessary burden and not in the public interest in Arizona. Additionally, the Federal Energy Regulatory Commission's current inquires into the continuing benefit of the Part 290 Regulation creates significant uncertainty as to what the final Part 290 requirements will be. This constitutes an additional unnecessary burden upon APSC while preparing for the June 30, 1984 filing.

Copies of the application for exemption are on file with the Commission and are available for public inspection. The Commission's regulations require that said utility also apply to any State regulatory authority having jurisdiction over it to have the application published in any official State publication in which electric rate change applications are usually noticed, and that the utility publish a summary of the application in newspapers of general circulation in the affected jurisdiction.

Any person desiring to present written views, arguments, or other comments on the application for exemption should file such information with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before 45 days following the date this notice is published in the Federal Register. Within that 45 day period such person must also serve a copy such comments on:

Mr. Alan Propper, Manager Rate Service Company, Arizona Public Service Company, P.O. Box 21666, Station # 1840, Phoenix, Arizona 85036, and

Herbert I. Zinn, Esq., Attorney Law Department, Arizona Public Service Company, P.O. Box 21666, Station # 4142, Phoenix, Arizona 85036

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-18709 Filed 7-11-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. QF83-329-000]

Cogeneration, Inc.; Application for Commission Certification of Qualifying Status of a Small Power Production Facility

July 6, 1983

On June 20, 1983, Cogeneration, Inc. (Applicant), of P.O. Box 768 Borah Station, Boise, Idaho 83701, filed with the Federal Energy Regulatory Commission (Commission) an application for certification of a facility as a qualifying small power production facility pursuant to § 292.207 of the Commission's rules.

The facility will be a 1,966 kilowatt hydroelectric installation located on the Lateral #10, part of the Twin Falls Canal Company water delivery system, in Twin Falls County, Idaho. Applicant states that no other hydroelectric facilities owned by Applicant are located within one mile of the same site. No electric utility, electric utility holding company or any combination thereof has any ownership interest in the facility.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed within 30 days after the date of publication of this notice and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-18710 Filed 7-11-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. CP82-138-000, CP82-146-000, CP82-196-000, CP82-280-000 and G-10632-000]

East Tennessee Natural Gas Co., et al.; Informal Technical Conference

July 6, 1983.

In the matter of East Tennessee Natural Gas Company, Mid-Continental Gas Storage Company, Tennessee Gas Pipeline Company, a division of Tenneco Inc. and Midwestern Gas Transmission Company, Northern Natural Gas Company, a Division of Internorth, Inc., and Northern Illinois Gas Company.

Take notice that an informal technical conference in the above proceeding will be held on July 21, 1983 commencing at 10:30 a.m. in a conference room of the Holiday Inn-Worlds Fair, 525 Henley Street, Knoxville, Tennessee 37902.

The purpose of the technical conference is to discuss matters pending in these dockets. Copies of the applications, amendments and supplements thereto are available at the offices of the Commission for inspection.

The informal conference is open to the public; however, attendance or participation at the conference will not serve to make attendees parties to the proceeding. Copies of this notice will be sent to all parties and will be published in the **Federal Register.**

For further information, contact John Buckley, Office of Pipeline and Producer Regulation, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, telephone No. (202) 357-8827, or James Kiely, 357-5438.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-18711 Filed 7-11-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-418-001]

Kansas Power & Light Co.; Compliance

July 6, 1983.

Take notice that on June 20, 1983, Kansas Power and Light Company (KPL) submitted for filing Increased Schedules of Rates and Charges for Wholesale Service to Rural Electric Cooperatives and to municipalities, Revised Statement AP, and Revised Statement BK.

These documents were filed in compliance with the Commission's order issued June 2, 1983.

Kansas Power and Light states that its cost of service to jurisdictional customers has increased to $71,653 because of the required interest synchronization.

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 July 22, 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. 83-18712 Filed 7-11-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. QF83-318-000]

Mississippi Chemical Corp.; Application for Commission Certification of Qualifying Status of a Cogeneration Facility

July 6, 1983

On June 17, 1983, Mississippi Chemical Corporation, (Applicant) of P.O. Box 388, Yazoo City, Mississippi 39194, filed with the Federal Energy Regulatory Commission (Commission) an application for certification of a facility as a qualifying cogeneration facility pursuant to § 292.207 of the Commission's rules.

The topping-cycle cogeneration facility will consist of a gas turbine driven generator set and an exhaust gas heat recovery boiler. The facility will be located at the applicant's fertilizer production plant in Yazoo City, Mississippi. The primary energy source for the facility will be natural gas. The electric power production capacity will be 20,500 kilowatts. The facility will begin operation in June 1984.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed within 30 days after the date of publication of this notice and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-18713 Filed 7-11-83; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 77-000]

Pacific Gas & Electric Co.; Extension of time

July 5, 1983

On June 28, 1983 Sonoma County and Sonoma County Water Agency (Sonoma County) file a motion for an extension of time to file an answer to the Covelo Indian Community's (Tribe) Appeal of Denial of Petition To Intervene filed June 20, 1983, in the above-docketed proceeding. The motion states that Sonoma County requires additional time to research and analyze the complex legal issues which are raised in the Tribe's appeal. The motion further states that additional time is needed because of a delay in Sonoma County's receipt of a copy of the appeal. The motion finally states the Tribes do not oppose the extension motion and all active parties to this proceeding have agreed to the request for additional time.

Upon consideration, notice is hereby given that an extension of time for the filing of an answer is granted to and including July 22, 1983.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-18714 Filed 7-11-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP78-62-000 (Remand)]

Panhandle Eastern Pipe Line Co.; Further Extension of Time

July 1, 1983.

On June 27, 1983, Panhandle Eastern Pipe Line Company (Panhandle) filed a motion for a further extension of time to respond to Question No. 2(b) of the Commission's Order Requiring Informational Filing issued April 28, 1983, in the above-docketed proceeding, as clarified by the Commission's Order Clarifying Prior Order and Granting Extension of time issued May 27, 1983, in this proceeding. Panhandle's motion states that the company requires additional time in order to develop data requested in the Commission's April 28, 1983 order, to review this material for accuracy and to separate the data by functions as required by Question No. 2(b) of that order. Furthermore, to the extent that a conference with Staff will expedite Panhandle's response to Question No. 2(b), Panhandle should schedule such a conference as soon as practicable.

Upon consideration, notice is hereby given that a further extension of time for responding to Question No. 2(b) is granted to and including July 18, 1983, for a response concerning a breakdown by vintage year and September 30, 1983, for a breakdown by functions.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-18715 Filed 7-11-83; 8:45 am]

BILLING CODE 6717-01-M

ADVISORY COMMITTEE ON FEDERAL PAY

Adjustment in Federal Pay for October 1983; Public Discussions

The Advisory Committee on Federal Pay announces that public discussions of the adjustment in Federal pay for October 1983 have been scheduled for Monday, August 15, in Suite 600, 1730 K Street NW. They will start at 10 a.m.

These discussions are intended to give organizations representing Federal employees or any interested government officials an opportunity to express their views regarding the Pay Agent's proposals. Those wishing to discuss the Agent's proposals with the Committee should notify the Committee by August 10. The telephone number is 653-6193. Written comments should also reach the Committee by August 10—Suite 205, 1730 K Street NW., Washington, D.C. 20006. Both written submissions and requests for an opportunity to discuss the issues should include a telephone number where the organization or official can be reached.

The Advisory Committee on Federal Pay, established as an independent establishment by Section 5306 of Title 5, United States Code (Pub. L. 91-656, the Federal Pay Comparability Act), is charged with assisting the President in carrying out the policies of Section 5301 of Title 5, United States Code. The Committee's fundamental obligation is to afford the President an independent judgment respecting Federal pay. Section 5306 of Title 5 requires the Committee to make findings and recommendations to the President with respect to the annual adjustment in Federal pay, after considering the written views of employee organizations, the President's Agent, other officials of the Government of the United States, and such experts as the Committee may consult.

Lucretia Dewey Tanner,

Executive Director.

[FR Doc. 83-18777 Filed 7-11-83; 8:45 am]

BILLING CODE 6820-43-M

FEDERAL HOME LOAN BANK BOARD

Federal Savings and Loan Advisory Council; Meeting

Pursuant to Section 10(a) of Pub. L. 92-463, entitled the Federal Advisory Committee Act, notice is hereby given to the Change in the Meeting of the Federal Savings and Loan Advisory Council from August 2, 3 and 4, 1983, to Tuesday, September 13, Wednesday, September 14, and Thursday, September 15, 1983. The meeting will commence at 9:30 a.m., September 13; 9:00 a.m., September 14; and 9:00 a.m., September 15. The meeting will be held at the Federal Home Loan Bank Board, 1700 G Street, NW., Washington, D.C., Bank Board Conference Room, Sixth Floor.

Tuesday, September 13:

9:30 a.m. Opening of Council Meeting
12:00 noon Lunch
1:30 p.m. Subcommittees begin Deliberations New Patterns in Residential Mortgage Lending Sources of Capital for Mutual Associations Powers and Authorities of the Thrift Industry
5:00 p.m. Adjourn

Wednesday, September 14:

9:00 a.m. Subcommittees Complete Work on Resolutions
12:00 noon Lunch
1:15 p.m. Council Initiates Discussion and Votes on Resolutions
5:00 p.m. Adjourn

Thursday, September 15:

9:00 a.m. Presentation and Discussion of Resolutions to the Chairman and Board Members
11:30 a.m. Lunch
1:00 p.m. Adjourn.

The meeting of the Federal Savings and Loan Advisory Council is open to the public.

Edwin J. Gray,

Chairman.

[FR Doc. 83-18763 Filed 7-11-83; 8:45 am]

BILLING CODE 6720-01-M

FEDERAL MARITIME COMMISSION

Agreements Filed

The Federal Maritime Commission hereby gives notice that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and may request a copy of each agreement and the supporting statement at the Washington, D.C. Office of the Federal Maritime Commission, 1100 L Street, NW., Room 10325. Interested parties may submit protests or comments on each agreement to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after the date of the **Federal Register** in which this notice appears. The requirements for comments and protests are found in § 522.7 of Title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Any person filing a comment or protest with the Commission shall, at the same time, deliver a copy of that document to the person filing the agreement at the address shown below.

Agreement No.: T-3813-7.

Title: Department of Transportation, State of Hawaii and Matson Terminals, Inc. Lease Amendment.

Parties: Department of Transportation, State of Hawaii (State) and Matson Terminals, Inc. (Matson).

Synopsis: Agreement No. T-3813-7 modifies Agreement No. T-3813, as amended, which provides for the lease of land and facilities by Matson from the State at the Container Complex located at Sand Island, Honolulu, Hawaii. The purpose of the amendment is to provide for the construction of a Molasses Tank pipeline and access roadway on Parcel V, Easement E, E2, E3, E4 and E4b, respectively at the leased facilities. Matson will be responsible for the design engineering, construction, supervision, inspection and acceptance and payment for the Tank Farm.

Filing Party: Mr. Ryokichi Higashionna, Director of Transportation,

State of Hawaii, 869 Punchbowl Street, Honolulu, Hawaii 96813.

Agreement No.: 8760–15.

Title: West Coast United States and Canada/India, Pakistan, Bangladesh, Sri Lanka and Burma Rate Agreement.

Parties: The Scindia Steam Navigation Co., Inc., The Shipping Corporation of India, Ltd.

Synopsis: Amendment No. 8760-15 amends the basic agreement to allow the members to avoid the additional burden of the security bond requirements whenever their membership falls below three.

Filing Party: Charles L. Coleman, III, Esquire, Lillick, McHose & Charles, Two Embarcadero Center, San Francisco, California 94111.

Agreement No.: 10477.

Title: Farrell Lines Incorporated/Cameron Shipping Lines S.A. Space Charter Agreement.

Parties: Farrell Lines Incorporated Cameroon Shipping Lines S.A.

Synopisis: The subject agreement provides for the charter by Cameroon Shipping Lines S.A. of space as available in vessels operated by Farrell Lines Incorporated in the trade between Cameroon and U.S. Atlantic Coast ports.

Filing Agent: Edward Aptaker, Esquire, Schmeltzer, Aptaker & Sheppard, P.C., 1800 Massachusetts Avenue, Northwest, Washington, D.C. 20036.

By Order of the Federal Maritime Commission.

Dated: July 7, 1983.

Francis C. Hurney,

Secretary.

[FR Doc. 83-18765 Filed 7-11-83; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Cen-La Bancshares, Inc. Mansura Bancshares, Inc.; and Applications

Cen-La Bancshares, Inc., Marksville, Louisiana, and Mansura Bancshares, Inc., Mansura, Louisiana 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)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to engage on a joint venture basis in agricultural lending activities through its proposed subsidiary Avoyelles Credit Corporation, Marksville, Louisiana. These activities would be performed from offices of Applicant's subsidiary in Marksville, Louisiana, and the geographic area to be served is central Louisiana. 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 Atlanta.

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 August 5, 1983

Board of Governors of the Federal Reserve System, July 6, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-18695 Filed 7-11-83; 8:45 am]

BILLING CODE 6210-01-M

First Atlanta Corporation; Proposed Arranging of Equity Financing

First Atlanta Corporation, Atlanta, Georgia, 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 engage through it wholly-owned subsidiary, First Atlanta Mortgage Corporation, Atlanta, Georgia, in the activities of arranging equity financing for income producing properties. These activities would be performed from offices of Applicant's subsidiary in Atlanta, Georgia, and the geographic area to be served is the entire United States.

Although arranging equity financing has not been added to the list of activities specified by the Board in § 225.4(a) of Regulation Y, the Board has determined by order that this activity is closely related to banking. *E.g., Trust Company of Georgia*, 69 Federal Reserve Bulletin 225 (1983).

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 Atlanta.

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 August 1, 1983.

Board of Governors of the Federal Reserve System, July 6, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-18696 Filed 7-11-83; 8:45 am]

BILLING CODE 6210-01-M

First State Management Corporation, Inc.; Proposed Retention of First Place Finance Company

First State Management Corporation, Inc., Salina, Kansas, 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 retain voting shares of First Place Finance Company, Salina, Kansas.

Applicant states that the proposed subsidiary would engage in consumer lending and in the sale of credit-related insurance. These activities would be performed from offices of Applicant's subsidiary in Salina, Kansas, and the geographic area to be served is Salina, Kansas. 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 Kansas City.

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 August 5, 1983.

Board of Governors of the Federal Reserve System, July 6, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-18697 Filed 7-11-83; 8:45 am]

BILLING CODE 6210-01-M

Aquisition of Bank Shares by a Bank Holding Company; Piedmont BankGroup, Inc.

The company listed in this notice has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842 (a)(3)) to acquire voting shares or assets of a bank. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C 1842 (c)).

The application may be inspected at the offices of the Board of Governors, or at the Federal Reserve Bank indicated. With respect to the application, interested persons may express their views in writing to the address indicated. Any comment on the application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

A. **Federal Reserve Bank of Richmond** (Lloyd W. Bostian, Jr. Vice President) 701 East Byrd Street, Richmond, Virginia 23261:

1. *Piedmont BankGroup, Incorporated,* Martinsville, Virginia; to acquire 100 percent of the voting shares or assets of the successor by merger to The Community Bank of Forest, Forest, Virginia. Comments on this application must be received not later than August 5, 1983.

Board of Governors of the Federal Reserve System, July 6, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-18698 Filed 7-11-83; 8:45 am]

BILLING CODE 6210-01-M

Bank Holding Companies; Proposed de Novo Nonbank Activities; First National State Bancorporation et al.

The organizations identified in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 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. *First National State Bancorporation,* Newark, New Jersey (trust company activities; New Jersey and Florida): To engage through its subsidiary, First National State Financial Services Corporation in trust solicitation activities, including the soliciting of new trust customers and serving as an existing trust customer contact center for a subsidiary non-depository national trust company of Applicant. These activities would be conducted from offices in Newark, New Jersey; Boca Raton, Delray Beach, Lake Worth, Tampa, New Port Richey, Jupiter, Orlando, Clearwater, and DeLand, Florida, serving New Jersey and Florida. Comments on this application must be received not later than August 5, 1983.

2. *Manufacturers Hanover Corporation,* New York, New York (consumer finance and credit insurance activities; Pennsylvania): To engage through a *de novo* office of Finance One Consumer Discount Company, Inc., in the activities of consumer finance, including, but not limited to, the extensions of direct loans, secured and unsecured, to consumers and the purchase of sales finance contracts; servicing such loans and other extensions of credit; and acting as agent or broker for the sale of single and joint credit life insurance and decreasing or level term (in the case of single payment loans) credit life insurance, and credit accident and health insurance directly related to extensions of credit made or acquired by Finance One Consumer Discount Company, Inc. The office would be located in Lancaster, Pennsylvania and would serve Lancaster, York, Lebanon, Berks, Dauphin, and Chester Counties, Pennsylvania. Comments on this application must be received not later than August 5, 1983.

B. **Federal Reserve Bank of Cleveland** (Lee S. Adams, Vice President) 1455 East Sixth Street, Cleveland, Ohio 44101:

1. *Money Station, Inc.,* Cincinnati, Ohio (data processing and data transmission services; Ohio): Will provide the "switching" services that will enable financial institutions whose operations are limited to the State of Ohio to share automated teller machines. The data to be processed and transmitted will be limited to financial, banking or economic data among financial institutions. The corporation also intends to provide the financial settlement operations necessary for all of the financial institutions participating in the system, and to assist the financial institutions in their efforts to provide their customers with other services for electronic transmittal and processing of

financial, banking and economic information. The office will be located in Cincinnati, Ohio and will serve the entire State of Ohio. Comments on this application must be received not later than July 28, 1983.

C. **Federal Reserve Bank of Richmond** (Lloyd W. Bostian, Jr., Vice President) 701 East Byrd Street, Richmond, Virginia 23261:

1. *Maryland National Corporation*, Baltimore, Maryland (leasing, insurance and financing activities; southeastern United States): to engage through its subsidiary, Maryland National Leasing Corporation, in the following activities: engaging generally in the business of leasing personal property (including, but not limited to, the leasing of various types of equipment, machinery, vehicles, transportation equipment, and data processing equipment and including conditional sales contracts and chattel mortgages) where the lease is the functional equivalent of an extension of credit, originating and servicing personal property leases as principal or agent; buying, selling and otherwise dealing in personal property lease contracts as principal or agent; acting as adviser in personal property leasing transactions; engaging in the sale, as agent or broker, of insurance similar in form and intent to credit life and/or mortgage redemption insurance, as permitted by section 601(A) of the Garn-St. Germain Depository Institutions Act of 1982; engaging generally in the business of leasing real property where the lease is the functional equivalent of an extension of credit; originating real property leases as principal or agent; servicing real property leases for affiliated or non-affiliated individuals, partnerships, corporations or other entities; buying, selling and otherwise dealing in real property leases as principal, agent or broker; acting as adviser in real property leasing transactions; engaging generally in commercial lending operations including, but not limited to, secured and unsecurd commercial loans and other extensions of credit to commercial enterprises; and acting as advisor or broker in commercial lending transactions. These activities would be conducted from an office in Atlanta, Georgia, serving the southeastern area of the United States, including, but not limited to, the States of Florida, Georgia, North Carolina and South Carolina. Comments on this application must be received not later than August 5, 1983.

D. **Federal Reserve Bank of Atlanta** (Robert E. Heck, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303:

1. *Intercontinental Bank Holding Company*, and indirectly its parent, I.C.B. Holding, N.V. (data processing; Florida): to engage, through its subsidiary, Intercontinental Bank H Data Processing Company, in providing data processing and data transmission services, facilities, data bases or access to such services, facilities, or data bases by any technologically feasible means for the internal operations of the holding company, its subsidiaries, or to others, in which case, data to be processed or furnished are financial, banking or economic, and the services are provided pursuant to a written agreement so describing and limiting the services. These activities will be conducted from an office of Applicant's subsidiary located in Miami, Florida and will serve the State of Florida. Comments on this application must be received not later than August 3, 1983.

E. **Federal Reserve Bank of St. Louis** (Delmer P. Weisz, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. *Simmons First National Corporation*, Pine Bluff, Arkansas, (mortgage banking and servicing activities; Arkansas): To engage, through its second tier subsidiary, Simmons First Mortgage Banking Corporation, in making, acquiring, selling and servicing loans and other extensions of credit secured by real estate mortgages. The activities would include operating as an intermediary between developers and investors and funding loans for warehousing until purchased by investors. These activities would be conducted from offices in North Little Rock, Arkansas, serving Arkansas. Comments on this application must be received not later than August 2, 1983.

F. **Federal Reserve Bank of Minneapolis** (Bruce J. Hedblom, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. *Norwest Bancorporation*, ("Norwest"), Minneapolis, Minnesota (financing, insurance and travelers checks; Idaho): To continue to engage, through its subsidiary, Norwest Financial Idaho, Inc., ("Norwest Financial/Idaho"), in the activities of consumer and sales finance, in the sale of life, accident and health, property and casualty insurance, all directly related to extensions of credit by said subsidiary and in the offering for sale and selling of travelers checks; and to engage *de novo*, through its Norwest Financial/Idaho Subsidiary, in the activity of commercial finance. Norwest Financial/Idaho engaged in consumer and sales finance and in the above credit-related insurance activities in Idaho at the time of its acquisition by Norwest, which acquisition occurred pursuant to a binding written contract entered into on or before May 1, 1982, thereby rendering said activities permissible under the terms of Section 601(D) of the Garn-St. Germain Depository Institutions Act of 1982. This application is for the relocation of an existing office within Idaho Falls, Idaho, and requests permission to engage *de novo* in the activity of commercial finance from said office, as relocated. Upon relocation, this office will serve Idaho Falls, Idaho, and nearby communities. Comments on this application must be received not later than July 27, 1983.

2. *Norwest Bancorporation*, ("Norwest"), Minneapolis, Minnesota (financing, insurance and travelers checks; Missouri): To continue to engage through its subsidiaries, Norwest Financial Missouri, Inc., and Norwest Financial Missouri 1, Inc., in the activities of consumer and sales finance, in the sale of life, accident and health, property and casualty insurance, all directly related to extensions of credit by these subsidiaries and in the offering for sale and selling of travelers checks; and to engage *de novo*, through these subsidiaries, in the activity of commercial finance. Said subsidiaries engaged in consumer and sales finance and in the above credit-related insurance activities in Missouri at the time of their acquisition by Norwest, which acquisition occurred pursuant to a binding written contract entered into on or before May 1, 1982, thereby rendering said activities permissible under the terms of Section 601(D) of the Garn-St Germain Depository Institutions Act of 1982. This application is for the relocation of an existing office within Joplin, Missouri, and requests permission to engage *de novo* in the activity of commercial finance from said office, as relocated. Upon relocation, this office will serve Joplin, Missouri, and nearby communities. Comments on this application must be received not later than July 27, 1983.

3. *Norwest Bancorporation*, ("Norwest"), Minneapolis, Minnesota (financing, insurance and travelers checks; Florida): To continue to engage, through its subsidiaries, Norwest Financial Florida, Inc., and Norwest Financial Credit Services, Inc., and Norwest Financial America, Inc., in the activities of consumer and sales finance, in the sale of life, accident and health, property and casualty insurance, all directly related to extensions of credit by these subsidiaries and in the offering for sale and selling of travelers checks; and to engage *de novo*, through these

subsidiaries, in the activity of commercial finance. Said subsidiaries engaged in consumer and sales finance and in the above credit-related insurance activities in Florida at the time of their acqusition by Norwest, which acquisition occurred pursuant to a binding written contract entered into on or before May 1, 1982, thereby rendering said activities permissible under the terms of Section 601(D) of the Garn-St Germain Depository Institutions Act of 1982. This application is for the relocation of an existing office within Pensacola, Florida, and requests permission to engage *de novo* in the activity of commercial finance from said office, as relocated. Upon relocation, this office will serve Pensacola, Florida. Comments on this application must be received not later than July 27, 1983.

4. *Norwest Bancorporation,* ("Norwest"), Minneapolis, Minnesota (financing, insurance and travelers checks; California): To continue to engage, through its subsidiary, Norwest Financial California, Inc. ("Norwest Financial/California"), in the activities of consumer sand sales finance, in the sale of life, accident and health, property and casualty insurance, all directly related to extensions of credit by said subsidiary and in the offering for sale and selling of travelers checks; and to engage *de novo,* through its Norwest Financial/California subsidiary, in the activity of commnercial finance. Norwest Financial/California engaged in consumer and sales finance and in the above credit-related insurance activities in Idaho at the time of its acquisition by Norwest, which acquisition occurred pursuant to a binding written contract entered into on or before May 1, 1982, thereby rendering said activities permissible under the terms of Section 601(D) of the Garn-St Germain Depository Institutions Act of 1982. This application is for the relocation of an existing office within Whittier, California, and requests permission to engage *de novo* in the activity of commercial finance from said office, as relocated. Upon relocation, this office will serve Whittier, California and other nearby suburbs of Los Angeles, California. Comments on this application must be received not later than July 27, 1983.

5. *Norwest Bancorporation,* ("Norwest"), Minneapolis, Minnesota (financing, insurance and travelers checks; California): To continue to engage, through its subsidiary, Norwest Financial California, Inc. ("Norwest Financial/California"), in the activities of consumer and sales finance, in the sale of life, accident and health, property and casualty insurance, all directly related to extensions of credit by said subsidiary and in the offering for sale and selling of travelers checks; and to engage *de novo,* through its Norwest Financial/California subsidiary, in the activity of commercial finance. Norwest Financial/California engaged in consumer and sales finance and in the above credit-related insurance activities in Idaho at the time of its acquisition by Norwest, which acquisition occurred pursuant to a binding written contract entered into on or before May 1, 1982, thereby rendering said activities permissible under the terms of Section 601(D) of the Garn-St. Germain Depository Institutions Act of 1982. This application is for the relocation of an existing office within Sacramento, California, and requests permission to engage *de novo* in the activity of commercial finance from said office, as relocated. Upon relocation, this office will serve Sacramento, California. Comments on this application must be received not later than July 27, 1983.

G. **Federal Reserve Bank of San Francisco** (Harry W. Green, Vice President) 400 Sansome Street, San Francisco, California 94120:

1. *BankAmerica Corporation,* San Francisco, California (financing and servicing activities; Canada): To continue to engage, through its indirect subsidiaries, Ariens Credit Corporation and BA FinanceAmerica Corporation, and to engage, through its indirect subsidiary, MerCredit Corporation, in the activities of making loans and extending credit, servicing loans and other extensions of credit for themselves and others, and providing services incidental to such loans and extensions of credit such as are made or provided by a finance company. Such activities will include, but not be limited to, providing funds and/or credit services in connection with the financing of stock and floor plan inventory of distributors and dealers of consumer products. No credit related insurance of any type will be offered by the above-referenced corporations in connection with their lending activities. These activities would be conducted from an existing office of Ariens Credit Corporation and BA FinanceAmerica Corporation in Cheektowaga, New York and from a *de novo* office of MerCredit Corporation located at the same location in Cheektowaga, New York, all three corporations serving Canada. Comments on this application must be received not later than August 3, 1983.

Board of Governors of the Federal Reserve System, July 6, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-18699 Filed 7-11-83; 8:45 am]

BILLING CODE 6210-01-M

GENERAL SERVICES ADMINISTRATION

National Archives and Records Service

Advisory Committee on Preservation; Meeting

Notice is hereby given that the Executive Committee of the Advisory Committee on Preservation will meet on July 25, 1983, from 9:00 a.m. to 4:00 p.m. in Room 105 of the National Archives Building, Washington, D.C. This meeting will be devoted to drafting recommendations concerning preservation policies and practices at the National Archives.

The meeting will be open to the public. For further information call Alan Calmes, 202-523-3159.

Dated: July 5, 1983.

Robert M. Warner,

Archivist of the United States.

[FR Doc. 83-18764 Filed 7-11-83; 8:45 am]

BILLING CODE 6820-26-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

Consumer Participation; Open Meetings

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration. (FDA) is announcing the following consumer exchange meetings:

San Francisco District office, Chaired by William Hill, District Director. The topic to be discussed is: Direct-to-Consumer Advertising of Prescription Drugs.

DATE: Tuesday, July 12, 1983, 1:30 to 3:30 p.m.

ADDRESS: State Department of Consumer Affairs, 1020 N St., Rm. 601, Sacramento, CA 95814.

FOR FURTHER INFORMATION CONTACT: Karen Erdman, Consumer Affairs Officer, Food and Drug Administration, 50 United Nations Plaza, Rm. 524, San Francisco, CA 94102, 415-556-2682.

Chicago District Office, chaired by Mary K. Ellis, District Director. The topic to be discussed is: Direct-to-

Consumer Advertising of Prescription Drugs.

DATE: Thursday, July 21, 1983, 1 to 3 p.m.

ADDRESS: U.S. Food and Drug Administration, Main Post Office Bldg., 433 West Van Buren St., Rm. 1204, Chicago, IL 60607.

FOR FURTHER INFORMATION CONTACT: Marie A. Ekvall, Consumer affairs Officer, Food and Drug Administration, Main Post Office Bldg., 433 West Van Buren St., Rm. 1222, Chicago, IL 60607, 312-353-7126.

St. Louis Station, chaired by Ronald M. Johnson, Chief. The topic to be discussed is: Direct-to-Consumer Advertising of Prescription Drugs.

DATE: Tuesday, August 30, 1983, 7:30 to 9:30 p.m.

ADDRESS: Community Room, Colonial Federal Savings and Loan Bldg., 2027 Broadway, Cape Girardeau, MO 63701.

FOR FURTHER INFORMATION CONTACT: Mary-Margaret Richardson, Consumer Affairs Officer, Food and Drug Administration, Laclede's Landing, 808 North Collins St., St. Louis, MO 63102, 314-425-5021

SUPPLEMENTARY INFORMATION: The purpose of these meetings is to encourage dialogue between consumers and FDA officials, to identify and set priorities for current and future health concerns, to enhance relationships between local consumers and FDA's District Offices, and to contribute to the agency's policymaking decisions on vital issues.

Dated July 5, 1983.

William F. Randolph

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 83-18539 Filed 7-6-83; 12:53 pm]

BILLING CODE 4160-01-M

Small Business Participation; Open Meeting

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing a forthcoming small business exchange meeting to be chaired by Lloyd R. Claiborne, Regional Food and Drug Director, Region IX, San Francisco Field Office.

DATE: Wednesday, August 17, 1983, at 12:30 p.m.

ADDRESS: The meeting will be held at the Federal Office Bldg., 450 Golden Gate Ave., Rm. 15022, San Francisco, CA 94102.

FOR FURTHER INFORMATION CONTACT: James H. Wyman, Small Business Representative, Food and Drug Administration, 50 United Nations Plaza, Rm. 526, San Francisco, CA 94102, 415-556-2263.

SUPPLEMENTARY INFORMATION: The purpose of this meeting is to encourage dialogue between small businesses and FDA officials. The meeting will provide a forum for the owners and managers of small businesses to express their concerns about FDA, encourage discussion about the effects of regulation and regulatory alternatives, convey knowledge about the agency's operations and procedures, and increase participation by small business persons in FDA's decisionmaking process.

Dated: July 5, 1983.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 83-18538 Filed 7-11-83; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 83D-0120]

Revised Sequential Analysis Plan for Imported Dates and Date Material; Availability of Guide; Extension of Comment Period

AGENCY: Food and Drug Administration.

ACTION: Notice; extension of comment period.

SUMMARY: The Food and Drug Administration (FDA) is extending the period for submitting comments on its new sequential analysis plan used for examination of imported dates and date material. Two requests have been received for an extension and FDA is granting it.

DATE: Comments by August 26, 1983.

ADDRESS: Written comments to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Raymond W. Gill, Bureau of Foods (HFF-312), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-245-3092.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of April 26, 1983 (48 FR 18898), FDA published a notice announcing the availabilty of FDA Compliance Policy Guide 7110.09, which has been revised to include a new sequential analysis that will appear as table 1 of section M13K in FDA's Microanalytical Manual. The sequential analysis plan is to be used for examination of imported dates and date material. FDA asked for comments by June 27, 1983.

Nabisco Brands, U.S.A., and the Association of Food Industries, Inc., have requested an extension of the comment period. They requested additional time to obtain information for comment on the revised sequential analysis plan. The requests are on file with the Dockets Management Branch.

After carefully evaluating these requests, FDA has decided to grant an extension. FDA recognizes the significance of the issue involved in this matter and wishes to ensure that all interested parties have a fair amount of time for comment. Therefore, FDA has concluded that the comment period should be extended an additional 60 days.

Interested persons may, on or before August 26, 1983, submit to the Dockets Management Branch (address above) written comments regarding this notice. Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: July 5, 1983.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 83-18537 Filed 7-8-83; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 83F-0206]

Hercules, Inc.; Filing of Food Additive Petition

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that Hercules, Inc., has filed a petition proposing that the food additive regulations be amended to provide for the safe use of dicyandiamide-diethylenetriamine-epichlorohydrin resin in paper and paperboard intended for use in contact with food.

FOR FURTHER INFORMATION CONTACT: Patricia J. McLaughlin, Bureau of Foods (HFF-334), Food and Drug Administration, 200 C St. SW., Washington, D.C. 20204, 202-472-5690.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 3B3726) has been filed by Hercules, Inc., 910 Market St., Wilmington, DE 19899, proposing that § 176.170 *Components of paper and*

paperboard in contact with aqueous and fatty foods (21 CFR 176.170) be amended to provide for the safe use of dicyandiamide-diethylenetriamine-epichlorohydrin resin as a sizing promoter and retention aid in papermaking.

The potential environmental impact of this action is being reviewed. If the agency finds that an environmental impact statement is not required and this petition results in a regulation, the notice of availability of the agency's finding of no significant impact and the evidence supporting that finding will be published with the regulation in the **Federal Register** in accordance with 21 CFR 25.40(c) (proposed December 11, 1979; 44 FR 71742).

Dated: June 30, 1983.

Sanford A. Miller,

Director, Bureau of Foods.

[FR Doc. 83-18538 Filed 7-11-83; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 78N-0124]

Depo-Provera Sterile Aqueous Suspension; Time and Place of Second Hearing

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the time and location of the second hearing of the Public Board of Inquiry in the proceeding involving the agency's proposal to refuse approval of a supplemental new drug application (NDA) of the Upjohn Co. The NDA was submitted for the general marketing of Depo-Provera (medroxyprogesterone acetate) Sterile Aqueous Suspension as a contraceptive agent in humans.

DATE: The hearing will begin on August 12, 1983, at 1 p.m.

ADDRESS: The hearing will be held in the first floor auditorium, Hubert H. Humphrey Bldg., 200 Independence Ave. SW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Tenny P. Neprud, Jr., Regulations Policy Staff (HFC-10), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3480.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of July 27, 1979 (44 FR 44274), FDA ordered that a hearing before a Public Board of Inquiry (PBOI) be held to determine whether the supplemental NDA for Depo-Provera (NDA 12-541/S-004) contains reports of investigations that were adequate to show that the drug is safe for use under the conditions prescribed, recommended, or suggested in the labeling as required by section 505(d)(1), (2), and (4) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(d)(1), (2), and (4)), and whether that information, combined with other information about the drug, provides a sufficient basis from which FDA can determine that Depo-Provera is safe for general marketing in the United States under such conditions.

The first hearing of the Board was convened on January 10, 1983, and continued through January 14, 1983. At the first hearing, some important new information was presented raising questions concerning the cells of origin of the neoplasms identified in the uteri of two monkeys that received 50 times the human contraceptive dose of Depo-Provera.

Subsequently, in accordance with 21 CFR 13.30 (f), which provides that "[a] Board may consult with any person who it concludes may have information or views relevant to the issues," by order of April 12, 1983, the Chairperson appointed F. M. Garner, D.V.M., Norval William King, Jr., D.V.M., Robert Edward Skully, M.D., and Stephen G. Silverberg, M.D., experts in both veterinary and human pathology, to undertake a retrospective review of available pathological material pertinent to the new information.

This expert group will submit to the Board a report of its review. In turn, the report will be served on the parties and the participants in this matter. The Board has decided that a second hearing will be held at which time the pathologists can briefly summarize the report and respond to questions from the Board and from the parties and participants through the Board under the procedures set forth in the Chairperson's order of April 12, 1983.

The second hearing of the Board will begin on August 12, 1983, at 1 p.m. in the first floor auditorium, Hubert H. Humphrey Bldg., 200 Independence Ave. SW., Washington, DC. The hearing will be transcribed and open to the public in accordance with 21 CFR 13.30(g).

The record of the first hearing, including the transcript of the hearing and all submissions to the Board to date, is filed under Docket No. 78N-0124 in the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857. The record is on public display and available for examination or copying between 9 a.m. and 4 p.m., Monday through Friday, in accordance with the provisions of 21 CFR 13.45 and any special order(s) issued by the Chairperson under authority granted in 21 CFR 10.20(j)(2) (ii), 12.70, and 13.10(f). The record of the second hearing of the Board will be placed on public display in the Dockets Management Branch promptly upon receipt in that office and will be available for examination or copying under the same provisions as the first hearing.

The findings and conclusions of the Board, based on the record of the hearing, will have the legal status of, and be handled as, an initial decision issued in accordance with 21 CFR 12.120.

Dated: July 5, 1983.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 83-186114 Filed 7-11-83; 8:45 am]

BILLING CODE 4160-01-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Administration

[Docket No. N-83-1261]

Submission of Proposed Information Collection to OMB

AGENCY: Office of Administration, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below has been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

ADDRESS: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and should be sent to: Robert Neal, OMB Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, D.C. 20503.

FOR FURTHER INFORMATION CONTACT: David S. Cristy, Acting Reports Management Officer, Department of Housing and Urban Development, 451 7th Street, SW., Washington, D.C. 20410, telephone (202) 755-5310. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: The Department has submitted the proposal described below for the collection of information to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. Ch. 35).

The Notice lists the following information: (1) The title of the information collection proposal; (2) the office of the agency to collect the information; (3) the agency form number,

if applicable; (4) how frequently information submissions will be required; (5) what members of the public will be affected by the proposal; (6) an estimate of the total number of hours needed to prepare the information submission; (7) whether the proposal is new or an extension or reinstatement of an information collection requirement; and (8) the names and telephone numbers of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

Copies of the proposed forms and other available documents submitted to OMB may be obtained from David S. Cristy, Acting Reports Management Officer for the Department. His address and telephone number are listed above. Comments regarding the proposal should be sent to the OMB Desk Officer at the address listed above.

The proposed information collection requirement is described as follows:

Notice of Submission of Proposed Information Collection to OMB

Proposal: Manufactured housing construction and safety standards
Office: Housing
Form number: None
Frequency of submission: On occasion
Affected public: State or local governments and businesses or other for-profit
Estimated burden hours: 174,308
Status: Extension
Contact: Richard Mendlen, HUD, (202) 755-5798; Robert Neal, OMB, (202) 395-7316

Authority: Sec. 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; Sec. 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Dated: June 28, 1983.

Lea Hamilton,

Director, Office of Information Policies and Systems.

[FR Doc. 83-18754 Filed 7-11-83; 8:45 am]

BILLING CODE 4210-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Eastern San Diego County MFP Amendments

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of availability.

SUMMARY: Notice is hereby given, pursuant to 43 CFR 1600, that the California Desert District has the 1983 Amendments to the Eastern San Diego County Planning Unit Management Framework Plan (MFP), Step III, available for public review.

DATES: The proposed amendments are available for review and comment for a 30-day period following the date of this notice.

SUPPLEMENTARY INFORMATION: The eastern portion of San Diego County is currently divided into small grazing allotments that are difficult to manage. The current MFP retains these allotments, specifics restrictive grazing seasons for them, and prohibits any prescribed burning in large areas. The proposed amendments rectify these problems. The amendments will be reviewed by a team of professionals representing the following disciplines: Wildlife, biology, botany, archaeology, wilderness and range sceince. Comments received during this review of the amendments will be considered by the team during the preparation of the environmental assessment. The EA will then be released for a 30-day public review.

The amendments are now available for public review and comment at the offices of the Bureau of Land Management at the following locations:

California Desert District, 1695 Spruce Street, Riverside, CA 92507
California State Office, Federal Office Building, Room E 2841, 2800 Cottage Way, Sacramento, CA 95825
El Centro Resource Area, 333 S. Waterman, El Centro, CA 92245.

FOR FURTHER INFORMATION CONTACT: Roger Zortman at (619) 352-5842.

Dated: July 6, 1983.

Gerald E. Hillier,

District Manager.

[FR Doc. 83-18746 Filed 7-11-83; 8:45 am]

BILLING CODE 4310-84-M

[CA 14011]

California, Arizona, New Mexico, Texas; Receipt of Right-of-Way Application

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Receipt of Right-of-Way Application.

SUMMARY: Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185) as amended by the Act of November 16, 1973 (87 Stat. 576), Pacific Texas Pipeline Company has applied for a right-of-way for a 42 to 48-inch crude oil pipeline across Federal lands. The proposal includes construction of port and storage facilities at Long Beach, California, pumping stations along the pipeline and terminal and storage facilities at Midland, Texas.

The pipeline system will be located in the following States and counties.

California

Los Angeles
San Bernardino
Riverside

Arizona

Yuma
Maricopa
Pinal
Pima
Cochise

New Mexico

Hidalgo
Grant
Luna
Dona Ana
Eddy
Lea

Texas

El Paso
Hudsepth
Culberson
Ector
Andrews
Martin
Midland

The Bureau of Land Management is considering the application.

ADDRESS: Persons wishing to express their views or provide information concerning the project or desiring a map of the route to be traversed by the proposed pipeline may write to: State Director, Bureau of Land Management, 2800 Cottage Way, Sacramento, California 95825.

FOR FURTHER INFORMATION CONTACT: Anyone wishing further detail regarding the project may write to: Pacific Texas Pipeline Company, 555 East Ocean Blvd., Suite 525, Long Beach, California 90802.

James M. Parker,

Acting Director.

July 7, 1983.

[FR Doc. 83-18734 Filed 7-11-83; 8:45 am]

BILLING CODE 4310-84-M

[CA 14013]

California, Arizona, New Mexico and Texas; Receipt of Right-of-Way Application

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of receipt of right-of-way application.

SUMMARY: Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185) as amended by the Act of November 16, 1973 (87 Stat. 576), All American Pipeline Company has applied for a right-of-way for a 30- to 34-inch crude oil pipeline across Federal lands. The proposal includes construction of the pipeline and related pumping stations. The pipeline system will be located in the following States and counties.

California

Kern
San Bernardino
Riverside

New Mexico

Hidalgo	Luna
Grant	Dona Ana

Arizona

Yuma	Pima
Maricopa	Graham
Pinal	Cochise

Texas

El Paso	Loving
Hudsepth	Wrinkler
Culberson	Ector
Reeves	Midland

The Bureau of Land Management is considering the application.

ADDRESS: Persons wishing to express their views or provide information concerning the project or desiring a map of the route to be traversed by the proposed pipeline may write to: State Director, Bureau of Land Management, 2800 Cottage Way, Sacramento, California 95825.

FOR FURTHER INFORMATION CONTACT: Anyone wishing further detail regarding the project may write to: All American Pipeline Co., c/o Mr. Robert Martin, Marmac Systems Engineering, 6415 Katella Avenue, Cypress, California 90630.

James M. Parker,

Acting Director.

July 7, 1983.

[FR Doc. 83-18735 Filed 7-11-83; 8:45 am]

BILLING CODE 4310-84-M

[AZAZ012000001]

Arizona; Realty Action; Competitive Sale of Public Land in Mojave Country; Correction

The notice concerning this realty action which appeared in the **Federal Register** on July 6, 1983 (48 FR 31100 FR Doc. 83-18183) is hereby withdrawn and replaced by this notice. The notice which appeared on July 6, 1983 contained incorrect dates for the sale of public lands. The dates are corrected in this notice as follows:

The lands described below have been examined and through the development of the Vermillion Management Framework Plan were found proper for disposal. They will be offered for sale under the provisions of section 203(a) of the Federal Land Policy and Management Act (90 Stat. 2750; 43 U.S.C. 1713).

Gila and Salt River Meridian, Arizona

Mohave County

T. 40 N., R. 5 W.,
Sec. 31, E½SE¼.

The area contains 80 acres. Appraised value: $8,000.

This parcel will not be sold for less than the appraised fair market value indicated.

The lands will be offered at public auction on September 15, 1983 beginning at 10:00 a.m. at the Washington County Commission Chambers, 197 East Tabernacle Street, St. George, Utah. If they do not sell on September 15, the sale will be continued on September 22, 1983 at the same time and place.

If this parcel remains unsold after the September 22, 1983 date, it will be available over-the-counter at the Arizona Strip District Office, 196 East Tabernacle, St. George, Utah 84770 without further competition. Sealed bids will be accepted if received at the Arizona Strip District Office prior to 4:30 p.m. on August 31, 1983.

Purchasers must be citizens of the United States, 18 years of age or older. Additional information concerning the land, terms and conditions of the sale, and bidding instructions may be obtained from G. William Lamb, District Manager, 196 East Tabernacle, St. George, Utah 84770 or by calling (801) 673-3545.

Upon publication of this Notice in the **Federal Register** as provided in 43 CFR 2440.4, the land described above will be segregated from appropriation under the mining laws but excepting the mineral leasing laws for a period not to exceed two years, or until the lands are sold, whichever occurs first. The segregative effect may otherwise be terminated by the Authorized Officer by publication of a termination notice in the **Federal Register** prior to the expiration of the two-year period.

The land will be sold subject to the following reservations:

1. A right-of-way for ditches or canals constructed by the United States under the authority of the Act of August 30, 1890 (26 Stat. 391, 43 U.S.C. 945).

2. All minerals will be reserved to the United States with the right to explore, prospect for mine and remove under applicable law and regulations as the Secretary may prescribe.

3. Valid existing rights.

4. Subject to Oil and Gas Lease A 10981 to Brooks Exploration, Inc., effective 09-01-78.

The parcel is not leased for grazing.

There are no known locatable mineral values in the land. If the successful bidder wishes, he/she may apply to purchase the reserved mineral interests, except oil and gas, under the provision of section 209(b) of the Federal Land Policy and Management Act of October 21, 1976 (90 Stat. 2757; 43 U.S.C., 1719).

For a period of 45 days from the date of this notice, interested parties may submit comments regarding the proposed action. Any adverse comments will be evaluated by the District Manager who may vacate or modify this realty action and issue a final determination. In the absence of any action by the District Manager, this realty action will become the final determination of the Department of the Interior.

Dated: June 24, 1983.

G. William Lamb,

District Manger, Arizona Strip District.

[FR Doc. 83-18719 Filed 7-11-83; 8:45 am]

BILLING CODE 4310-84-M

[AZAZ011000001]

Arizona: Realty Action: Modified Competitive Sale of Public Land in Mojave County; Correction

The notice concerning this realty action which appeared in the **Federal Register** on July 6, 1983 (48 FR 31100 FR Doc. 83-18182) is hereby withdrawn and replaced by this notice. The notice which appeared on July 6, 1983 contained incorrect dates for the sale of public lands. The dates are corrected in this notice as follows.

The Bureau of Land Management will offer the following described lands for sale at public auction on September 15, 1983, 10:00 a.m. in the Washington County Commission Chambers, 197 East Tabernacle, St. George, Utah. Through the development of land use plans, it has been determined that the sale of the tract is consistent with section 203(a) of the Federal Land Policy and Management Act of 1976. The lands are presently and potentially valuable for livestock grazing.

Gila and Salt River Base & Meridian, Arizona

Mohave County

T. 40 N., R. 16 W.,
Sec. 33, SW¼SE¼.

The parcel contains 40 acres. Appraised value: $15,000.

The land will not be sold for less than the appraised value.

Upon publication of this notice in the **Federal Register** as provided in 43 CFR 2440.4, the land described above will be segregated from appropriation under the mining laws but excepting the mineral leasing laws for a period of not to exceed two years, or until the lands are sold, whichever occurs first. The segregative effect may otherwise be terminated by the Authorized Officer by publication of a termination notice in the **Federal Register** prior to the expiration of the two-year period.

Sealed bids may be submitted in an envelope clearly marked Land Sale Bid

prior to 4:30 p.m. on August 31, 1983. If the land is not sold on September 15, 1983 it will be re-offered for sale by competitive bidding at 10:00 a.m., September 22, 1983 in the above listed Washington County Commission chambers.

Land not sold on September 22, 1983 will be re-offered for sale over the counter on a first come, first serve basis at the Arizona Strip District Office, 196 East Tabernacle, St. George, Utah, September 29, 1983.

The lands will be subject to the following reservations when patented:

1. The patent will be subject to a right-of-way for an electric transmission line which has been granted to Littlefield Electric Coop, Inc., by permit AR 036027.

2. Valid existing rights.

3. A preference right to meet the highest bid is given to the adjacent landowner, Arvada Farms, Inc. Acquisition of the subject tract would enhance economic development of the lands owned by Arvada Farms.

4. A right-of-way for ditches or canals constructed by the United States under the authority of the Act of August 30, 1890 (26 Stat. 391, 43 U.S.C. 945).

5. All minerals will be reserved to the United States.

There are no known locatable mineral values in the land. If the successful bidder wishes, he/she may apply to purchase the reserved mineral estate, except oil and gas, under the provision of section 209(b) of the Federal Land Policy and Management Act of October 21, 1976 (90 Stat. 2757; 43 U.S.C., 1718).

There is no legal access to the subject tract. Access would have to be obtained from the adjacent landowner.

Additional information concerning the land, terms and conditions of the sale, and bidding instructions may be obtained from G. William Lamb, District Manager, 196 East Tabernacle, St. George, Utah 84770, or by calling (801) 673-3545.

For a period of 45 days from the date of this notice, interested parties may submit comments regarding the proposed action. Any adverse comments will be evaluated by the District Manager who may vacate or modify this realty action and issue a final determination. In the absence of any action by the District Manager, this realty action will become the final determination of the Department of the Interior.

Dated: June 24, 1983.

G. William Lamb,

District Manager, Arizona Strip District.

[FR Doc. 83-18720 Filed 7-11-83; 8:45 am]

BILLING CODE 4310-84-M

[N-38086]

June 27, 1983.

Nevada; Realty Action Sale of Public Land in Elko County, Nevada

The following described land has been examined and identified as suitable for dispoal by competitive sale under section 203 of the Federal Land Policy and Management Act of 1976, (90 Stat. 2750, 43 U.S.C. 1713), at no less than the fair market value:

Mount Diablo Meridian, Nevada

T. 47 N., R. 64 E.,

Sec. 1, lots 13, 14, 15, 16, SW¼SW¼ NE¼NW¼, S½S½NW¼NW¼, N½SW¼NW¼, N½S½SW¼NW¼, S½SW¼SW¼NW¼, SW¼SE¼ SW¼NW¼, W½NW¼SE¼NW¼, NW¼SW¼SE¼NW¼, NW¼NE¼ NW¼SW¼, N½NW¼NW¼SW¼, SW¼NW¼NW¼SW¼.

The parcel aggregates 80.4 acres.

The sale will be held on approximately the 15th day of September 1983. The exact date, time and place of the sale will be announced in general news releases and legal notices. Particulars for this public auction sale, including the minimum bid, reservations, and other specific items will be made available to the public at least 30 days before the scheduled sale date.

The above described land is being offered as a competitive public sale on behalf of the unincorporated community of Jackpot, Nevada to facilitate orderly expansion of that community.

The sale will be conducted by oral bidding. Bids must be made by the principal or his agent at the time of the sale. Immediately following the close of the sale, the high bidder will be required to submit a nonrefundable deposit of 20% of the full bid price. The remainder of the full bid price shall be paid within 30 days of receipt of the high bidder declared notice. At this time, he will have the opportunity to request purchase of the available mineral estate for a $50.00 filing fee. Failure to pay the full price within the time allowed will result in cancellation of the sale and the deposit shall be forfeited and disposed of as other receipts of sale.

The subject land is not required for any Federal purpose. The sale is consistent with Bureau planning and is in response to Elko County's expression of need for the land. The public interest would be served by offering the land for sale. The land will not be offered for sale until 60 days after the date of this notice.

If the parcel is not sold on the day of the sale, it will be offered for sale from 10:00 a.m. to 11:00 a.m. each Monday after the sale. This will continue until the parcel is sold or until the appraisal is no longer valid. The place of sale will be the Bureau of Land Management District Office, 2002 Idaho Street, Elko, Nevada.

The patent, when issued, will contain the following reservations to the United States:

1. A right-of-way thereon for ditches and canals constructed by the authority of the United States, Act of August 30, 1890, 26 Stat. 391; 43 U.S.C. 945.

2. All mineral deposits in the land so patented, and to it, or persons authorized by it, the right to prospect, mine, and remove such deposits from the same under applicable law and such regulations as the Secretary of the Interior may prescribe.[1]

And will be subject to:

1. Those rights for highway purposes which have been granted to the Nevada Highway Department, its successors or assigns, by Permit Nos. CC-023091, Nev-08440 and Nev-042807, under the Act of November 9, 1921, 42 Stat. 212-216, 23 U.S.C. Sec. 18.

The fence that traverses the northwest portion of the sale parcel must be relocated to the exterior boundaries of the sale parcel by the purchaser.

Detailed information concerning the sale including the planning documents and environmental assessment, is available for review at the Elko District Office, Bureau of Land Management, 2002 Idaho Street, Elko, Nevada 89801.

For a period of 45 days from the date of publication of this notice in the **Federal Register**, interested parties may submit comments to the State Director, P.O. Box 12000, Reno, Nevada 89520. Any adverse comments will be evaluated by the State Director, who may vacate or modify this realty action and issue a final determination. In the absence of any action by the State Director, this realty action will become the final determination of the Department of the Interior.

Wm. J. Malencik,

Deputy State Director, Operations.

[FR Doc. 83-18770 Filed 7-11-83; 8:45 am]

BILLING CODE 4310-84-M

[Group 730]

New Mexico; Filing of Plat of Survey

June 29, 1983.

The plat of survey described below was officially filed in the New Mexico

[1] The purchaser may request conveyance of the available Federally owned mineral interest under Section 209 of the Federal Land Policy and Management Act of October 21, 1976, 90 Stat. 2757, 43 U.S.C. 1719.

State Office, Bureau of Land Management, Santa Fe, New Mexico, effective at 10 a.m. on June 22, 1983.

New Mexico Principal Meridian

A dependent resurvey of a portion of the subdivisional lines and certain private claims and the survey of Parcel No. 3 within Private Claim No. 484 of T. 13 S., R. 12 E., NMPM, was accepted June 17, 1983.

This survey was executed to meet certain administrative needs of the Bureau of Indian Affairs.

The plat will be placed in the open files of the New Mexico State Office, Bureau of Land Management, P.O. Box 1449, Santa Fe, New Mexico 87501. Copies of the plat may be obtained from that office upon payment of $2.50 per sheet.

Leroy C. Montoya,

Deputy State Director, Operations.

[FR Doc. 83-18744 Filed 7-11-83; 8:45 am]

BILLING CODE 4310-84-M

Minerals Management Service

Information Collection Submitted for Review

The proposal for the collection of information listed below has been submitted to the Office of Management and Budget for approval under the provision of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Copies of the collection of information requirement and supporting documentation may be obtained by contacting Bill D. Dockery at (703) 860-7916. Comments and suggestions on the collection of information should be made directly to the Office of Information and Regulatory Affairs, Attention: Desk Officer for the Department of the Interior—Minerals Management Service, Office of Management and Budget, Washington, D.C. 20503, with copies to David A. Schuenke; Chief, Branch of Rules, Orders, and Standards; Offshore Rules and Operations Division; Mail stop 646; Room 6A110; Minerals Management Service; U.S. Department of the Interior; 12203 Sunrise Valley Drive; Reston, Virginia 22091.

