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7-27-83
Vol. 48 No. 145
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federal register

Wednesday
July 27, 1983

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

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Pesticides and Pests
Environmental Protection Agency

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Presidential Documents

Title 3—

The President

Proclamation 5075 of July 25, 1983

Helsinki Human Rights Day

By the President of the United States

A Proclamation

When the Final Act of the Conference on Security and Cooperation in Europe, widely referred to as "Helsinki accords," was concluded in Helsinki on August 1, 1975, thirty-three governments of Eastern and Western Europe, as well as the United States and Canada, committed themselves to "respect human rights and fundamental freedoms, including the freedom of thought, conscience, religion or belief, for all without distinction as to race, sex, language, or religion." The participating governments further committed themselves to foster "freer movement and contacts," improved access to information, and cultural and educational exchanges.

The Helsinki accords are a major achievement in the development of universal standards of international conduct and fundamental human rights. These standards go back to the earliest days of the American Republic. In a letter from Paris written to James Madison in 1787, Thomas Jefferson said that "a bill of rights is what the people are entitled to against every government on earth." The Helsinki accords are, in effect, a bill of rights for all the people of Europe.

The Government of the United States is firmly committed to the full implementation of the human rights and humanitarian provisions of the Helsinki accords. The American people are unalterably dedicated to the preservation and promotion of fundamental human rights throughout the world. The Helsinki accords are a powerful diplomatic instrument to advance the cause of human dignity and liberty.

At the Helsinki follow-up meeting in Madrid, the United States along with other Western countries has pointed out the failures of the Soviet Union and East European states to comply with their obligations under the humanitarian and human rights provisions of the Helsinki accords. The suppression of the trade union *Solidarity* in Poland, the continuing acts of repression directed against the Helsinki monitors, the drastic decrease in the level of emigration from the Soviet Union, and the harassment and persecution throughout the Soviet Union and Eastern Europe of citizens attempting to express their religious and political freedoms flagrantly denies the principles of Helsinki agreed to by the respective governments. These repressive actions not only threaten the achievement of genuine security and cooperation in Europe, but have a chilling effect on the human spirit of the brave peoples enduring this tyranny.

The Congress, by Senate Joint Resolution 96, has designated August 1, 1983 as "Helsinki Human Rights Day" and has authorized and requested the President to issue a proclamation in observance of that day. On this occasion, Americans are afforded the opportunity to reaffirm their commitment to the human rights principles embodied in the Final Act of the Conference on Security and Cooperation in Europe and to demonstrate their solidarity with the peoples of the Soviet Union and Eastern Europe, whose basic human rights are being violated by their governments on a continuing and regular basis.

IN WITNESS WHEREOF, I have hereunto set my hand this 25th day of July, in the year of our Lord nineteen hundred and eighty-three, and of the Independence of the United States of America the two hundred and eighth.

Ronald Reagan

[FR Doc. 83-20523
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Rules and Regulations

Federal Register
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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 908

[Valencia Orange Reg. 305, Amdt. 1]

Valencia Oranges Grown in Arizona and Designated Part of California; Minimum Size Regulation

AGENCY: Agricutural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation continues through November 30, 1983, the current minimum diameter requirement of 2.32 inches for fresh shipments of Valencia oranges produced in Arizona and designated part of California. Such action is necessary to promote orderly marketing of suitable sizes of fresh Valencia oranges in the interest of producers and consumers.

EFFECTIVE DATE: July 29, 1983 through November 30, 1983.

FOR FURTHER INFORMATION CONTACT: William J. Doyle, Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone 202–447–5975.

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

An interim rule was published in the **Federal Register** on April 13, 1983 (48 FR 15880) which specified the minimum size requirements applicable to fresh domestic shipments of California-Arizona Valencia oranges. That rule provided an opportunity to submit comments through May 23, 1983. No comments were received. This final rule contains the same requirements as specified in the interim rule. The rule is effective for the period July 29, 1983 through November 30, 1983.

This regulation is issued under the marketing agreement and Order No. 908 (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The action is based upon the recommendation and information submitted by the Valencia Orange Administrative Committee and upon other available information. It is hereby found that this action will tend to effectuate the declared policy of the Act.

The 1982–83 season crop of Valencia is currently estimated at 64,200 carlots, compared to 35,100 carlots utilized during the past season. The committee reports that demand in regulated fresh channels is expected to require about 34 percent of this volume. The remaining 66 percent would be available for utilization in export and processing outlets. The committee indicates that volume and size composition of the crop of Valencia are such that more than ample supplies of the more desirable larger sizes will be available to satisfy the demand in regulated channels. The committee also reports that when more than ample supplies of larger sizes are available for shipment, disposition of the sizes which would be eliminated by this regulation can be accomplished only at a substantial price discount and this tends to depress the market for all sizes. Valencia oranges failing to meet such requirements could be shipped to fresh export markets, left on trees to attain further growth, or utilized in processing. In those circumstances, elimination of sizes smaller than those specified is appropriate in the interest of producers and consumers.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the **Federal Register** (5 U.S.C. 553), and good cause exists for making these regulatory provisions effective as specified in that: (1) An interim rule was published in the **Federal Register** (48 FR 15580) and no comments were received during the period provided: (2) the requirements of this final rule are the same as those currently in effect; (3) Valencia orange handlers have been apprised of these requirements and the effective date; and (4) these requirements will not require any additional preparation by handlers which cannot be completed by the effective date hereof.

List of Subjects in 7 CFR Part 908

Marketing agreements and orders, California, Arizona, oranges (Valencia).

PART 908—[AMENDED]

Therefore, § 908.605 (Valencia Orange Regulation 305, 48 FR 15880) is revised to read as follows (as so revised, § 908.605 expires November 30, 1983, and will not be published in the annual Code of Federal Regulations):

§ 908.605 Valencia Orange Regulation 305.

(a) During the period July 29, 1983, through November 30, 1983, no handler shall handle any Valencia oranges grown in the production area which are of a size smaller than 2.32 inches in diameter: *Provided,* that not to exceed five percent, by count, of the oranges in any container may measure smaller than 2.32 inches in diameter.

(b) As used in this section, "handler", "handle" and "production area" mean the same as defined in the marketing order. Diameter shall mean the largest measurement at a right angle to a straight line running from the stem to the blossom end of the fruit.

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

Dated: July 22, 1983.

D. S. Kuryloski,

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

[FR Doc. 83-20239 Filed 7-26-83; 8:45 am]

BILLING CODE 3410-02-M

7 CFR Parts 926 and 944

[California Tokay Grape Reg. 19; Import Regs.]

Tokay Grapes Grown in San Joaquin County, California Fruits; Import Regulations; Handling Requirements

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Interim rule with request for comments.

SUMMARY: This regulation sets quality requirements for shipments of fresh California Tokay grapes and Tokay grapes imported into the United States. Such grapes are required to meet the minimum grade and size requirements for U.S. No. 1 Table grade, with an additional color requirement for the berries on the lower portion of the bunch. Domestically produced grapes are subject to container marking requirements. These actions are needed to assure domestic shipment and imports of ample supplies of grapes of acceptable quality and to promote orderly marketing in the interests of producers and consumers.

DATES: Interim rule effective August 10, 1983 through October 15, 1983. Comments which are received by August 26, 1983 will be considered prior to issuance of a final rule to become effective on October 16, 1983 through December 31, 1983.

ADDRESS: Send two copies of comments to the Hearing Clerk, United States Department of Agriculture, Room 1077, South Building, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT: William J. Doyle, Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone (202) 447–5975.

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

This regulation is issued under the marketing agreement, as amended, and Order No. 926, as amended (7 CFR Part 926), regulating the handling of fresh Tokay grapes grown in San Joaquin County, California. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). This action is based upon the recommendations and information submitted by the Industry Committee, established under the order, and upon other information.

Pursuant to a recent amendment to the Agricultural Marketing Agreement Act of 1937, as amended the Tokay grape import regulation is issued under Section 8e (7 U.S.C. 608e–1). This section requires that whenever specified commodities, including Table grapes, are regulated under a Federal marketing order, imports of that commodity must meet the same or comparable grade, size, quality, or maturity requirements as those in effect for the domestically produced commodity. This interim regulation is the first Tokay grape import regulation issued since the Act was amended to include Table grapes (including Tokay variety) under Section 8e. The domestic regulation is the same as last season's grade regulation and the same as the import regulation.

It is hereby found that this interim rule will tend to effectuate the declared policy of the Act.

The Tokay Grape Industry Committee met on June 21, 1983, and unanimously recommended grade, size and container marking requirements for Tokay grapes grown in the San Joaquin County of California, to be effective August 10–October 15, 1983.

The regulation establishes the minimum grade and size requirements specified in the U.S. No. 1 Table grade of the U.S. Standards for Grades of Table Grapes (European or Vinifera type), except that at least 30 percent, by count, of the berries in the lower 25 percent, by count, of each bunch shall show characteristic color. The regulation also requires that each container of grapes bear a Federal-State Inspection Service lot stamp number in plain letters and figures on one outside end. The minimum grade and container marking requirements for grapes are necessary to maintain orderly marketing conditions by preventing the shipment of immature, poor quality, and excessively small fruit in fresh commercial marketing outlets. Shipment of such low quality fruit would disrupt orderly marketing and tend to depress prices of all grapes since low quality fruit undermines consumer confidence in the quality of all fruit sold in the market and discourages repeat purchases. The specified grade requirements are consistent with the quality and size composition of the available crop and are designed to provide ample supplies of good quality fruit in the interest of producers and consumers consistent with the declared policy of the act. Fruit not meeting these requirements could be sold within San Joaquin County, or utilized in processing outlets such as crushing.

Production of Tokay grapes for the 1983 season is estimated by the committee at 128,340 tons, compared with production of 189,000 tons in 1982. In recent years approximately 10 percent of the crop has been shipped fresh. Tokay grapes not shipped fresh are utilized in crushing.

It is proposed that the regulations contained in the interim rule, be effective for the period August 10 through October 15, 1983. Interested persons are invited to comment through August 26, 1983 with regard to the interim rule.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date of this interim rule until 30 days after publication in the **Federal Register** (5 U.S.C. 553), and good cause exists for making these regulatory provisions effective as specified in that: (1) Shipment of the 1983 crop of Tokay grapes is expected to begin on or about August 10, 1983, and this regulation should be applicable to all such shipments; (2) the California Tokay grape regulation was recommended by the committee following discussion at a public meeting; (3) California Tokay grape handlers have been apprised of these requirements and the effective date; (4) the Tokay grape import requirements are mandatory under section 8e of the Act; (5) the import regulation imposes the same grade requirements as are being made applicable to the shipment of Tokay grapes grown in San Joaquin County, California under Tokay Grape Regulation 19; and (6) more than three days notice, the minimum prescribed by section 8e is provided with respect to this import regulation.

List of Subjects in 7 CFR Parts 926 and 944

Marketing agreements and orders, Grapes, California, Fruits, Import regulations.

Therefore, new §§ 926.320 and 944.601 are added and §§ 944.400 and 944.501 are revised to read as follows:

§§ 926.320 and 944.601 expire October 15, 1983, and will not be published in the annual Code of Federal Regulations.

PART 926—[AMENDED]

1. Add a new § 926.320 to read as follows:

§ 926.320 California Tokay Grape Regulation 19.

(a) During the period August 10, 1983, through October 15, 1983, no handler shall ship:

(1) Any Tokay grapes grown in the production area which do not meet the grade and size specifications of U.S. No. 1 Table Grade, and the following additional requirement: Of the 25 percent, by count, of the berries of each bunch which are attached to the lower part of the main stem, including laterals, at least 30 percent, by count, shall show characteristic color; and

(2) Any container of Tokay grapes grown in the production area, unless such container bears, in plain letters and figures on one outside end, a Federal-State Inspection Service lot stamp number showing that such grapes have been inspected in accordance with the established grade set forth in this section.

(b) *Definitions.* "U.S. No. 1 Table grade" and "characteristic color" shall mean the same as in the United States Standards for Grades of Table Grapes (European or Vinifera type) (7 CFR 51.880–51.912).

PART 944—[AMENDED]

2. Add a new § 944.601 to read as follows:

§ 944.601 Tokay Grape Import Regulation 1.

(a) *Applicability to imports.* Pursuant to section 8e of the Act and Part 944—Fruits; Import Regulations, during the period August 10, 1983, through October 15, 1983, the importation into the United States of Tokay variety grapes is prohibited unless such grapes meet the grade and size specifications of U.S. No. 1 Table Grade, as set forth in the U.S. Standards for Grades of Table Grapes (European or Vinifera type, 7 CFR 51.880–51.912), and the following additional requirement: of the 25 percent, by count, of the berries of each bunch, which are attached to the lower part of the main stem, including laterals, at least 30 percent, by count, shall show characteristic color.

(b) The Federal or Federal-State Inspection Service, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, is designated as the governmental inspection service for certifying the grade, size, and quality of Tokay grapes that are imported into the United States. Inspection by the Federal or Federal-State Inspection Service with evidence thereof in the form of an official inspection certificate, issued by the respective service, applicable to the particular shipment of Tokay grapes, is required on all imports. The inspection and certification services will be available upon application in accordance with the rules and regulations governing inspection and certification of fresh fruits, vegetables, and other products (7 CFR Part 51) and in accordance with the Procedure for Requesting Inspection and Designating the Agencies to Perform Required Inspection and Certification (7 CFR Part 944.400).

(c) The term "importation" means release from custody of the United States Customs Service.

(d) Any lot or portion thereof which fails to meet the import requirements may be reconditioned or exported. Any failed lot which is not exported shall be disposed of under the supervision of the Federal or Federal-State Inspection Service with the costs of certifying the disposal of said lot borne by the importer.

(e) *Minimum quantity exemption*—Any person may import up to 250 pounds of grapes in any one shipment exempt from the requirements of this section.

(f) It is determined that imports of Tokay grapes, during the effective time of this regulation, are in most direct competition with Tokay grapes grown in the San Joaquin County of California, under M.O. 926 (7 CFR Part 926). The grade, size and quality requirements of this section are the same as those applicable to Tokay grapes grown in the San Joaquin County of California.

3. Revise § 944.400 to read as follows:

§ 944.400 Designated inspection services and procedure for obtaining inspection and certification of imported avocados, grapefruit, limes, oranges, and table grapes regulated under section 8e of the Agricultural Marketing Agreement Act of 1937, as amended.

(a) The Federal or Federal-State Inspection Service, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, is hereby designated as the governmental inspection service for the purpose of certifying the grade, size, quality, and maturity of avocados, grapefruit, limes, oranges and table grapes that are imported into the United States. Inspection by the Federal or Federal-State Inspection Service with appropriate evidence thereof in the form of an official inspection certificate, issued by the respective service, applicable to the particular shipment of the specified fruit, is required on all imports. Such inspection and certification services will be available upon application in accordance with the Regulations Governing Inspection, Certification and Standards for Fresh Fruits, Vegetables, and Other Products (7 CFR Part 51) but, since inspectors are not located in the immediate vicinity of some of the small ports of entry, such as those in southern California, importers of avocados, grapefruit, limes, oranges, and table grapes should make arrangements for inspection, through the applicable one of the following offices, at least the specified number of days prior to the time when the fruit will be imported:

Ports, Offices and Advance Notice

Eastern Region

In Alabama, Officer In Charge, Post Office Box 244, Mobile, AL 36601, PH: 205–690–6154, or

In Jacksonville, Florida, Officer In Charge, Unit 8, 3335 N. Edgewood Ave., Jacksonville, FL 32205, PH: 904–354–5983, or

In Miami, Florida, Officer In Charge, 1350 NW. 12th Ave., RM. 530, Miami, FL 33136, PH: 305–324–6116, or

In Maryland, Officer In Charge, Maryland Wholesale Produce Market–Building B Unit 13, Jessup, MD 20794, PH: 301–799–5899, or

In Massachusetts, Officer In Charge, Boston Terminal Market, Room 1, 34 Market Street, Everett, MA 02149, PH: 617–389–2480, or

In Buffalo, New York, Officer In Charge, 176 Niagara Frontier Food Terminal–Rm. 7, Buffalo, NY 14206, PH: 716–824–1585, or

In New Jersey, Officer In Charge, Federal Building, RM. 839, 970 Broad Street, Newark, NJ 07102, PH: 201–645–2206, or

In New York, New York, Officer In Charge, Room 28–A, Hunts Point Market, Bronx, NY 10474, PH: 212–991–7669, or

In Pennsylvania, Officer In Charge, 293 Produce Building, 3301 S. Galloway Street, Philadelphia, PA 19148, PH: 215–336–0845, or

In Virginia, Officer In Charge, 3661 Virginia Beach Blvd., Norfolk, VA 23502, PH: 804–441–6218, or

In Puerto Rico, Officer In Charge, Post Office Box 9112, Santurce, PR 00908, PH: 809–783–2230.

All other Eastern Ports of entry: Regional Director, Skyline Office Building, 5205 Leesburg Pike–Suite 806, Falls Chuch, VA 22041, PH: 703–756–6781.

Central Region

In Louisiana, Officer In Charge, 5027 U.S. Postal Service Building, 701 Loyola Avenue, New Orleans, LA 70113, PH: 504–589–6741, or

In Michigan, Officer In Charge, 90 Detroit Union Produce, 7201 West Fort Street, Detroit, MI 48209, PH: 313–226–6059, or

In Minnesota, Officer In Charge, Agriculture Building, Room 226, 90 West Plato Boulevard, St. Paul, MN 55107, PH: 612–296–8557, or

In El Paso, Officer In Charge, 6070 Gateway East, Suite 410, El Paso, TX 79905, PH: 915–543–7723, or

In Houston, Texas, Officer In Charge, 3100 Produce Row, Room 14, Houston, TX 77023, PH: 713–923–2557.

All other Texas Ports: Officer In Charge, Post Office Box 107, San Juan, TX 78589, PH: 512-787-4091.

All other Central Ports of Entry: Regional Director, Room 1012, 610 South Canal Street, Chicago, IL 60607, PH: 312-353-6225.

Western Region

In Arizona, Officer In Charge, Post Office Box 1485, Nogales, AZ 85621, PH: 602-281-0783, or

In Los Angeles, California, Officer In Charge, Wholesale Terminal Bldg., Room 271, 784 South Central Avenue, Los Angeles, CA 90021, PH: 213-688-2489, or

In San Francisco, California, Officer In Charge, P.O. Box 4266, Burlingame, CA 94010, PH: 415-876-1093 and 1094, or

In Hawaii, Officer In Charge, P.O. Box 22159, Pawaa Substation, Honolulu, HI 96822, PH: 808-548-7147, or

In Oregon, Officer In Charge, Cascade Plaza, Suite 125, 2828 SW. Corbett, Portland, OR 97201, PH: 503-229-6161, or

In Washington, Officer In Charge, 5507 Sixth Avenue South, Seattle, WA 98108, PH: 206-764-3500, or

In New Mexico, Officer In Charge, New Mexico Market and Development Branch, New Mexico Department of Agriculture, P.O. Box 5600, Las Cruces, NM 88003, PH: 505-646-4929.

All other Western Ports of Entry: Regional Director, P.O. Box 214287, Sacramento, CA 95821, PH: 916-440-3548 and 3549.

Headquarters: Washington, DC: Chief, Fresh Products Branch, Fruit and Vegetable Division, AMS, Room 2052-S, Bldg., U.S. Department of Agriculture, Washington, DC 20250, PH: 202-447-5870.

Notification

Port Offices—at least one (1) day.
Regional Director—at least two (2) days.
Headquarters—at least three (3) days.

(b) Inspection certificates shall cover only the quantity of fruit that is being imported at a particular port of entry by a particular importer.

(c) The inspection performed, and certificates issued, by the Federal or Federal State Inspection Service shall be in accordance with the rules and regulations of the Department governing the inspection and certification of fresh fruits, vegetables, and other products (7 CFR Part 51). The cost of any inspection and certification shall be borne by the applicant therefor.

(d) Each inspection certificate issued with respect to any of the specified fruits to be imported into the United States shall set forth, among other things: (1) The name and place of inspection; (2) The name of the shipper, or applicant; (3) The commodity inspected; (4) The quantity of the commodity covered by the certificate; (5) The principal identifying marks on the container; (6) The railroad car initials and number, the truck and the trailer license number, the name of the vessel, the name of the air carrier, or other identification of the shipment; and (7) The following statement if the facts warrant: Meets U.S. import requirements under section 8e of the Agricultural Marketing Agreement Act of 1937, as amended.

4. Amend § 944.501 (48 FR 16025) by adding a proviso at the end of paragraph (a) to read:

§ 944.501 Table Grape Import Regulation 1.

(a) * * * *Provided,* That with respect to Tokay grapes the quality requirements provided in this section are terminated on August 10, 1983.

* * * * *

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

Dated: July 22, 1983.

D. S. Kuryloski,

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

[FR Doc. 83-20225 Filed 7-26-83; 8:45 am]

BILLING CODE 3410-02-M

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7 CFR Parts 982 and 999

Suspension of Termination Date for Current Grade Standards for Domestic and Imported Shelled Filberts

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This final rule would suspend the termination date of grade standards prescribed under Marketing Order No. 982 for domestic shelled filberts, and the grade standards prescribed for imported shelled filberts under § 999.400. The standards became effective on May 24, 1982, and were scheduled to terminate on July 31, 1983. The review contemplated by the May 24, 1982, action has not been completed, and additional time will be needed. Hence, suspension of the July 31, 1983, termination date is necessary to keep the current standards in effect and maintain continuity in the quality of domestic and imported shelled filberts.

EFFECTIVE DATE: July 27, 1983.

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

SUPPLEMENTARY INFORMATION: This final action has been reviewed under USDA guidelines implementing Executive Order 12291 and Secretary's Memorandum 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.

It is found that is impracticable, unnecessary, and contrary to the public interest to give preliminary notice and engage in public rulemaking and that good cause exists for not postponing the effective date of this action until 30 days after publication in the **Federal Register** (5 U.S.C. 553) because: (1) An emergency situation exists which warrants publication without opportunity for a public comment period on this final action; (2) it is necessary that this action become effective promptly to allow handlers and importers to continue to handle filberts under the current standards to maintain continuity; and (3) this action is necessary to keep the current standards in effect beyond July 31, 1983, thus keeping them from reverting to the standards effective prior to May 24, 1982.

The current standards for domestic shelled filberts prescribed in § 982.101, Exhibit A under the marketing agreement and Order No. 982, both as amended (7 CFR Part 982), and for imported shelled filberts under the import regulation (§ 989.400, Exhibit A) were published in the **Federal Register** March 24, 1982 (47 FR 12609; 13504). These standards include a tolerance of two percent for mold, rancidity, insect injury, or decay, but not more than one percent for mold, rancidity, or insect injury. They became effective May 24, 1982, and were scheduled to terminate July 31, 1983.

The July 31, 1983, termination date was intended to give interested parties an opportunity to review and evaluate the effects of the standards over a reasonable period of time on quality improvement, trade, and consumption, and to determine whether a further reduction of the tolerance levels was justified. This review and evaluation has taken longer than anticipated, and additional time will be needed. Therefore, suspension of the termination date is necessary to maintain continuity in the quality of domestic and imported shelled filberts.

List of Subjects in 7 CFR Part 982

Marketing agreements and orders, Filberts, Hazelnuts, Oregon, and Washington.

List of Subjects in 7 CFR Part 999

Food grades and standards, Imports, Dates, Walnuts, Prunes, Raisins, Filberts.

PARTS 982 AND 999—[AMENDED]

§§ 982.101 and 999.400 [Amended]

Therefore, 7 CFR 982.101 and 999.400 for domestic and imported shelled filberts, respectively, are amended by removing the last sentence in paragraph (2) of *Tolerances* in § 982.101, Exhibit A, and the last sentence in paragraph (2) of *Tolerances* in § 999.400, Exhibit A.

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

Dated: July 22, 1983.

D. S. Kuryloski,

Deputy Director, Fruit and Vegetable Division.

[FR Doc. 83-20274 Filed 7-26-83; 8:45 am]

BILLING CODE 3410-02-M

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7 CFR Part 1136

[Milk Order No. 136; Docket No. AO-309-A24]

Milk in the Great Basin Marketing Area; Order Amending Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This action amends the classification provisions of the Great Basin Federal milk marketing order. The amendment provides for a Class II classification for formulas especially prepared for infant feeding or dietary use that are aseptically processed and packaged in hermetically sealed paper containers. The action is based on an industry proposal considered at a public hearing held on December 9, 1982. The change, which has been approved by more than two-thirds of the producers in the market, is necessary to reflect current marketing conditions.

EFFECTIVE DATE: September 1, 1983.

FOR FURTHER INFORMATION CONTACT: Maurice M. Martin, Marketing Specialist, Dairy Division, Agricultural Marketing Service, United States Department of Agriculture, Washington, D.C. 20250 (202/447-7183).

SUPPLEMENTARY INFORMATION: This administrative action is governed by the provisions of sections 556 and 557 of Title 5 of the United States Code and, therefore, is excluded from the requirements of Executive Order 12291.

Prior documents in this proceeding:

Notice of Hearing: Issued November 19, 1982, published November 26, 1982 (47 FR 53395).

Emergency Final Decision: Issued February 8, 1983, published February 14, 1983 (48 FR 6545).

Final Order: Issued February 23, 1983, published March 1, 1983 (48 FR 8425).

Recommended Decision: Issued May 5, 1983; published May 10, 1983 (48 FR 20925).

Final Decision: Issued June 22, 1983 published June 28, 1983 (48 FR 29704).

Findings and Determinations

The findings and determinations hereinafter set forth supplement those that were made when the Great Basin order was first issued and when it was amended. The previous findings and determinations are hereby ratified and affirmed, except where they may conflict with those set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Great Basin marketing area.

Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in Sec. 8c (9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who participated in a referendum and who during the determined representative period were engaged in the production of milk for sale in the marketing area.

List of Subjects in 7 CFR Part 1136

Milk marketing orders, Milk, Dairy products.

Order Relative to Handling

It is therefore ordered, That on and after the effective date hereof, the handling of milk in the Great Basin marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, as follows:

PART 1136—MILK IN THE GREAT BASIN MARKETING AREA

1. In § 1136.15, paragraph (b)(1) is revised to read as follows:

§ 1136.15 Fluid milk product.

* * * * *

(b) * * *

(1) Evaporated or condensed milk (plain or sweetened), evaporated or condensed skim milk (plain or sweetened), formulas especially prepared for infant feeding or dietary use that are packaged in hermetically sealed glass, paper, or all-metal containers, any product that contains by weight less than 6.5 percent nonfat milk solids, and whey; and

* * * * *

2. In § 1136.40, paragraph (b)(4)(vi) is revised to read as follows:

§ 1136.40 Classes of utilization.

* * * * *

(b) * * *

(4) * * *

(vi) Formulas especially prepared for infant feeding or dietary use that are packaged in hermetically sealed glass or all-metal containers or aseptically packaged in hermetically sealed paper containers.

* * * * *

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

Effective date: September 1, 1983.

Signed at Washington, D.C. on: July 22, 1983.

C. W. McMillan,

Assistant Secretary, Marketing and Inspection Services.

[FR Doc. 83-20012 Filed 7-26-83; 8:45 am]

BILLING CODE 3410-02-M

FEDERAL RESERVE SYSTEM

12 CFR Part 265

[Docket No. R-0476]

Rules Regarding Delegation of Authority; Delegation of Authority to Reserve Banks To Approve Applications To Acquire Banks

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final rule.

SUMMARY: This amendment to the Rules Regarding Delegation of Authority liberalizes the conditions under which Federal Reserve Banks can approve applications under sections 3 and 4 of the Bank Holding Company Act (12 U.S.C. 1842 and 1843(c)(8)), and the Bank Merger Act (section 18(c) of the Federal Deposit Insurance Act, 12 U.S.C. 1828(c)). The Board is amending the competitive criteria to permit Reserve Banks to approve such applications if the transaction involves two banking organizations each with assets over $100 million in deposits and after consummation, the acquiring organization would control over 10 percent of market deposits, rather than 5 percent under the current regulation.

EFFECTIVE DATE: July 21, 1983.

FOR FURTHER INFORMATION CONTACT: John Russell, Senior Financial Analyst, Division of Banking Supervision and Regulation (202/452-2466) or Bronwen Mason Chaiffetz, Senior Counsel, Legal Division (202/452-3564).

SUPPLEMENTARY INFORMATION: Under the Rules Regarding Delegation of Authority, the Federal Reserve banks can approve applications filed under Section 3 or 4 of the Bank Holding Company Act (12 U.S.C. 1842(a) and 1843(c)(8)), or the Bank Merger Act (Section 18(c) of the Federal Deposit Insurance Act, 12 U.S.C. 1828(c)), unless certain factors are present. The competitive criteria for proposals to acquire additional banks provide that the Reserve banks cannot approve an application if the transaction involves two or more banking organizations that:

(i) Rank among a State's ten largest banking organizations, or

(ii) Each of whom has over $100 million in market deposits and, after consummation, the acquiring organization would control over 5 percent of market deposits.

Since September, 1979, the Board has considered and approved a number of applications where the only aspect of the case that precluded delegated approval by the Reserve Bank was the criteria in item (ii). Moreover, the Board has not denied an application where each banking organization had over $100 million in market deposits, and after consummation the acquiring organization controlled not more than 10 percent of market deposits. In light of the Board's experience with the criteria in item (ii) above, the Board believes that the 5 percent threshold should be raised to 10 percent.

This proposed delegated rule change would expedite applications processing and decrease the number of Board cases that do not present a significant competitive issue within a market. Of course, an application being processed under the more liberal delegated rule could be brought to the Board for consideration if competitive circumstances warrant.

Regulatory Flexibility Act Analysis. Pursuant to section 605(b) of the Regulatory Flexibility Act (Pub. L. No. 96-354, 5 U.S.C. section 601 *et seq.*), the Board certifies that the proposed amendment, if adopted, will not have a significant economic impact on a substantial number of small entities. The proposed amendment would ease the application of the existing regulations and does not have any particular effect on small entities.

Regulatory Impact Analysis. Pursuant to section 3(a)(1) of Executive Order 12291 of February 17, 1981, it has been determined that the proposed amendment does not constitute a major rule within the meaning of section (1)(b) of the Executive Order. The proposed amendment has no effect on the operations of the depository institutions subject to them, and thus, will not have an annual effect on the economy of $100 million or more, will not affect costs or prices for consumers, individual industries, government agencies or geographic regions, and will not have adverse effects on competition, employment, investment, productivity or on the ability of United States based enterprises to compete with foreign based enterprises in domestic or export markets.

Public Comment. The provisions of section 553 of Title 5, United States Code, relating to notice, public participation, and deferred effective date have not been followed in connection with the adoption of this amendment because the change to be effected is procedural in nature and does not constitute a substantive rule subject to the requirements of that section. The Board's expanded rulemaking procedures have not been followed because the amendment is a technical one and because it relieves a burden that could obstruct necessary and prompt action that would be in the public interest.

List of Subjects in 12 CFR Part 265

Authority delegations (Government agencies), Banks, Banking, Federal Reserve System.

PART 265—[AMENDED]

Pursuant to its authority under sections 3(a), 4(c)(8) and 5(b) of the Bank Holding Company Act, and section 18(c) of the Federal Deposit Insurance Act (Bank Merger Act, 12 U.S.C. 1828(c)), the Board of Governors is amending its Rules Regarding Delegation of Authority (12 CFR Part 265) by removing paragraphs (i) through (xiii) of § 265.2 and adding paragraphs (f)(22) (i) through (v) as follows:

§ 265.2 Specific functions delegated to Board Employees and to Federal Reserve Banks.

* * * * *

(f) * * *

(22) * * *

(i) A member of the Board has indicated an objection prior to the Reserve Bank's action; or

(ii) The Board has indicated that such delegated authority shall not be exercised by the Reserve Bank in whole or in part; or

(iii) A written substantive objection to the application has been properly made; or

(iv) The application raises a significant policy issue or legal question on which the Board has not established its position; or in formations, banks acquisitions or mergers:

(v) The proposed transaction involves two or more banking organizations:

(*a*) That rank among a State's ten largest banking organizations in terms of total domestic banking assets; or

(*b*) Each of which has more than $100 million of total deposits in banking offices in the same local banking market that, after consumation of the proposal, would control over 10 percent of total deposits in banking offices in that local market; or in nonbank acquisitions:

(*1*) The nonbanking activities involved do not clearly fall within activities that the Board has designated as permissible for bank holding

companies under § 225.4(a) of Regulation Y; or

(2) The proposal would involve the acquisition by banking organization that has total domestic banking assets of $1 billion or more of a nonbanking organization that appears to have a significant presence in a permissible nonbanking activity.[2]

Effective date: The amendment is effective on all applications pending on July 21, 1983, and on all future applications.

Board of Governors of the Federal Reserve System, July 21, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-20196 Filed 7-26-83; 8:45 am]

BILLING CODE 6210-01-M

FEDERAL TRADE COMMISSION

16 CFR Part 13

[Docket No. 8822]

Magnavox Co.; Prohibited Trade Practices and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Modifying order.

SUMMARY: This order reopens the proceeding and modifies the Commission's order issued on June 9, 1971 (36 FR 13379), by amending Part I–T and deleting Part I–V of the order, to permit the company to control the transshipment of its consumer electronic products. The modification also deletes Part III of the order, which had prohibited the company from engaging in exclusive dealing, full line forcing and tying practices in connection with the sale of its products.

DATES: Consent order issued June 9, 1971. Modifying order issued July 11, 1983.

FOR FURTHER INFORMATION CONTACT: FTC/CC, Selig S. Merber, Washington, D.C. 20580, (202) 634–4642.

SUPPLEMENTARY INFORMATION: In the matter of The Magnavox Company, a corporation. Codification appearing at 36 FR 13379 remains unchanged.

List of Subjects in 16 CFR Part 13

Electronic products, Trade practices.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45)

[2] While other situations may involve the issue of significant presence, the Board regards, as a general guideline, any company that ranks among the 20 largest independent firms in any industry as having a significant presence.

The Order Modifying Decision and Order is as follows:

Commissioners: James C. Miller III, Chairman, David A. Clanton, Michael Pertschuk, Patricia P. Bailey, George W. Douglas.

In the matter of The Magnavox Company, a corporation. Docket No. 8822. Order Modifying Decision and Order.

On February 2, 1983, respondent The Magnavox Company ("Magnavox") filed its "Request To Reopen and Modify Consent Order" ("Request"), pursuant to Section 5(b) of the Federal Trade Commission Act, 15 U.S.C. 45(b), and Section 2.51 of the Commission's Rules of Practice. The Request asked that the Commission reopen the consent order that was issued on June 9, 1971, in this matter ("the order") and modify it in two respects. First, Magnavox requested that certain words in Part I–T of the order and all of Part I–V be deleted to eliminate order language that prevents Magnavox from prohibiting transshipment of its consumer electronic products. Second, Magnavox requested that the Commission delete Part III of the order, which forbids respondent from engaging in exclusive dealing, full line forcing and tying practices in connection with the sale and distribution of its consumer electronic products. Magnavox's Request was on the public record for thirty days and no comments were received.

After reviewing respondent's Request, the Commission has concluded that the public interest warrants reopening and modification of the order in the manner requested by respondent.

The transshipment provisions of the order were adopted as "fencing-in" restraints ancillary to the order's ban on resale price maintenance. *See FTC* v. *National Lead Co.*, 352 U.S. 419 (1957). Respondent has specifically represented in its Request that it does not fix the price at which its customers resell any of the products purchased from it, that prices vary from outlet to outlet, and that current market conditions would prevent it from fixing resale prices even if it were so inclined. Respondent also has argued that the image of the Magnavox brand is being harmed by its inability to control transshipment of its products to outlets that, at least in some instances, do not have the resources to provide adequate pre-sale and post-sale service.

The transshipment provisions in question have been in effect for nearly twelve years, and appear to have served their remedial purposes. There is no indication that respondent during that time has engaged in resale price maintenance or has breached the order's provisions governing transshipping restraints. Particularly in view of the continued existence of the order's underlying prohibitions against resale price maintenance, there no longer appears to be a need to continue the transshipment provisions of the order.

Part III of the order forbids respondent from engaging in exclusive dealing, full line forcing and tying practices in connection with the sale and distribution of its consumer electronic products. The Commission has determined that the public interest will be served if it deletes Part III of the order. It does not appear that respondent has the market power to impose exclusive dealing or related arrangements on a competitively significant number of its dealer outlets. Any exclusive dealing or similar arrangements that respondent may adopt with respect to its outlets is not likely to result in any significant market foreclosure of competitors, or to raise entry barriers. Moreover, Magnavox contemplates that any exclusive arrangements that it may adopt would be terminable by dealers at will. As the Commission pointed out in *Belton Electronics Corp.*, Docket No. 8928 (Slip Opinion, July 6, 1982), the length of time that competitors are foreclosed by exclusive transactions has been an important element in the evaluation of such contracts. Slip Opinion, at 34, n.39. The provisions of Part III of the order apparently are acting to inhibit respondent's ability to build a strong distribution network. At the same time, respondent's competitors, including its larger competitors, are not under comparable restraints.

Accordingly, it is ordered that this matter be, and it hereby is, reopened and that Part I–T of the order be, and it hereby is, amended to read as follows:

"T. Terminating, harassing, threatening, intimidating, coercing or delaying shipments to any dealer because the dealer has sold or is selling its products at other than it established or suggested retail prices."

It is further ordered that Part I–V of the order be, and it hereby is, deleted.

It is further ordered that Part III of the order be, and it hereby is, deleted.

By the Commission, Commissioners Pertschuk and Bailey voted in the affirmative as to the modification to Part III of the original order; and voted in the negative as to the modification deleting Part

I, subparts T and V, of the original order relating to transshipping.

Emily H. Rock,

Secretary.

Statement of Commissioner Pertschuk Dissenting in Part in the Magnavox Company

[Docket No. 8822]

July 11, 1983.

I dissent from the Commission's decision to modify the order in this matter to permit the North American Philips Consumer Electronics Corporation (NAP), the successor to the Magnavox consumer electronics line, to ban transshipment of its consumer electronic products.[1] The petition sets forth no changed circumstances or public interest sufficient to require the complete lifting of the order's prohibition on transshipping bans, which was one of the restrictions put into place to prevent Magnavox from resuming the practice of resale price maintenance (RPM). Further, while NAP asserts that its market share has declined since the Magnavox order went into effect in 1971, it has made no showing that this was the result of transshipping. Also, while claiming that market prices in this industry are competitive, NAP has presented no specific evidence of discounting by its authorized dealers. It is thus uncertain whether there would be much intrabrand price competition in NAP's consumer electronic products if it could completely stop transshipments to other retailers, including price-cutters.

NAP argues that it no longer engages in RPM and that the order's fencing-in measure outlawing transshipping bans is therefore no longer necessary. Presumably, however, an important reason Magnavox no longer fixes resale prices is because the order's many anti-RPM provisions, including the one allowing transshipping, have prevented it from doing so. There is no hard evidence in the record that Magnavox would go back to RPM, or necessarily use the reacquired right to bar transshipping as a means for furthering new RPM schemes. But there is growing evidence that many manufacturers, including some in the consumer electronics industry, are increasingly cutting off discounters, relying in part on the new freedom to restrict transshipping. For example, according to the *Wall Street Journal* (June 21, 1983, p. 37), "many manufacturers besides Pioneer [a competitor of Magnavox] have choked off supplies to discounters in recent months * * *"[2]

I am frankly concerned that the FTC's present policy of non-enforcement of the law against RPM, together with the relaxation of transshipping restrictions on a number of past resale price fixers, has contributed to this reported trend of cutting off discounters. It is this overriding worry, as well as NAP's failure to make the requisite statutory showing for relief, that has led me to oppose the company's request for permission to prohibit transshipping.

Admittedly, product image and adequate pre-sale and post-sale services are important components of marketing and customer satisfaction in the consumer electronics industry, and NAP—like its competitors—is entitled to maintain them. However, this legitimate business objective can be achieved by means far more compatible with price competition than the rather blunt instrument of transshipping bans, which are typically used to cut off discounters. The NAP Magnavox Dealer Agreement already requires retailers to maintain sufficient product services. NAP's main complaint seems to be that it is barred by the transshipping ban from establishing similar standards for other dealers with whom it has no relationship. If so, that problem could be easily fixed by modifying the order to allow NAP to set reasonable non-discriminatory criteria on transshippees, while still permitting its dealers to sell to other retailers who meet those objective criteria. This is what the Commission did in the *Pioneer* and *JBL* matters,[3] and what it could and should have done here.[4] It is a sensible solution that would protect both NAP's competitive interest in freely choosing its dealers and the consumer's economic interest in vigorous price competition.

Statement of Commissioner Bailey Dissenting in Part in the Magnavox Company

[Docket No. 8822]

July 11, 1983.

As my votes in the order modification requests by *JBL Sound, Inc., Lenox Inc.*, and *U.S. Pioneer Electronics* show, I will not lightly give companies under an order to cease and desist resale price maintenance *carte blanche* to control product transshipment. I firmly believe that principles of finality dictate that FTC orders should be reopened only upon a strong showing of need. Also, transshipment bans can so easily be used as a facilitating device for resale price maintenance that less draconian means should always be sought to achieve the stated goals of ensuring pre- and post-sale service. Here petitioner has made an adequate, though not overwhelming, showing of "free rider" problems associated with the Magnavox brand being transshipped to outlets that, in some instances, fail to provide adequate service. However, petitioner has not shown why a total ban on transshipping is needed to correct this sporadic problem or why a *Pioneer*-type order would not suffice. Accordingly, I must partially [1] dissent from the Commission's decision.

[FR Doc. 83-20364 Filed 7-26-83; 8:45 am]

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[1] The Magnavox Co. continues to exist, but is no longer in the consumer electronics business.

[2] In the same article, the Secretary of Lenox, Inc.—which just last year was allowed by the FTC to resume banning transshipments of its fine china, see Lenox, Inc., Docket No. 8718, July 12, 1982—implied a readiness to restrict transshipments to discounters in saying that while "we don't terminate anybody for discounting," transshipping to unauthorized price-cutters "takes away control of our image."

[3] U.S. Pioneer Electronics Corp., Docket No. C-2755, Nov. 5, 1982; James B. Lansing Sound, Inc., 97 F.T.C. 914 (1981). In retrospect, this may be what the Commission should also have done in *Lenox*.

[4] NAP contends that unlike Pioneer it is entitled to a complete lifting of transshipping restrictions because it has no "current plan" to eliminate classes of retailers, including discounters (Petition at 29). That may be so, though NAP admits that it "may want to adopt a * * * categorical policy" itself on barring transshipping (Petition at 27). In any event, objective, non-discriminatory standards governing transshipping would give NAP flexibility in preventing unsatisfactory retailers from dealing in its products, while preserving qualified discounters' access to those products and thus some enhanced degree of intrabrand competition.

[1] I have voted to grant petitioner's request for deletion of Part III of the order which absolutely prohibits exclusive dealing, full line forcing and tying practices. The legality of these practices depends upon market conditions and other factors associated with rule of reason analysis. While *per se* treatment may have been appropriate as a fencing in device when this order was issued twelve years ago, enough time has passed to justify a return to the normal standard.

CONSUMER PRODUCT SAFETY COMMISSION

16 CFR Part 1145

Regulation of Certain Mesh-Sided Play Yards and Cribs Under Consumer Product Safety Act

AGENCY: Consumer Product Safety Commission.

ACTION: Final rules.

SUMMARY: The Commission is issuing final rules to transfer from the Federal Hazardous Substances Act (FHSA) to the Consumer Product Safety Act (CPSA) regulation of risks of asphyxia from airway blockage and chest compression associated with certain mesh-sided play yards (playpens) and cribs if an infant becomes entrapped between the base or floor of the play yard or crib and the mesh side, in a pocket which forms when a side of the play yard or crib is not fully raised.

The Commission finds that it is in the public interest to issue these rules because public notification and remedial action can be accomplished more expeditiously under the CPSA than under the FHSA with regard to risks of asphyxia from airway blockage and chest compression associated with any of the mesh-sided play yards and cribs which are subject to these rules and described in this notice.

EFFECTIVE DATE: July 27, 1983.

FOR FURTHER INFORMATION CONTACT: Lynn Lichtenstein, Trial Attorney, Division of Administrative Litigation, Consumer Product Safety Commission, Washington, D.C. 20207. Telephone: (301) 492-6626.

SUPPLEMENTARY INFORMATION: In the Federal Register of March 3, 1983 (48 FR 9034), the Commission proposed rules to transfer from the FHSA to the CPSA regulation of possible risks of asphyxia by airway blockage or chest compression which may be associated with certain play yards (playpens) and portable cribs with mesh sides. At the time it published the proposal, the Commission had reports of seven fatal incidents involving the asphyxiation of infants or young children in mesh-sided play yards or portable cribs, which had occurred from 1973 through 1982. (The Commission also had one report of a child's death associated with a product which was described as a mesh-sided play yard, but which may have been a mesh-sided portable crib.) Since proposing the transfer rules, the Commission has received information concering three additional deaths of children by asphyxiation associated with mesh-sided play yards and portable cribs.

Background

The type of play yard involved in these incidents is one utilizing metal tubing to form a frame which supports a floor, generally of pressed wood, approximately 6 inches above the surface on which the play yard is placed during use. A thin pad covers the floor of the play yard.

The play yard is enclosed on all four sides by an open mesh fabric. The mesh fabric sides extend down from the top of the play yard toward the floor. Some play yards are manufactured with a strip of material (sometimes called a draft shield) that may extend as high as six inches above the floor of the play yard. If a draft shield is present, the mesh sides are sewn to the draft shield, and the draft shield is attached to the floor of the play yard. If no draft shield is present, the mesh sides are attached to the floor of the play yard.

The tubular frame of the play yard is constructed so that at least one, and sometimes both, of the sides can be lowered when the product is in use.

When one side of the play yard is in a lowered position, the mesh fabric and draft shield on that side become slack and form a pocket at or below the level of the floor of the play yard. If an infant in the play yard moves or falls off the edge of the play yard floor into the pocket formed by the mesh side and draft shield, the weight of the infant creates a downward force on the pocket.

If an infant's face is pressed against the draft shield, the floor of the play yard, or the mesh itself, with sufficient force to block passage of air into the nose or mouth, or if the compression force against the infant's chest is great enough to interfere with the infant's ability to breathe, asphyxia—loss of consciousness from insufficient oxygen—may result. If asphyxia continues for a period of three to five minutes, loss of oxygen may result in permanent brain damage. If asphyxia continues for a longer period, death will ensue.

The portable cribs associated with infant deaths by asphyxiation are similar in design and construction to the play yards described above. However, the legs of the portable crib are extendable and can be adjusted so that the floor of the crib may be raised to approximately 18 inches above the surface on which the crib is placed, and the crib mattress, which covers the crib floor, may be somewhat thicker than the pad used with the play yard.

Risks of injury associated with portable cribs with mesh sides are similar to the ones described in the discussion of mesh-sided play yards. When a side of the crib is lowered, the mesh fabric and draft shield form a pocket near the floor of the crib. If an infant is placed in such a crib with one side lowered, and then moves or falls off the mattress into the mesh pocket, the weight of the infant will cause the pocket to constrict.

Constriction of the pocket can press the infant's face or body against the draft shield, the floor of the crib, the edge of the mattress, or the mesh itself, and may result in asphyxia. As stated above, asphyxia can cause permanent brain damage or death.

The proposed rules to transfer regulation of any risk of injury associated with these products to the CPSA were published in accordance with provisions of section 30(d) of that Act (15 U.S.C. 2079(d)), which states:

> A risk of injury which is associated with a consumer product and which could be eliminated or reduced to a sufficient extent by action under the Federal Hazardous Substances act * * * may be regulated under this Act [the CPSA] only if the Commission by rule finds that it is in the public interest to regulate such risk of injury under this Act.

In the notice proposing the transfer rules, the Commission expressed a preliminary finding that transfer of any risk of injury of asphyxiation by airway blockage or chest compression which may be associated with mesh-sided play yards or portable cribs is in the public interest because notification to consumers and corrective action could be accomplished more expeditiously under the CPSA in the event the Commission believes that such products present a hazard to the public.

The notice of proposal included an extensive analysis of the provisions of both the CPSA and the FHSA governing public notification and remedial action with regard to hazardous products. That notice also discussed the provisions of both acts authorizing the Commission to issue rules to address risks of injury presented by such products.

Comment on Proposal

In response to the proposal of March 3, 1983, the Commission received one comment from Juvenile Products Manufacturers Association, Inc. That comment set forth several objections to the proposed rules, and urged the Commission not to issue them on a final basis.

The first objection to the proposed rules made in this comment is that mesh-sided play yards and portable cribs are articles intended for use by children, subject to specific provisions of the FHSA. The comment states that the Commission has broad authority under the FHSA to ensure the safety of children's products distributed in the United States and discusses various sections of the FHSA applicable to rulemaking, civil and criminal litigation, and administrative adjudicative proceedings to require public notification and remedial action with regard to hazardous children's articles.

The comment states that a "most comprehensive set of generic regulations" to ensure the safety of children's articles has been issued under the FHSA, and makes reference to requirements for full-size and non-full-size cribs, published at 16 CFR 1500.18(a) (13) and (14) and Parts 1508 and 1509. However, as noted in the proposal, the comment acknowledges that the mesh-sided play yards and portable cribs described in the proposal of March 3, 1983, are not subject to any of the requirements for full-size or non-full-size cribs.

Risks of Injury

The comment observes correctly that the notice proposing the transfer rules stated that the Commission is "investigating the possibility" that mesh-sided play yards and portable cribs "may present a potential hazard of asphyxia." See 48 FR 9034. The text of the proposed rules stated that the Commission finds that it is in the public interest to transfer to the CPSA from the FHSA regulation of "the possible risk of asphyxia from airway blockage or chest compression" that "may be associated" with those products. See proposed §§ 1145.11(a) and 1145.12(a).

The comment expresses the view that the Commission's "largely unsupported statements that the products 'may' present a 'potential hazard' " do not justify issuance of final rules based on the proposal.

The Commission has considered information about the design and construction of mesh-sided play yards and portable cribs, and reports of eleven deaths of children associated with those products, as noted above. The Commission has also considered the following information about mesh-sided play yards and portable cribs:

Reports of testing of mesh-sided play yards and cribs to determine the compression forces which may result if a child becomes entrapped in the pocket which forms when one side is not fully raised.

Two consumer complaints concerning entrapment of young children in the pocket formed by the mesh sides of a play yard and a portable crib, apparently without injury to either of the children involved.

Information about the numbers of mesh-sided play yards and portable cribs estimated to be in use by consumers.

Reports of a meeting between the Commission staff and representatives of manufacturers of mesh-sided play yards and portable cribs.

The Commission concludes that this information adequately supports the conclusion that risks of injury to young children from asphyxia by airway blockage or chest compression are associated with mesh-sided play yards and portable cribs. The final rules issued below state that such risks of injury "are associated" with those products, rather than "may be associated," as stated in the proposal.

"Protection" to Manufacuturers by FHSA Rulemaking

This comment also expresses the view that the purpose of the proposal is to bypass the protection afforded to manufacturers by the rulemaking provisions of both the FHSA and the CPSA, as amended by the Consumer Product Safety Amendments of 1981.

As required by section 30(d) of the CPSA, the proposed transfer rules expressed a finding by the Commission that it is in the public interest to transfer regulation of certain risks of injury that may be associated with mesh-sided play yards and portable cribs to the CPSA from the FHSA. As stated above, the basis of the Commission's public interest finding is that in the event that action is necessary to address risks of asphyxia from airway blockage or chest compression associated with those products, public notification and remedial action can be accomplished more expeditiously under the CPSA than under the FHSA.

In the preamble to the proposal, the Commission observed that both the FHSA and the CPSA contain provisions authorizing the Commission to issue orders in appropriate cases for public notification of some hazards presented by products, and for remedial action to be taken with regard to such products. The Commission observed that the provisions of the FHSA applicable to public notification and remedial action would authorize issuance of such orders for mesh-sided play yards and portable cribs only after the Commission has first completed a rulemaking proceeding to announce the Commission's determination that such products are banned because they present a mechanical hazard.

The preamble then discussed the corresponding provisions of the CPSA regarding public notification and remedial action with regard to certain hazards presented by consumer products, and observed that these provisions allow the initation of an adjudicative proceeding for the issuance of such orders without the necessity of first completing a rulemaking proceeding. See 48 FR 9035.

The objection in this comment that the purpose of the proposed transfer rules is to bypass protections afforded to manufacturers by the rulemaking provisions of the FHSA and the CPSA apparently assumes that manufacturers of mesh-sided play yards and portable cribs would be more likely to be subject to regulatory action by the Commission if it proceeds under section 15 of the CPSA rather than under one or more provisions of the FHSA.

The Commission observes that initiation of an adjudicative proceeding under section 15 of the CPSA does not assure that any order for public notification or remedial action will necessarily result. Before the Commission may issue any order under section 15 of the CPSA, it must first give all interested parties opportunity for a hearing conducted in accordance with the Commission's rules of practice for adjudicative proceedings (16 CFR Part 1025). In any such hearing, any manufacturer, distributor, or retailer named in any proposed order for public notification or corrective action would have the right to timely notice and all other rights essential to a fair hearing, including, but not limited to, the right to present evidence, to compel production of documents and testimony, to conduct cross-examination, and to be heard by objection, motion, brief, and argument. Additionally, any party to a hearing would have rights to conferences, briefs, motions and summary decisions and orders prior to hearing; and the right of appeal to the Commission from any initial decision issued after a hearing. Moreover, a decision and order issued by the Commission is subject to judicial review under provisions of the Administrative Procedure Act (5 U.S.C. 701–706).

Although provisions of the FHSA would require the Commission to issue a rule declaring a product to be a banned hazardous substance before it could initiate a proceeding under that act to order public notification or corrective action with regard to any hazard presented by the product, the comment under consideration does not describe the nature of any additional "protection" which a manufacturer would obtain from such a rulemaking proceeding.

Moreover, this comment seemingly overlooks the fact that by issuing final rules under provisions of section 30(d) of the CPSA, the Commission does not preclude the possibility of proceeding under provisions of sections 7 and 9 of the CPSA (15 U.S.C. 2056, 2058) for issuance of a consumer product safety standard applicable to mesh-sided play yards and portable cribs, or under sections 8 and 9 of the CPSA (15 U.S.C. 2057, 2058) for a banning rule applicable to those products if no consumer product safety standard under the CPSA is feasible. The notice proposing the transfer rules discussed the possibility of rulemaking under those provisions of the CPSA at 48 FR 9036.

The comment under consideration correctly observes that as a result of the Consumer Product Safety Amendments of 1981, the rulemaking provisions of sections 7, 8, and 9 of the CPSA are substantially similar to the provisions of sections 2(q)(1) and 3 (e) through (i) of the FHSA (15 U.S.C. 1261(q)(1) and 1262 (e) through (i)), which govern rulemaking proceedings applicable to toys and children's articles.

Thus, if the Commission begins any rulemaking proceeding under the CPSA for a consumer product safety standard or a banning rule applicable to mesh-sided play yards or portable cribs, manufacturers will have substantially the same procedural rights as they would have if the Commission initiated a proceeding for rulemaking applicable to these products under the FHSA.

The comment also contends that the Commission need not transfer regulation from the FHSA to the CPSA in order to act expeditiously in addressing any hazard which may be presen'ed by

mesh-sided play yards and portable cribs. The comment observes that under the FHSA, the Commission may initiate a rulemaking proceeding under section 3(e) of the FHSA to declare an article intended for use by children to be a banned hazardous substance, and thereafter, in appropriate cases, declare the product to be an "imminent hazard" under provisions of section 3(e)(2) of the FHSA. The result of such action is to classify the product as a "banned hazardous substance" until completion of the rulemaking proceeding, and as such, subject to provisions of section 15 of the FHSA regarding notification to the public and remedial action.

In the proposal of March 3, 1983, the Commission considered the provisions of section 3(e)(2) of the FHSA, but observed that some products may present a "substantial product hazard" warranting issuance of an order for public notification or corrective action under provisions of section 15 of the CPSA, without amounting to an "imminent hazard" as that term is used in section 3(e)(2) of the FHSA. See 48 FR 9036.

Impact on Small Businesses

The comment under consideration also objects to issuance of final rules based on the proposal because the Commission has not prepared an initial analysis of the anticipated effect of the proposed transfer rules on small businesses in accordance with provisions of section 603 of the Regulatory Flexibility Act (RFA, 5 U.S.C. 603).

The comment states that some of the companies which manufacture mesh-sided play yards and portable cribs are small entities (a term used in the RFA which includes small businesses). The comment alleges that if the transfer rules are issued on a final basis and regulatory action is taken under provisions of section 15 of the CPSA, manufacturers of mesh-sided play yards and portable cribs will lose the "protections" afforded by provisions of the FHSA which require the Commission to complete a rulemaking proceeding before it may initiate any action to compel notification to the public or corrective action to be taken with regard to any hazard which may be presented by mesh-sided play yards or portable cribs. The comment states that such a result will have a substantial impact upon those firms.

As noted in this comment, section 605(b) of the RFA (5 U.S.C. 605(b)) provides that an agency is not required to prepare an initial analysis of the anticipated impact of a proposed rule if it certifies that the rule, if issued on a final basis, will not have a significant economic impact on a substantial number of small businesses.

In the proposal of March 3, 1983, the Commission made the certification required by section 605(b) of the RFA, stating that the rules, if issued on a final basis, will not impose any legal obligation on any person or firm. The proposal stated that if the Commission issues the rules on a final basis and then determines that it should act to address any risk of injury which is subject to the rules, the Commission will be required to initiate and follow through to completion appropriate judicial or administrative proceedings under one or more sections of the CPSA before it can impose any obligation on any person or firm.

Although the comment contends that the proposal "indicates that the Commission intends to act pursuant to section 15 of the CPSA," neither the proposal nor the rules issued below will cause any action to be taken under section 15 or any other provision of the CPSA.

As noted above, while the provisions of section 15 of the CPSA were discussed in the proposal and cited as a factor in the Commission's decision to propose the transfer rules, the notice of proposal also discussed the possibility of rulemaking under provisions of sections 7, 8, and 9 of the CPSA.

If the Commission undertakes any rulemaking proceeding under the CPSA with regard to risks of asphyxia by airway blockage or chest compression associated with mesh-sided play yards or portable cribs, the Commission will comply with all applicable provisions of the RFA.

Appropriateness of Rulemaking Proceedings

The final objection to the proposed transfer rules expressed in this comment is that the Commission should address any hazard which may be presented by the products under consideration either by relying on voluntary action by manufacturers, or through a rulemaking proceeding. Since the rulemaking procedures of the FHSA and the CPSA are substantially similar, the comment argues that the proposed transfer of regulation is unnecessary.

The comment states that because all mesh-sided play yards and portable cribs are of "generic design," any action taken by the Commission to address any hazard which those products may present will have an effect on the entire industry.

The comment cites a series of decisions by the U.S. Court of Appeals for the Ninth Circuit (*Ford Motor Co. v. F.T.C.*, 673 F.2d 1008 (1981); *Patel v. I.N.S.*, 638 F.2d 1199 (1980); and *Ruangswang v. I.N.S.*, 591 F.2d 39 (1978)) and one decision by a U.S. District Court (*Pharmaceutical Manufacturers v. Finch*, 307 F. Supp. 858 (1970)) for the proposition that an agency must proceed by rulemaking if its purpose is to change the law and establish rules of widespread application.

The comment also expresses the view that rulemaking is a more appropriate means to address any hazard which may be presented by mesh-sided play yards and portable cribs, and advances several policy-oriented reasons for use of rulemaking as distinguished from adjudication under provisions of section 15 of the CPSA.

The objections to issuance of final transfer rules advanced in this portion of the comment assume that after issuing final rules, the Commission will initiate one or more adjudicative actions under provisions of section 15 of the CPSA, and will take no other action.

As this comment suggests, the possibility exists that voluntary action by manufacturers of mesh-sided play yards and portable cribs may obviate the necessity for any type of regulatory activity by the Commission.

The possibility also exists that the Commission might initiate one or more adjudicative proceedings under section 15 of the CPSA *and* begin a proceeding for the issuance of a consumer product safety rule applicable to mesh-sided play yards and portable cribs. The Commission may determine that one or more adjudicative proceedings under section 15 of the CPSA are needed to obtain public notification and remedial action with regard to products which are in channels of distribution and in the possession of consumers. At the same time, the Commission might also determine that issuance of a consumer product safety rule may be necessary to bring about some change in future production of such articles.

In view of all possible actions which could be taken under various provisions of the CPSA, the Commission concludes that the cases and other authority cited in this comment do not preclude issuance of final transfer rules in accordance with section 30(d) of the CPSA.

Moreover, the Commission observes that to the extent the cases cited in this comment suggest that the decision of whether to proceed by rulemaking or adjudication in a particular matter is beyond the informed discretion of an administrative agency, they appear to be inconsistent with decisions of the United States Supreme Court in *Bell Aerospace*

v. N.L.R.B., 416 U.S.C. 267 (1974); *N.L.R.B. v. Wyman-Gordon Co.*, 394 U.S.C. 759 (1969); *F.T.C. v. Universal-Rundle Corp.*, 387 U.S.C. 244 (1967); *Moog Industries, Inc. v. F.T.C.*, 355 U.S.C. 411 (1958); and *S.E.C. v. Chenery*, 332 U.S.C. 194 (1947).

Recent Judicial Decision

As stated above, when the Commission published the proposal to transfer regulation of any risks of asphyxia by airway blockage or chest compression which may be associated with mesh-sided play yards and portable cribs, it expressed the view that such a transfer would be in the public interest because notification to the public of any hazard presented by such products and remedial action to correct any such hazard could be accomplished more expeditiously under the CPSA than under the FHSA.

The notice of proposed rulemaking observed that both the FHSA and the CPSA authorize the Commission to issue orders for public notification and remedial action with regard to certain hazards which may be presented by products. The proposal stated that the principal difference between the provisions of the FHSA and the CPSA with regard to issuance of such orders is that under the FHSA, the Commission must first issue a rule in accordance with sections 2(q)(1)(A) and 3(e) through (i) to declare the item to be a "banned hazardous substance" before it can invoke provisions of section 15 of the FHSA (15 U.S.C. 1274) regarding orders for public notification and corrective action with regard to hazardous products. Under section 15 of the CPSA (15 U.S.C. 2064) the Commission may begin a proceeding for issuance of an order for public notification and corrective action with regard to certain product hazards without any requirement to initiate or complete a rulemaking proceeding. The Commission stated that because a rulemaking proceeding under sections 2(q)(1)(A) and 3(e) through (i) of the FHSA is "complex and time-consuming," it could obtain public notification and corrective action in appropriate cases more quickly under the CPSA than under the FHSA, and for that reason, transfer of regulation from the FHSA to the CPSA is in the public interest.

Among the objections expressed in the comment received in response to the proposal is one to the effect that the Commission's belief that the rulemaking procedures of the FHSA are "complex and time consuming" is not sufficient justification for issuance of final transfer rules.

In a recent decision vacating the Commission's ban of urea formaldehyde foam insulation (UFFI), the U.S. Court of Appeals for the Fifth Circuit discussed in section 30(d) of the CPSA as a "tangential" procedural issue. *Gulf South Insulation et al.* v. *CPSC*, — F.2d — (5th Cir. No. 82-4217; April 7, 1983, as modified June 23, 1983). After rejecting the Commission's finding that the risk of injury associated with UFFI could not have been regulated sufficiently under the FHSA, the Court focused on the public interest finding required by section 30(d) for issuance of a transfer rule.

The Commission had expressed a finding that it was in the public interest to regulate UFFI under the CPSA instead of the FHSA because the rulemaking procedures of the FHSA were "complex and lengthy." The Court rejected that finding and held, narrowly, that the Commission could not discard "the due process procedures mandated by the Federal Hazardous Substances Act" to regulate UFFI under the CPSA. *Slip op.* at 3646.

The decision in the *Gulf South* case was issued shortly after the expiration of the period for receipt of written comments on the proposed transfer rules concerning risks of injury which may be associated with mesh-sided play yards and portable cribs. Section 30(d) of the CPSA limits the comment period to 30 days after publication of the notice of proposal.

By letter dated April 26, 1983, the commenter cited the Court's decision in *Gulf South* in support of the position that transfer of regulation from the FHSA to the CPSA cannot be justified by the Commission's belief that the rulemaking procedures of the FHSA are "complex and time consuming," as stated in the proposal of March 3, 1983.

The Commission has considered that portion of the decision in *Gulf South* interpreting provisions of section 30(d) of the CPSA in light of the objections to the proposal of March 3, 1983, expressed in the comment under consideration. The Commission concludes that the *Gulf South* decision is not a bar to issuance of final rules in this proceeding.

The Commission disagrees with the decision in *Gulf South* and has requested the Solicitor General to file a petition for writ of certiorari to the U.S. Supreme Court. Moreover, the Commission does not believe that the language in that decision interpreting section 30(d) of the CPSA has any application to the rules issued below.

As stated above, the Commission's finding of public interest in the proposal and in the final rules issued below is based on the expeditious notification and corrective action that are more likely to be obtained under the CPSA than under the FHSA. This conclusion is based primarily on the following reasons, which distinguish the circumstances of this proceeding involved with mesh-sided play yards and portable cribs from the circumstances surrounding the Commission's ban of UFFI:

First, in *Gulf South*, the Court seems to have been particularly concerned about the "due process" procedures that would have been provided had UFFI been regulated under the FHSA. Those procedures are in section 2(q)(2) of the FHSA (15 U.S.C. 1261(q)(2)), which makes reference to section 701 (e), (f) and (g) of the Federal Food, Drug and Cosmetic Act (21 U.S.C. 371 (e), (f) and (g)), and may involve a formal trial-type rulemaking proceeding after completion of an informal notice and comment rulemaking proceeding.

However, the mesh-sided play yards and portable cribs which are the subject of the rule in this proceeding are children's articles, and as such are subject to different regulatory procedures under the FHSA, set forth in section 3 (e) through (i). Unless the Commission *specifically elects* to use procedures of section 701 of the Food, Drug and Cosmetic Act, the provisions of section 3 (e) through (i), while more elaborate than simple notice and comment rulemaking, do not involve a trial-type proceeding with opportunity for cross-examination of witnesses. As noted above, the rulemaking procedures specified by section 3 (e) through (i) are substantially similar to the procedures for issuance of a consumer product safety rule under provisions of sections 7 and 9 or 8 and 9 of the CPSA.

Second, if after issuing final transfer rules, the Commission desires to act under provisions of section 15 of the CPSA, the Commission must conduct a hearing before it could order public notification of any hazard presented by any product, or order any corrective action to be taken with regard to that hazard. Such a hearing would provide any affected manufacturer, distributor, or retailer with the "due process" safeguards which the Court apparently believed were being denied to the UFFI industry.

In short, the Commission concludes that the judicial decision concerning the ban of UFFI is not applicable to this proceeding. As stated above, the Commission's finding that it is in the public interest to issue the final rules published below is not "based solely on a desire to avoid" the procedures of the

FHSA, as the Court viewed the circumstances in *Gulf South* at 3646.

The Commission also notes that in *Gulf South*, the Court found UFFI not to be an "extremely dangerous" product, and limited its discussion of the section 30(d) of the CPSA to products of a similar nature. Because the mesh-sided play yards and portable cribs which are the subject of this proceeding have been associated with reports of eleven children's deaths received by the Commission, these products may well be beyond the scope of the Court's decision in *Gulf South*.

Effective Date

The Administrative Procedure Act requires at 5 U.S.C. 553 that a "substantive rule" must be published at least 30 days before its effective date, unless the agency finds for good cause that an earlier effective date is needed and publishes that finding with the final rule.

As stated before, the rules issued below will not, by themselves, impose any new requirement or obligation on any person or firm. They simply announce that if the Commission takes action with regard to certain children's articles, it will do so under provisions of the CPSA rather than those of the FHSA. Of course, any action the Commission might take would provide adequate notice and opportunity to respond.

For this reason, the requirement of 5 U.S.C. 553 for publication of a substantive rule at least 30 days before its effective date is not applicable. The rules issued below shall become effective immediately.

List of Subjects in 16 CFR Part 1145

Administrative practice and procedure, Consumer protection, Infants and children.

Conclusion

PART 1145—REGULATION OF PRODUCTS SUBJECT TO OTHER ACTS UNDER THE CONSUMER PRODUCT SAFETY ACT

Therefore, after consideration of the proposal, written comment on the proposal, and other relevant information, discussed above, the Commission hereby amends Part 1145 of Title 16 of the Code of Federal Regulations by adding new §§ 1145.11 and 1145.12 to read as follows:

§ 1145.11 Certain play yards (playpens) with mesh sides; risk of asphyxia from airway blockage or chest compression.

(a) The Commission finds that it is in the public interest to regulate under the Consumer Product Safety Act, rather than under the Federal Hazardous Substances Act, risks of asphyxia from airway blockage or chest compression that are associated with play yards (playpens) with mesh sides.

(b) Therefore, if the Commission finds regulation to be necessary, any such play yards (playpens) shall be regulated under one or more provisions of the Consumer Product Safety Act.

§ 1145.12 Certain portable cribs with mesh sides; risk of asphyxia from airway blockage or chest compression.

(a) The Commission finds that it is in the public interest to regulate under the Consumer Product Safety Act, rather than the Federal Hazardous Substances Act, the risks of asphyxia from airway blockage or chest compression that are associated with portable cribs with mesh sides.

(b) Therefore, if the Commission finds regulation to be necessary, any such portable cribs shall be regulated only under one or more provisions of the Consumer Product Safety Act.

(Sec. 30(d), Pub. L. 92–573, 86 Stat. 1231, as amended Pub. L. 94–284, 90 Stat. 510, Pub. L. 97–35, 95 Stat. 703, 752 (15 U.S.C. 2079(d))

Effective date: This amendment shall be effective on July 27, 1983.

Dated: July 22, 1983.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

[FR Doc. 83-20314 Filed 7-26-83; 8:45 am]

BILLING CODE 6355-01-M

COMMODITY FUTURES TRADING COMMISSION

17 CFR Part 15

Reports—General Provisions; Adoption of Final Rules; Correction

AGENCY: Commodity Futures Trading Commission.

ACTION: Final rulemaking; correction.

SUMMARY: This document corrects the effective date in the final regulations to the Commission's reporting requirements under the Commodity Exchange Act, as amended, to raise position levels in certain commodities at which Forms 103 and 40 must be filed by traders and series '01 reports and Forms 102s must be filed by members of contract markets, FCMs and foreign brokers. This amendment was published on July 18, 1983 (48 FR 32554).

FOR FURTHER INFORMATION CONTACT: Lamont L. Reese, Associate Director, Market Surveillance Section, (202) 254–3310.

SUPPLEMENTARY INFORMATION: The correction to be made is on page 32555, column 2, footnote 3 and column 3, line 32, in the issue of July 18, 1983, changing the effective date to July 25, 1983.

Issued in Washington, D.C., on July 21, 1983.

Jane K. Stuckey,

Secretary of the Commission.

[FR Doc. 83-20270 Filed 7-26-83; 8:45 am]

BILLING CODE 6351-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 271

[Docket No. RM79-76-192; Order No. 318]

High-Cost Gas Produced From Tight Formations; Louisiana

Issued July 22, 1983.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Final rule.

SUMMARY: The Federal Energy Regulatory Commission is authorized by section 107(c)(5) of the Natural Gas Policy Act of 1978, 15 U.S.C. 3301–3432 (Supp. V 1982), to designate certain types of natural gas as high-cost gas where the Commission determined that the gas is produced under conditions which present extraordinary risks or costs. Under section 107(c)(5), the Commission issued a final regulation designating natural gas produced from tight formations as high-cost gas which may receive an incentive price (18 CFR 271.703 (1982)). This rule established procedures for jurisdictional agencies to submit to the Commission recommendations of areas for designation as tight formations. This final order adopts the recommendation of the State of Louisiana Office of Conservation that the Hosston B Zone located in Louisiana be designated as a tight formation under § 271.703(d).

EFFECTIVE DATE: This rule is effective August 22, 1983.

FOR FURTHER INFORMATION CONTACT: Craig Ellis (202) 357–8511, or Walter Lawson (202) 357–8556.

SUPPLEMENTARY INFORMATION:

The Commission hereby amends § 271.703(d) of its regulations (18 CFR 271.703(d) (1982)) to include the Hosston B Zone, underlying specific portions of Bienville and Claiborne Parishes, north Louisiana as a designated tight formation eligible for incentive pricing under § 271.703. The amendment was

proposed in a Notice of Proposed Rulemaking by the Director, Office of Pipeline and Producer Regulation, issued on April 22, 1983, 48 FR 19177 (April 28, 1983)[1] based on a recommendation by the State of Louisiana Office of Conservation (Louisiana) in accordance with § 271.703, that the Hosston B Zone be designated as a tight formation.

Evidence submitted by Louisiana supports the assertion that the Hosston B Zone located in Louisiana meets the guidelines contained in § 271.703(c)(2). The Commission adopts the Louisiana recommendation.

This amendment shall become effective August 22, 1983.

List of Subjects in 18 CFR Part 271

Natural gas, Incentive price, Tight formations.

(Department of Energy Organization Act, 42 U.S.C. 7101 *et seq.*; Natural Gas Policy Act of 1978, 15 U.S.C. 3301–3432; Administrative Procedure Act, 5 U.S.C. 553.)

In consideration of the foregoing, Part 271 of Subchapter H, Chapter I, *Code of Federal Regulations*, is amended as set forth below.

By the Commission.

Kenneth F. Plumb,

Secretary.

PART 271—[AMENDED]

Section 271.703 is amended by adding paragraph (d)(141) to read as follows:

§ 271.703 Tight formations.

* * * * *

(d) *Designated tight formations.* * * *

(141) Hosston B Zone in Louisiana RM79–76–192 (Louisiana-9)

(i) *Leatherman Creek Field Area.*—(A) *Delineation of formation.* The Hosston B Zone is located in north Louisiana and underlies parts of the Leatherman Creek Field, Claiborne Parish and includes Township 19 North, Range 7 West, Sections 7 through 11, 14 through 23, and 26 through 35, and Township 19 North, Range 8 West, Sections 12, 13, 24, 25 and 36.

(B) *Depth.* The top of the Hosston B Zone is measured at 8,260 feet and the base at 10,000 feet giving a total thickness of 1,740 feet, on the induction electric log of the McGoldrick Oil Company Bessie Sherrill No. 1 well, located in Section 21 of Township 19 North, Range 7 West.

(ii) *Bear Creek Field Area.*—(A) *Delineation of formation.* The Hosston B Zone Reservoir A, is located in north Louisiana and underlies part of the Bear Creek Field, Bienville Parish and includes the south three-quarters of Section 22, the west three-quarters of Section 26, and all of Sections 27 and 28 of Township 16 North, Range 6 West.

(B) *Depth.* The top of the Hosston B Zone, Reservoir A, is measured at 8,890 feet and the base at 9,801 feet, giving a total thickness of 911 feet, on the induction electric log of the Franks Petroleum, Inc., Lucius C. Gresham B No. 1 well located in the southeast quarter of Section 28, Township 16 North, Range 6 West.

[FR Doc. 83-20336 Filed 7-26-83; 8:45 am]

BILLING CODE 6717-01-M

[1] Comments and requests for a public hearing were invited and one comment was received in support of the recommendation. No one requested a public hearing and no hearing was held.

ENVIRONMENTAL PROTECTION AGENCY

21 CFR Parts 193 and 561

[FAP 1H5321/R139A; PH-FRL 2404-8]

Pesticide Tolerances—Dicamba; Extension of Time for Filing Objections

AGENCY: Environmental Protection Agency (EPA).

ACTION: Rule; Extension of time for filing objections.

SUMMARY: This notice provides supplemental information in support of the food and feed additive regulations for the herbicide dicamba in or on sugarcane molasses. A 30-day period is provided for submitting objections.

DATE: Objections should be submitted on or before August 26, 1983.

ADDRESS: Written objections may be submitted to the: Hearing Clerk (A–110), Environmental Protection Agency, Room 3708, 401 M. St., SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Robert Taylor, Product Manager (PM) 25, Registration Division (TS–767C), Environmental Protection Agency, Rm. 245, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703–557–1800).

SUPPLEMENTARY INFORMATION: EPA issued a final rule published in the **Federal Register** of March 16, 1983 (48 FR 11113) which established food/feed additive regulations to permit the combined residues of the herbicide dicamba (3,6-dichloro-*o*-anisic acid) and its sugarcane metabolite (3,6-dichloro-5-hydroxy-*o*-anisic acid) in or on sugarcane molasses at 2.0 parts per million (ppm). On the same date (48 FR 11119), the Agency also established tolerances for dicamba in or on certain raw agricultural commodities, including sugarcane. Since dicamba residues do not concentrate in refined sugar above the tolerance level set for sugarcane, a food additive regulation for refined sugar is not required (21 U.S.C. 342(a)(2)(C)). In the notice establishing the regulation for sugarcane molasses, the Agency noted that certain formulations of dicamba (those containing the dimethylamine salt of dicamba) may contain low levels of dimethyl-*N*-nitrosoamine (DMNA) as an impurity. Although dicamba itself has not been shown to be oncogenic in laboratory studies, studies with test animals have demonstrated that DMNA is carcinogenic. The Agency estimated that, assuming a maximum theoretical residue level of DMNA in sugarcane and that all sugar in the diet is contaminated with DMNA, the potential oncogenic risk from consuming refined sugar is in the 10^{-8} range. This risk level is below the value of 1×10^{-6} which is described in the **Federal Register** of June 25, 1980 (45 FR 42854) "Pesticides Contaminated with *N*-nitroso Compounds; Proposed Policy" as that level which separates "high risk (and high resource)" situations from low risk problems. The notice also cited as further support for the establishment of the tolerance the failure to detect any DMNA residues in samples of sugarcane treated with dicamba under customary conditions of use. This statement should have read "Moreover, under customary conditions of use, the Agency concluded that the detection of any DMNA residues in samples of sugarcane treated with dicamba was unlikely." On the bases of these findings, the Agency concluded that the requirements of the Delaney Clause, section 409(c)(3)(A) of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 348(c)(3)(A), have been satisfied. In reaching this conclusion, the Agency adopted and applied the FDA rationale set forth in "D & C Green No. 6; Listing as a Color Additive in Externally Applied Drugs and Cosmetics", published in the **Federal Register** of April 2, 1982 (47 FR 14138). *See* also "Policy for Regulating Carcinogenic Chemicals in Food and Color Additives; Advance Notice of Proposed Rulemaking", published April 2, 1982 (47 FR 14464).

The Agency received on objection to the issuance of the final tolerance rule for dicamba on sugarcane molasses from the National Resources Defense Council, Inc. (NRDC). NRDC commented that the Agency had failed to provide information in its document about the level of DMNA contamination and the methodology used for calculating the risk, and that the Agency had not provided sufficient legal justification for

the establishment of the tolerance. In response to these objections, this notice provides supplemental information regarding the level of nitrosoamine contamination in sugarcane molasses (and refined sugar, which was addressed in the March 16, 1983 rule), the calculations used by the Agency to arrive at its risk estimates, and the rationale followed by the Agency in establishing the tolerance rule. At the end of the comment period provided by this notice, the Agency will respond to any objections received by the Agency, including those submitted by NRDC.

Based on nine analyses of the dimethylamine salt of dicamba performed by the registrant, the Agency determined that DMNA is present in this formulation at a range of 0.1–3.0 ppm. Using the maximum value of 3 ppm DMNA detected in dicamba, the Agency determined that the theoretical maximum values for the level of DMNA in refined sugar and sugarcane molasses is 8 ppt and 15 ppt (0.015 ppb), respectively. These estimates were obtained by assuming that the nitrosoamine in the crop degrades at the same rate as the active ingredient dicamba. The basis for this assumption is that DMNA is extremely volatile and breaks down in the presence of ultraviolet light. *See* "Nitrosoamines and Pesticides: A Special Report on the Occurrence on Nitrosoamines as Terminal Residues Resulting from Agricultural Use of Certain Pesticides", Pure and Applied Chemistry, Vol. 52, p. 499–526, 1980. Thus, the DMNA will break down at least as fast as dicamba, a less volatile compound. The following equation also assumes very conservatively that all sugarcane is treated with dicamba at tolerance levels, and, when harvested, contains the maximum allowable residue level of dicamba residues. An additional assumption is that DMNA does not concentrate in any plant part at a higher rate than dicamba.

3 ppm DMNA = $3\times10^{-}$ lb DMNA/lb formulation

1 lb formulation contains 0.4 lb active ingredient (a.i.) dicamba

$$\frac{3\times10^{-6}\text{ lb DMNA}}{0.4\text{ lb a.i.}} = 7.5\times10^{-6}\text{ lb DMNA/lb a.i.}$$

$$\frac{X}{0.1\text{ ppm a.i. dicamba in sugarcane (tolerance level)}} = 7.5\times10^{-6}\text{ lb DMNA/lb a.i.}$$

X = 0.75 ppt DMNA in sugarcane

Based on a maximum theoretical concentration factor of 20X for sugarcane molasses (taking into account the weights of the sugarcane and the molasses derived thereform), the theoretical maximum levels of DMNA in molasses would be 15 ppt (0.015 ppb). For refined sugar, where the maximum theoretical concentration rate is 10X, the theoretical maximum level of DMNA would be 8 ppt. The actual level of DMNA in sugarcane is likely to be lower than these estimates due to the volatility and light sensitivity of DMNA. Accordingly, the actual levels in refined sugar and sugarcane molasses are expected to be lower than the estimated values.

Using the value of 0.015 ppb for sugarcane molasses, the Agency estimated the residue contribution of DMNA in the diet to be 6.75×10^{-9} mg/kg/day as follows:

0.015 ppb = 0.015×10^{-3} mg/kg

0.015×10^{-3} mg/kg × 0.0003 (food factor) × 1.5 kg diet/day = $6.75\times10-{}^{9}$ mg/day

$$\frac{6.75\times10^{-9}\text{ mg/day}}{60\text{ kg}} = 1.13\times10^{-10}\text{ mg/kg/day}$$

The oncogenic risk due to DMNA was calculated to be 2.9×10^{-8} using the following equation:

Exposure × slope = risk

1.13×10^{-9} mg/kg/day × 25.88 (mg/kg/day)$^{-1}$ = 2.9×10^{-8}

The slope value used in this equation is the value for the human carcinogenic potential of *N*-dimethylnitrosoamine derived by the Agency's Cancer Assessment Group (CAG), as discussed in the Agency's "Ambient Water Quality Criteria For Nitrosoamines", Office of Water Regulations and Standards, U.S. Environmental Protection Agency, 1980, EPA 440/5–80–064. This slope was derived using a linear dose-response model based on Druckery's dimethylnitrosamine data on liver tumors in rats. *See* Druckery, H., *et al.*, 1967, "Organotropic Carcinogenic Action of 65 Different *N*-nitroso Compounds in BD Rats", Z. Krebsforsch., 69: 103; and 45 FR 79317 (November 28, 1980), "Water Quality Criterial Documents; Availability". Using the same series of equations and a food factor of 0.016 (December 1981, Sweeteners Outlook, USDA SS–RU64), the Agency calculated the risk for refined sugar to be 8.2×10^{-8}.

As discussed in the March 16, 1983 regulation, the basis for the Agency's approach for setting the sugarcane molasses food additive regulation is the policy announced by FDA in the Green No. 6 decision cited above. EPA continues to believe that this approach provides a sound basis for the issuance of the sugarcane molasses food additive regulation for dicamba. The Delaney Clause requires the disapproval of any food or feed additive that has been shown to be a carcinogen in animal studies but does not say that an additive shall be disapproved if any of its impurities are found to induce cancer. As FDA concluded, the impurity should be judged under the general safety provisions of the applicable section of FFDCA, using risk assessment as one of the decision making tools.

In this instance, the additive itself, dicamba, has not been shown to induce cancer. Moreover, any risk attributable to the presence of the DMNA contaminant is, at worst, in the 10^{-9} range. Since the actual residues of DMNA remaining in the sugarcane are likely to be lower than the theoretical worst-case residue estimate, the Agency anticipates that the risk from DMNA is of even lower magnitude than this estimated value. Thus, the Agency has concluded that any potential risk posed by the presence of the DMNA contaminant in sugarcane molasses as the result of dicamba use clearly presents no public health or safety concern.

Any person affected by the March 16, 1983 regulation establishing a tolerance of 2.0 ppm for residues of dicamba in sugarcane molasses may, within 30 days after publication of this supplemental notice in the **Federal Register**, file written objections with the Hearing Clerk, at the address given above. Such objections should specify the provisions of the regulation deemed objectionable and the grounds for the objection. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

Dated: June 29, 1983.

Edwin L. Johnson,

Office of Pesticide Programs.

[FR Doc. 83-20291 Filed 7-26-83; 8:45 am]

BILLING CODE 6560-50-M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

25 CFR Ch. I

Extension of Trust or Restricted Status of Certain Indian Lands

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Extension of Trust or Other Restrictions on Indian Land; Amendment to Appendix, Chapter I.

SUMMARY: This notice will serve to extend the period of trust or other restrictions against alienation of certain Indian lands which would otherwise expire during the calendar years 1984 through 1988.

EFFECTIVE DATE: Upon signature of the Secretary of the Interior, July 20, 1983.

FOR FURTHER INFORMATION CONTACT: Louis H. White, Realty Specialist, Bureau of Indian Affairs, 1951 Constitution Ave. NW., Washington, D.C. 20245, telephone (202) 343–3608.

SUPPLEMENTARY INFORMATION: Various Executive Orders and orders of the Secretary of the Interior extended the trust periods on Indian lands expiring during the calendar years 1949 through 1983. Orders of the Secretary of the Interior issued pursuant to authority delegated by Executive Order No. 10250 of June 5, 1951, as amended by Executive Order No. 10732 of October 10, 1957, have in recent years, been issued at five year intervals.

CHAPTER I—[AMENDED]

Appendix to Chapter I—Extension of Trust or Restricted Status of Certain Indian Lands [Amended]

Trust Periods Expiring During Calendar years 1984 Through 1988, Inclusive.

By virtue of and pursuant to the authority delegated by Executive Order No. 10250 of June 5, 1951, as amended by Executive Order 19732 of October 10, 1957, and pursuant to section 5 of the Act of February 8, 1887 (24 Stat. 388, 389), the Act of June 21, 1906 (34 Stat. 325, 326), and the Act of March 2, 1917 (39 Stat. 969, 976), and other applicable provisions of law, it is hereby ordered that the periods of trust or other restrictions against alienation contained in any patent applying to Indian lands, whether of a tribal or individual status, which, unless extended, would expire during the calendar years 1984 through 1988 inclusive, be, and the same are hereby extended until January 1, 1989.

This order is not intended to apply to any case in which Congress has specifically reserved to itself authority to extend that period of trust on tribal or individual Indian lands.

Dated: July 20, 1983.

Jim Watt,

Secretary.

[FR Doc. 83-20432 Filed 7-26-83; 8:45 am]

BILLING CODE 4310-02-M

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 901

Extension of Study on Alabama's Program Provisions Concerning Disposal of Excess Spoil

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Final rule.

SUMMARY: OSM is extending the trial period for a study of provisions for the disposal of excess spoil on abandoned mine sites contained in Alabama's conditionally approved program for the regulation of surface coal mining and reclamation operations and the surface effects of underground mining.

The Alabama program was conditionally approved by the Secretary of the Interior on May 20, 1982 (see 47 FR 22030–58). By that notice, the Secretary announced that a one year trial period would be held in order to evaluate the adequacy of Alabama's plan. The one year period expired on May 20, 1983. Because few permit applications requesting approval to utilize Alabama's excess spoil provisions were received, and because the available site-specific data was insufficient, OSM was unable to make a meaningful evaluation of the plan within the one year period. On May 19, 1983, OSM received a request from the Alabama Surface Mining Commission that the trial period be extended (AL-378). After considering all relevant information, OSM has decided to extend the trial period to August 20, 1984, for the reasons set forth in this notice.

EFFECTIVE DATE: This decision takes effect July 27, 1983.

FOR FURTHER INFORMATION CONTACT: Mr. John T. Davis, Director, Birmingham Field Office, Office of Surface Mining, 228 West Valley Avenue, Room 302, Birmingham, Alabama 35209; Telephone: (205) 254–0890.

SUPPLEMENTARY INFORMATION:

I. Background on the Alabama Program and Excess Spoil Provisions

Information regarding the general background on the Alabama State Program, including the Secretary's findings, the disposition of comments and a detailed explanation of the conditions of approval of the Alabama program can be found in the May 20, 1982, **Federal Register** at 47 FR 22030–58. In that notice, under Finding 18.1 (47 FR 22038–39), the Secretary approved, with certain restrictions, Alabama's plan to allow the disposal of excess spoil generated by current operations on areas which have been previously disturbed but not adequately reclaimed. The provisions of Alabama's plan were set forth at State rule section 805.11. (That section has now been recoded as 880–X–9B–11 under a generic recodification scheme. See the section "Other Information" below for details about Alabama's recodification of its rules.) No comparable provision is contained under the Federal rules.

The Secretary's findings on Alabama's provision noted that under the State's plan, the previously disturbed area must be included within the currently permitted bond area, but an additional bond amount would not be required. In an attempt to ensure the reclamation of the entire area in the event an operator defaults on his obligations and abandons the job, the State regulations provide that the condition of the entire area will be considered before full bond release is granted. Federal regulations at 30 CFR 800.11(b)(1) require that all operations to be conducted within the permit area during the life of the mine be covered by a performance bond. By that definition, those areas to be used for excess spoil disposal must be included in the performance bond. In his decision findings, the Secretary expressed concern that the State's plan might spread bond amounts too thin, resulting in less, rather than more, reclamation. However, since the plan has possibilities for increased reclamation activities, the Secretary proposed to allow its implementation on a controlled basis for an appropriate trial period.

A one year trial period was established during which the State was allowed to put its plan into effect under the following conditions:

(1) Prior to approval of any application involving this spoil disposal plan, the State Regulatory Authority must notify the OSM Field Office and submit to that Office a report stating the relevant particulars concerning the

request indicating that the State approved;

(2) The OSM Field Office will then review the matter and notify the State within 30 days of its approval or objection;

(3) At the end of one year, the State shall submit to the OSM Field Office a report on the project;

(4) The OSM Field Office will then review the State report, add data or material as needed and transmit the material to OSM Headquarters;

(5) A decision will then be made concerning the success or failure of the trial.

The Secretary's findings also stated that it was recognized that a one year trial period may not be sufficient to adequately evaluate the initial results and that OSM may extend the trial period as needed until sufficient data for appropriate evaluation is obtained. Alabama agreed to the above restrictions.

II. Reasons for the Proposed Trial Period Extension

The present one year trial period ended on May 20, 1983. In early 1983, seven applications were received which requested to implement Alabama's plan on specific sites. The Alabama Surface Mining Commission forwarded recommendations that OSM approve all seven applications. As of May 1, 1983, OSM had approved six of those applications. Actual on-site implementation of Alabama's plan did not occur in sufficient time prior to May 20, 1983, to provide adequate data for OSM to make a meaningful evaluation.

On May 19, 1983, the Alabama Surface Mining Commission submitted a statement (AL-378) to OSM that no site-specific information on the plan's implementation was available at that time. That statement also included a request that OSM extend the trial period for three years. The State's request did not specify a specific rationale to support a three year extension.

On June 2, 1983, OSM proposed that the trial period for Alabama's excess spoil plan be extended to August 20, 1984 (48 FR 24739). OSM's notice stated that sufficient information should be available by that time for a meaningful evaluation to be made.

OSM requested comments on the proposed extension. The public comment period ended on July 5, 1983. No public comments were received. A public hearing scheduled for June 27, 1983, was not held because no person expressed a desire to present testimony.

III. Director's Decision

Accordingly, the Director has decided to extend the trial period for Alabama's excess spoil plan to August 20, 1984. At that time, OSM will compile and evaluate the data and determine whether to allow the State's practice to continue or, in the event of insufficient data, to extend the trial period again.

IV. Other Information

On November 24, 1982, the Alabama Surface Mining Commission informed OSM that due to the implementation of the Alabama Administrative Procedures Act, the State has renumbered its regulations to coincide with the requirements of the new system. OSM's June 2, 1983, **Federal Register** notice published a table of contents which cross-referenced the existing citation to the new citation and indicated that OSM intended to incorporate Alabama's recodification scheme into the approved Alabama program. No public comments were received on Alabama's recodification plan. The Federal rules at 30 CFR 901.15 are being amended by this notice to reflect OSM's approval of this recodification scheme.

Additional Determinations

1. *Compliance with the National Environmental Policy Act:* The Secretary has determined that, pursuant to Section 702(d) of SMCRA, 30 U.S.C. 1292(d), no environmental impact statement need be prepared on this rulemaking.

2. *Executive Order No. 12291 and the Regulatory Flexibility Act:* On August 28, 1981, the Office of Management and Budget (OMB) granted OSM an exemption from Sections 3, 4, 7, and 8 of Executive Order 12291 for actions directly related to approval or conditional approval of State regulatory programs. Therefore, this action is exempt from preparation of a Regulatory Impact Analysis and regulatory review by OMB.

The Department of the Interior has determined that this rule will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). This rule will not impose any new requirements; rather, it will ensure that existing requirements established by SMCRA and the Federal rules will be met by the State.

3. *Paperwork Reduction Act:* This rule does not contain information collection requirements which require approval by the Office of Management and Budget under 44 U.S.C. 3507.

List of Subjects in 30 CFR Part 901

Coal mining, Intergovernmental relations, Surface mining, Underground mining.

Therefore, Part 901 of 30 CFR Chapter VII is amended as set forth herein.

(Pub. L. 95-87, Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 *et seq.*))

Dated: July 22, 1983.

J. R. Harris,

Director, Office of Surface Mining.

PART 901—ALABAMA

1. A new § 901.15 Approval of regulatory program amendments, is added to 30 CFR as set forth below:

§ 901.15 Approval of regulatory program amendments.

(a) The following amendments were approved effective July 27, 1983.

(1) Alabama's recodification of its rules, as submitted on November 24, 1982.

(2) The trial period for Alabama's excess spoil plan is extended from May 20, 1983, to August 20, 1984.

[FR Doc. 83-20412 Filed 7-26-83; 8:45 a.m.]

BILLING CODE 4310-05-M

DEPARTMENT OF DEFENSE

Department of the Army

32 CFR Part 525

[BMDO Reg. 210-10]

Entry Authorization Regulation for Kwajalein Missile Range

AGENCY: Army Department, DOD.

ACTION: Final rule.

SUMMARY: The Ballistic Missile Defense Command by its Kwajalein Missile Range Directorate is publishing new regulations governing entry of persons, ships, and aircraft into the Kwajalein Missile Range (KMR), Kwajalein, Marshall Islands. This rule establishes policies and procedures relating to the entry into the Kwajalein Missile Range and is intended for the safety and security of the range.

EFFECTIVE DATE: August 26, 1983.

FOR FURTHER INFORMATION CONTACT: Major Tommy Marshall, Ballistic Missile Defense Systems Command, Post Office Box 1500, Huntsville, Alabama 35807, Telephone: (205) 895-3120.

SUPPLEMENTARY INFORMATION: Part 525 consists of rules relating to the agency's national defense program; therefore, notice of proposed rulemaking and

public participation thereon as proscribed in 5 U.S.C. 553 is not required and this part is adopted without resort to those procedures.

List of Subjects in 32 CFR Part 525

Air transportation, Travel restrictions, Anchorage grands, Fishing vessels, Traffic regulations, Air space treaties, National defense, Strategic and Critical materials.

Accordingly, 32 CFR is amended by adding a new Part 525 as follows.

John O. Roach, II,

Army Liaison Officer with the Federal Register.

PART 525—ENTRY AUTHORIZATION REGULATION FOR KWAJALEIN MISSILE RANGE

Sec.

525.1 General.
525.2 Background and authority.
525.3 Criteria.
525.4 Entry authorization (policy).
525.5 Entry authorization (procedure).

Authority: 44 U.S.C. 1681, 50 U.S.C. 797, 18 U.S.C. 1001, and E.O. 11021.

§ 525.1 General.

(a) *Purpose.* This regulation prescribes policies and procedures governing entry of persons, ships, and aircraft into the Kwajalein Missile Range (KMR), Kwajalein Atoll, Marshall Islands.

(b) *Scope.* (1) This regulation is applicable to all persons, ships and aircraft desiring entry into KMR.

(2) The entry authorizations issued under this authority are limited to KMR and do not apply to entry to any other areas of the Marshall Islands.

(3) In addition to the controls covered by this regulation movement within the Kwajalein Missile Range, the territorial sea thereof and airspace above, is subject to local control by the Commander, Kwajalein Missile Range, and as installation commander.

(4) This regulation is not applicable to entry authorized by the President of the United States pursuant to the United Nations (U.N.) Charter and to Article 13 of the Trusteeship Agreement for the Former Japanese Mandated Islands.

(c) *Explanation of Terms.*—(1) *Department of Defense.* A department of the executive branch of the U.S. Government which includes the Departments of the Army, the Navy, and the Air Force.

(2) *Entry Authorization.* Authorization by designated authority for a person, a ship, or an aircraft to enter Kwajalein Missile Range, the surrounding territorial sea, and the airspace above.

(3) *National Range Commander.* The Commander, Ballistic Missile Defense Systems Command, is the National Range Commander.

Address: National Range Commander, Kwajalein Missile Range, Ballistic Missile Defense Systems Command, ATTN: BDMSC-R, P.O. Box 1500, Huntsville, Alabama 35807.

Electrical Address: CDRBMDSCOM HUNTSVILLE AL//BMDSC-R//.

(4) *Commander, KMR.* The Commander of the Kwajalein Missile Range is located at Kwajalein Island, Republic of the Marshall Islands.

Address: Commander, Kwajalein Missile Range, P.O. Box 26, APO San Francisco 96555.

Electrical Address: CDRKMR MI // BMDSC-RK//

(5) *Excluded Person.* A person who has been notified by the National Range Commander or the Commander, KMR, that authority for said person to enter Kwajalein Missile Range or to remain in Kwajalein Missile Range has been denied or revoked.

(6) *Unauthorized Person.* A person who does not hold a currently valid entry authorization for the Kwajalein Missile Range and does not possess entry rights under authority of paragraph 4–1.a.

(7) *Aliens.* Persons who are neither citizens of, nor nationals of, nor aliens to the United States of America.

(8) *Permanent Resident Aliens.* Persons who are not citizens of the United States of America but who have entered the United States under an immigrant quota.

(9) *Military Installation.* A military (Army, Navy, Air Force, Marine Corps, and/or Coast Guard) activity ashore, having a commanding officer, and located in an area having fixed boundaries, within which all persons are subject to military control and to the immediate authority of a commanding officer.

(10) *Public Ship or Aircraft.* A ship, boat, or aircraft owned by or belonging to a Government and not engaged in commercial activity.

(11) *Kwajalein Missile Range.* Kwajalein Missile Range is defined as all those defense sites in the Kwajalein Atoll, Marshall Islands, including airspace and adjacent territorial waters, to which the United States Government has exclusive rights and entry control by agreement with the Trust Territory of the Pacific Islands and the Republic of the Marshall Islands.

(12) *Territorial Waters.* In accordance with Title 19, Chapter 3, Section 101 of the Code of the Trust Territory of the Pacific Islands territorial waters mean, "that part of the sea comprehended within the envelope of all arcs of circles having a radius of three marine miles drawn from all points of the barrier reef, fringing reef, or other reef system of the Trust Territory, measured from the low water line, or, in the absence of such a reef system, the distance to be measured from the low water line of any island, islet, reef, or rocks within the jurisdiction of the Trust Territory."

(13) *Kwajalein Missile Range Airspace.* The air lying above the Kwajalein Atoll, including that above the territorial waters.

(14) *Trust Territory Republic of the Marshall Islands Registry.* Registration of a ship or aircraft in accordance with the laws of the Trust Territory of the Pacific Islands or the Republic of the Marshall Islands.

(15) *U.S. Registry.* Registration of a ship or aircraft in accordance with the laws and regulations of the United States.

(16) *U.S. Armed Forces.* Military personnel of the Department of Defense and the United States Coast Guard.

(17) *Principal.* A resident of Kwajalein Missile Range who is authorized to have his or her dependent(s) reside or visit with him (her) on Kwajalein Missile Range.

(18) *Dependent.*

(i) Spouse of principal.

(ii) Unmarried child of principal less than 21 years of age.

(iii) Sponsored individual meeting the dependency criteria of Section 152, Internal Revenue Code (26 U.S.C. 152), and approved by the Commander, Kwajalein Missile Range.

§ 525.2 Background and authority

(a) *Background.* (1) Certain areas, due to their strategic nature or for purposes of defense, have been subjected to restrictions regarding the free entry of persons, ships, and aircraft. Free entry into the areas listed and defined in this regulation, and military installations contiguous to or within the boundaries of defense site areas, is subject to control as provided for in the Executive Order 11021 of May 7, 1962 and Departments of Interior and Defense Agreement effective July 1, 1963, or other regulations. Such restrictions are imposed for defense purposes because of the unique strategic nature of the area and for the protection of the United States Government military bases, stations, facilities, and other installations, and the personnel, property, and equipment assigned to or located therein. Persons, ships, and aircraft are excluded from KMR unless and until they are granted permission to enter under applicable regulations.

(2) The control of entry into or movement within KMR by persons, ships, or aircraft will be exercised so as

to protect fully the physical security of, and insure the full effectiveness of, bases, stations, facilities, other installations, and individuals within KMR. However, unnecessary interference with the free movement of persons, ships, and aircraft is to be avoided.

(3) This regulation will be administered to provide the prompt processing of all applications and to insure uniformity of interpretation and application insofar as changing conditions permit.

(4) In cases of doubt, the determination will be made in favor of the course of action which will best serve the interests of the United States and national defense as distinguished from the private interests of an individual or group.

(b) *Authority.* (1) The Trust Territory of the Pacific Islands is a strategic area administered by the United States under the provisions of the Trusteeship Agreement for the Former Japanese Mandated Islands, approved by the United Nations April 2, 1947. Congress, by 48 U.S.C. Sec. 1681, gave responsibility for this area to the President. By Executive Order 11021, the President delegated this authority to the Secretary of Interior. By agreement between the Secretary of Interior and Secretary of Defense, the Navy became responsible for all entry control July 1, 1963. With approval of the Secretary of Defense and Director of the Office of Territories, the authority to control entry into KMR was transferred to the Army in July of 1964.

(2) The authority of the Department of the Army to control entry of persons, ships, and aircraft into Kwajalein Missile Range is exercised through the Commander, Ballistic Missile Defense Systems Command, who is the National Range Commander.

(3) Penalties are provided by law for:

(i) Violation of regulations imposed for the protection or security of military or naval aircraft, airports, air facilities, vessels, harbors, ports, piers, waterfront facilities, bases, forts, posts, laboratories, stations, vehicles, equipment, explosives, or other property or places subject to the jurisdiction of, administration of, or in the custody of the Department of Defense (sec. 21 of the Internal Security Act of 1950 (50 U.S.C. 797) and Department of Defense Directive 5200.8 of 29 July 1980.

(ii) Knowingly and willfully making a false or misleading statement or representation in any matter within the jurisdiction of any department or agency of the United States (18 U.S.C. 1001).

§ 525.3 Criteria.

(a) *General.* (1) Entry authorizations may be issued only after the National Range Commander, the Commander, KMR, or a duly authorized subordinate has determined that the presence of the person, ship, or aircraft will not, under existing or reasonably forseeable future conditions, endanger, place an undue burden upon, or otherwise jeopardize the efficiency, capability or effectiveness of any military installation located within Kwajalein Missile Range or areas contiguous thereto. Factors to be considered shall include, but not be limited to, the true purpose of the entry, the possible burdens or threats to the defense facilities which the presence of the ship, aircraft, or the individual or individuals involved impose or might reasonably be expected to impose on those islands in the Kwajalein Atoll under U.S. Army jurisdiction.

(2) Request for entry authorizations will be evaluated and adjudged as to whether the entry at the time and for the purpose stated will or will not be inimical to the purposes of U.S. national defense.

(b) *Aliens and permanent resident aliens.* (1) Entry of aliens for employment or residence (except as specified in paragraph 3–2.b.) in an area entirely within the borders of Kwajalein Missile Range is not authorized except when such entry would serve the interests of the U.S. Government, and then only for specified periods and under prescribed conditions. Entry application shall include the name and nationality of the person desiring entry.

(2) Alien and immigrant spouses and dependents of U.S. citizen sponsors or principals assigned to Kwajalein Missile Range may be granted entry authorization by the National Range Commander so long as U.S. sponsor or principal remains on duty or resides within Kwajalein Missile Range.

(c) *Excluded persons.* Excluded persons, as defined in 1–3.e., are normally prohibited from entering Kwajalein Missile Range. Excluded persons may enter Kwajalein Missile Range only when a bona fide emergency exists and the Commander, Kwajalein Missile Range, grants permission for them to enter or transit the Kwajalein Missile Range. While they are within the jurisdiction of the Commander, Kwajalein Missile Range, they will be subject to such restrictions and regulations as he may impose.

(d) *Unauthorized persons.* Persons not authorized to enter Kwajalein will not normally be allowed to debark from authorized ships or aircraft at Kwajalein Island or other islands in the Kwajalein Atoll to which the U.S. Government has lease rights, except that continuing aircraft passengers may be allowed at the discretion of the Commander, Kwajalein Missile Range, to debark during aircraft ground time to remain within specified portions of the terminal building designated by the Commander, Kwajalein Missile Range. In emergency situations, entry of unauthorized personnel may be granted by the Commander, Kwajalein Missile Range.

(e) *Entrance to other areas of the Trust Territory.* No person, unless a citizen, national, or permanent resident alien of the Marshall Islands, will be permitted to debark at Kwajalein Missile Range for the purpose of transiting to areas under the jurisdiction of the Republic of the Marshall Islands without possessing a permit issued by its Chief of Immigration.

Address: Chief of Immigration, Office of the Attorney General, Republic of the Marshall Islands, Majuro, MI 96960.

(f) *Unauthorized marine vessels and aircraft.* No unauthorized marine vessel or aircraft shall enter Kwajalein Missile Range unless a bona fide emergency exists and the Commander, Kwajalein Missile Range, has granted such permission. The Commander, Kwajalein Missile Range, shall use all means at his disposal to prevent unauthorized vessels and aircraft from entering Kwajalein Missile Range. Unauthorized marine vessels and aircraft will be seized for prosecution along with the crew, passengers, and cargo.

(g) *Military areas.* Entries authorized under this instruction do not restrict the authority of the Commander, Kwajalein Missile Range, to impose and enforce proper regulations restricting movement into or within portions of Kwajalein Missile Range reserved for military operations.

(h) *Waivers.* No one except the National Range Commander, or his duly authorized representative, has authority to waive the requirements of this regulation. Any waiver shall be in writing and signed.

(i) *Security clearances.* Organizations, including U.S. Government contractors, responsible for the assignment of personnel to KMR on either a temporary or permanent basis will comply with security clearance requirements for the assignment. A copy of the security clearance notification will be forwarded to Cdr, BMDSCOM, ATTN: BMDSC–AU.

§ 525.4 Entry authorization (policy).

(a) *Personnel.* (1) Persons in the following categories may enter Kwajalein Missile Range without

obtaining specific entry authorization provided the Commander, Kwajalein Missile Range, is notified of impending entry 14 days prior to entry date:

(i) Personnel being assigned to Kwajalein Missile Range as permanent-party and traveling on official orders.

(ii) Personnel being temporarily assigned to Kwajalein Missile Range and who are traveling on official orders.

(iii) Dependents of permanent-party personnel who are *accompanying* their sponsors and are traveling on official orders.

(iv) Crew members on ships and aircraft authorized to enter Kwajalein Missile Range.

(2) Persons in the following categories will submit request for entry authorization to the Commander, Kwajalein Missile Range, ATTN: BMDSC–RKE–S:

(i) Dependents of KMR-based permanent-party personnel for the purpose of *joining* their sponsors (already stationed at KMR) on either a permanent or temporary basis.

(ii) Citizens, nationals and permanent resident aliens of the Republic of the Marshall Islands except those who deplaned for the purpose of transiting Kwajalein Defense Site.

(iii) Citizens of the Trust Territory of the Pacific Islands.

(iv) U.S. citizen employees and officials of the Trust Territory of the Pacific Islands.

(3) All other personnel, except news media representatives, will submit request for entry authorization to the National Range Commander, BMDSCOM, ATTN: BMDSC–R (electrical address: CDRBMDSCOM HUNTSVILLE AL //BMDSC–RA//).

(4) All requests and notifications will include the following data (as applicable):

(i) Full name(s).

(ii) Citizenship.

(iii) Organization.

(iv) Purpose of entry.

(v) Point of contact at Kwajalein Missile Range.

(vi) Inclusive dates of stay.

(vii) Return address.

(viii) Proof of security clearance (if access to classified information is required).

(5) News media representatives require authority from the National Range Commander to visit Kwajalein Missile Range (news media representatives wishing to transit Kwajalein Island to visit any island not within the Kwajalein Missile Range must obtain entry authorization from the Republic of the Marshall Islands and present same to the air carrier at the point of departure to Kwajalein Island). Requests should be addressed to the National Range Commander, BMDSCOM, ATTN: BMDSC–S (electrical address: CDRBMDSCOM HUNTSVILLE AL//BMDSC–S//) and contain the following information:

(i) Name.

(ii) Date and place of birth.

(iii) Citizenship.

(iv) Organization(s) represented.

(v) Objective(s) of visit.

(vi) Desired and alternative arrival and departure dates.

(vii) Address(es) and telephone number(s) for additional information and/or reply.

(b) *Ship.* (1) Ships or other marine vessels in the following categories, except those which have been denied entry or have had a prior entry authorization revoked, may enter the Kwajalein Missile Range territorial waters upon request to and approval of the Commander, Kwajalein Missile Range:

(i) U.S. private ships which are:

(A) Under charter to the Military Sealift Command, or

(B) Employed exclusively in support of and in connection with a Department of Defense construction, maintenance, or repair contract.

(i) Trust Territory of the Pacific Islands/RMI ships which have been approved by the resident representative on Kwajalein.

(ii) Any ship in distress.

(iii) U.S. public ships which are providing a service to the Kwajalein Atoll in accordance with their agency responsibilities.

(2) All other ships or marine vessels must obtain an entry authorization from the National Range Commander before entering the Kwajalein Atoll territorial sea. The entry authorization application should reach the National Range Commander at least 14 days prior to the desired entry date and should include the following information:

(i) Name of ship.

(ii) Place of registry and registry number.

(iii) Name, nationality, and address of operator.

(iv) Name, nationality, and address of owner.

(v) Gross tonnage of ship.

(vi) Nationality and numbers of officers and crew (include crew list when practicable).

(vii) Number of passengers (include list when practicable).

(viii) Last port of call prior to entry into area for which clearance is requested.

(ix) Purpose of visit.

(x) Proposed date of entry and estimated duration of stay.

(xi) Whether ship is equipped with firearms or photographic equipment.

(xii) Whether crew or passengers have in their possession firearms or cameras.

(3) Entry authorizations may be granted for either single or multiple entries.

(4) Captains of ships and/or marine vessels planning to enter Kwajalein Missile Range shall not knowingly permit excluded persons to board their vessels.

(5) U.S. public ships which are authorized to enter defense areas by the controlling Defense Department agency may enter the Kwajalein Atoll territorial sea without the specific approval of either the National Range Commander or the Commander, KMR, provided that the Commander, KMR, is notified as far in advance of the impending entry as is consistent with the security requirements pertaining to such movement.

(c) *Aircraft.* (1) Aircraft in the following categories, except those aircraft which have been denied entry or have had a prior entry authorization revoked, may enter Kwajalein Atoll airspace upon request to and approval of the Commander, KMR:

(i) U.S. private aircraft which are under charter to the Military Airlift Command.

(ii) Public aircraft of the Trust Territory of the Pacific Islands/RMI which have been approved by the resident representative on Kwajalein.

(iii) Private aircraft registered with and approved by the Commander, KMR, which are based on Kwajalein Island.

(iv) Any aircraft in distress.

(v) Private aircraft operated by a common carrier which is providing scheduled air service to or through the Kwajalein Atoll under a current license issued by the Department of the Army.

(vi) U.S. public aircraft which are providing a service to the Kwajalein Atoll in accordance with their agency responsibilities.

(2) All aircraft, except those categorized in paragraph 4–3.a., must obtain an entry authorization from the National Range Commander before entering Kwajalein Atoll airspace. The entry authorization application should reach the National Range Commander at least 14 days prior to the desired entry date and should include the following information:

(i) Type and serial number of aircraft.

(ii) Nationality and name of registered owner.

(iii) Name and rank of senior pilot.

(iv) Nationality and number of crew (include crew list when practicable).

(v) Number of passengers (include list when practicable).

(vi) Purpose of flight.

(vii) Plan of flight route, including the point of origin of flight and its designation and estimated date and times of arrival and departure of airspace covered by this procedure.

(viii) Radio call signs of aircraft and radio frequencies available.

(ix) Whether aircraft is equipped with firearms or photographic equipment.

(x) Whether crew or passengers have in their possession firearms or cameras.

(3) Entry authorizations may be granted for either single or multiple entries.

(4) Captains of aircraft planning to enter Kwajalein Missile Range airspace shall not knowingly permit excluded persons to board their aircraft.

(5) U.S. public aircraft which are authorized to enter defense areas by the controlling Defense Department agency may enter the Kwajalein Atoll airspace with the specific approval of either the National Range Commander or the Commander, KMR, provided that the Commander, KMR, is notified as far in advance of the impending entry as is consistent with the security requirement pertaining to such movements.

§ 525.5 Entry authorization (procedure).

(a) *Processing.* (1) Upon receipt of an application, the appropriate officer (either the National Range Commander, the Commander, Kwajalein Missile Range or the designated representative) shall take the following actions:

(i) Determine that the entry of the applicant is, or is not, in accordance with the criteria set forth in Chapter 3. After having made a determination, the reviewing authority shall either:

(A) Issue an entry authorization as requested, or with modifications as circumstances require; or

(B) Deny the request and advise the applicant of his/her right to appeal in accordance with the provisions of paragraph 5–2.

(ii) If the reviewing authority feels that additional information is required before reaching a decision, the reviewing authority will request that information from the applicant and then proceed as in paragraph 5–1.a.(1).

(iii) If, after having obtained all pertinent information, the reviewing authority cannot reach a decision, he/she will forward the application to the next higher headquarters. A statement containing the following information shall accompany the application:

(A) A summary of the investigation conducted by the reviewing organization.

(B) The reason the application is being forwarded.

(C) Appropriate comments and/or recommendations.

(2) All applicants will be kept fully informed of actions/decisions pertaining to his/her application. Normally a response will be forwarded to the applicant within ten working days after receipt of an application. When the National Range Commander responds to an application, he/she will send a copy of that response to the Commander, KMR. When the Commander, Kwajalein Missile Range, responds to an application, and the National Range Commander has an interest in the visit, the Commander, KMR, will concurrently send a copy of that response to the National Range Commander.

(3) Entry authorizations shall state the purpose for which the entry is authorized and such other information and conditions as are pertinent to the particular authorization.

(b) *Revocations.* (1) Entry authorizations may be revoked by the National Range Commander or the Commander, Kwajalein Missile Range, for misconduct, or termination of status, or upon being advised of the discovery of information which would have been grounds for denial of the initial request. Such a revocation will be confirmed in writing to the holder of an entry authorization. When an entry authorization is revoked, a one-way permit will be normally issued as appropriate, to permit the ship, aircraft, or person to depart the area.

(2) When Commander, Kwajalein Missile Range revokes an entry authorization, he shall forward a copy of such revocation with supporting documentation to the National Range Commander.

(c) *Appeals.* (1) Appeals from entry denial or revocation by Commander, Kwajalein Missile Range will be filed with the National Range Commander. An appeal shall contain a complete statement of the purpose of the proposed entry and a statement or reasons why the entry should be authorized, or why revocation of entry authorization should not be enforced.

(2) Final appeal letters will be forwarded promptly by the National Range Commander to the BMD Program Manager with an indorsement setting forth in detail the facts and circumstances surrounding the action taken.

(d) *Renewals.* Entry authorizations having been granted and utilized may be extended or renewed upon request at the expiration of the period for which the entry was originally authorized or extended provided the justification for remaining in the area or for making a reentry meets the criteria set forth in this procedure. It shall be the responsibility of every applicant to depart Kwajalein Missile Range upon expiration of the time prescribed in the entry authorization, unless such authorization has been extended or renewed. Failure to comply herewith will be considered as evidence or violation of this procedure and may result in denial of future authorizations.

[FR Doc. 83-18192 Filed 7-26-83; 8:45 am]

BILLING CODE 3710-92-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

Air Programs; Approval and Promulgation of Implementation Plans; New Hampshire; Correction

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; correction.

SUMMARY: This document corrects an omission in the rulemaking contained in a final approval for fulfillment of a Part D condition on New Hampshire's attainment plan published on September 22, 1980 (45 FR 62814).

FOR FURTHER INFORMATION CONTACT: Miriam Fastag (617–223–5130).

SUPPLEMENTARY INFORMATION: On July 8, 1980, New Hampshire submitted revisions to EPA which fulfilled a condition for approval of the State's attainment plan (40 CFR 52.1527(a)(3)). In its approval of these revisions on September 22, 1980, EPA incorrectly retained this condition in the rulemaking section. The following correction, amending 40 CFR 52.1527, is made:

"3. Section 52.1527, paragraph (a)(3) is removed and reserved".

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

Dated: July 8, 1983.

Michael Deland,

Regional Administrator, Region I.

[FR Doc. 83-20220 Filed 7-26-83; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 180

[PP 2F2837/R590; PH-FRL-2404-7]

Tolerances and Exemptions From Tolerances for Pesticide Chemicals In or On Raw Agricultural Commodities; 1-(4-Chlorophenoxy)-3,3-Dimethyl-1-(1H-1,2,4-Triazol-1-YL)-2-Butanone

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes tolerances for the combined residues of the fungicide 1-(4-chlorophenoxy)-3,3-dimethyl-1-(1*H*-1,2,4-triazol-1-yl)-2-butanone and its metabolite in or on the raw agricultural commodities almonds and almond hulls. This regulation to establish maximum permissible levels for residues of the fungicide was requested, pursuant to a petition, by Mobay Chemical Corporation.

EFFECTIVE DATE: Effective on July 27, 1983.

ADDRESS: Written objections may be submitted to the: Hearing Clerk (A-110), Environmental Protection Agency, Rm. 3708, 401 M St., SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Henry Jacoby, Product Manager (PM) 21, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 227, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-1900).

SUPPLEMENTARY INFORMATION: EPA issued a notice published in the **Federal Register** of March 23, 1983 (48 FR 12130), which announced that Mobay Chemical Corporation, P.O. Box 4913, Kansas City, MO 64120, had submitted pesticide petition 2F2837 to EPA proposing to amend 40 CFR 180.410 by establishing tolerances for the combined residues of the fungicide 1-(4-chlorophenoxy)-3,3-dimethyl-1-(1*H*-1,2,4-triazol-1-yl)-2-butanone and its metabolite beta-(4-chlorophenoxy)-alpha-1,1-dimethylethlyl)-1*H*-1,2,4-triazole-1-ethanol in or on the raw agricultural commodities almonds at 0.05 part per million (ppm) and almond hulls at 0.10 ppm.

There were no comments received in response to the notice of filing.

The data submitted in the petition and other relevant material have been evaluated. The toxicological data considered in support of these tolerances include a rat teratology study which indicated the cleft palates are treatment-related effects (the no-observed-effects level (NOEL) for fetal development and teratology is considered to be at least 50 milligrams (mg) per kilogram (kg) per day, the NOEL for maternal toxicity is considered to be 10 mg/kg/day); an inhalation study in rats which was negative for teratogencity and embrytoxicity at a dose level of 11.3 mg/m³; dominant lethal test which was negative for mutagenicity; a micronucleus test which was negative; an Ames test which was also negative for mutagenicity; a 2-year feeding (oncogenicity) study in rats with no oncogenic potential observed under the conditions of the study and a systemic NOEL of 50 ppm (2.5 mg/kg/day in the diet); a 2-year feeding (oncogenicity) study in mice, with no oncogenic potential observed under the conditions of the study and a systemic NOEL of 50 ppm (7.1 mg/kg/day in the diet); and a multigeneration reproduction study in rats with a NOEL of 50 ppm (2.5 mg/kg/day in the diet) for reproductive effects.

Based on the NOEL of 50 ppm (2.5 mg/kg) in the 2-year feeding study in rats, and using a 100-fold safety factor, the allowable daily intake (ADI) is calculated to be 0.025 mg/kg/day and the maximum permissible intake (MIP) is 1.5 mg/day for a 60-kg person. Presently established temporary tolerances, toxicologically approved tolerances, and tolerances established by this rule result in a theoretical maximum residue contribution (TMRC) of 0.3882 mg/day for a 60-kg person, which represents 25.48 percent of the ADI. Temporary tolerances have previously been established for the combined residues of this fungicide and its metabolite in or on wheat grain, apple pomace, grape pomace, raisin waste, and in fresh apples and grapes.

Residues resulting in fat, meat, meat byproducts of cattle, goats, hogs, horses, poultry, and sheep, and in milk and eggs from use of these raw agricultural commodities as feed are adequately covered by tolerances established by EPA published in the **Federal Register** of February 9, 1983 (48 FR 5919).

The pesticide is considered useful for the purpose for which the tolerances are sought. There are no regulatory actions pending against the continued registration of the pesticide. The metabolism of the pesticide is adequately understood, and an adequate analytical method, gas chromatography, is available for enforcement purposes.

Based on the information cited above, the Agency has determined that the establishment of the tolerances for residues of the pesticide in or on the commodities will protect the public health. Therefore, the tolerances are established as set forth below.

Any person adversely affected by this regulation may, within 30 days after publication of this notice in the **Federal Register**, file written objections with the Hearing Clerk, at the address given above. Such objections should specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing and the grounds for the objections. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

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

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-534, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

(Sec. 408(e), 68 Stat. 514 (21 U.S.C. 346(a)(e)))

List of Subjects in 40 CFR Part 180

Administrative practice and procedure, Agricultural commodities, Pesticides and pests.

Dated: July 15, 1983

Edwin L. Johnson,

Director, Office of Persticide Programs.

PART 180—[AMENDED]

Therefore, 40 CFR 180.410 is amended by adding, and alphabetically inserting, the raw agricultural commodities almonds and almond hulls to read as follows:

§ 180.410 1-(4-Chlorophenoxy)-3,3-dimethyl-1(1H-1,2,4-triazol-1-yl)-2-butanone; tolerances for residues.

* * * * *

Commodities	Parts per million
* * * * *	
Almonds	0.05
Almonds, hulls	0.10
* * * * *	

[FR Doc. 83-20292 Filed 7-26-83; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 180

[PP 3F2835/R579; PH-FRL 2404-1]

Tolerances and Exemptions From Tolerances For Pesticide Chemicals in or on Raw Agricultural Commodities; 3,5-Dichloro-N-(1,1-Dimethyl-2-Propynyl) Benzamide

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule reduces an established tolerance for the combined residues of the herbicide 3,5-dichloro-*N*-(1,1-dimethyl-2-propynyl) benzamide in or on the raw agricultural commodity lettuce from 2 to 1 part per million (ppm). This Agency initiated regulation was the result of a Rebuttable Presumption Against Registration (RPAR) on the herbicide.

EFFECTIVE DATE: Effective on July 27, 1983.

ADDRESS: Written objections may be submitted to the: Hearing Clerk (A-110), Environmental Protection Agency, Rm. 3708, 401 M St., SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Robert Taylor, Product Manager (PM) 25, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 243, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-1800).

SUPPLEMENTARY INFORMATION: EPA issued a notice of Rebuttable Presumption Against Registration (RPAR) on the herbicide 3,5-dichloro-*N*-(1,1-dimethyl-2-propynyl) benzamide (Pronamide) published in the **Federal Register** of May 20, 1977 (42 FR 25906) on the basis that pronamide had been shown to be oncogenic in male (not female) mice at dosages of 150 milligram (mg)/kilogram (kg) and 300 mg/kg in the diet. After analyzing the comments and information received in response to the RPAR notice, the Agency evaluated the risks and benefits of use of pronamide and determined that certain modifications must be made to the terms and conditions of registration to achieve a reduction in the risk level. With these label changes, the Agency concluded that the benefits of use of pronamide exceeded the risk of use. (See 44 FR 3083, January 15, 1979, Determination and Availability of Position Document-Pronamide)

The Agency also concluded in its Final Notice of Determination published in the **Federal Register** of October 26, 1979 (44 FR 61640) that the tolerance for pronamide in or on lettuce should be revised from 2 to 1 ppm to lower the risks attributable to dietary exposure. At this time, the Agency is reducing the tolerance level for the combined residues of the herbicide 3,5-dichloro-*N*-(1,1-dimethyl-2-propynyl) benzamide and its metabolites in or on the raw agricultural commodity lettuce from 2 to 1 ppm.

The toxicological data considered in support of the tolerance reduction include a 9-week dermal study (rabbit) with a no-observed-effect level (NOEL) of 500 mg/kg; a 90-day feeding study (rat) with a NOEL of 1,350 ppm (67.5 mg/kg); a 90-day study (dog) with a NOEL of 1,350 ppm (33.75 mg/kg); a cytogenetic study (rat) with a NOEL greater than 500 mg/kg (highest level tested); a host-mediated assay (mouse) with no mutagenic effects to *Salmonella* or *Saccharomyces* at 500 mg/kg; a 2-year feeding study (dog) with a NOEL of 300 ppm (7.5 mg/kg); a 2-year feeding study (rat) with a NOEL of 300 ppm (15 mg/kg); and an 18-month oncogenic study (mice) with oncogenic effects in males at dosages of 1,000 ppm (150 mg/kg) and 2,000 ppm (300 mg/kg) in the diet. Data lacking include teratogenicity (2 species), a gene mutation test, and a DNA repair test in mammals or mammalian cells.

The potential oncogenic risk on a lifetime ingestion of 0.0606 mg/kg (theoritical maximum residue contribution (TMRC) due to published tolerances) is 1.9×10^{-6}, based on a linear one-hit model for risk assessment. This action decreases the risk estimate to 1.3×10^{-6} based on a linear one-hit model for risk assessment. Because of the very conservative nature of the risk assessment, and the utility of the pesticide for the purpose for which this regulation is sought, the Agency has determined that the oncogenic risk associated with the tolerance level is outweighed by the benefits.

The acceptable daily intake (ADI) based on the 2-year dog study (non-oncogenic NOEL of 7.5 mg/kg/day) and using a 100-fold safety factor is calculated to be 0.0175 mg/kg of bw/day. The maximum permitted intake (MPI) for a 60-kg human is calculated to be 4.5 mg/day. The TMRC from existing tolerances for a 1.5-kg daily diet is calculated to be 0.0606 mg/kg or 1.35 percent of the ADI. This action reduces the TMRC by 0.0197 to 0.0409 or 0.91 percent of the ADI.

The nature of the residues in plants and animals is adequately understood. An adequate analytical method, electron-capture gas liquid chromatography, is available for enforcment purposes. There is no expectation of residues resulting in feed items from this use. However, if any residues were to occur, the established tolerances on meat, milk, poultry, and eggs would be adequate to cover any secondary residues resulting from these items.

The pesticide is considered useful for the purpose for which the tolerance is sought. It is concluded that the tolerance would protect the public health and is established as set forth below.

Any person adversely affected by this regulation may, within 30 days after publication of this notice in the **Federal Register**, file written objections with the Hearing Clerk, at the address give above. Such objections should specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing and the grounds for the objections. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

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

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-534, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

(Sec. 408(e), 68 Stat. 514 (21 U.S.C. 346(a)(e)))

List of Subjects in 40 CFR Part 180

Administrative practice and procedure, Agriculture commodities, Pesticides and pests.

Dated: July 14, 1983.

Edwin L. Johnson,

Director, Office of Pesticide Programs.

PART 180—[AMENDED]

Therefore, 40 CFR 180.317 is amended by reducing the tolerance level for the commodity lettuce from 2 to 1 ppm to read as follows:

§ 180.317 3,5-Dichloro-N-(1,1-dimethyl-2-propynyl) benzamide; tolerances for residues.

* * * * *

Commodities	Parts per million
* * * * *	
Lettuce	1.0
* * * * *	

[FR Doc. 83-20113 Filed 7-26-83; 8:45 am]
BILLING CODE 6560-50-M

40 CFR Part 180

[PP 3F2776/R582; PH-FRL 2403-6]

Tolerances and Exemptions From Tolerances for Pesticide Chemicals In or On Raw Agricultural Commodities; Aqueous Extract of Seaweed Meal

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes an exemption from the requirement of a tolerance for residues of the plant growth regulator aqueous extract of seaweed meal derived from *Ascophyllum nodosum* when used in or on certain raw agricultural commodities. This regulation was requested by the Burst Products, Inc.

EFFECTIVE DATE: Effective on August 26, 1983.

ADDRESS: Written objections may be submitted to the: Hearing Clerk (A-110), Environmental Protection Agency, Rm. 3708, 401 M St., SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Robert J. Taylor, Product Manager (PM-25), Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 245, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202 (703-557-1800).

SUPPLEMENTARY INFORMATION: EPA issued a notice published in the **Federal Register** of December 22, 1982 (47 FR 57128), which announced that the Burst Products, Inc., 6901 West 63rd St., Overland Park, KS 66202, had submitted pesticide petition 3F2776 proposing to amend 40 CFR 180.1042 by establishing an exemption from the requirement of a tolerance for residues of the plant growth regulator aqueous extract of seaweed meal derived from *Ascophyllum nodosum* when used on the raw agricultural commodities alfalfa, asparagus, beans, broccoli, brussel sprouts, cabbage, cauliflower, cucumbers, eggplant, lettuce, melons, okra, onions, parsley, peas, radish, sorghum (milo), sweet potatoes, spinach, and squash.

There were no comments received in response to the notice of filing.

The data submitted in the petition and other relevant material have been evaluated. The toxicological data considered in support of the exemption from the requirement of a tolerance include an acute oral LD_{50} (rat) with an LD_{50} greater than 10 milliliters (ml/kilogram (kg)), an eye irritation study (rabbit) with a score of "mildly irritating," and a dermal irritation study. All other toxicology studies and requirements, including long- and short-term feeding studies and a 3-generation reproduction study, were waived by the Agency. The requirement of an adequate analytical method for enforcement purposes was also waived because aqueous extract of seaweed meal is a derivative of a human food. The marine algae species *Ascophyllum nodosum* from which the product is derived is identical to, or closely related to, species used for human consumption and livestock and poultry feeds. The product, then, which is derived from this species, would not appear to present an unacceptable hazard to humans and fish and wildlife since the algae is used as a normal dietary item. It is reasonable to assume that no adverse environmental effects may result from an extract of a nontoxic plant material containing only natural materials of a nature common to members of the plant kingdom and subject to the usual known routes of natural degrative processes.

An exemption from the requirement of a tolerance has previously been established for residues of the extract when used on apples, carrots, celery, corn, cotton, grapes, oranges, peaches, peanuts, peppers, potatoes, rice, soybeans, strawberries, sugarbeets, tomatoes, and wheat. No regulations are pending against continued registration of the product nor are there any other considerations for establishing the exemption.

Exemption from the requirement of a tolerance for residues of the plant growth regulator aqueous extract of seaweed meal was previously established on oranges and rice (47 FR 1384, January 13, 1982), but in a subsequent revision of 40 CFR 180.1042 on April 14, 1982 (47 FR 16021), oranges and rice were inadvertently omitted from the list. Accordingly, the exemption for oranges and rice are hereby restored.

The pesticide is considered useful for the purpose for which the exemption is sought. It is concluded that the exemption would protect the public health and is established as set forth below.

Any person adversely affected by this regulation may, within 30 days after publication of this notice in the **Federal Register**, file written objections with the Hearing Clerk, at the address given above. Such objections should specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing and the grounds for the objections. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

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

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-534, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

(Sec. 408(e), 68 Stat. 514 (21 U.S.C. 346(a)(e)))

List of Subjects in 40 CFR Part 180

Administrative practice and procedure, Agricultural commodities, Pesticides and pests.

Dated: July 14, 1983.

Edwin L. Johnson,
Director, Office of Pesticide Programs.

PART 180—[AMENDED]

Therefore, 40 CFR 180.1042 is amended by adding, and alphabetically inserting the following commodities to read as follows:

§180.1042 Aqueous extract of seaweed meal; exemption from the requirement of a tolerance.

* * * * *

Commodities

* * * * *

Asparagus
Beans
Beets, sugar
Broccoli
Brussels sprouts
Cabbage
* * * * *
Cauliflower
* * * * *

Cucumber
Eggplant
* * * * *
Lettuce
Melons
Okra
Onions
Oranges
Parsley
* * * * *
Potatoes, sweet
Radishes
Rice
Sorghum (milo)
* * * * *
Spinach
Squash
* * * * *

[FR Doc. 83-20116 Filed 7-26-83; 8:45 am]
BILLING CODE 6560-50-M

40 CFR Part 180

[PP 2E2693/R586; PH-FRL 2403-7]

Tolerances and Exemptions From Tolerances for Pesticide Chemicals in or On Raw Agricultural Commodities; Oxyfluorfen

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes tolerances for the combined residues of the herbicide oxyfluorfen and its metabolites in or on the raw agricultural commodities bananas (including plantain) and coffee. This regulation to establish maximum permissible levels for residues of the herbicide was requested, pursuant to a petition, by Rohm and Haas Company.

EFFECTIVE DATE: Effective on July 27, 1983.

ADDRESS: Written objections may be submitted to the: Hearing Clerk (A-110), Environmental Protection Agency, Rm. 3708, 401 M St., SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Richard Mountfort, Product Manager (PM) 23, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 237, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-1830).

SUPPLEMENTARY INFORMATION: EPA issued a notice published in the **Federal Register** of June 30, 1982 (47 FR 28453), which announced that Rohm and Haas Company, Independence Mall West, Philadelphia, PA 19105, had filed pesticide petition 2E2693 with the Agency proposing to amend 40 CFR 180.381 by establishing tolerances for the combined residues of the herbicide oxyfluorfen [2-chloro-1-(3-ethoxy-4-nitrophenoxy)-4-(trifluoromethyl) benzene] and its metabolites containing the diphenyl ether linkage in or on the raw agricultural commodities bananas (plantain) the coffee at 0.05 part per million (ppm). No comments were received in response to the notice of filing.

The data submitted in the petition and other relevant material have been evaluated. The toxicological data considered in support of the tolerances include a rat oral lethal dose (LD_{50}) with an $LD_{50} > 5.0$ grams (g) per kilogram (kg) of body weight (bw); a rat cytogenetic test (purified oxyfluorfen): negative; an Ames assay (technical): positive; an Ames assay (purified oxyfluorfen): negative; a host-mediate assay (purified oxyfluorfen): negative; an unscheduled DNA Synthesis (UDS) Assay (technical): negative; a rat teratology study with no terata at 1,000 mg/kg of bw (highest dose) and a fetotoxic no-observed-effect level (NOEL) of 100 Mg/kg of bw; a rabbit teratology study with no terata at 30 mg/kg (highest dose) and a fetotoxic NOEL of 10 mg/kg; a 3-generation rat reproduction study with a NOEL of 10 ppm (0.5 mg/kg of bw); a 2-year rat chronic feeding/oncogenicity study with a NOEL of 40 ppm (2.0 mg/kg of bw); a 20-month mouse feeding study (chronic feeding/oncogenicity) with a NOEL of 2 ppm (0.3 mg/kg of bw); and a 2-year dog feeding study with a NOEL of 100 ppm (5.0 mg/kg of bw).

Based on the NOEL of 2 ppm in the chronic mouse feeding study and a 100 fold safety factor, the acceptable daily intake (ADI) has been set at 0.003 mg/kg/day with a maximum permissible intake (MPI) of 0.18 mg/day for a 60-kg person. These tolerances and pending and previously established tolerances, have a theoretical maximum residue contribution of 0.0394 mg/day in a 1.5 kg diet. These tolerances utilize 21.92 percent of the ADI.

There are no regulatory actions pending against this pesticide. Oxyfluorfen was the subject of a Rebuttable Presumption Against Registration (RPAR) process and a Notice of Determination was published in the **Federal Register** of June 23, 1982 (47 FR 27118).

One of the solvents used in the production of technical oxyfluorfen, perchloroethylene (PCE) < 0.1 percent, has been shown to produce liver tumors in mice. The Agency has concluded that potential benefits from use of oxyfluorfen outweigh risks from PCE provided oxyfluorfen products are produced with no more than 200 ppm PCE contaminant. The producer of oxyfluorfen has verified that oxyfluorfen formulations contain a maximum of 200 ppm PCE.

The nature of the residue of the pesticide is adequately delineated and an adequate analytical method, gas chromatography using an electron capture detector, is available for enforcement purposes.

The pesticide is considered useful for the purpose for which the tolerances are sought. It is concluded that the tolerances would protect the public health and are established as set forth below.

Any person adversely affected by this regulation may, within 30 days after publication of this notice in the **Federal Register**, file written objections with the Hearing Clerk, at the address given above. Such objections should specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing and the grounds for the objections. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

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

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-534, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

(Sec. 408(e), 68 Stat. 514 (21 U.S.C. 346(a)(e)))

List of Subjects in 40 CFR Part 180

Administrative practice and procedure, Agricultural commodities, Pesticides and pests.

Dated: July 14, 1983.

Edwin L. Johnson,

Director, Office of Pesticide Programs.

PART 180—[AMENDED]

Therefore, 40 CFR 180.381 is amended by adding, and alphabetically inserting, the commodities bananas (including plantain) and coffee to read as follows:

§ 180.381 Oxyfluorfen; tolerances for residues.

* * * * *

Commodities	Parts per million
* * * * *	
Bananas (including plantain)	0.05
* * * * *	
Coffee	0.05
* * * * *	

[FR Doc. 83-20115 Filed 7-26-83; 8:45 am]
BILLING CODE 6560-50-M

40 CFR Part 180

[PP 3F2802/R585; PH-FRL 2403-8]

Tolerances and Exemptions From Tolerances for Pesticide Chemicals In or On Raw Agricultural Commodities; Permethrin

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes a tolerance for the combined residues of the insecticide permethrin and its metabolite in or on the raw agricultural commodity peaches. The regulation to establish a maximum permissible level for residues of the permethrin in or on peaches was submitted, pursuant to a petition, by ICI Americas, Inc.

EFFECTIVE DATE: Effective on July 27, 1983.

ADDRESS: Written objections may be submitted to the: Hearing Clerk (A-110), Environmental Protection Agency, RM. 3708, 401 M St., SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Timothy A. Gardner, Product Manager (PM) 17, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 207, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-2690).

SUPPLEMENTARY INFORMATION: EPA issued a notice, published in the **Federal Register** of February 2, 1983 (48 FR 4718), which announced that ICI Americas, Inc., Concord Pike and New Murphy Road, Wilmington, DE 19803, had submitted pesticide petition 3F2802 to EPA proposing to amend 40 CFR 180.378 by establishing a tolerance for the combined residues of the insecticide permethrin [(3-phenoxyphenyl)methyl 3-(2,2-dichloroethenyl)-2,2-dimethylcyclopropanecarboxylate] and its metabolites 3-(2,2-dichloroethenyl)-2,2-dimethylcyclopropane carboxylic acid (DCVA) and (3-phenoxyphenyl)methanol (3-PBA) calculated as parent in or on the raw agricultural commodity peaches at 5.0 parts per million (ppm).

No comments were received in response to the notice of filing.

The data and other relevant material have been evaluated. The toxicological data considered in support of the tolerance had been discussed in detail in the **Federal Register** of October 13, 1982 (47 FR 45008).

Granting the tolerance will increase the theoretical maximum residue contribution from 0.9170 to 0.9844 milligram (mg)/day. The percentage of the maximum permissible intake used will increase from 30.57 to 32.81 percent.

The metabolism of permethrin is adequately understood and an adequate analytical method, gas-liquid chromatography with an electron capture detector, is available for enforcement purposes. No actions are pending against continued registration of permethrin.

Because peaches are not a livestock feed item, there will be no secondary residues in meat, milk, poultry, or eggs.

This pesticide is considered useful for the purpose for which the tolerance is sought. It is concluded that the tolerance would protect the public health and is established as set forth below.

Any person adversely affected by this regulation may, within 30 days after publication of this notice in the **Federal Register**, file written objections with the Hearing Clerk, at the address given above. Such objections should specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing and the grounds for the objections. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

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

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96 534, 94 State. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

(Sec. 408(e), 68 Stat. 514 (21 U.S.C. 346(a)(e)))

List of Subjects in 40 CFR Part 180

Administrative practice and procedure, Agricultural commodities Pesticides and pests.

Dated: July 14, 1983.

Edwin L. Johnson,

Director, Office of Pesticide Programs.

PART 180—[AMENDED]

Therefore, 40 CFR 180.378(b) is amended by adding, and alphabetically inserting, the raw agricultural commodity peaches to read as follows:

§ 180.378 Permethrin; tolerances for residues.

* * * * *

(b) * * *

Commodities	Parts per million
* * * * *	
Peaches	5.0
* * * * *	

[FR Doc. 83-20114 Filed 7-26-83; 8:45 am]
BILLING CODE 6560-50-M

40 CFR Part 271

[SW-5-FRL 2405-6]

Illinois, Indiana, Ohio, Wisconsin; Extension of Time to Amend the States' Phase I Hazardous Waste Program Interim Authorization Applications

AGENCY: United States Environmental Protection Agency (U.S. EPA).

ACTION: Notice extending deadline date.