Title: Reservoir Data—Request for Reservoir MER

Bureau Form Number: MMS-1866 (formerly USGS Form 9-1866)

Frequency: On occasion

Description of Respondents: Federal Oil and Gas Lessees on the Outer Continental Shelf performing operations under OCS Order No. 11, "Oil and Gas Production Rates"; 30 CFR 250.16, Well potentials and permissible flow; and 30 CFR 250.33, Drilling and producing obligations

Annual Responses: 4,080

Annual Burden Hours: 4,620

Dated June 28, 1983.

John B. Rigg,

Associate Director for Offshore Minerals Management.

[FR Doc. 83-18742 Filed 7-11-83; 8:45 am]

BILLING CODE 4310-MR-M

Information Collection Submitted for Review

The proposal for the collection of information listed below has been submitted to the Office of Management and Budget for approval under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Copies of the collection of information requirement and supporting documentation may be obtained by contacting Bill D. Dockery at (703) 860-7916. Comments and suggestions on the collection of information should be made directly to the Office of Information and Regulatory Affairs, Attention: Desk Officer for the Department of the Interior—Minerals Management Service, Office of Management and Budget, Washington, D.C. 20503, with copies to David A. Schuenke; Chief, Branch of Rules, Orders, and Standards; Offshore Rules and Operations Division; Mail Stop 646; Room 6A110; Minerals Management Service; U.S. Department of the Interior; 12203 Sunrise Valley Drive; Reston, Virginia 22091.

Title: OCS Order No. 11—Plans, Programs, Procedures, and Other Narrative Formats

Bureau Form Number: No form used

Frequency: On occasion

Description of Respondents: Federal Oil and Gas Lessees on the Outer Continental Shelf performing operations under OCS Order No. 11, "Oil and Gas Production Rates"; 30 CFR 250.16, Well potentials and permissible flow; 30 CFR 250.33, Drilling and producing obligations; 30 CFR 250.50, Authority and requirements for unitization; 30 CFR 250.51, Procedures for unitization; 30 CFR 250.52 Pooling or drilling agreements; 30 CFR 250.55, Flaring and venting of natural gas; 30 CFR 250.68, Commingling production.

Annual Responses: 1,882

Annual Burden Hours: 7,640

Dated: June 28, 1983.

John B. Rigg,

Associate Director for Offshore Minerals Management.

[FR Doc. 83-18743 Filed 7-11-83; 8:45 am]

BILLING CODE 4310-MR-M

National Park Service

National Register of Historic Places; Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before July 1, 1983. Pursuant to § 60.13 of 36 CFR Part 60 written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the National Register, National Park Service, U.S. Department of the Interior, Washington, DC 20243. Written comments should be submitted by July 27, 1983.

Carl D. Shull,

Chief of Registration, National Register.

CALIFORNIA

Butte County

Oroville, *Oroville Commercial District (Old)*, Montgomery, Myers and Huntoon Sts. and Miners Alley

Orange County

Santa Ana, *Southern Counties Gas Co.*, 207 W. 2nd St.

CONNECTICUT

Hartford County

New Britain, *Burritt Hotel*, 67 W. Min St.

Litchfield County

Roxbury, *Roxbury Center*, CT 67, Weller's Bridge Rd., South and Church Sts.

New Haven County

New Haven, *Plymouth Congregational Church*, 1469 Chapel St.

Unionville, *Tunxis Hose Firehouse*, Lovely St. and Farmington Ave.

Waterbury, *Bank Street Historic District*, 207-231 Bank St.

Waterbury, *Downtown Waterbury Historic District*, Roughly bounded by Main, Meadow, and Elm Sts.

DISTRICT OF COLUMBIA

Meridian Mansions, 2400 16th St. NW

ILLINOIS

Adams County

Camp Point, *Thomas, F. D., House*, 321 N. Ohio St.

Brown County

Dewitt, Benjamin, House.

Coles County

Charleston, *Will Rogers Theatre and Commercial Block, 705-715 Monroe Ave.*

Cook County

Kenilworth, *Hiram, Baldwin, House*, 205 Essex Rd.

Kane County

Batavia, *United Methodist Church of Batavia*, 8 N. Batavia Ave.

Livingston County

Dwight, *Pioneer Gothic Church*, 201 N. Franklin St.
Fairbury, *Beach, Thomas A., House*, 402 E. Hickory St.

Madison County

Troy, *Carney, John, House*, 306 E. Market St.

Washington County

Okawville, *Schlosser, Frank, Complex*, W. Walnut St.

INDIANA

Harrison County

Corydon, *Kintner-McGrain House*, 740 N. Capital Ave.

KENTUCKY

Cumberland County

Marrowbone, *Marrowbone Historic District*, KY 90

LOUISIANA

Beauregard Parish

DeRidder, *DeRidder Commercial Historic District*, Roughly bounded by the RR line, Second, Stewart, and Port Sts.

Iberia Parish

New Iberia, *East Main Street Historic District*, East Main, Lee, Ann and Phillip Sts.

MARYLAND

Baltimore (Independent City)

Perkins Square Gazebo, George St. and Myrtle Ave.
St. Leo's Church, 221 S. Exeter St.
Taylor's Chapel, 6001 Hillen Rd., Mount Pleasant Park

MICHIGAN

Genesee County

Flint, *Industrial Mutual Association Auditorium*, 815 E. 2nd Ave.

Kent County

East Grand Rapids, *Blodgett, John W., Estate (Brookby)*, 250 Plymouth Rd. SE

MISSISSIPPI

Warren County

Vicksburg, *Luckett Compound*, 1116–1122 Crawford St.

MISSOURI

Jackson County

Kansas City, *Elmwood Cemetery*, 4900 Truman Rd.
Kansas City, *Loretto Academy*, 1111 W. 39th St.
Kansas City, *Newcomer's, D. W., Sons Funeral Home*, 1331 Brush Creek

Phelps County

St. James, *St. James Chapel*, Church and Meramec Sts.

NEW YORK

Onondaga County

Camillus, *Wilcox Octagon House*, 5420 W. Genesee St.
Manlius, *Mycenae Schoolhouse*, NY 5

OHIO

Fairfield County

Lancaster, *Lancaster Historic District*, Roughly bounded by 5th Ave., Penn Central RR tracks, OH 33 and Tennant St.

Franklin County

Columbus, *Columbia Building*, 161–167 N. High St.
Columbus, *Hamilton Park Historic District*, Broad and Long Sts.
Columbus, *Pierce, Elijah, Properties*, 534 E. Long St. and 142–44 N. Everett Alley

Muskingum County

Zanesville, *Zanesville, YMCA*, 34 S. 5th St.

Scioto County

Portsmouth, *Hurth Hotel*, 222 Chillicothe St.

Wayne County

Wooster, *Overholt House*, 1473 Beall Ave.

OKLAHOMA

Muskogee County

Muskogee, *Manhattan Building (Pre-Depression Muskogee Skyscrapers TR)*, 325 W. Broadway
Muskogee, *Railroad Exchange Building (Pre-Depression Muskogee Skyscrapers TR)*, Second and Courts Sts.

PENNSYLVANIA

Lehigh County

Allentown, *High German Evangelical Reformed Church*, 620 Hamilton St.

SOUTH CAROLINA

Allendale County

Fairfax, *Young, Virginia Durant, House*, US 278

Charleston County

Adams Run vicinity, *Summit Plantation House*, Off CR 390

Florence County

Timmonsville, *Smith-Cannon House*, 106 W. Market St.

Spartanburg County

Spartanburg, *Franklin Hotel*, 185 E. Main St.

TENNESSEE

Carter County

Elizabethon, *U.S. Post Office*, 201–203 N. Sycamore St.

Giles County

Pulaski, *Church of the Messiah*, W. Madison and N. 3rd Sts.
Pulaski, *First Presbyterian Church of Pulaski*, 202 S. Second St.

Lincoln County

Mimosa, *Mimosa School*, Mimosa Rd.

Madison County

Jackson, *Jones, Casey, House*, 30 Casey Jones Lane

UTAH

Davis County

Centerville, *Tingey, Thomas, House*, 20 N. 300 East

Salt Lake County

Salt Lake, City *Firestation No. 8*, 258 S. 1300 East
Salt Lake, City *Fisher, Albert, Mansion and Carriage House*, 1206 W. 200 South

Utah County

Provo, *Alexander, William D., House*, 91 W. 200 South
Provo, *Taylor, George Jr., House*, 187 N. 400 West

Washington County

St. George, *Pratt, Orson, House*, 76 W. Tabernacle St.

VERMONT

Orange County

Newbury, *Bayley Historic District*, VT 5 and Oxbow St.
Newbury, *Newbury Town House*, Scotch Hollow Rd.
Newbury, *Newbury Village Historic District*, Main, Pulaski, Cross, and Pine Sts., Chapel Rd. and Romance Lane
Newbury, *Oxbow Historic District*, VT 5
South Newbury, *South Newbury Village Historic District*, US 5 and Doe Hill Rd.
Newbury, *Wells River Village Historic District*, Main, Center, Grove, Cross, and Water Sts.

Rutland County

West Rutland, *West Rutland Town Hall*, Main and Marble Sts.

VIRGINIA

Isle of Wight County

Bosses Choice/Days Point Archaeological District

Lee County

Ely Mound

Newport News (Independent City)

Riverside Apartments, 4500–4600 Washington Ave.

WASHINGTON

King County

Dockton, *Dockton Hotel*, 260th St. SW and 99th Ave. SW

Pierce County

Sumner, *Orton, Charles W., House*, 7473 Riverside Rd., East

Thurston County

Tenino, *Tenino Stone Company Quarry*, City Park

Walla Walla County

Walla Walla, *Osterman House*, 508 Lincoln St.

WYOMING

Albany County

Laramie, *Cooper Mansion*, 1411 Grand Ave.

CORRECTION

The following properties were inadvertently listed individually. They comprise the Third Street Historic District.

KENTUCKY

Trimble County

Milton, *Baynes House (Trimble County MRA)*, 3rd St.
Milton, *Dr. Calvert House (Trimble County MRA)*, 3rd St.
Milton, *House Tm-M-20 (Trimble County MRA)*, 3rd St.
Milton, *House Tm-M-22 (Trimble County MRA)*, 3rd St.
Milton, *Wood-Oakley Funeral Home (Trimble County MRA)*, 3rd St.

[FR Doc. 83-18797 Filed 7-11-83; 8:45 am]

BILLING CODE 4310-70-M

INTERSTATE COMMERCE COMMISSION

[Volume No. OP3-319]

Motor Carriers; Finance Applications; Decision-Notice

As indicated by the findings below, the Commission has approved the following applications filed under 49 U.S.C. 10924, 10926, 10931 and 10932.

We find:

Each transaction is exempt from section 11343 of the Interstate Commerce Act, and complies with the appropriate transfer rules.

This decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

Petitions seeking reconsideration must be filed within 20 days from the date of this publication. Replies must be filed within 20 days after the final date for filing petitions for reconsideration; any interested person may file and serve a reply upon the parties to the proceeding. Petitions which do not comply with the relevant transfer rules at 49 CFR 1181.4 may be rejected.

If petitions for reconsideration are not timely filed, and applicants satisfy the conditions, if any, which have been imposed, the application is granted and they will receive an effective notice. The notice will recite the compliance requirements which must be met before the transferee may commence operations.

Applicants must comply with any conditions set forth in the following decision-notices within 20 days after publication, or within any approved extension period. Otherwise, the decision-notice shall have no further effect.

It is ordered:

The following applications are approved, subject to the conditions stated in the publication, and further subject to the administrative requirements stated in the effective notice to be issued hereafter.

Agatha L. Mergenovich,
Secretary.

Please direct status inquiries to Team 3, (202) 275-5223.

MC-FC-81535. By decision on July 5, 1983 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1181, the Review Board, Members Carleton, Fortier and Krock approved the transfer to EXPRESS INTERMODAL TRANSPORT INC., of Wilmington, CA, of Certificate No. MC-155375, issued November 23, 1981, to C. BOND COMPANIES, INC., of Fontana, CA, authorizing the transportation of *general commodities* (except classes A and B explosives), between points in AZ, CA, NV, OR, UT and WA. Representative: Robert Fuller, 13215 E. Penn Street, Ste. 310, Whittier, CA 90602, (213) 945-3002.

MC-FC-81549. By decision of July 5, 1983, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1181, the Review Board, Members Parker, Krock, and Williams approved the transfer to ARCOLA TRANSPORT, INC., of Spokane, WA, of Certificate No. MC-157294, issued June 15, 1983, to GREENACRES BUILDING SUPPLIES, INC., of Spokane, WA, authorizing the irregular-route transportation of *general commodities* (with exceptions), between points in AZ, CA, CO, ID, MT, NM, NV, OR, TX, UT, WA, and WY. An application for temporary authority has been filed. Representative: Jim Pitzer, 15 S. Grady Way—Suite 321, Renton, WA 98055, (206) 235-1111

[FR Doc. 83-18682 Filed 7-11-83; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

Motor Common and Contract Carriers of Property (fitnes-only); Motor Common Carriers of Passengers (fitness-only); Motor Contract Carriers of Passengers; Property Brokers (other than household goods). The following applications for motor common or contract carriage of property and for a broker of property (other than household goods) are governed by Subpart A of Part 1160 of the Commission's General Rules of Practice. See 49 CFR Part 1160, Subpart A, published in the **Federal Register** on November 1, 1982, at 47 FR 49583, which redesignated the regulations at 49 CFR 1100.251, published in the **Federal Register** on December 31, 1980. For compliance procedures, see 49 CFR 1160.19. Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart B.

The following applications for motor common or contract carriage of passengers filed on or after November 19, 1982, are governed by Subpart D of the Commission's Rules of Practice. See 49 CFR Part 1160, Subpart D, published in the **Federal Register** on November 24, 1982, at 49 FR 53271. For compliance procedures, see 49 CFR 1160.86. Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart E.

These applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations.

Applicant's representative is required to mail a copy of an application, including all supporting evidence, within three days of a request and upon payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance

of an effective notice setting forth from 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."

Please direct status inquiries about the following to Team Three (3) at (202) 275-5223

Volume No. OP3-300

Decided: June 30, 1983.

By the Commission, Review Board Members Parker, Krock, and Williams.

MC 145235 (Sub-14), filed June 14, 1983. Applicant: DUTCH MAID PRODUCE, INC., Route 2, Willard, OH 44890. Representative: J. L. Nedrich, 20821 Oak Trail, Strongsville, OH 44136, (216) 572-0030. As a *broker of general commodities* (except household goods), between points in the U.S. (except AK and HI).

MC 153735 (Sub-2), filed June 17, 1983. Applicant: VISTA CALIFORNIA TOURS, INC., d.b.a. VISTA LIMOUSINE SERVICE, 323 South Canal St., South San Francisco, CA 94080. Representative: Michael S. Rubin, 100 Bush St., Suite 410, San Francisco, CA 94104, (415) 421-6743. Transporting *passengers*, in charter and special operations, between points in the U.S. (except HI).

Note.— Applicant seeks to provide privately-funded charter and special transportation.

MC 168634, filed June 9, 1983. Applicant: DENNIS TAVARES-TRAVARES LIMOUSINE SERVICE, 407 Gardner Neck Rd., Swansea, MA 02777. Representative: William G. Camara, 415 Stafford Rd., Fall River, MA 02721, (617) 679-2120. Transporting *passengers*, in charter and special operations, between points in MA, RI, CT, NH, ME, NJ and NY.

Note.— Applicant seeks to provide privately-funded charter and special transportation.

MC 168684, filed June 15, 1983. Applicant: T&I TRUCK BROKERS, LTD., P.O. Box 526, Milldale, CT 06467. Representative: Jeffrey A. Vogelman, 123 South Royal St., Alexandria, VA 22314, (703) 683-6304. As a *broker of general comodities* (except household goods), between points in the U.S. (except AK and HI).

MC 168695, filed June 15, 1983. Applicant: HELEN M. COLCORD, d.b.a. E-Z RIDER CHARTERS, Rt. 1, Box 80-A, Huntley, IL 60142. Representative: Helen M. Colcord (same address as applicant), (312) 669-3993. Transporting *passengers*, in special and charter operations, between points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded special and charter transportation.

MC 168725, filed June 15,1983. Applicant: TRANSPORT CONSULTANTS, INC., P.O. Box 7337, Roanoke, VA 24019. Representative: Wayne C. Stanton, (same address as applicant), (703) 366-7637. As a *broker of general commodities* (except household goods), between points in the U.S. (except AK and HI).

Volume No. OP3-305

Decided: June 30, 1983.

By the Commission, Review Board Members Carleton, Parker, and Joyce.

MC 150434 (Sub-6), filed June 17, 1983. Applicant: COUNTRY WIDE TRUCK SERVICE, INC., 10244 E. Arrow Hwy., Rancho Cucamonga, CA 91730. Representative: Ferderick J. Coffman, 1834 N. Kelly Ave., P.O. Box 1455, Upland, CA 91786, (714) 981-9981. As a *broker* of *general commodities* (except household goods), between points in the U.S. (except AK and HI).

MC 168755, filed June 20, 1983. Applicant: TIMBERLINE TRANSPORT, INC., 3000 Timber Lane, Rt. 3, Box 252, Medford, WI 54451. Representative: Richard A. Westley, 4506 Regent St., Suite 100, P.O. Box 5086, Madison, WI 53705, (608) 238-3119. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners*, by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

For the following, please direct status inquiries to Team 1, (202) 275-7030.

Volume No. OP-1270(F)

Decided: July 1, 1983.

By the Commission, Review Board Members Parker, Williams, and Dowell.

MC 148661 (Sub-1), filed June 24, 1983. Applicant: REICHERT ENTERPRISES, INC., Rt. 3, Box 313, Brainerd, MN 56401. Representative: Robert P. Sack, P.O. Box 21-307, Eagan, MN 55121, (612) 452-8770. Transporting *passengers*, in charter and special operations, between points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 168800, filed June 21, 1983. Applicant: RENATE H. OMANIA, d.b.a. WALDO's MULTI-SERVICE, 23 Orinda Way, Suite 302, Orinda, CA 94563. Representative: Renate H. Omania, 29 Southwaite Court, Orinda, CA 94563, (415) 376-1333. As a *broker of general commodities* (except household goods), between points in the U.S.

MC 168810, filed June 22, 1983. Applicant: VERY IMPORTANT PARCEL DELIVERY SYSTEMS, INC., 2728 N. Halleck, Portland, OR 97217. Representative: Uma M. Prasad (same address as applicant), (503) 285-0890. Transporting *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S. (except AK and HI).

MC 168851, filed June 23, 1983. Applicant: C. C. DRAGANO, d.b.a. DRAGANO TRANSPORT, Box 336-RD2, Danville, PA 17821. Representative: Hughan R. H. Smith, 26 Kenwood Place, Lawrence, MA 01841, (617) 657-6071. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners*, by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

MC 168880, filed June 24, 1983. Applicant: CARL E. PHILLIPS, d.b.a. GENE PHILLIPS TRUCKING R.R. 2, Box 106B, Newkirk, OK 74647. Representative: William B. Barker, P.O. Box 1979, Topeka, KS 66601 (913) 234-0565. Transporting (1) *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners*, by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI), and (2) for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and

munitions), between points in the U.S. (except AK and HI).

[FR Doc. 83-18682 Filed 7-11-83; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Agricultural Cooperative; Commission of Intent To Perform Interstate Transportation for Certain Nonmembers

Date: July 7, 1983.

The following notices were filed in accordance with section 10526 (a)(5) of the Interstate Commerce Act. These rules provide that agricultural cooperatives intending to perform nonmember, nonexempt interstate transportation must file the Notice, Form BOp-102, with the Commission within 30 days of its annual meetings each year. Any subsequent change concerning officers, directors, and location of transportation records shall require the filing of a supplemental Notice within 30 days of such change.

The name and address of the agricultural cooperative (1) and (2), the location of the records (3), and the name and address of the person to whom inquiries and correspondence should be addressed (4), are published here for interested persons. Submission of information which could have bearing upon the propriety of a filing should be directed to the Commission's Office of Compliance and Consumer Assistance, Washington, DC 20423. The Notices are in a central file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, DC.

(1) Ag Carriers, Inc.
(2) P.O. Box 2460, Leesburg, FL 32748
(3) 5501 South Highway 441, Leesburg, FL 32748
(4) Richard Baugh, P.O. Box 2460, Leesburg, FL 32748

(1) Federated Co-op Transport
(2) P.O. Box 353, Hoopeston, IL 60942
(3) 6th Ave. & Route 9, Hoopeston, IL 60942
(4) Vicki J. Torbet, P.O. Box 353, Hoopeston, IL 60942

(1) Gold Coast, Inc.
(2) Jena #312 Villafontana—Mexicali, B.C., Mexico
(3) Jena #312 Villafontana—Mexicali, B.C., Mexico
(4) Hector Efren Ocampo Torres, 233 Paulin #5519, Calexico, CA 92231

(1) Rockingham Poultry Marketing Cooperative, Inc.
(2) P.O. Box 275, Broadway, VA 22815
(3) Coop Drive, Broadway, Virginia 22815
(4) June M. Fahrney, P.O. Box 275, Broadway, VA 22815.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-18680 Filed 7-11-83; 8:45 am]

BILLING CODE 7035-01-M

0Motor 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 August 11, 1983. Petitions for reconsideration must be filed by August 1, 1983. Petitions for stay must be filed by July 22, 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.

By the Commission, Division 1, Commissioners Gradison, Taylor, and Sterrett. Commissioner Taylor dissented in part. He would have imposed a one-year limitation.

[No. MC-F-15211]

Robert H. Shepard and John A. Pellman—Continuance in Control Exemption—Military Pack and Crate, Inc., Bob Shepard Enterprises, Inc., d.b.a. Ace Van & Storage Company, Escondido Storage Co., and Mission Van & Storage Company, Inc.

ADDRESSES: Send pleadings to:

(1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 10423

and

(2) Petitioner's representative: Hayden J. Trubitt, 701 B Street, Suite 2100, San Diego, CA 92101—8197.

Pleadings should refer to No. MC-F-15211.

Decided: June 30, 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(e) the continuance of control of Military Pack and Crate, Inc., Bob Shepard Enterprises, Inc., doing business as Ace Van & Storage Company, Escondido Storage Co., and Mission Van and Storage Company, Inc., by Robert H. Shepard and John A. Pellman.

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-15226]

State Transportation, Inc.—Purchase Exemption—Adams Trucking, Inc.

ADDRESSES: Send pleadings to:

(1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423.

and

(2) Petitioner's representative: Robert G. Parks, Suite 101, 20 Walnut St., Wellesley Hills, MA 02181.

Pleadings should refer to No. MC-F-15226.

Decided: July 5, 1983.

Under 49 U.S.C. 11343(e), the Interstate Commerce Commission exempts from the requirement of prior regulatory approval under 49 U.S.C. 11343(e), the purchase by State Transportation, Inc. of all the operating rights of Adams Trucking, Inc. contained in Certificate No. MC-157101.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-18678 Filed 7-11-83; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

Motor Common and Contract Carriers of Property (except fitness-only); Motor Common Carriers of Passengers (public interest); Freight Forwarders; Water Carriers; Household Goods Brokers. The following applications for motor common or contract carriers of property, water carriage, freight forwarders, and household goods brokers are governed by Subpart A of Part 1160 of the Commission's General Rules of Practice. See 49 CFR Part 1160, Subpart A, published in the **Federal Register** on November 1, 1982, at 47 FR 49583, which redesignated the regulations at 49 CFR 1100.251, published in the **Federal Register** December 31, 1980. For

compliance procedures, see 49 CFR 1160.19. Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart B.

The following applications for motor common carriage of passengers, filed on or after November 19, 1982, are governed by Subpart D of 49 CFR Part 1160, published in the **Federal Register** on November 24, 1982 at 47 FR 53271. For compliance procedures, see 49 CFR 1160.86. Carriers operating pursuant to an intrastate certificate also must comply with 49 U.S.C. 10922(c)(2)(E). Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart E. In addition to fitness grounds, these applications may be opposed on the grounds that the transportation to be authorized is not consistent with the public interest.

Applicant's representative is required to mail a copy of an application, including all supporting evidence, within three days of a request and upon payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carriers 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, that 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 about the following to Team Four at (202) 275-7669.

Volume No. OP-4-424

Decided: July 6, 1983.

By the Commission, Review Board, Members: Carleton, Fortier, and Krock.

MC 147776 (Sub-2), filed June 17, 1983. Applicant: JOHN CHRABOLOWSKI MOVING & STORAGE CO., INC., 136 McDonald St., Hempstead, NY 11550. Representative: Edward P. Chrabolowski (same address as applicant), (516) 483-8133. Transporting *Household goods*, between New York, NY and those in Suffolk County, NY, on the one hand, and, on the other, points in AL, CT, FL, GA, IL, IN, KY, ME, MD, MA, MI, MS, NH, NJ, NC, OH, RI, SC, TN, VT, VA, WV, WI, and DC.

Volume No. OP4-425

Decided: July 6, 1983.

By the Commission, Review Board, Members: Krock, Carleton, and Parker.

MC 158846 (Sub-2), filed June 16, 1983, previously noticed in the **Federal Register** issued of July 1, 1983, and republished this issue. Applicant: MONARCH MARKET STREET CORPORATION, 505 Long Beach Blvd., Long Beach, NY 11561. Representative: William J. Augello, 120 Main St., Huntington, NY 11743, (516) 427-0100. Transporting *beverages*, between points in the U.S. (except AK and HI). Condition: Issuance of a certificate in this proceeding is subject to coincidental cancellation, at applicant's written request, of Permit No. MC-158846 Sub 1, issued May 18, 1983.

Note.—The purpose of this republication is to add the "Condition".

Voulme No. OP4-426

Decided: July 6, 1983.

By the Commission, Review Board, Members: Parker, Joyce, and Fortier.

MC 168107, filed June 27, 1983. Applicant: RONALD M. KERR P.O. Box R, Velva, ND 58790. Representative: Jack L. Schiller, 111-56 76th Dr., Forest Hills, NY 11375, (212) 263-2078. Transporting *abrasives and metal cleaning equipment*, between points in the U.S. (except AK and HI), under continuing contract(s) with Abrasives Northwest, Inc., of Seattle, WA.

For the following, please direct status inquiries to Team 1, (202) 275-7030.

Volume No. OP-1-269(N)

Decided: July 1, 1983.

By the Commission, Review Board Members Williams, Dowell, and Carleton.

MC 99961 (Sub-8), filed June 16, 1983. Applicant: BIG CHIEF TRUCK LINES, INC., 1331 Hwy. 93, P.O. Box 1039, Scott, LA 70583. Representative: Ronald Marchand (same address as applicant), (318) 232-1905. Transporting *oil drilling rigs*, and *waste materials*, between points in LA, TX, MS, AL, GA, SC, NC, AR, OK, KS, and CO, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 145300 (Sub-11), filed June 21, 1983. Applicant: MINUTE MAN TRANSIENT, INC., P.O. Box 64, Needham, MA 02192. Representative: William S. Felmly, (same address as applicant), (617)-444-3000. 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 persons as defined in Section 10923 of the Motor Carrier Act of 1980 who are engaged in

business as manufacturers, distributors, or dealers of motor vehicles.

MC 146250 (Sub-2), filed June 23, 1983. Applicant: PILKINGTON TRUCKING, INC., Box 782, Lapel, IN 46051. Representative: Andrew K. Light, 1301 Merchants Plaza, Indianapolis, IN 46204, (317)-638-1301. Transporting *commodities in bulk*, (1) between those points in the U.S. in and east of MN, IA, MO, OK, and TX, and (2) between points in IN, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 146580 (Sub-8), filed June 24, 1983. Applicant: FREIGHT SYSTEMS, INC., 7022 South 220th, Kent, WA 98031. Representative: Daniel F. Mullin, Suite 600 Market Place One, 2001 Western Ave., Seattle, WA 98121, (206)-621-1920. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with the Fuller Brush Company, of Great Bend, KS.

MC 168791, filed June 17, 1983. Applicant: SHEILA ANN LEE AND TOM BROTTON, d.b.a. INTERNATIONAL LEASING P.O. Box 1494, Brea, CA 92621. Representative: David S. Koslow, 3550 Wilshire Blvd., 16th Floor, Los Angeles, CA 90010, (213)-384-0134. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of lighting fixtures, between points in the U.S. (except AK and HI).

MC 168820, filed June 21, 1983. Applicant: GARRETT EXCAVATING, INC., Route 1, Box 14, Millstadt, IL 6260. Representative: Joseph E. Rebman, 314 N. Broadway, Suite 1300, St. Louis, MO 63102, (314)-421-0845. Transporting (1) *salt*, (2) *fertilizer*, (3) *zinc*, (4) *coal*, (5) *coke*, (6) *iron ore*, and (7) *metal shavings*, between points in the U.S. (except AK and HI), under continuing contract(s) with The Pillsbury Company, of East St. Louis, IL.

MC 168850, filed June 23, 1983. Applicant: S & D TRUCKING CO., INC., P.O. Box 432, Toppenish, WA 98948. Representative: George R. LaBissoniere, 15 S. Grady Way, Suite 239, Renton, WA 98055, (206) 228-3807. Transporting (1) *food and related products*, (2) *machinery*, (3) *metal products*, (4) *feed and feed ingredients*, and (5) *such commodities* as are used in the processing or packing of food and related products, between points in WA, OR, CA, ID, MT, UT, CO, AZ, NV and WY.

MC 168860, filed June 23, 1983. Applicant: HIGH COUNTRY ENTERPRISES LTD., #235 9520 127th St., Surrey, B.C., Canada V3V 5H9. Representative: Jim Pitzer, P.O. Box 895, Renton, WA 98057, (206) 235-1111. Transporting (1) *food and related products*, (2) *lumber and wood products*, (3) *building materials*, (4) *glass and plastic articles*, and (5) *waste materials*, between points on the International boundary line between the U.S. and Canada in WA, ID and MT, on the one hand, and, on the other, points in AZ, CA, CO, ID, MT, NM, NV, OR, UT, TX, WA and WY.

Volume No. OP-1-271(N)

Decided: July 1, 1983.

By the Commission, Review Board Members Parker, Williams, and Dowell.

MC 84450 (Sub-13), filed June 21, 1983. Applicant: MARIANO MOTOR EXPRESS, INC., 1501 South Pennsylvania Ave., Morrisville, PA 19067. Representative: John A. Mariano (same address as applicant), (215) 295-1106. 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 152330 (Sub-6), filed June 21, 1983. Applicant: GLACIER CARRIERS, P.O. Box 490, Columbia Falls, MT 59912. Representative: John T. Wirth, 717-17th St., Suite 2600, Denver, CO 80202-3357, (303) 892-6700. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S. (except HI).

MC 153410 (Sub-1), filed June 23, 1983. Applicant: DEBRYNNT McDUFFIE, d.b.a. McDUFFIE'S MOVING SERVICE, P.O. Box 6378, New Orleans, LA 70174. Representative: Marshall Kragen, 1919 Pennsylvania Ave., N.W., Suite 300, Washington, DC 20006, (202) 466-3778. Transporting *household goods*, between points in the U.S. (except AK and HI), under continuing contract(s) with persons as defined in Section 10923 of the Motor Carrier Act of 1980 who are engaged in the business of moving household goods.

MC 159781 (Sub-4), filed June 21, 1983. Applicant: WESTPOINT PEPPERELL TRANSPORTATION COMPANY, P.O. Box 71, West Point, GA 31833. Representative: Michael F. Morrone, 1150 17th St., NW, Suite 1000, Washington, DC 20036, (202) 457-1124. 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 R&R Track Brokers, Inc. of Central Point, OR, Freight Distribution Services, Inc. of Los Angeles, CA, Charles McAlpin Brokerage, Inc. of Decatur, AL, Textile Traffic Association, Inc. of Atlanta, GA, National Carrier Service of Anaheim, CA and Flying H Enterprises, Inc. of Tupelo, MS.

MC 168661, filed June 13, 1983. Applicant: YELLOW BIRD TRANSPORTATION, INC., 905 Kelly, Dubuque, IA 52001. Representative: Donald B. Levine, 180 N. LaSalle St., Chicago, IL 60601, (312) 368-0100. Transporting *food and related products*, between points in Lee County, IA, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 168830, filed June 21, 1983. Applicant: PHARO TRUCKING CO., INC., 301 Eggelston Ave., Cincinnati, OH 45202. Representative: Anthony W. Foellger (same address as applicant), (513) 241-2345. Transporting *household appliances, electronic equipment and related products*, between points in OH, KY and IN, under continuing contract(s) with Steinberg's Inc. of Cincinnati, OH.

[FR Doc. 83-18684 Filed 7-11-83; 8:45 am]

BILLING CODE 7035-01-M

[Volume No. OP4-F-427]

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: July 6, 1983.

By the Commission, Louis E. Gitomer, Acting Director, Office of Proceedings.

Agatha L. Mergenovich

Secretary.

[No. MC-F-15289]

Mau Trucking, Inc.—Purchase Exemption—Heuertz Trucking, Inc.

Mau Trucking, Inc. (Mau), of Ida Grove, IA, and Heuertz Trucking, Inc. (Heuertz), of LeMars, IA, seek an exemption from the requirement under section 11343 of prior regulatory approval for the purchase by Mau of the operating rights of Heuertz in No. MC-149317 (Sub-No. 6), authorizing the transportation of lumber, wood products, and forest products, between points in the United States (except Alaska and Hawaii), and in No. MC-149411 (Sub-No. 2), authorizing the transportation of food and related products, (1) radially between points in the United States and points in Iowa and in Nobles County, MN, and (2) radially between the facilities of Beverly Meat Corporation at points in California and points in 16 States. Send comments to: (1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, D.C. 20423 and (2) Petitioners' representative: D. Douglas Titus, 340 Insurance Exchange Building, 7th & Pierce, Sioux City, IA 51101. Comments should refer to No. MC-F-15289.

[FR Doc. 83-18681 Filed 7-11-83; 8:45 am]

BILLING CODE 7035-01-M

[No. 39315 et al.[1]]

Motor Carriers; Wells Fleet and Truck Service, Inc.—Petition for Exemption From Tariff Filing Requirements

AGENCY: Interstate Commerce Commission.

ACTION: Notice of proposed exemptions.

SUMMARY: Four motor contract carriers have each requested exemption from the tariff filing requirements of 49 U.S.C. 10702, 10761, and 10762.

The petitions for exemption from the tariff filing requirements may be inspected at the Public Docket Room (Room 1227) of the Commission in Washington, D.C.

Any interested party may file a comment in this proceeding.

DATES: Comments are due July 27, 1983. If no timely filed adverse comments are received, the sought relief will automatically become effective at the close of the comment period. If opposition comments are filed, the comments will be considered and, by August 16, 1983, the Commission will issue a final decision granting or denying the relief sought.

ADDRESS: Send an original and 15 copies of comments to: Docket No. 39315, Case Control Branch, Office of the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT: Barbara Gardner, (202) 275-0961, or Howell I. Sporn, (202) 275-7691.

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, 12th & Constitution Ave., NW., Washington, D.C. 20423 or call 289-4357 in the DC metropolitan area or toll free (800) 424-5403.

Decided: July 5, 1983.

By the Commission, Division 1, Commissioners Andre, Taylor, and Sterrett. Commissioner Taylor is assigned to this Division for the purpose of resolving tie votes. Since there was no tie in this matter, Commissioner Taylor did not participate.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-18675 Filed 7-11-83; 8:45 am]

BILLING CODE 7035-01-M

[1] This proceeding embraces Nos. 39316 Northwestern Construction, Inc., 39317 Rangen Transportation, Inc., and 39318 Cargo, Inc.

[Finance Docket No. 30169]

Rail Carriers; Indiana Hi-Rail Corporation—Exemption From 49 U.S.C. Subtitle IV—Operations Between New Castle and Rushville, IN

AGENCY: Interstate Commerce Commission.

ACTION: Notice of Exemption.

SUMMARY: Under 49 U.S.C. 10505, the Interstate Commerce Commission exempts Indiana Hi-Rail Corporation from the provisions of 49 U.S.C. Subtitle IV for the acquisition and operation of an abandoned railroad line between New Castle and Rushville, IN.

DATES: This exemption shall be effective on August 11, 1983. Petitions to stay the effectiveness of this decision must be filed by July 22, 1983, and petitions for reconsideration must be filed by August 1, 1983.

ADDRESSES: Send pleadings referring to Finance Docket No. 30169 to:

Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423

Petitioner's representative: Anthony J. Ciccone, Jr., Billig, Sher & Jones, P.C., 2033 K Street, N.W., Washington, DC 20006

FOR FURTHER INFORMATION CONTACT: Louis E. Gitomer, (202) 275-7245

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. To purchase a copy of the full decision write to T.S. InfoSystems, Inc., Room 2227, Interstate Commerce Commission, Washington, DC 20423, or call 289-4357 (D.C. Metropolitan area) or toll free (800) 424-5403.

Decided: July 1, 1983.

By the Commission, Chairman Taylor, Vice Chairman Sterrett, Commissioners Andre, and Gradison. Commissioner Andre was absent and did not participate.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-18677 Filed 7-11-83; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 30193]

Rail Carriers; Southern Pacific Transportation Company—Abandonment Exemption—in Tulare County, CA

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: The Interstate Commerce Commission exempts Southern Pacific Transportation Company from 49 U.S.C. 10903 *et seq.*, in connection with 3.6 miles of rail line in Tulare County, CA, subject to employee protective conditions.

DATES: This exemption shall be effective on August 11, 1983. Petitions to stay the effectiveness of this decision must be filed by July 22, 1983, and petitions for reconsideration must be filed by August 1, 1983.

ADDRESSES: Send pleadings referring to Finance Docket No. 30193 to:

(1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423

(2) Petitioner's representative: Gary Laakso, One Market Plaza, San Francisco, CA 94105

FOR FURTHER INFORMATION CONTACT: Louis E. Gitomer, (202) 275-7245.

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. To purchase a copy of the full decision write to T.S. InfoSystems, Inc., Room 2227, Interstate Commerce Commission, Washington, DC 20423, or call 289-4357 (D.C.Metropolitan area) or toll free (800) 424-5403.

Decided: June 30, 1983.

By the Commission, Chairman Taylor, Vice Chairman Sterrett, Commissioners Andre and Gradison. Vice Chairman Sterrett would not impose a deadline on consummation of the exempted transaction. Commissioner Andre was absent and did not participate.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-18674 Filed 7-11-83; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF LABOR

Employment and Training Administration

Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents summaries of determinations regarding eligibility to apply for adjustment assistance issued during the period June 27, 1983–July 1, 1983.

In order for an affirmative determination to be made and a certification of eligibility to apply for adjustment assistance to be issued, each of the group eligibility requirements of Section 222 of the Act must be met.

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated,

(2) That sales or production, or both, of the firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Negative Determinations

In each of the following cases the investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-14,183; Bendix Corp., Cutting Tool Div., Greenfield, MA

TA-W-13,907; Latrobe, Pa. Plant of Standard Steel

TA-W-14,003; Burnham, PA. Plant of Standard Steel

In the following case the investigation revealed that criterion (3) has not been met for the reason specified.

TA-W-14,218; Riverside Cement Co., Riverside, CA

Aggregate U.S. imports of hydraulic cement did not increase as required for certification.

Affirmative Determinations

TA-W-14,170; Gulf & Western Manufacturing Co., Bonney Forge Div., Allentown, PA

A certification was issued covering all workers engaged in employment related to the production of raw forgings at Gulf & Western Manufacturing Company, Bonney Forge Div., Allentown, Pa. who became totally or partially separated from employment on or after April 1, 1982 and before November 30, 1982 are eligible to apply for adjustment assistance under section 223 of the Trade Act of 1974.

TA-W-13,856; Timex Corp., Middlebury, CT

A certification was issued covering all workers separated on or after December 1, 1981 and before April 1, 1982.

TA-W-14,195; W.P. Coal Co., Omar, WV

A certification was issued covering all workers separated on or after December 15, 1981.

TA-W-13,996; The New M.T. Shaw, Inc., Coldwater, MI

A certification was issued covering all workers separated on or after December 19, 1981.

TA-W-13,829; R.G. Barry Corp., Columbus, OH

A certification was issued covering all workers separated on or after September 13, 1981.

TA-W-13,830; The Mushroom Distribution Center, Columbus, OH

A certification was issued covering all workers separated on or after September 13, 1981.

TA-W-14,896; The R.G. Barry Divisional Offices, Pickerington, OH

A certification was issued covering all workers separated on or after September 13, 1981.

TA-W-14,897; Barry of Canal Winchester, Canal Winchester, OH

A certification was issued covering all workers separated on or after September 13, 1981.

TA-W-13,815; Barry of Conway, Conway, AR

A certification was issued covering all workers separated on or after September 13, 1981.

I hereby certify that the aforementioned determinations were issued during June 27, 1983–July 1, 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 July 7, 1983.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 83-18665 Filed 7-11-83; 8:45 am]

BILLING CODE 4510-30-M

[TA-W-14,215]

Elcona Foods ("Plumrose"), Elkhart, Indiana; Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on January 10, 1983 in response to a worker petition received on January 4, 1983 which was filed by the United Food & Commercial Workers Union on behalf of workers and former workers producing canned hams and bacon at the Elkhart, Indiana Plant of Elcona Foods/Plumrose.

The petitioners requested withdrawal of the petition in a letter dated June 8, 1983. On the basis of the withdrawal, continuing the investigation would serve no purpose. Consequently the investigation has been terminated.

Signed at Washington, D.C. this 1st day of July 1983.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 83-18668 Filed 7-11-83; 8:45 am]

BILLING CODE 4510-30-M

U.S. Steel Corp. et al.; Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under Section 221 (a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to Section 221 (a) of the Act.

The Purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than July 22, 1983.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than July 22, 1983.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, 601 D Street NW., Washington, D.C. 20213.

Signed at Washington, D.C. this 30th day of June 1983.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

Appendix

Petitioner: Union/workers or former workers of—	Location	Date received	Date of petition	Petition	Articles produced
U.S. Steel Corp., Texas Works (USWA)	Baytown, Tex	6/20/83	6/16/83	TA-W-14,784	Steel pipe and plate.
CF Industries, Inc., Olean Nitrogen Complex (workers)	Olean, NY	6/24/83	6/21/83	TA-W-14,785	Nitrogen based fertilizers.
Cornell Dubilier Electronics (workers)	New Bedford, Mass	6/27/83	6/22/83	TA-W-14,786	Large and small capacitors.
Ford Motor Co., Buffalo District Sales Office (wkrs)	Buffalo, NY	6/16/83	6/13/83	TA-W-14,787	Sales office for Ford Motors Co.
Houdaille Industries, Strippit Div. (IAMAW)	Akron, NY	4/5/83	3/31/83	TA-W-14,788	Punching machines.
International Salt Co., Detroit, Mine (Teamsters)	Detroit, MI	6/17/83	6/14/83	TA-W-14,789	Rock salt bulk.
Jones & Laughlin Steel Co. (workers)	Pittsburgh, PA	6/27/83	6/21/83	TA-W-14,790	Corporate information center.
Kane Industries, Div., of Chromoloy American Corp. (ILGWU).	Leitchfield, KY (2 plants)	6/22/83	6/17/83	TA-W-14,791	Cut, sew women's & men's slacks, coats vest, skirts shorts, jeans.
Whittaker, Fort Worth Pipe & Supply Div. (company)	Ft. Worth, Texas	6/27/83	6/23/83	TA-W-14,792	Thread pipes & assemble pipe with couplings.
Whittaker, Fort Worth Pipe & Supply Div. (company)	Conroe, TX	6/27/83	6/23/83	TA-W-14,793	Pipes and couplings.
Whittaker, Fort Worth Pipe & Supply Div. (company)	Ft. Morgan, Colo	6/27/83	6/23/83	TA-W-14,794	Thread pipes & assemble pipe with couplings.
Whittaker, Fort Worth Pipe & Supply Div. (company)	Abilene, Tex	6/27/83	6/23/83	TA-W-14,795	Thread pipes & assemble pipe with couplings.
Whittaker, Fort Worth Pipe & Supply Div. (company)	Midland, Tex	6/27/83	6/23/83	TA-W-14,796	Thread pipes & assemble pipe with couplings.
Wilson Sporting Goods Company (Inter'l Leather Goods, Plastic & Novelty Workers Union).	Cortland, NY	6/24/83	6/15/83	TA-W-14,797	Tennis rackets.
Ampco-Pittsburgh Corp. (USWA)	Coraopolis, PA	6/30/83	6/28/83	TA-W-14,798	Cast forgings.
Stauffer Chemical Co. (ICWU)	Louisville, KY	6/30/83	6/28/83	TA-W-14,799	Carbon tetrachloride, chloroform, methyl and methylene chloride.
Shenango, Inc., Neville Island Foundry (USWA)	Neville Island, PA	6/30/83	6/29/83	TA-W-14,800	Foundry.
Shenango, Inc., Coke & Iron Div. (USWA)	Neville Island, PA	6/30/83	6/29/83	TA-W-14,801	Coke and iron.
Shenango, Inc., Sharpsville Plant (USWA)	Sharpsville, PA	6/30/83	6/29/83	TA-W-14,802	Foundry.
U.S. Steel Corp., Wire Rope Div. (USWA)	Trenton, NJ	6/30/83	6/28/83	TA-W-14,803	Wire and wire rope products.

[FR Doc. 83-18666 Filed 7-11-83; 8:45 am]

BILLING CODE 4510-30-M

[TA-W-12,531]

Wasser & Fluhrer, Inc.; Kalama, Washington; Administrative Reconsideration

The Office of Trade Adjustment Assistance on its own motion initiated administrative reconsideration of the Department's denial of adjustment assistance to workers and former workers producing cedar shakes and shingles at Wasser & Fluhrer, Incorporated, Kalama, Washington. The Department of Labor's Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance was published in the **Federal Register** on April 2, 1982, (47 FR 14235).

The reconsideration is being conducted to ensure that the "contributed importantly" test results used in that decision were adequate.

Signed at Washington, D.C., this 1st day of July 1983.

Harold A. Bratt,

Deputy Director, Office of Program Management, Unemployment Insurance Service.

[FR Doc. 83-18667 Filed 7-11-83; 8:45 am]

BILLING CODE 4510-30-M

Mine Safety and Health Administration

[Docket No. M-83-57-C]

Double L Coal Corp.; Petition for Modification of Application of Mandatory Safety Standard

Double L Coal Corporation, Star Route, Box 46, Big Rock, Virginia 24603 has filed a petition to modify the application of 30 CFR 75.305 (weekly examinations for hazardous conditions) to its No. 1 Mine (I.D. No. 44-00403) located in Buchanan County, Virginia. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that return aircourses be examined in their entirety on a weekly basis.

2. Due to existing roof falls and the imminent danger of additional falls, portions of the return aircourse are not travelable by equipment or miners. Precautionary measures exceeding the roof control plan have been taken but have not been effective in controlling roof conditions or preventing falls. Rehabilitation of these areas would expose miners to hazardous conditions.

3. The existing falls have not impeded the airflow in the mine. There are no electrical ignition sources present in the fall area and petitioner states that methane has never been detected in the mine.

4. As an alternate method, petitioner proposes to establish checkpoints at specified locations to monitor airflow. All checks will be made by a certified person. A log will be kept at each checkpoint to record the results of the weekly readings. Any undue variation in the readings will be investigated immediately.

5. Petitioner states that the proposed alternate method will provide the same degree of safety for the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before August 11, 1983. Copies of the petition are available for inspection at that address.

Dated: July 1, 1983.

Patricia W. Silvey,

Acting Director, Office of Standards, Regulations and Variances.

[FR Doc. 83-18664 Filed 7-11-83; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-83-66-C]

Eastern Coal Corp.; Petition for Modification of Application of Mandatory Safety Standard

Eastern Coal Corporation, P.O. Box 219, Stone, Kentucky 41567 has filed a petition to modify the application of 30 CFR 75.1405 (automatic couplers) to its A-5 Mine (I.D. No. 15-0732) located in Pike County, Kentucky. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that the mine's haulage equipment be equipped with automatic couplers which couple by impact and uncouple without the necessity of persons going between the ends of such equipment.

2. Coal is transported by a belt system, and the track is used to transport supplies and personnel only. Six supply cars along with six pieces of battery-powered track equipment are used on the lightweight rails. The track and belt are in the same entry and the mine has a narrow radius curve. There are several severe, steep grades and much of the mine floor is uneven.

3. Petitioner states that the cars are too light to guarantee coupling upon impact with automatic couplers. The stress and strain of automatic couplers on these lightweight mine car chassis may cause structural failure and result in coupler misalignment, accidental uncoupling and supply car runaways. The automatic couplers lack the flexibility to negotiate some of the rail curves in the mine, and the use of such couplers could result in derailments. Supply car runaways and derailments could cause roof falls and injuries to mine personnel working along the track and beltline.

4. As an alternate method, petitioner proposes to use a pin and link coupling device to couple and uncouple the mine cars. The battery-powered track unit and supply cars will be brought to a complete stop before coupling or uncoupling. Only the person operating the battery-powered track unit will couple and uncouple supply cars. This person will not be positioned between the cars but will lean over the cars to align a link or drop a pin into place. All employees will be instructed and trained in this procedure during the annual retraining program.

5. Petitioner states that the alternate method will provide the same degree of safety for the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before August 11, 1983. Copies of the petition are available for inspection at that address.

Dated: July 1, 1983.

Patricia W. Silvey,

Acting Director, Office of Standards, Regulations and Variances.

[FR Doc 83-18661 Filed 7-11-83; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-83-68-C]

Eastern Coal Corp.; Petition for Modification of Application of Mandatory Safety Standard

Eastern Coal Corporation, P.O. Box 219, Stone, Kentucky 41567 has filed a petition to modify the application of 30 CFR 75.1405 (automatic couplers) to its Stone No. 4 Mine (I.D. No. 15-02096) located in Pike County, Kentucky. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that the mine's haulage equipment be equipped with automatic couplers which couple by impact and uncouple without the necessity of persons going between the ends of such equipment.

2. Petitioner is using nine supply cars of different types and manufacturers and two eight-ton locomotives to transport supplies, each provided with a pin and link coupling device. Attempts to retrofit mine cars in the past with automatic couplers have been unsuccessful; frequent instances of accidental uncoupling occurred and mine car derailments became common place.

3. Petitioner states that retrofitted automatic couplers lack the flexibility to negotiate many of the rail curves and the use of such couplers could result in derailments and possible roof falls. The stress and strain of installing automatic couplers on these older mine cars may result in coupling misalignment and failure of the devices, increasing the chances of an accident.

4. As an alternate method, petitioner proposes to use a pin and link coupling device to couple and uncouple the mine cars. The electric-powered track unit and supply cars will be brought to a complete stop before coupling or uncoupling. Only the person operating the locomotive track unit will couple and uncouple the supply cars. This person will not be positioned between the cars but will lean over the cars to align a link or drop a pin into place. All employees will be instructed and trained in this procedure during the annual retraining program.

5. Petitioner states that the alternate method will provide the same degree of safety for the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before August 11, 1983. Copies of the petition are available for inspection at that address.

Dated: July 1, 183.

Patricia W. Silvey,

Acting Director, Office of Standards, Regulations and Variances.

[FR Doc. 83-18663 Filed 7-11-83; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-83-67-C]

Grundy Mining Co. Petition for Modification of Application of Mandatory Safety Standard

Grundy Mining Company, Betsey Pack Drive, Jasper, Tennessee 37347 has filed a petition to modify the application of 30 CFR 75.902 (low and medium-voltage ground check monitor circuits) to its No. 21 Mine (I.D. No. 40-00524) and its No. 32 Mine (I.D. No. 40-02666) both located in Marion County, Tennessee and its No. 23 Mine (I.D. No. 40-00578), No. 24 Mine (I.D. No. 40-00577), No. 25 Mine ((I.D. No. 40-00579), No. 28 Mine (I.D. No. 40-01586), No. 30 Mine (I.D. No. 40-01813), and its No. 39 Mine (I.D. No. 40-02804) all located in Sequatchie County, Tennessee. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that low and medium-voltage resistance grounded systems include a failsafe ground check circuit to monitor continuously the grounding circuit.

2. As an alternate method, petitioner proposes to install a bare (non-insulated) conductor as a safety ground conductor, which satisfies the requirements of 75.514. This ground conductor shall be in addition to the grounding conductor required by 75.901 and shall be sized as required by 75.701-4. In addition, the safety ground conductor shall:

a. Be visible for its entire length and protected from damage by being suspended from the roof or timbers on well installed supports;

b. Not exceed 200 feet in length and shall be equal to or greater in size than the power conductor;

c. Have at least six inches of free conductor left at or near the connection point for protection against vibration damage. This connection point will be used only for that purpose;

d. Be provided with pressure connecting or crimped-on lugs. Solder filled lugs shall not be used;

e. Be inspected and maintained as required by 75.512.

3. Petitioner will instruct and train all qualified electrical personnel as to proper installation and maintenance of the alternate grounding system within 30 days after approval of the system and every six months thereafter. A permanent record will be kept to indicate when each employee is trained and retrained.

4. Petitioner states that the alternate method will provide the same degree of safety for the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before August 11, 1983. Copies of the petition are available for inspection at that address.

Dated: July 1, 1983.

Patricia W. Silvey,

Acting Director, Office of Standards, Regulations and Variances.

[FR Doc. 83-18662 Filed 7-11-83; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-83-40-C]

L & M Coal Co., Inc.; Petition for Modification of Application of Mandatory Safety Standard

L & M Coal Company, Inc., Box #5, Matewan, West Virginia 25678 has filed a petition to modify the application of 30 CFR 75.1719 (illumination) to its Mine No. 4 (I.D. No. 15-13528) located in Martin County, West Virginia. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that mobile face equipment be equipped with illumination devices.

2. The coal seam averages in height from 44 to 48 inches, with uneven floor and roof.

3. Petitioner states that installing luminaires on the mine's mobile face equipment would result in a diminution of safety for the miners affected because the lights could be struck by loose sluffing material, causing electrical shock. In addition, the lights could strike nearby miners, creating the potential for an accident.

4. For these reasons, petitioner requests a modification of the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before August 11, 1983. Copies of the petition are available for inspection at that address.

Dated: July 1, 1983.

Patricia W. Silvey,

Acting Director, Office of Standards, Regulations and Variances.

[FR Doc. 83-18654 Filed 7-11-83; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-83-61-C]

Powell Mountain Coal Co., Inc.; Petition for Modification of Application of Mandatory Safety Standard

Powell Mountain Coal Company, Inc., 2537 4th Avenue, East, Big Stone Gap, Virginia 24219 has filed a petition to modify the application of 30 CFR 75.1710 (cabs and canopies) to its Mountain Top Mine No. 1 (I.D. No. 44-05669) located in Lee County, Virginia. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirements that cabs or canopies be installed on the mine's electric face equipment.

2. The coal seam ranges from 38 to 50 inches in height, with rolls, dips and swags.

3. Petitioner states that the use of cabs or canopies on the mine's electric face equipment would result in a diminution of safety for the miners affected because the canopies could strike the roof bolts and roof support system, creating the potential for a roof fall or collapse. The canopies also restrict the equipment operator's visibility, increasing the chances of an accident.

4. For these reasons, petitioner requests a modification of the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before August 11, 1983. Copies of the petition are available for inspection at that address.

Dated: July 1, 1983.

Patricia W. Silvey,

Acting Director, Office of Standards, Regulations and Variances.

[FR Doc. 83-18651 Filed 7-11-83; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-83-49-C]

Wyomac Coal Company, Inc.; Petition for Modification of Application of Mandatory Safety Standard

Wyomac Coal Company, Inc., P.O. Drawer G, Welch, West Virginia 24801 has filed a petition to modify the application of 30 CFR 75.1710 (cabs and canopies) to its Leslie No. 2 Mine (I.D.

No. 46-04845) located in McDowell County, West Virginia. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that cabs or canopies be installed on the mine's electric face equipment.

2. The mine floor is extremely variable because of undulations present throughout the mine. The mine contains a soapstone bottom, a wet clay-like shale which increases the risk of equipment sliding and causing roofing and crushing-type injuries.

3. Petitioner states that the use of cabs or canopies on the mine's electric face equipment in low mining heights would result in a diminution of safety because the canopies could strike and dislodge the permanent roof supports.

4. For these reasons, petitioner requests a modification of the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on before August 11, 1983. Copies of the petition are available for inspection at that address.

Dated: July 1, 1983.

Patricia W. Silvey,

Acting Director, Office of Standards, Regulations and Variances.

[FR Doc. 83-18650 Filed 7-11-83; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-83-65-C]

Action Energies, Inc.; Petition for Modification of Application of Mandatory Safety Standard

Action Energies, Inc., P.O. Box 2707, Pikeville, Kentucky 41501 has filed a petition to modify the application of 30 CFR 75.1710 (cabs or canopies) to its No. 3 Mine (I.D. No. 15-13531) located in Pike County, Kentucky. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statement follows:

1. The petition concerns the requirement that cabs or canopies be installed on the mine's electric face equipment.

2. The mine is located in the No. 3 Elkhorn seam, ranging from 36 to 58 inches in height. The coal seam has ascending and descending elevations, with roof irregularities and rolls.

3. Petitioner states that application of the standard would result in a diminution of safety for the miners affected because the canopy can strike the roof or sever suspended cables, resulting in a fire or shock hazard. In addition, an equipment operator could be struck on the head by a severed canopy. Canopies also restrict the operator's visibility, forcing the operator to lean out from under the canopy, exposing body parts to potential injury.

4. For these reasons, petitioner requests a modification of the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before August 11, 1983. Copies of the petition are available for inspection at that address.

Dated: July 1, 1983.

Patricia W. Silvey,

Acting Director, Office of Standards, Regulations and Variances.

[FR Doc. 83-18653 Filed 7-11-83; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-83-56-C]

C & N Coal Co.; Petition for Modification of Application of Mandatory Safety Standard

C & N Coal Company, P.O. Box 201, Harold, Kentucky 41635 has filed a petition to modify the application of 30 CFR 75.1710 (cabs and canopies) to its No. 8 Mine (I.D. No. 15-11983) located in Pike County, Kentucky. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that cabs or canopies be installed on the mine's electric face equipment.

2. The mine is in the #2 Elkhorn seam and ranges from 44 to 52 inches in height with ascending and descending elevations, and roof irregularities and rolls.

3. Petitioner states that the use of cabs and canopies on the mine's scoops would result in a diminution of safety for the miners affected because the canopy would cause a cramped operating compartment which would reduce visibility and increase the chances of an accident.

4. For these reasons, petitioner requests a modification of the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before August 11, 1983. Copies of the petition are available for inspection at that address.

Dated: July 1, 1983.

Patricia W. Silvey,

Acting Director, Office of Standards, Regulations and Variances.

[FR Doc. 83-18652 Filed 7-11-83; 8:45 am]

BILLING CODE 4510-43-M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 83-64]

Intent To Grant An Exclusive Patent License

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of intent to grant an exclusive patent license.

SUMMARY: NASA hereby gives notice of intent to grant to Consolidated Technical Services, of Mineola, New York, a limited, exclusive, royalty-bearing, revocable license to practice the invention described in U.S. Patent No. 4,388,542 for a "Solar Driven Liquid Metal MHD Power Generator" which issued June 14, 1983, to the Administrator of the National Aeronautics and Space Administration on behalf of the United States of America. The proposed exclusive license will be for a limited number of years and will contain appropriate terms and conditions to be negotiated in accordance with the NASA Patent Licensing Regulations, 14 CFR 1245.2. NASA will negotiate the final terms and conditions and grant the exclusive license unless, within 60 days of the date of this Notice, the Director of Patent Licensing receives written objections to the grant, together with supporting documentations. The Director of Patent Licensing will review all written responses to the Notice and then recommend to the Assistant General Counsel for Patent Matters whether to grant the exclusive license.

DATE: Comments to this notice must be received by September 12, 1983.

ADDRESS: National Aeronautics and Space Administration, Code GP-4, Washington, D.C. 20546.

FOR FURTHER INFORMATION CONTACT: Mr. John G. Mannix, (202) 755-3954.

Dated: July 5, 1983.

John E. O'Brien,

Deputy General Counsel.

[FR Doc. 83-18768 Filed 7-11-83; 8:45 am]

BILLING CODE 7510-01-M

NATIONAL CREDIT UNION ADMINSTRATION

Agency Forms Submitted to the Office of Management and Budget for Clearance

The following are those packages submitted to the Office of Management and Budget (OMB) for clearance in compliance with the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Subject: Supervisory Committee Manual for Federal Credit Unions (3133-0075)—Extension/No Change.

Respondents: Federal Credit Unions.

Subject: 702.3 Full and Fair Disclosure—The regulation requires full and fair disclosure by a Federal credit union of its financial condition to its members; requires financial statements to disclose all assets, liabilities, member equity, and all income and expenses (3133-0037)—Extension/No Change.

Respondents: Federal Credit Unions.

OMB Desk Officer: Judith McIntosh.

Copies of the above information collection clearance packages can be obtained by calling the National Credit Union Administration, Special Projects Officer, on 202-357-1080.

Written comments and recommendations for the listed information collections should be sent directly to the OMB Desk Officer designated above at the following address: OMB Reports Management Branch, New Executive Office Building, Room 3208, Washington, D.C. 20503, Attn: Judith McIntosh.

Dated: July 6, 1983.

Rosemary Brady,

Secretary of the NCUA Board.

[FR Doc. 83-18774 Filed 7-11-83; 8:45 am]

BILLING CODE 7535-01-M

NATIONAL SCIENCE FOUNDATION

National Science Board; Commission on Precollege Education in Mathematics, Science and Technology; Open Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, the National Science Foundation announces the following meeting:

Name: National Science Board Commission on Precollege Education in Mathematics, Science and Technology.

Date and Time

August 1, 1983; 9:00 a.m.-4:30 p.m.
August 2, 1983; 9:00 a.m.-4:00 p.m.

Place: National Science Foundation, 1800 G St., N.W., Room 540, Washington, D.C.

Type of Meeting: Open.

Contact Person: Dr. Richard S. Nicholson, Executive Director, Commission on Precollege Education in Mathematics, Science and Technology, Room 527 National Science Foundation, Washington, DC 20550.

Summary Minutes: Contact Dr. Richard S. Nicholson at the above address.

Purpose of Commission Meeting and Agenda: The Commission will continue to refine the reports which will be submitted to the National Science Board.

M. Rebecca Winkler,

Committee Management Coordinator.

July 7, 1983.

[FR Doc. 83-18771 Filed 7-11-83; 8:45 am]

BILLING CODE 7555-01-M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards, Combined Subcommittees on Reactor Radiological Effects and Site Evaluation; Extension

The Combined ACRS Subcommittees on Reactor Radiological Effects and Site Evaluation scheduled for July 18 and 19, 1983 in Room 1046, 1717 H Street, NW, Washington, DC has been extended to July 18, 19 and 20, 1983.

The agenda for subject meeting shall be as follows: *Monday, July 18 and Tuesday, July 19, 1983—8:30 a.m. until the conclusion of business each day:*

The Subcommittees will review emergency plans for Maine Yankee, Seabrook and Indian Point; EPA's proposed 40 CFR 61; proposed revisions to 10 CFR 71; draft NRC Policy on Responding to Transportation Accidents and Incidents; proposed revisions to 10 CFR 50 Appendix E; and NRC Low Level Waste Branch Technical Positions on Waste Form and Classification:

Wednesday, July 20, 1983—8:30 a.m.-12N: Executive Session.

All other items regarding this meeting remain the same as announced in the **Federal Register** published Friday, July 1, 1983 (48 FR 30495).

Further information regarding this meeting can be obtained by a prepaid telephone call to the cognizant Designated Federal Employee, Ms. R. C. Tang (telephone 202/634-1414) between 8:15 a.m. and 5:00 p.m., edt.

Dated: July 6, 1983.

John C. Hoyle,

Advisory Committee Manager Officer.

[FR Doc. 83-18740 Filed 7-11-83; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards, Subcommittee on Transportation of Radioactive Materials; Meeting

The ACRS Subcommittee on Transportation of Radioactive Materials will hold a meeting on July 26, 1983 in Room 1046, 1717 H Street, NW, Washington, DC. The Subcommittee will discuss the Department of Energy's (DOE's) application to the NRC for revisions to the existing operational controls for shipment of plutonium by air by using the Plutonium Air Transportable Model 2 (PAT-2) package. The Subcommittee will discuss also the safety evaluation performed by the NRC Staff on the revisions to the operational controls proposed by the DOE.

In accordance with the procedures outlined in the **Federal Register** on October 1, 1982 (47 FR 43474), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The entire meeting will be open to public attendance.

The agenda for subject meeting shall be as follows: *Tuesday, July 26, 1983—8:30 a.m. until the conclusion of business.*

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be

present, will exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC Staff, the DOE Staff, their consultants, and other interested persons on the related matter.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant Designated Federal Employee, Mr. Sam Duraiswamy (telephone 202/634-3267) between 8:15 a.m. and 5:00 p.m., EDT.

Dated: July 6, 1983.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 83-18741 Filed 7-11-83; 8:45 am]

BILLING CODE 7590-01-M

Advisory Panel for the Decontamination of Three Mile Island, Unit 2

Notice is hereby given pursuant to the Federal Advisory Committee Act that the Advisory Panel for the Decontamination of Three Mile Island, Unit 2 will be meeting on July 28, 1983, from 7:00 p.m. to 10:00 p.m. at the Holiday Inn, 23 South Second Street, Harrisburg, Pennsylvania 17101. The meeting will be open to the public.

At this meeting, the Panel will discuss TMI-2 cleanup activities. The licensee of the facility and the various federal agencies involved in the cleanup will provide a status report on the cleanup. The Advisory Panel will also entertain public comment pertaining to the cleanup of TMI-2. Persons or organizations desiring to comment on the cleanup at the Advisory Panel Meeting are asked to contact in writing, Mr. Joel Roth, 4705 Carlisle Pike, Mechanicsburg, PA 17055.

Further information on the meeting may be obtained from Dr. Michael T. Masnik, Three Mile Island Program Office, U.S. Nuclear Regulatory Commission, Washington, DC 20555, telephone 301/492-7466.

Dated: July 7, 1983.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 83-18733 Filed 7-11-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-254]

Commonwealth Edison Co. (Quad Cities Nuclear Power Station, Unit 1); Modification of January 13, 1981 and January 19, 1982 Orders

I

The Commonwealth Edison Company (the licensee) is the holder of Facility Operating License No. DPR-29 which authorizes the licensee to operate the Quad Cities Nuclear Power Station, Unit 1 at power levels not in excess of 2511 megawatts thermal. The facility is a boiling water reactor located at the licensee's site in Rock Island County, Illinois.

II

On January 13, 1981, the Commission Issued an order (46 FR 9312) modifying the license requiring: (1) The licensee to promptly assess the suppression pool hydrodynamic loads in accordance with NEDO-24583-1 and NEDO-21888 and the staff's Acceptance Criteria contained in Appendix A to NUREG-0661; and (2) design and install any plant modifications needed to assure that the facility conforms to the Acceptance Criteria contained in Appendix A to NUREG-0661. The Order required installation of any plant modifications needed to provide compliance with the Acceptance Criteria in Appendix A to NUREG-0661 be completed not later than December 31, 1982, or, if the plant is shutdown on that date, before the resumption of power thereafter.

On January 19, 1982, the Commission issued an Order (47 FR 3655) modifying the completion date of the January 13, 1981 Order. The January 19, 1982 Order changed the completing date to prior to July 1, 1983.

III

On October 31, 1979, the staff issued an initial version of its acceptance criteria to the affected licensees. These criteria were subsequently revised in February 1980 to reflect acceptable alternative assessment techniques which would enhance the implementation of this program. Throughout the development of these acceptance criteria, the staff has worked closely with the Mark I Owners Group in order to encourage plant-unique assessments and modifications to be undertaken.

Since the development of these acceptance criteria, all the major modifications have been completed. However, as identified in a June 15, 1983 letter, during the performing of final load calculations and analyses of the structural components, the licensee found that some of the initial modifications, as installed, did not have the margin of safety specified in the Mark I Owners Load Definition Report (NEDO-21888) and the Mark I Owners Structural Acceptance Criteria (NEDO-24583-1). Final loading information became available too late to complete designs, procure material, and install all modifications before the end of the fall 1982 refueling outage. The modifications yet to be installed in Quad Cities Unit 1 are:

(1) Stiffeners for the safety relief valve discharge (SRVD) line penetration of the vent pipe

(2) Stiffeners for the ring girder and the ring girder web extension

(3) Changes to the T-quencher guide plate bolts

(4) Reinforcement of the SRVD line below the vent penetration

(5) Redesign of the SRVD line rigid support in the vent pipe, and

(6) Target-Rock SRVD line shear lugs.

The additional modifications are considered to be minor, but all require access to the torus interior. It is expected that all the modifications will be completed during the next refueling outage in spring 1984. By letter dated June 22, 1983, the licensee submitted an operability report which demonstrates by analysis that the system as presently installed meets the Commission-approved operability limits as described in Reference 4 of the licensee's submittal, and is safe to operate until at least the next refueling outage. The NRC staff has reviewed this submittal and concurs in its conclusions.

The installation of these supports, stiffeners, and related items listed above are the only itmes of the Mark I Long-Term Program not completed for Quad Cities Unit 1. All of the major modifications have been completed, which constituted approximately 95% of the overall torus-related modification work.

Since all the modifications except those listed above have been completed, most of the intended margins of safety have been restored. In consideration of the range of modification completion dates given in SECY-81-678 that was approved by the Commission, and the relatively minor nature of the items not yet completed, we have concluded that the licensee's proposed completion schedule is acceptable.

The Commission has therefore determined to permit an extension of the previously imposed completion dates for the remaining plant modifications. This Order continues in effect the exemption to General Design Criterion 50 of

Appendix A to 10 CFR Part 50 granted on January 13, 1981.

IV

Accordingly, pursuant to the Atomic Energy Act of 1954, as amended, including Sections 103 and 161i, the Commission's regulations in 10 CFR Parts 2 and 50, it is ordered that the completion date specified in Section V of the January 13, 1981, "Order for Modification of License and Grant of Extension of Exemption," as modified by the Order of January 19, 1982, for the items listed in Section III of this Order, is hereby changed to read as follows: "Not later than startup after the spring 1984 refueling outage." The Order of January 13, 1981, except as modified herein, remains in effect in accordance with its terms.

Dated at Bethesda, Maryland this 30th day of June 1983.

For the Nuclear Regulatory Commission.

Robert A. Purple,

Deputy Director, Division of Licensing Office of Nuclear Reactor Regulation.

[FR Doc. 83-18726 Filed 7-11-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-382-OL]

Louisiana Power and Light Co. (Waterford Steam Electric Station, Unit 3); Reconstitution of Atomic Safety and Licensing Appeal Board

Notice is hereby given that, in accordance with the authority conferred by 10 CFR 2.787(a), the Chairman of the Atomic Safety and Licensing Appeal Panel has reconstituted the Atomic Safety and Licensing Appeal Board for this operating licensing proceeding. As reconstituted, the Appeal Board for this proceeding will consist of the following members: Christine N. Kohl, Chairman; Dr. W. Reed Johnson; Howard A. Wilber.

Dated: July 6, 1983.

C. Jean Shoemaker,

Secretary to the Appeal Board.

[FR Doc. 83-18727 Filed 7-11-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-289]

Metropolitan Edison Co., et al. (Three Mile Island Nuclear Station, Unit No. 1) (Management Issues); Rescheduling of Oral Argument

July 6, 1983.

Notice is hereby given that, in accordance with the Appeal Board's order of July 6, 1983, the oral argument with respect to three pending motions to reopen the record in the management phase of this case previously scheduled for August 3, 1983, has been rescheduled for *2:00 p.m. on Thursday, July 28, 1983,* in the NRC Public Hearing Room, Fifth Floor, East-West Towers Building, 4350 East-West Highway, Bethesda, Maryland.

Dated: July 6, 1983.

For the Appeal Board.

C. Jean Shoemaker,

Secretary to the Appeal Board.

[FR Doc. 83-18728 Filed 7-11-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-416]

Mississippi Power and Light Co.; et al.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 7 to Facility Operating License No. NPF-13, issued to Mississippi Power and Light Company, Middle South Energy, Inc., and South Mississippi Electric Power Association (the licensees), for Grand Gulf Nuclear Station, Unit No. 1 (the facility) located in Claiborne County, Mississippi. This amendment grants changes to the Technical Specifications which are administrative in nature and are necessary to correct editorial and nomenclature errors and to achieve consistency with the as-built condition of the plant. None of the changes involve a significant relaxation of the criteria used to establish safety limits or the bases for limiting safety system settings or limiting conditions for operation.

The applications for the amendment comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations. The Commission has made appropriate findings as required by the Act and the Commission's regulations in 10 CFR Chapter I, which are set forth in the license amendment. The changes to the Technical Specifications approved in this amendment are to correct deficiencies and inadvertent errors in the Technical Specifications which were identified during the low power testing period at Grand Gulf Unit 1. These corrective measures result as part of the review for the full power operating license and are encompassed by the prior public notice of the overall action involving the proposed issuance of an operating license published in the **Federal Register** on July 28, 1978 (43 FR 32903).

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact other than those evaluated in the Final Environmental Statement since the activity authorized by this amendment is encompassed by the overall action evaluated in the Final Environmental Statement dated September 1981.

For further details with respect to this action, see (1) the applications for the amendment dated March 24, 1983, April 7, 1983, and April 25, 1983; (2) Amendment No. 7 to License NPF-13 dated July 1, 1983; (3) the Commission's evaluation dated July 1, 1983; (4) Final Safety Analysis Report (FSAR) and amendments thereto; (5) Final Environmental Statement dated September 1981; (6) the Commission's Safety Evaluation Report dated September 1981 (NUREG-0831) and supplements thereto; and (7) the Commission's Confirmation of Action letter dated October 20, 1982. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20555, and at the Hinds Jr. College, George M. McLendon Library, Raymond, Mississippi 39154. A copy of items (1), (2), (3), and (7) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing. Copies of items (5) and (6) 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 1st day of July 1983.

For the Nuclear Regulatory Commission.

A. Schwencer,

Chief, Licensing Branch No. 2, Division of Licensing.

[FR Doc. 83-18729 Filed 7-11-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-387]

Pennsylvania Power and Light Co. and Allegheny Electric Co-op., Inc.; 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-14, issued to Pennsylvania Power & Light Company and Allegheny Electric Cooperative, Inc. (the licensees), for operation of the Susquehanna Steam Electric Station, Unit 1 located in Luzerne County, Pennsylvania.

The amendment would modify the trip setpoint and the allowable value for the High Pressure Coolant Injection (HPCI) Steam Line Flow-High (Trip Function 6a) presented in Technical Specification Table 3.3.2-2, in accordance with the licensee's application for amendment dated April 15, 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 significant reduction in a margin of safety.

The proposed Technical Specification modification to Table 3.3.2-2 is consistent with previously approved setpoint methodology. The change may result in some increase to the probability or consequences of a previously analyzed accident or may reduce in some way a safety margin, but the results of the change are clearly within all acceptable criteria with respect to the system specified in the Standard Review Plan. The change is a result from the application of a small refinement of a previously used calculational model. One of the examples of actions involving no significant hazards consideration, example, vi, applies to such a change (48 FR 14871).

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 August 11, 1983, The licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person 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 for Practice for Domestic licensing Proceedings" in 10 CFR Part 2. If a request for a hearing or petition for leave to invervene is filed by the above date, the Commission 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 or 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 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, ATTN: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, 1717 H Street, NW., 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 A. Schwencer: 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 Jay Silberg, Esquire, Shaw, Pittman, Potts & Trowbridge, 1800 M Street, NW., Washington, D.C. 20036, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or request 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 which is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Osterhout Free Library, Reference Department, 71 South Franklin Street, Wilkes-Barre, Pennsylvania 18701.

Dated at Bethesda, Maryland, this 1st day of July 1983.

For the Nuclear Regulatory Commission.

A. Schwencer,

Chief, Licensing Branch No. 2, Division of Licensing.

[FR Doc. 83-18730 Filed 7-11-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-387]

Pennsylvania Power and Light Co. and Allegheny Electric Cooperative, Inc.; 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-14, issued to Pennsylvania Power & Light Company and Allegheny Electric Cooperative, Inc. (the licensees), for operation of the Susquehanna Steam Electric Station, Unit 1 located in Luzerne County, Pennsylvania.

The amendment would change the completion date of the Safety Parameter Display System contained in License Condition 2.C(28(g)(1) from September 30, 1983 to December 30, 1983 in accordance with the licensee's application for amendment dated April 29, 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 admendment 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 proposed changes to License Condition 2.C(28)(g(1) is a minor schedular change that does not involve a significant relaxation in limiting conditions for operation. It clearly does not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; (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 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 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 August 11, 1983, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person 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 Commision'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 or 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 basis 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 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, Attn: 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 A. Schwencer: 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 Jay Silberg, Esquire, Shaw, Pittman, Potts & Trowbridge, 1800 M Street, N.W., Washington, D.C. 20036, attorney for the licensee.

Nontimely filing of petitions for leave to intervene, amended petitions, supplemental petitions and/or request for hearing will not be entertained absent 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 which is available for public inspection at the Commission's Public Document Room 1717 H Street, N.W., Washington, D.C., and at the Osterhout Free Library, Reference Department, 71 South Franklin Street, Wilkes-Barre, Pennsylvania 18701.

Dated at Bethesda, Maryland, this 1st day of July 1983.

For the Nuclear Regulatory Commission.

A. Schwencer,

Chief, Licensing Branch No. 2, Division of Licensing.

[FR Doc. 83-18731 Filed 7-11-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-387]

Pennsylvania Power and Light Co. and Allegheny Electric Cooperative, Inc.; 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-14, issued to Pennsylvania Power & Light Company and Allegheny Electric Cooperative, Inc. (the licensees), for operation of the Susquehanna Steam Electric Station, Unit 1 located in Luzerne County, Pennsylvania.

The amendment would change Technical Specification 3.4.3.1 to specify that the particulate and gaseous radioactivity monitors be aligned to the drywell in order to detect and quantify unidentified leakage pursuant to Technical Specification 3.4.3.2, in accordance with the licensee's application for amendment dated February 3, 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 containment atmosphere particulate radioactivity monitoring system and gaseous radioactivity monitoring system each can be aligned to take samples from either the drywell or the suppression pool. The suppression pool alignment is primarily for post accident monitoring while alignment to the drywell is for normal operation to detect and quantify unidentified reactor coolant pressure boundary leakage pursuant to Technical Specification. The proposed amendment involves a change to achieve consistency throughout the Technical Specifications. One of the examples of actions involving no significant hazards consideration example i, relates to such a purely administration change to achieve consistency throughout the Technical Specifications (48 FR 14871).

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 August 11, 1983, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person 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 or 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 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, Attn: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, 1717 H Street, NW., 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 A. Schwencer: 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 Jay Silberg, Esquire, Shaw, Pittman, Potts & Trowbridge, 1800 M Street, NW., Washington, D.C. 20036, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or request 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 which is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Osterhout Free Library, Reference Department, 71 South Franklin Street, Wilkes-Barre, Pennsylvania 18701.

Dated at Bethesda, Maryland, this 1st day of July 1983.

For the Nuclear Regulatory Commission.

A. Schwencer,

Chief, Licensing Branch No. 2, Division of Licensing.

[FR Doc. 83-18732 Filed 7-11-83; 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF PERSONNEL MANAGEMENT

SES Performance Review Board; Members

AGENCY: Office of Personnel Management.

ACTION: Notice.

SUMMARY: Notice is hereby given of the names of new members of the OPM Performance Review Board.

DATE: July 12, 1983.

FOR FURTHER INFORMATION CONTACT: Marybeth Sisson, Policy Development Branch, Office of Personnel and EEO, Office of Personnel Management, 1900 "E" Street, NW., Washington, D.C. 20415; (202-632-5462).

SUPPLEMENTARY INFORMATION: Sec. 4314(c) (1) through (5) of Title 5, U.S.C., requires each agency to establish, in accordance with regulations prescribed by the Office of Personnel Management, one or more SES performance review boards. The board shall review and evaluate the initial appraisal of a senior executive's performance by the supervisor, along with any recommendations to the appointing authority relative to the performance of the senior executive.

Office of Personnel Management.

Donald J. Devine,

Director.

The following Senior Executive Service members have been selected to

fill vacancies on the Performance Reveiw Board of the Office of Personnel Management:

Claudia Cooley, Deputy Associate Director for Compensation
George Nesterczuk, Associate Director for Workforce Effectiveness and Development
Richard B. Post, Associate Director for Staffing
William M. Hunt, Acting Associate Director for Administration
Steven R. Cohen, Director, Great Lakes Region
William R. Irvin, Director, Mid-Continent Region
Thomas R. Muir, Assistant Deputy Chief of Operations, Office of Chief of Naval Operations, Department of the Navy

[FR Doc. 83-18701 Filed 7-11-83; 8:45 am]

BILLING CODE 6325-01-M

POSTAL RATE COMMISSION

[Order No. 507; Docket No. A83-35]

Coalmont, Colorado 80430 (Craige Wamsley and Don Gaekle Petitioners); Notice and Order of Filing of Appeal

Issued: July 6, 1983.

On June 28, 1983, the Commission received a letter from Craige Wamsley and Don Gaekle ("petitioners") indicating their opposition to the alleged plans of the United States Postal Service to close the Coalmont, Colorado post office. Although the letter makes no reference to the Postal Reorganization Act and does not technically conform to the requirements of our Rules of Practice and Procedure, we believe that it should be liberally construed as a petition for review pursuant to section 404(b) of the Postal Reorganization Act (39 U.S.C. 404(b)). In our view, the petition sets forth the Postal Service action complained of in sufficient detail to warrant further inquiry to determine whether the Postal Service has complied with the applicable laws and regulations relating to closings and consolidations of post offices.

Specifically, the petition sets forth three alleged inaccuracies in the Final Determination:

(1) That the calculations of the Postal Service greatly underestimate the costs for six day a week rural route delivery service,

(2) That the Service's cost calculations are incorrect in that they show a utilities expense of $546.00 which, according to the petitioners, is actually paid by another party, and

(3) That the Service has not, in fact, been forced to vacate the post office premises, as indicated in the Final Determination.

In the interest of expediting this proceeding under the 120-decisional deadline set forth by 39 U.S.C. 404(b)(5), the Postal Service is advised that the Commission reserves the right to request a legal memorandum from the Service on any issues of law disclosed by our review in this proceeding. In the event that the Commision finds such memorandum necessary, it will make its request by order, specifying the issues to be addressed. Following the issuance of such a request, the memorandum shall be due within 20 days and a copy of the memorandum shall be served upon the petitioners and all intervenors.

The Commission's rules of practice require that the Postal Service file the Administrative Record of the case within 15 days after the date on which the petition for review has been filed with the Commission.[1] A procedural schedule of the various phases of this docket is set forth as an appendix.

The Commission orders:

(A) The letter received from Craige Wamsley and Don Gaekle constitutes a petition for review pursuant to section 404(b) of the Postal Reorganization Act (39 U.S.C. 404(b)).

(B) The Secretary of the Commission shall publish this Notice and Order in the **Federal Register.**

By the Commission.

Cyril J. Pittack,

Acting Secretary.

June 28, 1983	Filing of petition.
July 6, 1983	Notice and order of filing of appeal.
July 18, 1983	Last day for filing of petitions to intervene (*see* 39 CFR 3001.111(b)).
July 28, 1983	Petitioners' initial brief (*see* 39 CFR 3001.115(a)).
Aug. 12, 1983	Postal Service answering brief (*see* 39 CFR 3001.115(b)).
Aug. 29, 1983	(1) Petitioners' reply brief should petitioners choose to file one (*see* 39 CFR 3001.115(c)). (2) Deadline for motions by any party requesting oral argument. The Commission will exercise its discretion, as the interests of prompt and just decision may require, in scheduling or dispensing with oral argument.
Oct. 26, 1983	Expiration of 120-day decisional schedule (*see* 39 U.S.C. 404(b)(5)).

[FR Doc. 83-18686 Filed 7-11-83; 8:45 am]

BILLING CODE 7715-01-M

[1] 39 CFR 3001.113(a).

[Order No. 506; Docket No. A83-24]

Lone Grone, Texas 78646, K.L. Hazelett, et al., Petitioners; NOTICE AND ORDER OF FILLING OF APPEAL

Issued: July 6, 1983

On June 23, 1983, the Commission received an appeal letter from K. L. Hazelett and others (hereinafter "Petitioners"), concerning the United States Postal Service's decision to close the Lone Grove, Texas post office. The appeal letter appears to request the review provided for by section 404(b) of the Postal Reorganization Act (39 U.S.C. 404(b)).[1]

The Act requires that the Postal Service provide the affected community with at least 60 days' notice of a proposed post office closing so as to "ensure that such persons will have an opportunity to present their views."[2] The petition makes an appeal that the Lone Grove post office remain in operation.

The Postal Reorganization Act states:

> The Postal Service shall provide a maximum degree of effective and regular postal services to rural areas, communities, and small towns where post offices are not self-sustaining. No small post office shall be closed solely for operating at a deficit, it being the specific intent of the Congress that effective postal service be insured to residents of both urban and rural communities.[3]

Section 404(b)(2)(C) of the Act specifically includes consideration of this goal in determinations by the Postal Service to close post offices. The effect on the community is also a mandatory consideration under section 404(b)(2)(A) of the Act.

The petition appears to set forth the Postal Service action complained of in sufficient detail to warrant further inquiry to determine whether the Postal Service complied with its regulations for the closing of post offices.[4]

Upon preliminary inspection, this case appears to involve the following issues of law:

1. Did the Postal Service properly consider the effect on the community under 39 U.S.C. 404(b)(2)(A)?

2. Whether the Postal Service gave adequate consideration to the effect-on-service factors under 39 U.S.C. 404(b)(2)(C)?

[1] 39 U.S.C. 404(b) was added to title 39 by Pub. L. 94-421 (September 24, 1976), 90 Stat. 1310-11. Our rules of practice governing these cases appear at 39 CFR 3001.110 *et seq.*

[2] 39 U.S.C. 404(b)(1).

[3] 39 U.S.C. 101(b).

[4] 42 FR 59079-85 (November 17, 1977). The Commission's standard of review is set forth at 39 U.S.C. 404(b)(5).

Other issues of law may become apparent when the Commission has had the opportunity to examine further the determination made by the Postal Service. The determination may be found to resolve adequately one or more of the issues involved in the case.

In view of the above, and in the interest of expediting this proceeding under the 120-day decisional deadline imposed by 404(b)(5), the Postal Service is advised that the Commission reserves the right to request a legal memorandum from the Service on the issues described above and/or any further issues of law disclosed by the determination made in this case. In the event that the Commisson finds such memorandum necessary to explain or clarify the Service's legal position or interpretation on any such issue, it will make the request therefor by order, specifying the issues to be addressed.

When such a request is issued, the memorandum shall be filed within 20 days of the issuance, and a copy of the memorandum shall be served on the Petitioner by the Service.

In briefing the case or in filing any motion to dismiss for want of prosecution, in appropriate circumstances the Service may incorporate by reference all or any portion of a legal memorandum filed pursuant to such an order.

The Act does not contemplate appointment of an Officer of the Commission in section 404(b) cases,[5] and none is being appointed.

The Commission orders:

(a) The appeal letter from K. L. Hazelett, *et al.*, of the Lone Grove post office be accepted as a petition for review pursuant to section 404(b) of the Act (39 U.S.C. 404(b).

(b) The Secretary of the Commission shall publish this Notice and Order in the **Federal Register.**

(c) The Postal Service shall file the administrative record in this case on or before July 8, 1983, pursuant to the Commission's rules of practice (39 CFR 3001.113(a)).

By the Commission.

Cyril J. Pittack,

Acting Secretary.

June 23, 1983... Filing of petition.
July 6, 1983..... Notice and order of filing of appeal.
July 8, 1983..... Filing of record by Postal Service (*see* 39 CFR 3001.113(a)).
July 13, 1983.... Last day for filing of petitions to intervene (*see* 39 CFR 3001.111(b)).
July 25, 1983.... Petitioner's initial brief (*see* CFR 3001.115(a)).
Aug. 9, 1983.... Postal Service answering brief (*see* 39 CFR 3001.115(b)).
Aug. 24, 1983.. (1) Petitioner's reply brief should petitioner choose to file one (*see* 39 CFR 3001.115(c)).
(2) Deadline for motions by any party requesting oral argument. The Commission will exercise its discretion, as the interest of prompt and just decision may require, in scheudling or dispensing with oral argument.
Oct. 21, 1983... Expiration of 120-day decisional schedule (*see* 39 U.S.C. 404(b)(5)).

[FR Doc. 83-18669 Filed 7-11-83; 8:45 am]

BILLING CODE 7715-01-M

[5] In the Matter of Gresham, S.C., Route 1, Docket No. A78-1 (May 11, 1978).

[Order No. 509; Docket No. A83-23]

Marietta, Washington 98268 (Mr. Ernest J. Jefferson, Sr., Petitioner); Notice and Order of Filing of Appeal

Issued: July 6, 1983.

On June 27, 1983, the Commission received a petition from Mr. Ernest J. Jefferson, Sr. of Marietta, Washington, (hereinafter "Petitioner") concerning the alleged United States Postal Service (hereinafter "Postal Service" or "Service") intent to close the Marietta, Washington post office. The petitioner contends that the Postal Service failed to consider the level of service to be provided, in its proposal to close the Marietta, Washington post office.

The Act requires that the Service provide the affected community with at least 60 days notice prior to issuance of its Final Decision. The requirement it to "* * * ensure that such persons will have an opportunity to express their views." [1] The petitioner does not mention whether this notice was provided. Moreover, there is no explicit mention in the petition of any hearings, nor is there any indication of any Final Determination, in this matter, pursuant to 39 U.S.C. 404(b)(3).[2] Furthermore, petitioner has not made any specific reference to 39 U.S.C. 404(b), which gives the Postal Rate Commission jurisdiction in the matter.

However, the document does clearly indicate that petitioner is requesting the type of review provided by statute. Furthermore, petitioner has made sufficient statements to enable the Commission to assume jurisdiction in this matter. Thus, we conclude that petitioner has substantially complied with Commission rules of practice and his petition will be considered a petition for review pursuant to section 404(b) of the Postal Reorganization Act (hereinafter "Act").

[1] 39 U.S.C. 404(b)(1).

[2] Petitioner has not supplies a copy of the Postal Service's Final Determination, if indeed one is in existence.

Applicable Law in This Proceeding

The Postal Reorganization Act states:

> The Postal Service shall provide a maximum degree of effective and regular postal services to rural areas, communities, and small towns where post offices are not self-sustaining. No small post office shall be closed solely for operating at a deficit, it being the specific intent of the Congress that effective postal services be insured to residents of both urban and rural communities.[3]

Section 404(b)(2)(C) of the Act specifically includes consideration of this goal in determinations by the Postal Service to close or consolidate post offices. The effect on the community is also a mandatory consideration under section 404(b)(2)(A) of the Act.

Upon preliminary inspection, the petitioner appears to raise but one issue of law, namely, is the Postal Service's proposed closing of this post office consistent with the "maximum degree of effective and regular postal services" standard of section 404(b)(2)(C)?

Other issues of law may become apparent when the Commission has had an opportunity to examine the determination made by the Postal Service. Such additional issues may emerge during Commission review of the Service's determination. Conversely, the determination may be found to resolve adequately the issues described above.

Commission Procedure in This Docket

In view of the statutory requirements, and in the interest of expedition of this proceeding under the 120-day decisional deadline imposed by section 404(b)(5), the Postal Service is advised that the Commission reserves the right to request a legal memorandum from the Service on one or more of the issues described above, and/or any further issues of law disclosed by the determination made in this case. In the event that the Commission finds such memorandum necessary to explain or clarify the Service's legal position or interpretation on any such issue, it will, within 20 days of receiving the Determination and record pursuant to section 113 of the

[3] 39 U.S.C. 101(b).

rules of practice [4] make the request by order specifying the issues to be addressed. When such a request is issued, the memorandum shall be due within 20 days of the issuance, and a copy of the memorandum shall be served on petitioner by the Service.

In addition, the Commission's rules of practice require the Postal Service to file the administrative record of the case within 15 days after the date on which the petition for review is filed with the Commission.[5]

In briefing the case, or in filing any motion to dismiss for want of prosecution, in appropriate circumstances, the Service may incorporate by reference all or any portion of a legal memorandum filed pursuant to such an order.

The Act does not contemplate appointment of an Officer of the Commission in section 404(b) cases, and none is being appointed.[6] The Commission orders:

(A) The petition from Ernest J. Jefferson, Sr. shall be construed as a petition for review pursuant to section 404(b) of the Act (39 U.S.C. 404(b)).

(B) The Acting Secretary of the Commission shall publish this Notice and Order in the **Federal Register.**

(C) The Postal Service shall file the administrative record in this case on or before July 12, 1983, pursuant to the Commission's rules of practice (39 CFR 3001.112(a)).

By the Commission.

Cyril J. Pittack,

Acting Secretary.

June 27, 1983... Filing of petition.
July 6, 1983..... Notice and order of filing of appeal.
July 12, 1983.... Filing of record by Postal Service *(see* 39 CFR 3001.113(a)).
July 19, 1983.... Last day for filing of petitions to intervene *(see* 39 CFR 3001.111(b)).
July 27, 1983.... Petitioners' Initial Brief *(see* 39 CFR 3001.115(a)).
Aug. 11, 1983 .. Postal Service answering brief *(see* 39 CFR 3001.115(b)).
Aug. 26, 1983 .. (1) Petitioners' Reply Brief should Petitioners choose to file one *see* 39 CFR 3001.115(c)).
(2) Deadline for motions by any party requesting oral argument. The Commission will exercise its discretion, as the interest of prompt and just decision may require, in scheduling or dispensing with oral argument.
Oct. 25, 1983... Expiration of 120-day decisional schedule *(see* 39 U.S.C. 404(b)(5)).

[FR Doc. 83-18690 Filed 7-11-83; 8:45 am]
BILLING CODE 7715-01-M

[4] 39 CFR 3001.113.

[5] 39 CFR 3001.113(a). The Postal Rate Commission informs the Postal Service of its receipt of such an appeal by issuing PRC Form No. 56 to the Postal Service upon receipt of each appeal.

[6] In the Matter of Gresham, S.C., Route 1, Docket No. A78-1 (May 11, 1978).

[Order No. 508; Docket No. A83-26]

Mechanicsville, Connecticut 06252 (James P. L. Kenney, Petitioner); Notice and Order on Filing of Appeal

July 6, 1983.

On June 30, 1983, the Commission received a letter from Mr. James P. L. Kenney (hereinafter, "Petitioner") stating objections to a determination by the United States Postal Service to close the post office at Mechanicsville, Connecticut 06252. The letter is denominated an "appeal" from that determination. While not including a copy of the determination, Petitioner has made it clear that he intends to seek review on issues cognizable under 39 U.S.C. 404(b). His letter is sufficient to enable us to assume jurisdiction in the matter and substantially complies with the requirements for filing an appeal.

Petitioner's letter appears to raise a number of specific issues of law.

1. Is the Postal Service's finding that the closing of the Mechanicsville post office "will have little or no effect on the community served * * *" justified on the record as required by 39 U.S.C. 404(b)(2)(A)?

2. Has the Postal Service correctly computed the expenses entailed by retaining the facility (a matter presumably relevant under 39 U.S.C. 404(b)(2)(D))?

3. Will the closing create hardship on any employee within the purview of 39 U.S.C. 404(b)(2)(B)?

4. Will the closing entail equal or superior postal service (specifically, through the substitution of rural carrier service), a matter relevant under 39 U.S.C. 404(b)(2)(C)?

Other legal issues may become apparent when the Commission has had the opportunity to examine the determination in this case; or, conversely, that determination may be found to resolve one or more of the issues listed.

In view of the statutory requirements, and in the interest of expedition under the 120-day decisional deadline (39 U.S.C. 404(b)(5), the Commission reserves the right to request a legal memorandum from the Postal Service on one or more of the above-described issues, as well as on any further issues of law disclosed by the determination. If the Commission finds such memoranda necessary, it will, within 20 days of receiving the determination and record pursuant to section 113 of the rules of practice (39 CFR 3001.113) make the request by order, specifying the issues to be addressed. When such a request is issued, the memorandum shall be due within 20 days of such issuance, and a copy of it shall be served by the Postal Service on the Petitioner.

In addition, the rules of practice require the Postal Service to file the administrative record of the case within 15 days after the date on which the petition was filed with the Commission. 39 CFR 3001.113(a).[1] In briefing the case or in filing any motion to dismiss or affirm, in appropriate circumstances, the Service may incorporate by reference all or part of a legal memorandum filed pursuant to such an order.

The Commission orders:

(A) The letter from Mr. James P. L. Kenney shall be construed as a petition for review pursuant to section 404(b) of the Act (39 U.S.C. 404(b)).

(B) The Secretary of the Commission shall publish this Notice and Order in the **Federal Register.**

(C) The Postal Service shall file the administrative record in this case on or before July 15, 1983, pursuant to section 113(a) of the rules of practice (39 CFR 3001.113(a)).

By the Commission.

Cyril J. Pittack,

Acting Secretary.

June 30, 1983... Filing of petition.
July 6, 1983..... Notice and order on filing of appeal.
July 15, 1983.... Filing of record by Postal Service (*see* 39 CFR 3001.113(a)).
July 20, 1983.... Last day for filing of petitions to intervene (*see* 39 CFR 3001.111(b)).
Aug. 1, 1983 .... Petitioner's initial brief (*see* 39 CFR 3001.115(a)).
Aug. 16, 1983 .. Postal Service answering brief (*see* 39 CFR 3001.115(b)).

[1] PRC Form No. 56, informing the Postal Service of the receipt of the Petitioner's letter, was sent on June 30, 1983.

Aug. 31, 1983 .. (1) Petitioner's reply brief should petitioner choose to file one (*see* 39 CFR 3001.115(c)).

(2) Deadline for motions by any party requesting oral argument. The Commission will exercise discretion, as the interest of prompt and just decision may require, in scheduling or dispensing with oral argument.

Oct. 28, 1983 ... Expiration of 120-day decisional schedule (*see* 39 U.S.C. 404(b)(5)).

[FR Doc. 83-18691 Filed 7-11-83; 8:45 am]

BILLING CODE 7715-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 22994; 70-6865]

American Electric Power Service Corporation and American Electric Power Company, Inc.; Proposed Issuance and Sale of Mortgage Notes by Service Corporation and Guaranty by Holding Company

July 1, 1983.

American Electric Power Company, Inc. ("American"), a registered holding company, and its subsidiary service company, American Electric Power Service Corporation ("Service Corporation"), 180 East Broad St., Columbus, Ohio 43215, have filed a declaration with this Commission pursuant to Sections 6(a), 7, and 12(b) of the Public Utility Holding Company Act of 1935 ("Act") and Rules 45 and 50(a)(5) promulgated thereunder.

Service Corporation is currently completing construction of a 31-story office building consisting of approximately 750,000 square feet, with parking facilities for approximately 1,000 cars, which is located on a site of approximately 5.3 acres of land near downtown Columbus, Ohio. This office building will become the corporate headquarters for Service Corporation and American commencing with its initial occupancy, now scheduled in June 1983. By orders dated June 26, 1981, and November 17, 1982 (HCAR Nos. 22104 and 22714), the Commission authorized Service Corporation to issue up to $130 million principal amount of its notes to Irving Trust Company under a Building Loan Agreement, as modified, to finance construction of the office building and related facilities and the land acquisition costs. The notes issued to Irving Trust Company are secured by a mortgage and security agreement on the building and the building site, bear interest to maturity at Irving Trust Company's publicly announced prime rate, and mature December 31, 1987. The building loan notes are prepayable at any time without penalty.

On April 27, 1983, the Commission issued a notice in this proceeding regarding the proposed issuance and sale by Service Corporation of up to $125 million of Mortgage Notes and the guaranty thereof by American. Service Corporation now proposes to issue and sell up to $130 million of Mortgage Notes to one or more insurance companies, pension funds, or other financial institutions, and to apply the proceeds thereof to prepay the building loan notes outstanding to Irving Trust Company. In this connection, Service Corporation proposes to distribute a "term sheet" to a limited number of financial institutions believed to have an interest in this kind of investment. Although all terms will be subject to further negotiations, Service Corporation will initially request proposals for a loan secured by a first mortgage lien on Service Corporation's office building, the land on which it is located, and related improvements. It is contemplated that such loan may be evidenced by Mortgage Notes issued in one or more series, each series maturing not less than 5 nor more than 25 years from the date thereof, and bearing interest to maturity at a fixed rate.

As an inducement to a prospective lender to make the loan to Service Corporation, it may be necessary for American to guaranty the obligations of Service Corporation to pay principal and interest on the Mortgage Notes. The form of such guaranty, and American's obligations thereunder, would be subject to negotiations with the lender or lenders offering the best terms to the Service Corporation. In this connection, American has guaranteed the performance of Service Corporation's obligations under the Building Loan Agreement and the notes previously issued thereunder, and it is anticipated that the proposed guarantee hereunder would be substantially identical to American's existing guarantee.

The declaration and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by July 26, 1983, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the declarant at the address specified above. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the declaration, as filed or as it may be amended, may be permitted to become effective.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary

[FR Doc. 83-18788 Filed 7-11-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 22997; 70-6877]

Central and South West Corp.; Proposed Financing of New Subsidiary To Participate in Cogeneration Projects

July 1, 1983.

Central and South West Corporation ("CSW"), 2700 One Main Place, Dallas, Texas, 75202, a registered holding company, has filed with this Commission an application-declaration and an amendment thereto pursuant to Sections 6(a), 7, 9(a), 10, 12(b), and 13(b) of the Public Utility Holding Company Act of 1935 ("Act") and Rules 43, 50(a)(2), 50(a)(3), 86, 87, 90, and 91 promulgated thereunder.

CSW requests authority to organize and finance a new, nonutility subsidiary, CSW Energy, Inc. ("Newco"). The primary business of Newco would be the investment and participation in qualifying cogeneration facilities and in small power production facilities (hereinafter collectively, "cogeneration projects") as defined by the Public Utility Regulatory Policies Act of 1978 ("PURPA") and the rules and regulations promulgated thereunder by the Federal Energy Regulatory Commission ("FERC"). Cogeneration is a form of power production in which both usable heat and electricity are produced in the same process. CSW proposes to commit up to $50 million toward the activities of the new subsidiary.

CSW proposes to organize and operate Newco under the laws of the State of Texas, with an initial authorized capital of 1,000 shares of common stock, no par value. CSW will initially subscribe to 100 shares of such common stock at a price of $10 per share. To fund operations, CSW intends to make additional capital contributions and purchases of common stock. These equity investments, together with loans to Newco by CSW or nonaffiliates, any

associated guarantees by, or on behalf of, Newco, and all recourse liabilities of any project in which Newco invests would not exceed a maximum amount of $50 million, without additional authorization from the Commission. The authorization to commit up to $50 million would be effective until July 1, 1986.

CSW has stated that significant opportunities exist for the development of cogeneration projects. Newco's primary business objective will be to invest, with nonaffiliated companies, directly and indirectly, in cogeneration projects located only in the CSW System service area. Newco's investment in any particular project would in no instance exceed a 50 percent participation. Sales of electric power from any such project would be in accordance with applicable provisions of PURPA, state law and other legal requirements.

Investment in cogeneration projects would generally be accomplished in one of two forms. First, it is contemplated that such investment could occur on a specific, project-by-project basis with an individual nonaffiliated company. Newco and the nonaffiliate might create a partnership, joint venture or other entity solely for the purpose of constructing, owning, or operating the particular facilities. In such case, the nonaffiliated company could be the purchaser for its own use of the steam or heat generated. The nonaffiliate may also be involved merely as an investing partner in the individual project. Alternatively, Newco may organize a permanent joint venture company ("Joint Venture") with a nonaffiliated company. Newco's interest or participation in the Joint Venture would be subject to the same 50 percent limitation set forth above. Such Joint Venture would actively seek investment opportunities in qualifying facilities with one or more companies. The activities of the Joint Venture would be limited to those permitted Newco, i.e., investment and participation in cogeneration projects located in the CSW System service area.

It has been represented that Newco's investments in the Joint Venture or in individual projects may take many forms, including the purchase of shares or other acquisitions of interest, the making of loans, the guarantee of indebtedness or other contractual arrangements. The exact nature of contractual and investment opportunities cannot yet be specified. CSW requests, therefore, the flexibility to negotiate specific provisions with third parties without further Commission authorization, subject to the $50 million maximum financial commitment. It is also contemplated that Newco's involvement with cogeneration projects may include the provision of engineering, construction, or other services, to the particular project company or the Joint Venture, for a fee or other consideration to be negotiated based upon the fair market value of such services.

Initially, Newco will conduct its operations with a limited permanent staff and will, therefore, be furnished a variety of management, technical, financial, and legal services by Central and South West Services, Inc. ("CSWS"), the service subsidiary of CSW. From time to time, employees of other CSW subsidiaries who offer needed expertise not otherwise available from CSWS (either because no CSWS personnel have such expertise or because such personnel are previously committed) may be temporarily assigned to Newco pursuant to a proposed form of agreement governing the provision of such personnel and services. To the extent such services are required, such subsidiaries will account for, allocate and charge their costs of providing services or personnel to Newco on a full cost reimbursement basis in accordance with Rules 90 and 91 under the Act, utilizing a work order system, modified as appropriate in accordance with the Uniform System of Accounts for Mutual and Subsidiary Service Companies.

In addition to participation in qualifying cogeneration projects, CSW seeks authorization for the new subsidiary to conduct preliminary studies, investigations and research of other energy-related business and investment opportunities. It is contemplated that these activities would focus on such areas as steam production, waste disposal, communication or load management, or the development of synthetic fuels and solar energy. The new subsidiary would expend not more than $1 million on such activities and would not seek to develop or otherwise invest or acquire an interest in any such business opportunity unless further Commission authorization is granted. The proposed $1 million expenditure, to the extent used, will reduce the $50 million available for investment in cogeneration projects.

The application-declaration and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by July 27, 1983, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the applicant-declarant at the address specified above. Proof of service (by affidavit or, in the case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the application-declaration, as amended, or as it may be further amended, may be granted and permitted to become effective.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-18784 Filed 7-11-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 13368; 812-5456]

Colonial Penn Life Insurance Co. et al.; Filing of Application

July 1, 1983.

Notice is hereby given that Colonial Penn Life Insurance Company ("Company"), Colonial Penn Variable Account A ("Account"), and Colonial Penn Distributors Corp. ("Distributors") (hereinafter collectively referred to as "Applicants"), 5 Penn Center Plaza, Philadelphia, PA, 19181, filed an application on February 10, 1983 and amendments thereto on April 18, 1983, May 24, 1983, June 8, 1983, and June 27, 1983, for an order of the Commission pursuant to Section 6(c) of the Investment Company Act of 1940 ("Act") granting exemptions to the extent requested from Sections 2(a)(32), 2(a)(35), 22(c), 26(a), 26(a)(2)(C), 26(a)(2)(D), 27(c)(1), 27(c)(2), and 27(d) of the Act and Rule 22c-1 thereunder and pursuant to Section 11 of the Act approving the terms of certain offers of exchange. All interested persons are referred to the application on file with the Commission for a statement of the facts and representations contained therein, which are summarized below, and are referred to the Act and Rules thereunder for a statement of the relevant statutory provisions.

The Account, a separate account of the Company, is registered under the Act as a unit investment trust. The Company is the sponsor-depositor for the Account. The Account was established for the purpose of funding individual flexible premium deferred

variable annuity contracts ("Contracts"). Under the Contracts, payments allocated to the Account will be invested in the Colonial Penn Series Trust ("Series"), a diversified open-end management investment company.

The Series is segmented into the following portfolios with differing investment objectives: (1) CP Money Market Portfolio; (2) CP Government Securities Portfolio; (3) CP Bond Portfolio; (4) CP Growth Portfolio and (5) CP Equity Generator Portfolio (collectively, the "Funds"). Applicants state that all assets of the Account will be held in custody for safekeeping by Investors Fiduciary Trust Company, a Missouri trust company regulated by its banking authority. The assets of each portfolio will be kept physically segregated and held separate and apart from assets of other portfolios. Shares of the portfolios in the Series will be held in open account in lieu of actual share certificates. The Account will maintain a record of all purchases and redemptions of shares of the portfolios held in the Series.

The Company does not impose an initial sales charge on purchase payments. If a Contract is totally or partially surrendered in excess of the free withdrawal amount, a contingent deferred sales load ("sales load") is deducted as a means for the Company to recover its sales expenses. This charge is applied to purchase payments on a "first in, first out" basis at a rate of six percent in the first year of receipt reducing by one percent per year until zero in year seven. The sales load also applies to amounts attributable to purchase payments received within 72 months of annuitization but at a reduced rate. The sales load may be reduced or eliminated in certain prescribed circumstances where the Company has determined that there has been a savings of sales expenses and that the reduction will not be unfairly discriminatory to any contractowner. Applicants state that it is expected that such sales loads will cover all costs associated with distribution of the Contracts. To the extent such charges are insufficient to cover all distribution costs, the Company will use its general funds.

Applicants also state that premium taxes will be deducted either from purchase payments or from the Contract value upon annuitization, as determined by applicable state law. Applicants further state that as of each Contract anniversary date prior to annuitization and upon total surrender of a Contract on other than a Contract anniversary date, the Company will deduct an annual administrative charge of $30 from the Contract value. Prior to the annuity date, the Company does not guarantee the amount of this charge but only that it will not be raised without prior Commission approval. After annuitization, this charge will not be increased and will be deducted in equal installments from the annuity payments. Finally, Applicants state that for assuming mortality and expense risks, including a death proceeds risk, the Company will make a daily charge of 1.25% on an annual basis against the Contract value. Of this charge, .65% will be for the mortality risks and .35% will be for expense risks. Should the Company realize a profit from this risk charge, such profits will go into the general funds of the Company.

Requested Relief

Section 6(c) of the Act authorizes the Commission to exempt any person, security or transaction, from the provisions of the Act and rules promulgated thereunder, if and to the extent that such exemption is consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Applicants request exemptions pursuant to Section 6(c) from certain provisions of the Act as summarized below.

Applicants propose that they be granted exemptions from Sections 27(c)(2) and 26(a)(2)(C) to allow: (1) The deduction of the mortality and expense risk charge; (2) the deduction of the annual administrative charge; (3) the deduction for premium taxes; and (4) the deduction of the sales load.

With respect to (1) above, Applicants assert that the mortality and expense risk charge meets the standard set forth in Section 6(c) as it is reasonable as determined by industry practice with respect to comparable annuity products and reasonable in relation to the risks assumed. The Company represents that it has reviewed the contracts and registration statements of other separate accounts offering variable annuity contracts with comparable provisions and guarantees, which include pre-retirement death benefits, guaranteed annuity rates, contingent deferred sales loads, non-guaranteed administrative fees, and mortality and expense risk charges. The Company further represents that the data supporting and setting forth this conclusion will be maintained on file at the home office of the Company and available to the Commission.

The Company also represents that it has determined that the possible use of the asset charge for indirectly financing distribution expenses (as described in the application) has a reasonable likelihood of benefiting the Separate Account and contract owners and that a memorandum setting forth the basis for this representation will be maintained at the Company's home office and available to the Commission. Applicants further represent that as a condition of this relief, the Account will invest only in funds which undertake to have a board of directors with a disinterested majority formulate and approve any plan under under Rule 12b-1 to finance distribution expenses.