SUMMARY: Under the authority of § 271.122(c)(4), of Title 40 of the Code of Federal Regulations (40 CFR 271.122(c)(4)), I have found that good cause exists to grant the States of Illinois, Indiana, Ohio and Wisconsin additional time, past July 26, 1983, to submit the appropriate amendments to their Phase I hazardous waste program interim authorization applications (Phase I applications). These States will continue to administer their hazardous waste programs in lieu of the Federal Phase I program until January 26, 1985. In order to receive final authorization by that date, these States have committed to specific dates by which they will submit their complete final authorization applications. If a State fails to receive final authorization by January 26, 1985, then approval of its Phase I program will automatically terminate and administration of the hazardous waste program will revert to U.S. EPA.

DATE: This extension is effective July 27, 1983.

ADDRESS: Copies of the States' requests for an extension are available for review, during normal working hours, at U.S. EPA, Region V, Waste Management Division, 230 South Dearborn, Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT: Richard J. Clarizio, U.S. EPA, Region V, Waste Management Division, 230 South Dearborn, Chicago, Illinois 60604, (312) 353–8319.

SUPPLEMENTARY INFORMATION: On January 15, 1982, May 17, 1982, August 18, 1982, and July 15, 1983, U.S. EPA granted the States of Wisconsin, Illinois, Indiana and Ohio interim authorization to administer, in their respective jurisdictions, their hazardous waste programs in lieu of Phase I of the Federal hazardous waste program. U.S. EPA, however, retained authority to implement and operate all components of its Phase II program in these States, since these States did not apply for any of the components of Phase II interim authorization.

According to 40 CFR 271.122(c)(4), by July 26, 1983, these States must either: (1) Amend their original Phase I application to include all of the components of Phase II or (2) demonstrate to the Regional Administrator that good cause exists for an extension of this deadline. If the State fails to do either, then its program authorization automatically terminates, and U.S. EPA is to administer and enforce the Federal program in the State.

In the July 26, 1982, **Federal Register** (47 FR 32374), U.S. EPA stated that this good cause extension would be granted when a State demonstrates that it is making good faith efforts to apply for and receive final authorization or Phase II interim authorization within a reasonable period of time.

The States of Illinois, Indiana, Ohio and Wisconsin have decided to apply for final authorization instead of Phase II interim authorization. Since they will not be able to submit final authorization applications by July 26, 1983, these States have requested that I grant them an extension.

To support their individual requests, each State indicated the reasons for requesting an extension, the progress made to date, and an anticipated date for submission if its final authorization application. Each of these States indicated that they needed additional time so that they could adopt the necessary statutes and regulations.

Illinois

Illinois received Phase I interim authorization on May 17, 1982. In its letter of May 3, 1983, the State requested an extension past July 26, 1983, to submit an application for final authorization. Based on passage of the necessary legislation this summer, Illinois has committed to the following schedule:

September 1983—legislation, if passed and signed by the governor, becomes effective. Also, technical and permitting regulations are adopted.
November 1983—State submits draft application to U.S. EPA.
March 1984—State conducts its hearing on the complete application.
May 1984—State submits to U.S. EPA its complete final authorization application.

Indiana

Indiana received Phase I interim authorization on August 18, 1982. In its letter of June 21, 1983, the State requested an extension past July 26, 1983, to submit an application for final authorization. The State committed to the following schedule:

Fall 1983—statutory amendments, if necessary, introduced into legislature.
May 1984—State conducts public hearings on regulations.
June 1984—State submits draft application to U.S. EPA.
August 1984—State conducts its hearing on the complete application.
September 1984—State submits its complete final authorization application to U.S. EPA.

Ohio

Ohio received Phase I interim authorization on July 15, 1983. In its letter of June 17, 1983, the State requested an extension past July 26, 1983, to submit an application for final authorization. The State committed to the following schedule:

Fall 1983—Statutory amendments introduced into legislature.
July–October, 1983—State conducts public hearings on incinerator, land disposal, financial responsibility and other regulations.
November 1983—State adopts regulations.
December 1983—State submits draft application to U.S. EPA.
April 1984—State conducts its hearing on the complete application.
May 1984—State submits its complete final authorization application to U.S. EPA.

Wisconsin

Wisconsin received Phase I interim authorization on January 15, 1982. In its letter of May 23, 1983, the State requested an extension past July 26, 1983, to submit an application for final authorization. The State committed to the following schedule:

August 1983—State submits draft application to U.S. EPA.
October 1983—Statutory amendments, if necessary, introduced into legislature.
November 1983—State conducts public hearing on regulations after Clearinghouse review completed.
January 1984—State conducts its hearing on the complete application.
March 1984—State regulations approved.
June 1984—State submits final authorization application to U.S. EPA.

Decision

In consideration of the individual efforts made by Illinois, Indiana, Ohio and Wisconsin to obtain the necessary statutory and regulatory provisions in a timely fashion, I believe that there is good cause to grant these States extensions past July 26, 1983, to submit their final authorization applications. These States must submit their complete final authorization application and receive final authorization by no later than January 26, 1985. In order to receive final authorization by that date, these States have committed to specific dates by which they will submit their complete final authorization applications. If a State fails to receive final authorization by January 26, 1985, then approval of its Phase I program will automatically terminate and administration of the hazardous waste program will revert to U.S. EPA.

This notice is issued under the authority of Section 2002(a), 3006 and 7004(b) of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended, 42 U.S.C. 6912(a), 6926 and 6974(b).

List of Subjects in 40 CFR 271

Hazardous materials, Indian—lands, Intergovernmental regulations, Penalties and Confidential business information, Reporting and recordkeeping requirements, Waste treatment and disposal.

Dated: July 19, 1983.

Valdas V. Adamkus,

Regional Administrator.

[FR Doc. 83-20236 Filed 7-26-83; 8:45 am]
BILLING CODE 6560-50-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

National Flood Insurance Program; Final Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are finalized for the communities listed below.

The base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM) showing base (100-year) flood elevations, for the community. This date may be obtained by contacting the office where the maps are available for inspection indicated on the table below.

ADDRESSES: See table below.

FOR FURTHER INFORMATION CONTACT: Dr. Brian R. Mrazik, Chief, Engineering Branch, Natural Hazards Division, Federal Emergency Management Agency, Washington, D.C. 20472; (202) 287–0230.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency gives notice of the final determinations of flood elevations for each community listed. Proposed base flood elevations or proposed modified base flood elevations have been published in the **Federal Register** for each community listed.

This final rule is issued in accordance with Section 110 of the Flood Disaster Protection Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 44 CFR Part 67. An opportunity for the community or individuals to appeal the proposed determination to or through the community for a period of ninety (90) days has been provided.

The Agency has developed criteria for flood plain management in flood-prone areas in accordance with 44 CFR Part 60.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies for reasons set out in the proposed rule that the final flood elevation determinations, if promulgated, will not have a significant economic impact on a substantial number of small entities. Also, this rule is not a major rule under terms of Executive Order 12291, so no regulatory analyses have been proposed. It does not involve any collection of information for purposes of the Paperwork Reduction Act.

List of Subjects in 44 CFR Part 67

Flood insurance, Flood plains.

Interested lessees and owners of real property are encouraged to review the proof Flood Insurance Study and Flood Insurance Rate Map available at the address cited below for each community.

The modified base flood elevations are finalized in the communities listed below. Elevations at selected locations in each community are shown. No appeal was made during the 90-day period and the proposed base flood elevations have not been changed.

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD). Modified
Pennsylvania	Homer City, borough, Indiana County (Docket No. FEMA-6505).	Two Lick Creek	Downstream corporate limits	*1,005
			Confluence with Yellow Creek	*1,015
			Upstream State Route 56	*1,019
			Upstream corporate limits	*1,020
		Yellow Creek	Upstream State Route 56	*1,023
			Approximately 300 feet downstream of upstream corporate limits	*1,024
Maps available for inspection at the Borough Office, 30 East Wiley Street, Homer City, Pennsylvania.				
Washington	Chelan County (unincorporated areas), FEMA-6505	Alluvial fan flooding from Dry Gulch.	Intersection of Circle Street and Okanogan Avenue	#1
			Intersection of 5th Street and S. Western Avenue	#1
		Alluvial fan flooding from No. 1 Canyon.		
		Alluvial fan flooding from No. 2 Canyon.	Intersection of S. Western Avenue and Cherry Street	#1
			Intersection of Red Apple Road and No. 2 Canyon Road.	#2
Maps available for inspection at the Planning office, Courthouse Annex, 415 Washington Street, Wenatchee, Washington, 98801.				
Washington	Wenatchee (city), Chelan County, FEMA-6505	Alluvial fan flooding from Dry Gulch, No. 1 and No. 2 Canyons.	Intersection of Castlerock Avenue and Pearl Street	#1
Maps available for inspection at the Community Development Office, P.O. Box 519, Wenatchee, Washington, 98801.				

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; (42 U.S.C. 4001–4128); E.O. 12127, 44 FR 19367; and delegation of authority to the Associate Director.)

Issued: July 19, 1983.

Dave McLoughlin,

Deputy Associate Director, State and Local Programs and Support.

[FR Doc. 83-20246 Filed 7-26-83; 8:45 am]

BILLING CODE 6718-03-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 1 and 73

[Gen. Docket No. 81-768]

Selection From Among Certain Competing Applications Using Random Selection or Lotteries Instead of Comparative Hearings; Correction

AGENCY: Federal Communications Commission.

ACTION: Final rule; correction.

SUMMARY: This document corrects a number of errors contained in final regulations implementing the lottery provisions of the Communications Amendments Act of 1982, which were published June 13, 1983 (48 FR 27182).

FOR FURTHER INFORMATION CONTACT: Randy W. Thomas, Office of General Counsel (202) 632-6990.

In the matter of selection from among certain competing applications using random selection or lotteries instead of comparative hearings; Gen. Docket No. 81-768.

Released: July 21, 1983.

By the Commission.

The following corrections are made in the *Report and Order* in the above-captioned proceeding, 48 FR 27182 (released May 27, 1983):

PART 1—[CORRECTED]

1. Paragraph 2 of Appendix C (48 FR 27200, column 2) should read:

§ 1.227 Consolidations.

* * * * *

(b)(1) In broadcast cases, except as provided in paragraph (b)(5) of this section, and except as otherwise provided in § 1.1601, *et seq.*, no application will be consolidated for hearing with a previously filed application or applications unless such application, or such application as amended, if amended so as to require a new file number, is substantially complete and tendered for filing by the close of business on the day preceding the day designated by Public Notice as the day any one of the previously filed applications is available and ready for processing.

* * * * *

PART 73—[CORRECTED]

2. Paragraph 18 of Appendix C (48 FR 27204, column 3) should read:

§ 73.3522 Amendment of applications.

(a) * * *

(2) Subject to the provisions of §§ 73.3525, 73.3571, 73.3572, 73.3573 and 73.3580, and except for applications for low power TV or TV translator stations, mutually exclusive broadcast applications may be amended as a matter of right by the date specified (not less than 30 days after issuance) in FCC's Public Notice announcing the acceptance for filing of the last-filed mutually exclusive application. Subsequent amendments prior to designation of the proceeding for hearing will be considered only upon a showing of good cause for late filing or pursuant to §§ 1.65 or 73.3514. Unauthorized or untimely amendments are subject to return by the FCC's staff without consideration.

(3) Subject to the provisions of §§ 73.3525, 73.3572, and 73.3580, and except as provided in (4) of this paragraph, any application for low power TV and TV translators may be amended at any time.

* * * * *

3. Paragraph 19 of Appendix C (48 FR 27205, column 1) should read:

§ 73.3564 Acceptance of applications.

* * * * *

(c) At regular intervals the FCC will issue a Public Notice listing all applications and major amendments thereto which have been accepted for filing. Pursuant to §§ 73.3571(c), 73.3572(c) and 73.3573(d) such notice shall establish a cut-off date (no less than 30 days from the date of issuance) for the filing of mutually exclusive applications and, except in the case of low power TV and TV translator stations, petitions to deny. However, no application will be accepted for filing unless certification of compliance with the local notice requirements of § 73.3580(h) (Local public notice of filing of broadcast applications) has been made in the tendered application.

4. Paragraph 20 of Appendix C (48 FR 27205, columns 1 and 2) should read:

§ 73.3572 Processing of TV broadcast, low power TV, and TV translator station applications.

* * * * *

(c) Applications for TV stations, other than low power TV and TV translator stations, will be processed as nearly as possible in the order in which they are filed. Such applications will be placed in the processing line in numerical sequence, and will be drawn by the staff for study, the lowest file number first. In order that those applications which are entitled to be grouped for processing may be fixed prior to the time processing of the earliest filed application is begun, the FCC will periodically release a Public Notice listing applications which have been accepted for filing and announcing a date (not less than 30 days after issuance) on which the listed applications will be considered available and ready for processing and by which all mutually exclusive applications and petitions to deny the listed applications must be filed.

* * * * *

(f) * * *

(1) Applications for low power TV and TV translator stations will be processed as nearly as possible in the order in which they are filed. Such applications will be placed in the processing line in numerical sequence, and will be drawn by the staff for study, the lowest file number first. In order that those applications which are entitled to be grouped for processing may be fixed prior to the time processing of the earliest filed application is begun, the FCC will periodically release a Public Notice listing applications which have been accepted for filing and announcing a date (not less than 30 days after release) on which the listed applications will be considered available and ready for processing and by which all mutually exclusive applications must be filed.

* * * * *

5. Paragraph 22 of Appendix C (48 FR 27206, column 3) should read:

§ 73.3591 Grants without hearing.

* * * * *

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 83-20195 Filed 7-26-83; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Parts 2, 22 and 90

[Gen. Docket No. 82-694; RM-3685; FCC 83-348]

Amendment of the Commission's Rules To Provide for the Use of Meteor Burst Communications

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: In response to a petition for rulemaking, the Federal Communications Commission has revised its Rules to provide for the use of meteor burst communications in the State of Alaska. Meteor burst communications result from the reflection of radio waves by ionized meteor streams and have primarily been used for Government applications. The revision provides four frequencies for common carrier and private radio station operations in the 40-50 MHz

band. The action allows a long range, fully automated operation particularly adaptable for remote, unattended applications.

EFFECTIVE DATE: August 29, 1983.

FOR FURTHER INFORMATION CONTACT: Mr. Sam Tropea, Office of Science and Technology, 2025 M Street, NW., Washington, D.C. 20554, (202) 653–8167.

List of Subjects

47 CFR Part 2

Frequency allocations.

47 CFR Part 22

Rural radio service.

47 CFR Part 90

Public safety radio services.

Report and Order

In the matter of Amendment of Parts 2, 22, and 90 of the FCC Rules and Regulations to provide for the use of meteor burst communications; Gen. Docket No. 82–694, RM–3685.

Adopted: July 20, 1983.
Released: July 22, 1983.
By the Commission.

I. Summary

1. This action amends the Commission's Rules to allocate four frequencies in the 40–50 MHz band and to establish rules and regulations for the use of meteor burst communications in the State of Alaska. Operation by common carrier and private radio users is provided under Parts 22 and 90 of the Rules, respectively.

II. Background

2. On September 24, 1982, the Commission adopted a *Notice of Proposed Rule Making* in the above captioned matter in response to a petition filed by Meteor Data, Inc. (hereinafter "MDI")[1]. The *Notice* proposed to reallocate for meteor burst communications in Alaska the frequencies 42.40 and 44.10 MHz for use by common carrier stations in the Rural Radio Service and the frequencies 44.20 and 45.90 MHz for use by private land mobile radio stations. Throughout the United States the frequencies 42.40 and 45.90 MHz are available for assignment to the Police Radio Service and the frequencies 44.10 and 44.20 MHz are available for assignment to the Motor Carrier Radio Service. Also, the *Notice* proposed a new NG Footnote 141 to § 2.106 of the Rules to make provision for the use of meteor burst communications in the Table of Frequency Allocations. Furthermore, changes to Parts 22 and 90 were proposed to establish regulations governing meteor burst operations.

3. Meteor burst systems use the phenomenon of meteor trails, which are produced daily in the earth's atmosphere, to reflect radio waves in the VHF frequency range to obtain communication distances up to 2000 km. The ionized meteor trails last only for a few milliseconds to a few seconds, but communications are possible because meteors are constantly entering the earth's atmosphere. Since the meteor trails are of such short duration, communications are intermittent and data transmission at a very high rate is necessary. The ability to communicate by reflecting radio waves off of ionized meteor trails was recognized around 1951 but to date its application has been used primarily for Government operations because no frequency has been allocated for non-Government use. Experimental uses conducted under licenses granted to private users have demonstrated that meteor burst communications can satisfy many requirements for signalling and telemetering for control and monitoring operations, especially from remote locations. Some uses of meteor burst communications include measuring snow depths, predicting avalanche conditions, and monitoring conditions at distant electrical, sewer, and heating facilities.

III. Discussion of Issues

4. Comments and Reply Comments in the proceeding[2] addressed three areas of interest which can be summarized as follows:

A. Frequency allocation and utilization;

B. Interference concerns; and

C. Technical considerations.

Frequency Allocation and Utilization

5. MDI, Western Union and the State of Alaska supported the Commission proposal to provide frequencies for meteor burst communications. MDI also requested that frequencies be made available for common carrier service on a priority basis and that frequencies allocated for private systems be made available for common carrier use if not utilized within four months of availability. The State of Alaska requested that common carrier stations be required to make maximum use of their frequencies before being allowed to share the private radio frequencies. The only opposing comment was submitted by the California Division which opposed the use of police radio frequencies for non-police activities. The California Division stated that the use of frequencies by meteor burst stations would create interference to police users from skip propagation. The Reply comments of MDI and the State of Alaska disputed the California Division claim that skip interference from meteor burst communications would disrupt police communications.

6. The Commission agrees that meteor burst communication has a public service potential and that frequencies should be allocated for its use. Meteor burst communications can provide an alternative mode of operation to conventional skywave propagation, microwave, or satellite systems. Further, ability to transmit from remote or hazardous locations without the need for a human operator will contribute to improving individual safety. With regard to the California Division's objection to permitting meteor burst operation on police frequencies, the paired frequencies to be used are not currently used for police activities in Alaska and no technical data was provided to support the claim of interference to the contiguous 48 states from skip propagation. Indeed, the Commission considers propagation by meteor burst to be a one-hop phenomenon, and the claim of skip interference is unwarranted.

7. The *Notice* proposed to allocate two frequencies for common carrier and two for private systems and requested comments on frequency sharing among systems. MDI and Western Union emphasized that it would be possible to have effective frequency sharing by establishing geographic limitations for station locations. At the same time, stations operating closer than the established geographic separation would require a different frequency pair to avoid interference. Thus, it appears advisable to provide two frequency pairs for meteor burst operation to satisfy the present requirement plus provide for future growth. This can be achieved by allowing common carriers to use the frequencies 42.40 and 44.10 MHz on a primary basis and the frequencies 44.20 and 45.90 MHz on a secondary basis to private radio users.[3]

[1] *Notice of Proposed Rule Making*, October 12, 1982 (47 FR 44756).

[2] Comments in the proceeding were submitted by the California State Communications Division (The California Division), MDI, the State of Alaska Division of Telecommunications (The State of Alaska) and the Western Union Telegraph Company (Western Union). Reply Comments were filed by MDI and the State of Alaska.

[3] Primary users have first claim to their assigned frequencies and the right to interference protection from secondary user stations on the same assigned frequencies. Secondary users shall not cause interference to or claim protection from harmful

The same can be provided for private radio systems which could use 44.20 and 45.90 MHz on a primary basis and 42.40 and 44.10 MHz on a secondary basis to common carrier users. In this manner, all four frequencies can be available for maximum utilization immediately. This should reduce the possibility of allocated but vacant frequencies. Accordingly, Parts 22 and 90 are amended to provide for the allocation and use of all four frequencies for meteor burst communications by common carrier and private radio systems in the primary and secondary sharing fashion discussed above. Also a Footnote NG 141 will be added to Part 2, as proposed, to set forth the frequencies allocated for meteor burst systems.

Interference Concerns

8. Because the proposed meteor burst frequencies fall within the passband of television receiver intermediate frequency amplifiers, the State of Alaska in its comments recommended that new meteor burst station authorizations should be issued on a developmental grant basis to prevent television interference. MDI in its comments and reply comments stated its belief that a developmental grant procedure for meteor burst operation is unnecessary because experimental operation in Alaska has not resulted in any known case of interference to television reception. While it is true that no reported interference complaints have been received regarding Government or experimental non-Government operations in Alaska, our experience with this band indicates that it is possible to have interference to television receivers as was disclosed in CC Docket 80–189.[4] Therefore we are going forward with the licensing of meteor burst stations under a developmental grant policy similar to that adopted in Docket 80–189 to insure that the new expanded use of this technology does not cause harmful interference to other users. Issuing new authorizations under the developmental grant procedure will make possible immediate action to correct any interference situation should it arise. This should not adversely affect or require any remedial action by the licensee if no interference occurs.

Technical Considerations

9. The *Notice* proposed technical regulations concerning transmitter output power, authorized bandwidth, and authorized emissions, and it invited comments on frequency sharing methods to accomplish compatible usage. Comments on the technical issues in the proceeding addressed the subjects of transmitter output power and frequency sharing criteria for meteor burst stations. MDI requested that the output power of the central office station be increased from 1000 watts to 2000 watts and that a 150 mile separation be required between base or central office stations and between remote stations and the base station of another licensee. Western Union also recommended establishment of geographic and usage limitations to prevent overcrowding and interference. The State of Alaska proposed that the Commission amend its rules to require meteor burst users to develop cooperative arrangements for the shared use of the frequencies. However, if users could not reach a shared use agreement, the State of Alaska proposed that the Commission intervene and impose sharing requirements. The State of Alaska did not oppose the increase in transmitter power suggested by MDI and the geographical separations suggested by MDI and Western Union.

10. We concur with MDI's request for increasing the transmitter output power of meteor burst central office stations from 1000 and 2000 watts and believe the same 2000 watt limit should also apply to private meteor burst base stations. The additional power would not significantly change the area served by the station and is believed to be warranted since the transmitted power of the central office or base unit can be effectively divided among four separate antennas. The transmitter power of the remote or subscriber stations will remain 500 watts.

11. With regard to different stations operating on the same channel or frequency (co-channel operation), the Commission favors a geographic separation requirement as the basis for shared channel usage. It has been suggested by MDI that co-channel base or central office stations should not be located closer than 150 miles from each other and that co-channel meteor burst subscriber or remote units should not be located within 150 miles of a respective meteor burst central office or base station operated by another licensee whose subscriber or remote units operate on the same frequency. For example, a new base station using 44.20 MHz would not be allowed to locate within 150 miles of an existing base station using 44.20 MHz; and a new remote unit using 45.90 MHz would not be allowed to locate within 150 miles of an existing base station whose associated remote units use 45.90 MHz. Likewise, a new base station should not locate within 150 miles of an existing remote station that uses the same frequency as its own new remote units. The Commission agrees that these separation criteria proposed by MDI provide a minimum standard for locating co-channel stations. As a further safeguard, however, the Commission believes that stations should be licensed on condition that they will cooperatively agree that, if mutual interference occurs, all available means to the extent practicable will be employed to eliminate or minimize the interference and to promote compatible use of the limited frequencies. Also, if co-channel users cannot meet the 150 mile limit but can agree to a cooperative sharing arrangement, a waiver of the separation requirement may be requested. Voluntary cooperation among users to the extent practicable is expected, and no intervention by the Commission is anticipated except if necessary for enforcement purposes to eliminate reported harmful interference situations. Accordingly, we are implementing a 150 mile separation applicable to base and remote or central office and subscriber units of different licensees using the same frequency pair. This separation requirement together with user cooperation should provide compatible operation on the available frequencies.

IV. Summation

12. In view of the public comments discussed herein, we are amending the Commission's Rules in a manner consistent with the *Notice*. Accordingly, to provide for the use of meteor burst communications for common carrier and private radio user operations in Alaska, the following rule changes are implemented:

---

interference from primary users of the assigned frequency even if the primary users are assigned at a later date. In view of the limited number of frequencies available for sharing, cooperation between users, both primary and secondary, is expected to the extent practicable.

[4] The FCC *Report and Order* in CC Docket No. 80–189, July 28, 1981 (46 FR 38509), authorizing the use of certain 40–50 MHz frequencies for one-way signaling required a developmental grant before a permanent license would be issued. In that case the Commission was also concerned about interference to TV reception. (The intermediate frequency amplifier pass band for TV receivers is centered around 44 MHz). Similarly, meteor burst stations will be authorized on a one-year developmental basis before receiving a permanent authorization according to the applicable rule part. The developmental grant will be subject to cancellation without hearing by the Commission upon notice to the grantee of TVI problems. Prior to expiration of the developmental authorization, the proper application (FCC Form 403 for common carrier and FCC Form 574 for private radio stations) form should be filed for issuance of a permanent authorization.

A. The Table of Frequency Allocation in § 2.106 of the Rules is modified to add a new non-Government footnote, NG 141. It will be referenced in column 7 for the appropriate frequency bands between 42–46.6 MHz to provide for the use of meteor burst communications.

B. Sections 2.1, 22.2, and 90.7 are modified to add the definition for meteor burst communications as follows:

Meteor Burst Communications—Communications by the propagation of radio signals reflected by ionized meteor trails.

C. Common carrier stations in the Rural Radio Service are authorized to use meteor burst communications under the provisions of Part 22 of the Commission's Rules. The frequencies 42.40 and 44.10 MHz are allocated for this purpose on a primary basis as the central office station and subscriber station frequencies, respectively. The frequencies 44.20 and 45.90 MHz are allocated for use on a secondary, noninterference basis as the central office and subscriber station frequencies, respectively. Availability is limited to operation in Alaska, and authorized stations shall operate in accordance with the provisions and technical standards set forth in the Appendix.

D. Stations in the Private Radio Services are authorized to use meteor burst communications under the provisions of Part 90 of the Commission's Rules. The frequencies 44.20 MHz and 45.90 MHz are allocated for this purpose on a primary basis for use as the base and remote station frequencies, respectively. The frequencies 42.40 and 44.10 MHz are allocated for use on a secondary, noninterference basis as the base and remote station frequencies, respectively. Availability is limited to operation in Alaska, and authorized stations shall operate in accordance with the provisions and technical standards set forth in the Appendix

13. Accordingly, it is ordered, that, pursuant to the authority contained in Sections 4(i) and 303(c) of the Communications Act of 1934, as amended, the Commission's Rules are amended as set forth in the attached Appendix effective August 29, 1983.

14. It is further ordered that the proceeding is terminated.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix

Parts 2, 22, and 90 of Chapter I of Title 47 of the Code of Federal Regulations are amended as follows:

PART 2—FREQUENCY ALLOCATION AND RADIO TREATY MATTERS, GENERAL RULES AND REGULATIONS

1. A new definition for meteor burst communications is added in alphabetical order to § 2.1 to read as follows:

§ 2.1 Definitions.

* * * * *

Meteor burst communications. Communications by the propagation of radio signals reflected by ionized meteor trails.

* * * * *

2. In § 2.106 of the allocation table for the frequencies between 42–46.6 MHz, column 7 is amended by adding the footnote designator (NG 141); and under the heading NG Footnotes, a new Footnote NG 141 is added as follows:

§ 2.106 Table of Frequency Allocations.

FEDERAL COMMUNICATIONS COMMISSION

Band (MHz)	Service	Class of station	Frequency (MHz)	Nature of services of stations
7	8	9	10	11
*	*	*	*	*
42–42.95 (NG 141)	LAND MOBILE	Base. Land mobile		PUBLIC SAFETY.
*	*	*	*	*
43.69–44.61 (NG 141).	LAND MOBILE	Base. Land mobile		LAND TRANSPORTATION.
44.61–46.6 (NG 141).	LAND MOBILE	Base. Land mobile		PUBLIC SAFETY.
*	*	*	*	*

NG Footnotes

* * * * * * *

NG 141 The frequencies 42.40 MHz and 44.10 MHz are authorized on a primary basis in the State of Alaska for meteor burst communications by fixed stations in the Rural Radio Service operating under the provisions of Part 22 of this chapter. The frequencies 44.20 MHz and 45.90 MHz are authorized on a primary basis in Alaska for meteor burst communications by fixed private radio stations operating under the provisions of Part 90 of this Chapter. The private radio station frequencies may be used by Common Carrier stations on a secondary, noninterference basis and the Common Carrier frequencies may be used by private radio stations for meteor burst communications on a secondary, noninterference basis. Users shall cooperate to the extent practicable to minimize potential interference. Stations utilizing meteor burst communications shall not cause harmful interference to stations of other radio services operating in accordance with the allocation table.

PART 22—PUBLIC MOBILE RADIO SERVICES RADIO

1. In §22.2, a new definition for meteor burst communications is added in alphabetical order as follows:

§ 22.2 Definitions.

* * * * *

Meteor burst communications. Communications by the propagation of radio signals reflected by ionized meteor trails.

* * * * *

2. Section 22.601 is amended by adding a new paragraph (g) as follows:

§ 22.601 Frequencies.

* * * * *

(g) In the State of Alaska, the frequencies 42.40, 44.10, 44.20 and 45.90 MHz are available for assignment for meteor burst communications to fixed stations in the Rural Radio Service subject to the following conditions:

(1) The frequency 42.40 MHz may be used for central office station operations and 44.10 MHz for subscriber station operations on a primary basis. The frequencies 44.20 and 45.90 MHz may be used for central office and subscriber stations, respectively, on a secondary basis to private radio stations using meteor burst communications. Users shall cooperate among themselves to the extent practicable to promote compatible operation.

(2) The maximum transmitter output power shall not exceed 2,000 watts for central office stations and 500 watts for subscriber stations.

(3) Co-channel central office stations of different licensees shall be located at least 150 miles apart. A subscriber station and a central office station of different licensees shall be located at least 150 miles apart if the subscriber units of the different licensees operate on the same frequency. Waiver of this requirement may be granted if affected users agree to a cooperative sharing arrangement.

(4) The authorized emission designator to be used is F9Y to allow for Phase Shift Keying (PSK) or Frequency Shift Keying (FSK).

(5) The authorized bandwidth is 20 kHz (20 F9Y).

(6) Station identification in accordance with § 22.213 shall only be required for the central office station.

(7) Stations may be required to comply with additional conditions of operation as necessary on a case-by-case basis as specified in the authorization.

(8) Stations employing meteor burst communications shall not cause harmful interference to stations of other radio services operating in accordance with the allocation table. Authorizations for meteor burst communications systems will be issued subject to the Commission's developmental grant procedure as outlined in Subpart F of this Part. Prior to expiration of the developmental authorization, application Form 403 should be filed for issuance of a permanent authorization.

3. Section 22.603 is amended by redesignating paragraphs (d) and (e) as paragraphs (e) and (f), respectively, and by adding a new paragraph (d) as follows:

§ 22.603 Types of emission.

* * * * *

(d) Stations in this service operating on the frequencies 42.40, 44.10, 44.20 and 45.90 MHz in the State of Alaska are authorized to use F9Y emission for meteor burst communications.

* * * * *

PART 90—PRIVATE LAND MOBILE RADIO SERVICES

1. In § 90.7, a new definition is added in alphabetical order as follows:

§ 90.7 Definitions.

* * * * *

Meteor burst communications. Communications by the propagation of radio signals reflected off ionized meteor trails.

* * * * *

2. In § 90.19, paragraphs (d) and (e) are amended to add new limitations 28 and 29 to the Frequency Table for the frequencies 42.40 MHz and 45.90 MHz, as follows:

§ 90.19 Police radio service.

* * * * *

(d) * * *

POLICE RADIO SERVICE FREQUENCY TABLE

Frequency or band	Class of station(s)	Limitations
*	*	*
42.40	do	2, 3, 12, 28
*	*	*
45.90	do	29
*	*	*

* * * * *

(e) * * *

(28) In the State of Alaska only, the frequency 42.40 MHz is available for assignment on a primary basis to stations in the Common Carrier Rural Radio Service utilizing meteor burst communications. The frequency may be used by private radio stations for meteor burst communications on a secondary, noninterference basis. Usage shall be in accordance with Part 22 or Part 90 of this Chapter. Stations utilizing meteor burst communications shall not cause harmful interference to stations of other radio services operating in accordance with the allocation table.

(29) In the State of Alaska only, the frequency 45.90 MHz is available for assignment on a primary basis to private land mobile radio stations utilizing meteor burst communications. The frequency may be used by common carrier stations for meteor burst communications on a secondary, noninterference basis. Usage shall be in accordance with Part 22 and Part 90 of this Chapter. Stations utilizing meteor burst communications shall not cause harmful interference to stations of other radio services operating in accordance with the allocation table.

3. In §90.89, paragraphs (b) and (c) are amended to add new limitations 19 and 20 to the Frequency Table for the frequencies 44.10 MHz and 44.20 MHz, respectively, as follows:

§ 90.89 Motor carrier radio service.

* * * * *

(b) * * *

MOTOR CARRIER RADIO SERVICE FREQUENCY TABLE

Frequency or band	Class of station(s)	Limitations
*	*	*
44.10	do	5, 19
*	*	*
44.20	do	5, 20
*	*	*

* * * * *

(c) * * *

(19) In the State of Alaska only, the frequency 44.10 MHz is available for assignment on a primary basis to stations in the Common Carrier Rural Radio Service utilizing meteor burst communications. The frequency may be used by private radio stations for meteor burst communications on a secondary, noninterference basis. Usage shall be in accordance with Part 22 and Part 90 of this Chapter. Stations utilizing meteor burst communications shall not cause harmful interference to stations of other radio services operating in accordance with the allocation table.

(20) In the State of Alaska only, the frequency 44.20 MHz is available for assignment on a primary basis to private land mobile radio stations utilizing meteor burst communications. The frequency may be used by common carrier stations for meteor burst communications on a secondary, noninterference basis. Usage shall be in accordance with Part 22 and Part 90 of this Chapter. Stations utilizing meteor burst communications shall not cause harmful interference to stations of other radio services operating in accordance with the allocation table.

4. Subpart J is amended by adding a new § 90.250 entitled "Meteor Burst Communications" as follows:

Subpart J—Non-Voice and Other Specialized Operations

* * * * *

§ 90.250 Meteor burst communications.

Meteor burst communications may be authorized for the use of private radio stations subject to the following provisions:

(a) Station operation is limited to the State of Alaska only.

(b) The frequency 44.20 MHz may be used for base station operation and 45.90 MHz for remote station operation on a primary basis. The frequencies 42.40 and 44.10 MHz may be used by base and remote stations, respectively, on a secondary basis to common carrier stations utilizing meteor burst communications. Users shall cooperate among themselves to the extent

practicable to promote compatible operation.

(c) The maximum transmitter output power shall not exceed 2000 watts for base stations and 500 watts for remote stations.

(d) Co-channel base stations of different licensees shall be located at least 150 miles apart. A remote station and a base station of different licensees shall be located at least 150 miles apart if the remote units of the different licensees operate on the same frequency. Waiver of this requirement may be granted if affected users agree to a cooperative sharing arrangement.

(e) The authorized emission designator to be used in F9Y to allow for Phase Shift Keying (PSK) or Frequency Shift Keying (FSK).

(f) The maximum authorized bandwidth is 20 kHz (20 F9Y).

(g) Station identification in accordance with § 90.425 (a) or (b) shall only be required for the base station.

(h) Stations may be required to comply with additional conditions of operation as necessary on a case-by-case basis as specified in the authorization.

(i) Stations employing meteor burst communications shall not cause interference to other stations operating in accordance with the allocation table. New authorizations will be issued subject to the Commission's developmental grant procedure as outlined in Subpart Q of this Part. Prior to expiration of the developmental authorization, application Form 574 should be filed for issuance of a permanent authorization.

5. In § 90.555(b), the combined frequency list table is amended for the frequencies 42.40 MHz, 44.10 MHz, 44.20 MHz, and 45.90 MHz to indicate meteor burst usage in Alaska as follows:

§ 90.555 Combined frequency listing.

* * * * *

(b)* * *

Frequency	Services	Special limitations
*	*	* * *
42.40	* * *	State police except Alaska. Meteor burst in Alaska.
42.42	* * *	State Police.
42.44	* * *	Do.
*	*	* * *
44.10	* * *	For operation between urban areas except Alaska. Meteor burst in Alaska.
44.12	* * *	For operation between urban areas.
42.14	* * *	Do.
*	*	* * *
44.20	* * *	For operation between urban areas except Alaska. Meteor burst in Alaska.
44.24	* * *	For operation between urban areas.
44.26	* * *	Do.
*	*	* * *
45.90	* * *	Intersystem operation except Alaska. Meteor burst in Alaska.
45.92	* * *	Intersystem operation.
45.94	* * *	Do.
*	*	* * *

[FR Doc. 83-20224 Filed 7-26-83; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 68

[CC Docket No. 79-143]

Connection of Terminal Equipment, Rules Systems and Protective Apparatus to Certain Private Line Services, and Related Changes and Accommodation of 4-Wire Telephone Network Connections and Interfaces

AGENCY: Federal Communications Commission.

ACTION: Final rule; correction.

SUMMARY: The FCC is correcting its rules regarding connection of telephone equipment to the telephone network. The action corrects several typographical errors.

FOR FURTHER INFORMATION CONTACT: William H. von Alven, Common Carrier Bureau, (202) 634 1833.

Correction

In the matters of Petitions Seeking Amendment of Part 68 of the Commission's Rules Concerning Connection of Telephone Equipment, Systems and Protective Apparatus to Certain Private Line Services, and Related Changes in § 68.308 (Signal Power Limitations); and Petition Seeking Amendment of Part 68 of the Commission's Rules to Accommodate 4-Wire Telephone Network Connections and Interfaces. CC Docket No. 79-143, RM-2893, RM-3303, RM-3334, RM-3336.

Released: July 20, 1983.

1. The following corrections are made concerning the First Report and Order, FCC 80-88, published March 31, 1980 (45 FR 20830):

2. A heading in Table 1, § 68.312, should read: Simulated ringing voltage superimposed 52.5 volts dc.

3. Also, the entries in the same table for Ringing Type A and B are incorrect and should read:

Ringing type	Range of compatible ringing frequencies Hz	Simulated ringing voltage superimposed on 52.5 volts dc (volts rms)	Impedance limitation (ohms)
A	20±3	40 to 130	1400
	30±3	40 to 130	1000
B	15.3 to 68.0	40 to 150	1600
*	*	* *	*

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 83-20223 Filed 7-26-83; 8:45 am]

BILLING CODE 6712-01-M

Proposed Rules

Federal Register
Vol. 48, No. 145
Wednesday, July 27, 1983

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

DEPARTMENT OF AGRICULTURE

Federal Crop Insurance Corporation

7 CFR Part 422

Potato Crop Insurance Regulations; Correction

AGENCY: Federal Crop Insurance Corporation, USDA.

ACTION: Proposed rule; correction.

SUMMARY: On Wednesday, June 22, 1983, the Federal Crop Insurance Corporation (FCIC) published a notice of proposed rulemaking at 48 FR 28468 amending the Potato Crop Insurance Regulations. The regulations, as published, should be corrected to insert a word that was inadvertently omitted. This notice is being published to correct that error.

EFFECTIVE DATE: July 27, 1983.

ADDRESS: Any suggestions or inquiries on this rule should be sent to the Office of the Manager, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT: Peter F. Cole, Secretary, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, D.C. 20250, telephone (202) 447–3325.

PART 422—[CORRECTED]

§ 422.7 [Corrected]

The correction is as follows:

7 CFR 422.7(d), of the Potato Crop Insurance Policy (48 FR 28468, June 22, 1983), is corrected in the first line of paragraph 1.6. of the Terms and Conditions section thereof to read as follows:

"b. We shall not insure against any cause of loss of production due to:"

Done in Washington, D.C., on July 19, 1983.

Peter F. Cole,

Secretary, Federal Crop Insurance Corporation.

Approved by:

Edward D. Hews,

Deputy Manager.

July 19, 1983.

[FR Doc. 83-20283 Filed 7-26-83; 8:45 am]
BILLING CODE 3410-08-M

7 CFR Part 426

[Amdt. No. 2]

Combined Crop Insurance Regulations

AGENCY: Federal Crop Insurance Corporation, USDA.

ACTION: Proposed rule.

SUMMARY: The Federal Crop Insurance Corporation (FCIC) proposes to amend the Combined Crop Insurance Regulations (7 CFR Part 426), effective for the 1984 and succeeding crop years, by: (1) Changing the policy to make it easier to read, (2) changing the cancellation and termination dates to confirm with farming practices, and (3) providing for unit determination when the acreage report is filed.

In addition, FCIC proposes to issue a new subsection in the combined crop insurance regulations to contain the control numbers assigned by the Office of Management and Budget (OMB) to information collection requirements of these regulations. The intended effect of this rule is to update the policy for insuring combined crops in accordance with Secretary's Memorandum No. 1512–1, requiring a review of the regulations as to need, currency, clarity, and effectiveness, and to comply with OMB regulations requiring publication of OMB control numbers assigned to information collection requirements in these regulations.

DATE: Written comments on this proposed rule must be submitted not later than September 26, 1983 to be sure of consideration.

ADDRESS: Written comments on this proposed rule should be sent to the Office of the Manager, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT: Peter F. Cole, Secretary, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, D.C. 20250, telephone (202) 447–3325.

The Impact Statement describing the options considered in developing this rule and the impact of implementing each option is available upon request from Peter F. Cole.

SUPPLEMENTARY INFORMATION: This action has been reviewed under USDA procedures established in Secretary's Memorandum No. 1521–1 (June 11, 1981). This action constitutes a review under such procedures as to the need, currency, clarity, and effectiveness of these regulations. The sunset review date established for these regulations is April 1, 1988.

Merritt W. Sprague, Manager, FCIC, has determined that: (1) This action is not a major rule as defined by Executive Order No. 12291 (February 17, 1981), (2) this action will not increase the Federal paperwork burden for individuals, small businesses, and other persons, and (3) this action conforms to the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), and other applicable law.

The title and number of the Federal Assistance Program to which these regulations apply are: Title—Crop Insurance; Number 10.450.

This action will not have a significant impact specifically upon area and community development; therefore, review as established by Executive Order No. 12372 (July 14, 1982) was not used to assure that units of local government are informed of this action.

It has been determined that this action is exempt from the provisions of the Regulatory Flexibility Act; therefore, no Regulatory Impact Statement was prepared.

All written comments made pursuant to this rule will be available for public inspection in the Office of the Manager, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, D.C., 20250, during regular business hours, Monday through Friday.

List of Subjects in 7 CFR Part 426

Crop insurance.

Proposed rule

Accordingly, pursuant to the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), the Federal Crop Insurance Corporation proposes to amend the Combined Crop Insurance Regulations, effective for the

1984 and succeeding crop years, in the following instances:

1. The Authority citation for 7 CFR Part 426 is:

Authority: Secs. 506, 516, Pub. L. 75–430, 52 Stat. 73, 77 as amended (1506, 1516).

2. 7 CFR Part 426 is amended in the Table of Contents thereof by removing the word "Reserved" from § 426.3 and inserting, in its place, the words "OMB control numbers assigned pursuant to the Paperwork Reduction Act."

3. 7 CFR 426.3 is amended by removing the word "Reserved" in the title thereof and inserting, in its place, the following:

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

The information collection requirements contained in these regulations (7 CFR Part 426) have been approved by the Office of Management and Budget (OMB) under the provisions of 44 U.S.C. Chapter 35 and have been assigned OMB Nos. 0563–0003 and 0563–0007.

4. 7 CFR 426.7(d) is amended by removing the Combined Crop Insurance Policy therein and inserting the following:

§ 426.7 The policy.

* * * * *

(d)

Department of Agriculture Federal Crop Insurance Corporation

Combined Crop Crop Insurance Policy

Agreement To Insure: We shall provide the insurance described in this policy in return for the premium and your compliance with all applicable provisions.

Throughout this policy "you" and "your" refer to the insured shown on the accepted Application and "we," "us" and "our" refer to the Federal Crop Insurance Corporation.

Terms and Conditions

1. As to each insured crop, the provisions for that crop contained in the individual policy for such crop on file in the service office shall apply except as provided otherwise herein. For the purpose of combined crop insurance, those parts of the individual policies which refer to individual crops shall be considered to mean all crops insured under this policy.

2. In addition to section 2 of the applicable individual crop policies, the following shall apply:

a. The crop insured are all of the crops for which production guarantees and premium rates are shown by the actuarial table for combined crop insurance, and which are grown on insured acreage.

b. Insurance shall not be considered to have attached to any acreage of rye for any crop year when the contract is canceled or terminated for indebtedness for that crop year.

3. In lieu of subsection 9(c) of the applicable individual crop policies, the following shall apply:

a. The indemnity shall be determined on each unit by:

(1) Multiplying the insured acreage for each insured crop on the unit times the applicable production guarantee, times the applicable price election, times your share;

(2) Multiplying the total production to be counted for each insured crop on the unit, times the applicable price election, times your share;

(3) Adding the dollar amounts obtained for each of the respective insured crops in (1) above; and

(4) Adding the dollar amounts obtained for each of the respective insured crops in (2) above, and substracting this sum from the sum obtained in (3) above.

b. If the information reported by you results in a lower premium than the actual premium determined to be due, the indemnity shall be reduced proportionately.

4. In lieu of section 5 of the applicable individual crop policies, the following shall apply:

a. The annual premium is earned and payable at the time of planting. The amount is computed by multiplying the applicable diversification factor(s) times the applicable premium factor(s), times the applicable premium adjustment percentage shown in the following table.

PREMIUM ADJUSTMENT TABLE [1]

[Percentage Adjustments for Favorable Continuous Insurance Experience]

	Numbers of years continuous experience through previous year															
	0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15 or more
	Percentage adjustment factor for current crop year															
Loss ratio [2] through previous crop year																
.00 to .20	100	95	95	90	90	85	80	75	70	70	65	65	60	60	55	50
.21 to .40	100	100	95	95	90	90	90	85	80	80	75	75	70	70	65	60
.41 to .60	100	100	95	95	95	95	95	90	90	90	85	85	80	80	75	70
.61 to .80	100	100	95	95	95	95	95	95	90	90	90	90	85	85	85	80
.81 to 1.09	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100

[Percentage Adjustments for Unfavorable Insurance Experience]

	Numbers of loss years through previous year [3]															
	0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
	Percentage adjustment factor for current crop year															
Loss ratio [2] through previous crop year																
1.10 to 1.19	100	100	100	102	104	106	108	110	112	114	116	118	120	122	124	126
1.20 to 1.39	100	100	100	104	108	112	116	120	124	128	132	136	140	144	148	152
1.40 to 1.69	100	100	100	108	116	124	132	140	148	156	164	172	180	188	196	204
1.70 to 1.99	100	100	100	112	122	132	142	152	162	172	182	192	202	212	222	232
2.00 to 2.49	100	100	100	116	128	140	152	164	176	188	200	212	224	236	248	260
2.50 to 3.24	100	100	100	120	134	148	162	176	190	204	218	232	246	260	274	288
3.25 to 3.99	100	100	105	124	140	156	172	188	204	220	236	252	268	284	300	300
4.00 to 4.99	100	100	110	128	146	164	182	200	218	236	254	272	290	300	300	300
5.00 to 5.99	100	100	115	132	152	172	192	212	232	252	272	292	300	300	300	300
6.00 and Up	100	100	120	136	158	180	202	224	246	268	290	300	300	300	300	300

[1] For premium adjustment purposes, only the years during which premiums were earned shall be considered.
[2] Loss Ratio means the ratio of indemnity(ies) paid to premium(s) earned.
[3] Only the most recent 15 crop years shall be used to determine the number of "Loss Years." (A crop year is determined to be a "Loss Year" when the amount of indemnity for the year exceeds the premium for the year.)

b. Interest shall accrue at the rate of one and one-half percent (1½%) simple interest per calendar month, or any part thereof, on any unpaid premium balance starting on the first day of the month following the first premium billing date.

c. Section 5c and 5d of the applicable individual crop policies will not be applicable to combined crop insurance.

5. In lieu of section 15 of the applicable individual crop policies, the cancellation and termination dates are April 15.

6. For the purposes of combined crop insurance, meanings for the following terms are:

a. "Actuarial table," in lieu of the definition of actuarial table in section 17 of the applicable crop policies, means the forms and related material for the crop year approved by us which are on file for public inspection in the service office, and which show the production guarantees, coverage levels, premium factors, dollar coverage per acre, applicable prices for computing indemnities, the applicable diversification factor table, insurable and uninsurable acreage, and related information regarding combined crop insurance in the country.

b. "Diversification factor" means a factor applied to reduce the premium when there is a diversity of crops planted. The factor is provided by the county actuarial table.

c. "Premium factor" means the factor provided in the county actuarial table for use in determining the premium.

d. "Unit" means all of the insurable acreage of all applicable insured crops in the county at the time of planting for the crop year:

(1) In which the you have a 100 percent share; of

(2) Which is owned by one entity and operated by another entity on a share basis.

Land rented for cash, a fixed commodity payment, or any consideration other than a share in the crop on such land shall be considered as owned by the lessee. Land which would otherwise be one unit may be divided according to applicable guidelines on file in your service office or by written agreement between us and you. Units will be determined when the acreage is reported. Errors in reporting such units may be corrected by us to conform to applicable guidelines when adjusting a loss and we may consider any acreage and share of or reported by or for your spouse or child or any member of your household to be your bona fide share or the bona fide share of any other person having an interest therein.

Approved by the Board of Directors on May 25, 1983.

Peter F. Cole,

Secretary, Federal Crop Insurance Corporation.

Approved by:

Edward D. Hews,

Deputy Manager.

July 13, 1983.

[FR Doc. 83-20385 Filed 7-26-83; 8:45 am]

BILLING CODE 3410-08-M

7 CFR Part 431

[Amdt. No. 4]

Soybean Crop Insurance Regulations

AGENCY: Federal Crop Insurance Corporation, USDA.

ACTION: Proposed rule.

SUMMARY: The Federal Crop Insurance Corporation (FCIC) proposes to amend the Soybean Crop Insurance Regulations (7 CFR Part 431), effective for the 1984 and succeeding crop years, by (1) Changing the policy to make it easier to read, (2) adding a provision to permit determination of indemnities based on the acreage report rather than at loss adjustment time, (3) adding a provision to provide a coverage level if the insured does not select one, (4) providing that, in the event of a probable loss, a representative sample of the unharvested crop be left intact for 15 days after notice of loss is given, (5) revising the hail/fire provision for appraisals of uninsured causes of loss, (6) changing the cancellation/termination dates to conform with farming practices, and (7) providing that any changes in the policy will be available in the service office by a certain date.

In addition, FCIC proposes to issue a new subsection in the soybean crop insurance regulations to contain the control numbers assigned by the Office of Management and Budget (OMB) to information collection requirements of these regulations. The intended effect of ths rule is to update the policy for insuring soybeans in accordance with Secretary's memorandum No. 1512-1, requiring a review of the regulations as to need, currency, clarity, and effectiveness, and to comply with OMB regulations requiring publication of OMB control numbers assigned to information collection requirements in these regulations.

DATE: Written comments on this proposed rule must be submitted not later than September 26, 1983, to be sure of consideration.

ADDRESS: Written comments on this proposed rule should be sent to the Office of the Manager, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT: Peter F. Cole, Secretary, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, D.C. 20250, to telephone (202) 447-3325.

The Impact Statement describing the options considered in developing this rule and the impact of implementing each option is available upon request from Peter F. Cole.

SUPPLEMENTARY INFORMATION: This action has been reviewed under USDA procedures established in Secretary's Memorandum No. 1512-1 (June 11, 1981). This action constitutes a review under such procedures as to the need, currency, clarity, and effectiveness of these regulations. The sunset review date established for these regulations is April 1, 1988.

Merritt W. Sprague, Manager, FCIC, has determined that : (1) This action is not a major rule as defined by Executive Order No. 12291 (February 17, 1981), (2) this action will not increase the Federal paperwork burden for individuals, small businesses, and other persons, and (3) this action conforms to the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), and other applicable law.

The title and number of the Federal Assistance Program to which these regulations apply are: Title—Crop Insurance; Number 10.450.

This action will not have a significant impact specifically upon area and community development; therefore, review as established by Executive Order No. 12372 (July 14, 1982) was not used to assure that units of local government are informed of this action.

It has been determined that this action is exempt from the provisions of the Regulatory Flexibility Act; therefore, no Regulatory Impact Statement was prepared.

All written comments made pursuant to this rule will be available for public inspection in the Office of the Manager, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, D.C. 20250, during regular business hours, Monday through Friday.

List of Subjects in 7 CFR Part 431

Crop insurance, Soybean.

Proposed Rule

Accordingly, pursuant to the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), the Federal Crop Insurance Corporation proposes to amend the Soybean Crop Insurance Regulations, effective for the 1984 and succeeding crop years, in the following instances:

1. The Authority citation for 7 CFR Part 431 is:

Authority: Secs. 506, 516, Pub. L. 75-430, 52 Stat. 73, 77 as amended (1506, 1516).

2. 7 CFR Part 431 is amended in the Table of Contents thereof by removing the word "Reserved" from Section 431.3 and inserting, in its place, the words "OMB control numbers assigned

pursuant to the Paperwork Reduction Act."

3. 7 CFR 431.3 is amended by removing the word "Reserved" in the title thereof and inserting, in its place, the following:

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

The information collection requirements contained in these regulations (7 CFR Part 431) have been approved by the Office of Management and Budget (OMB) under the provisions of 44 U.S.C. Chapter 35 and have been assigned OMB Nos. 0563–0003 and 0563–0007.

§ 431.7 [Amended]

4. 7 CFR 431.7(d) is amended by removing the Soybean Crop Insurance Policy therein and inserting the following:

Department of Agriculture Federal Crop Insurance Corporation

Soybean Crop Insurance Policy

(This is a continuous contract. Refer to Section 15.)

Agreement to insure: We shall provide the insurance described in this policy in return for the premium and your compliance with all applicable provisions.

Throughout this policy "you" and "your" refer to the insured shown on the accepted Application and "we," "us" and "our" refer to the Federal Crop Insurance Corporation.

Terms and conditions

1. Causes of loss.

a. The insurance provided is against unavoidable loss of production resulting from the following causes occurring within the insurance period: (1) Adverse weather conditions; (2) fire; (3) inserts; (4) plant disease; (5) wildlife; (6) earthquake; or (7) volcanic eruption unless those causes are excepted, excluded, or limited by the actuarial table or section 9f(5).

b. We shall not insure against any cause of loss of production due to:

(1) The neglect or malfeasance of you, any member of your household, your tenants or employees;

(2) The failure to follow recognized good soybean farming practices;

(3) Damage resulting from the impoundment of water by any governmental, public or private dam or reservoir project; or

(4) Any cause not specified in section 1a as an insured loss.

2. Crop, Acreage, and Share Insured.

a. The crop insured shall be soybeans which are planted for harvest as beans and which are grown on insured acreage and for which a guarantee and premium rate are provided by the actuarial table.

b. The acreage insured for each crop year shall be soybeans planted on insurable acreage as designated by the actuarial table and in which you have a share, as reported by you or as determined by us, whichever we shall elect.

c. The insured share shall be your share as landlord, owner-operator, or tenant in the insured soybeans at the time of planting.

d. We do not insure any acreage:

(1) Where the farming practices carried out are not in accordance with the farming practices for which the premium rates have been established;

(2) Which is irrigated and an irrigated practice is not provided by the actuarial table unless you elect to insure the acreage as nonirrigated by reporting it as insurable under section 3;

(3) Which is destroyed and we determine it is practical to replant to soybeans and such acreage is not replanted;

(4) Initially planted after the final planting date contained in the actuarial table, unless you sign an option form agreeing to coverage reduciton;

(5) Of volunteer soybeans;

(6) Planted to a type or variety of soybeans not established as adapted to the area or excluded in the actuarial table;

(7) Planted with a crop other than soybeans; or

(8) Of a second soybean crop following a soybean crop harvested in the same crop year.

e. Where insurance is provided for an irrigated practice:

(1) You shall report as irrigated only the acreage for which you have adequate facilities and water to carry out a good soybean irrigation practice at the time of planting; and

(2) Any loss of production caused by failure to carry out a good soybean irrigation practice, except failure of the water supply from an unavoidable cause occurring after the beginning of planting, shall be considered as due to an uninsured clause. The failure or breakdown of irrigation equipment or facilities shall not be considered as a failure of the water supply from an unavoidable cause.

f. Unless otherwise provided in the actuarial table, insurance shall attach only on acreage initially planted in rows far enough apart to permit cultivation, as determined by us; but, if such insured acreage is destroyed and replanted, whether in the same manner or by broadcasting, drilling, or in rows too close to permit cultivation, it shall be regarded as insured acreage and not as acreage put to another use.

g. Acreage which is planted for the development or production of hybrid seed or for experimental purposes is not insured unless we agree in writing to insure such acreage.

h. We may limit the insured acreage to any acreage limitation established under any Act of Congress, if we advise you of the limit prior to planting.

3. Report of Acreage, Share, and Practice.

You shall report on our form:

a. All the acreage of soybeans in the county in which you have a share;

b. The practice; and

c. Your share at the time of planting.

You shall designate separately any acreage that is not insurable. You shall report if you do not have a share in any soybeans planted in the county. This report shall be submitted annually on or before the reporting date established by the actuarial table. We may determine all indemnities on the basis of information you have submitted on this report. If you do not submit this report by the reporting date, we may elect to determine by unit the insured acreage, share and practice or we may deny liability on any unit. Any report submitted by you may be revised only upon our approval.

4. Production Guarantees, Coverage Levels, and Prices for Computing Indemnities.

a. The production guarantees, coverage levels, and prices for computing indemnities shall be contained in the actuarial table.

b. If you have not elected a coverage level, you shall have coverage level 2.

c. You may change the coverage level and the price election before the closing date for submitting applications for the crop year as established by the actuarial table.

5. Annual Premium.

a. The annual premium is earned and payable at the time of planting. The amount is computed by multiplying the production guarantee times the price election, times the premium rate, times the insured acreage, times your share at the time of planting, times the applicable premium adjustment percentage contained in the following table.

PREMIUM ADJUSTMENT TABLE [1]

[Percentage adjustments for favorable continuous insurance experience]

	Numbers of years continuous experience through previous year															
	0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15 or more
	Percentage adjustment factor for current crop year															
Loss ratio [2] through previous crop year																
.00 to .20	100	95	95	90	90	85	80	75	70	70	65	65	60	60	55	50
.21 to .40	100	100	95	95	90	90	90	85	80	80	75	75	70	70	65	60
.41 to .60	100	100	95	95	95	95	95	90	90	90	85	85	80	80	75	70
.61 to .80	100	100	95	95	95	95	95	95	90	90	90	90	85	85	85	80
.81 to 1.00	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100

[Percentage adjustments for unfavorable insurance experience]

Loss ratio[2] through previous crop year	Numbers of loss years through previous year[3]															
	0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
	Percentage adjustment factor for current crop year															
1.10 to 1.19	100	100	100	102	104	106	108	110	112	114	116	118	120	122	124	126
1.20 to 1.39	100	100	100	104	108	112	116	120	124	128	132	136	140	144	148	152
1.40 to 1.69	100	100	100	108	116	124	132	140	148	156	164	172	180	188	196	204
1.70 to 1.99	100	100	100	112	122	132	142	152	162	172	182	192	202	212	222	232
2.00 to 2.49	100	100	100	116	128	140	152	164	176	188	200	212	224	236	248	260
2.50 to 3.24	100	100	100	120	134	148	162	176	190	204	218	232	246	260	274	288
3.25 to 3.99	100	100	105	124	140	156	172	188	204	220	236	252	268	284	300	300
4.00 to 4.99	100	100	110	128	146	164	182	200	218	236	254	272	290	300	300	300
5.00 to 5.99	100	100	115	132	152	172	192	212	232	252	272	292	300	300	300	300
6.00 and up	100	100	120	136	158	180	202	224	246	268	290	300	300	300	300	300

[1] For premium adjustment purposes, only the years during which premiums were earned shall be considered.
[2] Loss Ratio means the ratio of indemnity(ies) paid to premium(s) earned.
[3] Only the most recent 15 crop years shall be used to determine the number of "Loss Years". (A crop year is determined to be a "Loss Year" when the amount of indemnity for the year exceeds the premium for the year.)

b. Interest shall accrue at the rate of one and one-half percent (1½%) simple interest per calendar month, or any part thereof, on any unpaid premium balance starting on the first day of the month following the first premium billing date.

c. Any premium adjustment applicable to the contract shall be transferred to:

(1) The contract of your estate or surviving spouse in case of your death;

(2) The contract of the person who succeeds you if such person had previously participated in the farming operation; or

(3) Your contract if you stop farming in one county and start farming in another county.

d. If participation is not continuous, any premium shall be computed on the basis of previous unfavorable insurance experience but no premium reduction under section 5a shall be applicable.

6. Deductions for Debt. Any unpaid amount due us may be deducted from any indemnity payable to you or from any loan or payment due you under any Act of Congress or program administered by the United States Department of Agriculture or its Agencies.

7. Insurance Period. Insurance attaches when the soybeans are planted and ends at the earliest of:

a. Total destruction of the soybeans;

b. Combining, threshing or removal from the field;

c. Final adjustment of a loss; or

d. The date immediately following planting as follows:

(1) Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina and Virginia	Dec. 20.
(2) All other States	Dec. 10.

8. Notice of Damage or Loss.

a. In the case of damage or probable loss:

(1) You must give us written notice if:

(a) You want our consent to replant soybeans damaged due to any insured cause. (To qualify for replanting repayment, the acreage replanted shall be at least the lesser of 10 acres or 10 percent of the insured acreage on the unit.);

(b) During the period before harvest, the soybeans on any unit are damaged and you decide not to further care or harvest any part of them;

(c) You want our consent to put the acreage to another use; or

(d) After consent to put acreage to another use is given, additional damage occurs.

Insured acreage may not be put to another use until we have appraised the soybeans and given written consent. We shall not consent to another use until it is too late to replant. You must notify us when such acreage is replanted or put to another use.

(2) You must give us notice at least 15 days before the beginning of harvest if you anticipate a loss on any unit.

(3) If probable loss is later determined, immediate notice shall be given and a representative sample of the unharvested soybeans (at least 10 feet wide and the entire length of the field) shall be left intact for a period of 15 days from the date of notice, unless we give you written consent to harvest the sample.

(4) In addition to the notices required by this section, if you are going to claim an indemnity on any unit, we must be given notice not later than 30 days after the earliest of:

(a) Total destruction of the soybeans on the unit;

(b) Harvest of the unit; or

(c) The calendar date for the end of the insurance period.

b. You may not destroy or replant any of the soybeans on which a replanting payment shall be claimed until we give consent.

c. You must obtain written consent from us before you destroy any of the soybeans which are not to be harvested.

d. We may reject any claim for indemnity if any of the requirements of this section or section 9 are not complied with.

9. Claim for Indemnity.

a. Any claim for indemnity on a unit shall be submitted to us on our form not later than 60 days after the earliest of:

(1) Total destruction of the soybeans on the unit;

(2) Harvest of the unit; or

(3) The calendar date for the end of the insurance period.

b. We shall not pay any indemnity unless you:

(1) Establish the total production of soybeans on the unit and that any loss of production has been directly caused by one or more of the insured causes during the insurance period; and

(2) Furnish all information we require concerning the loss.

c. The indemnity shall be determined on each unit by:

(1) Multiplying the insured acreage by the production guarantee;

(2) Subtracting therefrom the total production of soybeans to be counted (See section 9f);

(3) Multiplying the remainder by the price election; and

(4) Multiplying this result by your share.

d. If the information reported by you results in a lower premium than the actual premium determined to be due, the indemnity shall be reduced proportionately.

e. The indemnity shall be reduced by the amount of any replanting payment.

f. The total production to be counted for a unit shall include all harvested and appraised production.

(1) Mature soybean production:

(a) Which otherwise is not eligible for quality adjustment and which grades No. 4 or better shall be reduced .12 percent for each .1 percentage point of moisture in excess of 14.0 percent; or

(b) Which, due to insurable causes, does not grade No. 4 or better in accordance with the Official United States Grain Standards, shall be adjusted by:

(i) Dividing the value per bushel of such soybeans, as determined by us, by the price per bushel of U.S. No. 2 soybeans; and

(ii) Multiplying the result by the number of bushels of such soybeans.

The applicable price for No. 2 soybeans shall be the local market price on the earlier of: the day the loss is adjusted or the day such soybeans were sold.

(2) Appraised production to be counted shall include:

(a) Unharvested production on harvested acreage and potential production lost due to uninsured causes and failure to follow recognized good soybean farming practices;

(b) Not less than the guarantee for any acreage which is abandoned or put to another use without our prior written consent or damaged solely by an uninsured cause;

(c) Any appraised production on unharvested acreage.

(3) Any appraisal we have made on insured acreage for which we have given written consent to be put to another use shall be considered production unless such acreage:

(a) Is not put to another use before harvest of soybeans becomes general in the county;

(b) Is harvested; or

(c) Is further damaged by an insured cause before the acreage is put to another use.

(4) We may determine the amount of production of any unharvested soybeans on the basis of field appraisals conducted after the end of the insurance period.

(5) When you have elected to exclude hail and fire as insured causes of loss and the soybeans are damaged by hail or fire, appraisals shall be made in accordance with Form FCI–78, "Request to Exclude Hail and Fire."

(6) The commingled production of units shall be allocated to such units in proportion to our liability on the harvested acreage of each unit.

g. A replanting payment may be made on any insured soybeans replanted after we have given consent and the acreage replanted is at least the lesser of 10 acres or 10 percent of the insured acrege for the unit.

Any replanting payment shall be considered as an indemnity.

(1) No replanting payment shall be made on acreage:

(a) On which our appraisal exceeds 90 percent of the guarantee;

(b) Initially planted prior to the date we determine reasonable; or

(c) On which a replanting payment has been made during the current crop year.

(2) The replanting payment per acre shall be your actual cost per acre for replanting, but shall not exceed 3 bushels multiplied by the price election the product of which is multiplied by your share. If the information reported by you results in a lower premium than the actual premium determined to be due, the replanting payment shall be reduced proportionately.

h. You shall not abandon any acreage to us.

i. You may not bring suit or action against us unles you have complied with all policy provisions. If a claim is denied, you may sue us in the United States District Court under the provisions of 7 U.S.C. 1508(c). You must bring suit within 12 months of the date notice of denial is mailed to and received by you.

j. We shall pay the loss within 30 days after we reach agreement with you or entry of a final judgment. In no event shall we be liable for interest or damages in connection with any claim for indemnity, whether we approve or disapprove such claim.

k. If you die, disappear, or are judicially declared incompetent, or if you are an entity other than an individual and such entity is dissolved after the soybeans are planted for any crop year, any indemnity shall be paid to the person(s) we determine to be beneficially entitled thereto.

l. If you have other fire insurance and fire damage occurs during the insurance period, and you have not elected to exclude fire insurance from this policy, we shall be liable for loss due to fire only for the smaller of:

(1) The amount of indemnity determined pursuant to this contract without regard to any other insurance; or

(2) The amount determined by us by which the loss from fire exceeds the indemnity paid or payable under such other insurance. For the purposes of this section, the amount of loss from fire shall be the difference between the fair market value of the production on the unit before the fire and after the fire, as determined by us from our appraisals

10. Concealment or Fraud. We may void the contract on all crops insured without affecting your liability for premiums or waiving any right, including the right to collect any amount due us if, at any time, you have concealed or misrepresented any material fact or committed any fraud relating to the contract, and such voidance shall be effective as of the beginning of the crop year with respect to which such act or omission occurred.

11. Transfer of Right to Indemnity on Insured Share. If you transfer any part of your share during the crop year. You may transfer your right to an indemnity. The transfer must be on our form and approved by us. We may collect the premium from either you or your transferee or both. The transferee shall have all rights and responsibilities under the contract.

12. Assignment of Indemnity. You may only assign to another party your right to an indemnity for the crop year on our prescribed form and with our approval. The assignee shall have the right to submit the loss notices and forms required by the contract.

13. Subrogation. (Recovery of loss from a third party.) Because you may be able to recover all or a part of your loss from someone other than us, you must do all you can to preserve any such rights. If we pay you for your loss then your right of recovery shall at our option belong to us. If we recover more than we paid you plus our expenses, the excess shall be paid to you.

14. Records and Access to Farm. You shall keep, for two years after the time of loss, records of the harvesting, storage, shipments, sale or other disposition of all soybeans produced on each unit including separate records showing the same information for production from any uninsured acreage. Any persons designated by us shall have access to such records and the farm for purposes related to the contract.

15. Life of Contract: Cancellation and Termination.

a. This contract shall be in effect for the crop year specified on the application and may not be canceled for such crop year. Thereafter, the contract shall continue in force for each succeeding crop year unless canceled or terminated as provided in this section.

b. This contract may be canceled by either you or us for any succeeding crop year by giving written notice on or before the cancellation date proceding such crop year.

c. This contract shall terminate as to any crop year if any amount due us on this or any other contract with you is not paid on or before the termination date preceding such crop year for the contract on which the amount is due. The date of payment of the amount due:

(1) If deducted from an indemnity claim shall be the date you sign the claim; or

(2) If deducted from payment under another program administered by United States Department of Agriculture shall be the date such payment was approved.

d. The cancellation and termination dates are:

State and country	Cancellation and termination dates
Jackson, Victoria, Goliad, Bee, Live Oak, McMullen, LaSalle, and Dimmit Counties, Texas and all Texas counties lying south thereof.	Feb. 15.
Winkler, Ector, Upton, Regan, Sterling, Coke, Concho, McCulloch, San Saba, Mills, Hamilton, Bosque, Johnson, Tarrant, Waise, Cooke Counties, Texas and all Texas counties lying south thereof to and including Mavfrich, Zavalla, Frio, Atascosa, Karnes, Gonzales, Lavaca, Wharton and Matagorda Counties, Texas; Arizona and Florida.	Mar. 15.
Alabama, Arkansas, California, Georgia, Louisiana, Mississippi, Nevada, North Carolina and South Carolina.	Mar. 31.
All other Texas counties and all other states	Apr. 15.

e. If you die or are judicially declared incompetent, or if you are an entity other than an individual and such entity is dissolved, the contract shall terminate as of the date of death, judicial declaration, or dissolution. *However,* is such event occurs after insurance attaches for any crop year, the contract shall continue in force through the crop year and terminate at the end thereof. Death of a partner in a partnership shall dissolve the partnership unless the partnership agreement provides otherwise. If two or more persons having a joint interest are insured jointly, death of one of the persons shall dissolve the joint entity.

f. The contract shall terminate if no premium is earned for five consecutive years.

16. Contract Changes. We may change any terms and provisions of the contract from year to year. If your price election at which indemnities are computed is no longer offered, the actuarial table shall provide the price election which you shall be deemed to have elected. All contract changes shall be available at your service office by December 31 preceding the cancellation date for counties with an April 15 cancellation date and by Novermber 30 preceding the cancellation date for all other counties. Acceptance of any changes shall be conclusively presumed in the absence of any notice from you to cancel the contract.

17. Meaning of Terms. For the purposes of soybean crop insurance:

a. "Actuarial table" means the forms and related material for the crop year approved by us which are available for public inspection in your service office, and which show the production guarantees, coverage levels, premium rates, prices for computing indemnities, practices where applicable, insurable and uninsurable acreage, and related information regarding soybean insurance in the county.

b. "County" means the county shown on the application and any additional land located in a local producing area bordering on the county, as shown by the actuarial table.

c. "Crop year" means the period within which the soybeans are normally grown and shall be designated by the calendar year in which the soybeans are normally harvested

d. "Harvest" means the completion of combining or threshing of soybeans on the unit.

e. "Insurable acreage" means the land classified as insurable by us and shown as such by the actuarial table.

f. "Insured" means the person who submitted the application accepted by us.

g. "Persons" means an individual, partnership, association, corporation, estate, trust, or other business enterprise or legal entity, and wherever applicable, a State, a political subdivision of a State, or any agency thereof.

h. "Replanting" means performing the cultural practices necessary to replant insured acreage to soybeans.

i. "Service office" means the office servicing your contract as shown on the application for insurance or such other approved office as may be selected by you or designated by us.

j. "Tenant" means a person who rents land from another person for a share of the soybeans or a share of the proceeds therefrom.

k. "Unit" means all insurable acreage of soybeans in the county on the date of planting for the crop year:

(1) In which you have a 100 percent share; or

(2) Which is owned by one entity and operated by another entity on a share basis.

Land rented for cash, a fixed commodity payment, or any consideration other than a share in the soybeans on such land shall be considered as owned by the lessee. Land which would otherwise be one unit may be divided according to applicable guidelines on file in your service office or by written agreement between us and you. We shall determine units as herein defined when the acreage is reported. Errors in reporting such units may be corrected by us to conform to applicable guidelines when adjusting a loss and we may consider any acreage and share of or reported by or for your spouse or child or any member of your household to be your bona fide share or the bona fide share of any other person having an interest therein.

18. Descriptive Headings. The descriptive headings of the various policy terms and conditions are formulated for convenience only and are not intended to affect the construction or meaning of any of the provisions of the contract.

Approved by the Board of Directors on April 26, 1983.

Peter F. Cole,

Secretary, Federal Crop Insurance Corporation.

Approved by:

Edward Hews,

Deputy Manager.

July 13, 1983.

[FR Doc. 83-20382 Filed 7-26-83; 8:45 am]

BILLING CODE 3410-08-M

7 CFR Part 445

Pepper Crop Insurance Regulations

AGENCY: Federal Crop Insurance Corporation, USDA.

ACTION: Proposed rule.

SUMMARY: The Federal Crop Insurance Corporation (FCIC) proposes to issue a new Part 445 in Chapter IV of Title 7 of the Code of Federal Regulations prescribing procedures for insuring peppers. The intended effect of this rule is to be responsive to producers growing peppers who have expressed a desire for crop insurance protection. This rule is promulgated under the authority contained in the Federal Crop Insurance Act, as amended.

DATE: Written comments on this proposed rule must be submitted not later than September 26, 1983, to be sure of consideration.

ADDRESS: Written comments on this proposed rule should be sent to the Office of the Manager, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT: Peter F. Cole, Secretary, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, D.C. 20250, telephone (202) 447-3325.

The Impact Statement describing the options considered in developing this proposed rule and the impact of implementing each option are available upon request from Peter F. Cole.

SUPPLEMENTARY INFORMATION: This action has been reviewed under USDA procedures established in Secretary's Memorandum No. 1512-1 (June 11, 1981). This action constitutes a review as to the need, currency, clarity, and effectiveness of these regulations under the provisions of that Memorandum. The sunset review date established for these regulations is April 1, 1988.

Merritt W. Sprague, Manager, FCIC, has determined that: (1) This action is not a major rule as defined by Executive Order No. 12291 (February 17, 1981), (2) this action does not increase the Federal paperwork burden for individuals, small businesses, and other persons, and (3) this action conforms to the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), and other applicable law.

The title and number of the Federal Assistance Program to which this proposed rule applies is: Title—Crop Insurance; Number 10.450.

This action will not have a significant impact specifically upon area and community development; therefore, review as established in Executive Order No. 12372 (July 14, 1982), was not used to assure that units of local government are informed of this action.

It has been determined that this action is exempt from the provisions of the Regulatory Flexibility Act; therefore, no Regulatory Impact Statement was prepared.

In the past, crop insurance protection has not been available to growers producing peppers. Such crops are exposed to similar hazards as other crops insured by FCIC. Following several meetings with producers, FCIC determined that a program of crop insurance protection was needed. On February 23, 1983, the Board of Directors of FCIC, responding to requests for such an insurance program, authorized the Manager of FCIC to develop a pepper crop insurance program. The regulations contained in this proposed rule are to become effective for the 1984 and succeeding crop years in certain counties in Florida where peppers are grown. The pepper crop insurance program will offer protection against crop damage or loss due to adverse weather conditions, fire, or wildlife.

All written comments made pursuant to this rule will be available for public inspection in the Office of the Manager, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, D.C., 20250, during regular business hours, Monday through Friday.

List of Subjects in 7 CFR Part 445

Crop insurance.

Accordingly, pursuant to the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), the Federal Crop Insurance Corporation hereby issues a new part in Chapter IV of Title 7 of the Code of Federal Regulations to be known as 7 CFR Part 445 Pepper Crop Insurance Regulations effective for the 1984 and succeeding crop years, to read as follows:

PART 445—PEPPER CROP INSURANCE REGULATIONS

Subpart—Regulations for the 1984 and Succeeding Crop Years

Sec.

445.1 Availability of pepper crop insurance.
445.2 Premium rates, coverage levels, and amounts of insurance.
445.3 OMB control numbers assigned pursuant to the Paperwork Reduction Act.
445.4 Creditors.
445.5 Good faith reliance on misrepresentation.
445.6 The contract.
445.7 The application and policy.
Appendix A, Counties designated for Pepper Crop Insurance.

Authority: Secs. 506, 516, Pub. L. 75-430, 52 Stat. 73, 77, as amended (7 U.S.C. 1506, 1516).

Subpart—Regulations for the 1984 and Succeeding Crop Years

§ 445.1 Availability of pepper crop insurance.

Insurance shall be offered under the provisions of this subpart on peppers in counties within limits prescribed by, and in accordance with the provisions of the Federal Crop Insurance Act, as amended. The counties shall be designated by the Manager of the Corporation from those approved by the Board of Directors of the Corporation. Before insurance is offered in any county, there shall be published by appendix to this part the names of the counties in which pepper insurance shall be offered.

§ 445.2 Premium rates, coverage levels, and amounts of insurance.

(a) The Manager shall establish premium rates, coverage levels, and amounts of insurance which shall be shown on the county actuarial table on file in the service office and may be changed from year to year.

(b) At the time the application for insurance is made, the applicant shall elect an amount of insurance per acre and a coverage level from among those levels and amounts shown on the actuarial table for the crop year.

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

The information collection requirements contained in these regulations (7 CFR Part 445) have been approved by the Office of Management and Budget (OMB) under the provisions of 44 U.S.C. Chapter 35 and have been assigned OMB Nos. 0563–0003 and 0563–0007.

§ 445.4 Creditors.

An interest of a person in an insured crop existing by virtue of a lien, mortgage, garnishment, levy, execution, bankruptcy, or an involuntary transfer shall not entitle the holder of the interest to any benefit under the contract except as provided in the policy.

§ 445.5 Good faith reliance on misrepresentation.

Notwithstanding any other provision of the pepper insurance contract, whenever: (a) An insured person under a contract of crop insurance entered into under these regulations, as a result of a misrepresentation or other erroneous action or advice by an agent or employee of the Corporation: (1) Is indebted to the Corporation for additional premiums, or (2) has suffered a loss to a crop which is not insured or for which the insured person is not entitled to an indemnity because of failure to comply with the terms of the insurance contract, but which the insured person believed to be insured, or believed the terms of the insurance contract to have been complied with or waived, and (b) the Board of Directors of the Corporation, or the Manager in cases involving not more than $100,000.00, finds: (1) That an agent or employee of the Corporation did in fact make such misrepresentation or take other erroneous action or give erroneous advice, (2) that said insured person relied thereon in good faith, and (3) that to require the payment of the additional premiums or to deny such insured's entitlement to the indemnity would not be fair and equitable, such insured person shall be granted relief the same as if otherwise entitled thereto.

§ 445.6 The contract.

(a) The insurance contract shall become effective upon the acceptance by the Corporation of a duly executed application for insurance on a form prescribed by the Corporation. The contract shall cover the pepper crop as provided in the policy. The contract shall consist of the application, the policy, the appendix, and the county actuarial table. Any changes made in the contract shall not affect its continuity from year to year. Copies of forms referred to in the contract are available at the service office.

§ 445.7 The application and policy.

(a) Application for insurance on a form prescribed by the Corporation may be made by any person to cover such person's share in the pepper crop as landlord, owner-operator, or tenant. The application shall be submitted to the Corporation at the service office on or before the applicable closing date for the county on file in the service office.

(b) The Corporation may discontinue the acceptance of applications in any county upon its determination that the insurance risk is excessive, and also, for the same reason, may reject any individual application. The Manager of the Corporation is authorized in any crop year to extend the closing date for submitting applications or contract changes in any county by placing the extended date on file in the service office for the county and publishing a notice in the Federal Register upon the Manager's determination that no adverse selectivity will result during the period of such extension. However, if adverse conditions should develop during such period, the Corporation will immediately discontinue the acceptance of applications.

(c) In accordance with the provisions governing changes in the contract contained in policies issued under FCIC regulations for the 1984 and succeeding crop years, a contract in the form provided for in this subpart will come into effect as a continuation of a pepper contract issued under such prior regulations, without the filing of a new application.

(d) The application for the 1983 and succeeding crop years is found at Subpart D of Part 400—General Administrative Regulations (7 CFR 400.37; 400.38, first published at 48 FR 1023, January 10, 1983) and may be amended from time to time for subsequent crop years. The provisions of the Pepper Insurance Policy are as follows:

Department of Agriculture Federal Crop Insurance Corporation

Pepper Crop Insurance Policy

(This is a continuous contract. Refer to Section 15.) Agreement to insure: We shall provide the insurance described in this policy in return for the premium and your compliance with all applicable provisions.

Throughout this policy "you" and "your" refer to the insured shown on the accepted Application and "we," "us" and "our" refer to the Federal Crop Insurance Corporation.

Terms and Conditions

1. Causes of loss

a. The insurance provided is against unavoidable loss of production resulting from the following causes occurring within the insurance period: (1) Adverse weather conditions, (2) fire, or (3) wildlife unless those causes are excepted, excluded, or limited by the actuarial table or section 9f(8).

b. We shall not insure against any loss of production due to:

(1) Damage resulting from insects or disease;

(2) The neglect or malfeasance of you, any member of your household, your tenants or employees;

(3) The failure to follow recognized good pepper farming practices;

(4) Damage resulting from the impoundment of water by an governmental, public or private dam or reservoir project;

(5) Any cause not specified in section 1a as an insured loss;

(6) The failure to carry out good pepper irrigation practice, except failure of the water supply after planting due to an unavoidable cause; or

(7) The breakdown of irrigation equipment or facilities.

2. Crop, Acreage, and Share Insured

a. The crop insured shall be peppers which are planted for harvest as fresh market peppers in which you have a share as reported by you as determined by us whichever we shall elect, and which are grown on insured acreage and for which we provide an amount of insurance and premium rate in the actuarial table.

b. The acreage insured for each crop year shall be that irrigated acreage designated as insurable by the actuarial table.

c. The insured share shall be your share as landlord, owner-operator, or tenant in the insured peppers at the time of each planting period.

d. We shall not insure any acreage of peppers grown by any person if:

(1) The person has not grown peppers for commercial sales the previous crop year; or

(2) The person had not participated in the management of the pepper farming operation the previous crop years.

e. We do not insure any acreage:

(1) Where the farming practices carried out are not in accordance with the farming practices for which the premium rates have been established;

(2) Which is not irrigated;

(3) On which peppers are not grown on plactic mulch;

(4) On which tomatoes, peppers, eggplants or tobacco have been grown and the soil was not fumigated or properly treated before planting of peppers;

(5) Which was planted to peppers the preceding planting period, unless the pepper plants of the preceding planting period were destroyed less then 30 days after the date of planting;

(6) Which is destroyed and which we determine it is practical to replant to peppers and such acreage was not replanted;

(7) Initially planted after February 15 of the crop year;

(8) Of volunteer peppers;

(9) Planted to a type or variety of peppers not established as adapted to the area or excluded by the actuarial table;

(10) Planted for experimental purposes; or

(11) Planted with a crop other than peppers.

f. We may limit the insured acreage to any acreage limitation established under any Act of Congress, if we advise you of the limit prior to planting.

3. Report of Acreage, Share, and Practice

You shall report at the time of each planting period on our form:

a. All the acreage of fall, winter and spring planted peppers in the county in which you have a share;

b. The practice, including the bed size; and

Your share.

You shall designate separately any acreage that is not insurable. You shall report if you do not have a share in any pepper plantings in the county. This report shall be submitted for each planting period on or before the reporting date established by the actuarial table for each planting period. We may determine all indemnities on the basis of information you have submitted on this report. If you do not submit this report by the reporting date, we may elect to determine by unit for each planting period the insured acreage, share, and practice or we may deny liability on any unit for any planting. Any report submitted by you may be revised only upon our approval.

4. Coverage Levels and Amounts of Insurance

a. The coverage levels and amounts of insurance shall be contained in the actuarial table.

b. If you have not elected a coverage level, you shall have coverage level 2.

c. You may change the coverage level and amount of insurance before the closing date for submitting applications for the crop year as established by the actuarial table.

5. Annual Premium

a. The annual premium is earned and payable at the time of planting. The amount is computed by multiplying the amount of insurance, times the premium rate, times the insured acreage, times your share at the time of each planting, times the applicable premium adjustment percentage contained in the following table.

PREMIUM ADJUSTMENT TABLE [1]

[Percentage Adjustments for Favorable Continuous Insurance Experience]

	Numbers of years continuous experience through previous year															
	0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15 or more
Percentage adjustment factor for current crop year																
Loss Ratio [2] through previous crop year																
.00 to .20	100	95	95	90	90	85	80	75	70	70	65	65	60	60	55	50
.21 to .40	100	100	95	95	90	90	90	85	80	80	75	75	70	70	65	60
.41 to .60	100	100	95	95	95	95	95	90	90	90	85	85	80	80	75	70
.61 to .80	100	100	95	95	95	95	95	95	90	90	90	90	85	85	85	80
.81 to 1.09	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100

[Percentage Adjustments for Unfavorable Insurance Experience]

	Numbers of loss years through previous year [3]															
	0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Percentage adjustment factor for current crop year																
Loss ratio [2] through previous crop year																
1.10 to 1.19	100	100	100	102	104	106	108	110	112	114	116	118	120	122	124	126
1.20 to 1.39	100	100	100	104	108	112	116	120	124	128	132	136	140	144	148	152
1.40 to 1.69	100	100	100	108	116	124	132	140	148	156	164	172	180	188	196	204
1.70 to 1.99	100	100	100	112	122	132	142	152	162	172	182	192	202	212	222	232
2.00 to 2.49	100	100	100	116	128	140	152	164	176	188	200	212	224	236	248	260
2.50 to 3.24	100	100	100	120	134	148	162	176	190	204	218	232	246	260	274	288
3.25 to 3.99	100	100	105	124	140	156	172	188	204	220	236	252	268	284	300	300
4.00 to 4.99	100	100	110	128	146	164	182	200	218	236	254	272	290	300	300	300
5.00 to 5.99	100	100	115	132	152	172	192	212	232	252	272	292	300	300	300	300
6.00 and Up	100	100	120	136	158	180	202	224	246	268	290	300	300	300	300	300

[1] For premium adjustment purposes, only the years during which premiums were earned shall be considered.
[2] Loss Ratio means the ratio of indemnity(ies) paid to premium(s) earned.
[3] Only the most recent 15 crop years shall be used to determine the number of "Loss Years." (A crop year is determined to be a "Loss Year" when the amount of indemnity for the year exceeds the premium for the year.)

b. Interest shall accrue at the rate of one and one-half percent (1½%) simple interest per calendar month, or any part thereof, on any unpaid premium balance starting on the first day of the month following the first premium billing date.

c. Any premium adjustment applicable to the contract shall be transferred to:

(1) The contract of your estate or surviving spouse in case of your death;

(2) The contract of the person who succeeds you if such person had previously participated in the farming operation; or

(3) Your contract if you stop farming in one county and start farming in another county.

d. If participation is not continuous, any premium shall be computed on the basis of previous unfavorable insurance experience but no premium reduction under section 5a shall be applicable.

6. Deductions for Debt

Any unpaid amount due us may be deducted from any indemnity payable to you or from any loan or payment due you under any Act of Congress or program administered by the United States Department of Agriculture or its Agencies.

7. Insurance Period

Insurance attaches when the peppers are planted in each planting period and ends at the earliest of:

a. Total destruction of the peppers on the unit;

b. Discontinuance of harvest on the unit;

c. The date harvest should have started on the unit, as determined by us, on any acreage which will not be harvested;

d. Final harvest; or

e. Final adjustment of a loss.

8. Notice of Damage or Loss

a. In case of damage or probable loss:

(1) You must give us written notice if:

(a) You want our consent to replant peppers damaged due to any insured cause. (To qualify for a replanting payment, the acreage replanted shall be at least the lesser of 10 acres or 10 percent of the insured acreage sustaining a loss in excess of 50 percent of the plant stand on the unit.);

(b) During the period before harvest, the peppers on any unit are damaged and you decide not to further care for or harvest any part of the peppers;

(c) You want our consent to put the acreage to another use; or

(d) After consent to put acreage to another use is given, additional damage occurs.

Insured acreage may not be put to another use until we have appraised the peppers and given written consent. We shall not consent to another use until it is too late to replant. You must notify us when such acreage is replanted or put to another use.

(2) You must give us notice at least 15 days before the beginning of harvest if you anticipate a loss on any unit.

(3) If probable loss is later determined and you are going to claim an indemnity on any unit, notice shall be given not later than 48 hours:

(a) After total destruction of the peppers on the unit;

(b) After discontinuance of harvest on the unit; or

(c) Before harvest would normally start if any acreage on the unit is not be be harvested.

b. You may not destroy or replant any of the peppers on which a replanting payment shall be claimed until we give consent.

c. You must obtain written consent from us before you destroy any of the peppers which are not to be harvested.

d. We may reject any claim for indemnity if any of the requirements of this section or section 9 are not complied with.

9. Claim for Indemnity

a. Any claim for indemnity on a unit shall be submitted to us on our form not later than 60 days after the earliest of:

(1) Total destruction of the peppers on the unit;

(2) Discontinuance of harvesting on the unit; or

(3)The date harvest should have started on the unit, as determined by us, on any acreage which will not be harvested.

b. We shall not pay any indemnity unless you:

(1) Establish the total production and the value received for all peppers on the unit minus the allowable cost as shown by the actuarial table and that any loss of production or value has been directly caused by one or more of the insured causes during the insurance period; and

(2) Furnish all information we require concerning the loss.

c. The indemnity shall be determined on each unit by:

(1) Multiplying the insured acreage by the amount of insurance times the percentage for the stage of production defined by the actuarial table;

(2) Subtracting therefrom the total value of production to be counted (See section 9f);

(3) Multiplying this result by your share;

d. If the information reported by you results in a lower premium than the actual premium determined to be due, the indemnity shall be reduced proportionately.

e. The indemnity shall be reduced by the amount of any replanting payment.

f. The total value of production to be counted for a unit shall include all harvested and appraised production.

(1) The total value shall include any amount received for peppers on the unit minus the allowable cost as designated by the actuarial table.

(2) The amount of insurance per acre shall be the value of production to count for any acreage:

(a) On which production was lost due to uninsured causes;

(b) On which recognized good pepper farming practices were not carried out;

(c) Which is abandoned without our prior written consent; or

(d) Put to other use without our prior written consent.

(3) The value of appraised production to be counted shall include:

(a) The value in excess of the amount of insurance per acre for potential production lost due to uninsured causes and failure to follow recognized good pepper farming practices,

(b) Unharvested production of mature green and red peppers;

(c) Any appraised production of peppers on unharvested acreage.

(4) Unharvested peppers injured or with defects due to insurable causes which cannot be marketed, as determined by us, shall not be counted.

(5) Any appraisal we have made on insured acreage for which we have given written consent to be put to another use shall be considered production unless such acreage:

(a) Is not put to another use before harvest of peppers becomes general in the county for the planting period;

(b) Is harvested; or

(c) Is further damaged by an insured cause before the acreage is put to another use.

(6) We may determine the amount and value of production of any unharvested peppers on the basis of field appraisals conducted after the end of the insurance period.

(7) The value of unsold harvested or appraised production shall be determined by multiplying such production by the simple average F.O.B. shipping point price per 1⅑ bushel (minus allowable marketing cost as shown by the actuarial table), as reported by the Federal-State Market News Service, for the seven consecutive market days commencing the earlier of:

(a) The date harvest starts; or

(b) The date harvest could have started, as determined by us, on any acreage which will not be harvested.

The price for such peppers shall not be less than $7.00 per 1⅑ bushel minus allowable marketing cost shown by the actuarial table.

(8) When you have elected to exclude hail and fire as insured causes of loss and the peppers are damaged by hail or fire, appraisals for uninsured causes shall be made in accordance with Form FCI–78–A, "Request to Exclude Hail and Fire".

(9) The value of commingled production of units shall be allocated to such units in proportion to our liability on the harvested acreage of each unit.

g. A replanting payment may be made on any insured peppers replanted after we have given consent and the acreage replanted is at least the lesser of 10 acres or 10 percent of the insured acreage sustaining a loss in excess of 50 percent of the plant stand for the unit.

(1) No replanting payment shall be made on acreage on which a replanting payment has been made during the current crop year.

(2) The replanting payment per acre shall be your actual cost per acre for replanting, but shall not exceed the production obtained by multiplying $175.00 per acre by your share.

h. If the information reported by you results in a lower premium than the actual premium determined to be due, the replanting payment and the indemnity shall be reduced proportionately. Any replanting payment shall be considered as an indemnity.

i. You shall not abandon any acreage to us.

j. You may not bring suit or action against us unless you have complied with all policy provisions. If a claim is denied, you may sue us in the United States District Court under the provisions of 7 U.S.C. 1508(c). You must bring suit within 12 months of the date notice of denial is mailed to and received by you.

k. We shall pay the loss within 30 days after we reach agreement with you, or entry of a final judgment. In no event shall we be liable for interest or damages in connection with any claim for indemnity, whether we approve or disapprove such claim.

l. If you die, disappear, or are judicially declared incompetent, or if you are an entity other than an individual and such entity is dissolved after the peppers are planted for any crop year, any indemnity shall be paid to the person(s) we determine to be beneficially entitled thereto.

m. If you have other fire insurance and fire damage occurs during the insurance period, and you have not elected to exclude fire insurance from this policy, we shall be liable for loss due to fire only for the smaller of:

(1) The amount of indemnity determined pursuant to this contract without regard to any other insurance; or

(2) The amount determined by us by which the loss from fire exceeds the indemnity paid or payable under such other insurance. For the purposes of this section, the amount of loss from fire shall be the difference between the fair market value of the production on the unit before the fire and after the fire, as determined by us.

10. Concealment or Fraud

We may void the contract on all crops insured without affecting your liability for premiums or waiving any right, including the right to collect any amount due us if, at any time, you have concealed or misrepresented any material fact or committed any fraud relating to the contract, and such voidance shall be effective as of the beginning of the crop year with respect to which such act or omission occurred.

11. Transfer of Right to Indemnity on Insured Share

If you transfer any part of your share during the crop year, you may transfer your right to an indemnity. The transfer must be on our form and approved by us. We may collect the premium from either you or your transferee or both. The transferee shall have all rights and responsibilities under the contract.

12. Assignment of Indemnity

You may only assign to another party your right to an indemnity for the crop year on our prescribed form and with our approval. The assignee shall have the right to submit the loss notices and forms required by the contract.

13. Subrogation. (Recovery of Loss From a Third Party)

Because you may be able to recover all or a part of your loss from someone other than us, you must do all you can to preserve any such rights. If we pay you for your loss then your right of recovery shall at our option belong to us. If we recover more than we paid you plus our expenses, the excess shall be paid to you.

14. Records and Access to Farm

You shall keep, for two years after the time of loss, records of the harvesting, storage, shipments, sale or other disposition of all peppers produced on each unit including separate records showing the same information for production from any uninsured acreage. Any persons designated by us shall have access to such records and the farm for purposes related to the contract.

15. Life of Contract: Cancellation and Termination

a. This contract shall be in effect for the crop year specified on the application and may not be canceled for such crop year. Thereafter, the contract shall continue in force for each succeeding crop year unless canceled or terminated as provided in this section.

b. This contract may be canceled by either you or us for any crop year by giving written notice on or before the cancellation date preceding such crop year.

c. This contract shall terminate as to any crop year if any amount due us on this or any other contract with you is not paid on or before the termination date preceding such crop year for the contract on which the amount is due. The date of payment of the amount due:

(1) If deducted from an indemnity claim shall be the date you sign such claim; or

(2) If deducted from payment under another program administered by the United States Department of Agriculture shall be the date such payment was approved.

d. The cancellation and termination dates are July 31 for all counties.

e. If you die or are judicially declared incompetent, or if you are an entity other than an individual and such entity is dissolved, the contract shall terminate as of the date of death, judicial declaration, or dissolution. If such event occurs after insurance attaches for any crop year, the contract shall continue in force through the crop year and terminate at the end thereof. Death of a partner in a partnership shall dissolve the partnership unless the partnership agreement provides otherwise. If two or more persons having a joint interest are insured jointly, death of one of the persons shall dissolve the joint entity.

f. The contract shall terminate if no premium is earned for five consecutive years.

16. Contract Changes

We may change any terms and provisions of the contract from year to year. If your amount of insurance at which indemnities are computed is no longer offered, the actuarial table shall provide the amount of insurance which you shall be deemed to have elected. All contract changes shall be available at your service office by April 30 preceding the cancellation date. Acceptance of any changes shall be conclusively presumed in the absence of any notice from you to cancel the contract.

17. Meaning of Terms

For the purposes of pepper crop insurance:

a. "Actuarial table" means the forms and related material for the crop year approved by us which are available for public inspection in your service office, and which show the amount of insurance, coverage levels, premium rates, practices where applicable, insurable and uninsurable acreage, and related information regarding pepper insurance in the county.

b. "County" means the county shown on the application and any additional land located in a local producing area bordering on the county, as shown by the actuarial table.

c. "Crop year" means the period within which the peppers are normally grown beginning August 1 and continuing through the harvesting of spring planted peppers and shall be designated by the calendar year in which the spring planted peppers are normally harvested.

d. "Harvest" means the final picking of marketable peppers on the unit, as determined by us.

e. "Insurable acreage" means the land classified as insurable by us and shown as such by the actuarial table.

f. "Insured" means the person who submitted the application accepted by us.

g. "Mature green pepper" means a pepper which has reached the stage of development that will withstand normal handling and shipping.

h. "Person" means an individual, partnership, association, corporation, estate, trust, or other business enterprise or legal entity, and wherever applicable, a State, a political subdivision of a State, or any agency thereof.

i. "Planting" means transplanting the pepper plant into the field or direct seeding in the field.

j. "Planting Period." Unless other dates are specified by the actuarial table, planting period means peppers planted:

(1) From August 1 through October 15 (fall planted);

(2) From October 16 through December 15 (winter planted); or

(3) From December 16 through February 15 (spring planted).

k. "Plant Stand" means the number of live plants per acre before the plants were damaged, due to insurable causes.

l. "Replanting" means performing the cultural practices necessary to replant insured acreage to peppers.

m. "Service office" means the office servicing your contract as shown on the application for insurance or such other approved office as may be selected by you or designated by us.

n. "Tenant" means a person who rents land from another person for a share of the peppers or a share of the proceeds therefrom.

o. "Unit" means all insurable acreage of peppers for each planting period in the county on the date of planting for the crop year:

(1) In which you have a 100 percent share, or

(2) Which is owned by one entity and operated by another entity on a share basis.

Land rented for cash, a fixed commodity payment, or any consideration other than a share in the peppers on such land shall be considered as owned by the lessee. Land which would otherwise be one unit may be divided according to applicable guidelines on file in your service office or by written agreement between us and you. We shall determine units as herein defined when the acreage is reported. Errors in reporting such units may be corrected by us to conform to applicable guidelines when adjusting a loss and we may consider any acreage and share of or reported by or for your spouse or child or any member of your household to be your bona fide share or the bona fide share of any other person having an interest therein.

18. Descriptive Headings

The descriptive headings of the various policy terms and conditions are formulated for convenience only and are not intended to affect the construction or meaning of any of the provisions of the contract.

Appendix A.—Counties Designated for Pepper Crop Insurance—7 CFR Part 445

The following counties are designated for Pepper Crop Insurance under the provisions of 7 CFR 445.1.

Florida

Collier	Hendry
Glades	Lee

Done in Washington, D.C., on May 25, 1983.

Peter F. Cole,

Secretary, Federal Crop Insurance Corporation.

Dated: July 19, 1983.

Approved by:

Edward Hews,

Deputy Manager.

[FR Doc. 83-20303 Filed 7-26-83; 8:45 am]

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NUCLEAR REGULATORY COMMISSION

10 CFR Part 73

Physical Protection Requirements for Nonpower Reactor Licensees Possessing Formula Quantities of Strategic Special Nuclear Material

AGENCY: Nuclear Regulatory Commission.

ACTION: Proposed rule.

SUMMARY: The Nuclear Regulatory Commission is proposing to amend its physical protection regulations for nonpower reactor (NPR) licensees possessing formula quantities of strategic special nuclear material (SSNM). The proposed amendments have been prepared in response to a Commission request for the development of these new physical protection requirements. These amendments would replace the interim requirements which are currently in force at these facilities. The result of these amendments will be the most cost-effective approach for providing assurance against the theft of a formula quantity of SSNM, while taking into account the unique features of the facility design, and fuel type and form at NPRs.

DATE: Comments must be received on or before November 28, 1983. Comments received after this date will be considered if it is practical to do so, but assurance of consideration cannot be given except as to comments received on or before this date.

ADDRESSES: Comments or suggestions regarding the proposed amendments should be sent to the Secretary of the Commission, U.S Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch. Comments received will be available for examination and copying at the NRC Public Document Room at 1717 H Street NW., Washington, D.C. 20555. Also available in the NRC Public Document Room are copies of the Regulatory Analysis which includes an expanded cost/benefit discussion and Supporting Information which gives more details on the intent and rationale of the proposed amendments.

FOR FURTHER INFORMATION CONTACT: Dr. C. J. Withee, Fuel Facility Safeguards Licensing Branch, Division of Safeguards, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, telephone (301) 427-4040.

SUPPLEMENTARY INFORMATION:

Definitions

To aid in understanding the Supplementary Information, the following definitions and citations to Title 10 of the Code of Federal Regulations (10 CFR) are given. The definitions also appear in 10 CFR 73.2 and in table form in 10 CFR Part 110 Appendix C.

(1) Special nuclear material of low strategic significance (referred to as Category III material) is: (a) More than 15 grams but not more than 500 grams of plutonium or uranium-233; (b) more than 15 grams but not more than 1000 grams of uranium-235 in uranium enriched to 20 percent or greater; (c) more than 1000 grams but less than 10,000 grams of unranium-235 in uranium enriched to 10 percent or more but less than 20 percent; or (d) 10,000 grams or more of uranium-235 in uranium enriched above natural but less than 10 percent. Fixed site physical protection requirements for nonexempt Category III material are contained in 10 CFR 73.67 (a) and (f).

(2) Special nuclear material of moderate strategic significance (referred to as Category II material) is: (a) More than 500 grams but less than 2000 grams of plutonium or uranium-233; (b) more than 1000 grams but less than 5000 grams of uranium-235 in uranium enriched to 20 percent or greater; or (c) 10,000 grams or more of uranium-235 in uranium enriched to 10 percent or greater but less than 20 percent. Fixed site physical protection requirements for nonexempt Category II material are contained in CFR 73.67 (a) and (d).

(3) A formula quantity (referred to as Category I material) is: (a) 2,000 grams or more of plutonium or uranium-233 or (b) 5,000 grams or more of uranium-235 in uranium enriched to 20 percent or greater. Current physical protection requirements for nonexempt Category I material at nonpower reactors (NPR) are contained in 10 CFR 73.60, 73.67(a) and 73.67(d).

Background

On July 24, 1979, the Commission approved a recommendation that nonpower reactor (NPR) licensees possessing formula quantities of strategic special nuclear material (SSNM) be deferred from implementing the requirements of the new Safeguards Upgrade Rule (10 CFR 73.20, 73.45, and 73.46). At that time, the Commission asked the staff to develop new physical protection requirements for NPR licensees that would provide comparable protection against the theft of SSNM. These new requirements were to take into account the unique safeguards considerations of facility design features, and fuel type and form at NPRs. In the interim, NPR licensees possessing a formula quantity of nonexempt material would be subject to the recently enacted Category II requirements (10 CFR 73.67(d)) as well as the old Category I requirements (10 CFR 73.60).

Under the interim regulations, NPR licensees are permitted to reduce the level of their physical protection measures to the extent that their fuel is irradiated sufficiently to qualify for the exemptions in 10 CFR 73.60 and 73.67(b)(1)(i). The exemptions rely on the deterrent effect that exists when fuel has an external radiation dose rate in excess of 100 rem per hour at 3 feet from any accessible point without intervening shielding. Presently, all NPR licensees who would have to implement the Category I protection requirements in 10 CFR 73.60 are keeping their fuel sufficiently irradiated to be exempted to a lower level of protection requirements (i.e. some are exempted to Category II and some to Category III requirements).

Also, under current regulations, physical protection measures only need be effective against external adversaries. Thus, insiders are not included as part of the adversary threat. However, as provided in 10 CFR 73.1(a)(2), insiders are part of the adversary threat for fuel cycle facilities possessing formula quantities of SSNM.

On August 12, 1981, the Commission approved the publication of proposed permanent physical protection requirements regarding Category I NPRs possessing nonexempt formula quantities of SSNM. These requirements were published in the **Federal Register** on September 18, 1981 (46 FR 46333) and took into account the NPR facility and fuel design and eliminated some Safeguards Upgrade Rule requirements. Those proposed requirements and the

revised proposed requirements in this notice would include the insider as part of the adversary threat, limit the exemption which a Category I NPR licensee can receive to no lower than the level of Category II physical protection requirements, and replace the interim Category I requirements in 10 CFR 73.60.

The September 18, 1981 notice also included a statement of the staff's resolution of a number of issues which had been raised earlier. In particular, the Commission presented its findings that the existing protection exemption level of 100 rem per hour at 3 feet from any accessible surface without any intervening shielding was appropriate, and thus, a new level was not proposed. However, comments were specifically solicited on the 100 rem per hour level. Comments on that issue ranged from stating that the 100 rem per hour level was higher than necessary to proposing that the exemption level be raised all the way to 2,000 rem per hour. While the comments supported various exemption levels, they did not give any significant new technical information on the topic. After review of the comments, the staff determined that because the commenters supported a range of exemption levels and no significant new technical information was provided, there was insufficient reason to justify a proposed change in the 100 rem per hour level. However, since the Commission is asking for comment on the revised proposed amendments, any technical information or comment on the appropriateness of the 100 rem per hour and the use of Category II physical protection measures as a minimum level of material safeguards is again solicited. The following discussion is provided as background on this issue.

The proposed amendments would require NPR licensees possessing formula quantities of strategic special nuclear material to protect their material at least at the level prescribed in 10 CFR 73.67(d) for Category II material. This requirement would apply regardless of what portion of the material possessed is irradiated to meet the 100 rem per hour exemption. The amendments also require that additional physical protection measures, specified in a new paragraph, 10 CFR 73.67(h), be provided during periods when the amount of SSNM possessed having an external dose rate not exceeding the 100 rem per hour criterion equals or exceeds a formula quantity. The additional measures are designed to provide the affected NPR facilities with a level of protection comparable to that provided for formula quantities of SSNM at fuel cycle facilities, while taking advantage of a number of specific facility and fuel design features that collectively offer inherent protection against theft.

The existing exemption level, 100 rem per hour at 3 feet from any accessible surface without intervening shielding, is considered to be appropriate and has not been changed. The Commission staff has determined that it is appropriate to allow credit towards safeguards based upon radiation levels due to the deterrent quality of nuclear radiation and the adversaries' difficulty in accurately determining irradiation levels. The current exemption level, which is internationally accepted, does not, however, preclude the possibility of a dedicated adversary, heedless of the subsequent effects of the radiation exposure, from successfully removing a formula quantity of SSNM from an NPR facility before being physically incapacitated by the radiation effects. For this reason, it is considered prudent to require that the minimum level of physical protection provided for these NPR facilities be the same as that for Category II material, regardless of the amount of SSNM possessed which is irradiated beyond the 100 rem per hour at 3 feet level.

This approach is based on several considerations. It is acknowledged that the existing exemption level, 100 rem per hour at 3 feet, is not an incapacitating dose rate, but serves as a deterrent to theft. Also, staff believes that this dose rate will be a significant deterrent to the processing of the material for use as a weapon particularly recognizing the small quantities of material present at these reactors and the inherent difficulty in preprocessing the TRIGA and MTR plate-type fuel used in NPRs. Finally, this dose rate must be considered in view of the ALARA principles and the fact that higher dose rates would encourage reactor operation simply to meet the regulatory exemption level. This is agafnst the ALARA principle in that reactors might operated at radiation levels higher than necessary.

Verbal comments have been received that favor changing the exemption criterion to one which specifies a dose rate per gram of contained uranium-235 isotope. Written comments on such a criterion, including its basis and justification, are also solicited.

Several nonsubstantive clarifying and conforming amendments to the currently effective Parts 50 and 70 were also proposed in the September 18, 1981 notice. There was no public comment on these amendments and they do not modify current practices or applications of the regulations, but only clarify the text of several sections. There is no further change in those previously proposed amendments and thus they are not repeated in this notice.

Response to the Public Comments

Twelve public comments were received which discussed specific provisions of the proposed rule. Eleven of these questioned one on more aspects of the proposed rule as being too restrictive or unnecessary. One commenter called for stricter requirements than those being proposed and supported a minority Commission position which was included in the 1981 notice.

The most frequent comments were: (1) The requirements as stated were too prescriptive and did not allow for consideration of site specific features; (2) the 100 rem per hour exemption level may be difficult for some licensees to maintain and could encourage some unnecessary reactor operations just to meet that level; (3) a phase-in period should be allowed before full Category I (i.e., when a formula quantity of SSNM becomes nonexempt) requirements are necessary; (4) licensees irradiating enough SSNM to over 100 rem per hour should only have to implement Category III (low strategic significance) physical protection measures and should be exempted from both Category I and Category II requirements; and (5) the cost estimates for implementing the proposed rule were too low.

In respose to these comments, the originally proposed amendments have been extensively revised as follows. First, the Category I physical protection requirements were rewritten as performance capabilities. A description of how the licensee intends to implement the requirements will be given in the physical security plan submitted for licensing review. Site specific features will be considered before licenses approval is given. To aid the public commenters in understanding the rule's intent, scope of application, and rationale, additional supporting information is available for inspection in the NRC Public Document Room, 1717 H Street, NW., Washington, DC 20555. Prescriptive security measures are no longer specified, thereby allowing the licensee greater flexibility in preparing its plan.

Second, given the inability of all but a very few insiders to know the expected dose rate from any irradiated fuel element, the licensee will be allowed to average its irradiated fuel to meet the 100 rem per hour exemption as long as no single fuel unit drops below 50 rem per hour at 3 feet. This approach will

reduce the need for a licensee to conduct reactor operations just to satisfy the exemption criterion.

Third, the revised rule allows an interim period of 90 days after a licensee no longer meets the 100 rem per hour exemption level before it has to implement full Category I requirements. However, during the interim period some compensatory physical protection measures are required which could be less costly than the full Category I measures. This interim period can be permitted because, in most cases, as irradiated fuel decays below the 100 rem per hour average value, it does so fairly slowly.

Fourth, if a licensee can show that for a theft of a formula quantity it is reasonable to expect that a thief would receive an absorbed dose of at least 2000 rem, then the licensee will only have to satisfy Category III physical protection requirements. The 2000 rem dose would be incapacitating within a short period and would mean certain death. However, to maintain general comparability with the International Atomic Energy Agency (IAEA) standard that the irradiated fuel exemption should be used to drop a facility only one material protection category and because of the safeguards significance of uranium enriched above 20%, the rule requires NPR licensees possessing a formula quantity of SSNM to satisfy at least Category II physical protection requirements when the 2000 rem exemption cannot be met.

Fifth, given the extensive restructuring of the revised proposed rule the cost/benefit analysis was also extensively revised. This analysis reflects updated figures and is included in the Regulatory Analysis which is available for inspection in the NRC Public Document Room, 1717 H Street, NW., Washington, DC 20555.

Differences from the Safeguards Upgrade Rule

As a result of the uniqueness of the facility design features and the type and form of fuel at NPRs, it is not necessary to require physical protection measures as extensive as those specified for fuel fabrication facilities in the Safeguards Upgrade Rule. It is sufficient to require that the licensee detect an attempted theft and arrange for a response force to prevent the theft of a formula quantity of SSNM. This is acceptable in view of the fact that NPR fuel cannot be used directly in a clandestine fission explosive device without undergoing reprocessing to recover the uranium, and this requires a large commitment of resources. Also, because the SSNM is contained in fuel elements which typically have 100–200 grams of U–235 each, the theft of a formula quantity would have to include a number of repetitive acts that require a long time to complete. Thus, there will be considerable opportunity for a response action to prevent the removal of a formula quantity from the site.

As a result of these factors, a number of prescriptive Safeguards Upgrade Rule requirements can be reduced or eliminated for protecting formula quantities at NPRs. These include the reduction or elimination of requirements for redundant and hardened alarm stations, entrance searches for weapons and explosives, a second SNM exit search, 10 CFR Part 73 Appendix B Guard Training requirements and Appendix C Contingency Plans, armed guards on site, and vault hardening.

However, the proposed rule requires protection against theft by both insiders and external adversaries at security capability levels comparable to the Safeguards Upgrade Rule.

Cost/Benefit

Several benefits will be derived from implementing the proposed amendments rather than keeping the status quo. First, protection against insider theft of nuclear material will be included. This is not currently required. Second, licensees are given more flexibility in selecting a set of physical protection measures which can take maximum benefit of any site specific design features that aid security functions. Finally, except under special conditions, licensees who possess a formula quantity, regardless of its irradiation exemption status, must at least satisfy the physical protection requirements for Category II material, thereby reducing the possibility of theft of such material.

The cost comparison estimates the increase between implementing the proposed amendments and the measures necessary to satisfy Category II requirements. The Regulatory Analysis shows an estimated one time capital cost of $1,100 to $5,100 and an operating cost during one year of $300 to $7,900 per facility, if the proposed requirements are adopted. It should be noted that, within the range of cost estimates, a low operating cost will normally match up with a high capital cost and vice versa.

While there are 14 current NPR licensees who possess formula quantities, no more than three licensees are expected to have to implement the full Category I proposed requirements and this number could very well go to zero since dose rate averaging is allowed. In addition, if any licensee is unable to keep its amount of nonexempt fuel smaller than a formula quantity, this would most likely occur only for short periods of time which are less than the 90-day interim phase-in period. For those cases, it may not be necessary to expend the full capital costs as estimated. In fact, if labor intensive procedures are used in place of hardware during the short interim periods, the captial cost could be avoided altogether.

The revised proposed amendments are the most cost-effective approach for providing assurance against theft of a formula quantity while taking into account the unique features of the facility design, and fuel type and form at nonpower reactors.

Prior to the publication of the final effective amendments, the staff will:

(1) Develop licensee guidance for the amendments to include: (a) Acceptable local law enforcement arrangements, when relied upon to supplement the licensee's protection capabilities, and (b) acceptable compensatory protection measures for a 90 day phase-in-period;

(2) Update the previous discussion (SECY 81–376) on the effectiveness and achievability of the reliance on radiation fields in conjunction with the Category II physical protection measures; and

(3) Solicit comments from the State Department on: (a) Permitting Category III protection when it can be shown that a thief would be likely to receive a dose of 2000 rem or greater, and (b) allowing averaging of fuel elements in the core to meet the 100 rem per hour exemption criterion.

Paperwork Reduction Statement

The application and reporting requirements contained in these proposed amendments have been approved by the Office of Management and Budget; OMB approval No. 3150–0002.

Regulatory Flexibility Certification

In accordance with the Regulatory Flexibility Act of 1980, 5 U.S.C. 605(b), the Commission hereby certifies that this rule will not, if promulgated, have a significant economic impact on a substantial number of small entities. This proposed rule would amend 10 CFR Part 73 to require any nonpower reactor licensee authorized to possess a formula quantity of strategic special nuclear material to submit amendments to its physical security plan. These plans would include certain additional security precautions that would be implemented when a sufficient amount of the licensee's irradiated fuel drops below the 100 rem per hour at 3 feet external radiation dose rate exemption level resulting in the licensee possessing

a formula quantity of fuel that is not self-protecting.

At this time the proposed amendments would require only 14 licensees to submit revised security plans, and no more than three nonpower reactor licensees are expected to implement the additional security measures. The amendments probably would not affect any future licensees since they would not likely build a nonpower reactor requiring a formula quantity of SSNM.

The 14 licensees include two large companies (Union Carbide Corporation and GA Technologies, Inc.), ten major universities (Georgia Institute of Technology, University of Wisconsin, Massachusetts Institute of Technology, University of Michigan, University of Virginia, Oregon State University, Virginia Polytechnic Institute, Texas A&M, University of Missouri at Columbia, and Washington State University), the National Bureau of Standards (NBS), and the Rhode Island Atomic Energy Commission. The two corporations and ten universities each employ in excess of 500 employees and have annual sales or revenues in excess of $1 million for services they provide. NBS and the Rhode Island Atomic Energy Commission are a Federal and state agency, respectively. None of these affected licensees fall within the scope of the definition of "small entities" set forth in the Regulatory Flexibility Act or the Small Business Size Standards in regulations issued by the Small Business Administration at 13 CFR Part 121.

List of Subjects in 10 CFR Part 73

Hazardous materials-transportation, Nuclear materials, nuclear power plants and reactors, Penalty, Reporting requirements, Security measures.

For the reasons set out in the Preamble and under the authority of the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and 5 U.S.C. 553, notice is hereby given that the NRC is proposing to adopt the following amendments to 10 CFR Part 73.

PART 73—PHYSICAL PROTECTION OF PLANTS AND MATERIAL

1. The authority citation for Part 73 is revised to read as follows:

Authority: Secs. 53, 161, 68 Stat. 930, 948, as amended, sec. 147, 94 Stat. 780 (42 U.S.C. 2073, 2167, 2201); sec. 201, 88 Stat. 1242, as amended, sec. 204, 88 Stat. 1245 (42 U.S.C. 5841, 5844).

Section 73.37(f) is also issued under sec. 301, Pub. L. 96–295, 94 Stat. 789 (42 U.S.C. 5841 note).

For the purposes of sec. 223, 68 Stat. 958, as amended (42 U.S.C. 2273); §§ 73.21, 73.37(g), 73.55 are issued under sec. 161b, 68 Stat. 948, as amended (42 U.S.C. 2201(b)); §§ 73.20, 73.24, 73.25, 73.26, 73.27, 73.37, 73.40, 73.45, 73.46, 73.50, 73.55, 73.67 are issued under sec. 161i, 68 Stat. 949, as amended (42 U.S.C. 2201(i)); and §§ 73.20(c)(1), 73.24(b)(1), 73.26(b)(3), (h)(6), and (k)(4), 73.27(a) and (b), 73.37(f), 73.40 (b) and (d), 73.46(g)(6) and (h)(2), 73.50(g)(2), (3)(iii)(B) and (h), 73.55(h)(2), and (4)(iii)(B), 73.70, 73.71, 73.72 are issued under sec. 161o, 68 Stat. 950, as amended (42 U.S.C. 2201(o)).

2. In § 73.6, paragraph (e) is revised to read as follows and the flush paragraph which follows (e) is removed:

§73.6 Exemptions of certain quantities and kinds of special nuclear material.

* * * * *

(e) Special nuclear material at nonpower reactors. Any licensee subject to § 73.67(h) is not exempted from §§ 73.70 and 73.72, and any licensee subject to § 73.67(e) is not exempted from § 73.72 of this part.

3. In § 73.40, paragraph (b) is revised to read as follows:

§73.40 Physical protection: General requirements at fixed sites.

* * * * *

(b) Each licensee subject to the requirements of §§ 73.20, 73.45, 73.46, 73.50, or 73.55 shall prepare a safeguards contingency plan in accordance with the criteria set forth in Appendix C to this part. The safeguards contingency plan shall include plans for dealing with threats, thefts, and radiological sabotage relating to nuclear facilities licensed under Part 50 or to the possession of special nuclear material licensed under Part 70 of this chapter. Each licensee subject to the requirements of this paragraph shall submit to the Commission for approval the first four categories of information contained in the safeguards contingency plan. (The first four categories of information, as set forth in Appendix C to this part, are Background, Generic Planning Base, Licensee Planning Base, and Responsibility Matrix. The fifth category of information, Procedures, does not have to be submitted for approval.) [1] The plan shall become effective and be followed (when appropriate) by the licensee 30 days after approval by the Commission.

* * * * *

§ 73.60 [Removed]

4. Section 73.60 is removed.

[1] Licensees subject to § 73.55 may modify their physical security plans to incorporate contingency plan information specified in Appendix C to Part 73. A physical security plan that contains all the information required in both § 73.55 and Appendix C to Part 73 satisfies the requirement for a contingency plan.

5. Section 73.67 is amended as follows:

a. Paragraphs (b) and (c) are revised;

b. In paragraph (d), (10) and (11) are revised and a new (12) is added; and

c. A new paragraph (h) is added to read as follows.

§ 73.67 Licensee fixed site and in-transit requirements for the physical protection of special nuclear material of moderate and low strategic significance and of formula quantities at nonpower reactors.

* * * * *

(b) Exemptions. (1) A licensee's possession, use, or transportation of the following materials is exempt from the requirements of this section:

(i) Special nuclear material in a quantity not exceeding 350 grams of uranium-235, uranium-233, plutonium, or a combination thereof, possessed in any analytical, research, quality control, metallurgical, or electronic laboratory, or

(ii) Sealed plutonium-beryllium neutron sources totaling 500 grams or less contained plutonium at any one site or contiguous sites, or

(iii) Plutonium with an isotopic concentration exceeding 80 percent in plutonium-238.

(2) A licensee, other than a nonpower reactor licensee who possesses a formula quantity or more of strategic special nuclear material, is exempt from the requirements of this section to the extent that it possesses, uses, or transports special nuclear material which is not readily separable from other radioactive material and which has a total external radiation dose rate in excess of 100 rems per hour at a distance of 3 feet from any accessible surface without intervening shielding.

(3) A nonpower reactor licensee who possesses a formula quantity is exempt from the additional requirements above those for special nuclear material of moderate strategic significance to the extent that it possesses special nuclear material which is not readily separable from other radioactive material and which has a total external radiation dose rate in excess of 100 rems per hour at a distance of 3 feet from any accessible surface without intervening shielding.

(4) During an interim period of 90 days after a formula quantity of nonexempt fuel is possessed by a nonpower reactor licensee, approved compensatory measures may be substituted for those approved on a permanent basis.

(5) Any nonpower reactor licensee possessing a formula quantity may protect its special nuclear material at the level of low strategic significance if the expected total dose to any

individual would be 2000 rems or greater during the unauthorized removal of any formula quantity from the licensee's facility.

(6) A licensee, other than a nonpower reactor licensee who possesses a formula quantity or more of strategic special nuclear material, who has quantities of special nuclear material equivalent to special nuclear material of moderate strategic significance distributed over several buildings shall, for each building which contains a quantity of special nuclear material less than or equal to a level of special nuclear material of low strategic significance, protect the material in that building at least at the level of the lower classification physical security requirements.

(c) Each licensee who possesses, uses, transports, or delivers to a carrier for transport, special nuclear material of moderate strategic significance or 10 kg or more of special nuclear material of low strategic significance, and each licensee who possesses a formula quantity of strategic special nuclear material for use in the operation of a nonpower reactor, shall:

* * * * *

(2) Within 30 days after the plan(s) submitted pursuant to paragraph (c)(1) of this section is approved, implement the approved security plan; or

(3) For a nonpower reactor licensee who possesses a formula quantity of strategic special nuclear material: (i) Submit within 150 days after the effective date of these amendments, a physical security plan or an amended physical security plan describing how the licensee will comply with the requirements of paragraph (h) of this section, any compensatory measures to be used during a 90-day interim period, schedules of implementation, and methods used for determining external radiation dose rates of irradiated reactor fuel; and (ii) implement the applicable parts of the approved physical security plan submitted pursuant to paragraph (c)(3)(i) of this section within 240 days after the effective date of these amendments, or within 30 days after the plan is approved, whichever is later.

(d) Fixed Site Requirements for Special Nuclear Material of Moderate Strategic Significance.

* * * * *

(10) Search on a random basis vehicles and packages leaving the controlled access areas,

(11) Establish and maintain response procedures for dealing with threats of thefts or thefts of such materials, and

(12) Notify the appropriate Nuclear Regulatory Commission Regional Administrator at least 48 hours in advance of the time the licensee expects that it will possess a formula quantity of nonexempt strategic special nuclear material.

* * * * *

(h) Additional requirements for nonpower reactor licensees possessing formula quantities of nonexempt strategic special nuclear material. Each nonpower reactor licensee who possesses, at any site or contiguous sites subject to control by the licensee, a formula quantity of nonexempt strategic special nuclear material shall meet the requirements of paragraphs (a) and (d) of this section and, in addition, shall:

(1) Satisfy the requirements of paragraph (a)(2) of this section against a single insider and a conspiracy between insiders, as well as an external adversary, during any period when possession exceeds a formula quantity of nonexempt material;

(2) Achieve the following capabilities in order to meet the objectives of paragraph (h)(1) of this section.

(i) Detect access of unauthorized personnel to strategic special nuclear material within controlled access areas situated within a protected area;

(ii) Detect unauthorized activities and conditions within the protected area and the controlled access areas;

(iii) Detect unauthorized removal or strategic special nuclear material from the controlled access areas; and

(iv) Provide for a response capability sufficient to prevent the unauthorized removal of a formula quantity of strategic special nuclear material from the protected area; and

(3) Test physical protection devices used pursuant to the requirement of this section to assure their functional performance during periods when they are required to be in use.

6. In § 73.70 the introductory text and paragraph (c) are revised to read as follows:

§ 73.70 Records

Each licensee subject to provisions of §§ 73.20, 73.25, 73.26, 73.27, 73.45, 73.46, 73.55 or 73.67(h) shall keep the following records:

* * * * *

(c) A register of visitors, vendors, and other individuals not employed by the licensee (as stated in §§ 73.46(d)(13) and 73.55(d)(6), or when the licensee is required to satisfy § 73.67(h)).

* * * * *

Dated at Washington, DC, this 22nd day of July 1983.

For the Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 83-20366 Filed 7-26-83; 8:45 am]

BILLING CODE 7590-01-M

CIVIL AERONAUTICS BOARD

14 CFR Part 221

[EDR-460A; Economic Regs. Docket No. 41496]

Tariffs; Justification of Fares or Rates Outside the Zones of Flexibility; Extension of Comment Period

AGENCY: Civil Aeronautics Board.

ACTION: Extension of comment period.

SUMMARY: The CAB is extending the comment period for 1 month and adding a 2 week reply comment period for its notice of proposed rulemaking on justification of fares or rates outside the zones of flexibility. This action is taken in response to requests by Pan Am and LACAC.

DATES: Comments by September 2, 1983.

Reply comments by September 16, 1983.

Comments and other relevant information received after this date will be considered by the Board only to the extent practicable.

ADDRESSES: Twenty copies of comments should be sent to Docket 41496, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428. Individuals may submit their views as consumers without filing multiple copies. Comments may be examined in Room 711, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C., as soon as they are received.

FOR FURTHER INFORMATION CONTACT: Joanne Petrie, Office of the General Counsel, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428; 202-673-5442.

SUPPLEMENTARY INFORMATION: In EDR-460, 48 FR 24916, June 3, 1983, the Board proposed to amend its tariff rules to require that U.S. and foreign air carriers justify fares or rates that are outside the zones of flexibility permitted by the Standard Foreign Rate Level. This amendment, if adopted, would also conform tariff-filing procedures to the changes made by the International Air Transportation Competition Act of 1979, which established zones of flexibility for foreign passenger fares, and a recent Board policy statement permitting zones of flexibility for cargo rates in foreign air transportation. The proposal was made at the Board's initiative in order to

analyze more efficiently fares and rates submitted outside the zones. Comments on this rulemaking are due on August 2, 1983.

On July 12, 1983, Pan Am asked the Board to add a reply comment period of 21 days so that interested persons will have the opportunity to review the initial comments and reply if necessary. Pan Am noted that the proposed rule has generated considerable interest among foreign air carriers, and that the Board should expect a large number of comments. Pan Am argued that a reply comment period will permit affected parties to respond to the suggestions of other persons and will provide the Board with a more complete range of views.

On July 13, 1983, the Latin American Civil Aviation Conference (LACAC) sent a telex to the U.S. Department of State requesting that it be permitted to submit its comments on the proposal after the comment period closed on August 2, 1983. LACAC stated that it is very interested in the proposal, and that the proposal has been analyzed by LACAC's economists whose recommendation has been submitted for further consideration to its Executive Committee, which will meet in Caracas in mid-August.

The Board wants to ensure that all interested persons have adequate notice of the proposed changes to the tariff rule and an opportunity to respond to both the proposal and the comments of others. Because both LACAC and Pan Am have shown good cause, the comment period will be extended 1 month and a reply comment period of 2 weeks will be added. The reply comment period will be limited to 2 weeks rather than the 3 weeks requested by Pan Am so as not to unduly delay the proceeding.

Accordingly, under authority delegated in 14 CFR 385.20(d), the comment period is hereby extended for Docket 41496. Comments are due September 2, 1983, and reply comments by September 16, 1983.

List of Subjects in 14 CFR Part 221

Air rates and fares, Credit, Explosives, Freight, and Handicapped.

(Secs. 102, 204, 401, 402, 403, 404, 411, 416, 1001, 1002, Pub. L. 85-726, as amended, 72 Stat. 740, 743, 754, 757, 758, 760, 769, 771, 788; 49 U.S.C. 1302, 1324, 1371, 1372, 1373, 1374, 1381, 1386, 1481, 1482)

Dated: July 22, 1983.

By the Civil Aeronautics Board.

Richard B. Dyson,

Associate General Counsel, Rules and Legislation.

[FR Doc. 83-20339 Filed 7-26-83; 8:45 am]

BILLING CODE 6320-01-M

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Ch. I

Regulatory Flexibility Plan; Review of Customs Regulations; Extension of Comment Period

AGENCY: Customs Service, Treasury.

ACTION: Proposed rule-related notice; extension of comment period.

SUMMARY: In a notice published in the **Federal Register** on June 10, 1983 (48 FR 26831), the public was advised that as part of its continuing effort to reeduce or eliminate obsolete or burdensome regulatory requirements, Customs is planning extensive revisions of its regulations. That document set forth parts of the regulations being considered for revision. To assist in this review, written comments were invited on any aspect of the project. Comments were to have been received on or before August 9, 1983. Because of the desire to involve all segments of the importing public at an early stage in this review process, Customs is extending the period of time for the submission of comments an additional 60 days.

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

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

FOR FURTHER INFORMATION CONTACT: Marvin M. Amernick, Chief, Regulations Control Branch, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229; (202-566-8327).

Dated: July 21, 1983.

Harvey B. Fox,

Acting Director, Office of Regulations and Rulings.

[FR Doc. 83-20372 Filed 7-26-83; 8:45 am]

BILLING CODE 4820-02-M

19 CFR Part 172

Relief From Certain Liquidated Damages Claims

AGENCY: Customs Service, Treasury.

ACTION: Proposed rule.

SUMMARY: This document proposes to amend the Customs Regulations to provide that claims for liquidated damages for the failure to file timely an entry summary after the release of merchandise under an entry or an immediate delivery permit are to be demanded and cancelled pursuant to guidelines published by the Commissioner of Customs. This change is being proposed in order to have the regulations reflect the guidelines and to ensure uniform and consistent disposition of these liquidated damages claims.

DATE: Comments must be received on or before September 26, 1983.

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

FOR FURTHER INFORMATION CONTACT: Jeremy Baskin, Miscellaneous Penalties Branch, Office of Regulations and Rulings, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229 (202-566-5746).

SUPPLEMENTARY INFORMATION:

Background

In accordance with section 484, Tariff Act of 1930, as amended (19 U.S.C. 1484) and Part 142, Customs Regulations (19 CFR Part 142), merchandise may be released from Customs custody before the deposit of duty and the submission of complete entry documentation. When an importer elects to use this procedure, the entry summary, together with the deposit of estimated duties and taxes due, must be submitted to Customs within 10 working days of release of the merchandise. An importer filing the entry summary late is subject to a demand under his Customs bond for liquidated damages in the amount of the value of the merchandise plus the duties and taxes owing. In such cases, under section 623, Tariff Act of 1930, as amended (19 U.S.C. 1623) and Part 172, Customs Regulations (19 CFR Part 172), the importer is afforded the opportunity to petition for relief from the payment of liquidated damages.

By T.D. 80-298, published in the Customs Bulletin on December 24, 1980, Customs set forth guidelines for the disposition of violations of the timely entry summary filing requirements. Those guidelines, which went into effect on January 19, 1981, were necessary because the previous guidelines, contained in Customs Fines, Penalties and Forfeitures Handbook, were not

specific enough to ensure uniform treatment of similar late filing violations.

Because these guidelines resulted in certain inequities, Customs undertook a study of the guidelines and their effectiveness. After testing new procedures and considering various revisions, by Manual Supplement 4400–11, issued on April 20, 1983, Customs promulgated new guidelines. These guidelines have been published as a Treasury Decision in the Customs Bulletin, and will be incorporated into Customs Fines, Penalties, and Forfeitures Handbook.

The new guidelines have retained the basic concept of the previous guidelines, under which the petitioner has two options available to resolve the demand made against him.

Pursuant to option 1 of the new guidelines, the violator may pay a specified sum within 60 days of the date of receipt of notice of the demand for liquidated damages and the case will be closed. By electing this option, the violator waives his right to file a petition. He may, however, file a petition subsequent to payment of the claim if he does so in accordance with the Customs Regulations and if he has some new fact or information which merits consideration. Pursuant to option 1, for a dutiable entry where the entry summary is filed late, the specified sum will be $50 plus interest on the withheld duties at the rate of 0.1 percent (.001) per calendar day that the entry summary and/or duty were late. The specified sum for an entry for which there are no withheld duties (including a duty-free entry and a dutiable entry rejected, refiled late with no withheld duties) will be $50.

Pursuant to option 2, the violator may file a petition seeking more relief than we would receive by paying the specified sum of option 1. When the entry summary is late by less than 30 days, the district director will grant further relief only when the petitioner has demonstrated either than the violation did not occur, or that the violation was the result of Customs error. When the entry summary is late by 30 days or more, the district director may consider the following factors in response to a petition for relief:

1. The circumstances causing the delay;
2. The extent of the lateness;
3. The amount of duty withheld;
4. The past record of the violator in filing entry summaries timely; and
5. The violator's lack of intent to file his entry summary late (an uncorroborated statement to this effect will generally be insufficient).

Ordinarily, mitigation granted under option 2 will not be in an amount less than the specified sum of option 1 unless the petitioner has presented extraordinary mitigating factors which justify such action.

Section 172.22(d), Customs Regulations (19 CFR 172.22(d)), provides for the manner in which a district director may act upon applications for relief from liquidated damages claims assessed for the failure to file timely an entry summary after release of merchandise under an entry or under an immediate delivery permit. Section 172.22(d)(1) presently provides, in part, that if a district director is satisfied that the delay in filing the entry summary was not deliberate, he may cancel the claim for liquidated damages upon the payment of an appropriate sum which shall not exceed 10 percent of the duty assessed, but which shall not be less than $25. If the situation warrants, authority to exceed 10 percent of the duty is vested in the Commissioner of Customs pursuant to § 172.22(d)(3).

Section 172.22(d) was not amended to reflect and be consistent with the guidelines set forth in T.D. 80–298. It is now proposed to amend § 172.22(d) to state that claims for liquidated damages for the failure to file timely an entry summary after release under an entry or an immediate delivery permit shall be demanded and cancelled pursuant to guidelines published by the authority of the Commissioner of Customs. It is also proposed to amend § 172.22(d) to provide that, in the case of an entry summary which has not been filed, the district director may not grant relief from a claim for liquidated damages until the entry summary has been filed.

List of Subjects in 19 CFR Part 172

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

Proposed Amendment to the Regulations

It is proposed to amend Part 172, Customs Regulations (19 CFR Part 172), in the following manner:

PART 172—LIQUIDATED DAMAGES

It is proposed to revise § 172.22(d) to read as follows:

§ 172.22 Special cases acted on by district director of Customs.

* * * * *

(d) *Failure to file timely entry summary after release under entry or immediate delivery permit.* (1) If an entry summary for merchandise not subject to quota has not been timely filed after release under an entry or under a special permit for immediate delivery, the district director shall issue a demand for liquidated damages in accordance with § 142.15 or 142.17 of this chapter, and in accordance with guidelines published by the authority of the Commissioner of Customs. The demand shall be cancelled in accordance with guidelines published by the authority of the Commissioner of Customs.

(2) If the district director is satisfied that the violation occurred solely because of a delay in the return by Customs to the importer or broker of documents necessary to file the entry summary, he may cancel such liquidated damages without payment.

(3) If collection of an amount greater than that established in accordance with this section appears warranted, the case shall be forwarded to the Commissioner of Customs for disposition.

(4) In the case of an entry summary which has not been filed, the district director may not grant relief from a demand for liquidated damages until the entry summary has been filed.

Authority

This amendment is proposed under the authority of R.S. 251, as amended, section 484, 46 Stat. 722, as amended, section 618, 46 Stat. 757, as amended, section 624, 46 Stat. 759 (19 U.S.C. 66, 1484, 1618, 1624).

Comments

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

Regulatory Flexibility Act

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

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

Executive Order 12291

The proposed amendment will not result in a "major rule" as defined in section 1(b) of Executive Order 12291. Accordingly, a regulatory impact analysis is not required.

Drafting Information

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

William von Raab,

Commissioner of Customs.

Approved: July 5, 1983.

John M. Walker, Jr.,

Assistant Secretary of the Treasury.

[FR Doc. 83-20371 Filed 7-26-83; 8:45 am]

BILLING CODE 4820-02-M

Bureau of Alcohol, Tobacco and Firearms

27 CFR Parts 4, 5, and 7

[Notice No. 475; Ref: Notice No. 469]

Ingredient Labeling of Wine, Distilled Spirits, and Malt Beverages

Correction

In FR Doc. 83-19423 beginning on page 32606 in the issue of Monday, July 18, 1983, make the following correction:

On page 32606, third column, under **SUMMMARY:** in the ninth line, "excluded due" should have read "extended due".

BILLING CODE 1505-01-M

DEPARTMENT OF THE INTERIOR

Minerals Management Service

30 CFR Ch. II

Proposed Outer Continental Shelf Order No. 6, "Well-Completion and Workover Operations," Governing Oil and Gas Lease Operations in All Regions of the Outer Continental Shelf

AGENCY: Minerals Management Service, Interior.

ACTION: Proposed Outer Continental Shelf (OCS) Order and Public Meeting.

SUMMARY: The Minerals Management Service (MMS) proposes to revise OCS Order No. 6, "Well-Completion and Workover Operations," to be applicable to all well-completion and workover operations conducted in all Regions of the OCS. When this proposed Order is published in final form, it will supersede Gulf of Mexico Region OCS Order No. 6, "Completion of Oil and Gas Wells" (effective August 28, 1969) and the Pacific Region OCS Order No. 6, "Procedures for Completion of Oil and Gas Wells" (effective June 1, 1971). There is no OCS Order No. 6 currently effective in the Alaska and Atlantic OCS Regions. OCS Order No. 6 is necessary to establish requirements that ensure the conduct of well-completion and workover operations in a safe manner. The intended effect of this Order is to protect life and property and to minimize the risk of pollution on the OCS.

DATE: Written comments must be received or postmarked by September 30, 1983.

Interested parties are invited to present oral comments at a 2-day public meeting Reston, Virginia, beginning at 9:00 a.m. on September 13, 1983.

The MMS will analyze all comments received by August 26, 1983 and present all responses to those comments at the public meeting. Notification of intent to present comments at the public meeting is requested by August 26, 1983.

ADDRESSES: Comments should be sent 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.

The public meeting will be held in the U.S. Geological Survey National Center Auditorium, 12201 Sunrise Valley Drive, Reston, Virginia, on September 13 and 14, 1983, beginning at 9:00 a.m.

Comments and suggestions on the collection of information also should be made to the Office of Information and Regulatory Affairs, Attention: Desk Officer for the Department of the Interior, Office of Management and Budget, Washington, D.C. 20503.

FOR FURTHER INFORMATION CONTACT: Lloyd M. Tracy; Branch of Rules, Orders, and Standards; Offshore Rules and Operations Division; Mail Stop 646; Minerals Management Service; U.S. Department of the Interior; 12203 Sunrise Valley Drive; Reston, Virginia 22091; telephone (703) 860-7916 or (FTS) 928-7916.

SUPPLEMENTARY INFORMATION: Under the OCS Lands Act (43 U.S.C. 1334); the amendments of Title 30 of the Code of Federal Regulations (30 CFR), Chapter 2, Part 250, June 30, 1982 (47 FR 28368); and in accordance with 30 CFR 250.10 and 250.11; the Associate Director for Offshore Minerals Management proposes to issue OCS Order No. 6, "Well-Completion and Workover Operations," to be applicable to all Regions of the OCS. This Order will implement the regulations contained in 30 CFR 250.36, 250.38, 250.31, 250.45, 250.46, 250.92, and 250.95. The existing Gulf of Mexico and Pacific Region's OCS Order No. 6 are more than 13 and 11 years old, respectively, and do not adequately address current technology applicable to well-completion or workover operations. OCS Order No. 6 is being revised to incorporate technological improvements developed during the past 13 years to prevent damage to life, property, and the environment, to expand the existing Order to address workover operations, and to provide requirements for these operations in all Regions of the OCS.

Part I of this Notice presents the discussions of the revisions incorporated in the proposed OCS Order No. 6, and Part II presents the proposed OCS Order.