With respect to (2) and (3) above, Applicants assert that these charges have been set at levels no higher than the estimated actual costs of administering the Contracts and without expectation of profit. Applicants also request with respect to (2) above exemptions from Sections 2(a)(32), 22(c), 27(c)(1), and 27(d) and Rule 22c-1 to the extent necessary to permit deduction of the charge upon total redemption on other than the Contract anniversary date. With respect to (4) above, Applicants assert that the Contracts limit the total sales load which may be assessed against any Contract to a maximum of 6% of purchase payments made. Applicants also request exemptions from Sections 2(a)(32), 2(a)(35), 22(c), 27(c)(1) and 27(d) to the extent necessary to permit deduction of the sales load.

Applicants further request exemptions from Section 26(a) and 26(a)(2)(D) to the extent necessary to permit an independent custodian to hold the Account's assets under an agreement that does not create a trust and to hold the securities of the portfolios in open account in lieu of stock certificates. Applicants represent that the assets of each portfolio will be protected by the safeguards and conditions described in the application and that requiring the issuance of fund certificates would impose an unnecessary administrative burden.

Applicants also propose that contractowners be permitted to transfer, prior to annuitization, all or part of their investment in any portfolio to another portfolio subject to certain limitations. Each such transfer will be effected at net asset value per unit next determined following receipt of a duly executed request for transfer. Applicants request approval purusant to Sections 11(a) and 11(c) of the Act to the extent necessary to permit the proposed offers of exchange rights described in the Contracts, where permitted under applicable law and by the retirement plan under which a given Contract is issued.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than July 26, 1983, at 5:30 p.m., do so by submitting a written request setting forth the nature of his interest, the reasons for his request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon Applicants at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. Persons who request a hearings will receive any notices and orders issued in this matter. After said date an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-18783 Filed 7-11-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 22998; 70-6879]

Eastern Edison Co. and Montaup Electric Co.; Proposed Transactions Related to Financing Pollution Control Facilities

July 5, 1983.

Eastern Edison Company ("Eastern"), 110 Mulberry St., Brockton, Mass. 02403, a public utility subsidiary of Eastern Utilities Associates, a registered holding company, and Montaup Electric Company ("Montaup"), P.O. Box 2333, Boston, Mass. 02107, a generating subsidiary of Eastern, have filed an application-declaration and amendments thereto with the Commission pursuant to Sections 6(b), 9(a), 10, and 12 of the Public Utility Holding Company Act of 1935 ("Act") and Rules 42, 43, 44, 45, 50(a)(3) and 50(a)(5) promulgated thereunder.

The companies seek authority to engage in a series of transactions in order to finance the cost of acquiring, constructing and installing various pollution control facilities (the "Project") necessary in connection with the oil-to-coal conversion of Montaup's generating plant. It is intended that the Massachusetts Industrial Finance Agency ("Agency") issue its pollution control revenue bonds ("Bonds") or pollution control bond anticipation notes ("Notes"), the proceeds of which would be borrowed by Eastern, on or before December 31, 1984. The Notes will be issued for terms no longer than 9 months and the Bonds (either to refund Notes or to finance the Project directly) will be issued for terms of up to 25 years. Eastern, in turn, will use the proceeds: (i) To make short-term loans to Montaup represented by notes ("Short-term Notes"), (ii) to purchase longer term obligations of Montaup ("Debentures") or (iii) to refund Notes.

The aggregate amount of borrowings from the Agency will not exceed $40 million. Terms thereof will be governed by one or more Loan Agreements which will require Eastern to make payments to the Agency corresponding to its obligations to pay principal, interest, and premium, if any, on the Bonds and Notes. Eastern may borrow the proceeds of an issue of Bonds to refund its debt to the Agency with respect to Notes. Interest on the Bonds and Notes is intended to be exempt from federal and Massachusetts income taxation.

The Bonds and Notes will be issued pursuant to one or more Trust Agreements to be entered into between the Agency and a trustee (the "Trustee"). The proceeds of the Bonds and Notes will be deposited with the Trustee. From accounts or funds established under the Trust Agreements held by the Trustee, Eastern will draw the proceeds of the Bonds and Notes from time to time. The Loan Agreements and the Trust Agreements will provide that the payments received by the Agency from Eastern under the Loan Agreements, after deduction of certain expenses, are to be pledged and assigned by the Agency to the Trustee. The Loan Agreements will also obligate Eastern to pay the fees and charges of the Agency and the Trustee.

From time to time during the construction of the Project, Montaup may borrow from Eastern the proceeds of Notes and Bonds. Such borrowings will be evidenced by the Short-term Notes and the amount and interest payment dates of each such borrowing by Montaup will correspond to the amount and dates for the underlying loan obligation of Eastern to the Agency. During and after construction of the project, Montaup proposes from time to time to issue and sell to Eastern, at their principal amount plus accrued interest, one or more issues of Debentures. The principal amount, maturity date and interest payment dates of each issue of the Debentures will correspond to the amount and dates for the underlying loan obligations of Eastern. The interest rates to be borne by the Short-term Notes and Debentures will be the same as the interest rates borne by Eastern's corresponding loan obligations to the Agency. Pursuant to provisions to be included in the Debentures, Montaup will be obligated to furnish funds, or to reimburse Eastern, for all costs which Eastern incurs for interest, fees, and other expenses, under the Loan Agreements, the Escrow Agreement (as detailed hereafter), or otherwise in connection with the proposed transactions.

In order to obtain the benefit of a high credit quality bond rating for the Bonds, Eastern proposes to arrange for American Municipal Bond Assurance Corporation (the "Insurer") to issue one or more policies insuring in certain circumstances the payment of principal and interest on the Bonds. Prior to the issuance of Bonds to be insured by the Insurer, Eastern will enter into an agreement with the Insurer (the "Escrow Agreement") pursuant to which Eastern will be obligated to make payments into an escrow fund upon its failure to maintain certain financial ratios and on the occurrence of certain other events. Amounts held in such an esrow fund will be payable to the Insurer as an indemnity for any amounts paid by the Insurer with respect to principal or interest on the Bonds. In consideration of the Insurer's issuance of such an insurance policy, Eastern will be required to pay a policy premium based on the principal amount of the Bonds being issued, such premium to be billed to Montaup.

It is not possible to ascertain in advance the interest rate which maybe obtained in connection with an issue of the Bonds or Notes. However, Eastern is advised that in recent months tax-exempt bonds and short-term tax-exempt notes have carried annual interest rates substantially lower than comparable corporate bonds and commercial paper. Therefore, Eastern expects to realize significant savings over the interest cost it would incur if it were to finance the Project otherwise than through the issuance of the proposed Bonds and Notes.

The application-declaration and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by July 29, 1983, to the Secretary Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the applicants-declarants at the addreses specified above. Proof of service (by affidavit or, in the case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of

fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the application-declaration, as amended, or as it may be further amended, may be granted and permitted to become effective.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-18791 Filed 7-11-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 22993; 70-6871]

Gulf Power Co.; Proposed Transactions Related to Financing Pollution Control Facilities

July 1, 1983.

Gulf Power Company ("Gulf"), 75 North Pace Boulevard, Pensacola, Florida, 32505, an electric utility subsidiary of The Southern Company ("Southern"), a registered holding company, has filed with this Commission a declaraton and an amendment thereto pursuant to Sections 6(a), 7 and 12(d) of the Public Utility Holding Company Act of 1935 ("Act") and Rules 44(b)(3) and 50(a)(5) promulgated thereunder.

Gulf proposes to finance the construction of certain pollution control facilities ("facilities"), at generating plants in Florida, through an arrangement with Escambia County (the "County'). The County would issue its revenue bonds for the purpose of making loans to Gulf to pay the costs of the acquisition, construction, installation, and equipping of the facilities. It is presently estimated that the aggregate principal amount of bonds to be issued by the County will not exceed $20 million. While the actual amount to be issued has not yet been determined, such amount will be based upon the cost of the facilities.

Gulf intends to enter into a Loan Agreement ("Agreement") with the County, under which the County will loan to Gulf the proceeds of the sale of the revenue bonds. Guld will issue a non-negotiable promissory note ("Note") for the proceeds. Such proceeds will be deposited with a Trustee under an indenture to be entered into between the County and such Trustee (the "Trust Indenture"), pursuant to which the revenue bonds are to be issued and secured, and will be applied by Gulf toward payment of the cost of construction of the facilities.

The Note will provide for payments thereon to be made at times and in amounts which will correspond to the payments with respect to the principal of, premium, if any, and interest on the revenue bonds whenever and in whatever manner the same shall become due, whether at stated maturity, upon redemption or otherwise. The Agreement will provide for the assignment to the Trustee of the County's interest in, and of the moneys receivable by the County under, the Agreement and Note. The Agreement will also obligate Gulf to pay the fees and charges of the Trustee and will provide that Gulf may at any time, so long as it is not in default thereunder, prepay the amount due under the Note, including interest thereon, in whole or in part, such payment to be sufficient to redeem or purchase the outstanding revenue bonds.

The revenue bonds will mature in from one to thiry years and may, if they have a maturity of 15 to 30 years and if it is deemed advisable for purposes of marketability, be entitled to the benefit of a mandatory redemption sinking fund calculated to retire a portion of the aggregate principal amount of the issue prior to maturity. The Trust Indenture will provide that the revenue bonds will be redeemable (a) at any time on or after a date not later than ten years from the date of issuance, in whole or in part, at the option of Gulf, initially with a premium of up to 3% of the principal amount and declining by not less than ½ of 1% annually thereafter, and (b) in whole, at the option of Gulf, in certain other extreme cases such as the termination of generating operations.

In order to obtain the benefit of ratings for the revenue bonds equivalent to the ratings of Gulf's first mortgage bonds outstanding under its indenture, as supplemented and amended (the "Mortgage"), Gulf may determine to secure its obligations under the Note by delivering to the Trustee, to be held as collateral, a separate series of its first mortgage bonds (the "Collateral Bonds") in principal amount equal to the principal amount of the revenue bonds. The Collateral Bonds will be issued under a supplemental indenture, will bear the same interest rate as that of the revenue bonds, will mature on the maturity date of such bonds and will be non-transferable by the Trustee.

The supplemental indenture will provide that the obligation of Gulf to make payments with respect to the Collateral Bonds will be satisfied to the extent that payments are made under the Note sufficient to meet payments when due in respect of the revenue bonds. It will also provide that, upon acceleration by the Trustee of the principal amount of all outstanding revenue bonds of any series under a Trust Indenture, the Trustee may demand the mandatory redemption of the Collateral Bonds at a redemption price equal to the principal amount thereof plus accrued interest, if any. Upon optional redemption of the revenue bonds, in whole or in part, at any time after they have been outstanding for a period not longer than 10 years, an equal principal amount of Collateral Bonds wil be redeemed at an initial premium of up to 3%, declining by not less than ½% every year. Because interest accrues on the Collateral Bonds until satisfied by payments under the Note, annual interest charges in respect of the Collateral Bonds will be included in computing the interest earnings requirement of the Mortgage which restricts the amount of fiest mortgage bonds which may be issued and sold to the public in relation to Gulf's net earnings.

As an alternative to, or in conjunction with, Gulf's securing its obligations through the issuance of the Collateral Bonds, Gulf may cause an irrevocable Letter of Credit on a bank (the "Bank") to be delivered to the Trustee. The Letter of Credit would be an irrevocable obligation of the Bank to pay to the Trustee upon request, up to an amount necessary to pay principal of and accrued interest on the revenue bonds when due. Pursuant to a separate agreement with the Bank, Gulf would agree to pay to the Bank on demand all amounts that are drawn under the Letter of Credit, as well as certain fees and expenses.

As a further alternative to, or in conjnction with, securing its obligations under the Agreement and Note as above described, and in order to obtain a "AAA" rating for the revenue bonds by Standard and Poor's Corporation, Gulf may cause an insurance company to issue separate policies of insurance guaranteeing the payment when due of the principal of an interest on each series of the revenue bonds. Each such insurance policy would extend for the term of the related revenue bonds and would be non-cancelable by the insurance company for any reason.

Under certain circumstances, Gulf may convey to the County a subordinated security interest in the facilities or other property of Guldf as security for its obligations under the Note. Such subordinated Security interests would be assigned by the County to the Trustee.

It is contemplated that the revenue bonds will be sold by the County

pursuant to arrangements with one or more underwriters. In accordance with the laws of the State of Florida, the interest rate to be borne by the revenue bonds will be fixed by the County and will be either a fixed rate or a rate which will fluctuate in accordance with a specified prime or base rate or rates, and, if Collateral Bonds are issued, such a fluctuating rate will not exceed a specified maximum rate or fall below a specified minimum rate. While Gulf will not be a party to the underwriting arrangements for the revenue bonds, such arrangements will provide that the terms of the revenue bonds and their sale by the County shall be satisfactory to Gulf. Gulf has been advised that the annual interest rates on tax-exempt obligations recently have been approximately 2½ to 3½ percentage points lower than the rates of taxable obligations of comparable quality and terms.

The declaraton and any amendments thereto are available for public inspection through the Commissions Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by July 28, 1983, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the declarant at the address specified above. Proof of service (by affidavit or, in the case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the declaration, as filed, or as it may be amended, may be granted and permitted to become effective.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-18787 Filed 7-11-83; 8:45 a.m.]

BILLING CODE 8010-01-M

[Release No. 13370; 815-5459]

Intramerica Life Insurance Co. et al.; Filing of Application

July 1, 1983.

Notice is hereby given that Intramerica Life Insurance Company ("Company"), Intramerica Variable Account A ("Account"), and Colonial Penn Distributors Corp. ("Distributors") (hereinafter collectively referred to as "Appllicants"), 5 Penn Center Plaza, Philadelphia, PA., 19181, filed an application on February 15, 1983 and amendments thereto on April 18, 1983, May 25, 1983, June 8, 1983, and June 27, 1983, for an order of the Commission pursuant to Section 6(c) of the Investment Company Act of 1940 ("Act") granting expemptions to the extent requested from Sections 2(a)(32), 2(a)(35), 22(c), 26(a), 26(a)(2)(C), 26(a)(2)(D), 27(c)(1), 27(c)(2), and 27(d) of the Act and Rule 22c-1 thereunder and pursuant to section 11 of the Act approving the terms of certain offers of exchange. All interested persons are referred to the application on file with the Commission for a statement of the facts and representations contained therin, which are summarized below, and are referred to the Act and Rules thereunder for a statement of the relevant statutory provisions.

The Account, a separate account of the Company, is registered under the Act as a unit investment trust. The Company is the sponsor-depositor for the Account. The Account was established for the purpose of funding individual flexible premium deferred variably annuity contracts ("Contracts"). Under the Contracts, payments allocated to the Account will be invested in the Colonial Penn Series Trust ("Series"), a diversified open-end managment investment company.

The Series is segmented into the following portfolios with differing investment objectives: (1) CP Money Market Portfolio; (2) CP Government Securities Portfolio; (3) CP Bond Portfolio; (4) CP Growth Portfolio and (5) CP Equity Generator Portfolio (collectively, the "Funds"). Applicants state that all assets of the Account will be held in custody for safekeeping by Investors Fiduciary Trust Company, a Missouri trust company regulated by its banking authority. The assets of each portfolio will be kept physically segregated and held separate and apart from assets of other portfolios. Shares of the portfolios in the Series will be held in open account in lieu of actual share certificates. The Account will maintain a record of all purchases and redemptions of shares of the portfolios held in the Series.

The Company does not impose an initial sales charge on pruchase payments. If a Contract is totally or partially surrendered in excess of the free withdrawal amount, a contingent deferred sales load ("sales load") is deducted as a means for the Company to recover its sales expenses. This charge is applied to purchase payments on a "first in, first out" basis at a rate of six percent in the first year of receipt reducing by one percent per year until zero in year seven. The sales load also applies to amounts attributable to purchase payments recieved with 72 months of annuitization but at a reduced rate. The sales load may be reduced or eliminated in certain prescribed circumstances where the Company has determined that there has been a savings of sales expenses and that the reduction will not be unfairly discriminatory to any contract owner. Applicants state that it is expected that such sales loads will cover all costs associated with distribution of the Contracts. To the extent such charges are insufficient to cover all distribution costs, the Company will use its general funds.

Applicants also state that premium taxes will be deducted either from purchase payments or from the Contract value upon annuitization, as determined by applicable state law. Applicants further state that as of each Contract anniversary date prior to annuitization and upon total surrender of a Contract on other than a Contract anniversary date, the Company will deduct an annual administrative charge of $30 from the Contract value. Prior to the annuity date, the Company does not guarantee the amount of this charge but only that it will not be raised without prior Commission approval. After annuitization, this charge will not be increased and will be deducted in equal installments from the annuity payments. Finally, Applicants state that for assuming mortality and expense risks, including a death proceeds risk, the Company will make a daily charge of 1.25% on an annual basis against the Contract value. Of this charge, .65% will be for the mortality risks and .35% will be for expense risks. Should the Company realize a profit from this risk charge, such profits will go into the general funds of the Company.

Requested Relief

Section 6(c) of the Act authorizes the Commission to exempt any person, security, or transaction, from the provisions of the Act and rules promulgated thereunder, if and to the extent that such exemption is consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Applicants request exemptions pursuant to Section 6(c) from certain provisions of the Act as summarized below.

Applicants propose that they be granted exemptions from Sections 27(c)(2) and 26(a)(2)(C) to allow: (1) The deduction of the mortality and expense risk charge; (2) the deduction of the annual administrative charge; (3) the

deduction for premium taxes; and (4) the deduction of the sales load.

With respect to (1) above, Applicants assert that the mortality and expense risk charge meets the standard set forth in Section 6(c) as it is reasonable as determined by industry practice with respect to comparable annuity products and reasonable in relation to the risks assumed. The Company represents that it has reviewed the contracts and registration statements of other separate accounts offering variable annuity contracts with comparable provisions and guarantees, which include pre-retirement death benefits, guaranteed annuity rates, contingent deferred sales loads, non-guaranteed administrative fees, and mortality and expense risk charges. The Company further represents that the data supporting and setting forth this conclusion will be maintained on file at the home office of the Company and available to the Commission.

The Company also represents that it has determined that the possible use of the asset charge for indirectly financing distribution expenses (as described in the application) has a reasonable liklihood of benefiting the Separate Account and contractowners and that a memorandum setting forth the basis for this representation will be maintained at the Company's home office and available to the Commission. Applicants further represent that as a condition of this relief, the Account will invest only in funds which undertake to have a board of directors with a disinterested majority formulate and approve any plan under Rule 12b-1 to finance distribution expenses.

With respect to (2) and (3) above, Applicants assert that these charges have been set at levels no higher than the estimated actual costs of administrating the Contracts and without expectation of profit. Applicants also request with respect to (2) above exemptions from Sections 2(a)(32), 22(c), 27(c)(1), and 27(d) and Rule 2c-1 to the extent necessary to permit deduction of the charge upon total redemption on other than the Contract anniversary date. With respect to (4) above, Applicants assert that the Contracts limit the total sales load which may be assessed against any Contract to a maximum of 6% of purchase payments made. Applicants also request exemptions from Sections 2(a)(32),2(a)(35), 22(c), 27(c)(1) and 27(d) to the extent necessary to permit deduction of the sales load.

Applicants further request exemptions from Section 26(a) and 26(a)(2)(D) to the extent necessary to permit an independent custodian to hold the Account's assets under an agreement that does not create a trust and to hold the securities of the portfolios in open account in lieu of stock certificates. Applicants represent that the assets of each portfolio will be protected by the safeguards and conditions described in the application and that requiring the issuance of fund certificates would impose an unnecessary administrative burden.

Applicants also propose that contractowners be permitted to transfer, prior to annuitization, all or part of their investment in any portfolio to another portfolio subject to certain limitations. Each such transfer will be effected at net asset value per unit next determined following receipt of a duly executed request for transfer. Applicants request approval pursuant to Sections 11(a) and 11(c) of the Act to the extent necessary to permit the proposed offers of exchange rights described in the Contracts, where permitted under applicable law and by the retirement plan under which a given Contract is issued.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than July 26, 1983, at 5:30 p.m., do so by submitting a written request setting forth the nature of his interest, the reasons for his request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon Applicants at the addresses stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. Persons who request a hearing will receive any notices and orders issued in this matter. After said date an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-18780 Filed 7-11-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 13373; File No. 812-5496]

MML Managed Bond Investment Co., Inc. et al.; Filing of Application

July 1, 1983.

Notice is hereby given that MML Managed Bond Investment Company, Inc. ("Managed Bond"), MML Money Market Investment Company, Inc. ("Money Market"), Massachusetts Mutual Variable Annuity Separate Account 1 ("Separate Account 1") (formerly Massachusetts Mutual Variable Annuity Fund 4), and Massachusetts Mutual Life Insurance Company ("Mass Mutual") (collectively, "Applicants"), 1295 State Street, Springfield, Massachusetts 01111, filed an application on March 16, 1983, and an amendment thereto on June 8, 1983, for an order pursuant to Section 6(c) of the Investment Company Act of 1940 (the "Act") granting a retroactive exemption from Rule 24f-2 thereunder in the circumstances described in the application. All interested persons are referred to the application and amendment on file with the Commission for a statement of the representations contained therein, which are summarized below, and are referred to the Act and the Rules thereunder for a statement of the relevant provisions.

Separate Account 1, a separate investment account of Mass Mutual registered under the Act as a unit investment trust, issues variable annuity contracts. Managed Bond and Money Market, registered under the Act as diversified, open-end, management investment companies, are two of the underlying investment media for Separate Account 1 and Massachusetts Mutual Variable Annuity Separate Account 2 ("Separate Account 2"). Mass Mutual serves as the investment adviser for Managed Bond and Money Market and as the principal underwriter for Separate Accounts 1 and 2, and is a registered investment adviser under the Investment Advisers Act of 1940, a registered broker-dealer under the Securities Exchange Act of 1934, and a member of the National Association of Securities Dealers, Inc.

Applicants state that registration statements under the Securities Act of 1933 ("1933 Act") of Managed Bond, Money Market, and Separate Account 1 became effective on December 16, 1981, but that no public offerings of securities of the Applicants was commenced until the beginning of 1982. Each of these registration statements included, pursuant to Rule 24f-2(a), a declaration registering an indefinite amount of securities, and each registrant's fiscal year ends on December 31. The first sales of securities of Money Market and Separate Account 1 took place on January 4, 1982 and the first sales of securities of Managed Bond took place on January 8, 1982.

Paragraph (b)(1) of Rule 24f-2 provides that a Notice regarding the sale of securities of a registrant having registered an indefinite amount of its

securities pursuant to the Rule shall be filed no later than six months after the close of any fiscal year during which a declaration regarding an indefinite registration is in effect. Paragraph (b)(2) of the Rule provides that the declaration regarding indefinite registration takes effect when the registration statement containing the declaration becomes effective. No such Notices were filed on behalf of Managed Bond, Money Market, or Separate Account 1 for the fiscal year ended December 31, 1981. Applicants represent that the question of whether it was necessary to file Notices pursuant to the Rule covering the fifteen-day period between effectiveness of the registration statements on December 16, 1981 and the termination of the fiscal year on December 31, 1981, during which no sales of securities occurred, did not come to their attention until February, 1983, when they were preparing Notices covering the fisal year ended December 31, 1982.

The consequences provided in the Rule for failure to make a required filing within the specified period is that the registration statement will be deemed to be terminated and that sales of securities pursuant to such registration statement shall be discontinued. The result of such termination would be that any subsequent sales of securities would not be registered under the 1933 Act, and, as provided in Section 12 thereof, a purchaser of such unregistered seurities would have the right to rescind his purchase and recover his purchase price plus interest.

Applicants represent that during the period subsequent to June 30, 1982, substantial sales of the Applicants' securities under the registration statements referred to above took place. In addition, registration statements of Separate Accounts 1 and 2 became effective on August 5, 1982 for contracts under which the underlying mutual funds include Managed Bond and Money Market and there were substantial sales pursuant to these registration statements. Applicants represent that they complied with all requirements of the 1933 Act and believe that in connection with all of these sales of securities purchasers were furnished with appropriate prospectuses meeting the requirements of that statute.

Applicants contend that the failure to make the filings of Notices which may have been required by Rule 24f-2 on or before June 30, 1982 amounts at most to a technical violation of the provisions of the Rule, since the filings related to a period prior to the commencement of the public offering of securities and during which in fact no sales of securities took place. Applicants believe that the failure to make such filings in this case did not adversely affect the protection of investors and the purposes fairly intended by the policy and provisions of the Act nor did it impinge on the integrity of the registration process since the filing of such Notices would have reflected the lack of any sales or redemptions of securities and therefore would have made definite the registration of no securities and would not have required filing fees or legal opinions. Accordingly, Applicants have requested retroactive exemption from the provisions of Rule 24f-2 to the extent that such Rule required the filing of Notices pursuant to paragraph (b)(1) on or before June 30, 1982.

Applicants note in support of their requested relief that in Investment Company Act Release No. 13273, dated May 26, 1983, the Commission amended Rule 24f-2 to eliminate the requirement for filing a Notice for any fiscal year in which the issuer has not sold any securities in reliance on a Rule 23f-2 declaration, and that the relief requested will henceforth be covered by the provisions of Rule 24f-2. In adopting the amendment, the Commission stated that there is "no discernible benefit to the public" from filing a Notice for a period during which no securities were sold and that "the costs of preparing and filing the required Notice are unwarranted."

Section 6(c) of the Act authorizes the Commission to exempt any class of person, security, or transaction from the provisions of the Act and rules promulgated thereunder, if and to the extent such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Applicants submit that granting the retroactive exemptive relief requested meets such standard since there would have been no discernible benefit to the public if the filing had been made and relief from the consequences of not filing will protect other security holders of Applicants from the disruptive business effects which could ensue as a result of a violation of the Rule and will protect Applicants from possibly substantial contingent liabilities for rescissions under the provisions of Section 12 of the 1933 Act in a case where all provisions of the securities laws designed for the protection of investors were fully complied with.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than July 28, 1983, at 5:30 p.m., do so by submitting a written request setting forth the nature of his interest, the reasons for his request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon the Applicants at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. Persons who request a hearing will receive any notices and orders issued in this matter. After said date an order disposing of the Application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-18792 Filed 7-11-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 13371; 812-5562]

New England Mutual Life Insurance Co. et al.; Filing of Application

July 1, 1983.

Notice is hereby given that New England Mutual Life Insurance Company ("New England Life"), a mutual life insurance company organized under the laws of the State of the Commonwealth of Massachusetts, New England Life Retirement Investment Account ("Account"), a separate account registered under the Investment Company Act of 1940 ("Act") as a unit investment trust, and NEL Equity Services Corporation ("NELESCO"), a registered broker-dealer and principal underwriter of the Account (collectively "Applicants"), 501 Boylston Street, Boston, Massachusetts, 02117, filed an application on May 31, 1983 for an order amending a prior order of the Commission pursuant to Section 11 of the Act approving the terms of certain offers of exchange. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below, and are referred to the Act for a statement of the relevant statutory provision.

The Account was established by New England Life in connection with the sale of certain individual variable annuity contracts ("Contracts"). Purchase

payments less applicable charges are allocated at the discretion of the contract owner to one or more sub-accounts of the Account, each of which represents investment in shares of a separate open-end, management investment company registered under the Act (collectively, the "Eligible Funds"). The Eligible Funds are: NEL Cash Management Trust, NEL Equity Fund, NEL Growth Fund, NEL Income Fund, and NEL Retirement Equity Fund.

Applicants received an order of the Commission on March 1, 1982 (Investment Company Act Rel. No. 12277) granting exemptions from various provisions of the Act and pursuant to Section 11 of the Act approving the terms of certain offers of exchange. Applicants now seek an order of the Commission amending this prior order to allow the addition of a new series, the U.S. Government Series, to the NEL Cash Management Trust Sub-Account, which formerly consisted of only the Money Market Series. Exchanges to and from the new U.S. Government Series will be treated in the same manner as exchanges to and from the other five sub-accounts. At any time during the accumulation or annuity phases under the Contract, the contract owner may request that all or part of his interest in a sub-account be transferred to another sub-account subject to the $25 minimum investment requirement of each Eligible Fund. Any transfers will be made at the relative net asset values per share of the particular Eligible Funds next determined after the request is received.

Applicants request approval pursuant to Sections 11(a) and 11(c) of the Act to permit the proposed offer of exchange rights described above, where permitted under applicable law and by the retirement plan under which a given Contract is issued.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than July 26, 1983, at 5:30 p.m., do so by submitting a written request setting forth the nature of his interest, the reasons for his request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon Applicants at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. Persons who request a hearing will receive any notices and orders issued in this matter. After said date an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-18794 Filed 7-11-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 13372; 812-5553]

New England Variable Life Insurance Co. et al.; Filing of Applicaiton

July 1, 1983.

Notice Is Hereby Given that New England Variable Life Insurance Company ("NEVLICO"), a stock life insurance company organized under the laws of the State of Delaware, New England Variable Life Separate Account ("Account"), a separate account registered under the Investment Company Act of 1940 ("Act") as a unit investment trust, and NEL Equity Services Corporation ("NELESCO"), the principal underwriter and a registered broker-dealer (collectively "Applicants"), 501 Boylston Street, Boston, Massachusetts, 02117, filed an application on May 26, 1983 for an order of the Commission pursuant to Section 11 of the Act approving the terms of certain offers of exchange. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below, and are referred to the Act for a statement of the relevant statutory provision.

The Account was established by NEVLICO in connection with the sale of certain variable life insurance policies (the "Policies"). The Policies are intended to provide lifetime insurance coverage to the insured and may also be surrendered for their cash value while the insured is living. The amount invested under a Policy is based upon the premium for a standard risk policy less applicable charges for administrative expenses, state premium taxes, risks incurred and sales load. Policy owners allocate a percentage of each net premium, but not less than 10 percent, to one or more of the three sub-accounts of the Variable Account, each of which will invest solely in shares of one of the three series of the NEL Series Fund, Inc. (the "Series Fund"), a management investment company of the series type. Currently, the three series are: The Money Market Series, the Bond Income Series and the Capital Growth Series. The Variable Account will purchase and redeem Series Fund shares at their net asset value, without any sales charges or other deductions. The Series Fund has filed a registration statement under the Act.

The allocation of future net premiums may be changed at any time upon proper notification to NEVLICO. The Policy owner may make two transfers of unit values among the series of the Series Fund each calendar year without NEVLICO's consent. All sub-account transfer requests made at the same time will be treated as a single redistribution and will be effected at the net asset values of the relevant sub-accounts next computed after receipt by NEVLICO of a written transfer request.

Applicants request approval pursuant to Sections 11(a) and 11(c) of the Act to permit the proposed offer of exchange rights described above, where permitted under applicable law and by the retirement plan under which a given Policy is issued.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than July 26, 1983, at 5:30 p.m., do so by submitting a written request setting forth the nature of his interest, the reasons for his request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon Applicants at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. Persons who request a hearing will receive any notices and orders issued in this matter. After said date an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-18790 Filed 7-11-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 13369; 812-5499]

Northbrook Life Insurance Co. et al.; Filing of Application

July 1, 1983.

Notice is hereby given that Northbrook Life Insurance Company ("Company"), Northbrook Variable Annuity Account ("Account"), and Dean Witter Reynolds, Inc. ("Dean Witter") (hereinafter collectively referred to as

"Applicants"), 130 Liberty Street, New York, NY 10006, filed an application on March 18, 1983 and an amendment thereto on June 20, 1983, for an order of the Commission pursuant to Section 6(c) of the Investment Company Act of 1940 ("Act") granting exemptions to the extent requested from Sections 2(a)(32), 2(a)(35), 22(c), 22(e), 26(a), 27(c)(1), 27(c)(2), and 27(d) of the Act and Rule 22c-1 thereunder and pursuant to Section 11 of the Act for an order approving the terms of certain offers of exchange. All interested persons are referred to the application on file with the Commission for a statement of the facts and representations contained therein, which are summarized below, and are referred to the Act and Rules thereunder for a statement of the relevant provisions.

The Account, a separate account of the Company, is registered under the Act as a unit investment trust. The Company is the sponsor-depositor for the Account. The Account was established for the purpose of funding individual flexible premium deferred variable annuity contracts ("Contracts"). Under the Contracts, payments allocated to the Account will be invested in the Dean Witter Variable Annuity Investment Series ("the Fund"), a diversified open-end management investment company.

The Series currently consists of the following portfolios with differing investment objectives: (1) The Money Market Portfolio; (2) the High Yield Portfolio; and (3) the Equity Portfolio (collectively, the "Eligible Portfolios"). Shares of the Fund will be sold to the Variable Account at net asset value. Applicants state that all assets of the Account will be held by the Company and not in trust. The assets of each portfolio will be kept physically segregated and held separate and apart from assets of other portfolios. Shares of the Eligible Portfolios will be held in open account in lieu of actual share certificates. The Account will maintain a record of all purchases and redemptions of shares of the Eligible Portfolios.

The Company does not impose an initial sales charge on purchase payments. If a Contract is totally or partially surrendered during certain years, however, and in excess of the free withdrawal amount, a contingent deferred sales load ("sales load") is deducted as a means for the Company to recover its sales expenses. The sales load will be six percent of amounts withdrawn within one year of the purchase payment being made, and the amount of this charge declines one percent for each additional year. Applicants state that it is not expected that such sales loads will cover all costs associated with distribution of the Contracts. To the extent such charges are insufficient to cover all distribution costs, the Company will use its general funds, including amounts derived from the mortality and expense risk charge.

Applicants also state that premium taxes will be deducted either from payments or from the Contract value upon annuitization, as determined by applicable state law. Applicants further state that as of each Contract anniversary date prior to annuitization and upon total surrender on other than a Contract anniversary date, the Company will deduct an annual administrative charge of $30 from the Contract value. Upon annuitization, this charge will be deducted pro rata from each annuity payment. This charge is guaranteed and may not be changed. Finally, Applicants state that for assuming mortality and expense risks, including a death proceeds risk, the Company will make a daily charge of 1% on an annual basis against the Contract value. Of this charge, .65% will be for the expense risks and .35% will be for mortality risks. Should the Company realize a profit from this charge, such profits will go into the general funds of the Company.

Requested Relief

Section 6(c) of the Act authorizes the Commission to exempt any person, security or transaction from the provisions of the Act and rules promulgated thereunder, if and to the extent that such exemption is consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Applicants request exemptions pursuant to Section 6(c) from certain provisions of the Act as summarized below.

Applicants propose that they be granted exemptions from sections 27(c)(2) and 26(a) to allow: (1) The deduction of the mortality and expense risk charge; (2) the deduction of the annual administrative charge; (3) the deduction for premium taxes; and (4) the deduction of the sales load.

With respect to (1) above, Applicants assert that the mortality and expense risk charge is consistent with the protection of investors standard set forth in Section 6(c) as it is reasonable as determined by industry practice with respect to comparable annuity products and reasonable in relation to the risks assumed. The Company represents that it has reviewed the contracts and registration statements of other separate accounts offering similar variable annuity contracts, taking into account such factors as current charge levels, existence of charge level guarantees, and guaranteed annuity rates. The Company further represents that the data supporting and setting forth this conclusion will be maintained on file at the home office of the Company and available to the Commission.

The Company also represents that it has determined that the possible use of the mortality and expense risk charge for indirectly financing distribution expenses (as described in the application) has a reasonble likelihood of benefiting the Separate Account and contract owners and that a memorandum setting forth the basis for this representation will be maintained at the Company's home office and available to the Commission. The Applicants further represent that as a condition of this relief, the Account will invest only in funds which undertake to have a board of directors with a disinterested majority formulate and approve any plan under Rule 12b-1 to finance distribution expenses.

With respect to (2) and (3) above, Applicants assert that these charges have been set at levels no higher than the estimated actual costs of administering the Contracts and is not expected to exceed the actual expenses incurred. Applicants also request with respect to (2) above exemptions from sections 2(a)(32), 22(c), 27(c)(1) and 27(d) of the Act and Rule 22c-1 to the extent necessary to permit deduction of the charge upon total redemptions prior to the Contract anniversary date. With respect to (4) above, Applicants assert that the Contracts limit the total sales load which may be assessed against any contract to a maximum of 7 percent of purchase payments made. Applicants also request exemptions from Sections 2(a)(32), 2(a)(35), 22(c), 27(c)(1) and 27(d) and Rule 22c-1 thereunder to the extent necessary to permit deduction of the sales load.

Applicants also request exemptions from Section 26(a) and 26(a)(2)(D) to the extent necessary to permit the Company to hold the Account's assets under an agreement that does not create a trust and to hold the securities of the portfolios in open account in lieu of stock certificates. Applicants represent that the assets of each portfolio will be protected by the safeguard and conditions described in the application and that requiring the issuance of fund certificates would impose an unnecessary administrative burden.

Applicants further request exemptions from Sections 22(e), 27(c)(1), and 27(d) to permit the Account to comply with certain provisions of Texas law that impose restrictions on redemption of the

Contracts that are sold to certain employees of Texas institutions of higher education that are inconsistent with these provisions of the Act. Applicants represent that as a condition of this relief they will: (1) Include appropriate disclosure regarding redemption restrictions in each prospectus and in all sales literature used in the Texas Optional Retirement Program ("Texas ORP") market; (2) instruct Texas ORP salespersons to bring restrictions on redemption to the attention of potential purchasers; and (3) obtain from each purchaser a signed statement indicating that he is aware that these restrictions will be placed on his Contract when issued.

Applicants also propose that contractowners be permitted to transfer, both prior and subsequent to annuitization, all or part of their investment in any portfolio to another portfolio and to and from the Company's general account, subject to certain limitations. Each such transfer will be effected at net asset value per unit next determined following receipt of a duly executed request for transfer. Applicants request approval pursuant to Sections 11(a) and 11(c) of the Act to the extent necessary to permit the proposed offers of exchange rights described in the Contracts, where permitted under applicable law and by the retirement plan under which a given Contract is issued.

Notice is further given that any interested persons wishing to request a hearing on the application may, not later than July 26, 1983, at 5:30 p.m., do so by submitting a written request setting forth the nature of his interest, the reasons for this request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon Applicants at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. Persons who request a hearing will receive any notices and orders issued in this matter. After said date an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-18781 Filed 7-11-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 22995; 70-6884]

Southern Company, et al.; Proposed Issuance and Sale of Common Stock for System's Employee Stock Ownership Plan

Julyl 1, 1983.

The Southern Company ("Southern"), 62 Perimeter Center East, Atlanta, Georgia 30346, a registered holding company, and its subsidiary companies, Alabama Power Company, Georgia Power Company, Gulf Power Company, Mississippi Power Company, Southern Company Services, Inc., Southern Electric Generating Company, and Southern Electric International, Inc., have filed an application-declaration with this Commission pursuant to Sections 6(a), 7, 9(a), and 10 of the Public Utility Holding Company Act of 1935 ("Act").

Southern proposes to issue and sell up to a maximum of $30,000,000 in value of its authorized but unissued shares of common stock, par value $5 per share ("Additional Common Stock"), in order to provide common stock to fund The Employee Stock Ownership Plan of The Southern Company System ("Plan") for the Plan year 1982, including any reinvestment of cash dividends on such stock by direct purchases of common stock from Southern. The exact number of shares to be issued by Southern will be determined in each case by the aggregate amount of contributions to be invested by the trust established pursuant to the Plan in respect of the Plan year. The purchase price per share of Southern's common stock acquired from Southern by the trust with cash contributions shall be the fair market value as of the date of acquisition. Southern proposes to apply the proceeds it receives from the sale of the Additional Common Stock for further equity investments in its subsidiaries and for other corporate purposes.

The application-declaration and any amendments thereto are available for public inspection through the Commission's Office of Pubic Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by July 26, 1983, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the applicants-declarants at the address specified above. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-18785 Filed 7-11-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 19933; File No. SR-CBOE-83-19]

Filing and Immediate Effectiveness of Amendment to Proposed Rule Change by Chicago Board Options Exchange, Inc.

July 1, 1983.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on June 23, 1983, the Chicago Board Options Exchange, Incorporated ("CBOE") filed with the Securities and Exchange Commission a first amendment to the proposed rule change set forth in Securities Exchange Act Release No. 19919 (June 27, 1983) which provided, in part, for fees per contract for stock index option transactions. The Commission is publishing this notice to solicit comments on the amendment to the proposed rule change from interested persons.

Amendment No. 1 to SR-CBOE-83-19 increases the fees per contract for transactions in options on Standard and Poor's ("S&P") 500 stock index from those fees set forth in SR-CBOE-83-19 in order to reflect the larger size of the S&P 500 option contract as a result of increasing the multiplier from $100 to $500. Effective July 1, 1983, the fees per contract side for S&P 500 index options transactions will be as follows:

Customer over $1	$0.70
Customer under $1	.40
Firm Proprietary	.20
Market Maker	.08

The foregoing change has become effective, pursuant to Section 19(b)(3)(A) of the Act and subparagraph (e) of Rule 19b-4 under the Act. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if

it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

Interested persons are invited to submit written data, views and arguments concerning the submission within 21 days after the date of publication in the **Federal Register**. Persons desiring to make written comments should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, DC 20549. Reference should be made to File No. SR-CBOE-83-19.

Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change which are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those which may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Room. Copies of the filing and of any subsequent amendments also will be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-18788 Filed 7-11-83; 8:46 am]

BILLING CODE 8010-01-M

[Release No. 19944; SR-NASD-83-6]

National Association of Securities Dealers, Inc.; Order Approving Proposed Rule Change

July 5, 1983.

The National Association of Securities Dealers, Inc. ("NASD"), 1735 K Street, N.W., Washington, D.C., 20006, submitted on May 11, 1983, copies of a proposed rule change pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act") and Rule 19b-4 thereunder, to amend Section 24 of Appendix E of its Rules of Fair Practice which requires a member that makes a market in a security listed on a national securities exchange ("Off-Board Market Maker") to report its options transactions in the security. Section 24 currently requires Off-Board Market Makers to report on a monthly basis any options transactions in the security executed either by such member or any partner, officer or director of the member. The proposed rule change would require Off-Board Market Makers to report only options transactions involving 50 or more options contracts which are executed either directly for the benefit of the member or for any employee, partner, officer or director of the member, who, by virtue of his position: (a) Is directly involved in the purchase or sale of the underlying security for the firm's proprietary account or is directly responsible for the supervision of such persons, or (b) is authorized to, and regularly does, obtain information on the proprietary accounts of the member in which the underlying security is traded.

The NASD has proposed the rule change in response to comments from an Off-Board Market Maker that Section 24 results in an unnecessary reporting burden on members with a large class of employees designated as officers. The current rule requires such persons to report option transactions even though these employees may have no responsibilities related to the firm's market making activity. The NASD states that the proposed rule change will reduce the reporting burden while maintaining a level of information reporting consistent with the surveillance objectives of the Section.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by the issuance of a Commission Release (Securities Exchange Act Release No. 19829, May 31, 1983) and by publication in the **Federal Register** (48 FR 25293, June 6, 1983). No comments were received with respect to the proposed rule filing.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to the NASD and, in particular, the requirements of Section 15A and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and it hereby is, approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority, 17 CFR 200.30-3(a)(12).

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-18790 Filed 7-11-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 19914; File No. SR-NSCC-83-10]

Filing of Proposed Rule Change by National Securities Clearing Corporation

June 27, 1983.

National Securities Clearing Corporation ("NSCC") submitted to the Commission on June 16, 1983, a proposed rule change, pursuant to Rule 19b-4 under the Securities Exchange Act of 1934, that authorizes NSCC to expand its over-the-counter equity comparison program to bond transactions. The proposed rule change also amends NSCC's fee structure. Under the proposal, NSCC can charge participants fees that are scaled according to participants' timeliness of response to certain comparison reports.

Interested persons are invited to submit written data, views and arguments concerning the submission within twenty-one days from the date of publication in the **Federal Register**. Persons desiring to make written submissions should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549. Reference should be made to File No. SR-NSCC-83-10.

Copies of the submission, with accompanying exhibits, and of all written comments will be available for public inspection at the Securities and Exchange Commission's Public Reference Room, 450 Fifth Street, N.W., Washington, D.C. Copies of the filing will also be available at the principal office of the above-mentioned self-regulatory organization.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-18779 Filed 7-11-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 19941; SR-NYSE-83-25]

New York Stock Exchange, Inc.; Filing and Order Granting Accelerated Approval of Proposed Rule Change

July 1, 1983.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on June 30, 1983, the New York Stock Exchange, Inc. ("NYSE") 11 Wall Street, New York, NY 10005, filed with the Securities and Exchange Commission the proposed rule

change as described herein. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

The proposed rule change would extend the effectiveness of NYSE's Rule 103A from June 30, 1983 to September 30, 1983. Rule 103A provides for the evaluation of specialist performance and establishes a non-disciplinary procedure for the reallocation of stocks due to substandard specialist performance.[1] In its filing the NYSE states that the purpose of this extension is to keep Rule 103A effective while the NYSE codifies and files with the Commission its procedures for specialist performance review and counselling which include greater involvement by the Market Performance Committee in counselling a specialist unit whose performance needs improvement. The NYSE also states that that future filing will request the Commission to eliminate the sunset date in Rule 103A.[2] The NYSE states that the statutory basis for the proposed rule change is Section 6(b)(5) of the Act.

Interested person are invited to submit written data, views and arguments concerning the proposed rule change within 21 days after the date of publication in the **Federal Register**. Persons desiring to make written comments should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 450 5th Street, N.W., Washington, D.C. 20549. Reference should be made to File No. SR-NYSE-83-25.

Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change which are filed with the Commission and all written communications relating to the proposed rule change between the Commission and any person, other than those which may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Room, 450 5th Street, N.W., Washington, D.C. Copies of the filing and of any subsequent amendments also will be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange and in particular, the requirements of Section 6 and the rules and regulations thereunder.

The Commission finds good cause for approving the proposed rule change prior to the thirtieth day after the date of publication of notice of filing thereof, in that the pilot program under Rule 103A expires on June 30, 1983, unless extended. The Commission believes it is appropriate to continue the program on a pilot basis for an additional calendar quarter.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the proposed rule change referenced above be, and hereby is, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-18782 Filed 7-11-83; 8:45 am]

BILLING CODE 8010-01-M

[1] Rule 103A was initially approved by the Commission as a two-year pilot program on May 15, 1979. Securities Exchange Act Release No. 15827 (May 15, 1979); 44 FR 29778 (May 22, 1979). Most recently on January 17, 1983 the Commission approved an extension of the effectiveness of Rule 103A to June 30, 1983. Securities Exchange Act Release No. 19436 (January 17, 1983); 48 FR 3063 (January 24, 1983).

[2] The Exchange already has filed a proposed rule change that would do this (SR-NYSE-83-11). Securities Exchange Act Release No. 17550, April 23, 1981; 46 FR 24351, April 30, 1981. Commission action on which has to date been deferred with the consent of the Exchange, in order to give the Commission and the Exchange further experience with Rule 103A as a pilot program.

[Release No. 34-19938; File No. SR-NYSE-83-19]

Self-Regulatory Organizations; in the Matter of Proposed Rule Change by New York Stock Exchange, Inc., Relating to Changes to Rule 351 (Reporting Requirements)

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on June 18, 1983, the New York Stock Exchange, Inc. filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The proposed changes to NYSE Rule 351 are intended to refine the items required to be reported to the Exchange so as to reflect those occurrences more germane to the conduct of a securities or securities-related business. Further, the changes are intended to raise the monetary levels of certain reporting requirements to levels more realistic in terms of meaningful financial impact on member organizations.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in Sections (A), (B) and (C) below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change. (a) Purpose of Proposed Rule Change. The proposed amendments to NYSE Rule 351(a)(1) require a member not associated with a member organization and each member organization to notify the Exchange when there is reason to believe that a reportable occurrence has transpired, as opposed to the member or member organization making an affirmative determination that a violation has in fact occurred. The amendments will also require the reporting of violations of commodities or insurance laws, rules or regulations. Members and member organizations would no longer be required to report violations of any agreement with or rule or standard of conduct of a business or professional organization.

The amendments to Rule 351(a)(5) would narrow the scope of reportable occurrences to those required in a similar provision on the U-4 application (Uniform Application for Securities Industry Registration), thus requiring reports of those incidents more germane to the conduct of a securities or securities-related business.

The amendments to Rule 351(a) (7) and (8) involve combining those two paragraphs since they are somewhat overlapping. Additionally, the cut-off figure for reporting judgments, awards, settlements or claims for damages where only the member organization is involved or where both the member organization and an individual employee or registered representaive are involved is proposed to be raised from $5,000 to $15,000.

(b) Statutory Basis for the Proposed Rule Change. The proposed amendments to Rule 351 are consistent with Section 6(b)(1) of the Securities Exchange Act of 1934 ('34 Act) in that

the proposed changes will enhance the ability of the Exchange to enforce compliance by its members and persons associated therewith with the provisions of the Rules of the Exchange and the '34 Act.

The amendments are consistent with Section 6(b)(5) of the '34 Act in that they are designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, and to protect investors and the public interest by requiring the reporting of matters indicative of improprieties.

The proposed amendments to Rule 351 are consistent with Section 6(c)(3) of the '34 Act in that the Exchange will be better able to assess the qualifications of those subject to the reporting requirements of Rule 351.

The proposed amendments to Rule 351(a)(5) are also consistent with Section 15(b)(4)(B) of the '34 Act in that the proposed changes more appropriately parallel certain criteria set forth therein.

The proposed amendments to Rule 351 are consistent with the requirements set forth in Section 17(a)(1) of the '34 Act in that the Exchange will be better able to make records, as required therein, as necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the '34 Act.

B. Self-Regulatory Organization's Statement on Burden on Competition. The proposed rule change does not impose any burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants, or Others. The Exhange has neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period: (i) As the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

A. By order approve such proposed rule change, or

B. Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, N.W., Washington, D.C. Copies of such filing will be available for inspection and copying at the principal office of the above mentioned self-regulatory organization.

All submissions should refer to the file number in the caption above and should be submitted within 21 days after the date of this publication.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: July 1, 1983.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-18778 Filed 7-11-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-19940; File No. SR-PHLX 83-9]

Self-Regulatory Organization; Proposed Rule Change by Philadelphia Stock Exchange, Inc., Relating to Position and Exercise Limits of Options Specialists

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on June 6, 1983, the Philadelphia Stock Exchange, Inc. filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Philadelphia Stock Exchange, Ind. ("PHLX" or "the Exchange") proposed to amend Exchange Rules 1001 and 1002 to expand the position and exercise limits, applicable to Specialists in certain options. *Italics* indicates material proposed to be added. Brackets [ ] indicate material proposed to be deleted.

Rule 1001. Position Limits.

No change.

* * * Commentary

.01 through .03—no change.

.04 *The position limit for stock options for specialists shall be 4,000 contracts in their specialty options. In addition,* the Exchange may establish higher position limits for [specialists' transactions than those applicable with respect to other accounts] *specialists whenever necessary in the interests of maintaining a fair and orderly market.* Whenever a specialist reasonably anticipates that he may exceed such position limits in the performance of his function of assisting in the maintenance of a fair and orderly market, he must consult with and obtain the prior approval of the Committee on Options.

Rule 1002. Exercise Limits.

No change.

* * * Commentary.

.01 No Change.

.02 The exercise limit for stock options for Specialists shall be 4,000 contracts in their specialty options.

[.02] *.03* No change.

[.03] *.04* No change.

II. (A) Self-Regulatory Organizations's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The purpose of the proposed rule change is to expand position and exercise limits for Specialists to 4,000 contracts for their specialty stock options in order to further enhance market depth and liquidity.

Recently, the PHLX and other options exchanges proposed an increase in position and exercise limits in the form of a two-tier system. (See SR-PHLX 83-4.) This new system provides higher, 4,000 contract limits for options on underlying stocks which meet certain criteria regarding the number of outstanding shares and trading volume. All other options would be subject to 2,500 contract limits. As noted in the Exchange's filing, one reason for the two-tier proposal is to insure that stocks which do not meet the share and volume criteria be protected against possible manipulation by prohibiting the accumulation and exercise of positions in excess of 2,500 contracts.

However, concerns regarding the possibility of manipulation with regard to Specialists are of much more reduced significance. The activity of Specialists is surveilled scrupulously by the Exchange. Specialists are required to report all activity in each specialty option, as well as their activity in the

underlying stock, on a daily basis. (See Exchange Rule 1022). This activity is reviewed daily to insure their compliance with Exchange and SEC rules and regulation. Thus, the concerns of potential manipulation by a Specialist of a stock which underlies a specialty option is significantly abated by the surveillance protections described above.

The Exchange believes that a potential effect of the proposed two-tier position and exercise limit system might be to divert volume away from lower tier options. It is essential, therefore, that Specialists have the ability to provide depth and liquidity to the marketplace in their specialty options. If such capability is not afforded Specialists, the lower tier options could become illiquid. By expanding position and exercise limits for Specialists in their specialty options, this possibility should be avoided.

It should be noted that Specialists have unique, affirmative obligations to maintain fair and orderly markets in their specialty options. Unlike market-makers, who also have such responsibilities, Specialists are required to be present in the trading crowd at all times during the trading day, to give a two-sided market in every series of their specialty options throughout the day, and to maintain price continuity in each series throughout the day. These additional burdens and responsibilities necessitate providing some additional flexibility for Specialists to enable them to better meet these responsibilities. Permitting 4,000 contract position and exercise limits in their specialty options will greatly enhance Specialists' capabilities and will result in greater market depth and liquidity for the benefit of all options investors and traders.

The proposed rule change is consistent with the requirements of the Securities Exchange Act of 1934 (the "1934 Act") and rules and regulations thereunder applicable to the Exchange in that it will increase market depth and liquidity, which is in the public interest, while continuing to protect investors from potential manipulative activity.

Therefore, the proposed rule change is consistent with Section 6(b)(5) of the 1934 Act, which provides, in pertinent part, that the rules of the Exchange be designed to promote just and equitable principles of trade and to protect the public interest.

(B) *Self-Regulatory Organization's Statement on Burden on Competition.* The SRO believes that this rule change will not impose a burden on competition.[1]

(C) *Self-Regulatory Organization's Statement on Comments on Proposed Rule Change Received from Members, Participants or Others.* No written comments on this proposed rule change were solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period: (i) As the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C., 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, N.W., Washington, D.C., 20549. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization.

All submissions should refer to the file number in the caption above and should be submitted with 21 days after the date of this publication.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: July 1, 1983.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-18795 Filed 7-11-83; 8:45 am]

BILLING CODE 8010-01-M

[1] The Commission is particularly interested in soliciting comment on whether providing higher position and exercise limits to Phlx specialists in their specialty options imposes an unnecessary or inappropriate burden on competition on other persons establishing or exercising positions in the same option classes, such as Phlx registered option traders, who would not automatically be entitled to the higher position and exercise limits. Comment also is requested on the competitive consequences of such across-the-board limit increases for specialists in contrast to limits for market makers in other option classes traded on other exchanges. Under current and proposed exchange rules, higher limits for market makers on the Chicago Board Options Exchange may be effected only pursuant to a case-by-case exemption procedure. *See, e.g.*, Securities Exchange Act Release Nos. 19243, November 16, 1982 and 19620, May 27, 1983.

Cincinnati Stock Exchange; Applications for Unlisted Trading Privileges and of Opportunity for Hearing

July 5, 1983.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to Section 12(f)(1)(C) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the following stocks:

Dunlop Holding Lts.
American Depositary Receipts (File No. 7-6804)

Imperial Oil Ltd.
Class A Common Stock, No Par Value (File No. 7-6805)

These securities are registered on one or more other national securities exchange and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before July 26, 1983 written data, views and arguments concerning the above-referenced applications. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549. Following this opportunity for hearing, the Commission will approve the applications if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, purusant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-18789 Filed 7-11-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-19934; File No. SR-NYSE-83-24]

Self-Regulatory Organizations; Proposed Rule Change By New York Stock Exchange, Inc.; Charges Imposed on Members and Member Organizations To Reimburse the Exchange for Regulatory Oversight Services

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on June 23, 1983, the New York Stock Exchange, Inc. filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms and Substance of the Proposed Rule Change

Additions *italicized;* deletions [bracketed].

Rule 129 The Board may from time to time impose such charge or charges on members and member organizations as it shall deem appropriate to reimburse the Exchange, in whole or in part, for regulatory oversight services provided the membership by the Exchange[, provided however that any such charge shall be measured as required as Section 10 of Article X of the Constitution].

II. Self-regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

(1) *Purpose.* The purpose of the proposed rule change is to permit the New York Stock Exchange, Inc. to charge its members and member organizations for regulatory oversight services on a basis that would be more representative of the overall nature of their business as contrasted with the restrictions of the present rule which requires that any assessment be based upon the number of, value of, or commissions on transactions effected on securities listed by the Exchange.

Thus the replacement fee will more fairly reflect the fact that the New York Stock Exchange's responsibility for regulatory oversight covers all aspects of our members' and member organizations' business, including investment banking, commodities, securities not listed on the Exchange, etc. This change will facilitate the replacement of a regulatory fee received from the National Stock Clearing Corporation (NSCC) under the terms of an agreement which terminates on June 30, 1983. The NSCC has collected this fee from their clearing members, who are also NYSE members, on the basis of the value of securities cleared through them.

The proposed fee will be determined for each NYSE member or member organization required to file a FOCUS report by multiplying its gross revenue as reported in the standard NYSE FOCUS report by a factor which will be reviewed at regular intervals by the Finance Committee of the Board of Directors. In addition, certain minimums will be imposed by class of member or member organization to cover the estimated minimum cost of providing regulatory oversight services.

The proposed rule change and fee schedule will affect all members and member organizations required to file a FOCUS report and depending on the relationship of each firm's dollar value of securities cleared through the NSCC to its total gross revenue from all sources, the net cost to each firm could be potentially increased or decreased as the case may be. The proposed fee is being imposed pursuant to the Board's authority under Article X, Section 3 of the Exchange Constitution.[1]

(2) *Statutory Basis.* The basis under the act for the proposed rule change is the requirement under section 6(b)(4) that an exchange have rules that provide for the equitable allocation of reasonable dues, fees and other charges among its members and other persons using its facilitiies. It is the opinion of the Exchange staff that the proposed rule change is necessary in order to provide the flexibility necessary to provide such an equitable allocation.

[1] The NYSE is proposing an annual regulatory fee of $0.13 per $1,000 Gross Revenue as reported in each member firm's FOCUS Report. The minimum annual fee would be $2,000 for carrying firms and specialists, $1,000 for introducing firms, and $600 for firms not dealing with the public.

(B) Self-Regulatory Organization's Statement of Burden on Competition

The proposed rule change will impose no burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

(C) Self-Reegulatory Organization's Statement of Comments on the Proposed Rule Change Received from Members, Participants or Others

The Exchange has niether solicited nor received any written comments regarding the proposed rule change. The Exchange has not recieved any unsolicited written comments from members or other interested parties.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3) of the Securities Exchange Act of 1934 and subparagraph (e) of Securities Exchange Act Rule 19b-4. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 5th Street, Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 5th Street, NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted within 21 days after the date of this publication.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Dated: July 1, 1983.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-18687 Filed 7-11-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-19935; File No. SR-Phlx-83-11]

Self-Regulatory Organizations; Proposed Rule Change By Philadelphia Stock Exchange, Inc.; Clearing the Post Before Entering Orders (Commitments) Into the Intermarket Trading System

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on June 28, 1983, the Philadelphia Stock Exchange, Inc. filed with the Securities and Exchange Commission the proposed rule change as described in Items, I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change would require all Phlx floor members to clear the post for a security on the Phlx floor before directly inputting the order (commitment) into the Intermarket Trading System.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in section (A), (B), and (C) below, of the most significant aspects of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The purpose of the proposed rule change, which will become a stated policy of the Phlx, is to require the floor members to clear the post before directly inputting an order into the ITS system. The stated policy facilitates the obligation of the specialist to execute PACE limit orders and certain non-PACE orders on the basis of transactions which occur in other markets as well as on the Phlx. It also ensures the compliance by floor members with their responsibility to seek the best price execution or orders and the subsequent best price execution of such orders.

That statutory basis for the proposed rule change is found in Section 6(b)(5) of the Act in that it will facilitate transactions in securities and, in general, protect investors and the public interest.

(B) Self-Regulatory Organization's Statement on Burden on Competition

The Phlx does not believe that any burdens will be placed on competition as a result of the proposed rule change.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

No comments on this proposed rule change have been solicited or received from members,

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, D.C., 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, D.C., 20549. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted within 21 days after the date of this publication.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Dated: July 1, 1983.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-18686 Filed 7-11-83; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area No. 2098]

Arizona; Declaration of Disaster Loan Area

LaPaz, Mohave, and Yuma Counties in the State of Arizona constitute a disaster area as a result of damage caused by flooding beginning on or about June 20, 1983. Eligible persons, firms, and organizations may file applications for loans for physical damage until the close of business on September 2, 1983, and for economic injury until the close of business on April 2, 1984, at the following address: U.S. Small Business Administration, 3030 North Central Avenue, Suite 201, Phoenix, Arizona 85012, or other locally announced locations.

Interest rates for applicants filing for assistance under this declaration are as follows:

	Percent
Homeowners with credit available elsewhere	11.250
Homeowners without credit available elsewhere	5.625
Businesses with credit available elsewhere	10.500
Businesses without credit available elsewhere	8.000
Businesses (EIDL) without credit available elsewhere	8.000
Other (non-profit organizations including charitable and religious organizations)	11.375

It should be noted that assistance for agricultural enterprises is the primary responsibility of the Farmers Home Administration as specified in Pub. L. 96-302.

(Catalog of Federal Domestic Assistance Programs Nos. 59002 and 59008)

Dated: July 5, 1983.

Bernard Kulik,

Deputy Associate Administrator for Disaster Assistance.

[FR Doc. 83-18739 Filed 7-11-83; 8:45 am]

BILLING CODE 8025-01-M

[Declaration of Disaster Loan Area No. 2097]

California; Declaration of Disaster Loan Area

Imperial, Riverside and San Bernardino Counties in the State of California constitute a disaster area as a result of damage caused by flooding beginning on or about June 20, 1983. Eligible persons, firms, and organizations may file applications for loans for physical damage until the close of business on September 2, 1983, and for economic injury until the close of business on April 2, 1984, at the addresses listed below:

U.S. Small Business Administration, 350 S. Figueroa Street, 6th Floor, Los Angeles, California 90071, or

U.S. Small Business Administration, Federal Building, Suite 4-S-29, 880 Front Street, San Diego, California 92188,

or other locally announced locations.

Interest rates for applicants filing for assistance under this declaration are as follows:

	Percent
Homeowners with credit available elsewhere	11.250
Homeowners without credit available elsewhere	5.625
Businesses with credit available elsewhere	10.500
Businesses without credit available elsewhere	8.000
Businesses (EIDL) without credit available elsewhere	8.000
Other (non-profit organizations including charitable and religious organizations)	11.375

It should be noted that assistance for agricultural enterprises is the primary responsibility of the Farmers Home Administration as specified in Pub. L. 96-302.

(Catalog of Federal Domestic Assistance Programs Nos. 59002 and 59008)

Dated: July 5, 1983.

Bernard Kulik,

Deputy Associate Administrator for Disaster Assistance.

[FR Doc. 83-18738 Filed 7-11-83; 8:45 am]

BILLING CODE 8025-01-M

[Declaration of Disaster Loan Area No. 2095]

Texas; Declaration of Disaster Loan Area

Jim Wells County in the State of Texas constitutes a disaster area because of damage caused by hail and heavy rains on June 6, 1983. Applications for loans for physical damage may be filed until the close of business on August 29, 1983, and for economic injury until the close of business on March 29, 1984, at the following address: U.S. Small Business Administration, Lower Rio Grande Valley District Office, 222 E. Van Buren, Suite 500, P.O. Box 2567, Harlingen, Texas 78550, or other locally announced locations.

Interest rates for this disaster are:

	Percent
Homeowners with credit available elsewhere	11.250
Homeowners without credit available elsewhere	5.625
Businesses with credit available elsewhere	10.500
Businesses without credit available elsewhere	8.000
Businesses (EIDL) without credit available elsewhere	8.000
Other (non-profit organizations including charitable and religious organizations)	11.375

It should be noted that assistance for agricultural enterprises is the primary responsibility of the Farmers Home Administration as specified in Pub. L. 96-302.

(Catalog of Federal Domestic Assistance Programs Nos. 59002 and 59008)

Dated: June 29, 1983.

Heriberto Herrera,

Acting Administrator.

[FR Doc. 83-18737 Filed 7-11-83; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF THE TREASURY

Customs Service

[T.D. 83-148]

Decision Granting Domestic Interested Party Petition Concerning Tariff Classification of Cigarette Leaf

AGENCY: Customs Service, Treasury.

ACTION: Notice of decision granting domestic interested party petition concerning tariff classification of cigarette leaf tobacco.

SUMMARY: In response to a petition from a domestic interested party concerning the tariff classification of imported cigarette leaf tobacco, Customs invited public comments. The petition requested that cigarette leaf tobacco, which has been processed by threshing, shredding, and other acts of manipulation, be classified under the provision for stemmed cigarette leaf filler tobacco, rather than under the general provision for tobacco, manufactured or not manufactured, not specially provided for.

After further review of the matter and consideration of the comments, Customs has decided to grant the domestic interested party petition.

DATE: Customs change of classification will be effective with respect to all merchandise entered for consumption or withdrawn from warehouse for consumption more than 30 days after the date that notice to the petitioner is published in the Customs Bulletin.

FOR FURTHER INFORMATION CONTACT: Russell X. Arnold, Classification and Value Division, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229; (202-566-5727).

SUPPLEMENTARY INFORMATION:

Background

In a notice published in the **Federal Register** on January 4, 1983 (48 FR 366), Customs advised the public that a petition had been filed pursuant to section 516, Tariff Act of 1930, as amended (19 U.S.C. 1516), by an American manufacturer of flue-cured tobacco, requesting that certain imported tobacco, which has been machine threshed for use in the manufacture of cigarettes, be classified for tariff purposes as stemmed cigarette leaf filler tobacco under the item 170.35, Tariff Schedules of the United States (TSUS, 19 U.S.C. 1202), at a Column 1 rate of duty of 32 cents per pound. The

merchandise in question is currently classified under item 170.80, TSUS, as tobacco, manufactured or not manufactured, not specially provided for at a Column 1 rate of duty of 17.5 cents per pound.

The tobacco which is the subject of this petition is machine-threshed tobacco produced by adding moisture to leaf tobacco, mechanically removing the stems, and breaking the remaining tobacco into pieces ranging from ½ inch to 2 inches in size. The resultant product of this processng consists of strips or fragments of tobacco generally used in the manufacture of cigarettes.

In a decision published in the Federal Register on May 20, 1980 (45 33761), Customs determined that this same tobacco was neither scrap tobacco, classifiable under item 170.60, TSUS, nor leaf tobacco, classified under item 170.35, TSUS, but that it had been processed to the extent that it was a partially manufactured product classifiable under item 170.80, TSUS.

In the present case, the petitioner contends that Customs current classification of such tobacco is incorrect, has resulted in the avoidance of appropriate tariffs, and has had a serious impact upon producers of domestic flue-cured tobacco. He asserts that the subject tobacco has not been significantly processed toward its end use in cigarette manufacture, and therefore that it is still in leaf form. The petitioner submits that, in the trade, stemmed leaf tobacco includes any leaf product, 81 to 85 percent of which is ½ inch or better in size. He maintains that the TSUS provides for only two types of tobacco, "wrapper" and "filler," and that all tobacco which does not meet the definition of "wrapper" should be treated as "filler." The petitioner further contends that "wrapper" and "filler" are *eo nomine* terms, and since an *eo nomine* provision covers the article in all of its forms, the shredded leaf is covered by the filler tobacco provision. He maintains that the term filler tobacco is more specific than "tobacco, manufactured or not manufactured, not specically provided for," and that since item 170.80, TSUS, is only a catchall classification provision, the subject tobacco is properly classified as stemmed cigarette leaf filler tobacco under item 170.35, TSUS.

Discussion of Comments

Over one hundred and fifty (150) comments were received in response to the petition.

A majority of the comments support the petition. Most of these statements in support are from farmers and farm group associations. They emphasize the severe economic hardships suffered by the domestic growers as a result of the competition resulting from the large increase in imports.

Comments in opposition to the petition were received from tobacco importers, dealers and procesors. They state that the imported merchandise is not a leaf tobacco, but is a highly processed product, which is the end result of a processing which substantially changes the nature of the original leaf. The idea was also expressed that a great increase in revenue would not result from an increase in duty on this tobacco, since the importers would switch from importing the shredded tobacco to importing whole leaf, which has a much lower rate of duty.

Determination

The subject merchandise is used for the same purpose as the stemmed leaf which is provided for by name in item 170.35, TSUS. While the tobacco at issue is smaller than the tobacco leaf that Customs has traditionally classified as stemmed tobacco leaf, the reduction in size is the result of the modern threshing process used to separate the stem from the more desirable portion of the whole leaf. If the stem separation had resulted in two half leaves, there is no doubt that the product would be known as stemmed cigarette leaf filler tobacco. The fact that technological progress is utilized and a machine is employed in the separation process should not require a change in tariff classification merely because the resultant pieces of leaf are smaller in size. The fragmented tobacco produced by the mechanical operation is no different in quality, physical characteristics, or use than the old fashioned stemmed cigarette leaf accomplished by hand separation. That there is not a material change is indicated by the fact that, under an established Customs practice, the machine threshed leaf tobacco is considered to have undergone only a manipulation, not a manufacture, when the operation is performed in a bonded manipulating warehouse. That the modern mechanical process used to remove the stem from the leaf also results in smaller pieces than half leaves should not control the classification because there has been no substantial transformation into something which is not stemmed leaf tobacco.

Customs now believes that the fact that the subject tobacco leaf is stemmed mechanically should not preclude classification under the TSUS provision for stemmed cigarette leaf filler tobacco.

There is no compelling basis for departing from this specific provision and classifying the product in a general descriptive provision for tobacco, not specially provided for. Nothing in the legislative history or in judicial decisons issued since 1939, the date when the term cigarette leaf tobacco first appeared in the tariff schedules, mandates that machine threshed tobacco has undergone such advancement that precludes the same classification as other stemmed leaf. It is well settled that if an imported article is described in more than one provision in the TSUS, it must be classified under the provision which most specifically describes it.

Accordingly, Customs concludes that the subject tobacco has not been substantially advanced from the form of a stemmed cigarette leaf filler tobacco, and is therefore correctly classified under item 170.35, TSUS.

This decision will be effective with respect to merchandise entered or withdrawn from warehouse for consumption more than 30 days after the date of publication of this notice in the Customs Bulletin.

Authority

This notice is being published in accordance with section 516(b), Tariff Act of 1930, as amended (19 U.S.C. 1516(b)), and section 175.22(a), Customs Regulations (19 CFR 175.22(a)).

Drafting Information

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

Dated: June 9, 1983.

William von Raab,

Commissioner of Customs.

[FR Doc. 83-18776 Filed 7-11-83; 8:45 am]

BILLING CODE 4820-02-M

Sunshine Act Meetings

Federal Register
Vol. 48, No. 134
Tuesday, July 12, 1983

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

CONTENTS

1

CIVIL AERONAUTICS BOARD

TIME AND DATE: 9:30 a.m., July 14, 1983.

PLACE: Room 1027 (open), room 1012 (closed), 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT:

1. Ratification of Items Adopted by Notation.
2. Docket EAS-521, Petitions for reconsideration of Order 82-12-25 redefining EAS for Glens Falls, New York, as zero air service. (Memo 212-D, BDA, OCCCA, OGC)
3. Docket 40807, Proposals to provide essential air service to ten Alaskan bush points in the Aniak Cluster. (Memo 1500-G, BDA, OCCCA)
4. Docket 41031, Notice of Kodiak-Western Alaska Airlines to suspend service at 18 bush communities in the Kodiak, Alaska, cluster. (BDA, OCCCA, OC)
5. Docket 40875, Rio Airways' application to substitute DeHavilland Twin Otter aircraft for Searingen Metro II aircraft at Temple, Texas. (Memo 1458-D, BDA, OCCCA, OC)
6. Commuter carrier fitness determination of Phillips Michigan City Flying Service, Inc. d.b.a. Phillips Airlines. (BDA)
7. Commuter carrier fitness determination of Caribbean Express, Inc. (BDA)
8. Commuter carrier fitness determination of National Aviation, a Division of Delta Aircraft Corporation. (Memo 1908, BDA)
9. Commuter carrier fitness determination of Omniflight Helicopter Services, Inc. (Memo 1915, BDA)
10. Docket 41448, Application of Audi Air, Inc. for certificate authority to conduct scheduled interstate transportation of persons, property and mail and all-cargo service between certain points in Alaska. (BDA)
11. Docket 40957, ATC Agreement Relating to the Automated Ticketing Service Agreement—Travel Agents. (Memo 1614-D, BDA, OGC)
12. Docket 40620, Overflights of small communities. (OGC, BDA, OCCCA)
13. Changes in Board rules to reflect the voluntary nature of agreements filing. (OGC, BDA, BIA)
14. Standard conditions in foreign air carrier permits. (Memo 1912, OGC, BIA)
15. Docket 41165, *Vacation Air, Inc. Fitness Investigation.* (OGC)
16. H.R. 2527, International Communications Reorganization Act; comments to House Government Operations Committee. (OGC)
17. Docket 35634, Petition for reconsideration and stay of Order 82-10-127. (OGC, BIA)
18. Docket , Application of Air Florida, Inc. for a waiver of the Board's regulations to the extent necessary to enable it to engage British Island Airways, Ltd. to operate flights from London to a point or points in Europe beyond London. (Memo 1913, BIA, OGC)
19. Docket 40459, United States-Brazil/Argentina All-Cargo Exemption Proceeding, Dockets 41238, 41258, 41473, 41446, Applications of American Airlines, Inc., Pan Aero International and Arrow Air, Inc. for U.S.-Brazil/Argentina all cargo exemption authority. (Memo 1914, BIA, OGC)
20. Docket 41344, Application of Trans North Turbo Air Limited for amendment of its foreign air carrier permit. (Memo 1911, BIA, OGC, BALJ)
21. Docket 38858, Application of Societe Antillaise de Transports Aeriens d.b.a Air Guadeloupe for an initial foreign air carrier permit to engage in foreign air transportation of persons, property and mail between a point or points in Guadeloupe, the intermediate point St. Maarten, and San Juan. (Memo 1917, BIA, OGC, BALJ)
22. Report on German Pricing Working Group Negotiations. (BIA)
23. Report on U.K. Negotiations. (BIA)
24. Discussion on Spain. (BIA).
25. Discussion of Jamaica. (BIA)
26. Discussion on Trinidad and Tobago. (BIA)
27. Discussion on Canada. (BIA)
28. Discussion on Italy. (BIA)
29. Report on ECAC Negotiations. (BIA)

[S-1006-83 Filed 7-8-83; 3:57 pm]

BILLING CODE 6320-01-M

2

FEDERAL COMMUNICATIONS COMMISSION

Open Commission Meeting, Thursday, July 14, 1983

July 7, 1983.

The Federal Communications Commission will hold an Open Meeting on the subjects listed below on Thursday, July 14, 1983, which is scheduled to commence at 9:30 a.m., in Room 856, at 1919 M Street, NW., Washington, D.C.

Agenda, Item No. and Subject

General—1—*Title:* Budget Estimates for FY 1985—Submission to the Office of Management and Budget (OMB). *Summary:* The Commission will consider the Managing Director's recommendations for the Fiscal Year 1985 Budget Estimates to be presented to the Office of Management and Budget on September 1, 1983.

Private Radio—1—*Title:* In the Matter of Amendment of Parts 1, 90 and 95 of the Commission's Rules to provide for the introduction of FCC Form 574-R, Application for Renewal of Radio Station License in the Private Land Mobile and General Mobile Radio Services. *Summary:* The FCC will consider whether to adopt an Order implementing a new "short form" renewal application, FCC Form 574-R, for the renewal of station licenses in the Private Land Mobile and General Mobile Radio Services.

Private Radio—2—*Title:* Waiver of Sections 87.181 and 87.291 to permit aircraft stations licensed to American Airlines, Inc., and aeronautical enroute stations licensed to Aeronautical Radio, Inc., to transmit, on a secondary basis, digital airline administrative messages on the frequency 131.55 MHz. *Summary:* The FCC will consider whether to grant waivers requested by American Airlines and Aeronautical Radio, Inc., to allow a limited expansion of the scope of communications permitted in the domestic aeronautical enroute service.

Private Radio—3—*Title:* In the matter of an inquiry into frequency coordination in the Private Land Mobile Radio Service. *Summary:* The FCC will consider adoption of a Notice of Inquiry (NOI) looking into frequency coordination in the Private Land Mobile Radio Services. The NOI would seek to develop a record to assist the Commission in considering the role of non-Federal Government advisory coordinating committees in the private land mobile frequency assignment process.

Private Radio—4—*Title:* Report and Order regarding proposed update and codification of the General Mobile Radio Service (GMRS) Rules. *Summary:* The FCC will consider whether to adopt proposed rules updating and codifying the rules in the General Mobile Radio Service (GMRS).

Private Radio—5—*Title:* Amendment of Part 83 of the rules concerning spare parts, tools, test equipment, instruction books and circuit diagrams for compulsory ships. *Summary:* The Commission will consider whether to amend Part 83 of the rules to simplify requirements concerning spare parts, tools, test equipment, instruction books, and circuit diagrams required to be maintained by large oceangoing ships which must be equipped with radio.

Audio—1—*Title:* Application for review filed by Lloyd D. Livesay d.b.a. Sullivan County

Broadcasting, seeking review of the denial of his petition for reconsideration. *Summary:* The Commission reviews the action of the Chief, Broadcast Facilities Division, taken pursuant to delegated authority, denying reconsideration of the return of an application for a new AM broadcast station as unacceptable for filing.

Audio—2—*Title:* Application for Review filed by Anthony R. Martin-Trigona with respect to the license renewal for station WITS, Boston, Massachusetts. (Effective December 1, 1982, call sign WITS was changed to WMRE). *Summary:* The Commission will consider an application for review of the Broadcast Bureau's October 15, 1982 decision denying a petition for reconsideration of the denial of a request to deny the license renewal application of Mariner Communications, Inc. licensee of station WITS, Boston, Massachusetts.

Audio—3—*Title:* Application for Review filed by Sunshine Broadcasting, Inc., WMGX(FM), Portland, Maine. *Summary:* This action considers whether to grant the Sunshine request for waiver of Section 73.207 of the Commission's Rules and accept its application for modification of its existing facilities.

Video—1—*Title:* Application for review of staff action filed by Mountain TV Network, Inc. *Summary:* Mountain TV Network, Inc., filed an application for review of the action of the Chief of the Mass Media Bureau which directed it to submit evidence of its financial ability to construct and operate the 2,379 low power television facilities for which it has filed applications for construction permits.

Policy—1—*Title:* Amendment of Part 73 of the Commission's Rules and Regulations to Eliminate the Requirement for Type Approval of *Aural Modulation Monitors.* (BC Docket No. 81-698) *Summary:* The Commission will consider adoption of a *Report and Order* concerning rules requiring aural modulation monitors used by AM, FM, and TV broadcast stations to be type approved. Deletion of the rules requiring the operator on duty to have continuous access to modulation level indications will also be considered.

Policy—2—*Title:* Elimination of broadcast station operating and maintenance logs. *Summary:* The Commission will consider adoption of a Report and Order in BC Docket No. 82-537 concerning a previous proposed reduction in operating and maintenance logging requirements applicable to broadcast and broadcast auxiliary stations.

Policy—3—*Title:* In the Matter of Elimination of Unnecessary Broadcast Regulation. *Summary:* The Commission will consider whether to eliminate its policies concerning the misuse of audience ratings data and the use of inaccurate or exaggerated coverage maps by broadcast licenses

Enforcement—1—*Title:* Application for Review filed by Radio Nevada, Inc., licensee of Radio Station KDWN, Las Vegas, Nevada of the Mass Media Bureau's action denying its request for reduction or rescission of a $1,000 forfeiture imposed for repeated violation of the sponsorship identification rule. *Summary:* The Commission will consider Radio Nevada, Inc's Application for Review of the Mass Media Bureau's action denying the licensee's request for reduction or rescission of a $1,000 forfeiture for repeated violation of the Commission's sponsorship identification rule.

Enforcement—2—*Title:* Further procedures concerning the applications filed for broadcast facilities now licensed to RKO General, Inc. in Memphis, Tennessee; New York, New York; Boston, Massachusetts; Los Angeles, California; Bethesda, Maryland; Washington, D.C.; San Francisco, California; Ft. Lauderdale, Florida; and Chicago, Illinois. *Summary:* The Commission considers the procedures to be followed in determining the impact of the Court of Appeals decision concerning WNAC-TV, Boston, Massachusetts, on RKO's qualifications as licensee of 13 other broadcast facilities.

This meeting may be continued the following work day to allow the Commission to complete appropriate action.

Additional information concerning this meeting may be obtained from Maureen Peratino, FCC Public Affairs Office, telephone number (202) 254-7674.

Issued: July 7, 1983.

William J. Tricarico,

Secretary, Federal Communications Commission.

[S-1002-83 Filed 7-8-83; 11:12 am]

BILLING CODE 6712-01-M

3

FEDERAL COMMUNICATIONS COMMISSION

Closed Commission Meeting, Thursday, July 14, 1983

July 6, 1983.

The Federal Communications Commission will hold a Closed Meeting on the subjects listed below on Thursday, July 14, 1983, following the Open Meeting which is scheduled to commence at 9:30 a.m., in Room 856, at 1919 M Street NW., Washington, D.C.

Agenda, Item No., and Subject

Hearing—1—Applications for Review of Review Board Decision in the Kalamazoo and Portage, Michigan, comparative FM proceeding (Docket Nos. 21374 through 21377).

Hearing—2—Application for Review of a final Review Board Decision and a Petition to Enlarge Issues in the Louisville, Kentucky television proceeding (Dockets Nos. 79-280 and 79-281).

Hearing—3—Petition for Special Relief seeking approval of a distress sale and related pleadings in the Hartford, Connecticut, television renewal proceeding (BC Docket No. 80-730).

These items are closed to the Public because they concern Adjudicatory Matters (See 47 CFR 0.603 (j)).

The following persons are expected to attend:

Commissioners and their Assistants
General Counsel and members of his staff
Managing Director and members of his staff
Chief, Office of Public Affairs and members of his staff

Action by the Commission July 5, 1983. Commissioners Fowler, Chairman; Quello, Dawson and Rivera voting to consider these items in Closed Session.

This meeting may be continued the following work day to allow the Commission to complete appropriate action.

Additional information concerning this meeting may be obtained from Maureen Peratino, FCC Public Affairs Office, telephone number (202) 254-7674.

Issued: July 5, 1983.

William J. Tricarico,

Secretary, Federal Communications Commission.

[S-1003-83 Filed 7-8-83; 11:12 am]

BILLING CODE 6712-01-M

4

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

July 6, 1983.

TIME AND DATE: 10 a.m., Wednesday, July 13, 1983.

PLACE: Room 600, 1730 K Street NW., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED: The Commission will consider and act upon the following:

1. Thompson Brothers Coal Company, Docket No. PENN 81-171. (Issues include whether the judge properly found violations of 30 CFR 77.400(a), a mandatory safety standard requiring guarding of mechanical equipment.)

CONTACT PERSON FOR MORE INFORMATION: Jean Ellen (202) 653-5632.

[S-1005-83 Filed 7-8-83; 3:58 pm]

BILLING CODE 6735-01-M

5

FEDERAL RESERVE SYSTEM

Board of Governors

TIME AND DATE: Approximately 10:45 a.m., Friday, July 15, 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: July 8, 1983.

James McAfee,

Associate Secretary of the Board

[S-1000-83 Filed 7-8-83; 10:29 am]

BILLING CODE 6210-01-M

6

FEDERAL RESERVE SYSTEM

(Board of Governors)

TIME AND DATE: 10 a.m., Friday, July 15, 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 1984 budget objective for the Federal Reserve System.

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: July 8, 1983.

James McAfee,

Associate Secretary.

[S-1001-83 Filed 7-8-83; 10:29 am]

BILLING CODE 6210-01-M

7

FEDERAL RESERVE SYSTEM

(Board of Governors)

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 48 FR 31138, Wednesday, July 6, 1983.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: Approximately 10:30 a.m., Friday, July 8, 1983, following a recess at the conclusion of the open meeting.

CHANGES IN THE MEETING: One of the items announced for inclusion at this meeting was consideration of any agenda items carried forward from a previous meeting; the following such closed item(s) was added:

Legislative proposals relating to banking structure. (This item was originally announced for a closed meeting on June 29, 1983.)

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board (202) 452–3204.

Dated: July 8, 1983.

James McAfee,

Associate Secretary of the Board

[S-1004-83 Filed 7-8-83; 3:56 pm]

BILLING CODE 6210-01-M

8

FEDERAL RESERVE SYSTEM

Board of Governors

TIME AND DATE: 10 a.m., Monday, July 18, 1983.

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: July 11, 1983.

James McAfee,

Associate Secretary of the Board.

[S-1005-83 Filed 7-8-83; 3:56 pm]

BILLING CODE 6210-01-M

9

NUCLEAR REGULATORY COMMISSION

DATE: Week of July 11, 1983 (revised).

PLACE: Commissioners' Conference Room, 1717 H Street NW., Washington, D.C.

STATUS: Open and closed.

MATTERS TO BE DISCUSSED: *Tuesday, July 12:*

2:00 p.m.:
Briefing on Severe Accident Research Plan (Public Meeting) (As Announced)

Wednesday, July 13:

10:00 a.m.:
Continuation of Evaluation of Implications of Salem Event (Public Meeting) (New Item)

2:00 p.m.:
Discussion of Regulatory Reform Task Force—Administrative Proposals—Revisions to Part 2 (Public Meeting) (As Announced)

Thursday, July 14:

10:00 a.m.:
Briefing on Integrated Scheduling Concept—Duane-Arnold (Public Meeting) (As Announced)

2:00 p.m.:
Classified Security Meeting (Closed—Exemption 1) (New Item)

2:20 p.m.:
Discussion of Management-Organization and Internal Personnel Matters (Closed—Exemption 2 and 6) (Time Change)

4:00 p.m.
Affirmation/Discussion and Vote (Public Meeting) (New Item):
a. Revision to 10 CFR Part 71
b. Disposition of Suffolk County Motion
c. TMIA Request for Hearing

Friday, July 15:

2:00 p.m.:
Discussion of Midland Adjudication (Closed—Exemption 10) (As Announced)

AUTOMATIC TELEPHONE ANSWERING SERVICE FOR SCHEDULE UPDATE: (202) 634–1498. Those planning to attend a meeting should reverify the status on the day of the meeting.

CONTACT PERSON FOR MORE INFORMATION: Walter Magee (202) 634–1410.

July 7, 1983.

Walter Magee,

Office of the Secretary.

[S-1007-83 Filed 7-8-83; 3:56 pm]

BILLING CODE 7590-01-M

federal register

Tuesday
July 12, 1983

Part II

Department of Health and Human Services

Public Health Service

Standards for the Accreditation of Educational Programs for and the Credentialing of Radiologic Personnel

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Public Health Service

42 CFR Part 75

Standards for the Accreditation of Educational Programs for and the Credentialing of Radiologic Personnel

AGENCY: Public Health Service, HHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: These proposed regulations would establish standards for the accreditation of educational programs for radiologic personnel, and for the credentialing of such persons. These standards are proposed as part of the implementation of the Consumer-Patient Radiation Health and Safety Act of 1981 (Title IX of Pub. L. 97-35), which requires their promulgation by regulation. The standards are voluntary for States and are intended to encourage the adoption of uniform accreditation and credentialing procedures.

DATE: Comments must be received on or before November 9, 1983.

ADDRESS: Written comments may be addressed to the Director, Bureau of Health Professions, Health Resources and Services Administration, 5600 Fishers Lane, Room 8-05, Rockville, Maryland 20857. All comments received will be available for public inspection and copying (at a minimal charge) at the above address (Federal holidays excepted) between the hours of 9:30 a.m. and 3:30 p.m. (Eastern Time).

FOR FURTHER INFORMATION CONTACT: Dr. William S. Brooks, Health Personnel Standards Branch, Division of Associated and Dental Health Professions, Bureau of Health Professions, Health Resources and Services Administration, 5600 Fishers Lane, Room 8-95, Rockville, Maryland 20857 (Telephone (301) 443-6757).

SUPPLEMENTARY INFORMATION: The Consumer-Patient Radiation Health and Safety Act of 1981 (the Act) is Subtitle I or Title IX of the Omnibus Budget Reconciliation Act of 1981, Pub. L. 97-35. In accordance with Section 979 of the Act, the Secretary of Health and Human Services proposes to add a new Part 75 to Title 42 of the *Code of Federal Regulations*, entitled "Standards for the Accreditation of Educational Programs for and the Credentialing of Radiologic Personnel."

Section 979 of the Act requires the Secretary, after consultation with appropriate Federal agencies, agencies of States, and professional organizations, to promulgate regulations setting forth minimum standards for the accreditation of educational programs to train individuals to perform radiologic procedures, and minimum standards for the "certification"[1] of persons who administer such procedures. These standards are required to distinguish between the occupations of: (1) Radiographer,[2] (2) dental auxiliary (including dental hygienist and dental assistant), (3) radiation therapy technologist, and (4) nuclear medicine technologist. The Secretary is also authorized to promulgate standards for other occupational groups utilizing ionizing and non-ionizing radiation as the Secretary finds appropriate. However, the regulations promulgated herein are limited to the occupational groups listed above, utilizing ionizing radiation. At this time the biological effects of non-ionizing radiation have not been conclusively established as a threat to patient health and safety.

These regulations would establish minimum standards for accreditation of educational programs for selected radiologic personnel and standards for credentialing selected radiologic personnel, as required by the Act. The standards would apply to non-Federal personnel to the extent to which States adopt them. Licensed practitioners (doctors of medicine, osteopathy, dentistry, podiatry, and chiropractic) are specifically excluded from coverage by the Act.

Compliance by the States with the standards is voluntary. However, the Secretary is required by section 981(d) of the Act to monitor the States' compliance and to report to the Congress on January 1 of each year the status of that compliance.

The standards are intended to encourage States to adopt effective and uniform accreditation standards for recognition of educational programs that train these personnel, and effective and uniform credentialing standards for personnel. While the standards are to be developed by the Department, the Act preserves the traditional prerogatives of States in the approval of educational programs and in regulation of personnel. States remain free to utilize approval processes already established by existing voluntary accrediting agencies and examining boards, or to establish their own processes, and in doing so are considered to comply with the intent of the Act if these processes are consistent with the Federal minimun standards promulgated herein. While providing a basis for uniform action by States, the Act does not impose penalties for State noncompliance.

The Act requires that each department, agency, and instrumentality of the Executive Branch of the Federal Government must comply with the standard promulgated, except that the Veterans Administration (VA) is required to issue its own regulations which, to the maximum extent feasible, make the standards set forth in this regulation applicable to VA facilities. The Administrator of the VA must report to the appropriate committees of Congress on compliance with the requirement not more than 180 days after final promulgation of these regulations. (See section 983 of the Act.) Neither the Act nor these standards impose upon Federal agencies any specific policies or procedures to follow in the implementation of standards in the Federal work force.

The Act requires that the standards be developed in consultation with appropriate Federal agencies, including the VA and the Environmental Protection Agency. To carry out this requirement, a working group was formed to give official representatives of Federal agencies which employ these personnel the opportunity to provide information and comment during the development of standards.

Agencies of States, including licensing agencies, boards that regulate health occupations, health departments, and radiation control agencies, were contacted and invited to contribute information and advice, as were appropriate professional organizations, voluntary accrediting and certifying agencies in the affected occupations, and employers thereof.

Draft standards were then circulated to all organizations and agencies that had previously been contacted or who had contacted the Department with an expressed interest, and written comments were solicited. From June 8 through 11, 1982, a workshop on each occupation was held in Arlington, Virginia, to which all interested organizations and individuals were invited to make presentations and/or submit written comments.

During this process, approximately 350 State agencies, professional and other organizations, Federal agency representatives, and individuals have provided written information and comments on existing voluntary and

[1] Although the Act uses the term "certification," the term "credentialing" is used in these standards, because certification generally refers to voluntary regulation of personnel or protection of an occupational title, rather than to State regulation of practice as is the intent of these standards.

[2] The statute uses the language "medical radiologic technologists (including radiographers)." For purposes of this regulation, "radiographer" is used as the more generally accepted designation of this occupation.

State standards and on the provisions of the proposed standards.

After subsequent discussions, the Department chose to promulgate accreditation standards that follow the requirements of the voluntary accrediting agencies for educational programs in these professions, e.g., the Committee on Allied Health Education and Accreditation of the American Medical Association and the Commission on Dental Accreditation of the American Dental Association. However, some of these voluntary standards and all explanatory material issued by these agencies have been eliminated in this NPRM to allow maximum discretion to States.

The Department further chose to promulgate two separate sets of standards for credentialing, each of which identifies five basic elements and provides for maximum flexibility to States. One standard is provided for radiographers, nuclear medicine technologists, and radiation therapy technologists. One standard is provided for dental hygienists and dental assistants, which apply only to their performance of dental radiographic procedures. Each standard addresses the issuance of licenses, eligibility, the use of criterion-referenced examinations, continuing competency, and policies and procedures. There are several private-sector certifying organizations and a number of State licensure statutes, which vary considerably. Therefore, these standards incorporate only general criteria considered necessary to meet the minimum statutory requirement and reflect the least stringent application of the various relevant private and State standards. Accordingly, the Department requests comments on whether or how these credentialing standards should be revised to more specifically identify eligibility requirements and examination content.

As the scope of practice for other occupations which may apply radiation to patients is sufficiently defined, and the necessary competencies to administer radiation are identified, standards for accreditation of educational programs and credentialing of these personnel for the performance of radiologic procedures may be promulgated by the Department.

Another problem faced by States that begin to regulate a profession is posed by individuals already in the work force who are proficient, but who may not qualify for a credential under the newly adopted State standards because of the lack of formal education or another technical consideration. In such circumstances, States customarily provide a one-time opportunity, within a specified period of time, for those individuals to qualify for a credential. Special provisions made for these individuals may include acceptance of experience, on-the-job training, and/or performance on a special examination. Such "grandfathering" provisions are properly found in State statutes for regulation of the profession, but are not appropriate for inclusion in standards that will be applied once the grandfathering period has expired. Accordingly, grandfathering provisions are not included in the credentialing standard proposed in this NPRM. However, the Department expects that recommendations on grandfathering will be contained in the model statute that is being developed in response to other requirements of the Consumer-Patient Radiation Health and Safety Act.

Certain of the standards for the accreditation of educational programs proposed in this NPRM state generic responsibilities for planning, managing, and evaluating the educational program offered. Such standards do not relate to training in radiologic procedures, *per se*, but may promote the overall quality of the educational experience. Such generic standards have been included in the NPRM, because they have been accepted by voluntary (nongovernmental) agencies with considerable experience in accrediting educational programs in the fields under consideration. Because the language of these standards parallels existing private sector accreditation standards in these fields, these particular provisions should not pose an additional and unnecessary burden on educational programs.

Comments on all aspects of the standards are invited, but most especially on the extent to which these provisions or possible alternatives will, of these occupations, promote the type of competency in radiologic procedure safety and patient protection intended by this Act, and on whether all provisions are necessary for this purpose. The Senate committee report that dealt with this Act (Report No. 96–936) stated:

> The Committee * * * recognizes the diversity in the scope of practice of these professional disciplines and intends that the Secretary, in consultation with the appropriate professional organization, shall develop separate minimum standards.

In developing separate accreditation standards for radiographers, radiation therapy technologists, nuclear medicine technologists, dental hygientists, and dental assistants, the Department decided to follow existing standards already promulgated by recognized, private-sector accrediting bodies. The Department made this decision becaue (1) of congressional intent that the standards be developed in consultation with appropriate professional organizations, (2) the standards already promulgated are appropriate to promote the type of competency in radiologic procedure safety and patient protection intended by the Act, and (3) the development of standards that differed from the already promulgated standards would cause unnecessary confusion. In developing standards based on those already promulgated by recognized, private-sector accrediting bodies, certain inconsistencies appear in the format and content of the separate standards for radiographers, radiation therapy technologists, nuclear medicine technologists, dental hygienists, and dental assistance. The Department believes that these inconsistencies do not materially affect the separate standards or impose more burdensome requirements on one professions. For example, the standards for the accreditation of educational programs for radiographers (Appendix A) include a description of the profession, while the standards for the other professions do not. The Department believes that the inclusion of a description of the profession in the standards for radiographers does not impose a burden on radiographers. The description of the profession, however, serves to clarify that the standards apply only to persons performing the duties described and not all persons who administer radiation. As defined in proposed § 75.2, which states:

> Radiographers are distingushed from personnel whose use of diagnostic procedure is limited to a few specific body sites and/or standard procedures, from those personnel in other clinical specialties who may occasionally be called upon to assist in diagnostic radiology, and from those technicians or assistances whose activities do not, to any significant degree, determine the site or dosage of radiation to which a patient is exposed.

The Department encourages comments on its decision to follow the existing standards already promulgated by recognized, private-sector accrediting bodies and on whether the regulations should be revised to reduce inconsistencies, either by deleting or adding standards which are currently not applied to all professions. The Department also encourages comments on the potential costs and effectiveness of implementing these proposed standards.

Finally, nothing is these accreditation standards is intended to discriminate

against proprietary schools. The quality of education is to be the first consideration in the accreditation process, and the accrediting bodies involved do accredit proprietary schools.

E.O. 12291, Federal Regulation

The Department has determined that this is not a major rule for the purpose of Executive Order 12291, Federal Regulation, because it will not result in:

(1) An annual effect on the economy of $100 million or more;

(2) A major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions, or

(3) Significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

While the costs of implementation of these regulations in Federal agencies cannot be calculated in the absence of specific implementation plans, no major costs are anticipated.

Promulgation of these standards will affect private sector health costs only to the extent that States elect to regulate these personnel when otherwise they would not do so. This effect is probably minimal since State regulation of these personnel has been increasing without a Federal model regulation. Further, there is no evidence available to show that health costs are higher in States which do regulate these occupations than in States which do not.

Regulatory Flexibility Act

For the reasons given above, I certify that these regulations will not have a significant impact on a substantial number of small entities, including small businesses, small organizational units, and small governmental jurisdictions.

List of Subjects in 42 CFR Part 75

Credentialing of radiologic personnel, Federal radiologic personnel, Health personnel standards, Medical radiation, Radiation protection, Radiologic personnel standards, Standards for radiologic personnel.

It is therefore proposed to add a new Part 75 of Title 42 to the Code of Federal Regulations as set forth below.

Dated: April 5, 1983.

Edward N. Brandt, Jr.,

Assistant Secretary for Health.

Approved: April 26, 1983.

Margaret M. Heckler,

Secretary.

Part 75 would be added to read as follows:

PART 75—STANDARDS FOR THE ACCREDITATION OF EDUCATIONAL PROGRAMS FOR AND THE CREDENTIALING OF RADIOLOGIC PERSONNEL

Authority: Section 979 of the Consumer-Patient Radiation Health and Safety Act of 1981, Pub. L. 97-35, 95 Stat. 599-600 (42 U.S.C. 10004).

§ 75.1 Background and purpose.

(a) The purpose of these regulations is to implement the provisions of section 979 of the Consumer-Patient Radiation Health and Safety Act of 1981, which requires the establishment by the Secretary of Health and Human Services of standards for the accreditation of programs for the education of certain persons who administer radiologic procedures and for the credentialing of such persons.

(b) Section 979 requires the Secretary, after consultation with specified Federal agencies, appropriate agencies of States, and appropriate professional organizations, to promulgate by regulation the minimum standards described above. These standards distinguish between the occupations of (1) radiographer, (2) dental hygienist, (3) dental assistant, (4) nuclear medicine technologist, and (5) radiation therapy technologist. In the interest of public safety and to prevent the hazards of improper use of medical radiation identified by Congress in its determination of the need for standards, the Secretary is also authorized to prepare standards for other occupational groups utilizing ionizing and non-ionizing radiation as he/she finds appropriate. However, the standards set out below are limited to the five occupational groups listed above, utilizing ionizing radiation. Nothing in these accreditation standards is intended to discriminate against proprietary schools.

§ 75.2 Definitions.

All terms not defined herein shall have the meaning given them in the Act. As used in this part:

"Accreditation," as applied to an educational program, means recognition, by a State government or by a nongovernmental agency or association, of a specialized program of study as meeting or exceeding certain established qualifications and educational standards. As applied to a health care or educational institution, "accreditation" means recognition, by a State government or by a nongovernmental agency or association, of the institution as meeting or exceeding certain established standards or criteria for that type of institution.

"Act" means the Consumer-Patient Radiation Health and Safety Act of 1981.

"Continuing competency" means the maintenance of contemporary entry-level skills by individuals in an occupation.

"Credentialing" means any process whereby a State government or nongovernmental agency or association grants recognition to an individual who meets certain predetermined qualifications.

"Dental hygienist" means a person licensed by the State as a dental hygienist.

"Dental assistant" means a person other than a dental hygienist who assists a dentist in the care of patients.

"Educational program" means a set of formally structured activities designed to provide students with the knowledge and skills necessary to enter an occupation, with evaluation of student performance according to predetermined objectives.

"Energized laboratory" means any facility which contains equipment that generates ionizing radiation. This does not include facilities for training students when the equipment is not powered to emit ionizing radiation, e.g., practice in setting controls and positioning of patients.

"Formal training" means training or education, including either didactic or clinical practicum, or both, which has a specified objective, planned activities for students, and suitable methods for measuring student attainment, and which is offered, sponsored, or approved by an organization or institution which is able to meet or enforce these criteria.

"Ionizing radiation" means any electromagnetic or particulate radiation (x-rays, gamma rays, alpha and beta

particles, and high speed electrons) which interacts to produce ion pairs in matter.

"Licensed practitioner" means a licensed doctor of medicine, osteopathy, dentistry, podiatry, or chiropractic.

"Licensure" means the process by which an agency of State government grants permission to persons meeting predetermined qualifications to engage in an occupation.

"Nuclear medicine technologist" means a person other than a licensed practitioner or licensed pharmacist who conducts *in vivo* or *in vitro* detection and measurement of radioactivity for medical purposes or administers radiopharmaceuticals to human beings.

"Permit" means an authorization issued by the State for specific tasks or practices rather than the entire scope of practice in an occupation.

"Radiation therapy technologist" means a person other than a licensed practitioner who utilizes ionizing radiation-generating equipment for therapeutic purposes on human subjects.

"Radiographer" means an individual other than a licensed practitioner who (a) performs, may be called upon to perform, or who is licensed to perform a comprehensive scope of diagnostic radiologic procedures employing equipment which emits ionizing radiation, and (b) is delegated or exercises responsibility for the operation of radiation generating equipment, the shielding of patient and staff from unnecessary radiation, the appropriate exposure of radiographs, or other procedures which contribute to any significant extent to the site or dosage of ionizing radiation to which a patient is exposed.

Note.—Radiographers are distinguished from personnel whose use of diagnositc procedures is limited to a few specific body sites and/or standard procedures, from those personnel in other clinical specialties who may occasionally be called upon to assist in diagnostic radiology, and from those technicians or assistants whose activities do not, to any significant degree, determine the site or dosage of radiation to which a patient is exposed.

"Radiologist" means a physician certified in radiology by the American Board of Radiology or the American Osteopathic Board of Radiology.

§75.3 Applicability.

(a) *Federal Government.* Except as provided in Section 983 of the Act, the credentialing standards set out in the Appendices to this Part apply to those individuals who administer or propose to administer radiologic procedures, in each department, agency and instrumentality of the Federal Government as follows:

(1) "Radiographer Standards" apply to all individuals who are radiographers as defined in § 75.2 and who are not practitioners excepted by the Act.

(2) "Nuclear Medicine Technologist Standards" apply to all individuals who are nuclear medicine technologists as defined in § 75.2 who perform *in vivo* nuclear medicine procedures and who are not practitioners excepted by the Act.

(3) "Radiation Therapy Technologist Standards" apply to all individuals who perform radiation therapy and who are not practitioners excepted by the Act.

(4) "Dental Hygienist Standards" apply to all dental hygienists who perform dental radiography.

(5) "Dental Assistant Standards" apply to all dental assistants who perform dental radiography.

(b) *States.* The States are encouraged, but not required, to adopt standards for accreditation and credentialing that are consistent with the standards set out in the Appendices to this Part.

Note.—Students in approved training programs shall not be subject to these standards.

Appendix A: Standards for Accreditation of Educational Progams for Radiographers

A. Description of the Profession

The radiographer shall perform effectively by:

1. Applying knowledge of the principles of radiation protection for the patient, self, and others.

2. Applying knowledge of anatomy, positioning, and radiographic techniques to accurately demonstrate anatomical structures on a radiograph.

3. Determining exposure factors to achieve optimum radiographic technique with a minimum of radiation exposure to the patient.

4. Examining radiographs for the purpose of evaluating technique, positioning, and other pertinent technical qualities.

5. Exercising discretion and judgment in the performance of medical imaging procedures.

6. Providing patient care essential to radiologic procedures.

7. Recognizing emergency patient conditions and initiating life saving first aid.

B. Sponsorship

1. Educational programs may be established in hospitals accredited by the Joint Commission on Accreditation of Hospitals (JCAH) or hospitals that are otherwise acceptable.

2. Educational programs may also be established in postsecondary academic institutions accredited by recognized agencies or those which meet equivalent standards.

C. Instructional Facilities

1. General.

(a) Adequate classrooms shall be provided.

(b) Offices for administrative and instructional staff shall be provided.

2. Clinical. Appropriate space, modern equipment, and supplies for supervised education shall be available in sufficient quantity.

3. Laboratory. Energized laboratories utilized for teaching purposes shall be certified as required for compliance with Federal and/or State radiation safety regulations. The use of laboratories shall be governed by established educational objectives.

4. Reference Materials. Adequate up-to-date scientific books, periodicals, and other reference materials related to the curriculum and profession shall be readily accessible to students.

Clinical Education

1. The clinical phase of the educational program shall provide an environment for supervised competency-based clinical education and experience and offer a sufficient and well-balanced variety of radiographic examinations and equipment.

2. An acceptable ratio of students to registered technologists shall be maintained in the clinical teaching environment.

3. A clinical instructor(s), who shall be responsible for supervising students according to objectives, shall be identified for each primary clinical education center.

4. The maximum student enrollment shall not exceed the capacity recommended on the basis of volume and variety of radiographic procedures, resources, and personnel available for teaching purposes.

5. In programs where didactic and clinical experience are not provided in the same institution, accreditation shall be given only to the institution responsible for admissions, curriculum, and academic credit. The accredited institution shall be responsible for coordinating the program and assuring that the activities assigned to the students in the clinical setting are educational. There shall be a uniform contract between the accredited institution and each of its affiliate hospitals, clearly defining the responsibilities and obligations of each.

E. Curriculum

1. The structure of the curriculum shall be based on not less than two calendar years of full-time study or its equivalent.

2. Instruction shall follow a planned outline that includes:

(a) The assignment of appropriate instructional materials;

(b) Classroom presentations, discussions and demonstrations; and

(c) Examinations in the didactic and clinical aspects of the program.

3. All professional courses, including clinical education, must include specific curriculum content that shall include, but shall not be limited to:

(a) Introduction to radiologic technology;

(b) Medical ethics;

(c) Imaging;

(d) Radiographic processing technique;

(e) Human structure and function;

(f) Medical terminology;

(g) Principles of radiographic exposure;

(h) Radiographic procedures;
(i) Principles of radiation protection;
(j) Radiographic film evaluation;
(k) Methods of patient care;
(l) Pathology;
(m) Radiologic physics; and
(n) Radiation biology.

Related subjects added to the professional curriculum shall meet the requirements of the degree-granting institution.

F. Finances

1. Financial resources for operation for the educational program shall be assured through regular budgets, gifts, grants, endowments, or fees.

G. Faculty

1. Program Director. A full-time program director or equivalent shall be designated who is credentialed in radiography. The director shall devote full time to the radiology department of the sponsoring institution with primary responsibility for the educational program in radiography. The program director's responsibilities in teaching, administration, and coordination of the educational program in radiography shall not be adversely affected by educationally unrelated functions.

(a) Minimum qualifications. A minimum of two years of post-certification professional experience and proficiency in instructing, curriculum design, program planning, and counseling.

(b) Responsibilities.

(1) The program director, in consultation with the medical director/advisor (G. 2.) shall be responsible for the organization, administration, periodic review, records, continued development, and general policy and effectiveness of the program.

(2) Opportunities for continuing education shall be provided for all faculty members.

2. Medical Director/Medical Advisor.

(a) Minimum qualifications. The medical director/medical advisor shall be a radiologist or shall possess suitable equivalent qualifications.

(b) Responsibilities. The medical director/medical advisor shall work in consultation with the program director in developing the goals and objectives of the program and implementing the standards for their achievement.

3. Instructors. All instructors shall be qualified through academic preparation and experience to teach the assigned subjects.

H. Students

1. Admission.

(a) Candidates for admission shall satisfy the following minimum requirements:

Completion of four years of high school; successful completion of a standard equivalency test; or certification of equivalent education by an organization recognized by the United States Department of Education. Courses in physics, chemistry, biology, algebra, and geometry are strongly recommended.

(b) The number of students enrolled in each class shall be commensurate with the most effective learning and teaching practices and should also be consistent with acceptable student-teacher ratios.

I. Records

Records shall be maintained for all didactic and related courses attempted and/or completed by all students.

1. Students.

(a) Radiation monitoring records shall be maintained, as required by State and/or Federal radiation safety regulations.

(b) Transcripts of didactic, laboratory, and clinical achievement shall be retained.

(c) Records of clinical rotation shall be maintained.

(d) The clinical record shall include documented evidence of student competency.

2. Curriculum. A master copy of the complete curriculum, course outlines, and course descriptions shall be maintained.

3. Published Program Description. A current description of the curriculum shall be available.

Note.—Educational programs accredited by an organization recommended by the United States Department of Education are considered to have met these standards.

Appendix B: Standards for Accreditation of Dental Radiography Training for Dental Hygienists

A. Sponsorship

1. Sponsorship must be by an entity that assumes primary responsibility for the planning and conduct of competency-based didactic and clinical training in dental radiography.

(a) This responsibility must include: defining the curriculum in terms of program goals, instructional objectives, learning experiences designed to achieve goals and objectives, and evaluation procedures to assess attainment of goals and objectives; coordinating classroom teaching and supervised clinical experiences; appointing faculty; receiving and processing applications for admission; and granting documents of successful completion of the program.

(b) The formal training in dental radiography may be a part of a total program of dental hygiene education accredited by an organization recognized by the United States Department of Education.

(c) The sponsoring entity and the dental radiography training must be approved by the State entity responsible for approving dental hygiene education programs or the State entity responsible for credentialing dental personnel in radiography.

B. Curriculum

1. Dental radiography training for Dental Hygienists must provide sufficient content and instructional time to assure competent performance.

(a) The dental radiography curriculum content and learning experiences must include the theoretical aspects of the subject as well as practical application of techniques. The theoretical aspects should provide content necessary for Dental Hygienists to understand the critical nature of the radiological procedures they perform and of the judgments they make as related to patient and operator radiation safety.

(b) The dental radiography curriculum must include content in seven areas: Radiation physics; radiation biology; radiation health, safety, and protection; x-ray films and radiographic film quality; radiographic techniques; darkroom and processing techniques; and film mounting.

—Radiation Physics. Curriculum content should include: Historical background; role of radiology in modern dentistry; types of radiation; x-ray production principles; operation of x-ray equipment; properties of x-radiation; and x-radiation units, detection and monitoring devices.