Request for Written and Oral Comments

In order to obtain full discussion of the issues, interested parties are requested to submit written comments on Parts I and II of this Notice. Comments must be received or postmarked by September 30, 1983. Written Comments should be submitted to Mr. David A. Schuenke at the address indicated in this preamble under **"ADDRESSES."**

In order to provide an opportunity for interested parties to participate in discussions of the proposed OCS Order No. 6, a 2-day public meeting will be held at the U.S. Geological Survey National Center Auditorium, 12201 Sunrise Valley Drive, Reston, Virginia, beginning at 9:00 a.m. on September 13 and 14, 1983. All written comments received by August 26, 1983 will be addressed by the Minerals Management Service as a basis for discussion at the meeting.

In order to simplify planning for the total number of participants, prospective attendees are requested to notify Mr. Lloyd M. Tracey at the address or telephone number indicated in the preamble of this document under the heading **"FOR FURTHER INFORMATION CONTACT."** Notification of intent to participate in the meeting is requested prior to August 26, 1983.

Drafting Information

The primary authors of this document are Lloyd M. Tracey, Offshore Rules and Operations Division, Minerals Management Service, and Glen Frizzel, Office of the Regional Manager for the Gulf of Mexico OCS Region, Minerals Management Service.

Paperwork Reduction Act

The information collection requirements contained in the proposed OCS Order No. 6 have been submitted to the Office of Management and Budget (OMB) for approval as required by 44 U.S.C. 3504(h) et seq.

The collection of this information will not be required until it has been approved by OMB. Comments on the collection of information should also be made to the Office of Management and Budget at the address listed in this preamble under "ADDRESSES." Discussions of the information collection requirements are contained in Part I of this Notice.

Statement of Significance

The Department of the Interior (DOI) has determined that this document does not constitute a major Federal action significantly affecting the quality of the human environment; therefore, preparation of an Environmental Impact Statement is not required. The DOI has determined that this document is not a major Federal action under Executive Order 12291 and certifies that this document will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.). The economic impact anticipated to result from this document will be less than $100 million per annum. The entities affected by this document are not anticipated to include small entities.

(43 U.S.C. 1334)

Dated: June 13, 1983.

Dave Russell,

Acting Director.

I. Discussions of the Revisions Incorporated Into the Proposed OCS Order No. 6.

A. General Revisions

In the Gulf of Mexico OCS Region, OCS Order No. 6, "Well-Completion and Workover Operations," became effective on August 28, 1969. In the Pacific OCS Region, OCS Order No. 6, "Procedures for Completion of Oil and Gas Wells," became effective on June 1, 1971. There is no OCS Order No. 6 currently effective in the Alaska and Atlantic OSC Regions. The existing Gulf of Mexico and Pacific Regions' OCS Orders No. 6 are more than 13 and 11 years old, respectively, and do not adequately address current technology applicable to well-completion or to workover operations. Therefore, OCS Order No. 6 is being revised to incorporate technological improvements developed during the last 13 years to prevent damage to life, property, and the environment and to expand the existing Order to address workover operations and to be applicable to all Regions of the OCS. Each new requirement is discussed below under a separate heading for each paragraph or subparagraph. It should be noted that the requirements of the existing Orders pertaining to tubingless completions have been deleted because this practice is now obsolete. In the event that a lessee requests approval of a tubingless completion, the District Supervisor will evaluate the details of the completion which are required to be submitted by Subparagraph 4.1, "Form 9-331 'Sundry Notices and Reports on Wells,'" and advise the lessee of the adequacy of his completion proposal.

B. Paragraph 1. Documents Incorporated by Reference

This Order incorporates in whole or in part a total of 11 industry standards. In order to facilitate the lessee's compliance with the requirements of the Order and those documents which are incorporated by reference, we have included at the beginning of the Order a list of those documents containing the date of the specific issue incorporated by reference and the names and addresses of the organization from whom the documents may be purchased.

C. Paragraph 2. Definition of Terms

During the development of this Order, it became apparent that there are a number of terms regularly used in the field and in the literature which have multiple meanings. Therefore, we have attempted to identify those terms and define their meaning as used in this Order.

D. Subparagraph 3.1 Planned Operations

Under this requirement, lease operators are to furnish fully manned and properly supervised rig crews and supporting service units and not subject operating personnel to unreasonably long working hours.

Weak management and supervision of crews have been identified as contributing factors in a major blowout on a platform in the North Sea. It was determined that the supervisors were not on the deck where the work was in progress. It was also determined that the drilling supervisor and wireline operator had been working unreasonably long hours.

In another accident, investigation revealed that better supervision of the drill crews on a drilling rig in the Gulf of Mexico might have prevented an accident which resulted in six deaths, property damage, and loss of resources totaling $20 million. The drill crews were not properly instructed to operate locking bars on the diverter system which was installed in accordance with OCS Order No. 2. The locking bars were unintentionally in place when a well kick occurred. The crew was attempting to remove the locking bars which were restraining the piston rods of the diverter valves against the pressure of the well when the explosion and fire occurred.

E. Subparagraph 3.2 Completion and Workover Structures

American Petroleum Institute Specification 6A (API Spec 6A) covers steel derricks, portable masts, and substructures suitable for drilling or well servicing. It includes stipulations of materials, loadings, conditions of loading, and allowable unit stresses intended to meet the requirements of present and future operating conditions such as deeper drilling, offshore drilling from floating devices, and the effects of earthquakes, storms, and other adverse conditions. An appendix to the specification contains recommendations for maintenance and use of drilling and well-servicing structures.

The function of the derrick on a completion or workover rig is essentially that of hoisting or lowering heavy tubular goods (tubing, casing, or drill-pipe strings). Frequently, it becomes necessary to hoist a particular string of tubular goods which has become stuck or partially stuck. Some of the problems commonly encountered in completion and workover may occur while running casing during completion operations, pulling stuck drill pipe during deepening operations, retrieving parted tubing or drill pipe (called "fishing"), and setting and retrieving production packers (a tubing-annulus pack off for producing operations). Also, "jarring" operations may be necessary in order to dislodge and retrieve a parted tubular string (a "fish"). All of these operations impose a high level of stress on the derrick or mast so that concern for the proper selection and use of this equipment is important. If this equipment is not properly selected and used, the result would be a mechanical failure such as derrick buckling or collapse with

probable damage to life and property as well as loss of natural resources (blowout).

There have been several recorded derrick failures which have resulted in costly accidents. Additionally, the increased level of drilling, completion, and workover operations in today's energy-conscious world will result in a higher percentage of inexperienced workers and a continued higher level of activity. Therefore, the need for compliance with API Spec 4E is greater than ever before.

If one costly catastrophe due to derrick failure can be prevented by lessee compliance with this API specification, then the benefits to be derived will greatly exceed the cost incurred by compliance. For example, a derrick may collapse during an operation on a producing platform and damage one or more wells to such an extent that a hydrocarbon flow would ensue which would probably develop into a fire.

F. Subparagraph 3.3 Zone Separation

If producing zones were not separated, undesirable downhole commingling could occur. In the majority of reservoirs, downhole commingling will result in less efficient production and loss of ultimate recovery. Furthermore, basic reservoir statistics such as oil, gas, and water production are virtually impossible to determine, and analyses for secondary and tertiary recovery projects would be uncertain at best.

This requirement is a corollary of compliance with the zone separation requirements of OCS Order No. 11, "Oil and Gas Production Rates." However, under certain limited conditions, downhole commingling may be approved in accordance with OCS Order No. 11. It is appropriate to include this requirement in OCS Order No. 6 because the setting of packers or cement sheaths is part of the well-completion process.

The application of sound reservior engineering principles through the use of packers for zone separation results in efficient reservoir production and the conservation of oil and gas with greater total recovery of hydrocarbons.

G. Subparagraph 3.4 Packer Requirements

Packers are required to seal the annular space between the tubing string and production-casing string which is normally not designed to withstand the same work pressures that act on the tubing string. Some of these work forces are high pressure, corrosive fluids, and flow erosion. Additionally, the production casing is the backbone of the producing well, and prudent operations require that the production casing be protected from actul or potential damage from both safety and economic viewpoints.

H. Subparagraph 3.5 Through Flowline (TFL) Pump-Down Systems

Pump-down operations are designed for subsea producing well installations and consists of a production platform-mounted pump, lubricator (assembly designed to install or retrieve pump-down tools under pressure), manifold piping, and two tubing lines from the platform to the subsea well. The pump-down operations consist of pumping special tools through one string of tubing into the well to accomplish certain work operations such as placing or retrieving a subsurface-safety value, placing special tubular equipment to wash sand out of the well or performing formation stimulation operations. The special tools and accompanying safety valves or other equipment are then retrieved by pumping down the other string of tubing, thereby reversing the initial process and retrieving the tools at the "lubricator." The guidelines contained in American Petroleum Institute Recommended Practice 6G (API RP 6G) will assure that equipment and fluid handling operations will meet minimum safety requirements.

Since equipment may fail due to high pressures encountered during pump-down operations, it is imperative that proper pressure-rated equipment be used to prevent the loss of natural resource and pollution of OCS waters.

I. Subparagraph 3.6 Traveling Block Safety

Well-completion and workover rigs utilize a hoisting system for moving pipe in and out of the well bore. The system consists of a drilling line (wire rope), a drawworks (a revolving drum), a traveling block (an assembly of movable pulleys), and a crown block (an assembly of stationary pulleys mounted in the crown of the derrick).

The driller manually controls the velocity and limits the travel of the traveling block by skillfully manipulating the power throttle, clutch, and brake mechanisms. The operation of this equipment is hazardous because an error in judgment or a mechanical or physicial failure can cause a catastrophic accident. Normally, the operation of the hoisting system is no more hazardous than driving a car in traffic; however, during "coming out" and "going in" operations, failure to stop the traveling block at the upper safe limit of travel can result in the traveling block striking the crown block or the upper derrick structure.

In most instances when the traveling block strikes the crown block, a lost-time accident results. Generally, at a minimum, loss of rig time and equipment damage occur, and since this type of event occurs without warning, loss of life or serious injury is not a rare occurrence.

One fatal accident was described in a Gulf of Mexico OCS Region "OCS Operation Safety Alert," Notice No. 21, April 16, 1975. This tragic accident was disastrous. The potential for greater loss of life and property exists where well-completion and workover rigs are operating on platforms having producing wells. Pipe and equipment falling from a wrecked derrick can strike the wellheads, flowflines, or production equipment and can cause a chain reaction resulting in explosion and fire.

The implementation of this requirement can prevent injuries, save lives, protect property, and speed the recovery of natural resources if all such accidents are prevented.

J. Subparagraph 3.7 Well Control

The requirements in subparagraph 3.7 are designed to prevent the loss of well control and a resultant blowout. The most important element that a rig crew has at its disposal for control of a well is the fluid being used to overcome the formation pressure. Additionally, consideration must be given to obtaining a balance between overcoming formation pressure and formation fracture pressure. If the well-control fluid being used is not properly designed, a well kick may occur, and a blowout could result. Furthermore, having sufficient quantities of well-control fluid readily accessible is essential to proper well control.

There have been two major blowouts and one loss-of-well-control incident due to improper well-control procedures. In the loss-of-well-control incident, well control was regained by shearing the pipe with the blind-shear rams. The total cost of the two blowouts and the loss-of-well-control incident was about $55 million. The tangible cost included damage to property and loss of resources. The intangible cost included fatalities and injuries.

In the first blowout, completion fluid was being lost to the open perforated intervals, and 70 barrels of the fluid were periodically pumped into the hole. During a critical 6-hour period, the operator took time to test the blowout preventers (BOP's) and to cut the drill line. The hole was not stabilized prior to conducting the test and cutting the line.

The probable cause of the second blowout was the use of sea water instead of a heavier-weighted flushing and displacement fluid to displace the 15.4-pounds-per-gallon (ppg) drilling mud that was in the hole. The sea water was used because of previous contamination of 14.2-ppg completion fluid.

In the loss-of-well-control incident, the operator was circulating calcium chloride-completion fluid down the tubing and up the annulus to reduce the weight of the fluid from 11.0 to 10.0 ppg when the well began to flow. Well control was regained by shearing the pipe with the blind-shear rams. Injuries occurred during the evacuation of the platform.

K. Subparagraph 3.8 Circulating and Unloading Operations

During many workover and well-stimulation procedures, it is frequently necessary to "unload' or "clean up" a well. These operations involve the collection of contaminated fluids such as spent acid or well-control fluids in tanks at the surface. The "returns" from the well can vary from well-control fluids contaminated with hydrocarbons (oil and/or gas) to hydrocarbons contaminated with well-control fluids. Therefore, these flammable fluids must be collected in properly designed flowlines and vessels.

This requirement prohibits a practice which recently resulted in a serious accident. An explosion occurred on a well-service motor vessel after an acidizing service for well stimulation was performed. The acid was pumped into the well and displaced by diesel fuel. The well would not flow; therefore, an attempt was made to initiate well flow into a tank on board the well-service motor vessel by using coiled tubing to gas lift the well fluids. The fluid from the well was flowing through a steel line into the motor vessel tank through a partially opened hatch. Gas escaping from the hatch was ignited by an unknown source on the motor vessel. Two men were killed, and two men were injured in the explosion and fire.

The implementation of this requirement might have prevented another serious accident which resulted in loss of well control when an auxiliary flowline flexible joint failed during a well unloading operation.

L. Subparagraph 3.9 Pumping Operations

Many well-completion and workover operations involve pumping at high flow rates and pressures; therefore, flowlines must be properly secured and pressure tested.

The implementation of this requirement might have prevented a lost-time accident where a man had both legs broken when an auxiliary flowline failed during a pumping operation.

M. Subparagraph 3.10 Well Protection

During rigging-up or rigging-down operations, it is often necessary to "switch" the mode of well control from the surface-safety equipment to subsurface-safety equipment; therefore, the Order requires the installation of a subsurface-safety device prior to removing the BOP stack or wellhead equipment.

Furthermore, during these operations, certain pieces of equipment weighing several tons are being moved about in a congested area; therefore, proper lighting and protection for the well and associated equipment are essential in reducing the potential for a catastrophic accident.

The implementation of these requirements may prevent the loss of well control during rigging-up and rigging-down operations. The MMS files contain the record of an accident which might have been prevented by the installation of a subsurface-safety device prior to the removal of the BOP stack.

N. Subparagraph 3.11 Emergency Shutdown (ESD) System

An ESD control station near the driller's or well-servicing unit operator's console provides a rapid means of shutting in the entire platform during a rig emergency such as loss of well control. This allows the driller to shut in all producing wells, thereby reducing the possibility of loss of control of the other wells due to the proliferation of the emergency condition through a "chain reaction." This requirement would add only one additional ESD station above the requirement of subparagraph 5.1.4 of OCS Order No. 5. An ESD station near the well-completion or workover unit control console is not required on manned platforms because the ESD can be actuated by other people at numerous other locations on the platform.

The addition of this equipment could mean the difference between confining an emergency condition to a single well and the proliferation of the emergency.

O. Subparagraph 3.12 Welding and Burning Practices and Procedures

Operators are required to file a "Welding, Burning, and Hot Tapping Safe Practices and Procedures Plan." The plan includes the qualification standards or requirements for personnel and the methods by which the operator will assure that these standards or requirements are utilized. A copy of the plan shall be in the field, and the welding supervisor must be familiar with the plan. All welding and burning equipment shall be inspected prior to beginning any welding or burning. Safe welding and burning areas must be established in the plan.

There were 44 documented accidents involving welding accidents from 1956 to 1981. From $10 to $15 million in damages, 24 deaths and pollution in the area of Galveston Beach, Texas, resulted from these accidents. These requirements will minimize the possibility of accidents during welding and burning operations.

P. Subparagraph 3.13 Hydrogen Sulfide

Operators are required to follow certain API recommended practices and MMS requirements on well-completion or workover operations conducted on wells where there is communication with a hydrogen sulfide-bearing zone. The applicable portions of the referred API document address well-servicing precautions, abandonment, monitoring equipment, and offshore operations.

Since there is such a wide range in the complexity of well-completion and workover operations, operators are required to comply with those requirements of MMS OCS Standard "Safety Requirements for Drilling Operations in a Hydrogen Sulfide Environment," MMSS–OCS–1, as specified by the District Supervisor. This requirement allows the District Supervisor to require compliance with specific requirements of MMSS–OCS–1 which are appropriate to the specific operation being conducted.

Compliance with these requirements will reduce the risks involved in operations in the presence of hydrogen sulfide-bearing zones. These requirements will ensure that the benefits resulting from prudent operation during drilling will continue during well-completion and workover operations.

Q. Paragraph 4. Form Submittal Requirements

MMS Forms MMS–331, MMS–330, and MMS–331 C (formerly 9–331, 9–330, and 0–331 C, respectively) have been submitted to OMB for approval under the Paperwork Reduction Act. The submittal of these forms by the lessee to MMS is required by 30 CFR 250.36, 250.38, 250.92, and 250.95. These forms provide the means of verifying compliance with the requirements of this OCS Order. Also, these forms are and

have been in use for many years and are a routine practice for the lessee.

Form MMS–331, "Sundry Notices and Reports on Wells," is used by the lessee to request approval for a workover operation from the MMS District Supervisor and to report the conclusion of the workover and the operations performed.

Form MMS–330, "Well Completion or Recompletion Report and Log," is used by the lessee to report the results of an initial well completion or recompletion. This form, containing well data geological data, and paleontological data, is used by the MMS in lease management activities, specifically lease inspection for safe operations and tract evaluation for potential lease sales.

Form MMS–331 C, "Application for Permit to Drill, Deepen, or Plug Back," is used by the lessee to request approval of the initial drilling operation and subsequent drilling which may be required during the course of a well-completion and workover operation. A well-completion or workover operation may require the hole to be deepened below the casing shoe or sidetracked out of the production casing; therefore, the lessee is required to request the District Supervisor's approval of the drilling operation.

The benefits to be gained are related to lease inspections such as verification and approval of the location of production packers, perforated intervals, subsurface-safety valves, and other well equipment.

Production facilities are periodically inspected to assure compliance with the regulations and, thereby, protect life, property, and the environment. Another benefit is that obtained from the geological and paleontological information submitted which is used by MMS geologists to evaluate tracts for potential lease sales. The paleontological information is gathered and assembled to make pressure interpretations for future drilling operations, to draw paleontological horizons to aid in tract evaluation, and to define geological zones to aid in determining whether favorable or unfavorable conditions exist which could yield hydrocarbons. This information is also used in reservoir analyses to determine hydrocarbon reserves.

R. Paragraph 5.1 Drill-Stem Testing Operations Utilizing Surface or Subsea Blowout Preventer (BOP) Stacks

The drilling-stem testing operation is generally regarded as hazardous. The testing equipment must be carefully selected, and the test procedures must be fully analyzed since the well may be allowed to flow at high flow rates and pressures to determine the flow potential of the well. Equipment must be closely monitored during the test, and operations must be discontinued should malfunctions occur that would endanger personnel, environment, and rig equipment. The limitations on drill-stem testing are minimum safety considerations.

Compliance with these requirements will minimize the hazards of drill-stem testing and, thereby, prevent the loss of resources.

S. Subparagraph 5.2 Drill-Stem Testing Operations Utilizing a Subsea Stack

The same care in planning and design that is incorporated into subparagraph 5.1 is incorporated into this subparagraph with the additional consideration of working through a BOP stack located on the sea floor. For example, two reverse-circulating tools are required for subsea stacks, rather than one as specified in subparagraph 5.1.

The additional redundancy requirement is considered ncessary since the BOP stack in subsea operations is remotely located from the rig floor. The remote location of the BOP stack complicates all operational problems such as well control. The rig may have to move off location for various reasons such as inclement weather; therefore, the test equipment and procedures must be designed to safely disconnect from the subsea BOP.

Compliance with these requirements will minimize the hazards of drill-stem testing and, thereby, prevent the loss of resources.

T. Paragraph 6. Blowout Preventer Equipment Requirements

BOP's and their maintenance, operation, testing, and related records are essential and the primary means of protecting life, property, and natural resources during drilling, completion, and workover operations. The reliablity of BOP's has been improved over the years, and their use is accepted practice worldwide. Their operation is essentially that of controlling well flow by elastomers being forcibly placed around the tubing or drill pipe in the well by means of hydraulic pressure. There are two general types of BOP's commonly in use throughout the world. The "annular" type (doughnut shaped) is used on lower or medium pressures and is designed to effectiviely close and seal on any diameter of pipe in use in the well. The "ram" type is designed to close on a specific diameter of pipe and is used on higher pressures.

In either case, the annular portion of the well (the doughnut shaped area between the tubing and the casing) is sealed off so that the well connot flow from this area. Well flow from tubing or drill pipe can be sealed by the installation of a valve with a threaded connection. The BOP installation, maintenance, testing, and recordkeeping have been and presently are an accepted practice designed to protect life, property, the environment, and natural hydrocarbon resources. The referenced API RP 53, "API Recommended Practice for Blowout-Prevention Equipment Systems," has been developed by industry personnel and has been approved for use by MMS in OCS Order NO. 2, "Drilling Operations."

The benefits to be gained by these requirements are incalculable in terms of protection of life, property, the environment, and natural hydrocarbon resources. The proposed requirements would significantly minimize undesirable events by assuring lesses compliance with accepted good practices. Compliance would be monitored and enforced by the MMS lease management inspection program.

Additionally, the proposed BOP requirements contained in subparagraphs 6.2.5 and 6.2.6 regarding "Small Tubing Units," "Coiled Tubing Units," and "Snubbing Units" are specific requirements because these types of operations are not as common as conventional completion or workover operations and present a significant potential for undesirable and catastrophic events, especially during snubbing operations. Snubbing operations are considered to be one of the most hazardous operations because tubular goods are being forced into a highly pressured well or are being withdrawn from a highly pressured well. Continuous pressure control must be maintained while moving the tubular strings as described. The safe performance of these operations demand highly specialized equipment and highly specialized and knowledgeable manpower. The proposed requirements are intended to assure compliance with proven acceptable and safe operating practices in these operations.

U. Subparagraph 6.7 Records

This subparagraph requires lessees to provide documentation of all BOP tests, drills, and actuations. The MMS inspectors can review the records during inspections and determine if tests, drills, and actuations have been conducted in

a timely manner in accordance with this Order.

V. Paragraph 7. Wireline Operations

A lubricator assembly is a device consisting of a wireline BOP, a tubular-riser assembly with a bleed valve, and a wireline stuffing box. The assembly provides a means of inserting wireline tools into and removing wireline tools out of a well under pressure and provides the means of controlling well fluids and pressure during wireline operations. Lubricator assemblies should be tested annually to the rated working pressure for safety reasons and should be tested after installation at the anticipated surface pressure to verify the pressure integrity of the installation. Additionally, the lubricator assemblies must be of sufficient length to accommodate all tools being used. Sufficient length will permit the well to be shut in with the wellhead valves.

Explosive devices are triggered by electrical current flow initiated from the wireline-running unit by the wireline operator. The precautions in subparagraph 7.4 pertaining to the handling of explosives are intended to prevent the accidental firing of these devices due to "stray" or extraneous electrical current flow. The wireline between the wireline-running unit and the explosive device can act as an antenna, and an induced electrical current flow can occur as a result of radio transmissions.

The implementation of the requirement for the verification of the closure of wellhead valves contained in Subparagraph 7.1, *General Requirements*, might have prevented one of the worst blowouts in the history of OCS operations. This incident resulted in out-of-control-flow conditions from 13 wells, causing 4 deaths, 36 injuries, loss of a production platform, loss of 2 drilling rigs, and the loss of natural resources. The total value of the loss of facilities and natural resources was $55 million. The out-of-control-flow conditions and fire continued for 138 days. The drilling of 10 relief wells was required to regain control of the wells.

In this blowout, a wireline crew was attempting to clear loose plastic from the tubing in preparation for installing a subsurface-safety valve. After installing a lubricator assembly, the master valve was opened and "* * * plastic pieces rushed by the valve in such quantity that the wireline tools in the lubricator were rattled. With this happening, plus the development of a small leak in a lubricator connection, the master valve was closed (supposedly), the lubricator pressure was bled down, and the lubricator was lifted and swung over. Plastic pieces remained jammed in the bottom of the lubricator and in the top of the tree. Sample pieces of the plastic were then taken from the tree connection, the well was left standing without leakage, and the wireline operation was shut down to await orders. Some 30–40 minutes later the "boom" occurred, marking the release of the plastic lodge in the tree and tubing. With no one in immediate attendance, there was no way to control the well before it saturated the area immediately above with gas and oil and very soon caught fire." (Quoted from a report of a blowout in MMS files.)

When the master valve was recovered during the cleanup operation, it was determined that the valve was nearly open. "The final closing operation moved the gate sufficiently to compress and jam the plastic pieces and, thereby, form a seal. The well appeared to be shut in, but after 30–40 minutes, the plastic, being slick and pliable, tended to slip and creep through the gate opening and finally was released." (Quoted from the same report quoted above.)

The requirement to verify valve closure by counting revolutions of the valve handle or other positive means will prevent this type of accident.

In another accident, a wireline helper was killed on an offshore production platform when a wireline lubricator ruptured under pressure. The well-adapter nipple, which failed and caused the accident, was rented from a third party and not owned by the wireline company performing the work.

W. Paragraph 8. Tubing and Wellhead Requirements

The tubing string is subjected to all the producing forces of the well. Since the tubing string protects the production casing, suitable methods such as electronic inspections must be used to ensure that the tubing string is of adequate strength, wall thickness, and pressure integrity before installation. Tubing failure leads to tubing-casing annulus pressure and may result in casing damage.

Well head equipment is generally the last piece of equipment subjected to full formation pressure. This subparagraph specifies that API Spec 6A, "API Specifications for Wellhead Equipment," Thirteenth Edition, January 1981, be used as the benchmark for dimensional and material specifications for a family of equipment to be used at the wellhead. Due to the stresses placed on the wellhead, prudent safety practices require that the equipment be tested prior to installation or subsequent to reinstallation.

API Spec 6A covers items of equipment utilized for pressure control systems required during the drilling and production life of a well. Specifically, groups of equipment covered are as follows:

(1) BOP equipment and stainless steel ring grooves;
(2) Ring-joint gaskets and flanges;
(3) Valves;
(4) Flanged drilling-through equipment;
(5) Wellhead equipment;
(6) Christmas tree equipment;
(7) Flow-control chokes;
(8) Fluid sampling devices; and
(9) Underwater wellhead equipment.

These requirements provide for safe operation practices to protect life, property, and resources. One accident involving tubing failure occurred which resulted in the plugging and abandonment of the well. The resources in the formation, which the operator was attempting to recover by conducting a wireline-workover operation to an upper zone, were lost.

The implementation of the requirement of Subparagraph 8.1, *Tubing Requirements*, pertaining to internal plastic coatings might have prevented one of the worst blowouts in the history of the OCS. In this blowout, failure of the internal plastic coating due to incompatibility with the well temperature and fluid was cited as the basic cause of the blowout. (Refer to the discussion presented under paragraph 7.)

X. Subparagraph 9.1 Safety Meetings

A rig crew that is trained and informed can help prevent lost-time accidents. API Bulletin (Bul.) T–5, "Employee Motivation Programs for Safety and Prevention of Pollution of Offshore Operations," contains the major elements for employees' motivation for safety and is to be used as a reference document.

The API Bul. T–5 stresses safety motivation and management of safety programs. The methods for promoting safety motivation include the following:

(1) Safety meetings;
(2) Training;
(3) Awards;
(4) Publications;
(5) Manuals; and
(6) Special programs.

The methods for promoting management of safety programs include the following:

(1) Inspection; and
(2) Statistics and review.

The use of PTI Bul. T-5, "Employee Motivation Programs for Safety and Prevention of Pollution in Offshore Operations," is a desirable requirement for a safety program if most accidents are to be prevented, thus protecting life, property, and the national resources.

Y. Subparagraph 9.2 Hazardous Materials

When the hazardous materials referred to in this requirement are used in the rig area, the potential for an accident increases significantly; therefore, the personnel engaged in using the materials must be instructed and trained in their use.

The implementation of this requirement might prevent personal injuries which sometimes occur in the handling of such substances as asbestos, caustic soda, hydrochloric acid, hydrofluoric acid, radioactive materials, and bottled gas.

Z. Subparagraph 9.3 Good Housekeeping

A littered work area increases the likelihood of an accident occurring and may prevent the quick location of the necessary tools during an emergency situation. Likewise, potential pollutants must be collected and contained to prevent pollution.

It is universally recognized that these good housekeeping practices and containment of pollutants will prevent accidents and are thereby cost-effective.

Part II, Proposed OCS Order No. 6, "Well-Completion and Workover Operations"

For the reasons set out in the preamble and Part I above, OCS Order No. 6, "Well-Completion and Workover Operations," is proposed to be amended as set forth below.

Contents—Order No. 6 Well-Completion and Workover Operations

1. Documents Incorporated by Reference.
   1.1 American Petroleum Institute (API) Documents.
   1.2 Minerals Management Service (MMS) Outer Continental Shelf (OCS) Standards.
   1.3 National Association of Corrosion Engineers (NACE) Standard.
2. Definition of Terms.
3. General Requirements.
   3.1 Planned Operations.
   3.2 Well-Completion and Workover Structures on Fixed OCS Facilities.
   3.3 Zone Separation.
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United States Department of the Interior
Minerals Management Service

All OCS Regions

OCS Order No. 6

Effective ———————

Well-Completion and Workover Operations

This OSC Order is issued pursuant to the authority prescribed in 30 CFR 250.10 and 250.11. All completion and workover operations on oil, gas, and service wells shall be in accordance with 30 CFR 250.36, 250.38, 250.41, 250.45, 250.46, 250.92, 250.95 and the provisions of this OCS Order and other OCS Orders which are referenced herein and standards and other requirements which are incorporated by reference herein.

1. *Documents Incorporated by Reference.* The documents listed below are incorporated by reference in whole or in part as requirements of this Order. Each such document or specific part is incorporated by reference in the text of this Order and/or in one or more of the documents listed below. In each instance, the applicable document is the specific edition or specific edition and supplement listed below. Any changes in the documents incorporated will become part of this OCS Order only if they are published in the **Federal Register** as amendments to this Order. The list includes the name and address of the organization from whom the documents may be purchased.

1.1 *American Petroleum Institute (API) Documents.* The API documents listed below may be purchased from American Petroleum Institute, Production Department, 211 N. Ervay, Suite 1700, Dallas, Texas 75201.

API Spec. 4E, "API Specification for Drilling and Well Servicing Structures," Second Edition, March 1974, and Supplement 3 issued January 1981.

API Bul. T-5, "Employee Motivation Programs for Safety and Prevention of Pollution in Offshore Operations," First Edition, September 1974.

API Spec. 6A, "API Specification for Wellhead Equipment," Thirteenth Edition, January 1981, and Supplement 1 issued January 1982.

API RP 6G, "API Recommended Practice on Through Flowline (TFL) Pump Down Systems," Third Edition, January 1982.

API RP 13B, "API Recommended Practice for Standard Procedure for Testing Drilling Fluids," Ninth Edition, May 1982.

API Spec. 14D, "API Specification for Wellhead Surface Safety Valves and

Underwater Safety Valves for Offshore Service," Fifth Edition, February 1983.

API RP 53, "API Recommended Practices for Blowout Prevention Equipment Systems," First Edition, February 1976, Reissued February 1978, Sections: 3–A, "Choke Manifolds—Surface Installations"; 3–B, "Choke Manifolds—Subsea Installations"; 4–A, "Kill Lines—Surface Installations"; 4–B, "Kill Lines—Subsea Installations"; 9–A, "Blowout Preventer Modifications for Hydrogen Sulfide Gas Environments—Surface Installations"; and 9–B, "Blowout Preventer Modifications for Hydrogen Sulfide Gas Environments—Subsea Installations."

API RP 55, "API Recommended Practices for Conducting Oil and Gas Production Operations Involving Hydrogen Sulfide, "First Edition, October 1981.

1.2 *Minerals Management Service (MMS) Outer Continental Shelf (OCS) Standards.* The standards listed below can be obtained free of charge from the Chief, Branch of Rules, Orders, and Standards; Mail Stop 646; Minerals Management Service; U.S. Department of the Interior; 12203 Sunrise Valley Drive; Reston, Virginia 22091.

MMSS–OCS–1 (formerly GSS–OCS–1), "Safety Requirements for Drilling Operations in a Hydrogen Sulfide Environment," First Edition, February 1976 (41 FR 8989, March 2, 1976), as revised March 17, 1977 (42 FR 14932, March 17, 1977), and August 2, 1982 (47 FR 28888, July 1, 1982).

MMSS–OCS–T1, "Training and Qualifications of Personnel in Well-Control Equipment and Techniques for Drilling on Offshore Locations," Second Edition, May 1982 (47 FR 7508, February 19, 1982), Section 4, "Well-Control Drills."

1.3 *National Association of Corrosion Engineers (NACE) Standard.* The NACE standard listed below may be purchased from National Association of Corrosion Engineers, P.O. Box 218340, Houston, Texas 77218.

NACE Standard MR–01–75, "Material Requirement, Sulfide Stress Cracking Resistant Metallic Material for Oil Field Equipment" (1980 Revision), Supplement 1 issued September 1980, and Supplement 2 issued May 1981.

2. *Definition of Terms.* For the purpose of this Order, the term—

"Anticipated surface pressure" means the surface well pressure which can reasonably be expected to be exerted upon casing strings, tubing strings, and related wellhead equipment.

"Coiled-tubing operations" means workover operations performed by manipulating spooled nonjointed pipe through the wellhead.

"Drill-stem test" (DST) means a temporary completion installation operated and produced to test the production of a zone(s).

"Fixed OCS facility" means any fixed, bottom-founded facility permanently attached to the seabed or subsoil of the OCS including platforms, guyed towers, articulated columns, gravity platforms, ice islands, gravel islands, and other structures. This term includes mobile offshore drilling units that have their jacking equipment removed or locked out of operation. This term does not include tension-leg platforms or other facilities that depend on bouyancy as their primary means of support.

"Lubricator assembly" means a device consisting of a wireline blowout preventer, a tubular riser assembly with a bleed valve, and a wireline stuffing box which provides a means of inserting and removing wireline tools into and out of a well under pressure and provides the means of controlling well fluids and pressure during wireline operations.

"Master valve" means the first valve on the tree in the vertical flowstream from the well bore.

"Mobile offshore drilling unit" (MODU) means any vessel capable of engaging in drilling for the exploration or recovery of mineral resources of the OCS.

"Mobile well-servicing unit" (MWSU) means any vessel other than a MODU which engages in well-servicing operations on the OCS.

"No-flow well" means a well that does not produce fluids against atmospheric pressure after artificial lift has been shut off for a period of 2 hours.

"Routine operations" means operations conducted for well-maintenance purposes. Routine operations are limited to—

a. Cutting paraffin;

b. Removing and setting tubing plugs, gas-lift valves, and subsurface safety valves which can be removed by wireline operations;

c. Opening and closing circulation ports;

d. Bailing sand;

e. Pressure surveys;

f. Swabbing;

g. Scale removal;

h. Caliper and gauge surveys;

i. Corrosion inhibitor squeeze; and

j. Other operations which do not require manipulation of tubing.

"Small-tubing operations" means workover operations performed through the wellhead and inside of conventional tubing using small-diameter jointed pipe [usually ¾" to 1¼"] as a work string.

"Snubbing operations" means the process of moving tubing or drill pipe in or out of a well under pressure, utilizing equipment specifically designed for that purpose, and employing either (1) rig power to force the pipe into the well through a set of pulleys and cables controlled by the draw works or (2) concentric or multicylinder hydraulically-actuated equipment.

"Stripping operations" means the process of moving tubing or drill pipe in or out of a well under pressure when the process is accomplished through the blowout preventers utilizing the weight of the pipe or the pulling power of the draw works and does not involve a snubbing operation.

"Surface safety valve" (SSV) means an automatic wellhead valve assembly which will close upon loss of power supply and is installed as the second valve of the tree in the vertical flowstream from the well bore.

"Through Flowline (TFL) Pump Down Operations" means the hydraulic transport and manipulation of tools through the flowline and tubing.

"Tree" (sometime referred to as "Christmas tree") means an assembly of valves and fittings used for production control and includes all equipment from the top flange of the tree down to the tubing-head top connection.

"Well-completion operations" means the work required prior to bringing a well to initial production status after the production-casing string has been set and cemented. The work includes but is not limited to—

a. Perforating the casing;

b. Performing sand-control measures;

c. Setting a slotted liner or screen;

d. Setting the packer;

e. Installing the tubing and artificial lift equipment;

f. Installing a surface-controlled subsurface safety valve and associated equipment;

g. Installing a subsurface-controlled subsurface safety valve. This operation may be performed prior to or after the initial well-flow tests;

h. Installing the wellhead equipment;

i. Conducting initial well-flow tests; and

j. Performing well-stimulation procedures to achieve initial production.

"Wireline operations" means operations in either cased hole or open hole using a wireline.

"Workover operations" means the work conducted to restore or increase the capability of an existing well to produce oil, gas, or both, or work conducted to increase the capability of an existing service well (e.g., an injection well, a water-source well, or a disposal well) to perform the needed function. Workover operations are

classified under the following categories:

a. "Major workover operations" means workover operations performed with the tree remover and blowout preventers installed.

b. "Minor workover operations" means workover operations performed with the tree in place.

3. *General Requirements.*

In the Alaska and Atlantic OCS Regions, the following introductory sentence is added to Paragraph 3, General Requirements:

All equipment and fluids used in well-completion and work-over operations shall be suitable for operations in the areas subject to subfreezing conditions.

3.10 *Planned Operations.* Complete, accurate, and current information on the relevant surface and subsurface equipment, service tools, well and reservior characteristics, and the well condition shall be documented and available to operating personnel before and during operations.

Completion and workover operations other than emergency well control shall not be undertaken unless rig crews and supporting service units are fully manned and properly supervised.

Operations shall be planned and conducted in a manner such that operating personnel are not subjected to unreasonably long working hours.

3.2 *Well-Completion and Workover Structures on Fixed OCS Facilities.* [All structures on mobile offshore drilling units (MODU) and mobile well-servicing units (MWSU) and cranes on all OCS facilities are regulated by the U.S. Coast Guard.] The term "structures" as used in this subparagraph means derricks, portable masts, and substructures as described in "API Specification for Drilling and Well Servicing Structures," API Spec 4E, which is incorporated by reference. Derricks, masts, substructures, and related equipment shall be selected, installed, used, and maintained so as to be adequate for the potential loads and conditions of loading that may be encountered by the operations. The conditions affecting loading include but are not limited to: setback; wind; pulling and running tubular goods and subsurface equipment; and fishing, drilling, and jarring operations. Well-completion, workover, and well-servicing structures installed on fixed platforms after [Insert date Order is effective] shall comply with the specifications as set forth in API Spec 4E which is incorporated by reference.

In the Alaska and Atlantic OCS Regions, add the word "icing" to conditions affecting loading in the introductory paragraph of Subparagraph 3.2, "Well-Completion and Workover Structures on Fixed OCS Facilities."

The lessee shall certify to the District Supervisor that the designs for the structures to be installed were approved by registered professional engineers. After these structures are installed, the lessee shall submit to the District Supervisor a statement certifying that the new installations conform to the approved designs or the lessee shall request approoval of the "As-Built" changes. All information shall be submitted for approval on or as part of Form MMS-331, "Sundry Notices and Reports on Wells."

3.3 *Zone Separation.* Multiple completion in the same well bore shall be isolated for each reservoir unless well bore reservoir commingling has been approved in accordance with OCS Order No. 11.

3.4 *Packer Requirements.* All tubing completions on wells which are capable of flowing shall be completed with the tubing-casting annulus packed off above the uppermost open-casing perforations.

3.5 *Through Flowline (TFL) Pump-Down Systems.* New TFL systems installed after [Insert date 1 year after the effective date of this Order] shall conform to the guidelines and procedures for the design, fabrication, and operation of TFL systems in "API Recommended Practices on Through Flowline (TFL) Pump Down Systems," API RP 6G, which is incorporated by reference. Operations on existing wells which use a TFL system shall conform to the guidelines in API RP 6G which is incorporated by reference pertaining to pressure control and to the safe handling of fluids.

3.6 *Traveling-Block Safety.* Before [Insert date 6 months after the effective date of this Order], all rigs used for well-completion and workover operations except those which handle single joints only shall be equipped with a safety device which will prevent the traveling block from striking the crown block. The device shall be checked for proper operation daily and after each drill-line slipping operation. The results of the operational check shall be entered in the driller's log.

3.7 *Well Control.* Well-control fluids, equipment, and procedures adequate to control the well shall be designed, utilized, and tested.

In the Alaska OCS Region, add the following as the second sentence of Subparagraph 3.7, "Well Control":

Well-control fluids shall be designed to operate satisfactorily in permafrost zones.

3.7.1. *Well-Control Equipment.* The following well-control equipment is required:

a. Monitoring equipment with derrick floor indicators for use when returns are established and for use throughout subsequent operations.

b. Recording pit-level indicator with both a visual- and an audio-warning device for use in determining pit-volume and losses.

c. Fluid-volume measuring device for use in accurately determining fluid volumes required to fill the hole on trips.

3.7.2. *Well-Control Operations.* Well-control operations shall comply with the following:

a. The fluid-level status of the hole shall be continuously monitored visually or otherwise during all well-completion and workover operations where there is communication between the well bore and a permeable formation. Sufficient quantities of well-control fluids shall be maintained readily accessible at all times for use to assure well control.

b. If the well will not support a full column of fluid, fluid loss shall be controlled by the use of fluid-loss control agents or loss-circulation materials. If the fluid loss cannot be controlled or stopped, then the fluid level shall be continously monitored, and an overbalance towards the formation shall be maintained by adding fluid as required.

c. When drilling mud is used, mud-testing equipment shall be maintained on the rig at all times. Mud tests shall be performed once each tour or more frequently as conditions warrant in accordance with procedures outlined in "API" Recommended Practice for Standard Procedure for Testing Drilling Fluids," API RP 13B, which is incorporated by reference. The results of the tests shall be recorded and maintained at the well site or nearest offshore field office for at least 1 year.

d. When pulling drill pipe or tubing out of the hole, the well shall be continuously hydrostatically controlled with well-control fluids. The fluid level in the annulus shall be controlled by adding well-control fluid before the change in fluid level decreases the hydrostatic pressure 75 pounds per square inch (psi) (517 kilopascal (kPa)) or every five stands, whichever gives a lower decrease in hydrostatic pressure. The number of stands that may be pulled prior to adding well-control fluid and the equivalent well-control fluid volume shall be calculated and posted.

e. When running tubing(s) or drill pipe into the hole, fluid-displacement volumes shall be monitored in order to timely detect and control well flow.

f. The well shall be continuously monitored during well-completion or workover operations and shall not be

left unattended at any time unless shut in with assurance of complete well control.

3.8 *Circulating and Unloading Operations.* Operations which involve circulating out, unloading, or cleaning up a well shall use piping, vessels, and other control equipment which are adequate to safely contain, handle, and dispose of any flammable, hazardous, or polluting material. Well flowlines shall be properly secured and capable of withstanding the pressure to which they may be expected to be subjected.

Flammable liquids having a flash point below 100° F (37.8° C), including diesel oil, condensate, and crude oil, shall not be placed in vessels having open tops.

3.9 *Pumping Operations.* Prior to pumping operations, the flow-line from the pumping unit to the well connection shall be properly secured and pressure tested to the maximum anticipated pressure. Appropriate high-pressure shut-off, check, and bleed valves shall be installed as a part of the pump manifolding to permit disconnection of the pump if needed. Well fluids and gases returning from the well during pumping operations shall be safely handled and properly contained.

3.10 *Well Protection.* The movement of well-completion or workover rigs and related equipment on and off an offshore facility or from well to well on the same offshore facility, including rigging up and rigging down, shall be conducted during daylight hours whenever practical.

Prior to moving operations, all wells which are capable of producing and which may be damaged during the moving operations shall be shut in and equipped with a pump-through-type tubing plug and a back-pressure valve. A surface-controlled subsurface safety valve (SSSV) of the pump-through type may be used in lieu of the pump-through-type tubing plug, provided the surface control has been rendered inoperative. The well(s) to be serviced shall be equipped with a tubing plug (of the pump-through- or positive-type) and a back-pressure valve prior to and during moving operations, and such plug and valve shall be in place while removing the tree and installing and testing the blowout preventer stack. A surface-controlled SSSV of the pump-through type may be used in lieu of the tubing plug, provided the surface control has been rendered inoperative.

3.11 *Emergency Shutdown (ESD) System.* When well-completion or workover operations (other than wireline operations conducted as routine operations) are conducted on platforms which are unmanned except for well-completion or workover crews, an ESD manual-control station shall be installed within a radius of 10 feet of the driller's or well-servicing unit operator's work station and shall be connected to the platform ESD system.

3.12 *Welding and Burning Practices and Procedures.* The lessee shall comply with the "Welding and Burning Practices and Procedures" of OCS Order No. 5, "Production Safety Systems."

3.13 *Hydrogen Sulfide.* In the event that a well-completion or workover operation is to be conducted on a well where there is communication with a hydrogen sulfide-bearing zone, the operator shall comply with:

a. "API Recommended Practices for Conducting Oil and Gas Production Operations Involving Hydrogen Sulfide," API RP 55, Section 6, Paragraph 6.6 "Well Service Precautions," and Paragraph 6.7, "Abandonments; Section 8, "Guidelines for the Evaluation and Selection of Continuous Hydrogen Sulfide Monitoring Equipment"; and Section 8, "Offshore Operations," all of which are incorporated by reference; and

b. Specific requirements of MMS OCS Standard "Safety Requirements for Drilling Operations in a Hydrogen Sulfide Environment," MMSS–OCS–1 (formerly GSS–OCS–1), which is incorporated by reference, as specified by the District Supervisor.

4. *Form Submittal Requirements.*

4.1 *Form MMS–331, "Sundry Notices and Reports on Wells."*

4.1.1 *Request for Approval.* Operations other than "Routine Operations" as defined in Paragraph 2, *Definitions,* of this Order shall not be performed until they have een approved by the District Supervisor of Form MMS-331. On a case-by-case basis, the District Supervisor may grant oral approval for an operation, provided a Form MMS-331 is submitted within 5 working days after such oral approval is granted. An original, two copies, and a "Public Information" copy of such form shall be submitted. The "Public Information" copy shall be completed in accordance with OCS Order No. 12, "Public Inspection of Records."

In the Pacific OCS Region, add the following as the third sentence of the introductory paragraph of Subparagraph 4.1.1, "Request for Approval":

Submittal of Form MMS–331 is not required for removal, repair, or replacement of submersible electric pumps.

The following information shall be submitted with Form MMS–331:

a. The name and top and bottom of all intervals proposed for completion or alternate completion;

b. A well schematic drawing showing the proposed zones and the completion equipment to be used;

c. A statement of the anticipated surface pressure including the calculations used to determine this pressure.

d. A schematic drawing showing the size, pressure rating, and the type (where applicable) of well-control equipment which includes the blow out preventer and related equipment required by Paragraph 6, *Blowout-Prevention Equipment requirements;* a description of the well-control fluid; and the information required by Subparagraph 6.1, *General Requirements,* and Subparagraph 6.2.3, *BOP Systems Used for Well-Completion or Major Workover Operations,* of this Order;

e. A statement certifying that complete, accurate, and current information on the relevant surface and subsurface equipment, service tools, well and rservoir characteristics, and well condition are documented and available to operating personnel before and during operations;

f. The job title of the designated person-in-charge of the operation;

g. For recompletions, the last producing rate and the reasons for zone abandonment;

h. For multiple completions, a partial electric log showing the zones proposed for completion; and

i. A description of the safety precautions to be implemented to perform well-completion or workover operations where there is communication with a hydrogen sulfide-bearing zone.

4.1.2 *Subsequent Report.* Not later than 30 days after completion of a workover, Form MMS–331 shall be submitted for approval to the District Supervisor. An original, two copies, and a "Public Information" copy of such form shall be submitted. The "Public Information" copy shall be completed in accordance with OCS Order No. 12, "Public Inspection of Records."
The following information shall be submitted with Form MMS–331:

a. A well schematic drawing including tubing details;
and

b. Results of well tests subseqent to workover.

4.2 *Form MMS–330, "Well-Completion or Recompletion Report and Log."* Not later than 30 days after initial well completion or recompletion, Form MMS–330 shall be submitted to the District Supervisor. All drill-stem tests shall be reported on the form under Item 35, "Summary of Porous Zones," and in

accordance with 30 CFR 250.95, "Well completion or recompletion report and log." An original, one copy, and a "Public Information" copy of such form shall be submitted. The "Public Information" copy shall be completed in accordance with OCS Order No. 12, "Public Inspection of Records."

The following information shall be submitted with Form MMS–330:

a. A well schematic drawing including tubing details for initial completions; and

b. The type, the name of the manufacturer, and installation depth of the subsurface safety device.

4.3 *Form MMS–331 C, "Application for Permit to Drill, Deepen, or Plug Back."* If a well-completion or workover operation requires a well to be drilled below the deepest casing shoe or sidetracked outside of the casing, the drilling and casing installation portion of the operation is classified as a drilling operation, and the drilling and casing installation portion of the operation shall be conducted in accordance with the requirements of OCS Order No. 2, "Drilling Operations." The lessee shall obtain the approval of the District Supervisor on Form MMS–331 C prior to commencing the drilling operation. An original, two copies, and a "Public Information" copy of such form shall be submitted. The "Public Information" copy shall be completed in accordance with OCS Order No. 12, "Public Inspection of Records."

5. *Drill-Stem Test (DST) Operations.*

5.1 *Drill-Stem Testing Operations Utilizing Surface or subsea Blowout Preventer (BOP) Stacks.* All drill-stem test operations shall comply with the following requirements:

a. The DST tools, test string, control head, BOP's wellhead, and surface test equipment and lines shall be selected, tested, and used to safely manipulate the test string and control the anticipated pressures to be encountered during the testing operations. The DST shall be conducted in a manner which will safely contain, handle, and dispose of all flammable, hazardous, or polluting material. Casing pressure shall be monitored for communication throughout the operations. Flowlines and flare lines shall be securely anchored during testing operations and installed to permit flaring in the downwind direction. Overhead flare lines in derricks shall not be used because of the danger of separator carryover and potential fire hazards. All surface-control equipment shall have a working-pressure rating greater than the anticipated surface pressure.

b. Engines and electrical equipment which constitute potential hazards shall be shut down or equipped to prevent accidental ignition during testing operations.

c. Drill pipe shall not be used if the anticipated test-string surface pressures exceed 3,000 psi (20,685 kPa).

d. When the anticipated surface pressure exceeds 1000 psi (6895 kPa), the DST tool (valve) shall be initially opened to flow during daylight hours. Following the test, any produced fluids remaining in the well shall be reversed or circulated out and disposed of safely without polluting. Test fluids shall be reversed out during daylight hours unless necessary for well-control operations.

In the Alaska OCS Region, item d. of Subparagraph 5.1 Drill-Stem Testing Operations Utilizing Surface or Subsea Blowout Preventer (BOP) Stacks, is replaced with the following:

d. The DST tool (valve) may be opened during the hours of darkness provided the drill site is adequately lighted. Following the test, any produced fluids remaining in the well shall be reversed or circulated out and disposed of safely without polluting. Test fluids may be reversed out during the hours of darkness if the drill site is adequately lighted or if necessary for well-control.

e. During removal of the test string from the hole, the fill-up volume shall be monitored to detect and control possible well flow. DST packers shall be set only inside casing unless the District Supervisor approves the setting of packers in a competent formation.

5.2 *Drill-Stem Testing Operations Utilizing a Subsea BOP Stack.*

In addition to the requirements of Subparagraph 5.1, *Drill-Stem Testing Operations Utilizing Surface or Subsea Blowout Preventer (BOP) Stacks,* of this Order, a drill-stem test conducted with a subsea BOP stack shall also conform to the following requirements:

a. The subsea test tree (SSTT) shall be designed to land either in the subsea wellhead or in the BOP stack to provide as means of closing in the well at the ocean floor. A safe shut-in and disconnect feature shall be installed to allow the drill vessel to disconnect from the subsea assembly.

b. The SSTT shall include remotely controlled dual fail-safe valves. Two primary stations and one remote emergency shut-down station shall be provided.

c. The subsea BOP stack shall be equipped with at least two sets of rams the same size as the test string or drill stem.

d. Two reverse-circulating tools (primary or backup) shall be used in all DST's so that communication may be assured between the test string and the annulus.

6. *Blowout-Prevention Equipment Requirements.*

6.1 *General Requirements.* BOP's and related well-control equipment shall be installed, used, maintained, and tested in a manner necessary to assure well control. The working pressure of each BOP shall equal or exceed surface pressure to which it may be subjected, except that the working pressure of the annular preventer need not exceed 5,000 psi (34,475 kPa) unless a higher working pressure is required by the District Supervisor. When the anticipated surface pressure exceeds the rated working pressure of the annular preventer, the lessee shall submit with Form MMS–331, "Sundry Notices and Reports on Wells," a well-control procedure which indicates how the annular preventer will be utilized and the pressure limitations which will be applied during each mode of pressure control.

6.2 *BOP Stack Components.*

6.2.1 *Well-Completion Operations.* Wells which do not have trees installed shall meet the minimum BOP component requirements as set forth below prior to starting well-completion operations.

6.2.1.1 *Subsea BOP Stacks.* The minimum subsea BOP stack shall consist of—

a. One annular preventer;

b. Two sets of pipe rams. When a tapered work string is in use, the BOP stack shall be equipped with one of the following pipe-ram configurations:

(1) Two sets of pipe rams for the larger size string and one set for the smaller size string of pipe;

(2) Two sets of pipe rams for the larger size string and one set of variable-bore pipe rams to fit both sizes of pipe;

(3) Two sets of variable-bore pipe rams to fit both sizes of pipe;

(4) One set of pipe rams for the larger size string and one set of variable-bore pipe rams to fit both sizes of pipe; or

(5) One set of pipe rams for the larger size string, one set of pipe rams for the smaller pipe, and one set of variable-bore pipe rams to fit both sizes of pipe; and

c. One set of blind-shear rams.

6.2.1.2 *Surface BOP Stacks.* The minimum surface BOP stack shall consist of—

a. One annular preventer;

b. Two sets of pipe rams. When a tapered work string is in use, the BOP stack shall be equipped with one of the following pipe-ram configurations:

(1) Two sets of pipe rams for the larger size string and one set for the smaller size string of pipe;

(2) Two sets of pipe rams for the larger size string and one set of variable-bore pipe rams to fit both sizes of pipe;

(3) Two sets of variable-bore pipe rams to fit both sizes of pipe;

(4) Two sets of pipe rams for the larger size string. The blind-ram cavity shall be equipped with blind-shear rams, and the blind-ram actuator shall be converted to operate the blind-shear rams. A crossover sub and a sufficient length of larger size pipe to accommodate the larger pipe rams shall be readily available on the rig floor;

(5) One set of pipe rams for the larger size string and one set of variable-bore pipe rams to fit both sizes of pipe; or

(6) One set of pipe rams for the larger size string, one set of pipe rams for the smaller pipe, and one set of variable-bore pipe rams to fit both sizes of pipe; and

c. One set of blind rams.

6.2.2 *Major Workover Operations with the Tree Removed.* After removing the tree and prior to removing the tubing-casing annulus pack-off or tubing hanger, the minimum BOP components shall be as required by Subparagraphs 6.2.1.1, *Subsea BOP Stacks,* and 6.2.1.2, *Surface BOP Stacks,* of this Order.

6.2.3 *BOP Systems Used for Well-Completion or Major Workover Operations.* BOP systems used during well-completion operations or major workover operations shall be equipped with—

a. A hydraulic actuating system that provides sufficient accumulator capactiy to supply 1.5 times the volume necessary to close all BOP-equipment units with a minimum pressure of 200 psi (1,380 kPa) above the precharge pressure. An accumulator backup system supplied by a secondary power source independent from the primimary power source shall be provided with sufficient capacity to close all BOP's and hold them closed. Locking devices shall be provided on the ram-type preventers. The method of BOP actuation control such as hydraulic, acoustic, or other methods shall be described and included with Form 9–331, "Sundry Notice and Reports on Wells,";

b. At least one operable remote BOP control station, in addition to the one on the drilling floor. This control station shall be in a readily accessible location away from the drilling floor;

c. A drilling spool with side outlets if side outlets are not provided in the BOP body to provide for separate kill and choke lines;

d. A choke line, choke manifold, and a kill line equipped in accordance with "API Recommended Practices for Blowout Prevention Equipment Systems," API RP 53, Section 3–A, "Choke Manifolds—Surface Installations", Section 3–B, "Choke Manifolds—Subsea Installations"; Section 4–A, "Kill Lines—Surface Installations"; and Section 4–B, "Kill Lines—Subsea Installations," respectively, all of which are incorporated by reference;

e. A fill-up line above the uppermost preventer;

f. Valves, pipes, flexible steel hoses, and other fittings upstream of and including the choke manifold which shall have a pressure rating greater than the anticipated surface pressure; and

g. A wellhead assembly with a working pressure greater than the anticipated surface pressure to which it may be subjected.

6–2–4 *BOP Systems Used on Hydrogen Sulfide Wells.* In the event that a well-completion or major workover operation is to be conducted on a well where there is communication with a hydrogen sulfide-bearing zone, the BOP stack shall conform to—

a. "API Recommended Practices for Blowout Prevention Equipment Systems," API RP 53, Section 9–A, "Blowout Preventer Modifications for Hydrogen Sulfide Gas Environments—Surface Installations," and Section 9–B, "Blowout Preventer Modifications for Hydrogen Sulfide Gas Environments—Subsea Installations," all of which are incorporated by reference; and

b. "API Specification for Wellhead Equipment," API Spec 6A, Paragraph 1.4.3, "Bolt and Nut Material for API Flanges, Bonnets, Covers and Clamp Type Connectors to Resist Sulfide Stress Cracking—NACE Standard MR–01–75 Exposed Bolting"; Paragraph 1.4.6, "Materials to Resist Sulfide Stress Cracking"; and paragraph 1.4.9, "Bolt and Nut Material for API Flanges, Bonnets, Covers and Clamp Type Connectors to Resist Sulfide Stress Cracking for Low Temperature Application," all of which are incorporated by reference. BOP's manufactured prior to April 1978 which are not in compliance with NACE Standard, "Material Requirement, Sulfide Stress Cracking Resistant Metallic Material for Oil Field Equipment," MR–01–75, are acceptable for use in a hydrogen sulfide environment, provided the BOP's incorporate the manufacturer's own design considerations for hydrogen sulfide service. Proper identification of such BOP's shall be required before they are approved by hydrogen sulfide service.

6.2.5 *Minor Workover Operations with the Tree Installed.* Wells which have a tree installed shall meet the minimum BOP stack component requirements set forth below before starting minor workover operations.

6.2.5.1 *Small-Tubing Units.* The minimum BOP stack components for small-tubing units shall consist of—

a. Two sets of pipe rams; and

b. One set of blind rams.

6.2.5.2 *Coiled-Tubing Units.* The minimum BOP stack components for coliled-tubing units shall consist of—

a. One set of pipe rams, hydraulically operated;

b. One two-way slip assembly, hydraulically operated;

c. One pipe-cutter assembly, hydraulically operated;

d. One set of blind rams, hydraulically operated;

e. One pipe-stripper assembly; and

f. One spool with side outlets.

6.2.6 *Snubbing Operations.* The minimum BOP stack components shall consist of—

a. One set of pipe rams, hydraulically operated;

b. Two sets of stripper-type pipe rams, hydraulically operated, with spacer spool; and

c. One traveling and stationary snubber assembly, hydraulically operated.

For severe operations, the BOP stack components and flow-control components shall be suitable for the pressure, fluid-character, pumping, and pipe-movement demands to which the equipment may reasonably be expected to be subjected during operations. Upon intallation, pressure-control equipment shall be pressure tested at the anticipated surface pressure. Snubbing operations shall be performed only during daylight hours unless the operations are necessary for well control. The work string shall include a back-pressure device near or at the bottom of the work string and a landing nipple installed above the back-pressure device to receive a blanking plug or check valve.

6.2.7 *Stripping Operations.* Stripping drill pipe or tubing into or out of the hole under pressure without benefit of snubbing equipment may be performed under emergency conditions if movement of the pipe is controlled and well flow is not permitted. As a minimum, the BOP arrangement shall consist of an annular preventer and two ram-type preventers. The pipe being stripped shall be pressure isolated by having a back-pressure valve installed below the BOP's. A pressure gauge shall be installed on the casing so that upward thrust against the pipe weight can be determined. A spare rubber element for the annular preventer shall be available on the rig premises. When

going in the hole, the pipe shall be lubricated to minimize seal damage.

6.3. *Other Equipment.* An insider BOP and an essentially full-opening work-string safety valve shall be maintained on the rig floor in the open at all times while well-completion or workover operations are being conducted. These valves shall be of proper sizes to fit each connection in the work string. An essentially full-opening production-tubing safety valve shall be maintained on the rig floor in the open position at all times when running or pulling completion tubing(s).

A retrievable casing-plugging device to fit the smallest string of casing landed in the casing head shall be readily available at the worksite during operations.

The valves shall have a pressure rating exceeding the anticipated surface pressure and shall be designed to run through the BOP's. The safety valves shall be tested prior to commencing operations and actuated not less than once each week. The pressure tests and the actuations shall be recorded in the daily log.

6.4 *Testing BOP Systems.* Prior to conducting high-pressure tests, all BOP's shall be tested to a low pressure of 200 psi to 300 psi (1,379 kPa to 2,069 kPa). All BOP tests shall be recorded in the daily log.

6.4.1 *BOP Testing Frequency.* Surface and subsea BOP stacks shall be tested—

a. When installed;

b. At least once each week but not exceeding 7 days between tests, alternating between control stations. If either control system is not functional, further operations shall be suspended until that system is operable, except that the weekly test is not required for blind and blind-shear rams. The blind and blind-shear rams shall be tested at least once every 30 days during operation. A longer period between BOP test is allowed when well operations prevent testing and remedial efforts are being performed, provided the tests will be conducted as soon as possible before normal operations resume and the reason for postponing testing is entered into the daily log. Well operations which prevent testing are stuck pipe and pressure-control operations. Testing shall be at staggered intervals to allow each crew to operate the equipment; and

c. Following repairs that require disconnecting a pressure seal in the assembly.

6.4.2 *Pressure Testing Surface BOP Systems.* Ram-type BOP's and related control equipment including the choke and kill manifolds shall be tested at their rated working pressure or at 70 percent of the minimum internal yield pressure of the casing. The annular-type BOP shall be tested at 70 percent of its rated working pressure or 70 percent of the minimum internal yield pressure of the casing. Each valve in the choke and kill manifolds shall be sequentially pressure tested to the BOP test pressure determined above.

6.4.3 *Pressure Testing Subsea BOP Systems.* Subsea BOP's and all related well-control equipment shall be stump-tested at the surface with water to the anticipated surface pressure, except that the annular-type BOP shall not be tested above 70 percent of its rated working pressure. After the installation of the BOP stack on the sea floor, the control equipment and pipe rams conforming to the work string within the stack shall be tested as required under Subparagraph 6.4.2, *Pressure Testing Surface BOP Systems,* of this Order.

6.4.4 *Actuation of Auxiliary Well-Control Equipment.* In conjunction with the weekly pressure test of surface and subsea BOP systems, auxiliary well-control equipment and other valves not actuated during the weekly pressure test such as kelly cocks and work string safety valves, shall be actuated.

6.5 *Inspection and Maintenance.* All BOP systems, marine risers, and associated equipment shall be inspected and maintained to assure that the equipment will function properly. The manufacturers' recommended inspection and maintenance procedures are acceptable as guidelines in complying with this requirement. The BOP systems and marine risers shall be visually inspected at least once each day if the weather and sea conditions permit the inspection. Inspection of subsea installations may be accomplished by the use of television equipment.

6.6 *BOP Drills.* All personnel engaged in the well-completion or workover operations shall be instructed in BOP drills and be familiar with the BOP equipment before starting work on the well.

A weekly BOP drill shall be conducted for each crew in accordance with the well-control drill requirements as set forth in MMS OCS Standard "Training and Qualification of Personnel in Well-Control Equipment and Techniques for Drilling on Offshore Locations," MMSS–OCS–T 1, Section 4, "Well-Control Drills," which is incorporated by reference with the following modifications:

a. All references to "drilling" shall be read as "operations", and references to "driller's log" shall be read as "operator's log";

b. All references to "toolpusher" shall be read as "person-in-charge";

c. All references to "drill pipe" shall be read as "work string";

d. All references to "kelly and tool joint" or to "tool joint" shall be read as "pipe joint";

e. All references to "mud" shall be read as "well-control fluid"; and

f. The requirement for a diverter drill is not applicable.

A BOP drill may be required by an MMS-designated representative at any time during the well-completion or workover operation after notifying and consulting with the lessee's senior representative present.

6.7 *Records.* All BOP tests, crew drills, and actuations shall be recorded in the daily log.

7. *Wireline Operations.*

7.1 *General Requirements.* Wireline stuffing-box seals shall be monitored and maintained during wireline operations, and the packing elements shall be replaced when necessary to assure a proper seal under pressure conditions. During operations under pressure, fluids shall not be allowed to flow through the wireline stuffing box other than minor leakage necessary to permit free movement of the wireline. Minor leakage from stuffing-box assemblies shall be collected and contained to prevent pollution.

When operations are temporarily suspended, the well shall be monitored or completely shut in until operations resume. When a manually operated valve or valves are used to shut in a well, complete closure of the valve shall be verified by counting the revolutions of the valve handle or other positive physical indications of the valve-gate position. When an automatic surface safety valve is used to shut in a well, complete closure of the valve shall be verified by observation of the position of the actuator stem. Wireline operations during hours of darkness shall be performed with proper lighting, equipment, and manpower.

7.2 *Wireline-Lubricator Assemblies.* Lubricator assemblies shall be pressure tested to their rated test pressure at least annually. The test date and test pressure shall be indicated on a metal band attached to the lubricator assembly.

When installed on the wellhead, all lubricator assemblies shall be pressure tested to the shut-in surface pressure by an external pressure source. The lubricator assembly shall be of sufficient length to house perforating assemblies or wireline tools above the master valve or blind rams. When the length of wireline tools or perforating assembly prohibits the use of a lubricator of sufficient length to accommodate the

tools, the stuffing box and wireline BOP's shall be used to safely retrieve the wireline tools at the surface with a minimum loss of well-control fluid.

7.3 *Lubricator-Assembly Requirements for Operations.* All wireline perforating operations and all other wireline operations where communication exists between the completed hydrocarbon-bearing zone(s) and the well bore shall use a lubricator assembly.

All wireline operations where communication does not exist between the hydrocarbon-bearing zone(s) and the well bore and those open-hole jogging operations for completion shall maintain well control by the use of well-control fluid and a BOP stack.

7.4 *Perforating, Explosive Material, and Hazardous-Radioactive-Material Operations.* All personnel not directly associated with services which use perforating guns, explosive devices, or hazardous radioactive materials shall vacate the rig floor and substructure prior to device arming, entry, and retrieval from the well bore.

The lessee shall require service company personnel to verify that all explosive device systems, wireline units, and BOP stack systems are grounded to the basic rig structure and that no unsafe electrical potentials exist.

If explosive devices are handled or used prior to or during wireline operations, radio silence shall be observed by all units.

7.5 *Swabbing Operations.* The swabbing of wells shall be performed with a complete lubricator assembly. Flow rates shall be controlled by the use of choke restrictions in the lubricator flowline.

8. *Tubing and Wellhead Requirements.*

8.1 *Tubing Requirements.* No tubing string shall be placed into service unless a determination has been made that the string has the necessary strength and pressure integrity and is otherwise suitable for its intended use. The determination may be based on the results of pressure tests, mechanical or electronic inspections, and torque-turn makeup techniques. The determination methods shall be recorded in the daily log and shall be available to authorized MMS representatives. Only new tubing or used tubing which has been pressure tested and determined to be suitable for existing conditions shall be installed in wells where significant corrosive conditions exists. Plastic coating shall be compatible with the temperatures and well fluids to be encountered.

8.2 *Wellhead Pressure Control.* Wellhead and tree-equipment components, pressure seals, and assemblies shall be designed, installed, tested, inspected, and maintained so as to assure continuous wellhead-pressure control over the life of the well and during any operations perfomed on the well.

8.2.1 *Wellhead, Tree, and Subsurface Safety Equipment.* Wellhead and tree equipment installed on new wells completed after (Insert date 1 year after the effective date of this Order) shall meet or exceed the specifications and test procedures as set forth in the edition of "API Specification for Wellhead Equipment," API Spec 6A, which was incorporated by reference at the time of installation of the wellhead or tree equipment. The API monogram is not required.

New Wells completed as flowing or gas-lift wells after (Insert date 1 year from effective date of this Order) shall be equipped with a minimum of one master valve, one surface safety valve (SSV), and one swab valve in the vertical run of the tree. The SSV shall be the second valve in the vertical flowstream from the well bore. The SSV and the (SSSV) installed or replaced during well-completion or workover operations shall conform to OCS Order No. 5, "Production Safety System," paragraphs entitled *Quality Assurance and Performance of Safety and Pollution-Prevention Equipment* and *Subsurface Safety Equipment* and Subparagraph entitled *Specification for Wellhead Surface Safety Valve.*

Other wellhead or tree-equipment components removed during a major workover and which are to be reinstalled as cooperating elements with unremoved components shall meet or exceed the original specifications and pressure ratings of the unremoved components.

Welhead or tree-equipment repaired or reconditioned in a shop shall be "in-shop" tested in accordance with Section 1.6 "Hydrostatic In-Plant Testing," of API Spec 6A which is incorporated by reference and field tested in accordance with Appendix F, "Recommended Procedure for Field Hydrostatic Testing of Wellhead and Drilling Through Equipment," of API Spec 6A which is incorporated by reference. Equipment repaired in the field shall be tested in accordance with Appendix F of API Spec 6A which is incorporated by reference prior to being returned to service. Valves in an assembly shall be tested for closure individiually and in sequence.

Equipment shall not be downrated from its original working-or test-pressure rating.

Documentation on repair work and on all "in-shop" and filed pressure tests shall be kept on the platform or nearest offshore field office and made available to authorized MMS representatives for a period of 1 year following instatllation on the well.

8.2.2 *Access to Annulus.*

8.2.2.1 *Surface Wellhead.* After (Insert the effective date of this Order), new wells completed and wells on which a major workover is performed shall be equipped with connections and valves to permit fluid to be pumped into each annulus between the surface casing and the tubing unless the annulus is cemented to the ocean floor.

8.2.2.2 *Subsea Wellhead.* After (Insert the Effective date of this Order), New Wells Completed and wells on which a major workover is performed shall provide connections and valves to permit fluid to be pumped between the tubing and production-casing annulus. Access to any other annulus is not required if a unitized wellhead system with a working-pressure rating greater than the anticipated surface pressure is installed.

9. Safety.

9.1 *Safety Meetings.* A safety meeting shall be held for each crew before operations commence and weekly thereafter until operations are completed. Instructions at safety meetings shall provide guidance and information on safety aspects of the particular operations to be performed, possible hazards to be encountered, and general safety considerations of personnel, equipment, and environment. Records of safety considerations of prsonnel, equipment, and environment. Records of safety meetings including subjects of discussions and names of personnnel in attendance shall be maintained on the well completion or workover facility. API bulletin "Employee Motivation Programs for Safety and prevention of Pollution in Offshore Operations," API Bul. T-5, which is incorporated by reference, shall be used as a guide in developing employee safety and pollution-prevention motivation programs.

9.2 *Hazard Materials.* All personnel handling hazardous materials shall be instructed in the proper safety precautions and shall be advised of the health, flammability, and reactivity hazards of these materials. Hazardous materials include radioactive substances, fuels, flammable or explosive materials, toxic or corrosive chemicals, bottled gas, and associated materials.

9.3 *Good Housekeeping.* The rig floor and adjoining areas shall be maintained free of debris, rubbish, and tools not in use. Debris, well fluids, and well-control

fluids containing pollutants shall be collected and contained to prevent pollution.

10. *Departures.* All departures from the requirements specified in this Order shall be subject to approval pursuant to 30 CFR 250.11(b).

Regional Supervisor, Offshore Field Operations.

Approved:

Associate Director for Offshore Minerals Management.

[FR Doc. 83-20063 Filed 7-26-83; 8:45 am]

BILLING CODE 4310-MR3-M

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 934

Permanent State Regulatory Program of North Dakota; Consideration of Modification of Deadline

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Proposed rule.

SUMMARY: OSM is considering modifying the deadline for North Dakota to meet one of the conditions of approval of its State permanent regulatory program under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). Based on a request of the State, the Secretary is proposing to extend the deadline for the State to resolve condition "f" until October 1, 1983. Condition "f" concerns the State's program provisions governing coal exploration activities.

DATE: Comments must be received by August 26, 1983, at the address below, no later than 5:00 p.m.

ADDRESS: Written comments must be mailed or hand-delivered to Mr. William Thomas, Field Office Director, Office of Surface Mining Reclamation and Enforcement, Freden Building, P.O. Box 1420, Mills, Wyoming 82644.

FOR FURTHER INFORMATION CONTACT: Mr. Arthur Abbs, Chief, Division of State Program Assistance, Office of Surface Mining, 1951 Constitution Avenue, NW., Washington, D.C. 20240. Telephone (202) 343-5351.

SUPPLEMENTARY INFORMATION: The North Dakota program was conditionally approved under SMCRA on December 15, 1980 (45 FR 82241-82248). The Secretary's approval was conditioned on the State's correction of 13 minor deficiencies in its program by July 1, 1981. That deadline was later extended, upon the State's request, to January 1, 1983 (46 FR 54070-54071).

On July 30, 1982, North Dakota submitted proposed statutory and regulatory program changes for OSM's approval. The proposed amendments included modifications of Section 38-12.1-03 of the North Dakota Century Code (NDCC) which were intended to address condition "f" of the Secretary's approval of the State program.

Condition "f" stipulates that North Dakota must submit to the Secretary by January 1, 1983, copies of fully enacted regulations extending coverage of North Dakota's exploration program as defined in NDCC 38-12.1-03 to include "environmental data gathering operations."

Because OSM was contemplating changes to the Federal coal exploration regulations, the Secretary deferred making a decision on the adequacy of North Dakota's amendment in meeting condition "f" and extended the deadline for North Dakota to satisfy the condition until July 1, 1983 (48 FR 5902, February 9, 1983). At that time, OSM anticipated that final revisions to the Federal coal exploration regulations would be promulgated prior to July 1, 1983.

The Federal rule changes, however, have not yet been issued. Hence, by letter dated June 20, 1983, the North Dakota Public Service Commission requested a 90-day extension of the deadline to resolve condition "f". This would revise the deadline from July 1, 1983, to October 1, 1983. OSM expects final changes to the Federal coal exploration rules to be promulgated by October 1, 1983.

In accordance with the State's request, OSM is proposing to grant North Dakota an extension until October 1, 1983. Comment is solicited on this proposal.

Additional Determinations

1. *Compliance with the National Environmental Policy Act:* The Secretary has determined that, pursuant to Section 702(d) of SMCRA, 30 U.S.C. 292(d), no environmental impact statement need be prepared on this rulemaking.

2. *Executive Order No. 12291 and the Regulatory Flexibility Act:* On August 28, 1981, the Office of Management and Budget (OMB) granted OSM an exemption from Sections 3, 4, 7, and 8 of Executive Order 12291 for actions directly related to approval or conditional approval of State regulatory programs. Therefore, this action is exempt from preparation of a Regulatory Impact Analysis and regulatory review by OMB.

The Department of the Interior has determined that this rule would not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). This rule would not impose any new requirements; rather, it would ensure that existing requirements established by SMCRA and the Federal rules will be met by the State.

3. *Paperwork Reduction Act:* This rule does not contain information collection requirements which require approval by the Office of Management and Budget under 44 U.S.C. 3507.

List of Subjects in 30 CFR Part 942

Coal mining, Intergovernmental relations, Surface mining, Underground mining.

(Sec. 503, Pub. L. 95-87, 91 Stat. 407 (30 U.S.C. 1253))

Dated: July 22, 1983.

J. R. Harris,

Director, Office of Surface Mining.

[FR Doc. 83-20413 Filed 7-26-83; 8:45 am]

BILLING CODE 4310-05-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 162

[OPP-250042; PH-FRL 2405-3]

Regulations for the Enforcement of the Federal Insecticide, Fungicide, and Rodenticide Act; Notification to the Secretary of Agriculture of a Proposed Regulation Classifying Certain Uses of Four Pesticide Active Ingredients for Restricted Use

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule related notice.

SUMMARY: Notice is given that the Administrator of EPA has forwarded to the Secretary of the U.S. Department of Agriculture a proposed regulation classifying the grain fumigant uses of carbon tetrachloride, chloroform, ethylene dichloride, and sulfur dioxide for restricted use. The restriction being imposed will limit the use of products containing the above active ingredients for grain fumigation to certified applicators or persons under their supervision. This action is required by section 25(a)(2)(A) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended.

FOR FURTHER INFORMATION CONTACT: By mail: Walter Waldrop, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection

Agency, 401 M St., SW., Washington, D.C. 20430.
Office location and telephone number: Rm. 1114C, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703–557–0592).

SUPPLEMENTARY INFORMATION: Section 25(a)(2)(A) of FIFRA provides that the Administrator shall provide the Secretary of Agriculture with a copy of any proposed regulation at least 60 days prior to signing it for publication in the **Federal Register**. If the Secretary comments in writing regarding the proposed regulation within 30 days after receiving it, the Administrator shall issue for publication in the **Federal Register**, with the proposed regulation, the comments of the Secretary, if requested by the Secretary, and the response of the Administrator concerning the Secretary's comments. If the Secretary does not comment in writing within 30 days after receiving the proposed regulation, the Administrator may sign the regulation for publication in the **Federal Register** anytime after the 30-day period.

As required by FIFRA section 25(a)(3), a copy of this proposed regulation has been forwarded to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate.

(Sec. 25, Pub. L. 92–516, 86 Stat. 973 as amended; (7 U.S.C. 136 et seq.))

Dated: June 20, 1983.

Edwin L. Johnson,

Director, Office of Pesticide Programs.

[FR Doc. 83-20290 Filed 7-26-83; 8:45 am]

BILLING CODE 6560-50-M

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40 CFR Part 180

[PP 3E2828, 3E2838/P303; PH-FRL 2402-4]

Certain Pesticide Chemicals; Proposed Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This document proposes that tolerances be established for residues of phosphine in or on all raw agricultural commodities. The proposed regulations to establish maximum permissible levels for residues of the fumigant phosphine in or on all raw agricultural commodities were requested in petitions submitted by the Interregional Research Project No. 4 (IR–4).

DATE: Comments must be received on or before August 26, 1983.

ADDRESS: Written comments to: Emergency Response and Minor Use Section, Registration Support and Emergency Response Branch, Registration Division (TS–767C), Environmental Protection Agency, Rm. 718B, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202.

FOR FURTHER INFORMATION CONTACT: Donald Stubbs (703–557–1192) at the above address.

SUPPLEMENTARY INFORMATION: The Interregional Research Project No. 4 (IR–4), New Jersey Agricultural Experiment Station, P.O. Box 231, Rutgers University, New Brunswick, NJ 08903, has submitted pesticide petitions 3E2828 and 3E2838 to EPA on behalf of the IR–4 Technical Committee and the Agricultural Experiment Station of California.

These petitions requested that the Administrator, pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act, propose the establishment of tolerances for residues of the fumigant phosphine at 0.01 part per million (ppm) in or on all raw agricultural commodities resulting from preharvest treatment of pest animal burrows in agricultural and noncropland areas with aluminum phosphide (PP 3E2828) or magnesium phosphide (PP 3E2838).

The data submitted in the petitions and other relevant material have been evaluated. The pesticides are considered useful for the purpose for which the tolerances are sought. Since aluminum phosphide and magnesium phosphide are not likely to come into direct contact with the crops, unreacted residues are not expected to result from the proposed use. In addition, phosphine gas liberated within the burrows is expected to dissipate within a short time and is also not likely to come into direct contact with any raw agricultural commodity. Residue data reflecting the proposed use pattern did not result in detectable residues of phosphine (<0.005 ppm), and there is no reasonable expectation of residues in meat, milk, poultry, and eggs.

The theoretical maximum residue contribution (TMRC) from established tolerances for phosphine for a 1.5 kg daily diet is calculated to be 0.0412 mg/day. The proposed tolerances will not increase the TMRC for phosphine since food additive tolerances have already been established for all processed food commodities at 0.01 ppm resulting from postharvest fumigation with aluminum phosphide or magnesium phosphide. (For purposes of calculating the TMRC, a food additive tolerance for all processed food commodities utilizes 100 percent of the daily diet.)

An acceptable daily intake level (ADI) has not been established since a no-observed-effect level for phosphine cannot be determined using conventional chronic feeding studies.

The nature of the residues is adequately understood and an adequate analytical method, colorimetric detector of phosphate, is available for enforcement purposes. There are presently no actions pending against the continued registration of these chemicals.

Based on the above information considered by the Agency, the tolerances established by amending 40 CFR 180.225 and 40 CFR 180.375 would protect the public health. It is proposed, therefore that the tolerances be established as set forth below.

Any person who has registered or submitted an application for registration of a pesticide, under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended, which contains any of the ingredients listed herein, may request within 30 days after publication of this notice in the **Federal Register** that this rulemaking proposal be referred to an Advisory Committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on the proposed regulations. Comments must bear a notation indicating the document control number [PP 3E2828, 3E2838/P303]. All written comments filed in response to this petition will be available in the Emergency Response and Minor Use Section, Registration Division, at the address given above from 8:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays.

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

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96–534, 94 Stat. 1164, 5 U.S.C. 601–612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

(Sec. 408(e), 68 Stat. 514 (21 U.S.C. 346a(e)))

List of Subjects in 40 CFR Part 180

Administrative practice and procedure, Agricultural commodities, Pesticides and pests.

Dated: July 13, 1983.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

PART 180—[AMENDED]

Therefore, it is proposed that 40 CFR, Chapter I, be amended as follows:

1. Therefore, it is proposed that 40 CFR, Chapter I, be amended as follows:

1. In Part 180 by amending § 180.225 by designating the existing text as paragraph (a) and adding paragraph (b) to read as follows:

§ 180.225 Aluminum phosphide; tolerances for residues.

* * * * *

(b) Tolerances are established for residues of the fumigant phosphine in or on all raw agricultural commodities at 0.01 ppm resulting from preharvest treatment of pest burrows in agricultural and noncropland areas with aluminum phosphide.

2. In Part 180 by amending § 180.375 by designating the existing text as paragraph (a) and adding paragraph (b) to read as follows:

§ 180.375 Magnesium phosphide; tolerances for residues.

* * * * *

(b) Tolerances are established for residues of the fumigant phosphine in or on all raw agricultural commodities at 0.01 ppm resulting from preharvest treatment of pest burrows in agricultural and noncropland areas with magnesium phosphide.

[FR Doc. 83-19720 Filed 7-26-83; 8:45 am]
BILLING CODE 6560-50-M

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40 CFR Part 467

[OW-FRL-2404-3]

Aluminum Forming Point Source Category Effluent Limitations Guidelines, Pretreatment Standards, and New Source Performance Standards

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of Data Availability and Request for Comment.

SUMMARY: EPA has obtained additional data and information to support comments made on the proposed aluminum forming effluent limitations guidelines, pretreatment standards and new source performance standards under the authority of the Federal Water Pollution Control Act. EPA is making these data and information available for public inspection and comment.

DATE: Comments on this data must be submitted by August 11, 1983.

ADDRESSES: Send comments to Ms. Janet K. Goodwin, Effluent Guidelines Division (WH-552), Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460. Attention: EGD Docket Clerk. The supporting information and data described in this notice are available for inspection and copying at the EPA Public Information Reference Unit, Room 2404 (Rear) PM-213. The comments will be made available for public inspection as they are received at the above location. The EPA public information regulation (40 CFR Part 2) provides that a reasonable fee may be charged for copying.

FOR FURTHER INFORMATION CONTACT: Technical information may be obtained from Ernst P. Hall, at (202) 382-7126.

SUPPLEMENTARY INFORMATION: The EPA proposed effluent limitations guidelines, pretreatment standards, and new source performance standards for the aluminum forming point source category on November 22, 1982 (47 FR 52626). The comment period closed on February 8, 1983. EPA received over 900 individual comments on this proposal from 23 different commenters.

After considering the nature and content of the comments, the Agency decided to collect additional information to fill certain data gaps and clarify comments. Engineering visits were made to six aluminum forming plants to determine the flow characteristics of ten wastewater streams (sawing spent lubricant, roll grinding spent lubricant, die cleaning baths, extrusion press hydraulic leakage, detergent cleaning baths and rinses, anodizing baths and rinses, and dye baths and rinses). Additionally, we collected samples for chemical analysis at five of these plants to determine the nature of the above wastewater streams and the effectiveness of end-of-pipe treatment in removing pollutants, primarily aluminum. In addition to the wastewater streams listed above, we sampled a variety of process wastewaters to characterize treatment effectiveness.

Under authority of Section 308 of the Federal Water Pollution Control Act we requested specific additional information and data from 13 commenters to clarify and support their individual comments. The comments for which data and information were requested related primarily to wastewater sources not specifically considered by the proposed regulation, space limitations and retrofit problems involved with the installation of two-stage countercurrent rinsing, and the classification and disposal costs of solid wastes generated by wastewater treatment. Responses have been received from all of the 13 commenters. Copies of the requests for information and the responses are available for public inspection in the EPA Public Information Reference Unit.

As an indication of the effectiveness of existing treatment systems, we collected discharge monitoring report (DMR) data from state or EPA Regional offices for direct dischargers. DMR data are self monitoring data supplied by pemit holders to meet state or EPA permit requirements. These data were available from 30 aluminum forming plants; however, the data varied widely in character and nature because of the dissimilar nature of the monitoring and reporting requirements placed on aluminum forming plants by the NPDES permit issuing authority.

The following information is being placed in the public record for this rulemaking: trip reports from six visited plants; chemical analysis data from five sampled plants; requests for additional data to support comments and the added data and responses received from twelve companies and the Aluminum Association; and DMR data from 30 direct dischargers.

Our preliminary analysis of the new data and information indicates the following:

(a) The new data appear to support a regulatory flow allowance for extrusion hydraulic press leakage; BPT, BAT and PSES flows will be based on current discharges and NSPS and PSNS flows will be based on model treatment technology and in-process controls designed to collect and recirculate hydraulic fluids. The regulatory flow for this wastewater stream will be derived from the data noticed today.

Dye solution baths and seal baths, when followed by a rinse, would be regulated as cleaning or etching baths for which a BPT discharge allowance was proposed. When these baths are not followed by a rinse, bath dumps would be included in miscellaneous nondescript wastewater sources.

(b) The data supplied in response to the follow-up requests do not appear to support inclusion of nonaluminum forming process wastewater streams such as storm water runoff, boiler blowdown, noncontact cooling water or

cooling tower blowdown, deionizer and water softener regeneration water and vulcanizing and plastic wastewaters in the aluminum forming regulation.

(c) The data collected do not appear to support separate discharge allowances for miscellaneous maintenance and cleanup wastewaters; ultrasonic testing bath wastewater; roll grinding for sheet and rod casting; and dye solution baths and seal baths when not followed by a rinse. However, some increase in the miscellaneous nondescript wastewater allowance may be appropriate.

(d) The data do not appear to support revision of the proposed regulatory flows for rolling with emulsions, degreasing, homogenizing, stationary casting, direct chill casting, solution heat treatment, drawing with emulsions or soaps, continuous rod casting (contact cooling water and lubricant), and continuous sheet casting (lubricant) that are claimed to be inadequate.

(e) The data and plant visits do not appear to support the comments that space limitations and retrofit difficulties preclude the installation of countercurrent cascade rinsing at most existing facilities.

(f) New data appear to support our original finding that wastewater sludges from this category are not likely to be hazardous when tested using the RCRA EP toxicity test (40 CFR 261.24). New data indicate that chromating sludges from aluminum forming plants have been delisted in accordance with 40 CFR Part 261.

(g) New data on the treatability of aluminum wastewater using lime and settle technology generally support the treatment effectiveness used to calculate the proposed limits and standards.

Additional data on costs of solid waste disposal have been collected and are included in the information being made available for public inspection and comment.

Copies of these data are available for public inspection in the EPA Public Information Reference Unit. Comments are solicited on the new data and also on the preliminary analysis outlined above. Comments on these new data and on the preliminary analysis must be received by EPA on or before August 11, 1983 to ensure their consideration.

Dated: July 20, 1983.

Rebecca W. Hanmer,

Acting Assistant Administrator for Water.

[FR Doc. 83-20233 Filed 7-26-83; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR PART 67

[Docket No. FEMA-6545]

National Flood Insurance Program; Proposed Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed modified base (100-year) flood elevations shown on your community's preliminary Revised Flood Insurance Rate Map. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP). The proposed base flood elevation modify the base flood elevation shown on your community's presently effective Flood Insurance Rate Map.

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in each community.

ADDRESSES: See table below.

FOR FURTHER INFORMATION CONTACT: Dr. Brian R. Mrazik, Chief, Engineering Branch, Natural Hazards Division, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287-0230.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency gives notice of the proposed determination of modified base (100-year) flood elevations, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 44 CFR 67.4 (a).

These elevations, together with the flood plain management measures required by § 60.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

Pursuant to the provisions of 5 U.S.C. 605 (b), the Associate Director, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that the proposed flood elevation determinations, if promulgated, will not have a significant economic impact on a substantial number of small entities. A flood elevation determination under Section 1363 forms the basis for the new local ordinances, which, if adopted by a local community, will govern future construction within the flood plain area. The elevation determinations, however, impose no restriction unless and until the local community voluntarily adopts flood plain ordinances in accord with these elevations. Even if ordinances are adopted in compliance with Federal standards, the elevations prescribe how high to build in the flood plain and do not proscribe development. Thus, this action forms the basis for future local actions. It imposes no new requirement; of itself it has no economic impact.

Proposed base flood elevations along flood sources studied in detail are shown on the Preliminary Revised Flood Insurance Rate Map. Lessees and owners of real property are encouraged to review these maps and related materials.

List of Subjects in 44 CFR Part 67.

Flood insurance, Administrative practice and procedures.

The proposed modified base flood elevations for selected locations are:

PROPOSED MODIFIED BASE FLOOD ELEVATIONS

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet	
				Existing	Modified
Texas	City of El Paso, El Paso County	Arroyo 1	Just upstream of Doniphan Road	*3,756	*3,755
			Just downstream of Interstate Highway 10 (Southbound).	*3,822	*3,825
			Just upstream of Interstate Highway 10 (Northbound)	*3,823	*3,825
		Arroyo 2	Just upstream of Mulberry Dam	*	*3,968
			Just upstream of East Frontage Road of Interstate Highway 10.	*3,814	*3,817
		Arroyo 3	Just upstream of Thorn Dam	*3,891	*3,885
			Just upstream of Doniphan Road	*3,750	*3,751
			Just downstream of West Frontage Road of Interstate Highway 10.	*3,798	*3,793
			Just upstream of East Frontage Road of Interstate Highway 10.	*3,814	*3,812
			Downstream of Mesa Dam	*	*3,845
			Upstream of Mesa Dam	*3,886	
			Just upstream of Vista Bonita Street	*	*3,939
			Just upstream of Westwind Drive	*	*4,145
			Just upstream of Los Robles Drive	*	4,196
		Arroyo 3A	Just downstream of Chappa Drive	*	*4,050
		Arroyo 3B	Just downstream of Buena Swerta Drive	*	*3,931
			Just upstream of Buena Swerta Drive	*	*3,959
			Just upstream of Villa Hermosa Drive	*	*4,008
		Arroyo 4	Just downstream of Mesa Street	*3,880	*3,880
			Just upstream of Mesa Street	*3,909	*3,8985
			Just downstream of El Puente Street	*4,014	*4,011
			Just upstream of El Puente Street	*4,046	*4,029
			Just upstream of West Wind Drive	*4,144	*4,148
		Arroyo 5	Just upstream of Keystone Dam	*	*3,766
			Just downstream of Mesa Street	*3,930	*3,928
			Just upstream of Mesa Street	*3,972	*3,975
		Arroyo 6	Just upstream of Oxidation Pond Dam	*	*3,852
			Downstream of US Highways 80 and 180 (Mesa Street).	*4,041	*4,037
			Upstream of US Highways 80 and 180 (Mesa Street)	*4,056	*4,066
		Arroyo 8A	Downstream of US Highways 80 and 180 (Mesa Street).	*4,060	*4,060
			Upstream of US Highways 80 and 180 (Mesa Street)	*4,076	4,096
			Just upstream of Indian Bluff Road	*4,164	*4,170
		Arroyo 8B	Just upstream of Sunland Park Drive	*3,735	*3,918
			Just upstream of US Highways 80 and 180 (Mesa Street).	*4,062	*4,067
			Just downstream of Shadow Mountain Road	*4,166	*4,165
			Just upstream of Shadow Mountain Road	*4,170	*4,181
		Arroyo 8C	Just downstream of Thunderbird Road	*4,382	*4,371
			Just upstream of Thunderbird Road	*4,382	*4,380
		Arroyo 8D	Approximately 320 feet above confluence with Arroyo 8A.	*	*4,230
		Flow Path #38	Just upstream of West Frontage Road of Interstate Highway 10.	*	*3,850
			Just upstream of East Frontage Road of Interstate Highway 10.	*	*3,865
		Flow Path #38A	Approximately 370 feet above the confluence with Flow Path #38.	*	3,920
		Flow Path #38B	Approximately 440 feet above the confluence with Flow Path #38.	*	*3,910
		Flow Path #39	Just downstream of West Frontage Road of Interstate Highway 10.	*	*3,832
			Just upstream of East Frontage Road of Interstate Highway 10.	*	*3,844
		Flow Path #39A	Just downstream of West Frontage Road of Interstate Highway 10.	*	*3,870
			Just upstream of East Frontage Road of Interstate Highway 10.	*	*3,885
		Flow Path #40	Just downstream of West Frontage Road of Interstate Highway 10.	*	*3,864
			Just upstream of East Frontage Road of Interstate Highway 10.	*	*3,877
			PJust upstream of Transmountain Road	*	*3,914
		Flow Path #41	Just downstreams of West Frontage Road of Interstate Highway 10.	*	*3,868
			Just upstream of East Frontage Road of Interstate Highway 10.	*	*3,886
		Flow Path #41A	Approximately 600 feet above confluence with Flow Path #41.	*	*3,965
		Flow Path #42	Just downstream of West Frontage Road of Interstate Highway 10.	*	*3,896
			Just upstream of East Frontage Road of Interstate Highway 10.	*	*3,908
		Flow Path #43	Just downstream of West Frontage Road of Interstate Highway 10.	*	*3,897
			Just upstream of East Frontage Road of Interstate Highway 10.	*	*3,910
		Flow Path #44	Just upstream of a Dirt Road	*	*4,137
		Flow Path #45	Just upstream of the East corporate limits	*	*4,017
		Flow Path #45A	Approximately 800 feet above confluence with Flow Path #45.	*	*4,274
		Flow Path #45B	Approximately 2,000 feet above confluence with Flow Path #45.	+	*4,071

PROPOSED MODIFIED BASE FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet	
				Existing	Modified
		Flow Path #46	Approximately 100 feet upstream of the corporate limits.	+	*4,025
		Flow Path #47	At the corporate limits	+	*4,135
		Flow Path #48	At the corporate limits	+	*4,130
		Lower Valley Area (Local Rainfall Ponding).	At the intersection of Sunland Park Drive and Emory Road.	*3,735	*3,733
		Upper Valley Area (Local Rainfall Ponding).	At the intersection of Lombardy Drive and Love Road	*3,745	*3,746
			At the intersection of Country Club Road and Ocotillo Street.	*3,746	*3,746
			At Mulberry Avenue, West of Atchison, Topeka and Santa Fe Railroad.	*3,752	*3,751
			North of Monteya Lane, Approximately 600 feet from the West corporate limits.	*	*3,754

* (No previous detailed study).
†Studied as A0 zone in previous (FIS).
‡Shallow flooding (previously A0 zone).
§New structure.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; E.O. 12127, 44 FR 19367; and delegation of authority to the Associate Director)

Issued: July 8, 1983.

Dave McLoughlin,

Deputy Associate Director, State and Local Programs and Support.

[FR Doc. 83-20249 Filed 7-26-83; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 67

[Docket No. FEMA-6514]

National Flood Insurance Program; Proposed Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency.

ACTION: Proposed rule; correction.

SUMMARY: This document corrects a Notice of Proposed Modified Determinations of base (100-year) flood elevations previously published at 48 FR 20951 on May 10, 1983. This correction notice provides a more accurate representation of the revised Flood Insurance Rate Map for the Township of Lycoming, Lycoming County, Pennsylvania.

FOR FURTHER INFORMATION CONTACT: Dr. Brian R. Mrazik, Chief, Engineering Branch, Natural Hazards Division, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287–0230.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency gives notice of the correction to the Notice of Proposed Modified Determinations of base (100-year) flood elevations for selected locations in the Township of Lycoming, Lycoming County, Pennsylvania, previously published at 48 FR 20951 on May 10, 1983, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 44 CFR 67.4).

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that the proposed flood elevation determinations, if promulgated, will not have a significant economic impact on a substantial number of small entities. A flood elevation determination under Section 1363 forms the basis for new local ordinances, which, if adopted by a local community, will govern future construction within the flood plain area. The elevation determinations, however, impose no restriction unless and until the local community voluntarily adopts flood plain ordinances in accord with these elevations. Even if ordinances are adopted in compliance with Federal standards, the elevations prescribe how high to build in the flood plain and do not proscribe development. Thus, this action only forms the basis for future local actions. It imposes no new requirement; of itself it has no economic impact.

List of Subjects in 44 CFR Part 67

Flood insurance, Flood plains.

Under the Source of Flooding of Hoagland Run, the location description "Approximately 6,000 feet upstream of confluence with Lycoming Creek" should be amended to read "Approximately 600 feet upstream of confluence with Lycoming Creek." The corresponding existing and modified elevations are correct as published.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; E. O. 12127, 44 FR 19367; and delegation of authority to the Associate Director)

Issued: June 15, 1983.

Dave McLoughlin,

Deputy Associate Director, State and Local Programs and Support.

[FR Doc. 83-20245 Filed 7-26-83; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 67

[Docket No. FEMA-6526]

National Flood Insurance Program; Proposed Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency.

ACTION: Proposed rule; correction.

SUMMARY: This document corrects a Notice of Proposed Determinations of base (100-year) flood elevations previously published at 48 FR 24748 on June 2, 1983. This correction notice provides a more accurate representation of the Flood Insurance Study and Flood Insurance Rate Map for the Township of Upper St. Clair, Allegheny County, Pennsylvania.

FOR FURTHER INFORMATION CONTACT: Dr. Brian R. Mrazik, Chief, Engineering Branch, Natural Hazards Division,

Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287–0230.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency gives notice of the correction to the Notice of Proposed Determinations of base (100-year) flood elevations for selected locations in the Township of Upper St. Clair, Allegheny County, Pennsylvania, previously published at 48 FR 24748 on June 2, 1983, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 44 CFR 67.4(a).

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that the proposed flood elevation determinations, if promulgated, will not have a significant economic impact on a substantial number of small entities. A flood elevation determination under Section 1363 forms the basis for new local ordinances, which, if adopted by a local community, will govern future construction within the flood plain area. The elevation determinations, however, impose no restriction unless and until the local community voluntarily adopts flood plain ordinances in accord with these elevations. Even if ordinances are adopted in compliance with Federal standards, the elevations prescribe how high to build in the flood plain and do not proscribe development. Thus, this action only forms the basis for future local actions. It imposes no new requirements; of itself it has no economic impact.

List of Subjects in 44 CFR Part 67

Flood insurance, Flood plains.

Under the Source of Flooding of Chartiers Creek, the location "At Mayview Road" has been amended to reflect a base flood elevation of 840 feet.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; E.O. 12127, 44 FR 19367; and delegation of authority to the Associate Director)

Issued July 12, 1983.

Dave McLoughlin,

Deputy Associate Director, State and Local Programs and Support.

[FR Doc. 83–20250 Filed 7–26–83; 8:45 am]

BILLING CODE 6718–03–M

44 CFR Part 67

[Docket No. FEMA–6521]

National Flood Insurance Program; Proposed Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency.

ACTION: Proposed rule; correction.

SUMMARY: This document corrects a Notice of Proposed Determinations of base (100-year) flood elevations previously published at 48 FR 22961 on May 23, 1983. This correction notice provides a more accurate representation of the Flood Insurance Study and Flood Insurance Rate Map of the Town of Tisbury, Dukes County, Massachusetts.

FOR FURTHER INFORMATION CONTACT: Dr. Brian R. Mrazik; Chief, Engineering Branch, Natural Hazards Division, Federal Emergency Management Agency, Washington, D.C. 20472 (202) 287–0230.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency gives notice of the correction to the Notice of Proposed Determinations of base (100-year) flood elevations for selected locations in the Town of Tisbury, Dukes County, Massachusetts, previously published at 48 FR 22961 on May 23, 1983, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 44 CFR 67.4(a).

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that the proposed flood elevation determinations, if promulgated, will not have a significant economic impact on a substantial number of small entities. A flood elevation determination under Section 1363 forms the basis for new local ordinance, which, if adopted by a local community, will govern future construction within the flood plain area. The elevation determinations, however, impose no restriction unless and until the local community voluntarily adopts flood plain ordinances in accord with these elevations. Even if ordinances are adopted in compliance with Federal standards, the elevations prescribe how high to build in the flood plain and do not proscribe development. Thus, this action only forms the basis for future local actions. It imposes no new requirement; of itself it has no economic impact.

List of Subjects in 44 CFR Part 67

Flood insurance, Flood plains.

Source of flooding	Location	Elevation in feet national geodetic vertical datum
Lagoon Pond	Shoreline approximately 650 feet east of the intersection of Lagoon Pond Road and Weaver Lane.	*12
	Shoreline at Cronig Way (extended).	*10

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; E.O. 12127, 44 FR 19367; and delegation of authority to the Associate Director)

Issued July 13, 1983.

Dave McLoughlin,

Deputy Associate Director, State and Local Programs and Support.

[FR Doc. 83–20248 Filed 7–26–83; 8:45 am]

BILLING CODE 6718–03–M

44 CFR Part 67

[Docket No. FEMA–6547]

National Flood Insurance Program; Proposed Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations and proposed modified base flood elevations listed below for selected locations in the nation. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of the proposed rule in a newspaper of local circulation in each community.

ADDRESSES: See table below.

FOR FURTHER INFORMATION CONTACT: Dr. Brian R. Mrazik, Chief, Engineering Branch, Natural Hazards Division, Federal Emergency Management

Agency, Washington, D.C. 20472 (202) 287–0230.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency gives notice of the proposed determinations of base (100-year) flood elevations and modified base flood elevations for selected locations in the nation, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 44 CFR 67.4(a).

These elevations, together with the flood plain management measures required by Section 60.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premimum rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that the proposed flood elevation determinations, if promulgated, will not have a significant economic impact on a substantial number of small entities. A flood elevation determination under section 1363 forms the basis for new local ordinances, which, if adopted by a local community, will govern future construction within the flood plain area. The elevation determinations, however, impose no restriction unless and until the local community voluntarily adopts flood plain ordinances in accord with these elevations. Even if ordinances are adopted in compliance with Federal standards, the elevations prescribe how high to build in the flood plain and do not proscribe development. Thus, this action only forms the basis for future local actions. It imposes no new requirement; of itself it has no economic impact.

List of Subjects in 44 CFR Part 67

Flood insurance, Flood plains.

The proposed modified base flood elevations for selected locations are:

PROPOSED MODIFIED BASE FLOOD ELEVATIONS

State	City/town/county	Source of flooding	Location	#Depth in feet above ground *Elevation in feet (NGVD)	
				Existing	Modified
Florida	Pinellas Park (City of), Pinellas County.	Ditch 2A	Intersection of of 46th Street North and 88th Avenue North.	*14	*15
			Intersection of Lake Drive and Maple Drive	Zone(1)	*13
		Boca Ciega Bay	700 feet northwest of the intersection of 113th Place and 64th Street.	(2)	*11
		Tampa Bay	1,100 feet southwest of the itnersection of Interstate Highway 275 and Gandy Bridge Boulevard.	(2)	*9
Maps are available for review at the Engineering Department, City Hall, Pinellas Park, Florida.					
Send comments to the Honorable Cecil Bradburry, Mayor, City of Pinellas Park, P.O. Box 1100, Pinellas Park, Florlada 34290–11.					
Georgia	(C) Clarkston	South Fork Peachtree Creek	About 2,100 feet upstream of Montreal Road	*956	*958
			Just upstream of interstate Route 285 culvert	*938	*940
		Tributary "C" of Snapfinger Creek.	Approximately 600 feet south of Norman Street	(2)	*923
Maps available for inspection at 3921 Church Street, Clarkston, Georgia.					
Send comments to Honorable Ernest S Whaley, Mayor, City of Clarkston, 3921 Church Street, Clarkston, Georgia 30021					
Georgia	(Uninc.) Clayton County	Little Cotton Creek	About 300 feet upstream of Dam (upstream of Rex Road).	*788	*780
			About 100 feet Downstream of confluence of Upton Creek.	*790	*790
		Conley Creek	About 700 feet downstream of East Conley Road	*805	*799
			Just upstream of East Conley Road	*806	*807
Maps available for inspection at the Clayton County Courthouse, Administration Building, Jonesboro, Georgia.					
Send comments to Honorable Charley Griswell, Chairman, Clayton County Board of Commissioners, Clayton County Courthouse, Administration Building, Jonesboro, Georgia 30236.					
Georgia	(C) Powder Springs, Cobb County	Wildhorse Creek	Just upstream of Macedonia Road	*909	*913
		Lost Mountain Creek	At mouth at Wildhorse Creek	*902	*902
			Just upstream of Forest Hills Road	*921	*920
Maps available for inspection at P.O. Box 46, Powder Springs, Georgia.					
Send comments to Honorable John O. Rogers, Mayor, City of Powder Springs, P.O. Box 46, Powder Springs, Georgia 30073.					
Georgia	(Uninc.) Rockdale County	Honey Creek	About 0.4 mile upstream of Turner Hill Road	*783	*783
			About 0.5 mile upstream of Turner Hill Road	(2)	*785
Maps available for inspection at P.O. Box 289, Conyers, Georgia.					
Send comments to Honorable Charles S. Smith, Jr., Chairman of the Board of Commissioners, Rockdale County, P.O. Box 289, Conyers, Georgia 30207.					
Georgia	(C) Roswell, Fulton County	Chattahoochee River	At confluence of Willeo Creek	*859	*862
			At confluence of Big Creek	*862	*867
			At upstream corporate limits	*868	*871
		Seven Branch	At confluence with Chattahoochee River	*868	*870
			Just downstream of Martin Landing Dam	*868	*870
		Big Creek	At confluence with Chattahoochee River	*862	*867
		Riverside Creek	At confluence with Chattahoochee River	*858	*863
		Willeo Creek	At confluence with Chattahoochee River	*858	*862
Maps available for inspection at 617 Atlantic Street, Roswell, Georgia.					
Send comments to Honorable W. L. Mabry, Mayor, City of Roswell, 617 Atlantic Street, Roswell, Georgia 30075.					

PROPOSED MODIFIED BASE FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground *Elevation in feet (NGVD)	
				Existing	Modified
Illinois	(C) Alton, Madison County	West Fork, Wood River	About 0.5 mile upstream of Burlington Northern Railroad.	*450	*450
			About 1.1 miles upstream of Burlington Northern Railroad.	(³)	*451

Maps available for inspection at City Hall, 101 East Third Street, Alton, Illinois.

Send comments to Honorable Paul Lenz, Mayor, City of Alton, City Hall, 101 East Third Street, Alton, Illinois 62002.

Illinois	(V) Bartonville, Peoria County (Docket No. FEMA-6366).	Illinois River	Area bounded on the east by the Toledo Peoria and Western Railroad, on the West by a line parallel to and approximately 300 feet west of the Toledo Peoria and Western Railroad, on the south by Hill Street, and on the north by a line parallel to and approximately 600 feet north of Second Avenue.		*459
		Kickapoo Creek	Interstate 474		*464
			U.S. Route 24		*463
			Toledo Peoria and Western Railroad		*459
		Unnamed Tributary to Kickapoo Creek.	From the confluence with the Kickapoo Creek to a point approximately 1,100 feet upstream.		*463

Maps available for inspection at the Bartonville Village Hall, 5912 South Adams Streets, Bartonville, Illinois.

Illonis	(C) Elgin, Kand County	Lord's Park Tributary	Just upstream of Villa Street	*722	*724

Maps available for inspection at 150 Dexter Creek, Elgin, Illinois.

Send comments to Honorable Richard L. Verdic, Mayor, City of Elgin, 150 Dexter Court, Elgin, Illinois 60120–5555.

Illinois	(V) Melrose Park Cook County	Backwater effects from Addison Creek.	Intersection of Division Street and 38th Street	*635	*634

Maps available for inspection at 706 North 18th Avenue, Melrose Park, Illinois.

Send comments to the Honorable C. August Taddeo, Mayor, Village of Melrose Park, 706 North 18th Avenue, Melrose Park, Illinois 60160.

Kansas	(C) Halstead Harvey County	Little Arkansas River	About 0.64 mile downstream of County Road 576	*1,391	*1,389
			Just downstream of County Road 801	*1,398	*1,396
		Black Kettle Creek	At confluence with Little Arkansas River	*1,397	*1,395
			Just upstream of Main Street	*1,397	*1,395
		Halstead Slough	About 1,800 feet downstream of Tenth Street	*1,391	1,389
			Just downstream of County Road 801	*1,392	*1,392

Maps available for inspection at the City Hall, Halstead, Kansas.

Send comments to the Honorable Ken Pfeifer, City Administrator, City of Halstead, City Hall, Halstead, Kansas 67056.

Massachusetts	Lakeville, town, Plymouth County	Nemasket River	Downstream corporate limits	*61	*55
			At Assawompset Pond	*62	*55
		Assawompset Pond	Entire area	(³)	*55
		Long Pond		(³)	*55
		Long Pond River		*59	*55

Maps available for inspection at the Town Office Building, Bedford Street, Lakeville, Massachusetts.

Send comments to the Honorable F. James Healey, Chairman of the Lakeville Board of Selectmen, Town Office Building, Bedford Street, Lakeville, Massachusetts 02346.

Michigan	(C) Detroit, Wayne County	Middle River Rouge	Just upstream of West Warren Road	(³)	*598
			Abnout 700 feet upstream of West Warren Road	(³)	*598

Maps available for inspection at the Department of Planning, 3400 Cadillac Tower, Detroit, Michigan.

Send comments to the Honorable Coleman Young, Mayor, City of Detroit, c/o Department of Planning, 3400 Cadillac Tower, Detroit, Michigan 48326.

Michigan	(C) Zilwaukee, Saginaw County	Shallow flooding (overflow from Saginaw River and Universal Drain).	West of Conrail and south of Tittabawassee Street	(³)	*588

Maps available for inspection at 319 Tittabawasee Drive, Saginaw, Michigan.

Send comments to the Honorable Jack Tany, City Manager, City of Zilwaukee, 319 Tittabawassee Drive, Saginaw, Michigan 48604.

Minnesota	(C) Brooklyn Park, Hennepin County.	Shingle Creek	Just upstream of 77th Avenue North (near Douglas Drive).	*867	*865
			Just upstream of West Broadway	*870	*869

Maps available for inspection at 5800 85th Avenue North, Brooklyn Park, Minnesota.

Send comments to the Honorable James Krautkremer, Mayor, City of Brooklyn Park, 5800 85th Avenue North, Brooklyn Park, Minnesota 55443.

Minnesota	(Uninc.) Isanti County	Isanti Brook	About 1.4 miles downstream of County Road 43	*935	*935
			Just downstream of County Road 43	(³)	*935
			Just upstream of Florence Lake Dam	*948	*947
		Florence Lake	Shoreline	*948	*947
		Elma Lake	Shoreline	*948	*947
		Lake Fannie	Shoreline	*949	*950
		Skogman Lake	Shoreline	*949	*950

Maps available for inspection at the Isanti Courthouse, 237 S.W. 2nd Avenue, Cambridge, Minnesota.

Send comments to the Honorable Lloyd Staven, Chairman, Isanti County Board, Isanti Courthouse, 237 S.W. 2nd Avenue, Cambridge, Minnesota 5508.

Mississippi	(C) Grenada, Grenada County	Yalobusha River Tributary 1	Just downstream of State Highway 8	*201	*201
			About 850 feet upstream of State Highway 8	*207	*206
		Yalobusha River Tributary 1B	At mouth at Yalobusha River Tributary 1	*207	*204
			About 800 feet upstream of mouth	*207	*206

Maps available for inspection at City Hall, Box 310, Grenada, Mississippi.

Send comments to Honorable Chuck Thomas, Mayor, City of Grenada, Box 310, Grenada, Mississippi 38901.

PROPOSED MODIFIED BASE FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground *Elevation in feet (NGVD)	
				Existing	Modified
Missouri	(C) Columbia, Boone County	Goodwin Branch	About 1,600 feet downstream of Gillespie Bridge Drive	[1]	*584
			About 1,950 feet upstream of Georgetown Road	[1]	*627
		Hinkson Creek	About 1.1 miles downstream of Missouri Texas Kansas Railroad.	*588	*592
			About 1,700 feet upstream of Missouri Texas Kansas Railroad.	*596	*596
		County House Branch	At confluence with Hinkson Creek	*591	*592
			About 400 feet upstream of W. Boulevard South	*592	*592
Maps available for inspection at 7th & Broadway, P.O. Box N, Columbia, Missouri. Send comments to Honorable John D. Westlund, Mayor, City of Columbia, 7th & Broadway, P.O. Box N, Columbia, Missouri 65205.					
Missouri	(C) Eureka, St. Louis County	Meramec River	About 1,000 feet downstream of the confluence of Flat Creek.	*442	*440
			About 1.7 miles upstream of County Highway W (upstream corporate limits).	*457	*455
		Flat Creek	At confluence with Meramec River	*442	*440
			Just upstream of Eureka-Allenton Road	*477	*478
		Cliffe Creek	At confluence with Flat Creek	*443	*441
			About 600 feet upstream of upstream crossing of Forby Raod (upstream corporate limits).	*488	*488
Maps available for inspection at P.O. Box 125, Eureka, Missouri. Send comments to Honorable William F. Weber, Mayor, City of Eureka, P.O. Box 125, Eureka, Missouri 63025.					
Oklahoma	Webbers Falls, town, Muskogee County.	Arkansas River	Upstream corporate limits	*483	*482
Maps available for inspection at the Town Municipal Building, Webbers Falls, Oklahoma. Send comments to Honorable Wayne Phillips, Mayor of Webbers Falls, P.O. Box 216, Webbers Falls, Oklahoma 74470.					
South Dakota	Spearfish (city of), Lawrence County.	Spearfish Creek	Intersection of 3rd Street and Quincy Street	*3,596	*3,597
Maps are available for review at City Hall, 722 Main Street, Spearfish, South Dakota. Send comments to the Honorable Wilbur S. Tretheway, Mayor, City of Spearfish, 722 Main Street, Spearfish, South Dakota 57783.					
Texas	Denton, city, Denton County	Pecan Creek	Upstream of McKinney Street	*612	*611
			Upstream of Crescent and Fulton Streets	*644	*641
		North Pecan Creek	Upstream of Anna Street	*635	*631
			Upstream of University Drive West	*649	*646
Maps available for inspection at the Municipal Building, Denton, Texas. Send comments to Honorable Richard O. Stewart, Mayor of Denton, 215 East McKinney Street, Denton, Texas 76201.					
Virginia	Campbell County	Dreaming Creek	Downstream corporate limits	*832	*831
			Approximately 200 feet upstream State Route 1,554	*847	*850
Maps available for inspection at the County Courthouse, Rustburg, Virginia. Send comments to Honorable Donald Johnston, Campbell County Administrator, County Courthouse, P.O. Box 100, Rustburg, Virginia 24588.					
Virginia	Lynchburg, city	Dreaming Creek	Upstream side of State Route 291	*701	*700
			Upstream side Norfolk and Western Railway bridge	*727	*726
			Upstream side U.S. Route 460 bridge	*763	*760
			Upstream side State Route 1447 bridge	*802	*800
			Upstream corporate limits	*832	*831
Maps available for inspection at the City Hall, Lynchburg, Virginia. Send comments to Honorable E. Allen Culverhouse, City Manager of Lynchburg, City Hall, P.O. Box 60, Lynchburg, Virginia 24505.					
West Virginia	Martinsburg, city Berkley County	Dry run	Downstream of Conrail crossing	[2]	*450
Maps available for inspection at the City Hall, Martinsburg, West Virginia. Send Coments to Honorable William C. Clohan, Sr., Mayor of Martinsburg, City Hall, P.O. Box 828, Martinsburg, West Virginia 25401.					
West Virginia	Morgantown, city Monongalia County.	Deckers Creek	Confluence with Monongahela River	*813	*814
			Upstream of Deckers Creek Road/Walnut street	*813	*818
			Upstream of Rodgers Street	*825	*829
			Upstream of White Avenue	*841	*844
			Upstream of State Route 64	*847	*850
			Upstream of Carnegie Street	*862	*864
			Most upstream corporate limits	*879	*886
		Knocking Run	Confluence with Deckers Creek	*851	*853
		Aaron Creek	Confluence with Deckers Creek	*842	*845
Maps available for inspection at the City Hall, 389 Spruce Street, Morgantown, West Virginia. Send comments to Honorable Florence Merow, Mayor of Morgantown, City Hall, 389 Spruce Street, Morgantown, West Virgina 26505.					

[1] Zone B.
[2] Not previously shown.
[3] None.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; E.O. 12127, 44 FR 19367; and delegation of authority to the Associate Director)

Issued: July 19, 1983.

Dave McLoughlin,

Deputy Associate Director, State and Local Programs and Support.

[FR Doc. 83-20247 Filed 7-26-83; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 67

[Docket No. FEMA-6532]

Proposed Flood Elevation Determinations for Township of Burlington, Ward County, North Dakota Under the National Flood Insurance Program

AGENCY: Federal Emergency Management Agency, FEMA.

ACTION: Correction of proposed rule.

SUMMARY: This document corrects a proposed rule on base (100-year) flood elevations that appeared on page 48 FR 26631 of the **Federal Register** of June 9, 1983.

FOR FURTHER INFORMATION CONTACT: Dr. Brian R. Mrazik, Chief, Engineering Branch, Natural Hazards Division, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287-0230.

SUPPLEMENTARY INFORMATION:

The notice published on June 9, 1983 at 48 FR 26631 showing the following:

Maps available for review at City Hall, 225 Wallace Street, Burlington, North Dakota.

Send comments to the Honorable Jack Bender, Mayor, Township of Burlington, P.O. Box 159, 225 Wallace Street, Burlington, North Dakota 58722.

Should be corrected to read:

Maps available for review at the Town Clerk's Home, Rural Route 6, Minot, North Dakota.

Send comments to the Honorable Mitch Clark, Chairman of the Township Board, Box 61, Burlington, North Dakota 58722.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, State and Local Program and Support, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated special flood hazard areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

List of Subjects in 44 CFR Part 65

Flood insurance, flood plains.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; Executive Order 12127, 44 FR 19367; delegation of authority to Associate Director, State and Local Programs and Support)

Issued: July 19, 1983.

Dave McLoughlin,

Deputy Associate Director, State and Local Programs and Support.

[FR Doc. 83-20260 Filed 7-26-83; 8:45 am]

BILLING CODE 6718-03-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[Dockets 20521, 20548, BC 78-239, MM 83-46, RM-3653; RM-3695; RM-4045]

Corporate Ownership Reporting and Disclosure by Broadcast Licensees; and Amendment of the Commission's Rules Relating to Multiple Ownership of AM, FM, and Television Broadcast Stations and CATV Systems; and Reexamination of the Commission's Rules and Policies Regarding the Attribution of Ownership Interests in Broadcast, Cable Television and Newspaper Entities

AGENCY: Federal Communications Commission.

ACTION: Proposed rule, notice of late filed coments.

SUMMARY: This document advises the public and interested parties that an additional Comment with an economic study has been filed late in the captioned rulemaking proceeding on ownership attribution standards.

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

FOR FURTHER INFORMATION CONTACT: Bruce A. Romano, Mass Media Bureau (202) 632-7792.

Notice to Interested Parties

In the matter of Corporate Ownership Reporting and Disclosure by Broadcast Licensees, Docket No. 20521; Amendment of §§ 73.35, 73.240 and 73.636 of the Commission's Rules Relating to Multiple Ownership of Standard, FM, and Television Broadcast Stations, Docket No. 20548; Amendment of §§ 73.35, 73.240, 73.636 and 76.501 of the Commission's Rules relating to Multiple Ownership of AM, FM, and Television Stations and CATV Systems, BC Docket No. 78-239; Reexamination of the Commission's Rules and Policies Regarding the Attribution of Ownership Interests in Broadcast, Cable Television and Newspaper Entities, MM Docket No. 83-46, RM-3653, 3695, 4045 (3-10-83; 48 FR 10082).

Adopted: July 8, 1983.

Released: July 12, 1983.

By: Mass Media Bureau.

Interested parties are hereby advised that on June 22, 1983, the Commission received late-filed "Comments in Support of Proposed Rulemaking" in the above-captioned proceeding on behalf of Great American Insurance Company, FMI Financial Corporation, Mission Insurance Group, Inc., and Rapid American Corporation, accompanied by a request for acceptance of the late-filed pleading, founded on a May 13, 1983, "Motion to Accept Late Comments." The Comments include a report compiled by consulting economists Robert R. Nathan Associates, Inc. This document is available for inspection, with the other items in this docket, in the Commission's Public Reference Room on the second floor of 1919 M Street, NW., Washington, D.C.

Laurence E. Harris,

Chief, Mass Media Bureau.

[FR Doc. 83-20102 Filed 7-26-83; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 90

[PR Docket No. 82-226, RM-3448; FCC 83-330]

Amendment of Part 90 of the Commission's Rules To Simplify the Requirements for Frequency Coordination in the Business Radio Service

AGENCY: Federal Communications Commission.

ACTION: Order terminating proceeding.

SUMMARY: The FCC is terminating PR Docket No. 82-226, which concerns the simplification of requirements for frequency coordination in the Business Radio service. Since the issue involved shall be considerd in a broader scope in a subsequent proceeding.

FOR FURTHER INFORMATION CONTACT: Eugene Thomson or Herbert Zeiler, Private Radio Bureau, (202) 634-2443.

Order Terminating Proceeding

In the matter of amendment of Part 90 of the Commission's rules to simplify the requirements for frequency coordination in the Business Radio Service; PR Docket No. 82-226, RM-3448.

Adopted: July 14, 1983.
Released: July 25, 1983.

By the Commission:

1. On June 15, 1979, the California Mobile Radio Association, now called the National Mobile Radio Association (NMRA), filed a petition for Rule Making proposing rule changes which it asserted would simplify what it characterized as certain time-consuming, expensive, and non-beneficial frequency coordination requirements presently existing in § 90.175(a) of the Commission's Rules and Regulations.

2. Comments were received that both supported and opposed the petitions. Because of the divergent views presented, a Notice of Inquiry (NOI)[1] was released on April 29, 1982 which solicited further information relative to the general frequency coordination requirements in the Business Radio Service. It was indicated in the NOI that responses would the useful in formulating specific rule making proposals looking towards the most efficient and effective frequency coordination process for applications for 450-470 MHz frequencies in the Business Radio Service, and possibly for other services.

3. Comments and reply comments[2] to the issues raised in the NOI were again divided in either supporting or opposing the present frequency coordination requirements as set forth in the Rules.

4. The underlying objective of the NOI was to obtain information that could be considered by the Commission in formulating specific rule making proposals that would address not only the petitioner's requests, but additionally establish the most efficient and effective frequency coordination process for applications for 450-470 MHz frequencies in the Business Radio Service, and possibly for other private radio services. The many questions in the NOI were addressed specifically by only a few commentors. Most chose only to isolate one or two issues for discussion and presented views on how they have or have not been affected economically or technically.

5. Subsequent to the release of the NOI, on September 13, 1982, Public Law No. 97-259, (formerly H.R. 3239) was enacted into law. It secifically authorizes the Commission to utilize the services of frequency coordinating committees. Section 120(a) of the new law adds a new Section 331 to the Communications Act of 1934 (47 U.S.C. 151 et seq.). The new Section 331(b)(1) of the Act reads as follows:

> (b)(1) The Commission, in coordinating the assignment of frequencies to stations in the private land mobile radio services and in the fixed services (as defined by the Commission by rule), shall have authority to utilize assistance furnished by advisory coordinating committees consisting of individuals who are not officers or employees of the Federal Government * * *."

Moreover, in the Conference Report accompanying this legislation, the Congress encouraged the Commission to develop rules or procedures for monitoring the performance of coordinating committees and left to the Commission's discretion whether or not field studies should be retained as an alternative to frequency coordinators or eliminated.

6. In light of this new statutory authority and the establishment of the Private Radio Bureau Licensing Division's land mobile data base, we feel that the overall subject of frequency coordination requires additional public input on subjects not covered by the present proceeding. Accordingly, we are terminating this proceeding without taking any action on either the petition or the NOI. In an accompanying action today we are issuing a much more comprehensive Notice of Inquiry which will include such issues as coordinator/Commission data base interface requirements, general standards for coordinators, the retention of field studies, the elements of field studies if they are retained and such other issues as deemed pertinent to the overall coordination process, including the subjects addressed by the petitioner in the present proceeding. The comments and reply comments that have been submitted in this proceeding will be considered during the new proceeding unless we are specifically requested not to do so.

7. In view of the foregoing, it is ordered, pursuant to the authority contained in Sections 4(i), and 303 of the Communications Act of 1934, as amended, that this proceeding is terminated without further action.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 83-20193 Filed 7-26-83; 8:45 am]
BILLING CODE 6712-01-M

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[1] *Notice of Inquiry*, PR Docket No. 82-226, RM-3448, 47 FR 26677, June 21, 1982.

[2] Fifty-six sets of comments and reply comments were received in response to the NOI.

Notices

Federal Register
Vol. 48, No. 145
Wednesday, July 27, 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.

ACTION

Intergovernmental Review of ACTION Programs

AGENCY: ACTION.

ACTION: Notice of included programs for intergovernmental review.

SUMMARY: This Notice provides information regarding ACTION programs which may be included for intergovernmental review by states that adopt a state process in accordance with Executive Order 12372.

FOR FURTHER INFORMATION CONTACT: Ronald C. Owens, Office of General Counsel, ACTION, 806 Connecticut Avenue, N.W., Room M-607, Washington, D.C. 20525, phone (202) 254-7963.

SUPPLEMENTARY INFORMATION: In accordance with final regulations published in the **Federal Register** on June 24, 1983 (48 FR 29278) under Executive Order 12372, a state may select, for intergovernmental review, any ACTION program listed in the Catalog of Federal Domestic Assistance. For convenience and ease of location the programs are listed below in the same order as they appear in the catalog:

72.001 Foster Grandparent Program (FGP).
72.002 Retired Senior Volunteer Program (RSVP).
72.003 Volunteers in Service to America (VISTA).
72.005 Service Learning Programs: National Center for Service Learning (NCSL); Young Volunteers in ACTION (YVA).
72.008 Senior Companion Program (SCP).
72.010 Mini-Grant Program.
72.011 State Office of Voluntary Citizen Participation (S/OVCP).
72.012 Volunteer Demonstration Program.
72.013 Technical Assistance Program (TAP).

Signed at Washington, D.C., this 22nd day of July 1983.

Thomas W. Pauken,
Director, ACTION.

[FR Doc. 83-20389 Filed 7-26-83; 8:45 am]
BILLING CODE 6050-01-M

DEPARTMENT OF AGRICULTURE

Office of the Secretary

Forms Under Review by Office of Management and Budget

July 22, 1983.

The Department of Agriculture has submitted to OMB for review the following proposals for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35) since the last list was published. This list is grouped into new proposals, revisions, extensions, or reinstatements. Each entry contains the following information:

(1) Agency proposing the information collection; (2) Title of the information collection; (3) Form number(s), if applicable; (4) How often the information is requested; (5) Who will be required or asked to report; (6) An estimate of the number of responses; (7) An estimate of the total number of hours needed to provide the information; (8) An indication of whether section 3504(h) of Pub. L. 96-511 applies; (9) Name and telephone number of the agency contact person.

Questions about the items in the listing should be directed to the agency person named at the end of each entry. Copies of the proposed forms and supporting documents may be obtained from: Marshall L. Dantzler, Acting Department Clearance Officer, USDA, OIRM, Room 108-W Admin. Bldg., Washington, D.C. 20250, (202) 447-6201.

Comments on any of the items listed should be submitted directly to: Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, D.C. 20503, ATTN: Desk Officer for USDA.

If you anticipate commenting on a submission but find that preparation time will prevent you from doing so promptly, you should advise the OMB Desk Officer of your intent as early as possible.

Extension

- Agricultural Stabilization and Conservation Service
Water Bank Program (WBP)
ASCS-691, ASCS-817
Annually
Farms: 6,700 responses; 1,268 hours; not applicable under 3504(h)
Millie Hickox, (202) 447-4053

- Food and Nutrition Service
Shelters for Battered Women and Children—Part 273
On occasion
State or local governments: recordkeeping; 274 hours; not applicable under 3504(h)
Gerard Ruelle, (703) 756-3429

Marshall L. Dantzler,
Acting Department Clearance Officer.

[FR Doc. 83-20227 Filed 7-26-83; 8:45 am]
BILLING CODE 3410-01-M

CIVIL AERONAUTICS BOARD

Announcement of Proposed Collection of Information Under the Provisions of the Paperwork Reduction Act (44 U.S.C. 35)

Agency clearance officer from whom a copy of the collection of information and supporting documents is available: Robin A. Caldwell, (202) 673-5922.

EXTENSION

Title of the Collection of Information: Report of Aircraft Operating Expenses and Related Statistics
Agency Form Number: None
How often the Collection of Information must be filed: Quarterly
Who is asked or required to report: Small certificated air carriers
Estimate of number of annual responses: 160
Estimate of number of annual hours needed to complete the collection of information: 320

Jack M. Calloway,
Chief, Data Requirements Section, Information Management Division, Office of Comptroller.

July 21, 1983.

[FR Doc. 83-20329 Filed 7-25-83; 8:45 am]
BILLING CODE 6320-01-M

Announcement of Proposed Collection of Information Under the Provisions of the Paperwork Reduction Act (44 U.S.C. 35)

Agency clearance officer from whom a copy of the collection of information and supporting documents is available: Robin A. Caldwell, (202) 673-5922.

REVISION

Title of the Collection of Information: Part 261, "Filing of Agreements"
Agency Form Number: None

How often the Collection of Information must be filed: On occasion
Who is asked or required to report: Air carries, foreign air carriers, and carriers associations
Estimate of number of annual responses: 305
Estimate of number of annual hours needed to complete the collection of information: 305

Robin A. Caldwell,

Chief, Information Management Division, Office of Comptroller.

July 18, 1983.

[FR Doc. 83-20328 Filed 7-26-83; 8:45 am]

BILLING CODE 6320-01-M

[Docket No. 41560]

South Seas Airlines Fitness Investigation; Prehearing Conference

Notice is hereby given that a prehearing conference in the above-titled proceeding will be held on July 28, 1983, at 10:00 a.m. (local time), in Room 1027, Universal Building, 1825 Connecticut Avenue, N.W., Washington, D.C., before the undersigned.

Dated at Washington, D.C., July 21, 1983.

William A. Kane, Jr.,

Administrative Law Judge.

[FR Doc. 83-20330 Filed 7-26-83; 8:45 am]

BILLING CODE 6320-01-M

COMMISSION ON CIVIL RIGHTS

Louisiana 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 Education Subcommittee of the Louisiana Advisory Committee to the Commission will convene at 9:00 am and will end at 12 Noon, August 18, 1983, at the Warwick Hotel, 1315 Gravier Street, New Orleans, Louisiana. The purpose of the meeting is to discuss school desegregation.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Dr. Louis C. Pendleton, 1514 Gary, Shreveport, Louisiana 71103, (318) 424-1297; or the Southwestern Regional Office, Heritage Plaza, 418 South Main, San Antonio, Texas 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 22, 1983.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 83-20306 Filed 7-26-83; 8:45 am]

BILLING CODE 6335-01-M

Minnesota 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 Minnesota Advisory Committee to the Commission will convene at 6:00p and will end at 9:00p, on August 19, 1983, at the Duluth Radisson, 505 W. Superior, Duluth, Minnesota. The purposes of the meeting are to discuss the following—the mental health study, Southeast Asians issue and the letter to Brendon MacDonald-St. Cloud University; and to report on the affirmative action statement.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Mrs. Ruth A. Myers, 1006 East Second Street, Apt. No. 1, Duluth, Minnesota 55805, (218) 726-8878; or the Midwestern Regional Office, 230 South Dearborn Street, 32nd Floor, Chicago, Illinois 60604, (312) 353-7371.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., July 22, 1983.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 83-20305 Filed 7-26-83; 8:45 am]

BILLING CODE 6335-01-M

DEPARTMENT OF COMMERCE

Economic Advisory Board; Meeting

Pursuant to the provisions of section 10(a)(2) of the Federal Advisory Committee Act, as amended, 5 U.S.C. App. (1976), notice is hereby given that the meeting of the Department of Commerce Economic Advisory Board will be held on Thursday, September 15, 1983, from 9:30 a.m. to 4:00 p.m. in Room 4830, Herbert C. Hoover Building, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230.

The Board was established by the Secretary of Commerce on January 13, 1967. The purpose of the Board is to advise the Secretary of Commerce on economic policy issues. The intended agenda for this meeting is as follows:

- A review of the economic outlook by major sector.
- A discussion of the outlook for prices and employment and of strategies for sustaining noninflationary economic growth.

A limited number of seats will be available to the public on a first-come, first-served basis. Public participation will be limited to requests for clarification of items under discussion. Additional statements or inquiries may be submitted to the chair before or after the meeting. Copies of the minutes will be available on request 30 days after the meeting.

Additional information concerning this meeting may be obtained by contacting Ms. Virginia R. Marketti, Office of the Under Secretary for Economic Affairs, Room 4848, Department of Commerce, Washington, D.C. 20230, (202) 377-3523.

Dated: July 18, 1983.

Robert G. Dederick,

Under Secretary for Economic Affairs.

[FR Doc. 83-20234 Filed 7-26-83; 8:45 am]

BILLING CODE 3510-18-M

International Trade Administration

[Case No. 640]

Robert J. Lambert et al.; Order Amending Temporary Denial of Export Privileges

In the matter of Robert J. Lambert, d.b.a. Computer and Test Systems, 5671 Via Ceresa, Yorba Linda, California 92686, Dierk Hagemann, d.b.a. Uni-Data World Transport Corporation, 110 Standard Street, El Segundo, California and Albert Franz Kessler, 20 Kernel Street, 8800 Thawil, Switzerland.

By Order of February 28, 1983, 48 FR 10108 (March 10, 1983), Computer Information Systems, s.a.l., also known as C.I.S. (and hereinafter sometimes referred to as "C.I.S."), was designated, in Paragraph III, as a party related to one or more of the respondents and was temporarily denied, pursuant to § 388.19 of the Export Administration Regulations (15 CFR Part 368, *et seq.* (1982)), all privileges of participating in any manner or capacity in the export of U.S.-origin commodities or technical data.

C.I.S. moved to modify the Order of February 28, 1983 by removing C.I.S. from Paragraph III's list of related parties on the ground that C.I.S. lacks any relationship with any of the respondents such that it should be designated a related person. The Department of Commerce (the "Department") has now stated that it does not oppose this motion. The Department cited as its reasons the additional information provided by C.I.S. and also other information available to the Department.

Based on the representations made by C.I.S. and by the Department, I find that the requested motion is justified, and that granting it will not jeopardize the purpose of the Order of February 28, 1983.

Accordingly, it is hereby ordered that, effective immediately, the Order of February 28, 1983 is amended by removing Computer Information Systems, also known as (C.I.S.), P.O. Box 90280, Los Angeles, California 90009 from its designation of related persons in Paragraph III.

A copy of this Amendment of the Order of February 28, 1983 shall be served upon C.I.S. and published in the Federal Register.

Dated: July 19, 1983.

Thomas W. Hoya,

Hearing Commissioner.

[FR Doc. 83-20190 Filed 7-26-83; 8:45 am]

BILLING CODE 3510-25-M

Petitions by Producing Firms for Determinations of Eligibility to Apply for Trade Adjustment Assistance

Petitions have been accepted for filing from the following firms: (1) William Karas & Sons, 5652 Quaker Hill Road, Elba, New York 14058, producer of onions and corn (accepted June 28, 1983); (2) Cycle Shack, Inc., 1104 San Mateo Avenue, South San Francisco, California 94080, producer of motorcycle accessories (accepted June 28, 1983); (3) Halat Bros., 6640 Albion Road, Oakfield, New York 14125, producer of onions (accepted June 29, 1983); (4) Award Winner Corporation, 30 South Street, Mt. Vernon, New York 10550, producer of sports bags (accepted June 29, 1983); (5) Mode Knitting Mills, Inc., 359 N. 16th Street, Philadelphia, Pennsylvania 19102, producer of men's and women's sweaters (accepted June 29, 1983); (6) Dori Shoe Company, Inc., 2 Cedar Street, Lewiston, Maine 04240, producer of women's footwear (accepted July 1, 1983); (7) Airmaster Fan Company, 150 W. North Street, Jackson, Michigan 49202, producer of fans (accepted July 1, 1983); (8) Vega Servo-Control, Inc., 2611 Elliott Avenue, Troy, Michigan 48084, producer of machine tool controls (accepted July 1, 1983); (9) Sitca Corporation, P.O. Box 509, Vashon, Washington 98070, producer of skis (accepted July 1, 1983); (10) Woodhaven Dress Company, Inc., 21 St. Casimir Avenue, Yonkers, New York 10701, producer of women's dresses (accepted July 1, 1983); (11) Bierstine Brothers, Inc., P.O. Box 233, Pine Island, New York 10969, procducer of onions (accepted July 1, 1983); (12) Atlas Foundry and Manufacturing Company, 3701 Collins Avenue, Richmond, California 94806, producer of iron castings (accepted July 6, 1983); (13) Gina Plastics, 260 S.W. 32nd Court, Ft. Lauderdale, Florida 33315, producer of plastic giftware and bath accessories (accepted July 6, 1983); (14) Compass Electronics Corporation, P.O. Box 366, Forest Grove, Oregon 97116, producer of depth sounders and metal detectors (accepted July 6, 1983); (15) American Precision Industries, Inc., 2777 Walden Avenue, Buffalo, New York 14225, producer of electronic components and heating and air pollution control equipment (accepted July 6, 1983); (16) Columbus McKinnon Corporation, Audubon and Sylvan Parkways, Amherst, New York 14228, producer of chains, hoists and hardware forgings (accepted July 6, 1983); (17) Coilhose Pneumatics, 201 Pond Avenue, Middlesex, New Jersey 08846, producer of air hose and accessories (accepted July 6, 1983); (18) M & M Sportswear Company, Inc., 26 Bleecker Street, New York, New York 10012, producer of women's and children's blouses, dresses and slacks (accepted July 6, 1983); (19) Opportune Enterprises, Inc., 41-15 29th Street, Long Island City, New York 11101, producer of watches (accepted July 6, 1983); (20) Camp 7, Inc., 1275 Sherman Drive, Longmont, Colorado 80501, producer of men's and women's jackets and vests, sleeping bags and tents (accepted July 6, 1983); (21) Queensboro Transformer and Machinery Corporation, 115-25 15th Avenue, College Point, New York 11356, producer of transformers and other electrical equipment (accepted July 6, 1983); (22) Timian's Maple Farms, Timian Road R.R. #2, Box 377, Sauquoit, New York 13456, producer of maple syrup, potatoes, other crops and livestock (accepted July 6, 1983); (23) Ideal Fastener Corporation, P.O. Box 548, Oxford, North Carolina 27565, producer of slide fasteners (accepted July 7, 1983); (24) Automade, Inc., 181 Carliss Street, Providence, Rhode Island 02904, producer of jewelry chains (accepted July 8, 1983); (25) Watauga Wood Products, Inc., P.O. Box 449, Boone, North Carolina 28607, producer of hardwood furniture dimension (accepted July 11, 1983); (26) Athens Furniture, Inc., P.O. Box 929, Athens, Tennessee 37303, producer of household furniture (accepted July 11, 1983); (27) Fort Myers Yacht and Shipbuilding, Inc., 2909 Frierson Street, Fort Myers, Florida 33904, producer of sailboats (accepted July 11, 1983); (28) General Split Corporation, P.O. Box 491, Milwaukee, Wisconsin 53201, processor of leather (accepted July 11, 1983); (29) Dynamic Specialties, Inc., Cosmos, Minnesota 56228, producer of machine tools (accepted July 11, 1983); (30) Admiral Watchband Company, Inc., 9 Debrosses Street, New York, New York 10013, producer of metal watch bands (accepted July 11, 1983); (31) Belco Industries, Inc., 1001 31st Street, Kenosha, Wisconsin 53140, producer of machine tools (accepted July 12, 1983); (32) Peerless Tube Company, 58-76 Locust Avenue, Bloomfield, New Jersey 07003, producer of aerosol containers and metal and plactic tubes (accepted July 13, 1983; (33) London Kitting Mills, Inc., 46-55 Metropolitan Avenue, Brooklyn, New York 11237, producer of men's, women's and children's shirts (accepted July 13, 1983); (34) Morris Belt and Suspender Company, Inc., 29-10 Thomson Avenue, Long Island City, New York 11101, producer of men's and boy's belts and suspenders (accepted July 13, 1983); (35) Bulova Watch Company, Inc., 75-20 Astoria Boulevard, Jackson Heights, New York 11370, producer of watches, clocks, and fuses (accepted July 13, 1983); (36) Howard Rotavator Company of Illinois, 102 Howard Avenue, Muscoda, Wisconsin 53573, producer of agricultural equipment (accepted July 14, 1983); (37) Staelen Sport Systems Corporation, 93 Hazel Street, Woonsocket, Rhode Island 02895, producer of athletic bags and jerseys (accepted July 14, 1983); and (38) Princess Creations, Inc., 244 Oak Street, Providence, Rhode Island 02909, producer of jewelry (accepted July 14, 1983).

The petitions were submitted pursuant to Section 251 of the Trade Act of 1974 (Pub. L. 93-618) and Section 315.23 of the Adjustment Assistance Regulations for Firms and Communities (13 CFR Part 315). Consequently, the United States Department of Commerce has initiated separate investigations to determine whether increased imports into the United States of articles like or directly competitive with those produced by each firm contributed importantly to total or partial separation of the firm's workers, or threat thereof, and to a decrease in sales or production of each petitioning firm.

Any party having a substantial interest in the proceedings may request a public hearing on the matter. A request for a hearing must be received by the Director, Certification Division, Office of Trade Adjustment Assistance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230, no later than the close of business of the tenth calendar day following the publication of this notice.

The Catalog of Federal Domestic Assistance official program number and title of the program under which these

petitions are submitted is 11.309, Trade Adjustment Assistance. Inasfar as this notice involves petitions for the determination of eligibility under the Trade Act of 1974, the requirements of Office of Management and Budget Circular No. A-95 regarding review by clearinghouses do not apply.

Jack W. Osburn, Jr.,

Director, Certification Division, Office of Trade Adjustment Assistance.

[FR Doc. 83-20388 Filed 7-26-83; 8:45 am]

BILLING CODE 3510-25-M

National Oceanic and Atmospheric Administration

Issuance of Permit To Take Endangered Species

On May 31, 1983, Notice was published in the **Federal Register** (48 FR 24186) that an application had been filed with the National Marine Fisheries Service by LGL Limited Environmental Research Associates, 44 Eglinton Avenue West, Toronto, Ontario M4R 1A1, Canada, for a Scientific Research and Scientific Purposes Permit to take up to 250 bowhead whales by harassment.

Notice is hereby given that on July 19, 1983, the National Marine Fisheries Service issued a Scientific Research and Scientific Purposes Permit as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407) and the Endangered Species Act of 1973 (16 U.S.C. 1531-1543) to LGL Limited Environmental Research Associates subject to certain conditions set forth therein.

Issuance of this Permit as required by the Endangered Species Act of 1973 is based on a finding that such Permit: (1) Was applied for in good faith; (2) will not operate to the disadvantage of the endangered species which are the subject of this Permit; (3) will be consistent with the purposes and policies set forth in Section 2 of the Endangered Species Act of 1973.

The Permit is available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, N.W., Washington, D.C.; and

Regional Director, Alaska Region, National Marine Fisheries Service, P.O. Box 1668, Juneau, Alaska 99802.

Dated: July 19, 1983.

Richard B. Roe,

Acting Director, Office of Protected Species and Habitat Conservation, National Marine Fisheries Service.

[FR Doc. 83-20392 Filed 7-26-83; 8:45 am]

BILLING CODE 3510-22-M

Massachussetts Cooperative Fishery Research Unit; Modification No. 4 to ESA—Permit No. E12

On May 13, 1983, Notice was published in the **Federal Register** (48 FR 21625) that a request to modify Permit No. E12 had been received from Mr. Boyd Kynard, Acting Leader, Massachusetts Cooperative Fishery Research Unit, Holdsworth Hall, University of Massachusetts, Amherst, Massachusetts 01003. Notice is hereby given that pursuant to the provisions of § 222.25 of the regulations governing endangered fish and wildlife permits (50 CFR Part 222), Permit No. E12 issued on June 10, 1976 (41 FR 2464), as amended on August 19, 1977, October 26, 1977, and June 25, 1980, is further modified in the following manner:

Section A is modified by adding:

"4. Up to 300 juvenile sturgeons less than 18" long may be captured, tagged and released. Of these, up to 30 may be radio tagged and up to 50 may be maintained for additional studies on behavior and habitat preference, and tagged and released into the wild population at various seasons."

Section B is modified by adding:

"10. If more than 30 shortnose sturgeons die while being captured, activities shall be suspended until the Director of the Northeast Region, National Marine Fisheries, agrees that the appropriate corrective measures have been taken to eliminate or reduce mortality.

11. Fish in a sluggish or comatose condition should be held for a reasonable length of time to allow them to recuperate and then be released."

These modifications became effective on July 15, 1983.

The Permit, as modified, is available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, N.W., Washington, D.C.; and

Regional Director, National Marine Fisheries Service, Northeast Region, 14 Elm street, Federal Building, Gloucester, Massachusetts 01930.

Dated: July 15, 1983.

Robert B. Brumsted,

Acting Director, Office of Protected Species and Habitat Conservation, National Marine Fisheries Service.

[FR Doc. 83-20390 Filed 7-26-83; 8:45 am]

BILLING CODE 3510-22-M

Receipt of Application for Endangered Species Permit

Notice is hereby given that an Applicant has applied in due form for a Permit to import endangered species as authorized by the Endangered Species Act of 1973 (16 U.S.C. 1531-1543), the National Marine Fisheries Service regulations governing endangered fish and wildlife permits (50 CFR Parts 217-222).

1. Applicant:

a. Name: Texas Parks and Wildlife Department (P326).

b. Address: 4200 Smith School Road, Austin, Texas 78744.

2. Type of Permit: Scientific Research.

3. Names and Number of Animals: Totoaba *(Cynoscion macdonaldi)*, 3,315.

4. Type to Take: To import Totoaba eggs, juveniles, and adults from the Gulf of California for spawning and culture studies.

5. Location of Activity: Gulf of California, Mexico.

6. Period of Activity: 5 years.

Written data or views, or requests for a public hearing on this application should be submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, U.S. Department of Commerce, Washington, D.C. 20235, within 30 days of the publication of this notice. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. The holding of such hearing is at the discretion of the Assistant Administrator for Fisheries.

All statements and opinions contained in this application are summaries of those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

Documents submitted in connection with the above application are available for the review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, NW., Washington, D.C.;

Regional Director, Southeast Region, National Marine Fisheries Service, 9450 Koger Boulevard, St. Petersburg, Florida 33702; and

Regional Director, Southwest Region, National Marine Fisheries Service, 300 South Ferry Street, Terminal Island, California 90731.

Dated: July 21, 1983.

R. B. Brumsted,

Acting Chief, Protected Species Division, National Marine Fisheries Service.

[FR Doc. 83-20391 Filed 7-26-83; 8:45 am]

BILLING CODE 3510-22-M

South Atlantic Fishery Management Council; Statement of Organization, Practices and Procedures

Pursuant to Section 302(f)(6) of the Magnuson Fishery Conservation and Management Act, as amended by Pub. L. 97–453, each Regional Fishery Management Council is responsible for determining its organization and prescribing its practices and procedures for carrying out its functions under the Act, in accordance with such uniform standards as are prescribed by the Secretary of Commerce. Further, each Council must publish and make available to the public a statement of its organization, practices and procedures (SOPPs). The South Atlantic Fishery Management Council's SOPPs were published originally on August 23, 1977 (42 FR, No. 163). An abbreviated version of the SOPPs, published below, outlines the Council's operations and also specifies those detailed sections of the SOPPs which will be made available to the public upon written request to the Council.

Dated: July 21, 1983.

Joseph W. Angelovic,

Acting Assistant Administrator for Fisheries, National Marine Fisheries Service.

South Atlantic Fishery Management Council Statement of Organization Practices and Procedures

1. *Name of Council:* South Atlantic Fishery Management Council.

2. *Location of Offices:* The principal office of the South Atlantic Fishery Management Council is located in the Southpark Building, 1 Southpark Circle, Charleston, South Carolina 29407.

3. *Authority:*

a. *Legal:* The South Atlantic Fishery Management Council consists of representatives of the states of North Carolina, South Carolina, Georgia, and Florida and has authority over the fisheries in the Atlantic Ocean seaward of the territorial boundaries of these states. Legal authority for the Council is found in the Magnuson Fishery Conservation and Management Act, as amended by Pub. L. 97–453. Hereinafter referred to as the Act.

b. *Fiscal:* The South Atlantic Fishery Management Council fiscal year, in concert with the Federal Government, shall begin on October 1 each year.

4. *Purposes:* The purposes for the South Atlantic Fishery Management Council are as specified in the Act.

5. *Composition:* The South Atlantic Fishery Management Council consists of representatives of North Carolina, South Carolina, Georgia, and Florida. There are 17 Council members, 13 of these are voting members. Of the voting members 8 are appointed by the Secretary of Commerce for 3 year terms. The other 5 voting members are the principal state officials with the marine fishery management responsibility, or their designees and the Regional Director of the National Marine Fisheries Service for the Southeast Region or his designee.

The non-voting members of the Council are: the Southeast Regional Director of the U.S. Fish and Wildlife Service or his designee; the Commander, Seventh Coast Guard District, or his designee; the Executive Director of the Atlantic States Marine Fisheries Commission, or his designee; and a representative of the U.S. Department of State or his designee.

6. *Officers and Terms of Office:* The Council elects annually from among the voting members, by majority vote of the voting members present and voting a Chairman and a Vice-Chairman, who serve for a one year term ending August 10, or until their successors have been duly elected. Elections are held at the first meeting of the Council after August 10th.

7. *Staff:* This section deals with the procedures of staff administration. The following subject matters are addressed:

Staff Composition: Employment practices, Salary and wage administration, Benefits, Grievances, Employment termination, Standards of conduct.

Details are available from Council.

8. *Working Committees of Council Members:* The Council has established certain working committees in order to accomplish its business. These Committees are Finance Committee, Personnel Committee, Executive Committee, Information and Education Committee, Operations and Procedures Committee, Fishery Management Plan Steering Committees, Temporary Committees. Detail of composition and functions are available from Council.

9. *Travel/Compensation Policy:* Travel performed in support of Council activities is in accordance with Federal travel regulations. Council members will not be compensated for "homework" time.

10. *Meeting and Hearings:* Meetings and hearings of the Council and its subgroups including Scientific and Statistical Committee and Advisory Panel are held in accordance with the Act.

11. *Advisory Panels:* The Council has established, pursuant to authority contained in the Act, a Scientific and Statistical Committee and Advisory Panel. These groups are for the purpose of assisting the Council in carrying out its functions. Details of the composition and functions of these groups are available from Council.

12. *Management Plan Development:* There are several options the Council may utilize in the development of management plans. The Council, after evaluating available technical resources in Council staff, NMFS, the States, universities, and in private research firms, will select the most cost effective and efficient method of plan development. Briefly, the following options, either singly, or in combination, are available to the Council:

1. Use of an interdisciplinary plan development team consisting of State, Federal, and non-government specialists;

2. Use of an interdisciplinary team of NMFS specialists;

3. Use of a contractor who will assemble an interdisciplinary team of specialists to develop the plan,

4. Use of Council technical staff (particulary appropriate if a PMP is already available or for plan revision).

Details are available from Council.

Procurement: Procurement procedures will be in accordance with OMB Circulars A–110 and A–122 and other procedures as prescribed in the financial cooperative agreement issued by Department of Commerce. Details are available from Council.

[FR Doc. 83-20393 Filed 7-26-83; 8:45 am]

BILLING CODE 3510-22-M

National Technical Information Service

Intent To Grant Exclusive Patent License

The National Technical Information Service (NTIS), U.S. Department of Commerce, intends to grant to E. I. du Pont de Nemours & Company, having a place of business at Wilmington, Delaware, an exclusive right to manufacture, use and sell products embodied in the invention, "Derivatives of 9-B-D-Arabinofuransyl-2-Fluoroadenine," U.S. Patents 4,188,378; 4,210,745; and 4,357,324. The patent rights in this invention have been assigned to the United States of America, as represented by the Secretary of Commerce.

The proposed exclusive license will be royalty-bearing and will comply with the terms and conditions of 35 U.S.C. 209 and 41 CFR Part 101–4.1. The proposed license may be granted unless, within sixty days from the date of this Notice, NTIS receives written evidence and argument which establishes that the grant of the proposed license would not serve the public interest.

Inquiries, comments and other materials relating to the proposed license must be submitted to the Office of Government Inventions and Patents, NTIS, Box 1423, Springfield, VA 22151.

Dated: July 20, 1983.

Douglas J. Campion,

Program Coordinator, Office of Government Inventions and Patents, Department of Commerce, National Technical Information Service.

[FR Doc. 83-20321 Filed 7-26-83; 8:45 am]

BILLING CODE 3510-04-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Announcing a Change in the Official Authorized To Issue Export Visas and Certifications to Exempt Certain Textile and Apparel Products From Korea

Effective on August 1, 1983, the Chairman of the Committee for the Implementation of Textile Agreements (CITA), under authority contained in the Bilateral Cotton, Wool, and Man-Made Fiber Textile Agreement of December 14, 1982 between the Governments of the United States and the Republic of Korea and E.O. 11651 of March 3, 1972, as amended, has issued the directive published below to the Commissioner of Customs. For further information contact William J. Boyd, International Trade Specialist (202/377-4212).

Background

On April 21, 1982 a notice was published in the **Federal Register** (47 FR 17104) which summarized provisions of the export visa and exempt certification requirements for certain cotton, wool, and man-made fiber textile and apparel products from Korea, established by CITA directive on May 19, 1972, as amended. This notice stated that Jang Wooh Noh (Noh, J. W.) was the only official authorized by the Korean Government to issue export visas and exempt certifications. The Korean Government has recently notified the United States Government that, effective on August 1, 1983 for merchandise exported on and after that date, the authorized issuing official will be changed to Chung, Duck Young, Director of the Export Division, Ministry of Commerce and Industry.

The purpose of this notice is to advise the public of this change. Merchandise exported from Korea before August 1, 1983 with visas or exempt certifications issued by Jang Wooh Noh (Noh, J. W.) will not be denied entry.

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

July 21, 1983.

Committee for the Implementation of Textile Agreements

Commissioner of Customs,
Department of the Treasury, Washington, D.C.

Dear Mr. Commissioner: This directive further amends, but does not cancel, the directive of May 19, 1972, as amended, from the Chairman of the Committee for the Implementation of Textile Agreements which established an export visa requirement for certain cotton, wool, and man-made fiber textile products from Korea.

Effective on August 1, 1983 the directive of May 19, 1972 is further amended to require that for merchandise exported on and after that date, the official authorized by the Government of the Republic of Korea to issue export visas and exempt certifications will be changed to Chung, Duck Young, Director of the Export Division, Ministry of Commerce and Industry. The signature will be in blue ink on both documents. Merchandise exported before August 1, 1983 having visas or exempt certifications issued by Jang Wooh Noh (Noh, J. W.) shall not be denied entry.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553.

Sincerely,

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 83-20332 Filed 7-26-83; 8:45 am]

BILLING CODE 3510-25-M

Announcing New Limits on Certain Cotton, Wool, and Man-Made Fiber Textile Products Exported From Hong Kong

July 21, 1983.

On June 9, 13, and 22, 1983, notices were published in the **Federal Register** (48 FR 26659, 27121, and 28529) announcing that the Government of the United States had requested consultations with the Government of Hong Kong concerning Categories 336, 434, 442, 636, 642, and 647 under the terms of the bilateral Agreement of June 23, 1982, as amended.

The purpose of this notice is to announce that consultations on these categories have been held and the following limits established for 1983 under the terms of the bilateral agreement.

Category	1983 limit (dozen)
336	137,704
434	8,660
442	62,602
636	200,000
642	129,178
647	275,400

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 83-20331 Filed 7-26-83; 8:45 am]

BILLING CODE 3510-25-M

DEPARTMENT OF EDUCATION

Office for Civil Rights; Annual Operating Plan for Fiscal Year 1984

AGENCY: Department of Education.

ACTION: Request for comments on Annual Operating Plan for Fiscal Year 1984.

SUMMARY: The Secretary of Education invites comments on the proposed FY 1984 Annual Operating Plan for the Office for Civil Rights.

DATES: Interested persons are invited to submit comments, suggestions, and objections regarding the proposed plan on or before September 12, 1983.

ADDRESS: Written comments should be addressed to Harry M. Singleton, Assistant Secretary for Civil Rights, Department of Education, 400 Maryland Avenue, S.W., Mail Stop 2516, Washington, D.C. 20202.

FOR FURTHER INFORMATION CONTACT: Fred Tate (202) 245-1724.

I. Introduction

The basic purpose of the Office for Civil Rights (OCR) is to ensure that no person is unlawfully discriminated against on the basis of race, national origin, sex, handicap, or age by recipients of Federal education funds in the delivery of services or the provision of benefits. The jurisdictional authorities under which OCR operates are Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, and the Age Discrimination Act of 1975.

Covered under these authorities are 50 State education agencies, 16,000 local school systems, 3,200 colleges and universities, 10,000 proprietary institutions, 50 rehabilitation agencies and their subrecipients, as well as other institutions such as libraries and museums which receive financial assistance from the Department of Education (ED). OCR protects the civil rights of 12 million minority group

members, 4 million handicapped persons and 26 million women who attend these institutions.

OCR's strategy to ensure compliance with Federal civil rights statutes involves two basic types of activities; compliance activities and technical assistance activities. Nearly all of OCR's compliance activities (complaint investigations, compliance reviews, Title VI *Lau* plan monitoring, and monitoring State higher education systems desegregation) are required by various statutes, regulations and court orders. OCR has discretion, however, as to where it will conduct its compliance review activities and what issues those reviews will cover. For the most part, OCR concentrates these investigative activities on those recipients, primarily identified by OCR civil rights compliance survey data, which are believed to be in noncompliance with major civil rights requirements.

Given the large number of institutions under its jurisdiction, OCR is unable to investigate the policies and practices of each recipient. Therefore, through technical assistance, which includes the transfer of information, material and skills, OCR assists recipients to comply voluntarily with the law and instructs beneficiaries of their rights under Federal civil rights statutes.

Compliance activities and technical assistance activities are often combined in a case-specific context. The application of technical assistance can be a positive factor any time after the initiation of a complaint investigation or compliance review. At some point during the investigative process or following its conclusion, technical assistance can be provided in response to a request from a recipient or as a result of an inquiry by investigative staff as to whether a recipient would be interested in such assistance. As a result, resolution of a compliance issue may be achieved which is satisfactory to the complainant and recipient. Through the application of both compliance and technical assistance activities, OCR can often obtain voluntary compliance on the part of ED recipients while avoiding confrontational situations.

The following narrative and tables describe the activities that OCR plans for FY 1984.

Compliance and Enforcement Activities

OCR's compliance and enforcement responsibilities are divided into three general categories: complaint investigations, compliance reviews and monitoring activities.

A. Complaint Investigations

The primary compliance activity is the investigation and resolution of complaints alleging discrimation. Each timely, written complaint must be resolved in accordance with established procedures and time frames.

OCR received 910 and closed 1,001 complaints during the first half of FY 1983, with 1,088 complaints pending as of March 31, 1983. Alleged discrimination against handicapped persons was the basis of approximately 49 percent of complaint receipts, with race, sex, national origin, and age complaints following in order of frequency. The largest number of complaints was filed against elementary and secondary schools. In the first half of FY 1983 almost 64 percent of the complaints received involved issues of service delivery to students, 28 percent involved various employment issues, 6 percent involved both, and 2 percent involved other issues. Although recent court decisions related to the statutes OCR enforces may have an impact on the number and type of complaints received during FY 1984, it is expected that the complaint workload will not vary significantly in type or number from the FY 1983 complaint workload.

During FY 1982, OCR implemented two initiatives designed to improve the efficiency of the case handling process. Both initiatives were continued in FY 1983 and will be continued in FY 1984. The first initiative, Early Complaint Resolution (ECR), is a process where OCR acts as a mediator between the complainant and the recipient to help them nogotiate a settlement between themselves. If the mediation is successful, the complaint is closed without an investigation by OCR. If the parties cannot reach an agreement, OCR investigates the complaint as usual. During the first half of FY 1983, ECR was accepted in 76 percent of the complaints where it was offered to the parties involved, and 58 percent of those cases were resolved through mediation.

The second initiative implemented in FY 1982 was the pre-determination settlement which is applicable to both complaints and compliance reviews. In the pre-determination settlement, OCR and the recipients of Federal assistance attempt to reach settlements prior to the formal issuance of OCR's findings. Each settlement agreement resulting from this approach is confirmed in writing by the issuance of a letter to the recipient which satisfies the applicable statutory requirements and which includes all the remedies that will be implemented by the recipient. OCR then monitors the implementation of the remedies by the recipient.

B. Compliance Reviews

Through its compliance review program, OCR is able to identify and remedy discrimination which may not be addressed through complaint investigations. Compliance reviews differ from complaint investigations in that OCR has some discretion in selecting the issues and institutions for review. In the first half of FY 1983, OCR initiated compliance reviews of 107 recipients; Table 1 shows these reviews by issue. During this same period, OCR closed 110 reviews.

Table 2 shows the issues to be included in the FY 1984 compliance review program and provides a brief description of each issue. The subject areas covered by the issues identified in the FY 1983 Annual Operating Plan are encompassed by the FY 1984 issues. However, some of the issues have been modified to group more appropriately specific subject areas and to clarify which topics are included in each issue category. For example, the issue of Free Appropriate Public Education includes all the areas covered last year by the issue of Unserved Special Education as well as the Section 504 aspects of the Within School Discrimination and Discipline issues. The new definition also clarifies that program accessibility is included under this issue. Some of the titles and definitions of other issues were similarly revised to clarify the issues and create more appropriate groupings.

OCR relies on survey data and other available information in selecting the sites for compliance reviews. In selecting the issues and the sites for compliance reviews, OCR balances the compliance program geographically as well as by jurisdiction.

C. Monitoring Activities

In FY 1984, OCR will monitor the following activities:

- Implementation of *Adams* higher education desegregation plans of approximately 277 institutions of higher education in 11 States;
- Implementation of approximately 50 Title VI *Lau* plans;
- Activities of 50 States, four territories and the District of Columbia to ensure that they fulfill their Methods of Administration responsibilities under the Vocational Education Guidelines and the July 1979 Memorandum of Procedures regarding the civil rights compliance of their vocational education sub-recipients; and

• Implementation by recipient institutions of remedial action plans resulting from OCR complaint investigations and compliance reviews.

III. Technical Assistance Activities

Over 20,000 education institutions which receive Federal financial assistance must comply with complex civil rights requirements. Because of the number of recipient institutions involved, OCR is unable to investigate the policies or practices of each recipient.

The role of the Federal Government in enforcing civil rights can be greatly enhanced through efforts to assist and support State and local governments and other ED recipients in achieving compliance. Technical assistance is, therefore, vital. This approach allows OCR to provide assistance to those recipients that may be subject to a complaint investigation or a compliance review as well as to address specific problem areas that may be of concern to a number of institutions not undergoing complaint investigations or compliance reviews and assist them in a positive way to comply with the law.

OCR has developed a number of programs to broaden the impact of technical assistance provided. In FY 1983, as an example, OCR regional staff, which had been providing Section 504 technical assistance, expanded their technical assistance programs to include Title VI and Title IX. As another example, in FY 1983 OCR participated in negotiations with State agencies for the purpose of developing Memoranda of Understanding to support mutual civil rights compliance goals and objectives.

In FY 1984, OCR will continue to explore ways to increase the involvement of States in civil rights compliance activities. To this end, OCR will undertake the following activities:

• Work with State education and human rights agencies responsible for compliance and enforcement to explore cooperative activities that will reduce duplicative efforts and improve OCR's efficiency;

• Promote cost-effective voluntary compliance by close coordination of OCR's technical assistance activities with those of other ED agencies delivering civil rights technical assistance;

• Design its technical assistance training program to increase State and local education agency capabilities to undertake civil rights activities; and

• Prepare and disseminate materials to recipients and beneficiaries, summarizing and explaining OCR policies and regulations.

OCR's technical assistance activities will continue to focus on the same issues covered by compliance reviews. However, other technical assistance training topics will be identified through a review of complaint investigation issues, through analyses of OCR data and other information, and through consultations with staff of other ED program offices, ED recipients and beneficiary groups. To date, OCR has provided technical assistance primarily through on-site visits, workshops and development and distribution of technical assistance materials. During FY 1984, OCR will increase its outreach activities to ED recipient and beneficiary groups, both to identify technical assistance needs and to identify new techniques for providing technical assistance. OCR's staff will continue to provide technical assistance that reflects unique regional characteristics, priorities and resources. In providing this assistance, OCR combines workshops and on-site consultations with telephone and written responses to address recipient and beneficiary needs for assistance. Other OCR technical assistance outreach activities will involve collecting and disseminating published information about model solutions to civil rights problems.

In order to carry out its technical assistance programs effectively, OCR will engage in activities that include:

• Providing training to investigators and legal staff;

• Coordinating the delivery of Section 504, Title VI and Title IX technical assistance to State education agencies and local education agencies with other ED program offices;

• Implementing a data base management system to track, monitor, and evaluate technical assistance activities;

• Facilitating the exchange of proper information, materials, technical assistance strategies, techniques and successful compliance practices and procedures among OCR technical assistance staff; and

• Directing and monitoring the implementation of regional technical assistance programs.

IV. Program Management Activities

In order to carry out effectively its compliance, enforcement and technical assistance activities, OCR conducts a comprehensive program that includes:

• Formulating regulations, policies and investigation manuals;

• Providing technical guidance on complaints and compliance reviews referred from regional offices;

• Conducting hearings before Administrative Law Judges on the compliance of Federal financial recipients with civil rights requirements;

• Meeting with school district representatives, college and university officials, complainants and civil rights groups to discuss OCR activities;

• Conducting OCR surveys and data collection projects to obtain information on recipients and beneficiary populations; and

• Operating a data base management system to assure that complaint and compliance review processing time frames are met.

V. Summary

The planning for OCR's FY 1984 compliance, enforcement and technical assistance program will be regionally focused. As in previous years, each Regional Director will be responsible for timely fulfillment of OCR's obligations in complaint investigations and compliance reviews. A large part of each region's program will involve the investigation of discrimination complaints received. The remainder of the program will reflect OCR's effort to appropriately commit its resources to each of the civil rights jurisdictions in the geographic area served by a regional office. Regional programs will vary due to such considerations as the number and type of complaints received and the number and type of requests for technical assistance made by recipients.

TABLE 1.—COMPLIANCE REVIEW STARTS BY ISSUE, OCTOBER 1, 1982 TO MARCH 31, 1983

	Review starts
ELEMENTARY AND SECONDARY	
Issues	
Within School Discrimination	17
Vocational Education	8
Special Purpose Schools	6
Unserved Special Education	19
School Segregation	5
Services to LEP Children	2
School Discipline	3
Employment	1
POSTSECONDARY	
Issues	
Program Accessibility	5
Admissions	12
Vocational Education	9
Student Services	13
Intercollegiate Athletics	6
Joint Issues	
Student Services and Program Accessibility	1

TABLE 2.—FISCAL YEAR 1984 COMPLIANCE REVIEW ISSUES

Issue	Issue Description
ELEMENTARY AND SECONDARY EDUCATION	
Within-School Discrimination	This issue includes one or more of the following areas: Student Assignment to Courses, Programs, Classes, Ability Groups and Tracks; Disciplinary Policies and Practices; Counseling Policies and Practices; Interscholastic Athletics; and Provisions for Effective Participation of National Origin Minority Students with Limited Proficiency in English in the Education Program.
1. Student Assignment to Courses, Programs, Classes, Ability Groups and Tracks.	This issue covers whether assignments to programs for the educable mentally retarded or handicapped, gifted and talented, learning disabled, speech-impaired, and emotionally disturbed are free from discrimination on the basis of race, national origin and/or sex; whether assignments to ability groups and tracks are free from discrimination on the basis of race, national origin and/or sex; whether assignments to or exclusion from pre-vocational classes in home economics or industrial arts are on the basis of sex; whether assignment to or exclusion from physical education classes is on the basis of sex; whether assignment to or exclusion from other classes is on the basis of race, national origin and/or sex; and exclusion of pregnant students from the regular instructional program, including requirements for attendance in special courses or programs.
2. Disciplinary Policies and Practices	This issue covers the extent to which disciplinary criteria and the application of disciplinary sanctions, including suspensions, expulsions and other punitive measures, are free from discrimination on the basis of race, national origin and/or sex.
3. Counseling Policies and Practices	This issue covers whether counseling practices and materials, including course information and appraisal instruments, discriminate on the basis of race, national origin and/or sex.
4. Interscholastic Athletics	This issue covers provisions for pupils of each sex to participate in interscholastic athletics, including but not limited to sports offerings, scheduling, coaching, equipment, uniforms and supplies, and facilities.
5. Provisions for Effective Participation of National Origin Minority Students with Limited Proficiency in English in the Education Program.	This issue cover the extent to which national origin minority pupils with limited proficiency in English are identified and provided with the services necessary for their effective participation in classes, courses, programs and activities.
Vocational Education: Access, Recruitment, Admissions, Counseling and Assignment.	This issue includes review of policies and practices related to access, recruitment, counseling, admissions and assignment to vocational education institutions, programs, courses and classes, including apprentice training, work-study, and cooperative education to determine the extent to which they are free of discrimination on the basis of race, national origin, sex and/or handicap. It also includes the extent to which handicapped pupils and national origin minority pupils with limited proficiency in English receive the services they need to participate effectively in the vocational education programs offered.
Special Purpose Schools: Placement, Admissions, Referral, Program Availability and Pupil Services and Activities.	This issue covers the policies and practices of State-administered special purpose schools to determine whether referral, placement or admission to them is without discrimination on the basis of race or national origin. The extent to which equivalent programs and opportunities are available to pupils of each sex will also be reviewed. Major considerations will be the extent to which handicapped pupils could be placed in an alternative program with a less restrictive environment and the extent to which opportunities are provided for the integration of handicapped and nonhandicapped pupils. In addition, reviews will examine the extent to which reasonable accommodations are provided for and programs are accesssible to mobility-impaired and sensory-imparied pupils; the extent to which provision of services such as work-study and job training and placement are free of discrimination on the basis of race, national origin, sex and handicap; the extent to which housing assignments are without discrimination on the basis of race or national origin, and the extent to which policies and practices related to student treatment, including disciplinary sanctions and provisions for participation in athletics and other extracurricular activities are free of discrimination on the basis of race, national origin, sex and/or handicap.
Free Appropriate Public Education	This issue includes one or more of the following issues: Pre-placement Treatment, Post-placement Treatment and Program Accessibility.
1. Pre-placement Treatment	This issue covers policies and practices for locating and identifying handicapped persons needing services; policies and practices for identifying the special needs of pupils within the school system; policies and practices for notifying handicapped persons and their parents or guardians of their rights under Section 504 and of the services available to them; policies and practices related to placement or change of placement, including provisions for evaluation, use of tests and the range of information considered; consideration of integration objectives in making placement and educational decisions; and the range of services considered in making educational and placement decisions.
2. Post-placement Treatment	This issue covers the procedural safeguards available; prosions for free education and related services; availability of room and board, transportation and other non-medical services for beneficiaries with residential placements; the extent to which disciplinary sanctions are applied without denying beneficiaries necessary services; and the extent to which handicapping conditions are considered in applying disciplinary sanctions.
3. Program Accessibility	This issue covers the extent to which the education program as a whole is accessible to beneficiaries in wheelchairs or with other orthopedic impairments, as well as to persons with sensory impairments and to other qualified handicapped persons.
Employment: Recruitment, Selection, Assignment, Promotion, Compensation, Benefits and Termination.	This issue covers whether employment practices and policies relating to recruitment, selection, assignment, promotion, and termination are discriminatory on the basis of race, national origin, sex and/or handicap and whether provisions for compensation and such other employment benefits as medical insurance and leave are discriminatory on the basis of sex.
Segregated Schools: School Attendance Zones; Pupil Transfer Policies and Practices; Assignment of Teachers and Administrative Staff; Provision of Assistance to Segregated Non-public Schools.	This issue covers whether schools, primarily in large school districts, are intentionally segregated or resegregated on the basis of race or national origin as a result of attendance zone boundaries, student transfer policies and practices, employment and assignment of teachers and administrative staff that indicates a school is intended to serve pupils of a particular race or national origin, or through the initiation of school district assistance to segregated non-public schools coincident with steps to desegregate the public schools.
Within District Comparability—Discriminatory Delivery of Services	This issue covers discrimination on the basis of race and national origin in the provision of educational services and benefits among schools (e.g., limited course offerings, less qualified staff) in districts having schools that are disproportionately minority. There will be an initial inquiry to determine if a district's disproportionately minority schools are the product of unlawful segregation. If no illegal segregation exists, then the issue of equal educational opportunity will be investigated.
POSTSECONDARY EDUCATION	
Program Accessibility for the Handicapped	This issue covers the extent to which academic adjustments are available to handicapped students and whether programs are accessible to the handicapped.
Admissions	This issue covers discrimination on the basis of sex, race and/or national origin in admissions to undergraduate, graduate and professional schools.
Intercollegiate Athletics	This issue covers discrimination on the basis of sex in athletic financial assistance or athletic financial assistance and overall program comparability.
Vocational Education: Access, Admissions, Financial Aid, Recruitment and Job Placement.	This issue covers whether vocational education programs, courses, and job placement are free of discrimination on the basis of race, national origin, sex and/or handicap.
Student Services	This issue covers discrimination on the basis of race, national origin, sex and/or handicap as applicable in the provision of services such as financial aid, housing, special programs for minorities, counseling and tutorial services, auxiliary aids and/or student employment and placement services.
Vocational Rehabilitation Services	This issue covers discrimination in the provision of vocational rehabilitation services and benefits to individuals on the basis of handicap, sex, race and/or national origin.

TABLE 2.—FISCAL YEAR 1984 COMPLIANCE REVIEW ISSUES—Continued

Issue	Issue Description
Employment	This issue covers discrimination on the basis of race, national origin, sex and/or handicap in matters related to employment such as selection, promotion, compensation and termination.

VI. Paperwork Reduction

In accordance with the Paperwork Reduction Act of 1980, information collection activities undertaken pursuant to the regulations that underlie this proposed notice will be submitted for approval to the Office of Management and Budget (OMB). These activities are not effective until OMB approval has been obtained, and the public notified to that effect through a notice published in the **Federal Register.**

VII. Invitation To Comment

Interested persons are invited to submit comments and recommendations regarding the proposed plan. Written comments and recommendations may be sent to the address given at the beginning of this document. All comments received on or before the end of the comment period will be considered in the development of the final plan.

All comments submitted in response to the proposed plan will be available for public inspection, during and after the comment period, at the Department of Education, Room 5112, Switzer Building, 330 C Street, S.W., Washington, D.C., between the hours of 9:00 a.m. and 5:00 p.m., Monday through Friday of each week except Federal holidays.

Dated: July 21, 1983.

T. H. Bell,

Secretary of Education.

[FR Doc. 83-20180 Filed 7-26-83; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

Andrus Interests, Inc. and Affiliates; Proposed Consent Order

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of proposed Consent Order and opportunity for comment.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces a proposed Consent Order with Andrus Interests, Inc. and Affiliates and provides an opportunity for public comment on the terms and conditions of the proposed Consent Order.

DATE: Comments by August 26, 1983.

ADDRESS: Send comments to: Sandra K. Webb, Director, Houston Office, Economic Regulatory Administration, One Allen Center, Suite 610, 500 Dallas Street, Houston, Texas 77002.

FOR FURTHER INFORMATION CONTACT: Sandra K. Webb, Director, Houston Office, Economic Regulatory Administration, One Allen Center, Suite 610, 500 Dallas Street, Houston, Texas 77002, phone (713) 229-3715. Copies of the Consent Order may be obtained free of charge by writing or calling this office.

SUPPLEMENTARY INFORMATION: On July 21, 1983, the ERA executed a proposed Consent Order with Andrus Interests, Inc., Andrus Energy Corporation and Andrus Resources Corporation (Andrus) of Houston, Texas. Under 10 CFR 205.199J(b), a proposed Consent Order which involves the sum of $500,000 or more, excluding interest and penalties, becomes effective no sooner than thirty days after publication of a notice in the **Federal Register** requesting comments concerning the proposed Consent Order. Although the ERA has signed and tentatively accepted the proposed Consent Order, the ERA may, after consideration of the comments it receives, withdraw its acceptance and, if appropriate, attempt to negotiate a modification of the Consent Order or issue the Consent Order as signed.

I. The Consent Order

Andrus, with its home office located in Houston, Texas, is engaged in the marketing and reselling of covered products and was subject to the Mandatory Petroleum Price and Allocation Regulations. To resolve certain potential civil liability arising out of the Mandatory Petroleum Allocation and Price Regulations and related regulations, 10 CFR Parts 205, 210, 211, and 212, during the period August 14, 1979 through January 27, 1981 ("the period covered by this Consent Order"), the ERA and Andrus entered into a Consent Order the significant terms of which are as follows:

ERA has alleged that in connection with its reselling activities Andrus priced crued oil in violation of 10 CFR Part 212, Subpart L. ERA has made no allegation concerning Andrus' production and first sales of domestic crude oil and those transactions are specifically excluded from the terms of the Consent Order.

With respect to Andrus' reselling activities, the ERA and Andrus disagree concerning Andrus' compliance with the Federal petroleum price and allocation regulations. Notwithstanding the ERA's view as to the proper application of the regulations to Andrus' activities, Andrus maintains that it has correctly construed and applied the regulations. The Consent Order does not constitute an admission of Andrus nor a finding by the ERA of any violation of the Federal petroleum price and allocation regulations. Although the ERA and Andrus each believes that their respective positions are meritorious, both parties desire to resolve these matters without resort to complex, lenghty and expensive compliance actions. In addition to its review of Andrus' reselling activities, the ERA has also reviewed Andrus' expenditures prior to and after the decontrol of crude oil and petroleum products, as well as current financial data of the firm. Based upon that review, the ERA believes that it is in the best interest of the public and the government to resolve these matters now by means of this Consent Order.

II. Refunds

Under this Consent Order, Andrus will pay the sum of $5,300,000 in installments as follows: $530,000 within 120 days of the effective date of the Consent Order and the balance in nine annual installments of $530,000 each.

III. Submission of Written Comments

Interested persons are invited to submit written comments concerning the terms and conditions of this Consent Order to the address given above. Comments should be identified on the outside of the envelope and on the documents submitted with the designation "Comments on Andrus Consent Order." The ERA will consider all comments it receives by 4:30 p.m., local time August 26, 1983. Any information or data considered confidential by the person submitting it must be identified as such in accordance with the procedures in 10 CFR 205.9(f).

Issued in Houston, Texas, on the 21st day of July, 1983.

Sandra K. Webb,

Director, Houston Office, Economic Regulatory Administration.

[FR Doc. 83-20338 Filed 7-26-83; 8:45 am]

BILLING CODE 6450-01-M

Office of Energy Research

Technical Panel on Magnetic Fusion of the 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: Technical Panel on Magnetic Fusion of the Energy Research Advisory Board

Date and Time: August 30-31, 1983 from 8:30 a.m. to 5:30 p.m.

Place: U.S. Department of Energy, 1000 Independence Avenue, SW., Room 8E-089, Washington, D.C. 20585

Contact: Thomas J. Kuehn, U.S. Department of Energy, Office of the Energy Research (ER-6), 1000 Independence Avenue, SW., Washington, D.C. 20585, Telephone: 202/252-8933

Purpose of the Technical Panel: To perform a review of the conduct of the national magnetic fusion energy program and make recommendations to the Energy Research Advisory Board. After consideration of the Panel report, the Board shall submit such report, together with any comments that the Board deems appropriate, to the Secretary of Energy. The purpose of the Energy Research Advisory Board is 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

Briefings and discussions of:

- Office of Fusion Energy Briefings
- Tokomak program update
- International Fusion Activities
- University Research Activities
- Industrial Research and Engineering Activities
- Environmental Concerns and Research Activities
- Public Comment (10 minute rule)

Public participation: The meeting is open to the public. Written statements may be filed with the Panel either before or after the meetings. 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 Panel 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, D.C., between 8 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, D.C., on July 21, 1983.

Howard H. Raiken,

Deputy Advisory Committee Management Officer.

[FR Doc. 83-20317 Filed 7-26-83; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket No. RE833-9-000]

Arizona Public Service Co.; Application for Exemption

July 21, 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 specific 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 ratemkaing 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 inquiries into the continuing benefit of the Part 290 Regulations 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 of such comments on:

Mr. Alan Propper, Manager Rate Service Company, Arizona Public Service Company, P.O. Box 21666, Station No. 1840, Phoenix, Arizona 85036, and

Herbert I. Zinn, Esq., Attorney Law Department, Arizona Public Service Company, P.O. Box 21666, Station No. 4142, Phoenix, Arizona 85036.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-20351 Filed 7-26-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CI83-302-000]

Central Producers, Inc.; Application for Abandonment of Service

July 22, 1983.

Take notice that the Applicant listed herein has filed an application pursuant to Section 7 of the Natural Gas Act for authorization to abandon service as described herein, all as more fully described in the application which is on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 8, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211, .214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas

Act and the Commission's Rules of Practice and Procedure a hearing will be held without further notice before the Commission on the application in the event no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or to be represented at the hearing.

Kenneth F. Plumb,

Secretary.

Docket No. and date filed	Applicant	Purchaser and location	Price per Mcf	Pressure base
CI83-302-000 (G-3894), B, July 13, 1983.	Central Producers, Inc., Petroleum Center Building, D-420, 900 North East Loop Expressway, San Antonio, Texas 78209.	The Altex Corporation, Tom Graham Field, Jim Wells County, Texas.	(1)	

[1] Recoverable gas reserves underlying the acreage above 5,350 feet have been depleted.
Filing Code: A—Initial Service. B—Abandonment. C—Amendment to add acreage. D—Amendment to delete acreage. E—Total Succession. F—Partial Succession.

[FR Doc. 83-20341 Filed 7-26-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. QF83-335-000]

Container Corporation of America; Application for Commission Certification of Qualifying Status of a Cogeneration Facility

July 21, 1983.

On July 5, 1983, Container Corporation of America (Applicant), of One First National Plaza, Chicago, Illinois 60603, 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 be located in Santa Clara, California. The facility will consist of a gas turbine generator, a waste heat recovery boiler, and a steam turbine generator. The extraction steam from the steam turbine will be used in paper mill production processes. The primary energy source for the facility will be either natural gas or No. 2 distillate oil. The net electrical power production capacity of the facility will be 23,700 kilowatts.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N. E., Washington, D.C. 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed within 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. 83-20352 Filed 7-26-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. QF83-347-000]

Container Corporation of America—Vernon Mill; Application for Commission Certification of Qualifying Status of a Cogeneration Facility

July 21, 1983.

On July 12, 1983, Container Corporation of America (Applicant), of One First National Plaza, Chicago, Illinois 60603, 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 be located at the Applicant's Vernon Mill in Los Angeles, California. The facility will consist of a gas turbine generator, a waste heat recovery boiler, and a steam turbine generator. The extraction steam from the steam turbine will be used for mill production processes. The primary energy source for the facility will be either natural gas or No. 2 distillate oil. The net electrical power production capacity of the facility will be 23,700 kilowatts.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed within 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. 83-20353 Filed 7-26-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER81-380-000]

Dayton Power and Light Co.; Refund Report

July 22, 1983.

Take notice that on July 1, 1983, Dayton Power & Light Company, ("DP&L"), submitted for filing a final refund report. The refund report was filed pursuant to a settlement agreement approved by the Commission in ER81-380 (ER81-353, *et al.*), and as a result of the Commission's final decision in ER78-490, Opinion No. 170, which was issued on June 3, 1983.

Dayton Power and Light Company states that it has no refund obligation because the Commission upheld, in its Opinion No. 170, DP&L's use of a 10% adder in calculating the energy charge to the City of Piqua.

Copies of this Refund Report have been sent to the Piqua City Manager and the Public Utilities Commission of Ohio.

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 August 5, 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. 83-20342 Filed 7-26-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-523-000]

Florida Power & Light Co.; Order Accepting for Filing and Suspending Rates, Waiving Notice, Noting Intervention, Denying Summary Disposition, and Establishing Hearing Procedures

Issued: July 21, 1983

On May 23, 1983, Florida Power and Light Company (FPL) tendered for filing rates for transmission service to Seminole Electric Cooperative, Inc. (Seminole) or its members.[1] The proposed rates would implement an Interconnection Agreement between FPL and Seminole which was accepted for filing by the Commission on March 15, 1982, in Docket No. ER82-307-000. Pursuant to the Interconnection Agreement, FPL is to deliver to Seminole, its member cooperatives, or third parties a portion of the output of two coal-fired 600 MW generating plants under contstruction by Seminole in Putnam County, Florida. FPL estimates that it would receive revenues of $6,455,260 for the first twelve months of service. FPL proposes an effective date coincident with the in-service date of the first of Seminole's new units, and requests waiver of the notice requirements to accomplish that result.[2]

FPL states that its proposed transmission agreement does not commit FPL to provide power and energy to Seminole members now receiving full requirements service from FPL until termination of such service becomes effective.[3]

Notice of FPL's filing was published in the **Federal Register**, with comments due on or before June 21, 1983. A timely motion to intervene was filed by Seminole. Seminole supports FPL's request for waiver of notice and requests that the Commission suspend the proposed transmission agreement for one day, to become effective on the date of commercial operation of Seminole Unit No. 1. In addition, Seminole requests an expedited hearing to determine the just and resasonable rates and conditions for transmission service.

Seminole alleges that the terms of the rate schedule are unjust, unreasonable, and discriminatory. Specifically, Seminole contends that the proposed rate schedule provides for non-firm transmission service, in violation of FPL's wheeling obligations under the Nuclear Regulatory Commission's license for its St. Lucie No. 2 plant; that the service offered by FPL is of lesser quality than Seminole's members require for base load power, and of lesser quality than FPL has previously supplied to Seminole's members; and that the proposed service violates the Interconnection Agreement accepted by the Commission in Docket No. ER82-307-000. Seminole also asserts that FPL has: (1) Proposed a rate for non-firm service that is appropriate only for firm transmission service; (2) overstated the contract demand level; (3) improperly sought to shield itself from liability for interruption and curtailments; and (4) unnecessarily restricted available delivery points. Finally, Seminole alleges that various provisions concerning changes in charges, terms and conditions of service; billing and payment; term of the contract; force majeure; and contract termination are unjust and unreasonable.

On July 6, 1983, FPL filed an answer in which it states that it does not oppose Seminole's motion to intervene and that it agrees with Seminole that service under the agreements should be available on the day that Seminole Unit No. 1 begins commercial operation. FPL generally discusses the issues raised by Seminole, and notes that it does not interpret either the proposed transmission agreement or the parties' underlying Interconnection Agreement as encompassing firm transmission service to Seminole members within FPL's service area. FPL thus asserts that a number of Seminole's objections to specific terms and conditions of service are extraneous to this proceeding and asks that the Commission limit the issues to be explored at hearing to those which are directly relevant to the filed transmission agreement.

Discussion

Pursuant to Rule 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.214), the unopposed motion to intervene serves to make Seminole a party to this proceeding.

We note that the wheeling rate proposed by FPL is identical to the firm transmission service charge accepted by the Commission in Docket No. ER81-588-000, which applies to other wholesale customers of FPL.[4] However, we believe that a hearing is necessary to consider Seminole's claim that in view of the inferior reliability of the service currently being offered, FPL's firm transmission rate is inappropriate. Seminole has also objected to certain terms and conditions of service proposed by FPL and has asked that some be summarily stricken. In each instance, we believe that further investigation may be warranted. However, while we decline to grant summary disposition, we take this opportunity to advise FPL that section 11.3 of the proposed agreement, which provides for unilateral termination of service, cannot override the requirement for a timely filing and Commission review pursuant to § 35.15 of the Commission's regulations.

As noted, FPL contends that Seminole has improperly attempted to broaden the scope of this proceeding to include service not contemplated by the transmission agreement. We are reluctant to grant FPL's associated request to narrow the scope of the evidentiary hearing in this docket, particularly on the basis of contentions contained in FPL's recent answer to which Seminole has not responded. Resolution of this matter may require an interpretation of both the Interconnection Agreement and the transmission agreement, and may involve factual and legal issues which can only be resolved at hearing. Accordingly, we believe that the presiding judge will be in a better position to determine the appropriate scope of the hearing.

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[1] *See* Attachment A for rate schedule designations. Seminole's member cooperatives include: Clay Electric Cooperative; Lee County Electric Cooperative; Suwannee Valley Electric Cooperative; Okefenoke Electric Cooperative; Glades Electric Cooperative; and Peace River Electric Cooperative.

[2] At the time of filing, Seminole Unit No. 1 was scheduled to become commercially operational on June 1, 1983. FPL proposed an effective date one day before the anticipated in-service date in order to allow for a nominal suspension. However, Seminole has since indicated that the in-service date of Unit No. 1 has "slipped" somewhat.

[3] The question of termination of the full requirements service is the subject of two related filings. In Docket No. EL83-24-000, Seminole filed a petition for a declaratory order finding that, upon the in-service date of Seminole Unit No. 1, Seminole members will become partial requirements customers of FPL. In Docket No. EL83-24-001, FPL filed an opposing petition requesting a declaratory order establishing that Seminole is obligated by contract to provide FPL with a one year notice of termination of the present full requirements service, and that the required notice of termination was issued on May 20, 1983. The Commission has not yet taken action in those dockets.

[4] By letter order dated August 28, 1982, in Docket No. ER81-588-000, the Commission, *inter alia*, accepted transmission settlement rates.

Our preliminary examination of FPL's filing and the pleadings indicates that the proposed rates, terms, and conditions have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful. Accordingly, we shall accept FPL's submittal for filing and suspend its operation as ordered below.

The Commission explained its suspension policy in *West Texas Utilities Company*, Docket No. ER82-23-000, 18 FERC ¶ 61,189 (1982), noting that where preliminary examination indicates that proposed rates may be unjust and unreasonable but may not produce substantially excessive revenues, as defined in *West Texas*, we would ordinarily suspend the rates for one day. We also indicated that we would consider factors such as the availability of new services and customer concurrence in a nominal suspension. While Seminole has raised numerous objections, it nonetheless desires to have the new transmission service available immediately. Seminole has supported not only a one day suspension but also FPL's request for waiver of notice. Under these circumstances, we find that good cause exists to waive the notice requirements, and we shall suspend FPL's submittal to become effective, subject to refund, on the date of commercial operation of Seminole Unit No. 1.

As noted, Seminole has requested that the Commission grant an expedited hearing in this docket, but it has not set forth any grounds in support of its request. The Commission grants requests for expedited hearing procedures only in extraordinary circumstances. Accordingly, the Commission will deny the motion for expedited hearing and will leave the scheduling of this case to the discretion of the presiding judge.

The Commission orders:

(A) FPL's request for waiver of the notice requirements is hereby granted.

(B) FPL's submittal is hereby accepted for filing and suspended to become effective, subject to refund, on the date of commercial operation of Seminole Unit No. 1.

(C) Seminole's requests to summarily strike portions of the proposed agreement are hereby denied.

(D) Seminole's request for expedited procedures is denied.

(E) FPL's request that the Commission define or narrow the scope of this proceeding is hereby denied.

(F) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Regulatory Commission by section 402(a) of the Department of Energy Organization Act and by the Federal Power Act, particularly sections 205 and 206 thereof, and pursuant to the Commission's Rules of Practice and Procedure and the regulations under the Federal Power Act (18 CFR, Chapter I), a public hearing shall be held concerning the justness and reasonableness of FPL's rates, terms, and conditions of transmission service to Seminole and its members.

(G) A presiding administrative law judge, to be designated by the Chief Administrative Law Judge, shall convene a conference in this proceeding to be held within approximately fifteen (15) days of the date of this order in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. Such conference shall be held for pursposes of establishing a procedural schedule. The presiding judge is authorized to establish procedural dates and to rule on all motions (except motions to dismiss) as provided in the Commission's Rules of Practice and Procedure.

(H) The Secretary shall promptly publish this order in the **Federal Register.**

By the Commission.

Kenneth F. Plumb,

Secretary.

Attachment A—Florida Power & Light Company Docket No. ER83-523-000 Rate Schedule Designations

Designation	Description
Rate Schedule FERC No. 75	Transmission Service Agreement.
Supplement No. 1 to Rate Schedule FERC No. 75.	Loadflow Methodology and Calculation.

[FR Doc. 83-20054 Filed 7-26-83; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. QF83-336-000]

Fluidized Energy Associates; Application for Commission Certification of Qualifying Status of a Cogeneration Facility

July 21, 1983.

On July 5, 1983, Fluidized Energy Associates, 3141 Bordentown Avenue, Parlin, New Jersey 08859, 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 proposed topping cycle cogeneration facility will be located at the Marcal Paper Mills, Inc. plant in Elmwood Park, New Jersey. The primary energy source will be anthracite refuse coal, or "culm." The electric power production capacity of the facility will be 18 megawatts. Coal will be burned in a fluidized bed combustion boiler from which steam will flow to an extraction/condensing type turbine and on to supply process needs of the paper mill.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed within 30 days after the date of publication of this notice and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-20055 Filed 7-26-83; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. QF83-319-000]

G3E Corp.; Application for Commission Certification of Qualifying Status of a Small Power Production Facility

July 21, 1983.

On June 20, 1983, G3E Corporation, 1901 South Bascom Avenue, #1410, Campbell, California 95008, 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 windplant is under construction in the Pacheco Pass area of Los Banos, California. Approximately 100 units at 50 kilowatts each and 840 to 850 units at 56 kilowatts each are being installed, with a total capacity of 51 megawatts. Within a one mile radius, the aggregate capacity of the wind units will be 30 megawatts or less.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with rules 211 and 214 of the Commission's Rules of

Practice and Procedure. All such petitions or protests must be filed within 30 days after the date of publication of this notice and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-20356 Filed 7-26-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. ER80-592, et al.; ER80-659-000; and ER81-320-004]

Interstate Power Co.; Refund Report

July 22, 1983.

Take notice that on July 12, 1983, Interstate Power Company, ("IPC"), submitted for filing a refund report in compliance with the Commission's acceptance of IPC's Offer of Settlement in FERC Order No. 84.

Interstate Power Company states that the settlement rates did not result in a refund from, September 1980 through June 1983, because no transactions covered by Order No. 84 resulted in revenues in excess of 3 mills per Kwh.

Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on or before August 5, 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. 83-20343 Filed 7-26-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ID-2050-000]

John H. Chavanne; Application

July 21, 1983.

The filing individual submits the following:

Take notice that on June 17, 1983, John H. Chavanne filed an application pursuant to Section 305(b) of the Federal Power Act to hold the following positions:

Vice President, Corporate Controller, Treasurer, Asst. Secretary, New Orleans Public Service Inc.

Vice President, Corporate Controller, Asst. Secretary, Louisiana Power & Light Company.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedures (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before August 10, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-20357 Filed 7-26-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ID-2053-000]

John J. Cordaro; Application

July 22, 1983.

The filing individual submits the following:

Take notice that on June 17, 1983, John J. Cardaro filed an application pursuant to Section 305(b) of the Federal Power Act to hold the following positions:

Sr. Vice President, Lousisiana Power & Light Company.

Sr. Vice President, New Orleans Public Service Inc.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with the Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before August 10, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to made protestant parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-20344 Filed 7-26-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ID-2052-000]

John H. Erwin, Jr.; Application

July 21, 1983.

The filing individual submits the following:

Take notice that on June 17, 1983, John H. Erwin, Jr., filed an application pursuant to Section 305(b) of the Federal Power Act to hold the following positions:

Sr. Vice President, Treasurer, Louisiana Power & Light Company.

Sr. Vice President, Treasurer, New Orleans Public Service Inc.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with the Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before August 10, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-20358 Filed 7-26-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. QF83-326-000]

Jones and Laughlin Steel Inc.; Application for Commission Certification of Qualifying Status of a Small Power Production Facility

July 21, 1983.

On June 23, 1983, Jones and Laughlin Steel Inc., 3 Gateway Center, Pittsburgh, Pennsylvania 15263, 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, which includes two steam turbine generators is located in Pittsburgh, Pennsylvania. The primary energy source to the facility is coke oven gas. Natural gas is used as a supplementary fuel. The electric power production capacity of the facility is 27 megawatts.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene

or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed within 30 days after the date of publication of this notice and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-20059 Filed 7-26-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ID-2054-000]

Joseph J. Krebs, Jr.; Application

(July 22, 1983.)

The filing individual submits the following:

Take notice that on June 17, 1983, Joseph J. Krebs, Jr. filed an application pursuant to Section 305(b) of the Federal Power Act to hold the following positions:

Director, Louisiana Power & Light Company.

Director, New Orleans Public Service Inc.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with the Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before August 10, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-20345 Filed 7-26-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-670-000]

Michigan Power Co.; Refund

July 21, 1983.

Take notice that on July 1, 1983, Michigan Power Company ("MPC") submitted for filing a compliance report regarding refunds to its customers as ordered by the Commission on May 2, 1983 in its acceptance and approval of the Settlement Agreement between MPC and the City of Dowagiac and the Village of Paw Paw.

Accordingly, on June 1, 1983, MPC refunded $34,018.11, including interest, to the City of Dowagiac. In addition, MPC refunded $21,996.94, including interest, to the Village of Paw Paw.

Due to an inadvertent calculation, MPC included in its calculations spent nuclear fuel disposal costs. Subsequently, MPC refunded to the City of Dowagiac and the Village of Paw Paw $8,669.16 and $4,976.72, including interest, respectively.

Copies of this compliance report were also sent to the City of Dowagiac, the Village of Paw Paw and the Michigan Public Service Commission.

Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on or before August 4, 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. 83-20360 Filed 7-26-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. ER76-827-000; ER76-827-001; ER77-427-000; ER77-427-001; ER80-5-000; and ER80-5-004]

Minnesota Power & Light Co.; Refund Report

July 22, 1983.

Take notice that on July 15, 1983, Minnesota Power & Light Company ("MP&L"), submitted for filing refund reports, which were made pursuant to the Commission's letter order on May 31, 1983, approving the settlements in the afore-mentioned docket numbers.

The refund report indicates the monthly billing determinants and revenues for the period under the prior, present and settlement rates, the monthly revenue refund, and the monthly interest computation.

The following amounts were refunded to MP&L's customers:

Docket No.	Amount of refund
ER76-827-000 and ER76-827-001	$3,045,227.80
ER77-427-000 and ER77-427-001	2,447,560.25
ER80-5-000 and ER80-5-004	1,352,844.78

Copies of the refund reports have been sent to each of MP&L's sales-for-resale customers, the Minnesota Public Utilities Commission and the Wisconsin Public Service Commission.

Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on or before August 4, 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. 83-20346 Filed 7-26-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ID-2051-000]

William C. Nelson; Application

July 21, 1983.

The filing individual submits the following:

Take notice that on June 17, 1983, William C. Nelson filed an application pursuant to Section 305(b) of the Federal Power Act to hold the following positions:

Sr. Vice President, Corporate Secretary, New Orleans Public Service Inc.

Sr. Vice President, Louisiana Power & Light Company.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with the Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before August 10, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the

Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-20349 Filed 7-26-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ES83-55-000]

Northwestern Public Service Co.; Application

July 21, 1983.

Take notice that on July 11, 1983, Northwestern Public Service Company (Applicant) filed an application with the Commission, pursuant to Section 204 of the Federal Power Act, seeking authorization to issue and sell 400,000 additional shares of its Common Stock, par value $7 per share, pursuant to Applicant's Automatic Dividend Reinvestment and Stock Purchase Plan.

Any person desiring to be heard or to make any protest with reference to the said application should on or before August 10, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 or 385.214). Application is on file with the Commission and available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-20361 Filed 7-26-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RE80-25-003]

Pacific Gas & Electric Co.; Application for Exemption

July 21, 1983.

Take notice that Pacific Gas & Electric Co. (PG&E) filed an application on July 1, 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 prior to 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 PG&E states, in part, that it should not be required to file the specified data for the following reasons:

"Data from filings under existing Part 290 specifications frequently have an inappropriate level of detail and are focused on a historical reporting period not relevant in California."

"The California Public Utilities Commission's information reporting requirements for general rate cases are more comprehensive than the Part 290 requirements."

"The cost-of-service information that PG&E routinely provides during its California jurisdictional rate cases is readily available to interested parties."

"The California Public Utilities Commission has supported a similar application from the Southern California Edison Company in a letter dated June 1, 1983."

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 NE., 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 of such comments on: Mr. Peter Hanschen, Pacific Gas & Electric Co., 77 Beale Street, San Francisco, California 94106.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-20362 Filed 7-26-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-593-000]

Pennsylvania Electric Co.; Refund Report

July 22, 1983.

Take notice that on June 15, 1983, Pennsylvania Electric Co., ("PEC"), submitted for filing a refund report pursuant to a Commission Letter Order dated May 17, 1983, approving the Settlement Agreement between PEC and its wholesale customers.

The total amount refunded by PEC was $975,249.86.

Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on or before August 5, 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. 83-20347 Filed 7-26-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ID-2049-000]

Shelton G. Cunningham, Jr.; Application

July 21, 1983.

The filing Individual submits the following:

Take notice that on June 17, 1983, Shelton G. Cunningham, Jr. filed an application pursuant to Section 305(b) of the Federal Act to hold the following positions:

Vice President, Louisiana Power & Light.
Vice President, New Orleans Public Service Inc.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before August 10, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-20363 Filed 7-26-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. QF83-311-000]

Southern California Gas Co.; Application for Commission Certification of Qualifying Status of a Cogeneration Facility

July 21, 1983.

On June 9, 1983, Southern California Gas Company, P.O. Box 3249 Terminal Annex, Los Angeles, California 90051, 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 facility will consist of two 40 kilowatt phosphoric acid fuel cells located at Racquetball World in Fountain Valley, California. The facility will supply electricity for onsite use and thermal energy for a laundry and shower system. Natural-gas will be the energy source used by the fuel cell system. The power production capacity of the facility will be 80 kW.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed within 30 days after the date of publication of this notice and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-20364 Filed 7-26-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. GP83-41-000]

State of Louisiana Office of Conservation, Section 102 Determination, Aminoil USA, Inc., S/L 2028 No. 17-D Well, JD No. 82-27784; Petition To Reopen Final Well Category Determination and Request for Withdrawal

Issued: July 21, 1983.

On July 8, 1983, Aminoil USA, Inc. (Aminoil) filed with the Federal Energy Regulatory Commission (Commission) a petition to reopen, and a request to withdraw, its determination that gas produced from the S/L 2028 No. 17-D Well, located in Plaquemines Parish, Louisiana, qualifies under section 102(c)(1)(C) of the Natural Gas Policy Act of 1978 (NGPA), 15 U.S.C. 3301-3432 (Supp. V 1982). The subject determination became final on May 31, 1982, in accordance with NGPA section 503(d) and § 275.202(a) of the Commission's regulations (18 CFR 275.202(a) (1982)).

In order for gas produced from a well to qualify as gas from a "new onshore reservoir" under NGPA section 102(c)(1)(C), that reservoir must not have produced in commercial quantities before April 20, 1977. Aminoil states that it filed applications for well category determinations under NGPA sections 102 and 103 for the subject well with the Office of Conservation of the State of Louisiana on June 11, 1980. Subsequent to this filing, but prior to the time the determinations became final in accordance with § 275.202(a), a new well, penetrating the subject reservoir, was drilled by Aminoil. Evaluation of the new well test data revealed that the subject reservoir did not qualify as a "new onshore reservoir" as defined by the Commission's regulations. (*See* § 274.202(d)). Accordingly, Aminoil requests that the Commission reopen the final determination so that it may withdraw its application for qualification under NGPA section 102(c)(1)(C) for the S/L 2028 No. 17-D Well.

Notice is hereby given that, in the event the subject determination is reopened, the question of whether the Commission will require refunds, plus interest computed under § 154.102(c) of the regulations, is a matter subject to the review and final decision of the Commission.

Any person desiring to be heard or to make any protest to the requested reopening and withdrawal should file, within 30 days after this notice is published in the **Federal Register**, with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of Rules 214 or 211 of the Rules of Practice and Procedure, (18 CFR 385.211 and 385.214, 47 FR 19025 and 19026, May 3, 1982). All protests filed will be considered but will not make the protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene in accordance with the Commission's rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-20365 Filed 7-26-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ID-2048-000]

William H. Talbot; Application

July 21, 1983.

The filing individual submits the following:

Take notice that on June 17, 1983, William H. Talbot filed an application pursuant to Section 305(b) of the Federal Power Act to hold the following positions:

Vice President, Asst. to President, Secretary, Louisiana Power & Light Company.

Vice President, Asst. to President, Corporate Secretary, New Orleans Public Service, Inc.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before August 10, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-20350 Filing 7-26-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RE83-10-000]

West Texas Utilities Co.; Application for Exemption

July 22, 1983.

Take notice that West Texas Utilities Company (WTU) filed an application on July 5, 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 and biennially thereafter, 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 WTU states, in part, that it should not be required to file the specified data for the following reasons:

"The data produced and submitted in compliance with Part 290 are similar to the data required by the Public Utility Commission of Texas (PUCT) but sufficiently different to be of little value in rate proceedings."

"The Federal ratemaking standards of PURPA Title I have been considered by the PUCT and, in this respect, the intended purpose of the PURPA Tile I standards has been achieved."

"The test period used in WTU's rate proceedings before the PUCT is at variance with the Part 290 reporting period and, as a consequence, the value of Part 290 cost of service data is minimal in this respect."

"The PUCT has established its own filing requirements for rate proceedings which are at variance with those of Part 290."

"The applicant believes that its load data research program should not be mandated by the Federal Energy Regulatory Commission but should be left to the discretion of the PUCT which is in a better position to specify the customer classes for which load research studies shall be performed by WTU."

"The PUCT allows its staff and retail intervenors wide latitude to serve data request upon WTU for data and information that have not been provided in the initial rate case filings. These data requests are tailored to the specific issues of the rate case, and are not satisfied by the scope of Part 290 information. WTU is not aware of any instance where Part 290 data has reduced the number and scope of such data requests."

"WTU's costs to comply with Part 290 requirements for the 1982 filing were approximately $145,600. Since no apparent use has been made of either the 1980 or 1982 filing information and data, there is little evidence that the benefits of future filings of Part 290 requirements will begin to outweigh the costs WTU will be required to expend."

"The Public Utility Commission of Texas supports the applicant's request for a blanket exemption from the filing requirements of PURPA Section 133 and 18 CFR Part 290 filing requirements for the June 30, 1984 filing and all subsequent filings."

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, NE., 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 of such comments on: Mr. Darwin L. Breeding, Manager of Rates and Regulations, West Texas Utilities Company, 301 Cypress Street, Abilene, Texas 79604.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-20348 Filed 7-26-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-519-000]

Cincinnati Gas and Electric Co.; Order Accepting for Filing and Suspending Rates, Granting Summary Disposition, Noting Interventions, and Establishing Hearing and Price Squeeze Procedures

Issued: July 19, 1983.

On May 20, 1983, Cincinnati Gas and Electric Company (CG&E) tendered for filing a proposed two-phase increase in rates [1] for full requirements service to five municipal customers and to CG&E's two wholly-owned subsidiaries.[2] The Phase I rates would produce increased revenues of about $5.2 million (5.8%) for the calendar year 1983 test period. The Phase II rates would further increase revenues by approximately $4.1 million, representing a total increase of $9.3 million (10.3%). CG&E's Phase II cost of service includes approximately $750,000 which is related to the inclusion of about $3.9 million of construction work in progress (CWIP) in rate base. CG&E proposes an effective date of sixty days after filing for the Phase I rates. However, in the event that the Phase I rates are suspended for longer than one day, CG&E requests that the Phase I rates be deemed withdrawn and that the Phase II rates become effective after the designated suspension period.

Notice of filing was published in the **Federal Register**, with responses due on or before June 20, 1983. The Kentucky Public Service Commission filed a timely notice of intervention. On June 13, 1983, the Attorney General of Kentucky filed a motion for leave to intervene on behalf of the Kentucky retail customers of CG&E's subsidiary Union Light, Heat and Power Company (Union), which proposes to pass through the increase in State proceedings. The Attorney General submits that CG&E's proposed rates are unjust and unreasonable and should be rejected, but raises no specific issues.

Union also filed a timely motion to intervene stating that, inasmuch as it has no generating facilities of its own and is dependent solely on CG&E for its electric energy supply, the proposed increase will have a substantial impact on its customers. Therefore, Union seeks to participate in any hearing that may be ordered in this docket.

On June 17, 1983, the Newport Steel Corporation, a large full requirements industrial customer of Union, filed a motion to intervene claiming that CG&E's proposed rates are unjust and will result in unreasonable differences in rates to the various customer classes. The City of Williamstown, Kentucky, a full requirements municipal customer of Union, filed a motion to intervene on June 20, 1983, but has raised no substantive issues.

On June 20, 1983, CG&E's five municipal customers [3] filed a motion to intervene. These customers request rejection of both phases of the filing on the grounds that the filing is deficient. The municipalities also request rejection of Phase II of the filing due to CG&E's premature inclusion of CWIP in rate base. In the alternative, the municipalities request a five-month suspension of the Phase I rates citing various cost of service issues including: excessive rate of return; excessive cash working capital; questionable inclusion of pollution control CWIP; and improper projection of billing and coincident demands. The municipalities also allege price squeeze.

Discussion

Under Rule 214(c)(1) of the Commission's Rules of Practice and Procedure (18 CFR 385.214), the timely notice and motions to intervene serve to make the Kentucky Public Service Commission, the Attorney General of Kentucky, Union Light, Heat and Power Company, the New Port Steel Corporation, the City of Williamstown, and CG&E's five municipal customers parties to this proceeding.

Contrary to the intervenors' claims, we find that CG&E's submittal substantially complies with the Commission's filing requirements,[4] except with respect to the items for which summary disposition is ordered below. Accordingly, the motion to reject CG&E's filing on this basis will be denied.

However, the Commission will grant summary disposition with regard to

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[1] *See* Attachment A for rate schedule designations.

[2] CG&E's subsidiaries are the Union Light, Heat and Power Company and the West Harrison Gas and Electric Company.

[3] Bethel, Blanchester, Georgetown, Haversville, and Ripley, Ohio.

[4] See *Municipal Light Boards of Reading and Wakefield, Mass.* v. *FERC*, 450 F.2d 1341 (D.C. Cir. 1971).

CG&E's premature inclusion of CWIP in its Phase II rate base. The company cites no information which would justify the inclusion of CWIP in rate base under the Commission's regulations in effect at the time of CG&E's filing.[5] While it is true that the Commission has recently issued a final rule modifying the criteria for rate base inclusion of CWIP,[6] we note that the rule provided expressly that it would not become effective until thrity days after publication in the **Federal Register**. The rule further provided the specific filing requirements and conditions under which a utility may *file* to include CWIP in rate base *on or after* the effective date of the rule. Because CG&E's filing predated the July 1, 1983 effective date of the new CWIP rule, that rule, by definition, cannot apply to CG&E's submittal.[7] Our disposition of this issue is, however, without prejudice to CG&E's right to file revised rates to reflect the new CWIP policy at an appropriate time.

We shall also grant summary disposition with regard to CG&E's failure to deduct about $1.6 million of accumulated deferred income taxes related to property tax normalization from its wholesale rate base. In this respect, CG&E's filing does not comply with section 35.25 of the Commission's regulations. We shall, therefore, require CG&E to file revised Phase II rates and cost of service data consistent with section 35.25.

Our preliminary review indicates that CG&E's proposed rates have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful. Accordingly, we shall accept the proposed rates for filing, as modified by summary disposition, and we shall suspend them as ordered below.

As explained in *West Texas Utilities Company*, Docket No. ER82-23-000, 18 FERC ¶ 61,189 (1982), where the Commission's preliminary review suggests that increased rates may be unjust and unreasonable and may be substantially excessive as described in *West Texas*, we will generally suspend the rates for five months. Because we find that CG&E's Phase I and II rates may yield substantially excessive revenues, even after summary disposition, we shall suspend the Phase II rate for five months, to become effective, as modified by summary disposition, on December 20, 1983, subject to refund. Consistent with the company's suggestion, the Phase I rates will be deemed withdrawn.

In accordance with the Commission's policy and practice established in *Arkansas Power & Light Company*, Docket No. ER79-339-000, 8 FERC ¶ 61,131 (1979), we shall phase the price squeeze issue raised by CG&E's municipal customers.

The Commission orders:

(A) The motion to reject CG&E's filing in its entirety is hereby denied.

(B) CG&E's Phase I rates are hereby deemed withdrawn.

(C) Summary disposition is hereby ordered with respect to: (1) CG&E's inclusion of non-qualifying CWIP in rate base for its Phase II rates in this docket; and (2) CG&E's failure to reflect an appropriate rate base reduction for accumulated deferred income taxes related to property tax normalization. CG&E is hereby ordered to file, within thirty (30) days of the date this order, revised rates and cost of service statements consistent with these determinations.

(D) CG&E's proposed Phase II rates are hereby accepted for filing, as modified by paragraph (C) above, and are suspended for five months from sixty days after filing to become effective, subject to refund, on December 20, 1983.

(E) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by section 402(a) of the Department of Energy Organization Act and by the Federal Power Act, particularly sections 205 and 206 thereof, and pursuant to the Commission's Rules of Practice and Procedure and the regulations under the Federal Power Act (18 CFR, Chapter I), a public hearing shall be held concerning the justness and reasonableness of CG&E's rates.

(F) The Commission staff shall serve top sheets in this proceeding within ten (10) days of the date of this order.

(G) A presiding administrative law judge, to be designated by the Chief Administrative Law Judge, shall convene a conference in this proceeding to be held within approximately fifteen (15) days after service of top sheets, in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. The presiding judge is authorized to establish procedural dates to rule on all motions (except motions to dismiss) as provided for in the Commission's Rules of Practice and Procedure.

(H) We hereby order initiation of price squeeze procedures and further order that the proceeding be phased so that the price squeeze procedures begin after issuance of a Commission opinion establishing the rate which, but for consideration of price squeeze, would be just and reasonable. The presiding judge may order a change in this schedule for good cause. The price squeeze portion of this case shall be governed by the procedures set forth in section 2.17 of the Commission's regulations as they may be modified prior to the initiation of the price squeeze phase of this proceeding.

(I) The Secretary shall promptly publish this order in the **Federal Register**.

By the Commission.

Kenneth F. Plumb,

Secretary.

ATTACHMENT A.—CINCINNATI GAS & ELECTRIC COMPANY, DOCKET NO. ER83-519-000, RATE SCHEDULE DESIGNATIONS, FPC ELECTRIC TARIFF, FIRST REVISED VOLUME NO. 1

Filing Date: May 20, 1983.

Effective Date: December 20, 1983, subject to refund.

Designation	Description	Other party
(1) 7th Revised Sheet No. 4 (Supersedes 5th Revised Sheet No. 4).	Rate WH-I (Phase II)	West Harrison Gas and Electric Company.
(2) 9th Revised Sheet No. 5 (Supersedes 7th Revised Sheet No. 5).	Rate WS-P (Phase II)	Union Light, Heat and Power Company.
(3) 6th Revised Sheet No. 6 (Supersedes 5th Revised Sheet No. 6).	Rate WS-S (Phase II)	Bethel, Blanchester, Georgetown, Hamersville, Ripley.
(4) 2nd Revised Sheet No. 7 (Supersedes 1st Revised Sheet No. 7).	Rider F—Fuel Cost Adjustment.	All Tariff Customers.

[FR Doc. 83-20276 Filed 7-26-83; 8:45 am]

BILLING CODE 6717-01-M

[5] *See* 18 CFR 2.16 (1982).

[6] Order No. 298, Docket No. RM81-38 (May 16, 1983), 18 CFR § 35.26; 48 FR 24323 (June 1, 1983).

[7] *See Utah Power & Light Company*, 23 FERC ¶ 61,287 (1983); *Virginia Electric Power Company*, 23 FRC ¶ 61,289 (9183); *Commonwealth Edison Company*, 23 FERC ¶ 61,291 (1983).

[Docket No. CP82-332-002]

Columbia Gas Transmission Corp.; Petition To Amend

July 19, 1983.

Take notice that on July 11, 1983, Columbia Gas Transmission Corporation (Petitioner), 1700 McCorkle Avenue, SE., Charleston, West Virginia 25314, filed in Docket No. CP82-332-002 a petition to amend the order issued July 15, 1982, in Docket No. CP82-332-000, pursuant to Section 7(c) of the Natural Gas Act so as to authorize Petitioner to extend the term of an existing authorized transportation service for International Harvester Company (IH), all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner states that it was authorized July 15, 1982, in Docket No. CP82-332-000 to transport up to 1,000 dt equivalent of gas on an interruptible basis for IH for a period of one year beginning July 15, 1982, from wells owned by a producer subsidiary of IH in Aid Township, Lawrence County, Ohio, to an interconnection with Columbia Gas of Ohio, Inc. (COH), for eventual delivery to five IH plants at several locations in Ohio. It is asserted that the transportation service was intendd to assist IH in maintaining the cost effectiveness of the five Ohio plants by enabling IH to utilize lower cost energy supplies. It is further stated that the low cost gas has assisted IH in maintaining employment levels at the Ohio facilities.

To assist IH further, Petitioner requests amendment of the July 15, 1982, order to extend the term of the transporation service from July 15, 1983, to July 15, 1984. No other change in the service is proposed.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before August 12, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-20277 Filed 7-26-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. CP81-312-007, et al.]

El Paso Natural Gas Co., et al.; Filing of Pipeline Refund Reports and Refund Plans

July 19, 1983.

Take notice that the pipelines listed in the Appendix hereto have submitted to the Commission for filing proposed refund reports or refund plans. The date of filing, docket number, and type of filing are also shown on the Appendix.

Any person wishing to do so may submit comments in writing concerning the subject refund reports and plans. All such comments should be filed with or mailed to the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on or before July 29, 1983. Copies of the respective filings are on file with the Commission and available for public inspection.

Kenneth F. Plumb,

Secretary.

APPENDIX

Filing Date	Company	Docket No.	Type filing
6/9/83	El Paso Natural Gas Company	CP81-312-007	Report.
6/22/83	Panhandle Eastern Pipe Line Company	RP73-36-011	Do.
6/24/83	Columbia Gas Supply Corporation	RP73-65-025	Do.
6/30/83	National Fuel Gas Supply Corporation	RP-82-13-005	Do.
7/5/83	Consolidated Gas Supply Corporation Company	RP72-157-063	Do.
7/7/83	Texas Gas Transmission Corporation Company	RP82-74-009	Do.

[FR Doc. 83-20278 Filed 7-26-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP83-401-000]

Michigan Wisconsin Pipe Line Co.; Request Under Blanket Authorization

July 20, 1983.

Take notice that on July 1, 1983, Michigan Wisconsin Pipe Line Company (Michigan Wisconsin), One Woodward Avenue, Detroit, Michigan 48226, filed in Docket No. CP83-401-000 a request pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) that Michigan Wisconsin proposes to construct and operate certain gas supply facilities under the authorization issued to Michigan Wisconsin in Docket No. CP82-480-000 pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in the request on file with the Commission and open to public inspection.

Applicant states that it proposes to construct and operate 5.3 miles of 12¾-inch O.D. lateral pipeline connecting the production platform in High Island Area Block A-368, offshore Texas, to a subsea valve on an existing 24-inch O.D. lateral pipeline located in High Island Area Block A-370, offshore Texas. Applicant further states that its proposal includes the construction and operation of related measurement facilities which would be located on the aforementioned production platform. The purpose of the proposed facilities is to attach committed gas reserves underlying both High Island Area Blocks A-368 and A-351. It is further indicated that the cost of the proposed facilities is estimated at $7,147,100 which Applicant states would be financed with funds presently on hand.

Michigan Wisconsin states that the subject gas reserves would be transported onshore from the proposed facilities through Michigan Wisconsin's firm capacity entitlement in the High Island Offshore System (HIOS) and thence through Michigan Wisconsin's existing offshore pipeline system which connects to HIOS.

Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and, pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for

authorization pursuant to Section 7 of the Natural Gas Act.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-20271 Filed 7-26-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP83-107-000]

North Penn Gas Co.; Proposed Changes in FERC Gas Tariff

July 20, 1983.

Take notice that North Penn Gas Company (North Penn) on July 8, 1983, filed pursuant to Section 4 of the Natural Gas Act and § 154.63 of the Commission's Regulations Fifth Revised Sheet No. 15C Superseding Substitute Fourth Revised Sheet No. 15C and Fifth Revised Sheet No. 15E Superseding Substitute Fourth Revised Sheet No. 15E to its FERC Gas Tariff, First Revised Volume No. 1. These revised tariff sheets provide explicitly for the recovery through the purchased gas adjustment and surcharge provisions amounts paid to North Penn's pipeline suppliers under the minimum bill provisions of their FERC Gas Tariffs. These revised sheets would become effective as of June 21, 1983.

North Penn has also submitted for filing Fifth Revised Sheet No. 15D Superseding Fourth Revised Sheet No. 15D and Alternate Fifth Revised Sheet No. 15E Superseding Fourth Revised Sheet No. 15E in lieu of Fifth Revised Sheet No. 15E Superseding Substitute Revised Sheet No. 15E only in the event a settlement agreement in North Penn Gas Company Docket No. RP82-132, now before the Commission, is not approved. In that event, North Penn requests that these alternate tariff sheets be accepted and made effective as of June 21, 1983.

Copies of the filing were served upon North Penn's jurisdictional customers as well as interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 214 and 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.214 and 385.211). All such petitions or protests should be filed on or before July 26, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. 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. 83-20272 Filed 7-26-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP70-243-001]

Panhandle Eastern Pipe Line Co.; Petition To Amend

July 20, 1983

Take notice that on June 30, 1983, Panhandle Eastern Pipe Line Company (Panhandle), P.O. Boc 1642, Houston, Texas 77001, filed in Docket No CP70-243-001, a petition to amend further the order issued June 19, 1970,[1] in Docket No. CP70-243, as amended pursuant to Section 7(c) of the Natural Gas Act so as to authorize the continued exchange of natural gas with Kansas-Nebraska Natural Gas Company (KN) pursuant to the terms of an amended gas exchange agreement providing for an additional delivery point from KN to Panhandle, all as more fully set forth in the petition which is on file with the Commission and open to public inspection.

Panhandle states that the order issued June 19, 1970, as amended, authorized it to exchange up to 100,000 Mcf of natural gas per day with KN. It is further stated that KN transports gas for redelivery to Panhandle at Panhandle's Aledo processing plant in Dewey County, Oklahoma, pursuant to KN's FERC Gas Tariff, Second Revised Volume No. 2, Rate Schedule T-1, and that Panhandle delivers gas to KN in Douglas, Wyoming, pursuant to Panhandle's FERC Gas Tariff, Original Volume No. 2, Rate Schedule TSTE-1. KN also has an option to purchase a percentage of Panhandle's Wyoming gas when the volumes exceed 1,000,000 Mcf of gas per month, it is asserted. Further, KN pays Panhandle a treating charge of 8.58 cents per Mcf for gas delivered at the inlet of the Aledo plant, it is stated.

Panhandle states that due to declining production in its Oklahoma supply area, KN is not able to deliver enough gas to Panhandle at the Aledo plant to keep the exchange in balance. In order to alleviate the problem, Panhandle and KN entered into a February 7, 1983, amendment to the gas exchange agreement providing for a new delivery point from KN to Panhandle located in Texas County, Oklahoma.

In order to give additional relief to the problem, Panhandle avers that it and KN entered into a June 14, 1983, amendment to the gas exchange providing for a new delivery point from KN to Panhandle located in Grant County, Kansas. Panhandle requests authorization to implement the June 14, 1983, amendment to its gas exchange agreement. Since the gas delivered at the Grant County delivery point would not be processed at the Aledo plant, Panhandle states it would not charge KN the Aledo processing charge at Grant.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before August 5, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-20273 Filed 7-26-83; 8:45 am]

BILLING CODE 6717-01-M

[1] This proceeding was commenced before the FPC. By joint regulation of October 1, 1977 (10 CFR 1000.1), it was transferred to the Commission.

[Docket No. CP83-402-000]

Tennessee Natural Gas Lines, Inc.; Application

July 19, 1983.

Take notice that on July 1, 1983, Tennessee Natural Gas Lines, Inc. (Applicant), 814 Church Street, Nashville, Tennessee 37203, filed in Docket No. CP83-402-000 an application pursuant to Section 1(c) of the Natural Gas Act for exemption from the provisions of the Natural Gas Act and the Regulations of the Commission thereunder, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it received authorization from the Commission by order issued December 29, 1945, to construct a 14-mile transmission pipeline interconnecting with Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee) at a point in Cheatham County, Tennessee, and extending to a city gate interconnection with the facilities of Nashville Gas

Company (Nashville Gas), a subsidiary of Applicant, for the purpose of distributing natural gas in the City of Nashville, Tennessee. Applicant explains that it has expanded its system such that it now owns and operates a 57.8-mile transmission system which is located entirely in the State of Tennessee and a liquefied natural gas plant located in Nashville.

It is stated that Applicant obtains all of its gas from Tennessee at interconnection points located at Nashville and Ashland City, Tennessee. It is further stated that all of this gas is sold to Nashville Gas or to three direct customers located in Nashville. It is asserted that all of Nashville Gas' gas is purchased from Applicant and is ultimately consumed entirely within Tennessee. It is further asserted that Nashville Gas' operations are fully regulated by the Tennessee Public Service Commission.

It is stated that Applicant and Nashville Gas intend to consolidate their utility operations and realign their corporate assets. Applicant submits that as a result Nashville Gas would be merged into Applicant. Hence, it is explained that Applicant would purchase gas from Tennessee and would sell gas to Nashville Gas' current customers as well as the three industrial customers and that all gas would be consumed in Tennessee. It is further stated that the natural gas rates, service, and facilities of Applicant would be regulated by the Tennessee Public Service Commission. Applicant, therefore, requests a declaration of exemption pursuant to Section 1(c) of the Natural Gas Act.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 12, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211). All protests filed with the Commission will be considered by it in determing the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,
Secretary.

[FR Doc. 83-20280 Filed 7-26-83; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. CP83-385-000]

Texas Eastern Transmission Corp.; Application

July 19, 1983.

Take notice that on June 23, 1983, Texas Eastern Transmission Corporation (Applicant), P.O. Box 2521, Houston, Texas 77252, filed in Docket No. CP83-385-000, an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing a short-term storage and transportation service for 9 of its resale customers, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that Consolidated Gas Supply Corporation (Consolidated) has agreed to provide Applicant with 15,000,000 dt equivalent of natural gas storage capacity, authorization for which is requested in Docket No. CP83-386-000. Such storage capacity is proposed to be available through April 15, 1986. Utilizing the above storage capacity, Applicant proposes to provide short-term storage and transportation services, totalling 15,000,000 dt equivalent of gas per year for three years, to Algonquin Gas Transmission Company (Algonquin), The Brooklyn Union Gas Company (Brooklyn Union), Central Hudson Gas & Electric Corporation (Central Hudson), Elizabethtown Gas Company (Elizabethtown), Long Island Lighting Company (Long Island Lighting), New Jersey Natural Gas Company (New Jersey Natural), Philadelphia Gas Works (Philadelphia Gas), Public Service Electric & Gas Company (Public Service), and United Cities Gas Company (United Cities).

Applicant states that it has agreed to deliver to Consolidated quantities of natural gas for injection into storage, and that 7,500,000 dt equivalent of such gas would be purchased by Applicant's customers from Consolidated and the remainder would be purchased from Applicant under existing rate schedules. It is stated that when requested, Consolidated would deliver to Applicant the storage gas of Applicant's customers, on a best-efforts basis, at a daily rate not to exceed 150,000 dt equivalent. It is further stated that all transmission of the natural gas would utilize existing facilities of Applicant and Consolidated. The requested total storage quantity and the maximum daily withdrawal quantity for Applicant's 9 customers are as shown below:

Customer	Total storage quantity dt equivalent	Maximum daily withdrawal quantity dt equivalent
Algonquin	3,840,600	38,406
Brooklyn Union	859,248	8,593
Central Hudson	71,604	716
Elizabethtown	716,041	7,160
Long Island Lighting	1,432,082	14,321
New Jersey Natural	795,593	7,956
Philadelphia Gas	2,148,122	21,481
Public Service	5,012,286	50,123
United Cities	124,424	1,244
Total	15,000,000	150,000

Applicant states that under the terms of the proposed storage service, its customers would be able to store natural gas supplies during the summer months for use during the winter to provide additional assurance that the needs of high-priority customers are met during the next three winters.

Applicant would store and transport gas for the above customers pursuant to its proposed new Rate Schedule ISS-III. The storage and transportation rate that Applicant proposes to charge under Rate Schedule ISS-III is said to be a composite of Consolidated's charges for storage under its Rate Schedule GSS plus a charge for transportation equal to the appropriate rates under Applicant's effective Rate Schedule TS-1. It is stated that the demand charge, space charge, and injection charge which are charged to Applicant on the basis of Consolidated's GSS rate would be passed on directly to Applicant's 9 participating customers. Under the terms of the proposed Rate Schedule ISS-III, Applicant states it would withdraw quantities of natural gas from a customer's storage inventory not to exceed the maximum daily withdrawal quantity which is the maximum quantity of Rate Schedule ISS-III gas that Applicant is obligated to withdraw from storage for a customer on any day, and deliver said quantity to customer less applicable shrinkage.

It is stated that for those customers who nominate to receive gas under the Rate Schedule ISS-III when such gas does not exceed a particular customer's combined total curtailment under all of Applicant's firm sales rate schedules on any one day, the customer would be charged the basic withdrawal rate which includes the GSS withdrawal charge of 1.0 cent adjusted for applicable shrinkage, plus the basic TS-1 transportation rate under Applicant's Rate Schedule TS-1. It is further explained that any natural gas delivered under Rate Schedule ISS-III that exceeds the customer's total curtailment under all of Applicant's firm sales rate schedules would be charged at the excess withdrawal rate which includes

the GSS withdrawal charge of 1.0 cent adjusted for applicable shrinkage, plus the excess TS-1 transportation rate under Applicant's Rate Schedule TS-1.

Applicant intends to retain all revenues received for the withdrawal transportation service proposed herein which, Applicant states, is specifically provided by Article IV(C) of the proposed stipulation and agreement dated May 13, 1983, in Docket Nos. RP81-109, RP82-37, and RP83-35.

Applicant further requests that the Commission waive §§ 154.38(d)(3) and 154.63 of its Regulations to permit the tracking of changes in Consolidated's storage charges in accordance with the proposed Rate Schedule ISS-III.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 12, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-20281 Filed 7-26-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-446-002]

Texas Eastern Transmission Corp.; Amendment

July 19, 1983.

Take notice that on July 5, 1983, Texas Eastern Transmission Corporation (Applicant), P.O. Box 2521, Houston, Texas 77252, filed in Docket No. CP82-446-002 a second amendment to its application filed in Docket No. CP83-446-000 pursuant to Section 7(c) of the Natural Gas Act so as to reflect a proposal to transport interim and long-term quantities of natural gas proposed to be sold by Consolidated Gas Supply Corporation (Consolidated), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

It is stated that by this amendment the Applicant seeks authorization to transport on a firm basis up to 95,500 Mcf of natural gas per day proposed to be sold by Consolidated on a firm basis for a primary term of ten years to fourteen purchasers,[1] and pending build-up to the 95,500 Mcf per day on a firm interim basis up to 40,000 Mcf of natural gas per day beginning in the fall of 1984 to four of the purchasers.[2]

Applicant states that it is willing to enter into precedent agreements with the interim purchasers which would provide for a firm interim transportation service of up to a total 40,000 Mcf of gas per day beginning in the fall of 1984 and with all the thirteen purchasers which would provide for long-term firm transportation services, of up to a total of 95,500 Mcf of gas per day to thirteen of the purchasers.

Applicant states that in order to effect its proposals the following authorization is requested:

Phase I

(a) To construct and operate approximately 8.25 miles of 30-inch pipeline, extending existing loop lines in four segments on Applicant's Penn-Jersey System between Perulack, Pennsylvania, and Bechtelsville, Pennsylvania, and expand Applicant's existing meter station No. 087 located at the point of interconnection between Applicant's existing Penn-Jersey System and Algonquin Gas Transmission Company's (Algonquin) existing system near Lambertville, New Jersey, as previously proposed in this docket. It is contemplated that these facilities would be constructed in time to begin the interim service by November 1, 1984.

(b) To transport for the interim purchasers, on a firm basis, from either the point of interconnection of Applicant's existing 24-inch pipeline and Consolidated's pipeline system near Tamarack, Clinton County, Pennsylvania, or the Oakford Storage Field, or at any of the other existing service points of interconnection with Consolidated, and deliver the following quantities of gas to

	Mcf per day
Brooklyn Union, M&R Station No. 058	14,721
New Jersey, M&R Station No. 953	10,558
Algonquin, M&R Station No. 087 for the account of:	
Connecticut	4,907
Granite State	9,814
Total	40,000

Phase II

(a) To construct and operate the previously proposed approximate 80.5 miles of 24-inch pipeline, and related facilities, extending from the terminus of the proposed Niagara Interstate Pipeline System NIPS pipeline near Tamarack, Pennsylvania, to Applicant's existing Penn-Jersey System at Perulack, Pennsylvania,

(b) To transport the previously proposed dekatherm equivalent of maximum daily quantities of up to 50,873 Mcf of gas per day and such additional quantities as mutually agreeable, for Algonquin from the point of interconnection of the proposed NIPS pipeline with Applicant's Tamarack-Perulack pepeline to Algonquin at the existing point of interconnection between Applicant's Penn-Jersey System and Algonquin's system near Lambertville, New Jersey, and

(c) To construct and operate an additional approximate 13 miles of 30-inch pipeline further extending the four loop lines on Applicant's Penn-Jersey System extended in Phase I,

(d) To install additional compression of up to approximately 4,000 horsepower at Applicant's compressor station No. 26 located near Lambertville, New Jersey,

(e) To transport for the purchasers, on a firm basis, up to 95,500 Mcf of natural gas per day received by Applicant from Consolidated either at the terminus of Applicant's Tamarack-Perulack pipeline

[1] The fourteen purchasers are The Brooklyn Union Gas Company, Granite State Gas Transmission, Inc. (successor to Bay State Gas Company), New Jersey Natural Gas Company, Boston Gas Company, The Connecticut Light and Power Company, consolidated Edison Company of New York, Inc., National Fuel Gas Supply Corporation, Long Island Lighting Company, Essex County Gas Company, Manachester Gas company, Gas Service, Inc., Valley Gas Company Berkshire Gas Company and Fitchburg Gas and Electric Light Co.

[2] The four purchasers are The Connecticut Light and Power Copmpany, The Brooklyn Union Gas Company, Granite State Gas Transmission, Inc., and New Jersey Natural Gas Company (Interim Purchasers).

system near Tamarack, Clinton County, Pennsylvania, or at the Oakford Storage Field, or at any of the other existing points of interconnection with Consolidated, and redeliver such quantities as follows:

	Mcf per day
M&R Station No. 058:	
Brooklyn Union	29,970
Consolidated Edison	5,000
Long Island	2,500
Unallocated	7,500
M&R Station No. 087:	
Granite State	12,500
Boston Gas	10,460
Connecticut	9,460
Haverhill Gas	1,610
Manchester Gas	1,550
Valley Gas	1,060
Berkshire Gas	1,050
Gas Service	1,550
Fitchburg Gas	530
M&R Station No. 953: New Jersey	10,760
Total	95,500

It is explained that cost of service and the estimated monthly charge for transportation services to be provided for the interim purchasers equates to 23.53 cents per Mcf, which demonstrates the low incremental cost of providing the transportation service. Applicant states that the cost of service for the Tamarack-Perulack expansion is allocated based on utilization of the capacity for the Algonquin transportation service and for acquisition of Canadian Gas, the cost of service for the Penn-Jersey expansion is attributable to and allocated 100 percent to the purchasers and Algonquin transportation service; and the Phase II cost of service equates to 22.06 cents per Mcf of the thirteen purchasers.

The incremental cost of service of the Tamarack-Perulack Expansion, attributable to Applicant's acquisition of the 150, 791 Mcf per day additional gas supplies is estimated to be approximately 2.0 cents per dekatherm of annual sales by Applicant, it is submitted.

Applicant explains that the estimated monthly charge for the transportation service is based on the estimated cost of facilities to provide that service and that prior to commencement of service, Applicant would compute the transportation charges based on the actual cost of construction.

Applicant further states that in addition to the proposed transportation service and the proposed construction and operation of pipeline facilities, Applicant proposes to phase the construction and operation of its proposed facilities and transportation service to provide for the transportation of up to 40,000 Mcf of gas per day of Consolidated interim gas beginning November 1, 1984, and for the Canadian authorized exports when they become available to Applicant.

Applicant alleges that the phased transportation service and construction of facilities has been determined to be a stable and cost-efficient method of providing for the transportation of the quantities of natural gas which Consolidated seeks to make available for sale to the fourteen purchasers. Phase I of the proposal, it is stated, would help Consolidated implement its firm interim sale and would assist the interim purchasers in meeting their 1984 winter requirements. Phase II of the proposal would provide a low cost viable method of transporting the balance of the natural gas which Consolidated has available for firm long-term sale to purchasers, it is submitted.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before August 1, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules. All persons who have heretofore filed need not file again.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-20282 Filed 7-26-83; 8:45 am]

BILLING CODE 6717-01-M

Southwestern Power Administration

Proposed System Transmission Rates; Opportunity for Public Review and Comment

AGENCY: Department of Energy, Southwestern Power Administration.

ACTION: Corrections to previous Notice of Proposed System Transmission Rates, Opportunity for Public Review and Comment.

SUMMARY: Notice is given of correction to the due date for written comments published in the **Federal Register** on July 11, 1983 [48 FR 31689].

DATES: Written comments on the proposed rate schedule are due on or before August 10, 1983.

FOR FURTHER INFORMATION CONTACT:

Walter M. Bowers, Director, Power Marketing, Southwestern Power Administration, Department of Energy, P.O. Box Drawer 1619, Tulsa, Oklahoma 74101, (198) 581-7529

John J. DiNucci, Office of Power Marketing Coordination, Conservation and Renewable Energy, Department of Energy, 12th Street and Pennsylvania Avenue NW., Washington, D.C., (202) 633-8380.

SUPPLEMENTARY INFORMATION: The correction is as follows: Written comments on the Proposed Rate Schedule are due on or before August 10, 1983.

Issued in Tulsa, Oklahoma, July 18, 1983.

Richard B. Risk, Jr.,

Administrator.

[FR Doc. 83-20319 Filed 7-26-83; 8:45 am]

BILLING CODE 6450-01-M

Western Area Power Administration

Final Environmental Impact Statement Availability; Fort Peck-Havre Proposed 230/kV Transmission Line, Montana

AGENCY: Western Area Power Administration, DOE.

ACTION: Notice of availability of final environmental impact statement.

SUMMARY: Notice is hereby given that the Western Area Power Administration (Western), U.S. Department of Energy (DOE), has issued a final environmental impact statement (FEIS) for the Fort Peck-Havre 230-kV transmission line in Montana, DOE/EIS-0090-F. The FEIS was prepared pursuant to the National Environmental Policy Act of 1969 (NEPA); Council on Environmental Quality regulations, 40 CFR 1500-1508; and DOE guidelines for compliance with NEPA, 45 FR 20694, as amended.

The FEIS addresses Western's proposal to construct and operate a 230-kV transmission line from Fort Peck to Havre, Montana, with three intermediate interconnecting substations. The line would be located in the counties of McCone, Valley, Phillips, Blaine, and Hill. The 230-kV transmission line would initially be operated at 161-kV and would replace an existing 161-kV transmission line. The existing transmission line was originally constructed in 1935 to supply electrical power during the construction of the Fort Peck Dam and since that time has been an integral part of the

interconnected electrical transmission system for northern Montana. Because of the age of the line and deterioration of the H-frame wood structures, grounding system, crossarms, and hardware, operation and maintenance costs are excessive and reliability of service is decreasing. Western proposes to rebuild the Fort Peck to Havre line in order to provide continued electrical service to the area, improve system and service reliability, improve safety conditions, reduce frequency and costs of maintenance, provide additional transmission conservation by reducing line losses.

Alternatives considered include: No action, energy conservation, alternative transmission systems and technologies, and the proposed action with routing and design alternatives. The major impacts from the proposed action would be the potential impacts of construction related siting activities on cultural resources and the impacts from the transmission line itself on visual resources, other land uses, and agricultural resources and practices.

The FEIS was prepared in compliance with DOE regulations, the Federal agency responsible for approval of the proposed action; and the Bureau of Land Management (BLM), the Federal agency responsible for granting rights-of-way across public lands. Western is the lead agency for the proposed action and the BLM is participating as a cooperating agency to fulfill the requirements of NEPA. The State of Montana Department of Natural Resources and Conservation participated in a review capacity.

Western prepared a Draft EIS which was distributed in June 1982. Public hearings on the DEIS were held in July 1982. A total of 19 oral statements and 20 written comments were received by Western. In response to comments by residents near Havre, Montana, the Board of Valley County Commissioners, and Congressman Ron Marlenee, the comment period for the DEIS was extended to October 22, 1982. Western conducted a local siting study to assess the potential impacts of a transmission line corridor through or around the Fort Assinniboine/Northern Montana Agricultural Research Center.

The FEIS contains the Fort Assinniboine study, public and agency comments and Western's responses, a description of the environmental assessment approach and cumulative impacts of the proposed project, and errata and changes for the DEIS and environmental report.

Copies of the FEIS have been distributed to all of those who received a copy of the DEIS. The FEIS has also been distributed to and is available for public inspection at: (1) Valley, Phillips, Blaine, and Hill county planning offices and local libraries; (2) BLM offices in Glasgow, Malta, Havre, Lewistown, and Billings; (3) Montana State Departments of Natural Resources and Conservation, and State Lands; (4) Western offices in Fort Peck, Billings, and Denver; (5) and the DOE reading room, Forrestal Building, Washington, D.C. Copies of the FEIS will be distributed by Western to the public upon request.

DATE: Western will publish a Record of Decision for the Fort Peck to Havre, Montana, Transmission Line Project no sooner than 30 days following the Environmental Protection Agency's Notice of Availability in the **Federal Register.**

ADDRESS: Use the following address for further information and copies of the FEIS: Mr. James Davies, Area Manager, Billings Area Office, Western Area Power Administration, P.O. Box EGY, Billings, MT 59101; (406) 657-6532.

Issued at Golden, Colorado, July 15, 1983.

Robert L. McPhail,

Adminstrator.

[FR Doc. 83-20318 Filed 7-26-83; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[PP 3G2787/T420; PH-FRC 2392-7]

Iprodione; Establishment of Temporary Tolerance

Correction

In FR Doc. 83-18076 beginning on page 31084 in the issue of Wednesday, July 6, 1983, make the following correction:

On page 31085, first column, two lines above the name of the signing official, "(Sec. 4089j)" should have read "(Sec. 408(j))".

BILLING CODE 1505-01-M

[PP 1G2550/T423; PH-FRL-2392-6]

Acephate; Extension of Temporary Tolerance

Correction

In FR Doc. 83-18077 appearing on page 31080 in the issue of Wednesday, July 6, 1983, make the following correction:

In the heading of the document, **"T422"** should have read **"T423".**

BILLING CODE 1505-01-M

[OPP-100005; PH-FRL 2404-2]

Pesticides; Micrographic Systems Technology Corporation; Transfer of Data to Contractor

AGENCY: Environmental Protection Agency.

ACTION: Notice.

SUMMARY: EPA has established quality control inspection procedures for microfilmed documents that include registration data submitted under sections 3 and 6 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). This work will be performed by Micrographic Systems Technology Corporation of Vienna, Virginia, under contract No. 68-02-3937. Accordingly, EPA will need to transfer all present and future microfilmed documents to the contractor. Some of the information has been claimed to be confidential business information (CBI). However, the contractor, Micrographic Systems Technology Corporation has met all the requirements of 40 CFR 2.301(h)(2) and consequently the documents will be transferred for performance of the contract. This action will enable the contractor to fulfill the obligations of the contract and serves to notify affected persons.

DATE: Micrographic Systems Technology Corporation will be given access to these documents no sooner than August 3, 1983.

FOR FURTHER INFORMATION CONTACT: Address mail to: William C. Grosse, Program Management and Support Division (TS-757C), Office of Pesticide Programs, Environmental Protection Agency, Washington, D.C. 20460. Office location and telephone number: Rm. 222, CM #2, 1921 Jefferson Davis Highway, Arlington, Virginia (703-557-2613).

SUPPLEMENTARY INFORMATION: The Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) section 10(e) provides that confidential business information (CBI), or business information which is alleged to be confidential, may be disclosed to an authorized contractor when such disclosure is necessary for the performance of the contract. EPA routinely receives such CBI as part of the data that are submitted by pesticide registrants and others as provided for in FIFRA section 3(c)(2). Contractors are authorized to receive such data if the EPA program office managing the contract makes the determinations specified in 40 CFR 2.301(h)(2) as referenced in § 2.307. Such determinations have been made concerning the contract with

Micrographic Systems Technology Corporation of Vienna, Virginia.

Pesticide registrants' documents submitted under sections 3 and 6 of FIFRA are microfilmed. The contractors's task requires inspecting microfilmed documents to insure conformance to government quality control specifications for readability, accuracy of titles and for processing microfilm.

Micrographic Systems Technology Corporation has been cleared in accordance with the procedures in the EPA FIFRA Confidential Business Information Security Manual to have access to confidential business information. FIFRA subsection 10(f)(1) provides a criminal penalty for wrongful disclosure of confidential information, whether such disclosure is made by an EPA employee or an EPA contractor. Micrographic Systems Technology Corporation's contract with EPA specifically prohibits disclosure of confidential business information to any third party in any form without written authorization from EPA, and Micrographic Systems Technology Corporation's personnel will be required to sign a non-disclosure agreement before they are permitted access to such information.

Dated: July 11, 1983.

Edwin L. Johnson,

Director, Office of Pesticide Programs.

[FR Doc. 83-20112 Filed 7-26-83; 8:45 am]

BILLING CODE 6560-50-M

[OPP-50598; PH-FRL 2402-2]

Pesticides; Issuance of Experimental Use Permits

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has granted experimental use permits to the following applicants. These permits are in accordance with, and subject to, the provisions of 40 CFR Part 172, which defines EPA procedures with respect to the use of pesticides for experimental purposes.

FOR FURTHER INFORMATION CONTACT: The product manager cited in each experimental use permit at the address below: Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, 1921 Jefferson Davis Highway, Arlington, VA 22202.

SUPPLEMENTARY INFORMATION: EPA has issued the following experimental use permits:

241-EUP-103. Issuance. American Cyanamid Company, P.O. Box 400, Princeton, NJ 08540. This experimental use permit allows the use of 1,162 pounds of the insecticide(±)cyano(3-phenoxyphenyl)methyl(+)-4-(difluoromethoxy)-alpha-(1-methylethyl) benzeneacetate on field and sweet corn to evaluate the control of various insects. A total of 15,969 acres are involved; the program is authorized in the States of Colorado, Delaware, Iowa, Illinois, Indiana, Kansas, Kentucky, Maryland, Michigan, Minnesota, Missouri, Nebraska, New York, North Carolina, Ohio, Pennsylvania, Texas, Virginia, and Wisconsin. The experimental use permit is effective from May 27, 1983 to May 27, 1984. A temporary tolerance for residues of the active ingredient in or on corn grain (except popcorn), fresh corn, and sweet corn has been established. (Timothy Gardner, PM 17, Rm. 207, CM#2, (703-557-2690))

45639-EUP-10. Issuance. BFC Chemicals, Ins., 4311 Lancaster Pike, P.O. Box 2867, Wilmington, DE 19805. This experimental use permit allows the use of 120 pounds of the insecticide bendiocarb on oranges to evaluate the control of citrus thrips. A total of 140 acres are involved; the program is authorized only in the State of California. The experimental use permit is effective from May 12, 1983 to May 12, 1984. This permit is issued with the limitation that all crops are destroyed or used for research purposes only. (Jay Ellenberger, PM 12, Rm. 202, CM#2, (703-557-2386))

239-EUP-99. Extension. Chevron Chemical Company, 940 Hensley St., Richmond, CA 94804. This experimental use permit allows the use of the remaining supply (300 pounds originally authorized) of the insecticide acephate on avocados to evaluate the control of avocade leafrollers and omnivorous loopers. A total of 200 acres are involved; the program is authroized only in the State of California. The experimental use permit is effective from May 26, 1983 to August 31, 1983. A temporary tolerance for residues of the active ingredient in or on avocados has been established. (William Miller, PM Rm. 211, CM#2, (703-557-2600))

239-EUP-102. Issuance. Chevron Chemical Company, 940 Hensley St., Richmond, CA 94804. This experimental use permit allows the use of 150 pounds of the insecticide acephate on rice to evaluate the control of armyworms, grasshoppers, and stinkbugs. A total of 100 acres are involved; the program is authorzied only in the States of Louisiana, Mississippi, and Texas. The experimental use permit is effective from May 17, 1983 to May 17, 1985. This permit is issued with the limitation that all crops are destroyed or used for research purposes only. (William Miller, PM 16, Rm. 211, CM#2, (703-557-2600))

100-EUP-64. Renewal. Ciba-Geigy Corporation, P.O. Box 11422, Greensboro, NC 27409. This experimental use permit allows the use of 150 pounds of the fungicide 1-[[2-(2,4-dichlorophenyl)-4-ethyl-1,3-dioxolan-2-yl]methyl]-1*H*-1,2,4-triazole on almonds, apples, cherries, peaches, plums, and fresh prunes to evaluate the control of apple scab, bolssom blight, brown rot, cedar apple rust, cherry leafsopt, cherry powdery mildew, fruit brown rot, powdery mildew, and quince rust. A total of 265 acres are involved; the program is authorized in the States of Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Illinois, Indiana, Iowa, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Hampshire, New York, North Carolina, Ohio, Oklahoma, Oregon, Pennsyvania, South Carolina, Tennessee, Texas, Utah, Virginia, Washington, and Wisconsin. The experimental use permit was previously effective from October 7, 1980 to December 31, 1982. The permit is now effective from April 22, 1983 to December 31, 1983. This permit is issued with the limitation that all crops are destroyed or used for research purposes only. (Henry Jacoby, PM 21, Rm. 229, CM#2, (703-557-1900))

1471-EUP-75. Amendment. Elanco Products Company, 740 S. Alabama St., Indianapolis, IN 46285. A notice was published in the **Federal Register** of January 5, 1983 (48 FR 504) pertaining to the extension of an experimental use permit, 1471-EUP-75, issued to Elanco Products Company. At the request of the company, the permit has been amended to add 11 States to the apple program. This experimental use permit allows the use of 9,900 pounds of the fungicide fenarimol on apples and grapes to evaluate the control of scab and cedar rust of apples and powdery mildew of apples and grapes. A total of 6,188 acres are involved; 5,188 acres of apples to be treated and 1,000 acres of grapes to be treated. The program is now authorized in the States of California, Connecticut, Georgia, Indiana, Illinois, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New York, North Carolina, Ohio, Oregon, Rhode Island, Pennsylvania, South Carolina, Vermont, Virginia, Washington, and West Virginia, for apples and in California, Michigan, New York, Ohio, Oregon, and Washington for grapes. The experimental use permit is effective

from March 19, 1983 to March 19, 1985. Temporary tolerances for residues of the active ingredient in or on apples and grapes have been established. (Henry Jacoby, PM 21, Rm. 229, CM#2, (703–557–1900))

46197–EUP–1. Extension. Kansai Paint Company, Ltd., P.O. Box 1104, Rahway, NJ 07065. This experimental use permit allows the use of two formulations of marine antifouling paint on three ocean going ships to evaluate the control of marine growth. The first formulation contains 31,700 pounds of cuprous oxide; the second formulation contains 6,900 pounds of triphenyltin hydroxide. The program is authorized only in the States of Alabama, Florida, Georgia, Louisiana, Maryland, Mississippi, Pennsylvania, Texas, Virginia, and Washington. The experimental use permit is effective from July 10, 1983 to December 31, 1984. This permit is being issued with the limitation that paint handlers and applicators will be limited to male employees only and that women of child-bearing age will not be exposed to this product. (Richard Mountfort, PM 23, Rm. 237, CM#2, (703–557–1830)).

359–EUP–61. Issuance. Rhone-Poulenc, Inc., P.O. Box 125, Monmouth Junction, NY 08852. This experimental use permit allows the use of 1,245 pounds of the fungicide 3-(3,5-dichlorophenyl)-N-(1-methylethyl)-2,4-dioxo-1-imidazolidinecarboxamide on grapes to evaluate the control of bunch rot. A total of 355 acres are involved; the program is authorized only in the States of California, Michigan, New York, Oregon, and Pennsylvania. The experimental use permit is effective from May 31, 1983 to December 31, 1984. A temporary tolerance for residues of the active ingredient in or on grapes has been established. (Henry Jacoby, PM 21, Rm. 229, CM#2, (703–557–1900))

359–EUP–64. Issuance. Rhone-Poulenc, Inc., P.O. Box 125, Monmouth Junction, NJ 08852. This experimental use permit allows the use of 6,480 pounds of the nematicide ethoprop on grapes to evaluate the control of dogger - nematodes, lesion nematodes, and root-knot nematodes. A total of 720 acres are involved; the program is authorized only in the States of California, Oregon, and Washington. The experimental use permit is effective from May 20, 1983 to December 31, 1984. A temporary tolerance for residues of the active ingredient in or on grapes has been established. (William Miller, PM 16, Rm. 211, CM#2, (703–557–2600))

264–EUP–67. Issuance. Union Carbide Corporation, P.O. Box 12014, T.W. Alexander Dr., Research Triangle Park, NC 27709. this experimental use permit allows the use of 2,551.5 pounds of the insecticide aldicarb on field corn to evaluate the control of various nematodes. A total of 1,701 acres are involved; the program is authorized only in the States of Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Carolina, Ohio, South Carolina, Virginia, and Wisconsin. The experimental use permit is effective from May 12, 1983 to May 12, 1984. A temporary tolerance for residues of the active ingredient in or on field corn has been established. (Jay Ellenberger, PM 12, Rm. 202, CM#2, (703–557–2386))

Persons wishing to review these experimental use permits are referred to the designated product manager. Inquiries concerning these permits should be directed to the persons cited above. It is suggested that interested persons call before visiting the EPA Headquarters Office, so that the appropriate file may be made available for inspection purposes from 8:00 a.m. to 4:00 p.m., Monday through Friday, excluding legal holidays.

(Sec. 5, 92 Stat. 819, as amended, (7 U.S.C. 136))

Dated: July 13 1983.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 83–19722 Filed 7–26–83; 8:45 am]

BILLING CODE 6560–50–M

[OPP–240034; PH–FRL 2405–1]

State Registration of Pesticides

AGENCY: Environmental Protection Agency (EPA)

ACTION: Notice.

SUMMARY: EPA has received notices of registration of pesticides to meet special local needs under section 24(c) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) from 33 States. A registration issued under this section of FIFRA shall not be effective for more than 90 days if the Administrator disapproves the registration or finds it to be invalid within that period. If the Adminstrator disapproves a registration or finds it to be invalid after 90 days, a notice giving that information will be published in the **Federal Register.**

DATE: The last entry for each item is the date the State registration of the product became effective.

FOR FURTHER INFORMATION CONTACT: Sandra English, Registration Division (TS–767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 718, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703–557–3045).

SUPPLEMENTARY INFORMATION: Most of the registrations listed below were received by EPA in April 1982. Receipts by EPA of State registrations will be published periodically. Except as indicated by (CUP) in two of the registrations listed below, there is no changed use pattern involved in any of these registrations.

Arkansas

EPA SLN No. AR 83 0012. Chevron Chemical Co. Registration is for Ortho Monitor 4 Spray, to be used on cotton to control late season aphids, thrips, fleahoppers, whiteflies, beet armyworms, cabbage loopers, and mites. April 13, 1983.

California

EPA SLN No. CA 83 0016. Siskiyou County Agriculture Dept. Registration is for Weedone 170, to be used on forest plantations and for plantation site preparation to control brush. April 11, 1983.

EPA SLN No. CA 83 0020. Chevron Chemical Co. Registration is for Bolero 10G, to be used on rice to control barnyardgrass (watergrass), sprangletop, and smallflower umbrella-plants. April 1, 1983.

EPA SLN No. CA 83 0021. Archem Corp. Registration is for Roban II, to be used on ground covers to control ground squirrels, meadow mice, cotton rats, and Norway rats. April 8, 1983.

EPA SLN No. CA 83 0022. California Dept. of Food and Agriculture. Registration is for Methyl Bromide 100, Namco Methyl Bromide, Dow Methyl Bromide, and Meth-o-Gas, to be used with mechanical cotton pickers and other cotton machinery and equipment to contol boll weevils and pink bollworms. April 11, 1983.

EPA SLN No. CA 83 0023. Chevron Chemical Co. Registration is for Ortho Diquat Herbicide, to be used on cucurbits (seed crop only) for preharvest desiccation of foliage. April 18, 1983.

EPA SLN No. CA 83 0024. Uniroyal Chemical. Registration is for Comite, to be used on alfalfa grown for seed to control the two-spotted spider mite complex. April 15, 1983.

EPA SLN No. CA 83 0025. Glenn County Agriculture Dept. Registration is for Omite 30W, to be used on dry beans interplanted with nonbearing prunes to control mites. April 18, 1983.

EPA SLN No. CA 83 0026. Glenn County Agriculture Dept. Registration is for Ortho Sevin Bait (Pelleted), to be used on onions grown for seed to control cutworms. April 18, 1983.

EPA SLN No. CA 83 0027. California Dept. of Forestry. Registration is for Orthene 75 S, to be used on Douglas fir Christmas trees, wild or cultured, to control Douglas fir needle midges. April 18, 1983.

EPA SLN No. CA 83 0032. San Bernardino County Agriculture Dept. Registration is for Rodent Bait Diphacinone Treated Grain (0.01%), to be used on buildings, non-crop areas, and crop areas to control ground squirrels, deer mice, and house mice. April 18, 1983.

EPA SLN No. CA 83 0033. San Bernardino County Agriculture Dept. Registration is for Rodent Bait Chlorophacinone Treated Grain (0.01%), to be used on buildings, non-crop areas, and crop areas to control ground squirrels, deer mice, and house mice. April 18, 1983.

EPA SLN No. CA 83 0034. Union Carbide Agricultural Products Co. Registration is for Ethrel Plant Regulator, to be used on cardinal, flame seedless, red Malaga, and queen table grapes to promote early uniform color development. April 21, 1983.

Florida

EPA SLN No. FL 83 0009. Mobay Chemical Corp. Registration is for Sencor 50% WP, to be used on sugarcane to control grass weeds, broadleaf *Panicum*, goosegrass, large crabgrass, broadleaf weeds, spiny amaranth seedlings, butterweeds (cressleaf groundsel), purslanes, and cudweeds. April 13, 1983.

EPA SLN No. FL 83 0010. Mobay Chemical Corp. Registration is for Sencor 4 Flowable, to be used on sugarcane to control grass weeds, broadleaf *Panicum*, goosegrass, large crabgrass, broadleaf weeds, spiny amaranth seedlings, butterweeds (cressleaf groundsel), purslanes, and cudweeds. April 13, 1983.

EPA SLN No. FL 83 0011. Mobay Chemical Corp. Registration is for Sencor DF 75% Dry FL, to be used on sugarcane to control grass weeds, broadleaf *Panicum*, goosegrass, large crabgrass, broadleaf weeds, spiny amaranth seedlings, butterweeds (cressleaf groundsel), purslanes, and cudweeds. April 13, 1983.

Georgia

EPA SLN No. GA 83 0003. Chevron Chemical Co. Registration is for Orthene Tree and Ornamental Spray, to be used on lawns and other non-crop areas to control imported fire ants. April 6, 1983.

Hawaii

EPA SLN No. HI 83 0005. Charles W. Areson Environmental Sanitation Service. Registration is for B.C.F. #1, to be used on buildings and structures to control birds. April 26, 1983.

EPA SLN No. HI 83 0006. Rohm and Haas Co. Registration is for Dithane M-45 Agricultural Fungicide, to be used on ornamentals to control turf diseases. April 18, 1983.

Idaho

EPA SLN No. ID 83 0010. Uniroyal Chemical. Registration is for Uniroyal Dinoseb-3, to be used on lentils to control broadleaf weeds. April 28, 1983.

EPA SLN No. ID 83 0011. Rhone-Poulenc Inc. Registration is for Mocap 10% G, to be used on potatoes to control wireworms. April 28, 1983.

EPA SLN No. ID 83 0012. Drexel Chemical Co. Registration is for Drexel Dynamyte 3, to be used on lentils to control broadleaf weeds and grasses. April 28, 1983.

EPA SLN No. ID 83 0013. Puregro Co. Registration is for Dinomerge-3, to be used on lentils to control broadleaf weeds. April 28, 1983.

Illinois

EPA SLN No. IL 83 0012. E. I. du Pont de Nemours and Co. Registration is for Du Pont Lannate Insecticide, to be used on peaches to control catfacing insects (plantbugs and stink bugs). April 25, 1983.

EPA SLN No. IL 83 0013. E. I. du Pont de Nemours and Co. Registration is for Du Pont Lannate L Insecticide, to be used on peaches to control catfacing insects (plantbugs and stink bugs). April 25, 1983.

Iowa

EPA SLN No. IA 83 0005. Diamond Shamrock Corp. Registration is for Ectrin Insecticide 10 Water Dispersible Liquid, to be used on livestock confinment areas to control house flies, stable flies, and *Fannia*. April 8, 1983.

Kansas

EPA SLN No. KS 83 0003. Diamond Shamrock Corp. Registration is for Ectrin Insecticide Water Dispersible Liquid, to be used on livestock and their premises to control flies, lice, and ticks. April 18, 1983.

Louisiana

EPA SLN No. LA 83 0016. Proserve, Inc. Registration is for Pronone 10 G, to be used on conifer release areas to control undesirable woody and herbaceous plants. April 12, 1983.

EPA SLN No. LA 83 0017. Elanco Products Co. Registration is for Treflan M.T.F., to be used on legumes used as cover crops to control weeds. April 12, 1983.

EPA SLN No. LA 83 0018. Chevron Chemical Co. Registration is for Ortho Monitor 4 Spray, to be used on cotton to control aphids, thrips (early season), fleahoppers, and whiteflies. April 12, 1983.

Maine

EPA SLN No. ME 83 0004. Union Carbide Agricultural Products Co. Registration is for Temik 15G, to be used on potatoes to control aphids, Colorado potato beetles, and leafhoppers. April 20, 1983.

Maryland

EPA SLN No. MD 83 0005. Diamond Shamrock Corp. Registration in for Ectrin Insecticide Water Dispersible Liquid, to be used on livestock and their premises to control flies, lice, and ticks. April 5, 1983.

EPA SLN No. MD 83 0006. Fairfield American Corp. Registration is for Permanone Tick Repellent, to be used on clothing to control ticks, chiggers, and mosquitos. April 26, 1983.

Michigan

EPA SLN No. MI 83 0003. Witco Chemical Corp. Registration is for GB-1356 Mosquito Larvicide, to be used on swamps and floodwater areas to control mosquito larvae and pupae. April 5, 1983.

EPA SLN No. MI 83 0004. Rohm and Haas Co. Registration is for Goal 2E Herbicide, to be used on peppermint and spearmint to control pre-emergence weeds. April 19, 1983.

EPA SLN No. MI 83 0005. E.I. du Pont de Nemours and Co. Registration is for Du Pont Lorox Weed Killer, to be used on hybrid poplar plantings to control weeds. April 19, 1983.

EPA SLN No. MI 83 0006. E.I. du Pont de Nemours and Co. Registration is for Du Pont Lorox L Weed Killer, to be used on hybrid poplar plantings to control weeds. April 19, 1983.

EPA SLN No. MI 83 0007. FMC Corp. Registration is for Furadan 15 G Insecticide-Nematicide, to be used on non-bearing peach, nectarine, apple, apricot, cherry, and plum trees to control nematodes. April 19, 1983.

EPA SLN No. MI 83 0008. Lakeshore Equipment and Supply Co. Registration is for Lesco 24–4–12 Fertilizer with 1.5% Oftanol, to be used on turf grasses to control white grub larvae. April 19, 1983.

Missouri

EPA SLN No. MO 83 0006. Mobay Chemical Corp. Registration is for Oftanol 2 Insecticide, to be used on turf grasses to control white grub larvae. April 29, 1983.

Nebraska

EPA SLN No. NE 83 0001. Magna Corp. Registration is for Magnacide H, to be used on reservoirs (impounded water) to control algae and weeds. April 20, 1983.

EPA SLN No. NE 83 0002. Monsanto Agricultural Products Co. Registration is for Lasso, to be used on corn to control weeds. April 26, 1983.

Nevada

EPA SLN No. NV 83 0003. Mobay Chemical Crop. Registration is for Oftanol 2 Insecticide, to be used on turf grasses (golf courses, cemeteries, sod farms, industrial grounds, parkways, and residential lawns) to control white grub larvae. April 19, 1983.

EPA SLN No. NV 83 0004. Mobay Chemical Corp. Registration is for Oftanol 5% G, to be used on turf grasses to control white grub larvae. April 19, 1983.

New Hampshire

EPA SLN No. NH 83 0002. New Hampshire Beekeepers' Federation. Registration is for Oxyfume 12, to be used on bee equipment to control American foulbrood. April 27, 1983.

New Jersey

EPA SLN No. NJ 83 0002. American Cyanamid Co. Registration is for Cythion Insecticide and Malathion ULV Concentrate Insecticide, to be used on non-cropland to control mosquitos. April 20, 1983.,

EPA SLN No. NJ 83 0003 FMC Corp. Registration is for Furadan 15 G, to be used on cucurbits (cucumbers, melons, squash, pumpkins) to control nematodes and striped cucumber beetles. April 25, 1983.

New Mexico

EPA SLN No. NM 83 0005. Bell Laboratories, Inc. Registration is for ZP Rodent Bait AG, to be used on non-crop areas, rangeland, orchards, groves, lawns, ornamentals, golf courses, parks, and nurseries to control rodents. April 5, 1983.

EPA SLN No. NM 83 0006. Mobay Chemical Corp. Registration is for Furadan 15 G, to be used on peppers to control flea beetles, green peach aphids, and thrips. April 8, 1983.

North Carolina

EPA SLN No. NC 83 0009. Stauffer Chemical Co. Registration is for Vapam Soil Fumigant, to be used on peanuts to control *Cylindrocladium* black rot. (CUP). April 18, 1983.

EPA SLN No. NC 83 0011. Safer Agro-Chem Inc. Registration is for Insecticidal Soap, to be used on Fraser fir trees to control balsam wooly aphids. April 19, 1983.

EPA SLN No. NC 83 0012. E.I. du Pont de Nemours and Co. Registration is for Du Point Velpar L Weed Killer, to be used on blueberries to control herbaceous and woody weeds. April 22, 1983.

EPA SLN No. NC 83 0013. Olin Corp. Registration is for Terraclor 10% G, to be used on peanuts to control *Sclerotinia* blight *(sclerotinia minor)*. April 25, 1983.

North Dakota

EPA SLN No. ND 83 0003. Mobay Chemical Corp. Registration is for oftanol 2 Insecticide, to be used on turf grasses to control white grub larvae. April 13, 1983.

EPA SLN No. ND 83 0004. Mobay Chemical Corp. Registration is for Oftanol 5% G, to be used on turf grasses to control white grub larvae. April 14, 1983.

EPA SLN No. ND 83 0005. FMC Corp. Registration is for Furadan 15 G Insecticide-Nematicide, to be used on sugar beets to control root maggots. April 28, 1983.

EPA SLN No. ND 83 0006. FMC Corp. Registration is for Furadan 15 G Insecticide-Nematicide to be used on sunflowers grown for seed to control stem weevils. April 28, 1983.

Ohio

EPA SLN No. OH 83 0005. FMC Corp. Registration is for Furadan 15 G Insecticide-Nematicide, to be used on non-bearing peach, nectarine, apple, apricot, cherry and plum trees to control nematodes. April 15, 1983.

Oklahoma

EPA SLN No. OK 83 0015. Union Carbide Agricultural Products Co., Inc. Registration is for Weedone, 2,4-DP Woody Plant Herbicide, to be used on loblolly pine plantations to control hardwood brush and broadleaf weeds. April 29, 1983.

Oregon

EPA SLN No. OR 83 0016. FMC Corp. Registration is for Furadan 15 G, to be used on watermelons to control nematodes. April 14, 1983.

South Dakota

EPA SLN No. SD 83 0002. Shell Chemical Co. Registration is for Shell Bladex 80W Herbicide, to be used on field corn and grain sorghum to control early weeds. April 25, 1983.

Tennessee

EPA SLN No. TN 83 0004. O.M. Scott and Sons Co. Registration is for Proturf Insecticide 4, to be used on turf to control white grubs, sod webworms, chinch bugs, mole crickets and *Hyperode* weevils. April 8, 1983.

EPA SLN No. TN 83 0005. Tennessee Dept. of Agriculture. Registration is for Carboxide Fumigant, Sterilant, to be used on hives and bee keeping equipment to control American foulbrood, European foulbrood, wax moths, and *Nosema* spp. April 8, 1983.

EPA SLN No. 83 0006. Chevron Chemical Co. Registration is for Ortho Monitor 4 Spray, to be used on cotton to control aphids, thrips (early season), fleahoppers, and whiteflies. April 13, 1983.

EPA SLN No. 83 0007. Shell Chemical Co. Registration is for Pydrin Insecticide 2.4 Emulsible Concentrate, to be used on soybeans to control Mexican bean beetles, green cloverworms, velvetbean caterpillars, potato leafhoppers, cabbage loopers, corn earworms, southern green stinkbugs, bean leaf beetles. April 8, 1983.

EPA SLN No. TN 83 0008. Penick Corp. Registration is for Scourge Insecticide SBP-1382/Piperonyl Butoxide Insecticide Concentrate 18% + 54% MF Formula II, to be used as a ground spray to control adult mosquitos. April 19, 1983.

Texas

EPA SLN No. TX 83 0006. O.M. Scott and Sons Co. Registration is for Proturf Insecticide, to be used on lawns and truf to control white grubs (on cool season grasses only), sod webworms, chinch bugs, mole crickets, and *Hyperode* weevils. April 1, 1983.

EPA SLN No. TX 83 0007. Proserve, Inc. Registration is for Pronone 10 G, to be used on conifer release sites to control woody and herbaceous plants. April 7, 1983.

EPA SLN No. TX 83 0008. Pennwalt Corp. Registration is for Hydrothol 191 Aquatic Algicide and Herbicide, to be used on canals and laterals providing irrigation water for rice to control weeds and algae. April 8, 1983.

Utah

EPA SLN No. UT 83 0009. Chas. H. Lilly Co. Registration is for Lilly/Miller Chlorban Insect Granules, to be used on broccoli, Brussels sprouts, cabbages, cauliflowers, rutabagas, Chinese cabbages, and turnips to control root maggots. April 11, 1983.

Vermont

EPA SLN No. VT 83 0002. FMC Corp. Registration is for Furadan 15 G, to be used on pure alfalfa at seeding time to control nematodes, potato leafhoppers,

alfalfa blotch leafminers, and clover root curculios. March 29, 1983.

Virginia

EPA SLN No. VA 83 0008. Lakeshore Equipment and Supply Co. Registration is for Lesco 24–4–12 Fertilizer with 1.5% Oftanol, to be used on turf grasses to control insects. April 21, 1983.

EPA SLN No. VA 83 0009. FMC Corp. Registration is for Furadan 15 G, to be used on cucurbits (cucumbers, melons, squash, pumpkins) to control striped cucumber beetles. April 6, 1983.

EPA SLN No. VA 83 0010. The Upjohn Co. Registration is for Proxol 80SP Insecticide, to be used on tobacco to control cutworms. April 6, 1983.

EPA SLN No. VA 83 0011. Union Camp Corp. Registration is for Treflan EC, to be used on forest nursery seedbeds to control weeds, crabgrass, large barnyardgrass, annual broadleaves, and carpetweeds. April 8, 1983.

EPA SLN No. VA 83 0012. Stauffer Chemical Co Registration is for Vapam Soil Fumigant, to be used on peanuts to control *Cylindrocladium* balck rot. (CUP). April 11, 1983.

Washington

EPA SLN No. WA 83 0012. Wilbur-Ellis Co. Registration is for Red-Top Diazinon 4 Spray, to be used on apples to control San Jose scale, green apple and rosy apple aphid eggs, European red mites, and brown mite eggs. April 6, 1983.

EPA SLN No. WA 83 0014. Uniroyal Chemical. Registration is for Uniroyal Dinoseb-3, to be used on lentils to control broadleaf weeds. April 20, 1983.

EPA SLN No. WA 83 0015. PureGro Co. Registration is for Dinomerge-3, to be used on lentils to control broadleaf weeds. April 20, 1983.

EPA SLN No. WA 83 0016. Drexel Chemical Co. Registration is for Drexel Dynamyte 3, to be used on lentils to control broadleaf weeds and grasses. April 20, 1983.

Wisconsin

EPA SLN No. WI 83 0002. Hopkins Agricultural Chemical Co. Registration is for Hopkins Diazinon 4 Lb. EC, to be used on balsam fir trees to control balsam gall midges. April 15, 1983.

Wyoming

EPA SLN No. WY 83 0004. Velsicol - Chemical Corporation. Registration is for Ramik Green, to be used on active burrows to control prairie dogs (black-tailed). April 25, 1983.

Dated: July 18, 1983.

Douglas D. Campt,

Director, Registration Division.

[FR Doc. 83-20240 Filed 7-26-83; 8:45 am]

BILLING CODE 6560-50-M

[OPTS-44002B; BH FRL 2404-6]

Toxic Substances: Acrylamide, 2-Chlorotoluene, Chlorinated Paraffins, and Alkyl Phthalates; Receipt of Test Data

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces the data submissions from negotiated testing programs under section 4 of the Toxic Substances Control Act received during the second quarter of 1983. These submissions include: (1) A report on aquatic toxicity testing of acrylamide, (2) a report on 2 chlorotoluene metabolism in rats, (3) an evaluation of available subchronic toxicity information on 2 chlorotoluene, (4) a response to technical questions raised by EPA about previously submitted test data on 2 chlorotoluene, (5) a teratology study on one chlorinated paraffin, and (6) water solubility terminations on thirteen alkyl phthalates.

ADDRESS: The studies described in the notice, and others previously submitted to the Agency, are available for public inspection from 8:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays. The material may be copied for a nominal fee: TSCA Public Information Office (TS–793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Room E–107, 401 M Street, S. W., Washington, D.C. 20460

FOR FURTHTER INFORMATION CONTACT: Jack P. McCarthy, Director, TSCA Assistance Office (TS–799), Office of Toxic Substances, Environmental Protection Agency, Room E–545, 401 M Street, S.W., Washington, D.C. 20460, Toll Free: (800–424–9065). Outside the USA: (Operator 202–544–1404).

SUPPLEMENTARY INFORMATION:

I. Acrylamide

The American acrylamide manufacturers are conducting a testing program for acrylamide to characterize its potential environmental effects. Acrylamide is used primarily in the manufacture of acrylamide grouts and polyacrylamide flocculants. The testing consists of five flow-through acute toxicity tests on freshwater vertebrates and invertebrates, and an acute and chronic test on a marine invertebrate. The test organisms are the bluegill, fathead minnow, rainbow trout, midge, *Daphnia* and mysid shrimp. Because of this testing, EPA decided not to initiate rulemaking at this time to require testing for acrylamide's environmental effects. Notice of that decision was published in the **Federal Register** of January 6, 1983 (48 FR 725).

The acrylamide manufacturers have submitted the five freshwater acute toxcity tests. The 96-hr LC50 values reported in these studies for the vertebrates are 100 mg/1 (bluegill), 120 mg/1 (fathead minnow) and 110 mg/1 (rainbow trout). The 48-hr LC50 values reported for the invertebrates are 410 mg/1 (midge) and 160 mg/ (*Daphnia*). The studies also reported 96-hr, and for the invertebrates 48-hr, no-observed-effect values of 35 mg/1 (bluegill), 41 mg/1 (fathead minnow), 37 mg/1 (rainbow trout), 60 mg/1 (midge) and 60 mg/1 (*Daphnia*). The investigators took both behavioral responses and mortality into account in deriving these values.

The Agency is reviewing and evaluating the data and conclusions from this study. The study has been placed in the public file on acrylamide (OPTS–47003B).

II. 2-Chlorotoluene

Occidental Chemical Corporation is conducting a negotiated testing program on 2-chlorotoluene, a solvent for agricultural pesticides and a general solvent replacement for 1,2-dichlorobenzene. The testing scheme is multi-level in approach, with the EPA participating at a number of decision points. The toxicological areas being addressed by this program are metabolism, teratology, mutagenicity, chronic toxicity, and environmental toxicity. Because of Occidental's commitment to this testing scheme, the EPA decided that it would not propose a 2-chlorotoluene test rule under section 4 of TSCA, as published in the **Federal Register** of April 28, 1982 (47 FR 18172). Occidental has submitted the following:

1. A report: "Metabolism of 2-chlorotoluene, identification of mercapturic acid metabolite." The report was written by Occidental and summarizes the rat metabolism data on 2-chlorotoluene submitted to Occidental by the testing laboratory. The report concludes that the major urinary metabolite is *S*-(2-chlorobenzyl)-*N*-acetylcysteine which is derived from methyl substituent oxidation of 2-chlorotoluene.

2. A report: "Evaluation of subchronic toxicity data for monochlorotoluene" written by Occidental Chemical Corporation from available information

on subchronic studies. The report concludes that: (a) The rat is more sensitive than the rabbit or the dog, (b) the no-observable-effect level is 300–1,000 mg/kg-day in rats, and (c) the liver and kidney are the target systems from chronic exposure to 2-chlorotoluene. Occidental also concludes that the studies in combination provide substantial support for retaining the current recommended occupational exposure limit of 250 mg/m³ (ACGIH TLV).

3. Reply to Agency comments: "Toxicity tests with Aquatic organisms and 2-chlorotoluene—EG&G Bionomic's reply to Agency concerns" submitted by EG&G Bionomics to Occidental. The document contains EG&G's response to questions raised by the Agency on the aquatic toxicity testing conducted by EG&G as well as additional technical details on the conduct of the tests.

The Agency is evaluating these data and the conclusions that can be drawn from the data in regard to further testing under this program. These studies have been inserted in the public file on 2-chlorotoluene (OPTS–42011A).

III. Chlorinated Paraffins

The Consortium of Chlorinated Paraffins Manufacturers is conducting a negotiated testing program on chlorinated paraffins, substances used primarily as flame retardants and plasticizers. The testing program, described in full in the **Federal Register** of January 8, 1982 (47 FR 1071), was accepted by the EPA in lieu of a chlorinated paraffins test rule under section 4 of TSCA. The negotiated testing program is a two-level testing scheme on four chlorinated paraffins of differing chain length and degree of chlorination. All four of the substances are being tested in some of the lower-level tests which other studies will test fewer. These lower-level tests include metabolism, teratology and mutagenicity tests in mammals, and subchronic toxicity tests in both mammals and aquatic organisms. The upper-level tests will use the compound considered the most toxic in the lower-level tests, and will include a two-generation reproduction study in rats and a number of specialized aquatic studies. The American members of the Consortium also will be performing an avian reproductive study on a chlorinated paraffin yet to be selected.

The Consortium recently submitted the final report on the rabbit teratology study on a 58 percent chlorinated short-chain paraffin. The authors reported that the test substance, administered orally at doses of 10, 30, and 100 mg/kg, did not induce malformations above the frequency of the control group. Some indication of embryotoxicity (whole litter resorptions) was observed at the high dose level.

The Agency is evaluating these data and the conclusions that can be drawn from the data in regard to further testing under this program. The studies have been inserted in the public file on chlorinated paraffins (OPTS–44004).

In the previous quarterly notice of receipt of test data published in the **Federal Register** of May 23, 1983 (48 FR 20132) the Agency reported that "EPA has requested that all remaining tests or testing sequences be initiated no later than May 15, 1983." This statement is hereby corrected to include the phrase "with the exceptions of the two-generation study in rats and the avian reproduction study." As noted in the negotiated testing agreement published in the **Federal Register** of January 8, 1982 (47 FR 1071), these Phase 2 studies will not commence until completion of the Phase 1 studies.

IV. Alkyl Phthalates

The Chemical Manufacturers Association (CMA), through its Phthalate Esters Program Panel, is conducting testing on the phthalate esters, alkyl diesters of 1,2-benzenedicarboxylic acid, which are primarily used as plasticizers. The CMA's proposal was accepted by the Agency in lieu of a test rule under section 4 of TSCA and is described in the **Federal Register** of October 30, 1981 (46 FR 53775).