—Radiation Biology. Curriculum content should include: Interaction of ionizing radiation with cells, tissues, and matter; factors influencing biological response of cells and tissues to ionizing radiation; somatic and genetic effects of radiation exposure; and cumulative effects of x-radiation and latent period.

—Radiation Health, Safety, and Protection. Curriculum content should include: Sources and types of radiation exposure; public health implications and public concerns; principles of radiological health including collimation and filtration; radiation protection methods in the dental office; necessity for high diagnostic yield with a reduction of x-radiation exposure; and monitoring devices.

—X-ray Films and Radiographic Film Quality. Curriculum content should include: X-radiation production and scatter; x-ray bean quality and quantity; factors influencing radiographic density, contrast, definition, and distortion; film characteristics; dosage related to film speed; types of films, cassettes, and screens; and film identification systems.

—Radiographic Techniques. Curriculum content should include: Imagery geometry; patient positioning; film/film holder positioning; cone postioning and exposure settings for the intraoral paralleling technique, bisecting the angle technique, and techniques for occlusal radiographs; extraoral panoramic techniques; and patient variations that affect the above techniques.

—Darkroom and Processing Techniques. Curriculum content should include: Solution chemistry and quality maintenance; darkroom equipment and safe lighting; film processing techniques; automatic film processing; and processing errors.

—Film Mounting. Curriculum content should include: Anatomical landmarks essential to mounting films; film mounting procedures; and diagnostic quality of radiographs.

(c) The curriculum must also include clinical practice assignment.

—Clinical practice assignments must be an integral part of the curriculum so that Dental Hygienists have the opportunity to develop competence in making radiographs. Direct supervision must be provided throughout the clinical experience.

—Dental Hygienists must demonstrate knowledge of radiation safety measures before making radiographs and, where possible, should demonstrate competence on manikins before making radiographs on patients. Radiographs must be exposed for

diagnostic purposes and not solely to demonstrate techniques or obtain experience.

—The clinical experience should provide opportunity to make a variety of radiographs and radiographic surveys including, as subjects, children and edentulous patients.

C. Student Evaluation

Evaluation procedures must be developed to assess performance and achievement of dental radiography program objectives.

D. Faculty

1. The dental radiography training must be conducted by faculty who are qualified in the curriculum subject matter.

(a) This include a D.D.S/D.M.D. degree; graduation from an accredited dental assisting or dental hygiene education program with a certificate or an associate or baccalaurate degree; status as a Certified Dental Assistant certified by the Dental Assisting National Board; or recognition as equivalently qualified by the State entity which approved the training program in dental radiography.

(b) The faculty-to-student ratio must be adequate to achieve the stated objectives of the curriculum.

E. Facilities

Adequate radiographic facilities must be available to permit achievement of the dental radiography training objectives. The design, location, and construction of radiographic facilities must provide optimum protection from x-radiation for patients and operators. Equipment shall meet State and Federal laws related to radiation. Monitoring devices shall be worn by dental personnel. Lead aprons must be placed to protect patients. Safe storage for films must be provided. Darkroom facilities and equipment must be available and of a quality that assures that films will not be damaged or lost.

F. Learning Resources

A wide range of printed materials, instructional aids, and equipment must be available to support instruction. Current specialized reference texts should be provided; and models, replicas, slides, and films which depict current techniques should be available for use in instruction. As appropriate self-instructional materials become available, they should be provided for the student's use.

Note.—Educational programs accredited by the Commission on Dental Accreditation of the American Dental Association are considered to have met these standares. Under existing licensure provisions in all States, becoming a Dental Hygienist requires graduation from a dental hygiene education program accredited by the Commission on Dental Accredition. In lieu of this requirement, Alabama accepts graduation from a State-approved preceptorship program.

Appendix C: Standards for Accreditation of Dental Radiography Training for Dentals Assistants

A. Sponsorship

1. Sponsorship must be by an entity that assumes primary responsibility for the planning and conduct of competency-based didactic and clinical training in dental radiography.

(a) This responsibility must include: Defining the curriculum in terms of program goals, instructional objectives, learning experiences designed to achieve goals and objectives, and evaluation procedures to assess attainment of goals and objectives; coordinating classroom teaching and supervised clinical experiences; appointing faculty; receiving and processing applications for admission; and granting documents of successful completion of the program.

(b) Dental radiography training may be freestanding (as a continuing education course offered by State dental/dental auxiliary societies, or by dental/dental auxiliary education programs); or be a part of an educational program in dental assisting. Such dental assisting education programs may be accredited by an organization recognized by the United States Department of Education; or located in a school accredited by an instutitional accrediting agency recognized by the United States Department of Education or approved by the State agency responsible for postsecondary education, or approval by a Federal agency conducting dental assistants education under that Agency.

(c) The sponsoring entity and the dental radiography training must be approved by the State entity (or Federal agency where appropriate) responsible for approving dental assisting education programs, or the State entity (or Federal agency where appropriate) responsible for credentialing dental personnel in radiography.

B. Curriculum

1. Dental radiography training for dental assistants must provide sufficient content and instructional time to assure competent performance.

(a) The dental radiography curriculum content and learning experiences must include the theoretical aspects of the subject as well as practical application of techniques. The theoretical aspects should provide content necessary for dental assistants to understand the critical nature of the radiological procedures they perform and of the judgments they make as related to patient and operator radiation safety.

(b) The dental radiography curriculum must include content in seven areas: Radiation physics; radiation biology; radiation health, safety, and protection; x-ray films and radiographic film quality; radiographic techniques; darkroom and processing techniques; and film mounting.

—Radiation Physics. Curriculum content should include: Historical background; role of radiology in modern dentistry; types of radiation; x-ray production principles; operation of x-ray equipment; properties of x-radiation; and x-radiation units, detection and monitoring devices.

—Radiation Biology. Curriculum content should include: Interaction of ionizing radiation with cells, tissues, and matter; factors influencing biological response of cells and tissues to ionizing radiation; somatic and genetic effects of radiation exposure; and cumulative effects of x-radiation and latent period.

—Radiation Health, Safety, and Protection. Curriculum content should include: Sources and types of radiation exposure; public health implications and public concerns; principles of radiological health including collimation and filtration; radiation protection methods in the dental office; necessity for high diagnostic yield with a reduction of x-radiation exposure; and monitoring devices.

—X-ray Films and Radiographic Film Quality. Curriculum content should include: X-radiation production and scatter; x-ray beam quality and quantity; factors influencing radiographic dentistry, contrast, definition, and distortion; film characteristics; dosage related to film speed; types of films, cassets, and screens; and film identification systems.

—Radiographic Techniques. Curriculum content should include: Imagery geometry; the patient positioning; film/film holder positioning; cone positioning and exposure settings for the intraoral paralleling technique, bisecting the angle technique, and techniques for occlusal radiographs; extraoral panoramic techniques; and patient variations that affect the above techniques.

—Darkroom and Processing Techniques. Curriculum content should include: Solution chemistry and quality maintenance; darkroom equipment and safe lighting; film processing techniques; automatic film processing; and processing errors.

—Film Mounting. Curriculum content should include: Anatomical landmarks essential to mounting film; film mounting procedures; and diagnostic quality of radiographs.

(c) The curriculum must also include clinical practice assignments.

—Clinical practice assignments must be an integral part of the curriculum so that Dental Assistants have the opportunity to develop competence in making radiographs. The clinical experience may be conducted in the dental office in which the Dental Assistant is employed or is serving an externship. Direct supervision must be provided throughout the clinical experience.

—Dental Assistants must demostrate knowledge of radiation safety measures before making radiographs, and where possible should demonstrate competence on manikins before making radiographs on patients. Radiographs must be exposed for diagnostic purposes and not solely to demonstrate techniques or obtain experience.

—The clinical experience should provide opportunity to make a variety of radiographs and radiographic surveys, including as subjects children and edentulous patients.

C. Student Evaluation

Evaluation procedures must be developed to assess performance and achievement of dental radiography program objectives.

D. Faculty

1. The dental radiography training must be conducted by faculty who are qualified in the curriculum subject matter.

(a) This may include a D.D.S./D.M.D. degree; graduation from an accredited dental assisting or dental hygiene education program with a certificate or an associate or baccalaureate degree; status as a Certified Dental Assistant certified by the Dental Assisting National Board; or recognition as equivalently qualified by the State entity (or Federal agency where appropriate) which approves the educational program in dental radiography.

(b) The faculty-to-student ratio must be adequate to achieve the stated objectives of the curriculum.

E. Facilities

Adequate radiographic facilities must be available to permit achievement of the dental radiography training objectives. The design, location, and construction of radiographic facilities must provide optimum protection from x-radiation for patients and operators. Equipment shall meet State and Federal laws related to radiation. Monitoring devices shall be worn by dental personnel. Lead aprons must be placed to protect patients. Safe storage for films must be provided. Darkroom facilities and equipment must be available and of a quality that assures that films will not be damaged or lost.

F. Learning Resources

A wide range of printed materials, instructional aids, and equipment must be available to support instruction. Current specialized reference texts should be provided; and models, replicas, slides, and films which depict current techniques should be available for use in instruction. As appropriate self-instructional materials become available, they should be provided for the student's use.

Note: Educational programs accredited by an organization recognized by the United States Department of Education are considered to have met these standards.

Appendix D: Standards for Accreditation of Educational Programs for Nuclear Medicine Technologists

A. Sponsorship

1. Accreditation will be granted to the institution that assumes primary responsibility for curriculum planning and selection of course content; coordinates classroom teaching and supervised clinical education; appoints faculty to the program; receives and processes applications for admission; and grants the degree of certificate documenting completion of the program.

2. Educational programs may be established in:

(a) Community and junior colleges, senior colleges, and universities;

(b) hospitals and clinics;

(c) Laboratories;

(d) Medical schools;

(e) Postsecondary vocational/technical schools and institutions; and

(f) Other acceptable institutions which meet comparable standards.

3. The sponsoring institution and affiliate(s) must be accredited at a recognized agency. When the sponsoring institution and affiliate(s) are not so recognized, they may be considered as meeting the requirements of accreditation if the institution meets or exceeds established equivalent standards.

4. Responsibilities of the sponsor and each affiliate for program administration, instruction, supervision, etc., must be carefully described in written affiliation agreements.

B. Curriculum

Instruction must follow a plan which documents:

1. A structured curriculum including clinical education with clearly written syllabi which describe learning objectives and competencies to be achieved. The curriculum shall be based on not less than one calendar year of full-time study or its equivalent.

2. The minimum professional curriculum that includes the following:

(a) Methods of patient care;

(b) Radiation safety and protection;

(c) Nuclear medicine physics;

(d) Radiation physics;

(e) Nuclear instrumentation;

(f) Statistics;

(g) Radionuclide chemistry;

(h) Radiopharmacology;

(i) Departmental organization and function;

(j) Radiation biology;

(k) Nuclear medicine *in vivo* and *in vitro* procedures;

(l) Radionuclide therapy;

(m) Computer applications; and

(n) Clinical practicum.

3. Assignment of appropriate instructional materials.

4. Classroom presentations, discussions, and demonstrations.

5. Supervised practice, experience, and discussions. This shall include the following:

(a) Patient care and patient recordkeeping;

(b) Participation in the quality assurance program;

(c) The preparation, calculation, identification, administration, and disposal of radiopharmaceuticals;

(d) Radiation safety techniques that will minimize radiation exposure to the patient, public, fellow workers, and self;

(e) The performance of an adequate number and variety of imaging and non-imaging procedures; and

(f) Clinical correlation of nuclear medicine procedures.

6. Evaluation of student's knowledge, problem-solving skills, and motor and clinical competencies.

7. The competencies necessary for graduation.

C. Resources

1. The program must have qualified program officials. Primary responsibilities shall include program development, organization, administration, evaluation, and revision. The following program officials must be identified.

(a) Program Director

(1) Responsibilities

The program director of the educational program shall have overall responsibility for the organization, administration, periodic review, continued development, and general effectiveness of the program. The director shall provide supervision and coordination to the instructional staff in the academic and clinical phases of the program. Regular visits to the affiliates by the program director must be scheduled.

(2) Qualifications

The program director must be a physician or nuclear medicine technologist. The program director must demonstrate proficiency in instruction, curriculum design, program planning, and counseling.

(b) Medical Director

(1) Responsibilities

The medical director of the program shall provide competent medical direction and shall participate in the clinical instruction. In multiaffiliate programs each clinical affiliate must have a medical director.

(2) Qualifications

The medical director must be a physician qualified in the use of radionuclides and a diplomate of the American Board(s) of Nuclear Medicine, or Pathology, or Radiology, or possess suitable equivalent qualifications.

(c) Clinical Supervisor

Each clinical affiliate must appoint a clinical supervisor.

(1) Responsibilities

The clinical supervisor shall be responsible for the clinical education and evaluation of students assigned to that clinical affiliate.

(2) Qualifications

The clinical supervisor must be a technologist credentialed in nuclear medicine technology.

2. Instructional Staff

(1) Responsibilities

The instructional staff shall be responsible for instruction in the didactic and/or clinical phases of the program. They shall submit course outlines and lesson plans for each course assigned by the program director; evaluate students and report progress as required by the sponsoring institution; and cooperate with the program director in the periodic review and upgrading of course material.

(b) Qualifications

The instructors must be qualified, knowledgeable, and effective in teaching the subjects assigned.

(c) Instructor-to-student ratio

The instructor-to-student ratio shall be adequate to achieve the stated objectives of the curriculum.

(d) Professional development

Accredited programs shall assure continuing education in the health profession or occupation and ongoing instruction for the faculty in curriculum design and teaching techniques.

3. Financial resources for continued operation of the educational program must be assured.

4. Physical Resources

(a) General

Adequate classrooms, laboratories, administrative offices, and other facilities shall be provided.

(b) Equipment and Supplies

Modern nuclear medicine equipment, accurately calibrated, in working order, and meeting applicable national and State standards, if any, must be available for the full range of diagnostic and therapeutic procedures as outlined in the curriculum.

(c) Reference Materials

Reference materials appropriate to the curriculum shall be readily accessible to students.

(d) Records

Student admission, health, participation, achievement, evaluation, and radiation exposure records shall be maintained.

5. Instructional Resources

Instructional aids such as clinical materials, reference materials, demonstration and other multimedia materials must be provided.

D. Students

1. Admission Requirements

Persons admitted into nuclear medicine technology programs shall have completed high school or its equivalent. They shall have completed postsecondary courses in the following areas:

(a) Human anatomy and physiology;
(b) Physics;
(c) Mathematics;
(d) Medical terminology;
(e) Oral and written communications;
(f) General chemistry; and
(g) Medical ethics.

Prerequisites may be completed during nuclear medicine training.

Educational institutions such as junior colleges, universities, and technical vocational institutes may provide these prerequisite courses as part of an integrated program in nuclear medicine technology (i.e., 2 to 4 years).

E. Operational Policies

Students may not take the responsibility nor the place of qualified staff. However, students may be permitted to perform procedures after demonstrating proficiency, with careful supervision.

F. Continuing Program Evaluation

1. Periodic and systematic review of the program's effectiveness must be documented.

2. One element of program evaluation shall be the initial employment of graduates of the program.

Note.—Educational programs accredited by an organization recognized by the United States Department of Education are considered to have met these standards.

Appendix E: Standards for Accreditation of Educational Programs for Radiation Therapy Technologists

A. Sponsorship

1. Educational programs may be established in:

(a) Community and junior colleges, senior colleges, and universities;

(b) Hospitals, clinics, or autonomous radiation oncology centers meeting the criteria for major cancer management centers or meeting demonstrably equivalent standards;

(c) Medical schools;

(d) Postsecondary vocational/technical schools and institutions.

2. The sponsorship institution and affiliates, if any, must be accredited by recognized agencies or meet equivalent standards. When more that one clinical education center is used, each must meet the standards of a major cancer management center.

3. When didactic preparation and supervised clinical education are not provided in the same institution, accreditation must be obtained by the sponsoring institution for the total program. This institution will be the one responsible for admission, curriculum, and academic credit. The accredited institution shall be responsible for coordinating the program and assuring that the activities asigned to the student in the clinical setting are educational. There shall be a uniform, written, affiliation agreement between the accredited institution and each clinical education center, clearly defining the responsibilities and obligations of each.

B. Curriculum

Educational programs of 24 months and 12 months or their equivalents may be developed. A 24-month program shall admit those candidates with a high school diploma (or equivalent) as outlined in D.1.(a). The 12-month program shall be designed for those students admitted with backgrounds as outlined in D.1.(b).

Instruction must follow a plan which documents:

1. A structured curriculum with clearly written course syllabi which describe competencies and learning objectives to be achieved. The curriculum shall include but not necessarily be limited to the following:

(a) Orientation to radiation therapy technology;
(b) Medical ethics and law;
(c) Methods of patient care;
(d) Medical terminology;
(e) Human structure and function;
1(f) Oncologic pathology;
(g) Radiation oncology;
(h) Radiobiology;
(i) Mathematics;
(j) Radiation physics;
(k) Radiation protection;
(l) Radiation oncology technique;
(m) Radiographic imaging; and
(n) Clinical dosimetry.

The curriculum must include a plan for well-structured competency-based clinical education.

2. Assignment of appropriate instructional materials.

3. Classroom presentations, discussions, and demonstrations.

4. Supervised clinical education, laboratory practicum, and seminars.

5. Evaluation of students to assess knowlege, problems solving skills and motor and clinical competencies.

6. Program graduates must demonstrate competencies including, but not limited to, the following:

(a) Practice oral and written communications.

(b) Maintain records of treatment administered.

(c) Perform basic mathematical functions.

(d) Demonstrate knowledge of human structure, function, and pathology.

(e) Demonstrate knowledge of radiation physics in radiation interactions and radiation protection techniques.

(f) Provide basic patient care and cardiopulmonary resuscitation.

(g) Deliver a planned course of radiation therapy.

(h) Verify physician's prescribed course of radiation therapy and recognize errors in computation.

(i) Demonstrate awareness of patterns of physical and emotional stress exhibited by patients.

(j) Produces and utilize immobilization and beam directional devices.

(k) Prepare commonly used brachytherapy sources.

(l) Demonstrate knowledge of methods of calibration of equipment, and quality assurance.

(m) Prepare isodose summations.

(n) Detect malfunctioning equipment.

(o) Apply rules and regulations for radiation safety, and detect defects which might pose a radiation hazard.

(p) Understand the function of equipment and accessories.

(q) Demonstrate knowledge of methods of continuing patient evaluation (follow up).

(r) Apply wedge and compensating filters.

(s) Recognize patients' clinical progress, complications, and demonstrate knowledge of when to withhold treatment until consultation with the physician.

(t) Interact with patients and families concering the physical and psychological needs of patients.

C. Resources

1. Program Officials

The program must have a qualified program official or officials. Primary responsibilities shall include program development, organization, administration, evaluation, and revision. A program director is necessary; other program officials may be required.

(a) Program Director

(1) Responsibilities

—The director of the educational program shall be responsible for the organization, administration, periodic review, continued development, and general effectiveness of the program. The program director's responsibilities in teaching, administration, and coordination of the educational program in radiation therapy technology shall not be adversely affected by educationally unrelated functions.

—In a college-sponsored program, or a hospital-sponsored mutltiple affiliate program, the program director shall be a full-time employee of the sponsoring institution. A schedule of regular affiliate visits must be maintained.

(2) Qualifications

—Must be a technologist qualified in radiation therapy technology and educational methodologies.

—Must be credentialed in radiation therapy technology.

—Must have at least two years' experience as an instructor in an accredited educational program.

(b) Clinical Supervisor

Each clinical education center shall appoint a clinical supervisor.

(1) Responsibilities

The clinical supervisor shall be responsible for the clinical education and evaluation of students assigned to that clinical education center.

(2) Qualifications

Must be a technologist, with suitable experience, qualified in radiation therapy technology and educational methodologies and must be credentialed in radiation therapy technology.

(c) Medical Director/Medical Advisor

(1) Responsibilities

The medical director/medical advisor shall work in consultation with the program director in developing the goals and objectives of the program and implementing the standards for achievement.

(2) Qualifications

The medical director/medical advisor shall be a qualified radiation oncologist certified by the American Board of Radiology, or shall possess suitable equivalent qualifications.

2. Instructional Staff

(a) Responsibilities

The instructional staff shall be responsible for submitting course outlines and lesson plans for each course assigned by the program director; evaluating students and reporting progress as required by the sponsoring institution; and cooperating with the program director in the periodic review and upgrading of course material.

(b) Qualifications

The instructors must be individually qualified, must be effective in teaching the subjects assigned, and must meet the standards required by the sponsoring institution.

(c) Instructor-to-Student Ratio

The instructor-to-student ratio shall be adequate to achieve the stated objectives of the curriculum.

(d) Professional Development

Programs shall have a policy that encourages continuing education in radiation therapy technology and assures ongoing instruction for the faculty in curriculum design and teaching strategies.

3. Financial Resources

Financial resources for continued operation of the educational program must be assured.

4. Physical Resources

(a) General

Adequate classrooms, laboratories, administrative offices, and other facilities shall be provided. All affiliated institutions shall provide space required for these facilities.

(b) Equipment and Supplies

Appropriate modern equipment and supplies in sufficient quantities shall be provided.

(c) Reference Materials

An adequate supply of up-to-date books, periodicals, and other reference materials related to the curriculum and the profession shall be readily available to students.

(d) Records

Satisfactory records shall be maintained for student admission, health, participation, achievement, and evaluation.

5. Instructional Resources

Instructional aids such as clinical materials, reference materials, and demonstration and other multimedia materials must be provided.

D. Students

1. Admission

(a) Applicants must be high school graduates (or equivalent) with an educational background in basic science and mathematics.

(b) For admission to a 12-month program, the candidate must satisfy one of the following requirements:

(1) Graduation from an accredited or equivalent program in radiography.

(2) Successful completion or challenge of courses in the following prerequisite content areas:

—Radiation physics;
—Human structure and function;
—Radiation protection;
—Medical ethics and law;
—Methods of patient care;
—Medical terminology; and
—Mathematics.

And

Demonstrate the following competencies:

—Practice oral and written communications;
—Perform basic mathematical functions;
—Demonstrate knowledge of human structure and function;
—Demonstrate knowledge of radiation physics in radiation interactions and radiation protection techniques;
—Provide basic patient care and cardiopulmonary resuscitation;
—Demonstrate awareness of patterns of physical and emotional stress exhibited by patients;
—Apply rules and regulations for radiation safety, detect defects which might pose a radiation hazard, and maintain control, if a radiation accident occurs; and
—Interact with patients and families concerning patients physical and psychological needs.

E. Continuing Program Evaluation

1. A process for periodic and systematic review of the program's effectiveness must be documented and reflected in policies.

2. Program evaluation shall include the employment performance of recent graduates.

Note.—Educational programs accredited by an organization recognized by the United States Department of Education are considered to have met these standards.

Appendix F: Standards for Licensing Radiographers, Nuclear Medicine Technologists, and Radiation Therapy Technologists

The following section describes basic elements to be incorporated in credentialing programs of States that choose to regulate personnel who perform radiologic procedures.

A. Licensure

1. Only eligible applicants who have passed the licensure examination shall be licensed as Radiographers, Nuclear Medicine Technologists, or Radiation Therapy Technologists.

2. Licenses shall be renewed at periodic intervals.

B. Eligibility

1. For regular eligibility to take the licensure examination, applicants shall have successfully completed an accredited program of formal education in radiography, nuclear medicine technology, or radiation therapy technology.

2. Special eligibility to take the licensure examination shall be provided for applicants whose training and/or experience are equal to, or in excess of, those of a graduate of an accredited educational program.

C. Examination

A criterion-referenced examination in radiography, nuclear medicine technology, or radiation therapy technology shall be utilized to test the knowledge and competencies of applicants.

D. Continuing Competency

The licensed Radiographer, Nuclear Medicine Technologist, or Radiation Therapy Technologist shall maintain continuing competency in the area in which he/she is practicing.

E. Policies and Procedures

An organization that seeks to be recognized for the certifying of personnel shall adopt definite policies to ensure validity, objectivity, and fairness in the certifying process. The National Commission for Health Certifying Agencies (NCHCA) has published suitable criteria for a certifying organization to adopt with respect to policies for: (1) Determination of appropriate examination content (but not the actual content for any specific occupation); (2) construction of examinations; (3) administration of examinations; and (4) fulfilling responsibilities to applicants. An organization (whether an NCHCA member or not) that adopts these or equivalent criteria will meet all of the requirements of this section of these standards.

Appendix G: Standards for Licensing Dental Hygienists and Dental Assistants in Dental Radiography

The following section describes basic elements to be incorporated in credentialing programs of States that choose to regulate personnel who perform radiologic procedures.

Currently, Dental Hygienists are credentialed through individual State licensure processes, all of which include assessment of competence in dental radiography. In all States, Dental Hygienists are required to be licensed prior to practicing. The existing State dental hygiene licensure processes meet the intent and purpose of the Consumer-Patient Radiation Health and Safety Act of 1981 and the standards for licensing Dental Hygienists in dental radiography set forth below.

A. Licensure/Permit

1. To those who have passed a licensure or designated dental radiography examination, a license or permit shall be issued by the State entity responsible for credentialing dental personnel.

2. Licenses or permits shall be renewed at periodic intervals.

B. Eligibility

1. An individual shall provide proof of graduating student status or graduation from an accredited or approved dental hygiene or dental assisting education program.

2. For dental assistants, special eligibility to take the examination shall be provided to applicants with appropriate combinations of training and/or experience.

C. Examination

The examination shall be a criterion-referenced test, designed to measure knowledge and functional capability essential for making diagnostically acceptable radiographic surveys with minimal risk to the patient and operator. The test shall be a written examination supplemented, as necessary, with a clinical examination.

D. Continuing Competency

The Dental Hygienist or Dental Assistant shall be required to maintain continuing competency in the area in which he/she is practicing.

E. Policies and Procedures

An organization that seeks to be recognized for the certifying of personnel shall adopt definite policies to ensure validity, objectivity, and fairness in the certifying process. The National Commission for Health Certifying Agencies (NCHCA) has published suitable criteria for a certifying organization to adopt with respect to policies for: (1) Determination of appropriate examination content (but not the actual content for any specific occupation); (2) construction of examinatins; (3) administration of examinations; and (4) fulfilling responsibilities to applicants. An organization (whether an NCHCA member or not) that adopts these or equivalent criteria will meet all of the requirements of this section of these standards.

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Tuesday
July 12, 1983

Part III

Department of the Interior

Bureau of Indian Affairs

Mining Regulations; Proposed Rule

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

25 CFR Parts 211, 212, and 225

Mining Regulations

June 15, 1983.

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Proposed rule.

SUMMARY: This document proposes new rules and regulations intended to implement the Indian Mineral Development Act of 1982. In addition, the document proposes to revise existing rules and regulations in 25 CFR Part 211 governing the leasing of tribal lands and 25 CFR Part 212 governing the leasing of allotted Indian lands. The intended effect is to ensure that Indian mineral owners receive at least fair market value for the disposition of their mineral resources, ensure that any adverse environmental and cultural impacts resulting from such development is minimized, and to permit Indian mineral owners to enter into contracts which allow for more responsibility in overseeing and greater flexibility in disposing of their mineral reasources.

DATE: Comments on this proposed rulemaking must be received by September 12, 1983.

ADDRESS: Comments should be submitted to Program Officer, Division of Energy and Mineral Resources, Bureau of Indian Affairs, 730 Simms Street, Room 239, Golden, Colorado 80401. Coments pertaining to the rule's information collections should be addressed to: Office of Information and Regulatory Affairs Office of Management and Budget, Attention: Desk Officer for Interior, Washington, D.C. 20503.

FOR FURTHER INFORMATION CONTACT: David Baldwin, (303) 234-6961, or Tommy Riggs, (202) 343-3722.

SUPPLEMENTARY INFORMATION: This proposed rule is published in exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs by 209 DM8. The principal authors of this proposed rulemaking are David Baldwin, Tommy Riggs, Don Jones, Richard Borneman of the Division of Energy and Mineral Resources, Bureau of Indian Affairs, and Edward Edwards, Assistant Area Director, Sacramento Area Office, Bureau of Indian Affairs, with the assistance of Chedville Martin, Office of the Solicitor, Division of Indian Affairs.

Section 3 of the Indian Mineral Development Act of 1982 (25 U.S.C. 2102 hereinafter "the Act") authorizes any Indian tribe to enter into joint ventures, leases and other types of negotiated agreements (referred to as "minerals agreement"), subject to the approval of the Secretary of the Interior and any limitation or provision contained in the tribe's constitution or charter. The Act also permits individual Indians owning beneficial or restricted interests in mineral resources to include their resources in an agreement with an Indian tribe, subject to the concurrence of the parties and a finding by the Secretary that such participation is in the best interest of the Indian owner. The 1982 Act does not supersede the Act of May 11, 1938 (52 Stat. 347, 25 U.S.C. 396a), which governs the leasing of tribal lands, or the Act of March 3, 1909, as amended (35 Stat. 783; 25 U.S.C. 396) which governs the leasing of allotted lands. Instead it supplements those acts by permitting Indian mineral owners to elect whether they wish to offer their mineral resources for lease by competitive bidding, or enter into direct negotiations for a minerals agreement, or by a combination of competitive bidding and negotiations.

It is proposed that the regulations be organized into two parts—Part 211 which governs the disposition of minerals other than oil and gas, and Part 225 which governs contracts for oil and gas. In turn, each part is subdivided into Subparts A, B and C. Subpart A would contain those rules and regulations specifically intended to implement the 1982 Act. Subpart B would set forth rules and regulations governing mining and oil and gas leases entered into pursuant to the 1938 and 1909 Acts. This subpart is basically a revision and reorganization of mineral leasing regulations which have been in effect since 1938. Subpart C of the two parts would contain general rules which cover such subjects as environmental assessments, assignments, bonding, inspections, penalties and appeals, and which apply regardless of the type of contract involved. This revision will consolidate the existing regulations and eliminate unnecessary and confusing rules.

The proposed rules would replace all existing rules governing the desposition of minerals and oil and gas currently found in 25 CFR Parts 211—Leasing of tribal lands for mining (formerly Part 171, redesignated March 30, 1982) and Part 212—Leasing of allotted lands for mining (formerly Part 172). The proposed rules would not affect leasing and mining and oil and gas development governed by Parts 213, 214, 215 and 216 (formerly Parts 174, 175, 176, and 177, respectively). Interested parties should be aware that any agreements involving surface mining operations must require that the operator meet the requirements of Subpart A of Part 216, Surface Exploration, Mining and Reclamation of this title.

Readers will note that the proposed regulations refer to the "Secretary" as the principal actor in every instance, *e.g.*, "Indian mineral owners may request the Secretary to prepare, advertise, negotiate, and/or award prospecting and mining leases * * *". It should be understood that the term "Secretary" means the Secretary of the Interior "or his authorized representative," and that the duties and responsibilities to perform the various actions and to render required decisions will be delegated to the proper Department officials in the Bureau of Indian Affairs, the Bureau of Land Management of the Minerals Management Service when the regulations become effective. However, Section 4(d) of the Act (25 U.S.C. 2103) prohibits the authority to disapprove a proposed minerals agreement from being delegated to any official of the Department other than the Assistant Secretary of the Interior for Indian Affairs.

Interested parties are invited to comment on any and all aspects of the proposed regulations. However, the Department particularly invites readers to state their views on certain new sections, such as the provisions relating to geological and geophysical permits (§ 225.47); provisions for unitization (§ 225.55) and termination and cancellation (§ 225.57). Comments may also be directed to the feasibility of combining these two regulations into one general regulation with specific subsections pertaining to mineral or oil and gas activity when necessary.

The comment period for this proposal is 60 days. However, a draft set of regulations was circulated to Indian tribes, national organizations, and tribal attorneys with a request for comments. Twenty-four responses were received and many of the suggestions received have been incorporated in this proposal.

Information Collection Requirements

The information collection requirements contained in §§ 211.5(d), 211.21(c)(3) and (c)(5), 211.22(e), 211.36(a), 211.39 (b) and (c), 211.42, 211.43, 211.44(a) and 211.45(b) in Part 211 and similar information requirements in §§ 225.23(d), 225.31(c)(3) and (c)(5), 225.32(d), 225.34, 225.45(a)(1) and (a)(4), 225.46 (c) and (d), 225.47 (b) and (c), 225.49(b), 225.52, 225.54(b) and 225.55(a) of Part 225 will be submitted to the Office of Management and Budget as

required by 44 U.S.C. 3501 *et seq.* The collection of this information will not be required until it has been approved by the Office of Management and Budget. Comments on this rule's information collection should be submitted to the Office of Management and Budget's Interior Desk Officer. (See address section).

E.O. 12291, Federal Regulation

The Bureau of Indian Affairs has determined that this is not a major rule for the purposes of E.O. 12291 Federal Regulation, because it will not result in:

(1) An annual effect on the economy of $100 million or more;

(2) a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or

(3) Significant adverse effects on competitive, employment, investment, productivity, innovation, or on the ability of the United States based enterprises to compete with foreign-based enterprises in domestic or export markets.

Regulatory Flexibility Act

The Deputy Assistant Secretary—Indian Affairs (Operations) has certified that these regulations will not have a significant economic impact on a substantial number of small entities, including small businesses, small organization units and small governmental jurisdictions.

It has been determined that the proposed rules do not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (42 U.S.C. 4332 (2)(C)).

List of Subjects

25 CFR Part 211

Indians—lands, Mineral resources, Mines, Exploration.

25 CFR Part 212

Indians—lands, Mineral resources, Mines, Oil and gas exploration.

25 CFR Part 225

Indians—lands, Oil and gas exploration.

For the reasons set out in the preamble, it is proposed that 25 CFR Part 211 be revised, 25 CFR Part 212 be removed and 25 CFR Part 225 be added to Chapter I of Title 25 of the Code of Federal Regulations to read as follows:

PART 211—CONTRACTS FOR PROSPECTING AND MINING ON INDIAN LANDS (EXCEPT OIL AND GAS)

Authority: Sec. 4, Act of May 11, 1938 (52 Stat. 848, 25 U.S.C. 396d), Act of March 3, 1909, as amended (35 Stat. 783, 25 U.S.C. 396); Sec. 1, Act of August 9, 1955, as amended (69 Stat. 539, 25 U.S.C. 415), Act of July 8, 1940 (54 Stat. 745, 25 U.S.C. 880); Secs. 16 and 17, Act of June 18, 1934 (48 Stat. 987, 25 U.S.C. 476 and 477); Act of August 11, 1978 (92 Stat. 469, 42 U.S.C. 1996); Act of December 22, 1982 (92 Stat. 1938; 25 U.S.C. 2101).

§ 211.1 Purpose and scope.

(a) The regulations in this part govern contracts for prospecting and mining of Indian-owned minerals, other than oil and gas and geothermal. Subpart A—*Minerals Agreements* establishes the procedures for the approval of minerals agreements entered into pursuant to the Indian Mineral Development Act of 1982 (96 Stat. 1938; 25 U.S.C. 2102). Subpart B—*Mining Leases* contains regulations governing procedures for the issuance of mining leases on tribal and allotted lands pursuant to the Act of May 11, 1938 (52 Stat. 347; 30 U.S.C. 396 a) and the Act of March 3, 1909, as amended (35 Stat. 783, 25 U.S.C. 396. Subpart C—*General* contains miscellaneous provisions which apply to the issuance of contracts for prospecting and mining under both Subparts A and B. These regulations are intended to ensure that Indian owners desiring to have their minerals (except oil and gas) developed receive, at least, fair market value for the disposition of their mineral resources; to ensure that any adverse environmental and cultural impact resulting from such development is minimized, and to permit Indian mineral owners to enter into contracts which allow them more responsibility in overseeing and greater flexibility in disposing of their mineral resources.

(b) The regulations in this part do not effect leasing and mining governed by the regulations in 25 CFR Parts 213, 214, 215, and 226.

(c) No regulations which become effective after the approval of any contract shall operate to affect the term of the contract, the rate of royalty, rental, or acreage unless agreed to by all parties to the contract.

(d) Whenever the masculine gender is used in these regulations, the text is to be construed to include the feminine gender where appropriate.

§ 211.2 Information collection. [Reserved]

Subpart A—Minerals Agreements

§ 211.3 Definitions.

As used in the regulations in this subpart, the following terms have the specified meaning except where otherwise indicated—

(a) "Act" means the Indian Mineral Development Act of 1982 (Pub. L. 97-382).

(b) "Minerals agreement" means any joint venture, operating, production sharing, service, managerial, lease (other than a lease entered into pursuant to the Act May 11, 1938 and the Act of March 3, 1909), or other agreement, or amendment, supplement, or other modification of such agreement, providing for the exploration for, or extraction, processing, or other development of minerals, or providing for the sale or disposition of the production or products of such mineral resources.

§ 211.4 Authority to contract.

(a) Any Indian tribe, subject to the approval of the Secretary and any limitation or provision contained in its constitution or charter, may enter into a minerals agreement or any amendment, supplement or other modification of such agreement providing for the exploration for, or extraction, processing, or other development of, uranium, coal, or other energy or

nonenergy mineral resources (hereinafter referred to as "mineral resources") in which such Indian tribe owns a benefical or restricted interest, or providing for the sale or other disposition of the production or products of such mineral resources.

(b) Any individual Indian owning a beneficial or restricted interest in mineral resources may include such resources in a tribal minerals agreement subject to the concurrence of the parties and a finding by the Secretary that such participation is in the best interest of the Indian.

§ 211.5 Negotiation procedures.

(a) A tribe or individual Indian owner that wishes to enter into a minerals agreement may ask the Secretary for advice, assistance, and information during the negotiation, and such advice, assistance and information shall be provided to the extent of available resources.

(b) No particular form of agreement is prescribed. In preparing the agreement consideration should be given to the inclusion of the following:

(1) A general statement identifying the parties to the agreement, a description of the lands involved, and the purposes of the agreement;

(2) A statement setting forth the duration of the agreement;

(3) Provisions setting forth the obligations of the contracting parties;

(4) Provisions describing the methods of disposition of production;

(5) Provisions outlining the amount and method of compensation to be paid the operator;

(6) Provisions establishing the accounting procedures to be followed by the operator;

(7) Provisions establishing the operating and management procedures to be followed;

(8) Provisions establishing the operator's rights of assignment; if any,

(9) Bond requirements;

(10) Insurance requirements;

(11) Provisions establishing audit procedures;

(12) Provisions setting forth arbitration procedures;

(13) A force majeure provision; and

(14) Provisions describing the rights of the parties to terminate or suspend the agreement and the procedures to be followed in the event of termination of the agreement.

(c) In order to avoid delays in obtaining approval of a proposed agreement the tribe should confer with the Secretary prior to formally executing the agreement and seek his advice as to whether the agreement appears to meet the requirements of § 211.5 or whether modifications, additions, or corrections will be required in order to obtain Secretarial approval.

(d) The executed agreement, together with a copy of a tribal resolution authorizing tribal officers to enter into an agreement, should be forwarded to the Secretary for his approval.

§ 211.6 Approval of agreements.

(a) A minerals agreement submitted for approval shall be approved or disapproved within (1) one hundred and eighty days after submission, or (2) sixty days after compliance, if required, with section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332 (2)(C)) or any other requirement of Federal law, whichever is later.

(b) In approving or disapproving a minerals agreement, a determination shall be made whether the agreement is in the best interest of the Indian tribe or of any individual Indian who may be party to such agreement and shall consider, among other things, the potential economic return to the tribe; the potential environmental, social, and cultural effects on the tribe; and provisions for resolving disputes that may arise between the parties to the agreement. The Secretary is not required to prepare any study regarding environmental, socioeconomic, or cultural effects of the implementation of a minerals agreement apart from that which may be required under section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)).

(c) At least thirty days prior to formal approval or disapproval of any mineral agreement, the affected tribe shall be provided with written findings forming the basis of the Secretary's intent to approve or disapprove such agreement by certified mail. The written findings shall include an environmental assessment which meets the requirements of § 211.38 and an economic assessment as described in § 211.37. The Secretary may include in the written findings recommendations for changes to the agreement to qualify it for approval. Notwithstanding any other law, such findings and all projections, studies, data or other information (other than the environmental assessment required by § 211.38) possessed by the Department of the Interior regarding the terms and conditions of the mineral agreement, the financial return to the Indian parties thereto, or the extent, nature, value, or disposition of the Indian mineral resources, or the production, products or proceeds thereof, shall be held by the Department of the Interior as privileged proprietary information of the affected Indian or Indian tribe. The letter containing the written findings should be headed with: PRIVILEGED PROPRIETARY INFORMATION OF THE [Name of tribe or Indian].

(d) A mineral agreement shall be approved by the Secretary if he determines in the written findings that the following conditions are met:

(1) The mineral agreement provides a fair and reasonable remuneration to the Indian mineral owner;

(2) The mineral agreement does not have adverse cultural, social, or environmental impact on the Indian lands and community affected sufficient to outweigh its benefits to the Indian mineral owner;

(3) The mineral agreement complies with the requirements of this part, all other applicable regulations, the provisions of applicable Federal law, and applicable tribal law where not inconsistent with Federal law.

(e) The determinations required by paragraphs (b) and (d) of this section shall be based on the written finding required by paragraph (c) of this section.

(f) "Fair and reasonable remuneration" within the meaning of paragraph (d)(1) of this section means a return on the Indian-owned mineral:

(1) not less than that received by non-Indian mineral owners in comparable contemporary contractual arrangements for the development of like minerals;

(2) not less than that received by the Federal Government in comparable contractual arrangements for the development of like minerals; and

(3) not less than the minimum rental royalty payments which would be applicable to like minerals were they federally-owned.

(g) If any representative of the Secretary to whom authority to review proposed mineral agreements has been delegated believes that an agreement should not be approved, he shall prepare a written statement of the reasons why the agreement should not be approved and forward this statement, together with the agreement and all other pertinent documents, to the Assistant Secretary—Indian affairs for his decision.

(h) The Assistant Secretary—Indian Affairs shall review any agreement referred to him containing a recommendation that it be disapproved, and make the final decision for the Department.

Subpart B—Mining Leases

§ 211.20 Scope.

The regulations in this subpart set forth the procedures to be followed

where a tribe or individual Indian mineral owner elects to enter into a mining lease through a competitive bidding procedure under the Act of May 11, 1938 (25 U.S.C. 396a) which governs the leasing of tribal lands, or the Act of March 3, 1906 (25 U.S.C. 396) which governs competitive leasing of allotted lands. A lease may be entered into through competitive bidding under the procedures in this subpart, or by negotiation under the procedures in this subpart, or by negotiation under the procedures in Subpart A, or through a combination of both competitive bidding and negotiation.

§ 211.21 Procedures for awarding leases.

(a) Prospecting and mining leases by tribal mineral owners through competitive bidding shall be entered into in accordance with the procedures of paragraph (c) of this section. However, if no satisfactory bid is received, or if the accepted bidder fails to complete the lease, or if the Secretary determines that it is not in the best interest of the tribal mineral owner to accept the highest bid, the Secretary may readvertise the lease for sale, subject to the consent of the tribal mineral owner, or the lease may be let through private negotiations in accordance with Subpart A of this part.

(b) Indian mineral owners may request the Secretary to prepare, advertise, negotiate, and/or award prospecting and mining leases on their behalf. If so requested, the Secretary shall undertake such responsibility in accordance with the procedures of paragraph (c) of this section and, where applicable, the provisions of paragraph (a). If requested by a potential prospector or operator interested in acquiring rights to Indian-owned minerals, the Secretary shall promptly notify the Indian mineral owner thereof, and advise the owner in writing of the alternatives open to him, and that he may decline to permit any prospecting and mining exploration or production.

(c) When the Secretary exercises his authority to enter into contracts on behalf of individual Indian mineral owners pursuant to this part, of when he has been requested by the Indian mineral owner under paragraph (b) of this section to assume the responsibility of awarding the contract, he shall offer leases to the highest responsible bidder subject to the following procedures, unless he determines in accordance with prargraph (a) of this section that the highest return can be obtained on the mineral by other methods of contracting (such as negotiation):

(1) Leases shall be advertised for a bonus consideration under sealed bid, oral auction, or a combination of both, and a notice of sush advertisement shall be published at least 30 days in advance of sale or such longer time as is necessary to achieve optimum competition.

(2) The advertisement shall specify any terms requested by the Indian mineral owner and may, where sufficient information exists and after consultation with the Authorized Officer, permit bidders to compete on such terms as rental and royalty rates as well as upon bonus payment; and it shall provide that the Secretary reserves the right to reject any or all bids, and that acceptance of the contract bid by or on behalf of the Indian mineral owner is required. The complete text of the advertisement must be published in at least one local newspaper and such notice must include in addition to the aforementioned terms, a description of the specific tracts to be offered.

(3) Each bid must be accompanied by a cashier's check, certified check or postal money order or any combination thereof, payable to the payee designated in the advertisement, in an amount not less than 25 percent of the bonus bid, which will be returned if that bid is unsuccessful.

(4) If no bid is received which meets the criteria of paragraph (a) of this section, or if the successful bidder fails to complete the lease, or if the Indian mineral owner refuses to accept the highest bid, the Secretary may readvertise the lease, or if deemed advisable, and in accordance with paragraph (b) of this section, he may attempt to award a lease by private negotiations, provided that he shall not award a lease by private negotiations without the written concurrence of the mineral owner unless he is exercising his authority under subsection (c) of this section.

(5) A successful bidder must, within 30 days after notification of the bid award, remit to the Secretary the balance of the bonus, the first year's rental, a $25 filing fee, his share of the advertising costs, and file with the Secretary all required bonds. The successful bidder shall also file the lease in completed form at the time. However, for good and explicit reasons the Secretary may grant an extension of time of up to 30 days for filing of the lease. Failure on the part of the bidder to comply with the foregoing will result either in forfeiture of the required payment of 25 percent of any bonus bid for the use and benefit of the Indian mineral owner, or, at the Indian mineral owner's option, readvertisement of the forfeited lease with the defaulted bidder required to pay any difference between his bid and the high bid received at the subsequent sale, plus the cost of advertising for such subsequent sale. The readvertisement option must be reflected in the original advertisement to be effective.

(d) When the Indian mineral owner has requested the Secretary to offer a lease to the highest responsible qualified bidder in accordance with paragraph (c) of this section, the Secretary shall advise the Indian mineral owner of the results of the bidding, and shall not award the lease to any bidder until the consent of the Indian mineral owner has been obtained.

§ 211.22 Duration of leases.

(a) A mining lease with an Indian mineral owner entered into pursuant to the regulations in this Subpart shall not exceed a term of ten years or as long thereafter as minerals are produced in paying quantities. For the purpose of this provision, the term of a mining lease entered into by means of the exercise of an option shall be measured from the date of the exercise of the option. All provisions in leases governing their duration shall be measured from the date of approval, unless otherwise provided in the lease.

(b) When a mining lease specifies a term of years and "as long thereafter as minerals are produced in paying quantities" or similar phrase, the term "paying quantities" shall mean: That quantity of recovered minerals which produces during the fiscal year of the lease a profit to the operator over and above the total cost of: Extraction (exclusive of exploration), processing (including beneficiation), and handling to the point of sales; all rents and royalties paid under the lease, all salaries and employee expenses directly related to such extraction, processing, and handling; all taxes incident thereto except tribal severance taxes; and business licenses, repairs of equipment, and transportation.

(c) In order to continue production in paying quantities the operator must not suspend mining operations at any time for a period of 60 days or more without the prior express written approval by the Secretary with the consent of the Indian mineral owner, unless production is impossible as a result of an act of God or some other cause clearly beyond the operator's control.

(d) Express written approval by the Secretary with the consent of the Indian mineral owner, for the suspension of mining operations for more than 60 days may be granted upon negotiation of a minimum rent, not to be credited against future production royalties, which shall

be paid in lieu of a production royalty, and in addition to any other rents under the lease.

(e) At the expiration of the primary term of the mining lease and at the end of each fiscal year thereafter until expiration of the lease, the operator shall present sufficiently detailed written evidence to the Indian mineral owner and to the Secretary to demonstrate that minerals are being produced in paying quantities.

Subpart C—General

§ 211.30 Scope.

This subpart sets forth general requirements which are applicable to any contract for the development of Indian minerals entered into pursuant to this Part.

§ 211.31 Authority and responsibility of Authorized Officer.

The Authorized Officer shall approve, supervise, and direct operations under contracts governed by the regulations of this part; furnish to the Secretary and the Indian mineral owner scientific and technical information and advice; and to ascertain and record the amount of production. He shall also be responsible for reviewing and reporting to the Secretary his recommendations concerning any proposed contract.

§ 211.32 Authority and responsibility of the Minerals Management Service (MMS).

The MMS, upon establishment of proper procedures, shall collect and record rental, royalties, and all other payments due under any contract entered into under the regulations in this part. These responsibilities include the auditing of lessee documents, reports and payments; the disbursement of revenue collected; the development and distribution of royalty and rental regulations and guidelines; and the obtaining of lessee sales, contracts agreements, and other royalty records, when requested, in order to audit product values, and processing and transportation allowances.

§ 211.33 Definitions.

As used in this part:

(a) "Secretary" means the Secretary of the Interior or his authorized representative.

(b) "Assistant Secretary—Indian Affairs" means the Assistant Secretary—Indian Affairs.

(c) "Superintendent" means the Bureau of Indian Affairs Superintendent or the authorized Bureau representative having immediate jurisdiction over the minerals covered by a minerals agreement under this part.

(d) "Bureau" means the Bureau of Indian Affairs.

(e) "Indian mineral owner" means:

(1) any individual Indian or Alaska Native who owns land or interests in land the title to which is held in trust by the United States or is subject to a restriction against alienation imposed by the United States;

(2) any Indian tribe, band, nation, pueblo, community, rancheria, colony, or other group which owns land or interests in land, the title to which is held in trust by the United States or is subject to a restriction against alienation imposed by the United States.

(f) "Minerals" includes both metalliferous and nonmetalliferous minerals, except oil and gas, and includes but is not limited to, geothermal, sand, gravel, pumice, cinders, granite, building stone, limestone, clay, silt, or any other energy or non-energy mineral.

(g) "Mining" means the science, technique, and business of mineral development, including opencast, underground work, and in situ leaching, directed to severance and treatment of minerals; however, when sand, gravel, pumice, cinders, granite, building stone, limestone, clay or silt is the subject mineral, an enterprise is mining only if the sale and removal of such mineral exceeds 5,000 cubic yards.

(h) "Authorized Officer" means any person authorized by law or by lawful delegation of authority in the Bureau of Land Management to perform the duties described.

(i) "Minerals Management Service (MMS) Official" means any person authorized by law or by lawful delegation of authority in the Minerals Management Service to perform the duties described.

(j) "Oil" means any nongaseous hydrocarbon substance other than those substances leasable as coal, oil shale, or gilsonite (including all vein-type solid hydrocarbons). Oil includes liquefiable hydrocarbon substances such as drip gasoline and other natural condensates recovered or recoverable in a liquid state from produced gas without resorting to a manufacturing process. For royalty rate consideration in special tar sand areas, any hydrocarbon substance with a gas-free viscosity, at original reservoir temperature, greater than 10,000 centipoise is termed tar sand.

(k) "Gas" means any fluid, either combustible or noncombustible, which is extracted from a reservoir and which has neither independent shape nor volume, but tends to expand indefinitely; a substance that exists in a gaseous or rarefied state under standard temperature and pressure conditions.

(l) "Operator" means a person, proprietorship, partnership, corporation, or other business association which has made application for, is negotiating with an Indian mineral owner with respect to, or has entered into a minerals agreement to mine for Indian-owned minerals.

(m) "Prospector" means a person, proprietorship, partnership, corporation, or other business association which has made application for, is negotiating with an Indian mineral owner with respect to, or has entered into a mineral contract to prospect or explore for Indian-owned minerals.

(n) "Contract" means any lease or minerals agreement.

§ 211.34 Approval of amendments to contracts.

(a) An amendment, modification or supplement to a contract entered into pursuant to the regulations in this Part must be approved by the Secretary. The Secretary may approve an amendment, modification, or supplement if he determines that the contract, as modified, meets the criteria for approval set forth in § 211.6 or § 211.21.

(b) An amendment to or modifications of a contract for the prospecting for or mining of Indian-owned minerals, which was approved prior to the effective date of these regulations, shall be approved by the Secretary if the entire lease meets the criteria set forth in § 211.6 or § 211.21 of this part. When appropriate, the Secretary shall prepare a written economic assessment of the amendment or modification pursuant to paragraph (a) of § 211.37 of this part, and an environmental and cultural assessment pursuant to § 211.38 of this part.

(c) The exercise of options to lease for the mining of Indian owned minerals, which options were not exercised prior to the effective date of these regulations, shall be approved by the Secretary pursuant to § 211.21 of this part if the lease meets the conditions of that section.

§ 211.35 Removal of restrictions.

(a) Notwithstanding the provisions of any mining contract to the contrary, the removal of all restrictions against alienation shall operate to divest the Secretary of all supervisory authority and responsibility with respect to the contract. Thereafter, all payments required to be made under the contract shall be made directly to the Indian mineral owner(s).

(b) In the event restrictions are removed from a part of the land

included in any contract to which this part applies, the entire contract shall continue subject to the supervision of the Secretary until such time as the holder of the contract and the unrestricted minerals owner shall furnish to him satisfactory evidence that adequate arrangements have been made to account for the mineral resources upon the restricted land separately from that upon the unrestricted. Thereafter, the unrestricted portion shall be relieved from supervision of the Secretary, and the restricted portion shall continue subject to such supervision as is provided by the Secretary, contract, the regulations of this part, and all other applicable laws and regulations.

(c) Should restrictions be removed from only part of the acreage covered by a contract agreement which provides that payments to the mineral owners shall thereafter be paid to each owner in the proportion which his acreage bears to the entire acreage covered by the contract, the operator on any unrestricted portion shall continue to be required to make the reports required by the regulations in this part with respect to the beginning of operations, completion of operations, and production, the same as if no restrictions had been removed. In the event the unrestricted portion of the contracted premises is producing, the operator will also be required to pay the portion of the royalties or other revenue due the Indian mineral owner at the time and in the manner specified by the regulations in this part.

§ 211.36 Geological and geophysical permits.

(a) Permits to conduct geological and geophysical operations on Indian lands which are not included in a mining contract entered into pursuant to this Part may be approved by the Secretary under the following conditions:

(1) The permit must describe the area to be explored and must state the duration of the permit and the consideration to be paid the Indian owner;

(2) The permit will not grant the permittee any option or preference rights to a lease or other development contract or authorize the production or removal of minerals;

(3)(i) The permittee or his authorized representative or geophysical permittee shall pay for all damages to growing crops, any improvements on the lands, and all other surface damages as may be occasioned by operations. Commencement money shall be a credit toward the settlement of the total damages occasioned by the drilling and completion of the well for which it was paid. Such damages shall be paid to the owner of the surface and by him apportioned among the parties interest in the surface, whether as owner, surface lessee, or otherwise, as the parties may mutually agree or as their interests may appear. If the lessee or his authorized representative and the surface owner are unable to agree concerning damages, the same shall be determined by arbitration. Nothing herein contained shall be construed to deny any party the right to file an action in a court of competent jurisdiction if he is dissatisfied with the amount of the award.

(ii) Surface owners shall notify their lessees or tenants of the regulations in this part and of the necessary procedure to follow in all cases of alleged damages. If so authorized in writing, surface lessees or tenants may represent the surface owners.

(iii) In settlement of damages on restricted land all sums due and payable shall be paid to the Secretary for credit to the account of the Indian entitled thereto. The Secretary will make the apportionment between the Indian landowner or owners and surface lessee of record.

(iv) Any person claiming an interest in any leased tract or in damages thereto must furnish to the Secretary a statement in writing showing said claimed interest. Failure to furnish such statement shall constitute a waiver of notice and stop said person from claiming any part of such damages after the same shall have been disbursed.