Industry's proposal addresses aquatic toxicity, environmental transport and fate, and biodegradation of the high production alkyl phthalates and benzyl butyl phthalate. The proposal also examines, in a more experimental approach, potential oncogenic and mutagenic effects of selected alkyl phthalates and benzyl butyl phthalate. Basically, CMA's health proposal is a multistage test program consisting of two first-stage components: (1) A battery of short-term mutagenicicy tests; and (2) a 21-day *in vivo* test with rats. CMA will concurrently be performing extensive metabolism work on di-2-ethylhexyl phthalate. Long-term tests, such as 2-year bioassays, may also be performed on alkyl phthalates selected on the basis of results of the short-term tests for other phthalates. CMA has submitted results of water solubility determinations on 13 of the 14 phthalate esters which were selected for that work. Water solubilities in distilled water for the 13 phthalate esters were (mg/1± 1 standard deviation): dimethyl (4000±60), diethyl (1080±40), dibutyl 11.2±0.3), benzyl butyl (2.69±0.15), dihexyl (0.24±0.05), di (n-hexyl, n-octyl, n-decyl) (0.9±0.5), di-2-ethylhexyl (0.34±0.04), di-isooctyl (0.09±0.01), di-isononyl (0.2±0.1), di (heptyl, nonyl, undecyl) (<1), di-isodecyl (1.19±0.19), di-undecyl (1.11±0.28), di-tridecyl (<0.3). Solubilities for dimethyl phthalate (DMP) and di-2-ethylhexyl phthalate (DEHP) were also determined in well water and sea water; values of 3960±230 mg/l and 0.30±0.05 mg/l (well water) and 3160±160 mg/l and 0.16±0.04 mg/l (sea water) were obtained from DMP and DEHP, respectively. Because of technical difficulties, the work on butyl 2-ethylhexyl phthalate was delayed and will be submitted later as an addendum.

These studies have been placed in the public file on alkyl phthalates and benzyl butyl phthalate (OPTS–42005).

Dated: July 19, 1983.

Marcia Williams,

Acting Director, Office of Toxic Substances.

[FR Doc. 83-20239 Filed 7-26-83; 8:45 am]

BILLING CODE 6560-50-M

[PH-FRL-2405-8]

Science Advisory Board, Environmental Engineering Committee; Open Meeting

Under Pub. L. 92–463, notice is hereby given that a two-day meeting of the Environmental Engineering Committee (EEC) of the Science Advisory Board will be held in the Ninth Floor Conference Room, Region VIII, U.S. Environmental Protection Agency, 1860 Lincoln Street, Denver, CO, on August 15, 1983 from 1:00 pm to 5:30 pm and on August 16, 1983 from 8:30 am to 1:00 pm.

The purpose of the meeting will be to finalize the Committee's report to the Agency on its review of the proposed effluent guidelines for the pesticides industry, and discussions on future Committee activities.

The meeting is open to the public. Any member of the public wishing to participate or obtain further information about the meeting should contact Harry C. Torno, Executive Secretary, at (202) 382–2552, or Terry F. Yosie, Director, Science Advisory Board, at (202) 382–4126.

Dated: July 20, 1983.

Terry F. Yosie,

Director, Science Advisory Board.

[FR Doc. 83-20286 Filed 7-26-83; 8:45 am]

BILLING CODE 6560-50-M

[OPTS-51465A; FRL-2406-1]

Certain Chemicals; Premanufacture Notice; Extension of Review Period

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA is extending the review period for an additional 90 days for premanufacture notices (PMN's) PMN's 83-669 and 83-677, under the authority of section 5(c) of the Toxic Substances Control Act (TSCA). The review periods will now expire on October 23, 1983 and October 25, 1983.

FOR FURTHER INFORMATION CONTACT: Theodore C. Jones, Chemical Control Division (TS-794), Environmental Protection Agency, Rm. E-205, 401 M St. SW., Washington, D.C. 20460, (202) 382-3725.

SUPPLEMENTARY INFORMATION: Under section 5 of TSCA, anyone who intends to manufacture or import a new chemical substance for commercial purposes in the United States must submit a PMN to EPA 90 days before manufacture or import begins. Under section 5(c) EPA may, for good cause, extend the notice period for additional periods, not to exceed a total of 180 days from the date of receipt.

On April 26, 1983, EPA received PMN 83-669 for a substance described generically as Chromium complex of substituted phenolazosulfonaphthol with naphtholazosulfonaphthol. On April 28, 1983, EPA received PMN 83-677 described generically as Chromium complex of substituted alkylaminoformimidphenol with sulfonaphtholazosulfophenylpyrazolone. The PMN substances will be imported for use as industrial textile dyes. The submitter of the PMN's claimed the company identity, chemical identity, and volume to be confidential business information. Notice of receipt of the PMN's was published in the Federal Register of May 6, 1983 (48 FR 20490). The original 90-day review period for PMN 83-669 is scheduled to expire on July 24, 1983, and on July 26, 1983 for PMN 83-677.

EPA's detailed analysis of the substances described in the PMN's addressed the following: Effects on human health, exposure to workers available commerical substitutes, potential marketability, and the identification of other information which may be required to resolve outstanding issues.

As a result of this analysis, EPA has reason to believe the following:

1. Human exposure to the PMN substances may result in carcinogenic effects.

2. Workers may be exposed to significant amounts of the PMN substances during processing/use.

3. Persons may be at risk who drink water containing the PMN substances.

Based on this analysis, EPA finds that there is a possibility that the substances submitted for review in PMN's 83-669 and 83-677 may be regulated under section 5(e) of TSCA. The Agency requires an extension of the review period to further investigate use conditions, to examine its regulatory options and to prepare the necessary documents, should regulatory action be required. An administrative order under section 5(e) must be issued no later than 45 days prior to expiration of the review period. Therefore, EPA has determined that good cause exists to extend the review period for an additional 90 days, to October 23, 1983 for PMN 83-669 and October 25, 1983 for PMN 83-677.

PMN's 83-669 and 83-677 are available for public inspection in Rm. E-107, at the EPA Headquarters, address given above, from 8:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays.

Dated: July 19, 1983.

Marcia E. Williams,

Acting Director, Office of Toxic Substances.

[FR Doc. 83-20286 Filed 7-26-83; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

[CC Docket No. 83-744, File No. 10294-CM-P-80, et al.]

Broadcast Data Corp., et al.; Memorandum Opinion and Order

Adopted July 5, 1983.

Released July 22, 1983.

In re Applications of Broadcast Data Corp., CC Docket No. 83-744, File No. 10294-CM-P-80; and Telecommunications Systems, Inc., CC Docket No. 83-745, File No. 50017-CM-P-81; and Kravetz Media Corporation, CC Docket No. 83-746, File No. 50027-CM-P-81; for construction permits in the multipoint distribution service for a new station at Flagstaff, Arizona.

By the Common Carrier Bureau.

1. For consideration are the above-referenced applications.[1] These applications are for construction permits in the Multipoint Distribution Service and they propose operations on Channel 1 at Flagstaff, Arizona. The applications are therefore mutually exclusive and, under present precedures, require comparative consideration. There are no petitions to deny or other objections under consideration.[2]

2. Upon review of the captioned applications, we find that these applicants are legally, technically, financially, and otherwise qualified to provide the services which they propose, and that a hearing will be required to determine, on a comparative basis, which of these applications should be granted.[3]

3. Accordingly, it is hereby ordered, That pursuant to Section 309(e) of the Communications Act of 1934, as amended, 47 U.S.C. 309(e) and § 0.291 of the Commission's Rules, 47 CFR 0.291, the above-captioned applications are designated for hearing, in a consolidated proceeding, at a time and place to be specified in a subsequent Order, to determine, on a comparative basis, which of the above-captioned applications should be granted in order to best serve the public interest, convenience and necessity. In making such a determination, the following factors shall be considered: [4]

(a) The relative merits of each proposal with respect to efficient frequency use, particularly with regard to compatibility with co-channel use in nearby cities and adjacent channel use in the same city;

(b) The anticipated quality and reliability of the service proposed, including installation and maintenance programs; and

(c) The comparative cost of each proposal considered in context with the benefits of efficient spectrum utilization and the quality and reliability of service as set forth in issues (a) and (b).

4. It is further ordered, That Broadcast Data Corp., Telecommunications Systems, Inc., Kravetz Media Corporation and the Chief, Common Carrier Bureau, are made parties to this proceeding.

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[1] On September 10, 1981, Richard L. Vega (Vega) and Christopher Laning (Laning) executed an Assets Sale and Purchase Agreement with Broadcast Data Corp. (Buyer) to assign the radio authorizations and applications of Northstar Communications to Broadcast Data Corp. Broadcast Data Corp. is a wholly-owned subsidiary of Graphic Scanning Corporation. See International Television Corporation, File No. 50078-CM-AP/AL-(5)-82 (released June 25, 1982).

[2] On March 28, 1983, Northstar Communications was granted an exemption from the Commission's "cut-off" rules pursuant to § 21.31 of the Rules, 47 CFR 21.31, to preserve the status of its pending mutually exclusive applications.

[3] This finding is subject to paragraph 6. *Infra.*

[4] Consideration of these factors shall be in light of the Commission's discussion in *Frank K. Spain*, 77 FCC 2d 20 (1980).

5. It is further ordered, That parties desiring to participate herein shall file their notices of appearance in accordance with the provisions of § 1.221 of the Commission's Rules, 47 CFR 1.221.

6. It is further ordered, That any authorization granted to Broadcast Data Corp., a wholly-owned subsidiary of Graphic Scanning Corporation, as a result of the comparative hearing shall be conditioned on, and without prejudice to, reexamination and reconsideration of that company's qualifications to hold an MDS license following a decision in hearing designated in *A.S.D. Answering Service, Inc., et al.*, FCC 82-391, released August 24, 1982, and shall be specifically conditioned upon the outcome of that proceeding.

7. This Order is effective on its release date. Petitions for reconsideration under Section 1.106 or applications for review under § 1.115 of the Rules may be filed within the time limits specified in those sections. *See also* Rule § 1.4(b)(2).

8. The Secretary shall cause a copy of this Order to be published in the **Federal Register.**

James R. Keegan,

Chief, Domestic Facilities Division, Common Carrier Bureau.

[FR Doc. 83-20186 Filed 7-26-83; 8:45 am]

BILLING CODE 6712-01-M

Applications for Consolidated Hearing; Southwest Mediacast, Inc. and Singing for Jesus Ministry

1. The Commission has before it the following mutually exclusive applications for a new FM station:

Applicant	City/State	File No.	MM docket No.
A. Southwest Mediacast, Inc	Uvalde, Texas.	BPH-820407AG	83-698
B. Singing for Jesus Ministry	Uvalde, Texas.	BPH-820902AL	83-699

2. Pursuant to Section 309(e) of the Communications Act of 1934, as amended, the above applications have been designated for hearing in a consolidated proceeding upon issues whose headings are set forth below. The text of each of these issues has been standardized and is set forth in its entirety in a sample standardized Hearing Designation Order (HDO) which can be found at 48 FR 22428, May 18, 1983. The issue headings shown below correspond to issue headings contained in the referenced sample HDO. The letter shown before each applicant's name, above, is used below to signify whether the issue in question applies to that particular applicant.

Issue heading	Applicant
1. Comparative	A, B.
2. Ultimate	A, B.

3. If there is any non-standardized issue(s) in this proceeding, the full text of the issue and the applicant(s) to which it applies are set forth in an Appendix to this Notice. A copy of the complete HDO in this proceeding may be obtained, by written or telephone request, from the Mass Media Bureau's Contact Representative, Room 242, 1919 M Street, N.W., Washington, D.C. 20554. Telephone (202) 632-6334.

Larry D. Eads,

Chief, Audio Services Division, Mass Media Bureau.

[FR Doc. 83-20189 Filed 7-26-83; 8:45 am]

BILLING CODE 6712-01-M

[Report No. 1416]

Petitions for Reconsideration of Actions in Rule Making Proceedings

July 22, 1983.

The following listings of petitions for reconsideration filed in Commission rulemaking proceedings is published pursuant to CFR 1.429(e). Oppositions to such petitions for reconsideration must be filed within 15 days after publication of this Public Notice in the **Federal Register.** Replies to an opposition must be filed within 10 days after the time for filing oppositions has expired.

Subject: MTS and WATS Market Structure. (CC Docket No. 78-72).

Filed By: Arthur W. Brothers, President for Beehive Telephone Co., Inc., on 6-24-83.

Subject: An Inquiry into the use of the Bands 825-845 and 870-890 MHz for Cellular Communications Systems; and Amendment of Parts 2 and 22 of the Commission's Rules Relative to Cellular Communications Systems. (CC Docket No. 79-318).

Filed By:

George R. Borsari, Jr. & Arthur V. Belendiuk, Attorneys for Charisma Communications Corp. of the Southwest on 5-23-83.

Matthew L. Leibowitz & John M. Spencer, Attorneys for Post/Arts Jacksonville Cellular Systems on 5-23-83.

Richard B. Herzog, Andrew D. Lipman & Evan Miller, Attorneys of Pepper, Hamilton & Scheetz on behalf of its clients on 5-23-83.

Subject: Amendment of Parts 2, 73 and 76 of the Commission's Rules to Authorize the Transmission of Teletext by TV Stations. (BC Docket 81-741, RM's 3727 & 3876).

Filed By:

Daniel J. Swillinger, Andrew Jay Schwartzman & Robert M. Gurss for The Media Access Project on 6-20-83.

Henry Geller, Donna N. Lampert & Philip A. Rubin on 6-20-83.

Bernard Koteen, Herbert D. Miller, Jr. & Lisa J. Stevenson, Attorneys for Taft Broadcasting Company on 7-23-83.

Jonathan D. Blake, Gregory M. Schmidt & Jonathan L. Wiener, Attorneys for Association of Maximum Service Telecasters on 7-13-83.

Guy Main, Chairman for CBS Television Network Affiliates on 7-13-83.

George Vradenburg, III, Eleanor S. Applewhaite, Mark W. Johnson & Michael Rose, Attorneys for CBS Inc., on 7-13-83.

Wade H. Hargrove, Mark J. Prak & Gary R. Bowers, Attorneys for ABC Television Affiliates Association on 7-13-83.

Howard Monderer, Vice President, Law, Washington & John F. Sturm, Assistant General Attorney for National Broadcasting Company, Inc., on 7-13-83.

L. Stanley Paige, Vice President for Legal Affairs for Post-Newsweek Stations, Inc., on 7-13-83.

Victor E. Ferrall, Jr., John I. Stewart, Jr. & John T. Scott, III, Attorneys for WBNS TV, Inc., on 7-13-83.

David L. Crippens, Vice President & Ronald J. Goldman, Director, Teletext for Community Television of Southern California on 7-13-83.

Jonathan D. Blake, Gregory M. Schmidt & Jonathan L. Wiener, Attorneys for Midwest Television, Inc., (WCIA-TV, et al.) on 7-13-83.

Eric Adam Brass, Attorney for WGBH Educational Foundation, (WGBH-TV, et al.) on 7-13-83.

Wayne Coy, Attorney for University of Wisconsin System, (WHA–TV) on 7–13–83.

Lawrence A. Horn, Senior Vice President & General Counsel, Barbara Wellbery, Deputy General Counsel & Peter Tannenwald & Theodore D. Frank, Attorneys for Public Broadcasting Service on 7–13–83 & 7–14–83.

Erwin G. Krasnow & Michael D. Berg, Attorneys for National Association of Broadcasters on 7–13–83.

Subject: Amendment of the Commission's Rules to allow the Selection from Among Certain Competing Applications Using Random Selection or Lotteries Instead of Comparative Hearings. (Gen Docket No. 81–768).

Filed By:

Carl W. Northrop & Eliot J. Greenwald, Attorneys for Kelley Communications & Omni Communications, Inc., on 6–27–83.

Eliot J. Greenwald, for Kadison, Pfaelzer, Woodard, Quinn & Rossi on 6–27–83.

Norman P. Leventhal & Barbara K. Kline, Attorneys for SIN, Inc. & Affiliated Low Power Television Applicants on 7–13–83.

Donald E. Ward & Eric S. Kravetz, Attorneys for Greater Willamette Vision, Ltd., on 7–13–83.

Alan R. Plutzik, Attorney for Neighborhood TV Company, Inc., on 7–13–83.

Norman P. Leventhal & Meredith S. Senter, Jr., Attorneys for Bahia Honda, Inc., Los Cerezos Television Company, Graciela Olivarez, Seven Hills Television Company, Spanish International Communications Corporation & Las Tres Campanas Television Company on 7–13–83.

Paul James Broyles, President for International Broadcasting Network on 7–13–83.

John D. Lane & Lisa Sullivan Gallant, Attorneys for Associated Public-Safety Communications Officers, Inc., on 7–14–83.

Kenneth E. Hardman & John F. Noble, Attorneys for Telocator Network of America on 7–14–83.

John D. Lane & Lisa Sullivan Gallant, Attorneys for Los Angeles County Sheriff's Department on 7–14–83.

Martin W. Bercovici, Attorney for Waterway Communications System, Inc., on 7–14–83.

Martin W. Bercovici, Attorney for Mobile Marine Radio, Inc., on 7–14–83.

Martin W. Bercovici, Attorney for Offshore Navigation, Inc., on 7–14–83.

Subject: Amendment of Parts 1 and 95 of the Commission's Rules to Eliminate Individual Station Licenses in the Radio Control (R/C) Radio Service and the Citizens Band (CB) Radio Service. (PR Docket No. 82–799).

Filed By: J. O. Eccleston, Captain, Commander of Electronic Services Division for State of Maryland, Department of Public Safety and Correctional Services on 7–5–83.

Subject: Elimination of Logging Requirements in the Amateur Radio Service. (PR Docket No. 82–726).

Filed By: David Popkin on 6–16–83.

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 83–20167 Filed 7–26–83; 8:45 am]

BILLING CODE 6712–01–M

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA–680–DR]

Amendment to Notice of Major-Disaster Declaration; Utah

AGENCY: Federal Emergency Management Agency.

ACTION: Notice

SUMMARY: This notice amends the Notice of a major disaster for the State of Utah (FEMA–680–DR), dated April 30, 1983, and related determinations.

DATED: July 15, 1983.

FOR FURTHER INFORMATION CONTACT: Sewall H. E. Johnson, Disaster Assistance Programs, Federal Emergency Management Agency, Washington, D.C. 20472; (202) 287–0501.

Notice: The notice of a major disaster for the State of Utah dated April 30, 1983, is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of April 30, 1983.

Duchesne, Emery, Rich, and Uintah Counties for Public Assistance.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance)

Dave McLoughlin,

Deputy Associate Director, State and Local Programs and Support, Federal Emergency Management Agency.

[FR Doc. 83–20258 Filed 7–26–83; 8:45 am]

BILLING CODE 6718–02–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. 773, 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, N.W., 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–3945–2.

Title: Port of Oakland and Maersk Line Pacific, Ltd. Terminal Assignment Agreement Modification.

Parties: Port of Oakland (Port) and Maersk Line Pacific, Ltd. (Maersk).

Synopis: Agreement No. T–3945–2 modifies Agreement No. T–3945 between the Port and Maersk whereby the Port assigned certain marine terminal facilities in the Port's Outher Harbor Terminal Area to Maersk. Agreement No. T–3945–2 amends Agreement No. T–3945 by deleting therefrom Maersk's option to add to the assigned premises an adjacent area of 3.9549 acres and eliminated Maersk's requirement to pay the annual option compensation.

Filing Party: John E. Nolan, Assistant Port Attorney, Port of Oakland, 66 Jack London Square, P.O. Box 2064, Oakland, California 94604.

Agreement No.: T–4132.

Title: Palm Beach/Eagle Cement Lease Agreement.

Parties: Port of Palm Beach(Port)/ Eagle Cement, Inc. (Eagle)

Synopis: Agreement No. T–4132 provides for the lease by Port to Eagle of certain terminal facilities for use in its cement distributing and packing operations. As compensation, Eagle will pay Port an annual rental equal to 12 percent of the intial appraised value of the premises, as well as applicable dockage and wharefage fees. The term of the agreement is for 15 years, with renewal options for 15 additional years.

Filing agent: Mr. Randall V. Adams, Accounting/Traffic, Port of Palm Beach, P.O. Box 9935, Riviera Beach, Florida 33404.

Agreement No. 6190–37.

Title: United States Atlantic & Gulf/Venezuela Conference.

Parties: Delta Steamship Lines, Inc., Venezuelan Line.

Synopsis: Agreement No. 6190–37 would authorize the parties to provide alternate port service.

Filing party: Nathan J. Bayer, Esquire, Freehill, Hogan & Mahar, 80 Pine Street, New York, New York 10005.

Agreement No. 8900–21.

Title: the Eighty-Nine Hundred Rate Agreement.

Parties: Barber Blue Sea, Hellenic Lines, Ltd., A. P. Moller-Maersk Line Nedlloyd Line, Sea-Land Service, Inc. The National Shipping Company of Saudi Arabia, United Arab Shipping Co., Waterman Steamship Corporation.

Synopsis: Agreement No. 8900–21 would amend the basic agreement to extend the Arabian Gulf inland authority for an unlimited time beyond the December 1, 1983 expiration date.

Filing party: Marc J. Fink, Esquire, Billig, Sher & Jones, P.C., Suite 300, 2033 K Street, N.W., Washington, D.C. 20006.

Agreement No. 10424–5.

Title: United States Atlantic & Gulf/Jamaica and Hispaniola Steamship Conference.

Parties: Concorde/Nopal Line, Puerto Rico Marine Management, Inc., Sea-Land Service, Inc.

Synopsis: Agreement No. 10424–5 would authorize the parties to provide alternate port service.

Filing party: Nathan J. Bayer, Esquire, Freehill, Hogan & Mahar, 80 Pine Street, New York, New York 10005.

Dated: July 22, 1983.

By Order of the Federal Maritime Commission.

Francis C. Hurney,

Secretary.

[FR Doc. 83-20087 Filed 7-26-83; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Acquisition of Bank Shares by Bank Holding Companies

The companies listed in this notice have 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 applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application may be inspected at the offices of the Board of Governors, or at the Federal Reserve Bank indicated for that application. With respect to each application, interested persons may express their views in writing to the address indicated for that application. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

A. Federal Reserve Bank of Chicago (Franklin D. Dryer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *Van Buren Bancorporation,* Keosauqua, Iowa; to acquire 86.4 percent of the voting shares of assets of State Savings Bank, Cantril, Iowa. Comments on this application must be received not later than August 17, 1983.

B. Board of Governors of the Federal Reserve System (William W. Wiles, Secretary) Washington, D.C. 20551:

1. *People BanCorp,* Belleville, New Jersey; to acquire 100 percent of the voting shares of Carteret Bank & Trust Company, Carteret, New Jersey. This application may be inspected at the offices of the Board of Governors or the Federal Reserve Bank of New York. Comments on this application must be received not later than August 19, 1983.

2. *Sun Bank, Inc.,* Orlando, Florida; to acquire 100 percent of the voting shares or assets of The Hillsboro Bank, Plant City, Florida. This application may be inspected at the offices of the Board of Governors of the Federal Reserve Bank of Atlanta. Comments on this application must be received not later than August 19, 1983.

Board of Governors of the Federal Reserve System, July 21, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-20109 Filed 7-26-83; 8:45 am]

BILLING CODE 6210-01-M

Capitol Bancorporation, Inc.; Merger of Bank Holding Companies

Capitol Bancorporation, Inc., Pierre, South Dakota, has applied for the Board's approval under section 3(a)(5) of the Bank Holding Company Act (12 U.S.C. 1842(a)(5)) to merge with West Dakota Corporation, Lead, South Dakota. The factors that are considered in acting on the application are set forth in Section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or the Federal Reserve Bank of Minneapolis. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than August 19, 1983. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, July 21, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-20197 Filed 7-26-83; 8:45 am]

BILLING CODE 6210-01-M

Ellco Bancshares, Inc.; Proposed Acquisition of Wamhoff Insurance Agency

Ellco Bancshares, Inc., Lorraine, 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 acquire shares of Wamhoff Insurance Agency, Holyrood, Kansas.

Applicant states that the proposed subsidiary would engage in general insurance agency activities in a town with a population not exceeding 5,000. These activities would be performed from relocated offices of Applicant's subsidiary in Lorraine, Kansas, and the geographic area to be served in Ellsworth County, 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 person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than August 22, 1983.

Board of Governors of the Federal Reserve System, July 21, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-20198 Filed 7-26-83; 8:45 am]

BILLING CODE 6210-01-M

Formation of Bank Holding Companies; TSB Services, Inc., et al.

The companies listed in this notice have applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become bank holding companies by acquiring voting shares or assets of a bank. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application may be inspected at the offices of the Board of Governors, or at the Federal Reserve Bank indicated for that application. With respect to each application, interested persons may express their views in writing to the address indicated for that application. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

A. **Federal Reserve Bank of New York** (A. Marshall Puckett, Vice President) 33 Liberty Street, New York, New York 10045:

1. *TSB Services, Inc.*, Spencer, New York; to become a bank holding company by acquiring at least 80 percent of the voting shares of Tioga State Bank, Spencer, New York. Comments on this application must be received not later than August 19, 1983.

B. **Federal Reserve Bank of Cleveland** (Lee S. Adams, Vice President) 1455 East Sixth Street, Cleveland, Ohio 44101:

1. *First National Carlisle Corp.*, Carlisle, Kentucky; to become a bank holding company by acquiring 80 percent of the voting shares of The First National Bank of Carlisle, Carlisle, Kentucky. Comments on this application must be received not later than August 19, 1983.

C. **Federal Reserve Bank of Richmond** (Lloyd W. Bostian, Jr., Vice President) 701 East Byrd Street, Richmond, Virginia 23261:

1. *Twentieth Bancorp, Inc.*, Huntington, West Virginia; to become a bank holding company by acquiring 100 percent of the voting shares of The Twentieth Street Bank, Huntington, West Virginia. Comments on this application must be received not later than August 19, 1983.

D. **Federal Reserve Bank of Atlanta** (Robert E. Heck, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303:

1. *Dawson Bancshares, Inc.*, Dawson, Georgia; to become a bank holding company by acquiring 100 percent of the voting shares of Bank of Dawson, Dawson, Georgia. Comments on this application must be received not later than August 19, 1983.

2. *Liberty Bancorporation*, Longwood, Florida; to become a bank holding company by acquiring 100 percent of the voting shares of Liberty National Bank, Longwood, Florida. Comments on this application must be received not later than August 19, 1983.

E. **Federal Reserve Bank of Minneapolis** (Bruce J. Hedblom, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. *Baker Holding Company*, Bozeman, Montana; to become a bank holding company by acquiring at least 96.44 percent of the voting shares of The Bank of Baker, Baker, Montana. Comments on this application must be received not later than August 19, 1983.

2. *Superior Financial Corporation*, Sault Ste. Marie, Michigan; to become a bank holding company by acquiring 100 percent of the voting shares of Sault Savings Bank, Sault Ste. Marie, Michigan. Comments on this application must be received not later than August 19, 1983.

F. **Federal Reserve Bank of Dallas** (Anthony J. Montelaro, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. *Citizens Bankshares of Springhill, Inc.*, Springhill, Louisiana; to become a bank holding company by acquiring 80 percent of the voting shares of Citizens Bank & Trust Company, Springhill, Louisiana. Comments on this application must be received not later than August 19, 1983.

G. **Federal Reserve Bank of San Francisco** (Harry W. Green, Vice President) 400 Sansome Street, San Francisco, California 94120:

1. *Norban Financial Group, Inc.*, Coeur d'Alene, Idaho; to become a bank holding company by acquiring at least 96.5 percent of the voting shares of Northern State Bank, Coeur d'Alene, Idaho. Comments on this application must be received not later than August 19, 1983.

H. **Board of Governors of the Federal Reserve System** (William W. Wiles, Secretary) Washington, D.C. 20551:

1. *Bootheel Bancorp, Inc.*, Bernie, Missouri; to become a bank holding company by acquiring 99 percent of the voting shares of State Bank of Bernie, Bernie, Missouri. This application may be inspected at the offices of the Board of Governors or the Federal Reserve Bank of St. Louis. Comments on this application must be received not later than August 19, 1983.

2. *Semo Bancshares, Inc.*, Malden, Missouri; to become a bank holding company by acquiring 100 percent of the voting shares of Malden State Bank, Malden, Missouri. This application may be inspected at the offices of the Board of Governors or the Federal Reserve Bank of St. Louis. Comments on this application must be received not later than August 19, 1983.

Board of Governors of the Federal Reserve System, July 21, 1983.

James McAfee

Associate Secretary of the Board.

[FR Doc. 83-20200 Filed 7-26-83; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

Privacy Act of 1974; Clarification of Record System Notice

AGENCY: Office of the Assistant Secretary for Personnel Administration, Office of the Secretary, HHS.

ACTION: Notice of changes to routine uses, clarification of categories of individuals covered by the system, and restriction on access by non-record subjects and non-Employee Counseling Services staff.

SUMMARY: The Department is giving notice that it is deleting some and clarifying other existing routine use disclosures, clarifying the categories of individuals covered by the system, adding a restriction of the policy on access to the system by non-record subjects and non-Employee Counseling Service staff, and updating the list of system managers for the Privacy Act record system notice: 09-90-0010—Employee Counseling Service Program Records, HHS/OS/ASPER. Records in this system contain information on employees who have been counseled by

the Employee Counseling Services for alcohol abuse, drug abuse or emotional problems.

EFFECTIVE DATE: This amendment is effective on July 27, 1983.

FOR FURTHER INFORMATION CONTACT: Director, Employee Counseling Services, Room 500E, 200 Independence Avenue SW., Washington, D.C. 20201, Phone Number: 245–7717.

SUPPLEMENTARY INFORMATION: The primary purpose of this notice is to propose the elimination of some and the clarification of other existing routine use disclosures established under the Privacy Act of 1974 for the records of the Employee Counseling Services (ECS). Given the especially sensitive nature of the information in this record system, the disclosure limitations are being made in order to ensure maximum confidentiality for the employees who use the program. Routine use disclosures will be limited to two circumstances as described in the system notice below. Also, the Department's policy on access to ECS program records has been made more restrictive by limiting access to ECS staff.

It is possible for the HHS ECS Program to provide services to employees of other Federal Departments. Therefore, the categories of individuals covered by the system has been clarified to indicate this possibility.

Finally, modifications have been made to reflect the recently implemented Department Personnel Instruction on the ECS. These modifications include a reference to the new policy number, and an up-date of the list of system managers and the system addresses.

The notice is published below in its entirety, as amended. Previously, the system was published at 47 FR 45750–45751 (October 13, 1982).

Thomas S. McFee,

Assistant Secretary for Personnel Administration.

09–90–0010

SYSTEM NAME:

Employee Counseling Service Program Records HHS/OS/ASPER.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Designated offices performing counseling functions for employees including the Employee Counseling Services offices listed in Appendix 1 of this notice.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Department employees, or employees of other Departments serviced by HHS, who have been counseled for work adjustment, personal or emotional health problems and/or the abuse of alcohol or drugs.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system contains records of employees who have been counseled and/or referred by a counselor and records of members of employees' families who have been counseled. Examples of information which may be found in this record system include the employee's name, date of birth, grade, job series, job title, leave record, service computation date, home address, home phone number, supervisor's name, name and address of the individual's personal physician, social history, educational background. Other documents which may also be found in the counselor's file are notes made by the counselor and a record of the supervisor's referral (if the employee was referred by the supervisor).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

44 U.S.C. 3101, 42 U.S.C. 4561, 21 U.S.C. 1180, and 5 U.S.C. 7901.

PURPOSE(S):

These records are used to help the troubled employees of this Department or other Departments serviced by the HHS program to overcome their problems and remain productive employees. They are used to document the nature and effects of the employee's problem and progress and when necessary to refer individuals to appropriate community or private resources for treatment or rehabilitation. These records are maintained in each component of the Department. See also "Retrievability" below.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In unusual circumstances, it may be appropriate to disclose information from this system of records:

(1) The Department contemplates that it will contract with a private firm or other group such as a Federal Employee Counseling Services consortium for the purpose of providing the Employee Counseling Services functions. Relevant records will be disclosed to such a contractor. The contractor shall be required to maintain Privacy Act safeguards with respect to such records.

The contractor will surrender to the Employee Counseling Services all of these records as well as any new records on employees at the time of contract termination.

(2) In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

Additional information:

All records in the system will be treated according to these restrictions. Disclosures will be made restrictively and will also be limited in compliance with the restrictions of the Confidentiality of Alcohol and Drug Abuse Patient Records regulations, 42 CFR Part 2.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Employee records are maintained in file folders and on index cards.

RETRIEVABILITY:

Records are filed by name or by case number cross indexed with the employee's name. Anonymous information from these records may also be used to produce summary descriptive statistics and analytical studies in support of the functions for which the records are collected and maintained.

SAFEGUARDS:

During the employment of the individual, records are maintained in confidential files separate from the Official Personnel Folder and the Employee Performance File and are located in lockable metal containers or in secured rooms with access limited to the staff of the Employee Counseling Services program. This restriction will be applied to the contents of all records on individuals who participate in the Employee Counseling Services program. No disclosures will be made to any other personnel.

RETENTION AND DISPOSAL:

Records are retained until three years after the individual has ceased contact

with the counselor, or until the individual leaves the Department, and are then destroyed. (See HHS Personnel Instruction 792–2, Exhibit B, item C8.)

SYSTEM MANAGER(S) AND ADDRESS:

For records of individuals participating in the Department's Employee Counseling Services program: The responsible administrator shown in Appendix 1 below.

NOTIFICATION PROCEDURE:

Inquiries should be addressed to the system manager at the office where counseling was provided. Individual should provide name, grade, organization in which employed, date of birth, and location and approximate date of counseling. When applicable, the special procedures for access to medical records will be followed. An individual who requests notification of or access to a medical/dental record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. (These notification and access procedures are in accordance with Department Regulations (45 CFR 5b.6) **Federal Register**, October 8, 1975, page 47411.)

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought.

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested, and state the corrective action sought and the reasons for the correction.

RECORD SOURCE CATEGORIES:

Information in this system of records is: (1) supplied directly by the individual, or (2) supplied by a member of the individual's family, or (3) derived from information supplied by the individual, or (4) supplied by sources to whom the employee has been referred for assistance, or (5) supplied by Department officials, or (6) supplied by program counselors.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

Appendix 1

Regional Offices

Region I—Employee Counseling Services Unit Director, HHS Regional Personnel Office, Room 1503, J.F.K. Federal Building, Boston, Massachusetts 02203

Region II—Employee Counseling Services Unit Director, HHS Regional Personnel Office, Room 39–120, 26 Federal Plaza, New York, N.Y. 10278

Region III—Employee Counseling Services Unit Director, HHS Regional Personnel Office, Room 9250, P.O. Box 13716, Philadelphia, Pennsylvania 19101

Region IV—Employee Counseling Services Unit Director, HHS Regional Personnel Office, Room 1403, 101 Marietta Tower, Atlanta, Georgia 30323

Region V—Employee Counseling Services Unit Director, HHS Regional Personnel Office, 31st Floor, 300 South Wacker Drive, Chicago, Illinois 60606

Region VI—Employee Counseling Services Unit Director, HHS Regional Personnel Office, Room 1055, 1200 Main Tower, Dallas, Texas 75202

Region VII—Employee Counseling Services Unit Director, HHS Regional Personnel Office, P.O. Box 15458, 601 East 12th Street, Kansas City, Missouri 64106

Region VIII—Employee Counseling Services Unit Director, HHS Regional Personnel Office, Room 1031—Federal Building, 1961 Stout Street, Denver, Colorado 80294

Region IX—Employee Counseling Services Unit Director, HHS Regional Personnel Office, Room 118, 50 United Nations Plaza, San Francisco, California 94102

Region X—Employee Counseling Services Unit Director, HHS Regional Personnel Office, 2901 3rd Avenue, Mail Stop 204, Seattle, Washington 98121

Other Offices

OS—Employee Counseling Services Unit Director, Room 1036, Switzer Building, 330 C Street, SW, Washington, D.C. 20201

PHS—Employee Counseling Services Unit Director, Room 16–A–23, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857

SSA Headquarters—Chief, Personnel Counseling Branch, SSA, 3119 Annex, 6401 Security Boulevard, Baltimore, Maryland 21235

HCFA Headquarters—Employee Counseling Services Unit Director, HCFA, GL5 East Low Rise, 6325 Security Boulevard, Baltimore, Maryland 21207

NIH—Employee Counseling Services Unit Director, Occupational Medical Services, NIH, Building 10 (ACRF), 6th Floor, 9000 Rockville Pike, Bethesda, Maryland 20205

St. Elizabeths Hospital—Employee Counseling Services Unit Director, St. Elizabeths Hospital, E Building—Room 322, 2700 M. L. King Avenue, SE, Washington, D.C. 20032

[FR Doc. 83–20118 Filed 7–26–83; 8:45 am]

BILLING CODE 4150–04–M

Social Security Administration

Availability of Funding for Targeted Assistance Grants for Services for Cuban and Haitian Entrants in Local Areas of High Need

AGENCY: Office of Refugee Resettlement (ORR), SSA, HHS.

ACTION: Notice of availability of funding for targeted assistance grants for Cuban and Haitian entrant services in high-need local areas.

SUMMARY: This notice announces the availability of funds and award procedures for targeted assistance project grants for services to Cuban and Haitian entrants under the Cuban/Haitian Entrant Program (CHEP) in localities with large entrant populations and high entrant concentrations, and where specific needs exist for supplementation of currently available resources.

DATE: Application deadline: Applications for grants under this notice must be received by ORR no later than September 12, 1983, or be mailed by first class mail and postmarked no later than that date. Applications not meeting this requirement will not be considered and will be returned to the sending agency.

FOR FURTHER INFORMATION CONTACT: Robert L. Robins, Office of Refugee Resettlement, Room 1229, Switzer Building, 330 C Street, SW., Washington, D.C. 20201, Telephone: (202) 472–4440.

SUPPLEMENTARY INFORMATION:

I. Purpose and Scope

This notice announces the availability of funds for targeted assistance grants for services to Cuban and Haitian entrants in counties where, because of factors such as unusually large entrant populations and high entrant concentrations, there exists and can be demonstrated a specific need for supplementation of currently available resources for services to this population.

Notice of proposed availability of funds was published in the **Federal Register** for public comment on June 3, 1983 (48 FR 24993). No significant changes have been made as a result of comments, although a few technical changes were made. One county was added to the list of qualifying counties, with additional funds being made available for this purpose.

A total of approximately $19,061,000 in funds which Congress has designated for targeted assistance is currently expected to be available for targeted assistance for entrants. (A separate announcement has been made for targeted assistance for refugees. See 48

FR 24986, June 3, 1983.) The amount of funds designated for entrant targeted assistance is based on the proportion (27%) which entrants comprise of the total population of entrants and of refugees who have been in the United States for less than three years.

The purpose of the grants is to provide to entrants who reside in qualifying counties, through a process of local planning and implementation, targeted projects and services which are intended to result in economic self-sufficiency and reduced dependency. Funds awarded under this program are intended to support projects which enhance entrant employment potential and increase the ability of entrants to find and retain jobs. Innovative approaches to accomplish this objective will be entertained and are encouraged.

Funds awarded under this targeted assistance program are generally related to the existance of and relative extent of entrant need in each qualifying county, as indicated by a qualification and allocation formula (described in this notice), and to the completeness of applications and allowability of activities proposed. Applications which contain proposed program components not provided for in section VIII, below, will be considered only where extreme and unusual need exists and is demonstrated therein. If requested, comment and technical assistance will be provided to the applicant by the granting agency in order that a proposal can be developed which will merit the award of funds at the level determined by the allocation formula. An award of funds will be made only if, and to the extent that, an application is determined acceptable by the Director of ORR.

II. Discussion of Comments

Four comments were received in response to the notice of proposed availability of funds for entrant targeted assistance. The comments did not question the basic approach to its implementation as presented in the June 3, 1983, notice. The comments received are summarized below.

Comment: One commenter requested consideration that municipalities and service agencies be considered as eligible grantees.

Response: It is the Department's intent that the State refugee agencies, which are also responsible for administering the Cuban/Haitian Entrant Program, as indicated in section IV, below, be the applicants and the grantees for entrant targeted assistance funds. ORR believes that counties, municipalities, and private agencies would not be able to ensure the targeted assistance projects are coordinated with services supported by other resources available in the State. In designating the State agency as the eligible grantee under this program, ORR ensures administrative and programmatic consistency with other entrant and refugee program activities in the State.

ORR does intend that a local entity have responsibility for development of its own targeted assistance program activities, and for ensuring the effective and efficient conduct of these activities. To this end it is required that the entrant targeted assistance proposal in a qualified county be developed through a process of local consultation with appropriate parties in that area, and that the program be administered locally as well. Under most circumstances, a county would administer the program, or it could delegate such responsibility through any legal means which provides for compliance with the requirements, terms, and conditions that govern the award. In cases where no system of county governments exists, the State may designate an administering entity, including itself, to perform this function; it may also do so with county concurrence, if there is no cognizant refugee program or agent in the county.

Comment: Three comments were received on the subject of the entrant population estimates which were used to determine qualification for the program and allocation amounts. Two commenters from one county indicated that the entrant population in that county exceeded the minimum level for qualification and that the county should therefore have been included in the program. One commenter from another county asserted that the county population had been underestimated and that the proposed award amount was too low. Two of the commenters submitted information in support of their claims.

Response: Information submitted on behalf of Orleans Parish, LA, has shown that that area qualifies under the criteria in this notice. Therefore, Orleans Parish has been added to the list of qualifying counties and funds have been added for this purpose so that no reductions have been necessary in the allocations to other counties. Preliminary information submitted on behalf of Broward County, FL, has indicated that our extimates of the relative populations of Broward and Dade counties may require revision because entrants whom we had identified as being in Dade county actually are in Broward. Therefore we have combined these two contiguous counties for purposes of this notice and will advised the State of our revise population estimates when the analysis of the data has been completed.

III. Authorization

Targeted assistance projects will be funded under the authority of section 501(a) of the Refugee Education Assistance Act of 1980 (Pub. L. 96-422), 8 U.S.C. 1522 note, insofar as it incorporates by reference with respect to Cuban and Haitian entrants the authorities pertaining to assistance for refugees established by section 412(c) of the Immigration and Nationality Act (INA), as amended by the Refugee Act of 1980 (Pub. L. 96-212), 8 U.S.C. 1522(c).

IV. Eligible Grantees

The Department is limiting eligible grantees to those agencies of State governments which are responsible for the Cuban/Haitian Entrant Program under 45 CFR 401.12 (except that under certain circumstances—see section VIII, below—a grant could be made directly to a local entity). Application for targeted assistance funds, consisting of a locally developed proposal and the required State certifications outlined in section VIII, below, must be submitted by the above-mentioned State agency on behalf of the county governments of the qualified counties in that State. In the absence of a statewide county system, or in the absence of an appropriate county-level entrant program agent or agency and with the concurrence of the county government, the State may designate a city or other entity, either public or private nonprofit, to administer the targeted assistance funds for a qualified local area. The targeted assistance proposal must be developed by the county government or other designated entity according to local needs and capabilities. The proposed activities are required to be identified and planned in cooperation with local public officials, voluntary resettlement agencies which have resettled entrants, the business community, and entrants in that area. In submitting proposals on behalf of qualified local entities in the State, the State agency must provide assurance that targeted assistance funds do not supplant other entrant program funds which support current assistance and services in the targeted localities and must certify that not less than 95% of each locality's allocated amount will be passed through to the designated administering entity.

Applications submitted in response to this notice are subject to review by State and areawide clearinghouses under the procedures in Part I of Office of Management and Budget Circular No. A-95. To ensure adequate time for all required reviews, applicants are encouraged to advise appropriate

clearinghouse personnel immediately of their intentions to apply and to submit applications to the clearinghouse and ORR simultaneously.

V. Qualification and Allocation Formula

The Department is allocating targeted assistance funds for entrants on the basis of each qualifying county's proportion of the total entrant population of counties which qualify for this program. In order to qualify, a county must have received, as initial placements or through secondary migration, more than 1,000 entrants under the Cuban/Haitian entrant resettlement program. Thus a county's proportion of available targeted assistance funds for entrants is equal to its proportion of the entrant population of all counties which have received more than 1,000 entrants.

The Department believes that a direct proportion formula is equitable and programmatically sound because: (1) Entrants are residing in significant numbers in a limited number of counties; (2) entrants are two distinct but relatively homogeneous populations in terms of the needs and sociodemographic characteristics of those who would be served under this targeted assistance program; (3) due to the history of the Cuban/Haitian Entrant Program, other types of data which might be indicative of need are not available for all areas and therefore cannot be utilized uniformly. Section VI, which follows, discusses the data base and application of the formula to that data.

VI. Discussion of Data

This section explains the sources of data used to develop the estimated entrant populations at the county level.

The U.S. Bureau of the Census, with the cooperation of the Federal Cuban/Haitian Task Force, developed estimates of the Cuban and Haitian entrant and immigrant populations of substate areas having at least 50 entrants. These estimates were limited to persons who arrived in the U.S. between 4/1/80 and 10/1/80. The estimates were published in the Federal Register on June 24, 1981; subsequently, revised estimates have been published for a few geographical areas.

To adjust these estimates, ORR applied two correction factors. First, since the Census estimates included immigrants as well as entrants, we deducted the numbers of immigrants from the estimated totals, using copies of worksheets provided by the Census Bureau. Second, we increased the estimates using the available information on Cuban and Haitian entrants who were resettled or who migrated after 10/1/80. This information included data on persons released from resettlement camps, official second resettlements, and estimates of secondary migration based on reports from various States.

A cutoff point of 1,000 was selected because an entrant population smaller than this was thought unlikely to have had such a significant effect on a community as to call for special targeted assistance beyond the cash and medical assistance and social service funds which have already been provided since 1980. Also, a smaller population would be unlikely to contain a significant number of population estimates, no county was found to have an entrant population in the 700–1,000 range. Therefore, a cutoff of 1,000 is considered to reasonably identify counties with entrant populations in need of services.

VI. Allocation Amounts

Based on the foregoing formula and the available data at this time, the allocation amounts intended to be available for entrant targeted assistance, subject to the applications requirements of this notice, are shown in Table 1.

TABLE 1.—ENTRANT TARGETED ASSISTANCE AREAS AND ALLOCATIONS

County	Estimated entrant population	Allocation
1. Los Angeles, CA	3,600	$497,005
2. Dade/Broward, FL	110,755	15,290,500
3. Hillsboro, FL	1,895	261,618
4. Palm Beach, FL	2,505	345,833
5. Cook, IL	1,870	290,555
6. Orleans, LA	1,165	160,836
7. Essex, NJ	1,005	138,747
8. Hudson, NJ	6,725	928,433
9. Union, NJ	1,350	186,377
10. Bronx, NY	1,020	140,818
11. Kings, NY	2,300	317,531
12. New York, NY	2,600	358,948
13. Queens, NY	1,475	203,634

VIII. Eligible Projects

In applying for targeted assistance funds on behalf of a qualified county in the State, a State agency is required to certify that: (1) The available targeted assistance funds do not supplant other funds under the Cuban/Haitian Entrant Program (CHEP) which have been obligated for assistance and services in the local area; (2) the State will make available to the county or designated local entity not less than 95 percent of the amount of the award for purposes of implementing the proposed activities; (3) the State's authorization to the county or designated local entity to use funds awarded will be made within 45 days of the State's receipt of the notification of the grant award, or, in lieu of this, the State may recommend that the award be granted directly to the eligible entity; (4) the proposal was developed through a local process which involved meaningful consultation with appropriate public and private groups involved in resettlement, including local public officials, representation from entrant voluntary resettlement agencies, the business community, and entrants in the local area. In addition, a State must submit a budget and justification narrative for use of all funds not forwarded to (an) eligible county(ies).

In developing a proposal, a county or designated local entity is required to set forth in detail: (1) Evidence of specific needs and definition of targeted population; (2) a statement of specific employment objectives for use of the funds in increasing entrant self-sufficiency in the area; (3) a description of the strategy proposed to achieve these objectives, including detailed description of individual program components, number of clients to be served, policies regard eligibility of clients for components, and the integration and/or coordination of proposed activities with the overall entrant service system in the area; (4) an estimation of anticipated outcomes achieved within 6 months and 12 months from the date funds are received by the county or other local administering entity; (5) a brief description of the procurement process to be used for each program component; (6) a description of program monitoring and evaluation of the proposed activities; and (7) a detailed budget, including itemization by program component, and containing a local administration cost not to exceed 10 percent of the amount allocated to the county.

Allowable activities include any activity permissible under section 412(c) of the INA which is directly related to the furtherance of entrant economic self-sufficiency by aiding entrants in finding and retaining jobs, increasing entrant employability potential, and/or enhancing entrant job market possibilities. Creative approaches to such activities are encouraged. Allowable activities would include, for example, job development, job placement, business and employer incentives (such as on-site employee orientation and vocational English training, or bilingual supervisor assistance), business technical assistance, short-term job training specifically related to opportunities in the local economy, and on-the-job training. Use of targeted assistance funds for venture capital, either as

grants or loans, is specifically not allowed.

Stipends or needs-based payments to program participants are allowed if no other source of support is available to them and it can be demonstrated that support is essential to their participation. In any case, no more than 30 percent of funds used for this program component may be made available for such payments. Support services, such as day care and transportation, are allowable when it is demonstrated that they are directly related to employment opportunities or are a critical component of an employability plan. Proposals which include voluntary corporate participation and a generally high degree of business and refuge group involvement are especially welcomed.

IX. Application Content

In developing targeted assistance proposals, counties or designated local entities must consider and spell out clearly the appropriateness of the proposed activities to the local economy, the appropriateness of the proposed activities for the entrant population(s) in the area, and the relationship of the proposed activities to existing entrant services carried out with Federal funds.

Final targeted assistance grant applications must include the following elements. Those which fail to include all elements will be considered incomplete.

1. Certification by the State agency that, for each local entity on whose behalf an application is being submitted, the four conditions listed in the first paragraph of section VIII, above, have been met, and submission of a State administrative budget.

2. Documentation of specific needs for targeted assistance projects and discussion of characteristics of anticipated entrant client population (e.g., assistance status, ethnicity, occupational and educational background).

3. Description of specific employment objectives for use of funds, including justification that the proposed objectives are appropriate to the needs of the proposed entrant clients and the local economy and will result in jobs and employment of the clients.

4. Results anticipated within 6 months and 12 months from the date funds are received by the county or other local administering entity, including the number of unsubsidized full-time job placements, number of individuals removed from cash assistance, and other specific outcomes related to the services proposed.

5. Justification of the strategic approach to achieving the stated objectives, including number of clients to be served in each component, complementarity among targeted assistance activities and with other existing entrant services.

6. Adequate justification for and description of each specific activity that is proposed.

7. Adequate plan for determination of measurable, performance-based project outcomes on a semiannual basis (e.g. number of job placements reaching 90-day retention period).

8. Description of the local planning process which was used to develop the proposal, including identification of interests and sectors represented.

9. Assurance that services will be provided by qualified non-profit or for-profit agencies or individuals.

10. Reasonable cost estimates in relation to anticipated results.

X. Review, Technical Assistance, and Award Procedure

Applications will be reviewed on a non-competitive basis by a panel of experts to determine acceptability. Such determination will be based on the completeness of the submission (according to the requirements of section IX, above) and the allowability of proposed activities. The Department will provide technical assistance to the applicant if it is necessary in order to develop a proposal which warrants the award of funds at the proposed allocation amount and if such assistance is requested by the applying State agency. The panel will make recommendations regarding acceptability of applications to the Director of the Office of Refugee Resettlement (ORR). Final determination as to the acceptatility of applications and determination of whether an award will be made to a State or local entity are at the discretion of the Director of ORR.

XI. HHS Regulations That Apply

The following HHS regulations apply to grants under this Notice:

42 CFR Part 441, Subparts E and F, Services: Requirements and limits applicable to specific services—Abortions and Sterilizations.

45 CFR Part 16, Department grant appeals process.

45 CFR Part 74, Administration of grants.

45 CFR Part 75, Informal grant appeals procedures.

45 CFR Part 80, Nondiscrimination under programs receiving Federal assistance through the Department of Health, Education, and Welfare effectuation of Title VI of the Civil Rights Act of 1964.

45 CFR Part 81, Practice and procedure for hearings under Part 80 of this title.

45 CFR Part 84, Nondiscrimination on the basis of handicap in programs and activities receiving or benefiting from Federal financial assistance.

45 CFR Part 95, Subpart E General Administration—Grant Programs (Public assistance and medical assistance)—Cost Allocation Plans.

XII. Reporting and Recordkeeping

Sections VIII and IX of this announcement establish application and reporting requirements that are subject to OMB review and approval under the Paperwork Reduction Act and 5 CFR Part 1320.

Applications for these grants are to be submitted on Form SSA–96 which has current OMB approval (0960–0184). In completing Form SSA–96, States must address the evaluation criteria listed in Section IX.

Recipients will be required to sumbit semiannual program and financial reports on Form ORR–12 (OMB No. 0960–0334). The reporting requirements directly follow Departmental grants administration regulations at 45 CFR 74.73 and 74.82.

[Catalog of Federal Domestic Assistance No. 13.817, Entrant Assistance Cuban and Haitian Entrants]

Dated: July 21, 1983.

John A. Svahn,

Commissioner of Social Security.

[FR Doc. 83-20254 Filed 7-26-83; 8:45 am]

BILLING CODE 4190-11-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Environment and Energy

[Docket No. NI-112]

Notice of Intended Environmental Impact Statement

The Department of Housing and Urban Development gives notice that an Environmental Impact Statement (EIS) is intended to be prepared under HUD programs as described in the appendix: Country Lakes Subdivision, Naperville, Illinois. This Notice is required by the Council on Environmental Quality under its rules (40 CFR Part 1500).

Interested individuals, governmental agencies, and private organizations are invited to submit information and comments concerning the project to the area to the specific person or address

indicated in the appropriate part of the appendix.

Particularly solicited is information on reports or other environmental studies planned or completed in the project area, issues and data which the EIS should consider, recommended mitigating measures and alternatives, and major issues associated with the proposed project. Federal agencies having jurisdiction by law, special expertise or other special interests should report their interests and indicate their readiness to aid the EIS effort as a "cooperating agency."

Each Notice shall be effective for one year. If one year after the publication of a Notice in the **Federal Register** a Draft EIS has not been filed on a project, then the Notice for that project shall be cancelled. If a Draft EIS is expected more than one year after the publication of the Notice in the **Federal Register**, then a new and updated Notice of Intent will be published.

Dated: July 14, 1983.

Francis G. Haas,

Deputy Director, Office of Environment and Energy.

Appendix

EIS on the Country Lakes Subdivision, Naperville, Illinois

The Department of Housing and Urban Development intends to prepare an Envionmental Impact Statment (EIS) for the subject project in the Naperville-Aurora area. The Department hereby solicits comments and information for consideration in this EIS.

Description: Country Lakes is an approximately 450 acre planned development which includes 287 acres of residential land use (approximately 4500 dwelling units), 14 acres of commercial land use, a 155 acre golf course, and a 11 acre school site. The overall development was planned and annexed to the City of Naperville in 1978 by Naper Venture. The preliminary plat for the overall planned development was prepared in 1978 and the development is being marketed today with approximately 500 units already built. The project is bounded roughly by East-West tollway, I1 Route 50, North Aurora Road and the E. J. & E. R. O. W.

Need: The project exceeds HUD's 1500 unit EIS threshold (24 CFR 50.42(b)(3)). HUD participation has been requested for the 210 unit Naperville Apartments on Fairway Drive by Madsen Partners V of Madison, Wisconsin, who are requesting a Section 8 reservation for 20% of the unites.

Alternatives: At this point HUD perceives the relevant alternatives as:

1. No development beyond what is currently there.
2. Development as planned.
3. Redesign to mitigate adverse environmental impacts.

Scoping: This notice is part of the EIS scoping process and, as such, will be used by HUD to determine significant environmental issues, define the study boundary, identify data which the EIS should address, and to identify cooperating agencies. HUD analysis thus far has identified only one significant issue, which is the potential taking of prime agricultural land. HUD actions in this vicinity in the past (Fox Valley Villages, Butterfield) have been justified by the recognition in local, county and regional plans that this area should be developed.

Comments: Comments should be sent within 21 days of the publication of this notice in the **Federal Register** to: Eugene Goldfarb, Environmental Officer, U.S. Department of Housing and Urban Development, Chicago Area Office, 547 W. Jackson Blvd., Chicago, Illinois 60606, telephone number (312) 353-1616.

[FR Doc. 83-20201 Filed 7-26-83; 8:45 am]

BILLING CODE 4210-29-M

[Docket No. NI-113]

Notice of Intended Environmental Impact Statement

The Department of Housing and Urban Development gives notice that the Michigan Department of Commerce intends to prepare an Environmental Impact Statement (EIS) under HUD programs as described in the appendix: Superior Technological Park, Superior, Michigan. This Notice is required by the Council on Environmental Quality under its rules (40 CFR Part 1500).

Interested individuals, governmental agencies, and private organizations are invited to submit information and comments concerning the area to the specific person or address indicated in the appropriate part of the appendix.

Particularly solicited is information on reports or other environmental studies planned or completed in the project area, issues and data which the EIS should consider, recommended mitigating measures and alternatives, and major issues associated with the proposed project. Federal agencies having jurisdiction by law, special expertise or other special interests should report their interests and indicate their readiness to aid the EIS effort as a "cooperating agency."

Each Notice shall be effective for one year. If one year after the publication of a Notice in the **Federal Register** a Draft EIS has not been filed on a project, then the Notice for that project shall be cancelled. If a Draft EIS is expected more than one year after the publication of the Notice in the **Federal Register**, then a new and updated Notice of Intent will be published.

Dated: July 21, 1983.

Francis G. Haas,

Deputy Director, Office of Environment and Energy.

Appendix

Environmental Impact Statement on the Superior Technology Park, Superior Township, Michigan

The Michigan Department of Commerce intends to prepare an Environmental Impact Statement (EIS) for the subject project in Superior Township, Michigan.

Description: The proposed Superior Technology Park will consist of 500+ acres that will be dedicated to high technology research and related development. The proposed high technology park is located in Superior Township, Washtenaw County, Michigan and is bisected by Le Forge Road and Geddes Road. The project cost is estimated at $5-7 million.

Federal funding for the project is expected to be from United States Department of Housing and Urban Development (HUD) Urban Development Action Grant (UDAG) and Community Development Block Grant Programs. Other funding sources may include Economic Development Administration funds, and State of Michigan funds for land assembly and infrastructure.

Need: A decision to prepare an EIS has been based upon Environmental Assessment findings itemized below:

1. The site is located on prime agricultural land, as defined by the U.S. Department of Agriculture, Soil Conservation Service;

2. The proposed development cannot be serviced adequately by existing roadways and existing sewer connections will need further development;

3. The site, which is located in a rural area, does not permit containment of commercial/industrial uses to the site itself. This will contribute to land speculation and leap-frogging of development in adjacent areas;

4. The project will place an additional strain on public facilities;

5. The developer has not adequately considered other alternatives;

6. The amount of public investment and benefits derived have not been adequately addressed;

7. The project may be inconsistent with county and regional plans; and

8. There is documented organized resistance to the project.

Alternative: Alternatives being considered at this time include:

1. The preferred alternative—development of a high technology park for research and related development;

2. A smaller site alternative;

3. A single family residential alternative; and

4. The "no-action" alternative.

Scoping: This notice is part of the process of scoping the EIS. Responses will be used to:

1. Help determine significant environmental issues;

2. Identify data that will be used in the EIS; and

3. Identify agencies, groups and individuals that will participate in the EIS process.

A public scoping meeting will be held as follows:

1:00 p.m.—3:00 p.m. and 7:00 p.m.—9:00 p.m., Tuesday, August 16, 1983, Township Hall, 3040 North Prospect, Ypsilanti, Michigan 48197, phone (313) 482–6099.

Submission of comments and information prior to the public meeting on August 16, 1983, either in writing or by telephone, should be directed to:

Michigan Department of Commerce,
Attention: Ms. Carol Hoffman, Director, Office of Business and Community Development, 4th Floor, Law Building, P.O. Box 30004, Lansing, Michigan 48909, (517) 373–8363

[FR Doc. 83-20207 Filed 7-26-83; 8:45 am]

BILLING CODE 4210-29-M

Office of the Secretary

[Docket No. N-83-1264]

Submission of Proposed Information Collections to OMB

AGENCY: Office of Administration, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirements described below have been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposals.

ADDRESS: Interested persons are invited to submit comments regarding these proposals. Comments should refer to the proposals 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, S.W., Washington, D.C. 20410, telephone (202) 755–5310. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: The Department has submitted the proposals described below for the collection of information to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. Chapter 35).

The Notice lists the following information: (1) The title of the information collection proposal; (2) the office of the agency to collect the information; (3) the agency form number, if applicable; (4) how frequently information submissions will be required; (5) what members of the public will be affected by the proposal; (6) an estimate of the total number of hours needed to prepare the information submission; (7) whether the proposal is new or an 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 proposals should be sent to the OMB Desk Officer at the address listed above.

The proposed information collection requirements are described as follows:

Notice of Submission of Proposed Information Collection to OMB

Proposal: Completion Certificate for Property Improvement Loan.

Office: Housing.

Form Number: HUD–56002.

Frequency of submission: On Occasion.

Affected public: Individuals or Households and Small Businesses or Organizations.

Estimated burden hours: 19,916.

Status: New.

Contact: James L. Anderson, HUD, (202) 755–6880, 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: July 5, 1983.

Notice of Submission of Proposed Information Collection to OMB

Proposal: Certificate of Eligibility for a Historic Preservation Loan.

Office: Housing.

Form Number: FH–1 (HP).

Frequency of submission: On Occasion.

Affected public: Individuals or Households.

Estimated burden hours: 50.

Status: New.

Contact: James L. Anderson, HUD, (202) 755–6880, 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: July 5, 1983.

Lea Hamilton,

Director, Office of Information Policies and Systems.

[FR Doc. 83-20200 Filed 7-26-83; 8:45 am]

BILLING CODE 4210-01-M

[Docket No. N-83-1265]

Submission of Proposed Information Collections to OMB

AGENCY: Office of Administration, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirements described below have been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposals.

ADDRESS: Interested persons are invited to submit comments regarding these proposals. Comments should refer to the proposal by name and should be sent to: Robert Neal, OMB Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, D.C. 20503.

FOR FURTHER INFORMATION CONTACT: David S. Cristy, Acting Reports Management Officer, Department of Housing and Urban Development, 451 7th Street, S.W., Washington, D.C. 20410, telephone (202) 755–5310. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: The Department has submitted the proposals described below for the collection of information to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. Chapter 35).

The Notice lists the following information: (1) The title of the information collection proposal; (2) the office of the agency to collect the

information; (3) the agency form number, if applicable; (4) how frequently information submissions will be required; (5) what members of the public will be affected by the proposal; (6) an estimate of the total number of hours needed to prepare the information submission; (7) whether the proposal is new or an 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 proposals should be sent to the OMB Desk Officer at the address listed above.

The proposed information collection requirements are described as follows:

Notice of Submission of Proposed Information Collection to OMB

Proposal: Survey of Mortgage Lending Activity.

Office: Housing.

Form Number: HUD–136.

Frequency of submission: Monthly.

Affected public: Businesses or Other For-Profit.

Estimated burden hours: 30,600.

Status: Reinstatement.

Contact: John Dickie, HUD, (202) 426–4667, Robert Neal, OMB, (202) 395–7316.

Authority: Sec. 3507 of the Paperwork Reducing 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 22, 1983.

Notice of Submission of Proposed Information Collection to OMB

Proposal: Low-Income Public Housing Financial Statements.

Office: Housing.

Form Number: HUD–52595, HUD–52596, HUD–52599, HUD–52603, and HUD–53049.

Frequency of submission: Semi-Annually and Annually.

Affected public: State or Local Governments.

Estimated burden hours: 16,823.

Status: Extension.

Contact: Robert Fisher, HUD, (202) 426–1872, 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 22, 1983.

Lea Hamilton,

Director, Office of Information Policies and Systems.

[FR Doc. 83-20205 Filed 7-26-83; 8:45 am]

BILLING CODE 4210-01-M

[Docket No. N–83–1267]

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, S.W., Washington, D.C. 20410, telephone (202) 755–5310. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: The Department has submitted the proposal described below for the collection of information to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. Chapter 35).

The Notice lists the following information: (1) The title of the information collection proposal; (2) the office of the agency to collect the information; (3) the agency form number, if applicable; (4) how frequently information submissions will be required; (5) what members of the public will be affected by the proposal; (6) an estimate of the total number of hours needed to prepare the information submission; (7) whether the proposal is new or an extension or reinstatement of an information collection requirement; and (8) the names and telephone numbers of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

Copies of the proposed forms and other available documents submitted to OMB may be obtained from David S. Cristy, Acting Reports Management Officer for the Department. His address and telephone number are listed above. Comments regarding the proposal should be sent to the OMB Desk Officer at the address listed above.

The proposed information collection requirement is described as follows:

Notice of Submission of Proposed Information Collection to OMB

Proposal: Certification/Recertification of Tenant Eligibility and Worksheets for Computing Gross/Net Family Contribution.

Office: Housing.

Form number: HUD–50059 and HUD–50059a, b, c, d.

Frequency of submission: Annually.

Affected public: Individuals or Households and Businesses or Other For-Profit.

Estimated burden hours: 3,571,256.

Status: Extension.

Contact: Judith L. Lemeshewsky, HUD, (202) 755–6870, 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: July 11, 1983.

Lea Hamilton,

Director, Office of Information Policies and Systems.

[FR Doc. 83-20204 Filed 7-26-83; 8:45 am]

BILLING CODE 4210-01-M

[Docket No. N–83–1266]

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, S.W., Washington, D.C. 20410, telephone (202) 755–5310. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: The Department has submitted the proposal described below for the collection of information to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. Chapter 35).

The Notice lists the following information: (1) The title of the information collection proposal; (2) the office of the agency to collect the information; (3) the agency form number, if applicable; (4) how frequently information submissions will be required; (5) what members of the public will be affected by the proposal; (6) an estimate of the total number of hours needed to prepare the information submission; (7) whether the proposal is new or an extension or reinstatement of an information collection requirement; and (8) the names and telephone numbers of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

Copies of the proposed forms and other available documents submitted to OMB may be obtained from David S. Cristy, Acting Reports Management Officer for the Department. His address and telephone number are listed above. Comments regarding the proposal should be sent to the OMB Desk Officer at the address listed above.

The proposed information collection requirement is described as follows:

Notice of Submission of Proposed Information Collection to OMB

Proposal: Statement and Voucher for Basic Annual Contribution—Leased Housing.

Office: Housing.

Form Number: HUD–52981.

Frequency of submission: Annually.

Affected public: State or Local Governments.

Estimated burden hours: 118.

Status: Extension.

Contact: Robert Fisher, HUD, (202) 426–1872, 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. 83-20203 Filed 7-26-83; 8:45 am]

BILLING CODE 4210-01-M

[Docket No. N-83-1268]

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, S.W., Washington, D.C. 20410, telephone (202) 755–5310. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: The Department has submitted the proposal described below for the collection of information to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. Chapter 35).

The Notice lists the following information: (1) The title of the information collection proposal; (2) the office of the agency to collect the information; (3) the agency form number, if applicable; (4) how frequently information submissions will be required; (5) what members of the public will be affected by the proposal; (6) an estimate of the total number of hours needed to prepare the information submission; (7) whether the proposal is new or an extension or reinstatement of an information collection requirement; and (8) the names and telephone numbers of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

Copies of the proposed forms and other available documents submitted to OMB may be obtained from David S. Cristy, Acting Reports Management Officer for the Department. His address and telephone number are listed above. Comments regarding the proposal should be sent to the OMB Desk Officer at the address listed above.

The proposed information collection requirement is described as follows:

Notice of Submission of Proposed Information Collection to OMB

Proposal: Financially Troubled Public Housing Agencies: Financial Workout Plan and Quarterly Report on FWP Progress.

Office: Housing.

Form Number: HUD–53331 and HUD–53332.

Frequency of submission: Monthly and Quarterly.

Affected public: State or Local Governments.

Estimated burden hours: 4,000.

Status: New.

Contact: Roger Braner, HUD, (202) 755–7971, 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: April 11, 1983.

Judith L. Tardy,

Assistant Secretary for Administration.

[FR Doc. 83-20202 Filed 7-26-83; 8:45 am]

BILLING CODE 4210-01-M

DEPARTMENT OF THE INTERIOR

Privacy Act of 1974; Revision of System of Records Notice

Pursuant to the provisions of the Privacy Act of 1974 (5 U.S.C. 552a), notice is hereby given that the Department of the Interior proposes to revise an existing system of records. The Office of the Secretary records system OS–79 is being revised to be titled "General Personnel Records—Interior, Office of Secretary—79" and was previsiouly published in the **Federal Register** on May 27, 1981 (46 FR 28522). The notice is revised to clarify Departmental/Bureau responsibilities and elimate reference to several automated systems which have been discontinued. The revised system notice is published in its entirety below.

This system complements OPM/GOVT–1 which delineates the Government-wide system for general personnel records. The Office of Personnel Management published OPM/GOVT–1 in the **Federal Register** of April 16, 1982 (47 FR 16489). This notice does not repeat all information contained in OPM/GOVT–1.

5. U.S.C 522a(e)(11) requires that the public be provided a 30 day period in which to comment. Therefore, written comments on this proposed change can be addressed to the Department Privacy Act Officer, Office of the Secretary (PIR), U.S. Department of the Interior, Washington, D.C. 20240. Comments received on or before August 26, 1983, will be considered. This system shall be effective as proposed without further notice at the end of the comment period, unless comments are received which would result in a contrary determination.

Dated: July 18, 1983.

Richard R. Hite,

Acting Assistant Secretary of the Interior.

INTERIOR/OS-79

System Name:

General Personnel Records—Interior, Office of the Secretary—79.

Note.—This system complements OPM/GOVT-1 which delineatesthe Government-wide system for general personnel records. The Office of Personnel Management published OPM/GOVT-1 in the **Federal Register** of April 16, 1982 (47 FR 16489). This notice does not repeat all information contained in OPM/GOVT-1.

System Location:

Hard copy records on current and recently separated employees ae located at the Personnel Office or other designated office of the installation which currently employes (or recently employed) the individual. Automated personnel records are maintained on the PAY/PERs system administered by the Bureau of Reclamation in Denver, Colorado. (The Office of the Secretary maintains the DPDF—Departmental Personnel Data File—in Washington, D.C. Automated personnel records for employees in the Office of the Secretary, Geological Survey, National Park Service, Office of the Solicitor, and Fish and Wildlife Service are maintained on the DIPS system administered by the Geological Survey in Washington, D.C. These two systems will be abolished once records are incorporated into PAY/PERS by the end of 1984.

Categories of Individuals Covered by the System:

Curent and recently separated employees of the Department.

Categies of Records in the System:

An individual records is maintained for each employee containing historical as well as current personnel data.

Authority for Maintenance of the System:

5 U.S.C. 2951, 5 U.S.C. 2954, 5 U.S.C. 5101, et seq.

Routine Uses of Records Maintained in the System, Including Categories of Users and the Purposes of Such Uses:

The official hard copy (paper, microform) records maintained by the servicing personnel office provide basic data for preparation and verification of personnel reports and documents. They also provide a comprehensive and continuing record of each employee's service, status, skills, and personnel history, for use in the merit promotion program, reduction in force and to effect other personnel actions. Automated records are used to generate reports and listings; produce standard pesonnel management documents; establish and verify entitlement to pay and benefits; and provide historical data.

Routine use disclosures outside the Department will be the same as stated in the systems notice for the OPM/GOVT-1 system of records.

Policies and Practices of Storing, Retrieving, Accessing, Retaining, and Disposing of Records in the System:

Storage:

These records are maintained in file folders, on lists and forms, microfilm or microfiche and in computer processible storage media.

Retrievability:

These records are retrived by various combinations of name, birth date, Social Secrity Number, or identification number of the individual on whom they are maintained.

SAFEGUARDS:

Paper or microfiche/microfilmed records are located in lockable metal file cabinets or in secured rooms with access limited to those personnel whose offical duties require access. Automated records are maintained with safeguards meeting the requirements of 43 CFR 2.51 for computer records. Access to all records in this system is limited to Departmental officials whose official duties require access. Bureau officials will generally only have access to records pertaining to employees of their own bureau.

RETENTION AND DISPOSAL:

In accordance with approved Retention and Disposal schedules. Some records may be retained indefinitely as a basis for longitudinal work history statistical studies.

SYSTEMS MANAGER(S) AND ADDRESS:

Director of Personnel, Office of the Secretary, U.S. Department of the Interior, Washington, D.C. 20240.

NOTIFICATION PROCEDURE:

An individual may inquire whether or not the system contains a record pertaining to him/her from the Bureau Personnel Officer where he/she is (or was) employed. The request must be in writing, be signed by the requester, and meet the content requirements of 43 CFR 2.60. Office addresses are:

(1) Office of Personnel, Office of the Secretary, Department of the Interior, 19th & C Streets, NW., Washington, D.C. 20240

(2) Bureau of Indian Affairs, Division of Personnel Management, 1951 Constitution Avenue, NW., Washington, D.C. 20245

(3) Bureau of Mines, Division of Personnel, Branch of Compensation and Labor Relations, Columbia Plaza, 5th Floor, Washington, D.C. 20037

(4) Personnel Officer, Geological Survey, National Center, 12201 Sunrise Valley Drive, Reston, Virginia 22092

(5) National Park Service, Personnel Management Division, 19th & C Streets, NW., Washington, D.C. 20240

(6) U.S. Fish and Wildlife Service, Division of Personnel Management and Organization, 19th & C Streets, NW., Washington, D.C. 20240

(7) Bureau of Reclamation, Division of Personnel and Management, 19th & C Streets, NW., Washington, D.C. 20240

(8) Bureau of Land Management, Division of Personnel (530), 19th & C Streets, NW., Washington, D.C. 20240

(9) Office of the Solicitor, Personnel Officer, 19th & C Streets, NW., Washington, D.C. 20240

(10) Division of Personnel, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Avenue, NW., Washington, D.C. 20245

(11) Minerals Management Service, Personnel Division, Mail Stop 634, 12203 Sunrise Valley Drive, Reston, Virginia 22091

(12) Office of Inspector General, Assistant Inspector General for Administration, 19th & C Streets, NW., Washington, D.C. 20240

RECORD ACCESS PROCEDURES:

A request for access may be addressed the same as Notification. The request must meet the content requirements of 43 CFR 2.63.

CONTESTING RECORD PROCEDURES:

A petition for amendment shall be addressed to the System Manager and must meet the requirements of 43 CFR 2.71.

RECORD SOURCE CATEGORIES:

Individual employees and employing bureaus.

[FR Doc. 83-20395 Filed 7-26-83; 8:45 am]

BILLING CODE 4310-01-M

Bureau of Land Management

[A-17881]

Exchange of Mineral Estates; Arizona

July 19, 1983.

1. In an exchange made under the provisions of Section 206 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2756; 43 U.S.C. 1716, the mineral estate in the following described State-owned land has been transferred to the State of Arizona:

Gila and Salt River Meridian, Arizona

T. 26 N., R. 4 E.,
Section 14, NW¼, S½.
T. 26 N., R. 5 E.,
Section 8, All;
Section 20, All.
T. 27 N., R. 4 E.,
Section 14, All;

Section 30, lots 1–4, E½W½, E½.

Comprising 3040.28 acres.

2. The mineral estate in the following described land has been reconveyed to the United States:

T. 25 N., R. 8 E.,
Section 3, lots 1–4, S½N½, S½;
Section 10, All;
Section 11, All;
Section 14, All;
Section 15, N½, N½SW¼, S½SE¼.

Comprising 3,040.80 acres.

3. Of the lands described in paragraph 2, 2871.81 acres are situated within the boundaries of the Wupatki National Monument subject to jurisdiction of the National Park Service. The following described lands are under the jurisdiction of the Bureau of Land Management:

T. 25 N., R. 8 E.,
Section 3, U.S. 89 right-or-way and the SW¼SW¼;
Section 10, that portion lying west of the east right-of-way boundary of U.S. 89;
Section 15, that portion lying west of the east right-of-way boundary of U.S. 89.

Comprising approximately 168.89 acres.

None of the reconveyed mineral estate will be subject to appropriation under the mining or mineral leasing laws unless and until an appropriate opening order is issued by the Bureau of Land Management authorized officer.

The purpose of this notice is to inform the public and interested State and local governmental officials of the exchange of mineral interests.

Mario L. Lopez,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 83-20235 Filed 7-26-83; 8:45 am]

BILLING CODE 4310-84-M

[A 16569]

Conveyance and Order Providing for Opening of Public Lands; Arizona; Correction

July 19, 1983

In FR Doc. 83–17582 appearing at pages 30200–01 in the issue of Thursday, June 30, 1983, the 3rd paragraph is corrected to read as follows:

All minerals subject to location under the mining laws are included in this conveyance except in sec. 16, T. 26 N., R. 17 W. All leasable minerals, except the oil and gas, are conveyed out of United States ownership in all the lands except sec. 16, T. 26 N., R. 17 W.

Mario L. Lopez,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 83-20236 Filed 7-26-83; 8:45 am]

BILLING CODE 4310-84-M

Burley District Advisory Council; Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Meeting and Agenda for Burley District Advisory Council.

SUMMARY: Notice is hereby given in accordance with Pub. L. 91–463, Pub. L. 94–579, Pub. L. 95–514, and 43 CFR Part 1780, that the Burley District Advisory Council will meet on Tuesday, September 13, 1983, at the Conference Room in the Burley District Office, 200 South Oakley Highway, Burley, Idaho 83318.

Agenda items for the meeting include: (1) Burley District's Asset Management Program, and (2) Boundary Adjustments affecting the Burley District.

The meeting is open to the public. Interested persons may make oral statements to the Council between 1:30 and 2 p.m., or file written statements for the Council's consideration. Anyone wishing to make an oral statement must notify the District Manager at the Burley BLM Office by September 8, 1983. Depending on the number of persons wanting to make oral statements, a per-person time limit may be established.

Summary minutes of the meeting will be maintained in the District Office and will be available for public inspection and reproduction during regular business hours (7:45 a.m. to 4:30 p.m.) 30 days after the meeting.

DATE: September 13, 1983.

ADDRESS: Bureau of Land Management, Burley District Office, Route 3, Box 1, Burley, Idaho. 83318.

FOR FURTHER INFORMATION CONTACT: Nick James Cozakos, Burley District Manager, (208) 678–5514.

Nick James Cozakos,

District Manager.

[FR Doc. 83-20238 Filed 7-26-83; 8:45 am]

BILLING CODE 4310-84-M

Coos Bay District Advisory Council; Meeting

Notice is hereby given in accordance with Pub. L. 94–579 and 43 CFR Part 1780, that a meeting of the Coos Bay District Advisory Council will be held on Tuesday, August 23.

The meeting will take the form of a field trip into the Umpqua Resource Area of the district, and wil depart from the Coos Bay District office at 8:00 a.m.

The agenda for the meeting will include:

1. A tour of part of the Umpqua Resource Area.
2. Lunch.
3. Discussion of the purpose and function of the council.
4. Election of officers.
5. Arrangements for the next meeting.

The meeting is open to the public and news media, but persons other than council members are responsible for their own transportation and lunch arrangement. Interested persons may make oral statements to the council during a 30-minute period immediately following lunch, or file written statements for the council's consideration. Anyone wishing to make an oral statement must notify the District Manager at 333 South Fourth Street, Coos Bay, Oregon 97420, telephone 503–269–5880, by close of business August 9, 1983.

Summary minutes of the council meeting will be maintained at the district office, and made available for public inspection or reproduction at the cost of duplication.

Dated: July 18, 1983.

Thomas W. Roessler,

District Manager.

[FR Doc. 83-20310 Filed 7-26-83; 8:45 am]

BILLING CODE 4310-84-M

Salem District Advisory Council; Meeting

Notice is hereby given in accordance with Section 309 of the Federal Land Policy and Management Act of 1976 that a meeting of the Salem District Advisory Council will be held on Aug. 4, 1983, at 8:30 a.m. at the BLM Salem District Office, 1717 Fabry Road S.E., Salem, Oregon.

Agenda for the meeting will include:

1. Discussion and adoption of Westside Salem Timber Management Plan Resolution.
2. Oral statements from the public.
3. Briefing on Eastside Salem Final Environmental Impact Statement.
4. Discussion and development of recommendations on the Eastside Salem Final Environmental Impact Statement.
5. Discuss itinerary for Aug. 19 and 20 field trip.

The meeting is open to the public. Any organization, associations or individual may file a statement or appear before the council regarding topic on the meeting agenda. Anyone wishing to make an oral statement must notify the Salem District Manager, P.O. Box 3227, Salem, OR 97302, by Aug. 2, 1983. Summary minutes will be maintained in the District Office and will be avaialble for public inspection and reproduction during regular business hours within 30 days following the meeting.

Dated: July 18, 1983.

Joseph C. Dose,

District Manager.

[FR Doc. 83-20016 Filed 7-26-83; 8:45 am]

BILLING CODE 4310-84-M

Realty Action; Noncompetitive Sale of Public Lands in Kern County; California

[CA-5133]

AGENCY: Bureau of Land Mangement, Interior.

ACTION: Realty Action—Noncompetitive Sale of Public Lands in Kern County—CA-5133.

SUMMARY: The following described land has been examined and identified for disposal by sale under Section 203 of the Federal Land Policy and Management Act of 1976 (90 Stat. 2750; 43 U.S.C. 1713), at no less than the appraised fair market value.

Mount Diablo Meridian

T. 27 S., R. 39 E., Section 22, S½ SW¼ SW¼ NW¼.

The land described aggregates 5.00 acres in Kern County. This land is being offered at direct sale to Mr. John W. German, et al, at the appraised fair market value. The direct sale is necessary to protect equities arising from inadvertent unauthorized use, as a result of private surveying errors.

The proposed sale is consistent with the Bureau's planning for the lands involved and the public interest would be served by offering this land for direct sale to Mr. German.

The terms and conditions applicable to the sale are:

1. A right-of-way for ditches and canals will be reserved to the United States (43 U.S.C. 945).

2. All minerals in the land will be reserved to the United States (43 U.S.C. 1719); however, under Section 209 of the said Act of October 21, 1976, the new landowner may apply to purchase the mineral interests.

3. Federal law requires that all bidders be United States citizens.

FOR FURTHER INFORMATION CONTACT: Detailed information concerning the sale, including the land report and envoronmental assessment report, is available for review at the California Desert District Office at 1695 Spruce Street, Riverside, California 92507.

For a period of 45 days from the date of publication of this notice, interested parties may sumbit comments to the State Director, California State Office, Federal Office Building, 2800 Cottage Way, Room E-2841, Sacramento, California 96825. 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 asbsence of any action by the State Director, this realty action will become a final determination.

SUPPLEMENTARY INFORMATION: The land will not be offered for sale for at least 60 days after the date of this notice.

Dated: July 20, 1983.

Hugh Riecken,

Associate District Manager.

[FR Doc. 83-20309 Filed 7-26-83; 8:45 am]

BILLING CODE 4310-84-M

Realty Action; Sale of Public Lands; Colorado

AGENCY: Bureau of Land Management.

ACTION: Notice of Realty Action, Sale of Public Lands in Cheyenne and Yuma Counties, Colorado, C-35054 thru C-35057, and C-35445 thru C-35448.

SUMMARY: The following described lands have been examined and identified as suitable for disposal by sale under Section 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1713) at no less than the fair market value shown for each parcel:

SIXTH PRINCIPAL MERIDIAN

Parcel No.	Legal Description	Acreage	Value
Cheyenne County			
1, C-35057	T. 16 S., R. 47 W., sec. 2, lot 5.	76.70	$9,600
2, C-35054	T. 16 S., R. 45 W., sec. 4, lot 12.	65.23	19,600
3, C-35055	T. 16 S., R. 45 W., sec. 22, lots 5 and 6.	79.13	7,900
4, C-35056	T. 16 S., R. 45 W., sec. 28, lots 5 and 6.	78.90	7,900
Yuma County			
9, C-35445	T. 5 S., R. 45 W., sec. 27, lots 12 and 13.	79.74	8,000
10, C-35446	T. 5 S., R. 45 W., sec. 31, lot 14.	40.00	4,000
11, C-35447	T. 5 S., R. 45 W., sec. 32, SW¼NE¼.	40.00	4,000
12, C-35448	T. 5 S., R. 45 W., sec. 32, SW¼SW¼.	40.00	5,000

The land has not been used for and is not required for any Federal purpose. The location and physical characteristics of each parcel make it difficult and uneconomical to manage as public lands. Disposal would not have any significant effect on resource values and would best serve the public interest.

Parcel No. 12 will be offered by competitive bidding, and all the other parcels will be offered to contiguous landowners by direct sale or modified competitive bidding if two or more contiguous landowners submit bids.

The following contiguous landowners are hereby offered an opportunity to purchase the land at no less than the appraised value for each parcel:

Parcel No. 1

Rhoades Brothers, Inc., P.O. Box 204, Kit Carson, Co. 80825

Parcel No. 2

Bette Dolfi, 2605 Crestwood Drive, Chattanooga, Tennessee 37415

Joan Jones, 8837 Winningham, Houston, Texas 77055

Beverly Kay Tuggle 8181 Queen Arvada, Colorado 80005

Parcel No. 3

Nina Marie Craig, 4014 East 12th Street, Kansas City, Missouri 64127

A.S. Kern, Jr., P.O. Box 487, Cheyenne, Wells, Colorado 80810

Florence Shaub, 5240 Blue Ridge Cut Off, Apartment 517, Raytown, Missouri 64133

George D. Zane, c/o Marie J. Hathorn, 925 West 32nd Terrace, Kansas City, Missouri 64111

Parcel No. 4

A.S. Kern, Jr. (address shown above)

Ronald W. and Ruby L. Vickers, 1304 North 76 Terrace, Kansas City, Missouri 66112

Parcel No. 9

Homm Ranches, c/o Howard E. Homm, Route 3, Burlington, Colorado 80807

Parcel No. 10

H.S. McDonald, Route 2, Box 65, Kirk, Colorado 80824

Parcel No. 11

Homm Ranches (address shown above)

All patents for the land, when issued, will be subject to the following conditions:

1. A right-of-way for ditches and canals constructed by the authority of the United States under the Act of August 30, 1890 (26 Stat. 391; 43 U.S.C. 945).

2. All minerals will be reserved to the United States as required by Section 209(a) of the Federal Land Policy and Management Act (43 U.S.C. 1719).

3. All valid existing rights and reservations of record.

Patents issued for the parcels listed below will also be subject to the following conditions:

Parcel No. 1

1. A right-of-way 30 feet in width now existing or of record for a county road along and within the west boundary of lot 5, sec. 2, T. 16 S., r. 47 W., 6th P.M., Colorado.

Parcel No. 12

1. A right-of-way 60 feet in width now existing or of record for a county road running diagonally through the SW ¼SW¼, sec. 32, T. 5 S., R. 45 W., 6th P.M., Colorado.

2. Those rights for electric transmission purposes as have been granted to the Tri-State Generation and Transmission Association, Inc., its successors and assigns, by right-of-way Colorado 23726 under the Act of October 21, 1976 (43 U.S.C. 1761).

As a condition of sale of Parcel Nos. 3 and 4, the successful bidder will be required to enter into an agreement with the existing grazing user which will preserve the grazing user's right to use the land for any time remaining on the outstanding grazing lease at the time the patent issues. Accordingly, for Parcel No. 3 (C–35055), the successful bidder must enter into an agreement with August S. Kern, the terms and conditions of which are comparable to those contained in grazing lease No. CO–056–5926. For Parcel No. 4 (C–35056), the successful bidder must enter into an agreement with August S. Kern, the terms and conditions of which are comparable to those contained in grazing authorization No. CO–056–5926. Before a patent will issue for either of these parcels, the successful bidder will be required to submit evidence acceptable to the authorized officer that such an agreement has, in fact, been achieved and executed.

FOR FURTHER INFORMATION CONTACT: Detailed information concerning this sale, including the planning documents and environmental assessment, is available for review in the Bureau of Land Management Northeast Resource Area Office, 10200 West 44th Avenue, Suite 222, Wheatridge, Colorado 80033. For a period of 45 days from the date of this notice, interested parties may submit comments to the District Manager, Canon City District Office, Bureau of Land Management, P.O. Box 311, Canon City, Colorado 81212. 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 be come a final determination of the Department of the Interior.

Melvin D. Clausen,

District Manager.

[FR Doc. 83-20275 Filed 7-26-83; 8:45 am]

BILLING CODE 4310-84-M

[N-36831, N-36832]

Realty Action; Competitive Sale of Public Land in Nye County, Nevada

The following described lands have been examined and determined suitable for sale under Section 203 of the Federal Land Policy and Management Act of 1976 (90 Stat. 2750; 43 U.S.C. 1713).

Mount Diablo Meridian, Nevada

Sale Parcel N–36831

T. 5 N., R. 50 E.
Sec. 12: SE¼SW¼, SW¼SW¼;
Sec. 13: NW¼NE¼, S½NE¼, NW¼NW¼, S½NW¼, N½SW¼, SE¼;
Sec. 24: N½NE¼
T. 5 N., R. 51 E.
Sec. 18: Lots 2 & 3
Containing 709.15 acres, more or less.

Sale Parcel N–36832

T. 4 N., R. 51 E.
Sec. 13: SE¼SE¼
Containing 40 acres, more or less.

The lands will be offered for sale by competitive bid at 10:00 a.m., September 30, 1983, at the Tonopah Resource Area Office, Building 102, Military Circle, Tonopah, Nevada. The minimim bid for each sale parcel will be its appraised fair market value. The proposed sales do not conflict with the Bureau's Tonopah Resource Area Management Plan or with the Nye County Master Plan.

Patent to sale parcel N–36831, when and if 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, 1980, 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;

And will be subject to:

1. Those rights granted by oil and gas leases N–15845 and N–17383 made under Section 29 of the Act of February 25, 1920, 41 Stat. 437 and the Act of March 4, 1933, 47 Stat. 1570. This patent is issued subject to the right of the prior permittees or lessees to use so much of the surface of said land as is required for oil and gas exploration and development operations, without compensation to the patentee for damages resulting from proper oil and gas operations, for the duration of oil and gas leases N–15845 and N–17383, and any authorized extension of that lease. Upon termination or relinquishment of said oil and gas leases, this reservation shall terminate.

2. Those rights for highway purposes which have been granted by Right-of-Way Grant CC–020745, for U.S. Highway 6;

3. Those rights for power transmission purposes which have been granted by Right-of-Way Grant Nev–061469;

4. Other valid, existing rights.

Patent to sale parcel N–36832 when and if 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, 1980, 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;

And will be subject to:

1. Those rights granted by oil and gas lease N–18090, made under Section 29 of the Act of February 25, 1920, 41 Stat. 437 and the Act of March 4, 1933, 47 Stat. 1570. This patent is issued subject to the right of the prior permittee or lessee to use so much of the surface of said land as is required for oil and gas exploration and development operations, without compensation to the patentee for damages resulting from proper oil and gas operations, for the duration of oil and gas lease, N–18090 and any authorized extension of that lease. Upon termination or relinquishment of said oil and gas leases, this reservation shall terminate.

2. Those rights of highway purposes which have been granted by Right-of-Way Grant Nev–044336 for State Route 375;

3. A restriction prohibiting the purchaser or any successor from taking any action on the subject land parcel which would cause the water level in Twin Springs Slough to fall to or below a level where it would not support the tui chub species, *Gila bicolor*, in a healthy condition.

Detailed information concerning the sale is available for review at the Battle Mountain District Office, Bureau of Land Management, Second and Scott Streets, Battle Mountain, Nevada 89820, or at the Tonopah Resource Area Office, Bureau of Land Management, Building 102, Military Circle, Tonopah, Nevada 89849.

The land will not be offered for sale sooner than 60 days after the date of this notice. For a period of 45 days from the publication of this notice in the **Federal Register**, interested parties may submit comments to the District Manager, Battle Mountain District Office of the Bureau of Land Management, Second

and Scott Streets, P.O. Box 1420, Battle Mountain, Nevada 89820. Any adverse comments will be evaluated by the District Manager, Bureau of Land Management, 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.

For further information regarding the proposed sales and the sales procedures, contact Leslie A. Monroe, Area Manager, Tonopah Resource Area, Tonopah, Nevada, telephone number (702) 482-6214.

Note.—After the public auction the successful bidder, as "prospective record owner" may request conveyance of the available Federally owned mineral interests under Section 209 of the Federal Land Policy and Management Act of October 21, 1976, 90 Stat. 2757, 43 U.S.C. 1719.

Michael C. Mitchel,

Acting District Manager, Battle Mountain.

[FR Doc. 83-20185 Filed 7-26-83; 8:45 am]

BILLING CODE 4310-84-M

[U-050]

Proposed Planning Criteria for the Warm Springs Resource Area; Richfield District, Utah

Notice is hereby given that the proposed planning criteria for the Warm Springs Resource Area is available for public comment.

Major issues were identified through a public meeting and a BLM mutidisciplinary team and they include: (1) What withdrawals, exchanges, sales, rights-of-way, or leases are necessary for proper management of BLM lands? (2) Which lands should remain available for energy and mineral exploration and development? (3) What level are forest resources capable of providing posts and firewood for public use? (4) What protection of scientific, cultural, ecological, environmental and recreation resources and values is necessary? (5) What are the floodplains, wetlands, threatened and endangered species and potential wilderness values that must be identified or protected, as mandated by law? (6) Are there public land uses affecting watershed conditions and water quantity and quality? (7) What is the proper forage allocation for livestock, wild horses and big game for all grazing areas? (8) What land treatments and developments to improve range management and enhance wildlife habitats and watersheds are needed? (9) What are the present and future off-road vehicle use area needs and where should these areas be located? (10) What additional recreation facilities are necessary to accomodate future growth? (11) How should fire be used to improve rangeland resources and in what areas should this treatment be used?

The proposed planning criteria will assist the BLM in determining which alternatives will best resolve the above issues. The criteria are available for review at: the District Office, 150 East 900 North, Richfield, Utah and the Fillmore Office, 15 East 500 North, Fillmore, Utah or can be obtained by mail from the same addresses. If you have questions, feel free to call Mark Bailey, Area Manager, (801) 743-6811, or Ed Bovy, Planning Coordinator, (801) 896-8221. Comments will be accepted until August 30, 1983 and should be sent to: Area Manager, Bureau of Land Management, P.O. Box 778, Fillmore, Utah 84631.

July 19, 1983.

Donald L. Pendleton,

District Manager.

[FR Doc. 83-20237 Filed 7-26-83; 8:45 am]

BILLING CODE 4310-84-M

Wind Energy Development Applications; California Desert District, Barstow-Victorville Area; Correction

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice. State of California; call for applications for wind energy development in the Barstow-Victorville area; Correction.

SUMMARY: The document corrects a notice of a proposed wind development on public lands in the Barstow-Victorville area that appeared at pages 29957 and 29958 in the **Federal Register** on Wednesday, June 29, 1983 (48 FR 29957).

The action is necessary to make corrections to the lands being made available for application.

DATES: Because of the additions, the application filing deadline is extended to September 29, 1983.

FOR FURTHER INFORMATION CONTACT: Mike DeKeyrel, Realty Specialist, at (619) 256-3595.

The following changes are made to FR Doc. 48-126 appearing on page 29957 in the issue of Wednesday, June 29, 1983, under LEGAL DESCRIPTION: add Section 7, T. 6 N., R. 1 W., SBM; delete Section 23, T. 6 N., R. 3 W., SBM; add Sections 34-35, T. 7 N., R. 3 W., SBM.

Dated: July 18, 1983.

Hugh Riecken,

Associate District Manager.

[FR Doc. 83-20308 Filed 7-26-83; 8:45 am]

BILLING CODE 4310-84-M

Availability of Energy and Minerals Evaluation Form

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of availability of Energy and Minerals Evaluation Form for use in gathering information on wildernes study areas.

SUMMARY: The Bureau of Land Management has made a decision to use an Energy and Minerals Evaluation Form for gathering information on wilderness study areas and other lands managed by the Bureau. This notice announces the availability of the form and urges its use by the public for that purpose.

DATE: The Energy and Minerals Evaluation Form is available and should be used as of August 26, 1983.

ADDRESS: Any suggestions or inquiries should be addressed to: Director (690), Bureau of Land Management, 1800 C Street NW., Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: Joseph Buesing, (202) 343-3207 or Susan Marcus, (202) 343-3207.

SUPPLEMENTARY INFORMATION: The Bureau of Land Management published a request for public comment on possible methods that it might use in evaluating tracts of Federal lands to determine their favorability for containing mineral resources in the **Federal Register** of December 10, 1981 (46 FR 60562). The notice provided a 60-day comment period. The request contained a rating system which was to be voluntary and which was to be available for use by anyone who desired to submit minerals information. The purpose of the data gathering process was to provide a standard means for the Bureau to gather energy and minerals data and for the public to be able to participate in this activity as part of the Bureau's land use planning process. The data, when made available to local Bureau managers and minerals professionals, would assist the Bureau in making informed land use decisions.

During the 60-day comment period, comments were received from 96 sources, with 59 comments coming from mining companies, trade groups related to the mining industry, and individuals with mining/mineral exploration industry connections; 19 from

individuals not identifying with any group; 7 from State agencies; 7 from conservation groups; and 4 from Federal agencies.

General Comments: The consensus of the comments was that there was a need for energy and mineral information in the Bureau of Land Management's land use planning process. Thirty-two of the comments favored the voluntary system provided in the request for comments, while 22 of the comments expressed the view that the system was useless. The remaining 43 comments expressed support for some form of public participation to provide the Bureau with information on mineral resources in wilderness study areas, but wanted the format changed. Many of the comments were concerned that the ratings would be statistically averaged in the Bureau's mineral assessment. It was never the intention of the Bureau to evaluate the actual ratings part of the form statisticaly. Therefore, it was decided to modify the form to avoid any misunderstanding on this question. It is expected that the data submitted in the narrative sections of the approved form will provide the Bureau with more useful information. The approved form is called an "evaluation" rather than a "rating system."

Specific Comments: The responses to the **Federal Register** notice can be broken into seven categories, each of which is briefly discussed below.

First, the comments expressed concern that the forms and/or evaluations used by the Bureau of Land Management would duplicate or replace studies presently being conducted by the Geological Survey and the Bureau of Mines. The Bureau has its own energy and minerals program which does not duplicate work of the Geological Survey or the Bureau of Mines. The data gathered and evaluated through the Bureau's energy and mineral program are used in the Bureau's land use planning, wilderness and other programs. It is true that any area(s) that the Bureau intends to recommend as suitable for wilderness must be studied later in greater detail by the Geological Survey or the Bureau of Mines.

Second, several of the comments suggested that the rating should be changed as technology and economic conditions change. The point is well taken. However, the Bureau of Land Management is committed to a schedule for recommending the suitability of wilderness study areas on lands administered by the Bureau by 1991. The Bureau's objective is to obtain information on the mineral resources prior to making these recommendations on suitability. New information will be incorporated into the Bureau's wilderness study program during all phases of the public comment period. Changes in evaluation resulting from new technologies in areas that are parts of other Bureau land use planning programs can be made simply by completing and submitting another evaluation form. Changes or new information can also be submitted in writing at any time, in any convenient form, to the appropriate Bureau office.

Third, several of the comments questioned whether a similar form would be used for all resources. The approved form was developed to acquire energy and mineral information from the public. Presently, the Bureau of Land Management is not contemplating use of this type of form for other resources.

Fourth, the question of whether accessibility or economic feasibility should be discussed as part of an evaluation of mineral elicited opposing views from the comments. Any information on these subjects may be submitted by the public to the Bureau of Land Management separately or as part of the submission of an evaluation form. Submission of information on the form or in any other way is voluntary and all information, no matter how submitted, will be considered. The Bureau is using this form to gather geologic and mineralogic data. Economic feasibility may be considered by the Bureau as it evaluates management alternatives during the planning process.

Fifth, many comments suggested that the Bureau of Land Management require those who complete evaluation forms to also submit their professional qualifications. Again, we emphasize that the submission of information for this program is entirely voluntary. It is not the role of the Bureau's mineral specialist to verify the professional qualifications of those that may voluntarily supply information. The professional qualifications of those who submit information are less important than the submission of information. The Bureau may verify submitted information by consultation with the person submitting the data, or with other agencies, or by field examination.

Sixth, some comments expressed concern that the public rating or non-rating of an area would not give a true evaluation of the mineral resources. Other comments support the use of such a rating system. The form has been modified to de-emphasize ratings. The Bureau of Land Management's mineral specialist will determine whether a lack of data means that an area has little or no potential for mineral resources, or whether there is insufficient information to determine potential.

The final major point raised by the comments concerned the treatment of confidential or proprietary information by the Bureau of Land Management. All information sent to the Bureau is assumed to be non-confidential unless the Bureau is informed, specifically and in writing, to the contrary.

Non-confidential information is usually more useful than confidential information because non-confidential information can be specifically cited in land use planning decisions. All information that is designated confidential by the submitter will be held in a confidential manner subject to the provisions of the Freedom of Information Act, and the National Materials and Minerals Policy, Research and Development Act of 1980. Confidential material will also be returned to the submitter, upon request, after review by the Bureau.

In accordance with the President's National Energy and Minerals Program Plan and Report to Congress on April 5, 1982, the Bureau of Land Management encourages all segments of the public to provide it with energy and minerals data for wilderness and other land use planning activities. The Bureau is committed to encouraging public comments within its land use planning, wilderness and other programs. The optional energy and minerals evaluation form announced by this notice will be helpful in meeting this commitment.

The form has been redesignated to provide the Bureau of Land Management with factual, non-subjective data, as well as to permit expressions of professional judgments. The approved form will fill a 8½ × 11-inch page with specific instructions or guidelines on the back. Copies of the approved form will be available to the public in all Bureau of Land Management State and District Offices. The approved form is as follows.

Arnold E. Petty,

Acting Associate Director.

BILLING CODE 4310-84-M

Form 3030–2
(June 1983)

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

FORM APPROVED
OMB NO. 1004–0129

ENERGY AND MINERAL RESOURCES EVALUATION

1a. State	b. County	
c. District	d. Resource Area	e. Planning Unit
f. Wilderness Study Area Name		Number

2. RESOURCES
(Check appropriate box)

NONFUELS					FUELS
☐ Asbestos	☐ Diatomite	☐ Manganese	☐ Pumice	☐ Titanium	☐ Coal
☐ Barite	☐ Gemstones	☐ Mercury	☐ Salt	☐ Tungsten	☐ Gas
☐ Bentonite	☐ Gold	☐ Mica	☐ Sand and Gravel	☐ Vanadium	☐ Geothermal
☐ Boron	☐ Graphite	☐ Molybdenum	☐ Silver	☐ Wollastonite	☐ Oil
☐ Chromium	☐ Gypsum	☐ Nickel	☐ Strontium	☐ Zeolite	☐ Oil Shale
☐ Cinders	☐ Iron	☐ Perlite	☐ Talc	☐ Zinc	☐ Tar Sands
☐ Clays	☐ Lead	☐ Phosphate	☐ Tantalum	☐ Other *(specify)*	☐ Uranium
☐ Cobalt	☐ Limestone	☐ Platinum Group	☐ Thorium		☐ Other *(specify)*
☐ Copper	☐ Magnesium	☐ Potash	☐ Tin		

3. Geologic Characteristics

4. Energy/Mineral potential evaluation and basis for interpretation

☐ If more information is available please check this box

5. References

6. Completed by *(individual's name)*	Address *(include zip code)*	Telephone No. *(include area code)*
7. For more information contact *(name)*	Address *(include zip code)*	Telephone No. *(include area code)*

(Instructions on reverse)

SPECIFIC INSTRUCTIONS

1a. through 1f. LOCATION INFORMATION – Fill in appropriate State, County, District, Resource Area, Planning Unit, and Wilderness Study Area name and number. For Bureau plans not involving wilderness, leave the wilderness Study Area name and number blank. Bureau employees can assist you in completing this part of the form if necessary.

2. RESOURCES *(Nonfuels, Fuels)* – Check the appropriate box for *(gold, oil, bentonite, etc.)*, whatever specific mineral or energy resource you are describing. Usually a separate form should be prepared for each commodity. However, commodities that occur together *(e.g., copper-lead-zinc or oil-gas)* could be described on one form to help the Bureau define geologic environments.

3. GEOLOGIC CHARACTERISTICS – Describe the geology, minerals or energy resources, host rocks, deposit types, etc. In addition, describe any additional significant information on mineral exploration, development, production, or academic studies and research that has occurred or is occurring in the area. This may include geophysical or geochemical data. This portion of the form should relate factual information.

4. ENERGY/MINERAL POTENTIAL EVALUATION AND BASIS FOR INTERPRETATION – In this section you may express an evaluation of the energy or mineral potential, according to your professional judgment, using the following format:

Low Favorability = very few geologic characteristics favorable for the occurrence of a given resource are present.

Medium Favorability = some geologic characteristics are present that are favorable for the occurrence of a given resource.

High Favorability = a number of geologic characteristics are present that indicate the occurrence of a given resource.

Unknown Favorability = this will be applied when there are few facts on which to make the evaluation, and the true rating may be low, medium, or high.

Evaluation *will not* be statistically tabulated. Also discuss your interpretation of the geologic characteristics that lead you to this judgment. Please state specific reasons. Additional pages may be attached, if necessary. If the information on which you based your evaluation is confidential, please inform us so that we may contact you to review the data.

5. REFERENCES – List any published or unpublished reports, maps, etc.

6. COMPLETED BY – Give name, address, and telephone number of the person who completed the form. This, as with all other parts of the form, is optional. It will help the Bureau when clarification or more information is needed.

7. FOR MORE INFORMATION CONTACT – Give name, address, and telephone number of person(s) to contact if the Bureau needs more information. If this is the same person as in item 6, leave this area blank.

NOTE: Return to BLM Office stamped in block below.

The Paperwork Reduction Act of 1980 (44 U.S.C. 3501, et seq.) requires us to inform you that:

Information is being collected to improve the data base for energy and mineral resources on public lands.

Information will be used to aid the Bureau in its multiple use land planning process.

Response to this request is voluntary.

[FR Doc. 83-20186 Filed 7-26-83; 8:45 am]

BILLING CODE 4310-84-C

Extension of Information Collection Approval

Extension of approval for the information collection 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 information and collection requirement and related forms and explanatory material may be obtained by contacting the Bureau's clearance officer at the phone number listed below. Comments and suggestions on extension of the requirement should be made directly to the Bureau clearance officer and the Office of Management and Budget at 202–395–7340.

Title: 43 CFR 2800 and 2880, Additional Information for Right-of-Way Application.

Bureau Form Number: No form—only a regulatory requirement.

Frequency: On occasion.

Description of Respondents: Applicants needing a right-of-way on Federal lands.

Annual Responses: 1,000.

Annual Burden Hours: 16,800.

Bureau Clearance Officer: Linda Gibbs (Alternate): 202–653–8853.

James M. Parker,

Acting Director.

June 28, 1983.

[FR Doc. 83–20322 Filed 7–26–83; 8:45 am]

BILLING CODE 4310–84–M

Minerals Management Service

Proposed Mineral Materials Lease Form and Request for Comments

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of Proposed Mineral Materials Lease Form and Request for Comments.

SUMMARY: On January 19, 1982, the Secretary of the Interior announced approval of a program for nonenergy mineral leasing activities in U.S. offshore areas. Lease offerings of mineral materials on the Outer Continental Shelf (OCS) are authorized by section 8(k) of the OCS Lands Act, 43 U.S.C. 1331 et seq. The Minerals Management Service (MMS) has announced that it is proposing to hold OCS lease offerings for polymetallic sulfide minerals (see the **Federal Register** of March 28, 1983, at 48 FR 12840 and the **Federal Register** of June 6, 1983, at 48 FR 25279) and for sand and gravel (see the **Federal Register** of April 11, 1983, at 48 FR 15541). In order to be able to grant such leases, the MMS is developing a lease form for OCS mineral materials such as polymetallic sulfide minerals or sand and gravel. A proposed version of this form appears below for the purpose of inviting public comments on it. The applicability of various sections of the proposed lease form and the other specific terms and conditions of a particular mineral materials lease offering will appear in the applicable notice of lease offering. Thus, for example, in the April 11, 1983, Notice on sand and gravel leasing, it was indicated that no royalty was then being tentatively proposed for arctic sand and gravel lease offerings. The inclusion in the following proposed form of provisions concerning royalty does not necessarily indicate that a royalty will be applied in such offerings.

The various sections of the proposed lease form are included in the following document merely to solicit comments on a lease form that could be used for several mineral commodities. Additions to this lease form in the form of protective stipulations and clauses should be expected for each particular lease offering. Thus, for example, several stipulations and clauses were studied for possible inclusion in the Arctic Sand and Gravel Lease Offering planned for October 1983 in the environmental impact statement prepared for that offering.

Comments

Comments on the proposed mineral materials lease form are requested within 30 days of publication of this Notice. Comments should be addressed to Director, Minerals Management Service, Mail Stop–645, 12203 Sunrise Valley Drive, Reston, VA 22091. Hand delivery of comments may be made to the Department of the Interior, Room 2510, 1800 C Street, NW, Washington, DC 20240.

FOR FURTHER INFORMATION CONTACT: Chris Oynes (202/343–6906).

Dated: July 20, 1983.

Dave Russel,

Acting Director, Minerals Management Service.

BILLING CODE 4310–MR–M

Form MMS- | Office | Serial Number

UNITED STATES
DEPARTMENT OF THE INTERIOR
MINERALS MANAGEMENT SERVICE

Cash bonus | Acres, hectares

MINERAL MATERIALS LEASE OF SUBMERGED LANDS UNDER THE OUTER CONTINENTAL SHELF LANDS ACT

Royalty Rate | Rental rate per acre, hectare or fraction thereof

This form does not constitute an information collection as defined by 44 U.S.C. 3502 and therefore does not require approval by the Office of Management and Budget.

Minimum royalty rate per acre, hectare or fraction thereof

This lease is effective as of (hereinafter called the "Effective Date") and shall continue for an initial period of years (hereinafter called the "Initial Period") by and between the United States of America (hereinafter called the "Lessor"), by the Minerals Management Service, its authorized officer, and

(hereinafter called the "Lessee"). In consideration of any cash payment heretofore made by the Lessee to the Lessor and in consideration of the promises, terms, conditions, and covenants contained herein, including the Stipulation(s) numbered attached hereto, the Lessee and Lessor agree as follows:

BILLING CODE 4310-MR-C

Sec. 1. *Statutes and Regulations.* This lease is issued pursuant to the Outer Continental Shelf Lands Act of August 7, 1953, 67 Stat. 462; 43 U.S.C. 1331 et seq., as amended (92 Stat. 629), (hereinafter called the "Act"). The lease is issued subject to the Act; all rules, orders, and regulations issued pursuant to the Act and in existence upon the Effective Date of this lease; all rules, orders, and regulations issued pursuant to the Act in the future providing for the prevention of waste and conservation of the natural resources of the Outer Continental Shelf, and the protection of correlative rights therein; and all other applicable statutes and regulations.

Sec. 2. *Rights of Lessee.* The Lessor hereby grants and leases to the Lessee the exclusive right and privilege to prospect for, mine, extract, remove and dispose of all

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located in, on, or under the submerge lands of the Outer Continental Shelf containing approximately ——— acres or ——— hectares (hereinafter referred to as the "leased area"), described as follows:

These rights include:

(a) the nonexclusive right to conduct within the leased area geological and geophysical exploration and core sampling activities in accordance with applicable rules, orders, and regulations and the notice of lease offering;

(b) the nonexclusive right to drill water wells within the leased area, unless the water is part of geopressured-geothermal and associated resources, and to use the water produced therefrom for operations pursuant to the Act free of cost, on the condition that the drilling is conducted in accordance with procedures approved by the Director of the Minerals Management Service or the Director's delegate (hereinafter called the "Director"); and

(c) the right to construct or erect and to maintain within the leased area artificial islands, equipment, installations, and other devices permanently or temporarily attached to the seabed and other works and structures necessary to the full enjoyment of the lease, subject to compliance with applicable laws, regulations, and the notice of lease offering.

Sec. 3. *Term.* This lease shall continue from the Effective Date of the lease for the Initial Period and so long thereafter as provided in the notice of lease offering or as otherwise provided by regulation.

Sec. 4. *Rental.* The Lessee shall pay the Lessor, on or before the first day of each lease year, a rental as shown on the face hereof.

Sec. 5. *Minimum Royalty.* The Lessee shall pay the Lessor at the expiration of each lease year which commences after a discovery of in paying quantities, a minimum royalty as shown on the face hereof or, if there is production, the difference between the actual royalty required to be paid with respect to such lease year and the prescribed minimum royalty, if the actual royalty paid is less than the minimum royalty.

Sec. 6. *Royalty on Production.*

(a) The Lessee shall pay a fixed royalty as shown on the face hereof in amount or value of production saved, removed, or sold from the leased area. The Lessor shall determine whether production royalty shall be paid in amount or value, unless otherwise specified in the notice of lease offering.

(b) the value of production for purposes of computing royalty on production from this lease shall never be less than the fair market value of the production. The value of production shall be the estimated reasonable value of the production as determined by the Lessor, due consideration being given to the highest price paid for a part or for a majority of production of like quality in the same area, to the price received by the lessee, to posted prices, to regulated prices, and to other relevant matters. Except when the Lessor, in its discretion, determines not to consider special pricing relief from otherwise applicable Federal regulatory requirements, the value of production for the purposes of computing royalty shall not be deemed to be less than the gross proceeds accruing to the Lessee from the sale thereof. In the absence of good reason to the contrary, value computed on the basis of the highest price paid or offered at the time of production in a fair and open market for the major portion of like-quality products produced and sold from the area where the leased area is situated, will be considered to be a reasonable value.

(c) When paid in value, royalties on production shall be due and payable monthly on the last day of the month next following the month in which the production is obtained, unless the Lessor designates a later time. When paid in amount, such royalties shall be delivered at reasonable times and intervals. Such deliveries, at the lessor's option, shall be effected either (i) on or immediately adjacent to the leased area, without cost to the Lessor or (ii) at a more convenient point closer to shore or on shore, in which event the Lessee may be entitled to reimbursement for the reasonable costs of transporting the royalty substance to such delivery point. The Lessee shall not be required to provide storage for royalty paid in amount in excess of transportation required when royalty is paid in value. When royalties are paid in amount, the Lessee shall not be held liable for the loss or destruction of the royalty substance in storage from causes over which the Lessee has no control.

Sec. 7. *Payments.* The Lessee shall make all payments to the Lessor by check, bank draft, or money order unless otherwise provided by regulations or by direction of the Lessor. Rentals, royalties, and any other payments required by this lease shall be made payable to the Minerals Management Service and tendered to the Director. determinations made by the Lessor as to the amount of payment due shall be presumed to be correct.

Sec. 8. *Bond.* The Lessee shall maintain at all times a bond in the amount specified in the notice of lease offering conditioned on compliance with all requirements applicable to this lease or a bond likewise conditioned in the amount of ——— for all ——— leases in the ——— area or an areawide bond in the amount specified in the notice of lease offering prior to the issuance of the lease and shall furnish such additional security as may be required by the Lessor if, after operations have begun, the Lessor deems such additional security to be necessary.

Sec. 9. *Plans.* The Lessee shall conduct all operations on the leased area in accordance with such approved exploration plans, approved development plans, and approved production or mining plans as are required by the notice of lease offering or regulations. Thea Lessee may depart from an approved plan only as provided by the notice of lease offering or applicable rules, orders, or regulations. If so specified in the notice of lease offering, that portion of the leased area not included in an approved development or mining plan shall be deemed to be surrendered to the Lessor as a condition of approval of the development or mining plan.

Sec. 10. *Performance.* The Lessee shall comply with all applicable rules, regulations and orders and the terms and conditions set for in the in the notice of lease offering. After due notice in writing, the Lessee shall conduct such OCS mining activities at such rates as the Lessor may require in order that the leased area or any part thereof may be properly and timely developed and

produced in accordance with sound operating principles.

Sec. 11. *Inspection.* The Lessee shall permit duly authorized and identified representatives of the Secretary of the Interior to have access to all exploration, development, mining, processing, transportation, and other sites associated with the operations under the lease, and to all books, records, documents, and other information associated with lease operations.

Sec. 12. *Safety Requirements.* The Lessee shall:

(a) Maintain all places of employment within the leased area in compliance with occupational safety and health standards and, in addition, free from recognized hazards to employees of the Lessee or of any contractor or subcontractor operating within the leased area;

(b) Maintain all operations within the leased area in compliance with rules, regulations, and orders intended to protect persons, property, and the environment on the Outer Continental Shelf; and

(c) Allow prompt access, at the site of any operation subject to safety regulations, to any authorized Federal inspector and shall provide any documents and records which are pertinent to occupational or public health, safety, or environmental protection as may be requested.

Sec. 13. *Suspension and Cancellation.*

(a) The Lessor may suspend or cancel this lease pursuant to Section 5 of the Act and compensation shall be paid when provided by the Act.

(b) The Lessor may, upon recommendation of the Secretary of Defense, during a state of war or national emergency declared by Congress or the President of the United States, suspend operations under the lease, as provided in Section 12(c) of the Act, and just compensation shall be paid to the Lessee for such suspension.

Sec. 14. *Indemnification.* The Lessee shall indemnify the Lessor for, and hold it harmless from, any claim, including claims for loss or damage to property or injury to persons caused by or resulting from any operation on the leased area conducted by or on behalf of the Lessee. However, the Lessee shall not be held responsible to the Lessor under this section for any loss, damage, or injury caused by or resulting from: (a) negligence of the Lessor other than the commission or omission of a discretionary function or duty on the part of a Federal ageny whether or not the discretion involved is abused; or (b) the Lessee's compliance with an order or directive of the Lessor against which an administrative appeal by the Lessee is filed before the cause of action for the claim arises and is pursued diligently thereafter.

Sec. 15. *Disposition of Production.* In time of war, or when the President of the United States shall so prescribe, the Lessor shall have the right of first refusal to purchase at the market price all or any portion of the ———— produced from the leased area, as provided in Section 12(b) of the Act.

Sec. 16. *Unitization Agreements.* Within such time as the Lessor may prescribe, the Lessee shall subscribe to and operate under a unit agreement embracing all or part of the lands subject to this lease as the Lessor may determine to be appropriate or necessary. Where any portion of a unit agreement, approved by the Lessor, is inconsistent with a provision of this lease, the provision of the agreement shall govern.

Sec. 17. *Equal Opportunity Clause.* During the performance of this lease, the Lessee shall fully comply with paragraphs (1) through (7) of Section 202 of Executive Order 11246, as amended (reprinted in 41 CFR 60–1.4(a)), and the implementing regulations, which are for the purpose of preventing employment discrimination against persons on the basis of race, color, religion, sex, or national origin. Paragraphs (1) through (7) of Section 202 of Executive Order 11246, as amended, are incorporated in this lease by reference.

Sec. 18. *Certification of Non-segregated Facilities.* By entering into this lease, the Lessee certifies, as specified in 41 CFR 60–1.8, that it does not and will not maintain or provide for its employees any segregated facilities at any of its establishments, and that it does not and will not permit its employees to perform their services at any location under its control where segregated facilities are maintained. As used in this certification, the term "segregated facilities" means, but is not limited to, any waiting rooms, work areas, restrooms and washrooms, restaurants and other eating areas, timeclocks, locker rooms and other storage or dressing areas, parking lots, drinking fountains, recreation or entertainment areas, transportation, and housing facilities provided for employees which are segregated by explicit directive or are in fact segregated on the basis of race, color, religion, or national origin, because of habit, local custom, or otherwise. The Lessee further agrees that it will obtain identical certifications from proposed contractors and subcontractors prior to award of contracts or subcontracts unless they are exempt under 41 CFR 60–1.5.

Sec. 19. *Reservations to Lessor.* All rights in the leased area not expressly granted to the Lessee by the Act, the regulations, the notice of lease offering, or this lease are hereby reserved to the Lessor. Without limiting the generality of the foregoing, reserved rights include:

(a) The right to authorize geological and geophysical exploration in the leased area which does not unreasonably interfere with or endanger actual operations under the lease, and the right to grant such easements or rights-of-way upon, through, or in the leased area as may be necessary or appropriate to the working of other lands or to the treatment and shipment of products thereof by or under authority of the Lessor;

(b) The right to grant leases for any minerals other than ———— within the leased area, except that operations under such leases shall not unreasonably interfere with or endanger operations under this lease;

(c) The right, as provided in Section 12(d) of the Act, to restrict operations in the leased area or any part thereof which may be designated by the Secretary of Defense, with approval of the President, as being within an area needed for national defense, and so long as such designation remains in effect no operations may be conducted on the surface of the leased area or the part thereof included within the designation except with the concurrence of the Secretary of Defense. If operations or production under this lease within any designated area are suspended pursuant to this paragraph, any payments of rentals and royalty prescribed by this lease likewise shall be suspended during such period of suspension of operations and production, and the term of this lease shall be extended by adding thereto any such suspension period, and the Lessor shall be liable to the Lessee for such compensation as is required to be paid under the Constitution of the United States.

Sec. 20. *Transfer of Lease.* The Lessee shall file for approval with the appropriate field office of the Minerals Management Service any instrument of assignment or other transfer of this lease, or any interest therein, in accordance with applicable regulations and the notice of lease offering.

Sec. 21. *Surrender of Lease.* The Lessee may surrender this entire lease or any officially designated subdivision of the leased area by filing with the appropriate field office of the Minerals Management Service a written relinquishment, in triplicate, which shall

be effective as of the date of filing. No surrender of this lease or of any portion of the leased area shall relieve the Lessee or its surety of the obligation to pay accrued rentals, royalties and other financial obligations, or to abandon the area to be surrendered in a manner satisfactory to the Director. (See also sec. 9.)

Sec. 22. *Removal of Property on Termination of Lease.* Within a period of one year after termination of this lease in whole or in part, the Lessee shall remove all devices, works, and structures from the premises no longer subject to the lease in accordance with applicable rules, orders, and regulations, the notice of lease offering, and instructions of the Director. However, the Lessee may, with the approval of the Director, continue to maintain devices, works, and structures on the leased area for operations on other leases.

Sec. 23. *Remedies in Case of Default.*

(a) Whenever the Lessee fails to comply with any of the provisions of the Act, the rules, orders, or regulations issued pursuant to the Act, or the terms of this lease shall be subject to cancellation in accordance with the provisions of Section 5(c) and (d) of the Act and the Lessor may exercise any other remedies which the Lessor may have, including the penalty provisions of Section 24 of the Act. Furthermore, pursuant to Section 8(o) of the Act, the Lessor may cancel the lease if it is obtained by fraud or misrepresentation.

(b) None forcement by the Lessor of a remedy for any particular violation of the provisions of the Act, the regulations issued pursuant to the Act, or the terms of this lease shall not prevent the cancellation of this lease or the exercise of any other remedies under paragraph (a) of this section for any other violation or for the same violation occurring at any other time.

Sec. 24. *Unlawful Interest.* No member of, or Delegate to, Congress, or Resident Commissioner, after election or appointment, or either before or after they have qualified, and during their continuance in office, and no officer, agent, or employee of the Department of the Interior, except as provided in 43 CFR Part 7, shall be admitted to any share or part in this lease or derive any benefit that may arise therefrom. The provisions of Section 3741 of the Revised Statutes, as amended, 41 U.S.C. 22, and the Act of June 25, 1948, 62 Stat. 702, as amended, 18 U.S.C. 431–433, relating to contracts made or entered into, or accepted by or on behalf of the United States, form a part of this lease insofar as they may be applicable.

(Lessee)

(Signature of Authorized Officer)

(Name of Signatory)

(Title)

(Date)

(Address of Lessee)

THE UNITED STATES OF AMERICA, LESSOR

(Signature of Authorized Officer)

(Name of Signatory)

(Title)

(Date)

If this lease is executed by a corporation, it must bear the corporate seal.

[FR Doc. 83-20191 Filed 7-26-83; 8:45 am]

BILLING CODE 4310-MR-M

Oil and Gas and Sulphur Operations in the Outer Continental Shelf

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the receipt of a proposed development and production plan.

SUMMARY: Notice is hereby given that Kerr-McGee Corporation has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS 0832, Block 242, Ship Shoal Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the Plan and that it is available for public review at the Office of the Regional Manager, Gulf of Mexico OCS Region, Minerals Management Service, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: Minerals Management Service, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 838–0519.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979 (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: July 15, 1983.

John L. Rankin,

Acting Regional Manager, Gulf of Mexico OCS Region.

[FR Doc. 83-20323 Filed 7-26-83; 8:45 am]

BILLING CODE 4310-MR-M

Oil and Gas Sulphur Operations in the Outer Continental Shelf

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the receipt of a proposed development and production plan.

SUMMARY: Notice is hereby given that Phillips Petroleum Company has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS 0757, Block 118, West Cameron Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the Plan and that it is available for public review at the Office of the Regional Manager, Gulf of Mexico OCS Region, Minerals Management Service, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: Minerals Management Service, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 838–0519.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979 (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: July 15, 1983.

John L. Rankin,

Acting Regional Manager, Gulf of Mexico OCS Region.

[FR Doc. 83-20324 Filed 7-26-83; 8:45 am]

BILLING CODE 4310-MR-M

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-141]

Certain Copper-Clad Stainless Steel Cookware; Initial Determination Terminating Respondent on the Basis of Settlement Agreement

AGENCY: U.S. International Trade Commission.

ACTION: Notice is hereby given that the Commission has received an initial determination from the presiding officer in the above-captioned investigation terminating the following respondent on the basis of a settlement agreement: Progressive International Corporation.

SUPPLEMENTARY INFORMATION: This investigation is being conducted pursuant to section 337 of the Tariff Act of 1930 (19 U.S.C. 1337). Under the Commission's rules, the presiding officer's initial determination will become the determination of the Commission thirty (30) days after the date of its service upon the parties, unless the Commission orders review of the initial determination. The initial determination in this matter was served upon the parties on July 20, 1983.

Copies of the initial determination, the settlement agreement, and all other nonconfidential documents filed in connection with this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, telephone 202-523-0161.

written comments: Interested persons may file written comments with the Commission concerning termination of the aforementioned respondent. The original and 14 copies of all such comments must be filed with the Secretary to the Commission, 701 E Street, NW., Washington, D.C. 20436, no later than 10 days after publication of this notice in the **Federal Register**. Any person desiring to submit a document (or portion thereof) to the Commission in confidence must request confidential treatment. Such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why confidential treatment should be granted. The Commission will either accept the submission in confidence or return it.

FOR FURTHER INFORMATION CONTACT: Ruby J. Dionne, Office of the Secretary, U.S. International Trade Commission, telephone 202-523-0176.

By order of the Commission.

Issued: July 20, 1983.

Kenneth R. Mason,

Secretary.

[FR Doc. 83-20327 Filed 7-26-83; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-143]

Certain Amorphous Metal Alloys and Amorphous Metal Articles, Grant of Application for Interlocutory Review of Presiding Officer's Order No. 7 and Affirmance of Order No. 7

AGENCY: U.S. International Trade Commission.

ACTION: Grant of application to review Order No. 7 and affirmance of Order No. 7.

SUMMARY: Notice is hereby given that the Commission has granted an application for interlocutory review filed by complainant Allied Corporation and affirmed the presiding officer's denial of Allied's motion to disqualify trial counsel for respondents Vacuumschmelze GmbH and Hitachi. The Commission's Memorandum Opinion will be issued shortly.

AUTHORITY: The authority for the Commission's action is contained in section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) and § 210.60(b) of the Commission's Rules of Practice and Procedure (19 CFR 210.60(b)).

SUPPLEMENTARY INFORMATION: Upon receipt of a complaint filed by Allied Corporation, the Commission instituted investigation No. 337-TA-143 to determine whether there is a violation of section 337 of the Tariff Act of 1930 by reason of unfair methods of competition and unfair acts in the importation and sale of certain amorphous metal alloys and articles alleged to infringe at least claims 1, 3, and 4 of U.S. Letters Patent No. 3,856,513, claims 1 and 2 of U.S. Letters Patent No. 4,331,739 and claims 1, 2, 3, 5, 8 and 12 of U.S. Letters Patent No. 4,221,257. Notice of the Commission's investigation was published at 48 FR 15963 (April 13, 1983).

Allied moved on May 20, 1983, to disqualify trial counsel for respondents Vacuumschmelze GmbH and Hitachi Metals, Ltd.; Hitachi Metals International, Ltd.; Hitachi Magnetics Corporation and Hitachi, Ltd. After receiving respondents' written oppositions to the motion and hearing oral argument, the presiding officer denied the motion on June 1, 1983. (Order No. 7). On the same day, the presiding officer granted complainant and leave to file an interlocutory appeal with the Commission. (Order No. 8).

FOR FURTHER INFORMATION CONTACT: Catherine Field, Esq., Office of the General Counsel, U.S. International Trade Commission, telephone 202-523-0375.

By order of the Commission.

Issued: July 22, 1983.

Kenneth R. Mason,

Secretary.

[FR Doc. 83-20360 Filed 7-26-83; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-154]

Certain Dot Matrix Line Printers and Components Thereof; Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Institution of investigation pursuant to 19 U.S.C. 1337.

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on June 16, 1983, under section 337 of the Tariff Act of 1930 (19 U.S.C. 1337), on behalf of Printronix, Inc., 17500 Cartright Road, P.O. Box 19559, Irvine, California 92713. The complaint alleges unfair methods of competition and unfair acts in the importation of certain dot matrix line printers and components thereof into the United States, or in their sale, by reason of alleged infringement of claims 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 31, 32, 33, 39 and 40 of U.S. Letters Patent No. 3,941,051 and of claims 1 and 2 of U.S. Letters Patent No. 4,233,894. The complaint further alleges that the effect or tendency of the unfair methods of competition and unfair acts is to destroy or substantially injure an industry, efficiently and economically operated, in the United States.

The complainant requests that the Commission institute an investigation and, after a full investigation, issue a permanent exclusion order.

Authority: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930 and in section 210.12 of the Commission's Rules of Practice and Procedure (19 CFR 210.12)

Scope of investigation: Having considered the complaint, the U.S. International Trade Commission, on July 13, 1983, ordered that:

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930 an investigation be instituted to determine whether there is a violation of subsection (a) of section 337 in the unlawful importation of certain dot matrix line printers and components thereof into the United States, or in their sale, by reason of infringement of claims

12, 13, 14, 15, 16, 17, 18, 19, 20 21, 31, 32, 33, 39 and 40 of U.S. Letters Patent No. 3,941,051 and of claims 1 and 2 of U.S. Letters Patent No. 4,233,894, the effect or tendency of which is to destroy or substantially injure an industry, efficiently and economically operated, in the United States;

(2) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainant is—

Printronix, Inc. 17500 Cartright Road, P.O. Box 19559, Irvine, California 92713

(b)The respondents are the following companies, alleged to be in violation of section 337, and are the parties upon which the complaint is to be served—

C. Itoh & Company, Ltd., 5–1, Kita-Aoyama 2-Chome, Minato-ku, Tokyo, Japan, C.P.O. Box 136, Tokyo 1000–91, Japan

C. Itoh electronics, Inc., 5301 Beethoven Street, Los Angeles, California 90066

Citizen Watch Company, Ltd., P.O. Box 235, Shinjuku Mitsui Building, 1–1, 2-Chome, Nishi-Shinjuku, Shinjuku-Ku, Tokyo 160, Japan

Acro Corporation, 2515 McCabe Way, Irvine, California 92714

CIE Terminals, Inc., 1515 McCabe Way, Irvine, California 92714

(c) The Commission investigative attorney, a party to this investigation, is—

Jeffrey L. Gertler, Esq., Unfair Import Investigations Division, U.S. International Trade Commission, 701 E Street, NW., Washington, D.C. 20436

(3) For the investigation so instituted, Donald K. Duvall, Chief Administrative Law Judge, U.S. International Trade Commission, shall designate the presiding officer.

Responses must be submitted by the named respondents in accordance with section 210.21 of the Commission's Rules of Practice and Procedure (19 CFR 210.21). Pursuant to §§ 201.16(d) and 210.21(a) of the rules, such responses will be considered by the Commission if received not later than twenty (20) days after the date of service of the complaint. Extensions of time for submitting a response will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the presiding officer and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter both an initial determination and a final determination containing such findings.

The complaint, except for any confidential information contained therein, is available for inspection during offical business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Room 156, Washington, D.C. 20436, telephone 202–523–0471

FOR FURTHER INFORMATION CONTACT: Jeffrey L. Gertler, Esq., Unfair Import Investigations Division, U.S. International Trade Commission, telephone 202–523–4693

By order of the Commission.

Issued: July 22, 1983.

Kenneth R. Mason,

Secretary.

[FR Doc. 83-20373 Filed 7-26-83; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337–TA–125]

Certain Grooved Wooden Handle Kitchen Utensils and Gadgets; Investigation

Order

Pursuant to my authority as Chief Administrative Law Judge of this Commission, I hereby designate Administrative Law Judge Janet D. Saxon as Presiding Officer in this investigation.

The Secretary shall serve a copy of this order upon all parties of record and shall publish it in the **Federal Register.**

Issued: July 20, 1983.

Donald K. Duvall,

Chief Administrative Law Judge.

[FR Doc. 83-20377 Filed 7-26-83; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337–TA–145]

Certain Rotary Wheel Printers; Commission Decision Not to Review Initial Determination Terminating Respondent

AGENCY: U.S. International Trade Commission.

ACTION: Notice is hereby given that the Commission has determined not to review the presiding officer's initial determination (Order No. 12) granting a joint motion by complainant Qume Corporation (Qume) and respondent Ricoh Company, Ltd. (Ricoh), to terminate the above-captioned investigation as to Ricoh on the basis of a settlement agreement.

Authority: Section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) and §§ 210.53(c) and 210.53(h) of the Commission's Rules of Practice and Procedure (47 FR 25134, June 10, 1982, and 48 FR 20225, May 5, 1982; to be codified at 19 CFR 210.53 (c) and (h)).

SUPPLEMENTARY INFORMATION: On May 26, 1983, complainant Qume and respondent Ricoh filed a joint motion (Motion No. 145–16) to terminate this investigation as to Rioch on the basis of a settlement agreement entered into by these two parties. The motion was unopposed. On June 14, 1983, the presiding officer issued an initial determination granting the motion. No agency or public comments, or petitions for review were received, and the Commission has decided not to review the initial determination on its own motion.

Copies of the presiding officer's initial determination and all other nonconfidential documents filed in connection with this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, telephone 202–523–0161.

FOR FURTHER INFORMATION CONTACT: Jane Albrecht, Esq., Office of the General Counsel, U.S. International Trade Commission, telephone 202–523–1627.

By order of the Commission.

Issued: July 19, 1983.

Kenneth R. Mason,

Secretary.

[FR Doc. 83-20378 Filed 7-26-83; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337–TA–145]

Certain Rotary Wheel Printers; Commission Review of Initial Determination and Amendment of Notice of Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Notice is hereby given that the Commission has, on its own motion, reviewed an initial determination of the presiding officer granting a motion to amend the notice of investigation in the above-captioned investigation. Upon review, the Commission has determined to amend the notice of investigation to add the following firms as respondents:

Ing. C. Olivetti & Co., S.p.A., via Jervis, 77, Ivrea 10010, Italy

Silver Seiko Ltd., 16–6, Shinjuku 2-chome, Shinjuku-ku, Tokyo 160, Japan

Brother Industires, Ltd., 35, 9-chome, Horita-Dori, Mizuh-ku, Nogoya, Japan
Canon Inc., 30-2, Shimomaruko 3-chome, Ohta-ku, Tokyo, 146, Japan
C. Itoh Electronics, Inc., 5301 Beethoven Street, Los Angeles, California 90066

Authority: The authority for the Commission's disposition of this matter is contained in section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) and in §§ 201.4(b), 210.22, and 210.53-57 of the Commission's Rules of Practice and Procedure.

SUPPLEMENTARY INFORMATION: The original notice of investigation was published in the **Federal Register** on April 20, 1983, 48 FR 16975. On June 10, 1983 complainant Qume filed a motion to amend the complaint by adding 4 foreign manufacturers (referred to by Qume as proposed "principal" respondents) not named in the notice of investigation and 13 other respondents which are allegedly affiliated with existing or proposed respondent-manufacturers (hereinafter the "affiliated" respondents or companies) (Motion No. 145-24). The proposed "principal" respondents were: (1) Ing. C. Olivetti & Co., S.p.A., of Italy, (2) Silver Seiko Ltd., of Japan, (3) Brother Industries, Ltd., of Japan, and (4) Canon Inc. of Japan. Qume alleged on information and belief that Olivetti, Silver Seiko, Brother, and Canon manufacturer, import, and sell rotary wheel printers that infringe one or more claims of the '129 patent. Among the 13 allegedly affiliated companies which Qume sought to add as respondents was C. Itoh Electronics, Inc., of California. C. Itoh Electronics, Inc., is an importer of the subject rotary wheel printers.

The presiding officer issued an initial determination (Order No. 14) on June 22, 1983, allowing only the addition of the four "principal" respondents. In so doing, the presiding officer sought to institute a new investigation (No. 337-TA-145A) as to these four respondents. No agency comments or petitions for review were received.

The Commission on its own motion reviewed the initial determination. Upon review, the Commission determined that the information submitted in connection with Motion No. 145-24 warranted the addition of C. Itoh Electronics, Inc., of California, as well as the four foreign manufacturers, as respondents. In addition, the ALJ lacks authority to institute a new investigation. Moreover, the inclusion of these new respondents does not warrant the institution of a new investigation by the Commission. Thus, no such investigation is instituted.

Copies of the Commission's Action and Order and all other nonconfidential documents filed in connection with this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, telephone 202-523-0161.

FOR FURTHER INFORMATION CONTACT: Jane Albrecht, Esq., Office of the General Counsel, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, telephone 202-523-1627.

By order of the Commission.
Issued: July 22, 1983.

Kenneth R. Mason,

Secretary.

[FR Doc. 83-20381 Filed 7-26-83; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 731-TA-136 (Preliminary)]

Cyanuric Acid and its Chlorinated Derivatives from Japan; Investigation

Determination

On the basis of the record[1] developed in investigation No. 731-TA-136 (Preliminary), the Commission determines, pursuant to section 733(a) of the Tariff Act of 1930 (19 U.S.C. 1673b(a)), that there is a reasonable indication that an industry in the United States is being materially injured by reason of imports from Japan of cyanuric acid, provided for in item 425.10 of the Tariff Schedules of the United States (TSUS), which are allegedly being sold in the United States at less than fair value (LTFV).[2] The Commission further determines that there is a reasonable indication that an industry in the United States is being materially injured by reason of imports from Japan of chlorinated derivatives of cyanuric acid, provided for in item 425.10 of the TSUS, which are allegedly being sold in the United States at LTFV.[3]

Background

On June 3, 1983, a petition was filed with the United States International Trade Commission and the U.S. Department of Commerce by counsel on behalf of Monsanto Industrial Chemicals Co., St. Louis, Missouri, alleging that an industry in the United States is materially injured, or is threatened with material injury, by reason of imports from Japan of cyanuric acid and its chlorinated derivatives, which are allegedly being sold at LTFV prices. Accordingly, the Commission instituted a preliminary investigation under section 733(a) of the Tariff Act of 1930, to determine whether there is a reasonable indication that an industry in the United States is materially injured, or is threatened with material injury, by reason of the importation of such merchandise into the United States.

Notice of the institution of the Commission investigation and the conference to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, D.C., and by publishing the notice in the **Federal Register** on June 15, 1983 (48 FR 27453). The conference was held in Washington, D.C. on June 28, 1983, and all persons who requested the opportunity were permitted to appear in person or by counsel. The Commission voted on these cases in public session on July 13, 1983.

The Commission transmitted its report on the investigation to the Secretary of Commerce on July 18, 1983. A public version of the Commission's report, Cyanuric Acid and its Chlorinated Derivatives from Japan (investigation No. 731-TA-136 (Preliminary), USITC Publication 1407, 1983), contains the views of the Commission and information developed during the investigation.

By Order of the Commission.

Issued: July 18, 1983.

Kenneth R. Mason,

Secretary.

[FR Doc. 83-20374 Filed 7-26-83; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 701-TA-184 (Final)]

Frozen Concentrated Orange Juice From Brazil; Investigation

Determination

On the basis of the record [1] developed in the subject investigation, the Commission determines,[2] pursuant

[1] The "record" is defined in sec. 207.2(i) of the Commission's Rules of Practice and Procedure (47 FR 6190, Feb. 10, 1982).

[2] Chairman Eckes and Commissioner Haggart, voting in the affirmative, find a reasonable indication of material injury, while Commissioner Stern, voting in the negative, finds no reasonable indication of injury or threat thereof.

[3] Chairman Eckes and Commissioner Haggart, voting in the affirmative, find a reasonable indication of material injury, while Commissioner Stern, voting in the negative, finds no reasonable indication of injury or threat thereof.

[1] The record is defined in § 207.2(i) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(i)).

[2] Commissioner Stern dissenting and Commissioner Haggart not participating.

to section 705(b)(1) of the Tariff Act of 1930 (19 U.S.C. 1671d(b)(1)), that an industry in the United States is threatened with material injury by reason of imports of frozen concentrated orange juice (FCOJ)[1] Which have been found by the Department of Commerce to be subsidized by the Government of Brazil. Further, pursuant to section 705(b)(4)(B) of the act (19 U.S.C. 1671d(b)(4)(B)), the Commission determines that material injury would not have been found in this investigation but for any suspension of liquidation of entries of FCOJ from Brazil.

Background

The Commission instituted this investigation effective December 16, 1982, following a preliminary determination by the Department of Commerce that there was a reasonable basis to believe or suspect that subsidies were being provided to manufacturers, producers, or exporters of FCOJ in Brazil. Notice of the institution of the Commission's investigation and of a public hearing to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, D.C., and by publishing the notice in the **Federal Register** on December 17, 1982 (47 FR 56528).

On March 2, 1983, however, the Department of Commerce suspended its countervailing duty investigation concerning FCOJ from Brazil because of an agreement by the Government of Brazil to offset all benefits which Commerce found to constitute subsidies with an export tax on all exports of the subject merchandise to the United States (48 FR 8839, March 2, 1983). Accordingly, pursuant to section 704(f)(1)(B) of the act (19 U.S.C. 1671c(f)(1)(B)), the Commission also suspended its investigation (48 FR 9969, March 9, 1983).

On March 21, 1983, a request to continue the investigation was filed with Commerce and the Commission pursuant to section 704(g)(1) of the act (19 U.S.C. 1671c(g)(1)) by counsel for the Government of Brazil. Accordingly, effective that date, the Commission continued its investigation (48 FR 15016, April 6, 1983). The final determination by the Department of Commerce that subsidies are being provided in Brazil to manufacturers, producers, or exporters of FCOJ was published in the **Federal Register** on June 6, 1983 (48 FR 25245). The Commission's hearing in connection with the investigation was held in Washington, D.C., on June 17, 1983, and all persons who requested the opportunity were permitted to appear in person or by counsel.

If the final determination by the Commission in this continued investigation had been negative, then the agreement mentioned above would have had no force or effect and the investigation would have been terminated. Because the final determination was affirmative, the agreement will remain in effect and no countervailing duty order will be issued unless the agreement is terminated or violated, or otherwise fails to meet the requirements of section 704(f)(3)(B) of the act (19 U.S.C. 1671c(f)(3)(B)).

The Commission transmitted its report on this investigation to the Secretary of Commerce on July 14, 1983. A public version of the Commission's report, Frozen Concentrated Orange Juice from Brazil (investigation No. 701–TA–184 (Final), USITC Publication 1406, 1983) contains the views of the Commission and information developed during the investigation.

By order of the Commission.

Issued: July 14, 1983.

Kenneth R. Mason,

Secretary.

[FR Doc. 83–20374 Filed 7–26–83; 8:45 am]

BILLING CODE 7020–02–M

[1]FCOJ is provided for in item 165.35 of the Tariff Schedules of the United States.

[Investigation No. TA–203–15]

Porcelain-on-Steel Cooking Ware; Investigation

AGENCY: United States International Trade Comission.

ACTION: Institution of an investigation under section 203(i)(3) of the Trade Act of 1974 (19 U.S.C. 2253(i)(3)) and scheduling of a hearing to be held in connection therewith.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission, following receipt on July 13, 1983 of a petition filed by General Housewares Corporation, instituted investigation No. TA–203–15 under section 203(i)(3) of the Trade Act of 1974 for the purpose of gathering information in order that it might advise the President of its judgment as to the probable economic effect on the domestic industry concerned of the termination of the import relief presently in effect with respect to cooking ware (except teakettles) of steel, not having self-contained electrical heating elements, enameled or glazed with vitreous glasses, and valued not over $2.25 per pound, provided for in item 654.02 of the Tariff Schedules of the United States (TSUS). Such import relief is in the form of increased rates of duty and is provided for in Presidential Proclamation 4713 of January 16, 1980 (45 FR 3561); the relief is described in item 923.60 of the Appendix to the TSUS. The relief is scheduled to terminate on January 16, 1984, unless extended by the President.

EFFECTIVE DATE: July 20, 1983.

FOR FURTHER INFORMATION CONTACT: Daniel Leahy (202–523–1369), Office of Investigations, U.S. International Trade Commission.

SUPPLEMENTARY INFORMATION:

Participation in the investigation.—Persons wishing to participate in this investigation as parties must file an entry of appearance with the Secretary to the Commission, as provided in § 201.11 of the Commission's Rules of Practice and Procedure (19 CFR 201.11) not later than 21 days after the publication of this notice in the **Federal Register**. Any entry of appearance filed after this date will be referred to the Chairman, who shall determine whether to accept the late entry for good cause shown by the person desiring to file the entry.

Upon the expiration of the period for filing entries of appearance, the Secretary shall prepare a service list containing the names and addresses of all persons, or their representatives, who are parties to the investigation, pursuant to § 201.11(d) of the Commission's rules (19 CFR 201.11(d)). Each document filed by a party to this investigation must be served on all other parties to the investigation (as identified by the service list), and a certificate of service must accompany the document. The Secretary will not accept a document for filing without a certificate of service (19 CFR 201.16(c), as amended by 47 FR 33682, Aug. 4, 1982).

Hearing.—The Commission will hold a hearing in connection with this investigation beginning at 10:00 a.m. on September 28, 1983, at the U.S. International Trade Commission Building, 701 E Street NW., Washington, D.C. 20436. Requests to appear at the hearing should be filed in writing with the Secretary to the Commission not later than the close of business (5:15 p.m.) on September 2, 1983. All persons desiring to appear at the hearing and make oral presentations should file prehearing briefs and attend a prehearing conference to be held at 10:00 a.m. on September 9, 1983, in room 117 of the U.S. International Trade Commission Building. The deadline for filing prehearing briefs is September 19, 1983.

Testimony at the public hearing shall be limited to a nonconfidential summary and analysis of material contained in prehearing briefs and to information not available at the time the prehearing brief was submitted. All legal arguments, economic analyses, and factual materials relevant to the public hearing should be included in prehearing briefs. Posthearing briefs shall not exceed ten (10) pages of textual material, double spaced, on stationary measuring 8½ × 11 inches, and must be submitted not later than the close of business on October 5, 1983. In addition, the presideng official may permit persons to file answers to questions or requests made by the Commission at the hearing within a specified time. The Secretary shall not accept for filing posthearing briefs or answers which do not comply with the provisions contained in this notice.

Written submissons.—As mentioned, parties to this investigation may file prehearing and posthearing briefs by the dates shown above. In addition, any person who has not entered an appearance as a party to the investigation may submit a written statement of information pertinent to the subject of the investigation on or before October 5, 1983. A signed original and fourteen (14) true copies of each submission must be filed with the Secretary to the Commission in accordance with section 201.8 of the Commission's rules (19 CFR 201.8). All written submissions, except for confidential business data, will be available for public inspection during regular business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary to the Commission.

Any business information for which confidential treatment is desired shall be submitted separately. The envelope and all pages of such submissions must be clearly labeled "Confidential Business Information." Confidential submissions and requests for confidential treatment must conform with the requirements of section 201.6 of the Commission's rules (19 CFR 201.6).

For further information concerning the conduct ot the investigation, hearing procedures, and rules of general application, consult the Commission's Rules of Practice and Procedue, part 201, subparts A through E (19 CFR Part 201, as amended by 47 FR 33682, Aug. 4, 1982).

This notice is published pursuant to section 206.20 of the Commission's rules (19 CFR 206.20)

By order of the Commission.

Issued: July 21, 1983.

Kenneth R. Mason,

Secretary.

[FR Doc. 83-20376 Filed 7-26-83; 8:45 am]

BILLING CODE 7020-02-M

[332-131]

Tariff Schedules of the United States Converted Into the Nomenclature Structure of the Harmonized System; Report to the President

AGENCY: United States International Trade Commission.

ACTION: Release of report to the President under section 332(g) of the Tariff Act of 1930, as amended, providing a conversion of the Tariff Schedules of the United States (TSUS) into the nomenclature structure of the Harmonized System.

SUMMARY: The United States International Trade Commission (hereinafter "the Commission") has completed its conversion of the TSUS into the nomenclature structure of the Harmonized System and submitted its report to the President. This notice announces that the Commission's report to the President (including the converted tariff schedule itself, and cross references between the present tariff schedules and the converted schedule) is available to the public. However, at the request of the U.S. Trade Representative the Commission's determination of the probable economic effect of U.S. adoption of the converted tariff on U.S. industries, workers, and trade will not be included in the published version.

Copies of documents: One copy of the complete 4 volume set of the conversion will be sent to any address, firm, or association, upon request to the Office of the Secretary, 701 E Street NW., Washington, D.C. 20436; telephone (202) 523-5178. Copies of the conversion will also be available for public inspection at that office.

FOR FURTHER INFORMATION CONTACT: Mr. Eugene A. Rosengarden, Director, or Mr. Holm Kappler, Deputy Director, Office of Tariff Affairs, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436; telephone (202) 523-0370 or -0362.

SUPPLEMENTARY INFORMATION: In response to a request dated August 24, 1981, by the President of the United States, the Commission instituted an investigation under section 332(g) of the Tariff Act of 1930 (19 U.S.C. 1332(g)) in order to prepare a draft converting the Tariff Schedules of the United States into the nomenclature structure of the Harmonized System. Accordingly, the Commission published three sets of converted chapters for hearing and public comment; notices of these actions were issued on January 29, 1982 (47 FR 5369 of February 4, 1982), August 16, 1982 (47 FR 37317 of August 25, 1982), and February 2, 1983 (48 FR 6048 of February 9, 1983). Following hearings and the receipt and analysis of comments from interested individuals, firms, and agencies the Commission has completed the conversion and submitted its report to the President on June 30, 1983. The report consists of: (1) A submitting report, not including the commission's determination of the probable effect of U.S. adoption of the converted tariff, (2) the converted tariff schedule, (3) a cross-reference from the present tariff schedules to the converted schedule and (4) a cross-reference from the converted schedule to the present tariff schedules. Upon receipt of the Commission's report, the President, through the Office of the U.S. Trade Representatvie asked the Commission to make its report available to the public.

By order of the Commission.

Issued: July 21, 1983.

Kenneth R. Mason,

Secretary.

[FR Doc. 83-20375 Filed 7-26-83; 8:45 am]

BILLING CODE 7020-02-M

INTERSTATE COMMERCE COMMISSION

Motor Carriers; Approved Exemptions

AGENCY: Interstate Commerce Commission.

ACTION: Notices of Approved Exemptions.

SUMMARY: The motor carriers shown below have been granted exemptions pursuant to 49 U.S.C. 11343(e), and the Commission's regulations in Ex Parte No. 400 (Sub-No. 1), *Procedures for Handling Exemptions Filed by Motor Carriers of Property Under 49 U.S.C. 1343*, 367 I.C.C. 113 (1982), 47 FR 53303 (November 24, 1982).

DATES: The exemption will be effective on August 26, 1983. Petitions for reconsideration must be filed by August 16, 1983. Petitions for stay must be filed by August 8, 1983.

FOR FURTHER INFORMATION CONTACT: Warren C. Wood, (202) 275-7977.

SUPPLEMENTARY INFORMATION: For further information, see the decision(s) served in the proceeding(s) listed below. To purchase a copy of the full decision contact: TS Infosystems, Inc., Room

2227, 12th and Constitution Ave., NW, Washington, DC 20423; or call (202) 289-4357 in the DC metropolitan area; or (800) 424-5403 Toll-free outside the DC area.

Agatha L. Mergenovich,
Secretary.

[No. MC-F-15167]

Robert P. Johnson, John W. Higgins, Paul Hinds, and Chester M. Lind, Individuals—Continuance in Control—Rocar Equipment Company, and Rogers Cartage Company

ADDRESSES: Send pleadings to:

(1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423

and

(2) Petitioner's representative: Carl L. Steiner, 135 South La Salle Street, Chicago, IL 60603.

Pleadings should refer to No. MC-F-15167.

Decided: July 18, 1983.

Under 49 U.S.C. 11343(e), the Interstate Commerce Commission exempts from the requirement of prior review and approval under 49 U.S.C. 11343, the continuance in control by Robert P. Johnson, John W. Higgins, Paul Hinds, and Chester M. Lind, of Rocar Equipment Company and Rogers Cartage Company.

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.

[No. MC-F-15175]

Southern Idaho Transport, Inc.—Purchase Exemption—Shoemaker Trucking Company (Loren Wetzel, Trustee-in-Bankruptcy)

ADDRESSES: Send pleadings to:

(1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423

and

(2) Petitioner's representative: David E. Wishney, P.O. Box 837, Boise, ID 83701.

Pleadings should refer to No. MC-F-15175.

Decided: July 19, 1983.

Under 49 U.S.C. 11343(e), the Interstate Commerce Commission exempts from the requirement of prior review and approval under 49 U.S.C. 11343(a)(2), the purchase of Southern Idaho Transport, Inc. (No. MC-136832) of a portion of the operating rights of Shoemaker Trucking Company, specifically those rights in No. MC-138875 (Sub-No. 312X(16)(e) authorizing the transportation of clay, concrete, glass or stone products, and chemicals and related products between points in Utah, on the one hand, and, on the other, points in Idaho, and those underlying rights in No. MC-138875 (Sub-No. 211 (f))

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.

[No. MC-F-15204]

Big Rig Refrigeration, Inc.—Purchase Exemption—Universe Company, Inc.

ADDRESSES: Send pleadings to:

(1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423

and

(2) Petitioner's representative: Arlyn L. Westergren, 9202 West Dodge Road, Omaha, NE 68114.

Pleadings should refer to No. MC-F-15204.

Decided: July 20, 1983.

Under 49 U.S.C. 11343(e), the Interstate Commerce Commission exempts from the requirement of prior review and approval under 49 U.S.C. 11343(a)(2), the purchase by Big Rig Refrigeration, Inc. (MC-134724) of that portion of the operating rights of the Universe Company, Inc. (MC-136816) contained in the lead certificate and Sub-Nos. 1, 6, 7, 8, 9, 10X (except para. 3), and 12.

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-15246]

Dameo Trucking, Inc.—Merger—Rockway Fast Motor Freight, Inc.

ADDRESS: Send pleadings to:

(1) Office of the Secretary, Case Control Branch, Interstate Commerce Commissibn, Washington, DC 20423

and

(2) Petitioner's representative: Morton E. Kiel, Suite 1832, Two World Trade Center, New York, NY 10048.

Pleadings should refer to No. MC-F-15246.

Decided: July 18, 1983.

Under 49 U.S.C. 11343(e), the Interstate Commerce Commission exempts from the requirement of prior review and approval under 49 U.S.C. 11343(e), the merger of Brockway Fast Motor Freight, Inc. (No. MC-119944) into Dameo Trucking Inc. (No. MC-2359).

By the Commission, Division 2, Commissioners Gradison, Taylor, and Sterrett. Commissioner Taylor is assigned to the Division for the purpose of resolving tie votes. Since there was no tie in this matter, Commissioner Taylor did not participate.

[No. MC-F-15262]

TR AFCO, Inc.—Purchase Exemption—North Manchester Trucking Company, Inc.

ADDRESSES: Send pleadings to:

(1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, D.C. 20423

and

(2) Petitioners' representative: Michael D. McCormick, Scopelitis & Garvin, 1301 Merchants Plaza, Indianapolis, IN 46204.

Pleadings should refer to No. MC-F-15262.

Decided: July 18, 1983.

Under 49 U.S.C. 11343(e), the Interstate Commerce Commission exempts from the requirement of prior review and approval under 49 U.S.C. 11343(a), the purchase by Trafco, Inc., of all of the operating rights of North Manchester Trucking Company, Inc.

By the Commission, Division 2, Commissioners Gradison, Taylor, and Sterrett. Commissioner Taylor is assigned to this Division for the purpose of resolving tie votes. Since there was no tie in this matter, Commissioner Taylor did not participate.

[No. MC-F-15304]

Husband, Inc., Provincial Tankers Limited, Cronin Transport Limited, and Husband International Transport (Ontario) Limited—Merger Exemption—Transport Route Canada, Inc.

ADRESSES: Send pleadings to:

(1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, D.C. 20423

and

(2) Petitioners' representative: John Guandolo, Suite 200, 1090 Vermont Avenue, N.W., Washington, DC 20005.

Pleadings should refer to No. MC-F-15304.

Decided: July 18, 1983.

Under 49 U.S.C. 11343(e), the Interstate Commerce Commission exempts from the requirement of prior review and approval under 49 U.S.C. 11343, the merger of Husband, Inc. (Husband), Husband International Transport (Ontario) Limited, (Husband

International), Provincial Tankers Limited (Provincial), and Cronin Transport Limited (Cronin) into Transport Route Canada, Inc. (Transport).

Husband, Husband International, Provincial, and Cronin are wholly owned subsidiaries of Canadian National Transportation Limited (CNTL). CNTL is a motor common carrier operating in Canada and owns all of the outstanding common and preferred shares of Transport. CNTL is, in turn, a wholly owned subsidiary of Canadian National Railway Company (CN Rail).

Husband holds irregular-route authority in No. MG-115452 (Sub-No. 2) from the Commission to transport general commodities, with exceptions, between ports of entry on the United States-Canada Boundary line at Buffalo and Niagara Falls, NY, on the one hand, and, on the other Buffalo and Niagara Falls, NY, solely for the purpose of interchanging traffic with connecting carriers. The authority is restricted to the transportation of shipments moving to or from points in Canada.

It has authority in No. MC-115452 (Sub-No. 5) to transport general commodities, with exceptions, between ports of entry on the international boundary line between the United States and Canada at Buffalo and Niagara Falls, NY, on the one hand, and, on the other, Buffalo and Niagara Falls, NY. It has authority in No. MC-115452 (Sub-No. 6), to operate as a contract carrier, transporting aircraft engines and equipment between points in the United States (except Alaska and Hawaii) under a contract with Air Canada.

Husband International holds irregular-route authority in No. MC-90584 from the Commission to transport general commodities, with exceptions, between Detroit, MI and points within eight miles of Detroit, on the one hand, and, on the other, the boundary of the United States and Canada at Detroit. In No. MC-90548 (Sub-No. 1) it has authority to transport general commodities, with exceptions, between Detroit, MI on the one hand, and, on the other, the plant site of Ford Motor Company in Plymouth Township, MI. In No. MC-90548 (Sub-No. 2) it had authority to transport general commodities, with exceptions, between the plant site of the Ford Motor Company at Romeo, MI, on the one hand, and, on the other, the United States-Canada Boundary line, at Detroit, MI.

Provincial has a permit in No. MC-152290 (Sub-No. 1) to operate as a contract carrier over irregular route transporting food and related products between points in the United States, under contract with Zymaize Company of London, Ontario, Canada.

Cronin holds authority in No. MC-147435 to transport general commodities, with exceptions, between ports of entry on the international boundary line between the United States and Canada (a) at Detroit, MI, on the one hand, and, on the other, Detroit, MI, (b) at Port Huron, MI, on the one hand, and, on the other, Port Huron, MI, and (c) on the Niagara River, on the one hand, and, on the other, Buffalo, NY, restricted to the transportation of traffic moving in foreign commerce.

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.

[FR Doc. 83-20244 Filed 7-26-83; 8:45 am]
BILLING CODE 7035-01-M

Motor Carriers; Proposed Exemptions

AGENCY: Interstate Commerce Commission.

ACTION: Notices of Proposed Exemptions.

SUMMARY: The motor carriers shown below seek exemptions pursuant to 49 U.S.C. 11343(e), and the Commission's regulations in Ex Parte No. 400 (Sub-No. 1), *Procedures for Handling Exemptions Filed by Motor Carriers of Property Under 49 U.S.C. 11343*, 367 I.C.C. 113 (1982), 47 FR 53303 (November 24, 1982).

DATES: Comments must be received within 30 days after the date of publication in the **Federal Register.**

FOR FURTHER INFORMATION CONTACT: Warren C. Wood, (202) 275-7977:

SUPPLEMENTARY INFORMATION: Please refer to the petition for exemption, which may be obtained free of charge by contacting petitioner's representative. In the alternative, the petition for exemption may be inspected at the offices of the Interstate Commerce Commission during usual business hours.

By the Commission, Heber P. Hardy, Director, Office of Proceedings.

Agatha L. Mergenovich,

Secretary.

Volume No. OP2-MCF-321

Decided: July 18, 1983.

Bobby McCrary Doing Business as B & C Trucking—Purchase Exemption—Jack B. Kelley, Inc.

[No. MC-F-15328]

Bobby McCrary, an individual doing business as B & C Trucking, by petition filed June 17, 1983, seeks an exemption from the requirements under section 11343 of prior regulatory approval for his purchase of a portion of the motor carrier operating authority of Jack B. Kelley, Inc, i.e., Certificates No. MC-123392 Sub-Nos. 19, 91, and 93X (paragraph 20). These operating rights authorized the transportation of (1) commodities the transportation of which because of size or weight require the use of special equipment between points in Potter and Randall Counties, TX, on the one hand, and, on the other, points in Arkansas, Colorado, Kansas, Louisiana, Missouri, Nebraska, New Mexico, Oklahoma and Texas; and (2) wrecked, disabled, replacement, repossessed and abondoned motor vehicles (except trailers designed to be drawn by passenger automobiles), between points in Colorado, Kansas, New Mexico, Oklahoma, and Texas; and (3) wrecked, disabled, replacement, repossessed, and abandoned motor vehicles (except trailers designed to be drawn by passenger automobiles) by use of wrecker equipment only, between points in Colorado, Kansas, New Mexico, Oklahoma and Texas.

Send comments to:

(1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423

and

(2) Austin L. Hatchell, 2600 Inter First Tower, P.O. Box 2023 (78768), Austin, TX 78701.

Comments should refer to No. MC-F-15328.

Volume No. OP2-MCF-332

Decided: July 21, 1983.

T. Del Farno Trucking Co.—Purchase Exemption—Robert Crocket, Inc. (Bernard P. Rome, Assignee for the Benefit of Creditors)

[No. MC-F-15340]

T. Del Farno Trucking Co. (MC-96165) and Robert Crocket, Inc. (Bernard P. Rome, Assignee for the Benefit of Creditors) (MC-94842) seek an exemption from the requirement under Section 11343 of prior regulatory approval for the purchase by Del Farno of all the operating rights of Crocket, i.e. in Certificate Nos. MC-94842 (Sub Nos. 5, 7F, 8X, 9 and E-1) authorizing the transportation of those commodities which because of their size or weight, require the use of special handling or equipment, between points in the United States (except Alaska and Hawaii), and the transportation of general commodities (with exceptions) for the United States Government, between points in the United States.

ADDRESSES: Send comments to:

(1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423

and

(2) Petitioner's Representative: Frank J. Weiner, 15 Court Square, Boston, MA 02108.

Pleadings should refer to No. MC-F-15340.

[FR Doc. 83-20243 Filed 7-26-83; 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 160 of the Commission's General Rules of Practice. See 49 CFR Part 1160, Subpart A, published in the **Federal Register** on November 1, 1982, at 47 FR 49583, which redesignated the regulations at 49 CFR 1100.251, published in the **Federal Register** December 31, 1980. For compliance procedures, see 49 CFR 1160.19. Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart B.

The following applications for motor common carriage of passengers, filed on or after November 19, 1982, are governed by Subpart D of 49 CFR Part 1160, published in the **Federal Register** on November 24, 1982 at 47 FR 53271. For compliance procedures, see 49 CFR 1160.86. Carriers operating pursuant to an intrastate certificate also must comply with 49 U.S.C. 10922(c)(2)(E). Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart E. In addition to fitness grounds, these applications may be opposed on the grounds that the transportation to be authorized is not consistent with the public interest.

Applicant's representative is required to mail a copy of an application, including all supporting evidence, within three days of a request and upon payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations.

We make an additional preliminary finding with respect to each of the following types of applications as indicated: common carrier of property—that the service proposed will serve a useful public purpose, responsive to a public demand or need; water common carrier—that the transportation to be provided under the certificate is or will be required by the public convenience and necessity; water contract carrier, motor contract carrier of property, freight forwarder, and household goods broker—that the transportation will be consistent with the public interest and the transportation policy of section 10101 of chapter 101 of Title 49 of the United States Code.

These presumptions shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may be duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract." Applications filed under 49 U.S.C. 10922(c)(2)(B) to operate in intrastate commerce over regular routes as a motor common carrier of passengers are duly noted.

Please direct status inquiries to Team 1, (202) 275-7030.

Volume No. OP-1-293 (N)

Decided: July 19, 1983.

By the Commission, Review Board Members Joyce, Williams, and Dowell.

MC 155771 (Sub-2), filed July 1, 1983. Applicant: P & S TRUCKING COMPANY, INC., P.O. Box 112, Millport, AL 35576. Representative: Ronald L. Stichweh, 727 Frank Nelson Bldg., Birmingham, AL 35203, (205) 251-5223. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), (1) between those points in the U.S. in and east of MN, IA, NE, KS, OK, and TX, and (2) between those points in the U.S. in and east of MN, IA, NE, KS, OK, and TX, on the one hand, and, on the other, points in WA, OR, CA, AZ, and CO.

MC 158090 (Sub-3), filed July 1, 1983. Applicant: JIM SENSKE, d/b/a SENSKE & SON TRANSFER, P.O. Box 543, Crookston, MN 56716. Representative: William J. Gambucci, 525 Lumber Exchange Bldg., Minneapolis, MN 55402, (612) 340-0808. Transporting (1) *general commodities* (except classes A and B explosives, and household goods), between points in the ND, SD, MN, WI, and IA, on the one hand, and, on the other, points in the U.S. (except AK and HI), and (2) *lumber and wood products*, between points in the U.S. (except AK and HI).

MC 165761, filed July 8, 1983. Applicant: ROY WILSON TRUCKING CO., 111 Saul Adams Lane, Crystal Springs, MS 39050. Representative: Donald B. Morrison, P.O. Box 22828, Jackson, MS 39205, (601) 948-8820. Transporting *clay, concrete, glass or stone products*, between points in AL, AR, FL, LA, MS, and TN, under continuing contract(s) with Jackson Ready-Mix, Inc., of Jackson, MS.

MC 168940, filed July 27, 1983. Applicant: INTERLINK TRUCKING, LTD., 4533 N. Channel Ave., Portland, OR 97217. Representative: Stephen D.

Rel (same address as applicant), (503) 285–2904. Transporting *general commodities* (except classes A and B explosives, between points in the U.S., under continuing contract(s) with Marine Intermodal Cooperative Association, of Portland, OR. Condition: The person or persons who appear to be engaged in common control of another regulated carrier must either (1) state that a petition has been filed under 49 U.S.C. § 11343(e) seeking an exemption from the requirements of 49 U.S.C. §11343, (2) filed an application under 49 U.S.C. §11343(A), or (3) submit an affidavit indicating why such approval is unnecessary, to the Secretary's office. In order to expedite issuance of any authority please submit a copy of this filing to Team 1, Room 2379.

MC 169101, filed July 8, 1983. Applicant: THOMAS M. MORLEY, INC., 18577 E. Nine Mile Rd., East Detroit, MI 48021. Representative: Robert E. McFarland, 2855 Coolidge, Suite 201A, Troy, MI 48084, (313) 649–6650. 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).

Volume No. OP–1– 295 (N)

Decided: July 20, 1983.

By the Commission, Review Board Members Williams, Dowell, and Carleton.

MC 133920 (Sub-31), filed July 8, 1983. Applicant: HOWARD SHEPPARD, INC., 1126 South Harris St., P.O. Box 755, Sandersville, GA 31082. Representative: John W. Greer, III, 925 Healey Bldg., Atlanta, GA 30303, (404)–523–1601. Transporting *plastic products*, between points in Tarrant County, TX, on the one hand, and, on the other, points in GA.

MC 144630 (Sub-70), filed July 7, 1983. Applicant: STOOPS EXPRESS, INC., P.O. Box 287, Anderson, IN 46015. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240, (317)–846–6655. 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 148860 (Sub-5), filed July 5, 1983. Applicant: D.M.T. TRUCKING, INC., 2700 Broening Hwy., Dundalk Marine Terminal, Baltimore, MD 21222. Representative: Theodore Polydoroff, 6810 Fleetwood Rd., McLean, VA 22101, (703)–893–4924. 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 158651 (Sub-16), filed July 8, 1983. Applicant: GRAEBEL VAN LINES, INC., 719 North Third Ave., Wausau, WI 54401. Representative: John E. Koci, (same address as applicant), (715)–675–9481. Transporting *household goods*, between points in the U.S., under continuing contracts(s) with United Press International, of New York, NY.

MC 161541 (Sub-1), filed July 8, 1983. Applicant: J.H.M. TRANSPORTATION COMPANY, 68 Ferry St., South Hadley, MA 01075. Representative: James H. Moynahan (same address as applicant), (413) 533–7617. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in MA, CT, NY, PA, OH, IN, IL, NJ, DE, MD, VA, NC, WV, TN, KY, GA, AL, MS, MI, AR, MO, RI, and DC.

Please direct status inquiries to Team 2, (202) 275–7030.

Volume No. OP–2–326

Decided: July 19, 1983.

By the Commission, Review Board Members, Parker, Krock, and Williams.

W–1373 (Sub-1), filed June 27, 1983. Applicant: IMPERIAL NAVIGATION, LTD. DBA INLAND, RAIL & BARGE SERVICE, 4533 N. Channel Ave., Portland, OR 97217. Representative: James H. Sanders (same address as applicant), (503) 285–2904. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Marine Intermodal Cooperative Association, of Portland, OR. Condition: The person or persons who appear to be engaged in common control of another regulated carrier must either file an application under 49 U.S.C. § 11343(a), submit an affidavit indicating why such approval is unnecessary, or file a petition seking exemption under 49 U.S.C. 11343(e). In order to expedite issuance of any authority please submit a copy of the affidavit or proof of filing the application(s) for common control or the petition for exemption to Team 2, Room 2379.

MC 263 (Sub-249), filed July 5, 1983. Applicant: GARRETT FREIGHTLINES, INC., P.O. Box 4048, Pocatello, ID 83201. Representative: Bruce A. Bullock, One Woodward Ave., 26th Fl., Detroit, MI 48226, 313–496–3534. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Foremost-McKesson, Inc., of San Francisco, CA, and its subsidiaries.

MC 2202 (Sub-695), filed June 27, 1983. Applicant: ROADWAY EXPRESS, INC., 1077 Gorge Blvd., P.O. Box 471, Akron, OH 44309. Representative: William O. Turney, 7101 Wisconsin Ave., Suite 1010, Washington, DC 20814, 301–986–1410. Transporting *such commodities* as are dealt in and used by manufacturers and distributors of carpet, between points in the U.S. (except AK and HI), under continuing contract(s) with Salem Carpet Mills, Inc., of Ringgold, GA.

MC 169073, filed July 7, 1983. Applicant: GARRISON & BRADWAY, INC., Buckshutem Rd., RD 3, Box 137A, Millville, NJ 08332. Representative: William P. Jackson, Jr., 3426 N. Washington Blvd., P.O. Box 1240, Arlington, VA 22210, 703–525–4050. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S. (except AK and HI). Condition: The person or persons who apper to be engaged in common control of another regulated carrier must either file an application under 49 U.S.C. § 11343(a), submit an affidavit indicating why such approval is unnecessary, or file a petition seeking exemption under 49 U.S.C. § 11314(e). In order to expedite issuance of any authority please submit a copy of the petition for exemption, the affidavit, or proof of filing the application(s) for common control to Team 2, Room 2379.

MC 169082, filed July 5, 1983. Applicant: H. LANDON WOODELL, d.b.a. WOODELL TRUCKING, P.O. Box 1892, Elizabethtown, NC 28337. Representative: Terrell Price, 800 Briar Creek Rd., Suite DD–504, Charlotte, NC 28205, 704–372–8212. Transporting (1) *food products*, between points in NC, MS, GA, AR, OK, and TX, on the one hand, and, on the other, points in the U.S. (except AK and HI); and (2) *furniture and fixtures*, between points in NC, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 169182, filed July 13, 1983. Applicant: NASHOBA VALLEY EXPRESS CO., INC., P.O. Box 273, Littleton, MA 01460. Representative: Robert H. Hebb, Jr., (same address as applicant), 617–772–4080. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in CT, ME, MA, NH, NJ, NY, RI, and VT.

Volume No. OP–2–330

Decided: July 20, 1983.

By the Commission, Review Board Members Carleton, Parker, and Dowell (Member Parker not participating).

MC 2202 (Sub-696), filed July 11, 1983. Applicant: ROADWAY EXPRESS, INC., 1077 Gorge Blvd., P.O. Box 471, Akron, OH 44309. Representative: William O. Turney, 7101 Wisconsin Ave., Suite 1010, Washington, DC 20814, 301–986–1410. 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 Emerson Electric Co., of St. Louis, MO.

MC 59292 (Sub-49), filed July 11, 1983. Applicant: THE MARYLAND TRANSPORTATION COMPANY, 1111 Frankfurst Ave., Baltimore, MD 21225. Representative: A. Charles Tell, 100 E. Broad St., Columbus, OH 43215, 614–228–1541. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between Baltimore, MD, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 107002 (Sub-599), filed July 8, 1983. Applicant: MILLER TRANSPORTERS, INC., P.O. Box 1123, Jackson, MS 39205. Representative: John A. Crawford, 17th Fl., Deposit Guaranty Plaza, P.O. Box 22567, Jackson, MS 39205, 601–948–5711. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S. (except AK and HI), under continuing contract(s) with (a) Cargill, Inc., of Minneapolis, MN, (b) Hercules Incorporated, of Wilmington, DE, (c) Mapco Petroleum, Inc., of Memphis, TN, (d) Nekoosa Papers, Inc., of Ashdown, AR, and (e) Osmose Wood Preserving Co. of America, Inc., of Buffalo, NY.

MC 112713 (Sub-341), filed July 11, 1983. Applicant: YELLOW FREIGHT SYSTEM, INC., P.O. Box 7170, Overland Park, KS 66207. Representative: William F. Martin, Jr. (same address as applicant), 913–383–3000. 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 with Lockheed Corporation, of Burbank, CA, and its subsidiaries.

MC 129712 (Sub-80), filed July 12, 1983. Applicant: GEORGE BENNETT MOTOR EXPRESS, INC., P.O. Box 569, McDonough, GA 30253. Representative: Guy H. Postell, Suite 675, 3384 Peachtree Rd., NE, Atlanta, GA 30326, 404–237–6472. 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 Lowe's Co., Inc., of North Wilkesboro, NC.

MC 141923 (Sub-3), filed July 7, 1983. Applicant: WESTERN CONTAINER-TRANSPORT, INC., 8101 N.E. 14th Place, Portland, OR 97211. Representative: Russell M. Allen, 1200 Jackson Tower, Portland, OR 97205, 503–224–4840. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in OR, WA, CA, and ID.

MC 146742 (Sub-4), filed July 5, 1983. Applicant: H & F TRUCKING COMPANY, INC., R.R. #4, Mattoon, IL 61938. Representative: Stephen J. Habash, 100 E. Broad St., Columbus, OH 43215, 614–228–1541. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S., under continuing contract(s) with R.R. Donnelly & Sons Company, of Chicago, IL.

MC 157132 (Sub-3), filed June 27, 1983. Applicant: FREEDOM TRANSPORT, INC., 33 N.E. Middlefield Rd. #111, Portland, OR 97211. Representative: Lawrence V. Smart, Jr., 419 N.W. 23rd Ave., Portland, OR 97210, 503–226–3755. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Freedom Transport, Inc. (Brokerage Division), of Portland, OR.

MC 165003 (Sub-1), filed June 27, 1983. Applicant: CUSTOM HIGHWAY INTERSTATE EXPRESS FREIGHT, INC., 2401 North Harvard Ave., Tulsa, OK 74115. Representative: Carl L. Steiner, 135 South LaSalle St., Suite 2160, Chicago, IL 60603, 312–236–9375. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Custom Highway Interstate Express Freightbrokers, Inc., of Tulsa, OK.

MC 167543, filed July 11, 1983. Applicant: WYOMING TOWING SERVICE, INC., P.O. Box 1017, 1518 Colorado St., Rawlins, WY 82301. Representative: Doris M. Paulsrud (same address as applicant), 307–328–1542. Transporting *petroleum products and wrecked and disabled vehicles*, between points in WY, CO, and UT.

MC 169083, filed July 6, 1983. Applicant: PAUL MARCOTTE d.b.a. MARCOTTE FARMS, R R #1, Box 572, Momence, IL 60954. Representative: Robert T. Lawley, 300 Reisch Bldg., Springfield, IL 62701, 217–544–5468. Transporting (1) *pet food ingredients*, between points in Kankakee County, IL, on the one hand, and, on the other, points in IA, IN, MI, MN, MO, OH, and WI; (2) *fertilizer*, between points in Kankakee County, IL, on the one hand, and, on the other, points in IA and IN; (3) *commodities in bulk*, between points in Cook County, IL, on the one hand, and, on the other, points in IA, IN, MI, OH, and WI; and (4) *products of rendering plants*, between points in Milwaukee County, WI, on the one hand, and, on the other, points in IL, IN, MI, and MN.

MC 169092, filed July 7, 1983. Applicant: S & A TRANSPORT, 1465 N.W. 123rd St., Portland, OR 97229. Representative: Richard R. Shields (same address as applicant), 503–644–1095. Transporting *lumber and building materials*, between points in CA, OR, and WA.

Please direct status inquires about the following to Team Four at (202) 275–7669.

Volume No. OP4–457

Decided: July 15, 1983.

By the Commission, Review Board, Members: Fortier, Parker, and Joyce.

MC 148866 (Sub-6), filed July 11, 1983. Applicant: GILBERT F. & RAYMOND L. GUSTAFSON, d.b.a. G & R GUSTAFSON TRANSPORT CO., 102 N. Griffin St., Grant Park, IL 60940. Representative: Steven C. Weiss, 29 S. La Salle St., Chicago, IL 60603, (312) 236–0548. Transporting *food and related products*, between points in IL, TN and TX, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 153406 (Sub-1), filed January 8, 1983. Applicant: GWR TRANSPORTATION, 2120 Foothill Blvd., P.O. Box 7863, La VErne, CA 91750. Representative: Gale W. Roach (same address as applicant), (714) 593–1096. Transporting *foodstuffs*, between points in Ventura, Orange, San Bernardino, and Los Angeles Counties, CA and points in AZ, under continuing contracts(s) with Ventura Coastal Corp., of Ventura, CA.

MC 166907 (Sub-1), filed July 11, 1983. Applicant: VERONA CARRIERS, INC., 504 S. Nine Mound Rd., Verona, WI 53593. Representative: Richard D. Armstrong, 925 Hyland Drive, Stoughton, WI 53589, (608) 873–8929. Transporting (1) *building materials*, (2) *metal products*, (3) *pulp, paper related products*, (4) *chemicals and related products*, (5) *rubber and plastic products*, between points in WI, on the

one hand, and, on the other, points in the U.S. (except AK and HI).

MC 168106, filed July 11, 1983. Applicant: GLENDA D. EVANS d.b.a. EVANS TRUCKING COMPANY P.O. Box 194, Route #1, Delano, TN 37325. Representative: M.C. Ellis, c/o Chattanooga Freight Bureau, Inc., 1001 Market St., Chattanooga, TN 37402, (615) 756–3820. Transporting *ores, minerals, slag, clay, concrete, glass or stone products*, between points in the U.S. (except AK and HI), under continuing contract(s) with Apache-Blast, Inc., of Copperhill, TN.

MC 169137, filed July 11, 1983. Applicant: JAMES OWEN, INC., Route 1, Box 341, Ruston, LA 71270. Representative: Fred W. Johnson, Jr., P.O. Box 1291, Jackson, MS 39205, (601) 355–3543. Transporting *building materials*, between points in AL, AR, GA, LA, MS, MO, OK, TN, and TX.

MC 169147, filed July 11, 1983. Applicant: MATTHEW A. THOMPSON d.b.a. MOVE-O-MAT, 9 Bayberry Rd., Westford, MA 01886. Representative: Joseph M. Klements, 89 State St., Boston, MA 02109, (617) 523–0800. Transporting (1) *household goods*, (2) *Furniture and fixtures*, and (3) *office equipment*, between points in ME, NH, VT, MA, RI, CT, NY, PA, and NJ.

Volume No. OP4–459

Decided: July 18, 1983.

By the Commission, Review Board, Members: Williams, Parker and Joyce.

MC 30237 (Sub-49), filed July 11, 1983. Applicant: YEATTS TRANSFER COMPANY, P.O. Box 666, Altavista, VA 24517. Representative J. Johnson Eller, Jr., 712 Main St., Altavista, VA 24517, (804) 369–5661. Transporting *rubber and plastic products*, between points in Middlesex County, NJ, Erie County, NY, Hillsboro County, NH, Buncombe County, NC, and Chicago, IL, on the one hand, and, on the other, points in Campbell County, VA.

MC 78786 (Sub-283), filed July 12, 1983. Applicant: PACIFIC MOTOR TRUCKING COMPANY, 1766 El Camino Real, P.O. Box 990, Burlingame, CA 94010. Representative: John MacDonald Smith, Southern Pacific Bldg., One Market Plaza, Rm. 813, San Francisco, CA 94105, (415) 541–1215. Transporting *motor vehicles*, between points in the U.S., under continuing contract(s) with persons who are engaed in business as manufacturers, distributors, or dealers of motor vehicles, or who are engaged in renting or leasing motor vehicles.

MC 143986 (Sub-4), filed July 11, 1983. Applicant: WILLEY FREIGHT WAYS, INC., 14836 LaSalle St., Dolton, IL 60419. Representative: Carl L. Steiner, 135 South LaSalle St., Suite 2106, Chicago, IL 60603, (312) 236–9375. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in CO, IL, IN, IA, KS, KY, MI, MN, MO, NE, NJ, NY, OH, PA, VA, TN, WV, and WI.

MC 159026 (Sub-5), filed July 11, 1983. Applicant: U. S. CONTRACT TRUCKING, INC., 2730 Carl Rd., Irving, TX 75062. Representative: B. W. Huie (same address as applicant), (214) 438–0550. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI), under contract(s) with D M Resources, Inc., d/b/a AmericaTruck Brokers, of Irving, TX.

MC 163357 (Sub-1), filed July 11, 1983. Applicant: EAST–WEST, INC., P.O. Box 9525, Asheville, NC 28815. Representative: Richard M. Tettelbaum, 1225 19th St., N.W., Suite 340, Washington, D.C. 20036, (202) 296–3050. 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 165327 (Sub-1), filed July 11, 1983. Applicant: THOMAS W. STOKES, JR. d.b.a. STOKES EXCAVATION, INC., Rt. 3—Box 372, Conrad, MT 59425. Representative: Thomas W. Stokes, Jr. (same address as applicant), (406) 278–3394. Transporting *fertilizer*, between points in ID, MT, ND, WA and WY, under continuing contract(s) with ConAgra-AgriBasics, of Great Falls, MT, Custom Crop Care and Farmers Terminal Association, both of Conrad, MT.

MC 165886, filed July 12, 1983. Applicant: LYLE STENERSEN d.b.a. L. M. STENERSEN TRANSPORT, School St.—Rt. 1, Rindge, NH 03461. Representative: Hughan R. H. Smith, 26 Kenwood Place, Lawrence, MA 01841, (617) 657–6071. Transporting *building materials and supplies*, between points in the U.S. (except AK and HI), under continuing contract(s) with Lyn'Lad Group Ltd., of West Lynn, MA and its subsidiaries, Barretto Granite Corp., of Milford, NJ, and Seppala & Aho, Inc., of New Ipswich, NH and its subsidiaries.

Volume No. OP4–460

Decided: July 18, 1983.

By the Commission, Review Board, Members: Krock, Carleton and Parker.

MC 127777 (Sub-25), filed July 8, 1983. Applicant: MOBILE TRANSPORT SYSTEMS, INC., Rt. #1, Knapp, WI 54749. Representative: Audrey Thomas (same address as applicant), (715) 772–4483. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in CO, IL, IN, IA, KS, MI, MN, NE, KY, ND, OH, SD, and WI, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 129927 (Sub-9), filed July 8, 1983. Applicant: JAMERSON BROTHERS TRUCKING COMPANY, INC., Rt. #3, Box 75, Appomattox, VA 24522. Representative: Carroll B. Jackson, 1810 Vincennes Rd., Richmond, VA 23229, (804) 282–3809. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in DE, GA, IL, IN, KY, MD, MI, NC, NJ, NY, OH, PA, SC, TN, VA, WV, and DC.

MC 140637 (Sub-9), filed June 17, 1983. Applicant: YANKEE REFRIGERATED XXPRESS, INC., 1912 E. Wensley, Philadelphia, PA 19134. Representative: E. D. Anderson, 1001 Connecticut Ave. NW., Suite 838, Washington, DC 20036, (202) 296–2500. Transporting (A) *general commodities* (except classes A and B explosives and household goods), between points in the U.S., (B) *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S., and (C) *used household goods* for the account of the United States Government incidental to the performance of a pack-and-crate service on behalf of the Department of Defense, between points in the U.S.

Note.—Because this application includes issues subject to a finding of public interest as well as fitness only, it will be published in two volumes of this **Federal Register** issue. Part A will be published in VOL #460, Parts B and C will be published in VOL #461.

MC 147347 (Sub-5), filed July 8, 1983. Applicant: MICHAEL'S CARTAGE, INC., Rt. #3, Cumberland, MD 21502. Representative: Dixie C. Newhouse, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, MD 21740, (301) 797–6060. Transporting *clay, concrete, glass or stone products*, between Allegany County, MD, on the one hand, and, on the other, those points in the U.S. in and east of MN, IA, MO, AR, and LA.

MC 151266 (Sub-2), filed July 5, 1983. Applicant: YOWELL TRANSPORTATION SERVICES, INC., 1840 Cardington Rd., Dayton, OH 45409. Representative: W. H. Cantillon, 7805 Ellis Rd., Melbourne, FL 32901, (305) 725–3611. Transporting *general commodities*, (except classes A and B explosives and commodities in bulk), between points in the U.S., under continuing contract(s) with shippers

manufacturing or dealing in analog or digital electronic machines.

MC 164266 (Sub-1), filed July 5, 1983. Applicant: MICHAEL LLOYD, d.b.a. PINE TREE TRUCKING, 13912 E. Lomitas Ave. La Puente, CA 91746. Representative: Jack L. Schiller, 111-56 76th Dr., Forest Hills, NY 11375, (212) 263-2078. Transporting *general commodities*, (except classes A and B explosives, household goods and commodities in bulk), between points in CA, OR and WA, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 169106, filed July 7, 1983. Applicant: KTC, INC., 3600 N. Ave., Melrose Park, IL 60161. Representative: Allan C. Zuckerman, 221 N. La Salle St., Suite 826, Chicago, IL 60601, (312) 641-5900. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S. (except AK and HI), under continuing contract(s) with Keenan Freight Brokerage, Inc., of Melrose Park, IL.

Volume No. OP4-4621

Decided: June 9, 1983.

By the Commission, Review Board, Members: Dowell, Fortier and Krock.

MC 168086, filed May 16, 1983, previously noticed in the **Federal Register** issue of June 17, 1983, and republished this issue. Applicant: NEW ENGLAND AND WESTERN TRANSPORTATION COMPANY, Box 355, Wyoming, RI 02898. Representative: Merle K. Peirce (same address as applicant), (401) 295-0641. (A) transporting *passengers* in charter and special operations, between points in the U.S.; and (B) over regular routes, in interstate, foreign, and intrastate commerce, transporting *passengers*, between South Kingstown, RI and New London, CT, from South Kingstown over local roads to junction RI Hwy 138, then over RI Hwy 138 to junction RI Hwy 2, then over RI Hwy 2 to junction RI Hwy 112, then over RI Hwy 112 to junction RI Hwy 91, then over RI Hwy 91 to junction RI Hwy 3, then over RI Hwy 3 to junction U.S. Hwy 1, then over U.S. Hwy 1 to junction CT Hwy 2, then over CT Hwy 2 to junction Interstate Hwy 95, then over Interstate Hwy 95 to junction Alternate U.S. Hwy 1, then over Alternate U.S. Hwy 1 to New London, CT, serving all intermediate points, and the off-route points of Shannock, RI.

Notes.—(1) Applicant seeks in (A) above to provide privately-funded charter and special transportation. (2) Applicant seeks in (B) above to provide regular-route service in interstate, foreign and intrastate commerce under 49 U.S.C. 10922(c)(2)(B) over the same route. (3) Because this application includes issues subject to a finding of public interest as well as fitness only, it will be published in two volumes of this **Federal Register** issue. Part A will be published in VOL # 462, Part B will be published in VOL # 463 and (4) the purpose of this republication is to correct the territorial description.

Please direct status inquiries about the following to Team Four at (202) 275-7669.

Volume No. OP4-466

Decided: July 19, 1983.

By the Commission, Review Board, Members: Krock, Parker and Joyce.

MC 148187 (Sub-8), filed July 6, 1983. Applicant: VIERON, INC., 1700 Cherry Hill Rd., Baltimore, MD 21230. Representative: Walter T. Evans, 17 W. Jefferson St., Suite 105, Rockville, MD 20850, (301) 251-1606. Transporting *petroleum products*, between points in the U.S. (except AK and HI), under continuing contract(s) with shippers and receivers of petroleum products.

MC 152136 (Sub-7), filed July 5, 1983. Applicant: DANE TRUCKING & CARTAGE COMPANY, P.O. Box 1563, Ft. Worth, TX 76053. Representative: William Sheridan, P.O. Box 5049, Irving, TX 75062, (214) 255-6279. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in TX, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 157416 (Sub-5), filed July 5, 1983. Applicant: BURGESS TRANSPORTATION COMPANY, INC., Route 2, Box 336, Ashford, AL 36312. Representative: Stephen T. Etheredge, P.O. Box 1193, Dothan, AL 36302, (205) 793-3377. Transporting *such commodities* as are dealt in or used by grocery and food business houses, between points in NE, OK, NM, KS, CO, IN, TX, IL, IA, WI, MN, LA, MS, MO, AL, GA, FL, TN, KY, NC, SC, and AR.

MC 161036 (Sub-1), filed July 7, 1983. Applicant: PAUL R. EDWARDS AND CLYDE D. EDWARDS, d.b.a. EDWARDS TRUCKING, P.O. Box 297, Edwardsville, IL 62234. Representative: Robert T. Lawley, 300 Reisch Bldg., Springfield, IL 62701, (217) 544-5468. Transporting *food and related products*, between points in the U.S. (except AK and HI), under continuing contract(s) with Swift Independent Packing Company, of Chicago, IL.

MC 166737, filed July 8, 1983. Applicant: MARSHALL'S EXPRESS, INC., 80 Southfield Ave., Stamford, CT 06902. Representative: Robert B. Pepper, 168 Woodbridge Ave., Highland Park, NJ 08904, (201) 572-5551. Transporting *chemicals and related products, and appliances*, between points in the U.S. (except AK and HI), under continuing contract(s) with Clairol Incorporated, of Stamford, CT.

[FR Doc. 83-20242 Filed 7-26-83; 8:45 am]

BILLING CODE 7035-01-M

Motor Carrier Temporary Authority Application

The following are notices of filing of applications for temporary authority under Section 10928 of the Interstate Commerce Act and in accordance with the provisions of 49 CFR 1131.3. These rules provide that an original and two (2) copies of protests to an application may be filed with the Regional Office named in the **Federal Register** publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the **Federal Register**. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the ICC Regional Office to which protests are to be transmitted.

Note.—All applications seek authority to operate as a common carrier over irregular routes except as otherwise noted.

Motor Carriers of Property

Notice No. F-279

The following applications were filed in region 2. Send protests to: ICC, Fed. Res. Bank Bldg., 101 North 7th St. Rm. 620, Philadelphia, PA 19106.

MC 151731 (Sub-II-3TA), filed July 6, 1983. Applicant: C.T.J. TRANSFER, INC., 5912 Murray Ave., Bethel Park, PA 15102. Representative: John C. Fudesco, 1333 New Hampshire Ave., N.W., Suite 960, Washington, DC 20036. Contract, irregular: *General commodities (except*

Classes A & B explosives and commodities in bulk) between points in OH, PA and WV. Under continuing contract(s) with Fuller Brush Co. An underlying ETA seeks 120 days authority. Supporting shipper(s): Fuller Brush Company, P.O. Box 729, Great Bend, KS 67530.

MC 168781 (Sub-II-2-TA), filed July 7, 1983. Applicant: DESIGN FREIGHT SYSTEMS, INC., 303 Belvidere, P.O. Box 2341, Columbus, OH 43216. Representative: Michael L. Moushey, 1200 West Fifth Ave., Columbus, OH 43212. General Commodities (except those of unusual value, classes A & B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in the United States on the one hand, and on the other, points in AL, AZ, CA, AR, CO, CT, DE, DC, FL, GA, ID, IL, IN, IA, KS, KY, LA, ME, MA, MD, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, WY for 270 days. Supporting shippers: Mor-Flo Industries, Inc., 18450 South Miles Road, Cleveland, OH 44128.

MC 150795 (Sub-2-3TA), filed July 6, 1983. Applicant: HERBERT HEFFNER, INC., R.D. 2, Box 456, Reading, PA 19605. Representative: Chester A. Zyblut, 366 Executive Bldg., 1030 Fifteenth St., N.W., Washington, DC 20005. *General commodities (Except classes A & B explosives and household goods),* between Berks County, PA, on the one hand, and, on the other, points in FL, MD, VA, DC, DE, NJ, NY and CT. Supporting shippers: Clover Farms Dairy Company, 131 Grant Ave., Reading, PA 19605 and Reading A-Treat Bottling Co., Inc., 1090 Spring St., Wyomissing, PA 19610.

MC 154233 (Sub-II-1TA), filed July 6, 1983. Applicant: LEWIS KNOPFEL, JR., R.D. #2, New Florence, PA 15944. Representative: Sally A. Davoren, 1500 Bank Tower, 307 Fourth Ave., Pittsburgh, PA 15222. *Irregular. Contract: General commodities, (except Classes A and B explosives)* between points in OH and VA, on the one hand, and on the other, points in PA, WV, VA, OH and NY, under continuing contract(s) with Advanced Mining Systems, for 270 days. Supporting Shipper: Advanced Mining Systems, Box 97, Mingo Junction, OH 43938.

MC 169030 (Sub-II-1TA), filed July 6, 1983. Applicant: G. MIKA, INC., 168 N. Main St., Old Forge, PA 18518. Representative: Steven L. Weiman, Suite 200, 444 N. Frederick Ave., Gaithersburg, MD 20877. *Metal and metal products* between points in PA and OH, on the one hand, and, on the other, between points in the U.S. (except AK and HI). An underlying ETA seeks 120 days authority. Shippers: Marmon/Keystone Corp., Butler, PA; Sharon Steel Corp., Sharon, PA; Raferty-Brown Steel Co., Waterbury, CT; Newman Crosby Steel Co., Inc., Pawtucket, RI.

MC 98792 (Sub-II-1TA), filed July 6, 1983. Applicant: JON E. GOLASHEWSKI and EDWARD VAYANSKY, d.b.a. MON VALLEY EXPRESS, 131 Donner Ave., Monessen, PA 15062. Representative: John A. Pillar, 1500 Bank Tower, 307 Fourth Ave., Pittsburgh, PA 15222. *General commodities (excluding household goods and commodities in bulk and Classes A and B explosives)* between points in Washington, Fayette, Greene, Westmoreland and Allegheny Counties, PA, on the one hand, and, on the other, Pittsburgh, PA and its commercial zone and points in OH, NY and WV. Supporting shipper(s): There are 11 supporting shippers. Their statements may be examined at the Philadelphia Regional office.

MC 107012 (Sub-II-326ta), filed July 6, 1983. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Highway 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: Margaret S. Vegeler (same as applicant). Contract, irregular: *General commodities* (except classes A and B explosives and commodities in bulk) between points in the US under continuing contract(s) with Howard Walode Associates, Inc. of Garfield, NJ for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Howard Walode Associates, Inc., 141 Lanza Avenue, Garfield, NJ 07026.

MC 110683 (Sub-II-26TA), filed July 6, 1983. Applicant: SMITH'S TRANSFER CORPORATION, P.O. Box 1000, Staunton, VA 24401. Representative: Harry J. Jordan, 1090 Vermont Avenue, NW., Washington, DC 20005. Contract irregular: *general commodities, (except classes A and B explosives, household goods, and commodities in bulk,* between all points in the U.S., (except AK and HI), under contract with Travenol Laboratories, Inc. An underlying ETA seeks 120 days authority. Shipper: Travenol Laboratories, Inc., Morton Grove, IL 60053.

MC 145900 (Sub-II-2TA), filed July 5, 1983. Applicant: THREE RIVERS TRUCKING, INC., Legionville Rd, Ambridge, PA 15003. Representative: WILLIAM A. GRAY, 2310 Grant Bldg., Pittsburgh, PA 15219. Contract, irregular: *General commodities (except classes A and B explosives and household goods)* between Monaca, PA, on the one hand, and, on the other, Paton Falls, Metuchen, Port Elizabeth and Barrington, NJ; Brooklyn, NY; Lithonia, GA; North Aurora, IL; Mason, MI; Carona, CA and points in MD, under a continuing contract(s) with Arco Chemical Company of Philadelphia, PA. An underlying ETA seeks 120 days authority. Supporting shipper: Arco Chemical Company, 1500 Market St., Philadelphia, PA 19101.

MC 156719 (Sub-II-2TA), filed July 12, 1983. Applicant: LEE TRANSPORT, INC., P. O. Box 39185, Solon, OH 44139. Representative: Ignatius B. Trombetta, #1001 One Public Square, Cleveland, OH 44113. *Contract irregular: General commodities,* except Classes A and B explosives and household goods and commodities in bulk, from points in IL on the one hand, and, on the other, points in OH, PA, NY, ME, MA, CT, NJ, WV, KY, TN, NC, GA, FL, AL and TX under continuing contract(s) with J & B Expediters, Inc. of Bensenville, IL for 270 days. Supporting shipper(s): J & B Expediters, Inc., P. O. Box 923, Bensenville, IL 60106.

MC 107012 (Sub-II-327TA), filed July 8, 1983. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Highway 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: Margaret S. Vegeler (same as applicant). Contract, irregular: *General commodities* (except classes A & B explosives and commodities in bulk) between points in the US under continuing contract(s) Quality Micro Systems, Inc., of Mobile, AL for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Quality Micro Systems, Inc., P.O. Box 81250, Mobile, AL 36689.

MC 107012 (Sub-II-328TA), filed July 13, 1983. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Highway 30 West, P.O. Box 988, Ft. Wayne , IN 46801. Representative: Margaret S. Vegeler (same as applicant). Contract, irregular: *General commodities* (except classes A & B explosives and commodities in bulk) between points in the U.S. under continuing contract(s) with Western Elec. Co., Inc. of Greensboro, NC for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Western Elec. Co., Inc., P.O. Box 25000, Greensboro, NC 27420.

The following applications were filed in region 4: Send protests to: ICC, Complaint and Authority Branch, P.O. Box 2980, Chicago, IL 60604.

MC 15735 (Sub-4-121 TA), filed Juy 12, 1983. Applicant: ALLIED VAN LINES, INC., 2120 S. 25th Avenue, Broadview, IL 60153. Representative:

Joseph P. Tuohy, P.O. Box 4403, Chicago, IL 60680. *Contract irregular: Household Goods*, between points in the U.S. (Except AK and HI), under a continuing contract(s) with Service Master Industries, Inc., and its subsidiaries. Supporting Shipper: Service Master Industries, Inc. 2300 Warrenville Road, Downers Grove, IL 60615.

MC 15735 (Sub-4–122 TA), filed July 12, 1983. Applicant: ALLIED VAN LINES, INC., 2120 S. 25th Avenue, Broadview, IL 60153. Representative: Joseph P. Tuohy, P.O. Box 4403, Chicago, IL 60680. *Contract irregular: Household Goods*, between points in the U.S. (Except AK and HI), under a continuing contract(s) with Pitney Bowes, Inc. and its subsidiaries, Supporting shipper: Pitney Bowes, Inc., Walter H. Wheeler Jr. Drive, Stamford, CT 06904.

MC 15735 (Sub-4–123 TA), filed July 12, 1983. Applicant: ALLIED VAN LINES, INC., 2120 S. 25th Avenue, Broadview, IL 60153. Representative: Joseph P. Tuohy, P.O. Box 4403, Chicago, IL 60680. *Contract irregular: Household Goods*, between points in the U.S. (Except AK and HI), under a continuing contract(s) with ClemLawn Corporation and its subsidiaries. Supporting shipper: ClemLawn Corporation, 8275 No. High Street, Columbus, OH 43085.

MC 15735 (Sub-4–124 TA), filed July 12, 1983. Applicant: ALLIED VAN LINES, INC., 2120 S. 25th Avenue, Broadview, IL 60153. Representative: Joseph P. Tuohy, P.O. Box 4403, Chicago, IL 60680. *Contract irregular: Household Goods*, between points in the U.S. (Except AK and HI), under a continuing contract with Wang Laboratories Inc. and its subsidiaries. Supporting shipper: Wang Laboratories, Inc., One Industrial Avenue, Lowell, MA 01851.

MC 15735 (Sub-4–125 TA), filed July 12, 1983. Applicant: ALLIED VAN LINES, INC., 2120 S. 25th Avenue, Broadview, IL 60153. Representative: Joseph P. Tuohy, P.O. Box 4403, Chicago, IL 60680. *Contract irregular: Household Goods*, between points in the U.S. (Except AK and HI), under a continuing contract(s) with Cornell University. Supporting shipper: Cornell University, 120 Maple Avenue, Ithaca, NY 14850.

MC 15735 (Sub-4–126TA), filed July 12, 1983. Applicant: ALLIED VAN LINES, INC., 2120 S. 25th Avenue, Broadview, IL 60153. Representative: Joseph P. Tuohy, P.O. Box 4403, Chicago, IL 60680. *Contract irregular: Household Goods* between points in the U.S. (except AK and HI) under a continuing contract(s) with The Gates Rubber Company and its affiliates, The Gates Corporation, Gates Export Corporation, Gates Energy Products, Inc., Gates Land Company, Gates Data Products, the Country Club of Colorado, Inc., Gates Learjet Corporation, JET Electronics & Technology, Inc., Combs-Gates Denver, Inc. and A-Bar-A, Inc. Supporting Shipper: The Gates Rubber Company, 999 S. Broadway, Denver, CO 80209.

MC 74755 (Sub-4–7TA), filed July 12, 1983. Applicant: SUELZER VAN LINES, INC., 4325 Meyer Road, Fort Wayne, IN 46806. Representative: Richard A. Huser, Locke Reynolds Boyd & Weisell, One Indiana Square, Suite 2120, Indianapolis, Indiana 46204. *Contract* Irregular; *Household goods (as defined by the Commission.)* Between points in the U.S., restricted to service performed under continuing contract(s) with J.T.'s General Stores IHSS, Inc., of Barrington, IL. Supporting Shipper: J.T.'s General Store, IHSS, Inc., Jewel Park, Barrington, IL 60010.

MC 128927 (Sub-4–7TA), filed July 12, 1983. Applicant: MARTIN TRUCKING CO., INC., Box 406, Tomah, WI 54660. Representative: James A. Spiegel, Attorney, Olde Towne Office Park, 6333 Odana Road, Madison, WI 53719. *Common*, irregular; *general commodities (except Classes A and B explosives, commodities in bulk and household goods as defined by the Commission)* between points within WI and MN on the one hand and on the other hand points in and east of ND, SD, CO, OK and TX. Supporting shippers; Congoleum Corporation, Kinder Manufacturing Co. Div., 1120 East Williams, Tomah, WI 54660; Martin Tire Company, Inc., Tomah, WI 54660; U.S. Oil Company, Schmidt Oil & Tire Co. Division, 425 South Washington Street, Combined Locks, WI 54113; Cutler-Magner Company, Box 6807, 11th Avenue West & Waterfront, Duluth, MN 55806.

MC 147011 (Sub-4–3TA), filed July 12, 1983. Applicant: STEVE SHAFFER TRUCKING, 633 N. Locust, Arcola, IL 61910. Representative: Steve Shaffer, 633 N. Locust, Arcola, IL 61910. *General commodities* (with the exception of Classes A & B explosives and household goods) between points in the U.S. except AK and HI. Supporting shippers: Harry E. Hills & Assoc., 1 Shafer Dr., Forsyth, IL 62535; Continental Truck Brokers, Inc., 1 Shafer Dr., Forsyth, IL 62535; Joan of Arc Company, 2231 W. Altoefer, Peoria, IL 61615.

MC 149095 (Sub-4–3TA), filed July 12, 1983. Applicant: EAGLE EXPEDITING, INC., 5215 N. Grand River, P.O. Box 15103, Lansing, MI 48901. Representative: Robert E. McFarland, 2855 Coolidge, Ste. 201A, Troy, MI 48084. *Automobile parts, and materials, equipment and supplies used in the manufacture and production of motor vehicles* between the facilities of Motor Wheel Corportion located in MI on the one hand, and, on the other, points in IL, IN, OH, WI, MO, and PA. Supporting shipper: Motor Wheel Corporation, 1600 N. Larch, Lansing, MI 48909.

MC 167587 (Sub-4–2 TA), filed July 11, 1983. Applicant: WALSKES, INC., Route 1, Little Suamico, WI 54141. Representative: Nancy J. Johnson, Attorney, 103 East Washington Street; Box 218, Crandon, WI 54520. *Foodstuffs* from Green Bay, WI to Pittsburg and Shiresmantown, PA; East Bridgewater, MA; Savannah, GA, Jackson, MS; Mobile, AL; Charlotte, NC; Denver and Grand Junction, CO; and Dallas, Houston and Lubbock, TX. Supporting shipper: Brothers Cold Storage, Inc., Box 858, Green Bay, WI 54305.

MC 169083 (Sub-4–1), filed July 11, 1983. Applicant: PAUL MARCOTTE, d.b.a. MARCOTTE FARMS, R.R. #1, Box 572, Momence, IL 60954. Representative: Robert T. Llawley 300 Reisch Bldg., Springfield, IL 62701. *Molasses*, from Riverdale, IL to Milwaukee, WI. Supporting shipper: Pacific Molasses Co., 13550 So. Indiana Ave., Riverdale, IL 60627.

MC 169175 (Sub-4–1 TA), filed July 12, 1983. Applicant: DONALD SENSKE, d.b.a. SENSKE TRUCKING, Route 2, Box 44, Waseca, MN 56093. Representative: Richard D. Howe, Myers, Knox & Hart, 600 Hubbell Building, Des Moines, IA 50309. (1) *Metal products*, between Dodge County, MN, on the one hand, and, on the other, Chicago, IL; (2) *steel grain storage bins*, between Christian County, IL, on the one hand and, on the other, points in MN; and (3) *weight transfer machine or sled*, between Waseca County, MN, on the one hand, and, on the other, points in IA, IL, IN, and WI. Supporting shippers: (1) McNeilus Truck & Manufacturing, Inc., P.O. Box 70, Dodge Center, MN 55927; (2) Grain Systems, Inc., P.O. Box 7, Assumption, IL 62510; and (3) Gopher State Pull Association, Route 3, Kenyon, MN 55946.

MC 169176 (Sub-4–1 TA), filed July 12, 1983. Applicant: BOBBY G. ERVIN, d.b.a. ERVIN TRUCKING COMPANY 414 Howell Avenue, Jeffersonville, IN 47130. Representative: Harold C. Jolliff, 3242 Beech Drive, Columbus, IN 47203, (812) 379–2556. Contract irregular: *(1) Toilet preparations, toilet soap, and other personal grooming products; (2) Materials, Supplies, and Equipment used in the manufacture, installation and distribution of the commodities in (1) above:* Between Hamilton County, OH, on the one hand, and, on the other,

points in IN, KY, MI, and PA, under continuing contract(s) with Avon Products, Inc., of Springdale, OH. Supporting shipper: Avon Products, Inc., 175 Progress Place, Springdale, OH 45246.

MC 15735 (Sub-4–127 TA), filed July 13, 1983. Applicant: ALLIED VAN LINES, INC., 2120 S. 25th Avenue, Broadview, IL 60153. Representative: Joseph P. Tuohy, P.O. Box 4403, Chicago, IL 60680. Contract irregular: *Household Goods*, between points in the U.S. (except AK & HI), under continuing contract(s) with John Morrell & Co. Supporting shipper: John Morrell & Co., 191 Waukegan Road, Northfield, IL 60093.

MC 15735 (Sub-4–128TA), filed July 13, 1983. Applicant: ALLIED VAN LINES, INC., 2120 S. 25th Avenue, Broadview, IL 60153. Representative: Joseph P. Tuohy, P.O. Box 4403, Chicago, IL 60680. *Contract irregular: Household goods*, between points in the U.S. (Except AK & HI), under continuing contract(s) with Emerson Electric Co., and its subsidiaries. Supporting shipper: Emerson Electric Co., 8000 W. Florissant Ave. St. Louis, Mo 63136.

MC 15735 (Sub-4–129TA), filed July 13, 1983. Applicant: ALLIED VAN LINES, INC., 2120 S. 25th Avenue, Broadview, IL 60153. Representative: Joseph P. Tuohy, P.O. Box 4403, Chicago, IL 60680. *Contract irregular: Household Goods*, between points in the U.S. (Except AK & HI), under continuing contract(s) with Ceco Corporation and its subsidiaries. Supporting shipper: Ceco Corporation, 1400 Kensington Road, Oak Brook, IL 60521.

MC 81835 (Sub-4–3TA), filed July 13, 1983. Applicant: MONIOWCZAK TRANSIT COMPANY, P.O. Box 274, Escanaba, MI 49829. Representative: William B. Elmer, P.O. Box 801, Traverse City, MI 49685–0801, (616) 941–5313. *Beer in bottles, cans or barrels* from Fulton, NY to Escanaba, MI. Supporting Shipper: Johnson's Distributing, 1710 N. 28th St., Escanaba, MI 49829.

MC 113855 (Sub-4–19TA), filed July 13, 1983. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Road S.E., Rochester, MN 55903. Representative: Leonard L. Bennett, 2450 Marion Road S.E., Rochester, MN 55903. *Contract; Irregular: General commodities (except classes A and B explosives, household goods, and commodities in bulk)*, between points in the U.S. (except HI), under a continuing contract(s) with Cincinnati Milacron Marketing Company. Supporting shipper: Cincinnati Milacron Marketing Company, 4701 Marburg Avenue, Cincinnati, OH 45209.

MC 139154 (Sub-4–6TA), filed July 13, 1983. Applicant: RICHARDS TRANSPORT, LTD., 1155 McKay Street, Regina, Saskatchewan, Canada S4N 4X9. Representative: Stephen F. Grinnell, 121 South 8th Street, 1600 TCF Tower, Minneapolis, MN 55402, (612) 333–1341. *Brick* from Ottumwa and Redfield, IA and Hebron, ND to points on the U.S.—Canadian Border in ND and MT. Supporting shipper: Estevan Brick, 140–6th Ave. East, Regina, Saskatchewan, Canada S4N 5A5.

MC 166031 (Sub-4–2TA), filed July 12, 1983. Applicant: KELLY KOST, d.b.a. KELLY KOST TRUCKING, P.O. Box 35, Bowdon, ND 58418. Representative: Richard P. Anderson, P.O. Box 2581, Fargo, ND 58108. Contract; Irregular: *Such commodities as are dealt in or used by wholesale beverage distributors*, between Tarrant County, TX, on the one hand, and, on the other, Foster County, ND, under contract(s) with Central Distributing Company, Inc. Supporting shipper(s): Central Distributing Company, Inc., 695 South 6th Street, Carrington, ND 58421.

The following applications were filed in Region 5. Send protest to: Consumer Assistance Center, Interstate Commerce Commission, 411 West 7th Street, Suite 500, Fort Worth, TX 76102.

MC 79658 (Sub-5–33TA), filed July 15, 1983. Applicant: ATLAS VAN LINES, INC., P.O. Box 509, Evansville, IN 47703. Representative: Michael L. Harvey, (same as above). Contract, Irregular; *Household goods as described in 49 C.F.R. 10102 (10)* between points in the U.S. (exclusive of AK and HI). Supporting shipper: Mobil Corporation, New York, NY.

MC 79658 (Sub-5–34TA), filed July 15, 1983. Applicant: ATLAS VAN LINES, INC., P.O. Box 509, Evansville, IN 47703. Representative: Michael L. Harvey (same as above). Contract, Irregular; *Household goods* and *store fixtures and furniture* between points in the U.S. (exclusive of AK and HI). Supporting shipper: Brown Group, Incorporated, St. Louis, MO.

MC 110080 (Sub-5–2TA), filed July 14, 1983. Applicant: ROGER C. LENZ and KEITH E. LENZ, d.b.a. LENZ BROTHERS, Lansing, IA 52151. Representative: Richard D. Howe, 600 Hubbell Building, Des Moines, IA 50309. *Beer*, between points in Butler County, OH; Rockingham County, NC; Oswego County, NY; Fort Worth, TX; and Albany, GA, on the one hand, and, on the other, points in Winneshiek County, IA. Supporting shipper: Knight Distributing Company, Inc., Decorah, IA.

MC 112713 (Sub-5–41TA), filed July 12, 1983. Applicant: YELLOW FREIGHT SYSTEM, INC., P.O. Box 7270, Overland Park, KS 66207. Representative: William F. Martin, Jr. (same address as applicant). Contract: Irregular. *General commodities (except Classes A and B explosives, household goods, commodities in bulk and hazardous wastes)*, between points in the U.S. (except AK and HI), under continuing contract with Lockheed Corporation of Burbank, CA, and its wholly-owned subsidiaries Lockheed Missiles & Space Company, Inc. of CA, Lockheed-California Company of CA, Lockheed Shipbuilding & Construction Company of CA, Lockheed Aircraft Service Company of CA, Lockheed Air Terminal, Inc. of CA, Murdock Machine & Engineering Co. of TX, Lockheed Engineering and Management Services Co., Inc. of CA, Lockheed-Georgia Company of GA, and Lockheed Electronics Company, Inc. of NJ. Supporting shipper: Lockheed Corporation, Burbank, CA.

MC 151158 (Sub-5–11TA), filed July 15, 1983. Applicant: BROWN TRANSIT, INC., 325 Ingram Conway, AR 73102. Representative: D. R. Beeler, P.O. Box 482, Franklin, TN 37064. *Shoes* between St. Louis, MO; Conway, AR; and San Antonio, TX Supporting shipper: San Antonio Shoe Co. Inc., San Antiono, TX.

MC 153548 (Sub-5–2TA), filed July 11, 1983. Applicant: CEIL R. GODDARD, 515 Golf Road, Webb City, MO 64870. Representative: Bruce McCurry, 913 Plaza Towers, Springfield, MO 65804. (1) *Mineral processing equipment; machine tools; metal working machinery; mop basins, shower floors and cement, drinking fountains, marble chips, portland cement, and wire bound crates*, between Jasper County, MO on the one hand, and on the other points in the U.S. (ex AK and HI) and, (2) *Lumber, plywood, redwood and wood products*, between points in CA, ID, MT, OR, and WA on the one hand, and, on the other points in AR, CO, IA, IL, KS, MO, NM, OK, and TX. Supporting shipper(s): 8.

MC 153788 (Sub-5–5TA), filed July 14, 1983. Applicant: G & G COMPANY, INC., P.O. Box 5753, Longview, TX 75608. Representative: William Sheridan, P.O. Drawer 5049, Irving, TX 75062. *Rock, Sand and Gravel*, from Little Ferber County, AR to Longview, TX. Restricted to shipments for the account(s) of Trotti Thompson Company of Longview, TX. Supporting shipper: Troti Thompson Company, Longview, TX.

MC 159123 (Sub-5–2TA), filed July 12, 1983. Applicant: GIN-EE, INC., 4801

Sharp St., Dallas, TX 75207. Representative: William Sheridan, P.O. Drawer 5049, Irving, TX 75062. Contract: Irregular, *General Commodities (except classes A and B explosives household goods or bulk commodities)*, between points in the U.S. Restricted to shipments for the account of Certified Shipping of Duncanville, TX. Supporting shipper: Certified Shipping, Duncanville, TX.

MC 166971 (Sub-5–1TA), filed July 12, 1983. Applicant: WILLIAM LICKLY, d.b.a. L & L CONTRACT CARRIER, 508 Sycamore, Americus, KS 66835. Representative: Clyde N. Christey, 1010 Tyler, Suite 110–L, Topeka, KS 66612. Contract, Irregular: *YOGURT* From the Commercial zone of Addison, TX to points in KS; NE and the Kansas City, KS/MO Commercial zone. Supporting shipper(s): Yoplait USA, Minneapolis, MN.

MC 167092 (Sub-5–3TA), filed July 13, 1983. Applicant: FISHER TRUCKING, INC., P.O. Box 181, Springdale, AR 72764. Representative: Joseph C. Fisher (same as above). *Food products and related items (except in bulk or tank vehicles)* between points in the U.S. (except AK and HI). Supporting shipper: Dean Foods, Franklin, IL.

MC 168825 (Sub-5–1TA), filed July 13, 1983. Applicant: DREHER CONTRACTING & EQUIPMENT RENTAL, INC., 1115 Elm St., Bastrop, LA 71220. Representative: Murphy T. Dreher (same as above). Contract, Irregular: *Coal and Fly Ash by trailer trucks* between East Carroll, West Carroll, Morehouse, Madison, Richland and Quachita Parishes, LA. Supporting shipper: Cobra Resources, Inc., Madisonville, KY.

MC 168906 (Sub-5–3TA), filed July 12, 1983. Applicant: FAMILY TRADITION TRANSPORTATION COMPANY, INC., P.O. Box 138, Archie, MO 64725. Representative: Arthur J. Cerra, P.O. Box 19251, Kansas City, MO 64141. *Primary Metal Products*, between points in AL, AR, CT, GA, IL, IN, IA, KS, KY, LA, MO, MN, MS, NE, OK, OH, TN and TX. Supporting shipper: Primary Steel, Inc. of Memphis, TN.

MC 169152 (Sub-5–1TA), filed July 12, 1983. Applicant: MIDWAY TRANSFER LINES, INC., P.O. Box 11074, Kansas City, MO 64119. Representative: Larry E. Gregg, P.O. Box 1979, Topeka, KS 66601. Contract, Irregular: *Containers, suplies, equipment and materials used in the manufacture thereof*, between points in the US under continuing contracts with Hoover Universal, Inc., Ann Arbor, MI. Supporting shipper: Hoover Universal, Inc., Ann Arbor, MI.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-20289 Filed 7-26-83; 8:45 am]

BILLING CODE 7035-01-M

[OP4 F–464]

Motor Carriers: Permanent Authority Decisions; Decision-Notice

The following applications seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control of motor carriers pursuant to 49 U.S.C. 11343 or 11344. Also, applications directly related to these motor finance applications (such as conversions, gateway eliminations, and securities issuances) may be involved.

The applications are governed by 49 CFR 1182.1 of the Commission's Rules of Practice. See Ex Parte 55 (Sub-No. 44), *Rules Governing Applications Filed by Motor Carriers Under 49 U.S.C. 11344 and 11349*, 363 I.C.C. 740 (1981). These rules provide among other things, that opposition to the granting of an application must be filed with the Commission in the form of verified statements within 45 days after the date of notice of filing of the application is published in the **Federal Register**. Failure seasonably to oppose will be construed as a waiver of opposition and participation in the proceeding. If the protest includes a request for oral hearing, the request shall meet the requirements of Rule 242 of the special rules and shall include the certification required.

Persons wishing to oppose an application just follow the rules under 49 CFR 1182.2. A copy of any application, together with applicant's supporting evidence, be obtained from any applicant upon request and payment to applicant of $10.00, in accordance with 49 CFR 1182.2(d).

Amendments to the request for authority will not be accepted after the date of this publication. However, the Commission may modify the operating authority involved in the application to conform to the Commission's policy of simplifying grants of operating authority.

We find, with the exception of those applications involving impediments. (e.g., jurisdictional problems, unresolved fitness questions, questions involving possible unlawful control, or improper divisions of operating rights) that each applicant has demonstrated, in accordance with the applicable provisions of 49 U.S.C. 11301, 11302, 11343, 11344, and 11349, and with the Commission's rules and regulations, that the proposed transaction should be authorized as stated below. Except where specifically noted this decision in neither a major Federal action significantly affecting the quality of the human environment nor does it appear to qualify as a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests as to the finance application *or* to any application directly related thereto filed within 45 days of publication (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (unless the application involves impediments) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, the duplication shall not be construed as conferring more than a single operating right.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice of effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

Agatha L. Mergenovich,

Secretary.

Please direct status inquires about the following to Team Four at (202) 275–7669.

Volume No. OP4F–646

Decided: July 14, 1983.

By the Commission, Review Board, Members: Dowell, Carleton, and Parker.

[No. MC–F–15349]

Rock River Cartage, Inc.—Purchase Exemption—Service Transportation Lines, Inc.

Rock River Cartage, Inc. (No. MC–135658), seeks an exemption from the requirement under section 11343 of prior regulatory approval for the purchase of a portion of the operating rights of Service Transportation Lines, Inc., i.e. No. MC–121236 Sub-No. 10, authorizing the irregular route, motor common carrier transportation of general commodities (except classes A and B explosives), between points in IA, IL, IN, KS, KY, MI, MN, MO, NE, OH, SD, and WI. An application for temporary authority has been filed.

Send comments to:

(1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, D.C. 20423

and

(2) Petitioner's representative: Robert T. Lawley, 300 Reisch Bldg., Springfield, IL 62701.

Comments should refer to No. MC-F-15349.

[FR Doc. 83-20267 Filed 7-26-83; 8:45 am]
BILLING CODE 7035-01-M

[AB 39 SDM]

St. Louis Southwestern Railway Co.; Amended System Diagram Map

Notice is hereby given that, pursuant to the requirements contained in Title 49 of the Code of Federal Regulations, Part 1121.23, that the ST. LOUIS SOUTHWESTERN RAILWAY COMPANY has filed with the Commission its amended color-coded system diagram map in docket No. AB 39 SDM. The Commission on July 15, 1983, received a certificate of publication as required by said regulation which is considered the effective date on which the system diagram map was filed.

Color-coded copies of the map have been served on the Governor of each State in which the railroad operates and the Public Service Commission or similar agency and the State designated agency. Copies of the map may also be requested from the railroad at a nominal charge. The maps also may be examined at the office of the Commission, Section of Dockets, by requesting docket No. AB 39 SDM.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-20268 Filed 7-26-83; 8:45 am]
BILLING CODE 7035-01-M

[Finance Docket No. 30223]

Rail Carriers; Southern Railway Co.—Purchase (Portion)—Central of Georgia Railroad Co.—Exemption; Notice of Exemption

July 19, 1983.

Southern Railway Company (Southern) and its wholly-owned subsidiary, Central of Georgia Railroad Company (Central), have notified the Commission that Southern intends to acquire from Central 5.9 miles of rail line extending between milepost GF-119.1 and milepost GF-125.0 at Hazlehurst in Jeff Davis County, GA.

This transaction is within a corporate family and comes within that class of transactions described at 49 CFR 1180.2(d) which has been exempted from Commission regulation. The Southern acquisition will not result in changes in service levels, significant operational changes, or a change in the competitive balance with carriers outside the corporate family.

As a condition to use of the exemption, any employee affected by the acquisition of the line by Southern shall be protected pursuant to *New York Dock Ry.—Control—Brooklyn Eastern Dist.*, 360 I.C.C. 60 (1979). This will satisfy the statutory requirements of 49 U.S.C. 10505(g)(2).

By the Commission, Heber P. Hardy, Director, Office of Proceedings.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-20266 Filed 7-26-83; 8:45 am]
BILLING CODE 7035-01

DEPARTMENT OF JUSTICE

[AAG/A Order No. 11-83]

Privacy Act of 1974; New System of Records

Pursuant to the provisions of the Privacy Act of 1974 (5 U.S.C. 552a), notice is hereby given that the Department of Justice proposes a major modification to an existing system of records maintained by the Land and Natural Resources Division.

The Lands Docket and Tracking System, JUSTICE/LDN-003, is an automated management information system which will replace the existing manually-operated Docket Card System, JUSTICE/LDN-003, published in the **Federal Register** on September 30, 1977 (42 FR 53352). The following sections of the notice are revised to reflect automation of this system: "Storage," "Retrievability," "Safeguards," and "Retention and disposal." Additionally, the following sections of the notice are revised to provide more specificity: "Categories of individuals covered by the system," "Categories of records in the system," and "Routine uses of records maintained in the system." Further, the "Authority for maintenance of the sytem" section has been clarified.

5 U.S.C. 552a(o) provides that the Office of Management and Budget (OMB) and the Congress be provided advance notice of the proposal to automate this sytem: OMB, which has oversight responsibility under the Act, requires a 60-day period in which to review the proposal before it is implemented. Therefore, the public, OMB, and the Congress are invited to submit written comments on this system. Comments should be addressed to Vincent A. Lobisco, Assistant Director, Administrative Services Staff, Justice Management Division, Department of Justice, Room 6314, 10th & Constitution Avenue, NW., Washington, D.C. 20530. If no comments are received from either the public, OMB, or the Congress within 60 days from the date of publication of this notice (September 26, 1983), the proposal will be implemented without further notice in the **Federal Register.**

A report of the system has been provided to the Director, OMB, to the President of the Senate and to the Speaker of the House of Representatives.

Dated: July 14, 1983.

Kevin D. Rooney,

Assistant Attorney General for Administration.

JUSTICE/LDN—003

SYSTEM NAME:

Lands Docket and Tracking System.

SYSTEM LOCATION:

U.S. Department of Justice: 10th and Constitution Avenue, NW., Washington, D.C. 20530.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

The individuals on whom records are maintained in the Lands Docket and Tracking System are as follows:

1. Those individuals who have been charged with civil or criminal violations or whose names may appear in the case name or subject name of a matter coming to the attention of the Land and Natural Resources Division for possible litigation;

2. Those individuals who are currently under investigation for civil or criminal violations; and

3. Those individuals who are a direct party to a case or matter.

CATEGORIES OF RECORDS IN THE SYSTEM:

The data in the Lands Docket and Tracking System fall into the following major categories:

1. Information about the Department of Justice (DOJ) case. Administrative information dealing with the case or matter including the DOJ file number, client agency, court of origin, opposing party, title, section, and associated data

2. Information about the calendar. Includes key dates in tracking the docket of the case or matter.

3. Information about events concerning this case or matter. Tracks all activities related to the DOJ number including correspondence and court events.

4. Information about party. Includes the name of the individual, the type of party this individual is in relation to the case or matter, and the state of the party.

5. Information by tract. Only included with cases dealing with Land Acquisition. This record includes tract finances, participants, owners, events, memos, scheduled events, court, estate type, and payees.

6. Information about the court. Includes the criminal/civil action number, court, and the judicial officer.

7. Information on status. Includes actions, dates, and reasons which affect the status of a case or matter.

8. Information on appellate action. Includes items relating to appellate actions taken relative to the case.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The system is established and maintained as an incident of such of the statutory authority of the Attorney General relating to the conduct of litigation as he has delegated to the Land and Natural Resources Division. (5 U.S.C. 301)

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records are used by personnel of the Division as an aid in determining the existence in the Division of a matter relating to the named case or subject, and to facilitate appraisal of the status of the pertinent matter for the purpose of taking timely appropriate action relating thereto.

Reports are continually produced to monitor the progress of the caseload and the utilization of Division resources.

RELEASE OF INFORMATION TO THE NEWS MEDIA:

Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

RELEASE OF INFORMATION TO MEMBERS OF CONGRESS:

Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

RELEASE OF INFORMATION TO THE NATIONAL ARCHIVES AND RECORDS SERVICE:

A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

These records are stored on magnetic tapes and discs at the Justice Management Division Data Center. Printouts from the terminals and from the Data Center which include status and statistical reports are stored in locked files and offices of Division management.

RETRIEVABILITY:

Information is retrieved on data display terminals which are located in various work stations throughout the Division. Identifiers used in retrieval operations include party name, court, date, status, section, case type, and assigned attorney.

SAFEGUARDS:

The magnetic tapes and discs are located in the Justice Data Center which maintains controlled access to the building and additional controlled access to the computer installation. The data display terminals are located within secured DOJ work areas, and operators can only access information through the utilization of passwords and special identification numbers.

RETENTION AND DISPOSAL:

The records are retained within the system during their useful life after which they will be off-loaded onto magnetic tape, stored in a secured vault, leaving a skeletal trail in the on-line data base.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Administrative Section; Land and Natural Resources Division; U.S. Department of Justice; 10th and Constitution Avenue, NW.; Washington, D.C. 20530.

NOTIFICATION PROCEDURE:

Address inquiries to the Assistant Attorney General; Land and Natural Resources Division; U.S. Department of Justice; 10th and Constitution Avenue, NW.; Washington, D.C. 20530.

RECORD ACCESS PROCEDURES:

A request for access to a record from this system shall be made in writing, with the envelope and the letter clearly marked 'Privacy Access Request', and the system and record sufficiently described in the letter for identification.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the System Manager listed above, stating clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

RECORD SOURCE CATEGORIES:

Sources of information contained in this system are the corespondence, pleadings, and other indices of developments regarding the pertinent case or subject, from wheresoever received.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

The Attorney General has exempted this system from subsections (c)(3) and (d) of the Privacy Act pursuant to 5 U.S.C. 552a(k)(2) Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553(b), (c) and (e) and have been published in the Federal Register.

[FR Doc. 83-20394 Filed 7-26-83; 8:45 am]
BILLING CODE 4410-01-M

LEGAL SERVICES CORPORATION

Equal Opportunity Instruction Complaint Review Procedure

AGENCY: Legal Services Corporation.

ACTION: Adoption of LSC Instruction 83-3.

SUMMARY: As a condition of its grant, each recipient must give the Corporation assurance that, "* * * It will not discriminate on the basis of race, religion, sex, age, or national origin against: (i) Any person applying for employment or employed by the applicant with respect to any personnel action proposed or taken concerning the applicant or employees; or (ii) any person seeking participation in, or the benefits or proceeds of, the program or programs supported in whole or part by [its] grant."

The Corporation's Regulation 45 CFR 1616.6 requires that, "A recipient shall adopt employment qualifications, procedures, and policies that meet the requirements of applicable laws prohibiting discrimination in employment, and shall take affirmative action to insure equal employment opportunity." This Instruction supersedes the previous Equal Opportunity Instruction, Complaint

Review Procedure of April 11, 1977. It is the purpose of this Instruction to convey to recipients the Corporation's jurisdiction and authority in regard to discrimination complaints.

Authority: Sec. 1007(a)(3) (42 U.S.C. 2996f(a)(3)), sec. 1006(e), and Pub L. 93-355, 88 Stat. 378 (42 U.S.C. 2996g(e).

EFFECTIVE DATE: August 26, 1983.

FOR FURTHER INFORMATION CONTACT: Robert E. Washington, Director, Office of Equal Opportunity, Legal Services Corporation, 733 15th St. NW., Washington, D.C. 20005; (202) 272-4050.

Instruction

(1) Any person who believes that any group of individuals has been subject to a pattern and practice of discrimination by any LSC recipient program based on race, color, religion, sex, age, handicap or national origin, or any other basis prohibited by law, may file a complaint with the Office of Equal Opportunity within sixty (60) days following the alleged act(s) of discrimination. The complaint must be in writing and should state the following:

a. Name and address of the complainant.

b. Name of the program and any individuals responsible for the discriminatory act(s).

c. Basis for discrimination—race, religion, sex, age, or national origin.

d. Dates and specific acts of discrimination charge.

e. Copies of any documents or other materials in support of the complaint.

(2) Upon receipt of a complaint, the Director will notify within ten (10) days the complainant(s) and recipient of acceptance or rejection of the request for review. Where the recipient program has an internal procedure for the review of employment and client service discrimination complaints, the complainant(s) will be advised by the Director to seek redress through the internal procedure before the complaint will be accepted by the Director for review.

LSC recipients shall notify their respective Corporation Regional Office, in writing, of any discrimination complaints filed under their internal complaint procedures, with local, state or federal civil rights enforcement agencies, or in any court of law. The Corporation Regional offices shall forward copies of such notification to the Director to be filed and periodically reviewed for establishing complaint review priorities. Where a complaint is filed and a local, state or federal civil rights enforcement agency, the Director shall defer to the authority of the enforcement agency. All individual complaints received will be maintained in recipient files and periodically reviewed solely for the purpose of establishing compliance review priorities. Individual complainants shall be advised by the Director of their right to file a complaint with local, state, and/or federal civil rights enforcement agencies.

(3) In reviewing complaints that allege a pattern and practice of discrimination by a recipient, the Director may conduct an on-site review. In reviewing the complaint, the Director may request sworn statements from the recipient, the complainant(s), and witnesses. In addition, documents and records may be requested at the recipient which are relevant to the complaint. The Director will issue a written report of findings no later than ninety (90) days from acceptance of the complaint. Conciliation of the complaint is an appropriate remedy at any step in the proceedings. The Director will act as a third party facilitator in any conciliation efforts. If conciliation is unsuccessful, the Director shall issue written findings on the complaint. Where the Director finds probable cause to believe that the allegations of the complaint are true, recommendations for corrective action by the recipient shall be included in the report. In cases where probable cause has been found, the recipient shall submit a written response within ten (10) days of receipt of the report stating their acceptance or rejection of the finding(s). If the recipient accepts the Corporation's recommendations, the Director will monitor the recipient's compliance. Where the recipient rejects the Corporation's recommendations, the Director may conduct a conciliation meeting with the recipient on the recommendations. If the program fails or refuses to implement the recommendations in a good faith manner, the Director shall recommend sanction in accordance with procedures established by the Corporation for non-compliance with grant and/or contract conditions.

(4) No person shall be penalized or subjected to any reprisal because he or she submitted a request to review the disposition of a complaint of discrimination.

(5) Any period of time provided in this instruction may, upon good cause shown and determined, be extended by the Director of Equal Opportunity.

Dated: July 21, 1983.

Robert E. Washington,

Director, Office of Equal Opportunity.

[FR Doc. 83-20231 Filed 7-25-83; 8:45 am]

BILLING CODE 6820-35-M

NATIONAL SCIENCE FOUNDATION

Advisory Committee for Earth Sciences; Subcommittee for Mantle Geochemistry, and Experimental and Theortical Geochemistry; Meeting

In accordance with the Federal Advisory Committee Act, as amended, Pub. L. 92-463, the National Science Foundation announces the following meeting:

Name: Advisory Committee for Earth Sciences (Mantle Geochemistry, and Experimental & Theoretical Geochemistry Subcommittee).

Date and time: August 17-19, 1983; 8:30 a.m. to 5:00 p.m. each day.

Place: The National Science Foundation, Room 602, 1800 G Street, NW., Washington, D.C. 20550.

Type of meeting: Closed.

Contact person: Dr. James Fred Hays, Division Director, Earth Sciences, Room 602, National Science Foundation, Washington, D.C. 20550, Telephone: (202) 357-7958.

Purpose of committee: To provide advice and recommendations concerning support for research in Earth Sciences.

Agenda: To review and evaluate research proposals and projects as part of the selection process for awards.

Reason for closing: The proposals being reviewed include information of proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552(c), Government in the Sunshine Act.

Authority: The determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of Pub. L. 92-463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF on July 6, 1979.

M. Rebecca Winkler,

Committee Management Coordinator.

July 22, 1983.

[FR Doc. 83-20320 Filed 7-26-83; 8:45 am]

BILLING CODE 7555-01-M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards, Subcommittee on Human Factors; Meeting

The ACRS Subcommittee on Human Factors will hold a meeting on August 19, 1983, Room 1046, 1717 H Street, NW., Washington, DC.

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:

Friday, August 19, 1983—8:30 a.m. until the conclusion of business.

The Subcommittee will meet to review the status of Emergency Procedure Guidelines and Emergency Operating Procedures.

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, will exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC Staff, their consultants, and other interested persons regarding this review.

Further information about 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, David Fischer (telephone 202/634–1414) between 8:15 a.m. and 5:00 p.m., e.d.t.

Dated: July 21, 1983.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 83-20369 Filed 7-26-83; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards, Subcommittee on Mental Components; Meeting

The ACRS Subcommittee on Metal Components will hold a meeting on August 17, 1983, Room 1046, 1717 H Street NW., Washington, D.C.

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 Subcommittees, their 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:

Wednesday, August 17, 1983—8:30 a.m. until the conclusion of business

The Subcommittee will hear reports from industry on the detection and sizing of flaws and repair of intergranular stress corrosion cracking (IGSCC) in large diameter primary piping in BWRs.

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, may 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, its consultants, and other interested persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant Designated Federal Employee, Mr. Elpidio Igne (telephone 202/634–1414) between 8:15 a.m. and 5:00 p.m., EDT.

Dated: July 21, 1983.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 83-20370 Filed 7-26-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50–364]

Alabama Power Co.; 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–8, issued to Alabama Power Company (the licensee), for operation of the Joseph M. Farley Nuclear Plant Unit No. 2 located in Houston County, Alabama.

The amendment would modify Technical Specifications for the startup from Cycle 2 refueling in the area of pressure isolation valves (PIV's) leak rate test criteria. The existing criterion of 1.0 gpm would be modified on a one-time temporary basis to a less-restrictive criterion of 1.0 to 5.0 gpm. We found a similar criterion to be acceptable for the first refueling outage pending completion of a long term review of the licensee's proposal. The long term review is now being handled on a generic basis which has further delayed the final resolution of the PIV's leak rate criteria.

The revisions to the Technical Specifications would be in accordance with the licensee's application for amendment dated July 8, 1983.

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

The Commission has made a proposed determination that the amendment request involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

The Commission has provided guidance concerning application of standards considered likely not to involve significant hazards considerations by providing certain examples (48 FR 14870). An example pertinent to the proposed amendment is "(iv) A relief granted upon demonstration of acceptable operation from an operating restriction that was imposed because acceptable operation was not yet demonstrated. This assumes that the operating restriction and the criteria to be applied to a request for relief have been established in a prior review and that it is justified in a satisfactory way that the criteria have been met."

The licensee has determined that the change request is consistent with example (iv). We agree. The 1.0 gpm criterion was established during the Unit No. 2 licensing process. Later, a smaller group of PIV's on Unit No. 1 were given a leak rate criterion of 1.0 to 5.0 gpm which is less restrictive. The licensee has requested this less restrictive criterion now for Unit No. 2. We are reviewing the matter as it appears generic to all plants licensed about the time of Unit 2. On this basis, we cannot at this time agree that the

Unit 1 criteria can be used for Unit No. 2 indefinitely. However, since the licensee has shown by actual testing of the 35 valves in question on Unit No. 2 that the 1 gpm maximum leak rate criteria was overly conservative, we would allow the proposed criteria for one additional time. We granted a similar one-time request by the licensee in License Amendment No. 20, dated November 24, 1982, for the startup from Cycle 1 refueling outage. We have reviewed the test data taken during the previous tests of the PIV's and agree that it is justified again but only on a one-time basis. Therefore, based on these considerations the Commission has made a proposed determination that the amendment request involves no significant hazards consideration.

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, Attention: Docketing and Service Branch.

By August 26, 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 itnervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter, and the bases for each contention set forth with reasonable specificity. Contentions shall be limited to matters within the scope of the amendment under consideration. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

Normally, the Commission will not issue the amendment until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received. Should the Commission take this action, it will publish a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, 1717 H Street, 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 Steven A. Varga, Chief, Operating Reactors Branch No. 1, Division of Licensing: 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 George F. Trowbridge, Esquire, 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 requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the Atomic Safety and Licensing Board designated to rule on the petition and/or request, that the petitioner has made a substantial showing of good cause for the granting of a late petition and/or request. That determination will be based upon a balancing of the factors specified in 10 CFR 2.714(a)(1) (i)–(v) and 2.714(d).

For further details with respect to this action, see the application for amendment which is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the George S.

Houston Memorial Library, 212 W. Burdeshaw Street, Dothan, Alabama 36303.

Dated at Bethesda, Maryland, this 22nd day of July 1983.

For the Nuclear Regulatory Commission.

Steven A. Varga,

Chief Operating Reactors Branch No. 1, Division of Licensing.

[FR Doc. 83-20387 Filed 7-26-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-445, 50-446]

Texas Utilities Generating Co., et al. (Comanche Peak Steam Electric Station, Units 1 and 2); Cancellation of Evidentiary Hearing

July 21, 1983.

The hearing scheduled for August 1-5, 1983 is cancelled by agreement of the parties. There is no evidence to be heard because witness interviews conducted by the State of Texas did not produce substantial adverse evidence concerning the quality assurance program of Texas Utilities Generating Company, *et al.*

Two different units of the Nuclear Regulatory Commission are investigating aspects of applicant's quality assurance program. At the conclusion of those investigations, the Board will determine whether further hearings should be conducted.

Bethesda, Maryland.

For the Atomic Safety and Licensing Board.

Peter B. Bloch,

Chairman, Administrative Judge.

[FR Doc. 83-20388 Filed 7-26-83; 8:45 am]

BILLING CODE 7590-01-M

OVERSEAS PRIVATE INVESTMENT CORPORATION

Agency Report Forms Under OMB Review

AGENCY: Overseas Private Investment Corporation.

ACTION: Request for comments.

SUMMARY: Under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35), agencies are required to submit information collection requests to OMB for review and approval, and to publish a notice in the Federal Register notifying the public that the Agency has made such a submission. The proposed form under review is summarized below.

DATE: Comments must be received within 14 calendar days of this notice. If you anticipate commenting on the form, but find that you are unable to do so within the foregoing period, you should advise the OMB Reviewer and the Agency Submitting Officer of your intent to comment as early as possible.

ADDRESS: Copies of the subject form and the request for review submitted to OMB may be obtained from the Agency Submitting Officer. Comments on the form should be submitted to the Agency Submitting Officer and the OMB Reviewer.

FOR FURTHER INFORMATION CONTACT:

OPIC Agency Submitting Officer: L. Jacqueline Brent, Office of Personnel and Administration, Overseas Private Investment Corporation, Room 405, 1129 Twentieth Street, NW., Washington, D.C. 20527; Telephone (202) 653-2818.

OMB Reviewer: Francine Picoult, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Washington, D.C. 20503; Telephone (202) 395-7231.

Summary of form under review

Type of Request: New
Title: OPIC Reconnaissance Survey/ Feasibility Study Application Form
Form Number: OPIC—84
Frequency of Use: Other—once per investor per project
Type of Respondent: Business or other institutions (except farms)
Standard Industrial Classification Codes: All
Description of Affected Public: U.S. investors considering business projects in developing countries
Number of Responses: 100
Reporting Hours: 50
Federal Cost: $5,266
Authority for Information Collection: Section 234 (d) and (e) of the Foreign Assistance Act of 1961, as amended.

Abstract (Needs and Uses): Information will be collected to determine the eligibility of applicants for financial assistance from OPIC to conduct reconnaissance surveys or feasibility studies on proposed business projects in developing countries.

Dated: January 19, 1983.

Anthony F. Marra, Jr.,

Office of the General Counsel.

[FR Doc. 83-20307 Filed 7-26-83; 8:45 am]

BILLING CODE 3210-01-M

POSTAL RATE COMMISSION

[Order No. 517; Docket No. A83-27]

Winston, Montana 59647 (Reinhold Schmidt, Petitioner); Notice and Order Accepting Appeal and Establishing Procedural Schedule Under 39 U.S.C. 404(b)(5)

Issued July 22, 1983.

Docket number: A83-27.

Name of affected post office: Winston, Montana 59647.

Name(s) of petitioner(s): Reinhold Schmidt.

Type of determination: Consolidation.

Date of filing of appeal papers: July 15, 1983.

Categories of issues apparently raised: Effect on community served by office [39 U.S.C. § 404(b)(2)(A)].

Other legal issues may be disclosed by the record when it is filed; or, conversely, the determination made by the Postal Service may be found to dispose of one or more of these issues.

In the interest of expedition within the 120-day decision schedule [39 U.S.C. 404(b)(5)] the Commission reserves the right to request of the Postal Service memoranda of law on any appropriate issue. If requested, such memoranda will be due 20 days from the issuance of the request; a copy shall be served on the Petitioner(s). In a brief or motion to dismiss or affirm, the Postal Service may incorporate by reference any such memorandum previously filed.

The Commission orders:

(A) The record in this appeal shall be filed on or before August 1, 1983.

(B) The Secretary shall publish this Notice and Order and Procedural Schedule in the **Federal Register.**

By the Commission.

Cyril J. Pittack,

Acting Secretary.

Appendix—Docket No. A83-27, Winston, Montana 59647

July 15, 1983: Filing of Petition.

July 1983: Notice and Order of Filing of Appeal.

August 4, 1983: Last day for filing of petitions to intervene [*see* 39 CFR 3001.111(b)].

August 15, 1983: Petitioners' Initial Brief [*see* 39 CFR 3001.115(a)].

August 30, 1983: Postal Service Answering Brief [*see* CFR 3001.115(b)].

September 14, 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 interests of prompt and just decision may require, in scheduling or dispensing with oral argument.

November 14, 1983: Expiration of 120-day decisional schedule [*see* 39 U.S.C. 404(b)(5)].

[FR Doc. 83-20284 Filed 7-26-83; 8:45 am]

BILLING CODE 7715-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-19980; File No. SR-MSTC-83-10]

Self-Regulatory Organizations; Proposed Rule Change by Midwest Securities Trust Co. Relating to Changes to the By-Laws and Rules Pursuant to the Requirements for Permanent Registration

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 July 6, 1983 the Midwest Securities Trust Company filed with the 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 Midwest Securities Trust Company (MSTC) is making changes to its By-Laws and Rules in response to the Commission's Standards in connection with the permanent registration of clearing agencies. The text of the proposed rule changes is attached to the filing as Exhibit A.

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

The proposed rule changes, enumerated below, are being submitted to conform the Midwest Securities Trust Company Rules with the SEC's requirements for permanent registration of clearing agencies.

General Provisions—Rule 2, Section 5(a) has been amended to specify that notice that the Corporation has ceased to act for a Participant or that a Participant is insolvent will be transmitted to affected persons by telephone, cable, or similar medium.

Rule 2, Section 5(d) has been amended to provide a 60 day limitation on the power to waive rules and procedures unless approved by the Board of Directors within such 60 day period.

Fines and Other Sanctions—Rule 14 has been amended to:

(a) Include all sanctions enumerated in Section 17A(b)(3)(G) of the Securities Exchange Act of 1934;

(b) Increase the number of days from the date of a sanction during which a Participant may request a hearing from two to ten business days;

(c) Provide that a sanction will be stayed upon a Participants request for a hearing (unless the Corporation has ceased to act for such Participant);

(d) Provides for the disqualification of any director that may have an interest in any matter presented before the Board of Directors for review.

Right of Appeal—Rule 20, Section 1 has been amended to clarify that except for those decisions enumerated in Section 1, any other fines and sanctions are appealable pursuant to Rule 14.

Rule 20, Section 3 has been amended to provide for a disinterested panel to hear appeals.

Amendment of Rules—Rule 23 has been amended to provide that MSTC will promptly notify its Participants and other clearing agencies of any proposed rule changes filed with the Commission.

The proposed rule changes contained in this filing are consistent with the requirements of Section 17A of the Securities Exchange Act of 1934.

(B) Self-Regulatory Organization's Statement on Burden on Competition

The Midwest Securities Trust Company does not believe that any burdens will be placed on competition as a result of the proposed rule changes.

(C) Self-Regulatory Organization's Statement of Comments on the Proposed Rule Change Received From Members, Participants or Others

Comments on the proposed rule changes have neither been solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing For Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period: (i) As the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street NW., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth 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 18, 1983.

George A. Fitzsimmons,

Secretary.

Exhibit A—General Provisions

Rule 2.

Services

Sec. 1. No change in text.

Eligible Securities

Sec. 2. No change in text.

Duties of Local Participants

Sec. 3. No change in text.

Duties of Out-of-Town Participants

Sec. 4. No change in text.

Miscellaneous

Sec. 5. (a) Notices from the Corporation that the Corporation has ceased to act for a Participant or that a Participant is insolvent shall be sufficient if promptly communicated to one or more recognized financial news wire services and confirmed by first-class mail *or may be transmitted by telephone, cable or similar medium,* but such notices may be supplemented by such other means of communication as the Corporation may determine. Notices to the Corporation that a

Participant is insolvent shall be transmitted by the fastest means practicable *which may include, but shall not be limited to, telephone, cable or similar medium* and shall be confirmed by first-class mail.

(b) No change in text.

(c) No change in text.

(d) The time fixed by or pursuant to these Rules for the doing of any act or acts may be extended, or the doing of any act or acts required by these Rules may be waived or suspended, by the Corporation whenever in its judgment such extension, waiver or suspension is necessary or desirable. *A written report of any such extension, waiver or suspension (other than an extension of time of less than one hour), stating the pertinent facts, the identity of the person or persons who authorized such extension, waiver or suspension and the reason such extension, waiver or suspension was deemed necessary or expedient, shall be promptly made and filed with the Corporation's records and shall be available for inspection by any Participant or Pledgee during regular business hours on business days. Any such extension or waiver may continue in effect after the event or events giving rise thereto but shall not continue in effect for more than 60 calendar days after the date thereof unless it shall have been approved by the Board of Directors within such period of 60 calendar days.*

(e) No change in text.

(f) No change in text.

(g) No change in text.

(h) No change in text.

(i) No change in text.

(j) No change in text.

(k) No change in text.

(l) No change in text.

(m) No change in text.

(n) No change in text.

Indemnification

Sec. 6. No change in text.

Fines and Other Sanctions

Rule 14.

The Corporation may impose a fine on a Participant for a violation of the Rules or procedures of the Corporation or for errors, delays, or other conduct embarrassing the operations of the Corporation, or for not providing adequate facilities for its transactions with the Corporation, provided, however, that no fine for any given offense shall exceed the sum of $5,000.

In addition, the Corporation shall have the right to suspend, [or] expel, *limit the activities, functions and operations of, censure or impose any other sanction the Corporation may deem appropriate upon* any Participant for any such offense.

Such fine or other punishment may be imposed and fixed by the President or any Vice President of the Corporation, provided, however, that a Participant on whom a fine or other punishment has been so imposed *(except in cases where a Participant has been summarily suspended or the Corporation has ceased to act for such Participant pursuant to Rule 9 and Rule 10, in which case an appeal may be made pursuant to Rule 20)* may within [two] *ten* business days after its imposition request that the matter be reviewed by the Board of Directors. [, which, if requested,] *If the Participant requests such a review, the fine or other punishment imposed shall be automatically stayed pending the decision of the Board of Directors; provided, however, that where a Participant has been summarily suspended or the Corporation has ceased to act for such Participant pursuant to these Rules, such sanction shall not be stayed during the period of review of such suspension. If the Participant requests a review of the fine or other punishment, the Board of Directors* shall give such Participant a hearing and shall render a decision thereon which shall be final and conclusive. *Any director who has any direct or indirect interest in the case which might preclude such director from rendering an objective and impartial determination shall disqualify himself and not participate in any discussion or vote on the matter.* The Board of Directors may, whether or not a review is requested, reduce or remit a fine or other punishment imposed by the President or a Vice President. A copy of the final decision with its attendant findings and conclusions shall be sent to the Securities and Exchange Commission.

Appeals

Rule 20.

Right of Appeal

Sec. 1. Any aggrieved party shall have the right to appeal from any decision of the Corporation:

(a) Determining that a security is ineligible for deposit with the Corporation;

(b) Denying an application to become a Participant; or

(c) To cease to act for a Participant with respect to transactions generally;

provided, however, that an appeal shall not impair the validity or stay the effect of the decision appealed from unless and until the decision is reversed or modified in accordance with Section 3 or 5 of this Rule. *Any other fines or sanctions imposed upon Participants by the Corporation shall be appealable pursuant to Rule 14.* Upon the request of any person having a right of appeal hereunder, the Corporation shall promptly furnish such person with a written statement setting forth its reasons and the specific grounds which constitute the basis for the decision with respect to which the right of appeal exists.

Procedure for Appealing

Sec. 2. No change in text.

Consideration of Appeals

Sec. 3. Appeals shall be considered and decided by a panel appointed by the Board of Directors, composed of [two officers or employees of the Corporation and one] *three* members of the Board. *No member of such panel shall have any direct or indirect interest in the matter presented before them which might preclude such member from rendering an objective and impartial determination.* To the extent practicable, all appeals shall be heard within thirty days of the filing of the notice of appeal; provided, however, that the hearing of any appeal from a decision to cease to act for a Participant under Rule 9 shall be expedited to the maximum possible extent and, in any event, shall be held within fourteen days. Appellants shall be notified of the compsosition of the panel and the time, place and date when the panel will meet to consider the appeal at least seven days in advance of such date. Written materials in support of the appeal or requests for an opportunity to make an oral presentation shall be filed with the panel at least two days in advance of such date. The panel will grant requests for oral presentation. After consideration of the appeal, the panel shall, by the vote of a majority of its members, affirm, reverse, or modify the decision from which the appeal was made. The panel's decision shall be made in writing, and shall contain the reasons for its conclusions. Copies shall be furnished to the appellant and the Securities and Exchange Commission.

Records of Appeals

Sec. 4. No change in text.

Review of the Board

Sec. 5. No change in text.

Amendment of Rules

Rule 23.

Subject to the provisions of the By-Laws of the Corporation, the Board of Directors shall prescribe and may from time to time amend the Rules of the Corporation.

The Corporation shall promptly notify all Participants and registered clearing agencies of any proposal it has made to change, revise, add or repeal any Rule and the text or a brief description of the proposed rule and its purpose and effect. Particpants and registered clearing agencies may submit to the Corporation for its consideration their comments with respect to any such proposal, and such comments shall be filed with the Corporation's records and copies thereof delivered to the Securities and Exchange Commission.

[FR Doc. 83-20230 Filed 7-25-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-19981; File No. SR-MCC-83-2]

Self-Regulatory Organization; Proposed Rule Change by Midwest Clearing Corporation Relating to Changes to the By-Laws and Rules Pursuant to the Requirements for Permanent Registration

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 July 6, 1983 the Midwest Clearing Corporation 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 Midwest Clearing Corporation (MCC) is making changes to its By-Laws and Rules in response to the Commission's standards in connection with the permanent registration of clearing agencies. The text of the proposed rule changes are attached to the filing as Exhibit A.

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 Purposed of, and Statutory Basis for, the Proposed Rule Change

The proposed rule changes, enumerated below, are being submitted to conform the Midwest Clearing Corporation Rules with the SEC's requirements for permanent registration of clearing agencies.

General Provisions—

Rule 2, Section 7(a) has been amended to specify that notice that the Corporation has ceased to act for a Participant or that a Participant is insolvent will be transmitted to affected persons by telephone, cable, or similar medium.

Rule 2, Section 7(d) has been amended to provide a 60 day limitation on the power to waive rules and procedures unless approved by the Board of Directors within such 60 day period.

Fines and Other Sanctions—

Rule 20 has been amended to:

(a) Include all sanctions enumerated in Section 17A(b)(3)(G) of the Securities Exchange Act of 1934;

(b) Increase the number of days from the date of a sanction during which a Participant may request a hearing from two to ten business days;

(c) Provide that a sanction will be stayed upon a Participants request for a hearing (unless the Corporation has ceased to act for such Participant);

(d) Provides for the disqualification of any director that may have an interest in any matter presented before the Board of Directors for review.

Right of Appeal—

Rule 26, Section 1 has been amended to clarify that except for those decisions enumerated in Section 1, any other fines and sanctions are appealable pursuant to Rule 14.

Rule 26, Section 3 has been amended to provide for a disinterested panel to hear appeals.

Amendment of Rules—

Rule 29 has been amended to provide that MCC will promptly notify its Participants and other clearing agencies of any proposed rule changes filed with the Commission.

The proposed rule changes contained in this filing are consistent with the requirements of Section 17A of the Securities Exchange Act of 1934.

(B) Self-Regulatory Organization's Statement on Burden on Competition

The Midwest Clearing Corporation does not believe that any burdens will be placed on competition as a result of the proposed rule changes.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others

Comments on the proposed rule change have neither been solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period: (i) As the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory 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. 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 18, 1983.

George A. Fitzsimmons,

Secretary.

Exhibit A—General Provisions

Rule 2.

Delivery and Payment of Exchange Contracts To Be Made Through Corporation

Sec. 1. No change in text.

Settlement Through CNS or Trade-by-Trade System

Sec. 2. No change in text.

Other Services

Sec. 3. No change in text.

Eligible Securities

Sec. 4. No change in text.

Duties of Local Participants

Sec. 5. No change in text.

Duties of Out-of-Town Participants

Sec. 6. No change in text.

Miscellaneous

Sec. 7. (a) Notices from the Corporation that the Corporation has ceased to act for a Participant or that a Participant is insolvent shall be sufficient if promptly communicated to one or more recognized financial news wire services and confirmed by first-class mail *or may be transmitted by telephone, cable or similar medium,* but such notices may be supplemented by such other means of communication as the Corporation may determine. Notices to the Corporation that a Participant is insolvent shall be transmitted by the fastest means practicable *which may include, but shall not be limited to telephone, cable or similar medium* and shall be confirmed by first-class mail.

(b) No change in text.

(c) No change in text.

(d) The time fixed by or pursuant to these Rules for the doing of any act or acts may be extended, or the doing of any act or acts required by these Rules may be waived or suspended, by the Corporation whenever in

its judgment such extension, waiver, or suspension is necessary or desirable. *A written report of any such extension, waiver or suspension (other than an extension of time of less than one hour), stating the pertinent facts, the identity of the person or persons who authorized such extension, waiver or suspension and the reason such extension, waiver or suspension was deemed necessary or expedient, shall be promptly made and filed with the Corporation's records and shall be available for inspection by any Participant or Pledgee during regular business hours on business days. Any such extension or waiver may continue in effect after the event or events giving rise thereto but shall not continue in effect for more than 60 calendar days after the date thereof unless it shall have been approved by the Board of Directors within such period of 60 calendar days.*

(e) No change in text.
(f) No change in text.
(g) No change in text.
(h) No change in text.
(i) No change in text.
(j) No change in text.
(k) No change in text.
(l) No change in text.
(m) No change in text.
(n) No change in text.

Fines and Other Sanctions

Rule 20.

The Corporation may impose a fine on a Participant for a violation of the Rules or procedures of the Corporation or for errors, delays, or other conduct embarrassing the operations of the Corporation, or for not providing adequate facilities for its transactions with the Corporation, provided, however, that no fine for any given offense shall exceed the sum of $5,000.

In addition, the Corporation shall have the right to suspend, [or] expel, *limit the activities, functions and operations of, censure or impose any other sanction the Corporation may deem appropriate upon* any Participant for any such offense.

Such fine or other punishment may be imposed and fixed by the President or any Vice President of the Corporation, provided, however, that a Participant on whom a fine or other punishment has been so imposed *(except in cases where a Participant has been summarily suspended or the Corporation has ceased to act for such Participant pursuant to Rule 15 or Rule 16, in which case an appeal may be made pursuant to Rule 26)* may within [two] *ten* business days after its imposition request that the matter be reviewed by the Board of Directors. [, which, if requested,] *If the Participant requests such a review, the fine or other punishment imposed shall be automatically stayed pending the decision of the Board of Directors; provided, however, that where a Participant has been summarily suspended or the Corporation has ceased to act for such Participant pursuant to these Rules, such sanction shall not be stayed during the period of the review of such suspension. If the Participant requests a review of the fine or other punishment, the Board of Directors* shall give such Participant a hearing and shall render a decision thereon which shall be final and conclusive. *Any director who has any direct or indirect interest in the case which might preclude such director from rendering an objective and impartial determination shall disqualify himself and not participate in any discussion or vote on the matter.* The Board of Directors may, whether or not a review is requested, reduce or remit a fine or other punishment imposed by the President or a Vice President. A copy of the final decision with its attendant findings and conclusions shall be sent to the Securities and Exchange Commission.

[Nothing herein shall affect the right of the Exchange to discipline Exchange members for a violation of the Rules under the provisions of the Constitution and Rules of the Exchange.]

Appeals

Rule 26.

Right of Appeal

Sec. 1. Any aggrieved party shall have the right to appeal from any decision of the Corporation:

(a) Determining that security is ineligible for deposit or clearance through CNS under Section 3 of Rule 2;

(b) Denying an application to become a Participant; or,

(c) To cease to act for a Participant with respect to transactions under the trade-by-trade system, or under CNS, or under both,

provided, however, that an appeal shall not impair the validity or stay the effect of the decision appealed from unless and until the decision is reversed or modified in accordance with Section 3 or Section 5 of this Rule. *Any other fines or sanctions imposed upon Participants by the Corporation shall be appealable pursuant to Rule 20.* Upon the request of any person having a right of appeal hereunder, the Corporation shall promptly furnish such person with a written statement setting forth its reasons and the specific grounds which constitute the basis for the decision with respect to which the right of appeal exists.

Procedure for Appealing

Sec. 2. No change in text.

Consideration of Appeals

Sec. 3. Appeals shall be considered and decided by a panel appointed by the Board of Directors, composed of [two officers or employees of the Corporation and one] *three* members of the Board. *No member of such panel shall have any direct or indirect interest in the matter presented before them which might preclude such member from rendering an objective and impartial determination.* To the extent practicable, all appeals shall be heard within thirty days of the filing of the notice of appeal; provided, however, that the hearing of any appeal from a decision to cease to act for a Participant under Section 1 of Rule 15 shall be expedited to the maximum possible extent and, in any event, shall be held within fourteen days. Appellants shall be notified of the composition of the panel and the time, place and date when the panel will meet to consider the appeal at least seven days in advance of such date. Written materials in support of the appeal or requests for an opportunity to make an oral presentation shall be filed with the panel at least two days in advance of such date. The panel will grant requests for oral presentation. After consideration of the appeal, the panel shall, by the vote of a majority of its members, affirm, reverse, or modify the decision from which the appeal was made. The panel's decision shall be made in writing, and shall contain the reasons for its conclusions. Copies shall be furnished to the appellant and the Securities and Exchange Commission.

Records of Appeals

Sec. 4. No change in text.

Review of the Board

Sec. 5. No change in text.

Amendment of Rules

Rule 29.

Subject to the provisions of the By-Laws of the Corporation, [T]the Board of Directors shall prescribe and may from time to time amend the Rules of the Corporation.

The Corporation shall promptly notify all Participants and registered clearing agencies of any proposal it has made to change, revise, add, or repeal any Rule and the text or a brief description of the proposed rule and its purpose and effect. Participants and registered clearing agencies may submit to the Corporation for its consideration their comments with respect to any such proposal, and such comments shall be filed with the Corporation's records and copies thereof delivered to the Securities and Exchange Commission.

[FR Doc. 83-20228 Filed 7-26-83; 8:45 am]
BILLING CODE 8010-01-M

[Release No. 34-19985; File Nos. SR-NYSE-83-23 and SR-NYSE-82-22 (Amdt. No. 1)]

Self-Regulatory Organizations; Proposed Rule Change by New York Stock Exchange, Inc.; Relating to Options Disclosure Documents, Position and Exercise Limits, and Uniform Rules for Index Stock Group Options

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 24, 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

Terms of substance of the proposed rule change are as follows.

(A) Options Disclosure Documents

Instead of requiring member organizations to provide each customer with one or more prospectuses of The Options Clearing Corporation at the time the customer's account is approved for options trading (as under the existing rules), the proposed rule change provides that member organizations need only provide a customer with a prospectus upon the customer's request. Instead, member organizations must provide each customer with one or more Options Disclosure Documents covering the kind(s) of options for which the customer's account is approved. (Rules 700(b) (4) & (14), 721, 726, & 791.)

(B) Position and Exercise Limits

The proposed rule change provides that the Exchange will specify the number of contracts that translates the 300 million dollar position and exercise limit, rather than permit member organizations to perform their own translations and potentially derive different, and constantly fluctuating, numbers. Since increases in an index value will result in reduction of the permissible number of contracts held or exercised, the proposed rule change also adds supplementary material that prevents a reduction in the limits from unfairly affecting investors who established positions in reliance upon the old position limit's ceiling or upon the old exercise limit's latitude in getting out of positions. These include: (1) A provision that explicitly provides that a validly-established position need not be liquidated if it exceeds a newly-reduced limit and (2) a provision that prevents retroactive application of reduced exercise limits. (Rules 704 & 705.)

(C) Uniform Rules

The proposed rule change includes a number of revisions designed to reestablish uniformity among the Exchange's option rules and the index option rules of the AMEX and of the CBOE, which uniformity has been lost as a consequence of changes to the AMEX and CBOE rules subsequent to the Commission's approval of the three Exchanges' substantially uniform filings last November. These changes include those described below.

Out-of-the-Money Margin Reductions—The Exchange had proposed a minimum margin requirement equal to the options premium plus 10 percent of the product of the current index value and the applicable index multiplier. In order to prevent "over margining" of index group options, the Exchange proposes to reduce up to 80 percent of the 10-percent "add-on" by any out-of-the-money amount. (Rule 431(d)(2)(D)(vi).)

Exercise Restrictions on Expiring Options—Since the exercise of an option settled in cash in the economic equivalent of trading out of a long position, investors with long positions enjoy an advantage over investors with short positions in some situations. The proposed rule change, in order to give the Exchange the ability to "level the playing field", authorizes the Exchange to impose exercise restrictions on index group options up until the last trading day of an expiring option. (Rule 709.)

Opening Threshhold—In order to assure that a temporarily-distorted index value created by an arbitrary sequence of openings does not become the basis of trading, the proposed rule change requires that stocks contributing 50 percent of the value of an index group must have opened before an option based on the index group can commence trading. (Rule 717.)

Closing Rotations and Exercise Cut-Off for Expiring Options—In order to remove an unnecessary economic difference between closing out an expiring contract and exercising it, the proposed rule change extends by one hour the trading cut-off for expiring index group series, making it coincide with the close of trading in the underlying stocks. The proposed rule change also extends the exercise cut-off for expiring series by an hour. (Rules 703(d), 717.10(c) & 780.10.)

COT Congregation Limitations—In order to enhance the depth and liquidity of the Exchange's index group options market, the proposed rule change removes the limitation on the number of Competitive Option Traders ("COTs") permitted in a trading crowd. (Rule 758.85.)

Exercise Cut-Off—Because of the peculiar attributes of cash settlement, holders of index stock group options can recoup losses that would otherwise result from bad news disseminated after the close of trading if they are permitted to exercise their options after the close. To address this distortion in the relationship between long and short index group option positions, the Exchange proposes a 4:10 p.m. exercise cut-off and various procedural requirements designed to assure that the cut-off is observed. The Exchange also proposes to require member organizations to accept exercise instructions until 4:10 p.m., thereby assuring that investors can react to last minute movements in indices. (Rule 780.)

(D) Miscellaneous Technical Changes

The Exchange proposes a number of technical changes designed to improve its option rules and its competitive position relative to the other index option exchanges. The technical changes include: (1) Minor modifications to the definitions of "covered," "current index group value", "Exchange option transaction" and "related securities" (Rules 700(b)(12), (15), (17) & (45)); (2) the addition of a provision clarifying that the Exchange is not liable for damages caused by errors in the calculation or dissemination of index values or of the transactions reports from which they derive (Rule 702(b)); and (3) revisions conforming the financial responsibility requirement for COTs to those applicable to CBOE market makers (Rules 700(a) & 758(a)(ii)).

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 general purposes of the proposed rule change are: (a) To conform the Exchange's option rules with the options disclosure rules adopted last year by the Commission (Release No. 33-6426 (34-19055) (September 16, 1982)), (b) to revise the method for calculating position and exercise limits so as to establish limits that do not continuously fluctuate, (c) to reestablish uniformity among the Exchange's option rules and the index option rules of the AMEX and of the CBOE (which uniformity has been lost as a consequence of changes to the AMEX and CBOE rules subsequent to the Commission's approval of the three exchange's substantially uniform filings last November) and (d) to make various technical corrections and improvements.

The particular purposes of the changes of substance included in the proposed rule change are summarized in the Exchange's response to Item I.

(2) *Statutory Basis.* The enhancements to the Exchange's stock index group option rules included in the proposed

rule change generally comport with the requirements of section 6(b)(5) of the 1934 Act, in that members of the public will be provided with useful new hedging and trading opportunities under a scheme of regulation designed to facilitate the maintenance of a fair and orderly market, to prevent fraudulent and manipulative acts and practices, and to promote just and equitable principles of trade.

In particular, the amendments to Rules 721, 726, and 791, in conforming the Exchange's option rules to the Commission's new options disclosure rules, are consistent with the requirements of section 6(b)(1) of the 1934 Act because that section requires an exchange to have the capacity to enforce compliance by its members and member organizations with the 1934 Act and the rules thereunder. In addition, by improving investor understanding of index group options and reducing member organization compliance costs, the changes further the public interest as anticipated by section 6(b)(5).

The proposed revisions to the method of calculating position and exercise limits (Rules 704 and 705) facilitate the ability of members and member organizations to comply with, and the ability of the Exchange to monitor compliance with, Exchange rules that are specifically designed to accord with many of the requirements of section 6(b)(5). Specifically, Rules 704 and 705 as modified are consistent with the section 6(b)(5) requirements that Exchange rules serve to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation in regulating securities transactions and to protect investors and the public interest.

These changes, and the other uniform rule and technical modifications, are consistent with the requirements of the 1934 Act and rules and regulations thereunder applicable to the Exchange in that, as anticipated by section 6(b)(5), they remove impediments to, and otherwise facilitate, a free and open market for index group option transactions and promote just and equitable principles of trade.

(B) Self-Regulatory Organization's Statement on Burden on Competition

The Exchange believes that neither the proposed rule change nor the existing rules as amended by the proposed rule change will impose any burden on competition. By enabling the Exchange to commence trading of its index stock group options, the proposed rule change will foster competition among markets trading derivative instruments involving stock indices.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

The Exchange has not soliticited, and does not intend to solicit, comments regarding the proposed rule change. The Exchange has not received any unsolicited written comments from members or other interested parties.

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. 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 20, 1983.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-20229 Filed 7-26-83; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

[Application No. 06/06-0268]

Equity Capital Corporation of Texas; Application for a License To Operate as a Small Business Investment Company

Notice is hereby given that an application has been filed with the Small Business Administration pursuant to § 107.102 of the Regulations governing small business investment companies (13 CFR 107.102 (1983)), for a license to operate as a small business investment company (SBIC) under the provisions of the Small Business Investment Act of 1958, as amended (the Act), (15 U.S.C. 611 *et seq.*), and the Rules and Regulations promulgated thereunder.

Applicant: Equity Capital Corporation of Texas.

Address: 1150 Two Energy Square, 4849 Greenville, Dallas, Texas 75206.

The officers, directors and stockholders are as follows:

John Fooshee, 5505 Harbor Town, Dallas, Texas 75252, President, Director and 100% stockholder

Don C. Short, 2424 Valley Forge, Richardson, Texas 75252, Secretary

Michael G. O'Neill, 1928 West Colorado, Dallas, Texas 75208, Director

The applicant, a Texas corporation, with its principal place of business at 1150 Energy Square, 4849 Greenville Avenue, Dallas, Texas 75206, will begin operations with $507,000, paid-in capital and paid-in surplus.

The applicant will conduct its activities principally in the State of Texas. Matters involved in SBA's consideration of the application include the general business reputation and character of the proposed owners and management, and the probability of successful operations of the applicant under their management, including adequate profitability and financial soundness, in accordance with the Small Business Investment Act and the SBA Rules and Regulations.

Notice is hereby given that any person may, not later than 15 days from the date of publication of this Notice, submit written comments to the Deputy Associate Administrator for Investment, Small Business Administration, 1441 "L" Street, N.W., Washington, D.C. 20416.

A copy of this notice should be published once in a newspaper of general circulation in the Dallas, Texas area.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: July 21, 1983.

Robert G. Lineberry,

Deputy Associate Administrator for Investment.

[FR Doc. 83-20315 Filed 7-26-83; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF THE TREASURY

Office of the Secretary

Notes Designated Series W-1985; Interest Rates

[Supplement to Department Circular, Public Debt Series—No. 21-83]

Washington, July 21, 1983.

The Secretary announced on July 20, 1983, that the interest rate on the notes designated Series W-1985, described in Department Circular—Public Debt Series—No. 21-83 dated July 14, 1983, will be 10⅝ percent. Interest on the notes will be payable at the rate of 10⅝ percent per annum.

Carole J. Dineen,

Fiscal Assistant Secretary.

[FR Doc. 83-20255 Filed 7-26-83; 8:45 am]

BILLING CODE 4810-40-M

Sunshine Act Meetings

Federal Register
Vol. 48, No. 145
Wednesday, July 27, 1983

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94–409) 5 U.S.C. 552b(e)(3).

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1

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

TIME AND DATE: 9:30 a.m. (eastern time), Tuesday, July 26, 1983.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: S–1033–83.

CHANGE IN THE MEETING: The following item has been added to the closed portion of the agenda for the meeting of July 26:

A proposed Contract for services needed in connection with a court case.

A majority of the entire membership of the Commission determined by recorded vote that the business of the Commission required this addition and that no earlier announcement was possible.

In favor of Change:
Clarence Thomas, Chairman
Cathie A. Shattuck, Vice Chairman
Armando M. Rodriguez, Commissioner.
Tony E. Gallegos, Commissioner
Opposed:
William A. Webb, Commissioner

CONTACT PERSON FOR MORE INFORMATION: Treva McCall, Executive Secretary to the Commission, Executive Secretariat, at (202 634–6748).

This Notice Issued July 21, 1983.

[S–1065–83 Filed 7–25–83; 12:34 pm]

BILLING CODE 6570–06–M

2

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that the Federal Deposit Insurance Corporation's Board of Directors will meet in open session at 10 a.m. on Monday, August 1, 1983, to consider the following matters:

Summary Agenda: No substantive discussion of the following items is anticipated. These matters will be resolved with a single vote unless a member of the Board of Directors requests that an item be moved to the discussion agenda.

Disposition of minutes of previous meetings.

Application for Federal deposit insurance:

Warren Five Cents Savings Bank, Peabody, Massachusetts, an operating noninsured mutual savings bank.

Applications for Federal deposit insurance and for consent to exercise trust powers:

Franklin Bank & Trust Company, a proposed new bank to be located at 155 Bovet Road, San Mateo, California.

Trust Management Bank, a proposed new bank, to be located at 470 Atlantic Avenue, Boston, Massachusetts.

Application for Federal deposit insurance and for consent to exercise limited trust powers:

North Platte Trust Company, North Platte, Nebraska, an operating noninsured trust company.

Applications for consent to merge and establish branches:

Colonial Bank, Waterbury, Connecticut, an insured State nonmember bank, for consent to merge, under its charter and title, with The Charter Oak Bank and Trust Company, Hartford, Connecticut, and to establish the four offices of The Charter Oak Bank and Trust Company as branches of the resultant bank.

Middletown Savings Bank, Middletown, New York, an insured mutual savings bank, for consent to merge, under its charter and title, with Goshen Savings and Loan Association, Goshen, New York, a non-FDIC-insured institution, and to establish the sole office of Goshen Savings and Loan Association as a branch of the resultant bank.

Application for consent to purchase assets and assume liabilities and establish three branches:

Washington Mutual Savings Bank, Seattle, Washington, an insured stock savings bank, for consent to purchase certain assets of and assume the liability to pay deposits made in the Walla Walla, Richland and Yakima Branches of United Bank, A Savings Bank, Tacoma, Washington, also an insured stock savings bank, and to establish those three offices as branches of Washington Mutual Savings Bank.

Application for consent to establish two branches:

South Valley State Bank, Klamath Falls, Oregon, for consent to establish branches at 637 Main Street and at 2014 Biehn Street, both within Klamath Falls, Oregon.

Request for an exemption pursuant to section 348.4(b)(2) of the Corporation's rules and regulations:

Midwest Trust and Savings Bank of Bradley, Bradley, Illinois.

Recommendations regarding the liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:

Case No. 45,740–L: First National Bank of Oak Lawn, Oak Lawn, Illinois
Memorandum and Resolution re: American City Bank, Los Angeles, California
Memorandum and Resolution re: Guaranty Bond State Bank, Redwater, Texas
Memorandum and Resolution re: National Security Bank, Tyler, Texas
Memorandum and Resolution re: Aquia Bank and Trust Company, Stafford, Virginia

Memorandum and Resolution re: Final amendment to Part 329 of the Corporation's rules and regulations, entitled "Interest on Deposits," which: (1) Includes all FDIC-insured, State-chartered stock savings banks within the definition of "mutual savings banks" to enable these institutions to pay the "differential" interest rate on applicable deposits; and (2) permits the FDIC-insured, State-chartered savings banks to waive the otherwise mandatory premature withdrawal penalty when depositors withdraw time deposits to purchase stock upon the bank's conversion to a stock savings bank.

Memorandum and Resolution re: Final amendment to Part 329 of the Corporation's rules and regulations, entitled "Interest on Deposits," which (1) Clarifies the provisions of the Corporation's interest rate regulations with respect to payment of interest on deposits situated outside of the States of the United States and the District of Columbia; and (2) makes certain technical changes to conform Part 329 to the International Banking Act of 1978.

Memorandum and Resolution re: Expansion of Authority Previously Delegated to the Committee on Liquidations, Loans and Purchases of Assets.

Memorandum and Resolution re: Delegation of authority to: (1) Approve conversion to Federal charters of State-chartered mutual savings banks receiving capital assistance under section 13(i) of the Federal Deposit Insurance Act; and (2) grant capital assistance under section 13(i) of the Act to Federally-chartered savings banks insured by the FDIC.

Reports of committees and officers:

Minutes of actions approved by the standing committees of the Corporation pursuant to authority delegated by the Board of Directors.

Reports of the Division of Bank Supervision with respect to applications, requests, or actions involving administrative enforcement proceedings approved by the Director or Associate Director (Administration and Corporate Applications) of the Division of Bank Supervision and the various Regional Directors pursuant to authority delegated by the Board of Directors.

Report of the Associate Director, Division of Bank Supervision:

Memorandum re:
- First Pennsylvania Bank, N.A., Bala-Cynwyd, Pennsylvania
- First Pennsylvania Corporation, Philadelphia, Pennsylvania
- Report of Actions Taken Under Delegated Authority

Discussion Agenda:

No matters scheduled.

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550 17th Street, N.W., Washington, D.C.

Requests for further information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 389-4425.

Dated: July 25, 1983.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S-1087-83 Filed 7-25-83; 12:37 pm]

BILLING CODE 6714-01-M

3

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 10:30 a.m. on Monday, August 1, 1983, the Federal Deposit Insurance Corporation's Board of Directors will meet in closed session, by vote of the Board of Directors, pursuant to sections 552b (c)(2), (c)(4), (c)(6), (c)(8), (c)(9)(A)(ii), (c)(9) (B), and (c)(10) of Title 5, United States Code, to consider the following matters:

Summary Agenda: No substantive discussion of the following items is anticipated. These matters will be resolved with a single vote unless a member of the Board of Directors requests that an item be moved to the discussion agenda.

Recommendations with respect to the initiation, termination, or conduct of administrative enforcement proceedings (cease-and-desist proceedings, termination-of-insurance proceedings, suspension or removal proceedings, or assessment of civil money penalties) against certain insured banks or officers, directors, employees, agents or other persons participating in the conduct of the affairs thereof:

Names of persons and names and locations of banks authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(6), (c)(8), and (c)(9)(A)(ii)).

Note.—Some matters falling within this category may be placed on the discussion agenda without further public notice if it becomes likely that substantive discussion of those matters will occur at the meeting.

Discussion Agenda:

Recommendation regarding the withdrawal of a previous Order approving an application for Federal deposit insurance:

Name and location of bank authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(6), (c)(8), and (c)(9)(A)(ii)).

Application for consent to merge, establish thirty-one branches and redesignate the main office:

Depositors Trust Company of Southern Maine, Portland, Maine, an insured State nonmember bank, for consent to merge, under its charter and with the title Canal Bank, with Canal National Bank, Portland, Maine, and Canal Corporation, Portland, Maine, a one-bank holding company, to establish the thirty-one-offices of Canal National Bank as branches of the resultant bank, and to redesignate the present main office of Canal National Bank as the main office of the resultant bank.

Applications for consent to establish a branch:

Bank of the West, San Francisco, California, for consent to establish a branch at 15720 Ventura Boulevard, Encino (Los Angeles), California.

The Howard Savings Bank, Newark, New Jersey, for consent to establish a branch at 789 Springfield Avenue, Summit, New Jersey.

Application for consent to convert a remote service facility (ATM) to a full service branch:

Cayuga County Savings Bank, Auburn, New York, for consent to convert a remote service facility located in the Fingerlakes Mall, Route 20, Town of Aurelius, New York, to a full service branch.

Notice of acquisition of control:

Names of persons and name and location of bank authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(6), (c)(8), and (c)(9)(A)(ii)).

Recommendation regarding the liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:

Case No. 45,739-L (Amended): Pacific Coast Bank, San Diego, California

Personnel actions regarding appointments, promotions, administrative pay increases, ressignments, retirements, separations, removals, etc.:

Names of employees authorized to be exempt from disclosure pursuant to provisions of subsections (c)(2) and (c)(6) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(2) and (c)(6)).

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550 17th Street, N.W., Washington, D.C.

Requests for further information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 389-4425.

Dated: July 25, 1983.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S-1088-83 Filed 7-25-83; 12:35 p.m.]

BILLING CODE 6714-01-M

4

NATIONAL MEDIATION BOARD

TIME AND DATE: 2 p.m., Monday, August 8, 1983.

PLACE: Board hearing room eighth floor, 1425 K. Street NW., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Ratification of the Board actions taken by notation voting during the month of July, 1983.

2. Other priority matters which may come before the Board for which notice will be given at the earliest practicable time.

SUPPLEMENTARY INFORMATION: Copies of the monthly report of the Board's notation voting actions will be available from the Executive Secretary's office following the meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Rowland K. Quinn, Jr., Executive Secretary, telephone (202) 523–5920.

Dated: July 21, 1983.

[S-1086-83 Filed 7-25-83, 12:35 pm]

BILLING CODE 7550-01-M

federal register

Wednesday
July 27, 1983

Part II

Department of the Interior

Fish and Wildlife Service

Republication of the Lists of Endangered and Threatened Species; Final Rule

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Republication of the Lists of Endangered and Threatened Species

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: The Service republishes the U.S. Lists of Endangered and Threatened Wildlife and Plants. The last complete republication was May 20, 1980 (45 FR 33768–33781). Minor changes, principally in names of the species, are incorporated in this republication.