(4) A copy of all data collected pursuant to operations conducted under the permit shall be forwarded to the Secretary and to the Indian mineral owner when so provided in the permit. Data collected under a permit shall be held by the Secretary as privileged and proprietary information until such time as the permit has expired or until the bidding process is completed.

(5) The permittee will be required to obtain the rights of ingress or egress from the surface owner.

(6) A permit may be granted by the Secretary without the consent of the individual Indian owners if:

(i) The land is owned by more than one person, and the owners of a majority of the interests therein consent to the permit;

(ii) The whereabouts of the owner of the land or an interest therein is unknown, and the owner or owners of any interests therein whose whereabouts is known or a majority thereof, consent to the permit;

(iii) The heirs or devisees of a deceased owner of the land or an interest therein have not been determined and the Secretary finds that the permit activity will cause no substantial injury to the land or any owner thereof; or

(iv) The owners of interests in the land are so numerous that the Secretary finds it would be impracticable to obtain their consent and also finds that the permit activity will cause no substantial injury to the land or any owner thereof.

(b) A permit to conduct geological and geophysical operations on Indian lands included in a mining contract entered into pursuant to this Part will not be required of the operator in the absence of provisions in the contract requiring that a permit be obtained. If a permit is to be required, the contract shall state the procedures for obtaining approval of a permit.

(c) For the purposes of these regulations a "geological and geophysical permit" means a written authorization from the Indian mineral owner to conduct on-site surveys to locate mineral deposits on the lands included in the permit by mechanical, electronic or other means.

§ 211.37 Economic assessments.

(a) An economic assessment, where required, shall include the following findings to the extent of their applicability to mineral exploration and production:

(1) Whether there are assurances in the contract that prospecting and mining operations will be conducted with appropriate diligence;

(2) Whether water in the amount needed for purposes of operations under the contract is available.

(3) Whether production royalties or other form of return on the minerals is adequate.

(4) If a method of contracting other than the competitive bid procedure is used, whether that method clearly provides the Indian mineral owner with a greater share of the return on the production of his mineral than he might otherwise obtain through competitive bidding.

(5) Whether provisions for resolving disputes that may arise between the parties to the agreement are adequate.

(6) Whether the configuration of the area to be developed (the mining unit) is contained in a reasonable compact body and the acreage does not exceed that necessary to promote the orderly development of the mineral.

(b) [Reserved].

§ 211.38 Environmental assessments.

(a) An environmental assessment shall be prepared in accordance with regulations promulgated by the Council

of Environmental Quality, 40 CFR 1508.9 and the Environmental Quality Handbook, 30 BIAM Supplement 1. When it is recognized prior to the preparation of the assessment that a complete environmental impact statement needs to be prepared prior to approval of the contract, preparation of that environmental impact statement may be regarded as satisfying the requirements of this section. Prior to contract approval, the environmental assessment shall be make specifically available to the Indian oil and gas owner and to the govering body of the local Indian tribe, and shall also be made available for public review at the Bureau office having jurisdiction over the proposed mineral agreement.

(b) In order to make a determination of the effect of a contract on prehistoric, historic, architectural, archeological, cultural, and scientific resources, in compliance with the National Historic Preservation Act, 16 U.S.C. 470 *et seq.*, Executive Order 11593 (May 1971), and regulations promulgated thereunder, 36 CFR Parts 60, 63, and 800, and the Archeological and Historic Preservation Act, 16 U.S.C. 469a–1 *et seq.*, the Secretary shall, prior to approval of a contract, perform surveys of the cultural resources so as to evaluate and make a determination of the effect of the exploration and mining activities on properties which are listed in the National Register of Historic Places, 16 U.S.C. 470a, or are eligible for listing in the National Register. If the surveys indicate that properties listed in or eligible for listing in the National Register will be affected, the Secretary shall seek the comments of the Advisory Council on Historic Preservation pursuant to 36 CFR Part 800. If the mineral development will have an adverse effect on such properties, the Secretary shall ensure that the properties will either be avoided, the effects mitigated, or the data describing the historic property is preserved.

§ 211.39 Persons signing in a representative capacity.

(a) The signing in a representative capacity and delivery of bids, geological and geophysical permits, mineral agreements, leases, or assignments,bonds, or other instruments required by these regulations constitutes certification that the individual signing, is authorized to act in such capacity. An agent for a surety shall furnish a satisfactory power of attorney.

(b) A Corporation proposing to acquire an interest in a permit or a contracted real property interest in Indian-owned minerals shall file with their instrument a statement showing:

(1) The state in which the corporation is incorporated, and that the corporation is authorized to hold such interests in the state where the land described in the instrument is situated;

(2) That it has power to conduct all business and operations as described in the instrument; and

(3) Such other information as the Secretary may require in the exercise of his trust responsibility to the Indian mineral owner.

(c) The Secretary may, either before or after the approval of a permit, mineral agreement, assignment, or bond, call for any reasonable additional information necessary to carry out the regulations in this part other applicable laws and regulations and his trust responsibility to the Indian mineral owner. Failure to furnish the requested information will be deemed sufficient cause for disapproval or cancellation of the instrument, whichever is appropriate.

§ 211.40 Bonds.

(a) The Secretary may require a prospector to furnish a surety bond in such amount as he deems appropriate.

(b) Before beginning mining operations, the operator shall furnish a bond in an amount to be determined by the Authorized Officer and the approving official.

(c) Bonds shall be by corporate surety bonds.

(d) The right is specifically reserved to the Secretary to increase the amount of bonds at his discretion.

(e) In lieu of the bond required in paragraphs (a) and (b) of this section, an irrevocable letter of credit may be submitted for the same amount as a bond.

§ 211.41 Manner of payments.

Unless otherwise provided in an approved contract, all payments shall be paid to the Secretary or such other party as he may designate and shall be made at such time as provided in the contract.

§ 211.42 Recordkeeping.

(a) The prospector or operator shall maintain records of all prospecting and mining operations done under a contract including information on the type, grade, or quality, and weight of all minerals mined, sold, used on the premises, or otherwise disposed of, and all minerals in storage (remaining in inventory), and all information on the sale or disposition of the minerals. Such records shall be kept so that they may be readily inspected.

(b) All records maintained under paragraph (a) of this section, all records regarding the financial structure of the prospector or operator, and any other records which are pertinent or related to operations done under a contract shall be available for examination and reproduction by the Secretary, the Authorized Officer, and tribal mineral owners, upon request, accompanied by written assurances that such records will be held in confidence, until all obligations under the contract have been fulfilled. Such records shall at all times be available for purpose of audit upon the request of the Secretary. When an independent audit is requested by the Secretary, he may require that the cost thereof be borne by the operator.

(c) All records maintained under paragraphs (a) and (b) of this section will be furnished MMS in accordance with MMS regulations and guidelines. MMS will safeguard such records in accordance with appropriate laws, regulations, and guidelines.

§ 211.43 Mining contracts—inherited lands.

(a) The Secretary may execute mining contracts on behalf of unknown owners of future contingent interests and on behalf of minors without legal guardian, and on behalf of persons who are legally incompetent.

(b) If the allottee is deceased and the heirs to or devisees of any interest in the allotment have not been determined or some or all of them cannot be located, mining contracts involving such interests may be executed by the Secretary, provided that the mineral interest shall have been offered for sale under provisions of § 211.21 of Subpart B.

(c) If the heirs include a life tenant, the mining contract must be accompanied by an agreement between such life tenant and the remaindermen, providing for the division of the rents and royalties subject to approval of the Secretary.

(d) The Secretary may approve a minerals contract where less than 100 percent of the undivided mineral interest is committed to the contract and the Secretary has determined it to be in the best interest of the Indian mineral owners, provided that:

(1) 51 percent or more of the undivided mineral interest is committed to the contract;

(2) The operator is required to submit a certified statement containing evidence of the Indian mineral owner's refusal to consent to the contract.

(3) The operator is required to submit, and obtain the approval of the Secretary, a plan describing how the operator will account to the non-consenting mineral interest owners for

all income attributable to their undivided interest.

(4) Non-consenting mineral owners receive certified written notice that the Bureau proposes to approve a contract affecting their undivided interest without their consent within 10 days from receipt of the notice.

(e) The Secretary shall provide all non-consenting mineral owners with certified written notice that he has approved the contract affecting their undivided interest without their consent.

§ 211.44 Assignments; overriding royalties.

(a) No assignment or sublease of any interest in a contract entered into pursuant to this part shall be effective without the approval of the Indian mineral owner and the Secretary pursuant to and subject to the criteria of § 211.6 of this part. Approval shall not relieve the assignor of his obligations under the original contract, unless the Secretary, with the consent of the Indian mineral owner, releases the assignor of his obligations under the contract, or the Secretary may permit the release of any bonds executed by the assignor upon execution of satisfactory bonds by the assignee.

(b) Agreements creating overriding royalties or payments out of production are hereby authorized and the approval of the Secretary shall not be required with respect thereto, but such an agreement shall not be construed as modifying any of the obligations of the prospector or operator under his contract and the regulations in this part and Part 216 of this title, including the requirement of Secretarial approval prior to abandonment.

(c) A fully executed copy of the assignment shall be filed with the Secretary within 30 days after the date of the execution by all of the parties.

§ 211.45 Enforcement of orders.

(a) If the Secretary determines that a prospector or operator has failed to comply with the regulations in this part, other applicable laws or regulations, the terms of the contract, the requirements of an approved exploration or mining plan, his orders or the orders of the Authorized Officer and such noncompliance does not threaten immediate and serious damage to the environment, the mine or the deposit being mined, or other valuable mineral deposits or other resources, the Secretary shall serve a notice of noncompliance upon the prospector or operator by delivery in person or by certified mail to him at his last known address. Copies of said notice shall be sent to all interested parties. Failure of the prospector or operator to take action in accordance with the notice of noncompliance within the time limits specified by the Secretary, or to initiate an appeal pursuant to Part 2 of this title shall be grounds for suspension of operations subject to such notice by the Secretary, or grounds for suspension of operations subject to such notice by the Secretary, or grounds for his recommendations for the initiation of action for cancellation of the lease, permit, license, or contract and forfeiture of any compliance bonds.

(b) The notice of noncompliance shall specify in what respect the operator has failed to comply with the provisions of applicable regulations, laws, terms of the mining plan, or contract, or the orders of the Secretary or the Authorized Officer, and shall specify the action which must be taken to correct such noncompliance and the time limits within which such action shall be taken. A written report shall be submitted by the prospector or operator to the Secretary when such noncompliance has been corrected.

(c) If, in the judgment of the Secretary, a prospector or operator is conducting activities on lands subject to the provisions of this part which fail to comply with the provisions of this part, other applicable laws or regulations, the terms of the contract, the requirements of an approved exploration or mining plan, his orders or the orders of the Authorized Officer, and which threaten immediate and serious damage to the environment, the mine or the deposit being mined, or other valuable mineral deposits being mined, or other valuable mineral deposits or other resources, the Secretary shall order the immediate cessation of such activities, without prior notice of noncompliance. Such an order may be appealed as provided in Part 2 of this title. Compliance with such an order shall not be suspended by reason of the taking of an appeal, unless such suspension is ordered in writing by the official before whom such appeal is pending, and then only upon a written determination by such official that such suspension will not be detrimental to the Indian mineral owner or upon submission of a bond deemed adequate by both the Indian mineral owner and the Secretary to indemnify the Indian mineral owner from any resulting loss or damage.

(d) Nothing in this section is intended to supersede the independent authority of the Authorized Officer under 43 CFR Part 3000. However, the Authorized Officer and the Secretary should consult with one another, when feasible, before taking any enforcement actions.

(e) No provision in this section shall be interpreted as replacing or superseding any other remedies of the Indian mineral owner as set forth in the mineral agreement or otherwise available at law.

§ 211.46 Legal review.

When a contract has been entered into by methods other than the competitive bid procedure (whether by the Secretary or by the Indian mineral owner), or when a contract contains provisions not appearing in an approved Bureau lease form, the contract shall be submitted to the local Field or Regional Solicitor's Office for review for legal sufficiency, prior to approval by the Bureau.

§ 211.47 Penalties.

Violation of any of the terms or conditions of any mineral agreement or of the regulations under this part shall subject the permittee or operator to a fine of not more than $1,000 per day for each day of such violation or noncompliance with the orders of either the Secretary or the Authorized Officer. *Provided*, that prior to the determination that a fine will be imposed as provided for in this section, the permittee or operator shall receive a 30 day notice with respect to the terms of the contract or of the regulations violated and, if he so requests, may receive a hearing before the Secretary. Payment of penalties more than 10 days after notice of final decision is given shall be subject to late charges at the rate of not less than 1½ percent per month for each month or fraction thereof until paid. All penalties charged pursuant to this section shall be deposited with the Indian owners.

§ 211.48 Appeals.

(a) Appeals from decisions of the Departmental officers under this part may be taken pursuant to Part 2 of this title.

(b) Cessation orders issued pursuant to § 225.45 of this part shall not be suspended as a result of the taking of an appeal, unless such suspension is ordered in writing by the official before whom such an appeal is pending, and then only upon a written determination by such official that such suspension will not be detrimental to the Indian oil and gas owner or upon submission of a bond deemed adequate by both the Indian oil and gas owner and the Secretary to indemnify the Indian oil and gas owner from any resulting loss or damage.

§ 211.49 Fees.

Unless otherwise authorized by the Secretary, each permit, lease, sublease, or other contract, or assignment or surrender thereof shall be accompanied by a filing fee of $25.

PART 212—LEASING OF ALLOTED LANDS FOR MINING [REMOVED]

PART 225—OIL AND GAS MINERAL CONTRACTS

Authority: Sec. 4, Act of May 11, 1938 (52 Stat. 348, 25 U.S.C. 396d), Act of March 3, 1909, as amended (35 Stat. 783, 25 U.S.C. 396); sec. 1, Act of August 9, 1955, as amended (69 Stat. 539, 25 U.S.C. 415), secs. 16 and 17, Act of June 18, 1934 (48 Stat. 987, 25 U.S.C. 476 and 477), sec 102, Act of January 1, 1970 (83 Stat. 42 U.S.C. 4332); Act of December 22, 1982, Pub. L. 97-382; Act of August 11, 1978 (92 Stat. 469, 42 U.S.C. 1966); Act of January 12, 1953 (96 Stat. 2447, 30 U.S.C. 1701).

§ 225.1 Purpose and scope.

(a) The regulations in this part govern contracts for the development of Indian-owned oil and gas reserves. Subpart A–*Minerals Agreements* establishes the procedures for the approval of oil and gas mineral agreements entered into pursuant to the Indian Mineral Development Act of 1982 (Pub. L. 97–382). Subpart B–*Oil and Gas Leases* contains regulations governing the procedures for the issuance of oil and gas leases on tribal or alloted lands pursuant to the Act of May 11, 1938 (52 Stat. 348; 24 U.S.C. 396 a) and the Act of March 3, 1909, as amended (35 Stat. 783, 25 U.S.C. 396). Subpart C *General* contains miscellaneous provisions which apply to contracts for oil and gas development under both Subparts A and B. These regulations are intended to insure that Indian owners desiring to have their oil and gas reserves developed receive, at least, fair market value for the disposition of their mineral resources; to ensure at the same time that any adverse environmental or cultural impact on Indians, resulting from such development, is minimized; and to permit Indian oil and gas owners to enter into contracts which allow them more responsibility in overseeing and greater flexibility in disposing of their oil and gas reserves.

(b) No regulations which become effective after the approval of any contract shall operate to affect the term of the contract, rate of royalty, rental, or acreage unless agreed to by all parties to the contract. All former regulations governing the development of tribal and allotted lands for oil and gas development purposes are superseded by the regulations in this part.

(c) The regulations in this part do not apply to leasing and development governed by the regulations in 25 CFR Parts 213, 214, 226, and 227.

(d) Whenever the masculine gender is used in these regulations, the text is to be construed to include the feminine gender where appropriate.

§ 225.2 Information collection. [Reserved]

Subpart A—Minerals Agreements

§ 225.20 Scope.

The regulations in this Subpart govern the procedures for obtaining approval of minerals agreements for the exploration, development and sale of oil and gas reserves on Indian lands under the Indian Mineral Development Act of 1982 (Pub. L. 97–382).

§ 225.21 Definitions.

As used in this Subpart:

(a) "Minerals agreement" means any joint venture, operating, production sharing, service, managerial, lease, contract, or other agreement, or any amendment, supplement or other modification of such agreement, providing for the exploration for, or extraction, processing or other development of oil and gas, or providing for the sale or disposition of production or product of oil and gas.

(b) "Gas" means any fluid, either combustible or noncombustible, which is extracted from a reservoir and which has neither independent shape nor volume, but tends to expand indefinitely; a substance that exists in a gaseous or rarefied state under standard temperature and pressure conditions.

(c) "Oil" means any nongaseous hydrocarbon substance other than those substances leasable as coal, oil shale, or gilsonite (including all vien-type solid hydrocarbons). Oil includes liquefiable hydrocarbon substances such as drip gasoline and other natural condensates recovered or recoverable in a liquid state from produced gas without resorting to a manufacturing process. For royalty rate consideration in special tar sand areas, any hydrocarbon substance with a gas-free viscosity, at original reservoir temperature, greater than 10,000 centipoise is termed tar sand.

§ 225.22 Authority to contract.

(a) Any Indian tribe, subject to the approval of the Secretary and any limitation or provision contained in its constitution or charter, may enter into a minerals agreement, amendment, supplement or other modification of such agreement providing for the exploration for, or extraction, processing, or other development of, oil and gas in which such Indian tribe owns a beneficial or restricted interest, or providing for the sale or other disposition of the production of products of such oil and gas.

(b) Any Indian owning a beneficial or restricted interest in mineral resources may include such resources in a tribal mineral agreement subject to the concurrence of the parties and a finding by the Secretary that such participation is in the best interest of the Indian.

§ 225.23 Negotiation procedures.

(a) A tribe or individual Indian owner that wishes to enter into a minerals agreement may ask the Secretary for advice, assistance and information during the negotiation, and such advice, assistance and information shall be

provided to the extent of available resources.

(b) No particular form of agreement is prescribed. In preparing the agreement, consideration should be given to the inclusion of the following provisions:

(1) A general statement identifying the parties to the agreement, a description of the lands involved, and the purposes of the agreement;

(2) A statement setting forth the duration of the agreement;

(3) Provisions setting forth the obligations of the contracting parties;

(4) Provisions describing the methods of disposition of production;

(5) Provisions outlining the amount and method of compensation to be paid the operator;

(6) Provisions establishing the accounting procedures to be followed by the operator;

(7) Provisions establishing the operating and management procedures to be followed;

(8) Provisions establishing the operator's rights of assignment, if any;

(9) Bond requirements;

(10) Insurance requirements;

(11) Provisions establishing audit procedures;

(12) Provisions setting forth arbitration procedures;

(13) A force majeure provision; and

(14) Provisions describing the rights of the parties to terminate or suspend the agreement and the procedures to be followed in the event of termination or suspension.

(c) In order to avoid delays in obtaining approval of a proposed agreement the tribe should confer with the Secretary prior to formally executing the agreement and seek his advice as to whether the agreement appears to meet the requirements of § 255.24 or whether modifications, additions or corrections will be required in order to obtain Secretarial approval.

(d) The executed agreement, together with a copy of a tribal resolution authorizing tribal officers to enter into an agreement, should be forwarded to the Secretary for his approval.

§ 225.24 Approval of agreements.

(a) A minerals agreement submitted for approval shall be approved or disapproved within: (1) One hundred eighty days after submission, or (2) sixty days after compliance, if required, with section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) or any other requirement of Federal law, whichever is later.

(b) In approving or disapproving a minerals agreement, a determination shal be made as to whether the agreement is in the best interest of the Indian tribe or of any individual Indian who may be party to such agreement and shall consider, among other things, the potential economic return to the tribe; the potential environmental, social, and cultural effects on the tribe; and provisions for resolving disputes that may arise between the parties to the agreement: Provided, That the Secretary is not required to prepare any study regarding environmental, socioeconomic, or cultural effect of the implementation of a minerals agreement apart from that which may be required under section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C).

(c) At least thirty days prior to formal approval or disapproval of any minerals agreement, the affected tribe shall be provided with written findings forming the basis of the Secretary's intent to approve or disapprove such agreement by certified mail. The written findings shall include an environmental assessment which meets the requirements of § 225.50. The Secretary may include in the written findings recommendations for changes to the agreement to qualify it for approval. The 30-day period shall commence to run as of the date the notice is received by the tribe. Notwithstanding any other law, such findings and all projections, studies, data or other information (other than the environmental assessment required by § 225.50) possessed by the Department of the Interior regarding the terms and conditions of the minerals agreement, the financial return to the Indian parties thereto, or the extent, nature, value or disposition of the Indian mineral resources, or the production, products or proceeds thereof, shall be held by the Department of the Interior as privileged and proprietary information of the affected Indian or Indian tribe. The letter containing the written findings should be headed with:

Privileged Proprietary Information of the (name of tribe or Indians).

(d) A minerals agreement shall be approved by the Secretary if he determines that the following conditions are met:

(1) The minerals agreement provides a fair and reasonable remuneration, to the Indian mineral owner;

(2) The minerals agreement does not have adverse cultural, social, or environmental impact on the Indian lands and community affected sufficient to outweigh its benefits to the Indian mineral owner;

(3) The minerals agreement complies with the requirements of this part, all other applicable regulations, the provisions of applicable Federal law, and applicable tribal law where not inconsistent with Federal law.

(e) The determinations required by paragraphs (b) and (d) of this section shall be based on the written findings required by paragraph (c) of this section.

(f) "Fair and reasonable remuneration" within the meaning of paragraph (d)(1) of this section means a return on the Indian-owned mineral:

(1) Not less than that received by non-Indian mineral owners in comparable contemporary contractual arrangements for the development of similar oil and gas resources,

(2) Not less than that received by the Federal Government in comparable contractual arrangements for the development of similar oil and gas resources, and

(3) Not less than the minimum rental and royalty payments which would be applicable to similar oil and gas resources were they Federally-owned.

(g) If a representative of the Secretary to whom authority to review proposed minerals agreements has been delegated determines that a proposed agreement should not be approved, he shall prepare a written statement of the reasons why the agreement should not be approved and forward this statement, together with the agreement, the written findings required by paragraph (d) of this section, and all other pertinent documents, to the Assistant Secretary—Indian Affairs for his decision.

(h) The Assistant Secretary—Indian Affairs shall review any agreement referred to him containing a recommendation that it be disapproved and make the final decision for the Department.

Subpart B—Oil and Gas Leases

§ 225.30 Scope.

The regulations in this subpart set forth the procedures to be followed where a tribe or individual Indian mineral owner elects to enter into an oil and gas lease through competitive bidding pursuant to the Act of May 11, 1938 (25 U.S.C. 396a) which governs the leasing of tribal lands or the Act of March 3, 1906 (25 U.S.C. 396) which governs competitive leasing of allotted lands. A lease may be entered into through competitive bidding under the procedures in this subpart, or by negotiation under the procedures in Subpart A, or through a combination of both competitive bidding and negotiation.

§ 225.31 Procedures for awarding leases.

(a) Competitive oil and gas leases by tribal oil and gas owners shall be

entered into in accordance with the procedures of paragraph (c) of this section. However, if no satisfactory bid is received, or if the accepted bidder fails to complete the lease, or if the Secretary determines that it is not in the best interest of the Indian oil and gas owner to accept the highest bid, the Secretary may readvertise the lease for sale, subject to the consent of the Indian oil and gas owner or the lease may be let through private negotiations.

(b) Indian oil and gas owners may also request the Secretary to prepare, advertise, negotiate, and/or award an oil and gas lease on their behalf. If so requested, the Secretary shall undertake such responsibility in accordance with the procedures of paragraph (c) of this section and, where applicable, the provisions of paragraph (a) of this section. If requested by a potential prospector or operator interested in acquiring rights to Indian-owned oil and gas, the Secretary shall promptly notify the Indian oil and gas owner thereof, and advise the owner in writing of the alternatives open to him, and that he may decline to permit any oil and gas exploration or production.

(c) When the Secretary exercises his authority to enter into leases on behalf of individual Indian oil and gas owners or when he has been requested by the Indian oil and gas owner under paragraph (b) of this section to assume the responsibility of awarding the contract, he shall offer a lease to the highest responsible qualified bidder subject to the following procedures, unless he determines in accordance with paragraph (d) of this section that the highest return can be obtained on the oil and gas by other methods of contracting (such as negotiation):

(1) Leases shall be advertised for a bonus consideration under sealed bid, oral auction, or a combination of both, and a notice of such advertisement shall be published at least 30 days in advance of sale or such longer time as is necessary to achieve optimum competition.

(2) The advertisement shall specify any terms requested by the Indian oil and gas owner and may, where sufficient information exists, and after consultation with the Authorized Officer, permit bidders to compete on such terms as rental and royalty rates as well as upon bonus payment; and it shall provide that the Secretary reserves the right to reject any or all bids, and that acceptance of the lease bid by or on behalf of the Indian oil and gas owner is required. The complete text of the advertisement must be published in at least one local newspaper, and such notice must include, in addition to aforementioned terms, the description of specific tracts to be offered.

(3) Each bid must be accompanied by a cashier's check, certified check, or postal money order or any combination thereof, payable to the payee designated in the advertisement, in an amount not less than 25 percent of the bonus bid, which will be returned if that bid is unsuccessful;

(4) If no bid is received which meets the criteria of paragraph (a) of this section or if the successful bidder fails to complete the lease, or if the Indian oil and gas owner refuses to accept the highest bid, the Secretary may readvertise the lease, or if deemed advisable, and in accordance with paragraph (b) of this section, he may attempt to award a lease by private negotiations, provided that he shall not award a lease by private negotiations without the written concurrence of the oil and gas owner unless he is exercising his authority under § 225.46 of this part.

(5) A successful bidder must, within 30 days after notifcation of the bid award, remit to the Secretary the balance of the bonus, the first year's rental, not less than a $25 filing fee, his share of the advertising costs, and file with the Secretary all required bonds. The successful bidder shall also file the lease in completed form at that time. However, for good and explicit reasons the Secretary may grant an extension of time of up to 30 days for filing of the lease. Failure on the part of the bidder to comply with the foregoing will result either in forfeiture of the required payment of 25 percent of any bonus bid for the use and benefit of the Indian oil and gas owner, or, at the Indian oil and gas owner's option, readvertisement of the forfeited lease with the defaulting bidder required to pay any difference between his bid and the high bid received at the subsequent sale, plus the cost of the advertising for such subsequent sale. The readvertisement option must be reflected in the original advertisement to be effective.

(d) When the Indian oil and gas owner has requested the Secretary to offer a lease to the highest responsible qualified bidder in accordance with paragraph (c) of this section, the Secretary shall advise the Indian oil and gas owner of the results of the bidding, and shall not award the lease contract to any bidder until the consent of the Indian oil and gas owner has been obtained.

§ 225.32 Duration of leases.

(a) No oil and gas lease with an Indian oil and gas owner shall exceed a term of ten years or as long thereafter as oil and gas are produced in paying quantities.

(b) Where an oil and gas lease specifies a term of years and "as long thereafter as oil and gas are produced in paying quantities" or similar phrase, the term "paying quantities" shall mean: That quantity of recovered oil and gas which produced during the fiscal year of the contract, a profit to the operator, over and above the total cost of extraction (exclusive of exploration), processing, and handling to the point of sale; all rents and royalties (exclusive of overriding royalties and production payments) paid under the contract; all salaries and expenses directly related to such extraction, processing, and handling; all taxes incident thereto, except tribal severance taxes; all depreciation on salvageable production equipment; all administrative expenses attributable to the operation; any other expenses so attributable, such as business licenses, repair of equipment, and transportation.

(c) In order to continue production in paying quantities beyond the primary term of a lease, the operator must not suspend oil and gas operatons at any time for a period of 30 days or more without the prior express written approval of the Secretary unless production is impossible as a result of an act of God or some other cause clearly beyond the operator's control.

(d) At the expiration of the primary term of the oil and gas lease and at the end of each fiscal year thereafter until expiration of the lease, the operator shall present sufficiently detailed written evidence to the Indian oil and gas owner and the Secretary to demonstrate that oil and gas are being produced in paying quantities.

(e) Where an oil and gas agreement provides for a primary term of less than ten years and authorizes the lessee to commence drilling with a rig designed to go to the total proposed depth provided such drilling commences by midnight on the last day of the primary term of the lease and the lessee continues drilling with reasonable diligence until completed to production or abandoned, the lease shall continue and be in force with like effect as if a well had been completed within the primary term of said lease.

§ 225.33 Rentals; minimum royalty; production royalty on leases.

(a) An oil or gas lessee shall pay, in advance, beginning with the effective date of the lease, an annual rental of such rate authorized by the Secretary. This rental shall not be credited on production royalty or prorated or refunded because of surrender or cancellation or for any other reason.

(b) If the royalty on production paid during any year aggregates less than $2.50 per acre, the lessee must pay the difference at the end of the lease year. On communitized and unitized leases, the minimum royalty shall be payable only on participating acreage.

(c) Unless otherwise authorized by the Secretary, a royalty of not less than 16⅔ percent shall be paid on the value of all oil and gas, and products extracted therefrom from the land leased.

(d) During the period of supervision, "value" for the purpose of the lease may, in the discretion of the Secretary, be calculated on the basis of the highest price paid or offered (whether calculated on the basis of short or actual volume) at the time of production for the major portion of the oil of the same gravity, gas, and/or natural gasoline, and/or all other hydrocarbon substances produced and sold from the field where the leased lands are situated, and the actual volume of the marketable product less the content of foreign substances as determined by the Authorized Officer. The actual amount realized by the lessee from the sale of said products may, in the discretion of the Secretary, be deemed mere evidence of or conclusive evidence of such value.

(e) If the leased premises produce gas in excess of the lessee's requirements for the development and operation of said premises, gas, shall, if requested by the lessor, be furnished by the lessee to the Indian mineral owner. Such gas furnished shall be received by the Indian mineral owner and title shall pass at the wellhead or at the alternate point of transfer designated by the lessee and the Indian mineral owner shall pay a price therefore equal to the current wellhead price, less royalty, or if gas is not being sold, the price to be paid by the Indian mineral owner shall equal the highest price that could be obtained from another gas purchase, less royalty. In addition to the above payments, the Indian mineral owner shall pay for the gas transfer installation and a reasonable fee to the lessee for meter maintenance, gas volume determination, accounting and other operational costs incurred as a result of any such purchase by the Indian mineral owner. The acquisition and use of any such gas purchased by the Indian mineral owner shall be at the Indian mineral owner's sole risk at all times. *Provided*, that this requirement shall be subject to the determination by the Superintendent that gas in sufficient quantities is available above that needed for lease operation and that waste would not result. Gas furnished to the Indian mineral owner under this section may be terminated only with the approval of the Superintendent.

§ 225.34 Contracts for subsurface storage of oil and gas.

(a) The Secretary may approve, subject to obtaining the prior consent of the Indian mineral owners, storage contracts or modifications, amendments or extensions of oil and gas leases or other contracts, on tribal lands subject to lease or contract under the Act of May 11, 1938 (52 Stat. 347; 25 U.S.C. 396a), and on allotted lands subject to lease or contract under the Act of March 3, 1909 (35 Stat. 783; 25 U.S.C. 396), to provide for subsurface storage of oil or gas, irrespective of the lands from which production is initially obtained. The storage contract or modification, amendment, or extension, shall provide for the payment of such storage fee or rental, or in lieu thereof, for a royalty or percentage payment other than that prescribed if the oil and gas is produced in conjunction with oil or gas not previously produced.

(b) The Secretary may approve, subject to obtaining the prior consent of the Indian mineral owners, a provision in an oil and gas contract, under which storage of oil and gas is authorized for continuance of the contract at least for the period of such storage use and so long thereafter as oil or gas not previously produced is produced in paying quantities.

(c) Applications for subsurface storage of oil or gas shall be filed in triplicate with the Authorized Officer and shall disclose the ownership of the lands involved, the parties in interest, the storage fee, rental, or royalty offered to be paid for such storage, and all essential information showing the necessity for such project.

Subpart C—General

§ 225.40 Scope.

This subpart sets forth general requirements which are applicable to any contract for the development of Indian oil and gas resources entered into pursuant to this part.

§ 225.41 Authority and responsibility of Authorized Officer.

The Authorized Officer shall approve, supervise, and direct operations under oil and gas contracts governed by the regulations of this part; to furnish to the Secretary and the Indian oil and gas owner scientific and technical information and advice; and to ascertain and record the amount of production. He shall also be responsible for reviewing and reporting to the Secretary his recommendations concerning any proposed oil and gas agreement.

§ 225.42 Authority and responsibility of the Minerals Management Service (MMS).

The MMS, upon establishment of proper procedures, shall collect and record rentals, royalties, and other payments due under any contract entered into under the regulations in this part. These regulations include the auditing of lessee documents, reports, and payments; the disbursement of revenues collected; the development and distribution of royalty and rental regulations and guidelines; and the obtaining of lessee sales contracts and agreements and other royalty records, when requested, in order to audit product values, and processing and transportation allowances.

§ 225.43 Definitions.

(a) "Secretary" means the Secretary of the Interior or his authorized representative.

(b) "Assistant Secretary—Indian Affairs" means the Assistant Secretary—Indian Affairs.

(c) "Superintendent" means the Bureau Agency Superintendent or his authorized representative having immediate jurisdicton over the oil and gas reserves covered by a contract under this part, except at the Navajo Area Office where it shall mean the Bureau Area Director or his authorized representative.

(d) "Bureau" means the Bureau of Indian Affairs.

(e) "Authorized Officer" means any person authorized by law or by lawful delegation of authority in the Bureau of Land Management to perform the duties described.

(f) "Minerals Mangement Service (MMS) Official" means any person authorized by law or by lawful delegation of authority in the Minerals Management Service to perform the duties described.

(g) "Indian mineral owner" means:

(1) Any individual Indian or Alaska Native who owns land or interests in land the title to which is held in trust by the United States or is subject to a restriction against alienation imposed by the United States;

(2) Any Indian tribe, band, nation, pueblo, community, rancheria, colony, or other group which owns land or interests in land the title to which is held in trust by the United States or is subject to a restriction against alienation imposed by the United States.

(h) "Oil" means any nongaseous hydrocarbon substance other than those substances leasable as coal, oil shale, or

gilsonite (including all vein-type solid hydrocarbons). Oil includes liquefiable hydrocarbon substances such as drip gasoline and other natural condensates recovered or recoverable in a liquid state from produced gas without resorting to a manufacturing process. For royalty rate consideration in special sand areas, any hydrocarbon substance with a gas-free viscosity, at original reservoir temperature, greater than 10,000 centipoise is termed tar sand.

(i) "Gas" means any fluid, either combustible or noncombustible, which is extracted from a reservior and which has neither independent shape nor volume, but tends to expand indefinitely, a substance that exists in a gaseous or rarefied state under standard temperature and pressure conditions.

(j) "Operator" means a person, proprietorship, partnership, corporation, or other business association which has made application for, is negotiating with an Indian oil and gas owner with respect to, or has entered into an oil and gas contract.

(k) "Contract" means any lease or minerals agreement.

§ 225.44 Approval of amendments to contracts.

(a) An amendment, modification or supplement to a contract entered into pursuant to the regulations in this Part must be approved by the Secretary. The Secretary may approve an amendment, modification, or supplement if he determines that the contract, as modified, meets the criteria for approval set forth in § 225.22 or § 255.31.

(b) An amendment to or modifications of a contract for the prospecting for or mining of Indian-owned minerals, which was approved prior to the effective date of these regulations, shall be approved by the Secretary if the entire lease meets the criteria set forth in § 225.22 or § 225.31 of this part. When appropriate, the Secretary shall prepare a written economic assessment of the amendment or modification pursuant to paragraph (a) of § 225.49 of this part, and an environmental and cultural assessment pursuant to § 225.50 of this title.

(c) The exercise of options to lease for the mining of Indian oil and gas, which options were not exercised prior to the effective date of these regulations, shall be approved by the Secretary pursuant to § 225.31 of this part if the lease meets the conditions of that section.

§ 225.45 Geological and geophysical permits.

(a) Permits to conduct geological and geophysical operations on Indian lands which are not included in an oil and gas contract entered into pursuant to this Part may be approved by the Secretary under the following conditions:

(1) The permit must describe the area to be explored and must state the duration of the permit and the consideration to be paid the Indian mineral owner.

(2) The permit will not grant the permittee any option or preference rights to a lease or other development contract or authorize the production or removal of oil and gas;

(3)(i) The permittee shall pay for all damages to growing crops, any improvements on the lands, and all other surface damages as may be occasioned by operations. Commencement money shall be a credit toward the settlement of the total damages occasioned by the drilling and completion of the well for which it was paid. Such damages shall be paid to the owner of the surface and by him apportioned among the parties interested in the surface, whether as owner, surface lessee, or otherwise, as the parties may mutually agree or as their interests may appear. If a lessee or his authorized representative and surface owner are unable to agree concerning damages, the same shall be determined by arbitration. Nothing herein contained shall be construed to deny any party the right to file an action in a court of competent jurisdiction if he is dissatisfied with the amount of the award.

(ii) Surface owners shall notify their lessees or tenants of the regulations in this part and of the necessary procedure to follow in all cases of alleged damages. If so authorized in writing, surface lessees or tenants may represent the surface owners.

(iii) In settlement of damages on restricted land all sums due and payable shall be paid to the Superintendent for credit to the account of the Indian entitled thereto. The Superintendent will make the apportionment between the Indian landowner or owners and surface Lessee of record.

(iv) Any person claiming an interest in any leased tract or in damages thereto, must furnish to the Superintendent, a statement in writing showing said claimed interest. Failure to furnish such statement shall constitute a waiver of notice and bar said person from claiming any part of such damages after the same shall have been disbursed.

(4) A copy of all data collected pursuant to operations conducted under the permit shall be forwarded to the Secretary and to the Indian mineral owner when so provided in the permit. Data collected under a permit shall be held by the Secretary as privileged and proprietary information until such time as the permit has expired, or as otherwise provided for in the permit.

(5) The permittee will be required to obtain the right of ingress or egress from the surface owner.

(6) A permit may be granted by the Secretary without the consent of the individual Indian owners if:

(i) The land is owned by more than one person, and the owners of a majority of the interests therein consent to the permit;

(ii) The whereabouts of the owner of the land or an interest therein is unknown, and the owner or owners of any interests therein is unknown, and the owner or owners of any interests therein whose whereabouts is known, or a majority thereof, consent to the permit;

(iii) the heirs or devisees of a deceased owner of the land or an interest therein have not been determined, and the Secretary finds that the permit activity will cause no substantial injury to the land or any owner thereof; or

(iv) The owners of interests in the land are so numerous that the Secretary finds it would be practicable to obtain their consent and also finds that the permit activity will cause no substantial injury to the land or any owner thereof.

(b) A permit to conduct geological and geophysical operations on Indian lands included in an oil and gas contract entered into pursuant to this Part will not be required of the operator in the absence of provisions in the contract requiring that a permit be obtained. If a permit is to be required, the contract shall state the procedures for obtaining approval of the permit.

(c) For the purposes of these regulations a "geological and geophysical permit" means a written authorization from the Indian mineral owner to conduct on-site surveys to locate oil and gas deposits on the lands included in the permit by mechanical electronic or other menas.

§ 225.46 Removal of restrictions.

(a) Notwithstanding the provisions of any oil and gas contract to the contrary, the removal of all restrictions against alienation shall operate to divest the Secretary of all supervisory authority and responsibility with respect to the contract. Thereafter, all payments required to be made under the contract shall be made directly to the oil and gas owner(s).

(b) In the event restrictions are removed from a part of the land included in any contracted to which this part applies, the entire contract shall continue subject to the supervision of the Secretary until such time as the

holder of the contract and the unrestricted oil and gas owner shall furnish to him satisfactory evidence that adequate arrangements have been made to account for the oil and gas upon the restricted land separately from that upon the unrestricted. Thereafter, the unrestricted portion shall be relieved from supervision of the Secretary, and the restricted portion shall continue subject to such supervision as is provided by the Secretary, contract, the regulations of this part, and all other applicable laws and regulations.

(c) Should restrictions be removed from only part of the acreage covered by a contract agreement which provides that payments to the oil and gas owners shall thereafter be paid to each owner in the proportion which his acreage bears to the entire acreage covered by the contract, the operator on any unrestricted portion shall continue to be required to make the reports required by the regulations in this part with respect to the beginning of drilling operations, completion of wells, and productions the same as if no restrictions had been removed. In the event the unrestricted portion of the contracted premises is producing, the operator will also be required to pay the portion of the royalties or other revenue due the Indian oil and gas owner at the time and in the manner specified by the regulations in this part.

§ 225.47 Oil and gas contracts of undivided inherited lands.

(a) The Secretary may execute oil and gas contracts in behalf of unknown owners of future contingent interests and on behalf of minors without legal guardian, and on behalf of persons who are legally incompetent.

(b) If the allottee is deceased and the heirs to or devisees of any interest in the allotment have not been determined, some or all of them cannot be located, contracts for the development of such interests may be executed by the Secretary, provided that such interests have been offered for sale under provision of § 225.31.

(c) If the heirs include a life tenant, the contract must be accompanied by an agreement between such life tenant and the remaidermen providing for the division of the rents and royalties subject to approval of the Secretary.

(d) The Secretary may approve a contract where less than 100 percent of the undivided mineral interest is committed to the lease and the Secretary has determined it to be in the best interest of the Indian mineral owners, provided that:

(1) 51 percent or more of the undivided mineral interest is committed to the lease;

(2) The operator is required to submit a certified statement containing evidence of the Indian mineral owner's refusal to consent to the lease;

(3) The operator is required to submit, and obtain the approval of the Secretary, a plan describing how the operator will account to the non-consenting mineral interest owners for all income attributable to their undivided interest.

(4) Non-consenting mineral owners receive a certified written notice that the Bureau proposes to approve a contract affecting their undivided interest without their consent within ten days from receipt of the notice.

(e) The Secretary shall provide all non-consenting mineral owners with a certified written notice that he has approved a contract affecting their undivided interest without their consent.

§ 225.48 Persons signing in a representative capacity.

(a) The signing in a representative capacity and delivery of bids, geological and geophysical permits oil and gas mineral agreements or assignments, bonds, or other instruments required by these regualtions constitute certification that the individual signing (except a surety agent), is authorized to act in such capacity. An agent for a surety shall furnish a satisfactory power of attorney.

(b) A corporation proposing to acquire an interest in a permit or a contracted real property interest in Indian-owned oil and gas shall file with the instrument a statement showing:

(1) The state in which the corporation is incorporated, and that the corporation is authorized to hold such interests in the state where the land described in the instrument is situated;

(2) That it has power to conduct all business and operations as described in the instrument; and

(3) Such other information as the Secretary may require in the exercise of his trust responsibility to the Indian oil and gas owner.

(c) The Secretary may, either before or after the approval of a permit, mineral contract, assignment, or bond, call for any additional information necessary to carry out the regulations in this part, other applicable laws and regulations and his trust responsibility to the Indian oil and gas owner. Failure to furnish the requested information will be deemed sufficient cause for disapproval or cancellation of the instrument, whichever is appropriate.

225.49 Economic assessments.

(a) An economic assessment where required shall include the following findings to the extent of their applicability to oil and gas exploration and production:

(1) Whether there are assurances in the oil and gas contact that oil and gas operations will be conducted with appropriate diligence;

(2) Whether the production royalties or other form of return on oil and gas is adequate;

(3) If a method of contracting other than the competitive bid procedure is used, whether that method clearly provided the Indian oil and gas owner with a greater share of the return on the production of his oil and gas than he might otherwise obtain through competitive bidding;

(4) Whether provisions for resolving disputes that may arise between the parties to the agreement are adequate;

(5) Whether provisions for the training and preferential employment of the local Indian labor force are adequate; and

(6) Whether the configuration of the area to be developed (the oil and gas tract) is contained in a reasonable compact body and the acreage leased does not exceed that necessary to promote the orderly development of oil and gas resources).

(b) [Reserved].

225.50 Environmental assessments.

(a) An environmental assessment shall be prepared in accordance with regulations promulgated by the Council of Environmental Quality, 40 CFR 1508.9, and the Environmental Quality Handbook, 30 BIAM Supplement 1. When it is recognized prior to the preparation of the assessment that a complete environmental impact statement needs to be prepared prior to approval of the contract, preparation of that environmental impact statement may be regarded as satisfying the requirements of this section. Prior to contract approval the environmental assessment shall be made specifically available to the Indian oil and gas owner and to the governing body of the local Indian tribe, and shall also be made available for public review at the Bureau office having jurisdiction over the proposed contract.

(b) In order to make a determination of the effect of the contract on prehistoric, historic, architectural, archeological, cultural, and scientific resources, in compliance with the National Historic Preservation Act, 16 U.S.C. 470 *et seq.*, Executive Order 11593 (May 1971), and regulations promulgated thereunder, 36 CFR Parts 60–63, ad 60.63,

and 800, and the Archeological and Historic Preservation Act, 16 U.S.C. 469a *et seq.*, the Secretary shall, prior to approval of a contract perform surveys or cause surveys to be performed of the cultural resources so as to evaluate and make a determination of the effect of the exploration and mining activities on properties which are listed in the National Register of Historic Places, 16 U.S.C. 470a, or are eligible for listing in the National Register. If the surveys indicate that properties listed in or eligible for listing in the National Register will be affected, the Secretary shall seek the comments of the Advisory Council of Historic Preservation pursuant to 36 CFR Part 800. If the mineral development will have an adverse effect on such properties, the Secretary shall ensure that the properties will either be avoided, the effects mitigated or the data describing the historic property preserved.

§ 225.51 Bonds.

(a) The secretary may require a geological or geophysical permittee to furnish a surety bond in such amount as he deems appropriate.

(b) Before beginning drilling operations, the operator shall furnish a bond in an amount to be determined by the Authorized Officer and the Secretary, but in no event less than $10,000.

(c) In lieu of the drilling bond required under paragraph (b) of this section, the operator may file on bond for $50,000 for all oil and gas contracts in any one state, or such lesser jurisdiction, as determined by the Secretary, including contacts on that part of an Indian reservation extending into states contiguous thereto, to which the operator may become a party. The total acreage covered by such bond shall not exceed 10,240 acres.

(d) In lieu of the bonds required under paragraphs (a), (b), and (c) of this section, an operator or permittee may file with the Secretary a bond in the sum of $150,000 for full nationwide coverage for all contracts and permits without geographic or acreage limitations.

(e) Bonds shall be by corporate surety bonds.

(f) The right is specifically reserved to the Secretary to increase or decrease the amount of bonds in his discretion.

(g) In lieu of a bond required by this section, an irrevocable bank letter of credit may be submitted for the same amount as a bond.

§ 225.52 Manner of Payments.

Unless otherwise provided in an approved contract all payments shall be paid to the Secretary or such other party as he may designate and shall be made at such time as provided in the advertisement, permit, or minerals agreement.

§ 225.53 Assignments and overriding royalties.

(a) *Assignments.* Mineral contracts or any interest therein, may be assigned or transferred only with the approval of the Secretary. Assignments may also be made only with the approval of the Indian mineral owner if such approval is required in the contract. The assignee must be qualified to hold such contract under existing rules and regulations and shall furnish a satisfactory bond conditioned on the faithful performance of the covenants and conditions thereof. An operator must assign either his entire interest in a contracted area or a legal subdivision (which may be a separate horizon) thereof, or an undivided interest in the whole lease or contracted area: *Provided,* that when an assignment covers only a legal subdivision of a contract area or covers interests in separate horizons such assignment shall be subject to both the consent of the Secretary and the Indian oil and gas owner. If a contract area is divided by the assignment of an entire interest in any part, each part shall be considered a separate contract, and the assignee shall be bound to comply with all terms and conditions of the original contract. A fully executed copy of the assignment shall be filed with the Secretary within 30 days after the date of the execution by all parties.

(b) *Overriding royalty.* Agreements creating overriding royalties or payments out of production shall not be considered as an assignment. Agreements creating overriding royalties or payments out of production are hereby authorized and the approval of the Department of the Interior or any agency thereof shall not be required with respect thereto, but such agreements shall be subject to the condition that nothing in any such agreement shall be construed as modifying any of the obligations of the operator with the Indian oil and gas owner under his contract and the regulations in this part, including requirements for Departmental approval before abandonment. All such obligations are to remain in full force and effect, the same as if free of any such royalties or payments. The existence of agreements creating overriding royalties or payments out of production need not be filed with the Secretary unless incorporated in assignments or instruments required to be filed pursuant to paragraph (a) of this section. An agreement creating overriding royalties or payments out of production shall be suspended when the working interest income per active producing well is equal to or less than the operational cost of the well, as determined by the Secretary.

§ 225.54 Restrictions on operations; work-over and shut-in applications.

(a) The Secretary may impose such restrictions as in his judgment are necessary for the protection of Indian-owned natural resources.

(b) The Secretary may, upon application of the lessee and under such terms and conditions as he may prescribe and after obtaining the consent of any Indian mineral owner affected, if such consent is required in the contract, authorize suspension of operating and production requirements whenever it is considered that marketing facilities are inadequate or economic conditions unsatisfactory or transportation facilities unavailable. Such suspensions shall not exceed beyond the ten-year primary term of tribal leases approved pursuant to the Act of May 11, 1938 (52 Stat. 347; 25 U.S.C. 396a–g) or leases on allotted lands approved pursuant to the Act of March 3, 1909, as amended (35 Stat. 783, 25 U.S.C. 39W). Applications by operators for relief from operating and producing requirements shall be filed in triplicate with the Authorized Officer and a copy thereof filed with the Secretary. Complete information must be furnished showing the necessity for such relief. Suspension of operations and production shall not relieve the operator from the obligations of continued payment of annual rental or minimum royalty. The operator shall pay as shut-in royalty an additional $2.50 per acre in advance for each annual period of suspension, provided that if the period of suspension is less than 12 months, the rate will be prorated. Said shut-in royalty shall not be recoverable out of royalties or otherwise from subsequent production.

(c) The Secretary may, after obtaining the consent of any Indian mineral owner affected, and under such terms and conditions as he may prescribe, authorize suspension of operating and producing requirements both in the primary and extended lease terms, whenever it is determined that reworking or drilling operations are in the best interest of the Indian mineral owner, *provided,* that such reworking or drilling operations are commenced within 60 days and thereafter conducted with reasonable diligence during the period of nonproduction. Any suspension under this paragraph shall

not relieve the operator from liability for the payment of rental and minimum royalty or other contract payments due under the terms of the contract.

§ 225.55 Unitization, communitization and well-spacing agreements.

(a) For the purpose of conservation and proper utilization of natural resources, the Secretary may approve that contracted areas shall be subject to cooperative or unitization agreements, or communitization agreements and well-spacing, with the prior consent of the Indian mineral owner and based upon a determination that approval is in the best interests of the Indian lessor.

(b) Where consent to include his lands in unit agreements is granted by the Indian mineral owner in the contract subject to approval of the Secretary, further consent of the Indian mineral owner is not required to obtain approval of a proposed agreement.

(c) In determining whether an agreement is in the best interests of the Indian lessor a written report shall be prepared by the Secretary taking into consideration whether the long term economic effects of the agreement will be in the best interests of the Indian mineral owners, and the recommendation of the Authorized Officer for approval or disapproval based upon the engineering and the technical aspects of the agreement. The report of the Secretary shall be made available to the Indian mineral owners and the applicant.

(d) A request for approval of a proposed agreement must be accompanied by an affidavit certifying that all Indian mineral owners have been given notice that approval of an agreement is being sought.

(e) An applicant for approval of an agreement may be required to provide copies of any farmout or similar type agreements where such agreements could have bearing upon the working interests in the proposed unit.

(f) Requests for approval and documents incident to such agreements must be filed with the Secretary 90 days prior to the expiration date of the first Indian oil and gas contract in the unit.

§ 225.56 Inspection of premises; books and accounts.

(a) Operators shall agree to allow Indian mineral owners, their representatives or any authorized representatives of the Secretary to enter all parts of the contracted premises for the purpose of inspection only at their own risk, and that books and records shall be available only during business hours, and shall further agree to keep a full and correct account of all operations and make reports thereof, as required by the contract and regulations.

(b) Records will be provided to the Minerals Management Service in accordance with MMS regulations and guidelines. MMS will safeguard such records in accordance with appropriate laws, regulations, and guidelines.

§ 225.57 Termination and cancellation; enforcement of orders.

(a) If the Secretary determines that a prospector or operator has failed to comply with the regulations in this part, other applicable laws or regulations, the terms of the contract, the requirements of an approved exploration or mining plan, his orders or the orders of the Authorized Officer and such noncompliance does not threaten immediate and serious damage to the environment, the mine or the deposit being mined, or other valuable mineral deposits or other resources, the Secretary shall serve a notice of noncompliance upon the prospector or operator by delivery in person or by certified mail to him at his last known address. Copies of said notice shall be sent to all interested parties. Failure of the prospector or operator to take action in accordance with the notice of noncompliance within the time limits specified by the Secretary, or to initiate an appeal pursuant to Part 2 of this title shall be grounds for suspension of operations subject to such notice by the Superintendent, or grounds for his recommendations for the initiation of action for cancellation of the lease, permit, license, or contract and forfeiture of any compliance bonds.

(b) The notice of noncompliance shall specify in what respect the operator has failed to comply with the provisions of applicable laws, regulations, terms of the drilling plan or contract, or the orders of the Secretary or the Authorized Officer, and shall specify the action which must be taken to correct such noncompliance and the time limits within which such action shall be taken. A written report shall be submitted by the permittee or operator to the Secretary when such noncompliance has been corrected.

(c) If, in the judgment of the Secretary, a permittee or operator is conducting activities on lands subject to the provisions of this part:

(1) Which fail to comply with the provisions of this part, other applicable laws or regulations, the terms of the minerals agreement, the requirements of an approved exploration or drilling plan, his orders or the orders of the Authorized Officer, and

(2) Which threaten immediate and serious damage to the environment, the resource or the deposit being developed, or other valuable mineral deposits or other resources; the Secretary shall order the immediate cessation of such activities, without prior notice of noncompliance. The Secretary shall, however, as soon after issuance of the cessation order as possible, serve on the permittee or operator a statement of the reasons for the cessation order and the actions needed to be taken before the order will be lifted. Both the cessation order and the statement of reasons for the order shall be delivered to the Indian oil and gas owner.

(d) If a permittee or operator fails to take action in accordance with the notice of noncompliance served upon him pursuant to paragraph (a) of this section, or if a permittee or operator fails to take action in accordance with the cessation order statement served upon him pursuant to paragraph (c) of this section, the Secretary may issue a notice of intent to cancel the minerals agreement specifying the basis for notice. The permittee or operator may, within 30 days of receipt of the notice, request a hearing at which he, the Indian oil and gas owner, the Secretary, the MMS official, and the Authorized Officer shall be entitled to present evidence. After such hearing, or after 30 days if no hearing has been requested, the Secretary may order cancellation of the contract.

(e) No provision in this section shall be interpreted as replacing or superseding any other remedies of the Indian oil and gas owner as set forth in the minerals agreement or otherwise available at law.

(f) Nothing in this section is intended to supersede the independent authority of the Authorized Officer and/or the MMS official. However, the Authorized Officer, the MMS official, and the Secretary should consult with one another, when feasible, before taking any enforcement actions.

§ 225.58 Penalties.

Violation of any of the terms or conditions of any contract agreement or of the regulations under this part shall subject the permittee or operator to a fine of not less than $1,000 per day for each day of such violation or noncompliance with the orders of either the Secretary or the Authorized Officer or MMS official. Provided, that prior to the determination that a fine will be imposed as provided for in this section, the permittee or operator shall receive 30 days notice with respect to the terms of the contract or of the regulations violated and, if he so requests, may receive a hearing before the Secretary.