DATES: This rule is effective on July 27, 1983.

ADDRESSES: Comments concerning this republication should be sent to the Associate Director—Federal Assistance, Fish and Wildlife Service, U.S. Department of the Interior, Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: Mr. John L. Spinks, Jr., Chief, Office of Endangered Species, U.S. Fish and Wildlife Service, Washington, D.C. 20240 (703/235–2771).

SUPPLEMENTARY INFORMATION:

Background

These lists contain the names of species officially listed as Endangered or Threatened under the Endangered Species Act of 1973, as amended (16 U.S.C. 1531, *et seq.)* through the date of this republication. The listing regulations promulgated under that Act are found at 50 CFR Part 424 and are under revision to conform to the Endangered Species Act Amendments of 1982 (Pub. L. 97–304, 96 Stat. 1411). The previous compilation of these lists appears in the 1982 edition of the Code of Federal Regulations for Title 50, which was actually issued in early 1983. That compilation was effective through October 1, 1982. This republication of §§ 17.11 and 17.12 incorporates all subsequent changes (i.e., additions, reclassifications, and deletions) published as Final Rules in the **Federal Register.**

In addition to those changes, the Service has made extensive revisions on some of the entries. Most of these changes reflect current nomenclature. The entries for the common and scientific names of many plants and animals are amended by adding synonyms, indicated by the use of (=). Synonyms aid law enforcement officials, importers, exporters, and many others who routinely use these names by identifying alternative names that may appear in documents and other references.

The species named in these lists were placed there either by the U.S. Fish and Wildlife Service, Department of the Interior, or jointly by that Service and the National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce. References to "Services" in the text of §§ 17.11 and 17.12 refer to those two agencies. The Fish and Wildlife Service maintains the lists through republications and other administrative practices.

No entry to these lists has been added, deleted, or significantly altered by this republication. Such actions must be published as separate documents in the **Federal Register.**

Minor changes are made in §§ 17.11(d) and 17.12(d) to clarify that some of the data in these lists are provided for the information of the reader and may now be changed without public notice when the annual (October 1) compilation of Title 50 is being done. This procedure will annually save the government several thousand dollars in publication costs in the daily **Federal Register** by permitting such changes of a nonregulatory nature.

The Service finds for good cause that this document shall be effective upon publication and that notice and public comment are unnecessary. This action is merely a republication of existing, and previously published, requirements. By bringing earlier lists up to date, it will provide more timely guidance to the public. Readers are requested to advise the Service of any errors or omissions, particularly with regard to historic ranges and alternative names in these lists.

Authors

This document was compiled by the staff of the Office of Endangered Species, U.S. Fish and Wildlife Service, Washington, D.C. 20240 (703/235–1975).

List of Subjects in 50 CFR Part 17

Endangered and threatened species.

Dated: July 21, 1983.

J. Craig Potter,

Acting Assistant Secretary for Fish and Wildlife and Parks.

Regulations Promulgation

PART 17—[AMENDED]

Accordingly, the Service amends Part 17 of Title 50 of the Code of Federal Regulations as follows:

1. The authority citation for Part 17 reads as follows:

Authority: Pub. L. 93–205, 87 Stat. 884; Pub. L. 95–632, 92 Stat. 3751; Pub. L. 96–159, 93 Stat. 1241; and Pub. L. 97–304, 96 Stat. 1411 (16 U.S.C. 1531, *et seq.*).

2. Revise Subpart B of 50 CFR Part 17 to read as follows:

Subpart B—Lists

§ 17.11 Endangered and threatened wildlife.

(a) The list in this section contains the names of all species of wildlife which have been determined by the Services to be Endangered or Threatened. It also contains the names of species of wildlife treated as Endangered or Threatened because they are sufficiently similar in appearance to Endangered or Threatened species (see § 17.50 *et seq.*).

(b) The columns entitled "Common Name," "Scientific Name," and "Vertebrate Population Where Endangered or Threatened" define the species of wildlife within the meaning of the Act. Thus, differently classified geographic populations of the same vertebrate subspecies or species shall be identified by their differing geographic boundaries, even though the other two columns are identical. The term "Entire" means that all populations throughout the present range of a vertebrate species are listed. Although common names are included, they cannot be relied upon for identification of any specimen, since they may vary greatly in local usage. The Services shall use the most recently accepted scientific name. In cases in which confusion might arise, a synonym(s) will be provided in parentheses. The Services shall rely to the extent practicable on the *International Code of Zoological Nomenclature.*

(c) In the "Status" column the following symbols are used: "E" for Endangered, "T" for Threatened, and "E [or T] (S/A)" for similarity of appearance species.

(d) The other data in the list are nonregulatory in nature and are provided for the information of the reader. In the annual revision and compilation of this Title, the following information may be amended without public notice: the spelling of species' names, historical range, footnotes, references to certain other applicable portions of this Title, synonyms, and more current names. In any of these revised entries, neither the species, as defined in paragraph (b) of this section, nor its status may be changed without following the procedures of Part 424 of this Title.

(e) The "Historic Range" indicates the known general distribution of the

species or subspecies as reported in the current scientific literature. The present distribution may be greatly reduced from this historic range. This column does not imply any limitation on the application of the prohibitions in the Act or implementing rules. Such prohibitions apply to all individuals of the species, wherever found.

(f)(1) A footnote to the **Federal Register** publication(s) listing or reclassifying a species is indicated under the column "When Listed." Footnote numbers to §§ 17.11 and 17.12 are in the same numerical sequence, since plants and animals may be listed in the same **Federal Register** document. That document, at least since 1973, includes a statement indicating the basis for the listing, as well as the effective date(s) of said listing.

(2) The "Special Rules" and "Critical Habitat" columns provide a cross reference to other sections in Parts 17, 222, 226, or 227. The term "NA" (not applicable) appearing in either of these two columns indicates that there are no special rules and/or Critical Habitat for that particular species. However, all other appropriate rules in Parts 17, 217–227, and 402 still apply to that species. In addition, there may be other rules in this Title that relate to such wildlife, e.g., port-of-entry requirements. It is not intended that the references in the "Special Rules" column list all the regulations of the two Services which might apply to the species or to the regulations of other Federal agencies or State or local governments.

(g) The listing of a particular taxon includes all lower taxonomic units. For example, the genus *Hylobates* (gibbons) is listed as Endangered throughout its entire range (China, India, and SE Asia); consequently, all species, subspecies, and populations of that genus are considered listed as Endangered for the purposes of the Act. In 1978 (43 FR 6230–6233) the species *Haliaeetus leucocephalus* (bald eagle) was listed as Threatened in "USA (WA, OR, MN, WI, WI, MI)" rather than its entire population; thus, all individuals of the bald eagle found in those five States are considered listed as Threatened for the purposes of the Act.

(h) The "List of Endangered and Threatened Wildlife" is provided below:

Species		Historic range	Vertebrate population where endangered or threatened	Status	When listed	Critical habitat	Special rules
Common name	Scientific name						
MAMMALS							
Anoa, lowland	*Bubalus depressicornis* (=*B. anoa depressicornis*).	Indonesia	Entire	E	3	NA	NA
Anoa, mountain	*Bubalus quarlesi* (=*B. anoa quarlesi*)	do	do	E	15	NA	NA
Antelope, giant sable	*Hippotragus niger variani*	Angola	do	E	15	NA	NA
Argali	*Ovis ammon hodgsoni*	China (Tibet, Himalayas)	do	E	15	NA	NA
Armadillo, giant	*Priodontes maximus* (=*giganteus*)	Venezuela and Guyana to Argentina	do	E	15	NA	NA
Armadillo, pink fairy	*Chlamyphorus truncatus*	Argentina	do	E	3	NA	NA
Ass, African wild	*Equus asinus* (=*africanus*)	Somalia, Sudan, Ethiopia	do	E	3	NA	NA
Ass, Asian wild (=kulan, onager)	*Equus hemionus*	Southwestern and Central Asia	do	E	3	NA	NA
Avahi	*Avahi* (=*Lichanotus*) *laniger* (=*entire genus*).	Malagasy Republic (=Madagascar)	do	E	3	NA	NA
Aye-Aye	*Daubentonia madagascariensis*	Malagasy Republic (=Madagascar)	do	E	3	NA	NA
Babirusa	*Babyrousa babyrussa*	Indonesia	do	E	15	NA	NA
Bandicoot, barred	*Perameles bougainville*	Australia	do	E	4	NA	NA
Bandicoot, desert	*Perameles eremiana*	do	do	E	6	NA	NA
Bandicoot, lesser rabbit	*Macrotis leucura*	do	do	E	4	NA	NA
Bandicoot, pig-footed	*Chaeropus ecaudatus*	do	do	E	4	NA	NA
Bandicoot, rabbit	*Macrotis lagotis*	do	do	E	4	NA	NA
Banteng	*Bos javanicus* (=*banteng*)	Southeast Asia	do	E	3	NA	NA
Bat, gray	*Myotis grisescens*	Central and Southeastern U.S.A.	do	E	13	NA	NA
Bat, Hawaiian hoary	*Lasiurus cinereus semotus*	U.S.A. (Hawaii)	do	E	2	NA	NA
Bat, Indiana	*Myotis sodalis*	Eastern and Midwestern U.S.A.	do	E	1	17.95(a)	NA
Bat, Ozark big-eared	*Plecotus townsendii ingens*	U.S.A. (MO, OK, AR)	do	E	85	NA	NA
Bat, Virginia big-eared	*Plecotus townsendii virginianus*	U.S.A. (KY, WV, VA)	do	E	85	17.95(a)	NA
Bear, brown	*Ursus arctos pruinosus*	China (Tibet)	do	E	15	NA	NA
Bear, brown	*Ursus arctos arctos*	Palearctic	Italy	E	15	NA	NA
Bear, brown or grizzly	*Ursus arctos horribilis*	Canada, Western U.S.A.	U.S.A.—48 conterminous States.	T	1, 2, 9	NA	17.40(b)
Bear, Mexican grizzly	*Ursus arctos nelsoni*	Mexico	Entire	E	3	NA	NA
Beaver	*Castor fiber birulai*	Mongolia	do	E	15	NA	NA
Bison, wood	*Bison bison athabascae*	Canada, Northwestern U.S.A.	Canada	E	3	NA	NA
Bobcat	*Felis rufus escuinapae*	Central Mexico	Entire	E	15	NA	NA
Bontebok (antelope)	*Damaliscus dorcas dorcas*	South Africa	do	E	15	NA	NA
Camel, Bactrian	*Camelus bactrianus* (=*ferus*)	Mongolia, China	do	E	15	NA	NA
Caribou, woodland	*Rangifer tarandus caribou*	Canada, U.S.A. (AK, ID, ME, MI, MN, MT, NH, VT, WA, WI).	Canada (that part of S.E. Brit. Col. bounded by the Can.-USA border, Columbia R., Kootenay R., Kootenay L., and Kootenai R.), U.S.A. (ID, WA).	E	128E	NA	NA
Cat, Andean	*Felis jacobita*	Chile, Peru, Bolivia, Argentina	Entire	E	15	NA	NA
Cat, black-footed	*Felis nigripes*	Southern Africa	do	E	15	NA	NA
Cat, flat-headed	*Felis planiceps*	Malaysia, Indonesia	do	E	15	NA	NA
Cat, Iriomote	*Felis* (*Mayailurus*) *iriomotensis*	Japan (Iriomote Island, Ryukyu Islands)	do	E	50	NA	NA
Cat, leopard	*Felis bengalensis bengalensis*	India, Southeast Asia	do	E	15	NA	NA
Cat, marbled	*Felis marmorata*	Nepal, Southeast Asia, Indonesia	do	E	15	NA	NA
Cat, Temminck's (=golden cat)	*Felis temminckii*	Nepal, China, Southeast Asia, Indonesia (Sumatra).	do	E	15	NA	NA
Cat, tiger	*Felis tigrinus*	Costa Rica to northern Argentina	do	E	5	NA	NA
Chamois, Apennine	*Rupicapra rupicapra ornata*	Italy	do	E	15	NA	NA
Cheetah	*Acinonyx jubatus*	Africa to India	do	E	3, 5	NA	NA
Chimpanzee	*Pan troglodytes*	West and Central Africa	do	T	16	NA	17.40(c)
Chimpanzee, pygmy	*Pan paniscus*	Zaire	do	T	16	NA	17.40(c)
Chinchilla	*Chinchilla brevicaudata boliviana*	Bolivia	do	E	15	NA	NA
Civet, Malabar large-spotted	*Viverra megaspila civettina*	India	do	E	50	NA	NA

Species		Historic range	Vertebrate population where endangered or threatened	Status	When listed	Critical habitat	Special rules
Common name	Scientific name						
Cougar, eastern	*Felis concolor couguar*	Eastern North America	do	E	6	NA	NA
Deer, Bactrian	*Cervus elaphus bactrianus*	U.S.S.R., Afghanistan	do	E	50	NA	NA
Deer, Bawean	*Axis (=Cervus) porcinus kuhli*	Indonesia	do	E	3	NA	NA
Deer, Barbary	*Cervus elaphus barbarus*	Morocco, Tunisia, Algeria	do	E	50	NA	NA
Deer, Cedros Island mule	*Odocoileus hemionus cedrosensis*	Mexico (Cedros Island)	do	E	10	NA	NA
Deer, Columbian white-tailed	*Odocoileus virginianus leucurus*	U.S.A. (WA, OR)	do	E	1	NA	NA
Deer, Corsican red	*Cervus elaphus corsicanus*	Corsica, Sardinia	do	E	50	NA	NA
Deer, Eld's brow-antlered	*Cervus eldi*	India to Southeast Asia	do	E	3	NA	NA
Deer, Formosan sika	*Cervus nippon taiouanus*	Taiwan	do	E	50	NA	NA
Deer, hog	*Axis (=Cervus) porcinus annamiticus*	Thailand, Indochina	do	E	15	NA	NA
Deer, key	*Odocoileus virginianus clavium*	U.S.A. (southern Florida)	do	E	1	NA	NA
Deer, marsh	*Blastocerus dichotomus*	Argentina, Uruguay, Paraguay, Bolivia, Brazil.	do	E	3	NA	NA
Deer, McNeill's	*Cervus elaphus macneilli*	China (Sinkiang, Tibet)	do	E	3	NA	NA
Deer, musk	*Moschus* spp. (all species)	Central and East Asia	Afghanistan, Bhutan, Burma, China (Tibet, Yunnan), India, Nepal, Pakistan, Sikkim.	E	15	NA	NA
Deer, North China sika	*Cervus nippon mandarinus*	China (Shantung and Chihli Provinces)	Entire	E	50	NA	NA
Deer, pampas	*Ozotocerus bezoarticus*	Brazil, Argentina, Uruguay, Bolivia, Paraguay.	do	E	15	NA	NA
Deer, Persian fallow	*Dama dama mesopotamica*	Iraq, Iran	do	E	3	NA	NA
Deer, Philippine	*Axis (=Cervus) porcinus calamianensis*	Philippines (Calamian Islands)	do	E	15	NA	NA
Deer, Ryukyu sika	*Cervus nippon keramae*	Japan (Ryukyu Islands)	do	E	50	NA	NA
Deer, Shansi sika	*Cervus nippon grassianus*	China (Shansi Province)	do	E	50	NA	NA
Deer, South China sika	*Cervus nippon kopschi*	Southern China	do	E	50	NA	NA
Deer, swamp (=barasingha)	*Cervus duvaucelli*	India, Nepal	do	E	3	NA	NA
Deer, Yarkand	*Cervus elaphus yarkandensis*	China (Sinkiang)	do	E	50	NA	NA
Dhole (=Asiatic wild dog)	*Cuon alpinus*	U.S.S.R., Korea, China, India, Southeast Asia.	do	E	3	NA	NA
Dibbler	*Antechinus apicalis*	Australia	do	E	4	NA	NA
Drill	*Papio leucophaeus*	Equatorial West Africa	do	E	16	NA	NA
Dugong	*Dugong dugon*	East Africa to southern Japan, including U.S.A. (Trust Territories).	do	E	4	NA	NA
Duiker, Jentink's	*Cephalophus jentinki*	Sierra Leone, Liberia, Ivory Coast	do	E	50	NA	NA
Eland, Western giant	*Taurotragus derbianus derbianus*	Senegal to Ivory Coast	do	E	50	NA	NA
Elephant, African	*Loxodonta africana*	Africa	do	T	40	NA	17.40(e)
Elephant, Asian	*Elephas maximus*	South-central and Southeast Asia	do	E	15	NA	NA
Ferret, black-footed	*Mustela nigripes*	Western U.S.A., Western Canada	do	E	1, 3	NA	NA
Fox, Northern swift	*Vulpes velox hebes*	U.S.A. (northern plains), Canada	Canada	E	3	NA	NA
Fox, San Joaquin kit	*Vulpes macrotis mutica*	U.S.A. (California)	Entire	E	1	NA	NA
Fox, Simien	*Canis (Simenia) simensis*	Ethiopia	do	E	50	NA	NA
Gazelle, Clark's (=Dibatag)	*Ammodorcas clarkei*	Somalia, Ethiopia	do	E	3	NA	NA
Gazelle, Cuvier's	*Gazella cuvieri*	Morocco, Algeria, Tunisia	do	E	3	NA	NA
Gazelle, Mhorr	*Gazella dama mhorr*	Morocco	do	E	3	NA	NA
Gazelle, Moroccan (=Dorcas)	*Gazella dorcas massaesyla*	Morocco, Algeria, Tunisia	do	E	3	NA	NA
Gazelle, Rio de Oro Dama	*Gazella dama kozanoi*	Western Sahara	do	E	3	NA	NA
Gazelle, Arabian	*Gazella gazella*	Arabian Peninsula, Palestine, Sinai	do	E	50	NA	NA
Gazelle, sand	*Gazella subgutturosa marica*	Jordan, Arabian Peninsula	do	E	50	NA	NA
Gazelle, Saudi Arabian	*Gazella dorcas saudiya*	Israel, Iraq, Jordan, Syria, Arabian Peninsula.	do	E	50	NA	NA
Gazelle, Pelzeln's	*Gazella dorcas pelzelni*	Somalia	do	E	50	NA	NA
Gazelle, slender-horned (=Rhim)	*Gazella leptoceros*	Sudan, Egypt, Algeria, Libya	do	E	3	NA	NA
Gelada (baboon)	*Theropithecus gelada*	Northern Ethiopia	do	T	16	NA	17.40(c)
Gibbons	*Hylobates* spp. (including *Nomascus*)	China, India, Southeast Asia	do	E	3, 15	NA	NA
Goat, wild (=Chiltan markhor)	*Capra aegagrus (=falconeri chiltanensis)*	South Western Asia	Chiltan Range of west-central Pakistan.	E	15	NA	NA
Goral	*Nemorhaedus goral*	East Asia	Entire	E	15	NA	NA
Gorilla	*Gorilla gorilla*	Central and Western Africa	do	E	3	NA	NA
Hare, hispid	*Caprolagus hispidus*	India, Nepal, Bhutan	do	E	15	NA	NA
Hartebeest, Swayne's	*Alcelaphus buselaphus swaynei*	Ethiopia, Somalia	do	E	3, 50	NA	NA
Hartebeest, Tora	*Alcelaphus buselaphus tora*	Ethiopia, Sudan, Egypt	do	E	50	NA	NA
Hog, pygmy	*Sus salvanius*	India, Nepal, Bhutan, Sikkim	do	E	3	NA	NA
Horse, Przewalski's	*Equus przewalskii*	Mongolia, China	do	E	15	NA	NA
Huemul, North Andean	*Hippocamelus antisensis*	Ecuador, Peru, Chile, Bolivia, Argentina	do	E	15	NA	NA
Huemul, South Andean	*Hippocamelus bisulcus*	Chile, Argentina	do	E	15	NA	NA
Hyena, Barbary	*Hyaena hyaena barbara*	Morocco, Algeria, Tunisia	do	E	3	NA	NA
Hyena, brown	*Hyaena brunnea*	Southern Africa	do	E	3	NA	NA
Ibex, Pyrenean	*Capra pyrenaica pyrenaica*	Spain	do	E	3	NA	NA
Ibex, Walia	*Capra walie*	Ethiopia	do	E	3	NA	NA
Impala, black-faced	*Aepyceros melampus petersi*	Namibia, Angola	do	E	3	NA	NA
Indri	*Indri indri (=entire genus)*	Malagasy Republic (=Madagascar)	do	E	3	NA	NA
Jaguar	*Panthera onca*	U.S.A. (TX, NM, AZ), Central and South America.	Mexico southward	E	5	NA	NA
Jaguarundi	*Felis yagouaroundi cacomitli*	U.S.A. (Texas), Mexico	Entire	E	15	NA	NA
Jaguarundi	*Felis yagouaroundi fossata*	Mexico, Nicaragua	do	E	15	NA	NA
Jaguarundi	*Felis yagouaroundi panamensis*	Nicaragua, Costa Rica, Panama	do	E	15	NA	NA
Jaguarundi	*Felis yagouaroundi tolteca*	U.S.A. (Arizona), Mexico	do	E	15	NA	NA
Kangaroo, eastern gray	*Macropus giganteus* (all subspecies except *tasmaniensis*).	Australia	do	T	7	NA	17.40(a)
Kangaroo, red	*Macropus (Megafeia) rufus*	do	do	T	7	NA	17.40(a)
Kangaroo, Tasmanian forester	*Macropus giganteus tasmaniensis*	Australia (Tasmania)	do	E	6	NA	NA
Kangaroo, western gray	*Macropus fuliginosus*	Australia	do	E	7	NA	17.40(a)
Kouprey	*Bos sauveli*	Vietnam, Laos, Cambodia, Thailand	do	E	3	NA	NA
Langur, capped	*Presbytis pileata*	India, Burma, Bangladesh	do	E	15	NA	NA
Langur, entellus	*Presbytis entellus*	China (Tibet), India, Pakistan, Kashmir, Sri Lanka, Sikkim, Bangladesh.	do	E	15	NA	NA
Langur, Douc	*Pygathrix nemaeus*	Cambodia, Laos, Vietnam	do	E	3	NA	NA
Langur, Francois'	*Presbytis francoisi*	China (Kwangsi), Indochina	do	E	16	NA	NA

Species		Historic range	Vertebrate population where endangered or threatened	Status	When listed	Critical habitat	Special rules
Common name	Scientific name						
Langur, golden	*Presbytis geei*	India (Assam), Bhutan	do	E	15	NA	NA
Langur, long-tailed	*Presbytis potenziani*	Indonesia	do	E	16	NA	17.40(c)
Langur, Pagi Island	*Nasalis (Simias) concolor*	do	do	E	3	NA	NA
Langur, purple-faced	*Presbytis senex*	Sri Lanka (=Ceylon)	do	T	16	NA	17.40(c)
Langur, Tonkin snub-nosed	*Pygathrix (Rhinopithecus) avunculus*	Vietnam	do	T	16	NA	17.40(c)
Lechwe, red	*Kobus leche*	Southern Africa	do	T	3, 15, 105	NA	NA
Lemurs	*Lemuridae* (incl. *Cheirogaleidae, Lepilemuridae*); all members of genera *Lemur, Phaner, Hapalemur, Lepilemur, Microcebus, Allocebus, Cheirogaleus, Varecia.*	Malagasy Republic (=Madagascar)	do	E	3, 15	NA	NA
Leopard	*Panthera pardus*	Africa, Asia	Wherever found except where it is listed as Threatened as set forth below.	E	3, 5, 114	NA	NA
Leopard	*Panthera pardus*	Africa, Asia	In Africa, in the wild, south of a line running along the borders of the following countries: Gabon/Rio Muni; Gabon/Cameroon; Congo/Cameroon; Congo/Central African Republic; Zaire/Central African Republic; Zaire/Sudan; Uganda/Sudan; Kenya/Sudan; Kenya/Ethiopia; Kenya/Somalia.	T	3, 5, 114	NA	17.40(f)
Leopard, clouded	*Neofelis nebulosa*	Southeast and south-central Asia, Taiwan	Entire	E	3, 15	NA	NA
Leopard, snow	*Panthera uncia*	Central Asia	do	E	5	NA	NA
Linsang, spotted	*Prionodon pardicolor*	Nepal, Assam, Vietnam, Cambodia, Laos, Burma.	do	E	15	NA	NA
Lion, Asiatic	*Panthera leo persica*	Turkey to India	do	E	3	NA	NA
Loris, lesser slow	*Nycticebus pygmaeus*	Indochina	do	T	16	NA	17.40(c)
Lynx, Spanish	*Felis (=Lynx) pardina*	Spain, Portugal	do	E	3	NA	NA
Macaque, Formosan rock	*Macaca cyclopis*	Taiwan	do	T	16	NA	17.40(c)
Macaque, Japanese	*Macaca fuscata*	Japan (Shikoku, Kyushu and Honshu Islands).	do	T	16	NA	17.40(c)
Macaque, lion-tailed	*Macaca silenus*	India	do	E	3	NA	NA
Macaque, stump-tailed	*Macaca arctoides*	India (Assam) to southern China	do	T	16	NA	17.40(c)
Macaque, Toque	*Macaca sinica*	Sri Lanka (=Ceylon)	do	T	16	NA	17.40(c)
Manatee, Amazonian	*Trichechus inunguis*	South America (Amazon River Basin)	do	E	3	NA	NA
Manatee, West African	*Trichechus senegalensis*	West Coast of Africa from Senegal River to Cuanza River.	do	T	52	NA	NA
Manatee, West Indian (Florida)	*Trichechus manatus*	U.S.A. (southeastern), Caribbean Sea, South America.	do	E	1, 3	17.95(a)	NA
Mandrill	*Papio sphinx*	Equatorial West Africa	do	E	16	NA	NA
Mangabey, Tana River	*Cercocebus galeritus*	Kenya	do	E	3	NA	NA
Mangabey, white-collared	*Cercocebus torquatus*	Senegal to Ghana; Nigeria to Gabon	do	E	16	NA	NA
Margay	*Felis wiedii*	U.S.A. (Texas), Central and South America.	Mexico southward	E	5	NA	NA
Markhor, Kabul	*Capra falconeri megaceros*	Afghanistan, Pakistan	Entire	E	15	NA	NA
Markhor, straight-horned	*Capra falconeri jerdoni*	do	do	E	15	NA	NA
Marmoset, cotton-top	*Saguinus oedipus*	Costa Rica to Colombia	do	E	16	NA	NA
Marmoset, Goeldi's	*Callimico goeldii*	Brazil, Colombia, Ecuador, Peru, Bolivia	do	E	3	NA	NA
Marsupial, eastern jerboa	*Antechinomys laniger*	Australia	do	E	4	NA	NA
Marsupial-mouse, large desert	*Sminthopsis psammophila*	do	do	E	4	NA	NA
Marsupial-mouse, long-tailed	*Sminthopsis longicaudata*	do	do	E	4	NA	NA
Marten, Formosan yellow-throated	*Martes flavigula chrysospila*	Taiwan	do	E	3	NA	NA
Monkey, black colobus	*Colobus satanas*	Equatorial Guinea, People's Republic of Congo, Cameroon, Gabon.	do	E	16	NA	NA
Monkey, black howler	*Alouatta pigra*	Mexico, Guatemala, Belize	do	T	16	NA	17.40(c)
Monkey, Diana	*Cercopithecus diana*	Coastal West Africa	do	E	16	NA	NA
Monkey, howler	*Alouatta palliata (=villosa)*	Mexico to South America	do	E	15	NA	NA
Monkey, L'Hoest's	*Cercopithecus lhoesti*	Upper Eastern Congo Basin, Cameroon	do	E	16	NA	NA
Monkey, proboscis	*Nasalis larvatus*	Borneo	do	E	15	NA	NA
Monkey, red-backed squirrel	*Sciurel oerstedi*	Costa Rica, Panama	do	E	3	NA	NA
Monkey, red-bellied	*Cercopithecus erythrogaster*	Western Nigeria	do	E	16	NA	NA
Monkey, red-eared nose-spotted	*Cercopithecus erythrotis*	Nigeria, Cameroon, Fernando Po	do	E	16	NA	NA
Monkey, spider	*Ateles geoffroyi frontatus*	Costa Rica, Nicaragua	do	E	3	NA	NA
Monkey, spider	*Ateles geoffroyi panamensis*	Costa Rica, Panama	do	E	3	NA	NA
Monkey, Tana River red colobus	*Colobus rufomitratus (=badius) rufomitratus.*	Kenya	do	E	3, 16	NA	NA
Monkey, woolly spider	*Brachyteles arachnoides*	Brazil	do	E	3	NA	NA
Monkey, yellow-tailed woolly	*Lagothrix flavicauda*	Andes of northern Peru	do	E	16	NA	NA
Monkey, Zanzibar red colobus	*Colobus kirki*	Tanzania	do	E	3	NA	NA
Mouse, Australian native	*Zyzomys (=Notomys) pedunculatus*	Australia	do	E	15	NA	NA
Mouse, Australian native	*Notomys aquilo*	do	do	E	15	NA	NA
Mouse, Field's	*Pseudomys fieldi*	do	do	E	4	NA	NA
Mouse, Gould's	*Pseudomys gouldi*	do	do	E	6	NA	NA
Mouse, New Holland	*Pseudomys novaehollandiae*	do	do	E	4	NA	NA
Mouse, salt marsh harvest	*Reithrodontomys raviventris*	U.S.A. (California)	do	E	2	NA	NA
Mouse, Shark Bay	*Pseudomys praeconis*	Australia	do	E	4	NA	NA

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Mouse, Shortridge's	*Pseudomys shortridgei*	do	do	E	4	NA	NA
Mouse, Smoky	*Pseudomys fumeus*	do	do	E	4	NA	NA
Mouse, western	*Pseudomys occidentalis*	do	do	E	4	NA	NA
Muntjac, Fea's	*Muntiacus feae*	Northern Thailand, Burma	do	E	50	NA	NA
Native-cat, eastern	*Dasyurus viverrinus*	Australia	do	E	6	NA	NA
Numbat	*Myrmecobius fasciatus*	do	do	E	4, 6	NA	NA
Ocelot	*Felis pardalis*	U.S.A. (TX, AZ) south through Central America to South America.	do	E	5, 119	NA	NA
Orangutan	*Pongo pygmaeus*	Borneo, Sumatra	do	E	3	NA	NA
Oryx, Arabian	*Oryx leucoryx*	Arabian Peninsula	do	E	3	NA	NA
Otter, Cameroon clawless	*Aonyx (Paraonyx) congica microdon*	Cameroon, Nigeria	do	E	3	NA	NA
Otter, giant	*Pteronura brasiliensis*	South America	do	E	3	NA	NA
Otter, long-tailed (incl. giant)	*Lutra longicaudis* (incl. *platensis*)	do	do	E	3, 15	NA	NA
Otter, marina	*Lutra felina*	Peru south to Straits of Magellan	do	E	15	NA	NA
Otter, southern river	*Lutra provocax*	Chile, Argentina	do	E	15	NA	NA
Otter, southern sea	*Enhydra lutris nereis*	West coast U.S.A. (WA, OR, CA) south to Mexico (Baja California).	do	T	21	NA	NA
Pangolin (=scaly anteater)	*Manis temminckii*	Africa	do	E	15	NA	NA
Panther, Florida	*Felis concolor coryi*	U.S.A. (LA and AR east to SC and FL)	do	E	1	NA	NA
Planigale, little	*Planigale ingrami subtilissima* (formerly *P. subtilissima*).	Australia	do	E	4	NA	NA
Planigale, southern	*Planigale tenuirostris*	do	do	E	4	NA	NA
Porcupine, thin-spined	*Chaetomys subspinosus*	Brazil	do	E	3	NA	NA
Possum, mountain pygmy	*Burramys parvus*	Australia	do	E	4	NA	NA
Possum, scaly-tailed	*Wyulda squamicaudata*	do	do	E	4	NA	NA
Prairie dog, Mexican	*Cynomys mexicanus*	Mexico	do	E	3	NA	NA
Prairie dog, Utah	*Cynomys parvidens*	U.S.A. (Utah)	do	E	6	NA	NA
Pronghorn, peninsular	*Antilocapra americana peninsularis*	Mexico (Baja California)	do	E	10	NA	NA
Pronghorn, Sonoran	*Antilocapra americana sonoriensis*	U.S.A. (AZ), Mexico	do	E	1, 3	NA	NA
Pudu	*Pudu pudu*	Southern South America	do	E	15	NA	NA
Puma, Costa Rican	*Felis concolor costaricensis*	Nicaragua, Panama, Costa Rica	do	E	15	NA	NA
Quokka	*Setonix brachyurus*	Australia	do	E	6	NA	NA
Rabbit, Ryukyu	*Pentalagus furnessi*	Japan (Ryukyu Islands)	do	E	50	NA	NA
Rabbit, volcano	*Romerolagus diazi*	Mexico	do	E	3	NA	NA
Rat, false water	*Xeromys myoides*	Australia	do	E	4	NA	NA
Rat, stick-nest	*Leporillus conditor*	do	do	E	6	NA	NA
Rat, Morro Bay kangaroo	*Dipodomys heermanni morroensis*	U.S.A. (California)	do	E	2	17.95(a)	NA
Rat—kangaroo, brush-tailed	*Bettongia penicillata*	Australia	do	E	4	NA	NA
Rat—kangaroo, Gaimard's	*Bettongia gaimardi*	do	do	E	6	NA	NA
Rat—kangaroo, Lesuer's	*Bettongia lesueur*	do	do	E	4	NA	NA
Rat—kangaroo, plain	*Caloprymnus campestris*	do	do	E	4	NA	NA
Rat—kangaroo, Queensland	*Bettongia tropica*	do	do	E	4	NA	NA
Rhinoceros, black	*Diceros bicornis*	Sub-Saharan Africa	do	E	97	NA	NA
Rhinoceros, great Indian	*Rhinoceros unicornis*	India, Nepal	do	E	4	NA	NA
Rhinoceros, Javan	*Rhinoceros sondaicus*	Indonesia, Indochina, Burma, Thailand, Sikkim, Bangladesh, Malaysia.	do	E	3	NA	NA
Rhinoceros, northern white	*Ceratotherium simum cottoni*	Zaire, Sudan, Uganda, Central African Republic.	do	E	3	NA	NA
Rhinoceros, Sumatran	*Dicerorhinus (=Didermoceros) sumatrensis.*	Bangladesh to Vietnam to Indonesia (Borneo).	do	E	3	NA	NA
Saiga, Mongolian (antelope)	*Saiga tatarica mongolica*	Mongolia	do	E	15	NA	NA
Saki, white-nosed	*Chiropotes albinasus*	Brazil	do	E	3	NA	NA
Seal, Caribbean monk	*Monachus tropicalis*	Caribbean Sea, Gulf of Mexico	do	E	1, 2, 45	NA	NA
Seal, Hawaiian monk	*Monachus schauinslandi*	Hawaiian Archipelago	do	E	18	NA	NA
Seal, Mediterranean monk	*Monachus monachus*	Mediterranean, Northwest African Coast and Black Sea.	do	E	3	NA	NA
Seledang (=Gaur)	*Bos gaurus*	Bangladesh, Southeast Asia, India	do	E	3	NA	NA
Serow, Sumatran	*Capricornis sumatraensis*	Sumatra	do	E	15	NA	NA
Serval, Barbary	*Felis serval constantina*	Algeria	do	E	3	NA	NA
Shapo	*Ovis vignei vignei*	Kashmir	do	E	15	NA	NA
Shou	*Cervus elaphus wallichi*	Tibet, Bhutan	do	E	3	NA	NA
Siamang	*Symphalangus syndactylus*	Malaysia, Indonesia	do	E	15	NA	NA
Sifakas	*Propithecus* spp. (all species)	Malagasy Republic (=Madagascar)	do	E	4	NA	NA
Sloth, Brazilian three-toed	*Bradypus torquatus*	Brazil	do	E	3, 4	NA	NA
Solenodon, Cuban	*Solenodon (Atopogale) cubanus*	Cuba	do	E	3	NA	NA
Solenodon, Haitian	*Solenodon paradoxus*	Dominican Republic, Haiti	do	E	3	NA	NA
Squirrel, Delmarva Peninsula fox	*Sciurus niger cinereus*	U.S.A. (DelMarVa Peninsula to Southeast PA).	do	E	1	NA	NA
Stag, Barbary	*Cervus elaphus barbarus*	Tunisia, Algeria	do	E	3	NA	NA
Stag, Kashmir	*Cervus elaphus hanglu*	Kashmir	do	E	3	NA	NA
Suni, Zanzibar	*Neotragus (Nesotragus) moschatus moschatus.*	Zanzibar (and nearby islands)	do	E	50	NA	NA
Tahr, Arabian	*Hemitragus jayakari*	Oman	do	E	50	NA	NA
Tamaraw	*Bubalus mindorensis*	Philippines	do	E	4	NA	NA
Tamarin, golden-rumped (=golden-headed Tamarin; =golden-lion Marmoset).	*Leontopithecus (=Leontideus)* spp. (all species)	Brazil	do	E	3	NA	NA
Tamarin, pied	*Saguinus bicolor*	Northern Brazil	do	E	16	NA	NA
Tamarin, white-footed	*Saguinus leucopus*	Northern Colombia	do	T	16	NA	17.40(c)
Tapir, Asian	*Tapirus indicus*	Burma, Laos, Cambodia, Vietnam, Malaysia, Indonesia, Thailand.	do	E	15	NA	NA
Tapir, Brazilian	*Tapirus terrestris*	Colombia and Venezuela south to Paraguay and Argentina.	do	E	3	NA	NA
Tapir, Central American	*Tapirus bairdii*	Southern Mexico to Colombia and Ecuador.	do	E	3	NA	NA
Tapir, mountain	*Tapirus pinchaque*	Colombia, Ecuador and possibly Peru and Venezuela.	do	E	3	NA	NA
Tarsier, Philippine	*Tarsius syrichta*	Philippines	do	T	16	NA	17.40(c)
Tiger	*Panthera tigris*	Temperate and Tropical Asia	do	E	3, 5	NA	NA
Tiger, Tasmanian (=Thylacine)	*Thylacinus cynocephalus*	Australia	do	E	3	NA	NA
Uakaris (all species)	*Cacajao* spp. (all species)	Peru, Brazil, Ecuador, Columbia, Venezuela.	do	E	3	NA	NA

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Common name	Scientific name						
Urial	*Ovis musimon (=orientalis) ophion*	Cyprus	do	E	15	NA	NA
Vicuna	*Vicugna vicugna*	South America (Andes)	do	E	3	NA	NA
Wallaby, banded hare	*Lagostrophus fasciatus*	Australia	do	E	4	NA	NA
Wallaby, bridled nail-tailed	*Onychogalea fraenata*	do	do	E	4	NA	NA
Wallaby, crescent nail-tailed	*Onychogalea lunata*	do	do	E	4	NA	NA
Wallaby, Parma	*Macropus parma*	do	do	E	4	NA	NA
Wallaby, Western hare	*Lagorchestes hirsutus*	do	do	E	4	NA	NA
Wallaby, yellow-footed rock	*Petrogale xanthopus*	do	do	E	6	NA	NA
Whale, blue	*Balaenoptera musculus*	Oceanic	do	E	3	NA	NA
Whale, bowhead	*Balaena mysticetus*	Oceanic (north latitudes only)	do	E	3	NA	NA
Whale, finback	*Balaenoptera physalus*	Oceanic	do	E	3	NA	NA
Whale, gray	*Eschrichtius robustus*	North Pacific Ocean: coastal and Bering Sea.	do	E	3	NA	NA
Whale, humpback	*Megaptera novaeangliae*	Oceanic	do	E	3	NA	NA
Whale, right	*Balaena glacialis*	do	do	E	3	NA	NA
Whale, Sei	*Balaenoptera borealis*	do	do	E	3	NA	NA
Whale, sperm	*Physeter catodon*	do	do	E	3	NA	NA
Wolf, gray	*Canis lupus*	Holarctic	U.S.A. (48 conterminous States other than MN), Mexico.	E	1, 6, 13, 15, 35	17.95(a)	NA
Wolf, gray	*Canis lupus*	do	U.S.A. (MN)	T	35	17.95(a)	17.40(d)
Wolf, maned	*Chrysocyon brachyurus*	Argentina, Bolivia, Brazil, Paraguay, Uruguay.	Entire	E	4	NA	NA
Wolf, red	*Canis rufus*	U.S.A. (southeastern U.S.A. west to central TX).	do	E	1	NA	NA
Wombat, hairy-nosed (=Barnard's and Queensland hairy-nosed).	*Lasiorhinus krefftii* (formerly *L. barnardi* and *L. gillespiei*).	Australia	do	E	4, 6	NA	NA
Yak, wild	*Bos grunniens*	China (Tibet), India	do	E	3	NA	NA
Zebra, Grevy's	*Equus grevyi*	Kenya, Ethiopia, Somalia	do	T	54	NA	NA
Zebra, Hartmann's mountain	*Equus zebra hartmannae*	Namibia, Angola	do	T	54, 111	NA	NA
Zebra, mountain	*Equus zebra zebra*	South Africa	do	E	15, 111	NA	NA
Birds							
Akepa, Hawaii (honeycreeper)	*Loxops coccineus coccineus*	U.S.A. (Hawaii)	do	E	2	NA	NA
Akepa, Maui (honeycreeper)	*Loxops coccineus ochraceus*	do	do	E	2	NA	NA
Akialoa, Kauai (honeycreeper)	*Hemignathus procerus*	do	do	E	1	NA	NA
Akiapolaau (honeycreeper)	*Hemignathus munroi (=wilsoni)*	do	do	E	1	NA	NA
Albatross, short-tailed	*Diomedea albatrus*	North Pacific Ocean: Japan, U.S.S.R., U.S.A. (AK, CA, HI, OR, WA).	Entire, except U.S.A.	E	3	NA	NA
Blackbird, yellow-shouldered	*Agelaius xanthomus*	U.S.A. (Puerto Rico)	Entire	E	17	17.95(b)	NA
Bobwhite, masked (quail)	*Colinus virginianus ridgwayi*	U.S.A. (Arizona), Mexico (Sonora)	do	E	1, 3	NA	NA
Booby, Abbott's	*Sula abbotti*	Indian Ocean: Christmas Island	do	E	15	NA	NA
Bristlebird, western	*Dasyornis brachypterus longirostris*	Australia	do	E	3	NA	NA
Bristlebird, western rufous	*Dasyornis broadbenti litoralis*	do	do	E	15	NA	NA
Bulbul, Mauritius olivaceous	*Hypsipetes borbonicus olivaceus*	Indian Ocean: Mauritius	do	E	3	NA	NA
Bullfinch, Sao Miguel (finch)	*Pyrrhula pyrrhula murina*	Eastern Atlantic Ocean: Azores	do	E	3	NA	NA
Bushwren, New Zealand	*Xenicus longipes*	New Zealand	do	E	3	NA	NA
Bustard, great Indian	*Choriotis nigriceps*	India, Pakistan	do	E	3	NA	NA
Cahow (=Bermuda Petrel)	*Pterodroma cahow*	North Atlantic Ocean: Bermuda	do	E	3	NA	NA
Condor, Andean	*Vultur gryphus*	Colombia to Chile and Argentina	do	E	4	NA	NA
Condor, California	*Gymnogyps californianus*	U.S.A. (OR, CA), Mexico (Baja California)	do	E	1	17.95(b)	NA
Coot, Hawaiian (=Alae keokeo)	*Fulica americana alai*	U.S.A. (Hawaii)	do	E	2	NA	NA
Cotinga, banded	*Cotinga maculata*	Brazil	do	E	15	NA	NA
Cotinga, white-winged	*Xipholena atropurpurea*	do	do	E	15	NA	NA
Crane, black-necked	*Grus nigricollis*	China (Tibet)	do	E	15	NA	NA
Crane, Cuba sandhill	*Grus canadensis nesiotes*	West Indies: Cuba	do	E	15	NA	NA
Crane, hooded	*Grus monacha*	Japan, U.S.S.R.	do	E	4	NA	NA
Crane, Japanese	*Grus japonensis*	China, Japan, Korea, U.S.S.R.	do	E	3	NA	NA
Crane, Mississippi sandhill	*Grus canadensis pulla*	U.S.A. (Mississippi)	do	E	6	17.95(b)	NA
Crane, Siberian white	*Grus leucogeranus*	U.S.S.R. (Siberia) to India, including Iran and China.	do	E	4	NA	NA
Crane, white-naped	*Grus vipio*	Mongolia	do	E	15	NA	NA
Crane, whooping	*Grus americana*	Canada, U.S.A. (Rocky Mountains east to Carolinas), Mexico.	do	E	1, 3	17.95(b)	NA
Creeper, Hawaii	*Oreomystis (=Loxops) mana*	U.S.A. (Hawaii)	do	E	10	NA	NA
Creeper, Molokai (=Kakawahie)	*Oreomystis (=Loxops) flammea*	do	do	E	2	NA	NA
Creeper, Oahu (=alauwahio)	*Oreomystis (=Loxops) maculata*	do	do	E	2	NA	NA
Crow, Hawaiian (='alala)	*Corvus tropicus*	do	do	E	1	NA	NA
Cuckoo-shrike, Mauritius	*Coracina (=Coracina) typicus*	Indian Ocean: Mauritius	do	E	3	NA	NA
Cuckoo-shrike, Reunion	*Coracina (=Coracina) newtoni*	Indian Ocean: Reunion	do	E	3	NA	NA
Curassow, razor-billed	*Mitu (=Crax) mitu mitu*	Brazil (Eastern)	do	E	15	NA	NA
Curassow, red-billed	*Crax blumenbachii*	Brazil	do	E	4	NA	NA
Curassow, Trinidad white-headed	*Pipile pipile pipile*	West Indies: Trinidad	do	E	3	NA	NA
Curlew, Eskimo	*Numenius borealis*	Alaska and northern Canada to Argentina	do	E	1, 3	NA	NA
Dove, cloven-feathered	*Drepanoptila holosericea*	Southwest Pacific Ocean: New Caledonia	do	E	3	NA	NA
Dove, Grenada	*Leptotila wellsi*	West Indies: Grenada	do	E	3	NA	NA
Dove, Palau ground	*Gallicolumba canifrons*	West Pacific Ocean: U.S.A. (Palau Islands).	do	E	3	NA	NA
Duck, Hawaiian (=koloa)	*Anas wyvilliana*	U.S.A. (Hawaii)	do	E	1	NA	NA
Duck, Laysan	*Anas laysanensis*	do	do	E	1	NA	NA
Duck, pink-headed	*Rhodonessa caryophyllacea*	India	do	E	15	NA	NA
Duck, white-winged wood	*Cairina scutulata*	India, Malaysia, Indonesia, Thailand	do	E	3	NA	NA
Eagle, Greenland white-tailed	*Haliaeetus albicilla groenlandicus*	Greenland and adjacent Atlantic islands	do	E	15	NA	NA
Eagle, harpy	*Harpia harpyja*	Mexico south to Argentina	do	E	15	NA	NA
Eagle, Philippine (=monkey-eating)	*Pithecophaga jefferyi*	Philippines	do	E	3	NA	NA
Eagle, bald	*Haliaeetus leucocephalus*	North America south to northern Mexico	U.S.A. (conterminous States, except WA, OR, MN, WI, MI).	E	1, 34	NA	NA

Species		Historic range	Vertebrate population where endangered or threatened	Status	When listed	Critical habitat	Special rules
Common name	Scientific name						
Eagle, bald	*Haliaeetus leucocephalus*	do	U.S.A. (WA, OR, MN, WI, MI).	T	34	NA	17.41(a)
Eagle, Spanish imperial	*Aquila heliaca adalberti*	Spain, Morocco, Algeria	Entire	E	3	NA	NA
Egret, Chinese	*Egretta eulophotes*	China, Korea	do	E	3	NA	NA
Falcon, American peregrine	*Falco peregrinus anatum*	Canada, U.S.A., Mexico	do	E	2, 3	17.95(b)	NA
Falcon, Arctic peregrine	*Falco peregrinus tundrius*	Alaska to Greenland, south to Argentina	do	E	2, 3	NA	NA
Falcon, Eurasian peregrine	*Falco peregrinus peregrinus*	Europe, Eurasia south to Africa and Mideast.	do	E	15	NA	NA
Finch, Laysan (honeycreeper)	*Telespyza (=Psittirostra) cantans*	U.S.A. (Hawaii)	do	E	1	NA	NA
Finch, Nihoa (honeycreeper)	*Telespyza (=Psittirostra) ultima*	do	do	E	1	NA	NA
Flycatcher, Euler's	*Empidonax euleri johnstonei*	West Indies: Grenada	do	E	3	NA	NA
Flycatcher, Palau fantail	*Rhipidura lepida*	West Pacific Ocean: U.S.A. (Palau Islands).	do	E	3	NA	NA
Flycatcher, Seychelles paradise	*Terpsiphone corvina*	Indian Ocean: Seychelles	do	E	3	NA	NA
Flycatcher, Tahiti	*Pomarea nigra*	South Pacific Ocean: Tahiti	do	E	3	NA	NA
Flycatcher, Tinian monarch	*Monarcha takatsukasae*	Western Pacific Ocean: U.S.A. (Mariana Islands).	do	E	3	NA	NA
Fody, Seychelles (weaver-finch)	*Foudia sechellarum*	Indian Ocean: Seychelles	do	E	3	NA	NA
Frigatebird, Andrew's	*Fregata andrewsi*	East Indian Ocean	do	E	15	NA	NA
Gallinule, Hawaiian (moorhen)	*Gallinula chloropus sandvicensis*	U.S.A. (Hawaii)	do	E	1	NA	NA
Goose, Aleutian Canada	*Branta canadensis leucopareia*	Western U.S.A. (AK, CA, OR, WA), Japan	do	E	1, 3	NA	NA
Goose, Hawaiian (=nene)	*Nesochen (=Branta) sandvicensis*	U.S.A. (Hawaii)	do	E	1	NA	NA
Goshawk, Christmas Island	*Accipiter fasciatus natalis*	Indian Ocean: Christmas Island	do	E	3	NA	NA
Grackle, slender-billed	*Quiscalus (=Cassidix) palustris*	Mexico	do	E	3	NA	NA
Grasswren, Eyrean (flycatcher)	*Amytornis goyderi*	Australia	do	E	3	NA	NA
Grebe, Atitlan	*Podilymbus gigas*	Guatemala	do	E	3	NA	NA
Greenshank, Nordmann's	*Tringa guttifer*	U.S.S.R., Japan, south to Malaya, Borneo	do	E	15	NA	NA
Guan, horned	*Oreophasis derbianus*	Guatemala, Mexico	do	E	3	NA	NA
Gull, Audouin's	*Larus audouinii*	Mediterranean Sea	do	E	3	NA	NA
Gull, relict	*Larus relictus*	India, China	do	E	15	NA	NA
Hawk, Anjouan Island sparrow	*Accipiter francesii pusillus*	Indian Ocean: Comoro Islands	do	E	3	NA	NA
Hawk, Galapagos	*Buteo galapagoensis*	Ecuador (Galapagos Island)	do	E	3	NA	NA
Hawk, Hawaiian (=io)	*Buteo solitarius*	U.S.A. (Hawaii)	do	E	1	NA	NA
Hermit, hook-billed (hummingbird)	*Glaucis (=Ramphodon) dohrnii*	Brazil	do	E	15	NA	NA
Honeycreeper, crested (='akohekohe).	*Palmeria dolei*	U.S.A. (Hawaii)	do	E	1	NA	NA
Hornbill, helmeted	*Rhinoplax vigil*	Thailand, Malaysia	do	E	15	NA	NA
Honeyeater, helmeted	*Meliphaga cassidix*	Australia	do	E	4	NA	NA
Ibis, Japanese crested	*Nipponia nippon*	China, Japan, U.S.S.R., Korea	do	E	3	NA	NA
Kagu	*Rhynochetos jubatus*	Southwestern Pacific Ocean: New Caledonia.	do	E	3	NA	NA
Kakapo (=owl-parrot)	*Strigops habroptilus*	New Zealand	do	E	3	NA	NA
Kestrel, Mauritius	*Falco punctatus*	Indian Ocean: Mauritius	do	E	3	NA	NA
Kestrel, Seychelles	*Falco arsea*	Indian Ocean: Seychelles Islands	do	E	3	NA	NA
Kite, Cuba hook-billed	*Chondrohierax uncinatus wilsonii*	West Indies: Cuba	do	E	3	NA	NA
Kite, Grenada hook-billed	*Chondrohierax uncinatus mirus*	West Indies: Grenada	do	E	3	NA	NA
Kite, Everglade (snail kite)	*Rostrhamus sociabilis plumbeus*	U.S.A. (Florida)	do	E	1	17.95(b)	NA
Kokako (wattlebird)	*Callaeas cinerea*	New Zealand	do	E	3	NA	NA
Macaw, glaucous	*Anodorhynchus glaucus*	Paraguay, Uruguay, Brazil	do	E	15	NA	NA
Macaw, indigo	*Anodorhynchus leari*	Brazil	do	E	15	NA	NA
Macaw, little blue	*Cyanopsitta spixii*	do	do	E	15	NA	NA
Magpie-robin, Seychelles (thrush)	*Copsychus sechellarum*	Indian Ocean: Seychelles Islands	do	E	3	NA	NA
Malkoha, red-faced (cuckoo)	*Phaenicophaeus pyrrhocephalus*	Sri Lanka (=Ceylon)	do	E	3	NA	NA
Mallard, Mariana	*Anas oustaleti*	West Pacific Ocean: U.S.A. (Guam, Mariana Islands).	do	E	23	NA	NA
Megapode, La Perouse's	*Megapodius laperouse*	West Pacific Ocean: U.S.A. (Palau Island, Mariana Islands).	do	E	3	NA	NA
Megapode, Maleo	*Macrocephalon maleo*	Indonesia (Celebes)	do	E	3	NA	NA
Millerbird, Nihoa (willow warbler)	*Acrocephalus familiaris kingi*	U.S.A. (Hawaii)	do	E	1	NA	NA
Nukupu'u (honeycreeper)	*Hemignathus lucidus*	do	do	E	1, 2	NA	NA
'O'o, Kauai (='O'o 'A'a) (honeyeater).	*Moho braccatus*	do	do	E	1	NA	NA
Ostrich, Arabian	*Struthio camelus syriacus*	Jordan, Saudi Arabia	do	E	3	NA	NA
Ostrich, West African	*Struthio camelus spatzi*	Spanish Sahara	do	E	3	NA	NA
'O'u (honeycreeper)	*Psittirostra psittacea*	U.S.A. (Hawaii)	do	E	1	NA	NA
Owl, Anjouan scops	*Otus rutilus capnodes*	Indian Ocean: Comoro Island	do	E	3	NA	NA
Owl, giant scops	*Otus gurneyi*	Philipines: Marinduque and Mindanao Island.	do	E	15	NA	NA
Owl, Palau	*Otus podargina*	West Pacific Ocean: U.S.A. (Palau Islands).	do	E	3	NA	NA
Owl, Seychelles	*Otus insularis*	Indian Ocean: Seychelles Islands	do	E	3	NA	NA
Owlet, Mr. Morden's	*Otus irenae*	Kenya	do	E	3	NA	NA
Palila (honeycreeper)	*Loxioides (=Psittirostra) bailleui*	U.S.A. (Hawaii)	do	E	1	17.95(b)	NA
Parakeet, Forbes'	*Cyanoramphus auriceps forbesi*	New Zealand	do	E	3, 15	NA	NA
Parakeet, golden	*Aratinga guarouba*	Brazil	do	E	4	NA	NA
Parakeet, golden-shouldered (=hooded).	*Psephotus chrysopterygius*	Australia	do	E	3	NA	NA
Parakeet, Mauritius	*Psittacula echo*	Indian Ocean: Mauritius	do	E	3	NA	NA
Parakeet, ochre-marked	*Pyrrhura cruentata*	Brazil	do	E	3	NA	NA
Parakeet, orange-bellied	*Neophema chrysogaster*	Australia	do	E	4	NA	NA
Parakeet, paradise (=beautiful)	*Psephotus pulcherrimus*	do	do	E	4	NA	NA
Parakeet, scarlet-chested (=splendid).	*Neophema splendida*	do	do	E	4	NA	NA
Parakeet, turquoise	*Neophema pulchella*	do	do	E	3	NA	NA
Parrot, Australian	*Geopsittacus occidentalis*	do	do	E	3	NA	NA
Parrot, Bahaman or Cuban	*Amazona leucocephala*	West Indies: Cuba, Bahamas, Caymans	do	E	3, 15	NA	NA
Parrot, ground	*Pezoporus wallicus*	Australia	do	E	6	NA	NA
Parrot, imperial	*Amazona imperialis*	West Indies: Dominica	do	E	3	NA	NA
Parrot, Puerto Rican	*Amazona vittata*	U.S.A. (Puerto Rico)	do	E	1	NA	NA
Parrot, red-browed	*Amazona rhodocorytha*	Brazil	do	E	3	NA	NA
Parrot, red-capped	*Pionopsitta pileata*	do	do	E	15	NA	NA
Parrot, red-necked	*Amazona arausiaca*	West Indies: Dominica	do	E	50	NA	NA

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Common name	Scientific name						
Parrot, red-spectacled	*Amazona pretrei pretrei*	Brazil, Argentina	do	E	15	NA	NA
Parrot, St. Lucia	*Amazona versicolor*	West Indies: St. Lucia	do	E	3	NA	NA
Parrot, St. Vincent	*Amazona guildingii*	West Indies: St. Vincent	do	E	3	NA	NA
Parrot, thick-billed	*Rhynchopsitta pachyrhyncha*	Mexico, U.S.A. (AZ, NM)	Mexico	E	3	NA	NA
Parrot, vinaceous-breasted	*Amazona vinacea*	Brazil	Entire	E	15	NA	NA
Parrotbill, Maui (honeycreeper)	*Pseudonestor xanthophrys*	U.S.A. (Hawaii)	do	E	1	NA	NA
Pelican, brown	*Pelecanus occidentalis*	U.S.A (Carolinas to Texas, CA), West Indies, Central and South America: Coastal.	do	E	2, 3	NA	NA
Penguin, Galapagos	*Spheniscus mendiculus*	Ecuador (Galapagos Island)	do	E	3	NA	NA
Petrel, Hawaiian dark-rumped	*Pterodroma phaeopygia sandwichensis*	U.S.A. (Hawaii)	do	E	2, 4, 1	NA	NA
Pheasant, bar-tailed	*Symaticus humiae*	Burma, China	do	E	3	NA	NA
Pheasant, Blyth's tragopan	*Tragopan blythii*	Burma, China, India	do	E	3	NA	NA
Pheasant, brown eared	*Crossoptilon mantchuricum*	China	do	E	3	NA	NA
Pheasant, Cabot's tragopan	*Tragopan caboti*	do	do	E	3	NA	NA
Pheasant, Chinese monal	*Lophophorus lhuysii*	do	do	E	3	NA	NA
Pheasant, Edward's	*Lophura edwardsi*	Vietnam	do	E	3	NA	NA
Pheasant, Elliot's	*Symaticus elliotii*	China	do	E	15	NA	NA
Pheasant, imperial	*Lophura imperialis*	Vietnam	do	E	3	NA	NA
Pheasant, Mikado	*Syrmaticus mikado*	Taiwan	do	E	3	NA	NA
Pheasant, Palawan peacock	*Polyplectron emphanum*	Philippines	do	E	3	NA	NA
Pheasant, Sclater's monal	*Lophophorus sclateri*	Burma, China, India	do	E	3	NA	NA
Pheasant, Swinhoe's	*Lophura swinhoii*	Taiwan	do	E	3	NA	NA
Pheasant, western tragopan	*Tragopan melanocephalus*	India, Pakistan	do	E	3	NA	NA
Pheasant, white eared	*Crossoptilon crossoptilon*	China (Tibet), India	do	E	4	NA	NA
Pigeon, Azores wood	*Columba palumbus azorica*	East Atlantic Ocean: Azores	do	E	3	NA	NA
Pigeon, Chatham Island	*Hemiphaga novaeseelandiae chathamensis.*	New Zealand	do	E	3	NA	NA
Pigeon, Mindoro zone-tailed	*Ducula mindorensis*	Philippines	do	E	15	NA	NA
Pigeon, Puerto Rican plain	*Columba inornata wetmorei*	U.S.A. (Puerto Rico)	do	E	2	NA	NA
Piping-guan, black-fronted	*Pipile jacutinga*	Argentina	do	E	15	NA	NA
Pitta, Koch's	*Pitta kochi*	Philippines	do	E	15	NA	NA
Plover, New Zealand shore	*Thinornis novaeseelandiae*	New Zealand	do	E	3	NA	NA
Po'ouli (honeycreeper)	*Melamprosops phaeosoma*	U.S.A. (Hawaii)	do	E	10	NA	NA
Prairie-chicken, Attwater's greater	*Tympanuchus cupido attwateri*	U.S.A. (Texas)	do	E	1	NA	NA
Quail, Merriam's Montezuma	*Cyrtonyx montezumae merriami*	Mexico (Vera Cruz)	do	E	15	NA	NA
Quetzel, resplendent	*Pharomachrus mocinno*	Mexico to Panama	do	E	15	NA	NA
Rail, Auktand Island	*Rallus pectoralis muelleri*	New Zealand	do	E	3	NA	NA
Rail, California clapper	*Rallus longirostris obsoletus*	U.S.A. (California)	do	E	2	NA	NA
Rail, light-footed clapper	*Rallus longirostris levipes*	U.S.A. (California), Mexico (Baja California).	do	E	2	NA	NA
Rail, Lord Howe wood	*Tricholimnas sylvestris*	Australia (Lord Howe Island)	do	E	15	NA	NA
Rail, Yuma clapper	*Rallus longirostris yumanensis*	Mexico, U.S.A. (AZ, CA)	do	E	1	NA	NA
Rhea, Darwin's	*Pterocnemia pennata*	Argentina, Bolivia, Peru, Uruguay	do	E	3	NA	NA
Robin, Chatham Island	*Petroica traversi*	New Zealand	do	E	3	NA	NA
Robin, scarlet-breasted (flycatcher)	*Petroica multicolor multicolor*	Australia (Norfolk Island)	do	E	3	NA	NA
Rockfowl, grey-necked	*Picathartes oreas*	Cameron	do	E	3	NA	NA
Rockfowl, white-necked	*Picathartes gymnocephalus*	Africa: Togo to Sierra Leone	do	E	3	NA	NA
Roller, long-tailed ground	*Uratelornis chimaera*	Malagasy Republic (=Madagascar)	do	E	3	NA	NA
Scrub-bird, noisy	*Atrichornis clamosus*	Australia	do	E	3	NA	NA
Shama, Cebu black (thrush)	*Copsychus niger cebuensis*	Philippines	do	E	3	NA	NA
Shearwater, Newell's (Townsend's, formerly Manx) (='A'o).	*Puffinus auricularis* (formerly *puffinus*) *newelli.*	U.S.A. (Hawaii)	do	T	10	NA	NA
Shrike, San Clemente loggerhead	*Lanius ludovicianus mearnsi*	U.S.A. (California)	do	E	26	NA	NA
Siskin, red	*Carduelis* (=*Spinus*) *cucullatus*	South America	do	E	15	NA	NA
Sparrow, Cape Sable seaside	*Ammospiza maritima mirabilis*	U.S.A. (Florida)	do	E	1	17.95(b)	NA
Sparrow, dusky seaside	*Ammospiza maritima nigrescens*	do	do	E	1	17.95(b)	NA
Sparrow, San Clemente sage	*Amphispiza belli clementeae*	U.S.A. (California)	do	T	26	NA	NA
Sparrow, Santa Barbara song	*Melospiza melodia graminea*	do	do	E	6	NA	NA
Starling, Ponape mountain	*Aplonis pelzelni*	West Pacific Ocean: U.S.A. (Caroline Island).	do	E	3	NA	NA
Starling, Rothschild's (myna)	*Leucopsar rothschildi*	Indonesia (Bali)	do	E	3	NA	NA
Stilt, Hawaiian (=Ae'o)	*Himantopus himantopus knudseni*	U.S.A. (Hawaii)	do	E	2	NA	NA
Stork, oriental white	*Ciconia ciconia boyciana*	China, Japan, Korea, U.S.S.R	do	E	3	NA	NA
Teal, Campbell Island flightless	*Anas aucklandica nesiotis*	New Zeland (Campbell Island)	do	E	15	NA	NA
Tern, California least	*Sterna antillarum* (=*albifrons*) *browni*	Mexico, U.S.A. (CA)	do	E	2, 3	NA	NA
Thrasher, white-breasted	*Ramphocinctus brachyurus*	West Indies: St. Lucia, Martinique	do	E	3	NA	NA
Thrush, large Kauai	*Phaeornis obscurus myadestina*	U.S.A. (Hawaii)	do	E	2	NA	NA
Thrush, Molokai (=olome'o)	*Phaeornis obscurus rutha*	do	do	E	2	NA	NA
Thrush, New Zealand (wattlebird)	*Turnagra capensis*	New Zealand	do	E	3	NA	NA
Thrush, small Kauai (=puaiohi)	*Phaeornis palmeri*	U.S.A. (Hawaii)	do	E	1	NA	NA
Tinamou, solitary	*Tinamus solitarius*	Brazil, Paraguay, Argentina	do	E	15	NA	NA
Trembler, Martinique brown (thrasher).	*Cinclocerthia ruficauda gutturalis*	West Indies: Martinique	do	E	3	NA	NA
Wanderer, plain (collared-hemipode)	*Pedionomous torquatus*	Australia	do	E	6	NA	NA
Warbler (wood), Bachman's	*Vermivora bachmanii*	U.S.A.(Southeastern), Cuba	do	E	1, 3	NA	NA
Warbler (wood), Barbados yellow	*Dendroica petechia petechia*	West Indies: Barbados	do	E	3	NA	NA
Warbler (wood), Kirtland's	*Dendroica kirtlandii*	U.S.A. (principally MI), Canada, West Indies: Bahama Islands.	do	E	1, 3	NA	NA
Warbler (willow), reed	*Acrocephalus luscinia*	Western Pacific Ocean: U.S.A. (Mariana Islands).	do	E	3	NA	NA
Warbler (willow), Rodriques	*Bebrornis rodericanus*	Mauritius (Rodrigues Islands)	do	E	3	NA	NA
Warbler (wood), Semper's	*Leucopeza semperi*	West Indies: St. Lucia	do	E	3	NA	NA
Warbler (willow), Seychelles	*Bebrornis sechellensis*	Indian Ocean: Seychelles Island	do	E	3	NA	NA
Whipbird, Western	*Psophodes nigrogularis*	Australia	do	E	3	NA	NA
Whip-poor-will, Puerto Rican	*Caprimulgus noctitherus*	U.S.A. (Puerto Rico)	do	E	6	NA	NA
White-eye, Norfolk Island	*Zosterops albogularis*	Indian Ocean: Norfolk Islands	do	E	15	NA	NA
White-eye, Ponape great	*Rukia longirostra* (=*sanfordi*)	West Pacific Ocean: U.S.A. (Caroline Islands).	do	E	3	NA	NA
White-eye, Seychelles	*Zosterops modesta*	Indian Ocean: Seychelles	do	E	3	NA	NA
Woodpecker, imperial	*Campephilus imperialis*	Mexico	do	E	3	NA	NA

Species		Historic range	Vertebrate population where endangered or threatened	Status	When listed	Critical habitat	Special rules
Common name	Scientific name						
Woodpecker, ivory-billed	*Campephilus principalis*	U.S.A. (southcentral and southeastern), Cuba.	do	E	1, 3	NA	NA
Woodpecker, red-cockaded	*Picoides (=Dendrocopos) borealis*	U.S.A. (southcentral and southeastern)	do	E	2	NA	NA
Woodpecker, Tristam's	*Dryocopus javensis richardsi*	Korea	do	E	3	NA	NA
Wren, Guadeloupe house	*Troglodytes aedon guadeloupensis*	West Indies: Guadeloupe	do	E	3	NA	NA
Wren, St. Lucia housec	*Troglodytes aedon mesoleucus*	West Indies: St. Lucia	do	E	3	NA	NA
REPTILES							
Alligator, American	*Alligator mississippiensis*	Southeastern U.S.A	Wherever found in wild except those areas where listed as threatened as set forth below.	E	1, 11, 51, 60, 113	NA	NA
Do	do	do	U.S.A. (FL and certain areas of GA, SC, and TX, as set forth in 17.42(a)(1)).	T	20, 47, 51, 60	NA	17.42(a)
Do	do	do	U.S.A. (LA)	T(S/A)	11, 47, 51, 60, 113	NA	17.42(a)
Do	do	do	In captivity wherever found.	T(S/A)	11, 47, 51	NA	17.42(a)
Alligator, Chinese	*Alligator sinensis*	China	Entire	E	15	NA	NA
Anole, Culebra Island giant	*Anolis roosevelti*	U.S.A. (Puerto Rico: Culebra Island)	do	E	25	17.95(c)	NA
Boa, Jamaican	*Epicrates subflavus*	Jamaica	do	E	3	NA	NA
Boa, Mona	*Epicrates monensis monensis*	U.S.A. (Puerto Rico)	do	T	33	17.95(c)	NA
Boa, Puerto Rico	*Epicrates inornatus*	do	do	E	2	NA	NA
Boa, Round Island [no common name].	*Casarea dussumieri*	Indian Ocean: Mauritius	do	E	88	NA	NA
Boa, Round Island [no common name].	*Bolyeria multocarinata*	Indian Ocean: Mauritius	do	E	88	NA	NA
Boa, Virgin Islands tree	*Epicrates monensis granti*	U.S. and British Virgin Islands	do	E	2, 86	NA	NA
Caiman, Apaporis River	*Caiman crocodilus apaporiensis*	Colombia	do	E	15	NA	NA
Caiman, black	*Melanosuchus niger*	Amazon basin	do	E	15	NA	NA
Caiman, broad-snouted	*Caiman latirostris*	Brazil, Argentina, Paraguay, Uruguay	do	E	15	NA	NA
Caiman, Yacare	*Caiman crocodilus yacare*	Bolivia, Argentina, Peru, Brazil	do	E	3	NA	NA
Chuckwalla, San Esteban Island	*Sauromalus varius*	Mexico	do	E	88	NA	NA
Crocodile, African dwarf	*Osteolaemus tetraspis tetraspis*	West Africa	do	E	15	NA	NA
Crocodile, African slender-snouted	*Crocodylus cataphractus*	Western and central Africa	do	E	5	NA	NA
Crocodile, American	*Crocodylus acutus*	U.S.A. (FL), Mexico, South America, Central America, Caribbean.	do	E	10, 87	17.95(c)	NA
Crocodile, Ceylon mugger	*Crocodylus palustris kimbula*	Sri Lanka	do	E	15	NA	NA
Crocodile, Congo dwarf	*Osteolaemus tetraspis osborni*	Congo River drainage	do	E	15	NA	NA
Crocodile, Cuban	*Crocodylus rhombifer*	Cuba	do	E	3	NA	NA
Crocodile, Morelet's	*Crocodylus moreletii*	Mexico, Belize, Guatemala	do	E	3	NA	NA
Crocodile, mugger	*Crocodylus palustris palustris*	India, Pakistan, Iran, Bangladesh	do	E	15	NA	NA
Crocodile, Nile	*Crocodylus niloticus*	Africa	do	E	3	NA	NA
Crocodile, Orinoco	*Crocodylus intermedius*	South America: Orinoco River Basin	do	E	3	NA	NA
Crocodile, Philippine	*Crocodylus novaeguineae mindorensis*	Philippine Islands	do	E	15	NA	NA
Crocodile, saltwater (=estuarine)	*Crocodylus porosus*	Southeast Asia, Australia, Papua-New Guinea, Pacific Islands.	Entire, except Papua-New Guinea.	E	87	NA	NA
Crocodile, Siamese	*Crocodylus siamensis*	Southeast Asia, Malay Peninsula	Entire	E	15	NA	NA
Gavial (=gharial)	*Gavialis gangeticus*	Pakistan, Burma, Bangladesh, India	do	E	3, 15	NA	NA
Gecko, day	*Phelsuma edwardnewtoni*	Indian Ocean: Mauritius	do	E	3	NA	NA
Gecko, Monito	*Sphaerodactylus micropithecus*	U.S.A. (Puerto Rico)	do	E	125	17.95(c)	NA
Gecko, Round Island day	*Phelsuma guentheri*	Indian Ocean: Mauritius	do	E	3	NA	NA
Gecko, Serpent Island	*Cyrtodactylus serpensinsula*	do	do	T	129	NA	NA
Iguana, Acklins ground	*Cyclura rileyi nuchalis*	West Indies: Bahamas	do	T	129	NA	NA
Iguana, Allen's Cay	*Cyclura cychlura inornata*	do	do	T	129	NA	NA
Iguana, Andros Island ground	*Cyclura cychlura cychlura*	do	do	T	129	NA	NA
Iguana, Anegada ground	*Cyclura pinguis*	West Indies: British Virgin Islands (Anegada Island).	do	E	3	NA	NA
Iguana, Barrington land	*Conolophus pallidus*	Ecuador (Galapagos Island)	do	E	3	NA	NA
Iguna, Cayman Brac ground	*Cyclura nubila caymanensis*	West Indies: Cayman Islands	do	E	129	NA	NA
Iguana, Cuban ground	*Cyclura nubila nubila*	Cuba	Entire (excluding population introduced in Puerto Rico).	T	129	NA	NA
Iguana, Exuma Island	*Cyclura cychlura figginsi*	West Indies: Bahamas	Entire	T	129	NA	NA
Iguana, Fiji banded	*Brachylophus fasciatus*	Pacific: Fiji, Tonga	do	E	88	NA	NA
Iguana, Fiji crested	*Brachylophus vitiensis*	Pacific: Fiji	do	E	88	NA	NA
Iguana, Grand Cayman ground	*Cyclura nubila lewisi*	West Indies: Cayman Islands	do	E	129	NA	NA
Iguana, Jamaican	*Cyclura collei*	West Indies: Jamaica	do	E	129	NA	NA
Iguana, Mayaguana	*Cyclura carinata bartschi*	West Indies: Bahamas	do	T	129	NA	NA
Iguana, Mona ground	*Cyclura stejnegeri*	U.S.A. (Puerto Rico: Mona Island)	do	T	33	17.95(c)	NA
Iguana, Turks and Caicos	*Cyclura carinata carinata*	West Indies: Turks and Caicos Islands	do	T	129	NA	NA
Iguana, Watling Island ground	*Cyclura rileyi rileyi*	West Indies: Bahamas	do	E	129	NA	NA
Iguana, White Cay ground	*Cyclura rileyi cristata*	do	do	T	129	NA	NA
Lizard, blunt-nosed leopard	*Gambelia (=Crotaphytus) silus*	U.S.A. (California)	do	E	1	NA	NA
Lizard, Coachella Valley fringe-toed	*Uma inornata*	do	do	T	105	17.95(c)	NA
Lizard, Island night	*Xantusia (=Klauberina) riversiana*	do	do	T	26	NA	NA
Lizard, St. Croix ground	*Ameiva polops*	U.S.A. (Virgin Islands: Green Cay, Protestant Cay).	do	E	24	17.95(c)	NA
Monitor, Bengal	*Varanus bengalensis*	Iran, Iraq, India, Sri Lanka, Malaysia, Afghanistan, Burma, Vietnam, Thailand.	do	E	15	NA	NA
Monitor, desert	*Varanus griseus*	North Africa to Neareast, Caspian Sea through U.S.S.R. to Pakistan, Northwest India.	do	E	15	NA	NA

Species		Historic range	Vertebrate population where endangered or threatened	Status	When listed	Critical habitat	Special rules
Common name	Scientific name						
Monitor, Komodo Island	*Varanus komodoensis*	Indonesia (Komodo, Rintja, Padar, and western Flores Island.	do	E	15	NA	NA
Monitor, yellow	*Varanus flavescens*	West Pakistan through India to Bangladesh.	do	E	15	NA	NA
Python, Indian	*Python molurus molurus*	Sri Lanka and India	do	E	15	NA	NA
Rattlesnake, Aruba Island	*Crotalus unicolor*	Aruba Island (Netherland Antilles)	do	T	129	NA	NA
Rattlesnake, New Mexican ridgs-nosed.	*Crotalus willardi obscurus*	U.S.A. (NM), Mexico	do	T	43	17.95(c)	NA
Skink, Round Island	*Leiolopisma telfairi*	Indian Ocean: Mauritius	do	T	129	NA	NA
Snake, Atlantic salt marsh	*Nerodia fasciata taeniata*	U.S.A. (Florida)	do	T	30	NA	NA
Snake, eastern indigo	*Drymarchon corais couperi*	U.S.A. (AL, FL, GA, MS, SC)	do	T	32	NA	NA
Snake, San Francisco garter	*Thamnophis sirtalis tetrataenia*	U.S.A. (California)	do	E	1	NA	NA
Tartaruga	*Podocnemis expansa*	South America: Orinoco and Amazon River basins.	do	E	3	NA	NA
Terrapin, river (=Tuntong)	*Batagur baska*	Malaysia, Bangladesh, Burma, India, Indonesia.	do	E	3	NA	NA
Tomistoma	*Tomistoma schlegelii*	Malaysia, Indonesia	do	E	15	NA	NA
Tortoise, angulated	*Geochelone yniphora*	Malagasy Republic (=Madagascar)	do	E	15	NA	NA
Tortoise, Bolson	*Gopherus flavomarginatus*	Mexico	do	E	46	NA	NA
Tortoise, desert	*Scaptochelys (=Gopherus) agassizii*	U.S.A. (UT, AZ, CA, NV); Mexico	Beaver Dam Slope, Utah.	T	103	17.95(c)	NA
Tortoise, Galapagos	*Geochelone elephantopus*	Ecuador (Galapagos Islands)	Entire	E	3	NA	NA
Tortoise, Indian flap-shell	*Lissemys punctata punctata*	India, Pakistan, Bangladesh	do	E	15	NA	NA
Tortoise, radiated	*Geochelone (=Testudo) radiata*	Malagasy Republic (=Madagascar)	do	E	3	NA	NA
Tracaja	*Podocnemis unifilis*	South America: Orinoco and Amazon River basins.	do	E	3	NA	NA
Tuatara	*Sphenodon punctatus*	New Zealand	do	E	3	NA	NA
Turtle, aquatic box	*Terrapene coahuila*	Mexico	do	E	6	NA	NA
Turtle, black softshell	*Trionyx nigricans*	Bangladesh	do	E	15	NA	NA
Turtle, Burmese peacock	*Morenia ocellata*	Burma	do	E	15	NA	NA
Turtle, Central American river	*Dermatemys mawii*	Mexico, Belize, Guatemala	do	E	129	NA	NA
Turtle, Cuatro Cienegas softshell	*Trionyx atar*	Mexico	do	E	15	NA	NA
Turtle, geometric	*Psammobates geometricus (=Geochelone geometrica).*	South Africa	do	E	15	NA	NA
Turtle, green sea	*Chelonia mydas*	Circumglobal in tropical and temperate seas and oceans.	Wherever found except where listed as endangered below.	T	42	NA	17.42(b) and Parts 220 and 227.
Turtle, green sea	*Chelonia mydas*	do	Breeding colony populations in FL and on Pacific coast of Mexico.	E	42	NA	NA
Turtle, hawksbill sea (=carey)	*Eretmochelys imbricata*	Tropical seas	Entire	E	3	17.95(c)	NA
Turtle, Indian sawback	*Kachuga tecta tecta*	India	do	E	15	NA	NA
Turtle, Indian softshell	*Trionyx gangeticus*	Pakistan, India	do	E	15	NA	NA
Turtle, Kemp's (=Atlantic) Ridley sea.	*Lepidochelys kempi*	Tropical and temperate seas	do	E	4	NA	NA
Turtle, leatherback sea	*Dermochelys coriacea*	Tropical, temperate, and subpolar seas	do	E	3	17.95(c)	NA
Turtle, loggerhead sea	*Caretta caretta*	Circumglobal in tropical and temperate seas and oceans.	do	T	42	NA	17.42(b) and Parts 220 and 227.
Turtle, Olive (Pacific) Ridley sea	*Lepidochelys olivacea*	do	Wherever found except where listed as endangered below.	T	42	NA	17.42(b) and Parts 220 and 227.
Turtle, Olive (Pacific) Ridley sea	*Lepidochelys olivacea*	do	Breeding colony populations on Pacific coast of Mexico.	E	42	NA	NA
Turtle, peacock softshell	*Trionyx hurum*	India, Bangladesh	Entire	E	15	NA	NA
Turtle, Plymouth red-bellied	*Pseudemys (=Chrysemys) rubriventris bangsi.*	U.S.A. (Massechusetts)	do	E	90	17.95(c)	NA
Turtle, short-necked or western swamp.	*Pseudemydura umbrina*	Australia	do	E	3	NA	NA
Turtle, spotted pond	*Geoclemys (=Damonia) hamiltonii*	North India, Pakistan	do	E	15	NA	NA
Turtle, three-keeled Asian	*Melanochelys (=Geoemyda-Nicoria) tricarinata.*	Central India to Bangladesh and Burma	do	E	15	NA	NA
Viper, Lar Valley	*Vipera latifii*	Iran	do	E	129	NA	NA
AMPHIBIANS							
Coqui, golden	*Eleutherodactylus jasperi*	U.S.A. (Puerto Rico)	do	T	29	17.95(d)	NA
Frog, Israel painted	*Discoglossus nigriventer*	Israel	do	E	3	NA	NA
Frog, Panamanian golden	*Atelopus varius zeteki*	Panama	do	E	15	NA	NA
Frog, Stephen Island	*Leiopelma hamiltoni*	New Zealand	do	E	3	NA	NA
Salamander, Chinese giant	*Andrias davidianus davidianus*	Western China	do	E	15	NA	NA
Salamander, desert slender	*Batrachoseps aridus*	U.S.A. (California)	do	E	6	NA	NA
Salamander, Japanese giant	*Andrias davidianus japonicus*	Japan	do	E	15	NA	NA
Salamander, Red Hills	*Phaeognathus hubrichti*	U.S.A. (Alabama)	do	T	19	NA	NA
Salamander, San Marcos	*Eurycea nana*	U.S.A. (Texas)	do	T	98	17.95(d)	17.43(a)
Salamander, Santa Cruz long-toed	*Ambystoma macrodactylum croceum*	U.S.A. (California)	do	E	1	NA	NA
Salamander, Texas blind	*Typhlomolge rathbuni*	U.S.A. (Texas)	do	E	1	NA	NA
Toad, African viviparous	*Nectophrynoides spp*	Tanzania, Guinea, Ivory Coast, Cameroon, Liberia, Ethiopia.	do	E	15	NA	NA
Toad, Cameroon	*Bufo superciliaris*	Equatorial Africa	do	E	15	NA	NA
Toad, Houston	*Bufo houstonensis*	U.S.A. (Texas)	do	E	2	17.95(d)	NA
Toad, Monte Verde	*Bufo periglenes*	Costa Rica	do	E	15	NA	NA
Treefrog, pine barrens	*Hyla andersonii*	U.S.A. (FL, AL, NC, SC, NJ)	Florida	E	29	17.95(d)	NA

Species		Historic range	Vertebrate population where endangered or threatened	Status	When listed	Critical habitat	Special rules
Common name	Scientific name						
FISHES							
Alа Balik (trout)	*Salmo platycephalus*	Turkey	Entire	E	3	NA	NA
Ayumodoki (loach)	*Hymenophysa (=Botia) curta*	Japan	do	E	3	NA	NA
Blindcat, Mexican (catfish)	*Prietella phreatophila*	Mexico	do	E	3	NA	NA
Bonytail, Pahranagat	*Gila robusta jordani*	U.S.A. (Nevada)	do	E	2	NA	NA
Bonytongue, Asian	*Scleropages formosus*	Thailand, Indonesia, Malaysia	do	E	15	NA	NA
Catfish [no common name]	*Pangasius sanitwongsei*	Thailand	do	E	3	NA	NA
Catfish, giant	*Pangasianodon gigas*	do	do	E	3	NA	NA
Cavefish, Alabama	*Speoplatyrhinus poulsoni*	U.S.A. (Alabama)	do	T	28	17.95(e)	NA
Chub, bonytail	*Gila elegans*	U.S.A. (AZ, CA, CO, NV, UT, WY)	do	E	92	NA	NA
Chub, Borax Lake	*Gila boraxobius*	U.S.A. (Oregon)	do	E	124	17.95(e)	NA
Chub, humpback	*Gila cypha*	U.S.A. (AZ, CO, UT, WY)	do	E	1	NA	NA
Chub, Mohave tui	*Gila bicolor mohavensis (=G. mohavensis).*	U.S.A. (California)	do	E	2	NA	NA
Chub, slender	*Hybopsis cahni*	U.S.A. (TN, VA)	do	T	28	17.95(e)	17.44(c)
Chub, spotfin	*Hybopsis monacha*	U.S.A. (AL, GA, NC, TN, VA)	do	T	28	17.95(e)	17.44(c)
Cicek (minnow)	*Acanthorutilus handlirschi*	Turkey	do	E	3	NA	NA
Cisco, longjaw	*Coregonus alpenae*	U.S.A. and Canada (Lakes Michigan, Huron, Erie).	do	E	1, 4	NA	NA
Cui-ui	*Chasmistes cujus*	U.S.A. (Nevada)	do	E	1	NA	NA
Dace, Ash Meadows speckled	*Rhinichthys osculus nevadensis*	do	do	E	117E, 127E	17.95(e)	NA
Dace, Kendall Warm Springs	*Rhinichthys osculus thermalis*	U.S.A. (Wyoming)	do	E	2	NA	NA
Dace, Moapa	*Moapa coriacea*	U.S.A. (Nevada)	do	E	1	NA	NA
Darter, bayou	*Etheostoma rubrum*	U.S.A. (Mississippi)	do	T	10	NA	17.44(b)
Darter, fountain	*Etheostoma fonticola*	U.S.A. (Texas)	do	E	2	17.95(e)	NA
Darter, leopard	*Percina pantherina*	U.S.A. (AR, OK)	do	T	31	17.95(e)	17.44(d)
Darter, Maryland	*Etheostoma sellare*	U.S.A. (Maryland)	do	E	1	NA	NA
Darter, Okaloosa	*Etheostoma okaloosae*	U.S.A. (Florida)	do	E	6	NA	NA
Darter, slackwater	*Etheostoma boschungi*	U.S.A. (AL, TN)	do	T	28	17.95(e)	17.44(c)
Darter, snail	*Percina tanasi*	U.S.A. (AL, GA, TN)	do	E	12	17.95(e)	NA
Darter, watercress	*Etheostoma nuchale*	U.S.A. (Alabama)	do	E	2	NA	NA
Gambusia, Big Bend	*Gambusia gaigei*	U.S.A. (Texas)	do	E	1	NA	NA
Gambusia, Clear Creek	*Gambusia heterochir*	do	do	E	1	NA	NA
Gambusia, Amistad (=Goodenough)	*Gambusia amistadensis*	do	do	E	93	NA	NA
Gambusia, Pecos	*Gambusia nobilis*	U.S.A. (NM, TX)	do	E	2	NA	NA
Gambusia, San Marcos	*Gambusia georgei*	U.S.A. (Texas)	do	E	96	17.95(e)	NA
Killifish, Pahrump	*Empetrichthys latos*	U.S.A. (Nevada)	do	E	1	NA	NA
Madtom, Scioto	*Noturus trautmani*	U.S.A. (Ohio)	do	E	10	NA	NA
Madtom, yellowfin	*Noturus flavipinnis*	U.S.A. (GA, TN, VA)	do	T	28	17.95(e)	17.44(c)
Nekogigi (catfish)	*Coreobagrus ichikawai*	Japan	do	E	3	NA	NA
Pike, blue	*Stizostedion vitreum glaucum*	U.S.A. and Canada (Lakes Erie, Ontario)	do	E	1	NA	NA
Pupfish, Ash Meadows Amargosa	*Cyprinodon nevadensis mionectes*	U.S.A. (Nevada)	do	E	117E, 127E	17.95(e)	NA
Pupfish, Comanche Springs	*Cyprinodon elegans*	U.S.A. (Texas)	do	E	1	NA	NA
Pupfish, Devils Hole	*Cyprinodon diabolis*	U.S.A. (Nevada)	do	E	1	NA	NA
Pupfish, Leon Springs	*Cyprinodon bovinus*	U.S.A. (Texas)	do	E	102	17.95(e)	NA
Pupfish, Owens River	*Cyprinodon radiosus*	U.S.A. (California)	do	E	1	NA	NA
Pupfish, Warm Springs	*Cyprinodon nevadensis pectoralis*	U.S.A. (Nevada)	do	E	2	NA	NA
Squawfish, Colorado	*Ptychocheilus lucius*	U.S.A. (AZ, CA, CO, NM, NV, UT, WY), Mexico.	do	E	1	NA	NA
Stickleback, unarmored threespine	*Gasterosteus aculeatus williamsoni*	U.S.A. (California)	do	E	2	NA	NA
Sturgeon, shortnose	*Acipenser brevirostrum*	U.S.A. and Canada (Atlantic Coast)	do	E	1	NA	NA
Tango, Miyako (Tokyo bitterling)	*Tanakia tanago*	Japan	do	E	3	NA	NA
Temolok, Ikan (minnow)	*Probarbus jullieni*	Thailand, Cambodia, Vietnam, Malaysia, Laos.	do	E	15	NA	NA
Topminnow, Gila	*Poeciliopsis occidentalis*	U.S.A. (AZ, NM), Mexico	do	E	1	NA	NA
Totoaba (seatrout or weakfish)	*Cynoscion macdonaldi*	Mexico (Gulf of California)	do	E	45	NA	NA
Trout, Apache (=Arizona)	*Salmo apache*	U.S.A. (Arizona)	do	T	1, 8	NA	17.44(a)
Trout, Gila	*Salmo gilae*	U.S.A. (New Mexico)	do	E	1	NA	NA
Trout, greenback cutthroat	*Salmo clarki stomias*	U.S.A. (Colorado)	do	T	1, 38	NA	17.44(f)
Trout, Lahontan cutthroat	*Salmo clarki henshawi*	U.S.A. (CA, NV)	do	T	2, 8	NA	17.44(a)
Trout, Little Kern golden	*Salmo aguabonita whitei*	U.S.A. (California)	do	T	37	17.95(e)	17.44(a)
Trout, Paiute cutthroat	*Salmo clarki selenris*	do	do	T	1, 8	NA	17.44(a)
Woundfin	*Plagopterus argentissimus*	U.S.A. (AZ, NV, UT)	do	E	2	NA	NA
SNAILS							
Snail, Chittenango ovate amber	*Succinea chittenangoensis*	U.S.A. (New York)	NA	T	41	NA	NA
Snail, flat-spired three-toothed	*Triodopsis platysayoides*	U.S.A. (West Virginia)	NA	T	41	NA	NA
Snail, Iowa Pleistocene	*Discus macclintocki*	U.S.A. (Iowa)	NA	E	41	NA	NA
Snail, Manus Island tree	*Papustyla pulcherrima*	Admiralty Islands (Manus Islands)	NA	E	3	NA	NA
Snail, noonday	*Mesodon clarki nantahala*	U.S.A. (North Carolina)	NA	T	41	NA	NA
Snail, Oahu tree	*Achatinella* spp. (all species)	U.S.A. (Hawaii)	NA	E	108, 112	NA	NA
Snail, painted snake coiled forest	*Anguispira picta*	U.S.A. (Tennessee)	NA	T	41	NA	NA
Snail, Stock Island	*Orthalicus reses*	U.S.A. (Florida)	NA	T	41	NA	NA
Snail, Virginia fringed mountain	*Polygyriscus virginianus*	U.S.A. (Virginia)	NA	E	41	NA	NA
CLAMS							
Pearly mussel, Alabama lamp	*Lampsilis virescens*	U.S.A. (AL, TN)	NA	E	15	NA	NA
Pearly mussel, Appalachian monkey-face	*Quadrula sparsa*	U.S.A. (TN, VA)	NA	E	15	NA	NA

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Common name	Scientific name						
Pearly mussel, birdwing	*Conradilla caelata*	do	NA	E	15	NA	NA
Pearly mussel, Cumberland bean	*Villosa (=Micromya) trabalis*	U.S.A. (Kentucky)	NA	E	15	NA	NA
Pearly mussel, Cumberland monkey-face.	*Quadrula intermedia*	U.S.A. (AL, TN, VA)	NA	E	15	NA	NA
Pearly mussel, Curtis'	*Epioblasma (=Dysnomia) florentina curtisi.*	U.S.A. (Missouri)	NA	E	15	NA	NA
Pearly mussel, dromedary	*Dromus dromas*	U.S.A. (TN, VA)	NA	E	15	NA	NA
Pearly mussel, green-blossom	*Epioblasma (=Dysnomia) torulosa gubernaculum.*	do	NA	E	15	NA	NA
Pearly mussel, Higgins' eye	*Lampsilis higginsi*	U.S.A. (IL, IA, MN, MO, NE, WI)	NA	E	15	NA	NA
Pearly mussel, Nicklin's	*Megalonaias nicklineana*	Mexico	NA	E	15	NA	NA
Pearly mussel, orange-footed	*Plethobasus cooperianus*	U.S.A. (AL, IN, IA, KY, OH, PA, TN)	NA	E	15	NA	NA
Pearly mussel, pale lilliput	*Toxolasma (=Carunculina) cylindrella*	U.S.A. (AL, TN)	NA	E	15	NA	NA
Pearly mussel, pink mucket	*Lampsilis orbiculata*	U.S.A. (AL, IL, IN, KY, MO, OH, PA, TN, WV).	NA	E	15	NA	NA
Pearly mussel, Sampson's	*Epioblasma (=Dysnomia) sampsoni*	U.S.A. (IL, IN)	NA	E	15	NA	NA
Pearly mussel, Tampico	*Cyrtonaias tampicoensis tecomatensis*	Mexico	NA	E	15	NA	NA
Pearly mussel, tubercled-blossom	*Epioblasma (=Dysnomia) torulosa torulosa.*	U.S.A. (IL, KY, TN, WV)	NA	E	15	NA	NA
Pearly mussel, turgid-blossom	*Epioblasma (=Dysnomia) turgidula*	U.S.A. (AL, TN)	NA	E	15	NA	NA
Pearly mussel, white cat's paw	*Epioblasma (=Dysnomia) sulcata delicata*	U.S.A. (IN, MI, OH)	NA	E	15	NA	NA
Pearly mussel, white wartyback	*Plethobasus cicatricosus*	U.S.A. (AL, TN)	NA	E	15	NA	NA
Pearly mussel, yellow-blossom	*Epioblasma (=Dysnomia) florentina florentina.*	do	NA	E	15	NA	NA
Pigtoe, fine-rayed	*Fusconaia cuneolus*	U.S.A. (AL, TN, VA)	NA	E	15	NA	NA
Pigtoe, rough	*Pleurobema plenum*	U.S.A. (KY, TN, VA)	NA	E	15	NA	NA
Pigtoe, shiny	*Fusconaia edgariana*	U.S.A. (AL, TN, VA)	NA	E	15	NA	NA
Pocketbook, fat	*Potamilus (=Proptera) capax*	U.S.A. (AR, IN, MO, OH)	NA	E	15	NA	NA
Riffle shell, tan	*Epioblasma walkeri*	U.S.A. (KY, TN, VA)	NA	E	27	NA	NA
CRUSTACEANS							
Amphipod, Hay's spring	*Stygobromus hayi*	U.S.A. (District of Columbia)	NA	E	115	NA	NA
Isopod, Madison Cave	*Antrolana lira*	U.S.A. (VA)	NA	T	123	NA	17.46(a)
Isopod, Socorro	*Thermosphaeroma (=Exosphaeroma) thermophilus.*	U.S.A. (New Mexico)	NA	E	36	NA	NA
INSECTS							
Beetle, Delta green ground	*Elaphrus viridis*	U.S.A. (California)	NA	T	100	17.95(i)	NA
Beetle, valley elderberry longhorn	*Desmocerus californicus dimorphus*	do	NA	T	99	17.95(i)	NA
Butterfly, Bahama swallowtail	*Papilio andraemon bonhotei*	U.S.A. (FL), Bahamas	NA	T	13	NA	17.47(a)
Butterfly, El Segundo blue	*Euphilotes (=Shijimiaeoides) battoides allyni.*	U.S.A. (California)	NA	E	14	NA	NA
Butterfly, Lange's metalmark	*Apodemia mormo langei*	do	NA	E	14	NA	NA
Butterfly, Lotis blue	*Lycaeides argyrognomon lotis*	do	NA	E	14	NA	NA
Butterfly, mission blue	*Icaricia icarioides missionensis*	do	NA	E	14	NA	NA
Butterfly, Oregon silverspot	*Speyeria zerene hippolyta*	U.S.A. (OR, WA)	NA	T	95	17.95(i)	NA
Butterfly, Palos Verdes blue	*Glaucopsyche lygdamus palosverdesensis*	U.S.A. (California)	NA	E	96	17.95(i)	NA
Butterfly, San Bruno elfin	*Callophrys mossii bayensis*	do	NA	E	14	NA	NA
Butterfly, Schaus swallowtail	*Papilio aristodemus ponceanus*	U.S.A. (Florida)	NA	T	13	NA	17.47(a)
Butterfly, Smith's blue	*Euphilotes (=Shijimiaeoides) enoptes smithi.*	U.S.A. (California)	NA	E	14	NA	NA
Moth, Kern primrose sphinx	*Euproserpinus euterpe*	do	NA	T	91	NA	NA

#—Indicates FR where species was delisted; relisting of the species is indicated by subsequent number(s).
E—Indicates Emergency rule publication (see FR document for effective dates); subsequent number(s) indicate FR final rule, if applicable.

EFFECTIVE DATE NOTE: At 48 FR 612, January 5, 1983, the Ash Meadows speckled dace and the Ash Meadows Amargosa pupfish were again added by an emergency rule to the Endangered Species list. This emergency determination was effective January 5, 1983, and will expire September 2, 1983.

EDITORIAL NOTE: For "When listed" citations, see list following.

1—32 FR 4001; March 11, 1967.
2—35 FR 16047; October 13, 1970.
3—35 FR 8495; June 2, 1970.
4—35 FR 18320; December 2, 1970.
5—37 FR 6476; March 30, 1972.
6—38 FR 14678; June 4, 1973.
7—39 FR 44991; December 30, 1974.
8—40 FR 29664; July 16, 1975.
9—40 FR 31736; July 28, 1975.
10—40 FR 44151; September 25, 1975.
11—40 FR 44418; September 26, 1975.
12—40 FR 47506; October 9, 1975.
13—41 FR 17740; April 28, 1976.
14—41 FR 22044; June 1, 1976.
15—41 FR 24064; June 14, 1976.
16—41 FR 45993; October 19, 1976.
17—41 FR 51021; November 19, 1976.
18—41 FR 51612; November 23, 1976.
19—41 FR 53034; December 3, 1976.
20—42 FR 2076; January 10, 1977.
21—42 FR 2968; January 14, 1977.
23—42 FR 28137; June 2, 1977.
24—42 FR 28545; June 3, 1977.
25—42 FR 37373; July 21, 1977.
26—42 FR 40685; August 11, 1977.
27—42 FR 42353; August 23, 1977.
28—42 FR 45528; September 9, 1977.
29—42 FR 58755; November 11, 1977.
30—42 FR 60745; November 29, 1977.
31—43 FR 3715; January 27, 1978.
32—43 FR 4028; January 31, 1978.
33—43 FR 4621; February 3, 1978.
34—43 FR 6233; February 14, 1978.
35—43 FR 9612; March 9, 1978.
36—43 FR 12691; March 27, 1978.
37—43 FR 15429; April 13, 1978.
38—43 FR 16345; April 18, 1978.
40—43 FR 20504; May 12, 1978.
41—43 FR 28932; July 3, 1978.
42—43 FR 32808; July 28, 1978.
43—43 FR 34479; August 4, 1978.
44—43 FR 44812; September 28, 1978.
45—44 FR 21289; April 10, 1979.
46—44 FR 23064; April 17, 1979.
48—44 FR 29480; May 21, 1979.
50—44 FR 37126; June 25, 1979.
51—44 FR 37132; June 25, 1979.
52—44 FR 42911; July 20, 1979.
54—44 FR 49220; August 21, 1979.
55—44 FR 54007; September 17, 1979.
60—44 FR 59084; October 12, 1979.
85—44 FR 69208; November 30, 1979.
86—44 FR 70677; December 7, 1979.
87—44 FR 75076; December 18, 1979.
88—45 FR 18010; March 20, 1980.
90—45 FR 21833; April 2, 1980.
91—45 FR 24090; April 8, 1980.
92—45 FR 27713; April 23, 1980.
93—45 FR 28722; April 30, 1980.
94—45 FR 35821; May 28, 1980.
95—45 FR 44935; July 2, 1980.
96—45 FR 44939; July 2, 1980.
97—45 FR 47352; July 14, 1980.
98—45 FR 47355; July 14, 1980.
99—45 FR 52803; August 8, 1980.
100—45 FR 52807; August 8, 1980.
102—45 FR 54678; August 15, 1980.
103—45 FR 55654; August 20, 1980.
105—45 FR 63812; September 25, 1980.
106—45 FR 65132; October 1, 1980.
108—46 FR 3178; January 13, 1981.
111—46 FR 11665; February 10, 1981.
112—46 FR 40025; August 6, 1981.
113—46 FR 40664; August 10, 1981.
114—47 FR 4204; January 28, 1982.
115—47 FR 5425; February 5, 1982.
117—47 FR 19995; May 10, 1982.
119—47 FR 31670; July 21, 1982.
123—47 FR 43701; October 4, 1982.
124—47 FR 43962; October 5, 1982.
125—47 FR 46093; October 15, 1982.
127—48 FR 612; January 5, 1983.
128—48 FR 1726; January 14, 1983.
129—48 FR 28464; June 22, 1983.

§ 17.12 Endangered and threatened plants.

(a) The list in this section contains the names of all species of plants which have been determined by the Services to be Endangered or Threatened. It also contains the names of species of plants treated as Endangered or Threatened because they are sufficiently similar in appearance to Endangered or Threatened species (see § 17.50 *et seq.*).

(b) The columns entitled "Scientific Name" and "Common Name" define the species of plant within the meaning of the Act. Although common names are included, they cannot be relied upon for identification of any specimen, since they may vary greatly in local usage. The Services shall use the most recently accepted scientific name. In cases in which confusion might arise, a synonym(s) will be provided in parentheses. The Services shall rely to the extent practicable on the *International Code of Botanical Nomenclature.*

(c) In the "Status" column the following symbols are used: "E" for Endangered, "T" for Threatened, and "E [or T] (S/A)" for similarity of appearance species.

(d) The other data in the list are nonregulatory in nature and are provided for the information of the reader. In the annual revision and compilation of this Title, the following information may be amended without public notice: the spelling of species' names, historical range, footnotes, references to certain other applicable portions of this Title, synonyms, and more current names. In any of these revised entries, neither the species, as defined in paragraph (b) of this section, nor its status may be changed without following the procedures of Part 424 of this Title.

(e) The "Historic Range" indicates the known general distribution of the species or subspecies as reported in the current scientific literature. The present distribution may be greatly reduced from this historic range. This column does not imply any limitation on the application of the prohibitions in the Act or implementing rules. Such prohibitions apply to all individuals of the plant species, wherever found.

(f)(1) A footnote to the **Federal Register** publication(s) listing or reclassifying a species is indicated under the column "When Listed." Footnote numbers to §§ 17.11 and 17.12 are in the same numerical sequence, since plants and animals may be listed in the same **Federal Register** document. That document, at least since 1973, includes a statement indicating the basis for the listing, as well as the effective date(s) of said listing.

(2) The "Special Rules" and "Critical Habitat" columns provide a cross reference to other sections in Parts 17, 222, 226, or 227. The term "NA" (not applicable) appearing in either of these two columns indicates that there are no special rules and/or Critical Habitat for that particular species. However, all other appropriate rules in Parts 17, 217–227, and 402 still apply to that species. In addition, there may be other rules in this Title that relate to such plants, e.g., port-of-entry requirements. It is not intended that the references in the "Special Rules" column list all the regulations of the two Services which might apply to the species or to the regulations of other Federal agencies or State or local governments.

(g) The listing of a particular taxon includes all lower taxonomic units [see § 17.11(g) for examples].

(h) The "List of Endangered and Threatened Plants" is provided below:

Species		Historic range	Status	When listed	Critical habitat	Special rules
Scientific name	Common name					
Alismataceae—Water-plantain family:						
Sagittaria fasciculata	Bunched arrowhead	U.S.A. (NC, SC)	E	53	NA	NA
Asteraceae—Aster family:						
Echinacea tennesseensis	Tennessee purple coneflower	U.S.A. (TN)	E	49	NA	NA
Lipochaeta venosa	None	U.S.A. (HI)	E	73	NA	NA
Stephanomeria malheurensis	Malheur wire-lettuce	U.S.A. (OR)	E	126	17.96(a)	NA
Berberidaceae—Barberry family:						
Mahonia sonnei (= *Berberis s.*)	Truckee barberry	U.S.A. (CA)	E	76	NA	NA
Betulaceae—Birch family:						
Betula uber	Virginia round-leaf birch	U.S.A. (VA)	E	39	NA	NA
Brassicaceae—Mustard family:						
Arabis mcdonaldiana	McDonald's rock-cress	U.S.A. (CA)	E	44	NA	NA
Erysimum capitatum var. *angustatum*	Contra Costa wallflower	do	E	39	17.96(a)	NA
Cactaceae—Cactus family:						
Ancistrocactus tobuschii (= *Echinocactus t., Mammillaria t.*).	Tobusch fishhook cactus	U.S.A. (TX)	E	80	NA	NA
Coryphantha minima (= *C. nellieae, Escobaria n., Mammillaria n.*).	Nellie cory cactus	do	E	81	NA	NA
Coryphantha ramillosa	Bunched cory cactus	U.S.A. (TX), Mexico (Coahuila).	T	77	NA	NA
Coryphantha sneedii var. *leei* (= *Escobaria l., Mammillaria l.*).	Lee pincushion cactus	U.S.A. (NM)	T	61	NA	NA
Coryphantha sneedii var. *sneedii* (= *Escobaria s., Mammillaria s.*).	Sneed pincushion cactus	U.S.A. (TX, NM)	E	82	NA	NA

Species		Historic range	Status	When listed	Critical habitat	Special rules
Scientific name	Common name					
Echinocactus horizonthalonius var. nicholii	Nichol's Turk's head cactus	U.S.A. (AZ)	E	71	NA	NA
Echinocereus engelmannii var. purpureus	Purple-spined hedgehog cactus	U.S.A. (UT)	E	58	NA	NA
Echinocereus fendleri var. kuenzleri (=*E. kuenzleri, E. hempelii* of authors, not Fobe).	Kuenzler hedgehog cactus	U.S.A. (NM)	E	70	NA	NA
Echinocereus lloydii (=*E. roetteri var. l.*)	Lloyd's hedgehog cactus	U.S.A. (TX)	E	67	NA	NA
Echinocereus reichenbachii var. alberti (=*E. melanocentrus*).	Black lace cactus	do	E	68	NA	NA
Echinocereus triglochidiatus var. arizonicus (=*E. arizonicus*).	Arizona hedgehog cactus	U.S.A. (AZ)	E	62	NA	NA
Echinocereus triglochidiatus var. inermis (=*E. coccineus var. i., E. phoeniceus var. i.*).	Spineless hedgehog cactus	U.S.A. (CO, UT)	E	83	NA	NA
Echinocereus viridiflorus var. davisii (=*E. davisii*)	Davis' green pitaya	U.S.A. (TX)	E	81	NA	NA
Neolloydia mariposensis (=*Echinocactus m., Echinomastus m.*).	Lloyd's Mariposa cactus	do	T	77	NA	NA
Pediocactus bradyi (=*Toumeya b.*)	Brady pincushion cactus	U.S.A. (AZ)	E	83	NA	NA
Pediocactus knowltonii (=*Toumeya k.*)	Knowlton cactus	U.S.A. (NM, CO)	E	72	NA	NA
Pediocactus peeblesianus var. peeblesianus (=*Echinocactus p., Navajoa p., Toumeya p., Utahia p.*).	Peebles Navajo cactus	U.S.A. (AZ)	E	69	NA	NA
Pediocactus sileri (=*Echinocactus s., Utahia s.*)	Siler pincushion cactus	U.S.A. (AZ, UT)	E	64	NA	NA
Sclerocactus glaucus (=*Echinocactus g., E. subglaucus, E. whipplei var. g., Pediocactus g., S. franklinii*).	Uinta Basin hookless cactus	U.S.A. (CO, UT)	T	59	NA	NA
Sclerocactus mesae-verdae (=*Coloradoa m., Echinocactus m., Pediocactus m.*).	Mesa Verde cactus	U.S.A. (CO, NM)	T	75	NA	NA
Sclerocactus wrightiae (=*Pediocactus w.*)	Wright fishhook cactus	U.S.A. (UT)	E	58	NA	NA
Cistaceae—Rockrose family:						
Hudsonia montana	Mountain golden heather	U.S.A. (NC)	T	107	17.96(a)	NA
Crassulaceae—Stonecrop family:						
Dudleya traskiae	Santa Barbara Island liveforever	U.S.A. (CA)	E	39	NA	NA
Cupressaceae—Cypress family:						
Fitzroya cupressoides	Chilean false larch (=alerce)	Chile, Argentina	T	79	NA	NA
Ericaceae—Heath family:						
Arctostaphylos hookeri ssp. ravenii	Raven's manzanita	U.S.A. (CA)	E	65	NA	NA
Rhododendron chapmanii	Chapman rhododendron	U.S.A. (FL)	E	47	NA	NA
Euphorbiaceae—Spurge family:						
Euphorbia skottsbergii var. kalaeloana	'Ewa Plains' akoko	U.S.A. (HI)	E	120	NA	NA
Fabaceae—Pea family:						
Astragalus perianus	Rydberg milk-vetch	U.S.A. (UT)	T	39	NA	NA
Baptisia arachnifera	Hairy rattleweed	U.S.A. (GA)	E	39	NA	NA
Lotus dendroideus (=*scoparius*) *ssp. traskiae*	San Clemente Island broom	U.S.A. (CA)	E	26	NA	NA
Vicia menziesii	Hawaiian vetch	U.S.A. (HI)	E	39	NA	NA
Hydrophyllaceae—Waterleaf family:						
Phacelia argillacea	None	U.S.A. (UT)	E	44	NA	NA
Phacelia formosula	North Park phacelia	U.S.A. (CO)	E	121	NA	NA
Lamiaceae—Mint family:						
Haplostachys haplostachya var. angustifolia	None	U.S.A. (HI)	E	73	NA	NA
Hedeoma apiculatum	McKittrick pennyroyal	U.S.A. (TX, NM)	T	118	17.96(a)	NA
Hedeoma todsenii	Todsen's pennyroyal	U.S.A. (NM)	E	110, 112	17.96(a)	NA
Pogogyne abramsii	San Diego mesa mint	U.S.A. (CA)	E	44	NA	NA
Stenogyne angustifolia var. angustifolia	None	U.S.A. (HI)	E	73	NA	NA
Liliaceae—Lily family:						
Harperocallis flava	Harper's beauty	U.S.A. (FL)	E	57	NA	NA
Trillium persistens	Persistent trillium	U.S.A. (GA, SC)	E	39	NA	NA
Malvaceae—Mallow family:						
Callirhoe scabriuscula	Texas poppy-mallow	U.S.A. (TX)	E	109, 112	NA	NA
Kokia cookei	Cooke's kokio	U.S.A. (HI)	E	74	NA	NA
Malacothamnus clementinus	San Clemente Island bush-mallow	U.S.A. (CA)	E	26	NA	NA
Nyctaginaceae—Four-o'clock family:						
Mirabilis macfarlanei	MacFarlane's four-o'clock	U.S.A. (ID, OR)	E	66	NA	NA
Onagraceae—Evening-primrose family:						
Oenothera avita ssp. eurekensis	Eureka Valley evening-primrose	U.S.A. (CA)	E	39	NA	NA
Oenothera deltoides ssp. howellii	Antioch Dunes evening-primrose	do	E	39	17.96(a)	NA

Species		Historic range	Status	When listed	Critical habitat	Special rules
Scientific name	Common name					
Orchidaceae—Orchid family:						
Isotria medeoloides	Small whorled pogonia	Canada (Ontario) and U.S.A. (CT, IL, MA, MD, ME, MI, MO, NC, NH, NJ, NY, PA, RI, SC, VA, VT).	E	122	NA	NA
Spiranthes parksii	Navasota ladies'-tresses	U.S.A. (TX)	E	116	NA	NA
Papaveraceae—Poppy family:						
Arctomecon humilis	Dwarf bear-poppy	U.S.A. (UT)	E	78	NA	NA
Pinaceae—Pine family:						
Abies guatemalensis	Guatemalan fir (=pinabete)	Mexico, Guatemala, Honduras, El Salvador.	T	84	NA	NA
Poaceae—Grass family:						
Orcuttia mucronata	Solano (=Crampton's Orcutt) grass	U.S.A. (CA)	E	44	NA	NA
Swallenia alexandrae	Eureka Dune grass	do	E	39	NA	NA
Zizania texana	Texas wild-rice	U.S.A. (TX)	E	39	17.96(a)	NA
Polygonaceae—Buckwheat family:						
Eriogonum gypsophilum	Gypsum wild-buckwheat	U.S.A. (NM)	T	110, 112	17.96(a)	NA
Ranunculaceae—Buttercup family:						
Aconitum noveboracense	Northern wild monkshood	U.S.A. (IA, NY, OH, WI)	T	39	NA	NA
Delphinium kinkiense	San Clemente Island larkspur	U.S.A. (CA)	E	26	NA	NA
Rosaceae—Rose family:						
Potentilla robbinsiana	Robbin's cinquefoil	U.S.A. (NH, VT)	E	104	17.96(a)	NA
Sarraceniaceae—Pitcher plant family:						
Sarracenia oreophila	Green pitcher plant	U.S.A. (AL, GA)	E	56, 89	NA	NA
Scrophulariaceae—Snapdragon family:						
Castilleja grisea	San Clemente Island Indian paintbrush	U.S.A. (CA)	E	26	NA	NA
Cordylanthus maritimus ssp. *maritimus*	Salt marsh bird's beak	U.S.A. (CA), Mexico (Baja California).	E	44	NA	NA
Pedicularis furbishiae	Furbish lousewort	U.S.A. (ME), Canada (New Brunswick).	E	39	NA	NA

E—Indicates Emergency rule publication (see FR document for effective dates); subsequent number(s) indicate FR final rule, if applicable.

EDITORIAL NOTE: For "When listed" citations, see list following.

26—42 FR 40685; August 11, 1977.
39—43 FR 17916; April 26, 1978.
44—43 FR 44812; September 28, 1978.
47—44 FR 24250; April 24, 1979.
49—44 FR 32605; June 6, 1979.
53—44 FR 43701; July 25, 1979.
56—44 FR 54923; September 21, 1979.
57—44 FR 58863; October 2, 1979.
58—44 FR 58868; October 11, 1979.
59—44 FR 58870; October 11, 1979.
61—44 FR 61556; October 25, 1979.
62—44 FR 61558; October 25, 1979.
63—44 FR 61786; October 26, 1979.
64—44 FR 61788; October 26, 1979
65—44 FR 61911; October 26, 1979.
66—44 FR 61913; October 26, 1979.
67—44 FR 61916; October 26, 1979.
68—44 FR 61920; October 26, 1979.
69—44 FR 61924; October 26, 1979.
70—44 FR 61927; October 26, 1979.
71—44 FR 61929; October 26, 1979.
72—44 FR 62246; October 26, 1979.
73—44 FR 62469; October 30, 1979.
74—44 FR 62471; October 30, 1979.
75—44 FR 62474; October 30, 1979.
76—44 FR 64247; November 6, 1979.
77—44 FR 64250; November 6, 1979.
78—44 FR 64252; November 6, 1979.
79—44 FR 64733; November 7, 1979.
80—44 FR 64738; November 7, 1979.
81—44 FR 64740; November 7, 1979.
82—44 FR 64743; November 7, 1979.
83—44 FR 64746; November 7, 1979.
84—44 FR 65005; November 8, 1979.
89—45 FR 18929; March 24, 1980.
104—45 FR 61944; September 17, 1980.
107—45 FR 69360; October 20, 1980.
109—46 FR 3184; January 13, 1981.
110—46 FR 5730; January 19, 1981.
112—46 FR 40025; August 6, 1981.
116—47 FR 19539; May 6, 1982.
118—47 FR 30440; July 13, 1982.
120—47 FR 35846; August 24, 1982.
121—47 FR 38540; September 1, 1982.
122—47 FR 38927; September 10, 1982.
126—47 FR 50885; November 10, 1982.

§ 17.13 [Reserved]

[FR Doc. 83-17213 Filed 7-26-83; 8:45 am]

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federal register

Wednesday
July 27, 1983

Part III

Department of Energy

Office of the Secretary

Debarment and Suspension Rules

DEPARTMENT OF ENERGY

Office of the Secretary

10 CFR Part 600 and 1035

41 CFR Part 9

[Docket No. MA-RM-100]

Debarment and Suspension Rules

AGENCY: Department of Energy.

ACTION: Proposed rule.

SUMMARY: The Department of Energy (DOE) today proposes rules governing the debarment and suspension of organizations and individuals from participating in DOE procurement contracts, sales contracts, purchases of real property, grants, cooperative agreements, loans, loan guarantees, price supports, market agreements, subsidies (sales contracts, purchases of real property, grants, cooperative agreements, loans, loan guarantees, price supports, market agreements, and subsidies hereafter referred to collectively as "nonprocurement agreements"), and subcontracts and other subagreements.

These proposed rules would revise current DOE policy and procedures (41 CFR Subpart 9-1.6) governing the debarment and suspension of organizations and individuals from procurement contracting and subcontracting, and establish DOE policy and procedures governing the debarment and suspension of organizations and individuals from participating in nonprocurement agreements, subcontracts, and other subagreements.

In addition, these proposed rules would implement Federal Procurement Regulations (FPR) Temporary Regulations 65 (47 FR 43692, October 4, 1982) which established a system for making agency procurement debarments and suspensions effective throughout the Executive branch of the Government. DOE decided to establish a single, uniform set of debarment/suspension procedures applicable not only to procurement contracts, but also to all other financial transactions in which DOE transfers public funds.

DATES: Written comments in response to this notice must be received by September 26, 1983, the public hearing is scheduled for August 18, 1983, at 9:00 a.m.; requests to present oral testimony must be received by August 12, 1983.

ADDRESS: All written comments (four copies), requests to speak at the public hearing, and seven copies of statements should be addressed to: Department of Energy, CE, Room 6B-025, (Docket No. MA-RM-100), 1000 Independence Avenue, S.W., Washington, D.C. 20585; (202) 252-9319; the public hearing will be held in Room 1-E-245, 1000 Independence Avenue, S.W., Forrestal Building, Washington, D.C.

FOR FURTHER INFORMATION CONTACT:

Scott Sheffield, Procurement Management Review Division (MA-442), Procurement and Assistance Management Directorate, Department of Energy, 1000 Independence Avenue, S.W., Washington, D.C. 20585 (202) 252-8267, or

Carol A. Cowgill, Office of the Assistant General Counsel for Procurement and Financial Incentives (GC-44), Department of Energy, 1000 Independence Avenue, S.W., Washington, D.C. 20585; (202) 252-6902.

SUPPLEMENTARY INFORMATION:

I. Background
II. Proposed Rules
III. Review Under Executive Order 12291
IV. Review Under the Regulatory Flexibility Act
V. Review Under the National Environmental Policy Act
VI. Comment Procedures

I. Background

On June 14, 1979, DOE published a final rule implementing the Federal Procurement Regulations (44 FR 34424). This rule, the DOE Procurement Regulations, contains the current DOE procedures for debarring and suspending contractors and subcontractors.

On March 19, 1982, DOE issued proposed DOE Financial Assistance Rules (47 FR 12038) which included a section concerning debarment and suspension of grant and cooperative agreement recipients.

On July 1, 1982, the Office of Federal Procurement Policy issued Policy Letter 82-1, Government-wide Debarment, Suspension, and Ineligibility, which prescribed uniform procedures for agencies to follow as part of the government-wide debarment/suspension system which went into effect on August 30, 1982. On October 4, 1982, the General Services Administration issued FPR Temporary Regulation 65 (47 FR 43692) which implemented the Policy Letter and superseded 41 CFR Subpart 1-1.6 (1982 ed.). The final Financial Assistance Rules DOE published on October 5, 1982 (47 FR 44076), did not include procedures for debarring and suspending financial assistance recipients. Rather than issue separate rules for each type of nonprocurement transaction, DOE decided it was appropriate and more efficient to issue a single debarment and suspension rule covering procurement nonprocurement agreements.

On March 16, 1983, DOE published proposed rules for Price Competitive Sale of Strategic Petroleum Reserve (SPR) (48 FR 11125) which included a section concerning the determination of purchasers of SPR petroleum as ineligible for future awards of SPR petroleum sale contracts. Under the proposed section, DOE could determine a purchaser ineligible for such awards upon the purchaser's failure to perform in accordance with the applicable sales contractual provisions.

The rules being proposed today apply uniformly to all nonprocurement agreements. Requirements governing procurement contracts vary only as they relate to the treatment accorded to individuals and organizations included on the GSA Consolidated List of Debarred, Suspended, and Ineligible Contractors. Listed individuals and organizations are automatically excluded from all Federal procurement contracting and Government approved subcontracting, however, they are not automatically excluded from participating in DOE nonprocurement agreements. Such exclusion requires a DOE debarment or suspension action.

These proposed rules would serve to assure that the entities with which DOE entrusts its procurement and nonprocurement funds have no recent history of conducting business in other than a responsible manner. Over time, the diligent conduct of the suspension and debarment system will return benefits in better performance and less opportunity for waste, fraud, and abuse in DOE programs. DOE believes that the organizations and individuals who do business with DOE would benefit from the issuance of, and strict adherence to these rules. This is because the system these rules represent would assure that only those meeting the standards of these rules could compete for DOE business.

II. Proposed Rule

Proposed § 1035.1 states that the scope of Part 1035 is to set forth the causes, procedures, and requirements for determining whether a dabarment or suspension should be imposed, and the scope, duration, and effect of such actions. This section also states that for procurement contracting and DOE approved subcontracting, Part 1035 implements the requirements of the Government-wide debarment and suspension system in 41 CFR Subpart 1-1.6.

Proposed § 1035.2 states that Part 1035 applies to all suspension and dabarment

actions initated on or after the effective date of this Part by any of the organizations and elements of DOE or the Federal Energy Regulatory Commission.

Proposed § 1035.3 sets forth the general policies DOE would follow in making debarment and suspension decisions. These policies are essentially the same as those set forth in FPR Temporary Regulation 65 (41 CFR 1–1.601 and 1–1.605–3).

Under proposed § 1035.3(a), DOE would not knowingly solicit proposals from, or enter into procurement or nonprocurement agreements with individuals or organizations who are debarred or suspended by DOE from such transactions.

Proposed § 1035.3(c) provides that DOE would limit the scope of a debarment or suspension action to the fewest number of individual(s) or the smallest organizational component(s) consistent with protection of the Government's interest. It would also be DOE's policy to limit the duration of a debarment or suspension to the shortest period of time necessary to protect the Government's interest.

Finally, proposed § 1035.3(d) sets forth the obligations of DOE offices responsible for the award and administration of agreements, and of DOE certified organizations and other organizations or individuals performing under DOE agreements to report information which may constitute or contribute to grounds for a debarment or suspension.

Proposed § 1035.4 contains definitions of various terms used in Part 1035. The definitions of "adequate evidence," "affiliates," "agency, "Consolidated List of Debarred, Suspended, and Ineligible Contractors," "contractor," "debarring official," "indictment," "legal proceedings," "preponderance of the evidence," "suspending official," are derived essentially verbatim from FPR Temporary Regulation 65. The definitions of "debarment" and "suspension," also derived from FPR Temporary Regulation 65, have been revised to reflect the fact that the proposed DOE rule applies to nonprocurement as well as to procurement activities. The definition of "conviction" derives from FPR Temporary Regulation 65 but has been revised to include "pretrial diversion agreement or other document wherein responsibility for the commission of a criminal offense is acknowledged." DOE previously suspended and proposed to debar an individual on the basis of a pretrial diversion agreement in which the individual acknowledged responsibility for embezzling DOE grant funds (48 FR 12589, March 25, 1983). The definitions of "agreement," "awardee," "Director," "DOE," "DOE-certified organization," "DOE List," "FPR," "GSA," "GSA List," "notice," "procurement contract," "respondent," "subagreement," and "subcontract" were developed by DOE either to accommodate the comprehensive scope of the proposed DOE rule or to avoid repeating the lengthy full names or titles of frequently used terms.

DOE chose "agreement" as a generic term to represent any of the following types of agreements: Procurement and sales contracts, purchases of real property, grants, cooperative agreements, loans, loan guarantees, price supports, market agreements, or subsidies.

In addition to contractors, DOE proposes that the term "awardee" include individuals or organizations that submit proposals for, are awarded, or reasonably may be expected to submit proposals for, or be awarded a DOE nonprocurement agreement or subagreement, the term also includes anyone who conducts business with DOE as an agent or representative of another awardee.

The term "Director" is an abbreviation for the Director, Procurement and Assistance Management Directorate.

The term "DOE" means the Department of Energy, including the Federal Energy Regulatory Commission.

The term "DOE certified organization" is proposed to mean contractors which have been granted higher thresholds for DOE subcontract approval or consent by virtue of DOE's approval of the organization's procurement system. (*See*, 41 CFR Subpart 9–23.1)

The term "DOE List" is an abbreviation for the DOE Consolidated List of Debarred, Suspended, and Voluntarily Excluded Awardees.

The term "FPR" is an abbreviation for Federal Procurement Regulations.

The term "GSA" is an abbreviation for General Services Administration.

The term "GSA List" is an abbreviation for GSA Consolidated List of Debarred, Suspended, and Ineligible Contractors.

The term "notice" was developed for abbreviated reference to the process by which DOE informs respondents of significant suspension and debarment actions.

DOE developed the term "procurement contract" to distinguish procurement contracts from nonprocurement contracts (*e.g.*, sales contracts).

The term "respondent" is proposed as an abbreviated form of reference to any individual or organization who has been suspended, proposed for debarment, debarred or voluntarily excluded.

The term "subagreement" means an agreement awarded by a party to a DOE agreement. Examples of subagreements include subcontracts, subgrants, and contracts under grants.

The term "subcontract" means a procurement contract awarded by a contractor under a DOE procurement contract.

Proposed § 1035.5 sets forth the causes or grounds for which DOE may initiate a suspension or debarment action. The proposed causes are the same as those prescribed in FPR 1–1.605–2 and 1–1.606–2.

Proposed § 1035.5(a)(3) elaborates upon the general cause in FPR 1–1.605–2(c) and 1–1.606–2(c)—" * * * any other cause of so serious or compelling a nature that it affects the present responsibility of a Government contractor or subcontractor"—by specifying that this cause includes "unmitigated refusal to pay a debt (including disallowed costs and overpayments) owed to DOE * * *" DOE would not suspend or debar on this basis if the debtor were financially unable to pay the amount owed to DOE. Financial incapacity will be presumed if the debtor has filed for bankruptcy under the Bankruptcy Reform Act of 1978.

Unlike the FPR Temporary Regulation, proposed § 1035.5 (a)(6) and (b)(3) states explicitly that an individual or organization may be suspended/debarred on the basis of its status as an affiliate of a suspended or debarred organization or individual.

Proposed § 1035.5(a)(7) also provides that an awardee may be debarred for failure to observe the material provisions of a voluntary exclusion agreement under proposed § 1035.10.

Proposed § 1035.6 implements the directives in FPR Temporary Regulation 65 (41 CFR 1–1.606–3) for coordinating with appropriate law enforcement officials to ensure that DOE suspension and proposed debarment actions do not compromise pending civil or criminal investigations or legal proceedings. This proposed section would authorize the Director to follow two alternative procedures in the event a law enforcement official requests that evidence needed to establish the existence of a cause for suspension or debarment not be disclosed to the party who has been suspended or proposed for debarment. The Director could withdraw the suspension or proposed debarment until such time as authorization to disclose the evidence is

received. Alternatively, the Director could decide to proceed and make the evidence part of the administrative record. In such a case, however, the evidence would be sealed until disclosure was authorized and would not be disclosed to the respondent or to the public. If there is a conference before the fact-finding panel under proposed § 1035.8(d), the panel would be authorized to review the sealed evidence *in camera.*

Proposed § 1035.7 sets forth the procedures for notifying organizations or individuals of suspensions or proposed debarments. Although these procedures are generally identical to those set forth in FPR Temporary Regulation 65, (41 CFR 1–1.605–3(c) and 1–1.606–3(c)), DOE proposes to supplement or clarify certain of the FPR notification requirements. For example, proposed §1035.7(b) expressly authorizes DOE to omit from a required notice information which, if disclosed, would prejudice a pending or contempleted Federal/State legal proceeding or would compromise national security. (*See, Peter Kiewit Sons' Co.* v. *U.S. Army Corps of Engineers,* 534 F. Supp. 1139, 1153 (D.D.C. 1982); *Horne Brothers, Inc.* v. *Laird,* 463 F. 2d 1268, 1271 (D.C. Cir. 1972).

Under proposed § 1035.7(d), the notice would advise that the respondent has 30 days to request in writing an opportunity to submit to the Director or designee information and argument in opposition to the suspension or proposed debarment, including information which raises a genuine dispute over the material facts. This proposed provision is more generous than the FPR Temporary Regulation 65 which requires that agencies give respondents 30 days to submit the information rather than 30 days to request an opportunity to submit such information. DOE expects that most respondents will want to proceed as rapidly as possible through the decisionmaking process (see, proposed § 1035.8) because the outcome, if favorable, could be a decision to terminate a suspension or withdraw a proposed debarment. In the interest of fairness, however, if a respondent needs more than 30 days to prepare an opposition, DOE believes the respondent should be allowed to defer submittal of the opposition (see, proposed § 1035.8(b)) until the meeting with the Director or designee (*i.e.,* an additional 30 days) (proposed § 1035.8(c)) and/or the fact-finding conference (proposed § 1035.8(d)).

Under proposed § 1035.7(g) suspension notices would state that the suspension is effective as of the date of the notice.

Proposed § 1035.7(h) would require DOE to state in the notice of suspension and/or proposed debarment that the respondent's name and address have been placed on the DOE List of Debarred, Suspended, and Voluntarily Excluded Awardees.

If the awardee was suspended in accordance with FPR Subpart 1–1.6, the notice would be required, under proposed § 1035.7(i), to state that a copy of the suspension was sent to GSA and that the awardee's name will be added to the GSA list.

Proposed § 1035.8 sets forth the decision-making procedures the Director would follow in making a final decision whether to sustain a suspension or to impose debarment. The proposed DOE procedures are essentially the same as the decision-making procedures set forth in FPR Temporary Regulation 65 (41 CFR 1–1.605–3 and 1–1.605–3).

Under proposed § 1035.8 (a) and (b) a respondent would have 30 days from the date of a suspension or proposed debarment notice to submit a written response with any or all of the following:

(1) A request for a meeting with the Director or designee;

(2) A request for a fact-finding conference; and

(3) Information and argument in opposition to the suspension or proposed debarment.

If a timely written response is not received, the Director shall notify the respondent in accordance with proposed § 1035.9 that the suspension has been sustained or, as appropriate, that the respondent is debarred.

A meeting with the Director or designee would be an informal session at which the respondent, appearing personally or through an attorney or other authorized representative could present and explain evidence that causes for suspension or debarment do not exist, any mitigating factors, and arguments concerning the imposition, scope, or duration of a suspension, proposed debarment, or debarment. At the meeting, the respondent also could offer or explain a previous offer to agree to a voluntary exclusion (*see,* proposed § 1035.10). Although written information and arguments submitted at or in connection with the meeting would be made a part of the administrative record, the Director would not be required to make a transcript of the meeting.

Proposed § 1035.8(c)(2) would require that the Director send the respondent a written report of the meeting which includes a summary of the issues discussed and a description of any action the Director has taken or proposes to take. At the meeting or in the initial written response, the respondent may present information which puts a material fact in dispute.

Proposed § 1035.8(d)(1) provides that if the Director determines there are disputed material facts, the Director shall appoint a three-member panel to conduct a fact-finding conference to resolve the dispute on the record. The panel would consist of an office director within the Procurement and Assistance Management Directorate, a senior attorney from the Office of General Counsel, and a program assistant secretary or other senior official in the Department or the Federal Energy Regulatory Commission.

The Department has decided not to continue the present practice of giving each contractor proposed for debarment the right to a hearing before the Energy Board of Contract Appeals. See, 41 CFR 9–1.606–53(b)(4) and 9–1.606–54. Instead, DOE proposes to adopt the less formal decisionmaking procedures prescribed in the FPR Temporary Regulation 65.

DOE believes that, as indicated in FPR Temporary Regulation 65, all responsibilities of the debarring official should be exercised by one/senior agency official. The only exception, as authorized by FPR 1–1.605–3(d)(2)(i), is that the debarring official may delegate responsibility for conducitng an evidentiary hearing—when there is a dispute over material facts—to another DOE official.

Based on a review of the relevant Federal case law, the Department is satisfied that the FPR Temporary Regulation 65 decisionmaking procedures, which have been incorporated in this proposed rulemaking, assure adequate due process which is consistent with the principles of fundamental fairness. Every person suspended or proposed for debarment will receive a written notice explaining the reasons for DOE's action, and stating that the affected party may oppose the action "in person, in writing, or through a representative." Proposed § 1035.7(d). Every person suspended or proposed for debarment may request a meeting with the Director or designee at which evidence that causes for suspension/debarment do not exist, mitigating factors, arguments, and settlement offers may be presented informally. Proposed § 1035.8(c). In cases involving disputed material facts, the respondent will be entitled to an evidentiary hearing, before a panel of three senior agency officials, where

adverse witnesses may be confronted and cross-examined. Proposed § 1035.8(d).

The Department is of the opinion that, in contrast to the current DOE procurement debarment regulations, the decisionmaking procedures proposed in this rulemaking strike an appropriately discriminating balance between the competing interests of agency efficiency, timely and responsive stewardship of public funds, and fairness to respondents. Rather than provide a hearing on demand, the proposed rule would make an opportunity for a hearing available only when the respondent puts material facts in dispute. This proposed limitation on the right to a hearing will avoid requests for unnecessary hearings, which are sought solely for the purpose of delay, without compromising any legitimate due process interests of persons who are subject of a DOE suspension or proposed debarment action. The interests of respondents who do not dispute the material facts will be adequately served by the opportunity to respond in writing and to meet informally with the Director or designee.

Proposed § 1035.8(d)(3) would authorize the panel to admit evidence and hear arguments which are relevant to the factual issues identified by the Director in his or her written referral.

Proposed § 1035.8(d)(6) provides that the fact-finding conference shall be transcribed, and that both the Director and the respondent would have an opportunity to submit documentary evidence, to examine and cross-examine witnesses, and to present arguments.

Proposed § 1035.8(d)(8) would require the panel to transmit, within 20 days after the conference record is closed, to the respondent and to the Director, a fact-finding conference report setting forth the panel's proposed findings of fact. This proposed subsection states that the evidentiary standard for suspension cases would be "adequate evidence" and for debarment cases would be a "preponderance of the evidence." The evidentiary standards DOE is proposing are the same as those prescribed in FPR Temporary Regulation 65 (FR 1–1.605–3(d)(3) and 1–1.606–2(a)). The respondent would have 20 days after receiving the panel's report to submit written exceptions to the Director.

Proposed § 1035.8(d)(9) would require that the Director issue a final written decision based on the administrative record. Consistent with FPR 1–1.605–3(d)(2)(i) and 1–1.606–3(d)(2)(i), DOE proposes that the Director be authorized to set aside the panel's findings of fact only if the Director determines specific findings to be either arbitrary and capricious or clearly erroneous. If the Director's final decision sustains a proposal to debar, the debarment may begin no earlier than ten days after the date of the notice of final decision.

Proposed § 1035.9 sets forth the requirements for notifying respondents of final suspension and debarment decisions. Although essentially the same as the notice requirements in FPR 1–1.605–3(d)(e) and 1–1.606–3(d), the DOE proposal contains some supplemental provisions because of the comprehensive scope of this rulemaking and also clarifies some of the FPR requirements.

Proposed § 1035.9(a) sets forth the requirements for notifying respondents of final decisions to impose debarment or to sustain a suspension.

Under proposed § 1035.9(a)(1), the notice of final suspension or debarment decision would reference the original notice of suspension and/or proposed debarment, and any meeting or factfinding conference which may have been held.

The notice also would set forth the Director's findings of fact and conclusions of law. Proposed § 1035.9(a)(2).

Under proposed § 1035.9(a)(7), the notice would specify any modifications in the terms of a sustained suspension as a result of the meeting or conference.

The notice also would be required to state that the names of the respondent and any affiliate will be included on the DOE Consolidated List of Disbarred, Suspended, or Voluntarily Excluded Awardees, and on the GSA Consolidated List, in the event that the cause(s) for which the respondent was debarred is included in the FPR. Proposed § 1035.9 (a)(8) and (a)(9).

If less than an entire organization is suspended or debarred, the notice would identify the component(s) that are affected by the action. Proposed § 1035.9(a)(10).

Similarly, if fewer than all types of agreements are affected by a suspension or debarment action, the type of agreement affected would be specified in the notice. In addition, if the exclusion action is limited to particular types of projects or products or to work performed in certain geographic areas, the notice would be required to describe these limitations. Proposed § 1035.9(a)(11).

Proposed § 1035.10 would authorize DOE to settle a suspension or proposed debarment action by entering into a voluntary exclusion with the respondent. The Director would not be authorized to agree to a voluntary exclusion if the proposed debarment were based on any of the causes in proposed § 1035.5(a)(1) or if the suspension were based on an indictment for any of the causes in proposed § 1035.5(a)(1). Under a voluntary exclusion, a respondent would agree to refrain from attempting to obtain and from entering into one or more types of DOE or other Federal agreements or subagreements. Failure to observe the material provisions of a voluntary exclusion would be an independent cause for debarment under proposed § 1035.5(a)(6).

Proposed § 1035.11, sets forth the requirements governing the period of suspensions and debarments. These requirements are essentially the same as those set forth in FPR Temporary Regulation 65 (41 CFR 1–1.695.4, 1–1.606–3(c), and 1–1.604–4).

In proposed § 1035.11(c), DOE proposes an additional basis for the Director to reconsider the scope and duration of a suspension, proposed debarment, or debarment after such action becomes final but before such action expires. The proposed additional basis for reconsideration is "(r)estitution and other actions in mitigation."

Proposed § 1035.12 sets forth the provisions governing the scope of debarment and suspension. These provisions are esssentially the same as those set forth in FPR Temporary Regulation 65 (41 CFR 1–1.605–1(b), 1–1.605–5, and 1–1.606–5).

Proposed §1035.13 sets forth the provisions governing the effect of suspension, proposed debarment, debarment and voluntary exclusion. The provisions are generally the same as those set forth in FPR Temporary Regulation 65 (41 CFR 1–1604.1 and 1–1.606–1(d)). As provided in the latter, the opening sentence of proposed § 1035.13 would authorize the Director to waive the prohibition in each of the subsections by issuing a written determination setting forth the compelling reasons justifying the waiver.

Proposed § 1035.13(a) provides that DOE shall not knowingly solicit or consider for award proposals submitted by individuals or organizations included on the DOE List or the GSA List to the extent that the proposal, if succcessful, would result in a type of agreement from which either list indicates the individual or organization is excluded.

Proposed §1035.13(b) contains a comparable prohibition on the extension or renewal of agreements or procurement contracts with parties on, respectively, the DOE List of the GSA List.

Similarly, DOE would not be authorized to approve or consent to the award, renewal, extention, or renewal of a subagreement with a party on the DOR List or a subcontract with a party on the GSA List. Proposed §1035.13(c).

Under proposed § 1035.13 (d) and (e) DOE would be required to instruct DOE certified organizations to apply the requirements of § 1035.13(c) to the subagreements for which those organizations are responsible.

In addition, proposed § 1035.13(f) would authorize DOE and DOE certified organizations to disapprove and not consent to the selection of an individual as a principal investigator or project manager, administrator of Federal funds, or in key a personnel position if the individual is suspended or debarred under FPR Subpart 1–1.6 or is voluntarily excluded, suspended, proposed for debarment, or debarred by DOE under 10 CFR Part 1035. The proposed prohibitions against doing business with agents or representatives who have been debarred or suspended is based on the FPR Temporary Regulation 65 definition of "contractor" (§ 1–1.602(e)). Proposed § 1035.13 (g) and (h).

Proposed § 1035.13(i) sets forth the criteria DOE would use to decide whether an existing agreement with a respondent should be terminated for cause or default or terminated for convenience or cancelled. The proposed DOE termination criteria are derived from FPR 1–1.604–3 and from the coresponding section of the General Services Administration's implementing rules, 41 CFR 5–1.604–3.

Under proposed § 1035.13(j), contracting officers and DOE certified organizations would be required to review the DOE and GSA Lists before making critical pre-award decisions and before awarding an agreement or approving a subagreement. Also, under this section DOE would be permitted to award a procurement contract to an awardee on the GSA list only if the Director determines that there is a compelling reason for such action and that DOE may award an agreement to an awardee on the DOE list only if the proposed action is not one from which the awardee has been excluded from participation or if the Director determines that there is a compelling reason for such action.

Proposed § 1035.14 sets forth the requirement for notifying GSA of suspensions, debarments, modifications, and recissions of such actions. This requirement is identical to that set forth in FPR Temporary Regulation 65 (41 CFR 1–1.603–1(b)).