Payment of penalties more than 10 days after notice of final decision is given shall be subject to late charges at the rate of not less than 1½ percent per month for each month or fraction thereof until paid. All penalties collected pursuant to this section shall be deposited with the Indian owners.

§ 225.59 Appeals.

(a) Appeals from decisions of the Departmental officers under this part may be taken pursuant to Part 2 of this title.

(b) Cessation orders issued pursuant to Section 225.56 of this part shall not be suspended as a result of the taking of an appeal, unless such suspension is ordered in writing by the official before whom such an appeal is pending, and then only upon a written determination by such official that such suspension will not be detrimental to the Indian oil and gas owner or upon submission of a bond deemed adequate by both the Indian oil and gas owner and the Secretary to indemnify the Indian oil and gas owner from any resulting loss or damage.

§ 225.60 Fees.

Unless otherwise authorized by the Secretary, each permit, lease, sublease, or other contract, or assignment or surrender thereof shall be accompanied by a filing fee of not less than $25.

§ 225.61 Legal review.

Whenever it is proposed to enter into an oil and gas contract by methods other than the competitive bid porcedure (whether by the Secretary or by the Indian oil and gas owner), or when a contract contains provisions not appearing in an approved Bureau contract form, the contract shall be submitted to the local Field or the Regional Solicitor's Office for review for legal sufficiency prior to approval.

Kenneth Smith,

Assistant Secretary—Indian Affairs.

[FR Doc. 83-18542 Filed 7-11-83; 8:45 am]

BILLING CODE 4310-02-M

federal register

Tuesday
July 12, 1983

Part IV

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 929]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: July 6, 1983.

The following notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF).

The applications for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission within fifteen days after publication of notice in the **Federal Register**.

Source data from the Form 121 for this and all previous notices is available on magnetic tape from the National Technical Information Service (NTIS). For information, contact Stuart Weisman (NTIS) at (703) 487–4808, 5285 Port Royal Rd, Springfield, Va 22161.

Categories within each NGPA section are indicated by the following codes:

Section 102–1: New OCS lease
- 102–2: New well (2.5 Mile rule)
- 102–3: New well (1000 Ft rule)
- 102–4: New onshore reservoir
- 102–5: New reservoir on old OCS lease

Section 107–DP: 15,000 feet or deeper
- 107–GB: Geopressured brine
- 107–CS: Coal Seams
- 107–DV: Devonian Shale
- 107–PE: Production enhancement
- 107–TF: New tight formation
- 107–RT: Recompletion tight formation

Section 108: Stripper well
- 108–SA: Seasonally affected
- 108–ER: Enhanced recovery
- 108–PB: Pressure buildup

Kenneth F. Plumb,
Secretary.

NOTICE OF DETERMINATIONS — VOLUME 929

ISSUED JULY 6, 1983

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
LOUISIANA OFFICE OF CONSERVATION									
-AMOCO PRODUCTION CO			RECEIVED: 06/21/83 JA: LA						
8342073	83-0590	1707720293		107-DP		DOROTHY BROWN #3 17900 TUSC RA SU J	MORGANZA	2920.0	COLUMBIA GAS TRAN
-BARNHILL DONNY JOE			RECEIVED: 06/21/83 JA: LA						
8342140	83-0506	1711123545		103	108	MRS N R NOLAN #2	MONROE	16.0	PETRO LEWIS CORP
-CRYSTAL OIL AND LAND COMPANY			RECEIVED: 06/21/83 JA: LA						
8342133	83-0596	1704920134		107-TF		ANSCHUTZ DAVIS #1 LCV RA SUA	VERNON	180.4	UNITED GAS PIPE L
8342114	83-0457	1701521772		102-4	107-TF	BARNETT #4-ALT HAY RA SUO	ARKANA	1350.5	ARKANSAS LOUISIAN
8342135	83-0598	1704920191		103	107-TF	DAVIS BROTHERS B #1 CVC RA SUDD	VERNON	182.5	UNITED GAS PIPELI
8342109	83-0444	1701521711		102-4	107-TF	DOLES-WALKER #1 ALT HAY RA SUE	ARKANA	509.2	ARKANSAS LOUISIAN
8342110	83-0452	1701521730		107-TF		DOLES-WALKER #2 ALT HAY RA SUE	ARKANA	182.5	ARKANSAS LOUISIAN
8342118	83-0468	1701521715		102-4	107-TF	HALL "D" #1 ALT HAY RA SUD	ARKANA	730.0	ARKANSAS LOUISIAN
8342115	83-0465	1701521746		102-4	107-TF	HAMITER "H" #1 ALT HAY RA SUM	ARKANA	657.0	ARKANSAS LOUISIAN
8342113	83-0456	1701521840		102-4	107-TF	INTL PAPER CO "F" #1-ALT HAY RA SUD	ARKANA	1423.5	ARKANSAS LOUISIAN
8342134	83-0597	1704920196		102-4	107-TF	W J EMMONS #1	VERNON	1277.5	UNITED GAS PIPE L
8342112	83-0455	1701521731		102-4	107-TF	WATSON #1 ALTERNATE HAY RA SUL	ARKANA	483.8	ARKANSAS LOUISIAN
8342104	83-0451	1701521704		102-4	107-TF	WILLAMETTE "G" #1-ALT HAY RA SUF	ARKANA	109.5	ARKANSAS LOUISIAN
8342117	83-0467	1701521682		102-4	107-TF	WILLAMETTE "H" #1-ALT HAY RA SUC	ARKANA	459.9	ARKANSAS LOUISIAN
8342116	83-0466	1701521613		102-4	107-TF	WYCHE "B" #1	ARKANA	182.5	ARKANSAS LOUISIAN
-DEVON ENERGY CORPORATION			RECEIVED: 06/21/83 JA: LA						
8342103	83-0490	1711123914		103		FROST LUMBER INDUSTRIES #27	MONROE	12.0	TEXAS GAS TRANSMI
8342136	83-0491	1711123918		103		FROST LUMBER INDUSTRIES #28	MONROE	12.0	TEXAS GAS TRANSMI
8342119	83-0472	1711123924		103		J L PARDUE #4	MONROE	12.0	TEXAS GAS TRANSMI
-ERGON INC			RECEIVED: 06/21/83 JA: LA						
8342129	83-0483	1711123933		103	107-TF	B J ALBRITTON #1	MONROE	9.0	TEXAS GAS TRANSMI
8342130	83-0484	1711123833		103	107-TF	C O BROWN #2	MONROE	8.4	TEXAS GAS TRANSMI
8342125	83-0479	1711123964		103	107-TF	HAROLD SIMS #1	MONROE	9.3	TEXAS GAS TRANSMI
8342086	83-0443	1711123963		103	107-TF	IDA WAYNE RIVERS EST #1	MONROE	9.0	TEXAS GAS TRANSMI
8342124	83-0478	1711123962		103	107-TF	IRA MEDLIN #1	MONROE	8.4	TEXAS GAS TRANSMI
8342126	83-0480	1711123482		103	107-TF	J D MILLER #3	MONROE	9.9	TEXAS GAS TRANSMI
8342085	83-0442	1711123965		103	107-TF	J E TAUNTON #3 VUMM	MONROE	11.2	TEXAS GAS TRANSMI
8342099	83-0486	1711123446		103	107-TF	J M MUCKLEROY #2	MONROE	9.0	TEXAS GAS TRANSMI
8342100	83-0487	1711123338		103	107-TF	JOHN D MILLER #1	MONROE	12.7	TEXAS GAS TRANSMI
8342120	83-0474	1711123961		103	107-TF	KEHLEY-GATES LAND CORP #1	MONROE	9.9	TEXAS GAS TRANSMI
8342101	83-0488	1711123483		103	107-TF	MARY MILLER #1	MONROE	9.9	TEXAS GAS TRANSMI
8342098	83-0485	1711123834		103	107-TF	VELLE GENE COLEMAN #2	MONROE	10.2	TEXAS GAS TRANSMI
-EXCHANGE OIL & GAS CORPORATION			RECEIVED: 06/21/83 JA: LA						
8342137	83-0499	1705520231		107-DP		HOMER MOUTON #1	NORTH MAURICE	1100.0	LOUISIANA GAS SYS
-EXXON CORPORATION			RECEIVED: 06/21/83 JA: LA						
8342171	82-90	1705721875		103		EXXON FEE B #26-D BCP TEX RL SU	BULLY CAMP	30.0	TENNESSEE GAS PIP
8342095	82-2977	1710121181		103		MIAMI CORP E #36 BS ROB-7 RL SU	BAYOU SALE	180.0	TRUNKLINE GAS CO
8342173	82-0444	1772520271		102-2		S L 6894 A #9	MAIN PASS BLOCK 74	80.0	UNITED GAS PIPE L
8342093	82-2854	1772520292		102-2		SL 6894 A #12	MAIN PASS BLOCK 74	36.0	UNITED GAS PIPE L
-GULF OIL CORPORATION			RECEIVED: 06/21/83 JA: LA						
8342176	82-2830	1707522877		103		SL 195 QQ WELL #82 NBLB Q-1 RA SU	NORTH BLACK BAY	55.5	SOUTHERN NATURAL
-HADDOX PETROLEUM CORP			RECEIVED: 06/21/83 JA: LA						
8342121	83-0475	1711123452		108		EXXON #1	MONROE	17.0	IMC PIPELINE CO I

BILLING CODE 6717-01-M

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8342122	83-0476	1711125453		108		EXXON #2	MONROE	17.0	IMC PIPELINE CO I
8342123	83-0477	1711123454		108		EXXON #5	MONROE	0.0	IMC PIPELINE CO I
-HERBST RESOURCES INC				RECEIVED:		06/21/83 JA: LA			
8342080	83-0437	1706721395		103	108	ARCHIE A-1	MONROE GAS ROCK	1.8	IMC PIPELINE CO I
8342081	83-0438	1706721396		103	108	ARCHIE A-2	MONROE GAS ROCK	5.5	IMC PIPELINE CO I
8342082	83-0439	1706721498		103	108	ARCHIE A-3	MONROE GAS ROCK	1.8	IMC PIPELINE CO I
8342083	83-0440	1706721500		103	108	ARCHIE A-4	MONROE GAS ROCK	1.8	IMC PIPELINE CO I
8342084	83-0441	1706721502		103	108	ARCHIE A-5	MONROE GAS ROCK	7.3	IMC PIPELINE CO I
-JEEMS BAYOU PRODUCTION CORP				RECEIVED:		06/21/83 JA: LA			
8342132	83-0595	1703122085		103		RAYFORD B FRANKLIN #5 PET RA SUP	TRENTON	823.0	LOUISIANA INTRAST
-JOHN O CLAY EXPLORATION INC				RECEIVED:		06/21/83 JA: LA			
8342090	83-0400	1702120516		102-4		NETHERY BARNHILL #1 2040' RA SUC	WEST CLARKS	70.0	GLASS CONTAINER C
-MARSHALL EXPLORATION INC				RECEIVED:		06/21/83 JA: LA			
8342096	82-3020	1703121645		103		ALBERT HORN #1 HOSS SU AA	LOGANSPORT	360.0	SOUTHERN NATURAL
8342172	82-0400	1703121246		103		BROWN #1	BETHANY LONGSTREET	300.0	ARKANSAS LOUISIAN
8342078	83-0587	1703121778		102-4		CENTRAL LOUISIANA ELECTRIC CO #1	BENSON	120.0	SABINE DESOTO PIP
8342077	83-0586	1703121898		102-4		CROWNZELLERBACH #1 L HOSS RA SUH	BENSON	350.0	SABINE DESOTO PIP
8342071	83-0589	1703121898		103		CROWNZELLERBACH #1 L HOSS RA SUH	BENSON	350.0	SABINE DESOTO PIP
8342169	83-0541	1703121667		103		DESOTO PARISH SCHOOL BOARD #1	RED RIVER BULL BAYOU	150.0	
8342170	83-0542	1703100000		103		DESOTO PARISH SCHOOL BOARD #3	RED RIVER BULL BAYOU	92.0	SABINE DESOTO PIP
8342174	82-1105	1703121095		103		F L GALBREATH #3 L GR RA SUC	LOGANSPORT	330.0	ARKANSAS LOUISIAN
8342108	83-0584	1703121869		102-4		FRANK MATTHEWS "A" #4	BENSON	300.0	SABINE DESOTO PIP
8342076	83-0585	1703121686		102-4		FRANK MATTHEWS A #3	BENSON	110.0	SABINE DESOTO PIP
8342088	82-3356	1703121646		108-ER		HOOPER #1	LOGANSPORT	0.0	
8342094	82-2932	1703121646		103		HOOPER #1-ALT HOSS SU Z	LOGANSPORT	200.0	SOUTHERN NATURAL
8342087	82-3248	1703121302		108		JERGINS#1	BELLE BOWER	17.0	TENNESSEE GAS PIP
8342105	83-0543	1708520987		103		NORWOOD #1	CONVERSE	150.0	SABINE & DESOTO P
8342107	83-0546	1703121043		103		PACE #4 L GR RA SU L	LOGANSPORT	51.0	TENNESSEE GAS PIP
8342168	83-0540	1702721092		103	107-TF	ROCKHOLD #1 CV RA SUC	MOUNT SINAI	45.0	ARKANSAS LOUISIAN
8342106	83-545	1701521750		103		WELCH #1 ROD RA SUD	SLIGO	95.0	ARKANSAS LOUISIAN
-MID LOUISIANA GAS COMPANY				RECEIVED:		06/21/83 JA: LA			
8342153	83-0519	1711123066		108		MLGC FEE GAS #1020	MONROE GAS	20.2	MID LOUISIANA GAS
8342154	83-0520	1711123150		108		MLGC FEE GAS #1050	MONROE GAS	15.2	MID LOUISIANA GAS
8342102	83-0489	1711123805		103		MLGC FEE GAS #1177	MONROE GAS FIELD	21.6	MID LOUISIANA GAS
8342146	83-0512	1707300180		108		MLGC FEE GAS #294	MONROE GAS	4.1	MID LOUISIANA GAS
8342147	83-0513	1707300152		108		MLGC FEE GAS #305	MONROE GAS	0.8	MID LOUISIANA GAS
8342151	83-0517	1707300175		108		MLGC FEE GAS #311	MONROE GAS	5.5	MID LOUISIANA GAS
8342148	83-0514	1707300153		108		MLGC FEE GAS #312	MONROE GAS	5.5	MID LOUISIANA GAS
8342149	83-0515	1707300202		108		MLGC FEE GAS #317	MONROE GAS	3.0	MID LOUISIANA GAS
8342155	83-0521	1711100334		108		MLGC FEE GAS #500	MONROE GAS	6.7	MID LOUISIANA GAS
8342156	83-0522	1711200410		108		MLGC FEE GAS #618	MONROE GAS	21.3	MID LOUISIANA GAS
8342157	83-0523	1711120042		108		MLGC FEE GAS #619	MONROE GAS	21.3	MID LOUISIANA GAS
8342158	83-0524	1711120100		108		MLGC FEE GAS #645	MONROE GAS	21.9	MID LOUISIANA GAS
8342159	83-0525	1711121452		108		MLGC FEE GAS #687	MONROE GAS	21.0	MID LOUISIANA GAS
8342160	83-0526	1711121682		108		MLGC FEE GAS #762	MONROE GAS	20.8	MID LOUISIANA GAS
8342161	83-0527	1707321432		108		MLGC FEE GAS #832	MONROE GAS	20.8	MID LOUISIANA GAS
8342162	83-0528	1707321337		108		MLGC FEE GAS #864	MONROE GAS	20.1	MID LOUISIANA GAS
8342141	83-0507	1711122326		108		MLGC FEE GAS #870	MONROE GAS	21.7	MID LOUISIANA GAS
8342142	83-0508	1711122690		108		MLGC FEE GAS #967	MONROE GAS	20.4	MID LOUISIANA GAS
8342143	83-0509	1711122711		108		MLGC FEE GAS #981	MONROE GAS	5.3	MID LOUISIANA GAS
8342144	83-0510	1711122712		108		MLGC FEE GAS #982	MONROE GAS	20.6	MID LOUISIANA GAS
8342145	83-0511	1711122729		108		MLGC FEE GAS #984	MONROE GAS	18.6	MID LOUISIANA GAS
8342150	83-0516	1711122732		108		MLGC FEE GAS #988	MONROE GAS	21.5	MID LOUISIANA GAS
8342152	83-0518	1711122740		108		MLGC FEE GAS #991	MONROE GAS	17.3	MID LOUISIANA GAS
-PLACID OIL COMPANY				RECEIVED:		06/21/83 JA: LA			
8342131	83-0594	1701320283		108-PB		PAYTON #1 HOSS C SU 65	DANVILLE	0.0	LOUISIANA GAS INT
-PRIMOS PRODUCTION CO				RECEIVED:		06/21/83 JA: LA			
8342165	83-0532	1711101901		108		IMPERIAL OIL & GAS CO FEE #A-2	MONROE	17.2	SOUTHERN NATURAL
8342164	83-0531	1711101873		108		N R HOLAM #1	MONROE	14.1	SOUTHERN NATURAL
8342167	83-0535	1711122556		108		PETRO LEWIS FROST LUMBER #15	MONROE	9.4	SOUTHERN NATURAL
8342166	83-0534	1707321139		108		RAE GREEN #15	MONROE	17.5	SOUTHERN NATURAL
-QUINTANA PETROLEUM CORP				RECEIVED:		06/21/83 JA: LA			
8342072	83-0589	1710121341		107-DP		SHIHM #10 GC MA 10 RA SU	GARDEN CITY	2080.0	UNITED GAS PIPELI
-ROBERSON WELL SERVICE				RECEIVED:		06/21/83 JA: LA			
8342139	83-0505	1711123872		103	108	UNION PRODUCING CO #5	MONROE	12.8	PETRO LEWIS CORP
-SHIDLER MARK L				RECEIVED:		06/21/83 JA: LA			
8342128	83-0482	1711123957		103	107-TF	B H SAVAGE #1	MONROE	0.0	WEST MONROE GAS G
8342127	83-0481	1711123952		103	107-TF	VAUGHN MOSLEY #1	MONROE GAS	0.0	WEST MONROE GAS G
-SUN EXPLORATION & PRODUCTION CO				RECEIVED:		06/21/83 JA: LA			
8342075	83-0593	1703100000		108		BOISE SOUTHERN C #1	GROGAN	17.0	TENNESSEE GAS PIP
8342138	83-0500	1708500000		108		DAVIS #2	PLEASANT HILL	12.0	LOUISIANA INTRAST
8342074	83-0591	1701500000		108		SWAIN #1 GRAY RA SUI	IVAN	21.0	ARKANSAS LOUISIAN
-TEXACO INC				RECEIVED:		06/21/83 JA: LA			
8342092	83-0404	1710922602		103		BSE U22 #33 VU 22	BAY ST ELAINE	146.0	KAISER ALUMINUM &
8342079	83-0405	1701724911		102-4		CADDO LEVEE DISTRICT 9248 #3	CADDO PINE ISLAND	0.0	
8342089	83-0398	1705120620		103		LL&E LAFITTE #184	LAFITTE	4.0	KAISER ALUMINUM &
8342091	83-0401	1705120627		103		LL&E LAFITTE #185	LAFITTE	47.0	KAISER ALUMINUM &
8342175	82-2722	1710121111		103		SL 341 BATEMAN LAKE #7	BATEMAN LAKE	26.0	CITY OF MORGAN CI
-TRANSCO EXPLORATION COMPANY				RECEIVED:		06/21/83 JA: LA			
8342097	82-3213	1703120849		103		FRANCES TULL ONEAL #1	GRAND CANE	146.0	SOUTHERN NATURAL
-VIKING RESOURCES (LA)				RECEIVED:		06/21/83 JA: LA			
8342163	83-0529	1711123938		103		OLIN #7	MONROE	0.0	PETRO LEWIS FUNDS
-WHELESS INDUSTRIES INC				RECEIVED:		06/21/83 JA: LA			
8342111	83-0453	1702721075		102-4	107-TF	MCEACHERN #1 WHELESS-PELTO SMK C	EAST DYKESVILLE	365.0	UNITED GAS PIPELI
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MICHIGAN DEPARTMENT OF NATURAL RESOURCES									
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-SHELL OIL CO				RECEIVED:		06/21/83 JA: MI			
8342276		2105500000		102-4		ACKERMAN 2-35A	PARADISE 35	1078.9	MICHIGAN CONSOLID
8342273		2103900000		102-4		JOHNS 1-21A	FREDERIC 29	1280.0	MICHIGAN CONSOLID
8342270		2116500000		102-4		MIDDAUGH 2-4	WEXFORD 4	1138.0	MICHIGAN CONSOLID
8342271		2116500000		102-4		RUNYON 2-1	WEXFORD 1	988.0	MICHIGAN CONSOLID
8342275		2103900000		102-4		STATE FREDERIC 2-20	FREDERIC 29	1069.0	MICHIGAN CONSOLID
8342274		2103900000		102-4		STATE FREDERIC 3-21	FREDERIC 21A	151.4	MICHIGAN CONSOLID
8342272		2116500000		102-4		SULLIVAN 1-6B	WEXFORD 1	1130.0	MICHIGAN CONSOLID
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OKLAHOMA CORPORATION COMMISSION									
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-AMERICAN STAR ENERGY & MINERALS COR				RECEIVED:		06/20/83 JA: OK			
8342315	21506	3507323677		103		FIRE-STAR #1	SOONER TREND	100.0	NORTHWEST CENTRAL
-AMADARKO PRODUCTION COMPANY				RECEIVED:		06/20/83 JA: OK			
8342302	22426	3500321027		103		MILES A 2-13	LAMBERT SE	118.0	PIONEER GAS PRODU
-ARCO OIL AND GAS COMPANY				RECEIVED:		06/20/83 JA: OK			
8342346	22408	3508520377		103		R A HEFNER JR UN #2-U	WEST ENVILLE	73.0	CIMARRON TRANSMIS

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-BETA OIL & GAS DEVELOPMENT				RECEIVED:	06/20/83	JA: OK			
8342306	22434	3510721463		103		BURNETT #1A		444.2	SWAB CORP
-C J CASSELMAN				RECEIVED:	06/20/83	JA: OK			
8342308	22438	3511123686		103		BOGIE #1	MORRIS	18.3	PHILLIPS PETROLEU
8342309	22439	3511124121		103		BOGIE #6	MORRIS	18.3	PHILLIPS PETROLEU
8342310	22440	3511123992		103		KING-B #1	MORRIS	18.3	PHILLIPS PETROLEU
8342307	22437	3511124010		103		KING-B #2	MORRIS	18.3	PHILLIPS PETROLEU
-CIMARRON MANAGEMENT CORP				RECEIVED:	06/20/83	JA: OK			
8342295	22379	3511721764		103		REYNOLDS #2	HALLETT	5.4	EMPIRE PIPELINE C
-CLEMENTS ENERGY INC				RECEIVED:	06/20/83	JA: OK			
8342333	22190	3504723148		103		VOSKUHL #1	SOONER TREND	14.6	EXXON CO U S A
-D & G GAS & OIL CO				RECEIVED:	06/20/83	JA: OK			
8342293	22271	3504723129		103		T J #1	ELKHORN	100.0	EASON OIL CO
-DAN DARLING OIL				RECEIVED:	06/20/83	JA: OK			
8342344	22399	3505320934		103		WALKER #1	EAST LAMONT	150.0	FARMLAND INDUSTRI
-DLB ENERGY CORP				RECEIVED:	06/20/83	JA: OK			
8342314	21639	3507323707		103		OAKES 13-4	SOONER TREND	365.0	PHILLIPS PETROLEU
-DONALD C SLAWSON				RECEIVED:	06/20/83	JA: OK			
8342281	20862	3501121671		102-4		ROTHER #1-25	W OKARCHE	75.0	PHILLIPS PETROLEU
-EAGLE MINERALS INC.				RECEIVED:	06/20/83	JA: OK			
8342347	22412	3508121771		103		SHAW #5		0.0	COLORADO GAS COMP
-GLENN FRANK & COLLETTA				RECEIVED:	06/20/83	JA: OK			
8342282	19973	3507720094		102-4		FRANK GLENN #1	KINTA	1.0	ARKANSAS LOUISIAN
-GMC OIL & GAS LTD				RECEIVED:	06/20/83	JA: OK			
8342349	22419	3511922056		103		SHEPARD A-3	WEST YALE	100.0	PHILLIPS PETROLEU
8342348	22418	3511900000		103		WALKER #2	WEST YALE	150.0	PHILLIPS PETROLEU
8342350	22420	3511921264		103		WALKER #3	WEST YALE	150.0	PHILLIPS PETROLEU
-GULF OIL CORPORATION				RECEIVED:	06/20/83	JA: OK			
8342321	21142	3515100000		108		GISSON #1	OAKDALE NORTH	1.1	MICHIGAN WISCONSI
8342284	19547	3515100000	,	108-SA		REXROAT #1	OAKDALE NORTH	0.0	MICHIGAN WISCONSI
-HAMM PRODUCTION CO				RECEIVED:	06/20/83	JA: OK			
8342324	21820	3500320146		108		COOK #2	EAST ALINE	11.6	AMINOIL USA INC
-HARTER OIL CO				RECEIVED:	06/20/83	JA: OK			
8342303	22428	3510121183		103		CARTER #1	YAHOLA DISTRICT	0.2	PHILLIPS PETROLEU
-HAZELWOOD PRODUCTION & EXPLORATION				RECEIVED:	06/20/83	JA: OK			
8342280	18556	3507122460		102-4		DEBOARD #1	DILWORTH	30.0	NORTHWEST CENTRAL
-J M HUBER CORPORATION				RECEIVED:	06/20/83	JA: OK			
8342351	22610	3501920681		108		NOKMAN #1	WEST ARDMORE	8.4	AMINOIL USA INC
8342335	22283	3505322561		103		SODOWSKY #4-3	E CHEYENNE VALLEY	54.8	PHILLIPS PETROLEU
-LACKEY RAYMOND R				RECEIVED:	06/20/83	JA: OK			
8342328	22013	3510900000		108		COOPER #1	COON CREEK	10.8	OKLAHOMA GAS & EL
8342327	22012	3504900000		108		GEORGE MYERS #1	GOLDEN TREND	0.0	WARREN PETROLEUM
8342326	22011	3504900000		108		GOOD #1	WEST EOLA	8.0	SOHIO PETROLEUM C
8342330	22019	3504900000		108		KING #1	GOLDEN TREND	4.6	WARREN PETROLEUM
8342329	22015	3511900000		108		MAUDE BIG WALKER #5	NEW CUSHING	12.3	ENTERPRISE DEVELO
-LOOPER GUY				RECEIVED:	06/20/83	JA: OK			
8342325	21951	3508700000		108		STERR #1	BRADLEY	13.5	PHILLIPS PETROLEU
-M & A PETROLEUM INC				RECEIVED:	06/20/83	JA: OK			
8342354	20190	3508300000		102-2		ELLIOTT #2	EAST GUTHRIE LAKE	300.0	BUCKEYE NATURAL G
8342352	20188	3508300000		102-2		ELLIOTTS #1	EAST GUTHRIE LAKE	608.5	BUCKEYE NATURAL G
8342291	20686	3508321716		102-2		GENEVIEVE WELLS #1	EAST GUTHRIE LAKE	109.5	BUCKEYE NATURAL G
8342353	20189	3508300000		102-2		MORGAN #1	EAST GUTHRIE LAKE	500.0	BUCKEYE NATURAL G
8342289	20191	3508300000		102-2		MORGAN #2		777.6	BUCKEYE NATURAL G
-M K W INC				RECEIVED:	06/20/83	JA: OK			
8342298	22421	3510320560		103		HENTGES #1		72.0	ARCO OIL & GAS CO
-MEWBOURNE OIL COMPANY				RECEIVED:	06/20/83	JA: OK			
8342336	22387	3513921262		108		CRISMON #1	HUGOTON (COUNCIL GROV	15.0	PHILLIPS PETROLEU
8342337	22388	3500721598		108		JINES #1 OTC #21923-1	COMO (MORROW UPPER)	16.0	PHILLIPS PETROLEU
-MID-CONTINENT PETROLEUM MGMT INC				RECEIVED:	06/20/83	JA: OK			
8342311	22490	3505320989		103		PAT WILKINS #1-20	S E POND CREEK	55.0	FARMLANDS INDUSTR
-MOBIL OIL CORP				RECEIVED:	06/20/83	JA: OK			
8342334	22270	3501900000		108		GRAHAM DEESE #29-2A (LAHMAN #1A)	SHO VEL TUM	0.0	LONE STAR GAS CO
-OK-TEX OIL & GAS INC				RECEIVED:	06/20/83	JA: OK			
8342299	22422	3504921993		103		WILLIAMS #1	HOOVER	0.0	AMINOIL USA INC
8342300	22423	3504921994		103		WILLIAMS #2	HOOVER	0.0	AMINOIL USA INC
8342301	22425	3504921992		103		WILLIAMS #3	HOOVER	0.0	AMINOIL USA INC
-PHILLIPS PETROLEUM COMPANY				RECEIVED:	06/20/83	JA: OK			
8342285	22384	3501721828		108		KROUTIL A #1	SOONER TREND	4.6	
-POLARIS ENERGY CORP				RECEIVED:	06/20/83	JA: OK			
8342340	22395	3511123166		103		EAST SLICK #3	OKLAHOMA CENTRAL	12.5	PHILLIPS PETROLEU
-Q E D EXPLORATION INC				RECEIVED:	06/20/83	JA: OK			
8342320	20625	3508322064		102-2		WILBUR PADGHAM #1	GUTHRIE	214.0	BUCKEYE NATURAL G
-RACHALK PRODUCTION INC				RECEIVED:	06/20/83	JA: OK			
8342294	22323	3504722937		103		ZAN W MOURER #1	N W CARRIER	36.5	PANHANDLE EASTERN
-RALPH E PLOTNER OIL & GAS INVEST IN				RECEIVED:	06/20/83	JA: OK			
8342313	21764	3501722234		103		PLOTNER - MEIWES #1		12.7	PHILLIPS PETROLEU
-RATLIFF EXPLORATION CO				RECEIVED:	06/20/83	JA: OK			
8342290	20674	3510920629		102-2		SWATEK #7-2		0.0	MOBIL GAS CO
-RH OPERATING CO				RECEIVED:	06/20/83	JA: OK			
8342286	22368	3510524080		108		HOUGH #12	SOUTH COFFEYVILLE FIE	6.0	RH OPERATING CO
-ROYAL OIL & GAS CORPORATION				RECEIVED:	06/20/83	JA: OK			
8342278	20316	3511921645		102-4		STATE OF OKLAHOMA 102-2	NORTHWEST SCHLEGEL	14.0	PARKS ENERGY INVE
-SADDLEBACK OIL CO				RECEIVED:	06/20/83	JA: OK			
8342305	22433	3511922141		103		YALE SOUTH #1		250.0	ENTERPRISE DEVELO
-SAMSON RESOURCES COMPANY				RECEIVED:	06/20/83	JA: OK			
8342292	22214	3507323540		103		JOY STATES #2	SOONER TREND	32.9	EXXON CO USA
8342283	19956	3507920471		102-4 103		TURMAN #1	NORTH SPIRO	1022.0	ARKANSAS LOUISIAN
-SANTA FE-ANDOVER OIL CO				RECEIVED:	06/20/83	JA: OK			
8342342	22397	3501121698		103		KOETTER #35-1		46.0	PHILLIPS PETROLEU
8342341	22396	3503920817		103		MANSON #5-2		180.0	DELHI GAS PIPELIN
8342343	22398	3501121685		103		MEIER #27-1		36.0	PHILLIPS PETROLEU
-SENECA OIL CO				RECEIVED:	06/20/83	JA: OK			
8342279	19656	3504321542		102-4 103		MARSHALL #2-25		102.2	DELHI GAS PIPELIN
-SHIPLEY ENERGY CORP				RECEIVED:	06/20/83	JA: OK			
8342304	22430	3507300000		103		HERRIAN #1	SOONER TREND	100.0	CITIES SERVICE CO
-SMITH DARRELL				RECEIVED:	06/20/83	JA: OK			
8342338	22389	3503100000		103		CAPSHAW STATE #4		5.0	MANN INDUSTRIES I
-SOUTHLAND ROYALTY CO				RECEIVED:	06/20/83	JA: OK			
8342287	22346	3509321528		108		PITTMAN #1-13	CHEYENNE VALLEY WEST	5.0	PANHANDLE EASTERN
-SRRAM OIL & GAS				RECEIVED:	06/20/83	JA: OK			
8342288	22333	3503724144		103		DORTHA RUSCO 1A	NORTH SILVER CITY	73.0	ARCO OIL & GAS
-SUN EXPLORATION & PRODUCTION CO				RECEIVED:	06/20/83	JA: OK			
8342316	20907	3500700000		108		H E CORNELL "A" #1	ELMWOOD	6.0	PHILLIPS PETROLEU
8342332	22162	3507700000		108		R E SHELTON #1	KINTA	11.0	OKLAHOMA GAS & EL

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8342331	22161	3507700000		108		W A BRATTON JR #1	KINTA	6.0	OKLAHOMA GAS & EL
-SUNRISE EXPLORATION INC				RECEIVED:	06/20/83	JA: OK			
8342297	22392	3508720604		103		HESTER #14-2	FLINT CREEK	50.0	ARKANSAS LOUISIAN
-TODDCO PETROLEUM INC				RECEIVED:	06/20/83	JA: OK			
8342312	22306	3505520316		108		MADDOX #1	SOUTH BLOOMINGTON	15.0	DAMSON OIL CORP
-TRIPLE "E" ENERGY INC				RECEIVED:	06/20/83	JA: OK			
8342277	20597	3511123986		102-4	103	HARVEY #3	S E OKLA CENTER	90.0	PHILLIPS PETROLEU
-TXO PRODUCTION CORP				RECEIVED:	06/20/83	JA: OK			
8342296	22385	3512121001		103		BROWNE O #1	BLOCKER	148.0	
8342345	22407	3503920774		103		HATCHER FARMS #1	S ALEDO	0.0	DELHI GAS PIPELIN
-UNION TEXAS PETROLEUM				RECEIVED:	06/20/83	JA: OK			
8342322	21211	3500300000		108		F E LECRONE #1	HODGE I	19.5	PANHANDLE EASTERN
8342319	20724	3504700000		108		GERTIE M SLAVICEK #1	HODGE II	37.5	PANHANDLE EASTERN
8342318	20727	3504700000		108		MILACEK C V #1	HODGE II	55.5	PANHANDLE EASTERN
8342317	20728	3500300000		108		PECHA LEON #1	HODGE II	27.9	PANHANDLE EASTERN
8342323	21212	3504700000		108		STABE HERMAN #1	HODGE I	14.1	PANHANDLE EASTERN
-WILLIAM H DAVIS				RECEIVED:	06/20/83	JA: OK			
8342339	22394	3508322186		103		WISS #1	W LANGSTON	18.0	EASON OIL CO
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UTAH DIVISION OF OIL,GAS, & MINING									
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-TENNECO OIL COMPANY				RECEIVED:	04/06/81	JA: UT			
8151081	K-130-5	4301900000		103		DIETLER STATS #2-7	MORRISON & DAKOTA FOR	0.0	
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** DEPARTMENT OF THE INTERIOR, MINERALS MANAGEMENT SERVICE, ALBUQUERQUE,NM									
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-AMOCO PRODUCTION CO				RECEIVED:	06/20/83	JA: NM 4			
8342253	NM0275-83	3001523542		102-4		FEDERAL BA COM #1	UND WOLFCAMP	16.3	AMOCO PRODUCTION
8342255	NM0331-83	3004525137		103		GALLEGOS CANYON UNIT #239E	BASIN DAKOTA	21.8	
8342266	NM0330-83	3004525501		103		GALLEGOS CANYON UNIT #246E	BASIN DAKOTA	16.3	EL PASO NATURAL G
8342254	NM0332-83	3004525500		103		GALLEGOS CANYON UNIT #95E	BASIN DAKOTA	28.3	EL PASO NATURAL G
8342250	NM0249-83	3003922545		103		JICARILLA CONTRACT 148 #19	OTERO CHACRA	25.0	EL PASO NATURAL G
8342258	NM0333-83	3004525534		103		RICHARDSON GAS COM B #1E	BASIN DAKOTA	75.9	EL PASO NATURAL G
-ARCO OIL AND GAS COMPANY				RECEIVED:	06/20/83	JA: NM 4			
8342257	NM-8354-83	3002527957		103		DUTHIE ANDREWS WN #6	LANGLIE MATTIX (7 RV	50.0	EL PASO NATURAL G
-BILLY J KNOTT				RECEIVED:	06/20/83	JA: NM 4			
8342243	NM-0184-83	3004525542		103		KELLY #1A	BLANCO MESA VERDE	150.0	EL PASO NATURAL G
-COASTAL OIL & GAS CORP				RECEIVED:	06/20/83	JA: NM 4			
8342246	NM0105-83	3002527982		103		GONZALES FEDERAL 31 #9J	FLYING M SAN ANDRES	7.0	WARREN PETROLEUM
-CONOCO INC				RECEIVED:	06/20/83	JA: NM 4			
8342224	NM 0376-83	3003923131		103		AXI APACHE F #8	AXI APACHE AREA	201.0	GAS CO OF NEW MEX
8342223	NM 0377-83	3003922946		103		NORTHEAST HAYNES #15	OTERO RANCH	46.0	
-DEPCO INC				RECEIVED:	06/20/83	JA: NM 4			
8342265	NM328-83A	3003922933		103		FEDERAL #8-22	BASIN DAKOTA	600.0	GAS CO OF NEW MEX
8342221	NM-036483102	3000561758		102-2	107-TF	ROSE FEDERAL #3	PECOS SLOPES ABO	600.0	TRANSWESTERN PIPE
8342217	NM-036583102	3000561759		102-2	107-TF	ROSE FEDERAL #4	PECOS SLOPES ABO	500.0	TRANSWESTERN PIPE
8342241	NM-021583102	3000500000		102-2	107-TF	ROSE FEDERAL COM #11	PECOS SLOPES ABO	474.0	TRANSWESTERN PIPE
8342232	NM-038483102	3000561761		102-2	107-TF	ROSE FEDERAL COM #12	PECOS SLOPES ABO	370.0	TRANSWESTERN PIPE
-EL PASO NATURAL GAS COMPANY				RECEIVED:	06/20/83	JA: NM 4			
8342209	NM-0023-83	3004521171		108		BARNES #12	BLANCO - PICTURED CLI	16.8	EL PASO NATURAL G
8342205	NM-0017-83	3004511746		108		BLANCO #16	SOUTH BLANCO - PICTUR	20.9	EL PASO NATURAL G
8342210	NM-0024-83	3003921172		108		CANYON LARGO UNIT #288 DK	BASIN-DAKOTA	19.6	EL PASO NATURAL G
8342263	NM0318-83-A	3004525411		103		CRANDELL #3	AZTEC PICTURED CLIFFS	25.0	EL PASO NATURAL G
8342264	NM0318-83-B	3004525411		103		CRANDELL #3	BLANCO MESAVERDE	130.0	EL PASO NATURAL G
8342204	NM-0016-83	3004511769		108		FLORANCE #6	BLANCO-PICTURED CLIFF	19.4	EL PASO NATURAL G
8342207	NM-0014-83	3004520334		108		HOWELL #6	SOUTH BLANCO - PICTUR	19.5	EL PASO NATURAL G
8342212	NM-0033-83	3003921392		108		RINCON UNIT #220	LARGO - CHACRA	20.0	EL PASO NATURAL G
8342203	NM 1359-82	3003920883		108		SAN JUAN 27-4 UNIT #79	TAPACITO - PICTURED C	18.0	EL PASO NATURAL G
8342206	NM-0018-83	3003920097		108		SAN JUAN 28-7 UNIT #146	SOUTH BLANCO - PICTUR	16.0	EL PASO NATURAL G
8342211	NM-0026-83	3003920517		108		SAN JUAN 28-7 UNIT #164	BASIN - DAKOTA	18.7	EL PASO NATURAL G
8342208	NM-0029-83	3003907326		108		SAN JUAN 28-7 UNIT #28	BLANCO - MESA VERDE	22.0	EL PASO NATURAL G
8342218	NM-0036-83	3003907484		108		SAN JUAN 29-7 UNIT #97	BLANCO - MESA VERDE	22.0	EL PASO NATURAL G
8342213	NM-0032-83	3003907728		108		SAN JUAN 30-4 UNIT #28	BLANCO - MESA VERDE	14.0	EL PASO NATURAL G
8342202	NM-0013-83	3003907887		108		SAN JUAN 30-6 UNIT #32	BLANCO - MESA VERDE	12.0	EL PASO NATURAL G
-EXXON CORPORATION				RECEIVED:	06/20/83	JA: NM 4			
8342199	NM-0392-83	3001524026		102-3		PANOS FEDERAL COM #1	UNDESIGNATED WILDCAT	123.0	
-GETTY OIL COMPANY				RECEIVED:	06/20/83	JA: NM 4			
8342214	NM-0031-83	3004506679		108		CHARLIE PAH #1	SOUTH BLANCO PICTURED	20.0	EL PASO NATURAL G
8342242	NM0218-83	3003923101		103		LYDIA RENTZ #8	OTERO GALLUP - DAKOTA	10.0	NORTHWEST PIPELIN
8342195	NM-0432-83	3002527373		102-2		NORTH BILDREY 18 FEDERAL #1	UNDESIGNATED WOLFCAMP	4.4	EL PASO NATURAL G
-HNG OIL COMPANY				RECEIVED:	06/20/83	JA: NM 4			
8342237	NM0064-83	3001524292		103		QUEEN LAKE 19 FEDERAL #1	WILDCAT ATOKA	500.0	UNITED GAS PIPE L
-LATCH OPERATIONS				RECEIVED:	06/20/83	JA: NM 4			
8342238	NM-0063-83	3001522725		108		SAUNDERS B #3 LC048491 (B)	RED LAKE QUEEN	7.0	PHILLIPS PETROLEU
-MARBOB ENERGY CORPORATION				RECEIVED:	06/20/83	JA: NM 4			
8342251	NM-025783	3001524353		103		M DODD A FED #22	GRAYBURG JACKSON SR Q	58.0	PHILLIPS PETROLEU
-MARTIN W B & ASSOCIATES				RECEIVED:	06/20/83	JA: NM 4			
8342240	NM0205-83	3003923086		103		#7 MARTIN-FLORANCE	BALLARD PICTURED CLIF	8.9	EL PASO NATURAL G
-MCCLELLAN OIL CORPORATION				RECEIVED:	06/20/83	JA: NM 4			
8342252	NM-026483102	3000561810		102-4	107-TF	MCCLELLAN-DANA FED COM #4 NM-35925	PECOS SLOPE ABO	91.2	TRANSWESTERN PIPE
8342225	NM-037183102	3000561781		102-4	107-TF	TYRELL COM FEDERAL #1 NM-17039	UNDESIGNATED (ABO)	182.5	TRANSWESTERN PIPE
-MERRIOM OIL & GAS CORP				RECEIVED:	06/20/83	JA: NM 4			
8342256	NM-0362-83	3003923170		103		ANNIE #3	COUNSELORS GALLUP	66.0	EL PASO NATURAL G
-NORTHWEST PIPELINE CORPORATION				RECEIVED:	06/20/83	JA: NM 4			
8342262	NM0281-83-B	3003922943		103		JICARILLA 93 #12 MV	BLANCO	97.9	NORTHWEST PIPELIN
8342261	NM0281-83A	3003922943		103		JICARILLA 93 #12 PC	GAVILAN	5.7	NORTHWEST PIPELIN
8342260	NM0280-83	3003923013		103		ROSA 45	BLANCO MESAVERDE	41.4	NORTHWEST PIPELIN
8342268	NM0276-83B	3003923033		103		SAN JUAN 29-5 UNIT 106 MV	BLANCO MESAVERDE	30.8	NORTHWEST PIPELIN
8342267	NM0276-83-A	3003923033		103		SAN JUAN 29-5 UNIT 106 PC	GOBERNADOR PICTURED C	30.8	NORTHWEST PIPELIN
8342259	NM0278-83B	3003923019		103		SAN JUAN 30-5 UNIT 84 MV	BLANCO MESAVERDE	148.8	NORTHWEST PIPELIN
8342180	NM 0278-83-A	3003923019		103		SAN JUAN 30-5 UNIT 84 PC	GOBERNADOR PICTURED C	91.1	NORTHWEST PIPELIN
8342269	NM0277-83	3004525391		103		SAN JUAN 32-8 UNIT 80	SO LOS PINOS PICTURED	157.8	NORTHWEST PIPELIN
-PERRY R BASS				RECEIVED:	06/20/83	JA: NM 4			
8342181	NM-040683102	3001522749		102-4	103	BIG EDDY UNIT #68	INDIAN FLATS SOUTHWES	255.0	NATURAL GAS PIPEL
-READ & STEVENS INC				RECEIVED:	06/20/83	JA: NM 4			
8342192	NM-0060-83	3000561372		102-4		HARRIS FEDERAL #8	BUFFALO VALLEY PENN	1975.0	TRANSWESTERN PIPE
8342193	NM-0061-83	3000561373		102-4		HARRIS FEDERAL #9	BUFFALO VALLEY PENN	1049.0	TRANSWESTERN PIPE
8342189	NM-0075-82	3000560782		102-4		TOLES FEDERAL #1	DIAMOND MOUND	350.0	EL PASO NATURAL G
-SHERMAN F WAGENSELLER				RECEIVED:	06/20/83	JA: NM 4			
8342201	NM-0009-83	3003902220		108		MOBIL APACHE #15	SOUTH BLANCO PICTURED	13.8	EL PASO NATURAL G
-SOUTHLAND ROYALTY CO				RECEIVED:	06/20/83	JA: NM 4			
8342226	NM 0386-83	3001524245		103		HOLLY FEDERAL "4" #1	SAND TANK	50.0	CONOCO INC
8342198	NM 0378-83	3001524115		103		HOLLY FEDERAL "5" #1	UNDESIGNATED	-80.0	CONOCO INC
-STEVENS OPERATING CORP				RECEIVED:	06/20/83	JA: NM 4			

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8342196	NM 043483	3000561873		102-4	107-TF	COBIE EBEID FEDERAL #2 (NM 29207)	PECOS SLOPE ABO	156.0	TRANSWESTERN PIPE
-STONE PETROLEUM CORP				RECEIVED:	06/20/83	JA: NM 4			
8342179	NM-0405-83	3002528003		107-DP		JAVELINA BASIN UNIT #1	WILDCAT	449.0	
-SUN EXPLORATION & PRODUCTION CO				RECEIVED:	06/20/83	JA: NM 4			
8342249	NM-0239-83	3002527940		103		JENNINGS A FEDERAL #4	E LUSK (WOLFCAMP)	240.0	
-TENNECO OIL COMPANY				RECEIVED:	06/20/83	JA: NM 4			
8342197	NM 0466-83	3004525552		103		BOLACK 3E	BASIN DAKOTA	76.0	EL PASO NATURAL G
8342229	NM 0390-83	3004525472		103		DAY 5E	BASIN DAKOTA	59.0	EL PASO NATURAL G
8342230	NM 0391-83	3004525459		103		HUGHES A-1E	BASIN DAKOTA	55.0	EL PASO NATURAL G
8342227	NM 0388-83	3004525460		103		HUGHES A-5E	BASIN DAKOTA	82.0	EL PASO NATURAL G
8342228	NM 0389-83	3004525457		103		HUGHES 1E	BASIN DAKOTA	81.0	NORTHWEST PIPELIN
-TEXAS AMERICAN OIL CORP				RECEIVED:	06/20/83	JA: NM 4			
8342248	NM-0219-83	3001524257		102-4		TODD FEDERAL #23-3	MORROW	730.0	NATURAL GAS PIPEL
-UNICON PRODUCING CO				RECEIVED:	06/20/83	JA: NM 4			
8342244	NM0187-83	3004525488		103		ZACHARY 42	ARMENTA GALLUP	18.0	EL PASO NATURAL G
-YATES PETROLEUM CORPORATION				RECEIVED:	06/20/83	JA: NM 4			
8342216	NM-004683107	3000561822		102-2	107-TF	ABO "VI" FED #1	PECOS SLOPE ABO	0.0	TRANSWESTERN PIPE
8342182	NM-015383107	3000561747		102-2	107-TF	ALBITUS "TH" FED #3	PECOS SLOPE ABO	0.0	TRANSWESTERN PIPE
8342236	NM-017783102	3000561746		102-2	107-TF	ALBITUS TH FED #2	PECOS SLOPE ABO	0.0	TRANSWESTERN PIPE
8342186	NM-014683107	3000561829		102-3	107-TF	BINNON "TI" FED #5	PECOS SLOPE ABO	0.0	TRANSWESTERN PIPE
8342220	NM-004783102	3000561841		102-3	107-TF	BOSQUE GRANDE "SQ" FED #3	PECOS SLOPE ABO	0.0	TRANSWESTERN PIPE
8342233	NM-019583102	3000561898		102-2	107-TF	CITIES UO FED #1	PECOS SLOPE ABO	0.0	TRANSWESTERN PIPE
8342235	NM-017683102	3000515825		102-3	107-TF	CROSBY TV FED #1	UND PECOS SLOPE ABO	0.0	TRANSWESTERN PIPE
8342222	NM-037583102	3000561917		102-2	107-TF	CUMMINGS "TO" FED #2	UND PECOS SLOPE ABO	0.0	TRANSWESTERN PIPE
8342219	NM-004483107	3000561857		102-2	107-TF	GETTY "VQ" FED COM #1	PECOS SLOPE ABO	0.0	TRANSWESTERN PIPE
8342191	NM-006883107	3000561863		102-2	107-TF	HUCKABY "TJ" FED #3	UND PECOS SLOPE ABO	0.0	TRANSWESTERN PIPE
8342177	NM-040083107	3000561919		102-2	107-TF	LANGLEY "RJ" FED #4	PECOS SLOPE ABO	0.0	TRANSWESTERN PIPE
8342183	NM-015483107	3000561809		102-2	107-TF	LEEDE "UG" FED #1	UND PECOS SLOPE ABO	0.0	TRANSWESTERN PIPE
8342184	NM-015583107	3000561725		102-2	107-TF	MCCLELLAN "MB" FED #4	PECOS SLOPE ABO	0.0	TRANSWESTERN PIPE
8342239	NM-019783102	3000561878		102-2	107-TF	MIKE HARVEY TR FED #4	PDCOS SLOPE ABO	0.0	TRANSWESTERN PIPE
8342188	NM-006983107	3000561877		102-2	107-TF	MONAGHAN "QY" FED #8	PECOS SLOPE ABO	0.0	TRANSWESTERN PIPE
8342187	NM-015283107	3000561874		102-2	107-TF	MORTON "SZ" FED #3	UND PECOS SLOPE	0.0	TRANSWESTERN PIPE
8342215	NM-004583102	3000561799		102-2	107-TF	MORTON "SZ" FED #4	UND PECOS SLOPE ABO	0.0	TRANSWESTERN PIPE
8342178	NM-040183102	3000561920		102-3	107-TF	MOUNTAIN "VR" FED #2	UND PECOS SLOPE ABO	0.0	TRANSWESTERN PIPE
8342247	NM-023383102	3000561458		102-3	107-TF	NICKEY RF FED #2	PECOS SLOPE ABO	0.0	TRANSWESTERN PIPE
8342190	NM-006783107	3000561861		102-3	107-TF	O'CONNELL "VX" FED #1	PECOS SLOPE ABO	0.0	TRANSWESTERN PIPE
8342194	NM-004883102	3000561847		102-3	107-TF	SAVAGE "NI" FED #3	PECOS SLOPE ABO	0.0	TRANSWESTERN PIPE
8342185	NM-014283107	3000561628		102-3	107-TF	SHORT "RM" FED #1	PECOS SLOPE ABO	0.0	TRANSWESTERN PIPE
8342245	NM-023283102	3000561852		102-3	107-TF	TECKLA MD FED #7	PECOS SLOPE ABO	0.0	TRANSWESTERN PIPE
8342234	NM-017583102	3000561563		102-2	107-TF	THORPE MI FED #8	PECOS SLOPE ABO	0.0	TRANSWESTERN PIPE
-SAMSON RESOURCES COMPANY				RECEIVED:	06/20/83	JA: OK 4			
8342200	OKA-1035-82	3512126804		102-4		ARMY UNIT #1	ASHLAND	219.0	ARKANSAS LOUISIAN
-TXO PRODUCTION CORP				RECEIVED:	06/20/83	JA: OK 4			
8342231	OKA0382-83	3504321693		103		EGG TURTLE #1	NW CANTON	0.0	

[FR Doc. 83-18767 Filed 7-11-83; 8:45 am]

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Federal Register

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Tuesday, July 12, 1983

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FEDERAL REGISTER PAGES AND DATES, JULY

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At the end of each month, the Office of the Federal Register publishes separately a list of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.) Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.

Monday	Tuesday	Wednesday	Thursday	Friday
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DOT/FRA	MSPB/OPM		DOT/FRA	MSPB/OPM
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DOT/RSPA			DOT/RSPA	
DOT/SLSDC			DOT/SLSDC	
DOT/UMTA			DOT/UMTA	

Note: The Office of the Federal Register proposes to terminate the formal program of agency publication on assigned days of the week. See 40 FR 19283, April 28, 1983.

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Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws.**

Last Listing June 30, 1983

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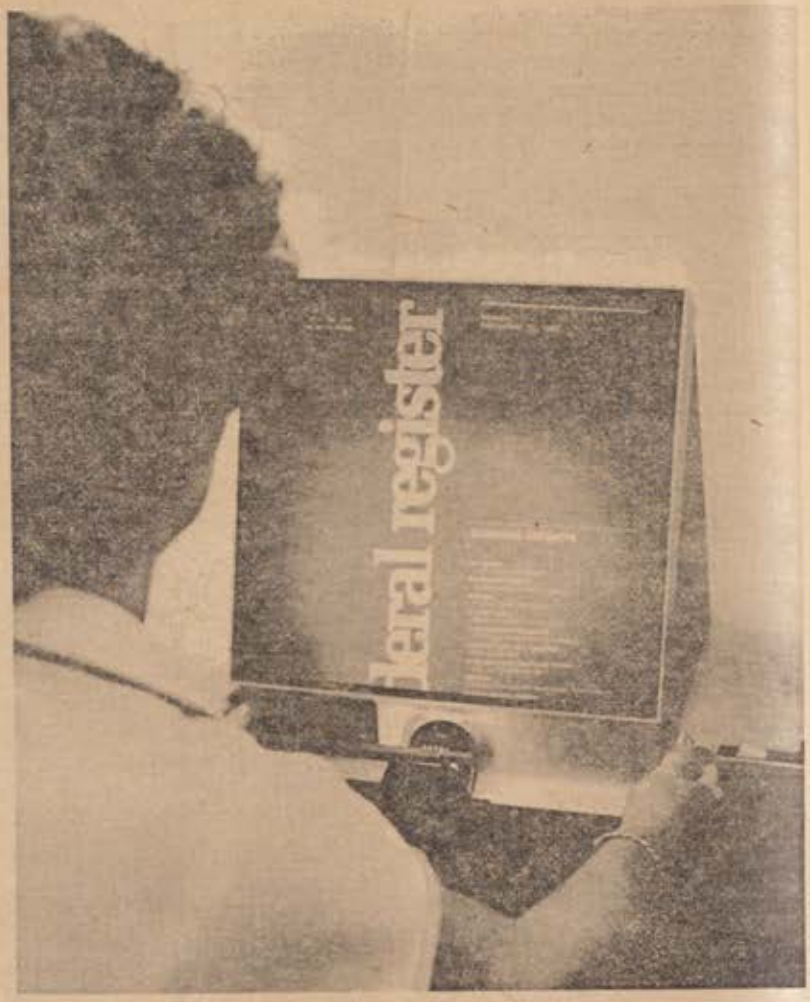

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