Proposed § 1035.15 sets forth the requirement to compile and maintain records relating to each individual or organization currently suspended, proposed for debarment, debarred, or voluntarily excluded by DOE. This requirement is essentially the same as that set forth in FPR Temporary Regulation 65 (41 CFR 1–1.603–2), except that the latter does nor require that agencies maintain a current listing of individuals and organizations who are proposed for debarment or voluntarily excluded.

III. Review Under Executive Order 12291

Todays proposal was reviewed under Executive Order 12291 (February 17, 1981). DOE has concluded that the rule is not a "major rule" because its promulgation 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 on the ability of United States-based enterprises to compete in domestic or export markets. In accordance with the requirements of the Executive Order, this rulemaking has been reviewed by OMB.

IV. Review Under the Regulatory Flexibility Act

This proposed rule was reviewed under the Regulatory Flexibility Act of 1980, Pub. L. 96–354, which requires preparation of an initial regulatory flexibility analysis for any proposed rule which would have a significant economic impact on a substantial number of small entities.

This proposed rule would have an impact on very few small entities because the vast majority of small entities that do business with the Department of Energy do not engage in the kind of serious misconduct which would lead to the imposition of the suspension or debarment sanctions. Accordingly, because DOE certifies that this proposed rule will not have a significant economic impact on a substantial number of small entities, no initial regulatory flexibility analysis has been prepared.

V. Review Under the National Environment Policy Act

DOE has concluded that promulgation of these wholly procedural rules clearly would not represent a major Federal action having sigiificant impact on the human environment under the National Environmental Policy Act (NEPA) of 1969 (42 U.S.C. 4321, et seq. (1976), the Council on Environmental Quality regulations (40 CFR Parts 1500–1508), and the DOE guidelines and, therefore, do not require an environmental impact statement pursuant to NEPA.

VI. Opportunity for Public participation.

Section 501(c)(1) of the Department of Energy Organization Act, 42 U.S.C. 7191(c)(1) provides that if the Secretary determines that a substantial issue of fact or law exists or that a proposed rule is likely to have substantial impact on the Nation's economy or on large numbers of individuals or businesses, an opportunity for oral presentation of views, data, and arguments shall be provided.

A. Written comment procedures. Interested parties are invited to participate in this rulemaking by submitting data, views, or arguments with respect to the proposal set forth in this notice to Department of Energy, CE, Room 6B–025, 1000 Independence Avenue, S.W., Washington, D.C. 20585. The comments and the outside of the envelope should be identified with the deignation, "Docket No. MA–RM–100 Debarment and Suspension." Four copies of the comments should be submitted.

All comments received by September 26, 1983 and other relevant information will be considered by DOE before final action is taken regarding the proposed regulations.

Pursuant to the provisions of 10 CFR 1004.11, any person submitting information he or she believes to be confidential and exempt by law from public disclosure should submit one complete copy, and two copies from which information claimed to be confidential has been deleted. In accordance with the procedures established at 10 CFR 1004.11, DOE shall make its own determination with regard to any claim that information submitted be exempt from public disclosure.

B. Public hearing. DOE has determined to hold one public hearing on this proposal. The time and place of the public hearing is indicated at the beginning of this notice.

Any person who has an interest in the proposed rulemaking or who is a representative of a group of persons that has an interest in this rulemaking may make a written request for an opportunity to make an oral presentation. Such a request should be directed to the address given at the beginning of this preamble and must be received by the date specified at the beginning of this notice. Requests may be hand-delivered between the hours of

8:00 a.m. and 4:30 p.m., Monday through Friday. Requests should be marked as for written comments, with the additional notation "Request to Speak."

The person making the request should briefly describe the interest concerned and, if appropriate, state why that person is a proper representative of a group with such an interest, give a concise summary of the proposed oral presentation, and provide a phone number where the person or group may be contacted through August 18, 1983.

Each person selected to be heard at the public hearing will be notified by August 15, 1983. Witnesses presenting oral testimony must bring seven copies of their statments to the hearing.

In the event any person wishing to testify cannot provide seven copies, alternative arrangements can be made with the hearing coordinator in advance of the hearing by so indicating in the letter requesting an oral presentation or by calling Hearings and Dockets at (202) 252–9319.

C. Conduct of hearing. DOE reserves the right to select the persons to be heard at the hearing, to schedule their respective presentations, and to establish the procedures governing the conduct of the hearing. The length of each presentation shall be limited to 20 minutes.

A DOE official will be designated to preside at the hearing. This will not be a judicial or evidentiary type hearing. Question may be asked of speakers only by those conducting the hearing, and there will be no cross-examination of persons presenting statements. Any decision made by DOE with respect to the subject matter of the hearing will be based on all information available to DOE. At the conclusion of all initial oral statements at the hearing, each person who has made an oral statement will be given the opportunity to make a rebuttal statement. The rebuttal statements will be given in the order in which the initial statements were made and will be subject to time limitations.

Any person wishing to ask a question at the hearing may submit the question, in writing, to the presiding officer. The presiding officer will determine whether the question is relevant, and whether the time limitations permit it to be presented for answer.

Any additional procedural rules needed for the proper conduct of the hearing will be announced by the presiding officer.

A transcript of the hearing will be made and the entire record of the hearing, including the transcript, will be retained by DOE and made available for inspection at the DOE Freedom of Information Office, Room 1–E–152, 1000 Independence Avenue, S.W., Washington, D.C. between the hours of 8:00 a.m. and 4:00 p.m., Monday through Friday except Federal holidays. Any person may purchase a copy of the transcript from the court reporter.

The public hearing may be cancelled if no public testimony is scheduled in advance. In the event the hearing is cancelled, DOE will make every effort to publish an advance notice of such cancellation in the **Federal Register.**

List of Subjects in 10 CFR Part 1035

Administrative practice and procedure, Government contracts, Government procurement, Suspension and debarment.

Issued in Washington, D.C. on July 15, 1983.

Donald Paul Hodel,

Secretary of Energy.

Title 10

Title 10 of the Code of Federal Regulations is amended by adding a new Part 1035 and by amending Part 600 to read as follows:

1. Part 1035 is added to read as follows:

PART 1035—DEBARMENT AND SUSPENSION

Sec.

1035.1 Scope of part.
1035.2 Applicability.
1035.3 Policy.
1035.4 Definitions.
1035.5 Causes for debarment and suspension.
1035.6 Coordination with law enforcement officials.
1035.7 Suspension and proposed debarment notices.
1035.8 Decisionmaking.
1035.9 Notice of final decision.
1035.10 Voluntary exclusion.
1035.11 Period of debarment and suspension.
1035.12 Scope of debarment and suspension.
1035.13 Effect of suspension, proposed debarment, debarment, and voluntary exclusion.
1035.14 Notification of GSA.
1035.15 DOE Consolidated List of Debarred, Suspended, and Voluntary Excluded Awardees.

Authority: Secs. 307, 644, and 646, Pub. L. 95–91, 91 Stat. 599 (42 U.S.C. 7156, 7254, and 7256); FPR Temporary Regulation 65, 41 CFR Part 1–1, 47 FR 43692 (October 4, 1982).

§ 1035.1 Scope of part.

This part—

(a) Prescribes policies and procedures governing the suspension and debarment of organizations and individuals from participating in Department of Energy (DOE) agreements and subagreements, including DOE procurement contracts and subcontracts;

(b) Sets forth the causes, procedures, and requirements for determining the scope, duration, and effect of DOE suspension and debarment actions; and

(c) Implements and supplements 41 CFR Subpart 1–1.6 with respect to the exclusion of organizations and individuals from procurement contracting and Government approved subcontracting.

§ 1035.2 Applicability.

The provisions of this part apply to all suspension and debarment actions initiated on or after the effective date of this Part by any of the organizational elements of DOE or the Federal Energy Regulatory Commission (FERC).

§ 1035.3 Policy.

(a) DOE shall not knowingly solicit proposals from, award agreements to, or approve or consent to subagreements with, organizations and individuals that are debarred or suspended under this part or debarred, suspended, or declared ineligible by other agencies under the FPR.

(b) Debarment and suspension are serious sanctions which may be imposed only in the public interest, for the Government's protection and not for the purpose of punishment. Debarment and suspension may be imposed only for the causes, and in accordance with the procedures, set forth in this Part.

(c) Debarment and suspension actions taken under this Part shall be based on the administrative record and shall be limited in scope and duration to the minimum necessary to protect the Government's interest.

(d) Offices responsible for the award and administration of agreements are responsible for reporting to both the Procurement and Assistance Management Directorate and the Inspector General, DOE, information of possible fraud, waste, abuse, or other forms of wrongdoing which may constitute or contribute to grounds for debarment or suspension of individuals or organizations for the causes set forth in this Part. DOE certified organizations and other individuals and organizations performing under agreements awarded by DOE, shall be required to report such information to both the contracting officer and the Inspector General, DOE.

§ 1035.4 Definitions.

For purposes of this part—

"Adequate evidence" means information sufficient to support the reasonable belief that a particular act or omission has occurred.

"Affiliates." Organizations or indiviudals are affiliates if, directly or

indirectly, (a) either one controls or can control the other, or (b) a third controls or can control both.

"Agency" means executive agency of the Federal Government.

"Agreement" means a procurement or sales contract, a purchase of real property, a grant, cooperative agreement, loan, loan guarantee, price support, market agreement, or subsidy.

"Awardee" means any individual or organization that: (a) Submits proposals for, or is awarded, or reasonably may be expected to submit proposals for, or be awarded a DOE agreement or subagreement under a DOE agreement; or (b) conducts business with DOE as an agent or representative of another awardee.

"Consolidated List of Debarred, Suspended, and Ineligible Contractors" means a list compiled, maintained and distributed by the General Services Administration (GSA), containing the names of organizations and individuals debarred or suspended by agencies as well as organizations and individuals declared ineligible pursuant to other regulatory or statutory authority FPR 1–1.603–1.

"Contractor" means an individual or organization that: (a) Submits proposals for, or is awarded, or reasonably may be expected to submit proposals for, or be awarded, to Government procurement contract or a subcontract under a Government procurement contract; or (b) conducts business with the Government as an agent or representative of another contractor.

"Conviction" means a judgment or conviction of a criminal offense by any court of competent jurisdiction, entered upon a verdict or plea, including a plea of nolo contendere, or a pretrial diversion agreement or other document wherein responsibility for the commission of a criminal offense is acknowledged.

"Debarment" means action taken by a debarring official under FPR 1–1.605 and/or this Part to exclude an organization or individual from receiving Federal procurement contracts and subcontracts or from receiving one or more types of DOE agreements or subagreements for a reasonable, specified period of time. An individual or organization so excluded is "debarred."

"Debarring official" means the head of an agency or an official authorized by the head of an agency to impose debarment. The DOE debarring official is the Director, Procurement and Assistance Management Directorate.

"Director" means the Director, Procurement and Assistance Management Directorate, DOE.

"DOE" means the Department of Energy.

"DOE certified organization" means an organization operating under a DOE agreement, which is authorized on the basis of DOE's certification of the organization's procurement system to award subcontracts which would normally require DOE approval.

"DOE list" means the DOE Consolidated List of Debarred, Suspended, and Voluntarily Excluded Awardees maintained by DOE in accordance with § 1035.15 of this Part.

"FPR" means 41 CFR Chapter 1.

"GSA" means General Services Administration.

"GSA list" means the Consolidated List of Debarred, Suspended, and Ineligible Contractors maintained and published by GSA in accordance with FPR Subpart 1–1.6.

"Indictment" means indictment for a criminal offense. An information or other filing by competent authority charging a criminal offense shall be given the same effect as an indictment.

"Legal proceedings" means any civil judicial proceeding to which a State or the Federal Government is a party or any criminal proceeding. The term also includes appeals from such proceedings.

"Notice" means a written communication sent by certified mail, return receipt requested, to the last known address of a party, its identified counsel, or agent for service of process. In the case of an organization, such notice may be sent to any partner, principal officer, director, owner or co-owner, or joint venturer. If no return receipt is received within ten calendar days of mailing, receipt shall be presumed.

"Preponderance of the evidence" means proof by information that, compared with that opposing it, leads to the conclusion that the fact at issue is more probably true than not.

"Procurement contract" means an agreement for the acquisition by purchase, rent, lease (including real property) or barter of personal property and nonpersonal services (including construction).

"Proposal" means bid, proposal, application or other offer either solicited or unsolicited for a DOE agreement or subagreement.

"Respondent" means an awardee or affiliate who is the subject of a suspension, proposed debarment, debarment, or voluntary exclusion action under this Part who has been notified as provided by § 1035.7.

"Subagreement" means an agreement awarded by an organization or individual under an agreement; e.g., a contract or subgrant under a grant.

"Subcontract" means a procurement contract awarded by an organization or individual under a procurement contract.

"Suspending official" means the head of an agency or an official authorized by the head of an agency to impose suspension. The DOE suspending official is the Director, Procurement and Assistance Management Directorate.

"Suspension" means action taken by a suspending official under FPR 1–1.606 and/or this Part to exclude an organization or individual temporarily from receiving Federal contracts and subcontracts or from receiving one or more types of DOE agreements and subagreements. An individual or organization so excluded is "suspended."

§ 1035.5 Causes for debarment and suspension.

(a) The Director may debar an organization or individual:

(1) For conviction of or civil judgment for—

(i) Commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing agreements or subagreements with a public or private organization or with an individual;

(ii) Violation of Federal or State antitrust statutes relating to the submission of proposals;

(iii) Commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property; or

(iv) Commission of any other offense indicating a lack of business integrity or business honesty which seriously and directly affects the present responsibility of an awardee.

(2) For violation of the terms of a DOE agreement or subagreement so serious as to justify debarment, such as—

(i) For willful failure to perform in accordance with the terms of one or more agreements; or

(ii) For a history of failure to perform, or of unsatisfactory performance of, one or more agreements.

(3) For any other cause of so serious or compelling a nature that it affects the present responsibility of a contractor or awardee, such as unmitigated refusal to pay a debt (including disallowed costs and overpayments) owed to DOE.

(4) On the basis of a debarment for any of the causes in paragraphs (a)(1) and (a)(3) of this section by another agency.

(5) On the basis that an individual or organization is an affiliate of a debarred organization or individual.

(6) For failure to observe the material provisions of a voluntary exclusion (see § 1035.10).

(b) The Director may suspend an organization or individual:

(1) Indicated for or suspected, upon adequate evidence, of the causes described in paragraphs (a)(1), (a)(3), and (a)(5) of this section.

(2) On the basis of a suspension or debarment by another agency for any of the causes in paragraphs (a)(1) and (a)(3) of this section.

(3) On the basis that an organization or individual is an affiliate of a suspended or debarred organization or individual.

§ 1035.6 Coordination with law enforcement officials.

Whenever a meeting or a fact-finding conference is requested, under § 1035.8(e), the Director's legal representative shall obtain the advice of appropriate Department of Justice officials or State prosecuting officials concerning the impact disclosure of evidence at the meeting or fact-finding conference could have on any pending civil or criminal investigation or legal proceeding. If such officials request in writing that evidence needed to establish the existence of a cause for suspension or debarment not be disclosed to the respondent, the Director shall:

(a) Decline to rely on such evidence and withdraw the suspension or proposed debarment until such time as disclosure of the evidence is authorized; or

(b) Rely on such evidence without disclosing it to the respondent. At the fact-finding conference, the Director may make such evidence available for *in camera* inspection to the fact-finding panel. Evidence submitted for *in camera* inspection shall be part of the administrative record, but may not be disclosed to the respondent or any member of the public until release is authorized in writing by appropriate Department of Justice or State prosecuting officials or until related legal proceedings are concluded, whichever occurs first.

§ 1035.7 Suspension and proposed debarment notices.

When the Director, after consultation with legal counsel, determines that causes exist to suspend or propose debarment of an organization or individual, the Director shall send the organization or individual a notice containing, as appropriate, the following information:

(a) That a debarment is being proposed and/or a decision to suspend has been made.

(b) The reasons for the suspension and/or proposed debarment in terms sufficient to put the awardee on notice of the conduct or transaction(s) upon which the suspension or proposed debarment is based, except that the notice shall omit any information which, if disclosed, would prejudice a pending or contemplated Federal/State legal proceeding or would compromise national security.

(c) The cause(s) relied upon under § 1035.5 of this Part and, if applicable, under FPR 1–1.605–2 or 1–1.606–2 for the suspension and/or proposed debarment.

(d) That the awardee, within 30 days after the date of the notice, may request, in writing, an opportunity to submit to the Director or designee, in person, in writing, or through a representative, information and argument in opposition to the proposed debarment and/or suspension, including any additional specific information that may raise a genuine dispute over the material facts.

(e) DOE's procedures governing debarment and/or suspension decisionmaking (see § 1035.8).

(f) The effect of suspension and/or proposed debarment (see § 1035.13), and the effect the proposed debarment would have if it becomes final.

(g) For suspension notices, that the suspension is effective as of the date of the notice.

(h) That the awardee's name and address has been placed on the DOE List.

(i) If the awardee was suspended for one or more causes included in FPR Subpart 1–1.6 that a copy of the suspension notice was sent to GSA, and that the awardee's name will be added to the GSA List (FPR 1–1.603–1).

§ 1035.8 Decisionmaking.

(a) *Definitions.* (1) "Fact-finding panel" means a three member panel appointed by the Director to conduct a fact-finding conference under paragraph (d) of this section. This panel shall consist of an office director within the Procurement and Assistance Management Directorate, a senior attorney nominated by the General Counsel or designee, and a senior official of a program or other office of the Department. (2) For purposes of this section, "timely" means mailed or delivered to the Director not later than 30 days after the date of the notice under § 1035.7, or on or before such later date as may be specified in the notice under § 1035.7. If the postmark date is affixed by a postage meter and DOE receives the document more than five days after the postmark date, the date of receipt shall be used to determine timeliness.

(b) *Written response.* The respondent may submit a timely written response to a notice of suspension or proposal to debar which contains any or all of the following:

(1) A request for a meeting with the Director or designee (§ 1035.8(c));

(2) A request for a fact-finding conference (§ 1035.8(d)); and

(3) Information and argument in opposition to the suspension or proposed debarment.

In debarment and suspension actions in which the awardee fails to submit a timely written response to a notice of suspension or proposal to debar, the Director shall notify the awardee in accordance with § 1035.9 that the awardee remains suspended, or that the awardee is debarred, as applicable.

(c) *Meeting.* Upon receipt of a timely request therefor, the Director shall schedule a meeting with the Director or designee and the respondent, no later than 30 days from the date the request is received. The Director or designee may postpone the date of the meeting if the respondent requests a postponement in writing. A meeting may not be scheduled while an evidentiary fact-finding conference is in progress with the fact-finding panel (§ 1035.8(d)).

(1) At the meeting, the respondent, appearing personally or through an attorney or other authorized representative, may informally present and explain evidence that causes for suspension or debarment do not exist, evidence of any mitigating factors, and arguments concerning the imposition, scope or duration of a suspension, proposed debarment, or debarment. The respondent may offer or explain a previous offer to agree to a voluntary exclusion (§ 1035.10) at the meeting.

(2) Any written information or arguments submitted at or in connection with the meeting shall be included in the administrative record. The Director shall not be required to make a transcript of the meeting.

(3) Within two weeks following the date of the meeting, the Director shall, using the notice procedure, send to the respondent a letter with the following information:

(i) Names, organizational affiliations, titles, addresses, and telephone numbers of all individuals who attended;

(ii) A brief description of each document submitted by the respondent;

(iii) A summary of the issues discussed; and

(iv) A statement describing the action the Director has taken or proposes to take.

(d) *Fact-finding conference.* The purposes of a fact-finding conference under this section are to provide the respondent an opportunity to dispute material facts and to make arguments related to a suspension or proposal to debar and to provide the Director with proposed findings of fact based, as appropriate, on adequte evidence or on a preponderance of the evidence.

(1) *Appointment of fact-finding panel and notice to respondent.* If the Director determines that a written response or a presentation at the meeting puts material facts in dispute, the Director shall appoint a fact-finding panel. Upon appointment, the panel shall notify the respondent that the case has been referred to the panel and shall schedule a fact-finding conference.

(2) *Appearances.* The Director may be represented at the fact-finding conference by the General Counsel or designee. The respondent may appear personally or through an attorney.

(3) *Scope of the fact-finding conference.* The factual issues considered at the conference shall be limited to those identified in the Director's referral and any amendments thereto filed by the Director.

(4) *Procedures.* The fact-finding conference shall be conducted in accordance with applicable procedural rules adopted by the General Counsel. The procedural rules shall be as informal as practicable, consistent with the principles of fundamental fairness, prompt decision-making, and with the evidentiary standards for suspension and debarment.

(5) *Preliminary administrative record.* At least ten days before the fact-finding conference date, the Director shall file with the fact-finding panel, and mail or deliver to the respondent, a copy of the administrative record as of the date of the transmittal. The copy sent to the respondent shall not include any documents which, as provided in § 1035.6, may not be disclosed; the copy filed with the fact-finding panel shall identify which documents must be sealed and viewed by the fact-finding panel only *in camera*, as provided in § 1035.6.

(6) *Evidence and argument.* The respondent and the Director shall have the opportunity to submit documentary evidence, to examine and cross-examine witnesses, and to present argument. Evidence which is relevant to the issues referred for the fact-finding conference and which is reliable and probative shall be admissible.

(7) *Transcript.* The fact-finding panel shall make a transcribed record of the fact-finding conference which shall be transmitted to the Director within 20 days after the hearing record is closed. The transcript shall be available at cost to the respondent. The requirement for a transcript may be waived by mutual agreement of the Director and all respondents.

(8) *Fact-finding conference report.* Within 20 days after the conference record is closed, the fact-finding panel shall transmit to the Director and, using the notice procedure, shall mail to the respondent a written report setting forth proposed findings of fact. The findings shall resolve any disputes over material facts based on a preponderance of the evidence if the case involves a proposal to debar, or on adequate evidence if the case involves a suspension. The respondent shall have 20 days from receipt of the fact-finding panel's report to submit written exceptions to the Director.

(9) *Final decision.* The Director's final decision shall be based on the administrative record and, as applicable, on the fact-finding conference report. The Director may set aside findings of fact in the conference report only if the Director specifically determines the finding(s) to be arbitrary and capricious or clearly erroneous. If the final decision sustains a proposal to debar, the debarment may begin no earlier than ten days after the date of the notice of final decision (§ 1035.9), a copy of which shall be transmitted to the fact-finding panel.

§ 1035.9 Notice of final decision.

(a) Upon deciding to impose debarment or sustain a suspension, the Director shall promptly send the awardee and any affected affiliates a notice with the following information, as appropriate:

(1) The notice of suspension or proposed debarment, the meeting and the fact-finding conference shall be referenced;

(2) The Director's findings of fact and conclusions of law;

(3) The reasons for the debarment or for sustaining a suspension shall be specified;

(4) For debarments, the period of debarment, including effective dates (see § 1035.11) shall be stated; and

(5) The notice shall state that the debarment or suspension is effective throughout DOE for the types of agreements and subagreements specified unless the Director determines in writing that there is a compelling reason to enter into or extend a particular agreement or to approve or consent to a particular subagreement with the respondent. (*See*, § 1035.13)

(6) If the respondent has been debarred or suspended for one or more causes included in FPR Subpart 1–1.6, the notice shall also state that the debarment or suspension is effective throughout the executive branch for all procurement contracts and subcontracts requiring Government approval or consent, unless the head of an agency or an authorized representative determines that there is a compelling reason to award or extend a procurement contract or approve or consent to a subcontract with the awardee.

(7) Modificatioins, if any, of the terms of the suspension.

(8) The names and addresses of the respondents (including affiliates) that will be or have been placed on the DOE List.

(9) If the respondent has been debarred for one or more causes included in FPR Subpart 1–1.6, that a copy of the debarment notice was sent to GSA and that the respondent's name and address will be added to the GSA List.

(10) If less than an entire organization is suspended or debarred, the identity or description of the organizational element(s) or individual(s) included within the scope of the suspension or debarment.

(11) If fewer than all types of agreements are affected, the decision shall identify the types of agreements from which the respondent has been suspended or debarred. The decision may limit the suspension or debarment action to particular commodities, products, services, or forms of energy, or to projects or work performed in specified geographic regions.

(b) If the Director decides to withdraw a proposed debarment or to terminate a suspension, the Director shall promptly send, using the notice procedure, each affected respondent a copy of the final decision required under this section.

§ 1035.10 Voluntary exclusion.

At any time prior to the issuance of a final debarment decision, the Director may, in the public interest, agree, in writing, to discontinue debarment proceedings against an awardee proposed for debarment on the condition that the awardee voluntarily refrains from attempting to obtain, and from entering into, one or more types of DOE or other agency agreements or subagreements. Failure to observe such conditions shall be an independent cause for debarment of the awardee. The name and address of the respondent who is a party to a voluntary exclusion

shall be placed on the DOE list. The Director shall not enter into a voluntary exclusion if the proposed debarment is based on any of the causes in § 1035.5(a)(1), or if the suspension was based on an indictment for any of the causes in § 1035.5(a)(1).

§ 1035.11 Period of debarment and suspension.

(a) The duration of a period of debarment imposed under this part shall be commensurate with the seriousness of the cause(s). Generally, a debarment should not exceed three years. If suspension precedes a debarment, the suspension period shall be considered in determining the debarment period. The Director may extend the debarment for an additional period, if that official determines that an extension is necessary to protect the Government's interest. However, the Director may not extend a debarment solely on the basis of the facts and circumstances upon which the initial debarment action was based. The Director shall follow the procedures in § 1035.7 and § 1035.8 to extend the debarment.

(b) Suspension shall remain in effect pending completion of investigation and any ensuing legal proceedings, unless sooner terminated by the Director or as provided in this paragraph. If legal proceedings are not initiated within 12 months after the date of the suspension notice, the Director shall terminate the suspension unless the Department of Justice or a State prosecuting official requests an extension, in which case the Director may extend the suspension for an additional six months. If legal proceedings are initiated before the period of suspension expires, the suspension may continue until legal proceedings are concluded. The director shall notify the Department of Justice or the State procecuting official of a proposed termination of the suspension at least 30 days before the 12-month period expires to give that agency an opportunity to request an extension.

(c) At any time during a period of suspension, proposed debarment, or debarment, a respondent may submit to the Director a written request for reconsideration of the scope or duration of the suspension/debarment action because of new information or changed circumstances such as:

(1) Newly discovered material evidence;

(2) Dismissal of the indictment or reversal of the conviction or judgment upon which the suspension/debarment action was based;

(3) Bona fide change in ownership (including dissolution of the business organization) or management; or

(4) Restitution and other actions in mitigation.

In reviewing a request for reconsideration, the Director may, in his or her discretion, utilize any of the procedures (Director's conference and fact-finding conference) set forth in § 1035.8. The Director's final disposition of the reconsideration request shall be in writing and shall set forth the reasons why the request has been granted or denied. A copy of the final decision shall be sent, using the notice procedure, to the respondent and, if a fact-finding conference under § 1035.8 is pending, a copy shall be transmitted to the fact-finding panel.

§ 1035.12 Scope of debarment and suspension.

Debarment or suspension of an awardee or affiliate constitutes debarment or suspension of all divisions or other organizational elements of the awardee or affiliate for all DOE agreements and subagreements and all executive branch procurement contracts and subcontracts unless the debarment or supension decision is limited by its terms to one or more specifically identified individuals or organizational elements (§ 1035.9(a)(1)) and/or to specific agreement types (§ 1035.9(a)(11)). For purposes of determining the scope of debarment and suspension, conduct may be imputed as follows:

(a) The fraudulent, criminal, or other seriously improper conduct of any officer, director, shareholder, partner, employee, or other individual associated with an awardee may be imputed to the awardee when the conduct occurred in connection with the individual's performance of duties for or on behalf of the awardee, or with the awardee's knowledge, approval, or acquiescence. The awardee's acceptance of the benefits derived from the conduct shall be evidence of such knowledge, approval, or acquiescence.

(b) The fraudulent, criminal, or other seriously improper conduct of an awardee may be imputed to any officer, director, shareholder, partner, employee, or other individual associated with the awardee who participated in, knew of, or had reason to know of the awardee's conduct.

(c) The fraudulent, criminal, or other seriously improper conduct of one awardee participating in a joint venture or similar arrangement may be imputed to other participating organizations or individuals if the conduct occurred for or on behalf of the joint venture or similar arrangement or with the knowledge, approval, or acquiescence of those organizations or individuals. Acceptance of the benefits derived from the conduct shall be evidence of such knowledge, approval, or acquiescence.

§ 1035.13 Effect of suspension, proposed debarment, debarment, and voluntary exclusion.

The Director may waive the prohibitions of paragraphs (a) through (g) of this section by issuing a written determination setting forth the compelling reasons justifying the waiver.

(a) DOE shall not knowingly solicit, or consider, and shall return any proposal submitted by an awardee on either the DOE List or the GSA List, to the extent that the solicitation activity or proposal falls within the scope of the suspension, proposed debarment, debarment, ineligibility or voluntary exclusion, as indicated on the DOE or GSA list.

(b) DOE shall not award, extend, or renew any agreement with an awardee on the DOE List or any procurement contract with a contractor on the GSA List, to the extent that the award activity falls within the scope of the suspension, proposed debarment, debarment, ineligibility or voluntary exclusion as indicated on the DOE or GSA list.

(c) DOE shall not approve or consent to the award, extension, or renewal of a subagreement with a party on the DOE List and shall not approve or consent to the award, extension, or renewal of a subcontract with a party on the GSA List, to the extent that the approval, consent, award, or renewal activity falls within the scope of the suspension, proposed debarment, debarment, ineligibility or voluntary exclusion.

(d) DOE shall instruct DOE certified organizations not to award, extend, or renew subagreements with an awardee on the DOE List, to the extent that the award, extension, or renewal falls within the scope of the suspension, proposed debarment, debarment, or ineligibility or voluntary exclusion as indicated on the DOE List.

(e) DOE shall instruct DOE certified organizations not to award, extend, or renew subcontracts with a contractor on the GSA List, to the extent that the award, extension, or renewal falls within the scope of the debarment, suspension, or ineligibility as indicated on the GSA List.

(f) DOE and DOE certified organizations may disapprove or not consent to the selection (by an awardee) of an individual to serve as a principal investigator, as a project manager, in a position of responsibility for the administration of Federal funds, or in a key personnel position, if the individual

is voluntarily excluded, suspended, proposed for debarment, or debarred under this Part or is debarred or suspended under the FPR.

(g) DOE shall not knowingly conduct business with a contractor acting as an agent or representative of another contractor if the agent's or representative's name appears on the GSA List.

(h) DOE shall not knowingly conduct business with an awardee acting as an agent or representative of another awardee if the agent's or representative's name appears on the DOE List.

(i) *Termination.* Upon determining that termination is in the public interest, the Director may terminate an agreement and DOE certified organizations may terminate a subagreement with a respondent, and the Director may terminate a contract and DOE certified organizations may terminate a subcontract with a contractor who has been debarred or suspended under the FPR.

(1) Termination for cause or default under the appropriate clause of a DOE agreement or subagreement is warranted only if the circumstances giving rise to the debarment or suspension constitute a default in the awardee's performance of the agreement.

(2) If termination for cause or default is not appropriate as provided in paragraph (f)(1) of this section, an agreement may be terminated for convenience or cancelled only if the Director determines that the awardee presents a significant risk to DOE in completing the agreement. In making this determination, the Director shall consider such factors as:

(i) The seriousness of the causes for debarment or suspension;

(ii) The stage of completion or expiration date of the agreement;

(iii) Termination and reprocurement costs;

(iv) Urgency of, or need for the requirement or project and programmatic impact of termination; and

(v) Availability of other safeguards to protect DOE's interests until completion or expiration of the agreement.

(j) *Review of GSA and DOE lists.* Contracting officers and DOE certified organizations shall review the GSA List and the DOE List before conducting a pre-award survey or soliciting proposals from, awarding agreements to, renewing or otherwise extending the duration of existing agreements with, or approving or consenting to subagreements with an awardee. If an awardee's name appears on the GSA List, and the proposed action is a procurement contract or subcontract requiring DOE approval or consent, the action shall not be taken with that awardee unless the Director determines, in writing, that there is a compelling reason for such action. If an awardee's name appears on the DOE List, the proposed action may be taken only if it involves a type of agreement or subagreement not covered by the DOE suspension, proposed debarment, debarment, voluntary exclusion, or the Director determines, in writing, that there is a compelling reason for such action.

§ 1035.14 Notification of GSA.

Within five working days after debarring or suspending an awardee or affiliate from procurement contracting and subcontracting in accordance with FPR Subpart 1–1.6 or modifying or rescinding such an action, the Director shall transmit the information set forth in § 1035.15 to GSA. § 1035.15 DOE Consolidated List of Debarred, Suspended, and Voluntarily Excluded Awardees. The Director shall compile and maintain a list of awardees and affilifates who are currently suspended, proposed for debarment, debarred, or voluntarily excluded under this Part. This list shall contain the following information at a minimum:

(a) The awardee's name and address;

(b) The cause(s) relied upon under this Part, and as applicable, under FPR Subpart 1–1.6 for each action (see § 1035.5);

(c) The effect of each action (see § 1035.13);

(d) The effective date of the action and, in the case of debarments, the expiration date; and

(e) The name and telephone number of the DOE official who can be contacted for additional information about the action.

PART 600—[AMENDED]

2. 10 CFR Part 600 is amended by revising § 600.27 to read as follows:

§ 600.27 Debarment and suspension.

Applicants, recipients, subrecipients, and contractors under financial assistance awards may be debarred and suspended for the causes and in accordance with the procedures set forth in 10 CFR Part 1035.

(Secs. 307, 644, and 646, Pub. L. 95–91, 91 Stat. 599 (42 U.S.C. 7156, 7254, and 7256); FPR Temporary Regulation 65, 41 CFR Part 1–1, 47 FR 43692, October 4, 1982)

Title 41

Title 41 of the Code of Federal Regulations is amended as follows:

PART 9–1—[AMENDED]

3. 41 CFR Part 9 is amended by revising Subpart 9–1.6 to read as follows:

Subpart 9–1.6—Debarred, Suspended, and Ineligible Bidders

§ 9–1.600 Debarred and suspended bidders.

Bidders, contractors, and subcontractors may be debarred and suspended for the causes and in accordance with the procedures set forth in 10 CFR Part 1035.

(Secs. 307, 644, and 646, Pub. L. 95–91, 91 Stat. 599 (42 U.S.C. 7156, 7254, and 7256); FPR Temporary Regulation 65, 41 CFR Part 1–1, 47 FR 43692, October 4, 1982)

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Wednesday
July 27, 1983

Part IV

Federal Emergency Management Agency

Formats for Requests and Processing for Declarations of Emergency or Major Disaster

FEDERAL EMERGENCY MANAGEMENT AGENCY

Formats for Requests and Processing for Declarations of Emergency or Major Disaster

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: Suggested formats are provided for use by Governors to request a declaration under Pub. L. 93-288 of an emergency or of a major disaster, and are also provided for use by others involved in processing such requests.

EFFECTIVE DATE: July 27, 1983.

FOR FURTHER INFORMATION CONTACT: Sewall H. E. Johnson, Office of Disaster Assistance Programs (SL-DA), Directorate of State and Local Programs and Support (SLPS), Federal Emergency Management Agency, Washington, D.C. 20472, Telephone: (202) 287-0501.

SUPPLEMENTARY INFORMATION: Suggested formats were published as a Notice on pages 17961-17965 of the **Federal Register** of April 26, 1982, and invited comments until June 30, 1982. Comments were received from seven State and local governments as well as offices within FEMA itself. All comments received careful consideration in making changes and revisions. The following explanatory remarks summarize significant comments, suggestions and action taken.

Since the publication of the suggested formats on April 26, 1982, FEMA has received and processed over 50 requests for assistance under Pub. L. 93-288. The majority of these requests used the suggested formats. The use of these formats facilitated the processing of requests. The suggested formats provided in this Public Notice are intended for use in the declaration process. The exact wording may be modified, but the basic content of the format for a Governor's request is essential to meet statutory and regulatory requirements. In any event, it should be noted that this required information is located at 44 CFR 205.33(c) and 44 CFR 205.34(c). Besides expediting the processing, the formats provide an opportunity for the State to present all salient facts bearing on the request for assistance. For this reason the formats have a broad range of categories in order to provide necessary information for consideration. Preliminary estimates to be provided by the Governor in enclosures to the request for a declaration should be the best information available when the request is made. This may be supplemented by the State Coordinating Officer (SCO) during the damage assessment following receipt by FEMA of the Governor's request. If the State Coordinating Officer is not known at the time of the request, the State official responsible for disaster operations could be named SCO until such time as another person is named. This would not only provide continuity on the part of the State, but would allow an immediate point of contact for FEMA during the damage assessment, thus preventing any delay in the evaluation of the request. If a State is unable to identify a need for programs from other Federal agencies, it need not attempt to do so. Further, the information contained in the supplemental justification need not delay the submission of the request and its processing. As mentioned previously, these are suggested formats. However, their use will facilitate the processing of the request by all concerned.

A significant addition to the suggested formats is the supplemental justification as an enclosure to a request for a declaration of a snowstorm emergency. Again, this is a suggested format and its use would be in lieu of other enclosures. Routine snow removal is a maintenance responsibility of State and local governments. Snow removal as the result of snowstorms is not usually of emergency proportions beyond the capabilities of the State and local governments. When a Governor is requesting a declaration of a snowstorm emergency, this suggested format, used in support of his request, identifies the impact of the storm, the threat to public health and safety, State and local actions and the requirements for supplemental Federal assistance. All of the data elements may not be appropriate in all circumstances, but the use of this suggested format will assist in the evaluation of the request.

Notice

1. Format—Governor's Request For An Emergency Declaration
2. Format—Supplementary Justification, State Damage Assessment Request For An Emergency Declaration
3. Format—Supplementary Justification Request For A Snowstorm Emergency Declaration
4. Format—Regional Emergency Summary
5. Format—Governor's Request For A Major Disaster Declaration
6. Format—Supplementary Justification, State Damage Assessment Request For a Major Disaster Declaration
7. Format—Regional Disaster Summary

Format No. 1—Governor's Request for an Emergency Declaration

The President,
The White House, Washington, D.C.
Through: Regional Director, FEMA Region ———,City, State, ZIP

Dear Mr. President: Under the provisions of Section 301(a), Public Law 93-288, as implemented by 44 CFR 205.24, I request that you declare an emergency for ———— (State) as a result of ————.[1] (Describe specific counties or political jurisdictions in the affected area(s). Indicate whether the incident is continuing and if so, forecast termination.)

I have determined that this situation is of such severity and magnitude that effective response is beyond the capabilities of the State and the affected local governments and that supplementary Federal assistance is necessary to save lives and protect property, public health and safety, or to avert or lessen the threat of a disaster, which, because of the pressures of time or because of the unique capabilities of a Federal agency, can be more readily or effectively provided by the Federal Government. The applicable State and local capabilities have been or will be fully committed to cope with this emergency, without Federal reimbursement.

Specifically I request the following supplementary Federal emergency assistance: (Provide an estimate of the type or nature and extent of Federal assistance required for each affected area and, when appropriate, attach Enclosures A and B.)

I have designated ———— as the State Coordinating Officer for this request. He (She) will work with the Federal Emergency Management Agency in damage assessments and may provide further information or justification on my behalf.

Sincerely,

————,

Governor's Signature.

Enclosures.

[1] Type of incident: e.g., severe storms and flooding, hurricane, snowstorm, etc., or imminent threat of such occurrence.

Enclosure A.

ESTIMATED REQUIREMENTS FOR INDIVIDUAL ASSISTANCE, PUB. L. 93-288

County	Temporary housing (indicate number)	Other
Totals		

Enclosure B.

ESTIMATED REQUIREMENTS FOR PUBLIC ASSISTANCE,[1] PUB. L. 93-288

County	Category									Total [1]
	A	B	D	C	E	F	G	H	I	

[1] Estimates are to reflect total eligible costs before any cost sharing.

Format No. 2—Supplementary Justification State Damage Assessment; Request for an Emergency Declaration

I. Impacts

A. *General.* Describe conditions within the area affected by the incident. Describe the population of the affected area (urban or rural; lower, middle or upper income level), average family income or per capita income in the affected area, and the concentration of damages. Answer how the affected manufacturing and servicing businesses fit into the general economy of the area and any significant changes resulting from the damages caused by the incident. Also, furnish any additional information, such as insurance, on the impact of this incident on the general economy of the area.

B. *Individuals.* (To be provided only when individual assistance is requested, or when specifically requested by the Regional Director.) Provide a statement describing the general and significant impacts to individuals, families and businesses caused by the incident and which are considered beyond local and State capabilities to cope without Federal assistance. Discuss factors and circumstances which would give an insight into the requirements for supplementary Federal assistance.

C. *State and Local Governments.* (To be provided only when public assistance is requested, or when specifically requested by the Regional Director.) Provide a statement describing the general and significant impacts of damage caused by the incident and which are considered beyond State and local capabilities to cope without Federal assistance. Discuss factors which would give an insight into the requirements of the affected area for supplementary Federal assistance. This would show impacts on families or communities isolated as a result of the incident, interruptions of essential services and actual or potential problems to public health and safety.

II. Available Resources and Capabilities

A. *State.* Indicate if and when a State emergency has been declared and whether the State emergency plan has been implemented. Indicate the specific assistance provided—number of personnel and equipment, State departments involved and days of utilization, for which no Federal reimbursement will be claimed.

B. *Local.* Provide breakdown by affected county and by other potential applicants, tabulating the specific resources or capabilities which have been or will be committed to coping with the specific emergency conditions for which supplementary Federal assistance will not be required, i.e., numbers of personnel and equipment, local departments involved and days of utilization.

III. Supplemental Federal Assistance Required

A. *Public Law 93-288.* (Provide appropriate additional details to clarify or explain the type and extent of Federal assistance requested specifically by the Governor in his request.)

B. *Other Federal Assistance (if any).* (By supplementary notes, provide appropriate information to describe only the nature and extent of other supplemental Federal assistance requested or required. Indicate how and why a Presidential declaration is needed to make such assistance available.)

FORMAT NO. 3—SUPPLEMENTARY JUSTIFICATION; REQUEST FOR A SNOWSTORM EMERGENCY DECLARATION

Request Date/Time: _____

State: _____

General Weather Situation

	Present	Forecast	
		24 hour	48 hour
A. Storm Duration Start (time/date) End (time/date)			
B. Snowfall During Blizzard (inches)			
C. Wind Velocity Average (mph)			
D. Temperature (ave.)			
E. Heights of Drifts (average) Rural (feet)			
F. Existing Depth of Snow on Ground Before Storm (inches)			

Situation Report

A. Geographic areas(s) requiring Federal assistance (counties/cities):

.....

.....

B. Public Health and Safety:

Deaths.....

Injuries.....

Evacuated.....

In Shelters.....

C. Impact on State transportation system in area(s) requiring Federal assistance:

Estimated miles remaining closed (this storm)

Interstate System.....

Miles opened to traffic

State System.....

Summary of State and Local Responses

A. Date and time Governor declared a State of Emergency:.....

B. State Police involved in Emergency Operations (i.e., patrolling roads, emergency rescue, traffic control, etc.):

Number of Personnel:.....
C. State National Guard activities:
1. Armories opened for shelters:
Number (days).....
Duration (days).....
2. Troops/equipment activated for security and traffic control and other health/safety missions:
Number of Personnel.....
Number/type of equipment.....
.....
.....
Duration (days).....
3. Troops and equipment activated for snow removal operations:
Number of Personnel.....
Number/type of equipment.....
.....
.....
Duration (days).....
4. National Guard helicopters assigned for Search and Rescue:
Number/type of equipment.....
.....
.....
Duration (days).....
5. Narrative summary of State Highway Department snow removal operations: (include estimated numbers and type of snow removal equipment working)
.....
.....
.....
6. A similar narrative summary of snow removal operations for each county requiring Federal assistance.
(Provide a separate summary for each county and for each city over 25,000 population, not in a major metropolitan area.)

Format No. 4—Regional Emergency Summary

I. *Date of Request:* (date of Governor's request).

II. *Type of Incident:* (as specified in Governor's request).

III. *Locations:* (areas listed in Governor's request).

IV. *Probable Incident Period:*

V. *Impacts.* Review the impacts of the incident and indicate concurrence or explain any significant differences in the FEMA and State assessment of impacts. Report on any additional significant and widespread impacts not otherwise covered.

VI. *Available State and Local Resources and Capabilities.* Verify the accuracy and completeness of the State reporting of these available State and local resources and capabilities. Indicate whether or not you find that all such State and local resources and capabilities (applicable to the needs for which FEMA supplementary assistance is required) are, or will be fully committed.

Do you find that there are unmet needs? If so, report on them specifically in the next section of you assessment of this situation.

VII. *Supplementary Federal Assistance Required.* Review the Governor's request, plus other available information, and indicate your concurrence, or any significant differences in your findings and his request. Tabulate your findings and the State's request for supplementary FEMA assistance whenever such tabulation will facilitate comparisons and decision-making. Indicate the extent of your field investigations and of your consultations with State officials in developing your findings. State specifically any findings you may develop of unmet needs that could be satisfied by other Federal agencies without a declaration of an emergency by the President.

Instructions

The Regional Emergency Summary is a detailed review of the assessment of severity, magnitude and response capabilities based on the results of an on-site investigation and/or damage assessment operation. The focus, especially for a request for a declaration of an emergency, is placed on the unmet needs specified in the Governor's request. It should address the facts and circumstances as they have been disclosed; and descriptive adjectives, opinions and subjective evaluation should be avoided. In short, the Regional Emergency Summary should answer the basic questions:

—Where is the threat of damage?

—What types of damage have occurred or what is the threat?

—How has the damage impacted the community or how will the threat impact the community?

—What resources are available?

—What assistance is needed?

—Does the Federal Government have unique resources or capabilities to provide the needed assistance as the result of a declaration by the President of an emergency?

Regional Analysis and Recommendation

(Identify type of incident and incident period here. This portion is separate from the preceding summary.)

1. *Discussion:* Criticially examine the Governor's request with regard to the statutory requirements. This will include a determination of State and local resources and capabilities, including applicable budgets. All of the available resources should be fully employed; however, they do not need to be exhausted. Discuss specifically State capabilities for satisfying the unmet needs for which supplementary Federal assistance is required/recommended. Indicate specifically whether the Federal Government has unique capabilities for providing needed assistance that are not avilable from non-Federal sources.

Other information which may be included is the current emergency situation throughout the State plus the past experiences of the State and of the affect area. This includes incidents which resulted in declarations and denials as well as those which were not requested by the State.

This discussion should indicate the consequences of a denial as well as of a Presidential declaration.

2. *Conclusion(s):* Present the conclusion(s) drawn from the above analysis of all relvant factors. The conclusions(s) should be brief and clear. (The conclusion(s) arrived at should logically lead to the *Recommendation.*)

3. *Recommendation:* (The recommendation should include a nominee for Federal Coordinating Officer, as appropriate.) (The recommended course of action must be in consonance with the conclusions and be supported by the facts developed in the disucssion.)

Instructions

Value judgment plus subjective evaluation and analysis of the facts reported in the Disaster Incident Report and Regional Emergency Summary should be applied in developing the Regional recommendation.

Format No. 5—Governor's Request for a Major Disaster Declaration

The President,
The White House, Washington, D.C.

Through: Regional Director, FEMA Region ———, City, State, Zip

Dear Mr. President: Under the provisions of Section 301(b), Public Law 93–288, as implemented by 44 CFR 205.41, I request that you declare a major disaster for ————(State) as a result of ————.[1] (Describe the specific incident, the time period involved, and name the specific counties or political jurisdictions in the affected area(s). Indicate whether the incident is continuing and if so, forecast termination.)

The amount and severity of disaster-related damages are broken down by type and preliminary estimates follow:

Private Residential $————
Business $————
Agricultural $————
Public (State or local governments) $————
Total $————

As the result of the situation I have directed the execution of the State emergency plan on ———— (date). (If a State of emergency has been declared, indicate when and where applicable) I have also directed all appropriate action(s) under State law.

[1] Type of incident: e.g., severe storms and flooding, hurricane, etc., or eminent threat of such occurrence.

I have determined that this incident is of such severity and magnitude that effective response is beyond the capabilities of the State and the affected local governments and that supplementary Federal assistance is necessary. Preliminary estimates of the nature and extent of Federal assistance needed under Pub. L. 93-288, as amended, are tablulated in Enclosures A and B. Estimated requirements for Federal assistance from certain Federal agencies under other statutory authorities are tabulated in Enclosure C.

The following information is furnished on the extent and nature of State resources which have been or will be used to alleviate the conditions of this disaster:

(Provide brief narrative giving pertinent information. Include statement of actions pending or taken by State legislative and governing bodies with regard to the disaster.)

I intend to implement the Individual and Family Grant Program (IFGP) as described in Enclosure A. (If the State needs an advance of its 25 percent share, the following statements must also be included: "I certify that the State is unable to immediately pay its 25 percent share of the cost to implement the program and request that $——— (estimate of State share) be advanced by the Federal Government. In order to repay this advance I will ——— (describe the specific action to be taken to overcome the State's inability to fund its share). I certify that the advance will be repaid as soon as funds become available; I anticipate that funds will become available by ——— (date)".)

Pursuant to Federal Emergency Management Agency regulations, I certify that the total expenditures and obligations for this major disaster for which no Federal reimbursement will be requested are expected to exceed $——— in accordance with the table in Enclosure D.

I have designated ——— as the State Coordinating Officer for this request. He (She) will work with the Federal Emergency Management Agency in damage assessments and may provide further information or justification on my behalf.

Sincerely,

———,

Governor's signature.

Enclosures.

ESTIMATED REQUIREMENTS FOR INDIVIDUAL ASSISTANCE, PUB. L. 93-288

County	Temporary housing (indicate number)	Individual and family grants (indicate number and dollar amount)	Disaster unemployment assistance (indicate number and dollar amount)	Other
		$	$	
Totals				

Footnote: (Add footnotes as appropriate to clarify these requirements.)

Enclosure A.

ESTIMATED REQUIREMENTS FOR PUBLIC ASSISTANCE,[1] PUB. L. 93-288

County	Category									Total [1]
	A	B	C	D	E	F	G	H	I	

Footnote: (Add footnotes as appropriate to clarify these requirements.)
[1] Estimates are to reflect total eligible costs before any cost sharing.

Enclosure B.

ESTIMATED REQUIREMENTS FOR OTHER FEDERAL AGENCY PROGRAMS

County	SBA home loans	SBA business loans	FmHA loans	ASCS	SCS	FHWA	DOE school grants	COE	Other
	$	$	$	$	$	$	$		
Totals									

Footnote: (Add footnotes as appropriate to clarify these requirements.)
NOTE.—Provide numbers and amounts, as appropriate.

Enclosure C.

Governor's Certification

I certify that for this current disaster, State and local government expenditures and obligations will constitute a reasonable amount of the funds of such State and local governments for alleviating the damage, loss, hardship or suffering resulting from such disaster. As stated in my basic letter, and based on information available at this time, tabulation of these estimated total expenditures and obligations, for which no Federal reimbursement will be requested, follows:

Category of assistance	Amount [1]	
	State	Local
Individual Assistance: [2]		
Housing		
Individual and Family Grants		
Mass Care		
Other (specify)		
Total		
Public Assistance: [2]		
Category A—Debris Clearance		
Category B—Protective Measures		
Category C—Road Systems		
Category D—Water Control Facilities		
Category E—Public Building and Related Equipment.		
Category F—Public Utilities		
Category G—Facilities under Construction.		
Category H—Private, Non-profit Facilities.		
Category I—Other (not in above categories).		
Total		
Other: [3]		
Total		
Grand total		

[1] Provide breakdown by attachment for each disaster affected county or other political jurisdiction.
[2] Report only estimated State or local shares on a 75/25 basis of Pub. L. 93-288 assistance when appropriate.
[3] Report public safety, use of National Guard for security, or other types of assistance not reimbursable under Pub. L. 93-288 and not reported under Individual Assistance or Public Assistance.

Enclosure D.

Format No. 6—Supplementary Justification, State Damage Assessment; Request for a Major Disaster Declaration

I. Background

Provide brief narrative description of predisaster conditions, covering where applicable, factors such as:

—General economic conditions in affected area(s)
—Income level(s) of affected persons
—Special language or ethnic conditions
—Availability of vacant housing in the affected area(s) into which homeless people could be placed
—Extent, types and provisions of insurance to cover losses and description of uninsured damages
—Unemployment
—Other relevant factors

II. Impacts

Provide a narrative description of impacts to document a clear picture of the magnitude and severity of the disaster as reflected by losses or damages, effects on people, and effects on State and/or local government. The resultant hardships, economic and social consequences should be addressed. The following factors should be addressed only when applicable:

A. Significant effects on people
—Deaths
—Injuries
—Missing persons
—Continuing public health and safety problems
—Extent of damages to homes
—Continuing occupancy of mass shelters
—Additional unemployment in the affected area(s) resulting from the major disaster
—Other significant personal property losses
—Extent, types, and provisions of insurance coverage of losses or damages (describe nature and extent of uninsured damages)

B. Significant effects on State or local governments
—Isolated families or communities
—Interruption of essential public services
—Search and rescue efforts
—Continuing public health and safety problems
—Extent, types and provisions of insurance coverages
—Loss of tax base
—Financial hardships
—Loss of governing capabilities (deaths or injuries to key officials, loss of records, etc.)

C. Significant effects on private, non-profit organizations (educational, utility, emergency, medical or custodial care facilities).
—Same as II.B. above

D. Significant effects on businesses
—Extent of disruptions in services or closings
—Extent of insurance coverages
—Financial hardships
—Employees
—Losses or damages to facilities or inventories and their importance to the area(s)

E. Significant effects on agriculture
—Major crop/livestock losses
—Extent of insurance
—Financial hardship
—Losses or damages to facilities and their importance to the area(s)
—Outlook for future plantings

F. Significant factors not otherwise covered under paragraphs A. through E. above.

III. State and Local Responses

A. *State:*

(1) State Emergency Plan. (Specific assistance provided as a result of this plan—number of personnel, equipment, State departments involved and days of utilization, etc.)

(2) Other. (Details on other State resources which have been or will be used. Also indicate disaster/emergency history within past 12 months.)

(3) Restrictions. (Indicate resources which cannot be used due to any type of restrictions, such as State constitutional prohibitions or debt or borrowing limitations. Also indicate what steps have been taken by the Governor to remove or avoid the impact of such restrictions.)

(4) Financial Data. (Furnish information concerning the availability now of any State emergency fund money or money from the Governor's discretionary funds. Provide general fund balance and status of applicable budgets for damage involved; e.g., road and bridge budget if State road and bridge damage is shown.)

(5) Hazard Mitigation. (Indicate any actions or plans currently underway. Where similar major disasters have been declared previously, discuss the status of hazard mitigation activities which resulted from the plans which FEMA reviewed.)

B. *Local:*

(1) Local Response. (Specific assistance provided by the local government(s) as a result of the incident—number of personnel, equipment, departments involved and days of utilization.)

(2) Other. (Details on other local resources which have been or will be used, if not described in detail in the letter. Also indicate assistance provided by community or private volunteer organizations. Indicate disaster/emergency history within past 12 months.)

(3) Restrictions. (Provide similar information to that provided by the State in A.(3) above.)

(4) Financial Data. (Provide similar information to that provided by the State in A.(4) above.)

Format No. 7—Regional Disaster Summary

I. *Date of Request:* (date of Governor's request)

II. *Type of Disaster:* (as specified in Governor's request)

III. *Locations:* (areas listed in Governor's request)

IV. *Probable Incident Period:*

V. *Assessment of Severity, Magnitude, and Response Capabilities:* (Identify damage in areas that are sanctioned or cancelled by the flood insurance program.)

A. *Impact on Individuals.*

(1) *Casualties.* (number dead, injured, hospitalized)

(2) *Emergency Needs.* (number of families affected; number requiring mass feeding, shelter, utilities (water, sewer, heat, electricity); transportation; search and rescue; disaster relief organizations—Red Cross, Salvation Army, Mennonities, Seventh Day Adventist, etc. activity; local and State response; health and safety problems; unmet needs)

(3) *Homes.*

Impact: (number of homes affected; destroyed, major or minor damage; single family, owner-occupied, multiple dwelling; mobile homes; etc.)

Requirements: (estimate of temporary housing requirements; cost; estimate of SBA loans required—number and amount)

Response capabilities:[1] (amount of insurance coverage; local, State, Federal—HUD, SBA, etc.) When considering response under Pub. L. 93-288, indicate separately the number requiring mobile homes, mini-repair or limited home repairs, and other forms of housing.

(4) *Individual and Family Grants.* (Indicate probable requirement for this program. Distinguish the number and amount for the regular program from the number and amount listed for Limited Home Repairs.)

(5) *Businesses.*

Impact: (number and types affected—servicing, manufacturing, etc.; number employed, unemployed.)

Requirements: (number of loans and estimated cost; unemployment benefits, duration and estimated cost.)

Response capabilities: [1] (amount of insurance coverage; SBA, DOL, etc.)

(6) *Agriculture.*

Impact: (number of farms affected; damage to farm buildings, equipment, crops)

Requirements: (cost to repair and/or replace losses)

Response capabilities: [1] (local, State, Federal assistance available)

(7) As necessary, other forms of assistance, such as DUA, legal services and crisis counseling, should be addressed.

B. *Impact on Public Facilities.*

Provide a statement describing the general impact of damage by category. Discuss factors which would give an insight into the requirements of the affected areas. This would include families or communities isolated as a result of the incident, interruption of essential services and actual or potential problems to public health and safety.

ESTIMATES OF ELIGIBLE ASSISTANCE (PUB. L. 93-288)

Category	Amount	
	State estimate	Federal estimate
Emergency work	$	$
Debris clearance		
Protective measures		

[1] With or without a Major Disaster Declaration.

ESTIMATES OF ELIGIBLE ASSISTANCE (PUB. L. 93-288)—Continued

Category	Amount	
	State estimate	Federal estimate
Road systems		
Water control facilities		
Public buildings		
Public utilities		
Private non-profit		
Other (recreation, etc.)		
Total		

Provide a statement describing the impact of damages to other public facilities not eligible for assistance under Pub. L. 93-288, such as Federal-aid system roads and public schools. In the case of schools, identify the uninsured damage.

VI. *Summary:* (Provide a summary of the estimated requirements for FEMA and other programs.)

	Numbers	Dollars
Public Law 93-288		
Public		
DUA		
Housing		
IFG (Federal share)		
Other Federal Agencies		
SBA Loans:		
Home/Personal		
Business		
FmHA Loans		
ASCS (Federal share)		
SCS (Federal share)		
Food Stamps/Commodities		
FHWA (FAS roads)		
DOEd (Number schools)		
COE (Pub. L. 84-99)		

Instructions: The Regional Disaster Summary is a detailed review of the assessment of severity, magnitude and response capabilities based on the results of an on-site investigation and/or damage assessment operations. The focus is placed on the unmet needs specified in the Governor's request. It should address the facts and circumstances as they have been disclosed and descriptive adjectives, opinions and subjective evaluation should be avoided. In short, the Regional Disaster Summary should answer the basis questions:

—Where is the damage?

—What types of damage have occurred?

—How has the damage impacted the community?

—What resources are available?

—What assistance is needed?

—What assistance should be provided as the result of a declaration by the President of a Major Disaster?

Regional Analysis and Recommendation

(Identify type of incident and incident period here. This portion is separate from the preceding summary.)

1. *Discussion:* Critically examine the Governor's request with regard to the statutory requirements. This will include a determination of State and local resources and capabilities, including applicable budgets. All of the available resources should be fully employed; however, they do not need to be exhausted. Discuss specifically State capabilities for satisfying the unmet needs for which supplementary Federal assistance is requested/recommended. Indicate specifically whether the Federal Government has unique capabilities for providing needed assistance that are not available from non-Federal sources.

Other information which may be included is the current emergency situation throughout the State plus the past experiences of the State and of the affected area. This includes incidents which resulted in declarations and denials as well as those which were not requested by the State.

Indicate the adequacy of hazard mitigation activities on the part of State and local governments. Where similar major disasters have been declared previously and FEMA reviewed the hazard mitigation plans, discuss results.

This discussion should indicate the consequences of a denial as well as of a Presidential declaration.

2. *Conclusion(s):* Present the conclusion(s) drawn from the above analysis of all relevant factors. The conclusion(s) should be brief and clear. (The conclusion(s) arrived at should logically lead to the *Recommendation.*)

3. *Recommendation:* The recommendation should include a nominee for Federal Coordinating Officer, as appropriate. (The recommended course of action must be in consonance with the conclusion(s) and be supported by the facts developed in the discussion. When a recommendation for Individual Assistance for a specific area is made, the recommendation must also take into consideration adjacent areas.

Instructions: Value judgment plus subjective evaluation and analysis of the facts reported in the Disaster Incident Report and Regional Emergency Summary should be applied in developing the Regional recommendation.

(Approved by the Office of Management and Budget under control number 3067-0113)

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance)

Dated: July 14, 1984.

Dave McLoughlin,

Deputy Associate Director, State and Local Programs and Support, Federal Emergency Management Agency.

[FR Doc. 83-20253 Filed 7-26-83; 8:45 am]

BILLING CODE 6718-01-M

federal register

Wednesday
July 27, 1983

Part V

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 937]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: July 20, 1983.

The following notices of determination were received from the indicated jurisdictional agencies by the Federal 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 Capital 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 OCR 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: Recompleltion tight formation

Section 108: Stripper well
108-SA: Seasonally affected
108-ER: Enhanced recovery
108-PB: Pressure buildup

Kenneth F. Plumb,
Secretary.

NOTICE OF DETERMINATIONS
ISSUED JULY 20, 1983
VOLUME 937

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
MONTANA BOARD OF OIL & GAS CONSERVATION									
-GEORESOURCES INC				RECEIVED:	07/05/83	JA: MT			
8344094	7-82-187	2501121301		108		COCHRAN #1-24	HAMMOND	10.0	MONTANA-DAKOTA UT
-SHELL OIL CO				RECEIVED:	07/05/83	JA: MT			
8344095	7-82-185	2502521218		103		UNIT 13-20B	PENNEL	1.8	MONTANA DAKOTA UT
-SOUTHLAND ROYALTY CO				RECEIVED:	07/05/83	JA: MT			
8344096	7-82-183	2507121736		108		LA ROCHE HARRISON TRUST 0760 #1	BOWDOIN DOME	7.5	KN ENERGY INC
-SUN EXPLORATION & PRODUCTION CO				RECEIVED:	07/05/83	JA: MT			
8344093	7-82-186	2508521278		103		VANNATTA #1	BURGET E (RATCLIFF)	4.0	DOME PETROLEUM CO
NORTH DAKOTA INDUSTRIAL COMMISSION									
-AMOCO PRODUCTION CO				RECEIVED:	07/05/83	JA: ND			
8344147	733	3302500349		102-2		FREDERICK SKACHENKO "A" #1	LITTLE KNIFE	398.0	
-EXXON CORPORATION				RECEIVED:	07/05/83	JA: ND			
8344144	750	3305301151		102-2		STATE OF NORTH DAKOTA #1	SIOUX (MISSION CANYON	4.0	PHILLIPS PETROLEU
-GETTY OIL COMPANY				RECEIVED:	07/05/83	JA: ND			
8344149	755	3300700886		102-2		LITTLE KNIFE #36-4	LITTLE KNIFE	75.0	WILLISTON GAS CO
-GULF OIL CORPORATION				RECEIVED:	07/05/83	JA: ND			
8344157	763	3305301374		102-2		MRACHEK 1-34-1C	UNDESIGNATED (LOWER I	28.0	PHILLIPS PETROLEU
8344159	765	3300700851		102-2		WIKE 1-24-4C	LITTLE KNIFE	20.0	
-MESA PETROLEUM CO				RECEIVED:	07/05/83	JA: ND			
8344158	764	3302500345		102-2		BRANDVIK 11-1	WILDCAT	100.0	KOCH HYDROCARBON
-NUCORP ENERGY INC				RECEIVED:	07/05/83	JA: ND			
8344164	779	3300700865		102-2		FEDERAL #34-1	ELKHORN RANCH	72.0	KOCH HYDROCARBON
8344163	780	3300700779		102-2		FEDERAL #6-1	ELKHORN RANCH	9.0	KOCH HYDROCARBON
-SUN EXPLORATION & PRODUCTION CO				RECEIVED:	07/05/83	JA: ND			
8344152	758	3305301588		102-2		D M IVERSON #1	WILDCAT	159.0	PHILLIPS PETROLEU
-SUNBEHM GAS INC				RECEIVED:	07/05/83	JA: ND			
8344153	759	3305301607		102-2		SOVIG #25-2	ALEXANDER	3.0	PHILLIPS PETROLEU
-SUPERIOR OIL CO				RECEIVED:	07/05/83	JA: ND			
8344160	766	3305301545		102-2		ABLEMANN #1	WILDCAT	0.0	
8344162	768	3305301504		102-2		M J GREEN #1	WILDCAT	0.0	
8344161	767	3305301538		102-2		NELSON "A" #1	WILDCAT	0.0	
-TENNECO OIL COMPANY				RECEIVED:	07/05/83	JA: ND			
8344145	751	3300700893		102-2		AMERADA STATE 4-16	ANDERSON COULEE OUTPO	25.0	MONTANA DAKOTA UT
-TOM BROWN INC				RECEIVED:	07/05/83	JA: ND			
8344156	762	3305301620		102-2		BRATCHER STATE 10-44	RAGGED BUTTE	68.0	PHILLIPS PETROLEU
8344151	757	3305301641		102-2		BRATCHER 9-32	RAGGED BUTTE	82.0	PHILLIPS PETROLEU
8344148	754	3305301631		102-2		NOVAK 26-41	ELK	182.0	PHILLIPS PETROLEU
8344150	756	3305301650		102-2		PESEK STATE 10-23	ELK	36.0	PHILLIPS PETROLEU
8344146	752	3305301561		102-2		SIMPSON 9-32	ELK	32.0	PHILLIPS PETROLEU
-TRAVERSE OIL CO				RECEIVED:	07/05/83	JA: ND			
8344155	761	3305301240		102-4		NOVAK 1-25 (N ALEXANDER PROSPECT 1)	ELK-RED RIVER POOL	50.0	PHILLIPS PETROLEU
8344154	760	3305301286		102-4		HYGAARD 1-19	PATENTGATE	36.0	PHILLIPS PETROLEU
OHIO DEPARTMENT OF NATURAL RESOURCES									
-APPALACHIAN EXPLORATION INC				RECEIVED:	07/06/83	JA: OH			

BILLING CODE 6717-01-M

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8344165		3415321258		107-TF		W BURSE #1	COPLEY	91.3	YANKEE RESOURCES
-ATWOOD RESOURCES INC				RECEIVED:	07/06/83	JA: OH			
8344166		3403125071		103	107-TF	NOAH RABER #1	KEENE	15.0	
-BPC DRILLING PROGRAM 82-A				RECEIVED:	07/06/83	JA: OH			
8344167		3412122842		103		E PILCHER #1	ENOCH	25.0	
-CAVENDISH PETROLEUM OF OHIO INC				RECEIVED:	07/06/83	JA: OH			
8344169		3411922888		108		HARDY 1MD		7.8	COLUMBIA GAS TRAN
8344170		3412122056		108		WATSON 2ME		9.1	COLUMBIA GAS TRAN
8344168		3405922885		108		YODER 3MD		17.3	EAST OHIO GAS CO
-CLARENCE SHERMAN				RECEIVED:	07/06/83	JA: OH			
8344171		3415723822		103	107-TF	HOUSTON #2	BUCK	3.7	EAST OHIO GAS CO
-COLLINS-MCGREGOR OPERATING COMPANY				RECEIVED:	07/06/83	JA: OH			
8344172		3416726839		103		ALLOWAY-GRIMES #1	GRANDVIEW	3.0	COLUMBIA GAS TRAN
-DONALD G DORSEY				RECEIVED:	07/06/83	JA: OH			
8344173		3408924638		103		WILLS/NERO #1	HOPEWELL	10.0	
-EARTH RESOURCES EXPL DEV CORP				RECEIVED:	07/06/83	JA: OH			
8344220		3413322999		103	107-TF	WINCHELL #1	FREEDOM	5.0	
-EDCO DRILLING & PRODUCING INC				RECEIVED:	07/06/83	JA: OH			
8344174		3408322832		108		CASEBOLT BL-3A		12.0	COLUMBIA GAS TRAN
-ENERGY DEVELOPMENT CORP				RECEIVED:	07/06/83	JA: OH			
8344176		3400722032		103	107-TF	MILLS #2	NEW LYME	19.0	
8344177		3400722056		103	107-TF	WEITZMAN #1	NEW LYME	18.0	
-ENTERPRISE ENERGY CORP				RECEIVED:	07/06/83	JA: OH			
8344178		3400922695		103	107-TF	DRYDOCK COAL #4TR	TRIMBLE	18.2	COLUMBIA GAS TRAN
8344179		3412725869		103	107-TF	OHIO POWER CO #8	HARRISON	27.3	TEXAS EASTERN TRA
-ENVIROGAS INC				RECEIVED:	07/06/83	JA: OH			
8344180		3400922691		103	107-TF	DRYDOCK COAL #27TR	TRIMBLE	18.2	
8344181		3400922796		103	107-TF	DRYDOCK COAL #36TR	TRIMBLE	18.2	
-FREDERICK PETROLEUM CORP				RECEIVED:	07/06/83	JA: OH			
8344185		3412123016		107-TF		C BAKER #1-J	JEFFERSON	36.0	
8344183		3412122811		107-DV		CALDWELL #1	ENOCH	11.0	
8344182		3411122733		107-DV		J GIARAMITA #1	FRANKLIN	11.0	
8344184		3412122956		107-DV		LINCICOME #2	JEFFERSON	11.0	
-GASEARCH INC				RECEIVED:	07/06/83	JA: OH			
8344186		3400722135		103	107-TF	MOFFITT #3	CHERRY VALLEY	20.0	AMERICAN ENERGY S
-GREENLAND PARTNERSHIP 83-1				RECEIVED:	07/06/83	JA: OH			
8344187		3412725946		107-TF		CAMERON #2	MONDAY CREEK	15.0	PARAMOUNT TRANSMI
-INTEGRATED PETROLEUM COMPANY INC				RECEIVED:	07/06/83	JA: OH			
8344189		3415522260		103	107-TF	CRESTWOOD 1-A	MANTUA	0.0	
8344188		3415522213		103	107-TF	ST JOSEPH #2	MANTUA	0.0	
-J D DRILLING CO				RECEIVED:	07/06/83	JA: OH			
8344190		3410522483		107-DV		CHARLES MORRISON #2	LEBANON	8.0	COLUMBIA GAS TRAN
8344191		3410522597		107-TF		J B & ROBERTA O'BRIEN #10	SALISBURY	8.0	COLUMBIA GAS TRAN
-JANCO WELL OPERATIONS LTD 83-1				RECEIVED:	07/06/83	JA: OH			
8344192		3410323371		107-TF		OMA P HODGE #1	GRANGER	125.0	COLUMBIA GAS TRAN
8344193		3410323372		107-TF		OMA P HODGE #2	GRANGER	150.0	COLUMBIA GAS TRAN
-JONSU OIL CORP				RECEIVED:	07/06/83	JA: OH			
8344194		3408724588		103		MCGUIRE #3	BOWLING GREEN	5.0	NATIONAL GAS & OI
-L & M PETROLEUM INC				RECEIVED:	07/06/83	JA: OH			
8344196		3412725896		107-TF		HAZELTON #10	SALT LICK	10.0	
8344195		3412725722		107-TF		HAZELTON #6	SALT LICK	10.0	
8344197		3412725897		107-TF		HAZELTON #9	SALT LICK	10.0	
-LEADER EQUITIES INC				RECEIVED:	07/06/83	JA: OH			
8344198		3415723819		103	107-TF	RAYMOND #1	WASHINGTON	13.0	
-LOMAK PETROLEUM INC				RECEIVED:	07/06/83	JA: OH			
8344199		3405520488		107-TF		H LUXENBURG #5	BURTON	30.0	YANKEE RESOURCES
-MARK RESOURCES CORP				RECEIVED:	07/06/83	JA: OH			
8344200		3400722183		103		KISTER #2	KINGSVILLE	30.0	EAST OHIO GAS CO
-MID-ATLANTIC OIL CO				RECEIVED:	07/06/83	JA: OH			
8344201		3411523029		103	107-TF	P C SILVUS #1	CENTER	50.0	EAST OHIO GAS CO
-PETRO EVALUATION SERVICES INC				RECEIVED:	07/06/83	JA: OH			
8344205		3408520428		103	107-TF	SECOR UNIT #4	PERRY	15.0	
-POI ENERGY INC				RECEIVED:	07/06/83	JA: OH			
8344207		3405520466		103	107-TF	YMCA #6	BAINBRIDGE	55.0	
8344206		3405520464		103	107-TF	ZUPON-CLEVELAND GLASS #1	BAINBRIDGE	35.0	
-PURSIE E PIPES				RECEIVED:	07/06/83	JA: OH			
8344208		3413322967		107-TF		KISS #1	RANDOLPH	5.0	
8344209		3413323023		107-TF		SACKETT UNIT #1	RANDOLPH	5.0	
-QUESTA JOINT VENTURE 82-2				RECEIVED:	07/06/83	JA: OH			
8344210		3404520841		103		ARADA LEWIS #1	RICHLAND	15.0	
-RELIANCE ENERGY				RECEIVED:	07/06/83	JA: OH			
8344175		3408323314		103		LOUIS CLUTTER #1	HARRISON	8.0	COLUMBIA GAS TRAN
-RPJ ENERGY FUND MANAGEMENT INC				RECEIVED:	07/06/83	JA: OH			
8344211		3405923458		107-TF		DICKINSON #1	KNOX	20.0	
-S D G DRILLING PROGRAM LTD 83-1				RECEIVED:	07/06/83	JA: OH			
8344213		3413323044		107-TF		KAMBUROFF #1	KENT	12.0	COLUMBIA GAS OF O
8344212		3413323043		107-TF		KAMBUROFF #2	KENT	12.0	COLUMBIA GAS OF O
-THE BENATTY CORPORATION				RECEIVED:	07/06/83	JA: OH			
8344214		3411924770		107-TF		MABEL DAILEY #6	UNION	25.0	COLUMBIA GAS TRAN
-THE MUTUAL OIL & GAS COMPANY				RECEIVED:	07/06/83	JA: OH			
8344204		3412725893		103		POLING #3A	MONDAY CREEK	1.2	
8344202		3411122905		103		RUBEL #5M	SUMMIT	3.2	
8344203		3411122914		103		WEBER #1M	SUMMIT	2.0	
-VICTOR MCKENZIE				RECEIVED:	07/06/83	JA: OH			
8344215		3412725816		103		GRAPEVINES INC #2	HOPEWELL	5.0	NATIONAL GAS & OI
-W J LYDIC INC				RECEIVED:	07/06/83	JA: OH			
8344217		3411122833		107-DV		GODDARD-ENSINGER #1	OHIO	6.0	
8344216		3411122833		103		GODDARD-ENSINGER #1	OHIO	6.0	
8344218		3411122834		103		J GILMORE #1	SALEM	6.0	
8344219		3411122834		107-DV		J GILMORE #1	SALEM	6.0	

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PENNSYLVANIA DEPARTMENT OF ENVIRONMENTAL RESOURCES

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-ASHTOLA PRODUCTION CO				RECEIVED:	07/05/83	JA: PA			
8344061	19419	3712921887		108		CHARLES LAUFFER #2	HUNKERS	11.0	TEXAS EASTERN TRA
8344062	19420	3712921873		108		CHARLES LAUFFER #3	HUNKERS	11.0	TEXAS EASTERN TRA
-ATLAS RESOURCES INC				RECEIVED:	07/05/83	JA: PA			
8344064	20105	3706327367		102-2		RUSSELLVILLE GRIFFITH #2	CHERRYHILL	280.0	COLUMBIA GAS TRAN
-CROSS RESOURCES				RECEIVED:	07/05/83	JA: PA			
8344055	17988	3704922032		107-TF		FRANK PAGE #1	WATERFORD	10.0	NATIONAL FUEL GAS
8344054	17987	3704922032		102-2		FRANK PAGE #1	WATERFORD	10.0	NATIONAL FUEL GAS
-D W & K ASSOCIATES				RECEIVED:	07/05/83	JA: PA			
8344037	17795	3704921978		107-TF		PETERS/KOHMANSKI #1	VILLAGE BORO	10.0	NATIONAL FUEL GAS
8344036	17794	3704921978		102-2		PETERS/KOHMANSKI #1	VILLAGE BORO	10.0	NATIONAL FUEL GAS

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8344053	17986	3704922026		107-TF		RICHARD GABER #1	WATERFORD	10.0	NATIONAL FUEL GAS
8344052	17985	3704922026		102-2		RICHARD GABER #1	WATERFORD	10.0	NATIONAL FUEL GAS
-DOC-NCC SERVICE CO				RECEIVED:	07/05/83	JA: PA			
8344014	17010	3712921917		108		CHARLES M PETERSON 1554-1	E HUNTINGDON	14.8	TEXAS EASTERN TRA
8344060	18993	3712921863		108		CLAY G STROHM 1209-1	E HUNTINGDON	16.9	TEXAS EASTERN TRA
8344063	19796	3712921242		108		E A KOCH B793-1	E HUNTINGDON	16.5	TEXAS EASTERN TRA
8344059	18237	3712922019		108		GILBERT W & FOSTER POORBAUGH 797-4	E HUNTINGDON	16.8	TEXAS EASTERN TRA
8344012	17005	3712921816		108		RUTH A FELGAR 827-1	E HUNTINGDON	16.8	TEXAS EASTERN TRA
8344013	17008	3712921780		108		THOMAS L BROOKS 1244-1	E HUNTINGDON	20.7	TEXAS EASTERN TRA
8344011	17004	3712921835		108		WENDELL C LAYMAN 823-4	E HUNTINGDON	7.1	TEXAS EASTERN TRA
-DORSO ENERGY				RECEIVED:	07/05/83	JA: PA			
8344086	20208	3703321482		102-4		CLEARFIELD BITUMINOUS COAL #1176	CHEST	30.0	
8344087	20209	3703321483		102-4		CLEARFIELD BITUMINOUS COAL #2177	CHEST	20.0	
-KALTSAS OIL CO				RECEIVED:	07/05/83	JA: PA			
8344083	20156	3704922643		103		CARL LITTLE #1	WATTSBURG - VENANGO T	0.0	COLUMBIA GAS TRAN
8344082	20155	3704922643		107-TF		CARL LITTLE #1	WATTSBURG - VENANGO T	0.0	COLUMBIA GAS TRAN
8344084	20157	3704922640		107-TF		JOHN RUBAY #1	WATTSBURG - VENANGO T	0.0	COLUMBIA GAS TRAN
8344085	20158	3704922640		103		JOHN RUBAY #1	WATTSBURG - VENANGO T	0.0	COLUMBIA GAS TRAN
-KEPCO INC				RECEIVED:	07/05/83	JA: PA			
8344089	20247	3705921726		102-4		EDWIN F LUSE #1 (PK-29)	KHEDIVE	14.0	TEXAS EASTERN TRA
8344091	20256	3705921764		103		MARGARET E SHOUP #2 (PK-56)	RUFF CREEK	14.0	NEW JERSEY NATURA
8344090	20253	3705921794		102-4		VERONA SHAMAN #2 (PK-64)	GUMP	25.0	TEXAS EASTERN TRA
-NEA CROSS CO				RECEIVED:	07/05/83	JA: PA			
8344047	17852	3704922112		107-TF		ALBERT O'CONNELL #1	LE BOEUF	10.0	NATIONAL FUEL GAS
8344046	17851	3704922112		102-2		ALBERT O'CONNELL #1	LE BOEUF	10.0	NATIONAL FUEL GAS
8344026	17777	3704921910		107-TF		ARTHUR A ROSE #1	LEBOEUF	10.0	NATIONAL FUEL GAS
8344025	17776	3704921910		102-2		ARTHUR A ROSE #1	LEBOEUF	10.0	NATIONAL FUEL GAS
8344024	17775	3704921911		107-TF		ARTHUR A ROSE #2	LEBOEUF	10.0	NATIONAL FUEL GAS
8344023	17774	3704921911		102-2		ARTHUR A ROSE #2	LEBOEUF	10.0	NATIONAL FUEL GAS
8344043	17848	3704922085		107-TF		CHARLES E THOMPSON #1	LE BOEUF	10.0	NATIONAL FUEL GAS
8344042	17847	3704922085		102-2		CHARLES E THOMPSON #1	LE BOEUF	10.0	NATIONAL FUEL GAS
8344075	20145	3704921527		108		CHARLES W & DAVID GURIEL #1	LE BOEUF	10.0	NATIONAL FUEL GAS
8344010	10633	3704921527		102-2		CHARLES W & DAVID GURIEL #1	WASHINGTON	10.0	NATIONAL FUEL GAS
8344009	10632	3704921527		107-TF		CHARLES W & DAVID GURIEL #1	WASHINGTON	10.0	NATIONAL FUEL GAS
8344067	20137	3704920830		108		CLARENCE BOYD #3	LE BOEUF	10.0	NATIONAL FUEL GAS
8344065	20135	3704920603		108		CLARENCE V & HELEN M BOYD #1	LE BOEUF	10.0	NATIONAL FUEL GAS
8344066	20136	3704920663		108		CLARENCE V & HELEN M BOYD #2	LE BOEUF	10.0	NATIONAL FUEL GAS
8344068	20138	3704921507		108		CLARENCE V & HELEN M BOYD #4	LE BOEUF	10.0	NATIONAL FUEL GAS
8344069	20139	3704920834		108		CORNISH LUMBER COMPANY #1	LE BOEUF	10.0	NATIONAL FUEL GAS
8344028	17779	3704921960		107-TF		DOMINICK P SEMENTELLI #1	WATERFORD	10.0	NATIONAL FUEL GAS
8344027	17778	3704921960		102-2		DOMINICK P SEMENTELLI #1	WATERFORD	10.0	NATIONAL FUEL GAS
8344020	17769	3704921832		107-TF		GEORGE KUEBEL #1	LEBOEUF	10.0	NATIONAL FUEL GAS
8344019	17768	3704921832		102-2		GEORGE KUEBEL #1	LEBOEUF	10.0	NATIONAL FUEL GAS
8344077	20148	3704920831		108		GEORGE NEIL MCLAUGHLIN #1	WATERFORD	10.0	NATIONAL FUEL GAS
8344018	17767	3704921857		107-TF		JAMES M & JEAN FABIAN #1	LEBOEUF	10.0	NATIONAL FUEL GAS
8344017	17766	3704921857		102-2		JAMES M & JEAN FABIAN #1	LEBOEUF	10.0	NATIONAL FUEL GAS
8344080	20151	3704920460		108		KENNETH WISE #1	TOWNSHIP	10.0	NATIONAL FUEL GAS
8344092	20152	3704920509		108		KENNETH WISE #2	WATERFORD	10.0	NATIONAL FUEL GAS
8344081	20153	3704920608		108		KENNETH WISE #3	LE BOEUF	10.0	NATIONAL FUEL GAS
8344074	20144	3704920833		108		LAWRENCE C GEHRES #1	LE BOEUF	10.0	NATIONAL FUEL GAS
8344035	17793	3704922027		107-TF		LEO PFADT #1	WATERFORD	10.0	NATIONAL FUEL GAS
8344034	17792	3704922027		102-2		LEO PFADT #1	WATERFORD	10.0	NATIONAL FUEL GAS
8344041	17846	3704922084		107-TF		MARIE & WILLIE STAFFORD #1	WATERFORD	10.0	NATIONAL FUEL GAS
8344040	17845	3704922084		102-2		MARIE & WILLIE STAFFORD #1	WATERFORD	10.0	NATIONAL FUEL GAS
8344049	17982	3704922067		107-TF		MCDOWELL/WTFD FAIR #1	WATERFORD	10.0	NATIONAL FUEL GAS
8344048	17981	3704922067		102-2		MCDOWELL/WTFD FAIR #1	WATERFORD	10.0	NATIONAL FUEL GAS
8344039	17844	3704921998		107-TF		NEIL EULIANO #1	WASHINGTON	10.0	NATIONAL FUEL GAS
8344038	17843	3704921998		102-2		NEIL EULIANO #1	WASHINGTON	10.0	NATIONAL FUEL GAS
8344070	20140	3704920415		108		NORBERT & NANCY CROSS #1	WATERFORD	10.0	NATIONAL FUEL GAS
8344071	20141	3704920416		108		NORBERT & NANCY CROSS #2	LE BOEUF	10.0	NATIONAL FUEL GAS
8344072	20142	3704920760		108		NORBERT & NANCY K CROSS #3	WATERFORD	10.0	NATIONAL FUEL GAS
8344022	17773	3704921836		107-TF		PATRICIA ORBANICK #1	WATERFORD	10.0	NATIONAL FUEL GAS
8344021	17772	3704921836		102-2		PATRICIA ORBANICK #1	WATERFORD	10.0	NATIONAL FUEL GAS
8344079	20150	3704920695		108		PAUL WARNER #1	LE BOEUF	10.0	NATIONAL FUEL GAS
8344078	20149	3704921589		108		PETER & GERTRUDE SIMON #1	WATERFORD	10.0	NATIONAL FUEL GAS
8344030	17781	3704921981		107-TF		RAYMOND SWAB/FT LEBOEUF LEGION #1	WATERFORD	10.0	NATIONAL FUEL GAS
8344029	17780	3704921981		102-2		RAYMOND SWAB/FT LEBOEUF LEGION #1	WATERFORD	10.0	NATIONAL FUEL GAS
8344073	20143	3704920696		108		RONALD ETHRIDGE #1	LE BOEUF	10.0	NATIONAL FUEL GAS
8344051	17984	3704922030		107-TF		SHIRLEY MCLAUGHLIN #4	WATERFORD	10.0	NATIONAL FUEL GAS
8344050	17983	3704922030		102-2		SHIRLEY MCLAUGHLIN #4	WATERFORD	10.0	NATIONAL FUEL GAS
8344033	17791	3704921980		107-TF		STETSON #1	LE BOEUF	10.0	NATIONAL FUEL GAS
8344032	17790	3704921980		102-2		STETSON #1	LE BOEUF	10.0	NATIONAL FUEL GAS
8344076	20147	3704921508		108		THOMAS MANNARELLI #2	LE BOEUF	10.0	NATIONAL FUEL GAS
8344045	17850	3704922089		107-TF		WILLIAM J & JOAN F WURST #2	LE BOEUF	10.0	NATIONAL FUEL GAS
8344044	17849	3704922089		102-2		WILLIAM J & JOAN F WURST #2	LE BOEUF	10.0	NATIONAL FUEL GAS
-PEACOCK/DOVERSPIKE GAS VENTURE - 79				RECEIVED:	07/05/83	JA: PA			
8344015	17132	3706325941		108		FLAHERTY #1 IND-25941	GREEN	0.0	COLUMBIA GAS TRAN
-PEOPLES NATURAL GAS CO				RECEIVED:	07/05/83	JA: PA			
8344088	20227	3706327286		103		J C MARLIN #2 - IND-27286	W PENNA - UPPER DEVON	30.0	PEOPLES NATURAL G
-PHILLIPS PRODUCTION CO				RECEIVED:	07/05/83	JA: PA			
8344031	17785	3706325734		108		JOHN E PENCOLA #1	YOUNG	14.0	CRUCIBLE INC
8344058	18212	3706325735		108		JOHN W SMITH #1	YOUNG	14.0	CRUCIBLE INC
-REX-HIDE REALTY INC				RECEIVED:	07/05/83	JA: PA			
8344056	18146	3706326775		108		CURTIS F POOLE #1	YOUNG	14.0	T W PHILLIPS GAS
8344057	18147	3706326789		108		JAMES L DUDLEY #1	YOUNG	14.0	T W PHILLIPS GAS
-VICTORY DEVELOPMENT CO				RECEIVED:	07/05/83	JA: PA			
8344016	17138	3700522412		108		KIMMELL #1 ARM-22412	COWANSHANNOCK	0.0	PEOPLES NATURAL G

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** DEPARTMENT OF THE INTERIOR, MINERALS MANAGEMENT SERVICE, CASPER,WY **
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-SOUTHLAND ROYALTY CO				RECEIVED:	07/05/83	JA: MT 5			
8344134	M 366-2	2510521180		108		FEDERAL 8425 #1	SWANSON CREEK	6.0	MONTANA DAKOTA UT
-TENNECO OIL COMPANY				RECEIVED:	07/05/83	JA: ND 5			
8344131	ND 362-2	3300700772		102-2		CHILDS USA 91-22	ANDERSON COULEE	0.0	MONTANA-DAKOTA UT
-BELCO PETROLEUM CORPORATION				RECEIVED:	07/05/83	JA: WY 5			
8344132	W 364-2	4902320472		103		GRBU 82-6	GREEN RIVER BEND UNIT	0.0	NORTHWEST PIPELIN
-ENERGETICS INC				RECEIVED:	07/05/83	JA: WY 5			
8344124	W265-2	4903520579		102-4		FEDERAL 42-11	RUSS	20.0	NORTHWEST PIPELIN
-NORTEX GAS & OIL CO				RECEIVED:	07/05/83	JA: WY 5			
8344128	W359-2	4901321056		102-4		FEDERAL -886 #6-18	FULLER RESERVOIR	30.0	NORTHERN NATURAL
8344130	W 360-2	4901320992		102-4		FEDERAL 193 #3-18	FULLER RESERVOIR	73.0	NORTHERN NATURAL
8344127	W358-2	4901320991		102-4		FEDERAL 193 #4-18	FULLER RESERVOIR	20.0	NORTHERN NATURAL
8344138	W 371-2	4901321067		102-4		FEDERAL 221 #9-18	FULLER RESERVOIR	360.0	NORTHERN NATURAL
8344126	W357-2	4901321218		102-4		FEDERAL 408 #2-7	FULLER RESERVOIR	20.0	NORTHERN NATURAL

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8344137	W 370-2	4901321101		102-4		FEDERAL 644 #4-17	FULLER RESERVOIR	2.0	NORTHERN NATURAL
8344125	W356-2	4901321066		102-4		FEDERAL 720 #1-13	FULLER RESERVOIR II	14.6	NORTHERN NATURAL
8344136	W 369-2	4901321055		102-4		FEDERAL 886 #3-17	FULLER RESERVOIR II	10.0	NORTHERN NATURAL
-PHILLIPS PETROLEUM COMPANY				RECEIVED:	07/05/83	JA: WY 5			
8344116	W403-2	4902920352		108-ER		SEABOARD A #1	WHISTLE CREEK	11.5	MONTANA-DAKOTA UT
8344129	W 361-2	4900526582		102-2		THUNDER CREEK FED T #3	SCHOOL CREEK	12.8	PANHANDLE EASTERN
-WESTERN PRODUCTION CO				RECEIVED:	07/05/83	JA: WY 5			
8344142	W 376-2	4904505420		102-4		GOVERNMENT #1	SHURLEY	492.4	M G P C INC
8344140	W 373-2	4904521365		102-4		WESTERN FEDERAL J-1	FINN	659.1	M G P C INC
8344139	W 372-2	4904521371		102-4		WESTERN FEDERAL K-1	FINN	1602.0	M G P C INC
8344104	W384-2	4904521364		102-4		WESTERN FEDERAL M-1	FINN	178.5	M G P C INC
8344099	W379-2	4904521372		102-4		WESTERN FEDERAL 1-17	SHURLEY	351.8	M G P C INC
8344141	W 374-2	4904521366		102-4		WESTERN FEDERAL 1-18	SHURLEY	448.8	M G P C INC
8344097	W-377-2	4904521395		102-4		WESTERN FEDERAL 1-19-P	SHURLEY	322.4	M G P C INC
8344122	W397-2	4904521481		102-4		WESTERN FEDERAL 1-20-P	SHURLEY	466.1	M G P C INC
8344121	W398-2	4904521482		102-4		WESTERN FEDERAL 1-29-P	SHURLEY	278.9	M G P C INC
8344115	W394-2	4904521501		102-4		WESTERN FEDERAL 1-30-P	SHURLEY	215.9	M G P C INC
8344119	W400-2	4904521492		102-4		WESTERN FEDERAL 1-4-S	FINN	281.1	M G P C INC
8344111	W391-2	4904521597		102-4		WESTERN FEDERAL 11-17	SHURLEY	617.3	M G P C INC
8344100	W388-2	4904521369		102-4		WESTERN FEDERAL 2-17	SHURLEY	393.1	M G P C INC
8344143	W 375-2	4904521370		102-4		WESTERN FEDERAL 2-18	FINN	509.4	M G P C INC
8344113	W393-2	4904521610		102-4		WESTERN FEDERAL 2-20-M	SHURLEY	235.4	M G P C INC
8344123	W396-2	4904521634		102-4		WESTERN FEDERAL 2-30-M	SHURLEY	329.8	M G P C INC
8344098	W 378-2	4904521368		102-4		WESTERN FEDERAL 3-17	FINN	507.6	M G P C INC
8344102	W382-2	4904521402		102-4		WESTERN FEDERAL 3-18	SHURLEY	379.4	M G P C INC
8344112	W392-2	4904521632		102-4		WESTERN FEDERAL 3-20-M	SHURLEY	328.6	M G P C INC
8344107	W385-2	4904521367		102-4		WESTERN FEDERAL 4-17	FINN	368.1	M G P C INC
8344101	W383-2	4904521459		102-4		WESTERN FEDERAL 4-18	SHURLEY	404.8	M G P C INC
8344117	W402-2	4904521712		102-4		WESTERN FEDERAL 4-4-S	FINN	226.2	M G P C INC
8344103	W381-2	4904521394		102-4		WESTERN FEDERAL 5-17-M	SHURLEY	298.0	M G P C INC
8344108	W389-2	4904521411		102-4		WESTERN FEDERAL 6-17-M	SHURLEY	317.9	M G P C INC
8344120	W399-2	4904521802		102-4		WESTERN FEDERAL 6-20-P	SHURLEY	207.6	M G P C INC
8344114	W395-2	4904521798		102-4		WESTERN FEDERAL 6-30-P	SHURLEY	793.8	M G P C INC
8344110	W390-2	4904521412		102-4		WESTERN FEDERAL 7-17-M	SHURLEY	445.4	M G P C INC
8344118	W401-2	4904521527		102-4		WESTERN FEDERAL 3-4-S	FINN	220.0	M G P C INC
8344106	W386-2	4904521401		102-4		WESTERN FEDERAL 8-1-M	FINN	401.9	M G P C INC
8344105	W387-2	4904521475		102-4		WESTERN FEDERAL 8-4-M	FINN	534.6	M G P C INC
8344109	W388-2	4904521480		102-4		WESTERN FEDERAL 9-17-M	SHURLEY	905.4	M G P C INC
-WOODS PETROLEUM CORPORATION				RECEIVED:	07/05/83	JA: WY 5			
8344135	W 368-2	4900526469		102-4		PINE TREE UNIT 9-41	PINE TREE	72.0	WESTERN GAS PROCE
8344133	W 367-2	4900526469		103		PINE TREE 9-41	PINE TREE	72.0	WESTERN GAS PROCE

[FR Doc. 83-20261 Filed 7-26-83; 8:45 am]

BILLING CODE 6717-01-C

[Volume 938]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: July 20, 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 reservior 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
ISSUED JULY 20, 1983

VOLUME 938

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
ALABAMA OIL & GAS BOARD									
-BROWNING & WELCH INC				RECEIVED:	07/07/83	JA: AL			
8344232	6-30-8318PD	0107520437		102-2		BRUET PENNINGTON 2-11 #1	STAR	40.0	
8344233	6-30-8319PD	0107520459		102-4		CLINTON PORTER 33-9	MOLLOY	759.0	
-CARLESS RESOURCES INC				RECEIVED:	07/07/83	JA: AL			
8344226	5-26-834PD	0112520086		102-2		HALLMAN 12-11	LEXINGTON	105.0	SOUTHERN NATURAL
8344223	5-26-832PD	0112520062		102-2		HOLMAN LUMBER 10-7	LEXINGTON	153.0	SOUTHERN NATURAL
8344225	5-26-833PD	0112520087		102-2		KELLEY 11-1	LEXINGTON	124.0	SOUTHERN NATURAL
-ENHANCED ENERGY RESOURCES				RECEIVED:	07/07/83	JA: AL			
8344224	6-30-834PD	0112520092		107-CS		SHOOK LEASE #2-12-2	BROOKWOOD COAL DEGASI	73.0	SOUTHERN NATURAL
8344235	6-30-838PD	0112520112		107-CS		SHOOK LEASE #2-2-7	BROOKWOOD COAL DEGASI	6.0	SOUTHERN NATURAL
8344234	6-30-837PD	0112520095		107-CS		SHOOK LEASE #2-3-5	BROOKWOOD COAL DEGASI	74.0	SOUTHERN NATURAL
8344222	6-30-833PD	0112520097		107-CS		SHOOK LEASE #2-4-6	BROOKWOOD COAL DEGASI	43.0	SOUTHERN NATURAL
8344237	6-30-835PD	0112520093		107-CS		SHOOK LEASE #2-5-3	BROOKWOOD COAL DEGASI	42.0	SOUTHERN NATURAL
8344238	6-30-836PD	0112520103		107-CS		SHOOK LEASE #35-13-5	BROOKWOOD COAL DEGASI	58.0	SOUTHERN NATURAL
8344236	6-30-839PD	0112520099		107-CS		SHOOK LEASE 35-10-2	BROOKWOOD COAL DEGASI	36.0	SOUTHERN NATURAL
-HOWELL PETROLEUM CORP				RECEIVED:	07/07/83	JA: AL			
8344227	6-30-8313PD	0105720302		102-2		MADISON 29-13	MUSGROVE CREEK	300.0	SOUTHERN NATURAL
8344228	6-30-8314PD	0105720301		102-2		STEINER-SCHWAB 35-1	MUSGROVE CREEK	370.0	ALABAMA GAS CORP
-TERRA RESOURCES INC				RECEIVED:	07/07/83	JA: AL			
8344230	6-30-8316PD	0105720309		102-4		MCEVERS 19-9	MCCRACKEN MOUNTAIN	0.0	HOWELL PIPELINE C
8344229	6-30-8315PD	0105720304		102-4		SOUTHERN RAILROAD #32-9	MCCRACKEN MOUNTAIN	0.0	HOWELL PIPELINE C
8344231	6-30-8317PD	0107520426		102-2		STRAWBRIDGE #9-4	LITTLE HELLS CREEK	0.0	
MICHIGAN DEPARTMENT OF NATURAL RESOURCES									
-MACK OIL CORP				RECEIVED:	07/05/83	JA: MI			
8344221		2105500008		102-4		KELLEY #1-35	PARADISE 26A-26N-10W	0.0	CONSUMERS POWER C
OKLAHOMA CORPORATION COMMISSION									
-AIKMAN BROTHERS CORP				RECEIVED:	07/07/83	JA: OK			
8344272	22687	3515420177		108		CARL #1 (1324N18W-CL)	N MORLAND (RED FORK)	18.3	MICHIGAN WISCONSI
-AMOCO PRODUCTION CO				RECEIVED:	07/07/83	JA: OK			
8344256	20973	3501521334		102-2		J E SMITH UNIT #1	WILDCAT (RED FORK)	250.0	SOUTHERN NATURAL
8344255	20974	3503920671		102-2		MYRON STUTZMAN UNIT #1	NORTH WEATHERFORD (SP	407.0	SOUTHERN NATURAL
-AN-SON CORPORATION				RECEIVED:	07/07/83	JA: OK			
8344265	20927	3514920226		102-2		IVAN #1-12	SOUTH CHEROKEE	639.0	
-ANDOVER OIL COMPANY				RECEIVED:	07/07/83	JA: OK			
8344295	20872	3503920567		102-2	103	CRALL #12-1		180.0	ARKANSAS LOUISIAN
-ARCO OIL AND GAS COMPANY				RECEIVED:	05/07/83	JA: OK			
8344239	22630	3507720269		103		CECIL UNIT #2	RED OAK NORRIS	182.5	ARKANSAS LOUISIAN
-ARCO OIL AND GAS COMPANY				RECEIVED:	07/07/83	JA: OK			
8344266	20934	3510321679		102-4		AMY OPLINGER #2	N W STILLWATER AIRPOR	18.3	ARCO OIL & GAS CO
8344267	20935	3504722808		102-4		WILLIE G KRAUSSE #2	SOUTH DOUGLAS	18.3	ARCO OIL & GAS CO
-C F BRAUN & CO				RECEIVED:	07/07/83	JA: OK			
8344253	20979	3503920610		102-2		HUBBART #1-19		300.0	

BILLING CODE 6717-01-M

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-DAMSON OIL CORPORATION				RECEIVED:	07/07/83	JA: OK			
8344292	19588	3505520439		108		GRAUMANN 1-15	MANGUM	0.0	ARKANSAS LOUISIAN
8344291	19590	3505520169		108		MCDANIEL 3-10	MANGUM	0.2	ARKANSAS LOUISIAN
-DAVIS OIL COMPANY				RECEIVED:	07/07/83	JA: OK			
8344242	22528	3501521480		103		HENRY ENTZ #1	KIMBLE	0.0	PUBLIC SERVICE CO
-DLB ENERGY CORP				RECEIVED:	07/07/83	JA: OK			
8344269	22281	3507323724		103		GLOVER #2-16	SOONER TREND	100.0	PHILLIPS PETROLEU
-DON-LARR EXPLORATION INC				RECEIVED:	07/07/83	JA: OK			
8344252	20997	3507323077		102-4		BROWN 10-1	SOONER TREND	400.0	PHILLIPS PETROLEU
-DYCO PETROLEUM CORPORATION				RECEIVED:	07/07/83	JA: OK			
8344259	18778	3500900000		102-4		TIMM #1-7		0.0	
-EASON OIL COMPANY				RECEIVED:	07/07/83	JA: OK			
8344273	22683	3500300000		108		JOHN J THOMAS #1		0.0	UNION TEXAS PETRO
-EL DORADO DRILLING INC				RECEIVED:	07/07/83	JA: OK			
8344263	19568	3511921507		103		CIRCLE "I" RANCH #80-1		359.9	SUN GAS TRANSMISS
-HARPER OIL COMPANY				RECEIVED:	07/07/83	JA: OK			
8344283	20914	3509322300		102-2		KLUCKNER #2	S CEDAR SPRINGS	120.0	PANHANDLE EASTERN
-JAMES C MEADE				RECEIVED:	07/07/83	JA: OK			
8344289	19235	3512120160		108		EBERLY AND MEADE #1 WILLIAMS	S E BLOCKER	0.0	SWAB CORP
8344293	19254	3507700000		108		GETTY #1 WHITE "G"	S QUINTON	0.0	ARKANSAS LOUISIAN
8344288	19234	3512120212		108		OXLEY PET CO #2 BELT	S E BLOCKER	0.0	SWAB CORP
8344287	19233	3512120258		108		OXLEY PET CO #2 HOOKS	S E BLOCKER	0.0	SWAB CORP
-JOE D DAVIS				RECEIVED:	07/07/83	JA: OK			
8344246	22500	3512121003		103		HALL #1-5		0.0	ARKANSAS LOUISIAN
-JOHN P CASTLEMAN JR				RECEIVED:	07/07/83	JA: OK			
8344294	20871	3513921413		102-4	103	CASTLEMAN-SIMMONS #1	NORTH EAST RICE	10.8	PHILLIPS PETROLEU
-KAISER-FRANCIS OIL COMPANY				RECEIVED:	07/07/83	JA: OK			
8344274	22566	3509322852		103		WIGGINS #2-33	NORTH RINGWOOD	40.0	UNION TEXAS PETRO
-KENNEDY & MITCHELL INC				RECEIVED:	07/07/83	JA: OK			
8344281	21070	3500722065		103		STICKLER #24-359-S		250.0	NORTHERN NATURAL
-L G WILLIAMS OIL COMPANY INC				RECEIVED:	07/07/83	JA: OK			
8344260	19145	3509322184		103		COPPOCK #1-1	RINGWOOD	1.0	PANHANDLE EASTERN
-LEAR PETROLEUM EXPLORATION INC				RECEIVED:	07/07/83	JA: OK			
8344282	20920	3514920245		102-2		GILES #1-3	WILDCAT	1.4	EL PASO NATURAL G
-MAJOR OIL CORP				RECEIVED:	07/07/83	JA: OK			
8344270	22220	3509322579		103		BARTLETT #2-7 LTD	MENO	75.0	PIONEER GAS PRODU
-MOBIL OIL CORP				RECEIVED:	07/07/83	JA: OK			
8344240	22601	3506120544		103		AMBASSADOR FURRY UNIT -#2	KINTA	0.0	(MUSTANG FUEL COR
-NEW TREND RESOURCES INC				RECEIVED:	07/07/83	JA: OK			
8344241	22544	3510721525		103		SKRIMAGER 1-A	BEARDEN GAS FIELD	150.0	
-ONEOK EXPLORATION CO				RECEIVED:	07/07/83	JA: OK			
8344278	22247	3500722412		103		TAFT #2	MOCANE - LAVERNE	550.0	DELHI GAS PIPELIN
-PCX CORP				RECEIVED:	07/07/83	JA: OK			
8344275	22382	3501720299		103		HANSEN FARMS #1		0.0	PHILLIPS PETROLEU
-PETRO-ENERGY EXPLORATION INC				RECEIVED:	07/07/83	JA: OK			
8344245	22586	3504721841		103		SMITH #1-6	SOONER TREND	100.0	ARCO OIL & GAS CO
-PETROLEUM INC				RECEIVED:	07/07/83	JA: OK			
8344248	22288	3507323708		103		HOBBS #1-31	WEST DOVER	9.0	PHILLIPS PETROLEU
-PETROMARK EXPLORATION INC				RECEIVED:	07/07/83	JA: OK			
8344290	20058	3507300000		103		ERNEST 36-1	SOONER TREND	75.0	CONOCO INC
-PHILLIPS PETROLEUM COMPANY				RECEIVED:	07/07/83	JA: OK			
8344258	14219	3501721311		108		BOMHOFF "D" #1		0.0	PANHANDLE EASTERN
8344259	21966	3503920668		103		HUTTON B #1	NORTH CUSTER CITY	0.0	
8344257	13688	3501721312		108		WIEWEL "B" #1	N CONCHO	15.0	PANHANDLE EASTERN
-RACHALK PRODUCTION INC				RECEIVED:	07/07/83	JA: OK			
8344262	22636	3505320960		103		LEBEDA #1	WAKITA TREND	11.0	SUN EXPLORATION &
-RALPH E PLOTNER OIL & GAS INVEST			IN	RECEIVED:	07/07/83	JA: OK			
8344276	22301	3507323712		103		PLOTNER-ALMA #1		62.9	
-RICKS EXPLORATION CO				RECEIVED:	07/07/83	JA: OK			
8344271	24576	3505121128		107-DP		FORREST #26-A	WILDCAT	348.0	EL PASO NATURAL G
8344279	22070	3501722410		103		MILLS 36-A		378.0	MUSTANG FUEL CO
-SAMEDAN OIL CORPORATION				RECEIVED:	07/07/83	JA: OK			
8344254	20977	3514920277		102-2		GAUNT #1-23		1825.0	
-SAMSON RESOURCES COMPANY				RECEIVED:	07/07/83	JA: OK			
8344280	21748	3500722346		103		BECKER #1		502.2	PANHANDLE EASTERN
-SHEBESTER INC				RECEIVED:	07/07/83	JA: OK			
8344264	20198	3504723078		103		SCHEFFE #1	SOONER TREND	18.0	PANHANDLE EASTERN
-SUN EXPLORATION & PRODUCTION CO				RECEIVED:	07/07/83	JA: OK			
8344261	19534	3503920520		102-4		JOHN D EYSTER #1	WILDCAT	296.0	ARKANSAS LOUISIAN
-TEXACO INC				RECEIVED:	07/07/83	JA: OK			
8344284	20897	3505320958		102-2		LEFORCE FARMS #2	N VICAR POOL	61.4	NORTHWEST CENTRAL
-TOMMY M MOORE				RECEIVED:	07/07/83	JA: OK			
8344247	22326	3511124103		108		PHILLIPS #1	E BEGGS	90.0	PHILLIPS PETROLEU
-TXO PRODUCTION CORP				RECEIVED:	07/07/83	JA: OK			
8344268	20936	3512120722		102-2		CRABTREE "B" #1	SOUTH BREWER	558.0	DELHI GAS PIPE LI
8344269	20940	3509120369		102-2		MARTIN "H" #1	S E CHEEOTAH	329.0	COLUMBIA GAS TRAN
8344286	18474	3512920804		102-4	103	WARD "G" #1	N E ROLL	240.0	DELHI GAS PIPELIN
-VULCAN ENERGY CORP				RECEIVED:	07/07/83	JA: OK			
8344277	22257	3507323643		103		JECH #2	SOONER TREND	73.0	PHILLIPS PETROLEU
-WATKINS PAUL				RECEIVED:	07/07/83	JA: OK			
8344244	22522	3510100000		103		HAWKINS-VIERSEN #2-A	HAWKINS-VIERSEN	20.0	ARTEX ENERGY INC
8344243	22523	3510100000		103		HAWKINS-VIERSEN #3-A	HAWKINS-VIERSEN	20.0	ARTEX ENERGY INC
-WESTERN PACIFIC PETROLEUM INC.				RECEIVED:	07/07/83	JA: OK			
8344251	20998	3504723134		102-4	103	HORA SCHMINKE #1-11	EAST BROWN	547.5	EASON OIL CO
-ZINKE & TRUMBO LTD				RECEIVED:	07/07/83	JA: OK			
8344285	20886	3503900000		102-2		"A" CROSS RANCH #1-30	EAST HAMMON	150.0	PRODUCERS GAS CO
**********									
PENNSYLVANIA DEPARTMENT OF ENVIRONMENTAL RESOURCES									
**********									
-AGOSTONI JOSEPH A				RECEIVED:	07/08/83	JA: PA			
8344319	20295	3712500000		108		COURTNEY #9136	APPALACHIAN	6.8	PEOPLES NATURAL G
-BETA 79-S I JOINT VENTURE				RECEIVED:	07/08/83	JA: PA			
8344317	20287	3706521958		108		MAUK #1	WINSLOW	25.0	NATIONAL FUEL GAS
8344316	20286	3706521959		108		SNYDER #1	WINSLOW	25.0	NATIONAL FUEL GAS
-BOYD & SHRIVER				RECEIVED:	07/08/83	JA: PA			
8344315	20276	3706321734		108		BROTHERS #410	E MAHONING	0.0	CONSOLIDATED GAS
-C & C TROYER BROTHERS				RECEIVED:	07/08/83	JA: PA			
8344304	2000	3704920788		108		KOWALSKI #2	UNION TWP	11.0	NATIONAL FUEL GAS
8344303	19863	3704920665		108		NORMAN & SYLVIA TROYER #1	UNION TWP	2.4	NATIONAL FUEL GAS
-CASTLE GAS CO INC				RECEIVED:	07/08/83	JA: PA			
8344342	20332	3706326285		108		C LEZANIC HRS #1 (C-612) IND-26285	RAYNE TOWNSHIP	3.9	COLUMBIA GAS TRAN
8344343	20333	3706326286		108		C LEZANIC HRS #2(C-613) IND-26286	RAYNE TOWNSHIP	3.9	COLUMBIA GAS TRAN
8344339	20329	3706325232		108		H M BERNARD #1(C-614) IND-25232	RAYNE TOWNSHIP	3.9	COLUMBIA GAS TRAN
8344340	20330	3706325234		108		H M BERNARD #3(C-616) IND-25234	RAYNE TOWNSHIP	3.9	COLUMBIA GAS TRAN

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8344341	20331	3706325235		108		H M BERNARD #4 (C-617) IND-25235	RAYNE TOWNSHIP	3.9	COLUMBIA GAS TRAN
8344344	20334	3706324510		108		V MCCULLOUGH #1(C-285) IND-2450	YOUNG TOWNSHIP	3.1	PEOPLES NATURAL G
-CONSOLIDATED GAS SUPPLY CORPORATION				RECEIVED:	07/08/83	JA: PA			
8344314	20261	3702320067		108		COMM OF PENNA #236 WN-1823	GIBSON	9.0	GENERAL SYSTEM PU
8344313	20260	3706322027		108		LINDSEY COAL CO #2 WN-1278	CANOE	19.0	GENERAL SYSTEM PU
-DONALD F WEAVER				RECEIVED:	07/08/83	JA: PA			
8344302	19707	3706521380		108		SYLVANIA CORP #233	ALLEGHNEY PLATEAU	2.9	NATIONAL FUEL GAS
-FELMONT OIL CORPORATION				RECEIVED:	07/08/83	JA: PA			
8344324	20303	3706325263		108		DEE F BENNETT #1 F-257	SOUTH PINE	2.5	COLUMBIA GAS TRAN
8344321	20300	3706325210		108		I R SMITH ESTATE #2 F-255	SOUTH PINE	2.5	COLUMBIA GAS TRAN
8344322	20301	3706325549		108		RUSSELLE FOX #3 F-271	SOUTH PINE	5.5	COLUMBIA GAS TRAN
8344323	20302	3706325837		108		THOMAS CONNELLY #2 F-284	SOUTH PINE	8.8	COLUMBIA GAS TRAN
-J C ENTERPRISES				RECEIVED:	07/08/83	JA: PA			
8344335	20320	3706323641		103		A SWEET-BARRETT #049-1 IND-23641	SMICKSBURG	1.1	
8344331	20316	3706323687		103		C CRIBBS #058-1 IND-23687	SMICKSBURG	16.5	
8344334	20319	3706521434		103		CHARLES BUSH #048-1 JEF-21434	NORTH POINT	6.5	
8344330	20315	3706323689		103		CLAIR DINGER #059-1 IND-23689	SMICKSBURG	14.0	
8344327	20310	3706521388		103		CLARENCE ORF #042-1 JEF-21388	TIMBLIN	3.0	
8344328	20311	3706521389		103		CLARENCE ORF #043-2 JEF-21389	TIMBLIN	23.0	
8344329	20312	3706521356		103		DUDENSKY/SHOFFNER #038 JEF-21355	TIMBLIN	19.0	
8344337	20323	3706521433		103		FREAS POWELL #076-1 JEF-21433	NORTH POINT	27.0	
8344336	20321	3706521435		103		GLENN CAYLOR #071-3 JEF-21435	NORTHPOINT	21.9	
8344332	20317	3700522010		103		NEAL #056-1 ARM-22010	PLUMVILLE	7.7	
8344333	20318	3706323645		103		R PHILLIPS #055-1 IND-23645	MARCHAND	18.0	
8344338	20324	3706521474		103		SCHRECENGOST #078-1 JEF-21474	TIMBLIN	7.3	
8344326	20308	3706521480		103		STEVE TOTH #040 JEF-21480	TIMBLIN	18.0	
-JAMES DRILLING CORP				RECEIVED:	07/08/83	JA: PA			
8344325	20305	3703920210		108		PAUL MCARTHUR #1	BEAVER	5.0	NATIONAL FUEL GAS
-KEPCO INC				RECEIVED:	07/08/83	JA: PA			
8344312	20258	3705921789		103		J K WILLISON #2 (PK-67)	GUMP	25.0	TEXAS EASTERN TRA
8344311	20254	3705921789		102-4		J K WILLISON #2 (PK-67)	GUMP	25.0	TEXAS EASTERN TRA
-MERIDIAN EXPLORATION CORP				RECEIVED:	07/08/83	JA: PA			
8344305	20177	3703921767		107-TF		SUTTER #618-1	EDINBORO NORTH	30.0	COLUMBIA GAS TRAN
8344306	20178	3703921767		102-2		SUTTER #618-1	EDINBORO NORTH	30.0	COLUMBIA GAS TRAN
-MITCHELL ENERGY CORPORATION				RECEIVED:	07/08/83	JA: PA			
8344308	20223	3703921797		107-TF		J A RENDULIC UNIT #1 CRA-21797	CONNEAUT LAKE (MEDINA	5.5	TENNESSEE GAS PIP
8344307	20222	3703921797		103		J A RENDULIC UNIT #1 CRA-21797	CONNEAUT LAKE (MEDINA	5.5	TENNESSEE GAS PIP
8344310	20225	3700921932		107-TF		R BARTGES UNIT #1 CRA-21932	CONNEAUT LAKE (MEDINA	41.1	TENNESSEE GAS PIP
8344309	20224	3703921932		103		R BARTGES UNIT #1 CRA-21932	CONNEAUT LAKE (MEDINA	41.1	TENNESSEE GAS PIP
-PETRO EVALUATION SERVICES INC				RECEIVED:	07/08/83	JA: PA			
8344299	19144	3704922453		107-TF		TYDINGS #2	FRANKLIN CENTER	36.0	COLUMBIA GAS TRAN
-PETROBANK OPERATING CO				RECEIVED:	07/08/83	JA: PA			
8344301	19273	3706326634		102-2		CLARK ESTATES #10	J D CLARK	34.6	COLUMBIA GAS TRAN
-S T JOINT VENTURE 81A				RECEIVED:	07/08/83	JA: PA			
8344320	20298	3706326684		103		STAHL #1	CHERRYHILL	25.0	ATLAS RESOURCES I
-TEXACO INC				RECEIVED:	07/08/83	JA: PA			
8344300	19200	3703520276		102-2		PENN STATE TRACT #285-1	WILDCAT	256.0	
-VINEYARD OIL & GAS CO				RECEIVED:	07/08/83	JA: PA			
8344298	18774	3704922326		102-2		RUTKOWSKI #2	DRUMLIN	24.0	COLUMBIA GAS TRAN
8344297	18759	3704922358		107-TF		SAUER #1	LEBOEUF	24.0	COLUMBIA GAS TRAN
8344296	18758	3704922358		102-2		SAUER #1	LEBOEUF	24.0	COLUMBIA GAS TRAN
-1979-A-ST JOINT VENTURE				RECEIVED:	07/08/83	JA: PA			
8344318	20288	3706521838		108		BENEDEK #1	WASHINGTON	25.0	NATIONAL FUEL GAS

[FR Doc. 83-20262 Filed 7-26-83; 8:45 am]

BILLING CODE 6717-01-C

[Volume 939]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: July 20, 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.**

Categories within each NGPA section are indicated by the following codes:

Section 102–1: New OCS lease
Section 102–2: New well (2.5 Mile rule)
102–3: New well (1,000 Ft rule)
102–4: New onshore reservoir
102–5: New reservoir on old OCS lease
Section 107–DP: 15,000 feet or deeper
107–GB: Geopressured brine
107–CS: Coal Seams
107–DV: Devonian Shale
107–PE: Production enhancement
107–TF: New tight formation
107–RT: Recompletion tight formation
Section 108: Stripper well
108–SA: Seasonally affected
108–ER: Enhanced recovery
108–PB: Pressure buildup

Kenneth F. Plumb,

Secretary.

NOTICE OF DETERMINATIONS — VOLUME 939

ISSUED JULY 20, 1983

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
NEW MEXICO DEPARTMENT OF ENERGY & MINERALS									
-ALPHA TWENTY-ONE PRODUCTION CO				RECEIVED:	07/08/83	JA: NM			
8344447		3002520086		103		ONEY #1	EUMONT GAS	96.0	EL PASO NATURAL G
-AMERADA HESS CORPORATION				RECEIVED:	07/08/83	JA: NM			
8344456		3002526617		108		STATE LM "I" #10	JALMAT	17.8	NORTHERN NATURAL
-AMOCO PRODUCTION CO				RECEIVED:	07/08/83	JA: NM			
8344464		3004512171		108-PB		SNYDER GAS COM B #1	BASIN DAKOTA	0.8	EL PASO NATURAL G
8344448		3002527988		103		SNYDER RANCHES #1	SCHARB WOLFCAMP	17.2	PHILLIPS PETROLEU
-ARCO OIL AND GAS COMPANY				RECEIVED:	07/08/83	JA: NM			
8344446		300152203/		108		F M ROBINSON #1	UNDESIGNATED (CANYON)	5.7	PHILLIPS PETROLEU
-EL PASO NATURAL GAS COMPANY				RECEIVED:	07/08/83	JA: NM			
8344461		3004506150		108-PB		BROOKHAVEN COM D #5	SOUTH BLANCO PC	0.0	EL PASO NATURAL G
8344458		3003906246		108		JOHNSTON A #3 CH & PC	OTERO-CHACRA & SOUTH	16.0	EL PASO NATURAL G
8344462		3003905573		108-PB		LINDRITH UNIT #49	BLANCO SOUTH PC	0.0	EL PASO NATURAL G
8344463		3003907063		108-PB		RINCON UNIT #104	SOUTH BLANCO PC	0.0	EL PASO NATURAL G
-HARVEY E YATES COMPANY				RECEIVED:	07/08/83	JA: NM			
8344453		3002528146		103		HEYCO-EAST LOVINGTON S #1	UND NE LOVINGTON PENN	0.0	SOUTHERN UNION GA
-KENNEDY & MITCHELL INC				RECEIVED:	07/08/83	JA: NM			
8344452		3002527736		103		TILLEY 758 #1	SHOEBAR (DEVONIAN)	20.0	WARREN PETROLEUM
8344451		3002527891		103		TILLEY 758 #3	SHOEBAR (DEVONIAN)	5.5	WARREN PETROLEUM
-MESA PETROLEUM CO				RECEIVED:	07/08/83	JA: NM			
8344449		3002528192		103		VACUUM STATE #2	UNDESIGNATED SCHARB W	127.0	
-PHILLIPS PETROLEUM COMPANY				RECEIVED:	07/08/83	JA: NM			
8344454		3002527995		103		LEAMEX #35	LEAMEX-PADDOCK	1.0	EL PASO NATURAL G
-REX ALCORN				RECEIVED:	07/08/83	JA: NM			
8344450		3002526796		103		BOBBI #2	WEST ARKANSAS JUNCTIO	46.0	WARREN PETROLEUM
-SUN EXPLORATION & PRODUCTION CO				RECEIVED:	07/08/83	JA: NM			
8344459		3002500000		108		STATE "A" A/C 1 #65	LANGLIE MATTIX 7 RVRS	13.0	EL PASO NATURAL G
8344460		3002500000		108		STATE A A/C-1 #107	LANGLIE-MATTIX	15.0	EL PASO NATURAL G
-YATES PETROLEUM CORPORATION				RECEIVED:	07/08/83	JA: NM			
8344457		3000561503		102-2		BYLTHE "SV" #1	PECOS SLOPE ABO	0.0	TRANSWESTERN PIPE
8344455		3000561763		107-TF		CHAVES "UY" ST #1	UND PECOS SLOPE ABO	0.0	TRANSWESTERN PIPE
OKLAHOMA CORPORATION COMMISSION									
-EL PASO NATURAL GAS COMPANY				RECEIVED:	12/06/82	JA: OK			
8344465	19132	3500920130		108		PUCKETT A #2	ERICK SOUTH - BROWN D	22.4	EL PASO NATURAL G
WEST VIRGINIA DEPARTMENT OF MINES									
-L & M EXPLORATION INC				RECEIVED:	12/31/79	JA: WV			
8059226		4702302372		108		COLLINS #1		16.0	CONSOLIDATED GAS
** DEPARTMENT OF THE INTERIOR, MINERALS MANAGEMENT SERVICE, ALBUQUERQUE,NM									
-AMOCO PRODUCTION CO				RECEIVED:	07/08/83	JA: NM 4			
8344360	NM-0057-83	3003922766		103		ROSA UNIT #87	WILDCAT GALLUP	37.0	

BILLING CODE 6717-M

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-AZTEC ENERGY CORP				RECEIVED:	07/08/83	JA: NM 4			
8344353	NM 8049-83	3004300008		103		LU LU #2	LYBROOK GALLUP	0.0	EL PASO NATURAL G
-BELCO PETROLEUM CORPORATION				RECEIVED:	07/08/83	JA: NM 4			
8344366	NM-0370-83	3002527351		102-4		FEDERAL CR-8 #1	CINTA ROJA	0.0	EL PASO NATURAL G
-DOME PETROLEUM CORP				RECEIVED:	07/08/83	JA: NM 4			
8344365	NM-0403-82	3004523808	D	108		NAVAJO 13-26-13 #4	WAW FRUITLAND-PICTURE	20.9	EL PASO NATURAL G
-DUGAN PRODUCTION CORP				RECEIVED:	07/08/83	JA: NM 4			
8344364	NM 0147-83	3003922969		103		HARRIS #5-R	BALLARD PICTURED CLIF	45.0	EL PASO NATURAL G
-EL PASO EXPLORATION CO				RECEIVED:	07/08/83	JA: NM 4			
8344433	NM-0239-83PB	3003906568		108-PB		JICARILLA 119N #1	TAPACITO	0.0	EL PASO EXPLORATI
8344432	NM-0238-83PB	3003921310		108-PB		JICARILLA 119N #7A	BLANCO	0.0	EL PASO EXPLORATI
8344431	NM-0237-83PB	3003922076		108-PB		JICARILLA 120C #19	SOUTH BLANCO	0.0	EL PASO EXPLORATI
8344434	NM-0203-83PB	3003921189		108-PB		JICARILLA 123 G #21	SOUTH BLANCO	0.0	EL PASO EXPLORATI
-EL PASO NATURAL GAS COMPANY				RECEIVED:	07/08/83	JA: NM 4			
8344398	NM 0320-83PB	3004506373		108-PB		ANGEL PEAK #2	BASIN	0.0	EL PASO NATURAL G
8344417	NM-0265-83PB	3003920407		108-PB		CANYON LARGO UNIT #165	OTERO	0.0	EL PASO NATURAL G
8344374	NM 0312-83PB	3003920783		108-PB		CANYON LARGO UNIT #230	SOUTH BLANCO	0.0	EL PASO NATURAL G
8344375	NM 0311-83PB	3003920953		108-PB		CANYON LARGO UNIT #269	BALLARD	0.0	EL PASO NATURAL G
8344414	NM-0281-83PB	3004520906		108-PB		DAY A #15	BLANCO	0.0	EL PASO NATURAL G
8344352	NM-1938-82	3004523689		108		FIELDS #13	BLANCO - PICTURED CLI	23.0	EL PASO NATURAL G
8344400	NM 0318-83PB	3004507163		108-PB		FLORANCE C #10	BASIN	0.0	EL PASO NATURAL G
8344396	NM 0322-83PB	3004506525		108-PB		FLORANCE D #6	SOUTH BLANCO	0.0	EL PASO NATURAL G
8344404	NM 0324-83PB	3004506221		108-PB		FROST #9	BASIN	0.0	EL PASO NATURAL G
8344419	NM-0257-83PB	3004520819		108-PB		GRAMBLING A #4	SOUTH BLANCO	0.0	EL PASO NATURAL G
8344390	NM 0285-83PB	3004521985		108-PB		GRAMBLING C #11J	BLANCO	0.0	EL PASO NATURAL G
8344367	NM 0310-83PB	3004521561		108-PB		HANCOCK B #12	HARRIS MESA	0.0	EL PASO NATURAL G
8344368	NM 0309-83PB	3004521151		108-PB		HARDIE #10	BLANCO	0.0	EL PASO NATURAL G
8344380	NM 0305-83PB	3004510087		108-PB		HEATON COM A #13	AZTEZ	0.0	EL PASO NATURAL G
8344347	NM-1639-82	3004520346		108		HOWELL A #4	BASIN - DAKOTA	25.0	EL PASO NATURAL G
8344371	NM 0316-83PB	3004520740		108-PB		HUERFANO UNIT #131	BASIN	0.0	EL PASO NATURAL G
8344391	NM 0317-83PB	3004520608		108-PB		HUERFANO UNIT #201	BASIN	0.0	EL PASO NATURAL G
8344372	NM 0315-83PB	3004520632		108-PB		HUERFANO UNIT #204	BASIN	0.0	EL PASO NATURAL G
8344421	NM-0250-83PB	3004507764		108-PB		HUGHES A #3	BLANCO	0.0	EL PASO NATURAL G
8344379	NM 0304-83PB	3003900000		108		JICARILLA F #1	SOUTH BLANCO	0.0	EL PASO NATURAL G
8344385	NM 0306-83PB	3003921218		108-PB		JICARILLA C #12	SOUTH BLANCO	0.0	EL PASO NATURAL G
8344350	NM-1806-82	3003922120		108		JICARILLA 67 #19	SOUTH BLANCO - PICTUR	22.0	EL PASO NATURAL G
8344412	NM-0284-83PB	3004507451		108-PB		JOHNSTON #4	AZTEC	0.0	EL PASO NATURAL G
8344422	NM-0241-83PB	3004510688		108-PB		KELLY A #1	BLANCO	0.0	EL PASO NATURAL G
8344377	NM 0302-83PB	3004509752		108-PB		KELLY B #1	BLANCO	0.0	EL PASO NATURAL G
8344424	NM-0243-83PB	3004510338		108-PB		KERNAGHAN #4	BLANCO	0.0	EL PASO NATURAL G
8344403	NM 0325-83PB	3004507288		108-PB		LACKEY B #7	AZTEC	0.0	EL PASO NATURAL G
8344405	NM-0323-83PB	3004506280		108-PB		LODEWICK #10	BASIN	0.0	EL PASO NATURAL G
8344370	NM 0307-83PB	3004506326		108-PB		LODEWICK #8	BASIN	0.0	EL PASO NATURAL G
8344392	NM 0295-83PB	3004506418		108-PB		LODEWICK #9	BASIN	0.0	EL PASO NATURAL G
8344399	NM 0319-83PB	3004509232		108-PB		LUDWICK #10 PC	AZTEC	0.0	EL PASO NATURAL G
8344411	NM-0289-83PB	3004509028		108-PB		LUDWICK #8	BLANCO	0.0	EL PASO NATURAL G
8344415	NM-0274-83PB	3004507017		108-PB		MICHENER B #1	SOUTH BLANCO	0.0	EL PASO NATURAL G
8344410	NM-0290-83PB	3004560860		108-PB		MOORE #3	BLANCO	0.0	EL PASO NATURAL G
8344384	NM 0296-83PB	3004513208		108-PB		MUDGE #20	BASIN	0.0	EL PASO NATURAL G
8344416	NM-0272-83PB	3004521025		108-PB		MUDGE #38 PC	BLANCO	0.0	EL PASO NATURAL G
8344373	NM 0313-83PB	3004521024		108-PB		MUDGE #39	BLANCO	0.0	EL PASO NATURAL G
8344386	NM 0330-83PB	3004521090		108-PB		ROELOFS A #6	BLANCO	0.0	EL PASO NATURAL G
8344369	NM 0308-83PB	3004507093		108-PB		RUSSELL #2	BLANCO	0.0	EL PASO NATURAL G
8344427	NM-0234-83PB	3004507093		108-PB		RUSSELL #2	BASIN	0.0	EL PASO NATURAL G
8344388	NM 0333-83PB	3003920383		108-PB		SAN JUAN 27-4 UNIT #57	TAPACITO & BLANCO	0.0	EL PASO NATURAL G
8344423	NM-0242-83PB	3003906962		108-PB		SAN JUAN 27-5 UNIT #43 PC & MV	BLANCO	0.0	EL PASO NATURAL G
8344409	NM-0275-83PB	3003907369		108-PB		SAN JUAN 28-5 UNIT #55	BLANCO	0.0	EL PASO NATURAL G
8344381	NM 0308-83PB	3003907137		108-PB		SAN JUAN 28-6 UNIT #11	BLANCO	0.0	EL PASO NATURAL G
8344378	NM 0303-83PB	3003907125		108-PB		SAN JUAN 28-6 UNIT #24	BLANCO	0.0	EL PASO NATURAL G
8344430	NM-0211-83PB	3003907125		108-PB		SAN JUAN 28-6 UNIT #24	BLANCO	0.0	EL PASO NATURAL G
8344383	NM 0297-83PB	3003907271		108-PB		SAN JUAN 28-6 UNIT #32	BLANCO	0.0	EL PASO NATURAL G
8344395	NM 0291-83PB	3003907449		108-PB		SAN JUAN 28-7 UNIT #21	BLANCO	0.0	EL PASO NATURAL G
8344389	NM 0334-83PB	3003920875		108-PB		SAN JUAN 28-7 UNIT #216	BASIN	0.0	EL PASO NATURAL G
8344394	NM 0292-83PB	3003907422		108-PB		SAN JUAN 28-7 UNIT #22	BLANCO	0.0	EL PASO NATURAL G
8344376	NM 0301-83PB	3003907172		108-PB		SAN JUAN 28-7 UNIT #37	SOUTH BLANCO	0.0	EL PASO NATURAL G
8344408	NM-0288-83PB	3003920624		108-PB		SAN JUAN 28-7 UT #193	BASIN	0.0	EL PASO NATURAL G
8344382	NM 0299-83PB	3003907411		108-PB		SAN JUAN 28-7 UT #30	BLANCO	0.0	EL PASO NATURAL G
8344426	NM-0236-83PB	3003907497		108-PB		SAN JUAN 29-7 UNIT #95	BLANCO	0.0	EL PASO NATURAL G
8344393	NM 0293-83PB	3003907902		108-PB		SAN JUAN 30-4 UNIT #23	EAST BLANCO	0.0	EL PASO NATURAL G
8344418	NM-0256-83PB	3004510958		108-PB		SAN JUAN 32-9 UNIT #14	BLANCO	0.0	EL PASO NATURAL G
8344428	NM-0233-83PB	3004510958		108-PB		SAN JUAN 32-9 UNIT #14	BLANCO	0.0	EL PASO NATURAL G
8344348	NM-1437-82	3004522916		108		SAN JUAN 32-9 UNIT #28A	BLANCO-MESA VERDE	23.0	EL PASO NATURAL G
8344406	NM-0288-83PB	3004509480		108-PB		SCHUMACHER #11	BASIN	0.0	EL PASO NATURAL G
8344356	NM-0034-83	3004506756		108		SCHWERDTFEGER A #12	BLANCO - MESA VERDE	22.0	EL PASO NATURAL G
8344349	NM-1385-82	3004506756		108		SCHWERDTFEGER A #12	BLANCO - MESA VERDE	22.0	EL PASO NATURAL G
8344401	NM 0328-83PB	3004507025		108-PB		SCHWERDTFEGER A #8	SOUTH BLANCO	0.0	EL PASO NATURAL G
8344407	NM-0287-83PB	3004509161		108-PB		SELLERS #6	BASIN	0.0	EL PASO NATURAL G
8344397	NM 0321-83PB	3004509125		108-PB		STEWART #8	BASIN	0.0	EL PASO NATURAL G
8344429	NM-0232-83PB	3004507183		108-PB		STOREY #1	BLANCO	0.0	EL PASO NATURAL G
8344420	NM-0249-83PB	3004507183		108-PB		STOREY #1	BLANCO	0.0	EL PASO NATURAL G
8344413	NM-0283-83PB	3004507018		108-PB		STOREY C #5	SOUTH BLANCO	0.0	EL PASO NATURAL G
8344402	NM 0326-83PB	3004509295		108-PB		SUNRAY D #1	BASIN	0.0	EL PASO NATURAL G
8344425	NM-0235-83PB	3004508337		108-PB		VANDEWART A #5	BLANCO	0.0	EL PASO NATURAL G
8344387	NM 0331-83PB	3003920371		108-PB		VAUGHN #13	BASIN	0.0	EL PASO NATURAL G
-MINEL INC				RECEIVED:	07/08/83	JA: NM 4			
8344355	NM 0041-83	3003922872		103		CAYIAS #1	TAPACITO PICTURED CLI	25.0	EL PASO NATURAL G
-MOBIL PRDG TEXAS & NEW MEXICO INC				RECEIVED:	07/08/83	JA: NM 4			
8344445	NM-0246-83-P	3004509323		108-PB		STEPHENS UNIT #1	BASIN DAKOTA	0.0	NORTHWEST PIPELIN
-NORTHERN NATURAL GAS PRODUCING CO				RECEIVED:	07/08/83	JA: NM 4			
8344444	NM-0247-83PB	3004500000		108-PB		NYE FEDERAL #3	BLANCO MESAVERDE GAS	0.0	EL PASO NATURAL G
8344443	NM-0240-83PB	3004500000		108-PB		NYE FEDERAL TRACT 1 #2	BASIN DAKOTA	0.0	EL PASO NATURAL G
-NORTHWEST PIPELINE CORPORATION				RECEIVED:	07/08/83	JA: NM 4			
8344437	NM-0262-83PB	3003907946		108-PB		ROSA UNIT #15	BLANCO MESAVERDE	0.0	NORTHWEST PIPELIN
8344436	NM-0264-83PB	3003907838		108-PB		SAN JUAN 30-5 UNIT #10	BLANCO MESAVERDE	0.0	NORTHWEST PIPELIN
8344435	NM-0263-83PB	3003907912		108-PB		SAN JUAN 31-6 UNIT #13	BLANCO MESAVERDE	0.0	NORTHWEST PIPELIN
-PENNZOIL COMPANY				RECEIVED:	07/08/83	JA: NM 4			
8344354	NM 0043-83	3001524146		103		WINCHESTER FEDERAL	BURTON FLATS WOLFCAMP	273.0	GAS CO OF NEW MEX
-PETRO-LEWIS CORPORATION				RECEIVED:	07/08/83	JA: NM 4			
8344345	NM 0506-82	3003922873		103		RUDDOCK #7A	BLANCO MESEVERDE	145.0	EL PASO NATURAL G
-SOUTHLAND ROYALTY CO				RECEIVED:	07/08/83	JA: NM 4			
8344441	NM-0251-83PB	3004507794		108-PB		CAIN #16	BASIN DAKOTA	0.0	SOUTHERN UNION GA
8344440	NM-0255-83PB	3004507728		108-PB		CAIN #17	AZTEC PC	0.0	SOUTHERN UNION GA
8344439	NM-0254-83PB	3004521800		108-PB		CAIN #21	AZTEC PC	0.0	SOUTHERN UNION GA
8344442	NM-0252-83PB	3004507573		108-PB		REID #22	BLANCO MESAVERDE	0.0	SOUTHERN UNION GA

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8344438	NM-0253-83PB	3004513240		108-PB		REID #3	AZTEC PC	0.0	SOUTHERN UNION GA
-SUN EXPLORATION & PRODUCTION CO				RECEIVED:	07/08/83	JA: NM 4			
8344359	NM-0076-83	3001500000		108		CHAROLETTE MCKAY FEDERAL #1	WILDCAT	14.0	TRANSWESTERN PIPE
-TENNECO OIL COMPANY				RECEIVED:	07/08/83	JA: NM 4			
8344357	NM-1964-82	3004511615		108		SCHWERDTFEGER A1	BASIN DAKOTA	13.0	NORTHWEST PIPELIN
-UNION TEXAS PETROLEUM				RECEIVED:	07/08/83	JA: NM 4			
8344358	NM-0109-83	3004120650		103		MILNESAND (SA) UNIT 525	MILNESAND (SAN ANDRES	13.0	WARREN PETROLEUM
-UNICON PRODUCING CO				RECEIVED:	07/08/83	JA: NM 4			
8344351	NM-1759-82	3004524671		103		ANGEL PEAK 5-R	FULCHER KITZ PICTURED	226.0	SOUTHERN UNION GA
8344361	NM 0230-83	3003922986		103		JICARILLA 'J' 8-E	BASIN DAKOTA	239.0	GAS CO OF NEW MEX
8344362	NM 0186-83	3004525466		103		ZACHARY 34	ARMENTA GALLUP EXTENS	18.0	EL PASO NATURAL G
8344363	NM 0185-83	3004525464		103		ZACHARY 38	ARMENTA GALLUP EXT	16.0	EL PASO NATURAL G
-SAMSON RESOURCES COMPANY				RECEIVED:	07/08/83	JA: OK 4			
8344346	OKA 1036-82	3512120849		102-4		NAVY UNIT #1	EAST ASHLAND	177.9	ARKANSAS LOUISIAN

[FR Doc. 83-20263 Filed 7-26-83; 8:45 am]

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federal register

Wednesday
July 27, 1983

Part VI

Department of Commerce

National Oceanic and Atmospheric Administration

Tanner Crab Off Alaska; Proposed Rule; Correction

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 671

[Docket No. 30613-107]

Tanner Crab Off Alaska; Correction

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

ACTION: Proposed rule; correction.

SUMMARY: This document corrects a proposed rule concerning the Tanner crab fishery off Alaska that appeared on page 27811 in the **Federal Register** of Friday, June 17, 1983 (48 FR 27807). The action is necessary to correct an omission in the regulatory text submitted to the Office of the Federal Register.

DATE: Comments on the proposed rule must be submitted on or before July 29, 1983.

ADDRESS: Send comments to Robert W. McVey, Director, Alaska Region, National Marine Fisheries Service (NMFS), P.O. Box 1668, Juneau, Alaska 99802, or deliver to Room 453, Federal Building, 709 West Ninth Street, Juneau, Alaska, re: Tanner Crab off Alaska (Docket No. 30613-107).

FOR FURTHER INFORMATION CONTACT: Ronald J. Berg, Fishery Management Biologist, 907-586-7230.

Dated: July 25, 1983.

Carmen J. Blondin,

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

The following correction is made in FR Doc. 83-16338 appearing on 27811 in the issue of June 17, 1983:

§ 671.26 (Corrected)

1. On page 27811, the paragraph, "671.26(f)(2)(v)" is redesignated as "671.26(f)(2)(vi)" and a new paragraph "671.26(f)(2)(v)" is added to read as follows: "In the Western Aleutian District from 12:00 noon November 10 through 12:00 noon June 15 only."

[FR Doc. 83-20540 Filed 7-26-83; 11:25 am]

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Note: **The Office of the Federal Register proposed to terminate the formal program of agency publication on assigned days of the week. See 48 FR 19283, April 28, 1983.**

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Last Listing July 22, 1983

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